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DEPARTMENT OF DIPLOMACY AND INTERNATIONAL
STUDIES (DDIS)

**SECURITY FORCES INTER-AGENCY COORDINATION AND TERRORISM
PREVENTION IN THE CITIES: A CASE STUDY OF NAIROBI CITY, KENYA**

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DECLARATION

This research project is my original work and has not been presented to any other university or institute of higher learning.

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DEDICATION

This study is dedicated to my family especially my son Peter and daughter Lovette, who have been my source of inspiration to pursue tertiary education and better my career growth. You are the reason for every effort I put in both my career and education to ensure a better future for us, I love you.

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Definition of Key terms

Achievements: In this study, the term achievements are used to refer to the gains or benefits accrued through security forces inter-agency coordination in a bid to prevent terrorism.

Agency: the term agency in this study is used to refer to a security unit/formation or department which is constitutionally formed and tasked with the mandate of ensuring that the country is protected from external aggression and possible national security threats such as terrorism.

Effectiveness The degree to which something is successful in producing desired results

Al- Shabaab: The term refers to the youth in Arabic; this is an affiliate of Al Qaeda terror group operating within Somalia

Challenges: In this study, the term challenge is used to refer to obstacles or set-back which hinder inter-agency coordination among the security forces in the country.

Counter-Terrorism: the use of resources and personnel to deter terrorism and their networks support. When addressing the strategies on countering the acts of terrorism it may be vital to note the adopted methods in acts which are similar such as counter insurgency or strategies, tactics, practices and techniques which militaries, governments and other groups acquire to fight terror activities.

Inter-Agency Coordination: Strategic partnerships and inter-agency cooperation necessary to improve effectiveness and efficiency in attaining a given goal

Nature of Interagency Coordination: In this study the term nature of inter-agency coordination is used to refer to the manner in which the security forces jointly or collaboratively work with an aim of ensuring that acts of terrorism are pre-empted and prevented.

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Terrorism: In this study, the term terrorism is defined as the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims. In this study the targeted terrorist group will be Al-Shabaab militia from Somalia and the Al-Qaida terror

groups. This study will not dwell on state sponsored terrorism since there are no official documentation over the same in Kenya.

LIST OF ABBREVIATIONS

| | |
|----------------|--------------------------------------|
| ATPU | Anti-Terrorism Police Unit |
| CoK | Constitution of Kenya |
| EA | East Africa |
| EALS | East African Law Society |
| GSU | General Service Unit |
| NIS | National Intelligence Service |
| NPS | National Police Service |
| NGOs | Non-governmental Organizations |
| U.S.A | United States of Africa |
| U.N.D.P | United Nations Development Programme |

ABSTRACT

This study sought to assess the security forces interagency coordination in terrorism prevention within Cities, a case study of Nairobi City, Kenya. The study was guided by securitization theory and Systems Theory. This study adopted the qualitative research technique. The government of Kenya official documents as well as policy statements from the Main stream security ministries and departments were used. This study utilized purposive sampling technique. With regard to military officers and the National Police Service, the study used stratified random sampling. The ranks targeted within the National Police Service were that of Gazetted Officers from the Anti-terror Police Unit and the Directorate of Criminal Investigations. Data was collected in this study through interviews. This study utilized both qualitative and quantitative techniques of data analysis. The study noted that Kenya made a number of significant steps towards achieving security forces inter-agency coordination when the NCTC was inaugurated in the year 2004. The NCTC role is denoted as being accountable for CT commitment in Kenya in order to interrupt and identify terror related activities. The NCTC is concentrated also on operational requirements for CT organization with the guidelines and country's national security, recognizing and addressing subsequently in the CT gaps, fighting of terror related activities, formulating a formidable defensive pillar of CT strategy in Kenya. The study recommends that the government need to address the perceived economic marginalization of the Muslim community, both at the north-eastern and coastal regions within Kenya. In order to address the root causes of terrorism in Kenya, the government need to denounce the terrorists considering their acts to be criminal acts just like other offences. The government security agencies need to collaboratively work with the community in ensuring that they remain proactive in mitigating terror related threats in the country. The government also needs to increase security forces efficiency, terrorist suspects prosecution, through intelligence gathering improvement and the security agencies need to be trained effectively in dealing with incidences of terrorism. Through community policing, the public might be sued to better terrorists' activities intelligence gathering and other crimes.

CHAPTER ONE

INTRODUCTION

1.0 Introduction to the Study

This chapter provides a preamble of the study on determining the security forces inter-agency coordination on terrorism prevention within Nairobi City. The chapter particularly highlights the study's background, the statement of the problem, the study questions, the objectives of the study, the study's justification, theoretical underpinnings as well as methodology. Lastly an outline of the chapter synopsis is also provided

1.1 Background to the Study

In the past decades, terrorism and terror related activities have turned out to be among the leading threats to the world order and national security. The impact of terrorism and the trigger factors is more comparable to the traditional forms of war. It cripples government operations; it leads to low foreign investment and heighten fear of being victimized. Unlike actual war, terrorism is considered to be a discrete affair. Bashir noted that it is an undeclared and a non-conventional associated with terrorism from still a security challenge to various national security agencies in countries such as Iraq, Syria and Palestine. As a means of redressing the grievances, according to him, terrorism has virtually spread all the regions of the world and has caused destruction to properties and lives in majority of the countries in both under-developed and developed world.¹

David and Istran noted that even those countries whose homelands were adjudged to be seemingly safe from terrorism acts, like the September 11 terrorism attack in U.S have had

¹Bashir, A. H. Executive Secretary of the Intergovernmental Authority on Development (IGAD), Speech at the Meeting of Ministers of Justice of IGAD member states on Legal Cooperation Against Terrorism, 20 September, 2017

their citizens and facilities in the countries violated. The veracity is that no country can claim immunity from attacks related to terrorism attacks any longer. Terrorism is a global complex human phenomenon². Further, the Global Terrorism Index cited further that due to the underground nature of terrorist's organizations, it is hard to understand completely their operation methods. This current study seeks to particularly address the issue of inter-agency coordination among security forces in Kenya, filling the gaps left by majority of the studies which focus entirely on counter-terrorism measures or approaches³.

The 21st century has witnessed heightened terror activities with an increase in emerging trends and new forms of terrorism such as cyber-terrorism. Dumphouse argues that there have been numerous terrorism incidences⁴. International Crisis Group noted that such incidences include the bombing of the World Trade Centre in 1993, Oklahoma City bombing in 1995, Bacillus attack in Tokyo Japan in 1995 and the September attack of the Twin Towers in 2011 in the United States of America. At least 3,000 people lost their lives in the 2011 U.S.A Twin Towers attack and attack on the Indian parliament on 13th December 2011. All these incidences left many people dead and multiple casualties. These

²David. J. & Istran. J. Corrupt Governmental networks. *International Public Management Journal*; 15:1 62-99. *Defence Against Terrorism Review Vol.3, No. 2, Fall 2010, pp. 3-12 ISSN: 1307-9190, 2017*

³Global terrorism index . *Measuring and understanding the impact of terrorism. . Institute of economics and peace. New York, 2016*

⁴Damphouse R.K. The morning After assessing the Effect of major of Terrorism Events on prosecution.Strategies and outcomes. *Journal of Contemporary Criminal justice volume 23 Number 2 may 2007 174-194, 2017*

incidences were either attributed to or aggravated by lack of right laws in place and the best technology for fighting terrorism⁵

Wagner noted that failure by security agents to prevent September attack in 2001 in America and Europe exposes the legal, and technological challenges to be addressed adequately. The main challenge of September 2011 attack was a flop in integrating police intelligence with security intelligence among departments charged with counter terrorism.⁶Albini opines that terrorists have embraced highly sophisticated technology by encrypting their data. This has made it hard for investigative agents to trace their footmarks making the fight more complicated. In Barcelona, terrorist attacks led to the demise of over 100 individuals and hundreds injured within Ohio State, Stockholm, London and Nice. Global Index reported that in West Africa, Bokoharam was held accountable for 6, 645 deaths in the year 2014 turning out to be among the dreaded terror group across the world⁷. Bashir noted that East Africa (EA) is most vulnerable to terrorism in sub-Saharan Africa⁸. Nearly all countries in east Africa like Somalia, Tanzania and Uganda have been victims of terrorists' acts. For a number of decades now, the East Africa region has been

⁵ International Crisis Group. The Kenyan Military Intervention in Somalia. In Crisis Group Africa (184) 1-24, 2015

⁶Wagner. A. Intelligence for Counter Terrorism: Technology and Methods, Journal of policing, Intelligence and counter Terrorism, 2:2, 48-61, 2017

⁷ Albini.J.L. Deciding with the Modern Terrorist. The need for Changes in Strategies and Tactics in the new war on Terrorism. Criminal Justice policy Review, volume 12 Numbers 4 December 2001 255-281, 2016

⁸Bashir, A. H. Executive Secretary of the Intergovernmental Authority on Development (IGAD), Speech at the Meeting of Ministers of Justice of IGAD member states on Legal Cooperation Against Terrorism, 20 September, 2017

undergoing severe and prolonged cases of inter and intra state conflicts prompting political isolation, instability and poverty which make it more susceptible to terror attacks. East African Region is highly vulnerable to terrorism attacks.

Ballard noted that authorities with the responsibilities of fighting terrorism have an uphill task in adapting with change and the evolving applications of the modern technologies and the unaddressed form of illegalities. A technology like steganography has been used in various formats but has low visibility of the relevant law enforcement agents⁹. Charles (2003) argued that formation of parallel security forces in order to bypass existing anti-terrorism police units in E.A pose a challenge. U.N Development Programme notes that provision of remunerations or provisions of equipment that is too expensive to sustain in the fight against terrorism once external resources are phased out in E.A is a challenge too. In Kenya today, countering modern terrorist activities lays a significant challenge for the anti-terrorism police unit. This is as a result of the evolution of new information and communications technology.¹⁰

Wagner reported that high sophisticated weapons have facilitated terrorists with new way of attack on a scale which was not in existence previously.¹¹ In Kenya, the sole responsibility to fight terrorism is vested in the Anti-Terrorism Police Unit (ATPU), National Intelligence Service (NIS), Border Patrol Unit (BPU) and National Counter-

⁹ Ballard.J.D, Joseph.G.H, &Douglas, M. Techlnological Facilitation of Terrorism. Definition legal and policy issues volume 45 No 6 February 2002 989-1016, 2017

¹⁰U.N. Development Programme. *Justice and Security Sector Reform: A Conceptual Framework for BCPR*, by Nicole Ball. New York: UN Development Programme (August 2002 draft), 2015

¹¹Wagner. A. Intelligence for Counter Terrorism: Technology and Methods, *Journal of policing, Intelligence and counter Terrorism*, 2:2, 48-61, 2017

terrorism Centre (NCTC) as well as specialized military units. However other security agents include the regular police, General Service Unit (GSU), flanked by their counterparts the Administration Police. The Kenyan Military and the Judiciary, not excluding the office of the Director of Public Prosecution (DPP) also play a significant role in fighting terrorism in Kenya. One of the greatest challenges has been to coordinate all these agents to work harmoniously without friction in order to holistically and proactively address the emerging trends in terrorism. Kenya has faced numerous attacks since the onset of 1975.

It is paramount to note that while Article 238 of 2010 Kenya's Constitution reiterates on promotion of security in the country, it denotes that in principle, the promotion of security' shall be adhered to in line with the law and with the utmost rule of law respect, fundamental freedoms, human rights as well as democracy. This denotes that the efforts related to counter-terrorism should adhere to the new constitution Article 238. Mwazighe however cited that a balance between the civil liberties and counter-terrorism remain to be a key obstacle for majority of the countries in developing countries such as Kenya. In order to achieve such constitutional amendments; the parliament of Kenya enacted various pieces of legislation and formed various agencies tasked with the mandate of ensuring that such legislations are implemented¹².

Among the well-known legislations which are applicable to the management and prevention of terrorist activities within the country are the Security Laws (Amendment) Act (2014); Kenya Citizenship and Immigration Act (2011); the Prevention of Terrorism Act (2012); the Kenya Citizens and Foreign Nationals Management Service Act (2011) as

¹² Mwazighe, C. L. (2012). *Legal Responses to Terrorism: Case Study of the Republic of Kenya*. A Master's Thesis. Naval Postgraduate School, Monterey, California. Accessed on 10 November 2014 from: http://calhoun.nps.edu/bitstream/handle/10945/27876/12Dec_Mwazighe_Charles.pdf

well as Implementation of the UN Security Council Resolutions on suppression of Terrorism) Regulations (2013).

The 2011 Kenya Citizenship and Immigration Act offers for issues linked to citizenship in Kenya, travel documents issuance, as well as immigration issues. The 2011 Kenya Citizens and Foreign Nationals Management Service Act contrary on the other hand opines that the Kenya Citizens and Foreign Nationals Management Service which has the mandate for maintaining and creating a register for the national population, administration of laws linked to deaths and births as well as registering and identifying citizens, refugees and immigration. The 2012 Prevention of Terrorism Act plays the role of offering measures for detecting acts of terrorism as well as extradition issues. Oblivious of such constitutional amendments which seeks to improve security forces inter-agency coordination with an aim of fighting terrorism, the threat of terrorism is still relatively high.

Obershall attests those police methods of terror investigations can hardly bring to book the responsible culprits for the attacks leave alone prevention of the attacks.¹³ Terrorists' snipers vanish into apartments or in forests as noticed in the Mpeketoni terror attacks in Lamu County. A hidden roadside IED or Vehicle-Borne Improvised Explosive Device does not leave identifiable culprits. Suicide bombers can't be brought to book unless the attempt is botched. From the murder of J.M. Kariuki in 1975 a prominent politician, the bombing of the Norfolk Hotel in Nairobi in 1980, American Embassy bombing of the year 1998, the Israelites Hotel bombing in Kikambala in Kilifi county in the year 2002,

¹³Obershall. A.. How democracies fight insurgents and terrorists, *Dynamics of Asymmetric conflict*; 1:2, 107-141, 2018

numerous Alshabaab attacks in the northern Kenya since 2012, the Westgate Mall shooting incident in Nairobi in the year 2013.

Garissa Technical University attack, Mandera border and quarry attack, Pangani terror blasts, the Kapenguria police station attack and numerous Eastleigh Matatu attacks are just few examples of the terror attacks experienced in Kenya. Corruption has been blamed for these attacks. Oluwatoyin noted that corruption has become wide spread challenge deeply sunk into the social fabric to the degree that it has turned out to be a way of life for the bigger mass of populace as seen in Kenya today. Of great concern is the level of corruption in the entire police service.¹⁴

The central thesis of this study will be to assess the effect of inter-agency coordination among security forces in the fight against terrorism prevention within Nairobi City. It seeks to evaluate the nature of security forces inter-agency coordination on terrorism prevention, to determine the effectiveness of security forces inter-agency coordination on terrorism prevention and to assess the challenges facing security forces inter-agency coordination on terrorism prevention within Nairobi City.

Terrorism and violent extremism are both a national and international problem all over the globe. It is a global critical issue which has affected almost all the nations throughout the world directly or indirectly due to the havoc it renders. Preventing acts of terrorism and initiating anti-terrorism measures has been tried by many countries however; terrorists are still getting support from different financiers and sympathizers. The new constitution

¹⁴Oluwatoyin O.O. Police and the institution of corruption in Nigeria, policing and society, 21:1, 67-83, 2017

promulgation in Kenya in the year 2010 changed the name of the Kenya Police Force to service which signifies a dedicated institution to service delivery.

Some of the major achievements hitherto involve formation of NPS security operations units such as the Border Patrol Unit (BPU) by the Administration police and the Anti-Terror Police Unit (ATPU) whose mandate is to conduct both offensive and defensive counter-terrorism operations. However, there is no study which has critically looked at the coordination of inter-agency security forces in the fight against terrorism prevention within Nairobi City drawing respondents from the National Police Service, the Military Intelligence and the Anti-terror police units as well as key informants from the National Counter-terrorism Centre.

1.2 Statement of the Problem

A well-coordinated security inter-agency coordination among the national security agencies, the military, the office of the DPP and the Judiciary and other National agencies is paramount in ensuring that the problem of terrorism is collectively dealt with. One of the greatest challenges has been to coordinate all these agents to work harmoniously without friction in order to holistically and proactively address the emerging trends in terrorism. However, they lack properly defined roles and can be effective partners if given rules to follow and ensure their efforts are focussed and do not infringe on civil liberties. Better cooperation among state agencies and local authority is highly desirable. The main setback in addressing terrorism in Kenya is balancing the security improvements legitimate proactive programs with a sustained and perennial attack on poverty, human rights deprivation and poor governance. Finding a common ground is of great significance.

The failure of our police officers and other security agencies to prosecute, prevent and predict the attackers of Mpeketoni, Westgate and DusitD2 attacks was very powerful evidence of the need of reforming of the laws of Kenya on affairs of counter-terrorism. To date, security forces inter-agency has proved to be fruitful with decrease in terror attacks in major cities such as Nairobi and Mombasa being the hallmark of its success. However, oblivious of the crucial role security forces inter-agency coordination, very few empirical scholarly have been conducted locally to holistically determine its contribution in prevention of terrorism. To understand this scenario, this study sought to explore the nature of security forces inter-agency coordination on terrorism prevention, determinants for an effective security forces interagency coordination for terrorism prevention in Nairobi City

and assess the challenges of security forces inter-agency coordination on terrorism prevention within Nairobi City.

1.3 Research Questions

The core research question of this study was: What effect does security interagency coordination have on terrorism prevention in Nairobi City? The following research questions informed this study;

- i.** What is the nature of security forces inter-agency coordination on terrorism prevention within Nairobi City?
- ii.** What are determinants of an effective security forces interagency coordination for terrorism prevention in Nairobi City?
- iii.** What are the challenges of security forces inter-agency coordination on terrorism prevention within Nairobi City?

1.4 Objective of the Study

The main objective of this study was to determine the effect of security forces inter-agency coordination on terrorism prevention within Nairobi City with aim of making holistic recommendations on how to improve the inter-agency working relationship among the agencies.

1.4.1 Specific Objectives

The following specific objectives guided this study;

- i.** To explore the nature of security forces inter-agency coordination in terrorism prevention within Nairobi City

- ii. To establish the determinants for an effective security forces interagency coordination for terrorism prevention in Nairobi City
- iii. To assess the challenges of security forces inter-agency coordination in terrorism prevention within Nairobi City

1.5 Literature Review

This section reviewed the past research conducted as well as theoretical framework in the field of counter-terrorism and anti-terrorism in Kenya. Given its holistic approach, this study is at the epicenter of various academic fields including National Security, Development studies, Security Management, Intelligence Led policing and Military Intelligence. Hence, this study offers a pioneering mandate on an issue which it seeks to deliberate on.

