

**TERRORISM: CHALLENGES FACING KENYA'S NATIONAL  
SECURITY AND NATIONAL RESPONSES TO TERRORISM,  
1981-2003. //**

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This Dissertation was submitted to the University of Nairobi, Institute of  
Diplomacy and International Studies in Partial Fulfilment for  
the Award of the Degree of Master of Arts in  
International Studies.

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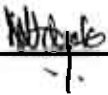
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## DECLARATION

This Dissertation is my original work and has not been presented for examination at any other University.



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11/10/2006

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This Dissertation has been submitted for examination approval as University Supervisor.



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## **Abstract**

This research set out to investigate the challenges facing Kenya in combating terrorism. At the onset the researcher proposed to investigate the factors that expose Kenya to terrorism. In addition the researcher undertook to find out the impact of terrorism on national security. This investigation was linked to finding out the measures the government has put in place to combat terrorism and their effectiveness.

The research came up with findings that terrorism is a threat to national security in various social, economic and political aspects. The government responses to combat terrorism include formulating local legislation on counter-terrorism bill, establishment of specialised forces to carry out investigations and deterring any terrorist activities in its territory. The measures are faced with challenges in economic and technical fronts.

The recommendations drawn from the study include that of coming up with a working definition of terrorism. Secondly the government should extend its regional network and cooperation to effectively gather intelligence for adequate response to suppress terrorism.

This research is appropriate for information to students of security studies and government policy makers who are in charge of designing counter-terrorism strategies.

## **CHAPTER ONE**

### **1.0. BACKGROUND TO THE STUDY ON TERRORISM AND ITS IMPACT ON SECURITY**

#### **1.1. Introduction.**

This study will entail a research on terrorism and its impact on Kenya's national security. It will analyse the reasons for the country being vulnerable and the effectiveness of the counter-measures being carried out to fight the vice. It will also specifically analyze options undertaken by the government and how they are likely to affect the state's effectiveness in dealing with the problem.

The end of the Cold War led some policy makers to conclude that threats to national, regional and international security had been significantly reduced. However, the sigh of relief and the optimism have been scattered by the emergence of even more devastating threat emanating from a more intractable problem – international terrorism.

In the Sub-Saharan Africa, the resolution or, at least the settlement of the Angolan, Mozambican, South African and Namibian governance conflicts raised hopes that the pores of insecurity were finally being closed. Even the intra-state conflicts in Sierra Leone, Liberia and Somalia did not dampen these hopes. However, the formidable threat of terrorism, which earlier had been, thought to be, confined to the Middle East and Western Europe, has slowly crept into the

Horn of Africa region as to pose the single most challenge to national and regional security'.

The August 1998 terrorist bombings of the US embassies in Nairobi and Dar es Salaam and the November 2002 terrorist attack at the Kenyan Coast awakened foreign policy, security and intelligence communities in Africa that terrorism was indeed international and was not going to spare Africa. The September 11 attack on New York was, however, the final wake up call for all countries in the world to view international terrorism as the threat of the new century.

As terrorists have perfected their strategies over time, the international community has also stepped up the counter-terrorism campaign and has responded to acts and threats of terrorism with ever increasing sophistication. Apart from immediate responses like hunting and arresting terrorist suspects, freezing the accounts of suspected terrorist organizations and banning them, long-term measures have been undertaken as part of the sustainable response strategy that would eventually contain or suppress international strategy. Kenya was not left behind in the formulation of counter-terrorism means, since it continues to face the threat of terrorism in its day-to-day workings. The government has set up various agencies, which have been put in place to address the problem. These include, the national counter-terrorism center, the anti-terrorism police unit and

<sup>1</sup> D.J. Hanle, *Terrorism: The Newest Face of Warfare.* ( Washington: Pergamon-Brassey, 1989), p 1.



other agencies have been established to deal with the menace. These agencies have received training both locally and internationally<sup>4</sup>.

After September 11, the US moved swiftly to establish a new cabinet-level layer of government called "Homeland Security". Its focus would be the prevention of terrorist attack at the US borders. Apart from this, countries have also responded militarily to terrorist attacks. Military strikes have been employed either as a preemptive or retaliatory measure. In April 1986, the Reagan administration bombed Libya to retaliate Libya's alleged involvement in the bombing of a German discotheque in which American soldiers died. In 1993, the US again bombed Iraq's military intelligence headquarters in Baghdad in response to assassination attempts on Ex-President Bush in Kuwait. In response to the Nairobi and Dar es Salaam bombings, terrorist's bases in Afghanistan and alleged chemical production facility, Al Shia in Sudan suffered missile attacks from the US in August 1998. The successful military expeditions in Afghanistan and Iraq in 2002 and 2003, respectively, were also part of military responses to global terror<sup>5</sup>.

There have also been legal responses in terms of international conventions, laws and treaties. Domestic laws have also been enacted in some states to regulate and contain terrorist activities. One of the first international conventions was in 1937

<sup>4</sup> R. Perl, *Terrorism: U.S. Response to Bombings in Kenya and Tanzania*. (Congressional Research Service,

<sup>5</sup> R. Perl, *Terrorism, the Future and US Foreign Policy*. (Congressional Research Service, Issue Brief 95112, 1998), p3.

in response to the 1934 assassinations of Alexander I of Yugoslavia and French Foreign Minister in Marseilles. The convention was called the “the Convention of the Prevention and Punishment of Terrorism”. Some of the subsequent conventions enacted under the auspices of the UN include: Convention for the Suppression of Unlawful Acts against the Safety of Civil aviation (1971); Convention in the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents (1973), and many others’.

In response to the recent terrorist attacks, the UN has passed a number of conventions that oblige members to either prosecute offenders or extradite them to permit prosecution for terrorism related crimes. Various regions have also come up with conventions aimed at combating terrorism. In response to the Nairobi and Dar es Salaam bombings and more significantly, evidence of terrorist acts by rebel movements in West Africa, the African Union enacted the 1999 OAU Convention on Preventing and Combating Terrorism’.

Since the International community has not yet been able to agree on a comprehensive international treaty against terrorism, there seems to be a need for a national approach towards achieving legal and constitutional requirements on the issue.

<sup>4</sup> A. Cassese, ‘ The International Community’s Response to Terrorism’ *International and Comparative Law*

<sup>5</sup> OAU Convention on the Prevention and Combating of Terrorism, Article 1, paragraph 3.

## **1.2. Statement of the problem.**

Kenya still continues to face the threat of terrorism. Despite government measures to address insecurity, the threat of terrorism remains real within the country. Terrorism being a nebulous activity, enforcement of the law and counter measures need to be rethought in order to find the right framework and setting to deal with the problem.

It is a well-known fact that Kenya has due to historical and economic circumstances become a western interest. These include, economic, diplomatic and humanitarian activities in both the Horn and East African Sub-regions. Therefore, it is not lost to many that the suppression of terrorism bill gained impetus after the World Trade Centers bombings in the United States and not as one would expect after the 7<sup>th</sup> August 1998 bombings in Nairobi<sup>6</sup>.

The bill however, has raised much consternation in Kenyan Human Rights circles and it seems to oppress the Muslims by muzzling their religious freedoms. A question that needs to be answered would be: does the suppression of terrorism ill meet what is required to fight terrorism in Kenya?

On the other hand, Kenya being a vulnerable target to terrorist activities due to its strategic position as the gateway to Eastern and Central Africa, its ethno-religious composition that provide excellent operational cover and its proximity to failed

<sup>6</sup>NB: It was an initiation of the UN Security Council, in 2002 that it urged its member states to initiate terrorism bills to combat terrorism related crimes.

states like Somalia, is a good enough reason for Kenya to step up its countermeasures towards its fight against terrorism. This led to the establishment of the anti-terrorist squad within the police department, meant to deal with terrorist issues only. This study will seek to assess the effectiveness of the anti-terrorist squad and thus highlight its advantages and disadvantages. In the light of this, it has been well established, the role the anti-terrorist squad has engaged in identifying terrorist groups and arresting terrorist suspects. They have also been involved in the close monitoring of entry points in and out of the country.

However, the police force being a national institution may be seen in the poor administrative structure, where most decisions and actions hinge around the President and the Office of the President. Therefore, it remains a subject to the bureaucratic as well as policy manipulation within the Office of the President.

This study will seek to examine the various countermeasures that have been put in place by the government, the external and internal influences to such countermeasures and their effectiveness or ineffectiveness.

### **1.3 Literature review.**

The literature review will assess views on the recent phenomenon of terrorism, counter-terrorism initiatives around the world and therefore comparing them with the ones existing in Kenya. It will also assess views on the current responses to the threat.

Differences over the meaning of terrorism have frustrated multilateral or collective responses to terrorism. Indeed any strategy to eliminate terrorism may not succeed and may even spread it further if it is not based on a sound and clear understanding of what terrorism is. Roskin and Berry(1997) assert that terrorism is a rational behavior'. Terrorists analyze, plan and behave in a rational manner. It has been acknowledged that the bombing of US embassies in Nairobi and Dar es Salaam were the result of years of sophisticated planning.

Despite the agreed ingredients of the concepts cited above, definition of terrorism and identification of terrorists still depends on who is defining and identifying it. It also depends on the circumstances within which the definition is made. The case of Chechnya in Russia is an apt illustration: before the September 11, the US appeared to regard the Chechnya rebels as freedom fighters and repeatedly accused the Russian government of using excessive force on the rebels. After the New York incident, in its effort to get Russian's support, the US appears to have acquiesced in Russia's fight against 'terrorists' in Chechnya. Another example, are the 'Mau Mau' fighter in colonial Kenya. For supporters of decolonization and independence, the Mau Mau were liberators and freedom fighter, while for the colonial authorities, they were terrorists<sup>o</sup>.

<sup>o</sup> M.G.,Roskin and N.O.,Berry, *The New World of International Relations*. (New Jersey: Prentice Hall,

<sup>o</sup> Ibid.

With respect to international terrorism, the conceptual controversy is further heightened by the insistence by many that acts related to self-determination be excluded from the definition of terrorism. The Non-Aligned Group, for instance, in their definition referred to earlier, exclusion of freedom fighting and cautioned that their definition should not however, affect the alienable right to self-determination under colonial and racist regimes<sup>7</sup>. At an international conference convened by the UN Secretary-General in 1987, participants agreed to identify terrorism with crime except those fighting for the right of self-determination against foreign and racist regimes. However, Israel and the US voted against the resolution drafted to adopt this position. The decision by these two countries to oppose the resolution underlines the conceptual controversy.

Veness(2000) asserts that the role of the police officer in counter- terrorism is the prevention and deterrence of crime and the pursuit of the terrorist by detection. He continues to state that the contemporary challenge for planning and developing counter-terrorism initiatives is to address a range of threats that have become more diverse, more complicated and potentially more dangerous to the public in recent times<sup>10</sup>.

Perhaps the most troubling feature of this developing challenge is the convergence between terrorism and other serious crime. Both categories of criminals clearly pursue power or money, or both. Most worryingly, however,

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<sup>10</sup> D. Veness, 'Low Intensity and High Impact Conflict', in Taylor, M. and Horgan, J., eds. *The future of Terrorism*. (London: Frank Cass Publishers, 2000), p 9-10.

levels of impact of harm that were once the almost exclusive preserve of terrorists are now more widely accessible to all criminals.

For counter-terrorists practitioners the significance of the trends is not its historical context but rather the fact that counter-terrorist structures and methods in most western nations are largely post 1960's development. The question is thus whether systems designed for the challenge of the 1960s and 1970s are fit for the new purpose of 1990s and beyond. Strategically, this new challenge includes a diversity and complication of threat and actors; less predictability of action; a greater range and scale of attacks; and privatization of impacts.

Veness(2000) contrasts the offenders, means, motives and opportunities as they were in 1980s and as they stand currently. In the 1980s, terrorism features were straightforward and unsophisticated. If the same analysis is applied currently, significant complexity, diversity and unpredictability is noted.

Beyond traditional and more draconian weaponry, there are other means of attack, which can impact on the weaknesses of an increasingly technically dependent social and economic infrastructure. The challenge therefore would be to provide effective defences and social protection commensurate with the threat.

Veness(2000) notes that the proliferation of lawless zones is another factor in providing opportunities for the development of terrorist logistics. Lawless zones

may exist within the borders of a state or embroil a whole nation. Such zones persist when there are questions of against the capacity of the state to exert real jurisdiction and control in terms of competent law enforcement based upon public support<sup>11</sup>.

The strategic responses to the new complications of terrorist impact must continue to be driven by problem recognition and understanding. In a less predictable world the need for continuing development of intelligence capability is even more important.

In times of great demand, public counter-terrorist measures will inevitably concentrate on the need to preserve life and seek supporting partnership with property owners and occupiers to prevent damage<sup>12</sup>.

Kupperman and Trent(1980) have discussed technology as being one effective means of countering terrorism. The most practical way to judge the relative usefulness and breadth of application of various technologies is to divide counter terrorism into functional tasks, which include prevention, control, containment and restoration<sup>13</sup>.

<sup>11</sup> Ibid, p12.

<sup>13</sup> R. Kupperman and D. Trent, *Terrorism: Threat, Reality, and Response*. (California: Hoover Institution Press, 1980), p75.



Counter terrorism technology potentially plays an important role in combating the more technically advanced instruments of terror: chemical, biological and nuclear attack.

The US is at the center of the war on terrorism for two major reasons. First, it appears to be a major target of international terrorism in recent times. America has learned that it is not merely vulnerable to terrorism, but more vulnerable than others. It is the most open and technological dependent country in the world and its power attracts the hatred of the enemies of freedom everywhere<sup>14</sup>.

The second reason why the US feels obliged to lead the war on terrorism is that, as the world's sole power, it has responsibility for international peace and security. As a super power, its interests also span the globe. As a super power, it is the only country with the unique combination of economic, military, diplomatic, political and even psychological resources to wage war on terrorism.

Because of these two reasons, counter terrorism has now become so entrenched in US foreign policy circles that it has filled the void left by 'containment' (of communism), which acted as the radar on which all foreign policy projects were evaluated during the Cold War. Counter terrorism is turning out to be similar to the containment policy in two ways. First, it has rekindled the tensions between principle and power that marked US foreign policy in the Cold War era. As the

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<sup>14</sup> *Economist*, 15-21, 2001, p15.

'friendly tyrants' as it did during the Cold War and with what long-term implications? Will US policy makers bracket 'promotion of democracy' for the time being as it courts countries in the Middle East, which are yet to embrace democracy, yet vital in the counter terrorist strategy? If the US diplomatic history is anything to go by, this is what is likely to happen'<sup>15</sup>.

The US is encouraging non-democratic tendencies even in countries that are undergoing democratic transition in Africa through the support for anti-terrorist legislations that violate basic human rights. In Kenya, the NARC government has been under pressure from the US to arrest and prosecute alleged terrorists. The new government has even drafted an anti-terrorist bill, which received widespread criticism from parliamentarians and the civil society for its attack on civil liberties<sup>16</sup>.

As terrorists have perfected their strategies over time, the international community has also stepped up the counter terrorist campaigns, which have responded to the acts and threats of terrorism with ever increasing sophistication. Apart from immediate responses like hunting and arresting terrorists, freezing the accounts of suspected terrorist organizations and banning them; long-term measures have been under taken as part of sustainable response strategy that would eventually contain international terrorism.

<sup>15</sup> R. Perl, *Terrorism: Middle East Groups and State Sponsors*.( Congressional Research Service, Issue

<sup>16</sup> *Sunday Nation*, 28 November 2004, p13.

After the August 8 1998 attack in Nairobi, the United States responded by throwing missiles to a pharmaceutical plant suspected to be manufacturing chemicals in Sudan. The US thus set to undertake unilateral actions where other states were not willing to participate. An important point to note is that Kenya received little if any (Israel and France) meaningful help from the international community.

After the September 11 attacks, the US swung from its extreme unilateralism to multilateralism. It stepped up pressure on other states to follow suit in freezing accounts of radical organizations. In Kenya, the government responded to the 1998 bomb attack at the US embassy by strengthening the police force in the fight against terrorism: an anti terrorist squad has been established within the police department. The squad has received training both locally and internationally.

Much has been researched on the responses carried out both internationally and locally towards terrorism. Little has been discussed on the effectiveness of these responses, especially in the local scenario. The paper intends to bridge this gap.

