MULTILATERAL APPROACHES ON THE WAR AGAINST GLOBAL TERRORISM: THE ROLE OF THE EUROPEAN UNION IN KENYA

BY
OSORO, TIMOTHY ONGA’U
REG: NUMBER: 647461

THESIS SUBMITTED TO THE SCHOOL OF HUMANITIES AND SOCIAL SCIENCES IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF MASTER OF ARTS DEGREE IN INTERNATIONAL RELATIONS.

SPRING 2019

UNITED STATES INTERNATIONAL UNIVERSITY-AFRICA
DECLARATION

I, the undersigned, do hereby declare that this thesis is my original work, and has not been submitted to any other college, institution or university other than the United States International University-Africa, for academic credit.

Signed: __________________________  Date: __________________________

OSORO, TIMOTHY ONGA’U

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

SUPERVISOR

Signed: __________________________  Date: __________________________

MR. LEONARD MAUMO

I hereby endorse this document subject to all the university requirements.

DEAN: SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

Signed: __________________________  Date: __________________________

PROF. MARTIN NJOROGE

DEPUTY VICE CHANCELLOR, ACADEMIC AFFAIRS

Signed: __________________________  Date: __________________________

AMBASSADOR PROF. RUTHIE C RONO HSC
DEDICATION

I dedicate this research paper to my parents (Mr. & Mrs. Osoro) for the amazing job they do to the society and in parenting, the love they have for humanity and for the regard they have for education.
ACKNOWLEDGEMENTS

My gratitude goes to my supervisor Mr. Leonard Maumo for his valuable guidance, cooperation, and encouragement during the course of this research. I am also thankful to my lecturers who went out of their way to provide me with every possible support and information I required in preparing this thesis.

I appreciate my family; Douglas obuya; Erastus Ong’aga; Robina Osoro; Rebecca nyabonyi and Lennice Andega. Friends; Bagwasi; Don; Nixon and Karanja, my colleagues and classmates for the support and the immense knowledge they shared with me that made this research a success.
# Table of Contents

DECLARATION .......................................................................................................................... ii
DEDICATION ............................................................................................................................ iii

ACKNOWLEDGEMENTS .......................................................................................................... iv

ACRONYMS/ABREVIATION ................................................................................................... viii

CHAPTER 1 ................................................................................................................................. 1
  1.1 Introduction ..................................................................................................................... 1
  1.2. Statement of the Problem .............................................................................................. 5
  1.3. Purpose of the Study / Objectives of the Study ............................................................. 6
  1.4. Research Questions ....................................................................................................... 6
    1.4.1. Hypotheses ............................................................................................................. 7
  1.5 Justification of the Study ................................................................................................ 7
  1.6. Scope and Limitations of the Study .............................................................................. 8
  1.7. Definition of terms ......................................................................................................... 9
    1.7.1. Terrorism .............................................................................................................. 9
  1.8. Theoretical Framework ................................................................................................ 12
  1.9. Chapter Summary and Summary of all Chapters ......................................................... 15

CHAPTER 2 ............................................................................................................................... 16
  2.0. LITERATURE REVIEW .................................................................................................. 16
  2.1. Introduction .................................................................................................................. 16
  2.2. International Terrorism and Counterterrorism Regimes ............................................ 16
  2.3. Terrorism in Africa and Counterterrorism Regimes .................................................... 24
  2.4. Terrorism and Counterterrorism in Kenya ................................................................. 34
  2.5. Chapter Summary ......................................................................................................... 47

CHAPTER 3 ............................................................................................................................... 47
  3.0. METHODOLOGY ........................................................................................................... 47
  3.1. Introduction .................................................................................................................. 47
  3.2. Research design ............................................................................................................ 48
  3.3. Study population and sample selection procedures ................................................... 48
  3.4. Data collection ............................................................................................................. 48
  3.5. Data Analysis and Interpretation Techniques ............................................................... 49
  3.6. Ethical issues ................................................................................................................ 49
3.7 Chapter summary ........................................................................................................... 49

CHAPTER 4 .......................................................................................................................... 50

4.0 DATA PRESENTATION, ANALYSIS AND FINDINGS ......................................................... 50
4.1. Introduction ..................................................................................................................... 50
4.2 EU Policy on Terrorism .................................................................................................. 50
  4.2.1 Security Cooperation ................................................................................................. 50
  4.2.2. EU counter terrorism Measures .............................................................................. 51
  4.2.3 Security cooperation .................................................................................................. 53
  4.2.4. Military support ......................................................................................................... 56
  4.2.5. Funding peace keeping forces. ................................................................................. 56
  4.2.6. Ensure Stability ........................................................................................................ 57
4.3. Factor Leading to EU new counter terrorism mechanism ............................................. 57
  4.3.1. Factors catalyzing EU fights against Terrorism ....................................................... 57
4.4. European member states terror attacks trend ................................................................. 58
  4.4.1. Cases reported .......................................................................................................... 58
  4.4.2. Arrest cases .............................................................................................................. 60
  4.4.3. Convicted cases and acquittal .................................................................................. 61
  4.4.4. Weapons Used in Terror attacks .......................................................................... 62
  4.4.5. Explosives ................................................................................................................. 63
  4.4.6. IEDS-Improvised Explosive Devices ...................................................................... 64
  4.4.7. Military Explosives .................................................................................................. 65
4.5. Chapter Summary .......................................................................................................... 65

CHAPTER 5 .......................................................................................................................... 67

5.0 SUMMARY, RECOMMENDATIONS AND CONCLUSION .............................................. 67
5.1. Summary ....................................................................................................................... 67
5.2. Recommendation ......................................................................................................... 68
5.3. Conclusion .................................................................................................................... 68
REFERENCES ....................................................................................................................... 70
ABSTRACT

Terrorism has become an increasing threat to international peace and security with a devastating impact on vulnerable states like Kenya. Since the 9/11 attacks, anti-terrorism has been at the top of the agenda of the international and regional organizations, and the international community has taken further steps to enhance co-operation to prevent and combat terrorism. As a result, a large number of international, regional and national initiatives have been adopted in the last decade against terrorism (Kaponyi (2007). International organizations led by the United Nations (UN) have made considerable efforts in addressing the threats and challenges posed by terrorism among the member states. Accordingly, the UN, regional organizations and individual states have adopted several conventions, resolutions and laws on counterterrorism. For example, the European Union (EU) has attempted to address the threats posed by terrorism in Western Europe and in developing states facing terrorism threats such as Kenya. Even though a number of counterterrorism measures have been put in place at the international, regional and nation state levels, terrorism remains a threat to both peace and security. Viewed from the international conventions and resolutions, there is no concrete definition accepted by states, which gives rise to various approaches in counterterrorism. Thus, the balance between combating terrorism and observation of human rights must be protected under the UN conventions, resolutions and domestic laws. The study therefore analyses the role and implications of EU’s international counterterrorism approaches in Kenya in the context of international, regional and state level regimes.
# ACRONYMS/ABREVIATION

