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Managing Terrorism in the Horn of Africa: A Case Study of Kenya

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in International Conflict Management.**

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Declaration

I, **Kilonzo, Boniface Kivinda** hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Signed..... Date.....

Kilonzo, Boniface Kivinda

This project has been submitted for examination with my approval as the University Supervisor;

Signed..... Date.....

PROF.AMB.Maria Nzomo

Dedication

This research project is a special dedication to Victims of terrorist acts together with their Families.

Acknowledgments

I am gratefully indebted to my supervisor Prof.Amb.Maria Nzomo for her guidance, suggestions, comments and encouragement throughout the period of my Research.

Gratitude also goes to all my course instructors and Classmates who laid the foundation that made this research project possible.

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Abstract

This study probes the various efforts instituted by Kenya to manage the challenge of terrorism in the country. The study further analyses the success and failure of these counterterrorism measures and seeks to identify the obstacles that have hampered the success of these anti-terrorism literature where there is limited understanding and knowledge of the evolution of terrorism in the Horn of Africa and the negative impact this security challenge has had on the country.

The study hypothesizes that the country's efforts at managing terrorism have been successful in inhibiting terrorist activity. The study however finds out that there has been limited success in this quest and various challenges both local and regional have reduced the effectiveness of her counterterrorism effort. The study observes that the terrorism challenge is not unique to Kenya but has its origins in the Middle East with its prevalence being a result of global geopolitics and has spread to Kenya due to her regional positioning and the historical context of Kenya's colonial legacy and path to economic development.

The study details the contributory role that radical Islamism has had on the growth of terrorism in the region and in Kenya in particular. It also examines the various multi-sectoral efforts instituted since 2004 in curbing this security threat. The study concludes that the efforts so far instituted are insufficient in addressing the amorphous nature of terrorist activities. There is still a lot to be done to limit the occurrence of terror attacks and guarantee public security and create an environment of peace and coexistence that is requisite to economic development and social progress.

ACRONYMS/ABBREVIATION

AMISOM- African mission in Somalia
ATPU-Antiterrorism police Unit
AU-African Union
CJTF-HOA-Counter Terrorism Joint Task Force - Horn of Africa
EACTI-East African Counterterrorism Initiative
EPLF-Eritrean People Liberation Front
FDI-Foreign Direct Investment
HOA-Horn of Africa
ICT- Information Communication Technology
IED-Improvised Explosive Device.
IGAD- Inter Governmental Authority on Development
JEM-Justice and Equality Movement
ILAPK-Islamic Liberation Army of the People of Kenya
IPK-Islamic Party of Kenya
KANU- Kenya African National Union
LRA-Lord's Resistance Army
MNC- Multi National Corporation
MUHURI- Muslims for Human Rights
NCP- National Congress Party
NGO- Non Governmental Organization
OLF- Oromo Liberation Front
PAIC- Popular Arab Islamic Army
PLO-Palestine Liberation Organization
SAP- Structural Adjustment Programme
SALW- Small and Light Weapons
SLM/A- Sudan Liberation Movement and Army
SNM- Somali National Movement
SPLM- Sudan people Liberation Movement
SSDF- Somali Salvation Democratic Front.
SUPKEM - Supreme Council of Kenya Muslim
UMA-United Muslim of Africa

USC- United Somali Congress

UNSC- United Nation Security Council

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Chapter One: Introduction to the Study

1.0 Introduction

The Horn of Africa region straddles the larger Eastern Africa from the wetlands of Uganda to the arid Djibouti. It encompasses eight countries among them Djibouti, Eritrea, Sudan, Ethiopia, south Sudan, Somalia Uganda and Kenya. While these countries have distinctly different histories, the common denominator is that they face the same reality of weak or failing states, whose ineffectiveness in securing their territorial integrity and ensuring sustainable and equitable development has bred a conflict system whose frontiers spans international boundaries and affect the whole region.¹

An examination of these countries reveals some realities which have had a profound bearing on the insecurity that affects the region. For instance, Somalia, boasting a homogenous population pursued supra-nationalist tendencies which sucked in bordering Somali nations In Ethiopia, Djibouti and Kenya and whose implications were far-reaching. On the other hand, Sudan has had to go through a painful splitting process, creating two hostile neighbours (Sudan and South Sudan) whose otherwise symbiotic relationship has been overshadowed by internal turmoil in both countries and rabble-rousing by these fraternal neighbours. Ethiopia, Uganda and Kenya, while sharing international borders whose climate is arid and semi-arid also have had to grapple with borders rendered invisible by nomadic pastoralist whose adaptation to the harsh environment has been to move across these borders armed in search of pasture.

These countries, by virtue of their proximity to each other and the interconnectedness have been actors and recipients of internal conflicts that have inadvertently spilled over to the region. Terrorism has added a new dimension to this conflict system as it has exploited the

¹ Steadman S., Lyons T., "Conflicts in Africa," in, Gyimah-Boadi E., (Ed), Democratic Reform in Africa: The Quality of Progress (Boulder: Lynne Rienner Publishers, 2004), page 27.

existent unease to pose a security challenge to the East African state and its inhabitants. Kenya, through its interactions with neighbours and her global profile has bore the brunt of these terrorist attacks. This study seeks to examine the Kenyan strategy to tame this threat to its national security in light of the regional realities of existing conflicts, porous borders that allow for arms and human trafficking, state weaknesses in establishing territorial integrity while taking into account global efforts at addressing the same security issue.

1.1 Statement of the Research Problem

Terror attacks in the country have led to negative socio-economic and political effects on the country. For instance, terrorism has claimed hundreds of civilian deaths with thousands surviving with incapacitating long-term injuries, led to the destruction of both local business establishments and Western entities, affected the enjoyment of individual rights and freedoms, and influenced the escalation in social animosities and religious tensions.² Considering the fact that Kenya's economy is heavily dependent on tourism and inflows of foreign direct investment (FDI), it is important to critically examine the country's response to this growing problem.

Rolling back the negative impact of terrorism has been made more urgent and necessary due to the country's long-standing role as a regional economic hub and whose national security is necessary for regional growth. Being home to a substantive Western economic interest and its geopolitical positioning has pushed it to be a global partner in the war against terror on one hand and made it crucial to inhibit the upsurge in such attacks in the country on the other.

An evaluation of existing literature has revealed that researches conducted on terrorism in the Horn of Africa have mainly been at the regional level with insignificant

² Chweya L., "Emerging Dimensions of Security in the IGAD Region," in Mwagiru M., (Ed), African Regional Security in the Age of Globalization, (Nairobi: Heinrich Boll Stiftung, 2004), page 22.

concentration on the specific national efforts. Few studies done on Kenya have been Euro-centric and meant to provide policy advice for Western governments and not Kenya as such³. For a better understanding of the problem that would lead to more informed suggestions on how to manage the problem, there is need for a detailed study that lays bare the evolutionary process of terrorism. This study seeks to proceed from this gap in local research and seeks to examine the country's strategies that have been initiated to tackle the problem. The study further attempts to provide an evaluation of the success of these efforts taking into account Kenya's geo-positioning in an unstable Horn in Account of neighbourhood made worse by porous borders. This area has witnessed limited research and therefore awareness of the country's challenges in tackling this problem has not been fully understood.

1.2 Objectives of the Study

This study seeks to accomplish the following objectives:

- Investigate Kenya's efforts in managing terrorism,
- Determine the extent of synergy and success in the emerging problem among the various responsible agencies,
- Identify the challenges facing the country in overcoming this problem in light of the regional realities.

1.3 Literature Review

1.3.1 Understanding Terrorism

There has been little consensus on a proper definition of the term terrorism especially when one attempts to put in perspective the methods used and the overall objective of the terrorist acts as stipulated under international law. On one hand are the apologists who

³ Wanjiru, Carolynne, "Kenya and the War on Terrorism," in *Review of African Political Economy*, No. 107, (Mar 2006), pp. 133-162.

legitimize its use, arguing that disregarding the technique employed, the chief goal and driving factor in such endeavours is quite legitimate and worthwhile⁴. Groups employing acts of terrorism portray this as a justifiable means to bring the world's attention to an injustice and thus act as an agent of change. They explain away the stigma by stating that one person's terrorist is another person's freedom fighter⁵.

The dominant view is that this method of conflict engagement is often carried out by illegitimate self-seeking agents of change who take it upon themselves to draw attention to their own ideologies and belief system while posing an unwarranted challenge to legitimate authority⁶. This view observes that the methods employed are taboo in international law that defines acceptable behaviour and that such acts often overshadow the issues that are alleged to be their driving factor. Various definitions have been put forward to explain this emerging issue in conflict circles. Miller defines terrorism as "violent actions inflicted upon secondary targets that may be conducted by an individual, group or government with the wider purpose of attracting attention, gaining support, forcing concessions from the primary target on personal or political issues."⁷ This definition recognizes the various levels of terrorism (from sub-national to state), the motives and the recipients of such acts. Mentan simply defines it as a contest between the resourceful against the powerful and alludes to the difficulty in defining the term to the diversity in the cultural, economic political and ideological backgrounds of such opinion holders.⁸

⁴ Miller, Christopher, *A Glossary of Terms and Concepts in Peace and Conflict Studies*, 2nd Ed, (Cairo: University of Peace, 2005), page 75

⁵ Bergesen, Albert, Lizardo O., "International Terrorism and the World-System," in *Sociological Theory*, Vol. 22, No. 1, (Mar. 2004), pp. 38-52

⁶ Crenshaw Martha, "The Psychology of Terrorism: An Agenda for the 21st Century," in, *Political Psychology*, Vol. 21, No. 2 (2002), pp. 405-420.

⁷ Miller Christopher., op cit.

⁸ Mentan Tatah, *Dilemmas of Weak States: Africa and Transnational Terrorism in the Twenty-First Century*, (Aldershot: Ashgate, 2004), page 54.

For purposes of this study, Crenshaw's definition will suffice. She defines terrorism as a deliberate and systematic violence performed by a small number of people, purposely to intimidate watching popular audience by harming only a few, being pre-eminently political and symbolic, and clandestinely resisting authority.⁹ The expectation of such acts of terrorism is to trigger a response from the primary target (the state) which will in turn draw public attention and support to its grievances or issues. As opposed to state terrorism-where a state supports or condones acts of terrorism, international terrorism denotes supra-national entities that carry out terrorist acts without being limited by national geographic spaces.

1.3.2 The Nature of Terrorism

The term initially came into use in 1795 during the French Revolution when the revolutionary government made it legal to use terror against perceived opponents of the revolution. Revolutionaries in Czarist Russia advanced the use of terrorist acts almost a century later and since then terrorism has acquired a global presence.¹⁰ Present-day terrorism is characterized by the exploitation of the developed information communication and technology (ICT) system; faster transport systems that enable the individuals to traverse national borders with greater ease and frequency. The adoption of ideologies from extreme forms of religions and far-right political ideologies has bred Islamic terrorists, Jewish and Hindu- ultra nationalists, European anti-immigration as well as racist groups.¹¹

Modern-day terrorist groups have developed complex organizational structures and levels of hierarchy that allow for vast networks of informants, thinkers, conveyors of commands and instructions, training grounds, safe havens or "sleeper cells," sources of funding and collaborators. Well established groups with trans-national agendas and

⁹ Crenshaw M., op cit

¹⁰ Pimlot, John, Crenshaw, Martha (Eds), *Encyclopedia of World Terrorism*, (New York: Sharpe Reference, 1997), page 13.

¹¹ Bleiker, Roland, *Popular Dissent, Human Agency and Global Politics*, (Cambridge University Press, 2000), page 24.

substantive resources have expanded operations to other national territories with the headquarters usually located in states characterized by lawlessness or minimal state jurisdiction. Yemen, Afghanistan, Pakistan, Lebanon and Somalia are such states. Other groups make use of state support to establish bases, such as Sudan, Iran, Syria and Libya.¹²

Methods employed vary from one terrorist group to another and depending on the magnitude of the political statement, among other factors. The most widely-used has been suicide bomb attacks, grenade explosions, kidnappings (often followed by ransom demands or demand for release of comrades), airplane hijackings and guerrilla warfare (the Taliban in Afghanistan, Al-Shabaab in Somalia, Hamas in Palestine). Some extremist groups have formed political organizations to clandestinely advance their views and seek wider backing and/or take part in the political process as has been the case in Tunisia, Egypt (Muslim brotherhood), Gaza and Ireland (the Irish republican army).

1.3.3. Theories Explaining the Phenomenon

Various scholars have attempted to explain the driving factor behind the prevalence of acts of terrorism. One school of thought focuses on individual and personal attributes.¹³ This school points to narcissist tendencies that are as a result of innate biological disorders that predispose such individuals to violence and to extreme views on issues such as legitimate authority, role of the individual in society and on appropriate avenues of conflict management and resolution. According to this school of thought, such a demented individual will desire to transform the world by his own efforts since he will view himself as responsible for bringing about order which will be initiated by any other quarter and any opposition must be eliminated by any means.

¹² Mentan Tatah, op cit. page 58.

¹³ Crenshaw, Martha, "The Psychology of Terrorism," op cit.

This view however does not explain the reason why such individuals are able to logically think out the problem and command the co-operation of other rational people who should discern the perceived flawed nature and subjectivity that inspires these leaders of terrorist groups. Another theory holds that terrorism is a causal effect of the globalization process. Bergesen identifies this viewpoint which explains the occurrence of terrorism as a defensive and reactionary opposition to global forces of cultural and economic change which are bent on domination at the expense of local business models, religious beliefs and different forms of political ordering.¹⁴

Globalization is viewed as an adverse process that seeks to impose absolute Western ideas without any adaptation or deference to the recipient community or nation's culture and economic systems. This theory however over generalizes and assumes a prescriptive type of globalization which has in reality been premised to a large extent on democratic values of consensus and consultation. It gives terrorist groups a reason to justify their actions in the absence of any other tangible reason. The theory of cultural violence as advanced by Johan Galtung identifies terrorism as a form of structural violence whereby there is some disconnect in the structure of relationships between people and those in authority.¹⁵ Such relationships rely on the observance of certain rules and the fulfilment of obligations to exist and sustain themselves peacefully. The failure to adhere to rules or fulfil obligations by any party leads to a conflict situation in the structure of interactions which if not resolved leads to violent conflict.

This theory gives a useful exposition on understanding this subject and offers an insight on possible strategies of mitigating terrorist attacks. It however dwells on a one-lense approach in examining the incidence of terror attacks without putting into consideration the

¹⁴ Bergesen, Albert, Lizardo O., "International Terrorism and the World-System," op cit.

¹⁵ Galtung Johan, "Cultural Violence," in *Journal of Peace Research*, Vol. 27, No. 3(1990) pp 291-305.

amorphous nature of terrorist grievances and the ever-changing trans-national activities. The theory fails to explain the reason for such groups resorting to violence and their rejection of dialogue and the fact that there is a legal barrier that curtails official peaceful means of resolving conflict. The theory also presumes that terrorist groups' grievances are representative of a wider discontent. The world systems theory also offers insightful contribution in theorizing the occurrence of terror attacks on the line of the globalization theory.

