Terrorism as a Global Peril: A Kenyan Scenario Tactic

Mongare A. B. LLB, MBA, LLM University of Nairobi
The Catholic University of Eastern Africa, The Faculty of Law/Advocates Training
Programme KSL, Nairobi, Kenya
abitutu.mongare@gmail.com

Abstract
There is a global concern over terrorism threats due to its very nature of causing physical destruction of human and infrastructure. Resultantly, anguish is experienced through economic loss, insecurity and generally to social disorder to the polity whose effects cannot be accentuated. The paper interests itself with the Kenyan techniques on counter-terrorism. The status quo is worsened by a dearth of a universal definition of terrorism. Most countries in Sub-Saharan Africa are roiled in civil clashes and there has been a polemic on how to deal with the perpetrators of this conflicts; Kenya has remained relatively peaceful for decades and played host to countless evacuees fleeing neighbouring countries. Nevertheless, since 1998, terrorism-related activities have been on the upsurge in the country posing a major threat to national security and development. The scenery of terrorist activities in Kenya has been varying and growing in monstrousness, leaving numerous innocent citizens as victims, while in some incidences, the country has continuously been held at ransom by the terror groups. Though Kenya has put up a concerted fight to prize fight terror it has turned out to be an easy target for terror groups for close to twenty years. Kenya’s counter-terrorism exertions, nonetheless, cannot be undervalued but they have faced a lot of criticism. The paper provides a descriptive analysis of the experiences, dares, lessons learned as well as the measures taken from the intermittent incidences of terrorism in Kenya. It further appraises the various categories of counter-terrorism tactics utilized by Kenya against this global menace. Despite efforts made by the government and other agents to curb the threat, much is yet to be achieved. It highlights inadequate capacity; lack of preparedness; poor coordination and strategy, information faults and a privation of assurance by the actors as some of the major shortfalls. The exposition pursues to establish whether these approaches are fueling the numerous attacks experienced in the recent past in Kenya. The paper concludes that despite the terror intimidations posed by extremism, the Kenyan society generally gives the impression not to be learning and has been reiterating reactively rather than pro-actively. The paper recommends that Kenya needs to re-examine its efforts in combating terrorism and terror-related activities holistically from the grassroots (county) to national levels.

Keywords: Terrorism, Impact, Experiences, Lessons, Counter-terrorism, Peril, Kenya
Introduction

One of the most direct and serious security threats facing governments of the world presently is terrorism. It is a transnational crime that goes beyond the gamut of the State security. It has increasingly turned out to be a global grim that calls for resolute endeavours by the community of nations.\(^1\) The foregoing has not been easy to curtail by the international community owing to the trouble of coming up with an approved description of terrorism. Despite the numerous accords and conventions barring acts which would constitute terrorism, no solitary arrangement is in place precisely on terrorism.\(^2\) There also several treaties and conventions but non touches on the terrorism. The problematic nature of a universal definition is illumined by the countless sorts that terrorism assumes. There are two methodologies in attempting to delimit terrorism: one is founded on certain activities taken as terrorism, comprising commandeering in addition to taking captives. On the other hand is the wide-ranging scheme which denotes particular rudiments which institute terrorism such as intent, incentive, and engrossment of the civilian population.\(^3\) Most nations have espoused the broad-spectrum technique, for illustration, in America terrorism comprises perils to human life and are an infraction of American laws or any other State laws. That these activities appear to be intimidating and compelling a civilian population to influence the policy of a government by intimidation or coercion or to influence the conduct of government by holocaust, assassination or kidnapping.\(^4\)

Exact suitable definitions are realized under the Convention against Taking Hostages and the International Convention for the Suppression of Terrorist Bombings. To make it conceivable for the international judicial institutions such as the International Criminal Court (ICC) to tackle terror. The definition ought to deal with three aspects explicitly, violence, execution by a non-State actor and a political purpose.....\(^5\) the unlawful threat or acts of violence committed for political purpose by a non-State actor.\(^6\) The deficiency of identification with the internationally accepted standard definition has been as an upshot of States repudiating to be bound by terror laws for the reason that some States have been tangled in activities that amount to terrorism and national interest.\(^7\) The terror undertakings have been recognized as a crime since they do not adhere to the rule of law.

Notwithstanding the discourses on the internationally acceptable definition, the basic elements of terrorism are agreed upon by some concurring international community as a matter of States’ practice and customary international law.\(^8\)

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\(^1\) Omeje and Githigaro, 2010.
\(^3\) Ibid.
\(^4\) American Patriot Act, 2001
Based on the preceding, the principal elements of terrorism are argued to be, politically, socio-economic and religiously premeditated and motivated violence committed against non-combatant targets by sub-national groups or surreptitious agents, usually intended to influence an audience, whereas international terrorism includes involvement of citizens or the territory of more than one country.\(^8\) Terrorism has gained international attention for its overall effect on nation-states and societies. Its adverse social and political effects have had very significant economic sequels, as they have forced governments in the world to finance counter-terrorism measures\(^9\) burdening the economy, predominantly through adverse effects on the defense budgets, for instance, Kenya Defense Forces (KDF) in Somali.