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATPU-</td>
<td>Anti-Terrorism Police Unit</td>
</tr>
<tr>
<td>CTC-</td>
<td>Counter-Terrorism Committee</td>
</tr>
<tr>
<td>CSOs-</td>
<td>Civil Society Organizations</td>
</tr>
<tr>
<td>EC-</td>
<td>European Council</td>
</tr>
<tr>
<td>EU-</td>
<td>European Union</td>
</tr>
<tr>
<td>Interpol-</td>
<td>International Criminal Police Organization</td>
</tr>
<tr>
<td>IR-</td>
<td>International Relations</td>
</tr>
<tr>
<td>OSCE-</td>
<td>Organization for Security and Co-operation in Europe</td>
</tr>
<tr>
<td>SSA-</td>
<td>Sub-Saharan Africa</td>
</tr>
<tr>
<td>UK-</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>UN-</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNCS-</td>
<td>United Nations Counterterrorism Strategy</td>
</tr>
<tr>
<td>UNGA-</td>
<td>United Nations General Assembly</td>
</tr>
<tr>
<td>UNSC-</td>
<td>United Nations Security Council</td>
</tr>
<tr>
<td>US-</td>
<td>United States</td>
</tr>
<tr>
<td>AMISOM-</td>
<td>African Union Mission in Somal</td>
</tr>
</tbody>
</table>
CHAPTER 1

1.1 Introduction

Terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security (United Nations Security Council-UNSC, 2003). Terrorism threatens the territorial integrity of states, and destabilize legitimate governments. Terrorist attacks aimed at the destruction of democracy and pluralist civil society seriously jeopardize human rights and fundamental freedoms, thus causing loss of life, and destruction of properties. Terrorism puts the state under threat: targets of violent acts can be civilians, government officials, military personnel, or people serving governments interests (Kaponyi, 2007:2-3).

From the 1970s, several terror attacks have occurred all over the world, like the massacre in Munich during the 1972 Summer Olympics, West Germany; hostage-taking in 1975 at the Organization of Petroleum Exporting Countries (OPEC) headquarters in Vienna; bombing of Cuban Flight in 1976; bombing of Air India Flight from Canada in 1985; destruction of Pan Am Flight over Lockerbie in 1988; Mumbai bombings in 1993; US embassy bombings in Kenya and Tanzania in 1998; Omagh bombing in Northern Ireland; Russian Apartment Bombing in 1998; attacks in New York and Washington DC in 2001; and the attack on UN offices in Baghdad on August 9, 2003 that claimed the life of the Special Representative of the Secretary-General, Sergio Vieira de Mello.

In recent decades, the UN General Assembly (UNGA) and UNSC have played major roles in counterterrorism. The counterterrorism resolutions and conventions which was adopted under the United Nations are characterized by their wide-ranging approach, taking into account security aspects, human rights issues, the development of international law and the fight against
international crime (Kaponyi, 2007:6-7). Following the terrorist attacks on the United States’ (US) embassies in Kenya and Tanzania in 1998 and the 9/11 attacks in 2001 in the US, the United Nations Security Council (UNSC) adopted Resolution 1373 that established the counterterrorism Committee (CTC) (UN, 2006). As a result, in 2012, following Resolution 1373, Kenya enacted the Prevention of Terrorism Act, 2012. The resolution compelled states to change their domestic laws and enter into international treaties and obligations that allowed law enforcement agencies to fight terrorism.

In September 2006, the UN Member States formed a joint strategic framework aimed at fighting terrorism, known as the UN Counterterrorism Strategy (UNCS) to enhance international, regional as well as the national counterterrorism efforts by the use of four pillars: measures to increase the capacity of a state in preventing and combating terrorism; address the conditions that enable the spread of terrorism; measures to guarantee human rights are upheld and make the rule of law a fundamental basis for the fight against terrorism and activities of terror; and prevent and combat terrorism.

Capacity building has been one of the most important international counterterrorism measures. These are seen in the UN Summit on Terrorism, Security, and Democracy where the then-Secretary General Kofi Annan presented a proposal on counter-terrorism strategy. The five ‘D’s are; denouncing terrorism, defending human rights, discouraging state support for terrorism and acts of terror, denying terrorists from accessing money and arms, and developing state security. Kenya has enacted legislation and formulated several measures and strategies to combat terrorism with the help of the EU and other western states led by the US. Besides, training and equipment have also strengthened Kenya’s capacity to fight terrorism.
In compliance with the UN, many other effective counterterrorism measures entered into effect at the European level. The Declaration of March 25, 2004 of the European Council (EC) formulated seven strategic objectives for the EU’s Action Plan against terrorism, namely: to deepen the international consensus and increasing international efforts in the fight against terrorism; to reduce the access of financial and economic resources to terrorists; to take full advantage of the capacity within EU bodies and Member States to identify, investigate and prosecute terrorists and to prevent terrorist attacks; to enhance the capability of the EU and of Member States to deal with the consequences of a terrorist attack; to protect the security of international transport and ensure effective systems of border control; to address the factors which contribute to support for, and recruitment into, terrorism; to target actions under EU external relations towards priority Third Countries where counterterrorist capacity or commitment to combating terrorism needs to be enhanced. As a result of the terrorist attacks in Madrid on March 2004, the EC stated:

The threat of terrorism affects us all. A terrorist act against one country concerns the international community as a whole. There will be neither weakness nor compromise of any kind when dealing with terrorists. No country in the world can consider itself immune. Terrorism will only be defeated by solidarity and collective action (Cited in Kaponyi, 2007:11).

The EU, therefore, urged its Member States to take measures that remain necessary in fully implement the legal instrument such as the Framework Decision on the European Arrest Warrant, Framework Decision on Joint Investigation Teams, Framework Decision on Combating Terrorism, Framework Decision on money laundering, the identification, tracing, freezing and confiscation of instrumentalities and the proceeds of crime, Decision establishing Eurojust, and the Decision on the implementation of specific measures for police and judicial co-operation to combat terrorism (Cited in Kaponyi, 2007:11).
In December 2004, the EC adopted specific measures on combating terrorist financing, and more general policy conclusions on civil protection, prevention of recruitment, critical infrastructure protection, and external security policy. Following the London attacks in July 2005, EU Interior Ministers held an extraordinary meeting where they agreed that all measures already decided upon should be implemented as a matter of urgency. These include European evidence warrant; strengthening of Schengen and visa information systems (SIS) biometric details on passports; combating terrorist financing; prevention of recruitment and radicalization, and greater controls over trade, storage and transport of explosives (Cited in Kaponyi, 2007:14).