It is clear that terrorist tendencies are prevalent in societies and nations where there is low state capacity or political will to provide security and fulfil basic needs of the people such as food, health, shelter and attendant wellness.¹⁶ This predisposes citizens to poor conditions of life which are detrimental to societal peace and development. Marginalization, lack of national cohesion or ethnic unity and any consensus on the mode of political participation combine with low legitimacy levels bestowed on an incumbent government to breed conditions fertile for terrorist activities. The trigger normally occurs when there are militant elements that have had some training in terrorist ideology and methods to infiltrate such societies with financing and seek to recruit for purposes of terror acts or to replenish personnel diminished due to attrition.

1.3.4 The Global Experience

As observed earlier, terrorism has been recorded in world history as early as the 18th century. Its methods and use has evolved since- from civil war scenarios in France and Russia to terror acts meant to express displeasure at political decisions of a government (Kenyan incursion into Somalia that is being opposed by Al-Shabaab) or to force a reversal of a governmental policy (Taliban and Al-Qaeda demanding the withdrawal of western troops in

¹⁶ Colliers J., "Terrorism in Africa," in *African Security Review*, Vol. 12 No. 4 (2004), pp 135-156.

Iraq and Afghanistan). All continents have in one way or the other been affected by terrorist attacks or have been safe havens for terrorist groups or have provided material or personnel to such groups. Most countries are now aware of this security issue and have instituted (or are in the process of instituting) legal or security mechanisms to control financing, recruitment and mobility of persons linked to such groups.

Countries that have bore the brunt of terrorist attacks include Israel, USA, Pakistan, India, South Africa, Kenya, Somalia, Britain, Philippines among many others. Terrorist groups driven by religious fanaticism have risen to prominence with such groups as Al-Qaeda, al-Shabaab, Boko Haram, Hezbollah, Hamas, Abu Sayyaf being synonymous with terrorism.¹⁷ This global problem has overshadowed inter-state conflict and this was heralded by the 11th September 2001 Al-Qaeda attack on New York's landmark structure. The subsequent global preoccupation with combating the problem has seen more efforts, resources and coalition building being devoted to this enterprise than it is being done on inter-state belligerence.¹⁸

1.3.5 The Horn of Africa Experience

In this region, countries have been involved as victims and supporters of terror groups. Most of these states are located near, and have longstanding ties to the Arabian Peninsula, the source of many of today's Islamic militants. It is easy to move between the Persian Gulf states and this region by air and sea. The region's governments have proved virtually incapable of monitoring the lengthy coastline from Eritrea to Kenya.¹⁹ The land borders between all of the states are unusually porous, as well. Further, the region sits on a

¹⁷ Mousseau, Michael, "Market Civilization and its Clash with Terror," in Brown E. et al (Eds), *Contending with Terrorism: Roots, Strategies and Responses* (Massachusetts: The Massachusetts Institute of Technology Press, 2010), page 34.

¹⁸ Weiss T.G., (et al), *The United Nations and Changing World Politics*, 5th Ed (Colorado: Westview Press, 2007), page 112.

¹⁹ Shinn, David, "Focus On Counterterrorism Fighting Terrorism In East Africa and the Horn," in *Foreign Service Journal*, (September 2004), pp36-41.

religious fault line of Christianity, Islam and traditional African beliefs. All eight of the countries are either predominantly Muslim or have important Muslim minorities. Sudan, Djibouti and Somalia, including self-declared independent Somaliland, are heavily Muslim. Ethiopia and Eritrea are about half Islamic. Kenya, Uganda and Tanzania contain significant Muslim minorities, some of whose members have become radicalized in recent years. The Arabian Peninsula has also been the major source of funding to Muslim charities that are in some instances converted to the financing of terror activities. While concerted efforts have been made to deny militant groups funding from the Gulf, these groups have resorted to poaching, trade in minerals and drugs as well as illegal logging.

Sudan's Al Bashir government has long been cited as a sponsor of terrorism and it is known that Osama bin Laden set up base in the country for five years from 1991 to 1996.²⁰ Somalia's failed state and lack of effective government has provided fertile ground for Islamist extremists who were fleeing from unsafe regions in Afghanistan, Pakistan and Yemen which had been rendered inhabitable for militants due to US drone and ground attacks. Yemen, also being in this region has fanned terrorist activities by the inability of its government to maintain effective control over its territory and more so its coastline thus providing a conduit for movement of arms, money laundering and infiltration of the Horn of Africa countries by militants trained in Pakistan, Afghanistan or Yemen.²¹

Ethiopia and Uganda have been proactive in lessening the impact of terrorism on their countries by venturing into Somalia to defeat Islamic-inspired Al-Shabaab and previously the Islamic courts union. Terrorism is being bred and carried out in the region due to weak, failing states, pervasive corruption, and supra-national sentiments that blend with Islamism

²⁰ Stephen J., "The Terrorist Threat in Africa," in, *Foreign Affairs*, Vol.83, No. 1. (2005), pp. 75-86.

²¹ Rotberg R., "The Horn of Africa and Yemen: Diminishing the Threat of Terrorism," in Robert, I., (Ed), *Battling Terrorism in the Horn of Africa*, (Virginia: World Peace Foundation, Brookings Institution, 2005), page 2.

and the presence of western economic and political interests which have inspired hatred. The region's joint borders are largely porous which allow for illegal movement of extremists and their hardware.

1.3.6 The Kenyan Experience

The earliest brush with terrorist acts happened in 1975 when Starlight club and OTC bus station were rocked by bomb explosions. In 1980, the Palestinian Liberation Organization bombed the Norfolk Hotel in downtown Nairobi in retaliation at Kenya's co-operation with Israel in the latter's Entebbe raid to free hostages in Uganda in 1978. In 1998, al-Qaeda-allied terrorists targeted the US embassy in Nairobi with a suicide attack which killed 250 people and flattened a high rise building. Four years later, terrorists attacked Paradise Hotel at the coast in an attempt to exterminate Israeli tourists. The attempt failed but it led to deaths of Kenyan dancers and hotel staff. A simultaneous attack on an airborne Israeli plane carrying tourists failed.²²

Numerous grenade attacks have since rocked the North Eastern, coast and Nairobi regions, allegedly carried out by Somalia-based Al-Shabaab to instigate Kenya's withdrawal from Somalia where it had sent troops to halt across the border kidnappings and infiltrations into Kenya. Kenya's vulnerability to terrorist attacks stems from her Horn of Africa neighbourhood which is rife with conflict conflagrations which have facilitated the incubation of terror cells and the unchecked movement of small arms and criminal elements. The impact this has had on the economy has been immense. Most damaging has been the travel advisories that have put in place to deter foreign travel into the country based on intelligence reports of imminent terror attacks. This has led to foreign airlines cancelling direct flights into the country. For instance, the British Airways cancelled regular and charter

²² Wanjiru, Carolyne, "Kenya and the War on Terrorism," in *Review of African Political Economy*, No. 107, (Mar 2006), pp. 133-162.

flights into the country in 2003 in response to British caution on doubts about the Kenyan security situation that apparently posed a serious threat to British lives and interests in the country.²³

The country was losing an estimated amount of over 1 billion Kenya shillings (\$128 million) per week. In addition to the revenue loss, at stake were over 500,000 direct jobs and another 2.5 million indirect jobs²⁴ due to the negative publicity in international media as the terror attacks gave the country an image of an unsafe destination. Hotel bookings plummeted and

The lack of tangible economic development has denied the region any semblance of social and economic stability while the weak governments have failed to effectively police national boundaries. Kenya is also home to Western interests, mainly due to her position as the political and economic hub of the region thus providing a soft target for retaliatory terror attacks.²⁵ Her weak legal apparatus, ineffective checks on money laundering, corrupt immigration and security officers, and poor or complacent government presence on her frontiers with neighbouring countries have also contributed to this situation.

1.3.7 Global Efforts at Combating Terrorism

Various attempts have been instituted at the global, regional and national level to mitigate the severity of terror attacks. Chapter VII of the UN Charter addresses the existence of “any threat to the peace, breach of the peace, or acts of aggression” and the inherent right of individual and collective self-defence if an armed attack occurs against any member.”²⁶ There was no mention of terrorism or aggression by sub-national entities.

²³ Kuto B., et al ,The Effect of Tourism: Kenya’s Tourism Crisis, e-Review of Tourism Research (eRTR), Vol. 2, No. 4, 2004,pp88-98

²⁴ ibid

²⁵ ibid

²⁶ UN Charter, www.un.org

Individual conventions and United Nations General Assembly and Security Council Resolutions have been adopted since 1964 to guide efforts at combating various aspects of terrorism. For instance, the UN Convention on Offenses and Certain Other Acts Committed On board Aircraft (1969), Convention for the Suppression of Unlawful Seizure of Aircraft (1971), Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1973) were systematically put in place. Other conventions dealing with hostage-taking, oil platforms, ships, nuclear materials and plastic explosives were signed in the 1980s and 1990s.²⁷

In 1994, the UN General Assembly adopted the Declaration on Measures to Eliminate International Terrorism. In 1997; the Assembly adopted the Convention on the Suppression of Terrorist Bombings while in 1999 it adopted the Convention for the Suppression of the Financing of Terrorism. The Security Council has also passed Resolutions requiring co-operation and states' action to combat this security issue. At the regional level, the Horn of Africa region is part of the US-led Combined Joint Task Force-Horn of Africa (CJTF-HOA) that aims at "deterring, pre-empting and disabling terrorist threats emanating from the region." The intergovernmental authority on development (IGAD) has also led regional efforts at instituting mechanisms for co-operation. There also exist bilateral agreements between Kenya and Ethiopia on co-operation on security matters.

The attempt by the Kenyan government to introduce the Suppression of Terrorism Bill in Parliament in 2003²⁸ fell through due to massive civil society and Muslim groups' opposition due to alleged violations of human rights. After much haggling and consensus building, the Prevention of Terrorism Bill and signed into law by the President in October 2012. The Act brought together all laws dealing with terrorism that were previously found in

²⁷ visit the UN website, www.un.org

²⁸ Supplement No. 38 of the Kenyan Gazette

sections of the Penal Code such as the Banking Law, Anti-Money Laundering and Proceeds of Crime Act, Firearms Act (CAP 114), Financing of Terrorism Banking Act (cap 488), Anti-Corruption and Economic Crimes Act (2003).²⁹

An Anti-Terrorism Police Unit (ATPU) was also instituted to specifically deal with this security issue with collaborations with regional and international security agencies. It therefore emerges that there have been tangible efforts to reverse the gains made by terrorist groups. This study seeks to provide an insight into this preparedness (judicial, legal and security-wise) and evaluates the success and failure of these mechanisms in light of regional weaknesses in addressing the same.

1.4 Justification of the Study

This study is significant in terms of academic relevance as the study seeks to offer a detailed insight into the national efforts at inhibiting terrorist activities in the country and identifies the complexities involved in carrying out this national mandate while factoring in the country's regional positioning. It attempts to fill the gap in literature found that explains how Kenya has responded to this security issue which has had a major impact on the economy in terms of reduced foreign exchange inflows due to reduced tourist numbers and foreign direct investment as the country has been viewed as an unsafe investment destination.

1.5 Theoretical Framework

This study will be guided by the Realist theory which recognizes states as the major actors in the international system.³⁰ Among the major proponents of the realist theory of international relations are Hans J Morgenthau, E.H. Carr, Thomas Hobbes and Niccollo Machiavelli. Morgenthau, in his classic *Politics Among Nations*, argues that human nature is

²⁹ Wanjiru, Carolyne, "Kenya and the War on Terrorism," op cit, page 134

³⁰ Morgenthau, H., *Politics Among Nations: The Struggle for Power and Peace*, (New York: Alfred Knopf, 1985), page 10.

inherently self-centred and prone to conflict due to the individual's desire to dominate. This mistrust and uncertainty as to the perpetuation of self leads to a security dilemma where one person's gain is another person's loss. This zero-sum game, Morgenthau argues, leads to individuals to seek to guarantee their own security by engaging in growing one's capabilities and carrying out selfish acts simply because of the fear that inaction would mean immediate annihilation. Morgenthau, in analyzing state behaviour concludes that a state is the individual writ large because man transfers his fears and desires to the national level thereby making the international system anarchical.

Realists argue that states are guided by selfish national interests whose common denominator is national security. They observe that the absence of a central authority to regulate behaviour and power interactions reduces this competition to a zero-sum game where states have much to gain and a lot to lose in their pursuit for self-perpetuation. Carr observes that states are preoccupied with enhancing their capabilities than co-operation.³¹ According to Realists, national security can only be guaranteed by the state alone and a state that relies on another state will perish as it will be subsumed in another. States only co-operate for a common good but this does not inhibit self-help. Hobbes views man as purely egocentric who perpetually seeks his own gain unless there are conditions for peaceful co-existence.

The importance of the Realist theory of international relations to this study stems from its observations on both individual and state behaviour. The Realist view that man is a calculating individual whose actions are based on rational cost-effect analysis and an evaluation of his environment leaves us to infer terrorist behaviour as not erratic or disjointed but a reaction deeply influenced by the prevailing socio-economic and political conditions.

³¹ Carr, E.H., *The Twenty Years Crisis 1919-1939: An Introduction to the Study of International Relations*, (London: Macmillan, 1996), page 109.

This study also proceeds from the Realist viewpoint by stating that for there to be peaceful co-existence between terrorist elements in society and the wider population there is need for a stable state able to fulfil its part of the social contract otherwise there will be conditions similar to the Hobbessian state where life is nasty, brutish and short, brought about lack of a central authority to guarantee security. This study will also be deduce state's performance in combating terrorism as being determined by how that particular state has been affected by the same. Kenya for instance has bore the brunt of terror attacks and has therefore reacted to inhibit the terrorist challenge to its security.

1.6 Hypotheses

The study seeks to (dis)prove these hypotheses;

- Kenya has established strong mechanisms to combat terrorism
- The strategies put in place by the country are ineffective in managing terrorism
- Kenya's attempts at managing terrorism have been hampered by regional disparities in tackling this issue.

1.7 Research methodology

For an effective examination of the research problem, this study will gather its data from primary and secondary sources. The data gathered will be analyzed qualitatively and objective conclusions made.

1.7.1 Primary Sources

The study will collect data by way of informal interviews of government officials in the security, legal and diplomatic sector with a view to getting first-hand information on the subject.

1.7.2 Secondary Sources

This will be gathered from books, seminar papers, journal articles, government papers and reports of relevant organizations. This study will rely mainly on secondary data in its analysis.

1.8 Chapter Outline

Chapter one: Introduction to the Study: - This chapter lays the framework for undertaking the research on the subject. It identifies the research problem, and the premise on which the research is founded on. The chapter justifies the need to carry out the study by highlighting the gap in existing body of knowledge and offers the methodology in carrying out the study.

Chapter two: Terrorism in the Horn of Africa: - this chapter lays bare the topical issue of existing insecurity in this conflict system and it offers a historical understanding of terrorism and its effect on the region.

Chapter Three: Terrorism in Kenya: A Case Study:-This chapter isolates the Kenyan situation. It examines the escalation of this security challenge in the country, the factors that have led to its prevalence presently and offers a detailed probe of the various efforts instituted to combat it.

Chapter Four: An Analysis: - It critically evaluates the success and failure of the country in managing terrorism in the country and identifies the challenges faced by Kenya in this quest.

Chapter Five: Conclusions:-This chapter makes informed concluding remarks based on the findings of the data collected and analyzed.