**Situating Terrorism**

Terrorism has equally affected both national and international economies. By the end of the Cold War, there were dramatic improvements in the ease of transnational communication, commerce and travel. Though, there remained noteworthy constraints upon multilateral cooperation contrary to terrorism. Where cooperation occurred, states preferred small groupings of like-minded states, often operating at the region all level, through ad hoc contrivances. Definitely, States had cooperated multilaterally in some modes and had, for instance, negotiated twelve international pacts on terrorism-related offenses at the UN platforms.\(^{10}\) Inopportune, the terrorists have adapted to this novel international environment and turned technological advances of the twentieth century into the destruction drivers of the twenty-first century.

Kenya has long been an African success narrative, a place that has been comparatively steady, peaceful and prosperous despite being in a neighbourhood rocked by foremost disasters for decades.\(^{11}\) There have been endless civil wars in Somalia; genocide in Rwanda; civil strife in Sudan and famine in Ethiopia among other catastrophes. Yet these calamities have, by and large, had not spilled over to Kenya, consequently, led the country to be a turning point of East Africa, serving as a business, transportation and tourism nucleus for the region.\(^{12}\) Kenya has continually been one of the most outward-looking African countries with its linkages and relationship with the United States (US), Europe, the Middle East and the Asian continent.

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Kenya’s political stability since independence combined with its geo-strategic import has led to its recognition in combating terrorism with its direct access to the Arabian Sea as well as the Gulf of Aden and its coastline coupled with sound bilateral relations making it home to several United Nations operations and headquarters based in Kenya, Gigiri. Conversely, close to two decades, Kenya has been a target of various terror attacks attributed to terrorist elements.\(^{13}\) The causes of the several terror attacks on Kenya have elucidated several discourses; for illustration, antiterrorism debate came out louder after the attack on the US Embassy in Nairobi in 1998 August 7, in which over two hundred lives were lost that Kenya is dominated by the regional policy agenda of the US government. Henceforward, with the Global War on Terror (GWOT) Championed by the US government, there seems to be a coming together of interest between the Kenyan State security apparatus and the US foreign policy goals on security.\(^{14}\)

**History of Terrorism in Kenya**

Terrorism is not a unique phenomenon in Kenya as it has perceived sundry terrorist activities since the 1960s. Certainly, as in the rest of Africa, the acts of terror can be traced back to the colonial era. When acts amounting to human rights violation were committed by the colonizers. The practices of attacking, raiding, capturing, and owning human beings, as well as the dispossessing of their lands, due to the heinous nature of this acts have been baptized ‘colonial terrorism.’\(^{15}\) Yet human rights are rights that accrue to all human beings by virtue of being human. The slavers and colonizers used various forms of violence to force people to forsake their individual and group sovereignties in order to use them as commodities and to exploit their labour and economic resources. In human rights discourses world, the colonizers acts were not just terror but amounted to crimes against humanity. They included, enslaving Africans, warfare, trickery, banditry, kidnapping, burning villages, raping, torturing, dividing and destroying communities, facilitating civil war and destroying existing leadership, cultures and institutions; such forms of social violence can be categorized as terrorism.\(^{16}\)

In 1980, the Jewish-owned Norfolk hotel was attacked by the Popular Liberation Front of Palestine (PLFP). In 1998, the US embassy in Nairobi was bombed, four years later the Israeli-owned Paradise Hotel in Kikambala, Mombasa. In October 2011, a coordinated operation between the Somali military and the Kenyan military began an offensive against the Al-Shabaab group of insurgents in southern Somalia after tourists had been kidnapped from Lamu, Mombasa. Since then, a series of explosions and bombings have rocked various parts of the country believed to have been retaliatory attacks by Al-Shabaab. In 2013, over eighty people were killed at Nairobi’s Westgate Shopping Mall, Alshabaab confirmed being responsible. The most recent attack is the Garissa University college attack that saw over a

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hundred and forty dead and several injured. Following the multiple attacks, there has been a lot of pressure by the opposition leaders and the civil society that Kenya withdraws its troops from Somalia, but Lawless’ strong argument on granting concessions inform the government’s resolution that withdrawal would be a big sign of defeat and surrender to the extremists.

Guiding question: is the Kenyan approach on counter-terrorism responsible for fueling terrorism?

Factors believed to be contributing to Terrorism attacks in Kenya
A number of discourses elucidate why Kenya has been a victim of past terrorist attacks. The main factors are geography, ethnic composition, political stability, porous borders, poverty, Islamic fundamentalism and laxity in law enforcement. Acts of terrorism have had grave economic, political, psychological and social implications in Kenya. The vice has adversely affected the human lives, tourism, agriculture, and the transportation sectors. As asserted by acts of terrorism have been aggravated by technology such as the internet and satellite television increased radicalization of youths especially through religious fundamentalism, poverty, as well as increased travel and employment around the globe. Despite Kenya being a victim of repeated terrorist attacks, not much literature is available on the impact that the terrorist threat has had on the country. However, the little available literature highlight on the extent terrorism has had on the country.

