A CRITICAL ANALYSIS OF COUNTERTERRORISM RESPONSES: A STUDY OF KENYA AND AL-SHABAAB

BY

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BY

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STUDENT DECLARATION

I, the undersigned declare that this is my original work and that it has not been submitted to any other College, Institution or University other than the United States International University for academic purposes.

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This thesis has been presented for examination with my approval as the appointed supervisor.

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Ambassador Prof. Ruthie Rono

Deputy Vice Chancellor Academic Affairs.
DEDICATION

I dedicate this work to my family and many thanks to them for their unconditional support in the course of my studies.
ACKNOWLEDGEMENTS

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<tr>
<td>AMISOM</td>
<td>African Union Peacekeeping Mission in Somalia</td>
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<td>ATPU</td>
<td>Kenya Anti-terrorism Police Unit</td>
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<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<td>ASPA</td>
<td>American Service Members’ Protection Act</td>
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<td>AIAI</td>
<td>Al Itihad Al Islamiya</td>
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<td>BBC</td>
<td>British Broadcasting Corporation</td>
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<tr>
<td>CJFT-HOA</td>
<td>Combined Joint Task Force of Africa</td>
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<td>CVE</td>
<td>Counter Violent Extremism</td>
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<td>EU</td>
<td>European Union</td>
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<td>EAC</td>
<td>East African Community</td>
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<td>FBI</td>
<td>Federal Bureau of Investigation</td>
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<td>FY</td>
<td>Financial Year</td>
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<td>GWOT</td>
<td>Global War on Terror</td>
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<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
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<td>ICU</td>
<td>Islamic Courts Union</td>
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<td>NIS</td>
<td>National Intelligence Service</td>
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<td>NCTC</td>
<td>National Counterterrorism Center</td>
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<td>USA</td>
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ABSTRACT

The study looked into counterterrorism responses in Kenya from 1998 to 2017 and their implications. The main purpose of the study was to find out whether efforts made by the Kenyan government are geared towards positively impacting Kenya’s national security in the long-term. The study analysed terror related attacks and government responses in the selected period. The study looked into the use of force and repression as government’s responses to terrorism. First, the study took on a systematic approach from a global to regional and finally narrowed down to Kenya’s responses. The study highlighted how al-Shabaab comes into play in the counterterrorism campaign. Kenya has in the past been described as a terrorist hot bed with a spate of attacks coming in at different time intervals. The nation has tightened its grip on security and patterns of attacks have changed the country’s counterterrorism strategies. The study found out that the use of repression has been a prolonged response embedded in the fabric of Kenya’s counterterrorism strategy, as evidenced from the first religious terrorist attack in 1998; military force might have come in later but Kenya’s reliance on repressive measures are wrapped around its strategies, whether in the use of intelligence or financial control or in the use of military force, the element of coercion is overbearing in its mixed approach strategies and it is impacting and impeding its overall goal of upholding long-term national security goals and preventing future attacks as revealed by the study. At the end, the study provided recommendations on long-term measures aimed at ensuring longevity in its national security architecture.

Keywords: terrorism, counterterrorism, use of force, repression, Kenya
CHAPTER ONE

1.0 Introduction

1.1 Introduction and Background of Study
The rise in terrorism is unprecedented. Terrorism is becoming complex and so are terror networks as they strive to keep up with modernisation and the opportunities and challenges posed by the modern day world. Terrorism has over the years evolved and intensified both in type, scale and frequency of attacks. In its wake, it has brought about fear, loss of life and provocations to react with a similar or greater measure, which has attracted global debates on the consequences of the strategies employed and whether they are designed to bring in the positive results so desired. Primarily, nations are driven by a national security agenda of protecting its homeland security, with a great accountability to provide security for its citizens (Brown, 2017; Slaughter, 2017).

The use of force has been a go-to policy for states and they opt for it in the height of an insurgency or an attack. The Terror attacks in Kenya have renewed efforts to examine Kenya’s counterterrorist strategies aimed at preserving the national security of Kenya, predicting and preventing future attacks. Kenya is an active actor in countering both transnational and domestic terror threats from the Al-Qaeda affiliated network in Somalia, the al-Shabaab. Kenya experienced a shift from a somewhat restrained counterterrorist policy to proactive engagement in the war on terror. The study will examine the use of force and repression in a context that is meant to analyse these counterterrorism strategies (Miyandazi, 2012; Hinkle, 2014; Norton, 2015).

Counterterrorism Strategies
Counterterrorism refers to proactive policies that are designed to do away with terrorist environments or movements. Responding to terrorism requires either a hard-line or a soft
line response. The goal of counterterrorism is either to minimize or prevent terrorist attacks. The options available for counterterrorism are varied and no one answer can be used to tackle the different terror group or threats posed by them (Kolodkin, 2017).

**Use of Force**

This is a hard-line approach that employs the use of force against terrorists and their supporters. These include military, paramilitary repressive options and covert operatives with a goal of instilling punitive measures to systematically do away with the terrorism organisation (Martin, 2013; Lutz & Lutz, 2004).

Examples of the repressive options are as follows. First, suppression campaigns that involve the use of military strikes against terrorist targets and it includes punitive strikes and pre-emptive strikes. The aim is to disrupt or destroy terror organisations. Punitive strikes occur as an act of retaliation for an attack while pre-emptive strikes take place as a precaution against a probable attack (Martin, 2013).

Second, coercive covert operations are secretive and low-key attacks against terrorists carried out by special operations forces. They involve kidnapping, extraordinary rendition, sabotage, assassinations amongst others (Martin, 2013).

**Operations other than war (Repression options)**

They are subdivided into two, repressive and conciliatory options. First, repressive techniques are non military repressive creative methods that are divided into four parts. First, Non- violent covert operations comprise of disinformation, infiltration and cyber war. Second, intelligence gathering entails the gathering of information to develop a criminal data base to assist in determining future trends of a violent dissident group or use
of investigatory methods to unmask perpetrators. Its goal is to detect and prevent terror activities. Third, increased security involves beefing up security to make it hard for terror groups to carry out their attacks and is a remedy for the terrorism threat. This entails checkpoints, metal detectors, surveillance and security barriers. Fourth, Economic sanctions curtail state sponsors of terrorism by putting pressure on them to punish or interrupt and deter their support for terrorism and can include trade embargoes (Martin, 2013; Lutz & Lutz, 2004).

Operations other than war (Conciliatory options).
Second, conciliatory options are soft-line and non-violent approaches to terrorism and are premised on resolving underlying issues. They are divided into three parts. The use of diplomacy entails, negotiating with the terrorists to reach an agreement. Social reforms involves strategies to deal with the underlying issues of the terrorists and related groups and address the root issues that cause terror environments to flourish. Finally, Concessionary options; these are incident specific, “immediate demands are met, or generalized concessions in which broad demands are accommodated”. It can entail a shift in policies to tackle the root cause of the violence by the dissident group (Martin, 2013:433; Lutz & Lutz 2004).

Legalistic Options
These are justified on the basis of upholding the rule of law and they include the following measures. Law enforcement, it makes use of the law enforcement agencies to arraign and prosecute terrorists. Counterterrorism laws are purported to criminalize certain behaviours as being aligned to terrorism. Additionally, international law is
effective when coupled with state cooperation and international treaties are signed to help combat terrorism (Martin, 2013:433; Lutz & Lutz, 2004).

Terrorism is a diverse and multifaceted phenomenon still being studied around the world. The definition of the term terrorism has failed to adequately describe what terrorism is. Up-to-date this challenge has allowed policy makers and scholars to resolve to their own individual connotations to describe terrorism; mostly this would be dictated by the scenario and the intended message at any one given time. There is no legally binding definition of the term and over 212 definitions have been constructed to try and define acts of terror (Westra, 2014; Hoffman, 2006).

The United Nations as a global watchdog has equally been put under scrutiny with regards to its subjective definition, Westra (2014) points out to its ‘ambiguous’ character, crafted to favour the privileged group over the others. Westra further makes several references to the different definitions of terrorism and reference is made to Mar’s definition, these definitions ascribes to this study;

First, are activities which tend to challenge the legitimacy of the governing regime and threatens the existence of a political system. Secondly, are activities involving a high degree of injury and economic cost to both participants and the opponents in the political violence process (Westra, 2014:17).

Martin (2013:14) highlights political violence using the field of criminal justice; Mala Prohibita referring to “Crimes that are made illegal by legislation”, these are also considered morally wrong and include prostitution. Mala in Se acts are crimes “that are immoral or wrong in themselves” such as forcible rape and premeditated murder. Understanding political violence will help conceptualize terrorist acts and state behaviour. The conundrum draws from “where you stand depends on where you sit”. If an aggressor
throws bombs where you are, it is looked at as terrorism but if bombs are falling on a foe then surely this is not terrorism.

State terrorism is identified as one type of terrorism and is committed by governments against perceived enemies (Martin, 2013). The past has shown patterns of governments and individuals perpetrating state terrorism. Maras (2013:25) describes state terrorism as sponsored by the state, involves the use of violence as directed towards the masses, groups that are within the government or alien groups or governments. Some countries have been put on the limelight as sponsors of terrorism, Sudan, Syria, Cuba, Iraq by the United States and such tagging is determined by the one naming them.

The Unites States national legislation defines terrorism as “activities that amount to violation(s) of the criminal laws of the United States or any other state and pose a threat or coerce the masses, in a bid to sway government policy by forceful means or to cause the government to embrace reactionary policies and hence question its legitimacy such as assassinations. United Kingdom defines terrorism as “employing the use of threat designed to manipulate the government or to coerce the public in order to spread a political, ideological or religious cause” (Maras, 2013:4).

History has shown that acts of terrorism involve the threat of force or violence; these techniques have curtailed fundamental freedoms of individuals. It is important to note that, terrorism is either domestic or international and a terrorist’s primary target is to infuse fear and cause terror on its targets (Maras, 2013; Hoffman, 2006). On the other hand, acts of terrorism as defined by the European Union are those “seriously intimidating a population, unduly compelling a government or international organisation to perform or abstain from performing act, seriously destabilising or destroying
fundamental political, constitutional, economic or social structures of a country or an
international organisation” (Mannik, 201:154)

Terrorism dates back to the Moribund Ottoman and Hapsburg era, after the Second World
War it took centre stage globally beginning with ethno-nationalists uprisings. The term
terrorism primarily came from Latin ‘terrorism’, later the name was used in France during
the 17th century French revolution when a man named Robespierre announced to the
national convention that he had a list of traitors. The extremists boycotted the initiative
and declared an end to the ‘regime de la terreur” and Robespierre and accomplices were
guillotined, thus marking an end to their reign of terror characterised by abuse of power
and office. This gave birth to the term terrorism (Bruce, 2006). According to the book by
Redfield (2009:72-74), “Rhetoric on terror” we understand that:

The term is identified between the fall of the Girondins (June 1793) and fall of
Robespierre (July 1794), semantically refers to a state of fear characterized in a
political and social order, in a political context it suggests mesure d’exeptions
implying that in a state of emergency then the order of things are different.
Robespierre defined the term “Terror is nothing other than prompt, severe
inflexible justice; it is therefore an emanation of virtue; it is less a particular
principle than a consequence of the general principle of democracy, applied to
most pressing needs of a nation”.

Mannik (2011) outlines the genesis of terrorism in four major waves, 1880’s-1920 was
characterized by the first wave the anarchists wave which was predominant in Russia,
second is the anticolonial wave in 1920-1960, third is the new left wave in 1960-1980 and
finally the religious wave from 1979 to date. The first wave was steered by anarchists
who rebelled against the conventions by engaging in acts of terror including assassinating
government officials hence provoking aggressive counter attacks from governments. This led to a rift and brought on the forefront the question of governments’ legitimacy and the period was referred to as ‘Golden Age of Assassinations’. The second wave was marked by the end of the First World War and this period terrorists were characterised as “freedom fighters” fighting for freedom from the jaws of their colonial masters. A catalyst to this “anti-colonial” terrorism was the Vietnam War and the notion of white supremacy was challenged, further characterized by the rise of resistance organisations such as Red Army factions from West Germany and French Action Directe. Some consequences of this terrorism included taking of hostages, assassinations amongst others.

The third wave (new left), characterised by international efforts to counter terrorism, the United Nations put in place several policies that prohibited hostage taking, financing terrorists amongst others. The final wave is centred on Islam and first transpired in 1979 and was propelled by these events; the Iranian revolution and the Soviet invasion of Afghanistan. The religious wave was characterised by suicide terrorism and use of chemical weapons for instance the suicide attacks by Iranian sponsored Hezbollah in 1983, Tamil Tigers and use of chemical weapons between 1980-2001 by Tokyo’s Aum Shinrikyo sect. This wave was pushed forward by Osama bin Laden who was against US occupation of Afghanistan after toppling the Soviet reign in the region (Mannik, 2011).

In the book by Zulaika (2010:131), he also ascribes to the concept that the term ‘terrorist’ as first coined in the French revolution by Maximilien Robespierre who propagated the gospel of terror and virtue and the idea of bringing together “religion and revolution, morality and violence”. As a result of this, a group identified as the Central Intelligence Agency came about in Georgetown, Washington D.C after World War II to contain the spread of communism irrespective of the cost implications including losing their own lives.
Zulaika (2010) refers to the cold war era where the Soviets were viewed as an evil empire that had to be taken down in order to uphold democracy and freedom. The author traces evil empires namely, Hitler’s empire, Communism and new terrorism. Over time these empires have vanquished but not without putting up a fight and hence the notion of a “war on terrorism”.

Terrorism is a global phenomenon plaguing the globe and multiple nations have come under terror attacks, some bearing the grunt more than others. United States as a global hegemon redefined the war on terror after the September 11 attack that toppled the twin towers and left at least 3000 people dead. The United States is a critical and central player in the fight against terrorism, American exceptionalism was redefined and the Bush administration after the attack branded terrorism as an “axis of evil” and thereafter took to open-ended wars against transnational terrorism. The US has long since gone by the Maxim that reinforces the premise that “you’re either with us or against us and it has spearheaded and supported the global war on terror propelled by the Twin bomb attack (Global Policy Forum, 2017; Der Derien, 2005; Whitaker, 2010).

Europe has also experienced a steady increase in terror attacks since 9/11 attributed to the political instability in the Middle East. The influx of Muslim immigrants and the overly stretched security capacity in these states has made Europe vulnerable to attacks (Michaels, 2016). France has come under varying terror related incidents, stabbings, shootings, beheading and vehicle ramming attacks from 2012-2016 (BBC, 2016). Wyatta (2015) explained that the attacks in France were an indication of the fragility of Islamism in Europe. Croft (2012) quotes the former British Prime Minister Mr. David Cameron’s speech to the Munich International Security Conference saying that the threat posed by terrorism in Europe has its roots from a perverted group of young men who closely follow
corrupted radical Islamic teachings. However, Mr. Cameron was keen to point out the staggering difference between Islam and Islamist extremism.

Migrants in France and Germany are observed with hesitation because of their propensity to act out terror attacks. Belgium has been a terrorist attraction since September 11; it has experienced rising terror related incidences and has been a breeding ground for terror perpetrators or simply put a solace for terrorists. In 2015 two of the attackers of a satirical magazine in France were identified as Belgium nationals, the most wanted criminal in Europe related to Paris attacks was gunned down in Belgium and some French nationals living in Belgium have been linked to terrorist activities. Belgium’s significance in the war on terror cannot be overstated; this statement is further supported by the event that predated the September 11 attack on the Twin Towers where Commander Ahmed Shah Massoud in Northern Afghanistan, a man fighting against the Taliban was assassinated by two individuals with Belgium passports (BBC, 2016; The Guardian, 2015).

Most importantly, terror attacks have been on the rise around the globe and the Middle East bears the brunt of most of the attacks. A 2016 report by Paul Gottinger observes trends of terrorism after 9/11 and the findings reveal that terrorism has gone up by 6500% (Morgan, 2016).

Early at the beginning of 2017, Turkey welcomed the New Year with a deadly attack on a nightclub after a spate of terror attacks on the year that ended. The incident relates to other preceding terror incidences that occurred in the previous year in the month of December, namely Cairo’s Coptic Church attack, Berlin’s Christmas market attack, France attacks on November in Paris and July in Nice. The rise of Islamic extremism has also been felt in Africa, the Boko Haram in Nigeria and Al-Qaeda related Al-Shabaab in...
Somalia with spill over effects to the neighbouring states. In 2015 Kenya experienced six more devastating attacks than Paris, during that period, attacks in Paris claimed 129 lives, a bombing in Nigeria wounded 80 and killed 32 civilians. From the onset of January, Nigeria witnessed over 30 terrorist related attacks including mass shootings, bombings and two of these attacks killed more people than in the Paris attack (Bump, 2015; Chronicles, 2015; Shay, 2011).

Maras (2013:111) quoted Cass Sunstein “For an uncertain future, use precaution”, therefore with global terrorism on the loose, provokes a need to respond to terrorism as a pre-emptive or deterrence measure by a state or a retaliatory measure when attacked. This is justified under international law that permits a state to act out of self defence when an attack is imminent or when it occurs. Counterterrorism is defined as the measure used by states to combat terrorism. Often in an effort to justify the measures used, a counterterrorist rhetoric is adopted to convince the masses of the need to go after the enemy. This bipolar view therefore contributed towards the type of strategy to be adopted against the enemy, “us” verses “them” (Shor, Charmichael, Munoz, Shandra & Schwartz, 2014).

There are five strategies for counterterrorism, do nothing, conciliation, legal reforms, restriction and Violence or use of force. Do nothing is a state of indifference or inaction towards terrorists. Conciliation involves the use of negotiation, social reforms etcetera in an effort to birth change. Legal reform involves bolstering the government’s muscle to combat terrorism such as tailoring specific laws or increasing the powers of the police. Restriction is limiting a group’s ability to operate these includes; giving sanction to state sponsors, furthering the powers of gathering intelligence, increasing the resilience of targets against attacks. Violence includes use of force to counterterrorism and may
involve cruel techniques as a means to an end including assassinations, missile strikes, invasions, state terror amongst others (Miller, 2007).