Chapter Two: Terrorism in the Horn of Africa

2.0 Introduction

The Horn of Africa is a geopolitical region in the larger Eastern Africa that comprises of Somali, Djibouti, Eritrea, Ethiopia, Sudan (and also South Sudan) and Kenya. In this discourse on terrorism, it is important to note that due to its proximity, the Horn of Africa is affected by the Middle East and Great Lakes conflict systems and the wider global geopolitics of international security. The situational positioning of this region and the distinct historical conflict experiences of countries therein has to a large extent impacted on the incidence of terrorism. This chapter examines the role these dimensions have contributed to the prevalence of terrorism by probing each country's experiences in the Horn. Terrorism has been visible in this region in the form of actors, victims, sponsors and safe havens for terrorists. Islam's centrality to the proliferation of terrorist acts in the region will also be in focus since almost all terrorists groups operating in Horn of Africa espouse Islamic ideals and Islamic ideology has been used to recruit nature and carry out terrorists act.

Ousman observes that whereas Kenya has been a victim of terrorism and has sought to minimize its occurrence in the country, Sudan has been known to be an active sponsor, source of and safe haven to radical Islamic groups.³² He further notes that Djibouti and Ethiopia on the other hand have been strategic partners to the US-led war on terror, providing naval and land bases and in Ethiopia's case has even acted to prevent radical Islamists from finding targets and safe haven on its territory. Somalia, due to its prolonged lawless state has over time been the logistical centre for terrorist operations within the region and globally. The internationalization of conflict in the Horn of Africa has ensured that peace and security in the region has to be holistically addressed without focusing on national boundaries. During

³² Ousman, Abdelkarim, "The Potential of Islamist Terrorism in Sub-Saharan Africa," in, *International Journal of Politics, Culture and Society*, Vol.18 No.1/2, (Fall /Winter2004), pp.65-105.

the Cold War, the trend of conflicts in the Horn was to a large extent determined by the superpower rivalry between the USA and U.S.S.R. The shifting hegemonic influence of these superpowers added on to the negative effects of colonialism (mainly in the form of nationalism and national identity crises) to fuel conflicts in Ethiopia, Somalia and Eritrea.³³ Mwangiri goes further by arguing that the end of the Cold War, apart from obviating the need for the superpowers to maintain a regional strategic balance, also deprived their Horn of Africa client states of the moral and material support, thus leading to the fall of these regimes (mainly Mengistu Haile Mariam of Ethiopia and Siad Barre of Somalia).³⁴

Somalia and Sudan are yet to emerge from decades of conflict while Ethiopia and Eritrea still maintain bellicose relations with each other. The internationalization of conflict has also brought with it first of all the proliferation of small arms and light weapons (SALWs) - the chief weapons in terror acts. Secondly it has reduced states' capacity to control illegal border movements of SALWs and individuals with terrorist tendencies. The dimension these conflicts have taken has therefore created a fertile ground for terrorism to thrive, with Somalia, Sudan and Eritrea now known to be the regional hatcheries for terrorists. These conflicts have hugely contributed to the incidence of terrorism, a problem that is negatively affecting economic development, inhibiting the enjoyment of individual freedoms and liberties, diverting public resources to its management that would otherwise be used in regional development, increasing public insecurity. This study now attempts to dissect the Horn of Africa conflict system to establish the connectedness of historical expenses and conflicts in individual countries to terrorism while examining the regional peculiarities of terrorism and efforts to manage this security challenge.

³³ Lefebvre, Jeffery, "Middle East Conflicts and Middle Level Power Intervention in the Horn of Africa," in, *Middle East Journal*, Vol.50, No.3 (Summer 1996), pp.387-404.

³⁴ Mwangiri, Makumi, "Conflict and Peace Management in the Horn of Africa: Theoretical and Practical Perspectives," in, *Project Ploughshares*, November 1998, pp.1-18.

2.1 The Horn Africa conflict system

This region has witnessed numerous conflicts and complex border problems. For instance, Ethiopia and Kenya had to contend with Somalia's supra-nationalist tendencies while South Sudan and Eritrea gained their independence after several decades of guerilla war. Somalia is yet to emerge from lawlessness since Siad Barre's ouster in 1991. Furthermore, pastoralists in the border regions of Kenya, Uganda, Sudan and Ethiopia, being driven by the pursuit of water and pasture have severally obliterated the limits of international boundaries (and the attendant procedures for cross-border immigration) and on sovereign natural resources to even engage in skirmishes in a natural resource-based conflict.

Wassara argues that this has fuelled lawless international borders and has provided fertile grounds for rebel movements and even individuals with terrorist tendencies to establish safe havens in these border regions.³⁵ He cites the example of Lord Resistance Army which operated in the region between Uganda and south Sudan and Central Africa Republic and the Oromo Liberation Front (OLF) also made use of the Ethiopia Kenya border to carry out its guerilla war. The core of the Horn of Africa conflict system has been Sudan and Somalia with the former embroiled in a civil war that culminated in the birth of South Sudan as an independent state. Somalia is still grappling with low government visibility, interclan animosity and growth of Islamic fundamentalism that has spread its tentacles into Kenya and the world at large.

2.1.1 Sudan

Sudan's footprint on the terrorism discourse stems from its long-running dalliance with Islamic fundamentalism, the central placement of Islamic law (sharia) as the source of social and political ordering of the state and nation and the use of this political Islam to

³⁵ Wassara, Samson, S., "Security Challenges in Post-Liberation South Sudan," in, African Research and Resource Forum's *State Building and Development in South Sudan*,(Nairobi:2011),pp.49-71.

achieve national objectives of perpetuating government rule. Deng notes that the root cause of the conflict in Sudan is the dissonance on national identity so that whereas the majority Muslim North identified itself more with Islamic and Arabic northern neighbours and sought to impose this view on the whole nation, the predominantly Christian and animist south saw itself as marginalized in a state where Islam was the religion and law while Arabic was the language and sought to resist the north's attempt to Islamize it.³⁶

The extreme views on national identity were evident in an imposition of Arab-African superiority and favouritism of Muslim, Arab-speaking or culturally Arabized individuals over animist or Christian black Africans. The ascendancy of Islam and the desire of the North to proselytize the south has bred the south's resistance and developed a system of incompatibilities of religious, racial and ethno-cultural divisions which have defined the North-South split. A conflict characteristic of Samuel Huntington's 'clash of civilizations' has emerged in the Sudan.³⁷ An examination of the colonial and post-colonial history of Sudan bears evidence of a conflict driven by Islamic fundamentalism and which originated from colonial discrimination policies that favoured the North over the South which was perpetuated by successive Sudanese governments after independence.

The colonization of Sudan ensured the grouping together of two distinctly different regions defined by religious linguistic and ethnic peculiarities. The Mahdist colony promoted Arabic dominant over the South which was accomplished via slavery and forced assimilation of the South into Islamic culture. The supplanting of the Mahdists with the British-dominated Anglo- Egyptian condominium in 1921 laid the foundation for northern supremacy over the south the colonialists instituted a divide and rule which ushered Sudan into two distinctly

³⁶ Deng, Francis, M., Sudan: A Nation in Turbulent Search of Itself," in, *Annals of the American Political and Social Science*, Vol.603, (January 2006), pp.155-162.

³⁷ Colliers J., "Terrorism in Africa," in *African Security Review*, Vol. 12 No. 4, (2003), pp 17-36.

different regions with a more advanced north and a poor Christian and animist south. After independence, the North was allowed to govern itself autonomously while the south acting as the resource-base. Subsequently the North became more developed while it continued to subjugate the south.

Verjee notes that in post-independent Sudan, the politics of confrontation have preceded dialogue and democratic percepts upon independence.³⁸ The south's quest for greater say in the affairs of the state and the north's intransigence bred rebellions by the SPLM (Sudan People's Liberation Movement) and other groups in Northern Sudan such as the JEM (Justice and Equality Movement) and the SLM/A (Sudan Liberian Movement and Army). Deng faults the northern government approach of sponsoring counter-insurgent militias such as the Arabic Janjaweed in Darfur. He notes that this breeds a culture of violence and militancy without actually solving the deep-seated causes of the conflict.³⁹ Magdi concurs and notes that the desire to extend Dar-Es-Salaam (the territory of Islam) has driven al Bashir's proxy armies (such as the PDF and Janjaweed) to alienate the country further rather than seeking reconciliation.

Islamic Fundamentalism in Sudan

Ousman, Zahid, Medley and Esposito trace the overwhelming influence that Islam has had on prolonging conflict in the Sudan and on the emergence of Sudan as a sponsor of terrorist groups. Esposito cites the prominent role of Islam in State affairs as resulting from

³⁸ Verjee, Aly, "New North, Old North: Republic of Sudan after the Split," in, Heinrich Boll Foundation and Weiss Toni (Eds), *Sudan after Separation: New Approaches to a New Religion*, Vol.28 (In the Publication Series on Democracy), 2012, pp.35-45.

³⁹ Deng Francis, M., "The Paradox of Southern Independence—Some Personal Reflections," in, Heinrich Boll Foundation and Weiss, Toni (Eds), *Sudan after Separation: New Approaches to a New Region*, Vol.28 (In the Publication Series on Democracy 2012) pp.11-20.

the perceived failures of such ideologies a nationalism ,socialism and capitalism.⁴⁰ He notes that the merging of Islam and politics-a mix of absolute ideas with democracy-has led to conflict, with Islam emerging the victor in Sudan. The fact that Islam became the State religion prohibited the practice of democratic ideals such as consensus building or the holding of free and fair elections.

Furthermore, the placement of such religion in a conflict where a substantive populace in the nation is Christian posed challenges of its applicability. Zahid and Medley explain the prevalence of Islamic fundamentalism in Sudan and state sponsorship of terrorism as being a progressive result of systematic infiltration by Islamists from Egypt and the Middle East.⁴¹ They note that the Muslim brotherhood (with roots in Egypt and Jordan) established a presence in Sudan in 1954. The Brotherhood's initial aim was to unite the various Muslim sects but with time it grew into an influential lobby group and ultimately sponsored the formation of political parties. (The Islamic Charter Front and the National Islamic Front.). Ousman observes that the ultimate aim of political Islam especially in the case of Sudan is the Islamization of society and the state based on the traditional Islamic political theory whereby the state rest on the unity of the community of Muslim believers (the Ummah),the authority of state (the Caliphate)and Islamic law (shariah).⁴²

Hassan Al-Turabi emerged as the influential leader and the driving force behind the Islamists' movement. By 1983, these Islamists had secured a legal code based on Islamic law which was surpassed in 1988 when Sudan adopted a new constitution that fell short of declaring an Islamic State. Omar of Bashir's National Congress Party (NCP) has since then

⁴⁰ Esposito, John L., *Political Islam and the West*, (Washington: Lynne Rienner, 1997), page 42.

⁴¹ Zahid, Mohammed, Medley, Michael, "Muslim Brotherhood in Egypt and Sudan," op cit.

⁴² Mwangi, Makumi, "Conflict and Peace Management in the Horn of Africa: Theoretical and Practical Perspectives," op cit.

ruled the country on Islamic Sharia Law. The legislature is composed of NCP Islamists, joining the judiciary and executive in instituting a unique form of government in the horn that is sympathetic to “persecuted “Islamic groups elsewhere. The formation of the Popular Arab Islamic Conference (PAIC) headquartered in Khartoum was meant to provide a progressive point of view to conservative Islamic groups elsewhere and offer moral support to Muslims suffering injustices in their countries.

Sudan has impacted on conflict in the region by first of all engaging in a protracted civil war with the south that culminated with south Sudan’s independence in Jan 2005. Secondly, Sudan has supported Islamic militia within its territory the Janjaweed as well as rebel groups in Uganda (LRA), Eritrea and Ethiopia (OLF and WSLF).⁴³ Thirdly, Sudan, under the auspices of PAIC has provided safe sanctuaries for prominent terrorists groups in the 1990s who eventually carried out attacks in the region (specifically in Kenya, Tanzania, Uganda and Somalia). Sudan’s implication in the attempted assassination of Egypt President Hosni Mubarak in Ethiopia in 2005 and the funding of Islamic charities in Somalia have fuelled wide held belief of Sudan’s complicity as a state sponsor of terrorism.⁴⁴ In fact, it is still listed by the US as one of the key sponsors of terrorism and even it suffered a US retaliatory strike in 1998 after being accused of providing the logistics for the August 7th ,1998 Nairobi and Dar-Es-Salaam bombings.

2.1.2 Somalia

Unlike Sudan where the State has proactively supported terrorists groups, Somali has, due to its lawless state and lack of government control over its territorial integrity, provided an accommodating environment for fugitives and terrorists to hide and plan attacks not only in the region but worldwide. Gilkes observes that access to Somalia is largely unrestricted

⁴³ ibid

⁴⁴ Rotberg R., *Battling Terrorism in the Horn of Africa*, op cit.

due to absence of customs or immigration officials to patrol the long Indian Ocean Coastline that has consequently attracted militants fleeing from the hotspots of Afghanistan, Iraq, Yemen and Egypt.⁴⁵ Marchal, on the other hand identifies the endemic poverty life in Somalia due to State decline as having accentuated the need for alternative service providers which has been filled by Islamic charities some of which have turned out to be recruiting agencies for potential militants.⁴⁶

Somalia's degeneration into anarchy that led to its infamous perverse role as the regional hub for terrorist has been a result of years of patrimonialism, the militarization of the state and being a victim of Cold War politics. Nyong'o argues that the Somali, though linguistically and culturally homogeneous, are deeply divided along elaborate clan and sub-clan structures. Political identity and loyalty were determined by these structures and due to their nomadic lifestyle and quest for pasture; they developed into fiercely independent people whose unity was determined by access to these scarce resources.⁴⁷ The stewardship of Somalia in the Cold War era under said Barre ensured his perpetuation by the US and supra-national aspirations to make most use of American military and financial backing to sustain himself.

The 1977 Ogaden War and the withdrawal of American backing at the end of the Cold War severely weakened Barre's hold on power. Nyong'o argues that even before the

⁴⁵ Gilkes, Patrick, "From Peacekeeping to Peace Enforcement, the Somalia Precedent," in *Middle East Report*, Vol.185, (November/December 1993), pp. 21-29.

⁴⁶ Marchal, Roland, "Warlordism and Terrorism: How to Obscure an already Confusing Crisis? The Case of Somalia," in, *International Affairs*, (Royal Institute of International Affairs 1944-), Vol.83, No.6, (November 2007), pp.1091-1106.

⁴⁷ Anyang' Nyong'o, P., (Ed), *Arms and Daggers in the Heart of Africa: Studies on Internal Conflicts*, (Nairobi: Academy Of Science Publishers, 1993), pp.67-100.

dethronement of Siad Barre, his hold on power had been under threat due to internal unrest and the subsequent proliferation of armed opposition groups such as the Somali Salvation Democratic Front (SSDF), Somali National Movement (SNM) and the United Somali Congress (USC) which took advantage of the central government's failure to extend its reach beyond Mogadishu.⁴⁸ The protracted battles with Ethiopia and Ethiopians backing of rebel movements ensured Barre's down fall in the face of US withdrawal after the end of the Cold War as Somalia no longer was strategic to America's balance of power politics.

Since 1997, Somalia has had to contend with a civil war that has led to government failure to provide service and guarantee territorial sovereignty of the state, massive displacement of people that has bred widespread national disharmony and general socio-economic decline. Menkhaus observes that international reluctance to intervene in Somali after United Nation's Mission in Somalia (UNOSOM) debacle has left Somalia to rely on informal groups for the provision of basic social amenities.⁴⁹ Such groups have turned out to be terror groups. Gilkes notes the how the decline of the Somali state has coincided with Islamic fundamentalism. He traces its origin to *al Itihad al-Islami* that came to prominence in June 1992 when it temporarily seized control of swathes of Somali territory. This group was believed to have links with the International Islamic Relief Organization and the Muslim World League which ran charities in Somalia and had variously been accused of funding Islamic fundamentalism in Sudan.⁵⁰

⁴⁸ Ibid.