Overt security presence might deter terrorism for a short while, but terrorist cells have the patience and the capacity to re-invent innovatively to achieve their objectives. It is such innovations that States lack, including Kenya.

It is argued that national security is the maintenance of state stability through the protection of the state from individualistic or organizational pressures on the regime; protection of citizens form oppressive or otherwise threatening

governmental initiative, policy or action, and the protection of the state from external threats emanating from the expansionist or antagonistic activities of other states.

Concerning the evolution of the concept of national security, it is argued that the concept of national security has shifted its focus from its primary pre-occupation with military threats to national security to a broad conception of a diversity of non-military threats to national security which include: terrorism, epidemic diseases, economic deprivation, illicit drugs, demographic insecurity, environmental threats to national security and so on. It is further argued that international terrorism is just one of the many threats to national security.

An analysis of national security is necessary and should begin by examining the concept itself. Buzan(19983) rightly observes that national security, implies strongly that the object of security is the nation.<sup>17</sup> This requires one to examine the concept of the nation and that of security to actualise it in the ground.

A nation is generally defined as a group of people who either live in a definite geographical location or are dispersed, but who share a common language, cultural heritage, and similar historical experiences. Most modern states are not nations per se, they are political entities that bring together several nations, as such they can be said to be aspiring to the nation-state status. The link between

<sup>17</sup> B. Buzan, *People, States and Fear: National Security Problem in International Relations.*( Prentice-hall, Hertfordshire,1983), pp. 44-53.

the nation and the state is complex. The nation as the idea of the state in national security terms is not simple either.

‘Security’ refers broadly to a feeling or condition of being secure or ‘safe.’<sup>18</sup> It refers to a universal aspiration to live in the expectation that life and physical integrity will not be threatened by any other person, group, or society’<sup>19</sup>.

Security is not fixed it is dynamic and functions more like an organizing principle, stimulating and steering a dynamic evolutionary process. Security systems are total systems. The ways human societies organize for security involves and affects the whole fabric of society at conscious and unconscious levels. The guiding myths, religious and identity systems, structures of thought, gender roles, and leadership requirements as well as political and economic systems are all affected. It explains social status, that is, who is valued and who is marginalized. It determines who will lead and who will follow and who will rule and who must obey. States and leadership are greatly affected by a society’s perception of who can make the most important contribution to group security, and who is a burden, liability or threat to it<sup>20</sup>.

<sup>18</sup> N. Choucri and R.C. “North, Population and (in) Security: National Perspectives and Global

*Security*, Oxford University Press, Toronto p 229

<sup>19</sup> L. Brock, “Security Through Defending the Environment: An illusion in Boulding, E”. *New Agendas for*

<sup>20</sup> M.P. Mische, *Security through Defending the Environment: Citizens say yes!* In (Boulding, E. 1992) Op.cit p. 105

Security studies define security as a speech act – the move that takes politics beyond the established rules of the game and places the issue either as a special kind of politics or above politics. Security studies, conceptualises security as a structured field, in which some actors are placed in positions of power by virtue of being generally accepted as voices of security, by having power to define security<sup>21</sup>. Treating security as a speech-act provides, in principle, for an almost indefinite expansion of the security agenda. Not only is the realm of possible threats enlarged, but also the actors or objects that are threatened can be extended to include actors and objects well beyond the military security of the territorial state<sup>22</sup>.

Going back to the nation-state issue, and linking it to the concept of national security, the idea of national security with regard to the nation can be read in several ways, and consequently, different states will experience different kinds of insecurity and security in relation to the national question<sup>23</sup>.

The nation-state debate aside, national security has traditionally emphasized the security of the state as its primary concern, hence the objective use of the term “national” can be said to be incorrect. Since the units of the international system are states, the proper term should be state rather than national security. Moreover,

<sup>21</sup> Buzan, et al *Security: A New Framework of Analysis*.( Colorado: Lynne Rienner Publishers, Inc., 1983)

<sup>22</sup>M.C. Williams, *Words, Images and Enemies: Securitization and International Politics*, International

<sup>23</sup> For a Comprehensive discussion of the nation-state and state-nation debate and its national security implications, see Buzan, B. (1983) op.cit pp. 44-53

the political loyalty that people have is to the state, and the state is the basic building block of the global system<sup>24</sup>. What this implies is that national security and state security are one and the same thing. From this perspective, anything that enhances the security of the state is beneficial, and anything that detracts from its security is harmful<sup>25</sup>.

Questions about what contributes to or detracts from national security are often phrased in terms of national interests and policy preferences. Deciding what is and not a matter of national security is a political matter<sup>26</sup>.

Indispensable in the formation of national security policy is the decisional process and structure. In turn, the organizational framework within which such decisions are made reflects the basic characteristics of the society on whose behalf national security policy is formed. Ideally, the basis for national security policy rests upon the existence of a national strategy that flows from national goals and a conception of national interests. Moreover while decisional processes and structures inevitably form the context within which national security policy is shaped, they bear resemblance not only to the society whose interests they serve, but also reflect the scope and level of effort undertaken by the state: the greater the national security interests, commitments and capabilities of a state, the greater

<sup>24</sup> Ibid

Press, 1998), p 24-25

<sup>26</sup> Ibid

and perhaps more complex its decisional processes and structures are likely to be<sup>27</sup>.

Different scholars have given varied definitions of national security. Spanier(1980) argues that national security can be broken down to different categories. At the base, national security means the physical survival of the state. A second more common meaning of national security refers to the preservation of a state's territorial integrity. A third meaning of national security is political independence, which refers negatively to a state's freedom from foreign control and, positively to the preservation of its domestic political and economic system. Spanier, argues further that security involves more than a state's physical survival and territorial security, it also includes the perpetuation of the values, patterns of social relations, lifestyles and varied other elements that make up a nation's way of life<sup>28</sup>

For Buzan(1983), national security means the security of the whole socio-political entity. It is about the country as well as the states. It concerns the way of life of self-governing people including their social, cultural, political and economic modes of organization, and the right to develop themselves under their own rule<sup>29</sup>.

<sup>27</sup>R.L. Pfaltzgraff, Jr. "National Security Decision Making: Global Implications" in Pfaltzgraff, L. R. Jr. Publishers 1984), p 29

<sup>29</sup>B. Buzan Quoted in M. Baregu and C. Landsberg. (eds) , *From Cape to Congo: Southern Africa's Evolving Security Challenges*. (Colorado:Lynne Rienner Publishers Inc, 2003), p 33



Both definitions of national security by Spanier and Buzan, reaffirms the view of security in traditional terms.

The traditional concept of security, borrows its core thinking from the realist school of international relations, which sees the international system as anarchical and determined by power. The traditional school of security, views security as the absence of threats from other states and as the major threat to the existence of states is the threat of war, military threats take precedence over any other threats<sup>30</sup>.

The modern concept of national security acknowledges that there are other threats to national security apart from military threats. Dewitt et al(1993), argue that security no longer presumes a principal concentration on challenges to a government and country from outside its borders, environmental degradation, absorptive capacity, illicit drugs, unregulated movement of large amounts of capital or people, epidemic disease and terrorism, all are now seen by some, including governments and intergovernmental organizations, as potentially part of broadened security agenda<sup>31</sup>.

Jinadu(2000) argues that national security and stability, largely rest on the ability of the individual states to meet economic and social needs of their peoples,

<sup>30</sup> Z. Agostinho, "Redefining Security", in Baregu, M. and Landsberg, C. (eds) (2003) Op.cit. p 32

<sup>31</sup> D. Dewitt, et al (1993) Op.cit pg. 2

observe human rights and afford all their citizens an opportunity to participate in political decision making processes<sup>32</sup>.

### **1.3. Conceptual framework.**

From the recent debates on how to combat terrorism, it appears that the most urgent task is more the one of not only understanding the meaning of terrorism but also its origins and motives. Disagreements over the meaning to terrorism have logically meant lack of consensus on; what acts should be labelled terrorist and who is a terrorist or not<sup>33</sup>. Just as US anti-communist strategies sometimes ended up shoring up communism during the Cold War because of lack of understanding of the communist philosophy, some ant-terrorist strategies may have begun shoring up terrorism.

Terrorism, like any social concept, which describes human behaviour, is an elusive concept. Its definition is often subjective and ideological. However, terrorism emerged as a word in the 18<sup>th</sup> century in the context of the French Revolution. As a word, it has Franco-Latin origin: it is derived from the Latin verb 'terrere', meaning 'to tremble' and French suffix, 'isme', meaning 'to practice'. As hinted earlier, there is a labyrinth of definitions. The most logical way of defining the concept is to delineate the common ingredients that cut across all the definitions either directly or indirectly.

<sup>32</sup> L.A. Jinadu, *Political Economy of Peace and Security in Africa*. (Ethno-cultural and Economic

<sup>33</sup> A.A. Mazrui, *Culture Forces in World Politics*. (London: James Currey, 1990) p10.

The US government and others generally define terrorism as “the use or threatened use of violence for political purposes to create a state of fear that will aid in extorting, coercing, intimidating, or otherwise causing individuals and groups to alter their behaviour”<sup>34</sup>.

Alexander(1976) defines terrorism as the use of violence against random civilian targets in order to intimidate or to create generalized pervasive fear for the purpose of achieving political goals<sup>35</sup>.

Kegley and Wittkopf(2001) say terrorism refers to “criminal acts and threats against a targeted actor for the purpose of arousing fear in order to get the target to accept the terrorist’s demand”<sup>36</sup>.

Schimdt and Jongman(1988) define it as “an anxiety-inspiring method of repeated violent action, employed by clandestine individual groups or state actors for idiosyncratic, criminal or political reasons...whereby the direct targets of violence are not the main targets”<sup>37</sup>.

<sup>34</sup>M.G. Roski and N.O. Berry, *The New World of International Relations*. (New Jersey: Prentice-Hall,

<sup>35</sup> Y. Alexander, *International Terrorism: National, Regional and Global Perspective*. (New York: Praeger

<sup>36</sup> C.W. Kegley, and E.R. Wittkopf, *World Politics: Trend and Transformation*, (New York: St. Martin’s,

<sup>37</sup> A. Schimidt and A. Jongman, *Political Terrorism*, (New Brunswick’s Transaction Books, 1988), p28.

Donald J Hanle(1989) defines it as “deliberate attempt to create terror through a symbolic act involving the use of threat of abnormal lethal force for the purpose of influencing a target group or individuals”<sup>39</sup>.

The government of the United States of America defines terrorism as “a perpetrated violence against non-combatant targets by sub national groups or clandestine agents usually intended to influence an audience”<sup>40</sup>.

The definitions sampled above conceptualise terrorism in its intrinsic and general features. However, some definitions target the phenomenon in its international dimension: and it is international terrorism, which has become the focus of concern in contemporary international system. The French government defines international terrorism as a ‘heinous act of barbarism committed in foreign territory’. The Non-Aligned Group, commissioned by the UN General Assembly in 1973 to look at terrorism, defined it in its international dimension as “...Acts of violence committed by a group of individuals which endanger human lives and jeopardize fundamental freedoms the effects of which are not confined to one state”<sup>40</sup>. The US government views international terrorism as involving citizens or the territory of more than one country.

Therefore, for the purpose of this paper, will consider at a minimum what instances of terrorism contain. These include, a fundamental political nature, the

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<sup>39</sup> See Title 22 of the US Code, section 2656.

<sup>40</sup> See Proceedings of the 28<sup>th</sup> session/A/9028, 1973 of the UN General Assembly

surprise use of violence against seemingly random targets, attacks on the innocent, carried out by non-state actors.

#### **1.4 Definition of Concepts.**

**Terrorism-** The New Oxford Dictionary of English defines terrorism as 'the use of violence and intimidation in the pursuit of political aims. For the purpose of this study, terrorism means illegal attacks and threats against people or property by a group for the purpose of weakening a hated political authority.

Terrorism becomes international when the victims, targets, terrorists and the location of the incident or the means to carry out the act involve more than one country.

**Counter-terrorism-** the term counter means, actions or activities used to oppose or prevent another. Therefore counter-terrorism means the activities and policies put in place to prevent these illegal attacks and response management to the assault, in case it occurs.

**National Security:** national security implies strongly that the object of security is the nation Security refers broadly to a feeling or condition of being secure or safe.<sup>41</sup>

#### **1.5. Objectives of the study.**

1. To investigate factors that make Kenya vulnerable to terror threats.
2. To find out the impact of terrorism on national security.

<sup>41</sup> N. Choucri and R.C. "North, Population and (in) Security: National Perspectives and Global Security, Oxford University Press, Toronto p 229

3. To find out measures the government has put in place to combat terrorism and their challenges
4. To give recommendations on the alternative measures to be adopted by the government in its fight against terrorism.

#### **1.6. Justification.**

This study is justifiable at both academic and policy levels. At academic level literature on terrorism and its impact on state security is scanty. This research will generate knowledge and reference on this subject. Equally it will seek to test the concepts of security and terrorism on their meaning and usage in the context of security framework. At policy level the emerging issues and recommendations will be useful for the state security organs in formulating counter terrorism measures.

#### **1.7. Hypotheses.**

1. Terrorism has a negative impact on national security
2. Strong national institutions contribute to combating and reducing terrorist activities in the country.
3. Counter terrorism measures threaten the civil liberties of citizens in a country.

#### **1.8. Methodology of the study.**

The study will rely on secondary sources of data. Secondary data in form of available literature will be extensively used in the compilation of this study. These include books, journals, newspapers, and public records and documents.

## **1.9 Chapter Outline**

**Chapter 1:** Project Proposal

**Chapter 2:** Historical Background to Study on Terrorism and National Security.

**Chapter 3:** An Overview of the National Security: Developments and Underlying Issues

**Chapter 4:** National Responses to Terrorism and Challenges: Case Study of Kenya

**Chapter 5:** A Critical Analysis of National Responses and Challenges to Terrorism in Kenya

**Chapter 6:** Summary, Conclusion and Recommendations

## **CHAPTER TWO**

### **2.0 AN OVERVIEW OF THE STUDY ON INTERNATIONAL TERRORISM AND NATIONAL SECURITY**

#### **2.1 Introduction**

International terrorism has featured prominently in the international political and security agenda. This trend has emerged after the US terrorist bombings of 11<sup>th</sup> September 2001, which made the US to adopt and pursue a vigorous policy of countering international terrorism. In response to the US's vigorous pursuit of counter-terrorism, the U.N Security Council passed a number of resolutions against international terrorism shortly after the September 11<sup>th</sup> terrorist attacks of the U.S.

Terrorism is not a new phenomenon. Indeed, as has been argued in some quarters it is as old as war itself. However, although terrorism is as old as war, or to put it differently, is an old phenomenon, it has been able to change and transform itself, by adapting to developments in technology, and by being used to justify a wide range of actions. The philosophy underlying terrorism has also changed over time.

This chapter looks at the phenomenon of international terrorism. It addresses conceptual issues, the origins and development of international terrorism, trends in international terrorism, and the aims of international terrorism. It will present also present an overview on the Kenyan context since the first terrorist incident occurred.



## **2.2 Evolution and Trends in International Terrorism**

The term terrorism has been used to express different acts at different times. During the reign of terror (1793-4) associated with the French Revolution, it was used to refer to an instrument of governance designed to consolidate the new government's power by intimidating counter revolutionaries, subversives and other dissidents. It was in this context, associated with the ideals of virtue and democracy.<sup>42</sup>

Terrorism is not a modern phenomenon. It has a long history, and has evolved over time. Some of the earliest terrorist campaigns were carried out in the Middle East. The most striking of these campaigns was the one carried out by two Jewish groups during the first century A. D.; Zealots and the Sicarii. Their primary goal was to inspire popular insurrection among Judean Jews against its Roman occupiers, an insurrection that would not result in a compromise with the occupiers, but in total rebellion. A second purpose, was to cleanse Jewish religious institutions and society of persons too closely aligned with Roman and Hellenistic ways<sup>43</sup>.