Kenya is a critical partner in counterterrorism efforts in East Africa, and the recipient of significant donor assistance from the US, the UK, and the EU. The Government of Kenya established the Anti-Terrorism Police Unit (ATPU) is a special division of the Kenya Police Service in February 2003 to carry out specific investigations and arrests related to terrorism, conduct specialist operations, while the National Security Intelligence Service (NSIS) was transformed to focus more on criminal intelligence, counter-terrorism, money laundering, narcotics trafficking and proliferation of illicit arms. In external cooperation, Kenya has ratified the twelve international conventions, protocols and initiatives for the fight against terrorism such as the East African Counterterrorism Initiative (EACTI). Kenya has ratified Africa Union's Convention on the Prevention and Combating of Terrorism 1999 and its 2002 Protocol which has developed a 'Plan of Action on the Prevention and Combating of Terrorism in Africa which specifically references the obligations set out under UNSC RES1373. However, some impediments, internal and external, still exists in Kenya's internal and external cooperation towards the implementation of UNSC Resolution 1373 that requires international cooperation.
1.2. Statement of the Problem

Terrorism continues to pose a threat to Kenya. The country has been the victim of major terror attacks in the capital city of Nairobi and the coastal town of Mombasa. The first terrorist attack took place in 1975 and subsequently in 1981, 1998 and 2002. Although the issue remains unresolved, the first terror attack was domestic (Kenyan were the main target,) while the 1981 and 2002, terrorist attack was external targeting Israeli hotels and an Israeli airliner in Nairobi and that left 15 people dead, but failed in their attempt to shoot down an Israeli airliner with a surface-to-air missile. The most significant attack was twin bombings of U.S. embassies in Nairobi and DaresSalaam killed 227 and wounded hundreds more. The most recent however is September 21, 2013, Westgate Mall attack in Nairobi.

Following the September 11, 2001 bombings and subsequent UN actions and resolutions including UN resolutions 1373/01, 1377/01 and 1624/2005 compelled the Kenyan government to adopt counterterrorism strategies that included, legislative reforms, institutional building, training and bilateral and multilateral collaboration with other states and international organizations including the EU. However, while the government faced both domestic and external challenges in the war against terrorism, the security forces were accused of human rights violations by the human rights security watch. As a result, Kenya authorities were seen to disregard both domestic and international law in counterterrorism efforts. This intern necessitated the involvement of the international community led by the EU to come into the. The organizations' strategy to Kenya was to provide legal advice and training in matters counterterrorism to the judiciary, law enforcement agencies, and intelligence services. Additionally, the EU was to advise the government on anti-terrorism legislation, conducting
workshops on disaster prevention, and awareness-raising about terrorism. However, with the dynamics of terrorism, the country’s political stand, and the geographical positioning, the research seeks to find out, was EU able to accomplish its goal? What were the challenges encountered? Was the government of Kenya complying with the EUs demands on international counterterrorism approaches? Was corruption a hindrance in the war against terrorism?

1.3. Purpose of the Study / Objectives of the Study

The main objective of this study is to analyze the role of the EU in the implementation of its international counterterrorism regimes in Kenya.

Particularly, the study seeks to accomplish the following specific objectives:

1. To examine the nature and dynamics of terrorism in Kenya;

2. To establish the extent to which the EU has cooperated with Kenya in domesticating and implementing the international counterterrorism approaches.

3. To analyse the implications of EU’s international counterterrorism approaches.

1.4. Research Questions

1. Which domestic factors and nature determine the dynamics of terrorism in Kenya?

2. To what extent has the EU cooperated with Kenya in its international counterterrorism approaches?

3. What are the implications of the EU’s international counterterrorism approaches in Kenya?
1.4.1. Hypotheses

The general hypothesis is that the EU as a key factor in the international system has an important role in the war against terrorism in Kenya. Thus as terrorism has become a threat to international peace and security, without international support, Kenya risks further threats to its national security. The operational hypotheses are as follows:

1. The EU’s international counterterrorism approaches in Kenya depends on the domestic and external factors, nature and dynamics of terrorism in Kenya; and

2. The extent to which Kenya has ratified, domesticated and implemented international counterterrorism determines the EU response to the war against terrorism in Kenya;

3. The EU has made a great contribution to international counterterrorism approaches in Kenya.

1.5 Justification of the Study

Most of the literature on counterterrorism have been written on the perspective of powerful international actors like the US to the neglect of regional international organizations, especially in Africa. Moreover, most literature on regional organizations focusses on the domestic terror threats to member states to the neglect of the international system especially in Africa, where the African Union (AU) and other regional organizations like the East African Community (EAC) lack a clear strategy and the capacity to tackle terrorism in all its forms. Therefore, there is a need for an analysis of the role of the EU in the war against terrorism in Africa and particularly Kenya, which has also suffered heavily from terrorism since 1998.
With the exception of studies, articles, and reports on terrorism in Kenya, no literature exists on the role of the EU in the war against terrorism in Africa and Kenya in particular. Kenya, which is a key ally of the EU has been terrorist attacks and threats since 1998, yet little has been written on the EU’s role in counterterrorism in Kenya from a securitization theory perspective. As a strategic state and an ally of the west in the war against terrorism, Kenya’s is still vulnerable to threats and terrorism attacks unless the international community makes joint counter-terrorism efforts. This study will provide information and knowledge on the role of the EU in the war against terrorism in Kenya. The outcome will be useful for academic and training purposes through the dissemination of knowledge and ideas on international efforts against the global war on terrorism and thus promoting international peace and security.

1.6. Scope and Limitations of the Study

The goal of this study is to examine the role of the EU in its international counterterrorism approaches in Kenya between 1998 and 2017. This study will be guided by the critical theory and qualitative methodology using secondary data collection. Second, due to the sensitivity of terrorism, most security agencies might not provide adequate and accurate data, information or undertake interviews for fear. Other challenges are time constraints, inadequate financial resources and logistics, identification of respondents, availability or access to information, low, and poor response rates and representativeness of the sample. These problems shall be overcome by employing various techniques and secondary data collection methods.
1.7. Definition of terms

1.7.1. Terrorism

Terrorism is a controversial term with multiple definitions that have been under discussion for decades. No formulation of this phenomenon has yet been generally adopted. The first definition was formulated by the League of Nations Convention (1937). The definition stated: "All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public".

In 1994, resolution 49/60 of the General Assembly’s Declaration on Measures to Eliminate International Terrorism, stated that terrorism includes “criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes” and that such acts “are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them.” A decade later, the UNSC, in its resolution 1566 (2004), referred to terrorism as “criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a Government or an international organization to do or to abstain from doing any act”.

Later, in 1999 the UN’s resolution stated: “Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed; and “Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable,”
whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them” (United Nations General Assembly, 1999).

Several documents on counterterrorism have been adopted by international organizations (UN, North Atlantic Treaty Organization (NATO), Council of Europe, European Union (EU), African Union (AU), and Arab League.) without agreeing upon a general definition. The various international conventions on terrorism use their own definitions and terminology and relate to different aspects of terrorism. The lack of a global definition of terrorism causes several serious problems including the hindrance of legal harmonization of counterterrorist measures and the shortage of uniform interpretation of the term (Kaponyi, 2007:2-3).