Most terrorist attacks in Kenya have been carried out by local citizens, many of whom are recent converts, recruited and trained mainly by Somalia-oriented terrorist groups. These novel recruits and converts were estimated to constitute over 10% of the Al-Shabaab terror fighters in 2012 (KDF, 2012). Referred to as the Kenyan Mujahideen by Al-Shabaab's core members Mohammed Kuno, Ahmed Ali, the converts are typically young and overzealous like Abdirahim Abdullahi. The living standards and socio-economic deprivation of some segments of the Kenyan society provide fertile ground for recruitment and breeding standard for terrorists. As indicated by KDF Kenya 2012. High poverty levels among the youths in Kenya have made them easier targets for the terror group outfit’s recruitment activities. Further acknowledge the roles that marginalization and poverty play among vulnerable people, who at the end invite sectarian and inter-ethnic strife, despair, and anti-western resentment, invasion by Christian countries and xenophobia. Intra-ethnic and clan conflicts also play a major role in the perpetuation of terrorism in the country. This is

17 Mong’are A.B.M., The Right To Education for Children in Conflict Situations; How Responsive is Kenya (Unpublished LLM thesis University of Nairobi, 2015).
especially when some of the clans and ethnic groups have dual citizens, for instance, the Somali community towards the North Eastern region of Kenya and thus, seek reinforcement from any possible quarters when under threat. Others are suspected host terrorists as has been the case with refugees in Dadaab who have been blamed for instigating terror activities in the northern region of Kenya. The conflicts have direct and indirect cost implications for a country. In the recent past Kenyan coastal town, Lamu attacks, for instance, all hotels were closed down, tourists left, job opportunities were lost, people died, and the place became insecure and placed under a security curfew. As alluded to by most scholars, conflicts have direct negative effects on the economy that includes damage to the affected area influenced by conflict and the costs associated with its reconstruction. The aforementioned also extends to loss of production, the impossibility of safe transportation of goods, the loss of tourism benefits, high unemployment and lost investments. Azam and Mesnard identified a linkage between the occurrence of conflicts and poor economic conditions and argue that governments aiming at combating terrorism could choose to raise military expenditures or other expenditures such as education, health, and investment to eliminate the possibility of poor people joining terrorist organizations.

Literature displays that terrorism and terrorist groups do not arise randomly and they are not distributed evenly around the globe. The existence of terror groups is attributed to the living standards and socio-economic deprivation of some segments of the society as the breeding ground for terrorists. Thus, people may join and even support terror groups as a response to societal frustration, sympathizers, and through religious ideological affiliation. Kenyan society is not an exemption to the menace. Notably, there is a big gap between the rich and the poor in Kenya, and this encourages animosity and makes the have nots to be susceptible to terror lures.

**Porous Kenyan borders**

Political instability in the neighboring countries such as Sudan, South Sudan, Uganda, Ethiopia, and to a larger extent Somalia, has enabled expansion of terrorist interest into Kenya. Much of the Global War on Terror is based on its northern neighbor, Somalia. When the government of Somalia collapsed in 1991, it fashioned a lawless society where crime and radical ideologies flourished. This has provided unrestricted movement of people and goods into and out of Somalia. Global terrorist networks like Al-Qaeda based in the Middle East countries took that advantage to use Somalia as their African terminal and contact point. Accordingly, countless terrorists from countries like Yemen and Afghanistan have used Somalia as a training and recruitment space for their terror networks. Kenya, being strategically located has been on the receiving end. Firstly, as a host to many refugees from Somalia, some of whom have allegedly been said to be terrorists, and secondly, as the terror war zone, where terrorist’s activities are launched in revenge to any global efforts against

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terror. Following this development Kenya has recently announced the closure of all the refugee camps, this is yet another reactive approach to terror attacks that go against refugee laws; Kenya being a signatory to the tri-patriate. Many of these terrorists were refugees seeking a better life in Kenya. With a porous border and a confirmed presence of Islamic fundamentalists, Somalia poses a threat to Kenya and the rest of the world. In a joint press conference with Kenya and the United States in 2003, President Bush declared that stabilizing Somalia is essential in sustaining the war against terrorism.

Devoid of a proper government that could take control of the country, Somalia continues to play a direct role in the security deficiencies of Kenya. For one, Somalia’s geographic location gives it the longest coastline in Africa and makes it the closest African country to the Middle East. The opportunity allows Somalia to act as a transit hub in bringing illegal items into Kenya. The United Nations Office on Drugs and Crime (UNODC) found that East African nations are still attractive for criminals and terrorist organizations to launder their spoils. The elucidation that the legislative framework to combat organized crime, money laundering and the financing of terrorism is weak in Rwanda, Tanzania, and Uganda leaving these countries vulnerable and attractive to criminals to use them as safe havens. Important to note is the strait between Yemen, Djibouti and Eritrea connecting the Red Sea to the Gulf of Aden an important sea lane for crude oil accounting for approximately 30% of the world’s supply. Consequently, it is this strait and Somalia’s instability that has seen the US, France, Japan, and EU build military bases in Djibouti and running naval fleets along the western Indian Ocean rim under the pre-text of Anti-piracy operations and financing terror groups. Furthermore, of great concern is the strategically positioning of the EU in the tiny Horn of Africa to protect their mineral and oil interests from both the Middle East and Africa. This has incensed Al-Shabaab and led to the increase of attacks.