The war on terrorism is directed towards non-state actors, Islamist terrorism is seen as an impending danger. This rhetoric has directly impacted states counterterrorism policies, governments see the need to act fast against the threat and therefore measures that violate human rights are adopted (Maras, 2013). Walsh (2009) argues that several governments have adopted legislations that directly violate on the physical rights of the individuals. Foot (2007) indicates that the blame is not only on terrorists who are accused of taking away innocent lives but also on states as they indiscriminately use harsher penalties to fight terrorism and in turn contravene fundamental freedoms and human rights.

Kenya is no stranger to terror incursions since its independence, it is at the forefront in the fight against terrorism and its prime target is the Al-qaeda affiliated dissident group, Al-Shabaab. This dissident group has been a threat to Kenya and its neighbours since the first incident of religious terrorism in Kenya characterised by the twin US embassy bomb attacks in 1998, in Kenya and Tanzania (Ibrahim, 2010)

Somalia’s Al-Shabaab plays a central role in posing a security threat to Kenya’s national security. Somali Islamism can be traced back to one source, the Al-Ahli group ((Wahdat al-habaaab al-Islami and the Jama’at Ahli al-Islami). It was a famous 1960 Muslim brotherhood group that sought to be part of state functions as well as strive for the enforcement of its “mixed ideological agenda” that intended to make Islam reign under Barre’s administration(Shay, 2011:37). Barre’s regime was characterised by low key or rather insignificant Islamic movements, their rise only picked up after his ousting from power (Agbiboa, 2014; Shay, 2011). The Somalia, al Ittihad al Islamiya (AIAI) was
described as the most powerful radical group in the Horn of Africa and received financial assistance from the al-Qaeda in the past (Khadiagala, 2004).

After 9/11 attention was turned to Somalia as a threat to global security as well as bringing to the limelight the promotion campaign against the radical Islamic ideology on global Jihad, which signified covert intentions to promote terror activities across the globe (Shay, 2011; Cilliers, 2010). The United States as a key promoter on the global “war on terror” was instrumental in rallying other states in. In East Africa it was aimed at the al-Shabaab, an al-Qaida affiliate (Jones, Liepman & Chandler 2016).

The US has been working closely with key regional players in East Africa and horn of Africa to counter the Al-Shabaab. The United States involvement in the declaration of war against the Al-Shabaab was prompted by the fact that terrorism threatens western targets such as the US embassies in these regions. Additionally, the US and other States are regarded as foes by radical Islamist organisations and their citizens have been named Kuffar or apostates, the group also threatens Somalia Neighbours and the Somalia Federal government (Jones, Liepman & Chandler 2016).

Kenya and the surrounding regions were regarded as risk factors to terror attacks in the wake of 9/11. The United States established a $100 million East Africa counter terrorism initiative and Kenya was the largest beneficiary of the US aid. US partnership with Kenya on security matters signified the severity of the threat posed by terrorism (Morrison, 2004; Shinn, 2011).

Four years after the 1998 attack on the American embassy, Al-Shabaab attacked an Israeli-owned hotel in Mombasa in 2002. An intelligence official highlighted that, the attack in Kenya indicated the possibility of it happening anywhere in the world; Al-Qaeda was involved in the attacks. Nine years later Al-Shabaab launched minor attacks in
Nairobi, their strategy changed from foreign targets within the country to local Kenyan nationals. On the 24th of October 2011, a Russian-made bomb was thrown at a local Pub, two civilians lost their lives while 20 sustained injuries and on a separate incidence a grenade bomb was thrown at a bus in a bus station in Nairobi. The attacks were considered as reprisals, triggered after Kenya launched a military assault on October 15 against the Al-Shabaab for illegally crossing the Kenyan-Somalia border and targeting foreign aid workers and kidnapping foreign tourists (Omar, 2011; Ignatius, 2002).

The 15th of October is an unprecedented year in the Kenyan calendar; a day that shifted the course of Kenyan history. Kenyan’s foreign policy took on a new twist triggered by the overt threats to its national security from a previous somewhat pacifist approach. Previously Kenya was seen as a power that was indisposed to commit to the “war on terror”, it was attributed to its past autocratic system of governance under President Moi before the transition to democracy that was spearheaded by President Kibaki’s regime. Kenya launched an invasion into Somalia christened, “Operation Linda Nchi”, translated to English as “Operation Protect the Nation”. The move marks a radical change in Kenyan’s foreign policy since its independence in 1963. Somalia played a critical role in propelling Kenya down this path. The flip from a non-interventionist and pacifist approach to the use of military force was unprecedented. Kenyan’s strategy is described as being more assertive in a bid to fight off the radical Islamist network (Mc Cloy, 2013; Omar, 2011; Whitaker, 2008).

The change in strategies has been attributed to globalization that has altered the traditional security dilemma and made it into a complex and new security dilemma due to the infiltration of non-state actors that threaten the sovereignty of states. In order to address the challenge of insecurity, governments take up contentious countermeasures that fuel insecurity (Mwangi, 2016).
Therefore, the Kenyan government has endorsed both discriminatory and indiscriminate policies that have drawn mixed responses from the masses. Sharp criticism has been directed towards its hard-handed approaches and discriminatory policies towards a single community (Human rights watch, 2016; Prestholdt, 2011; BBC, 2014).

The study examines the realist approaches of force and repression as employed by Kenya and how pragmatic the approaches are in efforts to combat terrorism.

1.2 Statement of the Problem

The fight against terrorism in Kenya has not been without challenges and criticism and over the years efforts have been put into examining the different counterterrorism responses employed. Kenya has been on a path of heavy handed approaches to counterterrorism. Studies done in the past have recommended holistic and mixed approaches to counterterrorism. Kenya has made efforts at incorporating a mixed approach, it has incorporated diverse measures to counter terrorism; its mixed approach now encompasses both military and non military approaches. Despite all these efforts, Kenya has come under criticism in its combative and deterrence approaches in the fight against terrorism.

The study takes on an investigative approach on counterterrorism responses and their implications in the war against terror in Kenya as well as addressing their sustainability in the fight against terrorism. The study will also trace how Kenyan responses have evolved; the changes are juxtaposed with the implications to establish the sustainability of these approaches. A good counterterrorism policy is meant to minimize or prevent future attacks and also consider the public reaction to the threats.
1.3 Hypothesis
The use of force and repression is hindering counterterrorism efforts

1.4 Objective of the Study

1. To investigate the nexus between terrorism, use of force and repressive policies in Kenya.
2. To examine the implications of the use of force and repression in Kenya.
3. To analyse the extent of threat of the al-Shabaab in the Kenyan territory.

1.5 Research Objectives

1. What is the nexus between terrorism, use of force and repressive policies in Kenya?
2. What is the implication of the use of force and repression in Kenya?
3. What is the extent of threat of the al-Shabaab in the Kenyan territory?

1.6 Scope of Research

The study focuses on al-Shabaab’s related activities in the Kenyan territory and how the Kenyan government addressed terrorism and the al-Shabaab threat. The study focuses on the periods of 1998 to 2017.

The study looks at the specified counterterrorist operations in terrorist prone areas; the Northern part of Kenya and Nairobi particularly the Eastleigh suburb.

1.7 Justification and Significance of the Study

The uncertainty that broods over terror attacks makes this research a worthy pursuit. There is need to learn from past mistakes to forge better policies that will preserve
national security of a nation and its people. Terror related violence is on the rise both domestically and globally (Stibil, 2010). The future is uncertain when it comes to the patterns of terrorism and the means of containing it is well under scrutiny to make sure that the effort is fruitful to the end. The foreign policy of nations has narrowed down to national security as a vital interest, Kenya has not been left out and its policy has shifted from one that was rather passive in the past years to progressively take up proactive measures against terrorism. Use of force against perpetrators has been central to its war on terror strategy, repression has flourished along the years but how pragmatic and effective is this path of pursuit for Kenya in the long-haul? The study looks at Kenya’s responses in an effort to combat terrorism. The study is geared towards helping Kenya minimize chances of future attacks and contribute to the body of knowledge seeking to reduce terror instances.

1.8 Limitation

The study discovered that counterterrorism approaches have been limited by the lack of a tangible definition of terrorism and therefore devoid of clear-cut measures on what should be used by states when dealing with non-state actors. Strategies employed by governments seem to be more reactionary because terrorism keeps reinventing itself; hence no one definition fits all.

Dealing with terrorism cannot be structured and therefore several authors have not clearly given “commandments” to observe in counterterrorism, although attempts have been made to give methods that are used to counter terrorism and identifying cracks in strategies. As terrorism reinvents then governments have to get creative by themselves on appropriate counterterrorism strategies.
Finally, materials related to security related data especially intelligence materials was limited.

1.9 Chapter Outline

The study takes on the following approach; it is divided into six chapters as follows. The first chapter is subdivided into sections that discuss the introduction, objectives, research questions and limitations respectively.

The second chapter encompasses the literature review. The third chapter contains the research methodology. The fourth chapter explores the findings of the study. The fifth chapter contains the summary, conclusion and recommendations.
CHAPTER TWO

2.0 Introduction

This chapter discusses a review of the literature related to the research problem. It begins by contextualizing terrorism and the global war on terror; it highlights the types of terrorism and the causes of terrorism. It further takes a systematic approach on terror and counterterrorism responses by looking at a global, regional and state-level responses.

Furthermore, it focuses on examining the use of force and repressive counterterrorism policies, following the systematic approach. However emphasis is put on Kenya counterterrorism operations. In analysing Kenya, the study lays a foundation by examining the history of terrorism in Kenya.

2.1 Literature Review

2.1.1 The Nexus between Terrorism, the Use of Force and Repressive Policies.

Hoffman uses the definition from the US federal Bureau of investigation definition that points out terrorism as, “the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population or any segment thereof, in furtherance of political and social objectives” (Weinberg, Pedahzur & Hirsch-Hoefler 2004:787).

Terrorism displays characteristics that involve political aims, threats of violence, committed by sub national or non-state actors, have psychological consequences on the targets or victims and the perpetrators may be small groups or individuals influenced by
ideological perception or an by organisations with a hierarchical command system (Secbrief, 2014).

Classified in two ways, terrorism is first looked at as the means used to meet a given goal. This is grouped into three; cyber terrorism as the employing of computers as weapons to cause harm, bioterrorism as the introduction of biological toxins like anthrax or small pox into the environment to cause harm and nuclear terrorism as the use of nuclear toxins to injure people and property. Secondly, classification is justified by achieving a desired or expected or sought-after end irrespective of the means employed. This journeying to an ‘end’ varies across terrorist groups, and is propagated by an ideology such as communism amongst others. In essence, the classification is based on ideology or the goals (Maras, 2013).

Terrorism types include national-separatist terrorism whose goal is to destabilise a nation and cause a new state to emerge. Left-wing terrorism is replacing a capitalist system with a communist or socialist system using violence and is perpetrated by either individuals or groups. Right wing terrorism is putting in place extremist ideologies by individuals or groups who are of the idea that their value systems are being challenges; these include racism, antiregulatory beliefs and antigovernment policies (Grothaus, 2011; Martin, 2013; Maras, 2013).

Religious terrorism involves propagating divinely commanded beliefs by individuals or groups for instance the Al-Qaeda which is a radical Muslim organization and Al-Shabaab an Al-Qaeda affiliated militant group translated from Arabic to imply “the Youth”. State terrorism is the systematic use of terror by a government to gain an upper hand over its
population; governments are seen as sponsors or perpetrators of terror acts in nations such as Sudan, Libya and Syria. Finally Issue oriented or special interest terrorism is motivated by a single issue such as animal rights, environment and abortion. They are meant to push the government towards changing the issue (Grothaus, 2011; Martin, 2013; Maras, 2013).

In what is debatably called the “clash of civilization” made more conspicuous and “relevant” after the 9/11, the rise of new terrorism affiliated with religion can be traced back to the 1980’s after the Iranian revolution characterised by the rise of Islamic movements and further catapulted by the 1980’s suicide bombings in Lebanon. A series of events later can be traced back from this kind of terrorism, the 1993 World Trade Center bombing, 1995 Aum Shinrikyo Sarin Tokyo subway gas attack, Oklahoma city bombing, 1996 Osama Bin Laden openly pronounced Jihad against the United States, 1998 bombings of the American embassies in Tanzania and the United States, 2000 USS Cole attack in the Port of Yemen, the anthrax laced letters after 9/11 and a series of suicide bombings since 2003 collectively send a message across that the dimensions of terrorism have taken on a new religious-driven path (Crenshaw, 2010; Radil & Flin, 2013).

The new terrorism is driven by ascribed to religious beliefs and aspirations nothing like the old types of terrorism which were mostly motivated by other ideological and political or nationalist “drivers”. From the discussion, it is clear that religious belief has been a predominant cause and motivation to engage in terror activities. For instance, India and Pakistan officials have attested to the fact that several of the attacks in the region are by radical religious groups such as Lashkar-e-Taiba and Al-Qaeda. As for groups like Al-Qaeda their preeminent motivation for carrying out terror attacks is typified by the
audacious words of Amir, without any remorse, he stated that he has was not apologetic for his actions which he undertook alone based on a command from God, this was after the killing of Israeli Prime minister Yitzhak Rabin, this statement clearly brings out the glaring relationship between religion and terrorism (Hoffman, 2006; Radil & Flint, 2013).

In light of the above, terrorism sees human beings as a means to a political goal rather than an end in themselves. Contemporary terrorism exceeds national barriers and as a result, it attracts a global audience. Terrorists are also of the view that their struggle is global and therefore they easily cross borders to carry out their attacks (Rand, 2006).

The global fight against terrorism took on a new look with the rhetoric ‘war on terror’. It is guided by the understanding of a US battle against terrorism and they are guided by the fundamental belief that the “cultured world is under the cruel attack of radical Islam” and a radical ideology of violence and murder. Hence the need for US to pursue a goal that will deter, disrupt and defeat terror organizations targeting the US and its allies (Held, 2008:13; US department of State, 2006). The book by Chossudovsk (2005:3-4) elaborates that,

*On the morning of September 11, Al Qaeda was implicated for the attacks on the pentagon and the world trade centre and therefore a “war cabinet” was formed in the evening and officially a “war on terrorism” was declared. Four weeks down the line Afghanistan was invaded by the American troops, 9/11 therefore was used to rationalize a war on “humanitarian grounds”.*
The book by Redfield (2009:56:71-72) points out:

“the war on terror is an absolute declaration of war :the declaration of an absolute war, an absolutely total war”. To understand the conceptual shift from “terrorism" to “terror” by the Bush administration, “terror is identified as more amorphous and elastic” than terrorism, evoking “both the actions of terrorists and the fear they are trying to engender”. The discourse “war on” as opposed to “war against” has been elaborated by states using the analogy that terror is like the typhus disease an “endemic condition that can be mitigated and not eradicated”. It is typified to death because of its unpredictability.

The concept of terror is facilitated by the understanding of the root causes of terrorism, the threat of terrorism has spiralled upwards over the decades, for instance between 1968 to1989 terrorism was not a common phenomenon, it was approximately 1.673 percent and between 1990 to1996 it jumped to a staggering 162% compared to the cold war period. Several scholars have several and varying reasons to discuss the causes of terrorism, different methodologies have been used in an attempt to analyse it; indirect and underlying sources of conflict, specific categories of terrorism, social cleavage theory, social theory of globalization and levels of analysis (Duyan & Kibaroglu, 2011; Kennett, 2006; Piazza, 2006; Newman, 2006; Pilat, 2009 & Martin, 2013).

Duyan and Kibaroglu (2011) level of analysis methodology is divided into four categories; structural, facilitating (accelerating), motivational and trigger causes. Structural causes originate from the environmental context, characteristics of the international system and the social, political, cultural and the economic structures of states and societies. Under the structural causes; “globalization, fast modernization and
relative deprivation” are examined. The Structural theory majors on the state as a key actor and contributor to popular unrest, revolutions amongst others because of unjust policies (Stibli, 2010; Duyan and Kibaroglu, 2011:7-8).

Second, rapid modernization is based on two sets of arguments which are based on, first, the traditional premise that the process of modernization furthers political violence including terrorism. Second, modern liberal theorists promote ideals of the democratic peace theory; the problem however is rooted in the transitional phase. Urbanization coupled with poverty breeds discontent among the population due to contributing factors such as social inequality among the population and this gives rise to terrorism (Duyan & Kibaroglu, 2011; Newman, 2006).

Third, relative deprivation theory is of the argument that unfavourable political, social and economic conditions can trigger political violence among individuals as a wakeup call to have their needs addressed. A contradicting reference is made to Crenshaw work from 1981, she argues that not everybody who has been through an unjust system will turn to terrorism and terrorism can not necessarily be associated with injustice in the systems (Duyan & Kibaroglu, 2011).

A state of unemployment, no education and poverty are used as alibis for engaging in terrorism (Duyan & Kibaroglu, 2011. However several suggestions have been brought forward with regards to poverty; pointing to poverty of resources, along with poverty of choices, prospects and respect as fuelling terrorism. Poverty is characterised by weak or poor governance, underdevelopment and as such, the states are limited in their ability to prevent terrorism. On the contrary, these environments are conducive for terror groups
and terrorism to prosper. Examples include Afghanistan, Yemen, Sudan, Somalia, Pakistan, and Algeria among others (Newman, 2006).

Patterns of violence can be linked to environmental degradation, the aggrieved community resorts to terrorism for lack of basic necessities such as water or air. The absence of these basic needs could lead to poor health and an upsurge in poverty levels. Out of distress to have their needs met triggers violence (Newman, 2006).

However, according to a study looking at Gaza strip and West Bank attacks against Israel, there is no relationship between poverty and terrorism. Among the well educated and those with a high standard of living their support for attacks against Israel did not wane and after the September 11 attack by Osama Bin Laden and his accomplices, poverty was not listed as an impetus for the attack. The complexity in the poverty-terrorism relationship is exemplified by the need for support from the ones with the means; this can be in the form of technology and the need for the ones lacking the means predominantly to engage in the acts of terror (Newman, 2006; Pilat, 2009).