⁴⁹ Menkhaus, Ken, "Governance without Government in Somalia, Spoilers, State Building and the Politics of Coping," in, *International Security*, Vol.31.No.3, (Winter 2006/2007), pp.74-106.

⁵⁰ Gilkes, Patrick, "From Peacekeeping to Peace Enforcement, the Somalia Precedent," in *Middle East Report*, Vol.185, (November/December 1993), pp. 21-29.

Islamic fundamentalists, (some foreign) gradually moved from provision of social services such as money transfer services, water, education, to being political organizations that sought absolute control of the Somali state. The Islamic Courts Union formed government in 2005 but the infiltration of Islamic radicals further fuelled conflict in Somalia. It is worth noting that the decline of the Somali state has coincided with global preoccupation with combating terrorism with Western Coalitions going to war against the Taliban in Afghanistan and in Iraq and drone attacks in Yemen and Pakistan. Somalia has provided the safe haven for fleeing Islamic militants who regroup and seek retaliatory attacks on western interest in the region. It is indicative that al-Shabaab that advances Islamic ideals has emerged as Al-Qaeda's proxy in the region. Illegal immigration, free flow of contraband weapons and arms has put the region in a security challenge that has necessitated a timely response.

2.1.3. Ethiopia

Ethiopia, alongside Somali, Djibouti and Kenya emerged as key to the Cold War sphere of influence between the US and USSR .These countries were strategically located in the Red Sea region in the neighbourhood of the Middle East oil fields and control to the access route to and from Europe and Asia was via these countries .The USSR countered US influence in Kenya and Somali by propping up Mengistu Haile Mariam's regime. Ethiopia is 45% Christian, 40% Muslim and 5% being traditionalists. It shares long porous borders with Kenya and unsettled neighbours Somalia, Sudan and Eritrea and its 1977 Ogaden war with Somali was caused by Somalia's supranationalism and Ethiopian Ogaden Somali irredentist.

Rotberg notes that the subsequent bad blood between Ethiopia and Somalia has been informed by claims of Somali support to Ethiopian rebels and their use of Somali territory to

destabilize Ethiopia⁵¹ but similar irredentist claims by the Oromo Liberation Front (OLF) have made it imperative for Ethiopia to seek to secure its borders by twice invading Somalia. Besides having to deal with internal; and cross-border security challenges Ethiopia had to emerge from decades of economic stagnation and political repression under Emperor Haile Sellasie and Mengistu Haile Mariam as well as a costly war of independence instituted by the Eritrean People Liberation Front (EPLF) and limited war between an independent Eritrea and Ethiopia.

The post cold-war realities of reduced Soviet support propelled the Mengistu regime out of power as challenges to State monopoly grew all around Addis Ababa. Terrorism has been viewed by Ethiopia as emanating from state- sponsored groups from Eritrea and Sudan and from infiltration by militants from Somalia. It has therefore sought a military solution, twice occupying Somali to neutralize Islamic Radicals in the border region. It has also been a key regional ally to the US-led war on terror.

2.1.4 Eritrea

Eritrea has been termed as a rogue state due to its alleged sponsorship of terrorist activities in the region. The country is predominantly Muslim with little Christian presence which is state-controlled.⁵² Eritrea was originally Ethiopians Northern Province before and protracted war of independence led by the Eritrean People's Liberation Front (EPLF).upon independence in 1993, the country has been led by Isayas Aferworki whose autocratic regime has been a pariah in the Horn, having severally been accused of State sponsorship of terrorism by Ethiopia and Kenya which even led to the United Nations Security Council

⁵¹ Rotberg R., *Battling Terrorism in the Horn of Africa*, op cit.

⁵² Ibid

(UNSC) to impose sanctions on it.⁵³ Eritrea's actions have exacerbated terrorists incidences and overall instability in the region.

2.1.5 Djibouti

Djibouti is a former colony situated in the Gulf of Aden adjacent to the Arabian Peninsula. It is a tiny Horn of Africa State sandwiched between Ethiopia, Eritrea and Somali that has maximized the France-Djibouti defence pact to guarantee national and human security and remain remarkably stable since independence. Rotberg observes that its strategic location has ensured that it plays a key role in the France–American counter-terrorists strategies in the Horn of Africa and the Middle East by playing host to expansive French and US military presence that not only guards the southern entrance to the Red Sea from Yemen and against piracy but also provide a safe and secure launch pad for U.S. led reconnaissance and intelligence gathering in the region.⁵⁴ Djibouti's role in this terrorism emerges as an active global partner to the war on terror and its relative peace and security and comparatively higher regional economic development indicators has precluded the mushrooming of terrorist inclinations. It however emerges that Djibouti has not instituted indigenous solutions to a regional problem but rather has sought to secure its territory and gain economically from US and French presence on its soil.

2.1.6 Uganda

Uganda has been a victim of terrorist attacks largely attributable to its recent lead role in the African Union-led Africa Mission in Somalia (AMISOM). The internationalization of conflict in Somalia has been evidenced by this Ugandan involvement with the aim of forestalling the spread of terror acts in the region that has affected regional economies. The

⁵³ Patman, Robert G., *The Soviet Union in the Horn of Africa: The Diplomacy of Intervention and Disengagement*, (Cambridge: Cambridge University Press, 2001), page 66.

⁵⁴ Rotberg R., *Battling Terrorism in the Horn of Africa*, op cit.

lawless nature of the Somali state has bred terror groups and high incidences of piracy along the East African coast that has impacted negatively on the Ugandan economy due to delays in import and export of goods then distorting government economic planning and reduced Uganda's competitive ability to attract investors to spur economic development. Uganda has thus been affected by terrorism and the attendant insecurity and has sought to act to safeguard the national interests of economic development. The Ugandan government has also sought to ensure the safeguarding of its territorial integrity in the face of Sudan-backed Lord's resistance Army (LRA).⁵⁵ Uganda's proximity to the Great lakes region and volatile Central Africa has meant that the country has become a transit route for SALWs in the region, with some of these weapons ending up in the hands of terrorists. Uganda briefly played host to Islamic fundamentalists under the dictatorship of Idi Amin. He provided State resources to terrorists groups from Algeria, Libya, Palestine and Egypt.

2.2 Kenya's Placement in the Horn

A detailed examination of Kenya's experience with terrorism and her effects at managing the same will be the focus of the succeeding chapter in this study but suffice to say that proximity to insecure neighbours has had negative consequences on its national security Kenya's quest for economic development. The country shares long porous borders with Somalia and Ethiopia which provide unchecked entry and exit of illegal human traffic and cargo. The country is also home to hundreds of thousands of refugees fleeing conflicts in Eritrea, Somalia, Sudan, Ethiopia and the Great Lakes Region. These refugees have posed a security challenge to the country as some have been militants disguised as refugees in order to hide from the security forces or to carry out proselytization and recruitment of youths into militant groups.

⁵⁵ Wassara, Samson, S., "Security Challenges in Post-Liberation South Sudan," op cit.

The sharing of maritime borders in the Indian Ocean between Kenya and Somalia has bred piracy and attendant insecurity especially in light of the latter's lawlessness so that vessels or ships with regional goods seeking the use of Mombasa port now have to contend with extra expenses of ensuring their security and more time at sea .Furthermore, Kenya's centrality, both geographically and strategically, to East Africa's economic and security considerations has meant that Kenya's peace and security is paramount to regional prosperity. This has meant that the disruptive influence of terror attacks impacts not only Kenya but Uganda, Tanzania, the Democratic Republic of Congo, Ethiopia and South Sudan. Kenya, being home to Western interests due to her long-standing Western ties also has to safeguard her attractiveness to foreign investment by guaranteeing safety of existing Western Conglomerates.

Kenya finds itself surrounded by sponsors of terrorism (Sudan and Eritrea), victims of terrorist attacks seeking to safeguard territorial integrity in the face of terrorist onslaught (Uganda and Ethiopia) and sanctuaries of terrorists groups (Somalia). The country is home to illegal immigrants, refugees and thousands of small arms and light weapons. Its borders are not effectively patrolled and the homogeneity of its North Eastern population with Its Somali cousins renders security check highly sensitive in a country with an active Muslim civil society. The dilemma for the country is to ensure its safety with little expense to Muslim disquiet (politically) in the face of regional disharmony. The country also needs to balance national; strategic with regional and global effects at combating this security challenge.

2.3. The Role of Islam.

The Islamic religion is practiced in all the countries in the Horn and is predominant in Sudan, Somalia, Eritrea and Djibouti while Ethiopia's population is almost split in the middle between Christians and the Muslims. Kenya and Uganda, on the other hand, has substantial Muslim populations whose impact has been felt in terms of civil society presence and ability

to influence key government decisions. The moderate *Sufi* Islam is prevalent in the region unlike the more radical Sunni sect prevalent in the Middle East and elsewhere.⁵⁶

How then has this peaceful co-existence in a region home to hundreds of ethnicities been turned upside down with terror groups professing Islamic ideology taking advantage of the religion to wreck havoc with their indiscriminate acts of violence? One plausible explanation is that stagnating economies in the region have bred discontent among populations thus leading to economic grievances. But why is it Islam-inspired? Shughart employs rational choice model to deduce the motivation behind such Islamic fundamentalism. He asserts that such groups craft a creed from Islam because of that is their religion and the sanction of holy war (Jihad) as accepted by their supreme being is a lawful means of action.⁵⁷ Caplan agrees by observing that the absolutist nature of this ideology has combined with reductionist tendencies that view conflicts involving Islamic communities and the state or with other communities as an attack on Islam. In such scenarios, Caplan advances the argument that a Jihad (a Holy War expressly sanctioned by God Himself) because the acceptable means to guarantee obeisance and obedience of God's will.⁵⁸

Another reason for the Islamization of terrorism is the fact that the Israeli-Palestine conflict took on a Christian West versus Islamic Arabian Gulf unhappy at the backing Israel has received in this conflict. Islamic fundamentalism in the Middle East has grown from this anti-US and anti-Western rhetoric to other parts of the world. This resistance has manifested

⁵⁶ Bronwyn, Brunton, "In the Quicksands of Somalia: Where Doing Less Helps More," in, *Foreign Affairs*, Vol.88, No.6, (November/December 2009), pp. 79-84.

⁵⁷ Shughart II, William.F, "An Analytical History of Terrorism 1945-2000,"In, *Public Choice*, Vol.128, No.1/2, (July 2006), pp. 7-39.

⁵⁸ Caplan, Bryan, "Rational Irrationality: A Framework for the Neo-Classical-Behavioral Debate," in, *Eastern Economic Journal*, Vol.26, No.2 (Spring 2000), pp.191-211.

itself in the form of terrorist attacks on Western interests in the Arabian Gulf and in other parts of the world. The Horn of Africa, being in the neighbouring region of the Middle East has been among the first to witness the growth in Islamic fundamentalism and terror acts. The historical ties between the Horn and the middle east has resulted in a socialization process that has led to sections of the local populations being radicalized due to a fundamentalist ideology from radicalized Gulf citizens.

This awareness of alleged western injustice has coincided with home grown Islamic fundamentalism in Sudan and the degeneration of the Somali state, factors which have combined to result in radicalized youth in parts of the East African coast, Somalia and Sudan. The existent squalid conditions that have resulted from unequal economic development, decades of insecurity and demographic displacement (due to poor land policies at the Coast) have led the youth to embrace alternative sources of solutions to their problems than the state.

Terrorist groups have been quick to entice such youth with financial rewards in exchange for membership in such terrorist organizations. Limited state presence and capacity at its borders has ensured easy movement of weapons and militants thus giving terrorists unhindered time and opportunity to carry out terrorist operations. The success of terrorist attacks in the region has been as a result of exploiting of vulnerabilities in societal weaknesses in state structures, a welcoming local population partly initiated into Islamic militancy.

2.4 Impact of Terrorism in the Horn of Africa

Kenya, Uganda and Somalia are the countries that have bore the brunt of terrorist attacks. Somalia is still reeling from years of al-Shabaab dominance and brutal activities. The group still controls parts of the country and has rendered parts of Mogadishu and Kismayu

(the major economic centres) insecure. Kenya, on her part, has suffered attacks ranging from suicide bomb attacks in 1998 and 2002 to hijackings in the North Eastern region and the Coast of the country to grenade attacks-mostly in Nairobi. Uganda suffered bomb attacks in July 2010 that killed scores and injured many more. Furthermore, piracy along the Kenya–Somalia Indian Ocean stretch has for a decade (2002-2012) been rife and still is a source of concern not only to the region but also to global commerce.

Menkhaus notes that terrorism has led to loss of life and the displacement of many more especially in Somalia. The resultant insecurity has inhibited the economic growth and development of the region as active populations have concentrated more on their security than on engaging in economic activities. National resources in Ethiopia, Kenya, Uganda and Somalia have been diverted to the security sector in an effort to safeguard national territories.⁵⁹

Terrorism has fuelled the illegal SALWs trade that has led to insecure neighbourhoods and diverted resources that would have otherwise been used in development to managing it. The illegal piracy business off the coast of Somalia has likewise diverted private and public funds in ransom money to private businesses that is laundered and reintroduced into the main stream economy thus distorting the market fundamentals of forex rates, money supply and liquidity. The region has become unattractive to FDI due to offshore insecurity and the distortions in the market economies of these countries. There have also been diminished government revenue inflows due to reduced tourist inflows, low hotel bookings due to insecure travel destinations, unemployment due to performance in the tours travel and hotel businesses.

⁵⁹ Menkhaus, Ken, “Governance without Government in Somalia, Spoilers, State Building and the Politics of Coping,” in, *International Security*, Vol.31.No.3, (Winter 2006/2007), pp.74-106.

2.5 Managing Terrorism.

There is little concerted effort to combat terrorism in the Horn. The African Mission in Somalia was initiated by the African Union before Ugandan and Kenya involvement the African countries had procrastinated on a decisive response due to the previous international failures of the UN Mission. The peculiarities in the terrorism experiences and preoccupation with internal instabilities and domestic issues in various countries have served to scuttle joint efforts. The Inter-Governmental Authority on development (IGAD) has however established the foundation for co-operation on terrorism matters while defence pacts between Kenya and Ethiopia, France and the US with Djibouti have ensured joint co-operation.⁶⁰ The US-led Counterterrorism Joint Task Force-Horn of Africa CJTF-HOA has also trained personal and shared intelligence while making use of regional bases in Djibouti, Ethiopia and Kenya to coordinate the global war on terror.

2.6 Conclusion.

The Horn of Africa conflict system has witnessed numerous conflicts since independence which have impacted on the current trends in terrorist attacks in the region. The regions Cold War and post-Cold War expediency has impacted on the destiny of the Horn in peace and security terms. Islamic fundamentalism has been nurtured in the Middle East and imported to the Horn to serve the interests of the terror group that have taken advantage of weak governmental structures or state complicity to establish footholds in the region and thus carry out attacks. Combating terrorism has largely been left to national governments with little or ineffective regional mechanism being instituted.