Most remarkably, the perpetrators of the 2002 Mombasa attacks transited from Somalia and smuggled weapons into Kenya through the shared border. The lack of border security allowed most well-known East African fugitives such as Fazul Abdullah Mohammed, to transit frequently between both countries. Therefore, the lack of a government in Somalia for the last fourteen years has allowed unimpeded movement of terrorists across the common border. Somalia’s collapse brought an influx of Somali refugees into Kenya, allowing terrorists to blend in with the refugees, move freely across the border, and easily import terrorism into Kenya.

Imprecision in law enforcement

Laxity in law enforcement has made Kenya easily accessible by terrorist networks. The Global War on Terrorism has dismantled terrorist sanctuaries, particularly in the Middle East and South Asia, but this has forced terrorists to look for safer and more accessible operational environments. Kenya, which had a relatively lax security mandate during the regime of previous governments, has provided the ideal environment for terrorists to exploit and infiltrate into the country. Those who employ terrorism, regardless of their specific secular or religious objectives, strive to subvert the rule of law and effect change through corruption (bribery), violence and threats. The terrorists also share the misguided belief that killing, kidnapping, extorting, robbing, and wreaking mayhem to terrorize people are legitimate forms of political action. Prior to the recent terrorist acts in the country, there were certainly counter-terrorism units that existed in both the law enforcement and intelligence arenas.

The main glitches, though, were based on lack of funding and well-coordinated efforts. The National Security Intelligence Service was established following the USA embassy bombings in 1998 and Kenya was added to the U.S. Anti-Terrorism Assistance Program. The Kenyan Government has also created an Anti-Terror Police Unit (ATPU), a Joint Terrorism Task Force (Aronson, 2012), a National Counter-Terrorism Centre (2009), and a National Security Advisory Committee. Nevertheless, the grim still ensures that the infrastructure has yet been perceived to affect authorities’ ability to identify terrorists, foil terrorist plots, and bring criminals to justice. The flawed terrorism laws in Kenya have caused grave problems and even with improved legislation over the last few years, success in combating terror has been minimal. For one, the description of terrorism is vague and thus, can be contested successfully in any legal tribunal by suspects. The Kenyan government defines terrorism as anti-state violent activities undertaken by non-state entities which are motivated by religious goals. The delineation neglects terrorism based on political, ideological, and criminal rationales and thus, places an unfair target on the minority religion in Kenya. Secondly, actual legislation has been very grim to pass and put into practice, consequently, the government has been operating without official and encompassing anti-terrorism laws and standards.

For illustration, the 2003 Suppression of Terrorism Bill did not make it into law due to public outcry over the bills unconstitutionality, international standards on human rights violations, and overt discrimination against Muslims. Two years later, the Anti-Terrorism Bill of 2006 was again brought before Parliament. The bill contained many of the same issues as its predecessor and was, therefore, not passed into law. Certain crimes committed by terrorists

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can be prosecuted in Kenyan courts, however, there has yet to exist a comprehensive anti-terrorism law insofar as one exists in other Western democracies. Lack of this comprehensive legislation puts Kenyan law enforcement officials in obdurate positions whereby their performance means are questionable and violate the human rights of many in the Muslim community. Intelligence officials have been accused of numerous times of unlawfully detaining suspected terrorists for lengthy periods of time and torturing suspects in attempts to gain confessions and further intelligence. In one occurrence, after the 2010 bombing in Kampala, Uganda, the Government of Kenya transferred thirteen Kenyan citizens suspected of taking part in the attacks to Uganda. The Minister of Justice declared that the rendition was illegal, even though there was no prospect of withdrawing the action that had already ensued.

**Belongings of Terrorism in Kenya**

**Economic Impact: Tourism Industry**

Tourism, one of the foundation blocks of Kenya’s economy, constitutes 25% of the Gross Domestic Product (GDP) and has been adversely affected by the repercussions of terrorism. The influx of tourist to Kenya can be estimated to over 500,000 visitors each year. Europe and the United States of America (USA) represent Kenya’s traveler generating region with 70% of the market being Europeans (Switzerland, Italy, Belgium, France and Britain account for the bulk of tourists). Additionally, visitors come from Japan, Asia, Scandinavia, and other African countries. USA, Germany, Great Britain, and some other countries, upon receiving the news about the terrorist attacks on Kenya’s US Embassy in Nairobi, immediately issued travel advisories to their citizens and imposed travel bans to refrain travel to Kenya as it was deemed unsafe.