According to Newman (2006), structural factors that contribute to terrorism include demographic factors. This is characterised by rapid and uneven population among the sexes, especially the male, ethnic groups, religion, migration and social conditions within the society. Some of the consequences include increased number of unemployed urban youth. A case study of Indonesia unveils that migration and demographic changes in the population caused terrorism.
Duyan & Kibaroglu (2011) posits to other factors that facilitate or are enablers to terrorism such as transportation, poor governance, news media and weak states among other factors. Whilst motivational factors examined at these two levels; individual and societal level and include factors that stimulate action including “psychological, ideological and feelings of revenge” (Duyan & Kibaroglu, 201:12). Finally, triggering causes are circumstances that may not be the direct causes for conflict or terrorism but can spark off the situation because of the already delicate nature of the conflict. These include the rise of a leader, political instability or acts of settling of scores for killing. The 2003 US led invasion of Iraq triggered terrorism in the Middle East (Sirnate, 2015; Duyan & Kibaroglu, 2011). However, according to Pilat (2009) he points out that poverty is not a cause of terrorism and that root causes do not help in understanding terrorism.

2.1.2 Terrorism and Islamophobia

Militant Islam as a motivating factor for religious or new terrorism

The September 11 attack charted a new course for history particularly with regards to terrorism. The twin attack paved a way for a new approach to countering terrorism as well as the context of analysing the threat of terrorism in the contemporary world and the mechanisms of responding to it. A process of framing individuals from the Muslim community has been on the rise, they are treated with suspicion and consequently resulting in what is commonly referred to as Islamophobia. This concept refers to “the fear of Islam and its followers, consequently resulting in the feelings of hatred and this provides ground for offensive actions” (Iqbal, 2010:93, Saeed, 2011; Kummer & Gawel, 2011).

September 11 served as a catalyst, history clearly examined an existing divide between the “Occident” commonly identified as “the West” and “the Orient” also referred to as
“the other or the different”. It is believed that, the fall of communism as a threat to the West has been replaced by Islam as the new threat and a key concern for security (Iqbal, 2010:86-87; Saeed, 2007).

Evans (2011:175) opines that, several terrorist attacks in other parts of the world, such as London, Bali amongst other places have come up with a conclusion that Militant Islam is indeed a threat to democracy, human rights and economic prosperity. However, he points out to claims made against the concept of Orientalism that signify backwardness and a war fought by the superiors against the others. Additionally he makes reference to the concept of Islamic counter-hegemonic movements that are focussed on a different world view of opposing modernisation and “its social consequences”. He also points out to the western assumption that ascribes to the premise that Islam is challenging the neo-liberal world order or the capitalistic project.

Islamophobia is not only furthered by the fear of violence but also propelled by opposition to counter-hegemonic threat to neoliberal principles such as the concept of human rights. To further ascertain his argument, he points out that neoliberal principles put emphasis on the individual while Islam prioritises the rights of the community over the Individual. In addition, with reference to legitimisation of power on a neoliberal perspective, it is determined by the participation in elections as opposed to Islam where the government’s role is to put in place policies and laws that conform to the spiritual aims of the community. He highlights that the radical Islam fundamentalist groups pose the greatest threat than any counter-hegemony threat (Evans, 2011).

Khan, Iqbal, Gazzaz & Ahrari (2012), elucidate that Islamaphobia comes from the cultural prejudice of both Muslims and Islam. They further argue that the western media has misrepresented Muslims and they have conformed to a natural dislike for Muslims further
propagating the notion of Islamophobia. This is expressed in the acts such as “marginalization, derision, intimidation-denigration, vilification, criminalization and even dehumanization of Muslims”. This kind of view has been described as detrimental to the future and further complicates relations and could potentially lead to what has been referred to as the “clash of civilization” (Khan, Iqbal, Gazzaz & Ahrari, 2012:6).

The global war on terror has been directed towards a foe driven by a radical religious ideology. The war was first declared on the United States by Osama Bin Laden in 1996 in what is referred to as “Fatwa” (Islamic religious decree). The decree was meant to eliminate America and her allies. Shortly after that, American embassies were bombed in Kenya and Tanzania and later on in 2001; an attack was launched in the American homeland. This confirms the assumption that the end goal as opposed to the means is what counts for terrorists (Dobrot, 2007).

Even though the radical religious ideology existed before September 11 attacks. The link between terrorism and Islam became prevalent after September 11. The Bush administration rationalised the war on terror. This framing of counterterrorism strategy metaphorically has the capability to influence decision making and translates into generating coercive strategies when dealing with terrorism. Additionally it deters efforts made to dissuade violence. This can be justified by the 2001 invasion of Afghanistan and subsequent attack in Iraq in 2003 and the implications that came as a result (Kruglanski, Crenshaw, Post & Victoroff, 2008; Kummer & Gawel, 2011).

2.1.3 Terrorism, Force and Repressive Policies.

Terrorism has increased acts of violence, repression, fear and death around the globe. Contemporary terrorism goes beyond national frontiers and therefore attracts international
concern and the adoption of necessarily measures to counter its spread and threat among
democracies. From a 2016 report, terror related deaths has risen globally to about 800
percents since 2010, the escalation of deaths is attributed to the growing number of terror
networks in Middle East and Africa. IPT made a comparative analysis of data in the
following time periods, between 2001-2006 terror-related deaths around the globe
summed up to 2508, 2007 to 2013 the number rose to 3,284 while between 2012 to 2013
it went up three fold to 9,537 and finally 2016 projections and beyond IPT points out that
the numbers are expected to escalate even further before any de-escalation takes place
(Rand, 2006; Chiaramonte, 2016; Beres, 2017).

Terrorists have from recent past targeted foreign targets such as foreign embassies,
foreign nationals, and foreign airliners amongst others. They engage in attacks in foreign
territories for several reasons including to launch precise targets on their enemies or to
draw international attention (Rand, 2006). However over the years terrorists have
evolved their targets from property to human beings and their attacks seem to be more
indiscriminate, random, frequent, and swift yet well calculated. This includes scenarios
such as a suicide bomber ramming a truck into innocent people or the terror of coexisting
with a suicide bomber peacefully within a locality as they plan and execute a first strike
that is often lethal and driven by an intention to kill (Sandler & Santifort, 2011; Beres,
2017).

Terrorists are driven by strategic goals and have developed creative ways over the years
to achieve maximum results that will cause a lot of harm to their victims. This is often
irrespective of the means; for terrorist the means does not matter as long as the end is
seen. It therefore reveals the extent to which terrorism would go to achieve a political
agenda. New terrorism for instance is religiously motivated and is prevalent than ever before globally. 9/11 killed approximately 3000 people and massive losses of capital was experienced, in the Middle East Iraqi rebels are kidnapped and beheaded and threats of beheading foreign nationals is ubiquitous and in the EU and UK religious terrorism has escalated. A study shows that this form of terrorism is on the rise at an alarming rate and likely to progress (Wells, 2015; Rand, 2006; Frey, 2004).

Contemporary jihadists are driven by the ideology of religion, doing away with infidels within their region and establishing a caliphate. Religious extremism has turned into the major driver of terrorism in the present day. Over the years they have shown neither signs of retreating or surrendering and would go to whatever levels to achieve their laid down goals. States are forced to take action against these radical groups, both within their territory and across borders. Religious terrorists are said to pose more danger and inflict more violence that a secular terrorist and their utterances should not be taken lightly (Arnett, 2014; Beres, 2017).

Terrorist groups have taken on political Islam in their race towards spreading global Jihad. Osama Bin Laden formed the Al Qaeda group in 1998 and the group is still in operation. The terror group is affiliated with other radical groups such as the al-Shabaab. Working alongside each other, al-Shabaab, Al-Qaeda and other terrorist networks have carried out numerous attacks. Al-Qaeda has shown a trend of committing terrorism internationally whereas groups such as al-Shabaab in Somalia, carry attacks within its surrounding region and other terror networks such as Lebanon’s Hezbollah, Hamas of Palestine, Algeria’s Islamist group, Boko Haram in Nigeria, the Taliban in Afghanistan
and Pakistan have not been linked to international terrorism (CRF, 2017; Chiaramonte, 2016).

These radical Islamist groups especially in Middle East have access to lethal weapons used to drive their agenda including destabilise governments and cause fear among the citizens. In the Middle East, the furnishing of weapons by Russia, North Korea, Iran and Qatar paved way for the Syrian and Libyan civil war and made the attacks even more deadly (CRF, 2017).

Terrorism has been castigated as taking advantage of the human tendency to react in the face of insecurity. When faced with a terror attack, states have therefore resorted to enhanced measures to counter the radical groups though employing repressive policies often accompanied by hard-line approaches or force. Beres (2017) posits that; fear turns off ones natural filters and one no longer thinks what they are sacrificing to uphold security. These coercive measures are directed towards the religious, ethnic or political community that committed the acts of terror. For instance after the 9/11 attack, United States engaged in massive repressive policies which include increased restrictions, ethnic profiling, increased surveillance and restrictions on immigrants and military interventions in Afghanistan and Iraq coupled with drone strikes in Somalia, Yemen and Pakistan (Dragu, 2014; Beres, 2017).

In an effort to combat international terrorism the United States under the Bush administration came up with the global war on terror network after the 9/11 attack. Its mandate was to wage war on those who send terror overseas and governments that provide safe havens and breed terrorism in their territory. The network built a worldwide
coalition against terrorism and embarked on a long term strategy to work with governments that are at risk and prone to terror attack for instance Kenya in Eastern Africa was among the largest beneficiary of security aid from the United States (US Department of State, 2009; US States Department, 2006).

The Legality of Force in Counterterrorism

From a legal perspective, internationally the use of force according to international law is regarded as a peremptory norm, one that cannot be altered; although many debates have followed this rhetoric, there are lingering questions on whether it is truly what it portrays itself to be or rather subject to change. Additionally, it is guided by the United Nations charter, article 2(4) that states that its members should desist from the threat or employing force against another state’s territorial integrity. The charter makes provisions for an exception to this rule, in articles 42, 43 and 51 it is stated that force could be used in the following circumstances; putting in place forcible measures within the parameters of the UN collective security system and the right of self defence to counter an armed attack (Tams, 2009).

Repression has been found as the most convenient reaction in the event of a terror attack. In an effort to fight terrorism governments make use of offensive and defensive methods, semantically these terms are different. Defensive measures are used to deal with or bring under control the losses experienced from attacks in proportion to the level of terror unleashed. Offensive policies are used to limit the capacity of a terrorist launching a future attack. Some of these measures used are predominantly repressive, on one hand, offensive measures involve assassinating terror masterminds, bombing terror camps, disrupting terror finances. On the other hand defensive measures include heightened
security, including border control, increased background checks, hardening possible targets amongst others (Lee, 2010).

**Contextualizing Counterterrorism Responses**

Counterterrorism strategies are designed to stop attacks against a nation and its citizens with a general goal of defeating terrorist organisations and denying them capacity to thrive. The overall goal is to be victorious in the war against terrorism (NCTC, 2016; CIA, 2003). These responses serve both as deterrence and reactive or combative measures and they range from military, intelligence and law enforcement, financial controls, economic, diplomacy and information sharing. They can also be coercive, in that Coercive measures may involve the police, military and judiciary. Restrictions may be enforced in social and economic privileges to whole classes of people hence curtailing their enjoyment of basic rights (Stohl, 2006).

According to Stohl (2006:57) good counterterrorism responses involves “treatment of and response to actions that have taken place and prevention of future acts or threats of terrorism, but also considering the reactions of the audience to the acts or threats”. The authorities have a mandate to the public, to provide an atmosphere that will cause them to feel secure. It is imperative to not only focus on the violence of the non-state actor but on, multiple audiences of the violence, local, national, regional or global. In his article he generalized two principles should be observed in relation to the actions that need to be taken, the application of democratic principles and the rule of law .

Stohl (2006) framing of the definition of counterterrorism, as a response that follows a conflict situation furthers sheds more light into comprehending counterterrorism responses. In other words, the authorities consider a cost and benefit analysis; the
authorities way their options among a host of others and end up with choices that would be appropriate in addressing an actual or perceived threat.

2.1.4 Global Counterterrorism Responses Case Studies

A) The United States
Since the 20th Century America has been “synonymous with war” and an affinity to solve conflict using a military approach. The global war on terror is a war characterised by its many different faces fighting a mysterious enemy. America has battled with terrorism prior to 2001, with approximately 29 incidences none of them directly targeting its homeland and most of its causalities were abroad. Its first incidence was in 1979, the Iran Hostage Crisis characterised by the taking of 52 Americans hostage for 444 days and the final one prior to 9/11 was the bombing of the US embassy in Manila, Philippines. Other incidences were either of a similar nature but in different parts of the globe or Americans found dead in a Terror related incidence, a hijacking related incidence and such like. In actual fact, America faced more indirect attacks as opposed to those targeting its homeland. America has faced two notable terror incident perpetrated in its homeland, the 1993 bombing of the world trade centre, the perpetrators suspected of involvement include the Egyptian Cleric Sheikh Omar Abdel Rahman and the second is the September 11 attack which was more lethal than any previous attack against it, in terms of death and casualty toll (Worrell, 2013:30; Factreal, 2012; Hoffman, 2002).

How did the US respond to the attack?
Since the September 11 attack there has been an increase in counterterrorism efforts around the world and the United States has been at the front line in propelling the wave of antiterrorism (Whitaker, 2010).
Prior to the September 11 attack US intelligence had sounded an alarm on an impending attack against American Mainland but obviously did not succeed at impeding the attack. In response to the attack, the Bush administration issued an all out war on terror and its first target was Afghanistan. For a month the Bush administration employed the conciliatory option of diplomacy, multilateral and bilateral diplomacy first before employing military power. A day after the attack, NATO agreed to rally behind US as well as the United Nations which responded by invoking resolution1368, that was based on the right of self defence (Buckley & Fawn, 2003).

The attack was justified on economic and political terms. The economy of US had suffered severe loss in the New York stock market due to its closure for four days, the airline sector-Swissair became bankrupt and many Americans lost jobs. The International Monetary Fund announced a looming global recession and this instantly triggered a collapse in oil prices (Buckley & Fawn, 2003).

The Bush administration asked for the surrender of Osama Bin Laden, he further employed a policy of engaging Pakistan to put pressure on the Taliban to surrender their leader. Pakistan had for a long time sided with the Taliban government, accepting to US demands caused the sanctions against its nation to be lifted. Additionally, the US disrupted the terrorist financing network. The Operations’ brand name was transformed from Operation Infinite Justice to Operation Enduring Freedom as a way of attracting international support. Diplomacy with the terrorist group was fast fading away, the United States turned down an offer from the Taliban terrorist group to release hostage aid
workers and the following month America launched an attack in Afghanistan (Buckley & Fawn, 2003).

September 11 changed how terrorism is perceived both by the US and internationally. Looking back before the September 11 attack, US had from the cold war encountered terrorism and tucker (1998) examined US response to terrorism from the cold war period of 1970 to 1998. He examined and reacted to how the US responded to terrorism in the following three ways “no concessions”, prosecution and economic sanctions”.

According to Tucker, (1998) study of US counterterrorism policies between 1970 to 1998, concessions is believed to promote terrorism. President Ronald Reagan mentioned that President Jimmy carter should not have made a deal with Iran concerning the hostage crisis of 1979, the Tupac Amaru seizure incident; terrorists abducted the Japanese ambassador and forced the government to comply to their demands with an aim of attracting attention. He makes a counter argument from the common belief; he claimed that conceding to terrorists does not worsen a situation. For instance, US announcement to give up arms for hostages in Iraq in the 80’s did not exacerbate the hostage crisis or attacks from terror groups.

The Kidnapping of Brig. Gen. James Dozier in 1981 working in Italy and the 1980 capture of the Iranian embassy whereas both states took a hard stand this did not stop the kidnappings of their citizens in Lebanon. The author concluded by discouraging the adoption of a strict “no concession policy” arguing that it does not make a state look weak, on the contrary a flexible policy will help facilitate the capture of terrorists. He ascertains that “no concessions” were only relevant in the 70’s and do not fit in the post
cold war era. He justified his premise on the argument that, terrorism in that time and age was defined by the fight for national liberation (Tucker, 1998).

Secondly, Tucker (1998) indicates that prosecution is used by the US within its jurisdiction as well as for terrorists’ acts against its citizens and their property outside the US. Taking terrorists into custody outside the US is a more effective way of dealing with the terrorists because it curtails the movement of the terrorist from country to country. Some of the trials that have proved successful include the Pan Am Flight 103 that went up in flames in Lockerbie, Scotland after 38 minutes after takeoff from London. A Libyan Al. Megrahi was indicted for the crime and ever since Libyan support for international terrorism stopped. Finally, indictment of Yousef Ramzi for the 1993 bombing of the world trade centre by the Federal courts of New York City was also a success.

Irrespective of the successful prosecutions experienced in the past the author argues that the method is not the best option because of the double standard tendency. The Iranian death penalty against Salman Rushdie an author is an example of the application of Iranian law outside its jurisdiction and this is similar to the US response to terrorism outside its jurisdiction. Criticizing Iran’s behaviour could imply discrimination against the behaviour of the laws of other nations that are perceived as small.

Thirdly, Tucker (1998) is of the opinion that the decision to employ both “customary, economic or financial relations” of governments is better off because it does not pose a lot of challenges when comparison is made with others. Domonoske (2017) points to the Libyan case, in 1973 for the first time the US made use of economic sanctions to stop the sponsoring of international terrorism. He further claims that US imposed sanctions to
Syria in 1986 and since then Syria has not sponsored terror activities despite it harbouring terrorists and training facilities. However according to recent developments on Syria, the US has sanctioned 271 individuals not on terror charges but on charges related to the manufacture of chemical weapons that were used on the civilian population on April 4, 2017.

Roychowdhury (2017) examines US foreign policy towards Syria from the Bush administration to the Trump administration. After 9/11 Syria was identified as a state sponsor of terrorism alongside Iraq, the Bush policy was geared towards that of Isolating Syria as a state sponsor of terrorism while Iraq was invaded in 2003. President Bush used force in response to the US attack and the aftermath was a trail of sectarian wars and a climate seasoned for Islamic organizations to flourish. These radical groups have since created a climate of instability in the region. Obama’s administration on the other hand, took office in 2008 and shifted from a policy of military intervention because of the consequence of war.