⁶⁰ Kendie, Daniel, "The Causes of the Failure of the Present Regime in Ethiopia," in, *International Journal of Ethiopian Studies*, Vol.1.No.1, (Summer/Fall 2003), pp. 177-213.

Chapter Three: Terrorism in Kenya: A Case Study

3.0 Introduction

Kenya is geopolitically central in the East Africa region and shares international borders with Somalia, Uganda, Ethiopia and South Sudan in the Horn. Lyman observes that its location and proximity in a region characterized by political instability has to a large extent affected its security and stability.⁶¹ Kenya's comparatively advanced level of economic development and superior telecommunication links with the world has also led it to be described as the gateway to eastern and central Africa. Its liberal model of economic development has opened the doors for a host of capitalist ventures from western Multinational Corporations (MNCs) who have set up base in Kenya and used its relative security and conducive economic environment to launch regional branches. Besides being host to a substantial western capitalist venture, Kenya is also the regional economic nerve centre being an important trading partner with regional countries while at the same time providing transit facilities for such vital commodities as petroleum, tea and coffee at its international airport and Mombasa port.

Bergesen opines that regional economies depend on Kenya for their economic well being, more so when there is peace and security and Kenya's stability is alternatively affected by regional conflict dimensions especially in light of the process of globalization.⁶² The dual dichotomy of conflicts as internal or external no longer applies to conflicts in the region due to the multiplicity of actors, the regional and sometimes global impact of such conflicts and the consequent need for a multi-level global approach to resolve such conflicts. The overreaching effects of conflicts in Somalia, Sudan, Ethiopia, Uganda and the Great lakes

⁶¹ Lyman, Princeton, Stephen, J., "The Terrorist threat in Africa," in, *Foreign Affairs*, Vol. 83, No. 1 (2005), pp.75-88.

⁶² Bergesen, Albert, Lizardo, Omar, "International Terrorism and the World System," in, *Sociological Theory*, Vol. 22, No. 1 (March 2004), pp. 38-52.

has for instance eroded the peace and stability of countries in the region, Kenya included- with the proliferation of illegal arms and immigrants requiring a diversion of national resources to contain this security challenge. Terrorism has been one such security challenge. Besides Somalia, it can be argued that Kenya is the Horn of Africa country most affected by terror attacks. This chapter traces Kenya's overall socio-economic and political development. It also examines Kenya's response and evaluates the success of such as response.

3.1 Historical Background

Kenya gained independence from Britain in December 1963 after a series of local and international events key among them: the post-world war II emergence of the United States of America which was at the forefront in instigating the end to colonialism and an embarrassing local uprising by the Mau Mau which was branded a terrorist organization by the colonialists. As a result of the Berlin Conference, Kenya inherited colonial boundaries whose arbitrary nature was clearly brought to the open by border communities finding themselves split across international borders. The Somali, Luo, Luhya, Maasai, Teso, Karamojong and Rendille had to do be "shared" between Kenya and her regional neighbours. One colonial impact of this arbitrary demarcation was Somalia's supranational tendencies with Kenya being forced to defend her territorial integrity. Kenya's Somali nation also picked the cue from Somalia's call for a larger Somali nation-state in the region by triggering a *Shifita* war with Kenya due to her irredentist claims. Furthermore, pastoralists in the north and northeast of the country have conflicted with their cousins across the Uganda, Sudan and Ethiopian borders in search of water and pasture for their livestock.⁶³ Kenya's difficulty in isolating Islamic radicals infiltrating Kenya from Somalia is as a result of the presence of a

⁶³ Wassara, Samson S., "Security Challenges in Post- Liberation South Sudan," in, Africa Research and Resource Forum (ARRF) and Heinrich Boll Stiftung, *State Building and Development in South Sudan*, (Nairobi: ARRF, 2011), pp. 49-71.

large population of Somalis in urban centres of Nairobi and Mombasa and in the north eastern province.

3.1.1 Cold War and Post-Cold War Trends

Barkan notes that Kenya, during the Cold War, consistently remained a western bastion in the region and this translated into the adoption of capitalist ideology and *laissez faire* economy that attracted considerable western FDI with Nairobi becoming the regional hub for western conglomerates.⁶⁴ Lefebvre further notes that Kenya also played host to US and British military personnel and hardware due to its strategic position as the west sought to mitigate the Soviet influence in the Horn and ensure the security of economic and political interests in east Africa and the Middle East.⁶⁵

During the Cold War, Kenya also nurtured strong ties with Israel on economic and security matters. For instance the country assisted Israel in its July 1976 Entebbe raid that rescued Israel hostages hijacked by Palestinian terrorists who had been provided with Uganda protection under President Idi Amin's orders. Colliers observes that Kenya had also co-operated with Israel in the arrest of terrorists suspected of complicity in; the 1980 Norfolk Hotel bombing, the El Al plane attempted downing in 1980 and terrorists implicated in assisting Palestinian terrorists hijack the Air France plane in 1976 that prompted Israel to carry out a rescue operation.⁶⁶

This pattern of interactions that placed Kenya squarely in the Christian capitalist West laid the background for Muslim disquiet and resentment that saw this "infidel" control of the

⁶⁴ Barkan, Joel D., "Kenya after Moi," in, *Foreign Affairs*, Vol. 83, No. 1 2004, pp.86-100.

⁶⁵ Lefebvre, Jeffrey, Middle East Conflicts and Middle Level Power Intervention in the Horn of Africa "in, *Middle East Journal*, Vol. 50, No. 3 (Summer 1996), pp. 387-404.

⁶⁶ Colliers J., "Terrorism in Africa," in *African Security Review*, Vol. 12 No. 4, (2003), pp 17-36.

country as an affront on their religion and way of life. The Kenyatta and Moi regimes, being aware of these undercurrents among the Muslim community sought to placate them by maintaining ties with the Middle East. The reconfiguration of international relations after the end of the Cold War deprived the Moi regime of military and economic support which had been key to its perpetuation and which had cushioned it from external security and economic pressures. Mwagiru observes that the regime was now faced with democratization calls from its citizenry and from its international partners while at the same time facing difficulties in sustaining economic development due to adverse global economic conditions and the withholding of donor aid which was now conditional on economic and political sector reforms.⁶⁷

Beirman argues that the slow pace of economic development combined with political repression to create conditions for structural conflict in the 1980s and 1990s that was further compounded by the introduction of the unpopular structural adjustment programmes (SAPs) which hampered service provision while inhibiting government presence across the country.⁶⁸ The country's ability to confront national security challenges was severely tested by reduced government reach due to budget constraints and the conflagration of conflicts in the region that demanded quick and firm responses.

3.1.2 The Muslim Constituency

Ousman observes that Kenya is home to a predominant Christian population with the Muslim population accounting for only 20% of this religions divide. Presently this Muslim population is mainly found in the coastal region and in the former North eastern province

⁶⁷ Mwagiru, Makumi, "Conflict and Peace Management in the Horn of Africa: Theoretical and Practical Perspectives," in, *Project Ploughshares* (November 1998), pp. 1-18.

⁶⁸ Beirman, David, "Restoring Kenyan Tourism in Crisis: Kenyan Tourism's Response to Negative Travel Advisories in 2003," in, Laws Erick, Prideorik B., (Eds), *Crisis Management in Tourism*, (Cambridge: Cambridge University Press, 2006), pp. 286-297.

with major centres also having substantial Muslim populations especially among the business class. It is estimated that over half of Kenya's Muslim minority is of Somali origin with the remainder being constituted of coastal Arabs, the Swahili and converted indigenous Africans.⁶⁹

The presence of Islam in these regions of the country is attributable to centuries of contact between Somalia and the East Africa coast with the Middle East and the then Asia Minor (the birth place of Islam). These regions have played host to scores of Arab traders and immigrants whose arrival led to the voluntary and forced conversion of indigenous communities to Islam. Most notable among these early visitors was the Second Caliph Umar Bin Al- khatab and representatives from Ali bin Al-Hasan- the powerful ruler of Shiraz in the Tenth century.⁷⁰ Centuries of trade, intermarriage and proselytization has led to the growth of the Islamic religion along the coast of Kenya. The islamization of the Somali is linked to the Jihad movements that resulted in Somalia being converted to the Muslim faith.

At independence, President Jomo Kenyatta signed an agreement with the Omani Sultanate that ruled the coast and Zanzibar granted autonomy to Muslims at the Coast who now became Kenyan citizens enjoying Kenyan protection. By the stroke of the pen, Kenya added on to her Muslim constituency the earlier acquisition of the Somali Muslim nation a result of the colonial territorial spheres of influence. Haynes posits that Kenya's subsequent post-colonial political and economic policy directions have contributed to Muslim marginalization with North Eastern province and the Coast lagging behind the rest of the

⁶⁹ Ousman, Abdelkarim, "The potential of Islamic Terrorism in Sub-Saharan Africa," in, *International Journal of Politics, Culture and Society*, Vol. 18, No. 1/2 , (Fall/Winter 2004), pp. 65-105.

⁷⁰ Ibid

country in economic development. He further observes that her capitalist leanings rewarded competitive advantages of available skilled labour good transport and accommodations skills at the expense of equitable distribution of economic development. Poor infrastructural development, low social amenities such as schools, water and hospitals put these two regions at a disadvantage in the cut throat competition to attract western capital.⁷¹

The land question and the presence of tourists at the coast have also stirred tension between the central government and local residents at the coast. This region has been most affected by irregular land acquisitions and allocations by the government since independence and this has resulted in a high population of squatters as coastal land has been allocated to western business interests and “upcountry” non-Muslim people. Furthermore the capitalist venture at the Coast spearheaded by the tourism sector has apparently not resulted in any benefit to local residents with government revenues sourced from these interests being diverted to provision of services elsewhere in the country. Haynes attributes the growth in militancy among Muslim populations to the fact that the Coast and the North Eastern province suffered brutally at the hands of security agencies out to suppress political dissent and activism.⁷² Kenya’s reaction to Somalia’s supranational demands led to a brief military exchange between Kenya and Ethiopia on one hand and belligerent Somalia on the other. Bujra argues that the decisive defeat of Somalia in the 1977 Ogaden war briefly ended Somalia’s territorial claims on Kenya but the sections of the Somali nation begun irredentist claims which were stymied by strong-handed military tactics from Kenya’s armed forces in the *shifta* war.⁷³

⁷¹ Haynes, Jeffrey, “Islamic Militancy in East Africa,” in, *Third World Quarterly*, Vol. 26, No. 8, (2005) pp. 1321- 1339.

⁷² Ibid

⁷³ Bujra, A., “Democratic Transition in Kenya: The Struggle from Liberal to Social Democracy,” A Publication of the African Centre for Economic Growth and Development Policy Management Forum

The Muslim constituency has remained moderate in the face of state prosecution coupled with meagre levels of economic development. Poverty limited integration into national economic planning and development has also characterized the Muslim dominated North Eastern province and the coastal region. The question that arises is when did sections of the local Muslim population begin to be radicalized to the point of embracing terrorist attendance? The starting point, Ousman contends, is the intricate web of interactions between local with the Middle East and with neighbouring militant Islamic communities- a socialization process that has shifted the perception of Muslims to their role in the nation and to the possibility of self- help mechanisms to extricate themselves from alleged religions, political and economic discrimination from successive central governments.⁷⁴

Kenya's proximity to regional hubs of Islamic militancy in Sudan and Somalia has exposed the country to radical Islamic ideology that seeks absolute answers to religious and socio-economic problems. The sharing of long unpatrolled borders with Somalia and Ethiopia has allowed the infiltration of Islamic jihadists who have not only sought to convert populations to Islam but also use force to achieve the objective of securing favourable government policies. The country has also provided shelter to refugees from Somalia some of whom have been Islam radicals seeking shelter and opportunities for conducting recruitment drives and intelligence gathering for prospective terrorists operations. Kenya has also welcomed Islamic charities operating in refuge centres or in marginalized communities in North eastern province and the coast which have turned out to be proxies for terrorist recruitment and the spread of propaganda.⁷⁵ Radical preaching by local and visiting Imams has also imbued the youth with the Muslim ideas of the religious duty of sacrificing oneself

⁷⁴ Ousman, Abdelkarim, "The Potential of Islamic Terrorism in Sub-Saharan Africa," op cit.

⁷⁵ Ibid. see also Haynes, Jeffrey, "Islamic Militancy in East Africa," op cit.

for the ultimate (Allah sanctioned and approved) purpose of defending Islam from the perverse influence of “infidel” economic and political systems.

Resurgent Islam witnessed the spread of Islam outside the coastal and Eastern regions to the rest of the country. There was also an attempt to institute the use of Sharia law for Muslims in 1992 when the Islam party of Kenya (IPK) was formed to fight for Muslim rights. This Ahmed Balala-led Muslim party also sought to pressurize the government to immediately address the land question at the coast. The Kenya Africa National Union (KANU) regime countered IPK’s popularity with sponsoring the United Muslims of Africa (UMA) party. Subsequent crackdowns by the security agencies ended IPK’s political aspirations but it inspired many Muslim youth to militancy.⁷⁶ The conduct of Kenya’s security agencies among the Muslim community also alienated the government from the restive Muslim.

Sudan’s sponsorship of terrorism coupled with Somalia’s lawlessness in the 1990s and 2000s and the West’s war on terror in Yemen Iraq and Afghanistan put the region in focus as far as terrorism was concerned. For instance, Kenya was put under pressure to institute relevant legislations to combat terrorism while the security agencies were required to conduct regular and stringent security operations in Muslim-dominated coastal and other urban areas. This was informed by intelligence reports of militants sneaking into the country and camouflaging themselves among unsuspecting Muslim populations thus gaining their confidence and time to plan attacks in the region. Rotberg notes that the alleged indiscriminate targeting of the Muslim youth has not been well received and has caused tensions with a vocal Muslim civil society led by Muslims for Human Rights (MUHURI),

⁷⁶ Ibid

Council of Imams and Preachers, Supreme Council of Kenya Muslims (SUPKEM) among others taking on the government in defence of Muslim citizenry.⁷⁷

3.2 Evolution of Terror Acts

The country has suffered numerous terror attacks which have varied in time and magnitude. It has attracted more acts of terrorism due to various reasons key among them being the fact that the country offers the most convenient targets to those in search of retaliatory attacks against western interests. As has earlier been pointed out, Kenya is home to more western capitalist interests than any other Horn of Africa country. The country has also conveniently become a key western ally in the global war on terror to protect these interests thus attracting radical Muslim resentment that views the country as being subservient to powerful Christian hegemonies out to stifle the Islamic religion.⁷⁸

The country's slow pace of economic development and the capitalist model of growth that thrives on profit rather than social progress has bred social discontent while the marginalization of Muslim regions has exacerbated poverty which has been exploited by terrorist groups who introduce charities which later turn out to be conduits for revenue collection, recruitment intelligence gathering and propaganda machines of terror groups. The Muslim World League, Help Africa People, International Islamic relief organization, Al Haramain Islamic foundation, Islamic African Relief agency and Ibrahim Bin Abdulaziz Al-Ibrahim foundation are some of the charities and NGOs that have eventually been found to be supporting terror groups in Kenya and the region at large.⁷⁹

⁷⁷ Rotberg R., "The Horn of Africa and Yemen: Diminishing the threat of Terrorism," in, Robert I, (Ed), *Battling Terrorism in the Horn of Africa*, (Virginia: World Peace Foundation, Brookings Institution, 2005), pp. 1-25.