1.5.1 Theoretical Framework

This study was grounded by two theories, namely: Securitization theory and Systems theory.

1.5.1.1 Securitization Theory

The theory of Securitization originated in the 1990s and forward on, it has turned out to be the principal vital approach to the security discipline and security policy making. The concept of securitization emerged from the Ole Wæver writings dubbed *security: A New Framework for Analysis* dubbed by Buzan, Wæver and Wilde which is marked as the fundamental foundational text in the studies involving securitization. Buzan et al. cited that securitization is an inter-subjective formation of an existential threat, which calls for

immediate and urgent attention, as well as the utilization of extraordinary national security strategies in countering the emerging or changing nature of terrorist threats.¹⁵

In this case security is regarded as a political issue under which the political actors utilize even extraordinary measures in protecting from what is viewed as a potential threat. The political actors in this case scenario can be the legislature, executive and the state. Not putting the media aside which also assumes a critical role through securitizing the existing threat via conducting out independent investigations and public opinion, bulletins, news, and discussions.

The Issue which is securitized is often given great priority than other fundamental issues due to its significance and in this study being terrorism. Terrorism is considered always as a threat to the national security interest and the state has often adopted proactive steps in curbing it through giving it greater priority oblivious of the existence of other serious criminal activities such as drug trafficking, human trafficking and poaching in a country such as Kenya.

The priority which is given often to terrorism is mirrored in the formation of special security units to address the emerging trends in terrorism in the country and inter-agency coordination among various units. The public legitimizes this approach by the securitization school of thought. In this situation, the securitization has been marked by measures such as *Usalama Watch*, *Operation Linda Nchi* as well as the increased international and regional cooperation in the fight against terrorism.

¹⁵ Buzan, B., Waever, O., & Wilde, J. (1998). *Security: A New Framework of Analysis*. United Kingdom: Lynne Rienner Publishers

However, the securitization theory fails to address the issue on inter-agency coordination but makes great emphasis on why fighting terrorism should be made a priority in ensuring that the national security of a country is enhanced. This calls for the second theory which seeks to address this particular gap by showing how various security forces such as the military, the intelligence and the police could work collaboratively to ensure that national security threats such terrorism which is the main focus of this study is holistically dealt with.

1.5.1.2 Systems Theory

Systems theory refers to a doctrine of philosophy deliberating on the systems as abstract institutions which are independent of type, time, substance and space. Systems theories are associated to both ontological and epistemological dimensions. The ontological dimension opines that the world involve integrative levels of systems. The epistemological view upholds that holistic view reiterates the interplay between the elements and their systems when it comes to determining their various roles. The activity within a system is the outcome of the impact of one element over another. This given influence is marked as feedback and can basically be negative or positive.

Global terrorism Index noted that systems are not rationale of linear effect and cause relationships but relatively complex ring of networks of interrelationships. Systems are referred to as open or closed. The closed systems are considered to be completely autonomous and independent of what is happening around them. The open systems exchange information, energy and materials with their environment¹⁶. Albini noted that

¹⁶Global terrorism Index. *Measuring and understanding the impact of terrorism*.

the systems of interest in the counter-terrorism initiatives such as OLN can be termed as open systems. The systems theory notes that the integration value of the problems part such as terrorism can actually not adequately be solved if they are treated in isolation from the components which are interrelated such as Intelligence Led Policing (ILP), *Nyumba Kumi Initiative*, Community policing and problem-solving approaches.

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The systems theory offers an ideal guideline for the initial problem familiarization. A limitation or shortfall can actually be a question advocating for some responses, a situation (such as an existing counter-terrorism systems) that is not properly working and requires improvement or new idea or opportunity that is basically worth for further regard. A limitation in systems analysis and design does not actually mean that there is something which is not right but that there is a situation which requires to be basically understood and a solution to be generated. A system is a set of components which are related which holistically coordinates in a specific environment to conduct whatever mandates are needed to achieve the objective of the system. A system is goal-seeking by components and its definitions work together to acquire a common objective to actually complete the set goals and objectives.¹⁸

Institute for economics and peace. London, 2015

¹⁷Albini.J.L.. Deciding with the Modern Terrorist. The need for Changes in Strategies and Tactics in the new war on Terrorism. Criminal Justice policy Review, volume 12 Numbers 4 December 2016 255-281, 2016

¹⁸Obershall. A..How democracies fight insurgents and terrorists, *Dynamics of Asymmetric conflict*; 1:2, 107-141, 2018

1.5.2 Empirical Literature Review

The empirical literature review was premised on the specific objectives of the study, as thematically highlighted;

1.5.2.1 Nature of Security Forces Inter-Agency Coordination in Terrorism Prevention

Chois noted that the rule of law in any organization, institution or government has indirect or direct ramifications on both international and domestic terrorism. Any institution which develops a legal and social justice framework may be regarded as a strategy for winning threats of terrorism.¹⁹ According to Jessie he cited that the UK introduced new laws to handle the various elements of the dynamic international threat of terrorism that entailed the Investigation Measures Act (2011), the Asset Freezing Act (2010), the Counter Terrorism Act 2008 and Prevention of Terrorism Act (2006). A regard of the pre charge detention was deemed relevant in aiding to laid the anti-terrorism law enforcement in their investigations which were obstructed greatly by the technicalities posed by global terrorism such as the practice of various technological forms and the mass computer data creation, the cell units of international terrorism and the barriers of language.²⁰

Patricia & Migai argued that Kenyan system is flaunted, especially when it comes to investigations and prosecution methods. Anti-terrorism laws have been tailored to deal with a particular threat. Despite deep seated concerns about the potential slippage from one

¹⁹Chois.S.W.. Fighting Terrorism through Rule of law? Journal of conflict Resolution 54(6) 940-966, 2015

²⁰Jessie. B. The UK anti-terrorism laws: does their practical use correspond to legislative intention? Journal of policing, intelligence and Counter terrorism; 8:1, 19-34, 2018

terrorism act to another, anti-terrorism laws in Kenya tailored to handle a particular terrorism act do not often slip in the usage of other forms of terrorism. Instead, they are used to counter the particular terrorist threat for which they were designed for. The system is characterised by broad and discretionary powers which are not regulated. Law enforcers have at their discretion the powers to apprehend or not, to detain or not, to carry out investigations or not, to charge or not and to prosecute or not unless put under the immense public pressure.²¹

Patricia et al noted that the Kenya anti-terrorism law enforcement agents are the lead personnel in fighting terrorism within Kenya and its border as well. The unit serves as the focal point in the CJS and carries out a fundamental role in fighting terror related activities and networks. Most of the prosecutions are conducted by the law enforcement agents who do not have adequate legal capacity to prove a case against experienced legal counsel. Legal counsel often pokes holes on the adduced evidence in courts and show eminent gaps that makes the prosecution loose the case(s). The criminal law in Kenya do not offer for anticipatory offences. Suspects are to be prosecuted upon adequate information on the planned commission of an offence was foreseen.²²

1.5.2.2 Determinants of an Effective Security Forces Interagency Coordination for Terrorism Prevention

Jerry and Lara reported that winning the fight over terrorism needs guidelines and regulations which are clear for collection of data as well as dissemination. In Kenya the

²¹Patricia K. Mbote and Migai A. *Kenya: Justice Sector and The Rule of Law*, March 2011, 119, 2016

²² Ibid

National Intelligence Service plays a crucial role in collecting of intelligence and analysing the possible impact of threats such as terrorism in order to protect the country's National Security.²³ The rule of the law serves legitimately to safeguard the citizens from terrorism activities. The failure of our police officers and other security agencies to prosecute, prevent and predict the attackers of Mpeketoni, Westgate and DusitD2 attacks was a very powerful evidence of the need of reforming the laws of Kenya on affairs counter-terrorism. Chois denotes that some of the legal framework prohibits the security forces agencies such as NIS, NPS and KDF from adopting proactive measures against acts of terrorism.²⁴ It is argued further that the new constitution of Kenya (2010) provides its citizens with high fundamental levels of liberties such as freedom of association, as well as the legal rights for accused suspects hence putting the country at high terrorist attacks vulnerability. Hence this promotes a need for reviewing of our laws. Unfortunately, in the reaction of the government to these attacks on terrorism, central elements in policy development have been both harmful to civil liberties and unlikely to better the efforts on counter terrorism. According to Terrorism Bill citizens may be forced to sacrifice their fundamental freedoms and rights for the expense of their security. This sentiment has left governments including Kenya in dilemma on whether to trade human rights and freedoms for security.²⁵ Pokolova asserts that democracies which are liberal have dual responsibility in offering security and

²³Jerry B & Lara F. Guiding Lights: Intelligence Oversight and Control for the Challenge of Terrorism (2003) July 25, 2018, SSRN: <http://ssrn.com/abstract=1471634>.

²⁴Chois.S.W. Fighting Terrorism through Rule of law? Journal of conflict Resolution 54(6) 940-966, 2015

²⁵Terrorism Bill, (2003). The suppression of terrorism bill, 30 April 30, 2003), Clause 12(2), 2003

upholding the liberties and rights of the citizens. Any implemented anti-terrorism policy needs to be in line with the citizens' constitutional democratic values.

Any anti-terrorism policy implemented should conform to the citizens' democratic rights and values.²⁶ Oren (2009) in his paper of Security Versus Liberty argued that counter terrorism measures channelled often towards a suspected community whether foreigners or citizens. Following 2003 Terrorism Bill publication the East African Law Society (EALS) issued a statement poking holes over the significance of such legislation.

Jessie noted that anti-terrorism laws may introduce powers and offences designed to curb further acts of terrorism, as well as measures that intend to assist in the prosecution of the culprits further argues that terrorism laws need to increase powers of proscription, condoning arrests without a warrant and to detain culprits prior to charge. Many of the terrorism incidences in the country would be made less severe or deterred in totality. Again, the legal system does not provide for a reward to any volunteer who gives information on terror preparations.²⁷ Levin argues that the Kenyan terrorism police unit lacks enough legal powers to protect its citizens against terrorism. He further argues that the unit needs to be accorded more legal powers against the attackers.²⁸

²⁶Pokolova, E. "Terrorism: The Dilemma of Response," in *International Criminal Justice: Critical Perspectives and New Challenges*, ed. G. Andreopoulos, (Springer Science + Business Media, LLC, 2016), doi: 10.1007/978-1-4419-1102-5_5, 2016

²⁷Jessie. B. *The UK anti-terrorism laws: does their practical use correspond to legislative intention?* Journal of policing, intelligence and Counter terrorism; 8:1, 19-34, 2018

²⁸Levin. B. Trials for Terrorists. The shifting Legal Landscape of the Post 9/11 Era. Journal of Contemporary Criminal Justice Volume 23 Number 2 may 2 2007 195-218, 2017

The unit needs powers that is necessary against those organisations or persons that they determine, plan, authorises commits or aids the terrorist or harbour such organizations or persons in order to prevent future acts of terrorism. Konstantin argues that legal framework of the Kenyan laws does not provide investigations of suspect before a crime is committed.²⁹ However Clive argues that some of these laws if to be crafted and be implemented in the Kenya context may be seen to undermine civil liberties, in the name of protecting citizens from terrorism through the inflation of terrorist crisis.³⁰

1.5.2.3 Challenges of Security Forces Inter-Agency Coordination on Terrorism Prevention

Eliyahu and Goldratt noted that the tendency by human rights bodies as well as legislators to lose the limits over domestic spying seeks to weaken the oversight techniques such as the civil society organizations and the media. This undermines fundamentally the efficacy of constitutional balances and checks. Majority of the security forces fight terrorism by failing to respect the constitutional values.³¹

CoK (2010) prohibits the use of ethnicity, tribe as the general element in suspecting an individual. Levin highlight that the anti-terrorism police unit require regulations and laws

²⁹Konstantin A. Representative Democracy and Fighting Domestic Terrorism; Terrorism and political violence, 28:1, 114-134, 2016

³⁰Clive,W.M.G. Terrorism and some of the Legislative challenges in countering it. Journal of policing, intelligence and Counter Terrorism 2:1 77-95, 2017

³¹ Eliyahu M. Goldratt. The goal: A Process of Ongoing Improvement, ISBN978-0-88427-178-9, 2015

which allow monitoring and surveillance of the internet usage by suspects. Telephone communication connects a suspect and secret information acquired should be sharable among the relevant security agencies. Moreover, courts of competent jurisdiction need the prosecution to show a probable cause to hold the believe that a crime was actually committed. In terrorism activities which draw huge public interest, sometimes the state is forced to prove the motivation of the suspects.³²Dumphouse opine that the laws of U.S concentrating on motive, adds hurdles to the counsels of the state to convict a terrorist since motive is very hard to prove.³³ Jerry and Lara hold that the war over terrorism will be aided and not hindered by respects for core principles of governance and constitutional values, the right to religion, assembly, expression and speech.³⁴

Jerry, et al reported that the due process particularly the right of confronting charges and the accusers against oneself in a public court will assist the fight against terrorism in Kenya. State and local authorities have a crucial role in the fight against terrorism. However, they lack properly defined roles. Better cooperation among state agencies and local authority is highly desirable. State and local law enforcement officials will be effective partners in the fight against terrorism if given rules to follow and ensure their efforts are focused and do not infringe on civil liberties. The main set-back in addressing terrorism in Kenya is

³²Levin. B. Trials for Terrorists.The shifting Legal Landscape of the Post 9/11 Era.Journal of Contemporary Criminal justice Volume 23 Number 2 may 2 2007 195-218, 2017

³³Damphouse R.K..The morning After assessing the Effect of major of Terrorism Events on prosecution. Strategies and out-comes. Journal of Contemporary Criminal justice volume 23 Number 2 may 2007 174-194, 2017

³⁴Jerry B & Lara F. Guiding Lights: Intelligence Oversight and Control for the Challenge of Terrorism. July 25, 2017, SSRN: <http://ssrn.com/abstract=1471634>.

balancing the security improvements legitimate proactive programs with a sustained and perennial attack on poverty, human rights deprivation and poor governance. Finding a common ground is of great significance. African democracies are considered to be delicate and any given terrorist activity crack-down has to be conducted in a constitutional manner with great human rights sensitivity.³⁵

Bashir cited that the issue on marginalized groups' historical grievances, the human rights incipient struggle on human rights and the ineffective civilian oversight authorities on security institutions need to be prioritized.³⁶ Arbitrary arrests and violations of the rights of arrested persons including assassination is one of the legal challenges facing the anti-terrorism police in fighting terrorism. According to Kenya National Human Rights Commission security agencies constitute grave violation of the Kenyan law and regional and international human rights principles and standards that protect people from arbitrary arrests and detention.³⁷ Constitution of Kenya (CoK) (2010) guarantees fundamental freedoms. However, a number of scholars opine that upholding liberty to the great extent will harm the discretion powers which the government requires in guaranteeing security.

EALS argued that the Bill proposes lesser punishment for serious offences than are currently prescribed. The penalty currently for murder under penal code is death while the

³⁵ Ibid

³⁶Bashir, A. H. Executive Secretary of the Intergovernmental Authority on Development (IGAD), Speech at the Meeting of Ministers of Justice of IGAD member states on Legal Cooperation Against Terrorism, 20 September, 2017

³⁷KNCHR (2015) Preliminary report. Investigations on Human Rights Abuses in the On-going Crackdown against Terrorism September, 2015

most detrimental offence highlighted in 2003 Terrorism Bill entails 10 years' penalty as the maximum penalty. The main goal of laws is to foster some form of order and provide conditions for thriving of quality life and livelihoods.³⁸

However, politicians have the mandate of passing legislations which reflects the expectations of the people they are representing. Sola noted leaders who hold political seats should strike a balance among the people's interests and their racial, religious, economic, social and diversities based on nationality. Lawmakers should learn to accommodate positive and negative critique from the civil society and other groups performing oversight roles as hallmark of their legislation quality.³⁹

Peter interjects that the key aim of the criminal law within the liberal modern democratic states is to deter unconstrained personal behaviour from interfering with the whole society order. Among the components in the fight on terror is on how liberal democratic legally address to terror acts. He argues further that there is a problem in the cases where liberal democracies address terrorism through auspices of law. Government officials basically make unjustified and radical departures from law enforcement procedures and conventional jurisdictions.⁴⁰

³⁸East African Law Society statement on Kenya's draft Anti-Terrorism Bill, May 29, 2003

³⁹Shola, J. *Assessing Counter Terrorism Measures in Africa: Implications for Human Rights and National Security*, accessed July 25, 2016,

⁴⁰Peter, C. the Response to Terrorism as a Threat to Liberal Democracy, *Australian Journal of Politics and History*: vol. 44, no. 3, 2015

Peter argues that undermining the very principles of liberal democracy, counterterrorism loses its legitimacy.⁴¹ Hoffman argues that terrorists intimidate witnesses and judges so as to lay accusations on the government on the ground of repression. He argues further that it is rational for the informers to be provided with protection and incentives when adducing evidence against terrorist suspects in court.⁴²

1.5.4 Gap in Literature

This study accepts the cognizance of the veracity that it may be hard to acquire adequate empirical sources of data which capture sufficiently the dynamic character and nature of security forces inter-agency coordination on prevention of terrorism in Kenya. One of the leading knowledge gaps in the cited scholarly gaps is that none of the cited literatures has addressed the issue of inter-agency coordination on terrorism prevention in Kenya. Majority of the studies have dwelled on counter-terrorism measures⁴³, terrorism and human rights protection⁴⁴, emerging trends of terrorism⁴⁵, legal framework amendments and terrorism trigger factors⁴⁶. None of the highlighted studies have been conducted in regard

⁴¹ Ibid

⁴²Hoffman, B. *Inside terrorism*. New York: Columbia University Press, 2016

⁴³ Wagner. A. Intelligence for Counter Terrorism: Technology and Methods, *Journal of policing, Intelligence and counter Terrorism*, 2:2, 48-61, 2017

⁴⁴ KNCHR. Preliminary report. Investigations on Human Rights Abuses in the On-going Crackdown against Terrorism September, 2015

⁴⁵ Hoffman, B. *Inside terrorism*. New York: Columbia University Press, 2016

⁴⁶ Levin. B. Trials for Terrorists. The shifting Legal Landscape of the Post 9/11 Era. *Journal of Contemporary Criminal justice* Volume 23 Number 2 may 2 2007 195-218, 2017

to inter-agency coordination and prevention of terrorism which forms the spur of this proposed study.