However, President Obama used threats to deter Mr. Assad from using chemical weapons. In 2011, his administration resorted to intervene militarily in Syria, triggered by the beheading of an American journalist in Syria; US expected end was to bring to an end the operation of ISIS. The techniques taken up include missiles and bombings from aircrafts. Mr. Trumps’ administration launched a missile strike against Syria in response to the chemical attack on civilians, moving away from his previous arguments of staying out of Syria. Tucker (1998) study of US response before 9/11 opines that sanctions do not burden the United States economically, politically and morally, an idea supported by trump before the chemical attack as explained by Roychowdhury (2017).
To further delve onto the acts of counter terrorism by the Bush administration, they employed hard-line and repressive approaches towards terrorists through the use of the policy of rendition and the arrests of terror suspects and holding them in prison cells (Abu Ghraib and Guantanamo bay) without any trials. The climate of the cells is dominated by torture and mass detentions. The consequence of this event furthered Al-Qaeda’s rhetoric on American Exceptionalism that American and the West do not hold in esteem the people that Al-Qaeda is fighting to defend. The enforcement of the 2002 national security strategy bolstered the argument further (Stodl, 2006).

The policies employed by the Bush administration drew sharp criticism, America has since been branded an imperial power, especially from the Middle East and this has raised anti-American sentiments and worsened relations across the Atlantic (Cox, 2004). It has been noted that the steps taken after the September 11 including the strategies and invasion of Iraq to topple Saddam Hussein made the problem of terrorism worse (Zulaika, 2012).

On the other hand, Obama’s administration was characterised by use of force and predominantly used massive drone strikes aimed at killing Terrorist commanders. The use of drones has been found to have negative consequences; it is difficult to give account of the number of deaths caused by the drones (Rand, 2016; Zulaika, 2012)

**B) Asia-Pakistan**

Ahmed (2016) examines the counterterrorism strategy used in Pakistan after 9/11 to fight off terror attacks by the Al Qaeda and other domestic terrorist groups that arose after the takfiri ideology. He notes that that the use of military force has dismantled operations of
Al-Qaeda and the TTP, however they have not been successful at stopping them from orchestrating successful terror attacks. The structure of the terror network has not been tampered with and Ahmed notes that, Pakistan strategy involves the use of military force and ignores the ideological aspect that serves as an impetus and gives meaning, using the guise of religion to carry out a terror attack by the Pakistani Taliban and Al-Qaeda. He further faults the counterterrorism policy that has left out the group of literate, urbanized and ideologically motivated terrorist who has migrated to the urban centre.

The Takfiri ideology as a source of inspiration for countering terrorism involves excommunicating someone or a group where the objects of this act are apostatized before taking away their life. This ideology was meant to purge Egypt society from westernization and propelled the radical positions in the Muslim world. Pakistan has several of the Takfiri groups (Ahmed, 2016:507)

The shift in Pakistan counterterrorism approach was triggered by two events, Jinna International airport in Karachi terrorist attack and the December, 2014 APS attack that resorted in the death of 150 people of whom 130 were school going children. As a response, Pakistan government implemented the National Action Plan which involved the establishment of military courts, a special counter-terrorist force, stopping the operation of armed groups and bolstering the national counterterrorism authority (Ahmed, 2016).

After Pakistan struck friendship with the United States it employed violent approaches using both military and non-military alternatives with the help of military and economic aid from the US. The military option includes using coercive security operations against suspected militants in tribal areas i.e. fighter jets and heavy artillery and less forceful
operations settled areas in settled areas. While the non-military option included, tough legislative laws to inhibit the thriving of terror activities and this included death penalty for supporters and perpetrators of terror acts (Hussai & Zubair, 2015; Ahmed, 2016).

Other repressive measures include the Fair Trial Bill of 2012 that allowed tapping into private networks for a suspected terrorist. The anti-terrorism bill of March 2013 redefined terrorism and expanded government powers including the ability to confiscate property of terrorist financiers. In 2014, power was extended to law enforcement agencies; a law enforcement official above grade 15 was given power to shoot a terror suspect, arrest suspects without bail, search property and the probability of conviction was increased similar to the duration up to 10 years (Ahmed, 2016)

Ahmed (2016) further highlighted that Pakistan’s coercive approach is not bringing about the desired results; instead the country is experiencing an upsurge in terrorism. Although Pakistan used repressive measures such as arrests and assassinations on SSP and LeJ terrorists, but a section of these group was excluded because their role in liberating Kashmir, they were branded as “good Taliban”. These kinds of shortcomings are weighing down on the efforts to get rid of terrorism.

C) Africa-Nigeria

Terrorism took centre stage with the rise of the radical Islamist group Boko Haram that was founded between 1995 and 2002 as a religious study group; the group began its first acts of terror in the North Eastern part of Nigeria in 2009 as a result of confrontations between the police and Boko Haram faction. The following years have been marked by an escalation of terror attacks in Nigeria as the radical group works towards establishing
an Islamic caliphate to take the place of the government (Agbiboa, 2013; Stanford, 2016; Eji, 2015).

Some of the key attacks associated with the group included the targeted Killing in churches for instance in 2013 more than 50 died in the event. Boko Haram stages counterfeit police security checks and kills travellers, the 2014 raids left at least 500 people dead and finally the group participated in the Kidnapping of 300 Chibok girls in April, 2014. In 2015, 70 civilians in a nearby Cameroonian town were killed as an act of retaliation against a military offensive and on March 28 more attacks were carried out on a national elections day to interfere with the democratic act of voting. The same year the group pledged fidelity to Islamic State (Stanford, 2016; CNN, 2017).

**Nigeria Government Response**

The government of Nigeria has been using military force and police action against the group including arrests. The 2009 attacks by the group, in Bauchi, invasion of a police station in Dutsen Tanshi and further eruption of violence in other states compelled the use of force and repressive policies. Rampant arrests, extrajudicial killings and massacres were used and consequently created a rift between the community and security forces (Eji, 2016).

The armed assault resulted in the death of the leader, Mohammed Yusuf and a new leader Abubakar Shekau replaced him. This change of leadership brought in new waves of violence that targeted towns and villages, alternative ways to launch attacks such as suicide bombings and advanced explosive devises and change from “low profile to high profile attacks” such as the United Nations building in Abuja, abduction of the Chibok
girls and the attack on the Nigerian Police headquarters in Tunun Wade (Eji, 2016; Hussein, 2012)

Additionally, in an attempt to gain international support, it began affiliating itself with other Islamist groups including the Al-Qaeda, Al-Shabaab, and the Islamic State of Iraq and Syria. The search for identity was accomplished by the new name it bore, Islamic State’s West African Province (ISWAP). The renaming was accompanied by a resolve to appear like their contemporaries in the nature of the attacks carried out carrying out such as beheading their victims (Eji, 2016). Statistically, ever since the armed assault against Boko Haram in 2009, between the years of 2009 to 2012 the group has launched 164 attacks, over 935 killed and thousands have suffered injuries. As of 2017, it is estimated that Boko Haram has left a death trail of upto 20,000 people (Mohsin, 2017; Eji, 2016).

2.1.5 Kenya and Terrorism

History of Terrorism

Kenya attained independence in 1963, under the Kenyatta administration. It is surrounded by Somalis, Ethiopia, Uganda, Tanzania, South Sudan and Somalia. The first significant act or incidence of terrorism was experienced in 1975 in Nairobi, it related to the murder of prominent political elite, Mr. J M Kariuki. Nairobi was hit by two bomb explosions in February, in a travel bureau and near a nightclub and the following day Mr. Kariuki made claims in the parliament of a plot to assassinate him unveiling that his car was sprayed by bullets. The subsequent month of March, a bomb explodes in a Nairobi bus killing 30 people on board and no individuals were charged for the related incidences. In 1981 a bomb exploded in Norfolk Hotel in Nairobi, its perpetrators were a Palestinian radical group, popular Front for the Liberation of Palestine (PFLP), 15 individuals were killed.
and 87 were wounded. Kenya has experienced four waves of terrorism namely, the rightists, leftists, ethnonationalistic and religious terrorism at different times in history (Otiso, 2009; Faki, 2017).

Ethnonationalistic terrorism was experienced during the reign of the Mau Mau in the 50’s a perfect illustration of the dictum, “one man’s terrorist is another man’s freedom fighter”. The Mau Mau revolt lasted for 8 years from 1952, this uprising was against the British rule and a search for self determination. The violence left a trail of death both among the rebels and the white settlers, about 20,000 rebels were killed, 200 British police, 1800 non-combatants and 32 white settlers. Reference has been pointed to Cronin’s analysis of an ethnonationalistic movement, it portrays these characteristics; “heightened violence, durable, capability to utilize traditional paramilitary structures, cohesion among the organisations founders co-ethics” (Black Past, 2017; Otiso, 2009:110-111).

The pre-eminent terrorism type that has plagued and is still plaguing the nation of Kenya is religious terrorism. The first of its kind was experienced in 1998; the US embassy bombing carried out by Al-Qaeda terrorists and a similar attack was carried out in 1998 in Tanzania killing 213 and injuring about 5000. In the wake of 9/11 another terror attack took place on August 7, 1998 on the Kenyan coastal region of Kikambala, Mombasa (Omar, 2013; Otiso, 2009).

The Kikambala attack was preceded by a failed attempt at firing down two missiles on a passenger airliner at Mombasa airport. An explosion followed the event, it occurred at a Kikambala hotel after 60 Israeli visitors checked in, in the event of the hit, 13 people
were killed of whom 10 were Kenyan nationals while 80 were injured, majority of them being traditional dancers assigned with task of entertaining the guests. In a separate incidence at Moi international airport, missiles were aimed at an Israeli-based airliner (Faki, 2017).

Kenya Involvement in Somalia: Jubaland Project

In a move to “uphold national security” or “linda nchi” an operation dubbed “operation linda nchi” was devised on October 16, 2011. Facilitating causes to this operation came as a result of September 11 and the subsequent spate of attacks and Kidnappings in Lamu and Dadaab. A man and his wife of British origin were killed in a resort in Lamu on September 11, while on October 1 there was the kidnapping of a French woman and twelve days later two aid workers of Spanish decent were kidnapped in the comfort of their home (ICG, 2012).

Kenyan rational was justified in economic and political terms attributing it to Kenyan’s tourism industry and heightened piracy in the coastal waters which is detrimental to the shipping industry. In a similar vein, the government wanted to restore peace and stabilize the North Eastern province, curb the spread of al-Shabaab terror and take care of the refugee influx in Kenya (ICG, 2012). Kisiangani and Atta-Asamoah (2011) pointed out that, the operations main objective was to create a 100km buffer zone that will serve a protective purpose against al-Shabaab attacks from the Somalia territory and do away with any potential allegations of negligence by the government or its’ lack of political will to flex its military and economic might to preserve the country’s national security.
The intervention bore a lot of criticism by policy makers, scholars and the public. Not much thought was put into the intervention; the process was hasty and did not consider consequences in the homeland and in Somalia. The intervention ignored the procedural requirements of regional and multilateral diplomacy designed to give legitimacy and financial support to the operation (ICG, 2012).

**Kenya Counterterrorism Responses**

Kenya counterterrorism responses range from military, intelligence and law enforcement, financial controls, economic, diplomacy and information sharing. Kenya has made strides in incorporating diverse measures to counter terrorism; its mixed approach now encompasses both military and non military approaches. Kenya’s fight against terror involves the use of the National Intelligence Service for surveillance, the General Service Unit to deal with civil rebellion and the Anti-Terror Police Unit to fast track counter terror responses. Irrespective of the progress and efforts, Kenya has come under criticism on its combative and deterrence approaches in the fight against terrorism (Goldman, 2015; Akwiri, 2017; CIA 2003; Kirechu, 2016)

In a bid to address the threat of terrorism, its approaches have been labelled as controversial, with reported cases of a host of abuses including arbitrary arrests religious profiling, random acts of disappearances and killings (Dzenisevich, 2016; HRW 2016; Namwaya, 2017).

The war on terror in Kenya is far from done; Kenya’s counterterrorism policy is still building uncertainties in Kenya’s future national security and the threat posed by al-Shabaab is still in existence (News 24, 2017; Kirechu 2016). Even with Kenya’s holistic incorporation of non-military or rather “soft” power approaches its strategies are still in question. (Hoeft, 2015) argues that “soft” power measures are designed to incapacitate extremist movements, by crippling their foundations. These “soft” measures are equally
geared towards countering radicalization, which Kenya has taken on through its counter violent extremist programme (Cherono, 2016).

According to a study by Gaituku (2014) on counterterrorism in Kenya, the study approach primary focus was on the role of Non-State actors in helping counter terrorism in Kenya. It discussed counterterrorism strategies; briefly looking into Kenyan efforts as it relates to AMISOM, the National Counter Terrorism Center (NCTC), legislations and law enforcement, Operation Linda Nchi amongst others. However, these aspect were discussed rather briefly and furthermore, the study put more emphasis on partnerships that Kenya has with NGO’s, NSA, the private sector, the media and others in an effort to fight terrorism.

According to Okinda (2016) study on counter terrorism, the focus was geared towards reforming the security sector while examining Kenyan’s reforms with a focus on government agencies that deal with counterterrorism namely, the National Intelligence Service (NIS), Anti-Terrorism Police Unit (ATPU), the National Counter-Terrorism Center (NCTC) and the legislations that have taken place. In the study, some implications of the reforms came out from the literature however not to an ample capacity.

**Somali- Muslim-Kenya Interplay**

**Ethnic profiling of Muslims in Kenyans’ counterterrorism strategies.**

Following studies of religion as a motivation for terror attacks in the new terrorism. The Al-Shabaab in Kenya has been characterised as a religious terrorist group and this has shaped how Kenya has been responding to their threat. According to Radil and Flint (2013:10), a religious terrorist is “fighting for their understanding of what a supreme deity demands of them, have no interest in potential negotiation with secular authorities and instead are compelled to commit massive acts of violence that will usher in a period of
final judgement for mankind”. Its goal is to reach a wider audience and hence to reach the largest audience possible then its acts have to be accompanied by jaw-dropping violent acts.

The 1998 bombing in Kenya brought a focus on religious extremism in Eastern Africa. From the first two attacks in Kenya, Kenya was only portrayed as a victim not a target of terror attacks. Foreign Nationals were targeted by these radical groups, the United States and Israeli nationals were the predominant targets. Israel and the United States are allies and have been victims of Salafi jihadism from the Middle East, this form of jihadism targets non-Muslim population. America has had a rather long history related to militant Islam aggression (Radil and Flint 2013)

In the aftermath of the September 11, the US called attention to the idea that Afghanistan had been liberated and the Al-Qaeda had sought safe haven in Africa and therefore the need to pursue a counterterrorism strategy in Africa. The US was quick to note that the battle against terrorism will not be won without the involvement of Africa. However it is imperative to note that, the perpetrators of the September 11 attack, 19 of them belonged to the Muslim community and the list of individuals and groups subject to President Bush executive order to block terrorist funds were of Muslim origin. The war on terror received a label, indicating it as war on Militant Islam. Legitimate evidence accredited the war as a war on ideology. For instance Sheikh Ikrama Sabri from Palestine, in his radio sermon he urged Allah to wipe out America together with her allies. In 1998, Mr. Ali Khamenei’ said that America was a foe of Iran’s Islamic government and their revolution. (Emerson, 2014; Schanzer, 2002).
America’s war on terror, driven by a policy against radical Islam or Militant Islamist from past historical attacks against its allies, was directed to Africa. After 9/11 “religion was viewed as the top most crucial variable”. Kenya and Somalia are located in Eastern Africa with roots to Al-Qaeda affiliated Somalia. American foreign policy has played a key role in Shaping Kenyan’s counterterrorism strategies and even accused by critics of playing by the rules of the US and engaging in a war that was not initially Kenyan’s especially after its policy Shift to engage Somalia (Mutiga, 2016; McEvoy, 2013; Schanzer, 2002; Anderson & Mcnight, 2015:540).

America targeted the Horn of Africa and particularly Somalia because of the rise of Islamic courts in 2006 and their links to Al-Shabaab. Additionally, a shift was directed to Coastal East Africa because of its Muslim population and its affiliation both historically, economically and culturally with the Muslim world. Lieman (2016) makes reference to a 2011 report by Pew Research Center that indicated that around three million Muslims reside in East Africa. The Washington-Kenya relationship is tied to the mutual interest in fighting off the Islamic radical group, al-Shabaab, Kenya gave away its peacekeepers in a move that was aimed at bringing redress to the victims of the al-Shabaab menace whose weight of attacks had not been heavily impressed upon the Kenyan population prior to Operation Linda Nchi (Emerson, 2014:47; Gaffey, 2016).

Islamic history in Eastern Africa had evolved in three periods. The first was marked by the settlement of Muslims in the coastal region, second was the Shirazi period characterised by the settlement along the eastern coast of the continent and the third was typified by the rise of Zanzibar in what is now referred to as Tanzania. In the coastal areas, Sunii islam is the leading Islamic sect against Sh’ism. In the Northeast region of Kenya, Somali’s are a predominant group in the region and so is the Islamic faith. In the
80’s the government undertook an exercise to authenticate Kenyan-Somali’s verses aliens and at the same time as the crisis in the 1990’s waged on, Somali’s trickled in huge numbers into Kenya. This region has over the years attracted US counterterrorism efforts because of its close proximity to Somalia and would provide ease of access to capture the Al-Qaeda (Vittori, Bremer & Vittori, 2009; Burbidge, 2015).

Islamist violence in Kenya can be traced back to the 80’s; in 1987 five imams were deported out of the country for undisclosed reasons. This event triggered hostile protests from 4000 Muslims, 10 arrests were made in the process. After the cold war, unrests waged on as the Islamic party of Kenya sought to be recognised as a legitimate party, the turbulent political climate continued in 1992 and 1994 along the coast (Vittori, Bremer & Vittori, 2009).