⁷⁸ Ibid

⁷⁹ Haynes, Jeffrey, "Islamic Militancy in East Africa," op cit.

Terrorists have also exploited the states weaknesses such as weak state institutions (security agencies, immigration and customs departments, laws governing money, tendering, punishments of terrorist's offenses and illegal weapons handling), lack of effective and efficient pre-emptive surveillance and intelligence gathering machineries. Poorly patrolled frontier borders coupled with corrupt and inefficient police, customs and immigration officials have suited wealthy terror groups whose movements into and out of the country have been hard to map. Furthermore terrorists have managed to blend in with local coastal Muslim and Somali populations due to shared religion and or ethnicity. Such individuals have camouflaged themselves by taking on aliases and patiently disguising themselves in superficially formal business or work schedules.⁸⁰

The love-hate relationship between security agencies and the Muslim nation has also played into terrorists hands who find ready defenders from the machine civil society who are blinded as to the true identities of those they are defending. Kenya has also attracted terror attacks due to regional instability in Somalia and the region as a whole leading to the influx of SALWS and Islamic militants seeking "greener pastures" and safe havens to hide and regroup.

Wanjiru traces the evolution of terrorist attacks in the country by stating that the earliest significant terror attack occurred in 1975 when twin blasts rocked Starlight club and OTC bus station in downtown Nairobi. In 1980, the Palestine Liberation Organization (PLO) took responsibility for an attack on five star Norfolk Hotel which was popular with western diplomats and elite in retaliation at Kenya's cooperation with Israel in the arrest of Palestinian terrorists who attempted to down an Israeli passenger jet en route from South Africa and Kenya's logistical support to Israel military commandos execution of the rescue

⁸⁰ Ibid

of Israel hostages holed up in Idi Amin's Uganda where the hijackers had been provided state security after hijacking an air France jet.⁸¹

A lull in terror attacks was broken in 1998 when al-Qaeda, a terrorist organization with roots in Sudan, Yemen, Iraq, Pakistan and Afghanistan, carried out a suicide attack targeting the US Embassy in Nairobi. The attack killed 240 people mostly Kenyan citizens injured over 1000 people while the magnitude of the blast flattened a high-rise building in the vicinity of the US Embassy, damaged nearby buildings, vehicles and disrupted business operations in most of the central business district. Al-Qaeda's complicity in the attacks was manifest when several days after the blast, its propaganda arm in Kenya on the internet- the Islamic liberation Army of the people of Kenya (ILAPK) issued a communiqué justifying the attack and castigating the country for its western and Israeli ties and its mistreatment of Muslims.⁸²

On 28th November 2002, Al-Qaeda- allied terrorists struck in the Coast targeting Israeli interests and life. Paradise Hotel in Kikambala was suicide bombed, targeting Israel tourists who were boarding shortly after arrival. The attack largely failed in killing Israelis as most of the 13 killed were locals (with 60 injuries) but Israeli owned hotel was extensively damaged. A simultaneous attempted surface- to- air missile launch on Israel passenger jet Arkia Airlines that was lifting off from Mombasa's Moi international Airport failed outright due to the plane's defence mechanisms.⁸³ Since then most recent terror attacks have taken the form of grenade and improvised explosive devices (IEDs) attacks in business establishments,

⁸¹ Wanjiru, Carolyne, "Kenya and the War on Terrorism," in *Review of African Political Economy*, No. 107, (Mar. 2006), pp. 133-162.

⁸² Haynes, Jeffrey, "Islamic Militancy in East Africa," *op cit*.

⁸³ Wanjiru, Caroline, "Kenya and the war on terrorism," *op cit*

public commuter stations, security premises (mostly police stations, vehicles and on the police themselves) and Christian church establishments and gatherings.

Terrorists also resorted to cross-border hijacking tourists and government officials from tourists locations at the coast and in North Eastern province and used the hostages to demand for ransom money or a change in the government's policy towards engagement in Somalia. The towns that have been hard hit by terror attacks have been Nairobi (and especially the suburb of Eastleigh) Mombasa, Malindi and the North Eastern towns of Garissa, Moyale and Wajir. It is worth noting that terror attacks in the country have escalated since 2011, mostly attributable to Al-Qaeda's regional arm the Al-Shabaab (the youth), retaliation at Kenya's Operation Linda Nchi- Kenya's response to the terrorists on kidnapping sprees in 2011. The increase in terror attacks in the country has also coincided with a global upsurge in terrorist activity with the USA (most notably the 9th September 2001 New York twin tower attack), Britain (2005 train bombing), Spain, Tanzania, Uganda, Pakistan, Iraq and India among other states suffering major terrorist attacks.

3.3 Impact of Terrorism on Kenya

Terror attacks in the country have had a debilitating effect on the socio-economic and political well-being of the nation. The most direct and immediate impact of these indiscriminate acts has been the loss of lives and the incapacitation of many more. Terrorism has therefore created unnecessary dependants whose livelihoods, future education located in blast areas and health has been put in jeopardy. Many businesses have closed due to the physical force of the blasts which damaged the businesses key infrastructures. The lack of compensation has dealt a death knell to such entrepreneurs.

The country has also dedicated priceless time, money and material in combating terrorism-resources which could have otherwise been used in infrastructure development or

in provision of social amenities such as health care or schools. Kenya has invested billions of shillings in defence budgeting to the Somalia offensive, the training of the police on modern methods of intelligence gathering, the purchase of modern hardware to facilitate surveillance and patrols in towns and border regions. More budget allocations to the defence ministry and the police have become necessary as the country seeks to guarantee its safety in the face of present terrorism threats. This has only meant that other key sectors of the economy such as agriculture, research and development, telecommunications and education have received less funding and attention.

Kenya's top earner of foreign exchange, tourism, has been hard hit by terrorism. Its tourist assets are largely its wildlife- located in expansive national parks and game reserves the nature trails in the Rift Valley with its lakes, mountains and hotel resorts therein, Mount Kenya and Mount Elgon fauna and flora and the pristine beaches of the Indian Ocean and its world class hotels and lodges. Kenya's tourist sector had grown in the 1980s and 1990s to become the mainstay of the economy especially when the country began experiencing budget deficits due to reduced western aid that became conditional on political and economic sector reforms which Kenya's president Moi was unwilling to push through. The state turned to tourism for much needed foreign exchange to fulfil its international debt obligations and provide essential economic engine drivers.

Tourism did not disappoint, steadily providing increased earnings for the country. For instance whereas in 1990 the country earned US\$ 443 million, the earnings rose to US \$ 627 million in 1994.⁸⁴ By 2000, the country was receiving almost one million tourists a year.⁸⁵ This positive growth in tourism was halted by the 1998 (and subsequent) terror attacks. These

⁸⁴ Beirman, David, "Restoring Kenyan Tourism in Crisis: Kenyan Tourism's Response to Negative Travel Advisories in 2003," op cit.

⁸⁵ Ibid.

attacks have led to a decline in hotel bookings with this downward trend in the tourism sector was confirmed by the numerous travel advisories issued by governments of the source market for tourists mainly the USA, Britain and other western countries. The widespread negative publicity in these markets further sensationalized the terror threat and discouraged many tourists from making the country their tourist destination. Beth argues that the most damaging travel advisories were slapped on the country in 2001 severely incapacitating the tourism sector.⁸⁶ It is notable that by mid 2003, hotel booking had dropped by 30% that resulted in a slump in government earnings and a loss of jobs in the service sector. The increased presence of heavily armed police in tourist sites also served to scare away tourists and only served to play into terrorists' psychology.

Government revenues have also been dented by the thriving black market fuelled by lawless Somalia and the resultant porosity of the Kenya-Somalia border. Haynes notes that terrorists have taken advantage of this region's insecurity to source for revenue in small arms, ivory, human trafficking, drugs, charcoal, and cars among other goods.⁸⁷ The resultant illegal terrorist earnings are introduced into the formal economy in the form of money laundering which takes advantage of weak banking legislations and corrupt banking officials and government officials and the extensive networks of terrorist individuals in the country.

Kenya's competitive advantage as a safe, investment destination have been eroded by damaging terror attacks, negative media publicity and the unhelpful travel advisories issues by Western embassies located in the country. The high level of insecurity along Kenya's coastline caused by Somali piracy has also increased the cost of basic commodities imported

⁸⁶ Beth, Elise Whitaker, "Exporting the Patriot Act? Democracy and the War on Terror' in the Third World," *Third World Quarterly*, Vol. 28, No. 5(2007), pp. 1017 -1032.

⁸⁷ Haynes, Jeffrey, "Islamic Militancy in East Africa," op cit.

via Mombasa such as crude oil due to increased cost of mitigating piracy attacks and the longer time it took to deliver goods. Budgeting and government planning as a whole has been disrupted in the East African region due to terrorist- related Somali piracy. Regional economies have also felt the negative effects of terrorism on Kenya as they are dependent on the country for her goods and her telecommunications facilities to do businesses with the outside world.

Terrorism has also contributed to religious animosity between Christians and Muslims. The tension between these major religions stems from terrorists attack on Christian churches and also their espousal of the Islam faith and ideals as justifying their acts. Their perceived jihad drive has put it at loggerheads with Christians. An uneasy truce has only been struck due to the public calls for peaceful co-existence by religious leaders from both sides.⁸⁸ Besides contributing to religious tension, terror acts have led to erosion of social cohesion and an increase in anti-western rhetoric in the country. The travel advisories and the conditional support of the country's developmental agenda by the West that has been hinged on the legislation of stringent anti-terrorism laws have alienated Kenya's traditional economic partners from the Kenyan citizenry. Beth notes that the protests that met Kenya's attempt to introduce terrorism legislation in 2003 were a pointer to growing frustrations in the country at her leadership's subservience to the West and the West's insincerity and insensitivity to local sentiments.⁸⁹

Terror attacks eroded the advances made and steady March towards greater civil liberties in the country. In an attempt to establish an appropriate counter-terrorism response, national security began to override individual security considerations. Freedoms of

⁸⁸ Ibid

⁸⁹ Beth, Elise Whitaker, "Exporting the Patriot Act? Democracy and the War on Terror in the Third World," *Third World Quarterly*, Vol. 28, No. 5(2007), op cit.

movement, association assembly became subject to state scrutiny and sanction with the state allowed to detain, question and jail individuals perceived to be serious threats to national security agencies were mandated to search individuals homes and other establishments without warrants provided there is substantial reasons to believe that failure to do so would result in injuries or public deaths.⁹⁰ The Anti-terrorism legislation was signed into law in October 2012 that affirmed the enjoyment of individual freedoms as being dependent on a secure and peaceful country. Civil society groups have argued that the state was using counterterrorism legislation to stifle human rights and fight political battles.⁹¹

3.4 National Counter-Terrorism Initiatives

The insidious effect of terror attacks has demanded that Kenya institute a response commensurate with this challenge faced. The search for the appropriate anti-terrorism strategy was set in motion by the USA and the United Nations after the former was jolted by the 9th September 2001 attack on landmark New York Twin Towers. America's response was immediate. It instituted the "Patriot Act" and established a department of homeland security besides instituting stringent immigration checks at airports and its borders.⁹² Internationally the USA led her allies to pressurize countries to join the "War on Terror" and cajoled them to legislate to curb this security challenge.

The UN Security Council Resolution 1373 of 28th September 2001 called on states to become party to all relevant international conventions on terrorism and to enact necessary domestic legislation.⁹³ Kenya, due to her proximity to the epicenter of terrorist activities and

⁹⁰ Wanjiru, Caroline, "Kenya and the War on Terrorism," op cit.

⁹¹ Ibid

⁹² Beth, Elise, Whitaker, "Exporting the Patriot Act? Democracy and the War on Terror in the Third World," op cit.

⁹³ www.un.org

playing host to substantial western interests, came under increased pressure to fast-track the necessary legislation. The coincidental announcement of travel advisories by Western governments was viewed as a carrot and stick method with the carrot being an increase in economic and military assistance by the USA by up to 200% between 2000 and 2005.⁹⁴ Kenya subsequently introduced the suppression of Terrorism Bill (2003) in parliament but the Bill had to be shelved due to widespread civil society and Muslim opposition. Appropriate legislation only took effect nine years later when president Kibaki signed into law the prevention of Terrorism Act. This act complemented separate legislations that regulated on money laundering, firearms licensing, anti-corruption and prosecution of suspected criminals.

Kenya also established a national counter- terrorism centre and a dedicated unit in the Kenya police to handle terrorism issues (the anti-Terrorism police unit- ATPU). The USA became Kenya's closest partner in its anti-terrorism drive, in various diplomatic forums, most notably the CJTF-HOA. It also provided funding and the logistics of establishing the counter-terrorism centre and in training Kenyan police on counter-terrorism strategies. Purdy states that Kenya also benefited immensely from the East African counterterrorism initiative (EACTI) and also conducts joint patrols with the US military along Kenya's coastline.⁹⁵

Kenya has severally closed her border with Somalia in an attempt to reduce cross-border infiltrations by militants while at the same time increasing her surveillance on refugees in urban centres and refugee camps. She also ventured into Somalia in late 2011 to contain Al-Shabaab activity that was having a negative effect on her tourism. This followed a series of highly publicised kidnap of tourists and aid workers at the coast and in Dadaab both

⁹⁴ Beth, Elise Whitaker, "Exporting the Patriot Act? Democracy and the War on Terror' in the Third World," op cit

⁹⁵ Purdy Margaret, "Countering Terrorism: The Missing Pillar," in, *International Journal*, Vol. 60, No.1 (Winter 2004/2005), pp. 3-24.

deep into Kenyan territory that raised questions of her capacity to defend her territorial sovereignty and integrity. Through IGAD and the AU, Kenya has also mediated in the Somalia and Sudan conflict with a view of finding lasting solutions to these problems.

3.5 Conclusions

Kenya has been subjected to terror attacks targeting foreign interests but which eventually harm the country more than the intended target. Her Muslim constituency has complicated the terrorism question, with foreign terrorists finding refuge and inadvertent support from a restive community suffering marginalization. The country's proximity in a region rife with conflicts has negatively affected her security status while Somalia's lawless state has provided the shelter for terrorists to be formed into weapons of mass destruction. The porosity of the Somalia- Kenya border has also facilitated entry of militant elements and quiet existence terror attacks have been carried out. Kenya has thus been thrust into a situation in which she has had to respond to. She has managed to cobble together a counter-terrorism strategy whose success or failure is the subject of the subsequent chapter in this study.

Chapter Four: Managing Terrorism: An Analysis

4.0 Introduction

Kenya's counterterrorism efforts began in earnest a few years after the 7th August 1998 US Embassy bombing in Nairobi and the 9th September 2001 New York City terror attack. These local and global encounters with terrorism therefore triggered a national response to this security threat since before these twin milestone events, Kenya had no tangible framework established to deal with this phenomenon. Wanjiru argues that the regulatory framework had up to this time only made use of legislations in the country's Penal Code that dealt with criminal activities to handle terror cases.⁹⁶ These separate laws in the country's legal system were initially established not to deter terrorist acts but to check individual criminal activities. There was therefore no specific mention of terrorism but such inferences were made when such Penal Code provisions were put to use by the legal system.