1.6 Research Hypotheses

The two hypotheses of this study are obtained from the harmonization of the interactions between the role of security forces inter-agency coordination on terrorism prevention within Nairobi City, determine the effectiveness of security forces inter-agency coordination on terrorism prevention within Nairobi City and assess the challenges facing security forces inter-agency coordination on terrorism prevention within Nairobi City. It is anchored on the main theme that inter-agency coordination is the primary criteria of preventing terrorism attacks in Kenya. Secondly, that the effectiveness of security forces inter-agency is dependent on the proactive terrorism prevention approaches.

This study was guided by the following Null and alternative hypothesis:

H₁ Security Forces Inter-agency coordination plays a paramount role in prevention of terrorism

H₀ Security forces inter-agency coordination does not play a paramount role in prevention of terrorism.

1.7 Justification of the Study

This study sought to determine the effect of security forces inter-agency coordination on terrorism prevention within Nairobi City with aim of making holistic recommendations on how to improve the inter-agency working relationship among the agencies. The following are the thematic justification for the proposed study;

1.7.1 Policy Justification

In regard to policy makers, the study seeks to make recommendations which will help security agencies in adopting proactive holistic approaches on counter-terrorism and de-radicalization as well. In summary, the recommendations from this study seek to make contributions to the 21st century anti and counter-terrorism approaches by the security forces. This study will serve as a pillar towards collective efficacy among security agencies in dealing with various emerging trends of terrorism and Violent extremism among the various youths and venerable groups in the community. It also seeks to make prompt suggestions which will assist in adopting a holistic model on counter-terrorism on effective coordination among security agencies in across the globe

1.7.2 Academic Justification

The rationale of this study is regarded to be two-fold; first, it aims at making contribution to the empirical literature on the field of proactive counter-terrorism and anti-terrorism approaches among the security forces. Hence it will form the ground for future scholarly works on counter-terrorism. The scholars will find this study to be important in that it may offer definite literature which will be utilized by various scholars in academic assignment and research. This study will nourish the academic field of policing, intelligence and military by forming the basis for future research in Kenya here notably research on inter-agency coordination is been limited. This study will be made available to various scholars in the field of security as reference material. Humanitarian bodies, learning institutions, private sectors and policy makers seeks to borrow significantly from the findings of this study and recommendations.

1.7.3 To the General Public

Terrorism incidences in Kenya continues to be often witnessed than before and now concentrating more on affecting Kenya and its entire citizens as well as affecting foreign investments and interests unlike in the current past where majority of the incidences of terror were targeting foreign interest and investments set-up within Kenya. The study seeks to provide a detailed insight into the effect of security forces inter-agency coordination on counter-terrorism in Kenya, offering a baseline data which can serve as a tool to be utilized by various community members in spreading information on the importance of security coordination and addressing the issue of terrorism. The study will also make recommendations with regard to the importance of public intelligence on counter-terrorism activities in Kenya

1.8 Significance of the Study

The government of Kenya has a constitutional mandate to improve her security and territorial integrity in regard to emerging security threats such as terrorism. Confronting terrorism is among the leading national security interests in Kenya. Inter-agency security coordination therefore plays a leading role in ensuring that the country achieves its goals in the War on Terror. This study therefore seeks to make holistic recommendations and suggestions which will improve security status in the country through advocating for security forces inter-agency coordination. The findings of the study are expected to be of great significance to the Ministry of Defense as well as the Ministry of Interior and Coordination of National Government in terms of improving its homeland security through strengthening its security forces inter-agency coordination in the country. Moreover, this study seeks to point out knowledge gaps

which can be explored by future scholars and academicians in supplementing their works and publications.

1.9 Conceptual Framework

The conceptual framework below indicates security forces interagency coordination as a dependent variable and the three independent variables derived from specific objectives. Each variable showing how it influences the security forces interagency coordination in the fight against terrorism prevention within Nairobi City.

Independent Variable

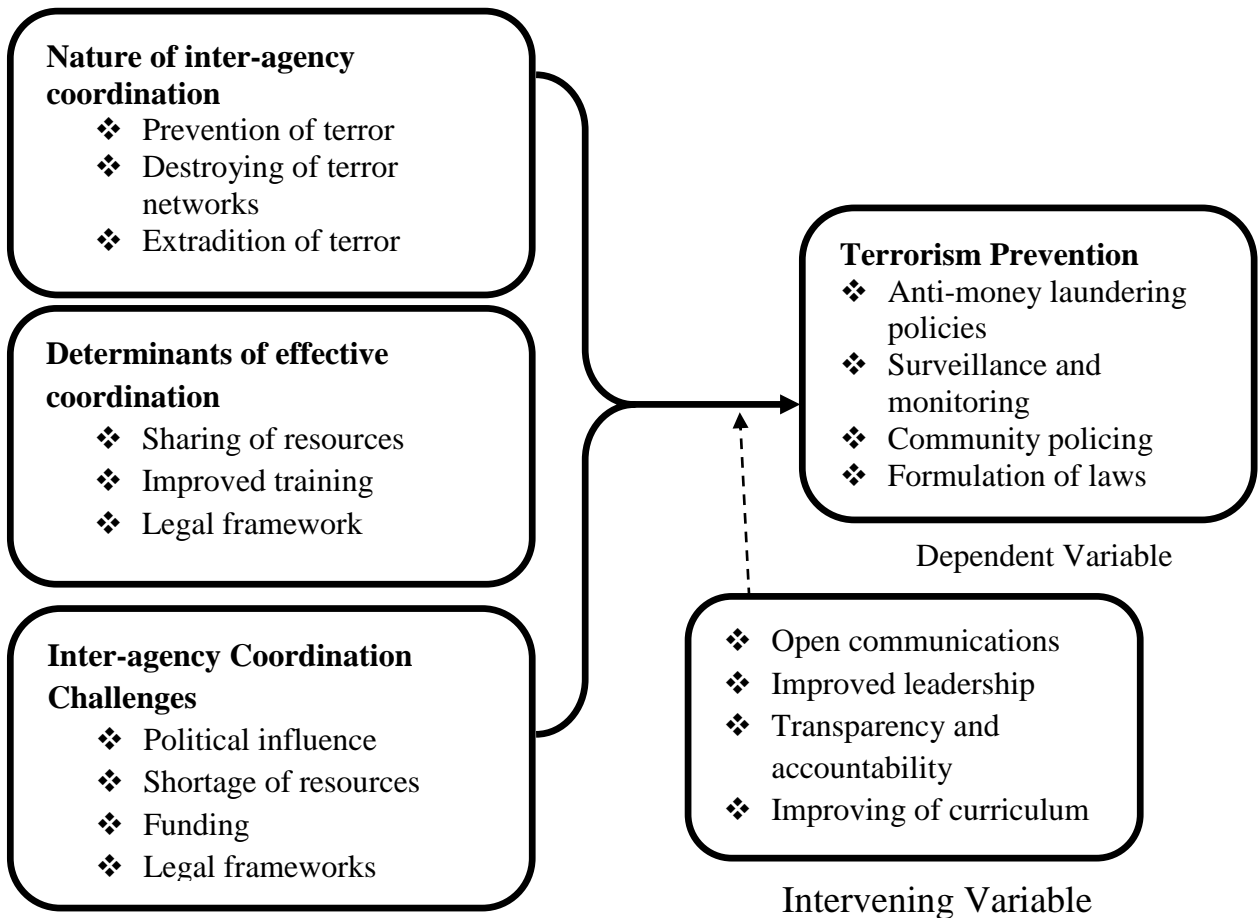


Figure 1: Conceptual Framework

1.10 Study Methodology

This section focused on the study' research design, location of the study, the target population, the sampling procedure and techniques. Additionally, it looked on procedures on data collection, methods of data analysis as well presentation of data.

1.10.1 Research Design

This study adopted both qualitative and quantitative research technique. The techniques are relevant to the study since they assist the study in collecting more empirical and raw data which seeks to improve the content validity of the study. Qualitative technique is regarded to be prior research conducted on the subject matter and influences essentially the study's interpretation and understanding of the events. With regard to this, the study utilized both secondary and primary sources of data to contextualize and conceptualize the understanding of security forces inter-agency on prevention terrorism attacks. Quantitative techniques were achieved through primary data collection tool (Interview Schedules). The secondary sources of data which compliments qualitative technique included newspapers, books, journals and magazines related to the terrorism topic and counter terrorism mechanisms. The study looked at security forces inter-agency coordination on prevention of terrorism during the period of 2011 to date. This is because this is the period which Kenya was rocked with a number of sporadic terrorism attacks and global travel bans of tourists and foreign citizens in the country terming Kenya as a hotbed of terror. The duration also marks the period when Kenya embarks on proactive and holistic counter-terrorism measures such as *Nyumba Kumi Initiative*, Community Policing and Intelligence-Led

Policing to prevent the sporadic surprise attacks which had affected the country's economic growth.

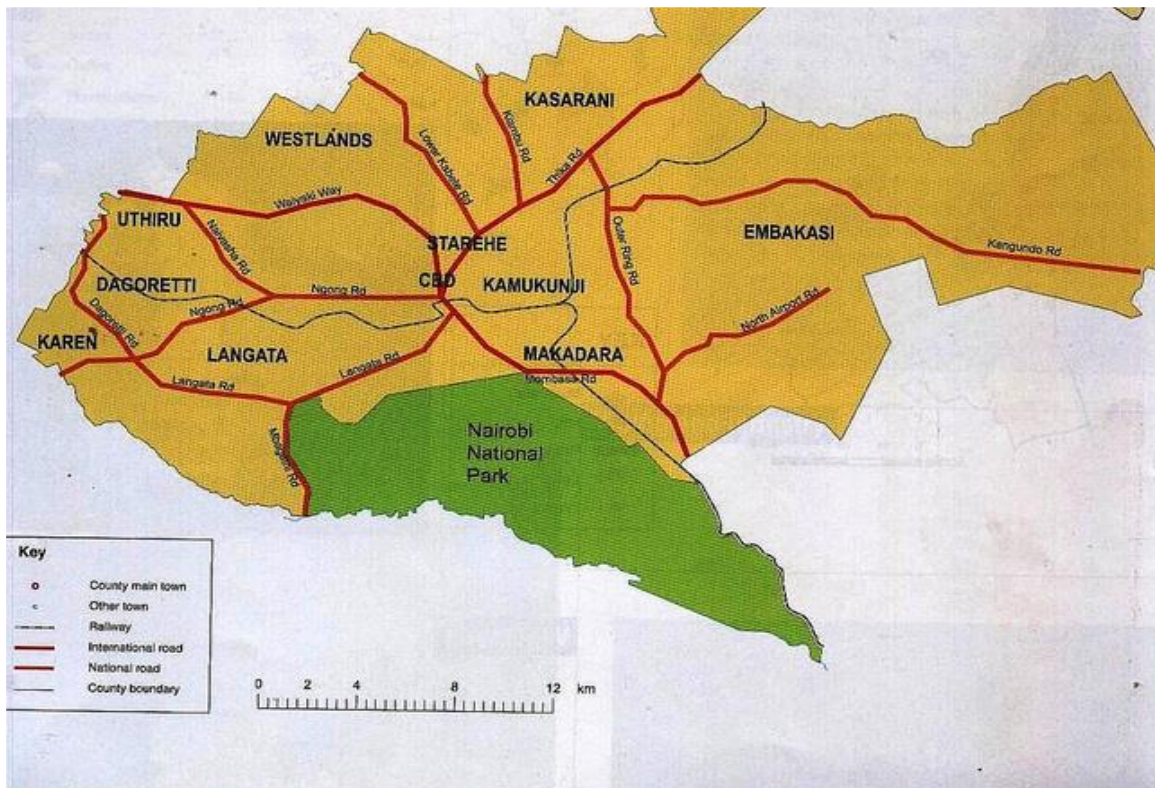
1.10.2 Research Location

Nairobi City was the site of study for this research. Established in the year 1899, Nairobi City was and remains still the Kenya's epicenter commercial capital and administration. It covers 696KMsq in terms of its geographical size. Nairobi City has been undergoing sporadic expansion hence not being spared the criminal activities predisposition which is emerging, from organized crimes, terrorism attacks to petty offences. Kenya Police noted in 2001 that the United Nations International Civil Service Commission classified Nairobi as one among the insecure cities globally, giving it the 'status of C'. In the year 2011 alone the criminal rates within Nairobi increase by 29%.⁴⁷

Security Research Information Center emphasized that with Nairobi City serving as the epicenter for political acts, the law enforcement agents have come under sharp criticism of violations on human rights when confronting political activists and demonstrators within the capital city. Conversely, law enforcement agents have also been implicated over high handedness when carrying out counter-terrorism exercises such as those witnessed in areas such as Eastleigh. The study focused on Nairobi City since it is the headquarters of security inter-agency units such as the ATPU, BPU and NIS whose main aim is to deal with terrorism and terror related networks in the country. This makes Nairobi to be a suitable case study for the proposed study. Finally, studies in the past have also pointed out the

⁴⁷Kenya Police. *The Regular Police Service: Strategic Plan 2003-2007*. Nairobi: Government Press, 2016

relevancy of Nairobi City for the empirical studies relating to security agents.⁴⁸ The location the study is capture in the map below.



1.10.3 Target population

This study targeted National security officers from NPS from various police stations, ATPU, Members of the DCI, BPU, Civil Societies, NCTC members and Military Intelligence which formed the basis of primary sources of data.

110.4 Sampling Size

This study adopted a population sample of 50 respondents. Yamane offers a more simplistic formula on how to arrive at a sample size. This formula was adopted in

⁴⁸Security Research Information Center. *Nairobi Region Annual Crime Observatory Report 2011/2012*. Nairobi, Kenya, 2016

calculating the sample size in this study as cited below.⁴⁹

$$n = \frac{N}{1+N(e)^2}$$

According to this formula n means the sample size while the bigger (N) refers to the target population while e refers to the error of margin or precision at 5% (0.05 of the standard value). When this formula is adopted, the calculation below denotes our sample size.

$$n = \frac{50}{1+50(0.05)^2} = 44$$

According to the calculations cited below, the sample size represented 88% of the target population.

$$\begin{aligned} \text{\% of the sample size} &= \frac{\text{Sample Size}}{\text{Target Population}} * 100\% \\ &= \frac{44}{50} * 100\% \\ &= 88\% \end{aligned}$$

1.10.5 Sampling Techniques

This study utilized purposive sampling in administering interview schedules to the respondents who may offer insight into the facets of security forces inter-agency on prevention of terrorism.

1.10.6 Methods of Data Collection

The following methods were utilized in the study: Library research and research institution records, NGOs records and governmental records and archives particularly from the

⁴⁹Yamane R. Case Study Research: Design and Methods (2nd Ed.). London, 1967

Ministry of Interior and National Government Coordination as well as ministry of Defense. Both secondary and primary data was utilized in this study. Primary data was collected through interviews. Additionally, secondary data was used in showing the various strides, achievements as well as challenges facing security forces agencies in preventing of terrorism. The internet provides relatively adequate information on terrorism prevention. The internet offers soft copies of materials which would otherwise be hard to obtain. A broader base of the research was supported by internet sources. This is in terms of scholarly works done on the topic as well as various prompt recommendations suggested. Such data formed the foundation of the study as well as showing the scholarly gaps which the study seeks to fill.

1.10.7 Data Collection Procedures

This Study utilized both secondary and primary sources of data. Informal interview with various senior National security officers from NPS, DCI, ATPU and Military Intelligence formed the basis of primary sources of data. It was an interactive Face-to-face interview not anchored on a particular subjective set of questions. This ensured that the respondents open up and offer as much information as possible concerning the topic under study. It played a crucial role in also deriving at first-hand information. It sought further to acquire a holistic comprehension of the point of view of interviewee on the topic of the study, hence enhancing the reliability of the findings of the study. The secondary data was acquired from articles, newspaper, magazines, journals, text books and reports from the school library, the school's online repository and the national library.

1.10.8 Data Analysis

This study utilized both qualitative and quantitative techniques of data analysis. The basic qualitative analysis elements adopted the ability to collect; to draw interpretation; to criticize and offer a balanced argument on serious issues that underlie within this thesis. The eight-step process opined by Tesch on analysis adopts the vital elements of qualitative analysis of data and was utilized in this project. This process entailed acquiring a sense of the whole, picking a document from the interview transcribed, reading it critically and identifying the meanings, making lists of the cluster and topics then collectively analyze, code the information, group them by classifying them together, make the final decisions and alphabetize the codes, and finally assembling similar categories and do initial analysis and record where there is a need. This analysis utilized textual data. The data was then analyzed qualitatively into themes which are manageable. The copious notes which were made during the interviews analyzed.

1.10.9 Data Presentation

The emanating values from the analysis of data was presented through the utilization of the statistical tools such as pie charts and frequency tables. The presented data indicated the effect security forces inter-agency coordination on prevention of terrorism activities in Kenya.

1.11 Validity and reliability test

1.11.1 Validity Test

Validity is the extent of measurement of what we intend to measure or truthfulness of findings. By following requirements of research in generating findings, validity also

reduces researcher bias. The study used content validity to test the validity of the research instruments. Content validity was acquired through expert consultation in security affairs and IDIS lecturers were consulted during the instruments of the research development.

1.11.2 Reliability Test

In order to ensure reliability, the researcher ensured that the interview questions drawn from the study are accurately coded. The study sought peer review to ensure that the questionnaire developed are sound in content and structure after which the supervisor was requested to review as well and give his input or opinion. Finally, in ensuring reliability in this study the responses obtained through the interview schedule and questionnaires was split into two equal halves, and then scored independently to check correlation.

1.12 Ethical Considerations

In order to ensure that the study operates within the legal academic periphery, the researcher requested the respondents not to mark their names anywhere on the questionnaire for the purpose of anonymity. Information which is confidential in nature was only be accessed by the supervisor and the researcher. The study adhered to the school anti-plagiarism policy by acknowledging the sources of information and paraphrasing some of the scholarly works. Notably, the study utilized open-source intelligence and any other classified information was not targeted in this study since it could have jeopardized the national security interest hence avoiding any form of tension between the researcher and the security agencies. Any other classified or crucial information in the fight against terrorism was not to be published and high levels of professionalism, integrity and confidentiality was maintained throughout data collection.