After Kenyan’s intervention in Somalia, Kenyan foreign policy has been shrouded by accusations accompanied by evidence of targeting the Muslim community. According to a 2016 news week article, 81 Muslims have either been killed or reported as missing in the coastal region (Gaffey, 2016).

The AL-Shabaab and Its Changing Face

Somali Islamicism can be traced to one source, the Al-Ahli group (Wahdat al-habaab al-Islami and the Jama’at Ahli al-Islami). It was a famous 1960 Muslim brotherhood group that sought to be part and puzzle of state functions and hence striving for the enforcement of its “mixed ideological agenda”(Shay, 2011:37) that entailed Islam to rule under Barre’s administration. Interestingly, during Barre’s reign Islamic movements were made insignificant, and only picked up after his ousting from power (Agbiboa, 2014; Shay, 2011).
Al-Itihad group existed since 1980, but after the forceful exit of Barre, Islamists emerged with initiatives of bringing the nation under their control through the implementation of Islamic ideologies. Al-Itihad sought military dominion, economic capability as well as dominance ideologically. Its first involvement of such kind was seen in the capture of Kismayo in 1991. Kismayo is a strategic and prestigious transit seaport used for taxing international goods leaving and getting into the country as well as taxing international aid (Shay, 2011).

After 9/11 the Al Itihad Al Islamiya (AIAI) meaning unity of Islam and Al Qaida were alleged by the United States as groups that worked in partnership. The U.S named it a terror organisation in 2001. It was reported by the United States that Al Itihad allowed the Al Qaida to use its bases before the 1998 Bombing of U.S. embassy in Nairobi, Kenya and Dar al Salaam, Tanzania. The United States were afraid that the base in Somalia would become a hiding place for Al Qaeda fleeing its wrath in Afghanistan, considering the base’s strong infrastructure in the heart of the Somali capital and its protection by Sharia legal system these factors would eventually make U.S efforts to combat terror futile. Consequently, Washington had to intercept and fix its gaze afresh in Somalia (Shay, 2011).

The group has over the years taken on many faces, predominantly from its Somali nationalist roots. In 1999 AIAI sought to re-brand itself through its merger with the Islamic Courts of Union (ICU). Ethiopian forces fought the ICU and pushed it to out of Mogadishu to rural central Somalia. Al-Shabaab developed a strong presence in rural towns and even captured a beach-port referred to as Barawe while collaborating with new allies such as local sheikhs and militia groups. In 2008, it captured the port of Kismayu, in 2010 it carried out the World Cup bombings’ in Kampala. In 2011, Kenya decided to directly engage the Al-Shabaab in their territory. It has been noted that the al-Shabaab
who waged attacks in Kenya after a direct confrontation is different from the one that took hold of the port of Kismayu or the one that was associated to the ICU or past Somalia (Anderson & McNight, 2015).

Anderson and McNight (2015:538) noted that, the present-day al-Shabaab mandate has shifted from no longer fighting “a full-scale war of attrition against a better equipped enemy in Somalia but its target includes Christians and non-Muslims while radicalizing and mobilising Kenya’s Islamic Youth”. Following the death of their leader Mr. Godane after an air airstrike by American forces in 2014, the group was expected to fall back, wane and even disappear but this was not the case. The purge of Godane gave the fighters more resilience to use aggression to ensure survival beyond Somalia even embark on using human shields to meet their goals. It has been characteristically referred to as a “hit and run insurgency”. Finally, the Al-Shabaab can be described as an adaptable group, yet ruthless in its attack and hence the need to wage a war on its activities.

According to Falk (2014), the use of the ‘realist’ approach of hard power to fight terror has been put under a litmus test by history and historical events of history have resulted in questioning the effectiveness of using force to address conflict issues.

According to a study by Walsh and Piazza (2009), the study outlines a dichotomy of arguments, on one hand, if states wish to reduce terrorism governments they should increase on restriction. The argument holds that, states that observe human rights cannot effectively tackle or prevent terrorism, this is because their hands seems tied to carry out arrests, monitoring of suspects, conduct random checks, detain suspects without trial etcetera. The result of this is that these states become easy targets by the enemy because they appear defenceless.
On the other hand, it is stipulated that states that violate human rights experience an increase in terror attacks. This statement is of the school of thought that, observing human rights will capture human emotions and intellect hence winning the masses, a positive element that will create positive milestones in combating terrorism.

2.2 Summary and Gaps in Literature
The review has given a lot of vital information concerning terrorism and counterterrorism response. Volumes of research have gone into analysing the threat of terrorism especially after September 11. From the literature, the US comes forward as a key player in the fight against terrorism as well as shaping counterterrorism efforts in other states.

Needless to say, majority of the countries responses to terrorism have been largely heavy handed approaches, the use of force and repression have predominantly been embraced by different states as they take action against the threat of terrorism.

The threat of al-Shabaab, the influx of the Somalia community in Kenya, the increased acts of terrorism driven by a radical Islamic ideology have shaped Kenyan’s responses to terrorism. Kenya has embraced both military and non-military approaches as recommended by previous researches and policy experts but these measures have been castigated and even frowned upon. The use of force and repression as counterterrorism responses and the implications of these measures are something the study looks into to establish the sustainability and overall effectiveness of these responses in the long haul.
2.3 Theoretical Framework

2.3.1 Realism

Realism came in the picture after the Second World War and its origins can be traced back to Thucydides as written down in the Peloponnesian wars. The theory is based on the assumptions of the centrality of a state; it’s pursuit for power and a drive to satisfy self interest (Jorgensen, 2010; Smith, 2010).

From the literature, Bush decision to invade Iraq, the United States decision to put pressure to Kenya to tackle terrorism caused Kenyan to invade Somalia in 2011 and Kenya will have to comply with the United States because of the financial assistance received. These examples show how realist goals of power and interest are applied to influence a state’s foreign policy actions. Smith (2010) posits that power is determined by the material capabilities that a state controls. According to IMF world economic outlook (2017) US is the worlds’ largest economy. Kenya appears to be on the receiving end of this global hegemon.

Smith (2010) argues that states will seek power because of the inherent nature in human beings to want to dominate, to be powerful and protect itself in the event of an attack. The United States top priority is its homeland national security and after the September 11 attack, the US exercised its power both militarily and economically and declared war on terror and it made sure that its boat was not empty; US rallied other global actors to root out terrorism. Focus was shifted to different parts of the world to coerce them into the agenda, nations that were considered as sponsors or at risk of terror attacks such as Kenya because of the Al-Shabaab in Somalia were coerced in.
Kenya is influential in East Africa and in the East African Community (Kimenyi and Kibe, 2014), the EAC was the first to send its troops under AMISOM, Uganda topped the charts, and its soldiers were in Somalia already. Irrespective of Western pressure as argued above Kenya would want to maintain its status Quo and flex its military power by contributing its troops as well, and most importantly Kenya would want to uphold its economic interest by buffering its borders because a secure nation means economic wellness for a nation that is battling other factors that ail its economy and in turn slow and retard its growth prospect.

Within its jurisdiction, Kenya has also exercised its power through the use of the police in an attempt to root out terrorists. This is related to the pursuit for security for its country at all costs. Realists see security as a critical component in the international system and should be regarded with pre-eminence largely attributed to the factor of survival.

The use of force and repressive measures are all realist strategies that are meant to showcase the power of a state and meets the interests of the state.
CHAPTER THREE

3.0 Research Methodology

3.1 Introduction

This chapter entails research methods used in the study. The methods adopted by this paper were used to collect and analyse data. The approach taken was used to respond timely and in detail to the three research objectives focussed on the study.

3.2 Research design

The study used qualitative research design. Qualitative research facilitates inductive analysis of information that culminates to a credible, clear and concrete narrative, inductive analysis is a systematic procedure used in qualitative research, the researcher commences with an area of study and the theory comes from the raw data gathered (Patton, 2005). This design is beneficial for terrorism and counterterrorism analysis because of its exploratory approach.

The research was guided by a case study approach. The use of case studies helps explore phenomenon in context by making use of the varied information sources for an in-depth analysis. The phenomenon therefore is deciphered from different facets generating an understanding and a credible conclusion (Baxter & Jack, 2008).

Consequently, the approach will began by evaluating the outcomes of the use of the realist strategies in Kenyans’ counterterrorism approach. Employing a case study design provided verifiable information within the Kenyan context. Key attacks experienced in Kenya after the choice to apply military force within the Somalia territory were examined.
3.3 Data Collection Methods

The study reviewed published materials which include: the use of reports, journal articles, news articles and books that provided information on the use of force and repressive policies as counterterrorism measures employed in the war against al-Shabaab.

The data collected provided exhaustive knowledge to further substantiate the research questions in this study.

3.4 Data Analysis

The research employed atheomatic data analysis. It examined the use of repressive policies, with a laser focus on key areas of study namely, the Coastal region and Eastleigh suburb as strategic areas that have experienced escalating repression especially after attacks and during police operations. The Key study areas helped address the issue of indiscriminate use of repressive and hard line approaches and the tangible evidence to back the arguments and gap brought out in the literature.

3.5 Chapter Summary

The chapter outlines the research methodology that was employed. It further discusses the research design that were used and the approach which focused on a case study design including a focus on key strategic areas of study in Kenya.
CHAPTER FOUR

4.0 Findings of the Study

4.1 Introduction

This chapter discusses the findings as per the outlined research questions. To that respect, it presents findings in relation to the nexus between terrorism, use of force and repressive policies, the implication of the use of force and repression against al-Shabaab and the extent of threat of the al-Shabaab in the Kenyan Territory.

4.2 Terrorism, the Use of Force and Repressive Policies in Kenya

4.2.1 Tracing Kenya’s Counterterrorism Responses, 1990-2010

The study examines how Kenya responded and incorporated other international actors that responded to the attacks in Kenya. We shall focus on Major attacks that took place during this period and Kenya’s responses.

A) 1998 United States Embassy bombings in Kenya

4.2.1.1 Background

Twin bombs exploded between 10:30a.m and 10:40a.m on 7 August in Nairobi and Dar es Salaam. It was confirmed soon after that the bombings took place four minutes apart, an indication that the attackers had a well laid out strategy, ascribing to the argument that terrorists are rational actor. The car bombs left behind resulted in the death of 213 people and 44 American embassy employees (US dept. of Justice, 1998).
4.2.1.2 Planning and Execution

In 1993 and 1994 individuals linked to the Islamist extremist group the Al-Qaeda moved to Nairobi and Mombasa. The individuals, Wadih El Hage also called El-Hage, Fazul Abdullah Mohammed also known as Harun Fazhl, Muhammed Sadiq Odeh also known as Odeh among others were linked to the 1979 Afghanistan war against communist Soviet Union. The individuals had settled under the guise of offering humanitarian assistance, a goal that was succeeded by the establishment of an organisation known as Help Africa People, additionally they were involved in several other commercial activities such as fishing and clothing.

The perpetrators strategically plotted the attack within Nairobi from posh rented houses, in a final execution of their plot, the perpetrators drove trucks planted with explosives and parked them outside the US embassy in Nairobi (US dept. of Justice, 1998).

4.2.1.3 Kenya Counterterrorism Responses

Kenya has been working closely with the United States in counterterrorism efforts, it collaborated with the FBI and Interpol and stepped up its investigations, a number of arrests were made both in Nairobi and Mombasa. This was carried out on July 2001, 13 Somali and 8 Yemeni nationals were taken into custody. Additionally, on November 2001, police arrested over 20 individuals in Lamu under the suspicion of working together with the al-Qaeda (Whitaker, 2008; Khadiagala, 2004).

Kenyan’s response to the 1998 bombing was pointed out as being slow and playing the victim of the attack as opposed to “source of international terrorism”. The Lamu arrests found Kenyan nationals were also part of the perpetrators of the 1998 bombings as
opposed to the first round that largely constituted foreigners of Somali, Pakistani and Yemeni nationals (Khadiagala, 2004:3).

Khadiagala (2004) further noted that, Kenya did not arrest the key masterminds of the terror attacks for instance; no arrests were made for two men from Mombasa suspected of being key perpetrators of the attack.

4.2.1.4 International Community Response

The United States responded by the use of force, characterised by the launching missile strikes in Afghanistan training bases associated with the Islamist group, al-Qaeda and the then world’s most wanted terrorist guru, Osama Bin Laden. A second missile strike, preemptively launched in Sudan, its target was a pharmaceutical plant in Sudan that was believed to be affiliated to chemical weapon manufacture as well as Osama Bin Laden (Perl, 1998).

US has been a target for the radical group, al-Qaeda due to its past aggressive retaliatory offences against Libya after the bombing of a Berlin Disco in 1986, in Iraq after an attempted assassination of President Bush in 1993 and finally the apprehension of terror suspects from abroad into the US for interrogations (Perl, 1998).

The reactions from other members of the international community drew criticism against the US, even from its allies including NATO members such as France, Britain, Germany and Italy; were of the impression that the factory target was wrong. The Clinton administration was accused of acting outside the boundaries of International Law (Perl, 1998).
B) 2002- Kikambala Attack

4.2.1.1 Background

The Kikambala attack came in the wake of memorable events in both the history of Kenya and the United States. First came the 9/11 twin bomb attack against the US. Then a month after the September attacks happened precisely on November 28 shortly before President Mwai Kibaki took office in December 2002 (Prestholdt, 2011).

A few weeks after the 9/11 attacks before the Kikambala attack, Moi administration yielded to the US call to have the passports of Kenyans of Asian and Arab descent be investigated.

As for the Swahili’s with a coastal decent, they were ordered to confirm their nationality by presenting their grandfathers birth certificate before renewing their passport. This was a first case of open discrimination (Prestholdt, 2011).

Two years later, two attacks concurrently launched on Israeli’s within Kenyan jurisdiction in the city of Mombasa. One failed missile attempt was fired at an Israeli passenger jet; a second attack almost simultaneously was characterized by the striking of missiles at Paradise Hotel by three suicide bombers. The total number of causalities was 12 (Bennet, 2002).

The attacks that were carried out highlighted al-Qaeda’s involvement and support. Kenyan nationals were also implicated as perpetrators in this attack (Bennet, 2002; Khadiagala, 2004). The self-confessed perpetrators of this terror incidence included the army of Palestine and the Government of Universal Palestine in Exile and the proof the
attacks pointed out to al-Qaeda affiliated AL-Ittihad-Al-Islami (AIAI) (Agade & Mogore, 2011).

4.2.1.2 Planning and Execution

The persons responsible for the Paradise hotel were linked to the 1998 US embassy bombings. Mr. Saleh as one of the key perpetrators, married a minor, Fatuma Ali and they resided in a Mombasa neighbourhood. Mr. Slaeh made a bomb in his aboard; he gave the keys to the landlord the day before the attack and asked the wife to return to her home before driving off in a dark Mitsubishi Pajero which was slammed into the front of Paradise Hotel (Lacey, 2003).

4.2.1.3 Kenyan’s Response

Pretholdt (2011) argues that the 2002 attacks gave Kenyan counterterrorism policy a new meaning, since 1990, officials in the US, including a report by the U.S Military Academy’s Combating Terrorism Centre (CTC) were of the impression that the terrorism in Kenya was a home-grown problem. CTC associated the problem with the Arab and Somali minorities in the coastal part of Kenya. But after uncovering that Kenyan nationals were also associated with terrorism Kibaki’s government assumed a new position by pursuing the Muslim communities in the coastal region. In 2003, the outcome of the new approach resulted in the apprehension of a terror suspect and a stockpile of weapons, Kibaki’s administration gave orders to form the Anti-Terrorism Police Unit (ATPU) and ordered the closure of Muslim NGO’s; concurrently in Mombasa; rampant detentions and interrogations were taking place (Pretholdt, 2011). In addition, Kenya developed the Anti-terrorism Police Unit (ATPU) in 2003; it was
accused of discriminating Muslims especially the ones of Somali descent. According to a report by the United States Department (2004:6) it observed that;

“On June 26, 2003, President Bush announced an initiative to help selected East African countries increase their counterterrorism capacities. ATPU was given the responsibility for two programs contained in this initiative to bolster the new formed Kenyan Antiterrorism Police Unit (ATPU) and increase “standard” course offering for east African law enforcement in the financial year (FY) of 2004. August 2003, $10 million in FY 2003 funds were reprogrammed and provided to ATA for the ATPU program. The goal of this programme is to provide a Kenyan capability to investigate terrorist threats, respond to terrorist incidence and prevent terrorist attacks. The programme was indicated as a long-term project, estimated then to run for 20 months and is bound to result in an institutionalised counterterrorism capability within the Kenyan National Police”.

According to Amnesty International (2005), ATPU has been linked with irregular arrests, unlawful detentions, unwarranted searches and torture of “foreigners”. 2007 was characterised by increased accusations of human rights violations by Kenyan and American investigators especially in the North-Eastern parts of Kenya while conducting arrests of suspected terrorists (Whitaker, 2008).

Whitaker (2008) argues that the association between the US and Kenya did not happen out in the open and the public was not informed in matters regarding intelligence sharing and investigation reports. Such information was shared solely between the police of the two nations.
Additional when Kenya launched a man hunt on the terror suspects, the investigations brought to the limelight that some of the culprits involved were Kenyans, for instance Mr. Saleh Ali was a Kenyan national of Yemeni descent (Lacey, 2003). Whitaker posits that extreme arbitrary arrests were carried out in coastal towns between 2003 and 2004 mostly in the coastal region and Nairobi area, and concerns were raised with regards to the operation by Justice Waki at the Mombasa high court while overseeing the case (Muhochi, 2011).

In response to the 2002 Mombasa attack, Kenya introduced the Suppression of Terrorism Act 2002 which was instituted by the Kibaki regime however it was rejected for fear of causing a divide in the nation between the Muslim minority who make up 30% of the population of Kenya estimated to be then at 31 million people. On the same note, in 2003 the government convicted four Kenyans on charges of the 2002 terror attacks in Mombasa (BBC, 2003).

In 2004, Kenya established the National Counterterrorism Centre upon decision by the Cabinet and in response to the April 13 National security strategy. It is tasked with the goal of preventing terrorism and ensuring meaningful engagement with international partners as well as coordinating counter terror efforts (NCTC, 2016).