There was also no identifiable national structure for co-ordination of intelligence gathering or co-operation with other security agencies in the region and for engaging the public to foster public participation in combating this challenge. The absence of legal instruments for creating such agencies precluded the formation of such bodies. The apparent lack of legal backing ensured minimal government activity in promoting national security in instituting pre-emptive mechanisms and government preparedness which was necessary in light of regional and global escalation in terrorist activities. This Kenyan situation aptly demonstrates the lack of preparedness by African countries in instituting necessary frameworks to address this security challenge. Carmordy observes that a majority of countries in Africa boast a nascent security apparatus that is evident in the porosity of borders, the low ratio of law enforcement officers to the public and the archaic legal

⁹⁶ Wanjiru Carolyne, "Kenya and the war on Terrorism," op cit.

apparatus. He notes that such rudimentary state systems have poorly prepared African countries for the perverse influence of globalization and terror attacks.⁹⁷

The country has however managed to make substantial progress in instituting a counterterrorism structure to manage terrorism. The country now has a legal framework to guide the country's judiciary and security agencies in executing their terrorism-related functions of intelligence gathering, arrest of terror suspects and in conducting fair court trials that meet constitutional requirements and international human rights standards. Kenya also instituted a National Counterterrorism Centre and an anti-terrorism police unit in 2004. Besides these local initiatives, Kenya became a close ally of the USA in its 'war against terror', co-operating within the framework of East African Counterterrorism Initiative (EACTI), Counterterrorism Joint Task Force-Horn of Africa (CJTF-HOA), joint patrols and the Safe Skies Initiative. This chapter analyses the expediency of these efforts to manage terrorism and explores the challenges faced in rolling back the gains made by terrorists in the country.

4.1 Kenya's Regulatory Frameworks

The country took time to establish a single law governing terrorism, with no meaningful legislation until the country established the Prevention of Terrorism Act of October 2012. The lack of political will, low level of awareness about the impending terrorist challenge and pre-occupation with national politics denied the country the earliest chance of legislating against terror after the Palestinian Liberation Organization carried out the Norfolk Hotel attack in downtown Nairobi. This non-event saw the country go through the 1980s and 1990s without the necessary legal framework.

⁹⁷ Carmordy, Pdraig, "Transforming Globalization and Security: Africa and America Post-9/11," in *Africa Today*, Vol. 52 No. 1, (Autumn 2005), pp. 97-120.

The rising challenge of terrorism in the 1990s and in the first years of the new millennium due to regional happenings in Somalia and Sudan did not arouse serious national reflection as to the vulnerability of the country to terrorism. Trager and Zagorcheva posit that the country was operating on the premise that the absence of terror attacks meant that the country was safe from terrorism.⁹⁸ A rational analysis of Kenya's juxtapositioning in a region with long-running conflict conflagrations would have indicated her vulnerability to terror attacks due to the enabling factors of availability of small arms and light weapons made possible by the porosity of her borders with Somalia, Uganda, Sudan and Ethiopia.

From the time the country experienced the 1998 US Embassy bombing, it took the country eleven years to institute terrorism legislation. This failure to seize the moment was as a result of a lack of clear government focus on the problem at hand and failure at consensus building efforts by the government that led to initial efforts in 2003 and 2006 to be scuttled. The country had just in December 1997 gone through a national electioneering process with the Moi government coming under pressure to deliver on election promises of delivering economic development and instituting mechanisms for greater public participation in government functions. The 1998 US Embassy suicide attack served to portray the country's inefficiencies in disaster preparedness and in exposing a gaping hole in terms of legal guidelines on prosecuting terror suspects and in regulating the financing of terrorist activities.

The civil society and Muslim groups vehemently opposed the Terrorism Bills, terming them as affronts to human rights that targeted political opponents and sections of the religious divide. Davis refers to the Bills as poor local imitations of the American Patriot Act and notes that the lack of public sector participation and failure to take into account Kenya's

⁹⁸ Trager F. Robert, Zagorcheva Dessislava, "Deterring Terrorism: It can be Done," in, *International Security*, Vol.30, No. 3 (Winter 2005/2006), pp. 87-123.

then ongoing transition from authoritarian rule to democracy after the peaceful 2002 elections ensured the failure of these anti-terrorism legislations.⁹⁹

A low level of political will, a poor consultative process combined with a hostile civil society and Muslim groups to deny the country the earliest foundation on which to tackle the terror threat present in the country. Kenya therefore failed to not only institute the best legal framework at the earliest opportunity but also weakened public enthusiasm and support to the government efforts to manage terror in the country. The legal vacuum created by non-legislation on terrorism was exploited by terrorists to establish roots in the country. They gained from slack rules and procedures in customs and immigration, anti-money laundering, inadequate narcotics and arms control structures, and punishment of terrorist-related offences.

Nyambura contends that these regulatory loopholes allowed terrorists to establish to establish terror networks in the country were allowed ample time to prepare for attacks in the country and across the region. He further notes that terrorists were able to acquire funding from a thriving black market fuelled by drugs and illegal business dealings in forex that were not effectively checked due to a largely accommodative legal structure.¹⁰⁰

Sawyer and Foster underscore the importance of necessary laws on terrorism by arguing that the establishment of an effective legal framework does not in itself prevent the occurrence of terrorist attacks but it gives a clear government direction as to how to address this security challenge.¹⁰¹ This direction signifies order and denotes a careful assessment of the challenge posed and a commensurate government agenda for action. It should be noted that a proper legal framework forms the basis of an effective deterrence strategy that consists

⁹⁹ Davis, John (Ed), *Africa and the War on Terrorism*, op cit.

¹⁰⁰ Nyambura, Simon, "Counterterrorism Strategies: A Comparative Analysis of Ethiopia and Kenya," op cit

¹⁰¹ Sawyer, Reid, Foster, Michael, "The Resurgent and Persistent Threat of al-Qaeda," in, *Annals of the American Academy of Political Science*, Vol.618, (July 2008), pp.197-211.

of increasing the cost of engaging in terrorist behaviour and to any individual abetting such elements in society by setting stiff penalties for such offenders.

Such a framework also serves to assure the public of government ability to provide security necessary for socio-economic development. Kenya's failure to deter attacks was indicated when in 2005 a local court acquitted terror suspects connected to the 2002 Kikambala terror attack citing technicalities in law. In reference to these acquittals, Davis observes that later amendments in the country's Evidence Act that made it possible for confessions before a police officer be admissible in a court of law led to more terrorist convictions.¹⁰²

Kenya now has a legal foundation to manage terrorism after President Kibaki signed into law the Terrorism Act in October 2012 but the undercurrents that stifled earlier attempts at legislating anti-terrorism laws are still there with various human rights groups calling for an overhaul of the law citing ambiguities in defining the extent of police powers and failure to protect individual rights and freedoms enshrined in the constitution. It is still early to determine the deterrence capability of this law but it should be pointed out that progress has been made at inhibiting terrorist activity in the country. Before this law the country relied on conflicting provisions in the Penal Code to handle criminality in banking fraud, anti-corruption, money laundering narcotics and firearms control.

Improvements in this legal framework need to be done to deny terrorists access to the country's vibrant but poorly regulated telecommunications sector. Globalization has to a large extent contributed to the advances in this sector but these advances have been a boon to terrorists who have made use of telephony and the internet to carry out propaganda and recruitment drives as well as acquire funding from money transfer services. Access to these

¹⁰² Davis, John, (Ed) *Africa and the War on Terror*, op cit.

services by terror groups need to be curtailed so as to inhibit benefits accruing to these groups from telecommunications use. Tighter controls should also be instituted to check corrupt, inefficient and complicit customs and immigration officials.

4.2 Security Sector Preparedness

The role of security agencies in the national counterterrorism strategy is to gather intelligence on terror networks and on impeding attacks, apprehend suspected terrorists and to co-operate with the judicial system to investigate and punish terrorist activities in the country. Sawyer and Foster however argue that the government and its security arm should stop concentrating on what they call “tactical kinetic operations” that involve direct military and police reactive offensive undertakings and focus more on all facets of terrorist activities.¹⁰³ They urge the security agencies to be involved in understanding and analyzing the dynamics of terrorist operations, their networks and ideologies in order to institute proper measures aimed at deterring such activity. Security agencies should engage more in deterring radical militants from gaining a following in the country, denying them the forum to win the hearts and minds of prospective recruits, disrupt critical lines of communication and expose the defensive secrecy used by terrorists to gain the upper hand over security agencies.

Heyman sees the role of security agencies as chiefly to apprehend terrorists in order to prevent future attacks and punish perpetrators.¹⁰⁴ According to him, this demonstrates their effectiveness and restores confidence of government functioning while deterring public support to terrorists and limiting the chances of recruitment to such terror organizations. Purdy identifies four pillars key to a successful counterterrorism strategy as being first of all a well co-ordinated intelligence that is derived from a law enforcement and criminal justice

¹⁰³ Sawyer, Reid, Foster, Michael, “The Resurgent and Persistent Threat of al-Qaeda,” op cit.

¹⁰⁴ Heyman B. Phillip, “Dealing with Terrorism: An Overview,” in, *International Security* Vol.26, No. 3, (Winter 2001-2002), pp. 24-38.

pillar, secondly a public safety or homeland security pillar, thirdly the military pillar and lastly a long-term prevention pillar that involves collaborations among the diplomatic ,development partners and private sector players.¹⁰⁵ She identifies well-functioning security agencies as key to a terrorism-free society but this depends highly on multi-sectoral partnership and public support.

Kenya's effort at responding to the challenge of terrorism was the institution of a National Counterterrorism Centre and the Anti-Terrorism Police Unit (ATPU) in 2004. Further attempts at capacity building in the police and military saw the country partner with the USA in the provision of funding, training of Kenyan security officers, conducting joint patrols and naval exercises along the Indian Ocean Coast. In November 2011, the country launched Operation Linda Nchi to neutralize the terrorist Al-Shabaab's use of Somalia's lawless country to launch terror attacks in the country.

The country has to a considerable extent managed to mitigate terror attacks in the country. Kenya's military liberating most of Southern Somalia and Mogadishu from terrorist hands.al-Shabaab -which has been the chief operative militant group in the region-has had its operations scuttled making it to concentrate on withdrawing and restructing rather than on planning terror attacks. A spirited propaganda campaign has also alienated it from the public not only in Kenya but also in Somalia, denying it of recruits as well as the public volunteering information on its activities. More terrorists have also been annihilated by this onslaught, with others being jailed. These joint efforts between Kenya and the USA have translated into a decline in piracy cases along the East African Coast thus increasing maritime security and reducing the cost of doing business via the port of Mombasa.

¹⁰⁵ Purdy, Margaret, "Countering Terrorism: The Missing Pillar," in, *International Journal*, Vol.60, No. 1 (Winter 2004/2005), pp. 3-24.

Despite these positive signs in the country's counterterrorism drive, there have been shortcomings that have watered down the progress towards managing terrorism. The Open Society Justice Initiative points out the various human rights abuses that have alienated the public and caused a heightened level of anti-government sentiments among the Muslim public.¹⁰⁶ The society cites the example of the government's co-operation with Uganda in the rendition of Kenyan suspects to Uganda in the absence of constitutional provisions and a formal treaty between the two countries authorizing such transfer of suspects.

These extra-judicial renditions of Kenyan Muslims stoked widespread public discontent especially among the Muslim public and hampered government efforts at alienating terrorist elements from the wider innocent public. Muslim groups portrayed this government move as discriminating against Muslims because of their religion. These groups also termed the government action as reactionary and not informed by evidentiary facts of Muslim complicity. The state has therefore largely failed in winning over public confidence and has instead inadvertently solidified the Muslim public against alleged government discrimination.

The security agencies have also failed to establish a well-functioning intelligence system to gather relevant information on terrorist operations and pre-empt attacks. Small-scale terror attacks are still being carried out in the north-eastern region (especially in Dadaab refugee camp, Garissa and Moyale), Nairobi and at the Coast. The lack of proper information on terror activity has signified a haphazard knee-jerk response to terror attacks that lacks direction and harms unintended targets among the public. The security agencies have almost fallen into terrorist strategies of provocation and disorientation leading to what Donald terms as a cycle of feud-like indiscriminate and misplaced government response that alienates the public than fulfilling the threshold of being calculated and orderly crackdowns on terrorists.

¹⁰⁶ Open Society Justice Initiative, "Counterterrorism and Human Rights in Kenya and Uganda: The World Cup Bombing and Beyond," at www.opensocietyinitiative.org

There is therefore a lot to be done as far as security preparedness is concerned. For instance, Kenya's boundaries with Somalia Ethiopia, South Sudan and Uganda still remain largely unpoliced and have offered the best conditions for illegal terrorist movements that evade police dragnets and enable them to be agents in the proliferation of small arms and light weapons (SALWs)-the key weapons used by terrorists to carry out attacks.¹⁰⁷ The Kenyan army concentration on establishing a buffer zone in Southern Somalia between Kenya and her eastern neighbour has allowed the al-Shabaab to venture into north-eastern Kenya due to the failure of Kenyan police to augment these Kenyan army efforts by cordoning off this region to militant infiltration.

An increase in the number of security officers in the country has failed to be translated into more deployments into the anti-terrorism effort especially to guard the country's volatile border with Somalia and in key locations within the country at risk of terror attacks. A series of grenade explosions that rocked Nairobi suburbs in 2011 and 2012 point to a limited government response and failure to take into account the fluidity of terrorist operations across an expanse of territory. There is therefore a need to expand government machinery to cover the nation's territory and also to create an effective intelligence system to assist in pre-emptive deterrence as opposed to engaging in fire fighting in the event of terror strike which makes it difficult for constructive long-term anti-terrorism efforts. A more bold step of creating a single department of homeland security that brings together the various national institutions such as the police, immigration and customs officials, the intelligence machinery in the police and military as well as involving regional and international partnerships in this department would go a long way in consolidating the various government efforts into a single long-term anti-terrorism body dedicated to eradicating this security threat.

¹⁰⁷ Black, Donald, "The Geometry of Terrorism," in, *Sociological Theory*, Vol. 22, No. 1, (March 2004),pp.14-25

The lack of political will and inadequate resource allocation in the security agencies has added on to the prevalent corrupt tendencies among relevant government officials tasked with guarding the territorial integrity of Kenya to reduce the impact of the overall government counterterrorism initiatives. A case in point is the fact that the country is still grappling with various illegal activities that provide the requisite funding to terrorist groups in the region. Nairobi's Eastleigh suburb has been known to be the hub of illegal money transfer and money laundering activities accruing from black market transactions in drugs, poaching, Somali piracy and in cars and other domestic goods that denies the government tax revenue while at the same time contributing to terrorist activity in the country.

The state also needs to augment its efforts at proper screening of refugees in the country and ensuring a lasting solution to the refugee problem in the country through regional conflict management and resolution mechanisms to the Somalia crisis. The camouflaging of terrorists among genuine refugees and the local population stems from common ancestry terrorists share with the local Somali nation and the larger Muslim community. Government failure to check border movements and control refugee movements in the country has led to the infiltration of terrorists in the Coast, north-eastern region and in Nairobi's Eastleigh suburb leading to frequent terror attacks in these regions.