The lack of a clear definition gives a motive for grave concern because the decision to bring a prosecution for such offenses could be seen political; the right to a fair trial could be infringed. Are the right people being targeted? Identifying the actors or potential instigators of terrorism would enable us to distinguish also between armed conflict or war and terrorism, and between lawful combatants, ‘resistance fighters’ and terrorists. In the lack of any consensus on terminology, there is no single comprehensive international convention to prevent and suppress terrorism in a visible and coherent manner (Kaponyi, 2007:2-3).

As a result of the 9/11 attacks, on December 27, 2001, the EC issued a Common Position on the application of specific measures to combat terrorism, giving a very precise definition of ‘terrorist act’:

For the purposes of this Common Position, 'terrorist act' shall mean one of the following intentional acts, which, given its nature or its context, may seriously damage a country or an international organization, as defined as an offence under national law, where committed with the aims of: seriously intimidating a population, or; unduly compelling a government or an
international organization to perform or abstain from performing any act, or; seriously
destabilizing or destroying the fundamental political, constitutional, economic or social structures
of a country or an international organization: attacks upon a person's life which may cause death;
attacks upon the physical integrity of a person; kidnapping or hostage-taking; causing extensive
destruction to a government or public facility, a transport system, an infrastructure facility,
including an information system, a fixed platform located on the continental shelf, a public place
or private property, likely to endanger human life or result in major economic loss; seizure of
aircraft, ships or other means of public or goods transport; manufacture, possession, acquisition,
transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as
well as research into, and development of, biological and chemical weapons; release of dangerous
substances, or causing fires, explosions or floods the effect of which is to endanger human life;
interfering with or disrupting the supply of water, power or any other fundamental natural
resource, the effect of which is to endanger human life; threatening to commit any of the acts
listed under (a) to (h); directing a terrorist group; participating in the activities of a terrorist group,
including by supplying information or material resources, or by funding its activities in any way,
which knowledge of the fact that such participation will contribute to the criminal activities of the
group. For the purposes of this paragraph, 'terrorist group' shall mean a structured group of more
than two persons, established over a period of time and acting in concert to commit terrorist acts.
‘Structured group’ means a group that is not randomly formed for the immediate commission of a
terrorist act and that does not need to have formally defined roles for its members, continuity of
its membership or a developed structure (Quoted in Kaponyi, 2007:5).

By comparison, the Resolution 1566 (2004) introduced by Russian Federation, and adopted
unanimously by the UNSC, also tried to provide a comprehensive definition of terrorism.

Paragraph 3 of this Resolution states:

Recalls that criminal acts, including against civilians, committed with the intent to cause death or
serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the
general public or in a group of persons or particular persons, intimidate a population or compel a
government or an international organization to do or to abstain from doing any act, and all other
acts which constitute offences within the scope of and as defined in the international conventions
and protocols relating to terrorism, are under no circumstances justifiable by considerations of a
political, philosophical, ideological, racial, ethnic, religious or other similar nature, and calls upon
all States to prevent such acts and, if not prevented, to ensure that such acts are punished by
penalties consistent with their grave nature.
1.8. Theoretical Framework

1.8.1. Critical security Theory: Human Security Approaches

This study contextualized critical approaches to security in International Relations (IR) based on the ‘new security’ and ‘critical human security’.

Critical security theory is closely linked to the emancipatory theory. The theory argues that the security is derived from the society’s assumptions about politics. Further it argues that the security of a country goes beyond the use of military and use of threat (Williams, 2005). The theory’s proponent Paul Williams argues that to attain security, human emancipation might require the exclusion of international order as the primary value.

Human security first emerged as a concept after the cold war but the UNDP’s 1994 Human Development Report was the ground-breaking moment for the theory. Human security argues that to attain security, focus must be directed to people (individuals) rather than to nation states or at the national level. Proponents argue that the theory is people centred in that, it insures “freedom from want” and “freedom from fear” as paths to tackle global insecurity (Booth, 1991).

The difference between the new security thinking and critical human security is that the former expands the security agenda to include non-traditional issues, while the latter does the same, but includes the notion of transformation and emancipation in ways which privilege the subjects of security across borders (both analytical and territorial) rather than states. Secondly, while new security thinking emphasizes the inclusion of more dimensions of insecurity, it concludes that the state is responsible for addressing these ‘new’ threats. Both approaches stress that humans should be the focus of security and not necessarily states which are often the source of human insecurity (Thompson and Leysens, 2000:9).
In security studies (previously strategic studies) a number of broad areas of focus can be identified: mainstream regional security analysis; ‘new’ security analysis; critical human security and development; regional integration/co-operation; and gendered approaches to security and development (Thompson and Leysens, 2000:1-2). The distinction between critical and ‘new’ security thinking thus hinges on two key analytical divisions: the extent to which the state remains privileged as ultimately the legitimate provider of security (new security); and the extent to which the subjects of security are contextually and historically privileged as the locus for the emancipatory project (critical security studies) (Thompson and Leysens, 2000:20).

One area where there has been an attempt to develop new thinking has been security studies. On the ‘broader’ security front, there is a ‘new security’ approach represented by Barry Buzan of the Copenhagen School. Buzan’s (1983, 1992) attempts to expand notions of security horizontally to include aspects other than simply the political and military security of states triggered a post-Cold War wave of ‘new’ and critical human security thinking which has attempted to extend this conceptualization vertically to embrace communitarian aspects. This involves conceptualizing security across borders and from the ‘bottom up’, especially within the ‘developing’ world context.

Buzan’s (1983, 1992) expansion of security to include an economic, environmental and societal dimension (in addition to traditional military and political dimensions) has been incorporated into theory, to such an extent that it as having evolved from a marginalized to the dominant discourse. A broader conceptualization of security, therefore, which examines security dilemmas which extend beyond the borders of the state, within a regional or global context must be taken to mean something more than “…the pursuit of freedom from threat and the ability of states and societies to maintain their independent identity and their functional integrity against forces of
change which they see as hostile” (Buzan 1992:207). Kenneth Booth, for example, highlights the importance of the communitarian (but non-state centered) aspect of this way of thinking:

...the referent object of ‘security’ should no longer be almost exclusively the state...but should also encompass the individual human being at the lowest level and world society at the highest. The traditional strategic studies notion of security should become broader and synonymous with the peace research concept of positive peace (1991:341).

Booth also stresses that the military, economic, political, societal and environmental aspects of (in) security overlap in the developing world:

Burdened by debt, environmental problems, ineffective administrative structures, ethnic divisions and weak economies, the systems of many Third World countries are overloaded. The future threatens to be one of yet further poverty, economic and political instability, social dislocation, and the ever present possibility of internal violence (1991:9).

This study analysed the merging of development and security in the EU’s international counterterrorism approaches in Kenya. Recent liberal interventionism and of counterterrorism in Kenya have shown how addressing risks to 'homeland security' perceived to emanate from deficient states in Africa have further merged Western security and development policies. It demonstrates that the current external state-building and the empowerment of state security institutions are appropriated for illiberal purposes. Demonstrating their adaptability to national and international dynamics such as strong local criticism of the state-centred counterterrorism policies, strengthening the security capacities (Bachmann and Hönke, 2010:112).