Furthermore, the extensive media coverage of the attacks particularly focused on Kenya’s vulnerability to terrorism severely tarnished its image. These responses led to a decline in travel to Kenya and some neighboring countries as travelers feared the spillover of the terrorist attacks. For example, tourism businesses were terribly affected by the travel warnings. Tourism brought in the US $500 million in annual revenue and was losing at least $1 million everyday due to the decline in tourism. Accordingly, Kenya’s tourism industry was paralyzed. Kenya suffered a decrease in tourist arrivals. The erstwhile had a ripple effect on all sectors of the industry. Tourism is highly susceptible to external shocks such as natural disasters, political instability (PI) and terrorism for the reason that it is an industry where consumption is based on faith and trust. Events that damage that faith, destabilizes the tourism system and affect the elements within the structure and the surrounding environments via demand fluctuations.
Political Impact
Terrorism and terrorist activities have led to political re-alignments in the world politics. For instance, Kenya and the rest of Africa are members to The New Partnership for African Development (NEPAD), while the African Union through military institutions like African Union Missions in Somalia (AMISOM) has taken over political responsibilities to influence response to terror attacks. Terrorism destabilizes political arrangements, results in confusion, leads to loss of revenue; makes the political system vulnerable, especially with lack of relevant policies. Consequently, terrorism challenges the existing political institutions. In Kenya for instance, there has been the institutional tag of war and blame game between the executive, the judiciary, the police, and intelligence services. Each of these institutions blames the other for ineffectiveness leading to the recurrent incidences of terror. Terrorism also makes the political institutions vulnerable to external influences. For instance, Kenya has to rely on the US, Britain, Australia, Russia, Israel, and Germany among others, for intelligence on terrorism, technical assistance, equipment, and strategy. The reliance on them comes with strings attached based on the interests of the donation, hence, compromising political sovereignty in the country, its institutions, and the kindof policy frameworks that are eventually adopted (Whittaker 2010).

Social Impact
Terrorism has had a massive negative impact on the social life in Kenya. Today most institutions and premises such as places of worship, schools, shops, restaurants and other public utilities are unsafe. People have to be searched and screened in order to access them. There is a general social mistrust of the other, representing insecurity. The family institutions have also been affected by terrorism through loss of their members and more recently the fact that children have not been spared by terrorists as victims of injuries and death. Children have also been recruited into terror networks in schools, clubs, churches, and mosques. Terror social media are also taking advantage of the mass communication techniques to lure young people into joining the networks, sometimes without the knowledge of their parents or guardians. Religious venues have become the most active terror zones in Kenya. Terrorists have also succeeded to use some religious affiliations to radicalize some youths and cause mayhem, with the intention to divide Kenyans along religious groups.

Psychological Effects
Terrorism in Kenya does not only affect tourism, economy, social and political aspects but also causes psychological implications among the affected populations. According to Martha, terrorism is a form of psychological warfare against asociety. Terrorist campaigns can be expected to psychologically affect a sizeable portion of the population of a targeted society, either directly, by harming a person or their family, or indirectly, through the extensive media coverage of terrorist attacks. According to Boaz (2002), peoples’ fear of terrorism is rational and irrational. It is rational in the sense that there is an ever-present threat of a terrorist attack being repeated, but irrational in that the probability assigned to that potential event. The main question here is that how an individual accommodates psychological fear associated with terrorism? Alan (2005) contends that the explanation for this lies in what is known as the accommodation effect where the amount of stress created by ingrained traumatic actions actually lessens. For that reason, as terrorism becomes a regular occurrence, a process of habituation and de-sensitization may occur, and people develop the ability to maintain a semblance of a normal life. The inference is that people can learn to live with terrorism and psychologically cope with it.

Education Sabotage
Kenya has suffered greatly at the hands of Al-Shabaab making it number twelve on the Global Terrorism Index after Nigeria four, Somalia seven in Africa and education is now under attack particularly in the North Eastern part. In November 2015, the Alshabab hijacked a bus in Mandera near Kenya’s border with Somalia that saw twenty-eight non-Muslims singled out and shot dead. On 2nd April 2015, over a hundred students were killed when terrorist stormed into Garissa University in Garissa town. The Garissa University attack was the worst the nation had ever seen since the August 7, 1998, US Embassy bombings. The incident sparked global outcry and saw schools in North Eastern close and over a thousand teachers refusing to return to work out of fear and shock. The Kenya National Union of Teachers secretary-General Wilson Sossion claimed to have advised teachers not to go back. The teachers who deified the advice have lost their life in cold blood. Usually, teachers from other parts of the country go to teach mathematics, sciences and languages Adan Sheikh, Garissa County Director of Education and an official of the Ministry of Education confirmed that fear of security reasons teachers had left and schools had remained closed. In some cases, pupils educate themselves. These has affected the education which is so rare in the region. Besides insecurity hash climatic conditions, have contributed to most qualified teachers turning down offers to teach in the region.