The country's incursion into Somalia, though drawing back the presence of al-Shabaab terrorists in Somalia and Kenya, has been unable to completely neutralize the terror group's operations. This group has still managed to carry out deadly terror attacks in Somalia and Kenya leading to a continual loss of public life. Co-ordinated efforts between the armed forces and security officers in the intelligence field are still without finesse and are still not taking into account the ever-metamorphosing terrorist activities. Some of the challenges faced by the security agencies are the inadequate funding in the terrorism drive, a poorly

equipped police that has scanty modern surveillance equipments, limited means of transportation, insufficient protective gear and above all poor remuneration

4.3 Economic Development Initiatives

One of the factors cited by theorists explaining the occurrence of terror attacks is the prevalence of abject poverty, lack of employment opportunities and inadequate government provision of social amenities and economic development initiatives. Crenshaw argues that terrorists make use of conditions of abject poverty by luring such communities with cash in the form of provision of water, health services, education facilities and employment opportunities in return for their proselytization into Islamic fundamentalism (and joining of such terror groups), and quiet acquiescence to terrorist activity that muzzles any wider public suspicion of the real agenda of terrorists and evades attention from government surveillance.¹⁰⁸

Kenya's Coast and north-eastern regions have since independence been marginalized with these regions lagging behind the rest of the country in terms of economic development. For instance most of these regions lack basic social amenities and such essential as water and schools are in some places non-existent. The Coast region has also grappled with a long-running land problem that is yet to be resolved .Wealthy individuals (mostly non-coastal residents) have taken advantage of poor land laws to acquired large tracts of land at the expense of poor peasants who have resorted to squatting.

Indicative of this government neglect was the mushrooming of Muslim NGOs that apparently sought to alleviate the poor living conditions in these regions. These groups have also purported to fight for Muslim rights. The Muslim World League, Islamic African Relief

¹⁰⁸ Crenshaw, Martha, "The Psychology of Terrorism: An Agenda for the 21st Century," in, *Political Psychology*, Vol. 21, No. 2, (January 2000), p. 405-420.

Agency, International Islamic Charitable Foundation, International Islamic Relief Organization and the Al Haramain Islamic Foundation were eventually found to be fostering terrorist activity in the country and subsequently banned.¹⁰⁹

The government has not succeeded in achieving faster economic growth or equitable economic development and the coastal region and the north-eastern regions have benefitted less from prevailing economic progress. The land problem is still one of the root causes of conflict in Mombasa and its bordering coastal region. The failure to institute substantive social progress programmes has left these communities with the extant conditions of poverty and their want of better living standards still exposes them to terrorist inducements. The government therefore still needs to provide much needed development especially to marginalized groups in the society and remove them from the grasp of terrorist manipulation. The tourism sector, for instance, has to benefit the local populations in where tourist attractions are based and from where the country earns revenue. Jobs and local youth empowerment programmes can go a long way in eliminating idle youth who may be enticed or predisposed to terrorist activities

4.4 Regional Security Initiatives

As much as the country is advancing its efforts at counterterrorism, the absence of commensurate regional efforts just minimized the success of regional efforts to manage terrorism since Kenya's security and safety is dependent on co-operation at the regional and global level. Kenya's counterterrorism drive has also not been replicated in the Horn of Africa region. Somalia's government is yet to secure the country's territorial integrity and is threatened by Islamic militants who still control large parts of the country. The al-Shabaab has used Somalia's territory as a base to launch attacks in Kenya and Uganda.

¹⁰⁹ Haynes, Jeffrey, "Islamic Militancy in East Africa," op cit.

Sudan, on the other hand is restructuring itself after the formation of independent South Sudan. The two neighbours are yet to peacefully coexist with south Sudan's priority being national construction rather than anti-terrorism as its national policies are yet to attract terrorist attention and the fact that it is largely non-Islamic. Sudan is still listed by the US as being among the countries still sponsoring terrorism while Eritrea was accused of destabilizing regional insecurity in its sponsorship of terrorist activities and it is still a peripheral partner in the regional efforts at tackling terrorism.

The Intergovernmental Authority on Development (IGAD) has been the regional forum at which efforts to manage the challenge of terrorism have been coordinated whereas the USA has taken a lead role in marshalling the region to make the region safer to terrorism thus safeguarding American interests. IGAD, though contributing to fostering government to government collaborations in the Horn on terrorism, has not managed to come up with a unity of purpose there are still different national levels of advancement in instituting anti-terrorism mechanisms.

The CJTF-HOA and EACTI initiatives have brought the USA and the region to manage terrorism. Kenya, Djibouti and Ethiopia have provided logistical and ground facilities for American use in her 'war on terror' in the region and the Middle East. The region has also been part of the African Union Mission in Somalia (AMISOM) with Kenya, Uganda and Ethiopia contributing substantially to the troop deployment in Somalia. The success of these regional efforts however depends on the awareness of a shared problem and the resolve to institute a co-ordinated response.

4.5 Conclusions

The country has responded to the terrorist challenge by establishing an anti-terrorism police unit and a national counterterrorism centre. Terrorism legislation and judicial courts dedicated to trying terrorism-related cases has complemented these efforts. The country also launched a military offensive against Somalia's al-Shabaab terrorist group that has succeeded in disorganizing the group's stronghold. These efforts have assured a sense of government responsibility and efficiency but failed in eradicating terrorist attacks in the country.

Kenya is still however faced with security threats from terrorism with the north-eastern towns of Garissa and Moyale alongside Nairobi's Eastleigh suburb repeatedly coming under attack. Her legal system is still not adequate to sufficiently punish terrorist behaviour while the country is yet to tackle the problem of poverty especially among vulnerable Muslim populations of the coast and north-eastern region. Regionally, the problem of terrorism has not attracted the same attention at managing it thus leading to a watering down of Kenya's efforts at addressing the same.

More organizational capability by the government is necessary to ensure a bigger impact of the efforts put in place to combat terrorism by establishing strong institutions of intelligence gathering, control of cross-border movement of people and goods by expanding police presence at national boundaries and, proper documentation of immigrants and the arrest and prosecution of terror suspects. It is also imperative on the government to show commitment in rooting out corruption in the security sector in order to avoid compromising the national security agenda. Kenya also needs to co-operate with regional governments to provide a united front to this regional security challenge.

The country also needs to advance its disaster preparedness in order to mitigate the effects of future terror acts. The country is still not well equipped with the machinery to

organize the search and rescue of terrorism victims. This was clearly laid bare by the 1998 terror attack where the country had to rely on Israeli and western expertise and logistical support to rescue trapped victims. It is clear that many deaths and casualties are recorded due to limited personnel trained in search and rescue. The country also needs to develop contingency plans of compensating survivors of terror attack and their families in order to ensure minimal disruptions to family unity and social cohesion occur.

Chapter Five: Conclusions

The objective of this study was to trace the origin of terrorism in the Horn of Africa and narrow down to the prevalence of the same in Kenya. The study also set out to examine Kenya's counterterrorism response and to subsequently analyze the effectiveness of this response and identify the challenges and key learning points from this anti-terrorism initiative. After expounding on the research problem and outlining the methodology of research in Chapter one, the study advanced the concept of terrorism and its practical threat in the Horn of Africa by examining the manifestation of terrorism in the individual countries in this conflict system.

The study narrowed down the problem of terrorism in Kenya by examining the historical background that predisposed the country to this security threat, its evolution in the country and the impact it has had on the country's national security and its socio-economic and political development. The study proceeded in chapter three to detail Kenya's experience with terrorism and highlight the government's efforts to combat this threat. The study further shed light on the collaborations the country has initiated with regional countries and with the USA in ensuring public security. Chapter four provided an analysis of the country's efforts instituted to manage terrorism.

Based on the probe carried out in the previous chapters, the study makes the following conclusions; the country's counterterrorism initiatives has to some extent succeeded in combating terrorism mainly in its deterrence element since the lack of sufficient intelligence capability, a corrupt and inefficient security arm of government has conspired to frustrate more effective anti-terrorism efforts. The study noted that before the 1998 and 2002 major terrorist attacks, the country's counterterrorism strategy was limited in scope and incapable of handling large-scale terrorist strikes. There was minimal national co-ordination and the lack of national consensus in defining a common approach to the terrorist threat.

During this time there was a no tangible legal framework while the security sector was largely unprepared for a terror attack. The public was also unaware of this threat and the impact terrorist attacks would have on socio-economic progress. There was therefore an unproportional response to terrorism between 1975 and 2002 with terrorist networks establishing themselves.

The study identified the tourism sector as the worst affected in the country by terrorist activity. The study noted the major contribution played by this sector in the economic development of the country, being the major foreign exchange earner and contributing substantially to the national developmental budget. The incidence of terrorism reversed the gains in this sector with tourists plummeting from over one million to just over five hundred thousand visitors. The travel advisories put in place by the Western governments who coincidentally were the source of tourists visiting the country led to a downfall in tourist numbers. Tourist activity was also affected by the negative publicity in the western press which portrayed the country as an unsafe tourist destination.

The study also concludes that regional economic development has been greatly hampered by terrorism. The geopolitical positioning of Kenya vis-à-vis the rest of the region has created a symbiotic relationship that requires peace and stability for economic activities to thrive. For instance, Uganda and to a large extent Ethiopia and South Sudan rely on the port of Mombasa for their import and export needs. The study established that terrorist activity in Kenya and the attendant insecurity affected the development of the region. The spiralling acts of piracy off the coast of Somalia that were related to terrorism increased the cost of doing business and interrupted the normal process of budget making and overall economic planning. It was found out that for any meaningful regional economic development to take place, the security challenge posed in the form of terror acts needs to be tackled jointly.

The country's counterterrorism strategy has however registered a marked improvement since 2002, with the country becoming increasingly able to control terrorist activities through anti-terrorism legislations, the establishment of a national coordination centre and the training of personnel. The study notes that effective and proper mechanisms to manage terrorism can only be realized if there is proper local and regional consensus building and public-private sector collaboration. The country also needs to engage more with the international community to manage this security challenge since it is not only unique to Kenya but is affecting the world at large.

The study concludes that Kenya will be safer not only because of her concerted efforts at managing terrorism by the combination of local efforts and co-operation with regional and global partners. For instance, a strong security arm of government well equipped and having advanced intelligence gathering facilities will complement long-term efforts at achieving equitable socio-economic progress. Similar efforts in the Horn and further inter-government efforts will positively impact on promoting peaceful coexistence in the region.

The country's low level of political will and failure to win over the Muslim constituency and the civil society has also slowed down efforts at managing terrorism. The study observes that the marginalization of regions in the country that are predominantly Muslim and the failure of government land and economic policies have led to poor socio-economic conditions of living in these areas that make the inhabitants of these regions become vulnerable to terrorist monetary enticements. Since independence, the North Eastern and Coast regions have witnessed almost stagnant socio-economic progress. These regions have also bore the brunt of security agencies' high handed tactics leading to deep-seated resentment of the government. Terrorists have to a large extent exploited this low reception of the government in these regions to gain easy recruits and establish terror networks.

Terrorism has largely contributed to the erosion of social cohesion and led to higher levels of religious intolerance between Muslims and Christians. As has earlier been noted, the Muslim-dominated regions have been sidelined in economic development, a situation made worse by the declining rate of economic growth. The emergence of sub-national groups using Islamic ideology and seeking to challenge established authorities created resentment among the public. Furthermore the targeting of Christian places of worship and adherents heightened these tensions. The study also found out that the unproportional police response to terror attacks by indiscriminately targeting Muslim youth has to a large extent contributed to a hostile reception of the government in the Muslim constituency thus leading to a divided public that fails to accord the government the full support it requires to combat terrorist elements.

Kenya's proximity to a region rife in conflict has affected its level of security and predisposed it to the negative effects of these regional conflicts. For instance, the study established that the porosity of regional borders and the conflicts in Uganda, Sudan, Ethiopia and Somalia have contributed to the influx of refugees and illegal immigrants, the proliferation of small arms and light weapons (SALWs) and led to the thriving of a black market in drugs and weapons that have funded terrorist activity in the country.

Secondly, the failures of similar efforts in countries in the Horn to combat terrorism have watered down Kenya's counterterrorism initiatives. The lack of solid counterterrorism structures in Somalia, Sudan, and Eritrea has contributed to the spread of the terrorist ideology and activities in these countries with Kenya feeling the effects of these terrorist activities. The study found out that Kenya has been bore the brunt of terrorism not just as a result of her internal structural failures but as a result of regional failures in the form of laxity in enforcing territorial integrity and the internationalization of conflicts that have transnational effects with deep terrorist angles.

The study therefore proved the hypothesis that Kenya's attempts at managing terrorism have been hampered by regional inefficiencies in instituting measures to address this security challenge. The study established that the region's level of economic development is still inadequate to meet the demands of the inhabitants of this region. Since independence, a comparative examination of these countries indicates almost retrogressive development.

Of the countries in the Horn, only Kenya has achieved some level of socio-economic progress by regional standards. Somalia has scarcely experienced any meaningful development with the country transitioning from Siad Barre's corrupt and patron-client state to over two decades of internal turmoil and anarchy. Barre's preoccupation with entrenching his rule by employing patrimonialism in a country divided along colonial boundary lines and ethnic bases and his engagement in a costly Ogaden war in 1977 drained the state's resources and stifled any meaningful economic progress. The subsequent civil war destroyed existing economic infrastructure and drove the remainder of the middle class into poverty. The collapse of state infrastructure created the perfect conditions that were exploited by the al-Shabaab to establish their regional network and become al-Qaeda operatives.

Sudan's economic development drive was also distracted by one of the continent's long-running civil wars, culminating in the emergence of South Sudan as the newest country in Africa. The deep seated North-South religious divide did not promote economic development on both sides of the border with a huge percentage of government revenue being committed to the war effort. The state policy of offering support to Islamic 'brothers in the faith' led to the nurturing of terrorist behaviour in Sudan that spread its roots in the larger Horn of Africa region. The country housed international al-Qaeda operatives who eventually used their regional hospitality to attack vulnerable targets in East Africa. The study concludes that Sudan's open-arms policy to terrorists and her failure to recognize the regional security

challenge posed by these militants predisposed her to a lacklustre approach in fighting terrorism.

The study established that Ethiopia's perception of terrorist threats from Somalia influenced her decision to proactively seek to stifle this transnational threat. Her history of conflict with Somalia and being home to a restive Somali population on the border with Somalia has pushed her to enforce her territorial integrity and contain any terrorist activity within its borders. The Realist theory has aptly been captured in Ethiopia's quest to neutralize this threat. Besides Kenya, Ethiopia has been at the forefront in limiting the terrorist threat. Her use of force to achieve its objective of national security contrasts sharply with Sudan's cohabitation with terrorist elements.

The study also established the negative contribution of Eritrea to the prevalence of terrorism in the Horn. The study noted the Isaiiah Aferworki-led regime alongside Sudan's al Bashir was a state accomplice in fostering terrorist activity in the Horn. There was a failure of these two regimes to recognize the regional implication of upsetting the stability of the region. Whereas Kenya, Uganda and Ethiopia were reeling from terrorist activity and seeking remedial action to safeguard territorial integrity, Sudan and Eritrea were acquiescing with militants thereby failing to share in the common concern of insecurity brought about by this transnational challenge. The study concludes that this failure at the earliest opportunity to initiate a joint regional response to terrorism exacerbated the problem which was felt by Kenya, and Uganda, and Tanzania.

The study further stresses the need for a proactive approach in combating terrorism since terror groups' mode of operation is fluid and keeps on evolving to evade largely static government security structures. They have more room for manoeuvre and are less limited by public sentiments and due to globalization are able to camouflage themselves. The state

therefore has to be a step ahead of terrorist elements by disrupting their networks, denying them access to funding and propaganda forums and limiting their cross-border movements. This calls for a dual approach that combines national initiatives and global (and regional) efforts to deny these terrorists the room for planning and executing their terrorist agendas.

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