In 2005, Kibaki’s administration under the law society of Kenya came up with an antiterrorism bill, which was published in 2006 (Whitaker, 2008).
4.2.1.4 International Response

The 2002 Kikambala attack attracted the interest of western powers due to its significance in the timeline of its occurrence; it took place after the famous September 11 attack. This called the United States to develop a concrete counterterrorist strategy for the Horn of Africa as a whole and Kenya was to be instrumental in the Horn of Africa in the “Global War on Terror” or GWOT (Agade & Mogire, 2011).

An Israeli Intelligence agency, Mossad was part of the group that was involved in the investigations, The Mossad team used data from the FBI that pointed out that the terrorists of the 1998 bombings had taken refuge in Afghanistan and had since managed to retain a low profile (Agade & Mogire, 2011).

The Bush administration, increased security aid to Kenya, this can be first traced from the first security aid package that came right after Kenya announced the drafted Suppression of Terrorism Bill. To show support for it, in a way that would quickly facilitate its transformation into law, East African nations were given a $100 million grant to aid in combating terrorism. Furthermore, the US increased resources towards a variety of counterterrorism measures including training, equipping of antiterrorism police and the expansion of Judicial capabilities (Prestholdt 2011:10).

In 2002, the United States congress passed an act referred to as the American Service Members’ Protection Act (ASPA) to all countries that are ICC members but have abstained from Article 98 agreements. In light to the congress legislation, Kenya was asked to sign the article and upon refusal, US suspended the aids of FY 2002 and 2006 amounting to $7.8 million and $9.2 million respectively. Later on President Bush
stopped the suspension for fear of it hampering counterterrorism efforts because of alleged fears such as; Kenya not being able to train the troops for counterterrorism or not being able to afford the equipments for these exercises (Whitaker, 2008).

A non-coercive method was used by the US counterterrorism base in Djibouti, commonly identified as the combined Joint Task Force Horn of Africa (CJTF-HOA), it provided supportive projects to North Eastern Provinces of Kenya and the coastal region including immunizing children, building schools and offering mobile veterinary services (Whitaker, 2008).

In conclusion, the following counterterrorism responses were mostly used during the above stipulated time period and a larger percentage came after the Mombasa attack fuelled by the 9/11 attack. These measures predominantly involved; “Arbitrary arrests of mostly Muslim communities with confirmed reports of at least 150 individuals belonging to the Muslim communities arrested between 2006 and 2007, incommunicado Detention, arrests without warrants, denial the right to legal counsel, torture and degrading treatment was used on the detainees, violation of the rights of the detainees by foreign security agents in Somalia and later Ethiopia, Infringement on the right to Habeas Corpus, defined as the right to be brought before a judge promptly, Mass torture in North Eastern and Western part of Kenya during a joint military exercise in Mandera and Mt. Elgon in 2008 and Judicial complacency in instances such as state denial of habeas corpus and deportation of Kenyans and foreigners arrested during pendency of judicial process” (Muhochi, 2011:7).
In conclusion, after the second attack, government response intensified as compared to the first in 1998. The United States is seen as a major strategic partner in helping counter terrorism in Kenya. Government reaction after a major terrorist attack was heavy handed and attracted an international response because of the nature of terrorism as a global issue that attracts multiple actors and requires collaborative efforts to fight it.

4.3 Implications of the Use of Force and Repression against Al-Shabaab in Kenya

Kenya set out a new trajectory in its foreign policy approach in October 2011, by moving from what was previously considered a pacifist approach to a more interventionist approach. The shift was drastic and unexpected. Kenya experienced its first major attack on its homeland in 1998, approximately 10 years later the country experienced a series of kidnappings of foreigners in the Coastal region and the attack suddenly provoked Kenya to engage in a full blown war on the al-Shabaab in Somalia. The sudden and drastic change in the policy was a cause for alarm for scholars and citizens alike (Critical threats, 2011)

The shift was associated with “economic diplomacy and growth interests” under Kibaki’s administration. Arguably, the port of Kismayu served as a push factor to go to Somalia as well as Kenyan’s position in the East Africa region. Additionally, as a member of the United Nations and the African Union Kenya has also been caught up in the web of interest of establishing peace and security both regionally and globally as perpetrated by these institutions. Therefore contributing to this global agenda would come out naturally because of its dominance in the present day order of issues (Rein, 2015; United Nation, 2017; Mc Evoy, 2013).

Furthermore the preamble of the United Nations emphasises on its role of “maintaining peace and security” similar to the African Union, whose focus is centred on the same
argument with a basic understanding that Africa tops the charts on conflict likelihood. Some of the arguments that firmly root the peacekeeping operations are widely propagated by the 2000 policy “African solutions to African problems” due to problems that came up post cold war (Rein, 2015; United Nation, 2017; Mc Evoy, 2013).

In the past Kenya was recognized as a regional peace broker in the region, it was previously engaged in peace keeping as opposed to peace enforcement mechanisms partnering with African Union. Kenya’s soft power approach can be traced to the 2002-2004 Mbagathi peace talks. In 2008, the theme of military intervention floated around but did not sail through for lack of international support. In 2009-2010 Kenya was bent on rallying support behind the Jubaland project that would work towards establishing a proposed buffer zone. In 2011, Kenya took on a new initiative (Rein, 2015; United Nation, 2017; Mc Evoy, 2013).

Therefore, Kenya and its neighbouring state Ethiopia got engaged in a military intervention, which was at the beginning spearheaded by Uganda and Burundi early in February 2011. Kenya joined the league and started its offensive ground and air operation in the southern part of Somalia in the Operation Linda Nchi. The following year, in 2012, UNSC adopted resolution 2036 that sought to extend the mandate beyond Mogadishu as well as embrace whatever means necessary to push back the advance of al-Shabaab. Operation sledge hammer was incorporated to seize Kismayo. Numerous other operations were adopted as the years went by, for instance in 2014, AMISOM and the Somali National army were involved in two significant operations that involved taking over territory that was previously under the tight control of the al-Shabaab such as Baraaawe port city and Tiyeeglow district that served as a logistical hub (Jones, Liepman & Chandler, 2016).
Kenyan’s sudden presence in Somalia was received with mixed reactions and additional propelling factors that drove Kenya to Somalia include; the presence of other troops already send to Somalia from Uganda, Ethiopia and Burundi and Kenya did not want to be left out, the atmosphere at the time was clouded by feelings of insecurity and therefore a natural appetite to protect itself, the vision 2030 LAPSSET project needed to be sheltered-this regional project is aimed at meeting infrastructural goals for Kenya including transportation construction such as the Lamu Port, crude oil pipeline, international airports amongst others. These developmental projects are all aimed at raising the status quo of Kenya as a middle income economy and are expected to open up at least 70% of the country to ensure that locations that never benefited from investments since 1963 can profit economically. Lastly, after the 2010 census, ethnic Somalis totalled to a whooping 2.4 million, this took Kenya by surprise and prompted her to embark on a strategy that would lead to the deportation of more than 500,000 refugees specifically journeying towards the stabilizing Somalia (GOK, 2016; Mc Evoy, 2013).

Kenya sought to legitimize its policy of intervention on the basis of “self defence”, an argument that is backed by article 51 of the United Nations Charter. The use of force is only allowed in certain circumstances and self defence is within its parameters (United Nations, 2017)

The decision to apply force aimed at pushing forward the nations interest brought in unintended consequences and placed Kenya as a primary target for a spate of both massive and small-scale sporadic attacks as will be analysed in the subsequent paragraphs. Operation Linda Nchi kicked off on October 16, 2011 and sporadic retaliatory attacks followed suit, the focus will be geared more towards major or key attacks that almost brought the nation to a standstill. (Critical threats, 2011)
It is however imperative to note that, in the same month when the military offensive began, four subsequent attacks took place, on the 17th a rocked grenade was hurled at a navy patrol boat off the coast of Lamu, 24th the Al-shabaab threw a grenade at a bus station in Nairobi, the 27th a vehicle in Mandera was attacked, and 28th yet another convoy of vehicle carrying the Paramilitary personnel was ambushed in Garissa. The attacks took away lives and resulted in injuries as well. This series of attacks would open the Pandora box resulting in even more frequent and lethal attacks in the following months and years within the Kenyan territory (English people, 2013).

The use of military intervention or force has been linked to increased instability, strife and political violence, additionally it fuels the use of repressive behaviour by target governments, and this includes “torture, extrajudicial killings, forced disappearances and imprisonment” (Pickering & Kisangani 2017:233; Aslam, 2010; Lounsbery, Pearson & Talentino, 2011).

4.3.1 Case Studies

A) The Westgate Attack (2013)

The al-Shabaab stormed Westgate shopping mall on September 21, 2013 in the upscale suburbs of Westlands. The militants ransacked the five story building baying for innocent blood and indiscriminately shot anybody they laid their eyes on. The rampage shooting spree turned into a three day siege with the police, the gunmen took over the building, took some shoppers hostage while choosing to take the lives of others (Okari, 2014; Howden, 2013).

The high-end mall contained a total of 80 stores and the terrorists moved from one to the other hunting down victims. After several hours of the attack, al-Shabaab via a twitter account claimed responsibility for the events that were unfolding that day. Late that
afternoon, four gunmen took cover behind Nakumatt and that was the last time they were seen (Okari, 2014; Howden, 2013).

The total number of the assailants involved in the attack was between 10 to 15 people, they were identified as; Somalian (two), American (three), Kenyan, Canadian, Finnish and supposedly from the United Kingdom. The other terrorist nationalities without numbers accounted for one terrorist each representing the remaining states respectively. The total number of lives lost amounted to 67 people, several were injured approximating to 175 persons and many others afflicted as first hand witnesses to the ordeal that transpired on that Saturday (Martinez, 2013; Mcconnell, 2015).

A year later, four men of Somalia Origin were charged on terror related charges “commission of a terrorist act” under laws of anti-terrorism in Kenya, which included harbouring gunmen and possession of false documentation. The trials kicked off at the beginning of January 2014 (Sandner 2014; France 24, 2013).

B) Mpeketoni Attacks (2014)

This is the second most deadly attack that transpired between the 15th and 16th June 2014. The narrative unfolds with a mysterious attack by a group of 20 to 30 individuals who invaded Mpeketoni town, nestled in Lamu County. The series of attacks first began in the administration police divisional Headquarters in Mpeketoni and the town centre, then the assailants moved to the Police station still within the same town (IPOA, 2014).

The assailants carried out a rampage massacre of their victims, most of them died from gunshot wounds aimed at the forehead while one victim perished from a fire lit in a vehicle. The terrorists also went on a destructive hunt, razing down vehicles and buildings
alike. The aftermath left behind a death trail of 49 people, 26 burned buildings and 44 burned vehicles. This terrorist event transpired on a Sunday (IPOA, 2014).

The assailants still baying for more blood went on another destructive rampage the following day to Kijijoni village located in the heart of Kaisari. The attack left 9 people dead and one house razed to the ground. Their victims died from gunshot wounds, while others had their throats slit open (IPOA, 2014).

After these events passed on a total of 60 people were pronounced dead including one woman (IPOA, 2014). Kenyan police response in the event of the attack was met with criticism for being too slow. This triggered an angry reaction from the masses who later responded with violent protests, barricading roads and lighting up small fires to vent out their frustration. The al-Shabaab laid claim for the attack (Friedman, 2014).

C) Garrisa Attack (2015)

The attack took place on 2 April 2015, the events unfolded in a university located in the Northern parts of Kenya. The attackers made their way into the university in the wee hours of the morning and gunned down two guards and opened fire to the students. The attackers went on a manhunt in the students’ hostels and their classes. They discriminated between the male and the female; Christian verses the Muslims only to kill them after the brief act of separation (BBC, 2015).

The aftermath of the attack, left 104 injured, 147 dead and four of the perpetrators died from an explosion from their suicide vests. A total of five suspects were arrested in relations to the assault while en route to Somalia (BBC, 2015). Four of the suspected terrorists belonged to the Somalia ethnic group and one was of Tanzanian Origin. In the presidents’ remarks, he said that the task of waging a war on terror has become an
arduous task because the masterminds behind the string of attacks are of Kenyan origin (Al Jazeera, 2015).

**D) Eladde Attack (2016)**

This attack took place in the Somalian territory within close proximity to the Kenyan border yet had direct implication to the nation of Kenya and on Kenyans’ decision to embark on the application of force in Somalia. The attack occurred in January 2016, on a Kenyan base in Somalia where several armed al-Shabaab militia stormed into the base and indiscriminately killed its target leaving 200 Kenyan soldiers dead (Al-Jazeera, 2016).

**E) Northern Region Attacks (2017)**

Several officers have perished from the region from a series of attacks, mostly on desolate roads with hidden improvised explosive devices (IED) (Soko directory team, 2017). These officers have fallen prey to their captors - the al-Shabaab militia, these attacks, according to Kimani (2017), on a July publication it was reported that in the previous two months around 40 people had lost their lives from traditional explosives.

**F) Kulbiyow Attack (2017)**

The Kilbiyow camp is located in Somalia; the camp was attacked by the Islamist group the al-Shabaab ending the lives of 68 soldiers (Michira, 2017).

**4.3.2 Legislations on Counterterrorism**

Irrespective of the attacks experienced in the Kenyan territory, Kenya has made attempts over the years to put in place policies that will help counter terrorism violence. In 2010, Kenya put in place the Prevention of Organized Crime Act, in 2011 it adopted the Proceeds of Crime and Anti-Money laundering Act. The latter act was signed into law by
President Kenyatta in 2017, the copy of the act is presumed to be that of 2015. The goal of the act is to impede corruption as well as fight against the financing of terrorism and its related activities (Kenya Law, 2012; Global Legal Monitor, 2017).

In 2012 Kenya adopted the Prevention of Terrorism Act and in 2014 this controversial security law amendment act was signed into law. It was a comprehensive act that was criticized for its coercive element, with a potential of violating human rights. The bill was tailored to give more powers to the National Intelligence Service to conduct arrests, detain suspects for 360 days, and track communications devoid of a warrant from the courts. The dispute was taken to the high court that did away with a few of the provisions; from a total of 97 only eight provisions were invalidated retaining a huge percentage of its original context. (Human Rights Watch, 2014; BBC 2014; Kenya law, 2012).

2015 did not see any significant shifts in legislations, but Kenya floated the idea of building a wall in the Kenya-Somalia vast border. The wall would stretch to a 440-mile and will be made of concrete, ditches and such like surrounded by CCTV surveillance footage (Laing, 2015) Israel offered to help Kenya in erecting the wall, Israel has expertise in this area considering its troubled history with its neighbours along the Gaza Strip (Speyer, 2016).

According to the Star (2017), three years later after Kenya made the declaration; the newspaper visited the site of the construction and took photos of the concrete wall that happened to be a barbed wire fence. The estimated cost of construction would amount to about Ksh 20 billion. The government had begun part of the construction but the project came to a halt because of inadequate funds to pay its construction workers.

In 2016, Kenya launched the countering violent extremism (CEV) strategy that was meant to be a more preventative approach that will stress on the importance of de-
radicalization. The strategy is looking forward to promote respect for physical integrity rights and make proper use of civil society infrastructure. The CEV is tailored to go deeper into the roots of violent extremism and its potential using platforms such as strategic communications, dialogue and facilitating public awareness (Munk, 2016). The CEV plan was birthed through a rigorous counselling and review sessions from the civil society, government agencies, the private sector, county governments, researchers and partners of regional and international origin (Cherono, 2016).

4.3.3 Legal Implications of the Kenyan Counterterrorist Strategies

In an attempt to engage in counterterrorism initiatives by the Kenyan government especially after the increased threat that terrorism has brought into the Kenyan soil, the Kenyan government has been violating human rights from different reports from 2012 through the years (Human Rights Watch, 2016; Human Rights Watch, 2013; Human Rights Watch 2012)

Following the 2011 military engagement in Somalia the police force was suspected of human rights abuses in the North Eastern province area. After investigations it was unveiled that about 250 cases related to torture are reported yearly. In 2012, it was noted that the police had a habit of responding to terrorism with arbitrary arrests. The police used methods such as battery to get the suspects to talk. In the same year, the police used threats against the Somali youth, requested for their cooperation, this includes giving out of bribes if they are to abscond arrest. Several of them failed to pay the bribes and were put in jail cells until their families would bail them out (United States Department, 2013).

A) Eastleigh Case and Abuses

Allegedly during the month of December, 2013 after a bomb explosion that killed 9 near the Eastleigh mosque, the police later on rounded up about 400 persons. Leaders in the
Muslim communities complained of the random acts of arrests targeted at all and sundry precisely at members of the Somali ethnic community (United States Department, 2013).

According to Human Rights Watch (2014) investigations, it revealed that the security agencies together with the police were engaging in arbitrary arrests and detentions, forceful extortions. In the Jail cells, specifically Pangani police station, the conditions in the cells for the detainees were appalling and they had been held captive for more than 24 hours contravening the Kenyan law. With the huge number of arrests the Kasarani stadium was used as a detention centre. It was noted that from April 2, roughly 4000 individuals had been put into custody triggered by the West gate attack and other sporadic ones in Nairobi and Mombasa (Human Rights Watch, 2014).

Abuses in counterterrorism have been kept alive by the Kenyan security agencies. For instance in August, 2014, credible evidence linking the ATPU with extrajudicial killings. These were carried out through; abductions, public shootings or torture in the hands of the security unit. In 2015, in response to the Garissa University attack, the government put in place tougher laws that will add more power to the security agency and restrict fundamental human rights. In 2016, the behaviour of the security arm was still in question with similar allegations of acts of disappearances, unlawful killings, torture, and other forms of the use of force and repression still a constant in the nation (Human Rights Watch, 2015; Human Rights Watch, 2016; Human Rights Watch, 2017; US State Department, 2016).

B) Eastleigh Raids

At the onset of April 2014, the Kenya government went on a hunt for the Somali people under the mandate of “Operation Usalama Watch” that was aimed at addressing insecurity caused by al-Shabaab. The March attack for instance, triggered the
government to indiscriminately arrest Somali’s (Amnesty international, 2014). Several had already been deported to Somalia, a nation that was still politically unstable and therefore could pose as a danger to the expatriated Somali community (Malalo, 2014).