The debate on re-hiring untrained teachers for the region was also a dilemma as the Ministry of Education explained that it was unconstitutional, to hire untrained teachers. After the University attack in Garissa, fear seemed to permeate other Universities in Kenya. On April 12, 2015, for instance, just ten days later saw over 100 students injured at the University of Nairobi, Kikuyu Campus after a transformer exploded following an underground electrical cable bust. One of the people who witnessed the morning stampede says the blast was very loud and they thought it was a bomb. “We were all scared… the explosion was heard within a large area, we thought they have come (terrorists) to attack us,” he said. Thereafter there were rumors of possible attacks in the learning institutions which led to most parents temporarily withdrawing their children from the learning institutions. The institutions are forced to engage security services to screen members of public before accessing the learning institutions, it has a cost implication.

**Examining Kenya’s efforts in Counter-terrorism**

The international community has not been able to decisively deal with terrorism, it has been relying on adhoc and proactive moves by the national level actors against suspects of terror. The deterrent effect of judicial sanctions has been missing which is the tool available to the world community to prevent global terrorism. In addition, like terrorism counter-terrorism is a difficult concept to define as postulated by Paul Wilkinson that there are no universally applicable counter-terrorism policies for democracies; every conflict involving terrorism has its own unique physiognomies.

It is extremely hard to effectively act against terrorism without due consideration of the catalyzing factors of extremism. Kenya has not concentrated on examining and dealing with the causes of terrorism but rather has dealt with terrorism reactively, and in most cases using force and playing politics. It is of significance to note that social economic factors are inseparable from the issue of extremism which has affected society. In Kenya Politicizing security issues is one of the reasons Kenya ought to go back to the drawing board and work out better methods of dealing with it. At some point politicians even in the National assembly alluded to having Knowledge of those financing the terrorist groups and extremists. Despite being given time to reveal the enablers of terrorists, such politicians decline and no action is taken against them. The asserted leaves the country in a dilemma as to whether terrorism is to be countered or the world community should content with it.

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39 Sauls, B. ’Terrorism and international criminal law :Questions of (in) coherence and (ll) Legitimacy’ (2011).


Some of the Counter-Terrorism Techniques which have been applied by Kenya include The Usalama Watch where the goal was to identify illegal aliens residing in the country in order to repatriate them. Relocation of the urban refugees to Dadaab and Kakuma Refugee camps was done without the due process of the law being followed and neglect of court directives on treatment of terror suspects. The aforesaid archaic and unconstitutional treatment was followed by arbitrary arrests and detention of some people who were very innocent. The Kenyan society was fractured, resulting in fear and shock to the Kenyan Somalis due to ethnic profiling. This by some means affected the economic and social stability of not a few Kenyans.

In going to war in Somalia, for example, the parliament of Kenya approved the need of Kenya Defense Forces to go to war in Somalia, where it is believed that the Al-Shabaab Terror group is operating from. Since the country went to war, the acts of Terrorism have not declined but rather a lot of attacks from the terror groups have followed. Some of the leaders have requested the government to consider removing the troops from Somalia, arguing that that most of the attacks by the terror groups are as a result of retaliation from the extremists. Some have been calling for negotiation with the Al-Shabaab, an issue which has left many Kenyans in dilemma.

In Malindi for instance, after the terror attacks, the government ordered for Curfew this lasted for quite some time but did not actually work. Some of the attacks are alleged to have been organized and executed by the Al-Shabaab continued to occur in Lamu even during the curfews. After the West Gate attack, for example, the government through the Ministry of Interior Launched the “Nyumba Kumi Initiative” as a strategy of eliminating the terrorists from the neighborhood.

The effects of this initiative are yet to be observed. There has also been the proclamation of “Security starts with you” where the duty to ensure security has been explained to the public to belong to all starting from the very individual. The effectiveness of the advertisements in the media are also yet to be observed, however, it appears as if the manner in which the advertisements are conducted, they act as catalysts rather than inhibitors of terrorist activities in Kenya.

Recently in December 2014, the security amendment bill 2014 was passed, mainly targeting the terrorist menace in the country. The averred came amidst a lot of opposition from members of the opposition that the intended law was to return Kenya back to the dark ages when there was no freedom of media and serious contravention of human rights. In fact, it

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was seen to be in conflict with fundamental human rights as enshrined in the Constitution of Kenya 2010.\textsuperscript{44}

Illogically, in today’s world, there is a growingly visible division between societies. As terrorists seek to change some aspects of society from freedom of religious expression to physical and political control over regions, the divisions between societies may result in shifting definitions of terrorism and dramatic differences in characterizations of groups or individuals as terrorists. The impact has been difficult for the people living around it. The terror trauma, pain, and sadness have had governments to raise their efforts to control terrorism. As opines, purely military responses to terrorism are likely to fail and that a successful precaution against it requires a well-developed policy response and robust measures. One of the most effective actions in fighting terrorism is to identify the factors that are related to the formation of terrorism and to determine the conditions that enable terrorist groups to operate and find support for their activities.\textsuperscript{45} The authors argue that Kenya has always employed reactionary measures to terrorism, not putting into consideration that terrorism is a well-coordinated activity that requires consistent and robust long-term measures to combat it. Kenya should advance and embrace good technology to help identify and locate terrorists and their groups, make early warnings, protect our borders, and encourage Kenyans to remain resolute in the face of adversity. Acts of terror are not extraordinary or superhuman activities. They are simple and predictable plans executed by people who throughout the planning and execution stages are in deep fear.