As a political tool terrorism was extensively utilized during the 12<sup>th</sup> and 13<sup>th</sup> Centuries by a secret medieval dissident Islamic order, popularly known as the Assassins. Their Arabic name "Hashashin", sprang from the terrorists' addiction

<sup>42</sup>M.G., Roskin and N.O., Berry, *The New World of International Relations*. (New Jersey: Prentice Hall,

<sup>43</sup> Reich, W. (ed) (1998) *Origins of Terrorism*. The Woodrow Wilson Centre Press. Washington DC pg. 265

to hashish. The Assassins were a religious-political group whose power rested on the membership of “fedawi” (devoted ones) who killed at the command of their religious leader, believing that killing the unrighteous guaranteed their own salvation and assisted in overthrowing a corrupt order.”<sup>44</sup>

The era of modern terrorism is usually said to have began in 19<sup>th</sup> century Russia. Revolutionary terrorism assumed its classic form in 19<sup>th</sup> century Russia, with the creation of Zemlya I Volya (Society of land and liberty) in 1876, and the Narodnaya Volya (people’s will) in 1879. These two groups, employed terror as a means of transforming the Russian society and government by assassination politics. Government violence was to be met with popular violence, and terror became an integral part of the Russian Societal process.”<sup>45</sup>

The formation of the socialist Revolutionary party in Russia in the last decade of the 19<sup>th</sup> century, helped to institutionalize assassination as a political protest. The “Basic Theses” of the party’s programme were that terror would not only be a means of disorganizing the Tsarist regime, but would “serve as a means of propaganda and agitation which display itself before the eyes of the whole people and which will bring alive other revolutionary forces”<sup>46</sup>.

<sup>44</sup> Alexander, Y. And Finger, S. M. (eds). (1977). Op cit pg. 38

Op.cit pg. 31-34

<sup>46</sup> Ibid

Although the Russian revolutionary terror was internal in theory and practice, it provided both the model and the inspiration for its 20<sup>th</sup> century successors and protagonists spoke the language of the P.L.O and IRA.”

The main distinction between Russian terrorism and the anarchist terrorism, is that while anarchist terrorism relied on individual acts of terror, Russian terrorism relied on group terror. For the early Russian revolutionaries, who advocated terror, however, it was to be carried out with discrimination and with clear purposes in mind. Authorities, were the target, not ordinary citizens, the method also had to be justified.”

An external manifestation of revolutionary terrorism, utilized as an official instrument of national foreign policy as well as a deadly weapon of political protest, was the union or death society, popularly known as the Black Hand. This was a secret Serbian revolutionary organization whose primary aim was to bring about the union with Serbia, of unredeemed Serbian nationals and territory. The Black Hand believed that transnational assassination would lead the way to the creation of a Greater Serbia by paralyzing Serbian oppressors. The assassination of the Austrian Archduke Franz Ferdinand on June 28, 1914, by Gavrilo Princip, a member of the Black Hand, precipitated the First World War. It also resulted in

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<sup>48</sup> See Reich, W. (ed) (1998). *Origins of Terrorism*. The Woodrow Wilson Centre Press, Washington D.C pg. 265.

the creation of a greater Serbia by the Treaty of St. Germain (1919), under the name Yugoslavia.”<sup>50</sup>

Later in the mid 19<sup>th</sup> Century with the rise of nationalism and antimonarchism in Europe, Terrorism assumed revolutionary, anti-state connotations. The Italian rebel royal Carlo Pisacane for example, argued that violence was necessary to draw attention to and generate publicity for a cause as well as to inform, educate and ultimately rally the masses behind the revolution. Subsequent acts against the Russian monarchy, activities of Anarchists in Britain, nationalist uprisings against decaying Ottoman Empire and in the Balkans employed assassinations, among other means of terror.<sup>51</sup> The resurgence of transnational terrorism, in the 1930’s as exemplified by the twin assassination in Marseilles of King Alexander of Yugoslavia and the French foreign minister Louis Barthou, along with the assassination of the Austrian chancellor Englebert Dollfus that same year (1934), resulted in the calling of a conference by the league of nations, to deal with the problem of international terrorism, the Geneva conference of 1937, produced two conventions: one for the prevention and repression of terrorism, and the other for the creation of an international criminal court. The two conventions failed to obtain a sufficient number of ratifications and, consequently never entered into force.<sup>51</sup>

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<sup>50</sup> M.G. Roskin op cit pp 232

<sup>51</sup> Ibid

Nazi Germany and Soviet Russia during the 1930s and 1940s practiced state terrorism. The systematic terrorism inflicted by the Nazis upon the inhabitants of conquered European countries, was an organized total terror that resulted in the formulation of a legal doctrine of crimes against humanity by the Nuremberg Tribunal at the end of the Second World War.<sup>52</sup>

In the 1930s, terrorism was used to describe the practices of mass repression employed by totalitarian states and their dictatorial leaders against their own citizens, example in Fascists Italy, Nazi Germany and Stalinist Russia. During the Post-World War 2 period, terrorism regained the revolutionary connotations. The various indigenous nationalist/anti-colonialist groups in Asia, Africa and the Middle East used it primarily in reference to the violent revolts. These groups saw themselves as freedom fighters not terrorists, as most eloquently put by Yasser Arafat at the UN General Assembly in November 1974.

In the late 1960s-1970s, this usage expanded to encompass nationalist and ethnic separatist groups as well as radical, ideologically motivated organizations. These included disenfranchised and exiled groups, example the PLO, the Basque ETA among many others.<sup>53</sup>

In the 1980s, the West perceived terrorism as a communist conspiracy by the Soviet Empire, and later in the decade, associated it with a type of covert or

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<sup>52</sup> Friedlander, R. A. op.cit pg. 36

<sup>53</sup> M.G. Roskin Op cit pg 234

surrogate warfare, where weaker states would confront larger, more powerful rivals without risk of retribution. Regimes in Iran, Iraq, Libya and Syria became actively involved in sponsoring/commissioning terrorist acts, thus the designation state sponsors of terrorism.<sup>54</sup>

Increasing strategic alliances between entirely criminal and terrorist groups, example, ties between the powerful cocaine cartels in Colombia with left-wing groups, gave rise to the continuing phenomenon of Narco-terrorism from the early 1990s.<sup>55</sup>

Probably the oldest terrorist organization still in existence is the Irish Republican Army (IRA). Founded in the 18<sup>th</sup> Century as the Irish Volunteers, they express centuries of Irish hatred against the British occupiers and overloads. As the Irish see it, their struggle was the first anti-colonial guerrilla war. Irish freedom fighters lived in the shadows, constantly hunted by British police. Their goal: persuade the British to quit Ireland, all of Ireland.

Even as early as the 13<sup>th</sup> Century, terrorists groups of fanatic Arabs operated in Syria. In the American civil war (1861-65), terrorists groups known as the Kuklux Klan, intimidated supporters of reconstruction. In half of the 19<sup>th</sup> Century, anarchists in Western Europe, Russia and USA adopted terrorism. They believed that the best way to effect revolutionary policies and social changes were

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<sup>54</sup> Ibid pg 234

<sup>55</sup> Ibid pg 235

to assassinate persons of power. For example, a revolutionary group in a process, which culminated in the Russian Revolution, bombed Czar Alexander II of Russia.

Lebanon's Muslim Militants were the first terrorists to result to suicide bombing. They did so in the course of 1975-90. In this civil war, the US, France, Britain and Italy had intervened on behalf of the Lebanese Christians. They bombed the US and French Military headquarter at Beirut, which left 300 people dead. Whoever killed himself in such an operation was regarded as a Martyr in the path of God and would be rewarded after life.<sup>56</sup>

### **2.3 The Modernity of Terrorism.**

Terrorism is too easily elided in contemporary political discussion with the general phenomenon of armed resistance to oppression by states. This latter activity has been major feature of the modern world, especially in situations of domination by Western colonial powers. It has included, in more recent times, the activities of the African National Congress against the apartheid regime in South Africa as well as the Palestinian Liberation Organization in Palestine, the guerillas in Afghanistan, both Sandista Front for National Liberation and the contra in Nicaragua''.

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<sup>57</sup> D. Veness, "Low Intensity and High Impact Conflict", in M. Taylor and J. Horgan (eds), *The Future of Terrorism*. (London: Frank Cess Publishers, 2000) p14.

The general right to resist, and, where extreme coercion exists, to take up arms is generally recognized both in law and in modern political discourse. This right is also a precious part of the legacy of political reflection in West and in East over many centuries. The Christian legal and political tradition gave due respect to this principle. The English philosopher John Locke also espoused it, “the founding fathers” in the United States of America, and the currents of radical dissent in the age of empire and enlightenment.

It is equally present in the Islamic discourse, where revolt- often referred to, as khuraj is central to the tradition. In the minds of hegemonic powers, particularly in US discussion after the right to revolt has been generally omitted; many non-western states have to take local advantage of global trend by crushing internal dissent on the grounds that it too is all terrorism.<sup>58</sup>

Terrorism is a distinct political and moral phenomenon, though of course interlinked with the issue of revolt and opposition to oppression. Terrorism refers to a set of military tactics that are part of a military and political struggle, and which are designed to force the enemy to submit by some combination of killing and intimidation.

As such it is deemed to be a violation of the rules and norms of warfare, in either of the two senses. First, where these are formally encoded, as in the Geneva Convention and their two protocols of 1997, the latter of which cover

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<sup>58</sup> Ibid p 12



inadequately terrorists actions. Second, where they exist informally, in relation to what are considered legitimate means of waging war. These are notoriously vague, and permit partisan interpretations, but are also remarkably resilient and universal: the killings of women and children of prisoners or of groups of civilians are actions widely recognized in all cultures, religion and contexts as invalid in principle.<sup>59</sup>

The first use of terrorism was by the French revolutionaries, in an exact reverse of the contemporary sense: to denote violence against a people by the state. Thus, the dimension should not be forgotten. In the recent decades, states have killed and tortured far more people and violated far more rules of war than their non-state opponents. This recognition of the prevalence and criminality of state terrorism should however be maintained in the distinction from two other issues: first, state-sponsored terrorism which has come to denote the support of terrorist and more broadly guerrilla activities by one state on the territory and against the citizens of another state; second the responsibility of opposition groups in revolt against dictatorial states, themselves have to respect the norms of war, for their defenders all too easily resort to an often justified attack on the state terrorism to distract attention from the crimes of their own side.<sup>60</sup>

This early history of terrorism as both term and political phenomenon, casts some light on the present crisis and the war against terrorism. The rise of non-state

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<sup>59</sup> Terrorism in Historical Perspective Fred Halliday- opendemocracy.htm

<sup>60</sup> Ibid

terrorism espoused as a conscious political activity- for propaganda more than for actual state challenging reasons, dates mainly from a century later.

In the post-1945 period, terrorism from below came most associated with third world struggles against a colonial power deemed to be too powerful. Only in the late 1960s did the main incidences of such activities shift to the Middle East with guerrillas in Palestine, Iran, Eritrea resorting to attacks on civilians, hijacking of airlines, kidnapping of politicians and ordinary civilians alike. But it is worth noting that these were groups inspired by secular, and often radical or self-proclaimed “Marxist-Lenin ideologies. Religious groups, like the Muslim Brotherhood in Egypt and Jordan Fedayeen-Islam in Iran, did carry out selected assassinations of secular intellectuals or political opponents, but these were specifically targeted actions, not part of a broader social and political mobilization to take power.”<sup>61</sup>

Much has been made, in the light of 11 September, of the relationship between religions, in this case Islam, and acts of terror. All religion contain the bases of respect for general norms of behaviour in war, but they also contain elements that can be used for massacre, ethnic expulsion, and the slaying of prisoners notably in the Judeo-Christian Bible. It is undisputed that there are elements in the texts and

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<sup>61</sup> Ibid

traditions of Islamic people that can be assembled to make the modern device of political terrorism.<sup>62</sup>

The key implication is that terrorism as ideology and instrument of struggle is a modern phenomenon, a product of the conflict between contemporary states and their restive societies. It has developed, in rich and poor countries alike, as part of a transnational model of political engagement. It is argued that, its roots are in the modern secular politics; it has no religion or cultural attachment; it is an instrument for those aspiring to challenge states and one day to take power themselves. But challenging that statement, it is noted that religion actually does play a big role in terrorism.<sup>63</sup>

The demise of the late Israeli Prime Minister was a more baffling incident. The assassin was bold. *"I acted alone and on orders from God,"* said Yigal Amir, the young Jewish extremist who assassinated Israel Prime Minister Yitzhak Rabin in November 1995. Indeed, the religious imperative for terrorism is the most defining characteristic of terrorist activity today. The revolution that transformed Iran into an Islamic republic in 1979 played a crucial role in the modern advent of religious terrorism. Though, it has not been confined to Islam only, since the 1980s, this resurgence has involved elements of all the world's major religions as well as some smaller sects or cults.<sup>64</sup>

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<sup>62</sup> M. Katumanga, Facing Emerging Threats from Terrorism: Some alternative menu of Responses. A seminar paper presented at the Institute of Diplomacy and International Studies.

<sup>63</sup> Combat of Religious Terrorism Begs for Broader US Policy.htm

<sup>64</sup> Ibid

The characteristics, justifications and mind sets of religious and quasi-religious terrorists suggests that they will be much more likely than their secular counterparts to use weapons of mass destruction.

The emergence of religion as a driving force behind the increasing lethality of international terrorism shatters some of the most basic assumptions about terrorists. In the past, most analysts tended to discount the possibility of mass killing involving chemical, biological or nuclear terrorism. Few terrorists, it was argued, knew anything about the technical intricacies of either developing or dispersing such weapons. As assumed before, terrorists wanted more people watching than dead.

The compelling new motives of the religious terrorist, however, coupled with increased access to critical information and to key components of weapons of mass destruction, render conventional wisdom dangerously anachronistic.<sup>63</sup>

#### **2.4 Terrorism and Religion.**

The connection between religion and terrorism is not new. In fact, some of the English words used to describe terrorists and their acts today are derived from the names of Jewish, Muslim and Hindu religious groups active centuries ago. The etymology of zealot for example, can be traced back to a millenarian Jewish sect that fought against the Roman occupation of what is now Israel between 66 and 73 AD. Similarly, the word assassm is derived from a radical offshoot of the

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<sup>63</sup> Ibid

Muslim Shi'a who, between 1090 and 1272 A.D., fought the Christian crusaders attempting to conquer present day Syria and Iran.<sup>66</sup>

Until the 19<sup>th</sup> Century, religion provided the only justification for terrorism. Only in the past century has religion terrorism tended to be overshadowed by ethnonationalist and ideologically motivated terrorism. These categories include the anti-colonial, nationalist movements of Jewish terrorist organizations in pre-independence Israel, the Muslim-dominated National Liberation Front in Algeria and others.<sup>67</sup>

In fact, none of the identifiable international terrorist groups active in 1968 could be classified as religious, that is, having aims and motivations of a predominantly religious nature. Perhaps this was only expected at the height of the cold war, when the majority of the terrorist groups were left wing, revolutionary Marxist-Leninist ideological organizations and the remainder were ethno nationalist/separatist groups typical of the post-colonial liberation movements of the late 1960s and early 1970s. Not until 1980- as a result of the repercussions of 1979 revolution in Iran do the first "modern" religious terrorist groups appear. For these groups, the religious motive is paramount.<sup>68</sup>

By 1992, the number of religious terrorist groups had increased exponentially and expanded to embrace major world religions other than Islam as well as obscure

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<sup>66</sup> Ibid

<sup>67</sup> Ibid

<sup>68</sup> [www.ict.org.il/articles/right-wing-terror.htm](http://www.ict.org.il/articles/right-wing-terror.htm)

sects and cults. In 1996, the most recent year for which complete statistics are available, only 13 out of 46 identifiable groups had a dominant religious component. Nevertheless, religion remained a major force behind terrorism's rising lethality. Groups driven in part or whole by a salient religious or theological motive committed 10 of the 13 most lethal terrorist acts of 1996.<sup>69</sup>

It is perhaps not surprising that religion should become a far more popular motivation for terrorism in the post-cold war era as old ideologies lie discredited by the collapse of the Soviet Union and communist ideology, while the promise of munificent benefits from the liberal-democratic, capitalist state- apparently triumphant at what author Francis Fukuyama has termed the "end of history"- fails to materialize in many countries throughout the world.<sup>70</sup>

Terrorism motivated in whole or in part by religious imperatives often leads to more intense acts of violence producing considerably more fatalities than the relatively discriminating acts of violence perpetrated by secular terrorist organizations. The reason why religious terrorism results in so many more deaths than secular terrorism may be found in the radically different value systems, mechanisms of legitimization and justification, concepts of morality and the worldviews embraced by the religious terrorist.