The attacks on 11 September 2001 renewed the interest in strong and stable states, leading many donors to focus on capacity building and security sector reforms. They have complemented hard security assistance with soft interventions aimed at addressing local issues such as conflict prevention and development in communities perceived as being 'at risk' of harbouring terrorists.
Representing a more general shift in security interventions in Africa, countering terrorism is now presented as part of a broader 'peace and security' agenda. During the Cold War, regime stability in the South was the exclusive goal and state institutions were the direct target of the superpowers. Today, communities are increasingly involved directly, where foreign military actors engage in development work with local communities, making the boundaries between development and security assistance have been difficult to identify (Bachmann and Hönke, 2010:112).

1.9. Chapter Summary and Summary of all Chapters

The study is organized into five chapters. Chapter one which is the introduction entails the background, objectives, hypotheses, justification or purpose, problem statement, theoretical framework, methodology, the definition of concepts, and scope of the study. Chapter two looks at the literature covering the global, African and Kenyan perspectives on terrorism and counterterrorism strategies; Chapter three will cover the methodology mainly on secondary data collection; Chapter four will examine the domestic and external factors, nature, and dynamics of terrorism in Kenya; Chapter five will discuss ratification domestication and implementation of international counterterrorism approaches in Kenya; Chapter six will assess the performance of the EU’s international counterterrorism approaches in Kenya; and Chapter seven will provide the summary, conclusions and recommendations, and policy options and areas for further research.
CHAPTER 2

2.0. LITERATURE REVIEW

2.1. Introduction

The literature review is organized into three thematic areas: global terrorism and counterterrorism efforts; terrorism in Africa and counterterrorism; and terrorism and counterterrorism in Kenya. The literature reviews the historical evolution and dynamic of terrorism and the international, regional and individual state response to combating terrorism. A variety of literature exists on the threats of terrorism to national and international peace and security. However, most of the literature, while addressing the role of the EU in the fight against terrorism in Western Europe, they have failed to focus on the EU’s counterterrorism strategies in the developing world, including Kenya as will be subsequently presented.

2.2. International Terrorism and Counterterrorism Regimes

William, Shughart (2006) traces the history of modern terrorism from the end of the Second World War to the beginning of the 21st century. William’s paper divides that history into three waves: terrorism in the service of national liberation (national terrorism) and ethnic separatism, left-wing terrorism, and Islamist terrorism. The research adopts a constitutional political economy perspective, and as a result, it argues that terrorism is rooted in the artificial nation-states created during the interwar period and suggests solutions grounded in liberal federalist constitutions and, perhaps, new political maps for the Middle East, Central Asia, and other terrorist homelands.
The paper summarizes the history of terrorism from the bloodbath at Setif to December 2000. According to William (2006), the first of these waves started in Setif in Algeria and ended with the withdrawal of US troops from the jungles of Southeast Asia. This act of terrorism placed in the service of ethnic separatism and showcased to the world as national liberation. Unleashed by the French and British empires, and emboldened by the self-determination language of the Atlantic charter, colonial peoples in Algeria, Cochin-China (Vietnam), Palestine and Cyprus ought, often by violent means, to rid themselves of foreign rule and to create their own independent nation-states.

The second wave began on July 22, 1968, when Palestinian terrorists, went out to avenge Egypt's defeat in the 1967. The war was fought in Six-Days and led to the hijacking of an El Al flight from Rome to Tel Aviv. In the next two decade, terrorism played at the international stage. This was showcased by ethno-national movements which were witnessed in the Netherlands, Turkey as these countries attempted to duplicate the Palestine Liberation Organization's success in galvanizing popular opinion. Political assassinations campaigns were waged, bombings, and hijackings also became a rampant phenomenon until the fall of the Berlin Wall. Before the fall of the wall, the third wave of post-war terrorism was already underway. According to the paper, the Iranian Revolution (a Muslim state) in 1979, started the last wave which is still ongoing. Further, there was a push forward in Central Asia instigated by the collapse of the Soviet Union, in the Middle East by animus to American support of Israel. This was also inspired from Algeria to Chechnya, Kashmir, Indonesia, and Philippines countries that were interested in pan-Islamic dreams of uniting fundamentalist Muslim states. The purpose of the movement as the research states is to free the Islamic states or pan-islamic nations from the ‘western cultural contamination’.
Elisabeth Kardos Kaponyi (2007) also discusses counterterrorism and terrorism-related human rights concerns. However, she discusses the counterterrorist measures at the international, regional and national levels, and also briefly describes the nexus between terrorism and the protection of human rights. The paper suggests that eradicating terrorism can have a far-reaching effect on the overall respect for human rights. Human rights have to be seen as the basis of counterterrorism legislation and are never to be regarded as a hindrance of the struggle against terrorism. The paper argues that the threat of terrorism requires specific measures, but these provisions neither would violate human rights and fundamental freedoms nor undermine legitimate dissent.

On counterterrorism measures at the UN level, the UNGA and UNSC have played active roles in this field and their anti-terrorism measures have covered a wide range of areas. The counterterrorist resolutions and conventions are characterized by their wide-ranging approach, taking into account security aspects, human rights issues, the development of international law and the fight against international crime. For the Organization for Security and Co-operation in Europe (OSCE), the threat of terrorism is a serious concern for all states in the OSCE region, this is why OSCE with its expertise in conflict prevention, crisis management, and early warning, contributes to worldwide efforts in combating terrorism and different forms of organized crime. The main aims are to ensure full respect for human rights and fundamental freedoms; to abide by the rule of law; to promote the principles of democracy by building, strengthening and protecting democratic institutions; and to promote tolerance.

On the EU counterterrorism measures, a policy of increased judicial co-operation between Member States of the EU was agreed as part of the five-year Tampere Programme when the attack against the US took place in 2001. The Tampere Programme was adopted on 15-16
October 1999 to create an area of freedom, security, and justice in the EU. In order to reinforce the fight against serious organized crime, the EC agreed that a unit (EURO JUST) should be set up composed of national prosecutors, magistrates, or police officers of equivalent competence. On February 26, 2001, pursuant to UNSC Resolution 1333 (2000), the EC adopted Common Position 2001/154/CFSP(1)29 which provides inter alia for the freezing of funds of Osama bin Laden and individuals and entities associated with him, implementing anti-laundering measures, and took additional measures to implement UN Resolution 1373 (2001). The Declaration of March 25, 2004, of the EC, further formulated seven strategic objectives for the EU’s Action Plan against terrorism.

Ece Aksoy (2002) thesis analyses the concept of terrorism in the age of globalization. The paper’s argument is that terrorism that is motivated by ideological, religious and national reasons has the ability to add issues such as inequality, injustice, dissatisfaction, and anti-globalist movements, due to globalization. In its explanation, the paper argues that terrorism has been globalized because of modernization, developments in technology, communication and the ease in transportation. Thus, globalization seems to serve terrorism, in as much as it helps in the fight against terrorism. In conclusion, the paper states that since terrorism is a phenomenon that cannot be totally abolished, the best way to minimize terrorism is the use of international law, with necessary organizations established to form cooperation at the international level.