Terrorism has attracted attention from various stakeholders in the country. This has given a lot of attention to terrorism by various government institutions as well as media outlets; affecting the psychological thoughts of many Kenyans negatively, despite the positive local capacities to respond to terror threats improving. Many citizens ask whether terrorism is different from other crimes in the society. “Is terrorism part of human life and/or will it go away?” Some experts argue that Kenya must continue to develop measures to thwart the existence of conditions conducive to the spread of terrorism. Additionally, in reference to the foregoing discussion, the most efficient way of tackling terrorism is by eliminating the conditions, which propagate or lead some people in the country to resort to terrorism.

\textbf{Discussions and findings}

There has been too much politics which in fact has ignored the nature and seriousness of the terrorism phenomenon. Besides, enhancement of national security in dealing with terrorism and emergency handling capacity should be given priority at both National and county level. As Lawless observes, that in order for the international community to be successful in countering and deterring terrorism, certain rudimentary tenets are pertinent and ought to form

\textsuperscript{44}BBC:Kenyaantiterrorlaws: CourtscrapsmainclausesFebruary23,2015 \url{http://www.bbc.com/news/worldafrica315885} [Accessed 27,August 2015].

the foundation of an effective policy against terrorism. The precepts comprise, a firm and unwavering opposition to terrorism: maintenance of the rule of law: no surrender to terror demands; no deals or concessions to terror groups; bring terrorists to justice and never allow terrorists to seize the moral or the political agenda.

Conversely, despite Lawless hard-lined stand on engaging terrorists, it maybe time for Kenya to engage in talks with Al-Shabaab. Cronin, argues that the longer the terrorist group has been in existence, the more likely it is to engage in negotiations albeit only 18% of terrorist groups engage in talks. In spite of their being ‘passionate’ debates on negotiating with terrorists in the aftermath of an attack, he argues that governments and populations face the unpalatable reality that groups engaging in violent attacks against innocent civilians maybe be stopped in no other way. Furthermore, in some cases, military repression, policing, infiltration, arrest, targeted killings, reform movements may not work however accelerate the violence. Worse still, violence necessary to obliterate a terrorist campaign could be so bloody and indiscriminate that it also kills innocents, violates the laws of war like Kenya, destabilize states and immorally repulsive than the initial terrorists

Women participate primarily in preventing terrorism through anti-extremism and anti-violence campaigns. In Indonesia, for illustration, non-governmental organizations and religious women’s organization are the main actors. Among them are the Sisters Against Violent Extremism (SAVE) which is a global female counter-terrorism platform operating in Yemen, India, Pakistan, Israel, Palestine, Northern -Ireland and now in Syria. Their goal is to bring terror victims together to dialogue with security experts to increase dialogue and create mutual understanding among peoples within conflict areas.

By focusing on mothers; who are strategically placed in the center of the family unit SAVE; Mother’s for Change, Wulan, says encourages and empowers women to take a firm stand against violent extremism ideologies in their homes and communities. In countries where women have partaken; Morocco, Bangladesh, Pakistan counterterrorism strategies have yielded positive results. Involvement Wulan expounds can grow in all sectors including the economic, family education, religion, law enforcement and community-based information and early detection.

A softer-approach to counter-terrorism: Following the kidnapping of the two foreigners and killing of another in the Kenyan resorts on the East Coast, the abduction of two aid workers from Dadaab refugee camp and attack against Kenya Soldiers in cross-border raids raised a lot of concern for the Kenyan government. It became apparent that Al-Shabaab would continue to attack following credible security intelligence. Thus the incursion into Somalia as earlier mentioned. Operations other than war as Wulan alludes places personal attention on convicts, families, offering to cover the costs of their children’s tuition, wives’ employment, and even their weddings in order to counter-negative socio-economic influences. She explains that Indonesia’s strategy on Counter-terrorism can be classified into hard and soft approached towards de-radicalization.

The hard approach focuses on developing the security system and law enforcement. Leads to violation of human rights and causes physical and psychological damage. The soft approach
involves all stakeholders: government, formal education, religious and community; Interagency cooperation on the anti-terrorism campaign from ethnic, regional, community and ethnic leaders both convicts and former-convicts. Likewise, formal education plays a substantial role in counter-terrorism so that the national strategy focuses on revising curriculums that advocate extremism and violence. The religious community is involved in seeking to intensify early education and religious education efforts to prevent the terrorism, violence, and extremism by performing moderate lectures, seminars, workshop, and dialogues, particularly with hardline figures and at boarding school.