The raids sparked a spate of negative reactions, the Somali business owners argued that the raids masked the real intention of the government which they allegedly claimed was meant to push away the Somali entrepreneur and create opportunities for Kenyans. Additionally, during the raids several police officers were implicated with allegations of bribe, the bribe was intended to “assuage” the police in order to prevent arrests of the “suspects”; the security situation was wrapped around a rhetoric guided by the action of the security personnel that any Somalia was a suspect. It was therefore mandatory for the Somalis to prove nationality by carrying their Kenyan Identity card wherever they went (Warah, 2014).

In December 2014 the Kenya government passed harsher security laws to enable them curtail the terrorism threat. The bill was not widely accepted because it was deemed as a tool that will fuel restrictions and thus act as an impediment on fundamental rights. In 2015, in a court battle, the bill was amended while leaving some sections out such the ability to have access into an individual’s phone number and the right to restrict refugee movement (Kagwanja, 2015; BBC, 2014).

Following yet another Key attack, the Garissa University attack as discussed above. In its aftermath, the government of Kenya insisted on keeping a close eye on the Somali community and this included increased surveillance, persistent arrests and invading of private homes by the police. Further attempts to close down one of the largest refugee camps in the world, the Dadaab camp that houses 500,000 refugees; it is also regarded as “the third largest city in Nairobi”. The construction of a wall between the Somalia-
Kenyan borders, as a viable option that will once and for all deal with the porous border problem was put into consideration (Matfess, 2015).

Concerns in regards to the construction of the wall have been raised; economists say it will hurt the Kenyan economy and negatively impact on regional trade, data collected from the region from the local residents unveil a harsh reality; the local residents whose only source of livelihood is pastoralism will have insufficient pasture for their cattle whereas the local merchants that rely on cheaper consumer goods from Somalia will face immediate challenges in meeting their basic needs and that of their families. The argument brought forward reveals that such policies are repressive albeit laced with the security rhetoric will lead to more poverty translating to more volatility (Matfess, 2015).

4.4.4 Intelligence and Law Enforcement

The National Intelligence Security role as an intelligence organ is responsible for sharing key information to aid in the fight against terrorism; additionally it anticipates and disrupts threats as highlighted by Goldman (2015). According to Goldman (2015) this unit has made positive strides in the shutdown of terror cells associated with radicalization. It has also tracked down terror recruitment cells in the cyber-space through HUMINT operations that have resulted in Killing of several of the al-Shabaab and several have been put behind bars.

In 2016, the intelligence body was able to thwart a plot by the Islamist terrorist group against public service vehicles and towns bordering Kenya (Ombati, 2016). Six men were arrested in relation to a suspected planned attack that was disrupted in mid 2017 by Kenya security forces (Newsweek, 2017). Early 2018, Mukinda (2018) reveals efforts made by police in bringing down two suspected terrorists in their early twenties destined
for Nairobi. The police gunned them down and retrieved a cache of arms and explosive devises tucked away in their private car.

In a bid to reinforce security, aid response to terrorism, NIS budget for 2017/2018 financial year was approximately Ksh36 billion and a large portion gave priority to counter terrorism efforts, intelligence and counter intelligence. In the 2016/2017 financial year, Ksh124 billion was allocated for NIS while 140 Ksh billion was to strengthen security within the nation against the threat of al-shabaab (Mutai, 2016).

According to a report by Privacy International (2017) on the use of the surveillance technique in counterterrorism operations, it argues that as the government heightened its surveillance through allocation of more funds to aid in communication surveillance, increased counterterrorism operations that have resulted in abuses. In 2012, Kenya introduced the Network Early Warning System (NEWS) as well as the National Intrusion Detection and Prevention System to keep track of internet traffic and available content for cyber security purposes. NIS and the law enforcement arm of the nation are privy to confidential communication information especially because of their physical presence in telecommunication premises (Privacy International, 2017; Doctorow, 2017).

4.4.5 Financial Control

Kenya’s military intervention in Somalia targeted key financial hubs such as Kismayo, after a series of attacks in Kenya particularly in the aftermath of the Garissa University attack Kenya began to exercise tougher measures with regards to controlling the movement of finances. The government shut down money transfer firms under suspicions of covert activities with the al-Shabaab, 86 closures were reported (McCoy, 2015; Tremonti, 2015).
These informal money transfers systems or Hawala as commonly referred to were published in a report by the US Bureau for international Narcotics and Law Enforcement Affairs as primary financiers of terror activities in East Africa. In the report, it was highlighted that the absence of a financial intelligence unit in Kenya contributes to illegal cash transfers (Goldberg, 2015). Kenya was listed as a key money laundering destination by a US report; it castigated the inadequacy of the Kenyan government to oversee financial transfers that are often mired with corruption and illegal trading (Ombati, 2017).

While the move to close the Hawala system was triggered by the Garissa attack, it resulted in losses in millions of Kenyan shillings daily (Hiraan, 2015). According to Cauderwood (2014) it was unearthed that Kenya was supporting terror activities of the militant group through its sugar importation; Kenya purchases roughly $1 billion worth of this commodity.

Buchanan (2016) makes reference to a report by the United Nations; he posits that Kenya military is covertly involved in the illegal sale of Charcoal therefore contributing to keeping the activities of Al-Shabaab afloat through the constant circulation of money from illegal charcoal trade. He further points out that Kenya defence forces played a crucial part in further furnishing finances to Al-Shabaab through illegal importation of sugar, as it passed through Somalia ports from Saudi Arabia and United Arab Emirates, the militant group benefits from taxing these commodities. Al-Shabaab is still looking for avenues to make money according to Ombati (2017) a security trail identified a woman supporting terror-related activities of the son in Somalia. Other Kenyan Al-Shabaab members have been financing their activities by running local businesses in locations such as the Gikomba Market and Majengo. Kenya has worked hard at disrupting these businesses, therefore causing the terror groups to devise ways of operating unnoticed; the government is working towards following the money trail to uncover businesses owned by terrorist.
In conclusion, Kenya has expanded its response capability against terrorism, but not without unintended consequences. Employing force and repression appears as a double aged sword for Kenya. According to New York Post, 2016 and Macaskill, 2014, this strategy rarely meets the overall expectation of dismantling a terror network and minimizing attacks instead it could easily influence a terrorist network to have tighter control.

In looking at the 1998 embassies bombing in Kenya for instance, the action was triggered by the US foreign military interventions in the Middle East and hence reinforcing the glaring connection between military force and increased terrorism (Eland, 2007). In Kenya, this has been the case, although attacks are still going on, the attacks have not been as gruesome as was witnessed before, however this statement is quite arguable because the last attacks witnessed have been against the military and police force and the number of those who have perished as a result of the retaliatory attacks is significant. Kenya’s preference for the exercise of repressive measures in an effort to combat the threat of terrorism is widespread and very regular; Piazza (2017) argues that a country’s use of repression predisposes it to terror attacks. Furthermore, Piazza (2017) specifies that physical repression and discrimination against minority promotes terrorism through grievances and discriminating of citizens (Piazza, 2017).

4.4 The extent of threat of the Al-Shabaab in the Kenyan Territory

4.4.1 Al-Shabaab’s target population in the Kenyan attacks

Al-Shabaab’s evolving faces have brought it to the limelight as a callous Islamist group that is bent on promoting global jihadism as well as carrying out retaliatory attacks after “Operation Linda Nchi”. In its series of attacks launched in Kenya, on one particular instance in the Westgate attack in Kenya, in a first hand detailed account of the
occurrences in the West gate shopping mall, a woman of French decent was spared from death together with her two children and she made a bargain for the release of two other children. One who had lost her mother and sister and the other child seemed to have gotten lost in the midst of the helter-skelter of finding a safe place of refuge (Okari, 2014; Howden, 2013).

In a conversation between the terrorist who was of Somali descent and the French woman, the Somali man justified his terrorist actions by alleging that Kenya was inhumane and they together with fellow terrorists were doing what they were doing because foreigners had infringed on their territory and their homes had been taken away as well as their lives. After the terrorist inquired of her nationality he went ahead and gave an apology and reinstated clearly that their target was only Americans and Kenyans (Flood, 2013).

A separate account of the events pointed out to a religious chanting by the terrorists “Allahu Akbar”, the incident was witnessed as the terrorists made head-way into the shopping mall and soon afterwards gun fires blazed the atmosphere almost as if the chanting announced their entrance and justified the sudden mass shooting. Once the shooters were in the mall and traversing different areas, as they got to the upper floor, they changed their strategy from making individual targets to group targets of the unarmed civilians’ whilst chanting more of the religious slogans, calling out on Allah. In this specific incident they spelled out loudly the reason for their mission, to kill Christians as well as Kenyans for their activities in Somalia (Mcconnell, 2015).

In the same vein, a man of Hindu descent, who recited an Islamic prayer despite not being Muslim, had his life and that of his wife’s spared. This came after an inquiry was made on whether he and his family belonged to the Islamic faith. Militant Islam played a crucial
role on who walked out of the siege alive or left behind at the mercy of the captors (Mcconnell, 2015).

In the Garrisa University attack, the terrorists equally made a distinction between Christians from the Muslims. As they stormed into the institution the terrorists opened fire and seemed well vast with the school surroundings because of their devoted focus and interest in a shooting directed at a lecture hall that was used as a place of worship for Christians habitually in the wee hours of the morning. The terrorists neither spared women nor Christians (Torchia & Odula, 2015).

The double attack in Mpeketoni portrayed identical characteristics as the other attacks discussed in the previous paragraphs albeit with a slight difference. In Jima village the assailants went for Christian men only, their life was cut short through beheading. The terrorists identified non-Muslims by asking them to recite verses from the Koran (World watch monitor, 2017; Morning Star News, 2014).

4.4.2 Al-Shabaabs’ Framework

Al-Shabaab has been striving to implement coercive Sharia law in Somalia with a bigger vision of establishing Islamic states in the Horn of Africa which means that Ethiopia, Kenya and Djibouti are included. It is rooted on a central theme of doing away with the “non-believers” (Gartenstein-Ross, 2009; Counterterrorism project, 2016).

Abdisaid (2008) points that the primary objective was to create an Islamic state, spread Wahhabbi Islamic ideologies that will extend throughout the horn of Africa and extend it to Eastern, South and Central Africa and to the whole of Africa. The possibility of establishing an Islamic caliphate is very enticing for the al-Shabaab.
Al-Shabab is a hierarchical body that first began operating as a youth group before taking on its present name associated with terrorism. The leap to a radical, Islamist militia group took place in 2006, triggered by Ethiopia’s foreign intervention in Mogadishu; the group rose up to drive away Ethiopian forces. The youth militia group formerly referred to as Al-Itihad Al-Islamiya (AIAI) was a sort of military arm of the Islamic Courts Union and would be used to bring order back to the capital and also push forward ICU’s agenda of a jihad directed against the foreign intervention of Ethiopian forces (CSIS, 2011).

Al-Itihad came first into the picture in the 50’s and became proactive after the ousting of Siyad Barre from power under a coup d’etat. It later on changed into the Union of Islamic Courts (UIC). UIC adopted the objectives of Al-Itihad and it continued to advocate for the spread of the Islamic ideology in the Horn of Africa as well as the creation of an Islamic state. It played a key role in taking over ports and cities in key areas in the south and central areas of Somalia. The group was short-lived, defeated by Ethiopia in 2006 giving birth to the present day Al-Shabaab (Abdisaid, 2008; Mulugeta, 2009).

Al-Shabaab emergence from the UIC was supported by the Somali people because of the absence of a government administration in the land and the power vacuum left al-Shabaab as a viable option to end clan rivalry in the territory. A nationalistic spirit was growing in Somalia and al-Shabaab saw it as an opportunity for leadership, they began exercising control within the territory and the group not only received support but was attractive to sympathisers both locally and from the Diaspora who joined and formed part of it (Abdisaid, 2008; Mulugeta, 2009).

From 2009 al-Shabaab had spread its wings of influence far and wide in the vast Somalian territory taking captive strategic areas to fast track its ambition. It is estimated that the group made close to $1 million US dollars per day from tax cuts obtained from
inspections and ports for instance in 2010 it took possession of port city of Haradere. The following year al-Shabaab began launching attacks in the neighbouring state of Kenya in retaliation to its invasion into Somalia under the banner of AMISOM (Jones, Liepman & Chandler, 2016).

AMISOM stormed in full force in the Somalia region and its first few months resulted in it taking hold of 13 out a total of 16 Mogadishu districts. Kenya on the ground as the year came to a close launched massive air and land attacks. Al-Shabaab was experiencing the weight of the attacks, especially after the Kenyan military presence. This incident pushed al-Shabaab to make a formal declaration of a partnership with al-Qaeda in early 2012. AMISOM on the other hand become stronger bolstered by other countries such as Sierra Leone, who send their troops along. The terrorist group began losing ground in Key territories it had once held prominence (Jones, Liepman & Chandler, 2016).

In 2013, AMISOM was experiencing tremendous success in taking over territories previously under the hold of the militia group. Not only was it losing territory but also key financial hubs. Despite them losing ground, al-Shabaab still launched terror attacks within Somalia and in the neighbouring states. The group was equally experiencing internal conflicts among the members but irrespective of its challenges, the group was still able to launch high profile attacks for instance within the Somalia territory, the Somalia president was a prime target in 2013 and in 2014 they tried to launch an offensive in his residence. In 2014 an airport was also targeted and several other soft targets including a chain of restaurants and hotels. Kenya has experienced over 440 attacks from 1970 to 2014, with a majority of them focussed in Six areas from ascending order; Nairobi totalling to 76 attacks, 53 attacks in Garissa, 50 attacks in Mandera, 27 attacks in Mombasa, 23 attacks in Wajir and 17 attacks in Daadad refugee camp (Start, 2015; Jones, Liepman & Chandler, 2016).
In 2015, the Kenyan attack in Garissa University hit international headlines and the group appeared unrelenting in its pursuit to claim more lives. A look into 2016, al-Shabaab was operating in a limited number of areas (Jones, Liepman & Chandler, 2016).

4.4.3 A Weakened al-Shabaab

The most memorable and lethal attack ever considered is Al-Qaeda’s bombing of the American embassies that left a death toll of more than 2000 and a total of 4000 wounded. Since 2008 the Islamist group was held responsible for most of the attacks in Kenya and the Horn of Africa. After 2015 Al-Shabaab has had limited control in its previous strong holds in Somalia, although this has not hindered the group from coming up with alternative sources of finance, mostly obtained from the territories it still has control over and humanitarian organisations as well the nongovernmental organisations. Kismayo port was one of its prominent losses that account to millions of dollars yearly. In 2016 al-Shabaab focussed on military bases for AMISOM and Somali National Army bases (Jones, Liepman & Chandler, 2016).

Al-shabaab is still considered as a threat because of its propensity to carry out random attacks that even use human shields and combatants including AMISOM and Somalia government officials. A steady increase in attacks was recorded from 2007 to 2014 and it was concentrated largely in the neighbouring state of Kenya and in Somalia. In 2014, the lethality of the Garissa University was unprecedented in a learning institution since the history of terrorism from 1970. The group carried out a total of 80 attacks in Kenya, mostly in the Northern parts of Kenya, Mandera, Mombasa and Garissa respectively while only 9 attacks occurred in Nairobi. On the contrary, a decline was recorded in attacks in 2015 albeit its violence being at its peak. The decline is attributed to AMISOM intervention in Jubba (Start, 2015; Jones, Liepman & Chandler, 2016).
The high spate of attacks in the previous years was motivated by a number of factors. First, the group was trying to push the foreign troops out of Somalia and used whatever means, such as attacking non-combatants. Secondly, to press governments such as Kenya and Somalia to act out of rage and use the unrest from the attacks as a baiting strategy that would evidently profit the Islamist militant group. The strategy is aimed at aggravating governments by attacking innocent non-combatants to draw a hasty and mostly forceful reaction. Lastly, the group could be deviating finances it had set aside or had at its disposal previously used to exercise control over its territories before it lost them, in the absence of the territories these finances find a new purpose, that is, to launch out new attacks (Jones, Liepman & Chandler, 2016).

At the height of its attacks, al-Shabaab released a publication, “Gaidi Mtaani” shortly after the West gate attack in Kenya. The publication expressed the groups’ grievances against Kenya as well as an explanation for their attack. They pointed out that Kenyans’ activities in Somalia symbolised an attack against Islam and its devotees of the Islamic faith (Jones, Liepman & Chandler, 2016).

The frequency and verocity of attacks may have earned al-Shabaad international recognition but it cost them the loss of public support in Somalia and in the neighbouring Kenyan state. The weakening of the al-Shabaab was motivated by the involvement of AMISOM ground campaigns propped by the United States air support, intelligence operations; logistical amongst others who collaboratively helped slowly loosen the tight grip of al-Shabaab in the diverse regions within Somalia (Jones, Liepman & Chandler, 2016).

The support of the United States and other nations such as Syria and Afghanistan in terms of the air strikes was very crucial in killing the al-Shabaab members. For instance, the al-
Shabaab leader Ahmed Abdi Godane was killed by a U.S strike; the master mind behind the Westgate attack, Garaar was equally killed. While in 2015, yet another prominent al-Shabab leader, Abdirahman Sandhere was killed and in 2016 a US strike killed about 170 members in a militant training camp. The strategy of decapitation, which targets leaders of al-Shabaab, has been used in all these operations, but its effectiveness is something that needs a lot of consideration in its ability to incapacitate militant groups (Jones, Liepman & Chandler, 2016).

4.4.4 The al-Shabaab-Al Qaeda connection

Irrespective of the difference in the targets of the al-Shabaab as highlighted, the al-Shabaab is driven by a radical Islam ideology, which is a common aspect in radical Islamist organisations such as al-Qaeda or ISIS. The connection between the two organisations became evident when the Islamic courts took Mogadishu captive. Ethiopia became entangled in a war that was meant to stop ICU’s expansion on Baidoa, soon after the leader of Al-Qaeda, Ayman al-Zawahiri in an internet video asked Muslims to rally behind ICU and fight against Ethiopians (Gatenstein-Ross, 2009).