1.13 Scope and Limitations of the Study

This study was restricted to intensive library work as well as desktop. The study concentrated on determining the effect of security forces inter-agency coordination on terrorism prevention within Nairobi City. The study was guided by three objectives, namely; the nature of security forces inter-agency coordination on terrorism prevention within Nairobi City, opportunities and achievements of security forces inter-agency coordination on terrorism prevention and challenges of security forces inter-agency coordination on terrorism prevention. The target populations of the study were National Police Service (Anti-Terror Police Unit, Directorate of Criminal Investigations), and Kenya Defense Forces (focus was on Military Intelligence)

1.14 Chapter Outline

Chapter One

The first chapter of this study sought to give a highlight of the study area. It begins with a preamble on the background of the study, outlines the problem of the study, theoretical framework of the study as well as justification upon which the study was anchored upon. Finally, the chapter sought to deliberate on the kind of the methodology which was used. It shows the various types of data which are relevant in responding to the research questions, data collection methods and sources of data

Chapter Two

The second chapter of this study addressed the first objective of the study which seeks to evaluate the nature of security forces inter-agency coordination on terrorism prevention within Nairobi City. It showed how various security agencies work jointly in addressing of emerging trends of terrorism in Kenya.

Chapter Three

This section looked at the determinants for an effective security forces interagency coordination for terrorism prevention in Nairobi City. The chapter sought to address the main aim of chapter three by critically looking at how effective security forces are collaboratively working in preventing of terrorism acts.

Chapter Four

The fourth chapter of this study sought to assess the challenges facing security forces inter-agency coordination on terrorism prevention within Nairobi City. It sought to address some of the legal, personnel, political and technical challenges facing various security agencies on counter-terrorism.

Chapter Five

The final chapter sought to make conclusions on a number of issues raised and make holistic recommendations on addressing some of the key issues deliberated on the preceding subsequent chapters.

CHAPTER TWO

NATURE OF SECURITY FORCES INTER-AGENCY COORDINATION IN TERRORISM PREVENTION

2.1 Introduction

The second chapter of this study addressed the first objective of the study which seeks to evaluate the nature of security forces inter-agency coordination on terrorism prevention within Nairobi City. It showed how various security agencies such as ATPU, military, DCI, BPU, Civil Societies, NCTC members and Military Intelligence work jointly in addressing the issue of emerging trends of terrorism in Kenya.

2.2 The National Counter-Terrorism Center (NCTC) and Terrorism Prevention

The GoK in 2004 promulgated the National Counterterrorism Centre (NCTC) under the National Security and Intelligence Service (NSIS) office. This formed SSR portion within the intelligence agency to assist in dealing with terrorism emerging threats. The NCTC is needed in offering factual and timely intelligence to help in the prevention of terrorism.⁵⁰ It is engaged on coordination of counterterrorism at the national levels. It is made up of the Immigration and Customs, NIS, NPS and the Ministry of Defense. At the NCTC all these institutions are represented through secondment.⁵¹

⁵⁰ Kenya Police. *The Regular Police Service: Strategic Plan 2003- 2007*. Nairobi: Government Press, 2016

⁵¹ Bashir, A. H. Executive Secretary of the Intergovernmental Authority on Development (IGAD), Speech at the Meeting of Ministers of Justice of IGAD member states on Legal Cooperation Against Terrorism, 20 September, 2017

NCTC in its operation can collaboratively work with regional bodies tasked with the counterterrorism duties to fight terrorism effectively. For instance, the NCTC can jointly work with the African Center for Study and Research on Terrorism (ACSRT) located in Algiers and the Capacity Building Program by IGAD against Terrorism (ICPAT) located in Djibouti. Okumu noted that this alliance makes sure that institutional capacity in conducting feasibility exercise on establishing and expanding the transnational and database of crime regionally in enhancing the information exchange on crime patterns in the continent of Africa especially East Africa.⁵² The database:

...would have the details of identified individuals linked with terrorism; previous acts analyses on terrorism, concentrating on factors such as perpetrators characteristics, causes, the modus operandi of terrorist and the responses of police officers; criminal groups information, the routes of supply, money-laundering methods and financial support networks and the international connections.

Through exchange of such paramount data with other engaged agencies in the fight towards terrorism, there is a possibility of reliable responses and terrorist activities monitoring. This seeks to improve the ability of foiling terror related operations prior to the occurrence. The NCTC coordinates also the external reporting, for instance, the annual the UN Security Council report under the Resolutions 1373 and 1267.⁵³ The NCTC has the mandate of

⁵² Okumu, W. Gaps and Challenges in Preventing and Combating Terrorism in East Africa. In Okumu, W. & Botha, A. (Eds.) *Understanding Terrorism in Africa: Building Bridges and Overcoming Gaps*. Institute of Security Studies; Pretoria. (Pp. 62-70), 2018

⁵³ Bashir, A. H. Executive Secretary of the Intergovernmental Authority on Development (IGAD), Speech at the Meeting of Ministers of Justice of IGAD member states on Legal Cooperation Against Terrorism, 20 September, 2017

investigating proliferation of small arms, trafficking of narcotics and money laundering.⁵⁴ The promulgation of this institution has timely promoted the intelligence dissemination to a tactical unit which has the mandate of combating terrorism.⁵⁵

2.3 The National Intelligence Service (NIS) Coordination with other Security Agency on Terrorism Prevention

Boinett noted that intelligence since time immemorial acts as watchdog and gatekeepers of the states.⁵⁶ Agaba and Pulkol cited that intelligence need to be part and parcel of nations when developing and implementing of policies which promotes a stable and safe environment in which the human security is significantly enjoyed.⁵⁷ Oblivious of the significance of intelligence, majority of the states in Africa in the post-colonial duration, according to Agaba et al.,⁵⁸ and Boinett⁵⁹ utilize intelligence for survival of regime even those who do not have legitimacy and depend on autocracy for survival. This led to pressing the reforms needs within the intelligence organization.

An interview by one of the senior intelligence officers at the NCTC noted that:

'With the new threats' emergence such as firearm trafficking, drug trafficking, human trafficking, cybercrime and terrorism which have adopted contemporary

⁵⁴ Albini.J.L. Deciding with the Modern Terrorist. The need for Changes in Strategies and Tactics in the new war on Terrorism. Criminal Justice policy Review, volume 12 Numbers 4 December 2001 255-281, 2016

⁵⁵ Ibid

⁵⁶ Boinett, W. The Origins of the Intelligence System of Kenya. Africa, S., & Kwadjo, J. (Eds.). *Changing Dynamics of Intelligence in Africa*. GFN- SSR, 2009

⁵⁷ Agbala, A., & Pulkol, D. (2009). The General Performance and System of Intelligence Bodies in the Great Lakes Region. Africa, S. & Kwadjo, J. (Eds.), *Changing Dynamics of Intelligence in Africa*. GFN-SSR, 2009

⁵⁸ Ibid

⁵⁹ Boinett, W. The Origins of the Intelligence System of Kenya. Africa, S., & Kwadjo, J. (Eds.). *Changing Dynamics of Intelligence in Africa*. GFN- SSR, 2009

dynamics, there is an increase in intelligence need since the parties involved modus operandi are premised on secrecy... ’ (S.I.O 1, 14th10/2021)

Nonetheless, the requirements of intelligence have increasingly turned out to be complex, making the business of establishing priorities, identifying requirements, disseminating of intelligence, analyzing and collecting intelligence amicably more challenging. Oblivious of this, intelligence is paramount as effective operation of mitigation in responding to some of the threats which are revolving around it.⁶⁰

During the interview one of the military intelligence mid-ranked noted that....

‘Intelligence is a crucial mechanism for strategic making of policies among the security forces in dealing with; emerging threats identification such as terrorism, comprehending the wider implications of particular responses in countering intelligence.... ’ (M.I 1, 13th10/2021)

Hence, the nation’s survival depends on the absence or existence of intelligence, which will spell out defeat or victory.⁶¹ It is the error related emerging threats which led to reforms within the intelligence agency in Kenya. For quite long, the intelligence in the country was utilized for security of the regime for the incumbent government and not the security of the state.⁶² It was linked and politicized to given individuals hence losing the informal roles of intelligence which are supposed to be conducted.⁶³

Agbala noted that in Africa, Kenya’s intelligence growth has its genesis within the colonial era and Cold War era to some extent. During the period of colonialism, it was utilized in protecting the colonialist regime interest and in the period of cold war, it was recorded to

⁶⁰ Whitaker, B. E. Reluctant Partners: Fighting Terrorism and Promoting Democracy in Kenya. *International Studies Perspectives*, 9(3), 254–271, 2017

⁶¹ Ibid

⁶² Prestholdt, J. Kenya, the United States, and Counterterrorism. *Africa Today*, 57(4), 3-27, 2016

⁶³ Boinett, W. The Origins of the Intelligence System of Kenya. Africa, S., & Kwadjo, J. (Eds.). *Changing Dynamics of Intelligence in Africa*. GFN- SSR, 2009

meet only the political ideology alignment during that time. Of importance is that intelligence remained concentrated on maintenance of regime and in this situation the post-colonialism governments.⁶⁴

Hoffman reported that in Kenya's case, the NIS is traced back to the department of NPS Special Branch which was under Britain administration.⁶⁵ Through the 1998 act of parliament, the NSIS, referred currently as the NIS was formed to the civilian primary intelligence unit as part of the Security Sector Reforms (SSR) to handle the emerging threats.⁶⁶ This is due to the old institution structure was not in a position to handle the emerging security demands.⁶⁷ The mandate of the NIS involves gathering, investigating, collating, evaluating, disseminating, interpreting and information storage from the foreign and domestic sources and identifying, detecting and national security potential threats.⁶⁸

The continued terrorism threats demand strengthening of the Intelligence service. It is via this that in 2003, the NSIS was fortified by former President Mwai Kibaki in the effort of the country responding to modern challenges of security through unveiling of services new priorities. These involved the mandate of providing the early warning on national interest matters, with reiteration on corruption, terrorism and security.⁶⁹ The terrorism inclusion as

⁶⁴ Agbala, A., & Pulkol, D. The General Performance and System of Intelligence Bodies in the Great Lakes Region. Africa, S. & Kwadjo, J. (Eds.), Changing Dynamics of Intelligence in Africa. GFN-SSR, 2009

⁶⁵ Hoffman, B. Inside terrorism. New York: Columbia University Press, 2016

⁶⁶ Ibid

⁶⁷ Mogire, E. Victims as Security Threats: Refugee Impact on Host State Security in Africa. England: Ashgate, 2016

⁶⁸ Boinett, W. *The Origins of the Intelligence System of Kenya*. Africa, S., & Kwadjo, J. (Eds.). *Changing Dynamics of Intelligence in Africa*. GFN- SSR, 2009

⁶⁹ Ibid

threat to be handled with the NIS, was a show that the government was acknowledging terrorism as a leading threat to the country's national security. In light of the above, the counter-terrorism activities need special gathering of information mechanism and analysis with an aim to prevent, plan, promote some values as well as protect.⁷⁰

However, such information is not readily available due to the covert nature, the tactics of the terrorists, organizational principles, hence, providing a security challenge.⁷¹ It is at this point that intelligence gathering plays a crucial role in addressing this gap.

During the interview, a top officer at the NCTC noted that

'As a result of the heightened need of intelligence for the purpose of security interagency coordination, NSIS reforms were strengthened with the new constitution promulgation. Article 242 (1) of Chapter 14 of the new CoK changed the NSIS name to NIS. This was promulgated under the NIS 2012 Act. The Act uphold most of the functions NSIS predecessor....' (NCTC 4, 16th October 2021).

NIS has 3 distinctive divisions (counter intelligence, external intelligence and internal intelligence). Unlike the predecessor, which had about 7 divisions; External intelligence, Internal intelligence, Production and analysis, Operation, administration, the National Intelligence Academy and the Information Communication Technology.⁷² The national and transnational crimes nature that the intelligence agency has to handle has prompted institution collaboration with other security agencies across the region and across the globe.

⁷⁰ International Crisis Group. The Kenyan Military Intervention in Somalia. In Crisis Group Africa (184) 1-24, 2015

⁷¹ Kyle.O. Foreign Terrorist attacks by the Islamic state. London. Henry Jackson society, 2017

⁷² Mamdani, M. *Good Muslim, Bad Muslim: America, the Cold War and the Roots of Terror*. Dakar: CODESRIA, 2014

For example, the Norfolk Hotel 1980 attack within Nairobi led to reinterpretation of Kenya's intelligence operation from majorly domestic to international operations. This led to the collaboration of the country with and acquiring help from Intelligence services from Israel and US since the main concern of such countries was the terrorist activities target center.⁷³ This has continued even with foreign service of intelligence such as Israel Mossad, Tanzanian Intelligence Security Service, British MI6 and US Central Intelligence Agency (CIA) offers intelligence over any imminent possible threat on planned terror attacks in Kenya.

2.4 Anti-Terrorism Police Unit (ATPU) Coordination with other Security Agency on Terrorism Prevention

The government of Kenya after the 2002 attack declared publicly that the transnational terrorism had been deeply rooted in the country.⁷⁴ The Minister of Internal Security and Provincial Administration acknowledgment offered an impetus to the state in dealing with predictive threats of terrorism and activities as well. There was specialized unit also for dealing with threats of terrorism. As such the state was prompted in establishing specialized ATPU within the police service. Hence, the ATPU was formed in 2003 as specialized unit

⁷³ Agbala, A., & Pulkol, D. The General Performance and System of Intelligence Bodies in the Great Lakes Region. Africa, S. & Kwadjo, J. (Eds.), *Changing Dynamics of Intelligence in Africa*. GFN-SSR, 2009

⁷⁴ Albini.J.L. Deciding with the Modern Terrorist. The need for Changes in Strategies and Tactics in the new war on Terrorism. Criminal Justice policy Review, volume 12 Numbers 4 December 2001 255-281, 2016

of Kenya Police tasked with dealing with terror related issues. It was formed with 450 officers' contingent and it is involved officers across the security agencies.⁷⁵

The ATPU creation was in line with the Police Act of 1988 which empowers the police commissioner who is a presidential appointee to creating of specialized units in responding to specific criminal acts.⁷⁶ This institution falls within president's office. The institution is entrusted with the mandate of suppressing and preventing financing of terrorism activities. The unit is made up also of intelligence personnel handling a number of facets on issues related to financial forensics needed in tracing the terrorist activities channeled proceeds.⁷⁷

Regional officers were formed at towns which are strategic such Nairobi, Mombasa and Garissa since such towns served as centers of terrorist's sympathizers and terror suspects hideouts. The state broadens also the locations of ATPU through other regional developments in Kisumu, Lokichogio, Western and Eldoret (Government of Kenya 2004). Adan (2005) noted that the officers of ATPU extension in a number of parts across the country has helped in terror-linked suspects and pre-emption of planned terrorist attacks.

⁷⁵ Chen, H., Moore, R., Zeng, D. and Leavitt, J.J. *Intelligence and Security Informatics for National and Homeland Security. Proceedings of the Second Symposium on Intelligence and Security Informatics (ISI'04). Ser. Lecture Notes in Computer Science (LNCS) 3073*, New York: Springer-Verlag, 2016

⁷⁶ Chois.S.W. Fighting Terrorism through Rule of law? *Journal of conflict Resolution* 54(6) 940-966, 2015

⁷⁷ International Crisis Group. The Kenyan Military Intervention in Somalia. In *Crisis Group Africa* (184) 1-24, 2015

2.5 Joint Terrorism Task Force Coordination with other Security Agency on Terrorism Prevention

In addition to the above, the Joint Terrorism Task Force was developed in a bid to enhance control, command and communication among the security agencies in Kenya.⁷⁸ US Department of State report noted that it was promulgated to better the prosecutors and the police capability in cooperating on issues of counter-terrorism.⁷⁹ However, the government of Kenya later abolished the program. According Whitaker the disbandment was as result of the police official's unwillingness to give up control over the ATPU to Joint Terrorism Task Force.⁸⁰

Hence, the Joint Terrorism Task Force ceased basically to mandate after the General Hussein Ali the then Kenya Commissioner of Police removed the ATPU from it in the year 2005.⁸¹ This was attributed also to the policing politics which had divided historically the makers of policy in the government as well as the commissioner. This led to no willingness in giving up the unit control with the greatest financing and the personnel considered to be elite.⁸²

⁷⁸ Konstantin A. Representative Democracy and Fighting Domestic Terrorism; Terrorism and political violence, 28:1, 114-134, 2016

⁷⁹ Mogire, E. Victims as Security Threats: Refugee Impact on Host State Security in Africa. England: Ashgate, 2016

⁸⁰ Whitaker, B. E. Reluctant Partners: Fighting Terrorism and Promoting Democracy in Kenya. *International Studies Perspectives*, 9(3), 254–271, 2017

⁸¹ U.S. Congress. Office of Technology Assessment, *Technology Against Terrorism: Structuring Security*, OTA-ISC-511 Washington, DC: U.S. Government Printing Office, 2016

⁸² Hoffman, B. *Inside terrorism*. New York: Columbia University Press, 2016

2.6 Conclusion

The analysis in chapter two shows how coordination and information sharing among various security agencies such as the police, military and the intelligence agency have made remarkable progress in ensuring that there is holistic and integrative approach in combating terrorism activities. Additionally, the chapter has also provided historical accounts of a number of counter-terrorism agencies such as NIS, NCTC and the Joint Terrorism Task Force in their clamor and structural challenges responding to the changing nature of terrorism. Additionally, this chapter has also shown how regional and international agencies are playing a fundamental role in preventing of terrorism

CHAPTER THREE

DETERMINANTS OF AN EFFECTIVE SECURITY FORCES INTERAGENCY COORDINATION IN TERRORISM PREVENTION

3.1 Introduction

The counterterrorism responses in Kenya oscillates from intelligence, military and police, economic, financial controls, information sharing and diplomacy. Kenya has made a number of steps in adopting various measures in preventing terrorism; its integrated approach involving both non-military and military approaches. Kenya's fight on terrorism entails the adoption of the NIS for surveillance, the GSU to handle issue of civil rebellion and the ATPU in fast racking the counter terror responses. Irrespective of the efforts and progress, Kenya has been under sharp criticism on its deterrence and combative approaches in preventing of terrorism.⁸³

One of the ATPU officers noted during the interview that:

'.....in an attempt to address the terrorism threat, its approaches have been branded as controversial with cases reported of a number of abuses involving arbitrary arrest, ethnic profiling, random acts of killings and disappearances. The war on terror in the country is far done; the counterterrorism policy in Kenya is still developing uncertainties in national security future of Kenya and the Al-shabaab posed threat is still in existence.....' (ATPU 1, 15th October 2021)

Even with the holistic incorporation of Kenya on non-military or rather soft power approaches its strategies are still being questioned. Obershall highlights that the measures of soft power are fashioned in incapacitating movements of extremists, through grounding tehri foundations.⁸⁴ These "soft" approaches are geared equally towards preventing

⁸³ Kyle.O. Foreign Terrorist attacks by the Islamic state. London. Henry Jackson society, 2017

⁸⁴ Obershall. A. How democracies fight insurgents and terrorists, Dynamics of Asymmetric conflict; 1:2, 107-141, 2018

radicalization, which Kenya has taken on through its violent extremist program prevention.⁸⁵ This chapter seeks to address some of the factors which assist in achieving the goals of security forces inter-agency coordination in preventing terrorism such as the legislations, community policing, formation of joint taskforce, regional initiatives as well as formation of regional bodies which play a paramount role in preventing terrorism.