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<sup>69</sup> Ibid

<sup>70</sup> [www.ict.org.il/articlrs/fundamentalist-islam.htm](http://www.ict.org.il/articlrs/fundamentalist-islam.htm)

For the religious terrorist, violence is first and foremost a sacramental act or divine duty executed in response to some theological demand or imperative. Terrorism thus assumes a transcendental dimension and its perpetrators are consequently undeterred by political, moral or practical constraints. Whereas secular terrorists, even if they have the capacity to do so, rarely attempt indiscriminate killing on a massive scale- because such tactics are inconsistent with their political aims and therefore are regarded as counterproductive, if not immoral. Religious terrorists often seek to eliminate broadly defined categories of enemies and accordingly regard such large-scale violence not only as morally justified but also as a necessary expedient to attain their goals. Religion, conveyed by sacred text and imparted via clerical authorities claiming to speak for the divine, serves as a legitimizing force. This explains why clerical sanction is so important to religious terrorists and why religious figures are often required to “bless” terrorist operations before they are executed.<sup>71</sup>

Religious and secular terrorist also differ in their constituencies. Whereas secular terrorist attempt to appeal to actual and potential sympathizers, religious terrorists seek to appeal to no other constituency than themselves. Thus, the restraints imposed on secular terrorist violence- by the desire to appeal to a tacitly supportive or uncommitted constituency- are not relevant to the religious terrorist. This absence of a broader constituency leads to the sanctioning of almost limitless

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<sup>71</sup> Ibid

violence against a virtually open-ended category of targets: anyone who is not a member of the terrorists' religion or religious sect.<sup>72</sup>

Religious and secular terrorist also have starkly different perceptions of themselves and their violent acts. Whereas secular terrorist regard violence as a way to instigate the correction of a flaw in a system that is basically good, religious terrorist see themselves not as components of a system worth preserving at all but as "outsiders" seeking fundamental changes in the existing order. This sense of alienation further enables the religious terrorist to contemplate far more destructive and deadly types of terrorist operations than secular terrorist and therefore reinforces the tendency to embrace a far more open-ended category of "enemies" for attack.<sup>73</sup>

## **2.5 The Challenge of Al-Qaida**

The ideology, strategy and tactics of al-Qaida certainly have distinct aspects and are not mere extension of this earlier history. Whether it is seen as a single act of terror from below, an extreme case of propaganda of the deed or as a blow against a metropolitan first world city by a third world movement, no action like 11 September 2001 was ever carried out before. It was, amazingly, the first time in 500 years of unequal, globalized north-south interaction and conflict that such an event had occurred.<sup>74</sup>

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Impact of Religious Terrorism Begg for Broader US Policy

<sup>73</sup> Ibid

<sup>74</sup> Fred Hallidaydemocracy.htm



Al-Qaida itself, moreover, not just another, conventional, modern terrorist organization, its ideology is an extreme case of hybridity, borrowing as it does some elements from Sunni Islam, others from Sunni sectarianism against Shia Muslims, and mixing both modern nihilism and the cult of extreme heroism, self sacrifice and the gun and not least nationalism. Like Nazism, it is an ideology that thrives on its intoxicating incoherence.

In organizational terms, it clearly has a structure distinct from that of the Popular Front for the Liberation of Palestine. At its core is a conspiratorial group led by Osama bin Laden and his Egyptian companion, Ayman Zawahiri; around them are small semi-independent groups drawn from many different parts of the Muslim and non-Muslim world.<sup>75</sup>

Their approach is a result of two, mutually reinforcing characteristics. First, a rational calculation that decentralized networks, active in fund-raising and recruiting and which are very resistant to penetration. Second, a cultural adaptation of the loose patterns of assets, trust and commitment that characterizes societies, like Afghanistan and parts of the Arab world, where tribal patterns of behavior to some degree prevail.<sup>76</sup>

The other key element in understanding al-Qaida, one that takes the focus right back to modernity and the historical context in which it emerged, is the Cold War

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<sup>75</sup> Ibid

<sup>76</sup> Ibid

in particular its later phases from the 1979 Soviet intervention in Afghanistan onwards. Without the Cold War, and without lavish United States and Saudi Support for the opposition guerrilla in Afghanistan, neither al-Qaida nor the whole transnational world of Islamic fighters would have come into existence.

Years before al-Qaida started attacking western targets in New York and Africa, they were on the rampage in Afghanistan and Yemen, killing secular official intellectuals and opponents of their fundamentalist project. In challenging these two pro-Soviet Islamic third world regimes, where reformist community states were trying to push through a secular, modernizing, programme, the west and its region allies turned too easily to the crazed counter-revolutionaries of the Islamic right.<sup>77</sup> No historical analysis, and, no measure settling of moral accounts about all what follows, can avoid this earlier, decisive, connection. Al-Qaida hates the West's.

## **2.6 The Kenyan Scenario.**

Terror acts on Kenyan soil can be classified into two types; those rooted within domestic politics and those that derive motivation from international politics. In the post independence period, Kenya experienced the first category in 1975 when a bomb went off at the OTC bus terminus causing the death of over 15 people. In 1991, Nairobi experienced some terror caused by several pipe bombs planted in social places. Prior to 1992 elections, over 2000 Kenyans died in politically instigated ethnic clashes that were meant to instill terror and indeed cow people

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<sup>77</sup> M. Katumanga, Op cit

out of voting for the opposition. Over 500,000 were displaced. 100 died in August 1997 in organized terror in Mombasa that saw the displacement of 100,000 people.

Similarly violence occurred in Laikipia after the 1997 elections resulting in the death of over 100 people. In 2002, over 40 people were killed in violence organized by some urban gang in low class slums of Kariobangi and Kibera. Mungiki repeated the same in 2003 subsequent to the 2002 elections violence meted on Kenyans in Nakuru resulting in the death of tens of Kenyans. In the northwestern parts of the states, many citizens are subjected to predatory terrorism, which is officially referred to as cattle rustling. Between 1993-2000, people in this region have lost herds totalling 300,000 (Ksh. 3 billion). More than 200 people lose their lives to violence mediated by banditism. Several others die out of starvation engendered by this predation.<sup>78</sup>

The first major bomb incident involving international actors occurred in 1981 in Norfolk hotel. The attack was attributed to the Palestinian organization whose motivation was rooted in seeking to punish Kenya for providing logistical support to the Israel rescue mission at Entebbe airport in Uganda in 1976. Prior to this incident, a faction of the Palestinian fighters had attempted to shoot down an El Al plane near Embakasi airport in Nairobi. Consequent to this threat, Kenya ensured that the paramilitary General Service Unit provided security to El Al during its landing and take off in Nairobi. Seventeen years down the road,

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<sup>78</sup> Ibid

Kenya would experience its worst terror incident on 7<sup>th</sup> August 1998, when 250 persons all of them Kenyans.

## 2.7

### **Conclusion**

This Chapter has dwelt in depth on the evolution and development of terrorism at international and domestic levels. The emerging details reveal that there is no consensus on who is a terrorist. The use of violence against an opponent to gain recognition or to protest against excessive abuse of one's rights can be justified or condemned depending on which side one is. The failure to arrive at a generally agreed definition of terrorism, including international terrorism, has implications for the terrorism debate. Scholars are divided on the causes of terrorism. What is evidently clear is that the causes of terrorism are diverse. There are categories of issues, whose interplay can adequately inform the causes of terrorism debate. These are: lack of legitimate avenues of dissent, denial of self-determination, failure to resolve historical grievances, poverty, economic and political inequality.

This Chapter has laid a basis for looking into factors and issues both at international and local levels that engender or are likely to give rise to terrorism. This is a background to analyse national security issues in Kenyan context and the challenges to counter-terrorism measures.

## **CHAPTER THREE**

### **3.0 NATIONAL SECURITY DEVELOPMENTS AND ISSUES IN THE GLOBE**

#### **3.1 Introduction**

This chapter discusses national security. It analyses the concept of national security and thereafter delves into the evolution of the concept of national security. Similarly it addresses threats to national security. It argues that national security is the maintenance of state stability through the protection of the state from individualistic or organizational pressures on the regime; protection of citizens from oppressive or otherwise threatening governmental initiative, policy or action, and the protection of the state from external threats emanating from the expansionist or antagonistic activities of other states.

National security has shifted its focus from its primary pre-occupation with military threats to national security to a broad conception of a diversity of non-military threats to national security which include: terrorism, epidemic diseases, economic deprivation, illicit drugs, demographic insecurity, environmental threats to national security and so on. It is further argued that international terrorism is just one of the many threats to national security.

The chapter shall make a conclusion on how national security is linked to combat of international terrorism. The emerging trends on national security will be a basis to determine the effectiveness of Kenya's national responses to terrorism.

### 3.2 The Realist Legacy

The concern for the security of the nation is as old as the nation itself. The traditional conception of national security is a social construct rooted in a particular historical conjuncture in the development of the modern nation state<sup>79</sup>. The traditional view of national (state) security based on realism, emphasizes the physical aspect of national security. From the traditional perspective, the most obvious component of national security is protection of state boundaries from encroachment by other states; according to realists this is a physical value so basic that no other goals can be pursued in its absence<sup>80</sup>

The concept of vital national interests is the focus of the traditional study of security based on realism. To the realists, state sovereignty is the basic reality, and the protection of sovereign interests is the state's important order of business. Because the protection includes the determination of those circumstances in which armed force will be contemplated, defining vital interests is the key to understanding security policy<sup>81</sup> Morgenthau argues that national interests are defined in terms of power<sup>82</sup>.

According to realism, the heart of the need for national security is the international system and its organization around the idea of sovereignty. As long

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<sup>79</sup> Pentland, C. C. European Security after the cold war: Issues and institutions in Dewitt et al, (1993) Op.cit pg. 64

<sup>80</sup> Snow, D. M. (1998) Op.cit pg. 23

<sup>81</sup> Ibid pg. 27

<sup>82</sup> See Morgenthau, H.J. (1995) Politics Among Nations: The Struggle for Power and Peace. New Delhi, Kalyani Publishers. Pg.5.

as the members of the system retain supreme and independent authority, anarchy will be the prevailing form of organization. In this situation, the resolution of differences cannot be assigned to a superior authority, and the exercise of power will be the means by which states engage in conflict resolution. Self-help, in other words, becomes a critical component of the national security equation<sup>83</sup>. The anarchical nature of the international system, requires that each state, as part of this system, must rely upon itself, and only upon itself for the protection of its political independence, territorial integrity and prosperity<sup>84</sup>.

The traditional concept of security in international relations, centres on military measures to protect the sovereignty and integrity of states and to ensure the physical survival of their people<sup>85</sup>

Spanier observes that a state can expect a degree of security, not absolute security; it can feel only relatively safe, not completely safe. Taking a clearly realist line, Spanier observes that there is no such thing as absolute security in a state system composed of many national actors; a state could achieve such security only by universal conquest and the destruction of all other independent states.

States living in an environment in which none can acquire absolute security are bound to feel insecure and are therefore driven to reduce their sense of insecurity

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<sup>83</sup> Snow, D. M. (1998) Op.cit pg. 40

<sup>84</sup> Spanier, J. (1990) Op.cit pg. 96

<sup>85</sup> Pentland, C. C. European Security after the Cold War: Issues and Institutions in Dewitt et al (1993) Op.cit Pg. 64

by enhancing their power. The insecurity of all states in the system compels each to acquire greater security by engaging in a constant struggle for increased power. But as each state watches its neighbour's power grow, its own sense of insecurity recurs: it then tries all the harder to gain even greater strength. The result is that each state is faced with a security dilemma<sup>86</sup>.

Because one state often enhances its security by measures that make other states feel less secure, the assumption that the relations between states that accept the status quo are necessarily peaceful are wrong<sup>87</sup>

According to realists, states seek power, not because simple maximization of power is their goal; they seek it because they wish to guard the security of their "core-values", their territorial integrity, and their political independence, as well as their prosperity. And they act aggressively because the system gives rise to mutual fear and suspicion.<sup>88</sup>

Traditionally, the means by which power is exercised is through the threat or application of military force. In that context, national defence policy and security policy are more or less synonymous<sup>89</sup>.

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<sup>86</sup> Herz, J. H. (1959) *International Politics in the Atomic Age*, New York, Columbia University Press, pg. 231-232.

<sup>87</sup> Jervis, R. (1978) "Cooperation under the security Dilemma", *World Politics*, January 1978, pp. 168-214.

<sup>88</sup> Spanier, J. (1990) *Op.cit* Pg. 97

<sup>89</sup> Snow D. M. (1998). *Op.cit* pg. 40



In the realist conceptualisation of national security, the emphasis tends to be particularistic, focusing on individualistic problems and threats that face the state and, thus, particularly on short range problems that nations experience. Moreover, according to realist thinking, if the good of the individual state and the benefit of the international system as a whole or of other members of the international system are incompatible, it is the interest of the state that must be served<sup>90</sup>. The emphasis given above is fundamental to the realist explanation of security.

Although as noted earlier, the concern for the security of the nation is as old as the nation itself, national security symbolism was largely a product of the cold war and the severe threat Americans then felt. Its persuasiveness was increased by realist analysis, which insisted that national security is the primary national goal and that in international politics, security threats are permanent. As the cold war sense of security slackened, the intellectual ambiguity of “national security” became more pronounced<sup>91</sup>.

### **3.3 New Conceptualizations of National Security**

In the period shortly before the end of the cold war, competing conceptualisations of security and national security in particular, which had been muffled by the dominance of realism and the realist conceptualisation of national security during the cold war period, begun to gain ascendancy. The new conceptualisations of national security are based on the liberal and pluralist theories of international

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<sup>90</sup> Ibid pg. 23

<sup>91</sup> Keohane, R. O. and Nye, J. S. (1977) *Power and Inter dependence: World Politics in Transition*, Boston, Little Brown.

relations. The new conceptualisations of national security try to broaden the scope of threats to national security beyond the traditional realist over concern with military threats to the exclusion of many non-military threats to national security.

Some scholars thought that military security was rendered irrelevant in Europe following the collapse of the former USSR in 1989-1990. They claimed that the events of 1989-1990 solved the problem of European military security and created virtually overnight, a true “security community” in which no European state would expect to go to war with any other over anything. To the extent that security continues to matter, they argued, it would increasingly take non-military forms<sup>92</sup>. Most lists of such post cold war security issues for Europe include: economic security focused on availability of essential raw materials and food stuffs, access to export markets, control of scientific knowledge and technology, and financial stability; environmental security, focused on industrial pollution of air, water and land; demographic security, focused on growing pressures of migration both within Europe and from poor countries to Europe; and cultural security, focused on the threats posed to indigenous European culture primarily by Immigration and American dominance of international media<sup>93</sup>.

It was however, too early to write off military security in Europe after the cold war. Mearsheimer’s unashamedly realist thesis has been vindicated. Writing in 1990, Mearsheimer argued that with the hegemonic discipline of the East - West

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<sup>92</sup> Boyce Richardson (1990). *Time to Change: Canada’s Place in a World of Crisis*. Toronto, Summerhill

<sup>93</sup> Pentland, C. C. *European Security after the Cold War: issues and Institutions* in Dewitt et al, *Op.cit* pg. 65

blocs, dissipated and nuclear anxiety greatly reduced, those ethnically driven quarrels over wealth, population, and territory that twice this century (read the 20<sup>th</sup> century) have made Europe the Balkans of the world will re-emerge with fresh violence and increased destructiveness<sup>94</sup>. This happened for example, following the disintegration of the former Yugoslavia. Political instability was also evident in Romania and Hungary.