**RECOMMENDATIONS**

The media need to be accountable for the consequences of their coverage; they should not jeopardize human life and glorify acts of terror. They ought to refrain from making dangerous statements about terrorist’s plans, government responses, and hostages’ messages merely for this hinders conflict management. Previously the State has had the ability to control information flow and use far superior resources to undermine terrorist initiatives and concurrently winning the hearts of the general public, however with globalization principally in the area of technology terrorist groups have the ability to leverage media technologies to work in their interests. Thus, Amalgor explains the delicate relationship between terrorists and the media; ‘The job of the press is not to worry about its coverage, but tell the truth...as much as those of us as in the press would like to be popular and loved, it is more imperative that we are accurate and fair...and let the chips fall where they may.’ *Larry Grossmann, President NBC News.*

Free speech tenets of democracy proffer terrorists the publicity they need to inform the public about their operation and goals. Terrorists recognize the ‘Democratic catch’ States find themselves in that principles that inspire them through their application bring about its destruction exploiting the available liberal instruments to find ‘golden paths’ to further their ends without necessarily holding themselves accountable to the rule of law.

In inference despite the threats posed by terror activities, the Kenyan society, in general, appears not to be learning sufficient lessons. The country has been retaliating with reactive rather than proactive approaches to terror attacks. The approach is clearly demonstrated in all the attacks that have occurred in the recent past. A case in point where proactive measures would have combated terror is the Garissa University. There are several discourses that there were warnings that went unheeded to. The country, in consequence, needs to rethink its approaches while benchmarking success stories on the war against terror. The overall observation is that despite efforts made by the government and other agents to curb the menace there is a sharp increase in terror attacks across the country by Al-Shabaab. Hence, this calls for rigorous endeavours by all citizens and international stakeholders if much is to be achieved including overhaul capturing of both the mind of the leaders and the citizens of this great nation and directing it in the right direction. It is also our concern that the local capacity to combat terrorism in Kenya is yet to be convincing and meet the threats posed.
The disquisition recommends that for Kenya to thrive in combating terror and terror-related activities its efforts ought to be well-coordinated, multi-sectoral and pro-active measures have to be espoused and implemented from the grassroots (county) to national government level. The corollary of this ought to take incommunity-led intelligence by the members of the public as very significant stakeholders in the security of the country. Besides, enhancement of national security to deal with terrorism and the emergency handling capacity building should be prioritized and de-linked from politics.

Poor and partisan politics should be replaced with responsible politics which contribute to better security policies with the Kenyan people at heart. The political leadership in Kenya especially the representatives in the National Assembly, Senate and the county assemblies ought to change from a culture of covering perpetrators of crimes with ‘my ethnic group is being targeted’ and move ahead to the concern of how the National resources would be utilized to improve the lives of the citizens.

Having comprehended the negative impact on the tourism industry, the Tourism Board of Kenya could try to mitigate the depth of the past terrorist attacks on the country by recreating a new image. Though terrorism would ultimately have a devastating impact on any country being affected, repositioning Kenya in the minds of tourists and other tourists’ destination by focusing on the positives rather than the negative aspects of terrorism can aid in the process of moving forward. An example of this is the use of the US Embassy bombing as a memorial site where locals and tourists can visit. There needs to be a crisis management portfolio that distinguishes terrorism from other forms of crises. It should also outline in detail the measures that should be implemented before and after such a crisis. Then the portfolio should assist in painting a clear and clutter-free process that should be followed after an act of terrorism to facilitate a timely recovery for Kenya’s image. This is because terrorism has so severely tarnished the image of Kenya’s tourism product it is very crucial that only specified and highly qualified individuals should address the public and media issues. Therefore, the portfolio will also outline all individuals who should be involved in this process with clearly defined roles and objectives.

Kenya’s development pace would be far ahead nevertheless same is thwarted by fear of the looming attacks from Al-Shabaab. As the Kenyan president clearly puts it that, “Security starts with me and you”, truly it needs to start in each and everyone’s mind. The mind of many Kenyans and especially political leaders is Pre-occupied with selfish interests and greed and not the security, stability, and prosperity of this country. Kenya needs to wake up from its slumber and soberly deal with the root causes and catalysts of extremism if we have to secure our beloved country that has lots of underutilized resources.
References


Amnesty International (2014) Somalis are Scapegoats in Kenya’s Counter-Terrorism Crackdown.


Institute for Economics Measuring and Understanding the Impact of Terrorism Global Terrorism Index (2014).


Morello C. On Kerry’s visit to Kenya, U.S. Pledges Extra $45 million to help with Refugees: The Guardian Newspaper May 4. [https://www.washingtonpost.com/world/kerryinkeny arememberigpastterroranddiscussingcurrentthreats/2015/05/04/2aa0ccecef4b11e48050839e9234b03_story.html](https://www.washingtonpost.com/world/kerryinkenyarememberigpastterroranddiscussingcurrentthreats/2015/05/04/2aa0ccecef4b11e48050839e9234b03_story.html) [Accessed 27, August 2015].


Wulan L.R. “Enhancing the Role of Women in Indonesia to Counter-Terrorism”, Asia Pacific Center for Security Studies.