3.2 Legislations Supporting Security Forces Prevention of Terrorism

Legislations on terrorism is aimed at addressing terrorism crimes and mitigating of the risks which it bears. Legislations, hence should involve measures which are both pre-emptive and prophylactic in nature since ordinary criminal justice system is not. These measures need to define the terrorism crime, describing the organization of terror, tackling of terrorist finances and property and stipulating of the powers of the law enforcement.⁸⁶

In an attempt by Kenya to promulgate a legal framework in dealing with issues related to terrorism, on 30th April 2003, the then minister of Justice and Constitutional Affairs tabled the 2003 Suppression of Terrorism Bill.⁸⁷

However, an interview with a top NCTC official revealed that:

'This bill received a number of criticisms from the Muslim organizations, the public, religious leaders, national politicians and civil society. Due to criticisms labelled against the bill, the government conducted a review on the clauses which raised the majority of the concerns. A reviewed 2006 Anti-Terrorism Bill presented in parliament, but received a significant opposition from the humanitarian bodies and politicians with additional allegations of being sponsored the government of US.' (NCTC 1, 13th October 2021)

⁸⁵ Ibid

⁸⁶ Mwazighe, C. L.. *Legal Responses to Terrorism: Case Study of the Republic of Kenya*. A Master's Thesis. Naval Postgraduate School, Monterey, California. Accessed on 10 November 2014 from: http://calhoun.nps.edu/bitstream/handle/10945/27876/12Dec_Mwazighe_Charles.pdf

⁸⁷ Ibid

Hence, it was shot-down and the country remained minus any specific legislations handling terrorism. The lack of a legal framework in championing for the prosecution of terrorist suspects was blamed for acquittal of a number of various suspects related to terror activities in the country. For instance, seven suspected terrorists were arrested in November in the year 2003 on allegations associated to the 2002 attacks along the coastal area and 1998 terror attack on the Nairobi US embassy attack and a plot in 2003 to lay incursion on the new embassy of the US were acquitted in June 2005.⁸⁸

The US Department of State Report noted that this was associated with the shortage of legislation on terrorism prevention, as the country's laws were considered to be inadequate in terrorist suspects prosecution. the laws which exist did not give power to the police in detaining terror suspects and prosecuting them effectively.⁸⁹ However, this changed as a result of the ever-increasing threat which the country was facing from Somalia al-Shabaab terrorist group after the Kenyan troops incursion in Somalia. This led to the terrorism threat securitization, which heightened the need of counterterrorism legislations.

The groups of terrorist orchestrated attacks in various parts of the country as a retribution for the Kenyan Defense Forces intervention within Somalia. As a step in dealing with this, the Prevention of Terrorism Act 2012 was brought to floors of parliament by Honorable Mohamed Yusuf Haji the then acting state minister for provincial administration and

⁸⁸ Kamau, W. C. (2006). Kenya & the War on Terrorism. *Review of African Political Economy*, No. 107, pp.133–141.

⁸⁹ US Department of state. *Country Reports on Terrorism 2005. Bureau of Counterterrorism*, 2016

internal security on 27th July 2012.⁹⁰ Mwzighe noted that the Bill addressed majority of the raised concerns about the 2006 and 2003 bill.⁹¹ The then president Mwai Kibaki on October 12th, 2012 assented on the bill and it was named Prevention of Terrorist Act 2012.⁹²

According to Otenyo this was to assist in helping the institutional shortfalls which has affected the judiciary in handling terrorist offences. The Act offers life sentence for individuals or persons who indulge in acts of terrorism which leads to demise of another.⁹³

According to Mwzighe, life imprisonment is expounded by the fact that a terrorist is ready to take his or her own life thereby imposing death penalty would unnecessarily render the martyr status.⁹⁴

This shows the state rationality in responding to acts of terrorism as they attempt to thwart some of their objectives such as a dying martyr via long imprisonment hence acting as a deterrence for others who are more willing to engage in acts of terrorism.

Articles 5, 6, 7, 8, 9 and 10 deliberate over the issue on individuals and persons who either directly, indirectly or knowingly indulge in terrorism acts through financing, recruitment, through membership, provides for logistical assistance (such as security intelligence provision) and weaponry is considered to be liable to jail sentence which should not go

⁹⁰ Mwzighe, C. L.. *Legal Responses to Terrorism: Case Study of the Republic of Kenya*. A Master's Thesis. Naval Postgraduate School, Monterey, California. Accessed on 10 November 2014 from: http://calhoun.nps.edu/bitstream/handle/10945/27876/12Dec_Mwzighe_Charles.pdf

⁹¹ Ibid

⁹² Otenyo, E. New Terrorism. *African Security Study*. Vol. 13(3).Pp. 75-84, 2014

⁹³ Ibid

⁹⁴ Mwzighe, C. L.. *Legal Responses to Terrorism: Case Study of the Republic of Kenya*. A Master's Thesis. Naval Postgraduate School, Monterey, California. Accessed on 10 November 2014 from: http://calhoun.nps.edu/bitstream/handle/10945/27876/12Dec_Mwzighe_Charles.pdf

past 20 years. This channeled towards curbing the domestic support which the terrorist subscribes to in conducting their activities and receiving of information. Some of the locals may take a facilitating role, such as the provision of forged documents such as national identity cards, marriage certificates.⁹⁵

Hence, the adopted security measures can respond to the domestic emerging trends and specifically those who are being indoctrinated to terror organizations and mitigating the locals' groups set-back who are seeking affiliations to terror institutions such as Muslim Youth Centre. The Act also changed law enforcement incommunicado detention. The Act stipulates that terrorist activities suspected individuals cannot be under the police custody for over 24 hours after their detention (Article, 32, 1).

Police are also subjected to oversight by the Independent Police Oversight Authority (IPOA) when conducting their policing routine.⁹⁶ Under the act, all the punishment modes for the committed offenses are through imprisonment, even if no fine has been formed as alternative imprisonment. The strict sentences are aimed at serving as deterrence.⁹⁷

3.2.1 Proceeds of Crime and Anti-Money Laundering Act (POCAML)

The stated law above together with the 2010 Proceeds of Crime and Anti-Money Laundering Act (POCAML) provides the Kenyan National Assembly with a fundamental opportunity in supporting the action of the executive against terrorism acts and offers

⁹⁵ Albini.J.L. Deciding with the Modern Terrorist. The need for Changes in Strategies and Tactics in the new war on Terrorism. Criminal Justice policy Review, volume 12 Numbers 4 December 2001 255-281, 2016

⁹⁶ Ibid

⁹⁷ Ibid

checks and balances. This was considered to be a comprehensive legal framework to address the gaps in the Prevention of Organized Crime.

One of the respondents from the NCTC cited that:

‘.....POCAMLMA requires the bank to report suspicious transaction relating to activities on money laundering, promulgates a mandate of customer’s identity verification, monitoring and establishing of the records of the customers and setting up of internal suspicious transactions reporting procedures...’ (NCTC 1, 14th October 2021).

3.2.2 The Suppression of Terrorism Act 2012

The 2012 Suppression of Terrorism Act in collaboration with the Proceeds of Crime and Anti-Money Laundering Act of 2009 and the 2010 Prevention of Organized Crime Act, has provided the Kenya’s prosecutors with a wide set of mechanisms to bring the organizations or individuals to book. These have championed further the Mutual Legal Assistance (MLA) and cooperation internationally in cases linked to terror attacks in the country.⁹⁸

3.3 Community Based Policing (now Nyumba Kumi Initiative)

Community policing originated due to a number of situational conditions, including: changing crime conditions which declared reactive policing approaches redundant; diversifying communities which needed more localized response and the increase in demand for accountability in service delivery among the police.⁹⁹ Bottoms reiterate that

⁹⁸ US Department of State. *Country Reports on Terrorism 2012. Bureau of Counterterrorism.* Available online <http://www.state.gov/j/ct/rls/crt/2012/index.htm>. Accessed on 20/02/2013.

⁹⁹ DamphouseR.K. The morning After assessing the Effect of major of Terrorism Events on prosecution. Strategies and out-comes. *Journal of Contemporary Criminal justice* volume 23 Number 2 may 2007 174-194, 2017

initiatives of community policing were considered to be successful in regions with low rates of crime victimization and existing communal networks, but moreover in areas which the need was high.¹⁰⁰

An interview with one of the BPU officers cited that:

‘...critics have opined that the recent priorities shift in the post 9/11 Tower terror attack in the United States of America has been at the community policing expense, whilst others reiterate that initiatives on counter-terrorism are considered to augur well with the principles of community policing as intelligence gathering needs close public-police partnerships...’ (BPU 1, 15th October 2021).

In developed countries such as Europe, there is a key focus on racial and ethnic communities. Across the Europe continent, for instance, the community notion is anchored highly on geographical neighborhood terms. In a country such as France, the idea of community policing has been rebranded as neighborhood policing. However, reforms on community policing have been stunted by militarized policing and centralized structures and a culture of local accountability is relatively absent. Indeed, the reiteration has been more on being more operational within the community, as opposed to forming part of it.¹⁰¹

Majority of the countries in Africa have domesticated program on community policing as being practiced in countries which are developed such as Britain and America; however, the adoption of the strategy differs across the nations to nation pre-determined by the country’s crime historical data or crime statistics.¹⁰² For example, in Nigeria, community

¹⁰⁰ Dollard, J., Miller, N. E., & Doob, L. W. *Frustration and aggression*. New Haven: Yale University Press, 2016

¹⁰¹ Jessie. B. The UK anti-terrorism laws: does their practical use correspond to legislative intention? *Journal of policing, intelligence and Counter terrorism*; 8:1, 19-34, 2018

¹⁰² Konstantin A. Representative Democracy and Fighting Domestic Terrorism; *Terrorism and political violence*, 28:1, 114-134, 2016

policing has made great strides on the structures and context of policing by reforming the paramilitary setting and military leadership.

Moreover, their programs on policing are decentralized to the levels of neighborhood, hence improving on accessibility, reliable partnership with local communities, easy contact, indulging in tactics which target particular problems identified by the community as a whole, working in collaborative partnerships with other private entities and evaluating continuously their strategies.¹⁰³ In the phase of South Africa transformation from apartheid to democracy, a number of law enforcement agents who served under the regime of apartheid remained working, hence making it crucial to introduce a community policing approach as a way of legitimizing police actions and legitimizing their service delivery.¹⁰⁴

One of the respondents during the interview from NCTC noted that:

...The main key to this approach was to form some kind of holistic partnership between the members of the public and the police through community and safety issues which can be handled equally. In East Africa, a national wide, grassroots at the village system referred to as 'Nyumba Kumi' was actually adopted. This made sure that the Immigration officers and the police knew precisely who was occupying which hotel, who was renting a particular house, who owns a given property and who came in and out of the village (NCTC 2, 15th October 2021)

In Kenya, community policing was launched on 27th April 2005 as a national program by Mwai Kibaki, former president of Kenya at Ruai Police Station . In a speech given by the former president (Mwai Kibaki), he noted that attempts to reduce criminal activities in the country through adoption of community policing had to some extent been successful in the

¹⁰³ Jessie. B.The UK anti-terrorism laws: does their practical use correspond to legislative intention? Journal of policing, intelligence and Counter terrorism; 8:1, 19-34, 2018

¹⁰⁴ Ibid

pilot phase and there was an urgent need to be rolled out across the country.¹⁰⁵ Hitherto, a number of community policing initiatives have been rolled out across the country. Moreover, the National Police Service is also on record for offering training among police officers on how to adopt and implement community policing approaches.

One of the respondents during the interview from NCTC departmental head noted that:

'.... An assessment of community policing achievement carried out in 2017 by our joint tasks force indicated that widespread occurrence of assault, petty offences, substance abuse, muggings and burglary particular among the informal settlements such as Kibera, Dandora, Mathare, Kiambio, Mukuru Kwa Njenga and other areas such as Kayole. Additionally, the residents had a feeling of being served inadequately by the policing agencies and in majority of the cases; they were not willing to report crimes as they doubted the willingness of the police to confidentiality act. Remarkably, the report indicated that the nexus between the public and the police was very poor.... (NCTC 2, 15th October 2021).

As a result of failure by reactive policing measures to address adequately reduction of crime, proactive law enforcement measures are acquiring momentum across the globe. Among such proactive crime management measures currently being utilized across the globe is community policing. The effects of community policing adoption have received adequate empirical research¹⁰⁶ yet very few studies have been conducted on the effect of community policing on crime management or security management. Community policing is gaining popularity in Kenya currently due to the increase in crime and cases of insecurity particularly those linked to terrorism and violent extremism. This is evident with the

¹⁰⁵ Kenya Police. *The Regular Police Service: Strategic Plan 2003- 2007*. Nairobi: Government Press, 2016

¹⁰⁶ Jessie. B. The UK anti-terrorism laws: does their practical use correspond to legislative intention? *Journal of policing, intelligence and Counter terrorism*; 8:1, 19-34, 2018

implementation of *Nyumba Kumi* initiative, a Swahili term implying ten households, where the citizens are encouraged to form households' clusters and to know each other.

Past regimes have tried to roll out community policing in a bid to address insecurity in the country but hitherto crime and fear of crime is still a challenge in the country. In a study conducted by Kimunguyi, the study noted that it was a serious mistake since community policing in its scope has various intricacies and its intention is to concentrate on the particular community security, understand their security particular needs and form tailor made solutions which addresses those specific needs.¹⁰⁷ Makinda opined that the Kenya Police Service faces various challenges when handling criminal activities in Kenya. Among the challenges entails mistrust between the police and the community which increases drastically the crime prevention challenges.¹⁰⁸

UNODC indicated that this is made worse by the police-citizen low ratio hence propagating a reliable community's participation in policing affairs.¹⁰⁹ Prestholdt opined that violence and insecurity are cited as the main challenges facing city urban informal settlements. Their reports noted that close to two-thirds of city informal settlements felt that they were vulnerable to criminal activities.¹¹⁰ The findings were echoed by Shola who noted that in Viwandani and Korogocho violence and crime were the serious challenges which they are

¹⁰⁷ Kimunguyi, P. *Terrorism and Counterterrorism in East Africa*. Global Terrorism Research, Monarch University, Australia, 2011

¹⁰⁸ Makinda, S. (2017). History and Root Causes of Terrorism in Africa. In Okumu, W., & Botha, A. (Eds.). *Understanding Terrorism in Africa: In Search for an African Voice*. Pretoria; Institute for Security Studies. Pp. 15-22, 2017

¹⁰⁹ Ibid

¹¹⁰ Prestholdt, J. Kenya, the United States, and Counterterrorism. *Africa Today*, 57(4), 3-27, 2016

facing. In an attempt to improve security, various initiatives have initiated by the government to manage and control the rates of crime. One of the initiatives which forms key interest and concern of this study is community policing.¹¹¹

Apparently, the state introduced community policing which is famously known as *Nyumba Kumi* initiative to improve security conditions as a result of the belief that terrorism was getting out of hand, but according to one of the respondents (Senior Military Officer, 2021), as a concept which is aimed towards addressing all insecurity aspects. Likewise, it is aimed at responding to trigger factors of insecurity such as economic, public health and environmental depletion among others.¹¹² However, this still remains to be actually seen. The response of the government might have been informed by the knee jerk reaction after the Westgate attack.

The post Westgate attack response indicated the importance of embracing community policing, as the attacks first respondents were the gun licensed neighborhood members and civilians showing the importance of informal sector in response and prevention.¹¹³ The local community's involvement in security provision assisted in demystifying the idea that the fight on terrorism is the law enforcement responsibility.

This according to one of the senior intelligence officers (S.I.O, 2021), is fortified on 'if you see, say; if you feel, say; and if you hear, say'. This puts the community at the epicenter of addressing issues of insecurity in the country.

¹¹¹ Shola, J. *Assessing Counter Terrorism Measures in Africa: Implications for Human Rights and National Security*, accessed July 25, 2017

¹¹² Ibid

¹¹³ Hoffman, B. *Inside terrorism*. New York: Columbia University Press, 2016

Additionally, in collaboration with the security agents, it disrupts the activities of the terrorists and attacks prior to them occurring. This program may see the current village system restructuring under elder to ten household units. However, this does not imply 10 households, but this is the basic security arrangement level, which will form ultimately a national security foundation.¹¹⁴ This program is classified at different levels with the baseline level being the Nyumba Kumi- Usalama wa Msingi as well as the National Security Council being the top most, with every committee level member bearing diverse mandates.¹¹⁵

3.4 Terrorists Interdiction Program (TIP)

Kenya is among the countries in East Africa which takes part in the US sponsored program referred to as Terrorist Interdiction Program (TIP). It provides the state with world-class computer name-check network which assist the border and immigration control officials in quickly identifying criminal suspect and terrorist individuals trying to leave or enter the country.¹¹⁶ This is conducted through use of Personal Identification Secure Comparison and Evaluation System (PISCES) installation at entry points across the borders of the country.¹¹⁷ Sjah noted that this has led to easy collection, analysis, comparing of travelling

¹¹⁴ Security Research Information Center. *Nairobi Region Annual Crime Observatory Report 2011/2012*. Nairobi, Kenya, 2014

¹¹⁵ Ibid

¹¹⁶ Whitaker, B. E. Reluctant Partners: Fighting Terrorism and Promoting Democracy in Kenya. *International Studies Perspectives*, 9(3), 254–271, 2017

¹¹⁷ Shinn, D. H. Al-Qaeda in East Africa and the Horn. *Journal of Conflict Studies*, 27(1), 2017

data and hence contributing to the global attempts in comprehending terrorists' techniques and monitoring of their movements.¹¹⁸

3.5 Anti-Terrorism Assistance (ATA) by United States of America

Subsequently, Kenya takes part also in the Anti-Terrorism Assistance (ATA) program of the US Department of State. ATA was promulgated in the year 1983, to provide the law enforcement training with an aim of assisting the country which is taking part in promulgating conventional counterterrorism capacity. Those trainings involve the detection and safe explosives devices, post-blast investigations techniques, fortifying of interagency collaboration, improving the capacity of prosecution among others.¹¹⁹ The program in Kenya has equipped and trained the law enforcement officers, customs and immigration officers in effective border control, safety and airport security, urban counterinsurgency, detection as well as investigation of terrorist incidents and tracking.