Without claiming that traditional military aspects of security are necessarily diminished, Mathews argues that global developments in the 1980s suggest the need for a broadening of the definition of national security to include resource, environmental and demographic issues<sup>95</sup>

According to these new conceptualizations of security, the military threat to national security is only one of the many that governments must now address. The numerous new threats derive directly or indirectly from the rapidly changing relationship between humanity and the earth's natural systems and resources. The unfolding stresses in this relationship initially manifest themselves as ecological stresses and resource scarcities. Later, they translate into economic stresses – inflation, unemployment, capital scarcity, and monetary instability. Ultimately,

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<sup>94</sup> Mearsheimer, J. "Back to the Future: Instability in Europe after the Cold War". *International Security* 15, 1 (Summer 1990)

<sup>95</sup> Mathews, J. T. "Redefining Security" *Foreign Affairs*, 68, 2 (Spring 1989), pg. 162

these economic stresses convert into social unrest and political instability<sup>96</sup>. Which pose serious threats to national security.

The attempts to expand the rubric of threats to security beyond the traditional concern with military threats, has encountered opposition or resistance from realist adherents. They argue that doing so would water down the concept of security and render it meaningless. Despite the resistance of the realists to expand the notion of “threats to security”, it has been generally accepted by most of the scholars that there are other threats to national security other than military threats. As a result, there has been a raging debate between the “expanders” and “narrowers” of threats to national security.

Agostinho argues that security should be looked at as an all-embracing conceptual architecture of which peace, justice and economics are the main pillars. The co-existence of these four pillars in a structural relationship forms the environment for security: the conditions in which the fulfillment of human aspirations is best served<sup>97</sup>.

The commission on global governance argues that protection against external aggression remains an essential objective of national governments and therefore for the international community. However, other important security challenges arise from threats to the earth’s life support systems, economic deprivation, the

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<sup>96</sup> Kegley, C. W. and Wittkopff, E. R. (eds) (1984). *The Global Agenda: Issues and Perspectives*, Random House Inc., New York pg. 342

<sup>97</sup> Agostinho, Zacarias, *Op.cit* pg. 42

proliferation of conventional small arms, the terrorizing of civilian populations by domestic factions, and gross violation of human rights<sup>98</sup>

Security challenges become more complex when one turns to those issues that may not directly challenge the viability of the state in traditional terms, but nevertheless undermine the sovereignty of the state, compromise its ability to control the penetrability of its borders, and exacerbate relations whether between groups within the polity or states within the regional or global system. Demographic pressures on land, food and resources, environmental degradation, illicit movement of populations, technology, information, and drugs; unintended spread of disease and pollution – these are but a few of the factors that increasingly affect the security and well being of individuals, communities and states<sup>99</sup>

### **3.4 Food Scarcity and National Security Implications**

Food insecurity and the associated instability in food prices has in the past, led to political instability. The two centuries old dynasty in Ethiopia came to an end in 1974, not because a foreign power invaded and prevailed, but because ecological deterioration precipitated a food crisis and famine. In the summer of 1976, the polish government was badly shaken by riots when it tried to raise food prices closer to the world level. In 1977, the riots that followed official attempts to raise

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<sup>98</sup> The Commission on Global Governance (1995). *Our Global Neighbourhood*. Oxford University Press.

<sup>99</sup> Dewitt, E . et al, (1993). *Building A New Global Order: Emerging Trends in International Security*. Op.cit pg. 9

food prices in Egypt came closer to toppling the government of the late president Anwar Sadat<sup>100</sup>.

The quantitative and qualitative adequacy of diet is a major problem in the third world. As a purely physical matter, the problem of food is distributional and economic. While enough food is produced everywhere, not enough is grown at all paces for adequate nourishment, and where food is in short supply, there is often no means to get it to those in need. The most glaring example is the Horn of Africa (notably Ethiopia, Eritrea, Somalia, and Sudan), where years of drought brought on massive under-nourishment, exacerbated by war, and resulted in large-scale starvation<sup>101</sup>.

The most troubling food problem, and the one with the most direct national security consequences, is the increased use of food as a politico-military weapon. Saddam Hussein, the former president of Iraq, used the withholding of food supplies to weaken the Kurdish population, and it was CNN images of starving and diseased Kurds on a Turkish mountainside that inspired American intervention and establishment of the Kurdish “exclusion zone” in northeastern Iraq<sup>102</sup>.

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<sup>100</sup> See Shepherd, J. (1975). *The Politics of Starvation*, Washington, D. C.: Carnegie Endowment for International Peace, New York.

<sup>101</sup> Snow D. M. (1998) Op.cit pg. 247

<sup>102</sup> Ibid

### **3.5 Demography and National Security**

There is a close relationship between population growth and national security in the structural sense. Growing population strains food supplies, absorbs economic resources that could be used for economic development, places demand for social services that weaken stability of already marginally legitimate governments, and produces a climate of misery that is the breeding ground for continued despair and the potential for violence<sup>103</sup>.

At the structural level, security is defined as a viable balance or ratio between the size of a state's population and the demands of that population relative to the level and characteristics of its technology, economic performance, and resource endowments; in other words, the structural dimensions refers to a country's economic foundations<sup>104</sup>.

In the third world generally, the result of population pressure is economic and political destabilization. Young people migrate to the urban areas, where there are neither jobs nor living facilities to absorb them, unemployed or underemployed, they become discontented and, in some cases, violent<sup>105</sup>.

In developed countries, migrations from the third world countries is a major problem. In some cases the reason is the hope of economic opportunity n others, it

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<sup>103</sup> Snow, D. M. (1998) Op.cit p. 248

<sup>104</sup> Choucri, N. and North, R.C. (1993) Op.cit pg. 23

<sup>105</sup> Ibid p. 249

is the fear of political repression, and in places like Haiti, both economic and political motivations combine to send populations into flight<sup>106</sup>.

Demographic security in Europe for example, has been affected by the relaxation of restrictions on the emigration of Eastern Europeans. In recent years, western Europeans have become increasingly sensitive to immigration be it legal or illegal, from the third world. Cultural and religious tensions have become acute, giving rise in many European countries to right-wing xenophobic parties<sup>107</sup>. The potential large numbers of immigrants, the inevitable chaos accompanying attempts to control their flow and the emotions surrounding these movements, all make this an explosive issue with a clear connection to national security.

The problem of demographic security is not unique to Western Europe alone. This problem has been experienced in other countries as well. In Libya for example, several people of West African origin were murdered in 2001 by Libyan extremists who felt that the West Africans were posing an unnecessary competition. In France, racial prejudice has been on the rise in the recent past. There have been tensions between immigrants of North African origin and French Jews.

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<sup>106</sup> Ibid

<sup>107</sup> Pentland, C. C. Op.cit pg. 66



### **3.6 Drugs and National Security**

Drugs are considered as a threat to national and international security. Drugs erode the social fabric of society, thus threatening its stability. The elevation of drugs as a serious security issue began in the mid 1980s.

In the United States of America for example, the motivation for a concerted effort against drug use, neatly fits an expanded role of what constitutes the psychological sense of security. The streets of many cities had become unsafe because of drug related crimes that had eroded inner city families and neighbourhoods and that had, by the mid-1980's, spread to the suburbs and beyond. Security thus became a central issue in the broader emphasis on reviving family values<sup>108</sup>.

Drugs were considered a serious threat to national and international security by the US, that in 1989, US forces invaded Panama and ousted president Manuel Noriega for allegedly sponsoring international drug trafficking. The use of Panama as a funnel for the trans-shipment of drugs was one prominent reason for the American invasion.

Owing to the gravity of the drug problem, several international anti-narcotics conventions have been signed in a bid to control drug trafficking. Individual states have also instituted mechanisms to contain the drugs problem, which include:

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<sup>108</sup> Snow, D. M. (1998) National Security: Defence Policy in a changed Internal Order. Op.cit p. 223

establishing special police departments to deal with narcotics, enacting stringent laws to decisively address drug related crimes and so on.

### **3.7 The Proliferation of Illicit Small Arms and National Security**

The proliferation of illicit small arms and light weapons has in the recent past, become a serious security issue. The transfer of conventional arms to the third world was a common part of the cold war competition, as the rival powers armed their clients. The result was a flood of weaponry into the third world, principally supplied by the United States and the former Soviet Union<sup>109</sup>.

With the end of the cold war and subsequently a reduction in military confrontation, there has been a reduction in the armed forces of the former adversaries. In the process, inventories of unused and now unnecessary weapons have accumulated, and some have found their way into the arms trade. Compounding this is the fact that demand remains brisk for weapons transfers, resulting in arms supplies<sup>110</sup>.

The proliferation of illicit small arms and light weapons has exacerbated the lethality of conflicts, which are prevalent in Africa. Small arms are used in most if not all of the conflicts in Africa.

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<sup>109</sup> Snow, D. M. (1998) op.cit p. 250

<sup>110</sup> Ibid p. 251

The easy availability of small arms has also resulted in the rise in violent crime, and made cultural practices such as cattle rustling more lethal. These have direct implications for national security.

As a result of the recognition of proliferation of small arms and light weapons as a serious security threat, several global, regional and national initiatives have been developed to address this problem.

### 3.8 The Environment and National Security

Environmental pressures may seriously affect national and international security<sup>111</sup>. Many of their postulations are however, hypothetical. Wirth for example, has proposed that environmental change may shift the balance of power between states either regionally or globally, producing instabilities that could lead to war,<sup>112</sup> countries may fight themselves over dwindling supplies of water and the effects of pollution upstream<sup>113</sup>. In developing countries, a sharp drop in food crop production could lead to internal strife along urban-rural and nomadic-sedentary cleavages. Moreover, if environmental degradation makes food supplies increasingly tight, exporters may be tempted to use food as a weapon<sup>114</sup>.

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<sup>111</sup> See for example Brown, J. (ed) (1990) *In the US interest: Resources, Growth and Security in the Developing World*, Boulder company, West-View; Renner, M. (1989). *National Security: the Economic and Environmental Dimensions*, World Watch Paper 89, Washington, D. C., World Watch.

<sup>112</sup> Wirth, D. "Climate Chaos" *Foreign policy*, 74, (Spring 1989), 10

<sup>113</sup> See Falkenmark, M. "Freshwaters as a factor in Strategic Policy and Action", in Arthur Westing (ed) (1986) *Global Resources in International Conflict: Environmental factors in strategic policy and Action*. (New York: Oxford University Press pg. 85-113)

<sup>114</sup> Wallensteen, Food Crops as a Factor in Strategic policy and Action in Westing (ed) (1986) *Global Resources*. Op.cit pg. 146-155

Gurr(1989) argues that ultimately, the consequence of environmental change could be the gradual impoverishment of societies in both the north and the south which could aggravate class and ethnic cleavages, undermine liberal regimes, and spawn insurgencies.<sup>115</sup>

Homer-Dixon, argues that poor countries will in general be more vulnerable to environmental change than rich ones; therefore environmentally induced security threats are likely to arise first in the developing world. In these countries, a range of atmospheric, terrestrial, and aquatic environmental pressures, will in time probably produce either singly or in combination, four main causally interrelated social effects: reduced agricultural production, general economic decline, population displacement and disruption of regular legitimised social relations. These social effects, in turn may cause several specific types of severe conflict, including scarcity disputes between countries, clashes between ethnic groups, and civil strife, and insurgency<sup>116</sup>. The cattle rustling menace in the north-rift region of Kenya and across the Kenya-Uganda border, with its attendant insecurity consequences, can be attributed to environmental degradation leading to resource competition, and the marginalisation of that region.

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<sup>115</sup> Gurr, T. "On political Consequences of Scarcity and Economic Decline" *International Studies Quarterly*, 29 (1983) pg. 51-75

<sup>116</sup> Thomas, F. Homer-Dixon, *Global Environmental Change and International Security* in Dewitt D. et al (1993) *Op.cit* pg. 188

### **3.9 Economic Security**

Economic security refers to a state's maintenance of its economic well-being. Gasteyger argues that "economic security" has become as much a pre-occupation as military security for many countries<sup>117</sup>.

Economic security is particularly important, considering the threats posed by poverty to national security. Of particular concern is the escalation of crime in an attempt by the deprived to reverse their deprivation. Economic security can be realized through establishing a prudent and stable fiscal regime. Of particular significance to economic security, is the problem of money laundering. Money laundering is considered as a serious threat to nations' economic security, because it threatens a state's monetary or fiscal stability, as such, it has been criminalized. Because money laundering has a transnational dimension, inter state arrangements have been put in place to try and contain it.

Conventional views on the causes of new wars and political instability in many countries, usually hinge upon their arising from a developmental malaise of poverty, resource allocation and weak and predatory institutions. A country's ability to manage multiple problems of under development and transition and, especially to resolve antagonisms peacefully, is now a central concern within the new and wider security framework<sup>118</sup>.

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<sup>117</sup> Gasteyger, C. (1985) *Searching for world security: Understanding Global Armament and Disarmament*. Frances Pinter Publishers London, pg. 181

<sup>118</sup> Duffield, M. (2001) *Global Governance and the New Wars: The merging of Development and Security*, Zed Books Ltd, London pg. 15-36

There is a close relationship between security and development<sup>119</sup>. Development motivates people to defend the state. Poverty and institutional malaise in many third world countries can neither mobilize human resources nor national institutions to address the different challenges to security. To the extent that a state cannot provide essential services such as education, health, and an enabling socio-economic framework that can facilitate job creation, its legitimacy wanes. People are often able to tolerate economic deprivation and disparities in the short run because the government creates conditions that allow people to improve their living standards and that lessen the disparities between the rich and the poor, in this context, Brown's(1984) statement that national security cannot be maintained unless national economies are sustained<sup>120</sup> proves a point.

While treating security as a speech act allows a remarkable broadening of analysis, securitization theory seeks to limit the security agenda. Security, security studies argues, is not synonymous with "harm" or with the avoidance whatever else might be deemed malign or damaging<sup>121</sup>. As a speech act, securitization has a specific structure which in practice limits the theoretically unlimited nature of "security". While the securitization process is in principle completely open (any "securitizing actor" can attempt to securitize any issue and referent object), in practice it is structured by the differential capacity of actors to make socially effective claims about threats, by forms in which these claims can be made in

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<sup>119</sup>See McNamara, R. S. (1968) *The Essence of security: Reflections in Office*, New York, Harper and Row pp. 145-149

<sup>120</sup> Brown, L. R. *Redefining National Security* in Kegley C. W. and Witkopff, E. R., (eds) (1984) *Op.cit* pg. 341

<sup>121</sup> Buzan, B. et al (1998) *op.cit* pg. 26

order to be recognized and accepted as convincing by the relevant audience, and by the empirical factors or situations to which these actors can make reference<sup>122</sup>

From the aforementioned, it is clear that not all claims are socially effective, and not all actors are in equally powerful positions to make them. The claims that are likely to be effective, the forms in which they can be made, the objectives to which they refer, and the social positions from which they can effectively be spoken are usually deeply ingrained and structured in ways that make securitizations somewhat predictable and thus subject to probabilistic analysis<sup>123</sup> and not wholly expandable. Empirical contexts and claims only provide crucial resources and referents upon which actors can draw in attempting to securitize a given issue.

Security studies argue that security issues cannot be reduced to the existence of objective possibilities of harm. Claims about security and threats are made politically efficacious through the authoritative declaration of an “existential threat’ to the object concerned, and through their acceptance as “security issues” in these terms by a relevant audience. A successful securitization, it is thus argued, “has three components: existential threats, emergency action, and effects on inter-unit relations by breaking free of the rules.”<sup>124</sup>

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<sup>122</sup> Williams, M. C. (2003) Op.cit pg. 514

<sup>123</sup> Waever, O. (2000) ‘The EU as a security Actor: Reflections from a Pessimistic Constructivist on Post-Sovereign Security Orders’ in Kelstrum, M. and Williams, M.C. (eds.) *International Relations theory and the Politics of European Integration*, Routledge, London.

<sup>124</sup> Buzan, B. et al, (1998) Op.cit pg. 26

As expanders of the security debate, security studies have argued that security can usefully be viewed as comprising five “sectors”, each with their particular referent object and threat agenda<sup>125</sup>. These sectors are: the military, political, society, economy and environment. In the “military” sector, for example, the referent object is the territorial integrity of the state, and the threats are overwhelmingly defined in external military terms. In the “political” sector, what is at stake is the legitimacy of a governmental authority, and the relevant threats can be ideological and sub-state, leading to security situations in which state authorities are threatened by elements of their own societies. In the concept of “societal” security, the identity of a group is presented as threatened by dynamics and diverse as cultural flows, economic integration or population movements. In environmental security, the health and sustainability of the environment are presented as threatened by dynamics such as population pressure and subsequent over-utilization of resources and the pollution of land, air and water.