Todd, Daniel and Walter (2011) evaluates the payback from efforts of the International Criminal Police Organization (Interpol) in coordinating proactive counterterrorism measures by its member countries with the aim of arresting terrorists and weakening their ability to conduct operations. The authors used Interpol arrest data and the utilization of it by member countries to compute counterfactual benefit measurements, which, when matched with costs, yield benefit-
cost ratios. The average of these ratios is approximately 200 over 12 alternative counterfactual scenarios, so each dollar of Interpol counterterrorism spending returns approximately $200. This paper also puts forward a perspective on benefits derived from Interpol’s Stolen and Lost Travel Document database. Interpol provides an inexpensive proactive measure against transnational terrorism that, unlike military operations, does not result in backlash attacks.

Beth E. (2007) examines the politics surrounding the recent development and implementation of anti-terrorism laws in the Third World and the implications for democratization. In some countries, the adoption of anti-terrorism laws has provided leaders with the tools they need to silence critics and punish political opponents. In others, the introduction of such bills has actually encouraged debate and fostered civil society activism, much of it anti-American in tone. In either setting, the Bush administration's twin foreign policy goals of strengthening international security and promoting democracy may be creating more cynics than friends. An area where the tension between democracy and security plays out is in the introduction of anti-terrorism laws. In America, the Patriot Act has sparked heated debate that challenges and questions the extent to which the government can limit individual freedoms in the name of national security.

Major concerns have focused especially on the law's provisions for enhanced surveillance, information sharing, and indefinite detention. However, the as controversy in the USA has not stopped other countries form adopting the similar legislations. After the attacks on 11 September 2001, the UK, Australia, Canada, France, Germany, and Japan, enacted their own anti-terrorism laws. This move prompted familiar arguments about the balance between human rights and security but, the debate is not limited to established democracies. The introduction of anti-terrorism bills also sparked similar controversies in many developing countries, where democratic institutions are far from consolidated if they exist at all. The reason behind the uproar
is that the ways in which these countries resolve the tension between freedom and security are seen to have far-reaching implications for both the spread of democracy and the success of the 'war on terror'.

Notably, in 2003 Kenya introduced the Suppression of Terrorism Bill, setting off a firestorm of controversy. The anti-terrorism bill generated fervent criticism among members of parliament, human rights advocates, lawyers, and religious leaders. Muslim populations felt especially targeted by the proposed legislation. Widespread opposition forced the government to withdraw the bill in late 2003. The US has indeed pushed Kenyan leaders to adopt the domestic legislation necessary to investigate and prosecute terrorist groups. Kenyans widely perceived the Bush administration as forcing anti-terrorism legislation, and the human rights activists blame the Kenyan government for bowing to US pressure in exchange for aid.

Many countries that have introduced anti-terrorism legislation since 2001 are at various stages of political liberalization. While some countries are on their way ahead on democratic institutions (Barbados, Mauritius, South Africa), others have only recently held free elections (Indonesia, Kenya, South Korea). Others are moving more cautiously towards competitive multiparty systems (Tanzania, Uganda). However, despite their adherence to legislative procedures, several countries on the list are yet to embrace the path to liberalization (Morocco, Tunisia). The introduction of anti-terrorism legislation in the context of democratization poses significant challenges. This is seen by authoritarian countries which are struggling to find a manageable balance between political freedoms and state power. However, the case is different since established democracies, governments are likely to resolve this dilemma in favour of the latter.
Since September 2001 countries around the world have adopted anti-terrorism legislation which is similar to the US Patriot Act. In as much as the details vary, a number of countries have used these laws generally to limit civil liberties and expand law enforcement powers in the name of protecting national security. The adoption of anti-terrorism legislation is promoted through several multilateral channels. With the spread of anti-terrorism legislation across the globe, the debate between human rights and security is also being exported, however, more often than not, the contexts of human rights side of the scale is long being neglected. In many countries, authoritarian leaders have used the new laws and the broader rhetoric of the 'war on terror' to punish opponents and silence dissent. They claim that they are simply fighting terrorists and provides lightly veiled justification for their actions of injustices and, in many cases, reduces the risk of criticism from the US and other Western countries. Thus, while Bush administration officials speak eloquently about the spread of freedom and democracy, US-promoted anti-terrorism laws give authoritarian leaders the tools to be more ruthless.

Mervat Hatem (2004) focuses on the consequences of the "war on terrorism" for Middle Easterners, Arabs, and Muslims. It traces the early evolution of the globalized Orientalist public discourses developed to justify the "war on terrorism" as the first war fought in the twenty-first century. Next, it shows how the war and its discourses have been used to justify the denial of citizenship rights to a large group of US citizens. For the rest of Americans, this discourse curtailed freedom of speech, especially as it related to questioning the war, its scope, targets, and the tools used against the enemy both within and outside the US The war was also used to encourage Middle Eastern states to do the same with regard to the public debate and those it suspected of terrorism. The result was that the war that was fought in the defense of freedom curtailed the rights to due process, freedom of association, and freedom of speech in the US and
abroad. Finally, the article shows how this public discourse developed a feminist Orientalist strategy and agenda that pitted American women against their Muslim sisters both inside and outside the US.

The article argues that the "war on terrorism" brought out the authoritarian and reactionary potential of global politics both at home and abroad. The first victim of the war was the civil rights of Muslim Americans in the US and other Western states. The effect of increasing the power of law enforcement agencies and the new orthodoxy regarding the subordination of freedom to security concerns would have implications for all Americans. The US also extended its support for these authoritarian policies to many states of the Middle East, who were thus given license in their continuing persecution of Islamist groups as the enemies of Islam and Western civilization. This was a very powerful discursive strategy that sought to isolate these groups and to deny them important sources of support. The discourses of the "war on terrorism" showed the willingness of the US government to mix religion and politics, a combination it had always considered to be a sign of political underdevelopment. Religious symbols, metaphors, and churches served as a means for mobilizing the American public to go to war. This mix sought to appeal to important segments in Islamic societies to join in the fight against terrorism and denounce other Muslims.

Jörg Monar (2008) discusses the dangers of terrorism in Western Europe and EU counterterrorism strategies. The Counter-Terrorism Strategy places a stronger emphasis on the threat posed by ‘homegrown’ terrorism through radicalization and terrorist recruitment within the EU. The Strategy adds a further element to the common definition that deals more specifically with the EU’s particular vulnerability to terrorist activities. The Security Strategy not only identifies terrorism as the first of the ‘key threats’ the EU was facing in the security domain
but also describes it as a threat having both an internal and an external dimension. The Security Strategy emphasizes that terrorism not only endangers lives and causes huge costs but that it also ‘seeks to undermine the openness and tolerance of our societies’. Although maintaining the global nature of the threat, there is recognition also of an internal threat with a significant risk of ‘homegrown’ terrorism. The Security Strategy also links terrorism with other international threats, in particular, the proliferation of weapons of mass destruction, ‘state failure’ and organized crime.