A top BPU officer during the interview noted that:

.....In Kenya, the program has well trained and equipped law enforcement agents, immigration and customs officers in effective control of border, airport security and safety, urban counterinsurgency, investigation and terrorist's incidents detection and financial flows tracking of suspects. This program has been in operation in Kenya since the year 1989 and in these duration to 2004 it had trained close to 600 personnel and expended over \$4.05-million, however, it acquired operational momentum in the year 2005 within the country (BPU 2, 12th October 2021).

¹¹⁸ Sjah, A. Tracing Al Shabaab's Decision to Cooperate with Al Qaeda in Somalia (2008). *Journal of Terrorism Research*. Vol. 5(1), 35-45, 2014

¹¹⁹ Mutave, N. Terrorism Challenges Facing Kenya's National Security and National Response to Terrorism, 1981-2003. Unpublished Master Thesis, University of Nairobi, 2015

Kenya has been consistently among the greatest recipients of ATA across the world, ranking only behind Pakistan, Jordan and Afghanistan in Financial Year 2010.¹²⁰ Oblivious of the program being in existence for a long duration, the terrorism prevalence in the country has steadily been on the rise. Hence the need of rethinking the priorities which is funded by the program if its results were to be realized.

3.6 Combined Joint Task Force-Horn of Africa (CJTF-HOA)

Kenya participates also in CJTF-HOA, which was promulgated in 2002, to fight extremism within the region. It operates in Kenya, Djibouti, Seychelles, Somalia, Sudan, Eritrea and Ethiopia where its' headquarter is located at Camp Lemonier. Nevertheless, the countries which are near to the operation countries are regarded to be "areas of interest".¹²¹ The CJTF-HOA has been engaged in region security forces training in counterterrorism approaches and other military professionalization areas, intelligence gathering, conducting civil affairs initiatives, supporting and overseeing humanitarian assistance attempts and acting as the multilateral peace operations advisors.¹²²

One of the officers at the NCTC cited during the interview that:

.....In Kenya, it has offered civil affairs personnel training, offered veterinary service and medical, drilled of water wells and trained Kenya's military navies. Activities such as civil affairs are strategically paramount in acquiring the support of the population against elements of terrorism, hence promoting counterterrorism attempts. This is geared towards winning the minds and hearts of the communities

¹²⁰ Kimunguyi, P. *Terrorism and Counterterrorism in East Africa*. Global Terrorism Research, Monarch University, Australia, 2011

¹²¹ Jessie. B. The UK anti-terrorism laws: does their practical use correspond to legislative intention? *Journal of policing, intelligence and Counter terrorism*; 8:1, 19-34, 2018

¹²² Obershall. A. How democracies fight insurgents and terrorists, *Dynamics of Asymmetric conflict*; 1:2, 107-141, 2018

that elements of terrorism find support or possible hideouts. This along way goes to addressing the trigger factors of terrorism, hence assisting in terrorism mitigation (NCTC 5, 14th October, 2021).

3.7 Intergovernmental Authority on Development (IGAD)

As a resulting of the evolving HOA region needs, the organization was rebranded in handling the emerging security needs and issues of development in 1996. It has been engaged in the process of peace in both South Sudan and Somalia. Such attempts, according to Rosand et al., leads to addressing terrorism conducive conditions (p. 98). Attempts by IGAD to combat terrorism in the sub-region have been acquired through the IGAD Capacity Building Program against Terrorism (ICPAT).¹²³ The ICPAT program was promulgated in June 2006 in Addis Ababa for a four-year duration.¹²⁴ This program concentrates on five key areas in its attempt to prevent terrorism: judicial measures promotion, border security and interdepartmental cooperation, institutional linkages with other agencies in avoiding duplication, information sharing and training and best practices.¹²⁵

ICPAT was in 2010 restructured to become IGAD Security Sector Program (ISSP). This was to absorb the ICPAT best practices and address the matters of regional security in the HOA in a holistic manner.¹²⁶ The ISSP was in 2011 constituted with the main mandate of:

improving the member states capacity in dealing with terrorism mitigation in

¹²³ Rosand, E., Millar, A., & Ipe, J. (2010). Enhancing counterterrorism cooperation in Eastern Africa. *African Security Review*. Vol. 18 (2), 93-106

¹²⁴ Ibid

¹²⁵ Rosand, E., Millar, A., & Ipe, J. (2010). Enhancing counterterrorism cooperation in Eastern Africa. *African Security Review*. Vol. 18 (2), 93-106

¹²⁶ Bashir, A. H. Executive Secretary of the Intergovernmental Authority on Development (IGAD), Speech at the Meeting of Ministers of Justice of IGAD member states on Legal Cooperation Against Terrorism, 20 September, 2017

*regard to organized crimes, maritime crimes and offer security effectively and efficiently through the security reform sector with capacity building as an overarching element*¹²⁷

3.8 African Union (AU)

Africa Union prevention of terrorism in Africa is conducted under its organ in handling conflicts, management of crisis and missions on peacekeeping. AU has promoted peace in various regions in Africa, for instance, in Somalia under the African Mission in Somalia (AMISOM) auspice, which is crucial to security threat elimination. Instability in a country is utilized often by groups of terrorism in providing a safe haven and as an area of conducting terrorist activities in the neighboring countries for instance; Al-Shabaab has been using Somalia in carrying out attacks in Kenya and fleeing back to Somalia.

The AU efforts in combating terrorism was initiated first in 1999 at Algiers convention on Preventing and Combating of Terrorism. This was closely followed by the 2002 Plan of Action on the Prevention and Combating of Terrorism in Africa within Dubai following the United States following the 9/11 attacks. Through such efforts, the AU formed the African Centre for Study and Research on Terrorism (ACSRT) in 2004 located in Algiers, as its technical arm on issues related to AU counterterrorism program implementation.¹²⁸

The purpose of the center is:

¹²⁷ Ibid

¹²⁸ Kagwanja, P. Counter-terrorism in the Horn of Africa: New Security Frontiers, Old Strategies. African Security Studies, 15(3), 72–86, 2006

to ensure information centralization, analyses and studies on terrorism and terrorist groups and training program development by arranging with the help of international partners, schedules of training, symposia and meetings (Plan of Action Article 19-21)

The Algiers convention and Plan of Action offered extra measures in handling terrorism within the African continent. The Plan of Action and AU provides more practical solution to the Algiers Convention implementation. Additionally, it promotes also enhanced security of the border, and the law enforcement regular training, judicial officials and border security.¹²⁹ The convention implementation is conducted by the AU Commission and AU Peace and Security Council as well as other sub-regional organizations such as IGAD.¹³⁰

ACSRT has coordinated a number of seminars, regional workshops and other capacity-building activities for the states in Africa, including the East Africa region, on crucial topics linked to combating and preventing of terrorism. These involves the police training, critical protection of infrastructure, terrorism financing mitigation.¹³¹ Such seminars have assisted in reassessing regional vulnerabilities, a country's counterterrorism capabilities examination, information sharing promotion and best practices on counterterrorism among the member states.¹³²

¹²⁹ Bashir, A. H. Executive Secretary of the Intergovernmental Authority on Development (IGAD), Speech at the Meeting of Ministers of Justice of IGAD member states on Legal Cooperation Against Terrorism, 20 September, 2017

¹³⁰ Ibid

¹³¹ Kimunguyi, P. *Terrorism and Counterterrorism in East Africa*. Global Terrorism Research, Monarch University, Australia, 2011

¹³² Hodgson, J., & Tadros, V. (2013). The Impossibility of Defining Terrorism. *New Criminal Law Review: An International and Interdisciplinary Journal*, Vol. 16(3), pp. 494-526

3.9 United Nations (UN)

The increase in acts of terrorism and its potential threat to the global security and peace has led the international community to universally responding with the diverse legally binding resolutions to all states through the UN. These have been conducted by a number of conventions adoption dealing with various acts of terrorism. For instance, the International Convention of 1999 for the Suppression of the Financing of Terrorism was to combat the terrorism financing by various entities. The role of these treaties is often to incorporate the defined crimes by the treaty in question within the domestic criminal law and making them to be punishable by penalties which mirrors the offense gravity. The states are obliged also by such treaties to extradite the suspects or even open proceedings against them. Nonetheless, such conventions need cooperation between the members in handling terrorism (in prosecution, prevention and investigation of various offences).¹³³

However, it is the 1373 UN Resolution adopted after the September 11, 2001 terrorism attack in the US which had far reaching implications which had fear reaching implications which called for the state's roles in combating terrorism. This involves suppression and prevention of financing of acts of terrorism; refraining from supporting persons or entities involved in acts of terrorism; ensuring that terrorism acts are established as serious criminal offences in regulations and domestic laws and that the punishment reflects duly the terrorist attack seriousness; coordinating with other nations on early warning systems and the

¹³³ International Crisis Group. The Kenyan Military Intervention in Somalia. In Crisis Group Africa (184) 1-24, 2015

terrorist acts investigations; and stringent border security measures in an attempt to prevent individuals movement or persons who are involved in acts of terrorism.¹³⁴

The established also a Counterterrorism Committee to oversee the 1373 Resolution implementation accordingly and offer technical help. Kenya has adopted thirteen international counterterrorism protocols and conventions set out by the 1373 Resolution.¹³⁵

In supporting the terrorism prevention for safer Kenya, United Nations Office on Drugs Commission (UNODC) and United Nations Development Program (UNDP) jointly worked in promoting this. This was conducted through National Counterterrorism Center partnership and the Office of the President. This was to help the country in handling the incidences of terrorism, money-laundering in the country and financing of terrorism. This was financed by Denmark government.¹³⁶

3.10 Conclusion

This section looked at the determinants for an effective security forces interagency coordination for terrorism prevention in Nairobi City. The chapter sought to address the main aim of chapter three by critically looking at how effective security forces are collaboratively working in preventing of terrorism acts. The chapter shows that it is vividly clear that the government has adopted a number of measures including legal frameworks,

¹³⁴ Hodgson, J., & Tadros, V. The Impossibility of Defining Terrorism. *New Criminal Law Review: An International and Interdisciplinary Journal*, Vol. 16(3), pp. 494-526, 2013

¹³⁵ Okumu, W. Gaps and Challenges in Preventing and Combating Terrorism in East Africa. In Okumu, W. & Botha, A. (Eds.) *Understanding Terrorism in Africa: Building Bridges and Overcoming Gaps*. Institute of Security Studies; Pretoria. (Pp. 62-70), 2018

¹³⁶ Otenyo, E. New Terrorism. *African Security Study*. Vol. 13(3).Pp. 75-84, 2014

ratifying of international conventions, protocols and joining of regional bodies such as AU and IGAD in a bid to ensure that inter-agency coordination among security forces within the country is fruitful. additionally, creation of specialized security agencies such as the NCTC and ATPU has been also indicated in this study for being leading determinants in ensuring effective security forces interagency coordination. The chapter also additionally shown the security sector reforms focused also on improving the public participation capacity in security related issues through community policing platforms. The next chapter seeks to address the challenges facing security forces inter-agency coordination on terrorism prevention in the country.

CHAPTER FOUR
CHALLENGES OF SECURITY FORCES INTER-AGENCY COORDINATION
IN TERRORISM PREVENTION

4.1 Introduction

This chapter seeks to look at the challenges facing security forces inter-agency coordination on prevention of terrorism. It seeks to look at the structural, systematic and security governance issues which acts as the challenges facing security forces inter-agency coordination on prevention of terrorism in Kenya. The chapter will look at investigation challenges, intelligence gathering challenges, information sharing challenges, political challenges, public appeal, supremacy battle issues and the changing or merging terrorism faces.

4.2 Investigation Challenges

Terrorism calls for specialized techniques of investigation which must comport with the international and internal legal framework. According to UNODC, police investigations techniques which compromise personal rights are justified only on the grounds of proportionality and necessity. In Kenya, prosecution and investigation procedures are tabulated in the Criminal Procedures Act. Investigations have been long criticized by the legal agora as flawed. Various cases have been quashed or dismissed on the poor investigation's grounds, where the court has argued that the adduced evidence fail to meet the minimum standards or threshold among criminal cases. These investigations which are substandard can be linked to constant transfers among the policing investigating units and shortage of forensic capacity.

One of the Criminal Intelligence Unit officers from the DCI noted that:

.....Police officers always end up being transferred minus completing the required standards of investigations and in cases where they have wind-up on investigations, they are either unavailable or the evidence is lacking still. The criminal law minimum threshold is beyond the reasonable doubt, and this can only be acquired (sometimes) through forensic investigation and duty dedication. The law enforcement agents lack this capacity which may not be tolerated in fighting terrorism (CIU 1, 13th October 2021).

4.3 Information Gathering

Intelligence collection is crucial in the fight against terrorism and can be carried out through overt or covert sources. As a result of nature of terrorism, law enforcement agencies, the military and the intelligence agencies need to cooperate with their counterparts within other states. Covert collection of intelligence has been critiqued, particularly when not backed-up by law. Covert actions infringe generally on ICCPR Article 17. The law should therefore set conditions and regulations concerning covert collection, all of which should be promulgated in detail and implemented minus bias.

One of the ATPU officers noted during the interview that:

Covert methods of collection which are used currently against the suspects of terror are internet monitoring, wiretapping and tracking devices installation. Apart from the laws which govern the issue of unlawful interference, the gathered information should also be safeguarded against arbitrary disclosures (ATPU 7, 14th October 2021).

The Mutual Legal Assistance Act of 2011 promulgates that ‘In accordance with the provisions of this Act and other relevant legal frameworks, Kenya may execute a request from requesting state for (a) the interception and immediate telecommunication transmission; or (b) the recording, interception and subsequent telecommunication transmission. This provision has been criticized for shortage of safeguards which are

similar to those found in democracies which are more established such as the UK, where the court need to approve any interception.

4.4 Legislation Challenges

As noted in the early chapters, the terrorism threats led Kenyan government to introduce a number of legislations in order to basically mitigate it. In Kenya, the legislations have had far-reaching outcome in addressing the issue of terrorism. The implications have been raised by the human rights groups, religious leaders, opposition leaders and civil society. The allegations are based always on the human rights transgression as result of security agencies excessive use of force and manipulation, thereby negating the very cause for which they are called upon to safeguard the citizens. The preceding thematic areas of the study asses the various legislations providing a critique over the same.

4.4.1 The Suppression of Terrorism Bill 2003 and Critique

The Suppression of Terrorism Bill 2003 was promulgated in 2003 by the then justice and constitutional affairs minister and got some support from a clique of government officials. The bill was faced with a number of criticisms from the activists on human rights, civil society among others. This bill was also regarded to be a blue print of the US Patriot Act and hence the perception that the bill was sponsored by the US government.¹³⁷ Nevertheless, the bill was perceived as contravening the old constitution of Kenya.¹³⁸

¹³⁷ Whitaker, B. E. Reluctant Partners: Fighting Terrorism and Promoting Democracy in Kenya. *International Studies Perspectives*, 9(3), 254–271, 2017

¹³⁸ Kamau, W. C. Kenya & the War on Terrorism. *Review of African Political Economy*, No. 107, pp.133–141, 2006

Hence, the Bill implementation would imply legitimizing harassment of the citizens.¹³⁹

One of the NCTC officers noted during the interview that:

This bill turned out to be a fundamental vent for the state-society relations in Kenya. Suppression of Terrorism Bill Section 3 (1) defines terrorism as the use or action threat designed in influencing the government or to intimidate the public or a public section; and made for the aim of advancing an ideological cause, religious or political. This definition was considered to be very vague that any virtually encompassed act of political dissent to be terrorism acts (NCTC 6, 17th October 2021)

On the similar note, Okumu¹⁴⁰ postulates that the vague and broad definitions offered wide latitude for the state to abuse the law proposed (p. 65). Mazrui additionally adds that the definition involved a broad range of crimes which are covered currently by the Penal Code of the country, from robbery with violence to crimes of passion between lovers.¹⁴¹

One of the Military Intelligence officers noted during the interview that:

Flaws such as these always affect the policy effectiveness and make them open to abuse the parties concerned. Oblivious of the significance of the definition of terrorism, the Bill did not offer a succinct and precise definition since only an offense which meets this particular definition falls within the law structure (Senior Military Officer at DoD, S.M.O, 2021).

In essence, the definition did not establish the terrorism threshold from a legal perspective.¹⁴²

¹³⁹ Ballard.J.D, Joseph.G.H, &Douglas, M. Technological Facilitation of Terrorism. Definition legal and policy issues volume 45 No 6 February 2002 989-1016, 2016

¹⁴⁰ Okumu, W. Gaps and Challenges in Preventing and Combating Terrorism in East Africa. In Okumu, W. & Botha, A. (Eds.) *Understanding Terrorism in Africa: Building Bridges and Overcoming Gaps*. Institute of Security Studies; Pretoria. (Pp. 62-70), 2018

¹⁴¹ Mazrui, A. Africa's Role on America's 'War on Terrorism: Some Political Implications. In Okumu, W. & Botha, A. (Eds.), *Understanding Terrorism in Africa: In Search for an African Voice*. Pretoria; Institute for Security Studies, (Pp. 67-76), 2007

¹⁴² Mwazighe, C. L. *Legal Responses to Terrorism: Case Study of the Republic of Kenya*. A Master's Thesis. Naval Postgraduate School, Monterey, California. Accessed on 10 November 2014 from: http://calhoun.nps.edu/bitstream/handle/10945/27876/12Dec_Mwazighe_Charles.pdf

4.4.2 The Security Laws (Amendment) Bill 2014

The government of Kenya in an attempt to update and revise the security legislations in the country drafted the 2014 Security Laws (Amendment) Bill. The chairperson of the Parliamentary Committee on National Security and Administration, Asman Kamama tabled the Bill in the National Assembly on 11/12/2014. The bill aimed at amending the twenty-two laws of Kenya which were concerned with issues of national security. However, it came under sharp criticism by the opposition parties, the public, media houses as well as the civil society.

The Bill was a response to the increase in terrorist attacks in Kenya. This bill was drafted in the wake of Nairobi bound bus attack from Mandera which led to 28 deaths with majority being Christians. Due to this, there was pressure mounted on the government to deal with the terrorism threat. The Bill was introduced on 11/12/2014 and on 18/12/2014 the Bill was passed by the National Assembly amid chaos and the president assented to it making it to become a law.¹⁴³ The opposition rejected the Bill on the grounds that it was a violation of media freedom and civil liberties which are guaranteed by the new constitution and the international regimes.