This was later followed by a series of videos, the 2007 video by one abu Yahya called for Muslims to be part of the Mujahideen in Somalia and the Al Qaeda leader referred to the Somalian nation as a home for al-Qaeda’s Mujahedeen together with Afghanistan and Iraq. In 2008, Zawahiri replied to a video from the Al Shabaab’s main military strategist, which seemed to be championing for their cause without any signs of relenting until the establishment of an Islamic state. In 2009, Osama Bin Laden also joined the bandwagon; he released a video asking al-Shabaab to surge on (Gatenstein-Ross, 2009).

In 2012, Al-Shabaab made a formal declaration of their allegiance to al-Qaeda and this resulted in migration of a few al-Qaeda fighters from training camps in Afghanistan to
Somalia. Al-Qaeda then took a place of importance in al-Shabaab and the relationship resulted in exchange of information, creative weapons tactics such as more lethal car explosives and laptop explosives including trainings to carry out attacks (Counter extremism project, 2016). The close knit association between the two sounded the alarm bell, of a potential threat to the interests of United States in the East Africa, in the Arab Peninsula as exemplified by the increased attacks against the United States base in Yemen (Jones, Liepman & Chandler, 2016).

In 2015, Al-Shabaab pledged loyalty to Islamic State and it was confirmed that some of the members moved to ISIS due to a rift among the different factions of the group in Somalia (Sheikh, 2015).

4.4.5 Radicalisation and Al-Shabaab

Al-Shabaab has the connotation of the youth and several of its recruits are adolescents and young adults below the age of thirty. The spate of the attacks that have occurred in the Kenyan territory, have provided uncontested evidence that Kenyan nationals have been participating in offenses against fellow Kenyans. The group is taken to Somalia for training with the help of Muslim clerics in Nairobi, Coast and North Eastern Province (Nzes, 2012).

Nzes (2012) argues that certain places within Kenya provide good grounds for radicalisation. History plays a crucial role in understanding the potential places of radicalisation in Kenya. The Shifta war that took place in the North Eastern part of Kenya after Kenya got its independence, Britain gave control of this region to Nairobi and war preceded as attempts to join Somalia played out during the 60’s. A state of emergency decree by the government of Kenya was declared and this lasted for over thirty years.
Bosh (2015) posits that the Northern part of Kenya has suffered over the decades, the Somali people came to the limelight because of their attempt to secede from the Kenya and after Kenyans’ military intervention in the neighbouring Somalia, the area suffered a massive blowback from the militant group for instance during the Garissa University attack. The area is under tight scrutiny by the Kenyan forces, in several occasions they violate human rights against the residence and make living conditions unbearable.

The forces employ oppressive measures, for instance after the Garissa University attack they carried out “operation Garissa Gubay”. These draconian strategies build up rage among the locals and the youth feel disposed to join the al-Shabaab (Bosh, 2015).

An increasing concern in radicalisation was propelled by the discovery of the establishment of the 1998 Muslim Youth Center (MYC) located at the Pumwani Riyadha Mosque that served as a mouthpiece for aggrieved Muslim youth. The facility helped in the recruitment of many al-Shabaab fighters, catered for their financial upkeep as well as holding other covert radicalisation programmes in Nairobi, the Northern part of Kenya amongst other regions (Nzes, 2012).

According to Fannin & Schifrin (2016), an interview was conducted with three Kenyan al-Shabaab members belonging to the Muslim faith. The interviewees referred to Sheikh Ahmed Iman Ali of the pumwani Riyadha Mosque as instrumental in not only their recruitment but that of several other youths. His strategy was to go for the susceptible lot languishing in poverty, lure them with his charming preaching, propaganda videos that slander Kenya as an anti-Muslim nation and the promise of receiving money.

In recollecting their personal accounts of their journey to terrorism, one of the young men was arrested for theft and while behind bars he met former al-Shabaab fighters who convinced him to join the terrorist group. A member was paid a weekly amount of
approximately Ksh10, 000 weekly and Ksh50, 000 for becoming a member (Fannin & Schifrin, 2016).

According to Botha and Abdile (2014) some of the major reasons for joining the al-Shabaab as discussed included a sense of belonging, money, responsibility and fear, largely because the radical Islamist group uses intimidation to woe and keep the fighters in the battle. The militant group has in the recent years spread propaganda that has helped fighters stick to a frame of mind that believes that Islam religion was under threat. This kind of narrative helps justify their cause of violence. Interestingly, the interviewees confirmed that a lot of Kenyan nationals were part of the fighters.

Botha (2014) adds that Muslim youths join the terrorist organisation because they perceive that the Kenyan government is against the Muslim community, this creates a divide in a Christian majority nation and this creates a rift that causes the youth particularly the Muslims to go for a religious identity as opposed to a national identity. Munk (2016) points out to research by the institute for security studies that reinforces that the selective counterterrorism measures against Muslims only contribute to radicalisation.

Allen (2015) reported a massive recruitment campaign taking place in the northern part of Kenya; this came out after investigations following the Garissa attack, where one of the assailants was a Kenyan. Additionally, reports indicated that Several young men disappeared without a trace in Isiolo town and the families expressed their worst nightmares, particularly one of the families revealed that their son spoke in admiration about the teaching of the late Mr. Rogo Aboud, an Islamic Sheikh who was involved in recruitments of new members to join the Islamist group.

Even with the knowledge of radicalised Kenyans looming large, 2017 bore what could be assumed as good tidings for Kenyan authorities as an estimated number of six al-Shabaab
sought to return home after a disagreement within the group. Some of these individuals were wanted criminals and a ransom had been offered to any person who would give the police information concerning their whereabouts (Ombati, 2017).

One of the key members featured in the return was Ahmed Iman also known as Kimanthi, he held a prestigious position close to the top dogs who were behind the intelligence that controlled the Garissa University attack, he was also a very popular face in al-Shabaab Youtube videos. The disagreement was furthered by mistrust from the different factions, and this was largely directed towards the Kenyans. Internal suspicions often result in executions, which are a common occurrence in the group. In 2017 four men were killed by the al-Shabaab following suspicions of a double standard in connection with AMISOM (Mukinda, 2017; Mukinda 2017).

Several other executions occurred in January, the victims were not Kenyan nationals but members affiliated with the al-Shabaab. The victims were believed to be in collaboration with their enemies; Kenya, United States, Ethiopia and Somalia as secret agents (Goldberg, 2018).
CHAPTER FIVE:

5.0 Summary, Conclusion and Recommendations

5.1 Introduction
This chapter makes up the very last chapter of the study. The chapter sums up the study; it makes an in-depth analysis of the findings guided by the research objectives. By doing so, the study will provide results that will pave the way for a conclusion. Finally, recommendations to be taken up by the Kenyan government will be discussed.

5.2 General Summary and conclusion
Terrorism and its preeminent objective; to perpetrate terror to its target audience resulted in massive implications on its victims and the governments alike, as exemplified in the Kenyan case. Terrorism, though not a new phenomenon has kept reinventing itself, terrorists are looking for more lethal, massive, media-attracting yet covert ways to perpetrate heinous acts. Governments on the other hand are looking for practical and more tangible ways that will incapacitate these terror operations and networks. The role of the government is to protect its civilians and any government that fails to do so is deemed as failed. Governments therefore strive to build their capabilities to meet this goal that is militarily, economically etcetera.

It is on this note that governments adopt the realist strategies of the use of force and repressive measures to combat terrorism. Kenya is not a stranger to the use of repression to combat terrorism, after the 9/11 and the formulation of the Global War on Terror Network (GWOT), Kenya and other states have been under immense pressure to combat terrorism, the rhetoric of the “war on terror” has not helped much either. Predominantly,
pressure from the United States as a super power has oriented Kenya to both reactionary and repressive policies in the fight against terrorism.

Other factors within the domestic jurisdiction of Kenya such as the killing of the foreigners in the Kenyan coast may have been a contributing factor; however to a lesser degree. Kenya has been a rather passive state in implementing a heavy handed counterterrorism approach such as intervening in Somalia. This can be traced from its counterterrorism measures from its first terrorist terror attack in 1998 through to 2011, right before launching a military attack in Somalia.

Al-Shabaab was never a pressing priority in Kenya’s security architecture. The group is affiliated with the al-Qaeda, who are commonly known for their anti-western propaganda, their primary target in partnership with al-Qaeda, from the very beginning has been individuals from the west, but in the event of them launching discriminate attacks to specified “western” targets in Kenya, Kenyan citizens were caught up in the middle and hence the nation incurred massive casualties as well.

In 2011, Kenya took on a military intervention campaign against the al-Shabaab with the hope of Keeping Kenya safe. The operation was dubbed “Operation Linda Nchi, it was designed to buffer the vast area diving Kenya and Somalia. The result of this use of force was catastrophic for the Kenyan nationals, who shortly afterwards became susceptible to attacks from the radical Islamist group. Kenya bit more than it could chew; the group in fury, launched several attacks that took a toll in Kenyan’s economy, particularly the tourism sector. Western countries issued travel advisory warning against Kenya. Kenya was labelled a terrorist hot bed.

Not only did it take a toll in the economy, but Kenyans lived in constant fear of attacks, the most susceptible regions included Nairobi and the Northern frontier of Kenya, the
towns in that region are prone to attacks due to their close proximity to Somalia. Islamophobic tendencies crept back to the nation.

The al-Shabaab meaning the Youth have been relentless in their revenge attacks. The group is not unique in its characteristic as a terrorist group. Previously considered as an insurgent group but after its attacks outside its jurisdiction, the United States branded it as terrorist group. The terrorist groups’ goal is to establish an Islamic caliphate that would stretch from Somalia, to the horn of Africa and finally to Africa as a whole.

In combating al-Shabaab, the Kenyan government has been relying predominantly on the use of force and repressive policies. The “boots on the ground” in Somalia and use of heavy handed mechanisms within their jurisdiction have been encouraged by the Kenyan government. These heavy handed approaches have been described as not only as coercive, but discriminatory and unwarranted for. Kenyan government focus has been only to deal ruthlessly with suspects of terrorism yet paying little attention on how these measures can affect their efforts to fight terrorism.

The coercive and discriminate method has targeted the Muslim, ethnic Somalis’ of the Kenya descent and specific regions or areas particularly where this group resides. Human rights watch have recorded empirical evidence of the Kenyan Anti terrorism police Unit as the main perpetrators.

These measures have been repressive in nature whether carried out through the Intelligence Unit, the National intelligence Commission, through the Anti-Terrorism Police Unit or the police, exercising financial control or use of surveillance. These has resulted in violations of physical integrity rights, reported cases of forced disappearances, torture, rampant shooting and killing of Muslims. This kind of approach has justified the
rhetoric on Islamophobia, ethnic Somali’s and Muslims feel displaced in a country they have called home for years.

Most importantly, the agenda has served to the advantage of the al-Shabaab who make use of it to wage a propaganda war supposed to woe young men into fighting for al-Shabaab. The young are indoctrinated with videos that incriminate Kenya as the enemy, this therefore builds an anti-Kenya sentiment and because a majority of the Kenyans are Christians, it cements the anti-Christian rhetoric giving the al-Shabaab a cause to go out for war and look for new recruits.

The target group of the al-Shabaab includes the youth particularly below 30years from underprivileged backgrounds who in most cases did not have access to an education. The youth feel justified to go to war against infidels in defence of Islam. For instance, in the Westgate and Garissa attack, they targeted Christians and spared Muslims and in the Westgate attack a woman of French descent was spared and the attacker made an overt confession to her; the attack was aimed at Kenyans and the United States nationals.

The study has revealed that discriminatory counterterrorism policies often worsen the problem of radicalisation. Most of the radicalised youth, out of anger, frustration and influence from their fellow peers would be radicalised, fighting a jihad or a holy war. Poverty is also a fuelling factor, and many self confessed al-Shabaab members of a Kenyan nationality have attributed poverty as a motivating factor.

It is important to note that, the attacks in Kenya were primarily fuelled by Kenyan’s use of force in the Somalia territory. One of the attackers in the Westgate mall complained that Kenyans have infringed on their territory and killed a lot of their people. As Kenya kept launching its offenses in Somalia, the al-Shabaab developed an anti-Kenyan and
anti-Christians rhetoric to keep fighting and recruiting fighters. These policies have created tension between the Muslims and the Kenyan government.

The use of force and repression can only serve a short term goal to the problem of terrorism but in the long run complicate the war on terror. As illustrated by the al-Shabaab Islamist group, they have over time taken on a new shape to accommodate and fight back the military campaign launched against them. Every time looking for new ways to spread fear and carry out new attacks.

In what may seem as light at the end of the tunnel, these strategies have been successful at weakening the group. The African Union Mission and Kenya as part of the military force, have taken over control of vital territories once under the control of the al-Shabaab. Irrespective of taking away key financial hubs and virtually disrupting their operations, the group still keeps carrying out attacks both within the Somalia territory and in Kenya particularly in the Northern part of Kenya. Therefore the war is causing the al-Shabaab to be more resilient to ensure survival.

The cost of the waging war in Somalia is extremely expensive not only in economic terms but in terms of the lives lost including the Kenyan defence forces. Kenya has thrown around the idea of withdrawing its troops, yet the unintended consequences have not yet been put into consideration. This may imply that Kenya has to consider an overhaul in its counter violent extremism measures, working towards bolstering security in its jurisdiction.

In its entirety, the war against al-Shabaab is not yet over even though they may have been weakened surprisingly they still defy the odds and still carry out retaliatory attacks though not in the scale and magnitude as was before. This statement is however contestable,
owing to the fact that, the loss of lives is now more to the military forces, and the numbers are substantial to warrant a rethinking of force in Somalia.

The resent fall-out between Kenyan al-Shabaab and native al-Shabaab from the Somalia is a picture that, the war is still on and that the radicalised Kenyans are still in Somalia.

Radicalisation is now covert, vigilance is important and the Kenyan government should not down their axe in proactive measures to ensure lasting policies that will assimilate the Somali community and focus on security strategies that are rather accommodating in volatile regions of the Northern Frontier. Force and repressive policies have been proven to only exacerbate an already dire situation but complicate a delicate situation as exemplified by the fight against terrorism in the Kenyan case and other cases.

In any violent conflict, the opposing sides have a cause for their engaging in violence and this is important in determining whether the conflict will end. An example of an intractable conflict has been the Palestine- Israeli conflict and one main reason for the persistence is the retaliatory attacks launched by either of the group. The goal is to ensure that the group suffers equal or greater loss from the attack launched by the other opposing group; these counterattack strategies create a constant state of apprehension between the warring groups. The random attacks by Palestine causes Israeli’s to react with even greater lethality and these has been proven as a contributing factor to the heightened and recurring conflict.

From this analogy, al-Shabaab attacks have been found to be rather ideological; they launch lethal attacks to provoke an adverse reaction from the Kenyan government. Hence creating an endless cycle of violence, in the long run breeds resentment and cultivate fear and reprisal attacks. Therefore Kenyan’s use of Force and heavy handed approaches to counter terrorism does not yield to a “good counterterrorism policy” that is aimed at
minimizing, foiling or making it hard for future attacks. On the one hand, the use of force and repression may provide temporal reprieve, but in the long run, complicate the war on terror through a build up of resentment. On the hand force may have short term negative consequence as was in Kenya after 2011, and after a while provide a sense of peace as it seems right now because attacks have downscaled but in the long run it works counter the goal of upholding security and should Kenya decide to walk out of the war scene, these could provide an opportunity for regrouping, rearming and launching fresh reprisal attacks. The role of Kenya in AMISOM cannot be downplayed as they have been instrumental in pushing back the militant incursion and taking hold of strategic areas such as the Kismayu Port that provided al-Shabaab with finances to run its terrorist operations. Irrespective of these Kenya has been said to be indirectly fuelling illegal activities of the group through illegal importation of coal and sugar.

5.3 Recommendation
Based on the information gathered, the study recommends these measures to the Kenyan government.

Kenyan governments’ violent extremism programme should observe human rights and refrain from ethnic profiling. Targeting specific communities is a discriminatory approach that causes ethnic Somalis and Muslims to feel left out, marginalized, unimportant and consequently stirs up tension between this group verses the government. Such feelings breed hatred and facilitate radicalisation among the youth. The youth are very susceptible to influence and therefore an easy prey for radical groups such as the al-Shabaab.

With regards to its CVE programme, the government should increase awareness of it in order to encourage accountability and participation of the general public from all social and economic standings, religious-based organisations and civil society to assist in
counter violent extremism projects. Focus should be to vulnerable areas where the population is likely to be involved in extremism. To further ensure the program is fully embraced and sustainable the government should repair the burned bridges from these communities and areas. This could be a long-term sustainable measure to get information privy to the combating radicalisation.

The Kenyan government should involve women in counter terrorism, bearing in mind the importance of women in conflict resolution as presented by the United Nations policy makers. Although Kenya government has adopted the Kenya National Plan (KNAP) to help fast truck UNSC resolution 1325 that advocates for the inclusion of women in conflict resolution. The role of women in the counterterrorism initiatives is not clearly stipulated by the Kenyan government. Women will be very instrumental in helping with policies and programme that involve de-radicalisation.

The government should address the problem related to poverty as a long-term strategy in fighting radicalisation. The government should seal the loop holes of corruption that stall the development agenda, increase accountability of government institutions, make tougher legislations and heighten intelligence to unearth hidden corruption cartels. Development would in the long run boost the economy and increase job opportunities for Kenyans. A healthy economy makes up for what an impoverished and corrupt economy could not do effortlessly.

Finally, the government and policy makers should encourage proactive measures in implementing any previous suggested strategies. This includes security measures geared towards putting up the 440 mile long concrete wall on the Kenya-Somalia border but not limited to it. The policy makers should encourage due diligence, such as the monetary
terms, viability of a project, therefore this encourages planning in collaboration with the nation security priorities.
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suffer-again-at-the-hands-of-kenyan-authorities-but-it-wont-make-our-country-safer/