Accordingly, from the security studies perspective, national security can be defined as the security of the military, political, societal, economic and environmental sectors as they relate to the state. Security studies, recognizes the importance of the nation-state in the security debate. It argues that for a long time, middle range collectivities, and particularly states, have been the most fruitful originators of referent objects or objects deemed as facing existential threats. It is therefore with this understanding in mind that this study views national security as a relevant concept in the security debate. Nevertheless, considering the

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<sup>125</sup> Ibid



transnational character of the “new” threats to national security, it is acknowledged that in addressing threats to national security, the concept of national security is inadequate, hence there is need to focus on collective arrangements to address security issues which have a transnational character.

It is important to point out that states define what their national security is, and what they perceive as constituting threats to national security. The determination of threats to national security, as earlier indicated, is greatly influenced by a state’s national interests. National interests ranges from the core values such as sustenance of state sovereignty and the guaranteeing of its territorial integrity at one level, and the insurance of its economic interests at another. National interest is determined by the decision makers and is presumably arrived at after an aggregation of divergent interests through a consensus building process<sup>126</sup>.

### **3.10 Conclusion**

The concept of security and national security in particular is dynamic, from its earlier pre-occupation with military threats to security, it has been broadened to address a wide array of non-military threats for example, demographic insecurity, environmental factors, illicit drugs, terrorism, economic considerations, socio-cultural considerations and so on.

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<sup>126</sup> Morgenthau, H. J. (1995). *Politics Among Nations. The Struggle for power and peace*, 5<sup>th</sup> edition, New Delhi, Kalyani Publishers.

In a world that is not only ecologically interdependent, but economically and politically interdependent as well, the primary focus on “national” security is inadequate. Individual, countries must respond to global crisis because national governments are still the principal decision makers, but many threats to security require a co-ordinated international response. National security cannot be sensibly considered in isolation. In effect, although it remains crucial, the traditional military concept of “National Security” is growing ever less adequate as non-military threats grow more formidable.<sup>127</sup>

After exploring the broad conceptualisation of national security and identifying the diverse threats to national security, we proceed to focus on international terrorism, which has attracted a lot of attention in the recent past, and is one of the many threats to national security.

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<sup>127</sup> Brown, L. R. Redefining National Security in Kegley, C. W. Jr. and Wittkopff, E. R. (1984) Op.cit pg. 344

## **CHAPTER FOUR**

### **4.0 NATIONAL RESPONSES TO TERRORISM AND CHALLENGES: CASE STUDY OF KENYA**

#### **4.1 Introduction**

This Chapter will have the object of analysing the terrorism trends in Kenya in the past twenty-five years. It will put into focus the international terrorism trends and its impact on Kenya's national security. The trends in terrorism in the Kenyan territory will provide an overview about Kenya's vulnerability and the nature of security provisions for counter-terrorism.

The Chapter will also seek to reveal the security structures in Kenya and their capability to effectively provide Kenya with an appropriate framework for counter-terrorism. The government security organs and structures are important at this stage, as national security is a function of the state. The strengths a state possesses is reflected on the effective protection of its interests both at the national and international levels.

Another dimension to reflect on in this Chapter is the legislative measures to counter terrorism and their implication on human rights. The counter-terrorism measures have been known to infringe the privacy of citizens. The rights and privileges enshrined in the constitution are interrupted once the state activates its machinery to track down terrorism agents. There is a correlation between fighting terrorism and contravention of human rights. Therefore the scenario presents a hindrance towards combating terrorism.

The Chapter shall conclude by making remarks on Kenya's national security and the challenges it is facing in fighting terrorism. This will form a basis for making recommendations for the way forward.

#### **4.2 Terrorism Trends in Kenya and its Impact on National Security– 1981-2003**

The first incident of terrorism in Kenya was attributed to a radical Palestinian group. Their terrorist activity was directed at the bombing of the Norfolk Hotel in Nairobi in 1981. International terrorism experts have seen Kenya as a soft target for terrorist since then.<sup>128</sup>

Kenya is host to sensitive western interests. These include the US and British Military bases and training grounds. In December 2002 for example, hundreds of American troops arrived in the country for joint military exercises aimed at boosting regional security in the Horn of Africa and other adjacent trouble spots.<sup>129</sup> The terrorist bombing of the US Embassy in Nairobi on the 7<sup>th</sup> of August 1998, and the Kikambala Hotel bombing in Mombasa on the 28<sup>th</sup> of November 2002, made terrorism a serious security concern for the Kenyan government. In the two incidents Kenya suffered a decline in tourism business. The countries in the West gave travel advisories to its citizens not to visit Kenya. This led massive downsizing in the tourism sector. The result was an increase in

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<sup>128</sup> See United States Institute for Peace (2004) Terrorism in the Horn of Africa. Special Report, Washington.

<sup>129</sup> Chege, M. (2004) How the Kenya Government Invites Terrorist Attacks. Expression Today,

unemployment in Kenya. Therefore terrorism worked against the national interests of Kenya domestically.

The immediate impact of the 7<sup>th</sup> of August 1998 terrorist bombing in Nairobi, was the suspension of international flights to and from Kenya. Negative travel advisories that the country was unsafe, were issued by the US and Britain, these had a negative impact on tourism, an important foreign exchange earner for Kenya.

Terrorists made an unsuccessful attempt to shoot down an Israeli jet liner carrying Israeli tourists from Mombasa on the 28<sup>th</sup> of November 2002. This incident justified the imposition of travel advisories on Kenya. The tourism industry in Kenya was devastated by a massive slump in tourism arrivals following the imposition of travel advisories against non-essential travel. Even though travel advisories issued by all the European countries were later lifted, the US travel advisory still remains in place and has had an enormous impact on the Kenyan economy, causing serious economic damage to Kenyans from all walks of life<sup>130</sup>.

The threat of international terrorism to Kenya's national security is grave and several specific measures have been taken by Kenya to address terrorism. Some of these measures include the establishment of anti-terrorist units, strengthening of security infrastructure at airports and tourist facilities, adoption of more secure security procedures, deployment of surveillance and counter-terrorism measures,

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<sup>130</sup> ICAO, Facilitation (FAL) – Twelfth session, Cairo, Egypt, 22 March 2 April, 2004

arrests and crackdown on terrorist suspects and their cells and co-operation with third world countries in achieving a more secure environment.<sup>131</sup> These responses have however not been without challenges.

Shortly after the September 11, 2001 attacks in the US, Kenya strengthened its ties with the Americans in their war on terror. Earlier the US president George W. Bush declared to the world that there was no neutral position in the fight against terrorism. Either one had to be with the Americans or with terrorists. Kenyan authorities operated as if there was no grey area between the two poles set by Bush. Kenya's former president, Daniel Arap Moi, in a desperate quest to show that he was with Bush, led a demonstration in the streets of Nairobi to condemn the 11 September attacks<sup>132</sup>. As intimated earlier, Kenya has edged closer to the US in the War against terrorism since the September 11 terrorist attacks on the US. US military personnel have been stationed in Kenya, and Whitney, a command central for regional counter-terrorist activity is stationed in Djibouti.<sup>133</sup>

In June 2003, president Bush of the US announced the \$100 million East African Counter-Terrorism Initiative (EACTI) designed to enhance the capabilities of US's partners in the region to combat terrorism and foster cooperation among the East African states. It includes military training for border and coastal security, a variety of programmes to strengthen control of the movement of people and goods

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<sup>131</sup> ICAO (2004) op.cit p.2

<sup>132</sup> Chege, M. (2004) op.cit

<sup>133</sup> Cook, D. L. (2004) Africa: The Next Battle ground in the Terror war, Hoover Digest, New York.

across borders, aviation security capacity building, and assistance for regional efforts against terrorist financing and police training.<sup>134</sup>

The inter-agency Terrorist Finance Working Group (TFWG), chaired by the US office of the coordinator for counter-terrorism, is working closely with the Kenyan officials to develop a comprehensive anti-money laundering/counter terrorist-financing regime in Kenya.<sup>135</sup> This measure is necessary to disable any terrorist efforts to any capital or financial investments in supporting terrorist agents and their activities. The measure is adequate to deter terrorist cells in the region if the member countries accept this arrangement.

The US Department of state instituted the Terrorism Interdiction Programme (TIP) in mid 2003, in a bid to assist countries threatened by terrorist transits. The TIP is a computer hardware/software package, intended to significantly impact on terrorists' freedom of movement between countries by providing fast, secure and reliable means to check each travellers' identity against a current terrorist watch-list<sup>136</sup>. The challenge is that Kenya's borders are porous and the terrorists may not pass through the official entry points.

Evidence unveiled during the trial in New York of four men linked to the bombing of American Embassies in Nairobi and Dar-es-Salaam in 1998, revealed

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<sup>134</sup> Wyckoff, K. (2004) Fighting Terrorism in Africa. US Department of state, Washington D.C

<sup>135</sup> Ibid. pg. 2

<sup>136</sup> Ibid

a terror network that had flourished in Kenya, taking advantage of lax immigration and security laws. The core leadership of the Kenyan cell consisted primarily of citizens of the Gulf States, Somalia, Pakistan and the Comoros Islands who had assimilated into local cultures along the Indian Ocean seaboard. They in turn, gradually recruited local Kenyans, particularly from the coast. Due to corruption endemic in the Immigration Department, foreign residents of the Kenyan cell obtained citizenship and set up small businesses and Muslim NGOs. The main challenge then, in Kenya's response to terrorism, revolves around curbing corruption in government departments.

The initial slow government response to terrorism following the 1998 bombing of the US Embassy in Nairobi grew from a denial based on the perception of Kenya as a victim, rather than a source of international terrorism. This denial was also tied to the inability to acknowledge the wider context that led to the growth of terrorism: the erosion of government structures, notably weak enforcement and gate-keeping institutions.<sup>137</sup>

In conjunction with the FBI and Interpol, the government made efforts to destroy the Al Qaeda cell. As a result several suspects in Nairobi and Mombasa were apprehended. For example, in July 2001, Nairobi police arrested 8 Yemeni and 13 Somali nationals. Similarly, police arrested more than 20 people suspected of having links with Al Qaeda in Lamu in November 2001.<sup>138</sup> Despite the spirited

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<sup>137</sup> Ibid  
<sup>138</sup> Ibid



campaign by the Kenya government to fight international terrorism, it is important to note that the government has always been afraid to alienate Kenya's minority Muslims who often complain of marginalization.

From the above observations, the challenge that arises is how to fight international terrorism, while at the same time, being sensitive to the concerns of the Muslim constituency.

Kenya is a key partner in the US Combined Joint Task Force – Horn of Africa (CJTF – HOA) in Djibouti that seeks to check terrorism. This programme aims to facilitate the US training of regional military personnel in counter-terrorism procedures. In addition, as part of the multi-national campaign, a special anti-terrorism squad, composed of the German Naval Air wing, is currently based in Mombasa.<sup>139</sup>

Kenya's responses to terrorism are determined to stem the growth of terrorist networks. To date indications are that its abilities are limited. The coastal control of shipments is weak, allowing arms smuggled from Somalia or elsewhere into Kenya. This is despite efforts by the US combined Task Force, headquartered in Djibouti and allied naval forces to police the area. Most arms shipments come from small dhows that escape such surveillance.<sup>140</sup>

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<sup>139</sup> Ibid

<sup>140</sup> Lynam, PN (2004). *The Terrorist Threat in Africa: Testimony Before the House Committee on International Relations*. "Hearing of Fighting Terrorism in Africa" pg. 1

The government of Kenya has formed an Anti-Terrorist police unit as of February 2003, composed of officers trained in anti-terrorism.<sup>141</sup> This was aimed at strengthening the police force to effectively counter the threat of international terrorism. This was followed by the formation of the National Counter-Terrorism centre in January 2004. The National Security Intelligence Service coordinates this centre. The centre co-ordinates the training of officers from different relevant government agencies, and seeks to collect timely, tailored and digestible intelligence. This initiative will heighten the national efforts to detect terrorist activities and apply counter-terrorism measures to diminish the country's vulnerability to attacks.

The scarcity of financial resources is another challenge to Kenya's response to the threat of international terrorism. Beefing up security of the country's airports to counter the terrorist threat for example requires the purchase and installation of ultra-modern electronic surveillance gadgetry, the hiring of experts, and training of local personnel to boot. All these come with a significant cost element far beyond Kenya's budgetary means. The explosion-detection equipment recommended by the US transport security administration for instance costs Kshs. 9.7 billion. This was four times the 2003/04 approved recurrent development budget for physical infrastructure pertaining to transport and communication.<sup>142</sup>

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<sup>141</sup> United States Institute for Peace (2004) Op cit pp 3

<sup>142</sup> East African Standard, Thursday, July 10, 2003

Failing or failed states, threaten international peace and security. They can become havens for terrorist organizations, or centres for trade in small arms and drugs.<sup>143</sup> The failed state of Somalia presents a major challenge to Kenya's anti-terrorism policy, the absence of a strong central government or authority in Somalia, makes it difficult to control the activities that go on in that country, making it a likely terrorist haven, the existence of a porous border between Kenya and Somalia, makes it possible for terrorists to cross over into Kenya. Once the Government of Somali establishes a firm authority in the territory this challenge.

Poverty prevalence is another challenge to Kenya's fight against international terrorism. 50% of Kenya's population live below poverty line.<sup>144</sup> This figure shows that the majority unemployed can be conscripted to be terrorist agents. Poverty and rising unemployment is a challenge Kenya is not able to solve owing to its small economy and ever-rising population. There remains a big challenge in the Kenyan territory for improved economic growth and development to effectively counter terrorism.

Kenya's response to the threat of international terrorism has also included attempts to legislate locally against international terrorism. The government of Kenya published the Kenya Suppression of Terrorism Bill, 2003, in an attempt to legislate against international terrorism. Owing to stiff opposition to the Bill by human rights activists, legislators and a wide cross-section of Kenyans, the Bill was shelved. This

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<sup>13</sup> Ottaway, M. and Stefan M, (2004) States at Risk and Failed States: Putting Security First. Policy Outlook, Carnegie Endowment for International Peace, Washington D. C. pg .

<sup>14</sup> World Bank, World Development Report, 2003 Pg 72

attempt was nipped due to excessive infringement in the rights of an individual enshrined in the current constitution. People opposed to it observed that it was primitive, draconian and segregative.

The Kenya Suppression of Terrorism Bill, 2003, was criticized for being vague on the definition of terrorism, and for curtailing human rights and freedoms. The Bill did not satisfactorily define the crime it intended to suppress. The definition of terrorism in section 3 of the Bill, failed to emphasize the fact that in order to constitute terrorism, an act must have a political cause or objective and an intended audience.<sup>145</sup>

The Sixth 6 section of the Bill offended the wider human rights activists as it went against all known criminal procedures. Suspicion intensified and amounted to guilt of the offences it created. In addition, the Bill placed the responsibility for proving their innocence on accused persons, contrary to the requirement of the law, that individuals are innocent until they are proved guilty. This was not only offensive to public policy, but it also purported to change radically the philosophy of criminal jurisprudence<sup>146</sup>.

Section 7 of the Bill dealt with the collection of information for terrorist purposes. It clarified that it is an offence to collect information likely to be useful to a person

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<sup>145</sup> Arendt A. C. and Beck, R. J. (1993) *International Law and Use of Force*, London and New York, Routledge, p. 141

<sup>146</sup> Mwangi, M. (2003). *The Nationalization of Terrorism: National Responses to Terrorism Through National Legislation*, Paper presented at the IDIS sponsored symposium on Terrorism at the Nairobi Safari Club 1<sup>ST</sup> July 2003. pg. 10

committing or preparing to commit an act of terrorism. It also made it an offence to possess a record or information containing information of that kind. This provision effectively curtailed the freedom to possess ideas and to disseminate them.<sup>147</sup> In addition it makes it difficult to for scholars and policy makers to deliberate how to combat terrorism without being a victim of the same law.

### **4.3 Kenya and Institutional Inter-linkages in Combating Terrorism**

Kenya has not opted to fight terrorism in isolation. It is firmly inter-linked with other regional, continental, or universal organisations in fighting terrorism. The notable organisations Kenya is a member to include that of IGAD, COMESA, AU and the UN.