The opposition to the Act led to challenging of the Act in court by leaders of the opposition, the Kenya National Commission on Human Rights (KNCHR), the civil society among other parties who were interested. This led to the suspension of seven Articles in the Act; Article 95, 48, 34, 26, 20, 16 and 12 of the law.¹⁴⁴ The new Bill called for journalists to

¹⁴³ Mogire, E. *Victims as Security Threats: Refugee Impact on Host State Security in Africa*. England: Ashgate, 2016

¹⁴⁴ *Ibid*

acquire police clearance before publishing or investigating security issues and domestic terrorism stories. It highlighted also that individuals who were concerned need the approval of the police for broadcasting and publication of information linked to investigation of terrorism.¹⁴⁵ The Bill section 75 introduces Section 30 (F) to the 2012 Prevention Terrorism Act, stating the penalty for acting against the provision stated above. The Offences are punishable by an imprisonment term of not more than 3 years or to a fine of 5 million or both. According to KNCHR the fines were considered to be punitive and not proportional to the intended limitation by the amendment. This was interpreted to be a government attempt in muzzling the media of which could hamper further the access to public information.¹⁴⁶ This according to one of the Senior Police Officers (S.P.O, 2021) was seen also as government plan to prevent criticism on the manner in which they always respond to incidences of terrorism.

The perceived intent of the government to silence the media was a response following the government exposure in mishandling of Westgate attack in 2013. After the attack, the media was run awash with the manner in which the government managed the attack. For instance, Kenya Television Network (KTN) on 18/10/2013 aired the CCTV footage showing the soldiers of KDF leaving the Westgate Nakumatt Supermarket with loaded white papers, which were suspected to be having looted commodities.

¹⁴⁵ BBC (2014, December 19). Kenya Security Law: President Uhuru Kenyatta Signs Bill. Retrieved from <http://www.bbc.com/news/worldafrica30546951>. Accessed on 25/02/2015

¹⁴⁶ Kenya National Commission on Human Rights (KNCHR), 2014. "Advisory on the Security Laws (Amendment) Bill, 2014." Available online at: [http://www.knchr.org/Portals/0/Bills/Advisory%20on%20Security%20Laws%20\(Amendment\)%20Bill%202014%202.pdf?ver=2014-12-16-170539-963](http://www.knchr.org/Portals/0/Bills/Advisory%20on%20Security%20Laws%20(Amendment)%20Bill%202014%202.pdf?ver=2014-12-16-170539-963) Accessed on 18/04/2015.

One of the DCI officers noted during the interview that:

The exposé might have got to the government nerves and the security agencies so to remain proactive to media cases exposing the security officers' misconduct, they required to gag them and this was to be acquired through this bill. This may be associated with the assumed symbiotic relationship between the terrorism and media fraternity. This symbiotic relation through the dissemination of media of any information was most likely to undermine security collaborative operation and investigations. For instance, in cases which involve media hostages and hostages may tip off the security agencies captors move; hence, putting the hostages lives at risk (DCI officer 1, 17th October 2021).

Even through the concerns of the government were considered to be genuine, there needs to be a balance between security and media freedom. The media itself need also to find a balance between privacy and reporting of those who are affected by acts of terrorism, in actually doing so they should not undermine the national security and that of a person. the Bill section 66 amends the NIS Act. This is carried out via the Part V introduction on covert operations: The Director General (DG) of the NIS section 42 (2) is authorized to conduct covert operations.

The DG authorizes this where he has fortified grounds to believe that a covert operation is regarded to be necessary in enabling the service to deal or investigate any possible threat to the national security or to undertake any of its functions. This provides also the use of any authorization written by the DG to the members of the service to acquire materials, information, documents, records or anything for the operation purpose; monitoring of communication; maintain, install or get rid of anything and do anything which is paramount in preserving the national security. This suspends the mandate of the judiciary in privacy protection, and it is the DG that authorizes the activity of the agency.

This authorization will be valid only for a period of 180 days and is mandated to be specific. This DGs immense power can be susceptible to abuse as he is subjected only to the Council.

One of the Intelligence officers from the DCI, CIU noted that;

This offers the DG rights to conduct mass surveillance on communication online the aim of national security. It is paramount to note that these intrusive approaches are authorized by the executives and not the judiciary. This can make also such measures to be open to abuse by the executive to conduct mass surveillance on their critics under the disguise that it is in the national security interest (Intelligence Officer, CIU, 2021).

According to KNCHR (2015), the bill sought to empower the NIS to apprehend suspects just like the defunct Special Branch. The effect of this was the mixing of policing powers and intelligence of which the former is not provided constitutently to the agency. Hence, the agency needs to focus on their constitutional role of gathering criminal activities intelligence which help the police into preventive action.¹⁴⁷ The bill provided further a limit to the asylum seekers and refugees to 150,000. The refugees were also not permitted to leave the camps unless with the camp officer permission. The High Court ruled against this, arguing that there is no other country which has set the refugees limit which had to enter their countries.¹⁴⁸

4.5 Information Sharing with Other Countries

Kenya is regarded to be the greatest ally of the Western countries in the HOA and the EA and thus has placed it in the frontline in preventing terrorism.¹⁴⁹ This enhanced further by the frequency of attacks that the country has experienced of which target mostly the western interests within the country. This has made it the Western counterterrorism operations center. Muthoni & Thuku considers the US in aiding Kenya and the appeal of the country

¹⁴⁷ Ibid

¹⁴⁸ Muthoni, K., & Thuku, W. Judges Declare Eight Sections of New Security Law Illegal. *The Standard*. Retrieved from: http://www.standardmedia.co.ke/article/2000152677/court-declaresseveral-sectionsofthesecuritybillunconstitutional/?articleID=2000152677&story_title=judges-declare-eight-sections-of-new-security-law-illegal&pageNo=4. Accessed on 25/02/2015

¹⁴⁹

for assisting in the fight on terrorism as a method of sourcing donor related funds and be diverted only to the personal pockets.¹⁵⁰

The respondent alleged also that the countries joining AMISOM may have been championed by the desire to get a share of the UN funding to the countries which intervened in Somalia. This has strategically placed Kenya in conflicts with other actors within Somalia like Ethiopia, which has been longer in Somalia than Kenya. Nonetheless, the move by the government of Kenya to make the Kenya Defense Forces in Somalia to join AMISOM was not well received by local suppliers who prior to the merger offered food products to the KDF since this meant the finality of multi - million businesses with the government (Intelligence Field Officer, I.F.O, 2021).

The foreign aid assistance or aid argument to some extent can be utilized in explaining the attempt by the government in adopting particular legislation despite their Kenya's national laws contravention. Its alleged that there was increasing pressure on the government of Kenya by the government of US in enacting antiterrorism legislation as a pre-requisite for continued counterterrorism support to Kenya.¹⁵¹

One of the policies implementers at the NCTC implied that;

Counterterrorism measures need such funds and a country such as Kenya cannot fund exclusively such measures. Such programs might involve adding biometric information in passports and maintaining of traveler databases, adding new government coordination institutions and security forces training, which needs immense funding (NCTC 9, 17th October 2021).

¹⁵⁰ ibid

¹⁵¹ Whitaker, B. E. Reluctant Partners: Fighting Terrorism and Promoting Democracy in Kenya. *International Studies Perspectives*, 9(3), 254–271, 2017

Due to this, Kenya's government to a significant extent indicated complicity via the number of times it tried to draft a number antiterrorism legislation. The cooperation has also been marked by immense diplomatic pressure through issuing of travel advisories to its citizens in order to force the government of Kenya to enacting the various reforms relating to the fight against terrorism. Such travel bans punish wrongly the country over the past attacks on terrorism. The absurdity of all this is that when the Western countries are attacked by the terrorists, Kenya often shows solidarity with them and fails to issue travel advisories against those Western countries. This in turn affects the tourism sector, hence, affecting the economy of the country. Otiso¹⁵² links this pressure to the differences in the country's perception on terrorism risk and the inability in sustaining the high cost of fighting against terrorism minus the international support (p. 124).

There has been levity on the part of Kenya to participate with the Western countries in fighting of terrorism. Whitaker linked this to democratic transition process which the country was actually going through. Hence, democracy always makes it difficult for countries to participate publicly with US in preventing of terrorism, but cooperating privately.¹⁵³

Prestholdt's¹⁵⁴ view the American security aid as an avenue for Kenyan authorities expanding their security infrastructure significantly. However, this infrastructure is yet to

¹⁵² Ibid

¹⁵³ Whitaker, B. E. Reluctant Partners: Fighting Terrorism and Promoting Democracy in Kenya. *International Studies Perspectives*, 9(3), 254–271, 2017

¹⁵⁴ Prestholdt, J. Kenya, the United States, and Counterterrorism. *Africa Today*, 57(4), 3-27, 2016

affect the ability of the authorities in terrorist identification, bring criminals to justice and foil plots of terrorists (p. 11).

One of the ATPU officers noted during the interview that:

Oblivious of such assistance, the terrorists' activities level has heightened with the emergence of Al-Shabaab in the HOA. The expectation has been the bettering the various infrastructures to the security forces their capacity in investigating, preventing attacks of terrorism and prosecuting terror suspects will be improved. However, this expectation fails to march the realities. On the contrary, this aid has been perceived as rewards for the government of Kenya continuous abuse of human rights in fighting terrorism (ATPU 4, 15th October 2021).

The significance of the state in fighting terrorism has been improved with the assistance from the UK, US and other donor nations. This aimed at heightening the capacities of the country in handling acts of terrorism and threats. According to Open Society Justice Initiative these kinds of aids are considered to be vague with the case of UK considered to be opaquer.¹⁵⁵ This always makes it hard to offer a rough estimate and the kind of help is provided to the government. Nonetheless, this has led the country to overreliance on foreign donation for counterterrorism aid. This is mirrored in the ATPU case, which through the ATA and the EACTI (now PRACT) programs has acquired immense funding. Kenya is among the largest global US anti-Terrorism Assistance (ATA) program recipients.

One of the ATPU top officers noted during the interview that:

Kenya is not cooperating only with the Western countries in fighting terrorism, but also with the regional neighbors such as Tanzania, Uganda and Ethiopia among others. This kind of cooperation, has more often led to some impacts. After the 2010 bombing in Kampala, Kenya cooperated with security forces in Uganda in bringing of the attack perpetrators to justice. In doing so, through the ATPU, the government

¹⁵⁵ Open Society Justice Initiative. *Counterterrorism and Human Rights Abuses in Kenya and Uganda: The World Cup Bombing and Beyond*. New York, Open Society Foundations, 2013

of Kenya rendered various Ugandan and Kenyan suspects in Uganda to be tried in Uganda (ATPU 4, 15th October 2021).

The extraditions were regarded to be illegal and indulged in extradited suspect's rights abuse. As a response Al Amin Kimathi a human rights activist travelled to Uganda in a bid to oversee the trial of the Kenyans who were extradited and upon arrival, he was detained on murder accusations and conspiracy in acts of terrorism commission.¹⁵⁶ Nonetheless, the renditions were deemed illegal by the Kenyan High Court.¹⁵⁷ There was also an allegation of suspects interrogation being conducted by the Federal Bureau of Investigation (FBI) with Kenya and Uganda police involvement.¹⁵⁸

4.6 The Al-Shabaab and Its Changing Face

Anzalone cited that, the present-day Al-Shabaab mandate has shifted from no longer fighting “a full-scale attrition war against a better equipped enemy within Somalia but its target involves non-Muslims and Christians while radicalizing and mobilizing the Islamic youths in Kenya.¹⁵⁹ Following the killing of Al-shabab leader Mr. Godane in 2014 by American forces airstrikes, the group was expected to fall back, wane and even disappear but this was not the case.

The Godane purge gave the fighters more resilience to utilize aggression in ensuring survival beyond Somalia even retorted on using shields in meeting of their goals. it has been referred characteristically as “hit and run insurgency”. Finally, the Al-Shabaab can

¹⁵⁶ Ibid

¹⁵⁷ Open Society Justice Initiative. *Counterterrorism and Human Rights Abuses in Kenya and Uganda: The World Cup Bombing and Beyond*. New York, Open Society Foundations, 2013

¹⁵⁸ Ibid

¹⁵⁹ Anzalone, C. Kenya Muslim Youth Center and Al-Shabab's East African Recruitment. *Special Issue*. Vol. 5 (10), pp. 9-13, 2012

be termed as a group which adaptable, yet ruthless in its insurgency and hence the need for waging a war on its various activities. Bachmann and Honke noted that the adoption of realist approach on hard power in fighting terror has been put under a litmus test by historical events and history emerging from the questioning the effectiveness of using of force in addressing conflict issues.¹⁶⁰

In an interview with one of the senior NCTC officers in the country, the study noted that;

The mode of attack of terrorism has been changing across the globe due to a number of reasons. One of the leading reasons is the heighten surveillance and formation of regional integration agencies whose main aim is to combat terrorism as well as the Global war on Terror (GWOT). For instance, the Al-Shabaab changed its mode of operation over the last six years and are now abducting and taking hostage of their victims (Source: DCI 1, 18th October, 2021)

One of the officers from the DCI cited during the Key Informant Interview that;

...Our main challenge currently is on the issue of IEDs especially in areas such as Wajir, Garisa and Mandera where the threat of terrorism has been relatively high. Although we have invested resources and concerted efforts through a multi-agency collaboration in the fight against terrorism, terrorism...’’ (Senior DCI Official 2, 9th October, 2021)

¹⁶⁰ Bachmann J., & Honke, J. Peace and Security’ as Counterterrorism? The Political Effects of Liberal Interventions in Kenya. *African Affairs*. Vol. 109 (434), 97-114, 2009

4.7 Conclusion

The fourth chapter sought to assess the challenges facing security forces inter-agency coordination on terrorism prevention within Nairobi City. It sought to address some of the legal, personnel, political and technical challenges facing various security agencies on counter-terrorism. Oblivious of the challenges identified in this chapter, adoption of proactive crime management such as intelligence plays a leading role in offering threats related to information and the authorities in Kenya in fighting terrorism, it can assist in offering information which informs security decision and prosecution. This can go a long way in addressing terrorist suspects court acquittals as result of unavailable evidence. It is upon this that some of the agencies of security regard elimination of terrorist threats, disappearance as the only manner of dealing with terror related suspects. Counterintelligence and intelligence gathering is and still remain pivotal point for preventing terrorism.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter seeks to present summary, conclusion and recommendation of the study. This is the final chapter of the study. The chapter winds up the study; it makes a critical analysis of the findings which are guided by the objectives of the research. By doing so, the research will offer results which will pave the way for a conclusion. Finally, various recommendations which the study anticipates to be inform policy makers will be discussed.

5.2 Summary of the Findings

The study also analyzed the various ways in which security force inter-agency coordination has been vocal in preventing terrorism attacks in Kenya. The study has shown that Kenya faces constant terrorism threat owing to the shared border with Somalia, a country which has been operating without a functional government since the breakout of 1991 civil war. The 1998 attack was the most devastating in Kenya which led to the bombing of the US embassy by the Al-Qaeda in Nairobi. Henceforth, Kenya had been thrust into the cluster of unfortunate countries which have to fight terrorism actively as their daily lives part.

There have been various serious Al-Shabaab attacks since the attack on the US embassy, keeping the country on the verge of not knowing when the next an attack might occur. Al-Shabaab have recruited also Kenyans in joining their ranks, hence forming sleeper cells within the nation. This has led to further danger and prompted lone gunmen attacks. Grenades have been the choice of weapon for the lone radicals seeking to take their violent acts of extremisms to the end.

The AU has widely enacted and promulgated a number of terrorism prevention measures in ensuring that the rudimentary policy and legal frameworks in order to prevent and criminalize all issues and forms of terror related activities. The Convention on the Prevention and Combating of Terrorism held in 1999 assume a pivotal mandate towards promulgating frameworks for cooperation among inter-agency security forces. This convention offered also a legal ground for extradition as well mutual legal assistance and extra-territorial investigations. This convention was adopted in 2002 and so far, has been ratified by 40 states in Africa.

The AU Plan of Action on Combating and Preventing of Terrorism was another instrument adopted in the continent in dealing with the particular challenges in the fight against the terrorism scourge. Such challenges involve law enforcement work, border security, legal framework, terrorism financing, judicial measures and information sharing. As part of this plan of action, the African Centre for the Study and Research on Terrorism (ACSRT) was in 2004 instituted. ACSRT acts as a structure for centralization of information, empirical studies and various terrorism and terrorist groups analysis with an end capacity building program on developing CT goals.

ACSRT was further instituted in providing a platform for cooperation and interaction amongst the member states, and assumes a paramount mandate in informing the efforts of AU on counterterrorism. Kenya and other African countries have adopted also actions which aims at tackling the financing of terror related activities. The AU has directed the states who are its members in actualizing the International Convention for Destruction of Terrorism funding in 1999. The AU calls on its member states to restrict and have strict

individuals' controls, organizations or any companies which are suspected of financing terror related activities.

Among the ways in which terrorists have funded their activities in Africa involve schemes of extortion, NGOs donation, foreign funding, piracy, wildlife poaching and illegal mining. Countries within the continent of Africa have ramped up their effort on anti-poaching in an attempt to stifle that financing source for terrorism, while existing frameworks such as the Kimberly Process regulates the trade of diamonds so that there are no illicit proceeds from the diamonds sale which will be used in financing attacks on terrorism.

Kenya made a number of significant steps towards achieving security forces inter-agency coordination when the NCTC was inaugurated in the year 2004. The NCTC role is denoted as being accountable for CT commitment in Kenya in order to interrupt and identify terror related activities. The NCTC is concentrated also on operational requirements for CT organization with the guidelines and country's national security, recognizing and addressing subsequently in the CT gaps, fighting of terror related activities, formulating a formidable defensive pillar of CT strategy in Kenya.

The NCTC relied also on multifaceted and mutual cooperation on terror prevention. Kenya made a great step in its terrorism prevention program when its Defense forces in 2011 crossed into Somalia and started an offensive attack on Al-Shabaab strongholds. The incursion (re-hatted later to be part of AMISOM) has been crucial in pacifying the threat which originated from lawlessness in Somalia and created further a buffer zone at the border between Somalia and Kenya. This buffer has reduced significantly the flow of terrorist and

the weapons movement or illegal goods which are sold in financing activities of the terror groups.

Combating of terrorism financing is another crucial frontier in the war on terror. The Financial Report Centre takes the crucial mandate of locating the received income for fighting money-laundering and committing of criminal activities. The FRC plays a leading role in gathering of data on the distrustful financial subject dealings from all regulating and monetary organizations in the country and make sure agreement with international financial standards reporting and best practice presentation in anti-money laundering attempts.