Pádraig Carmody (2005) examines the economic and political impacts that the attacks of 11 September 2001 had on Africa. It maps out the transformation of US-African relationships, paying particular attention to new oil investment and security arrangements, designed partly to protect the burgeoning trade and investment relationship. Changes in the power relations between the US and Africa are then explored theoretically. The paper argues that the previous (Gramscian) strategy of hegemony, based on coercion informed by consent, is giving way to more overt coercion. The paper argues that globalization is being transformed through securitization, but that this is unlikely to be sustainable because it neglects social reproduction. The paper concludes with suggestions on how to move beyond the current impasse between development and security.

2.3. Terrorism in Africa and Counterterrorism Regimes

Abdelkérim Ousman (2004) discusses the potential of terrorism in African Islamic movements and militancy. In order to lessen ambiguities related to the plethora of definitions given to the Islamist phenomenon, the various definitions related to the phenomenon of Islamism are examined as introductory information indispensable to the understanding of the topic. While it
describes the encounter of sub-Saharan Africa (SSA) with Islam, it also covers a number of movements in different countries in Africa: Nigeria, Tanzania, Senegal, Kenya, South Africa, Somalia, Ethiopia, Niger, Mali, Chad, and Sudan. In all of these countries, the emergence of Islamic movements, their socio-political status, their present position in relation to the ongoing debate on their perceived radicalization or their supposed threat of violence or terrorism is comparatively analyzed.

The article argues that although there is a possibility that African Islamic movement's political activism might produce in the short run an indoor militant phenomenon that will be directed against their secular autocratic local authorities, the absence of a unified operational rallying ideology and a clear cut militant motivation will prevent the emergence of a genuinely African brand of a violent militant Islamism at least for the near future. There are over 50 countries in SSA all of which are secular states mostly built upon a multitude of religious fraternities, sects, tribes, cultural values, and beliefs. While African states have accepted both Christianity and Islam, the accumulation of traditional values, mystical practices and the structure of African indigenous religions have sheltered African societies against the outbreak of violent militant Islamism. Consequently, African Islamic activism still appears to be free from terrorist activities. The sporadic revolt of Muslim communities is rarely doctrinal and when it occurred it is always mixed with political, social and economic grievances of ethnic, tribal and sectarian tensions.

Beth E, (2010) article seeks to make several contributions to the literature on international regimes. First, it focuses on weak states, where realism would predict a high degree of compliance due to power imbalances within the regime. Second, it explores the impact of domestic political factors on the foreign policies of countries that are at various stages of political liberalization. Finally, this article shows that the imposed nature of the counter-terrorism
regime can at times generate resistance among its members, suggesting that compliance patterns depend to some extent on how a regime is formed.

Particularly, it examines compliance with the counter-terrorism regime in Africa, where the relative lack of power might have been expected to necessitate conformity; instead, compliance levels have varied even among these weak states. Instead, even under the US pressure, some governments have seized the anti-terrorism rhetoric, while others have been more reluctant. A comparative analysis of Kenya, Tanzania, and Uganda demonstrates that domestic political factors largely explain this variation. Compliance is highest in countries with the least democratic institutions and minimal mobilization of domestic constituencies. Aid dependence and the perception of a terrorist threat also play a role. To the extent that popular pressures in transitional democracies reduce compliance, the article raises questions about the legitimacy and effectiveness of the counter-terrorism regime.

The paper argues that powerful states have imposed counter-terrorism regime that use various strategies to induce cooperation among the less powerful. Through a range of international agreements, developing countries were compelled to join the “war on terror” by adopting imposed legislation, sharing intelligence, and cracking down on target groups. Despite heavy pressure from the US, levels of compliance with the regime have varied. Some countries have agreed and seized the anti-terrorism rhetoric, others are still reluctant, and several have resisted the imposition of the regime.

Using case studies, the article focuses on three contrasting cases in East Africa. In Uganda, the government readily signed on to the ‘War on Terror’, simply because they wanted international support for its struggle against rebels in the north. Tanzania's on the other hand has passed
domestic counter-terrorism laws to honour international commitments but has done little to implement their provisions. In Kenya, members of parliament refused to pass anti-terrorism legislation, mainly because it had backing by the US, however, the country’s security personnel cooperates with their American counterparts behind the scenes. The three countries have experienced deadly terrorist attacks in recent years, but their responses to the 'War on Terror' have been quite different. By examining several factors, this article seeks to explain varying levels of compliance with the counter-terrorism regime.

The paper notes that Kenya is a reluctant partner in the counter-terrorism regime, whereby, the country cooperating strongly with areas it feels are in their favour but highly resisting in others. As a result, the domestication of international legal provisions process, is seen to be slow due to the reluctance. Further, politicians and civil society groups criticised the anti-terrorism bill introduced in 2003 thus, forcing the government to withdraw the measure. In 2006, a received bill was brought forth and it included better protection for civil liberties, but members of parliament blocked it, in part because it was backed by the US. Kenya also has complicated relations with the US in its 'War on Terror'. However, within the security sector, cooperation has been quite high. With US training and assistance, the government established an Anti-Terrorism Police Unit, the Joint Terrorism Task Force, National Counter-Terrorism Centre, and National Security Advisory Committee. Based on longstanding agreements, the US and Kenyan militaries conduct periodic joint training exercises.

However, in other areas cooperation between the US and Kenya is more problematic. The US support for anti-terrorism legislation has become a primary obstacle to its passage. In other domains, the Kenyan government has cooperated with the war in Iraq perpetrated by the US made Kenyan leaders change their minds in signing the ICC-related bilateral immunity
agreement between the two countries. In general, there are areas that the government of Kenya cooperates with the US counter-terrorism efforts behind the scenes, but are display reluctance in others that receive public attention. Its level of compliance with the counter-terrorism regime, on the whole, is in the middle range, however, Kenya’s is recorded to be lowest compared to Uganda and Tanzania. Similarly, Muriithi Juliette (2013) provides a comparative analysis of on the historical background of terrorism in Kenya and Nigeria; explore the factors that contribute to terrorism, the actors involved, the motive behind the phenomenon and the nature of terrorism; and reviews the counter-terrorism measures by Kenya and Nigeria.

Stephen Emerson (2009) provides the history of terrorism in Africa culminating to the September 9/11 attacks in the US. The paper argues that nearly two years into the US campaign to crush Al Qaeda and the forces of international terrorism in the Middle East, the US has increasingly focussed on Africa, due to its weak and fragile governments, impoverished societies, and ceaseless political and social turmoil as the next great battleground in the global struggle against terrorism. Once the site of innumerable superpower clashes during the Cold War, the continent is again in danger of becoming engulfed in a deadly conflict, not of its own making. In this context, the US is pushing an aggressive security agenda that may be unviable due to the complex forces and actors that use violence to promote their goals. Just as the Cold War turned the continent into a battleground for global supremacy for nearly 50 years, today too there is a danger that, even with a new administration, Washington will continue treating Africa as simply another front in the war on terror, thereby neglecting real security needs on Africa.