As a result of the recognition of international terrorism as a threat to national and international security, international organizations, regional organizations, sub regional organizations and states have put in place a number of measures in response to the problem. Institutional responses to the problem of international terrorism have however evoked a number of challenges.

Since 1960, UN organs have sponsored instruments designed to define, prohibit and punish as international crimes certain acts of trans-national terrorism. There are several pre-eminent international agreements relating to terrorist acts which are legal products of UN deliberations and are designed to: outlaw hijacking of aircraft (ICAO, 1963, 1970), attacking airports (ICAO, 1971, 1973), posing

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<sup>147</sup> Ibid pg. 11

threats to international maritime navigation (International Maritime Organization 1998b), taking hostages (UN General Assembly, 1979a), harming diplomatic agents (UN General Assembly, 1973), bombing civilians (ICAO, 1991: UN General Assembly, 1997), protecting nuclear materials (International Atomic Energy Agency, 1980) and financing terrorist activities (UN General Assembly, 1999).<sup>148</sup>

Historically, UN organs have ignored the status of terrorism as a form of armed force, instead classifying certain acts performed by terrorists as a form of crime. No international agreement has yet been adopted in the UN that outlaws terrorism much less provides for a universal definition of the concept, herein lies the greatest challenge. The tragic consequences of September 11, 2001 however, galvanized the UN Security Council to change the legal landscape related to terrorism.<sup>149</sup>

The resolutions adopted by the council since 11 September 2001, have been unequivocal in their condemnation of terrorist attacks as threats to international peace and security. Resolution 1368 (2001) adopted on 12 September 2001, expressed the determination of the Security Council “to combat by all means threats to international peace and security caused by terrorist acts and condemned

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<sup>148</sup> Joyner, C. *The United Nations and Terrorism: Rethinking Legal Tensions Between National Security, Human Rights and Civil Liberties in International Studies Perspective*, Vol.5, 2004, p.241.

<sup>149</sup> *Ibid*, p.242.

the horrifying terrorist attacks which took place on 11 September 2001, like any act of international terrorism... a threat to international peace and security.”<sup>150</sup>

In its resolution 1373 (2001), adopted on 28<sup>th</sup> September 2001, the Council requires all member states to take a series of measures to prevent and combat terrorism and to report on how they implement those measures.<sup>151</sup> Operative paragraph I of Security Council Resolution 1373 asserts that terrorist acts are a threat to international peace and security under chapter VII of the charter. In that regard, all states must prevent and suppress the financing of terrorist acts, freeze financial assets of persons or entities engaged in terrorist activities, and prohibit their nationals from contributing economic resources that are used for the commission of such acts, and deny safe haven for financiers, planners, supporters or perpetrators of terrorist acts. In the same manner, governments are obligated to ensure that those who commit such acts are brought to justice and punished under domestic laws and regulations that reflect the seriousness of such acts. Finally, the resolution suggests the exchange of information, effective border controls, and issuance of identity papers and travel documents .<sup>152</sup>

The UN Security Council, in its resolution 1368 and 1373 (2001), expressly recognized the right of self-defense in terms, which could only mean that the

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<sup>150</sup> Greenwood, C. International Law and the “War Against Terrorism”. *International Affairs*, 78, 2 (2002), p.306.

<sup>151</sup> Teixeira, P. (2003). *The Security Council at the Dawn of the 21<sup>st</sup> Century: To What Extent is it willing and Able to Maintain International Peace and Security* UNIDIR, Geneva, p.8.

<sup>152</sup> Joyner, C. (2004). *Opcit*, p.242.

terrorist attacks, constituted armed attacks for the purposes of article 51 of the UN charter. Article 51 provides that:

Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the UN, until the Security Council has taken measures necessary to maintain international peace and security. Actions taken by members in the exercise of this right of self-defense, shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.<sup>153</sup>

Article 51 specifies only one precondition, namely that there should be an armed attack against a member of the UN. It is however universally accepted that in order for the use of force to constitute self-defense, it must also meet the requirements that the force used is both necessary and proportionate.<sup>154</sup> The use of force in response to an armed attack, which is over and done with, does not meet the requirement and looks more like a reprisal. The US led coalition force against the Taliban regime in Afghanistan has been criticized for constituting what some considered to be a reprisal, rather than a genuine action in self-defense.<sup>155</sup> This represents a critical challenge in the resort to force as a response to the threat of international terrorism.

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<sup>153</sup> Article 51 of the UN Charter, quoted in Greenwood, C (2002), *Opcit*, p.309.

<sup>154</sup> See Advisory opinion on the legality of the threat or use of nuclear weapons, ICJ reports, 1996, p.226, paragraphs 1-2.

<sup>155</sup> Greenwood, C. (2002), *Opcit*, p.311.



In its resolution 1390 (2002), the UN Security Council imposed sanctions on all members of Al Qaeda. This regime is not applied to a specific territory. Its objective is not to get people change their behaviour, but to prevent them from carrying out criminal activities (travel restrictions, freezing of assets and economic resources and arms embargoes).<sup>156</sup> While this is no doubt a creative manner of dealing with non state actors especially terrorists, the fact is that in most cases, terrorists are shadowy individuals whose identity may not be sufficiently established, this therefore constitutes an important challenge to this counter terrorism strategy.

Recognizing the negative impacts of counter terrorism measures on human rights, the UN General Assembly took measures to address that problem. The UN General Assembly Resolution 219 of 18 December 2002 on the respect for human rights and fundamental freedoms while combating terrorism, combined with Security Council Resolution 1456 of 20 January 2003 on the same topic, provides important foundations for an assertive UN approach, including that of CTC.<sup>157</sup> While this is indeed a positive step in ensuring respect for human rights and fundamental freedoms in the fight against terrorism, the fact is that most counter terrorism measures have adverse effects on human rights, it appears therefore that the two UN General Assembly Resolutions referred to in this paragraph are more of rhetoric and moral posturing. It is worth noting that after the September 11

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<sup>156</sup> Teixeira, P. (2003), *Opcit*, p.88.

<sup>157</sup> O'Neil, W.G. (2003). *Human rights, the UN and the Struggle against Terrorism*, International Peace Academy, New York, p.4.

terrorist attacks of the USA, the UN Security Council formed a counter terrorism committee, which limits itself to collecting summaries of national laws and looking at how they are applied. O'Neill recommends that this committee should have more teeth and actively question reports that raise human rights concerns.<sup>158</sup>

Finance warfare has emerged as a major instrument of anti-terrorist strategic operations almost immediately following the 11 September attacks in the US, however, anti terrorist finance warfare, goes back to the period before the 11<sup>th</sup> September terrorist attacks of the US. The UN General Assembly Resolution 51/210 of 17 December 1996, called upon member states to take appropriate domestic legislative measures to prevent the financing of terrorism, not only where it was linked to drug dealing, arms trafficking and other criminal methods, but also where the functioning was associated with ostensibly legal and non-criminal institutions of a charitable, cultural or social nature.<sup>159</sup>

UN General Assembly Resolution 54/109 of 9 December 1999 (International Convention for the Suppression of the Financing of Terrorism), called upon state parties to adopt domestic measures for the purposes of identifying, detecting, freezing or seizing funds used for committing the (defined) terrorist offences, and also to ensure that financial institutions within their territories "utilize the most efficient measures for the identification of their customers and to pay special attention to unusual or suspicious transactions." It further required state parties to

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<sup>158</sup> Ibid, p.3

<sup>159</sup> Navias, M.S. (2002). Finance Warfare as a Response to International Terrorism, The Political Quarterly Co. Ltd., p.69.

establish regulations prohibiting the opening of accounts for unidentified holders of beneficiaries and to rely upon verification procedures in relation to clients and legal entities. Unusual large transactions and unusual patterns of transactions, which have no apparent economic or obviously lawful purpose, were to be reported to the relevant authorities, while financial institutions were to maintain for at least five years, all relevant records of their transactions. There was also a demand that there be licensing of all money transmission agencies.<sup>160</sup>

There are several challenges facing the anti terrorist finance warfare. Constraining terrorist fund generation and distribution demands a high level of international cooperation in the context of interconnected global capital markets that increasingly by-pass national boundaries and limit the interventionist efforts of local authorities. Technical problems stem from the inability of many states actually to identify, control and enforce measures against terrorist financing in their regulated financial systems.<sup>161</sup>

Terrorist organizations may engage in legitimate business activities for purposes of raising and distributing funds e.g. the Al Qaeda network whose source of funding was originally based on the legitimate bin Laden family inheritance and legitimate construction, engineering and other corporate concerns. Traditional

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<sup>160</sup> Ibid, p.70.

<sup>161</sup> Ibid, p.76.

criminal and anti money laundering approaches have not been best suited to dealing with such kinds of activities as their focus is elsewhere.<sup>162</sup>

The conceptual problems to the anti terrorism finance warfare are more serious and are linked to the definitional issues that inevitably arise whenever there are attempts to identify and categorize what constitutes terrorism. Without agreement as to such definition, effective cooperation at the financial level sphere is difficult as it becomes subject to other, more powerful, political and ideological considerations.<sup>163</sup> There is need to overcome technical, bureaucratic, political, conceptual and co-ordination obstacles before terrorist financing capabilities can be seriously eroded.

#### 4.4 Conclusion

The chapter has comprehensively analysed the trends of terrorism in the past twenty-five years. The history has demonstrated that the country has been a target of terrorism due to its geo-strategic reasons. The country has a historical link with the West and the Middle East. The case of diplomatic relations between Kenya and Israel is significant understanding the history of terrorism. The continued perceived support Kenya offers to Western allies has made it suffer consequent terrorist attacks.

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<sup>162</sup> Ibid, p.69.

<sup>163</sup> Ibid, p.76-77.

The Chapter has also revealed the responses Kenya has put in place to combat terrorism. In addition the chapter has revealed the institutional arrangements that are helping Kenya to achieve its objectives in counter-terrorism. The state has mobilised its internal security organs to curtail terrorism. In addition the country has tried to use legislative measures for the same purpose. The state has also teamed up with partners in constructing and outlining the security framework for counter-terrorism. The outcomes have not fully achieved the desired outcomes. There is inadequacy in terms of coordination and containing the movement of people across borders due to porosity and instability in neighbouring countries.

Kenya responses can be said to be in line with protecting the security interests locally and internationally. The partnership with institutions and other countries from Africa and outside the continent reveals the gravity of terrorism towards Kenya's national security. The efforts Kenya is putting in place to counter terrorism are a pointer towards future possibility to contain terrorism threats.

The Chapter has covered the key objective of finding out the relationship between terrorism and national security. It has also demonstrated the threats of terrorism towards national security and the challenges the state is facing in its efforts to counter-terrorism. The next Chapter shall make a critical analysis based on the previous chapters and collate the findings with the objectives and the hypotheses of the study.

## **CHAPTER FIVE**

### **5.0 CRITICAL ANALYSIS OF NATIONAL RESPONSES AND CHALLENGES TO TERRORISM**

This chapter will make a critical analysis of the other Chapters and make a synthesis of the national responses and the challenges arising thereof. To achieve this, the synthesis will consist of a cross reference of the issues raised and themes discussed in the previous Chapters. The Chapters will be tied up with a view of consolidating together the content of the study.

The concept of national security was discussed in chapter three. In this chapter the conceptualisation of national security was viewed as constantly changing over time. It was initially preoccupied with physical security or military threats to security. Later it evolved to encompass a broader conception of a diversity of non-military threats to national security for example epidemic diseases, economic deprivation, illicit drugs, demographic insecurity and environmental threats to national security. Terrorism was engendered and directed to physical insecurity of the people and later that of the state. National or state security is viewed from different conceptual foundations. Depending on the definition of national security, the concept of national security can be analysed in different ways.

Security is conceptualised as a structured field, in which some actors are placed in positions of power by virtue of being generally accepted as voices of security, by having the power to define security. Following this argument, it can then be

argued that the USA, the current hegemony in the uni-polar international system, has the ability to define security threats and to influence other states to share its view. If this assumption holds, then international terrorism has been generally regarded as a serious threat to international peace and security, because the US, views it as such.

The security studies framework for analysis seeks to find out what contributes to security in terms of national interests and policy preferences. There are many threats to national security, but arriving at a decision on which of those threats are most serious is a purely political matter. Countries therefore should seek to interpret certain threats to be a threat to their own security and not others.

Based on the above argument, it is conceived that terrorism is a serious threat to international peace and security. However it is not sufficient. It would be in order to establish the extent of threat through considering the fact that security is an inter-subjective phenomenon. It is not easy to establish the extent of threat objectively for instance through identifying national security threats in different countries. Therefore it is not realistic to holistically declare that terrorism is a threat to national security across board.

It is important to note that although the security studies framework provided the conceptual basis of this study, only the process through which security decisions are arrived at was focused on, other assumptions of the security studies

framework were not applied in this study. If all the assumptions of the security studies framework had been applied, the chapter on national security would have taken a very different dimension considering the fact that security studies views security as comprising of five sectors: the military, political, societal, economic and environmental. National security would have subsequently been discussed in terms of the military, political, societal, economic and environmental security as they relate to the state. Perhaps future researchers should consider applying the security studies framework for analysis in its entirety.

The second Chapter addressed the phenomenon of international terrorism, focusing on: conceptual issues, the historical development of international terrorism, trends in international terrorism, the causes debate and the aims of international terrorism. It is argued that terrorism is as old as war itself, but has been able to transform and adopt itself to changes in development and technological advancement.

The definition of terrorism or international terrorism has no consensus. This makes it difficult to address the root causes of terrorism and subsequently, how to respond to it. Failure to arrive at a generally accepted definition of terrorism indicates that there are diverse opinions and views by analysts about the terrorism phenomenon. The focus of this research is on international terrorism and the national challenges towards combating terrorism.



It has been argued that increased integration of the global political economy, affords the terrorists numerous secondary targets. Also international terrorism in the 21<sup>st</sup> century is a result of the spill over of domestic conflicts. Attacks on foreign targets, it is argued is most often part of an effort to destabilize local governments rather than alter the international power structure. This raises the question of whether conflict resolution should be considered as an alternative response to the threat of international terrorism.

In Chapter Two, it was revealed that terrorism is dynamic. In the past, terrorism was practised by a collection of individuals belonging to identifiable organizations. They normally had a clear command and control apparatus, and a defined set of social and economic objectives. But modern terrorist groups have less comprehensive nationalist or ideological motivations. They ascribe to far more religious fundamentalism and millenarian aims. They represent themselves in less cohesive organizational entities with a more diffuse structure and membership. This makes it difficult to come up with an appropriate response.

Assuming that the aims can indicate the causes of terrorism, amorphous aims makes it more difficult to even approximate the causes, which is important in informing the choice of appropriate responses. In addition, the fact that modern terrorist groups have less cohesive organizational entities and diffuse structures makes it difficult to deal them a decisive blow.

Another issue that emerged in Chapter One is the apparent centrality of terrorist groups. It was noted that terrorist groups are developing closer ties with each other through information sharing and even joint operations. This again raises another challenge in responding to terrorism. This is how to break those ties. The centrality of terrorist groups also raises another critical issue. This is whether it means that all terrorist groups share the same motives. And in addition if they do, can it be possible to identify the common causes of terrorism.

Chapter One also focused on the causes of terrorism. The Chapter demonstrated that there is no agreement on the causes of terrorism. If there is no clear understanding of the causes of terrorism, it is impossible to arrive at the most appropriate responses to the problem. Several factors were identified as causes of terrorism. These include: poverty, marginalisation, political and economic inequalities, a combination of poverty, underdevelopment and a limited or non-existent government and the development of global governance institutions and policies that lack democratic content. It is evident that there is no single cause of terrorism, rather a combination of different factors results in terrorism. To respond effectively to terrorism is a challenge to a state since it will require a multi-dimensional approach to combat it.

Chapter Four focused on the national challenges towards combating international terrorism. It was argued that the relationship between international terrorism and national security can be viewed in different ways. International terrorism threatens

national security; conflict within a nation-state, which may arise as a result of feelings of insecurity by a section of the citizens, may result in the protagonists adopting terrorist techniques. The internationalisation of such conflicts logically leads to international terrorism. A state's concern for its security especially regime security, may at times lead to the adoption of terrorist techniques.