Border security forms also an important terrorism prevention strategy in Kenya. Border security in Kenya is managed by the Kenya Police Service, in collaboration with other state agencies such as Immigration and Customs. Border control is a constant balancing role between maintaining the security of a country and granting of access. The border which Kenya shares with Somalia provides an exemplary challenge given that goods and people leaving Somalia are not subjected to the similar screening raft as other nations as result of lack of a functional central government. This leaves the security forces in Kenya manning the border in ensuring that they are not letting in perpetrators and terrorists together with genuine and legal travelers.

The verification of travel documents and the adoption of biometrics need to be adopted at the borders to keep a detailed record of those who are crossing the border. Kenya engages also in State-to-state inter-agency coordination in fighting against terrorism. Sharing of

intelligence with foreign allies with whom the country has partnered in prevention of terrorism.

5.3 Conclusion

Countering of violent extremism is the paramount beginning point in the pragmatic approach in preventing of terrorism activities. radicalization is considered to be the initial step taken by those who command terror related crimes and hence countering it would go a long way in neutralizing threats in their very nascent stages, when they are still thoughts among the vulnerable youths. Kenya boasts of a holistic National Strategy to CVE which is under the coordination of NCTC. Some of its programs involve Al-Shabaab recruits de-radicalization who are seeking to reintegrate back to the society after being integrated into the networks of terrorism. Strengthened sharing of information amongst security forces in the country is paramount in prevention of terrorism activities. The inter-agency Joint Operation Centers at the entry ports in Kenya are a practical example of platforms in information sharing which can be utilized in assessing whether a particular individual constitute threat to the country or not.

Community policing has been recognized as a leading strategy in preventing terrorism activities. In Kenya, this has been acquired through the Nyumba Kumi platform where neighborhoods are divided into clusters of 10 houses each. Such small clustering assists in easy outsiders' detection who might be behaving suspiciously. Since terrorists are known to hide in plain sight, having clusters which are tight-knit makes it easy in identifying individuals with outlier activity which could point out planning of terrorist attack. The Nyumba Kumi initiative has served as a system for early warning by rutting out those taking advantage of residential areas as terrorist attacks staging areas.

The study concludes that the public need to be sensitized over terrorism and this need to be done under the community policing auspice. Through community policing, the public might be used to better terrorists' activities intelligence gathering and other crimes. This will oversee also the improved relationship between the police and the public; hence, assisting in mitigating security threats. Hence, the government of Kenya needs to make 'nyumba Kumi' to be a reality. Conversely, the government needs to address corruption within the security agencies, officials from the immigration sector and in other areas, which has been exploited by criminals in buying their way to Kenya.

5.4 Recommendations

The following recommendations informed the study premised on the specific objective's findings;

- I.** The government needs to address the perceived economic marginalization of the Muslim community, both at the north-eastern and coastal regions within Kenya. This can be done either through ensuring that the decentralized governments is realized in order to assist the population in such areas participating in the management of their counties. This should involve also solving of historical injustices, which have continued in disfiguring perception, politics and the Muslim community discourse and the government of Kenya.
- II.** In order to address the root causes of terrorism in Kenya, the government needs to denounce the terrorists considering their acts to be criminal acts just like other offences. The government security agencies need to collaboratively work with the community in ensuring that they remain proactive in mitigating terror related threats in the country.

- III.** The government needs to increase security forces efficiency, terrorist suspects prosecution, through intelligence gathering improvement and the security agencies need to be trained effectively in dealing with incidences of terrorism. Terrorism covert nature always precludes an easy analysis of their intent or capabilities, hence giving them a competitive edge in conducting strikes when least expected; hence the counterterrorism measures by the government need to be proactive.
- IV.** The government needs to empower the NCTC in an attempt to coordinate all the antiterrorism efforts within the country. This will enable it to offer factual and timely intelligence in assisting the global war on terror. This will limit the blame game within the security agencies which are witnessed often after the terror attacks. Nonetheless, the NIS and the NCTC need to move from need-to-know principle to the need to the principle of need to share.
- V.** The government of Kenya CVEs programs need to observe human liberties and refraining from ethnic profiling. Targeting of specific communities is considered to be discriminatory approach which leads to ethnic Muslims and Somalis to feel discriminated, marginalized, not important and stirs up consequently tension between this group versus the state. Such feelings lead to hatred and fuel radicalization among the youth. The youth are considered to be susceptible influencing and hence being more susceptible to radical groups such as the al-Shabaab
- VI.** Additionally, the government needs to increase awareness on CVEs in order to encourage participation and accountability of the general public from all economic and social standings, civil society and religious-based institutions in assisting to

prevent terrorism acts. Concerted efforts should be on areas which are vulnerable where the population is most likely to be indulged in extremism. To ensure that the program is holistically embraced and sustainable, the government need to repair the burned bridges from these areas and communities. this may be a long-term sustainable measure in getting information which is privy to addressing radicalization.

VII. Finally, this study has shown that terrorist threats are made up of various facets. There is weapons procurement and explosive materials, personnel movement, clandestine communication, cooperation among the planners and those who are executing among others. All agencies which are working under the NCTC need to ensure that particular responsibilities and roles of each agency is agreed upon and understood by all the other agencies with whom they are collaboratively working with. These responsibilities and roles should be reviewed regularly in making sure that they are positioned well in responding to any detected threats of terrorism. It is also important to ensure that there is no overlapping of roles between the agencies so that there is no jurisdiction conflict over any issues related to the work of CT. Methodologies as well as channels on how information is exchanged should be properly documented and outlined in avoiding the lag time which may delay time-crucial information from achieving its intended auctioning target

5.5 Suggestions of further Studies

This study suggests that there is a need to carry out further research on the implications of non-state actors in preventing terror related activities. The Community Based Organizations (CBOs), NGOs and the General Public can also assume a fundamental mandate in preventing terrorism. Their mandate in society and how they can assist the governments in fighting terrorism requires to be critiqued empirically in drawing recommendations on how they can be integrated in preventing of terrorism activities.

REFERENCES

- Agbala, A., & Pulkol, D. The General Performance and System of Intelligence Bodies in the Great Lakes Region. Africa, S. & Kwadjo, J. (Eds.), *Changing Dynamics of Intelligence in Africa*. GFN-SSR, 2009
- Agnew, R. A revised strain theory of delinquency. *Social Forces*, 64, 151-167, 1985
- Agnew, R. *Pressured into crime*. Los Angeles, California: Roxbury Publishing Company, 2006
- Agnew, R. A general strain theory of terrorism. *Theoretical Criminology*, 14(2), 131-153, 2010
- Albini.J.L. Deciding with the Modern Terrorist. The need for Changes in Strategies and Tactics in the new war on Terrorism. Criminal Justice Policy Review, volume 12 Numbers 4 December 2001 255-281, 2016
- Amnesty International. *Somalis Are Scapegoats in Kenya's Counter- Terror Crackdown*. London, Amnesty International Publications.
- Anzalone, C. Kenya Muslim Youth Center and Al-Shabab's East African Recruitment. *Special Issue*. Vol. 5 (10), pp. 9-13, 2012
- Bachmann J., & Honke, J. Peace and Security' as Counterterrorism? The Political Effects of Liberal Interventions in Kenya. *African Affairs*. Vol. 109 (434), 97-114, 2009
- Ballard.J.D, Joseph.G.H, &Douglas, M. Technological Facilitation of Terrorism. Definition legal and policy issues volume 45 No 6 February 2002 989-1016, 2016
- Bashir, A. H. Executive Secretary of the Intergovernmental Authority on Development (IGAD), Speech at the Meeting of Ministers of Justice of IGAD member states on Legal Cooperation Against Terrorism, 20 September, 2017
- BBC (2014, December 19). Kenya Security Law: President Uhuru Kenyatta Signs Bill. Retrieved from <http://www.bbc.com/news/worldafrica30546951>. Accessed on 25/02/2015
- Boinett, W. The Origins of the Intelligence System of Kenya. Africa, S., & Kwadjo, J. (Eds.). *Changing Dynamics of Intelligence in Africa*. GFN- SSR, 2009
- Buzan, B., Waever, O., & Wilde, J. (1998). *Security: A New Framework of Analysis*. United Kingdom: Lynne Rienner Publishers
- Chen, H.,Moore, R., Zeng, D. and Leavitt, J.J. *Intelligence and Security Informatics for National and Homeland Security. Proceedings of the Second Symposium on*

- Intelligence and Security Informatics (ISI'04). Ser. Lecture Notes in Computer Science (LNCS) 3073*, New York: Springer-Verlag, 2016
- Chois.S.W. Fighting Terrorism through Rule of law? *Journal of conflict Resolution* 54(6) 940-966, 2015
- Clive, W.M.G. Terrorism and some of the Legislative challenges in countering it. *Journal of policing, intelligence and Counter Terrorism* 2:1 77-95, 2017
- DamphouseR.K. The morning After assessing the Effect of major of Terrorism Events on prosecution. Strategies and out-comes. *Journal of Contemporary Criminal justice* volume 23 Number 2 may 2007 174-194, 2017
- Dollard, J., Miller, N. E., & Doob, L. W. *Frustration and aggression*. New Haven: Yale University Press, 2016
- East African Law Society statement on Kenya's draft Anti-Terrorism Bill, May 29, 2003
- Eliyahu M. Goldratt. *The goal: A Process of Ongoing Improvement*, ISBN978-0-88427-178-9, 2015
- Government of Kenya. *The Constitution*. Nairobi, Kenya: Government Printers, 2018
- Global terrorism Index. *Measuring and understanding the impact of terrorism. Institute for economics and peace*. London, 2015
- Hodgson, J., & Tadros, V. The Impossibility of Defining Terrorism. *New Criminal Law Review: An International and Interdisciplinary Journal*, Vol. 16(3), pp. 494-526, 2013
- Hoffman, B. *Inside terrorism*. New York: Columbia University Press, 2016
- International Crisis Group. The Kenyan Military Intervention in Somalia. In *Crisis Group Africa* (184) 1-24, 2015
- James J, C. The Future of Anti-Terrorism Technologies June 6, 2005 heritage foundations, 2015
- Jessie. B.The UK anti-terrorism laws: does their practical use correspond to legislative intention? *Journal of policing, intelligence and Counter terrorism*; 8:1, 19-34, 2018
- Jerry B & Lara F. Guiding Lights: Intelligence Oversight and Control for the Challenge of Terrorism (2003) July 25, 2017, SSRN: <http://ssrn.com/abstract=1471634>, 2016
- Kagwanja, P. Counter-terrorism in the Horn of Africa: New Security Frontiers, Old Strategies. *African Security Studies*, 15(3), 72–86, 2006
- Kamau, W. C. Kenya & the War on Terrorism. *Review of African Political Economy*, No. 107, pp.133–141, 2006

- Kenya Police. *The Regular Police Service: Strategic Plan 2003- 2007*. Nairobi: Government Press, 2016
- Kimunguyi, P. *Terrorism and Counterterrorism in East Africa*. Global Terrorism Research, Monarch University, Australia, 2011
- KNCHR. Preliminary report. Investigations on Human Rights Abuses in the On-going Crackdown against Terrorism September, 2015
- Konstantin A. Representative Democracy and Fighting Domestic Terrorism; Terrorism and political violence, 28:1, 114-134, 2016
- Kyle.O. Foreign Terrorist attacks by the Islamic state. London. Henry Jackson society, 2017
- LaFree, Gary and Laura Dugan. How does studying terrorism compare to studying crime? In *Terrorism and Counter-Terrorism: Criminological Perspectives*, ed. Mathieu Deflem, 53–74. Oxford, UK: Elsevier, 2016
- Levin. B. Trials for Terrorists. The shifting Legal Landscape of the Post 9/11 Era. *Journal of Contemporary Criminal Justice* Volume 23 Number 2 may 2 2007 195-218, 2017
- Mamdani, M. *Good Muslim, Bad Muslim: America, the Cold War and the Roots of Terror*. Dakar: CODESRIA, 2014
- Makinda, S. History and Root Causes of Terrorism in Africa. In Okumu, W., & Botha, A. (Eds.). *Understanding Terrorism in Africa: In Search for an African Voice*. Pretoria; Institute for Security Studies. Pp. 15-22, 2017
- Mazrui, A. Africa's Role on America's 'War on Terrorism: Some Political Implications. In Okumu, W. & Botha, A. (Eds.), *Understanding Terrorism in Africa: In Search for an African Voice*. Pretoria; Institute for Security Studies, (Pp. 67-76), 2007
- Mogire, E. Victims as Security Threats: Refugee Impact on Host State Security in Africa. England: Ash gate, 2016
- Mutave, N. Terrorism Challenges Facing Kenya's National Security and National Response to Terrorism, 1981-2003. Unpublished Master Thesis, University of Nairobi, 2015
- Muthoni, K., & Thuku, W. Judges Declare Eight Sections of New Security Law Illegal. *TheStandard*. Retrieved from: http://www.standardmedia.co.ke/article/2000152677/court-declaresseveral-sectionsofthesecuritybillunconstitutional/?articleID=2000152677&story_title=judges-declare-eight-sections-of-new-security-law-illegal&pageNo=4. Accessed on 25/02/2015
- Mwazighe, C. L... *Legal Responses to Terrorism: Case Study of the Republic of Kenya*. A Master's Thesis. Naval Postgraduate School, Monterey, California. Accessed on 10 November2014from:

- http://calhoun.nps.edu/bitstream/handle/10945/27876/12Dec_Mwazighe_Charles.pdf
- Obershall, A. How democracies fight insurgents and terrorists, *Dynamics of Asymmetric conflict*; 1:2, 107-141, 2018
- Okumu, W. Gaps and Challenges in Preventing and Combating Terrorism in East Africa. In Okumu, W. & Botha, A. (Eds.) *Understanding Terrorism in Africa: Building Bridges and Overcoming Gaps*. Institute of Security Studies; Pretoria. (Pp. 62-70), 2018
- Open Society Justice Initiative. *Counterterrorism and Human Rights Abuses in Kenya and Uganda: The World Cup Bombing and Beyond*. New York, Open Society Foundations, 2013
- Otenyo, E. New Terrorism. *African Security Study*. Vol. 13(3). Pp. 75-84, 2014
- Otiso, K. Kenya in the Crosshairs of Global Terrorism: Fighting Terrorism at the Periphery. *Kenya Studies Review*. Vol. 1(1), 107-132. Retrieved at http://kessa.org/yahoo_site_admin/assets/docs/5_K_OTISO.140160306,2009.pdf
- Patricia K. Mbote and Migai A. *Kenya: Justice Sector and The Rule of Law*, March 2011, 119, 2016
- Peter, C. The Response to Terrorism as a Threat to Liberal Democracy, *Australian Journal of Politics and History*: vol. 44, no. 3, 2015
- Pokolova, E. "Terrorism: The Dilemma of Response," in *International Criminal Justice: Critical Perspectives and New Challenges*, ed. G. Andreopoulos, (Springer Science + Business Media, LLC, 2016
- Post, J. M. *The mind of the terrorist*. New York: Palgrave Macmillan.
- Prestholdt, J. Kenya, the United States, and Counterterrorism. *Africa Today*, 57(4), 3-27, 2016
- Rosand, E., Millar, A., & Ipe, J. Enhancing counterterrorism cooperation in Eastern Africa. *African Security Review*. Vol. 18 (2), 93-106, 2010
- Security Research Information Center. *Nairobi Region Annual Crime Observatory Report 2011/2012*. Nairobi, Kenya, 2014
- Shola, *Assessing Counter Terrorism Measures in Africa: Implications for Human Rights and National Security*, accessed July 25, 2017
- Shinn, D. H. Al-Qaeda in East Africa and the Horn. *Journal of Conflict Studies*, 27(1), 2017
- Sjah, A. Tracing Al Shabaab's Decision to Cooperate with Al Qaeda in Somalia (2008). *Journal of Terrorism Research*. Vol. 5(1), 35-45, 2014
- Terrorism Bill. The suppression of terrorism bill, 30 April 30, 2003), Clause 12(2), 2017

- U.N. Development Programme. *Justice and Security Sector Reform: A Conceptual Framework for BCPR*, by Nicole Ball. New York: UN Development Programme (August 2002 draft), 2015
- U.S. Congress. Office of Technology Assessment, *Technology Against Terrorism: Structuring Security, OTA-ISC-511* Washington, DC: U.S. Government Printing Office, 2016
- US Department of state. *Country Reports on Terrorism 2005. Bureau of Counterterrorism*, 2016
- US Department of State. *Country Reports on Terrorism 2012. Bureau of Counterterrorism*. Available online <http://www.state.gov/j/ct/rls/crt/2012/index.htm>. Accessed on 20/02/2013.
- Wagner. A. Intelligence for Counter Terrorism: Technology and Methods, *Journal of policing, Intelligence and counter Terrorism*, 2:2, 48-61, 2017
- Whitaker, B. E. Reluctant Partners: Fighting Terrorism and Promoting Democracy in Kenya. *International Studies Perspectives*, 9(3), 254–271, 2017
- Yamane R. *Case Study Research: Design and Methods* (2nd Ed.). London, 1967

Appendix I: Target Category and Population

| Target Category | Target Population |
|----------------------------------------|--------------------------|
| Ant-Terror Police Unit | 15 |
| Directorate of Criminal Investigations | 7 |
| Border Patrol Unit | 8 |
| Civil Societies | 4 |
| National Counter-Terrorism Centre | 9 |
| Military Intelligence | 7 |
| Total | 50 |

Source: Researcher, 2021

Appendix II: Interview Schedule

This interview is meant to collect data for my Master of Arts Degree in International Studies. The title of the study is on assessment of security forces interagency coordination in terrorism prevention within Cities, a case study of Nairobi City. The interview schedule will be administered to Anti-Terror Police Unit (ATPU), Directorate of Criminal Investigations(DCI), border Patrol Unit (BPU), Civil Societies, National Counter-terrorism Centre (NCTC) members and Military Intelligence (M.I) You have been selected as one of the respondents, and if you consent to participate, you are kindly requested to be sincere with your answers. Please note that any information you will give will be treated with utmost confidentiality and privacy, and will only be used for academic purposes and counter-terrorism policy recommendations.

1. Do you understand the role of inter-agency coordination in counter-terrorism?

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2. What are the determinants of an effective security forces interagency coordination for terrorism prevention in Nairobi City?

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3. Has inter-agency coordination been successful in achieving sustainable peace and security in Kenya as far as terrorism is concerned?

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4. What are some of the achievements security forces inter-agency coordination has made in regard to terrorism prevention?

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5. Are you aware of some of the challenges facing inter-agency coordination in Kenya? **[strictly to be filled by DCI, BPU, APTU and MI members]**

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6. What are some of measures which can be sued to improve inter-agency coordination in the fight against terrorism in Kenya?

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