Another relationship between international terrorism and national security can be seen in terms of causality. Feelings of insecurity within a nation state may lead to international terrorism. It is argued that there is a complex interplay of economics, religion culture and geo-politics involved in terrorist motives, but poverty and hopelessness breed desperation and create a climate for ready recruits. The relationship between poverty and international terrorism is not mechanistic, there are many other intervening variables. This takes us back to the causes of terrorism debate, where it emerged that there is no agreement on the causes of terrorism.

It has also been argued that terrorism flourishes in states where violations of different rights occur. Examples of Algeria, Uzbekistan, Tajikistan and Kyrgyztan were cited. If bad governance and especially the violation of civil liberties and other fundamental freedoms give rise to terrorism, this implies that the responses to terrorism are indeed challenged. It means that the promotion of good governance and respect for human rights should be part of a broad approach in responding to international terrorism. The challenge, however, is that most of the responses that have been adopted to combat international terrorism, threaten

human rights, it means therefore, that we are most likely to witness a vicious cycle of terrorism, where the violation of human rights breeds terrorism, and the counter- terrorism measures which violate human rights also breed terrorism.

It also emerged in this study that a state's and more so, a regime's concern for its security may lead it to support or sponsor of international terrorism. The Taliban regime in Afghanistan was cited as an example. Not all countries or regimes can support or sponsor terrorism. The assumption is that perhaps there are other variables that come into play; these may be suggested for further research activity.

It was also found out that the measures taken by states to counter international terrorism and thereby enhance national security might instead threaten it. It is argued that counter-terrorism has become the new "organizing principle" for a resurgence in national security rhetoric and unfettered practice, which breaches human rights and thereby threatens national security..

Chapter Four revealed that the most significant danger that faces the liberal democratic state when it confronts the problem of terrorism as an issue of law is the fast reaction to the issue. Under such circumstances, government officials, typically make radical and unjustified departures from conventional judicial and law enforcement procedures. The state is progressively drawn into the grey zone of illegality which mirrors the one in which the terrorists operates. The issue that arises is the feasibility for a state to make a carefully calculated reaction, when a

terrorist attack has occurred. It can be argued that perhaps it is possible to have a carefully measured reaction once the immediate emotional impact of the attack has subsided. However, the fear that terrorists engender, may inculcate perpetual fear in people, resulting in the citizens' tolerance to seemingly unimaginable violations of civil liberties and other fundamental rights by the state, in the name of fighting terrorism.

At continental level various measures have been put in place as response to terrorism. The AU Convention on The Prevention and Combating of Terrorism<sup>164</sup> calls upon the member states to cooperate in developing and strengthening methods of monitoring and detecting plans or activities aimed at illegal cross-border transportation, importation, export, stock piling and the use of arms, ammunition, explosives, and other materials and means of committing terrorist acts and; developing and strengthening methods of monitoring land, sea and air-borders and customs and immigration check points in order to pre-empt any infiltration by individuals or groups involved in planning, organization and execution of terrorists acts.<sup>165</sup> The challenge is that many African states do not have the capacity to effectively monitor their borders, as such, the borders are porous, making it difficult to pre-empt, individuals or groups, involved in planning, organization and execution of terrorist acts. In addition, considering the problem of scarce financial resources in Africa, and the added costs that counter terrorism efforts entail, African states find themselves in a great dilemma whether

<sup>164</sup> AU Convention on The Prevention and Combating of Terrorism, August, 2002.

<sup>165</sup> Organization of American States, fact sheet, the US mission to the OAS, Washington D.C. pg. 8

to finance counter terrorism measures or other priority areas such as education, health, and agriculture. Kenya has faced these hardships and is making efforts to counter terrorism through international treaties.

At the national level, the legislations and bills that have been enacted and published in an attempt to combat international terrorism have raised serious human rights concerns. The Anti-terrorism and Effective Death Penalty Act (AEPDA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which were passed by the US congress in 1996, represents an affront to alien rights.

In every anti-terrorism legislation that has been adopted by western democracies, in the recent past, a certain number of constitutional guarantees have been inevitably restricted. These include the maximum length of time that a suspect can be held in preventive detention without right of habeas corpus, guarantees against unreasonable search and seizure of private property; the inviolability of private communications; and even freedom of speech.

Chapter Four demonstrated that diplomacy and international cooperation is another response that has been adopted by the UN, regional organizations and individual countries to address the threat of international terrorism. This grew out of the understanding that the fight against terrorism can only be effective within a multilateral and collaborative framework. Alliance and coalition building among

states have been important in forging an international alliance against terror.<sup>166</sup> It is however, important to note that using diplomacy to establish coalitions to militarily respond to terrorism is only a tactical approach, which does not address the root causes of terrorism and is therefore an inadequate response to the threat of international terrorism. It appears that it is critical that diplomacy and international co-operation be employed in the search for a better understanding of the phenomenon of international terrorism and also in the development of a comprehensive counter-terrorism policy that is based on a clear understanding of the causes of terrorism.

Similarly Chapter Four shows that military has been used in response to the threat of international terrorism. Following the terrorist bombings of the US embassies in Nairobi and Dar-es-Salaam, the US retaliated by launching missile attacks against terrorist bases in Afghanistan and a suspected chemical production facility in Sudan. The September 11 terrorist attacks of the US saw the formation of an international coalition that responded militarily against the Taliban regime in Afghanistan. Furthermore, as discussed in Chapter Four, states have established additional military units to specifically address the threat of terrorism. The challenge is that terrorists operate clandestinely and more often than not, cannot be easily identified to enable military strikes to be launched against them. What's more, military strikes may injure or even kill civilians and destroy important economic installations in the targeted countries, thus generating public

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<sup>166</sup> Nying'uro, P. O. (2003) International Terrorism: Conceptual problems, recent Responses and US  
..... presented at the Symposium on Responding to Terrorism, Nairobi Safari Club. 1<sup>st</sup> July.

condemnation. Terrorists do not control territories to justify the use of military in response to terrorism. Military strikes used either for pre-emptive action or in retaliation to the threat of terrorism are not appropriate.

Economic sanctions have also been employed in response to the threat of international terrorism. States including Kenya are putting structures in place to enforce anti-money laundering. The emphasis has been on intercepting the flow of terrorist funds. The challenges are however, great. First and foremost most of the terrorist funds do not flow through formal channels, they flow through informal channels thus making it difficult to employ formal approaches in intercepting them. Secondly anti-money laundering approaches have been mainly used to conduct the counter-terrorism financial warfare. The problem with this approach is that not all terrorists funds are from illegal sources, thus anti-money laundering legislations and approaches are not adequate in responding to international terrorism.

Improvement in intelligence gathering and analysis has been adopted as a critical response to the threat of international terrorism in many countries. The case study in Chapter Four shows that many countries have instituted reforms to better coordinate intelligence gathering and analysis relating to the threat of international terrorism, examples of the USA and Australia were cited in chapter four. Efficiency in intelligence gathering and analysis is seen as key to tactical responses to the threats of international terrorism.



National responses to the threat of international terrorism are discussed in Chapter Four. It is revealed that most of those responses are tactical rather than strategic. Therefore they cannot be expected to comprehensively address the threat of international terrorism, owing to their failure to focus on the root causes of terrorism.

The study was based on four objectives as proposed in Chapter One. Three of these objectives have been fulfilled in the study. The first sought to establish the relationship between international terrorism and national security. It was found in Chapter Three that the relationship between international terrorism and national security can be viewed in different ways. First international terrorism threatens national security. Internal conflict within a state which may arise as a result of feelings of marginalisation and insecurity by a section of the citizens, may end up with some of the protagonists adopting terrorist techniques in their struggle. With the internationalisation of such conflicts, logically leading to international terrorism, a state's concern for its security, and particularly regime security, may result in state support or sponsorship of international terrorism. Therefore international terrorism results in changes in national security policies and structures.

The second objective of this study was to identify the national measures taken by states at regional and national levels to combat the threat of international terrorism. It was found in Chapter Four that those measures include: legislation,

military retaliation, diplomacy and finance warfare, enhanced intelligence gathering and analysis and increase in protective measures.

The third objective was to discuss the challenges facing state responses to the threat of international terrorism. Chapter Four confirmed this objective. It was achieved considering the fact that several challenges facing and arising from national responses to the threat of international terrorism were discussed and analysed in the case study.

The hypotheses of the study were also duly demonstrated. The first hypothesis suggested that international terrorism is a threat to national security. This hypothesis was demonstrated in Chapter Two of this study. In this section it emerged that international terrorism injures and violates citizens' civil liberties. It also threatens the stability of democratic regimes and the structural underpinnings of the state. Terrorism further disrupts the balance of power thus causing widespread panic among the populace.

The second hypothesis postulated that strong national institutions and military strikes are vital in curbing international terrorism was also demonstrated. It emerged that legislation through parliament has been the main response to the threat of international terrorism. Military retaliation has not been used on a wider scale. From this study legislation can be an effective means of curbing international terrorism; however, drawing an effective legislation is a challenge.

The third hypothesis postulated that efforts aimed at combating international terrorism can exacerbate national insecurity. This was demonstrated in Chapter Four. It was shown that most of the responses to the threat of international terrorism especially at the national level, threatens people's enjoyment of civil liberties and other fundamental rights. It is however, important to note that not all efforts aimed at combating terrorism threaten national security. Other than national legislation that threatens people's enjoyment of their civil liberties and other fundamental freedoms, other responses contribute to an enhancement of national security.

## CHAPTER SIX

### 6.0 SUMMARY, CONCLUSION AND RECOMMENDATIONS

The concept of national security is dynamic. It has shifted from its earlier pre-occupation with military threats to security and has been broadened to address a wide array of non-military threats for example, demographic insecurity, environmental factors, illicit drugs, terrorism, economic considerations and socio-cultural considerations. In a world that is not only ecologically interdependent, but economically and politically interdependent as well, the primary focus on "national" security is inadequate. Individual countries must respond to global crisis because national governments are still the principal decision makers, but many threats to security require a coordinated international response.

National security cannot be evaluated in isolation. However it remains crucial as the traditional military concept of "National Security" is growing ever less adequate as non-military threats grow more formidable<sup>167</sup>. There are many threats to national security and international terrorism is just one of them.

International terrorism has been identified by the international community as a serious security threat. However there is no agreement on the definition of terrorism. The definition of terrorism is highly dependent on the vantage point of the analyst. The failure to arrive at a generally agreed definition of terrorism,

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<sup>167</sup> Brown, L. R. Redefining National Security in Kegley, C. W. Jr. and Wittkopf, E. R. (1984) Op.cit pg. 344

including international terrorism, has implications for the terrorism debate. What is evidently clear is that the causes of terrorism are diverse. There are categories of issues, whose interplay can adequately inform the causes of terrorism debate. These include lack of legitimate avenues of dissent, denial of self-determination, failure to resolve historical grievances, poverty, economic and political inequality.

The failure to arrive at an agreement on the causes of terrorism and international terrorism, gives rise to a problem of deciding on the appropriate response to the threat of international terrorism. There is no agreement on the appropriate response to international terrorism. While some analysts insist on a military solution to the problem, others opine that there is need to address the root causes of terrorism. An effective response to international terrorism should be based on a sound understanding of the causes of international terrorism.

The aims of international terrorism are diverse. They include the desire to instill fear in the masses and make the citizens lose faith in the governments ability to provide security and to maintain order. It is also to extract specific concessions such as the payment of ransom or release of prisoners, revenge, to gain publicity for their cause and therefore gain some political level.

International terrorism threatens national and international security. Acts of terrorism violates people's rights for example right to life and other fundamental human rights. Feelings of insecurity among sections of the citizenry can foment

terrorism. Marginalisation, underdevelopment, poverty and lack of choices, though not mechanistically related to terrorism, provide a conducive environment for terrorism to take root. A regime's concern for its security, and even a state's concern for its national security may make it support or sponsor international terrorism in a bid to promote its security. The Taliban regime's support of the Al Qaeda terrorist network also arose from the Taliban's concern for the regime survival.

Measures adopted by governments to combat terrorism raise a number of challenges. The biggest challenge is the lack of a general agreement on the definition of terrorism. Without an accepted definition of terrorism, it is difficult to generate international consensus on how to address it comprehensively. The measures that have been adopted to combat terrorism threaten citizens' civil liberties and other fundamental freedoms. The biggest challenge therefore is how to ensure the protection of civil liberties and other fundamental rights in the fight against terrorism.

There is need to develop consensus on the definition of terrorism, to address the root causes of the problem, and to ensure that the counter terrorism measures that are adopted by states and international organizations do not overwhelmingly threaten civil liberties and other fundamental freedoms.

## 6.2 Conclusion and Recommendations

Considering the several challenges facing institutional responses to international terrorism, the following recommendations are suggested:

There is need to develop a universal definition or a generally agreed definition of terrorism. The failure to arrive at a generally agreed definition of terrorism, makes it difficult to arrive a common understanding of terrorism, and more importantly, the most appropriate response to the problem of terrorism.

Terrorists thrive on double standards and inconsistencies, especially in the Middle East, where the Israeli – Palestine conflict only exacerbates tension. This reinforces the need to delve into the root causes of terrorism, because understanding the condition conducive to terrorism could help yield a clear definition, which could in turn produce a more logical and constituent approach to combating terrorism<sup>168</sup>. Popular support for that is essential for a successful counter-terrorism policy that marginalizes terrorists is only possible when there is consistency and no double standards.

There is need to strike a balance between counter-terrorism strategies and respect for civil liberties. Counter-terrorism measures should be complemented by guarantees of basic due process, protection of suspects, and providing those who are wrongly accused with a method of defending themselves. Controlling terrorism requires a multilateral and multifaceted approach. It also requires

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<sup>168</sup> O'Neill, W. G. (2003) Human Rights, the UN and the Struggle Against Terrorism, IPA, New York, pg. 3

careful coordination of short and long-term policy responses. Unilateralism will not suffice because states are deeply interdependent, especially needing each other's assistance in the area of law enforcement and intelligence<sup>169</sup>.

A key element of any country's counter-terrorism strategy, as a reactive strategy, must be a consideration of the nature and extent of terrorism within that country. This is not only because without such knowledge, the counter-response may well miss its mark, but also because counter-terrorism by its very nature may if poorly directed, generate precisely the type of violence, which it intended to suppress<sup>170</sup>. To be effective in the long term, the response must be sensitive to the nature of the civil conflict that generated terrorism.

There is need to develop a broad strategic response to counter terrorism, based on an understanding of the complex interplay of factors such as economics, religion, culture and geopolitics, which contribute to fuelling terrorism. A broad strategic response to countering terrorism should include some degree of the rule of law, democracy, freedom, justice, and most importantly hope. While it is generally acknowledged that political development and economic growth are not a panacea for terrorism, encouraging liberalism, and tolerance as well as government efficiency, will work against terrorism.

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<sup>169</sup> Crenshaw, M. (2002) *The Global Phenomenon of Terrorism*, in O'Neill, W. G. (2003), *Responding to Terrorism: What role for the UN?* International Peace Academy, New York.

<sup>170</sup> Hocking, J. counter-Terrorism and the Criminalization of the politics: Australia's New Security Powers of Detention, Proscription and Control. *Australian Journal of Politics and History*. Volume 49, No. 3 2003. pp. 355-371



Reliable intelligence is an essential counter terrorism tool. Experience shows that as long as the other components function as they should success in a state's counter-terrorism campaign is directly proportional to the emphasis placed on the gathering and analysis of reliable information<sup>171</sup>

The introduction, use and continuance of all counter terrorist measures, especially those initiated by the intelligence services need to be made subject to constant parliamentary supervision and judicial oversight in order to strike a balanced response that does not unduly restrict or abuse individual rights and freedoms. It is essential that the state must be held constitutionally accountable for its actions and that adequate measures exist for redress of grievances.<sup>172</sup>

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<sup>171</sup> Hoffman, B. and Morrison –Taw, J. (1992). A strategic Framework for countering Terrorism and insurgency. the Rand and Corporation. Santa Monica, California.

<sup>172</sup> Chalk, P. The Response to Terrorism as a Threat to Liberal Democracy, Australian Journal of Politics, and History: vol. 44, No. 3, 1998 pg. 387

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