Ironically, it has been America's dogged determination to win the war on terror at all costs that threaten to undercut African support and complicates the long-standing U.S. strategic goal of advancing peace and security. Only by achieving the latter can a new era of US leadership in
aspiring to any lasting success in America’s battle of ideas with international terrorists. Poor governance, alienated and disaffected communities, underdevelopment, and economic and social inequality all fuel conflict and instability, which make Africa highly vulnerable to terrorist-fuelled violence.

It further reveals that the real challenge facing Africa today is how to cope with the problem of domestically bred terrorism that springs from competing for political, economic, and social demands upon fragile societies. It is not how to confront militarily those international jihadists bent on using the continent as a launching pad for their war against Western civilization. What is most striking about the current African security landscape is the sheer complexity and diversity of the challenges facing governments beyond terrorism. A volatile mix of instability and state weakness and the lingering legacies of colonialism and authoritarianism has left many African countries politically and economically underdeveloped, and ill-equipped to meet the multitude of security problems they face. All, moreover, have very little to do with combating a global terrorist conspiracy taking root in Africa. The real answer to improving security lies in the political and economic advancement of African societies and not in the creation of stronger and more capable militaries.

The events of September 11 and their aftermath have proved to be a watershed in the US’s approach to combating international terrorism in Africa with unforeseen implications. Beginning in late 2002, the US began to implement a series of counterterrorism initiatives from the Horn of Africa. In announcing his decision on February 2007 to create U.S. Africa Command (AFRICOM), President Bush said that this new command would help bring peace and security to the people of Africa. This vision, however, foundered badly amid widespread anxiety within Africa, U.S. civilian agencies, and in Congress over concerns that Washington was militarizing
diplomacy and development in Africa. Nonetheless, Africom is now a reality, having officially stood up as a fully operational combatant command on October 1, though it remains to be seen how effective it will be in bringing real peace and security to the people of Africa.

Despite all the rhetoric about winning hearts and minds, the US counterterrorism response remains far too reactive and focused on treating the symptoms of the problem rather than the underlying causes. As US actions in Somalia all too clearly demonstrate, the military instrument of power remains the ultimate centrepiece of US counterterrorism efforts, the tendency to rely on the military to deal with what are ultimately complex political and socio-economic problems has limited utility - something an Obama presidency may be better able to grasp than its predecessor. Indeed, military options may provide a false sense of confidence in the ability of the United States to counter-terrorism in Africa through the exercise of American armed power.

The paper recommends that it is essential that the new leadership in Washington better align the ends, ways, and means of US counterterrorism strategy within the context of the twenty-first-century African security environment. This means crafting a truly holistic national security strategy for Africa that effectively integrates and builds synergy among the diplomatic, development, and defense components of American power. It means expanded funding and increased personnel for the Department of State and the US Agency for International Development (USAID). And it means listening to and accommodating local African concerns, because, at the end of the day, they know best what needs to be done and ultimately they will have to be the ones who take responsibility for their own security.

It recognizes that the human cost of terrorism has been felt in virtually every corner of the world. It analyses the nature and scope of trends of terrorist activities in Kenya and Uganda, offers possible reasons for the increase of incidents of terror and considers the challenges in combating terrorism in these countries. The thesis outlines the fundamental freedoms that are most commonly engaged in the fight against terrorism and describes states’ obligations in respect of those rights. It recognizes that a significant effect of terrorist activity is the tendency to pit security against human rights. It demonstrates that legislation intended to strengthen anti-terrorism efforts raise serious concerns in relation to international and domestic human rights law.

The thesis investigated how does the implementation of counter-terrorism measures impact on human rights in Kenya and Uganda? In seeking to answer this question it undertook an in-depth analysis of Kenya’s Prevention of Terrorism Act and Uganda’s Anti-Terrorism Act. The states’ theory and practice were contrasted with domestic and international human rights frameworks. The thesis recognized the inherent tension between security and human rights. It acknowledges that terrorism poses a special security challenge and suggests a reconsideration of the international human rights framework to permit states broader flexibility in dealing with it. There is recognition, also, that states do not consider terrorism as a simple matter of criminal law enforcement but a problem of national security for which they assert a wide discretion in safeguarding their countries. Unless the law recognizes what is evolving state practice, human rights will be observed in defiance, not compliance.

The Open Society Foundations (2013) report documents how counterterrorism tactics and operations has led to variety of human rights violations in East Africa. The report states that most of the East African countries have used terrorism as a pretext to crackdown lawful expressions of
dissent, political opposition, and human rights defenders. The argument across the report is that
the two parties (East African states and Western states) ought to have respect for human rights.
According to the report, respect to human rights in counterterrorism operations directly affects
the rule of law, showcases good governance, and instigates political stability. The report looks
primarily at how the three East African countries (Kenya, Uganda, Tanzania) alongside the US,
and the UK responded to the 2010 World Cup bombing in Kampala, Uganda, which committed
by the Al Shabaab group. The Kampala bombing (July 11, 2010), killed over 70 people and
injured an equal number. The incident took place in in two locations where people had gathered
to watch the final match of the soccer’s World Cup. In the quest to find the perpetrators, the
report states that the counterterrorism actions that followed were marred by human rights abuses.

In Kenya, at least 12 Ugandan and Kenyan nationals were arbitrarily detained as they were
suspected of the involvement in the bombing. The report states that the suspects were allegedly
exposed to, and/or threatened them with, physical abuse; and were unconstitutionally rendered to
Uganda. The Ugandan authorities on the other hand arrested additional suspects, with the total
this increasing the number to 30. Many of these suspects alleged that Ugandan authorities abused
them physical, were unlawful detained, and were denied due process rights. Further, the suspects
alleged that the UK took part in their interrogations and that US officials physically and mentally
abused them. The case about the post-World Cup suspects automatically fit into the larger
pattern of allegations of human rights violations committed in the name of fighting terrorism in
the region. The report goes down to state that it’s the same narrative of counterterrorism and
anti-terrorism laws that Uganda, Ethiopia, are using to suppress the freedom of expression and
assembly.
Kenya, a country experiencing a dramatic increase in the number of attacks against police and civilians in 2012, appears to be targeting certain ethnic and religious communities in its war against terrorism. Some civil society groups report extrajudicial killings and disappearances of terrorism suspects committed by Kenya as it carries out its counterterrorism operations. The rise of terrorism concerns in the region is directly proportional to the foreign security assistance according the report. As a result, the risk that more human rights abuses will be committed is expected. Too often, in the name of counterterrorism, security forces forget that human rights violations such as detainee abuse, denial of fair trial guarantees, extrajudicial killings, and unlawful renditions, create instability by undermining the rule of law and alienating affected populations. The report Concludes that in fighting terrorism, the region and their Western partners must ensure that counterterrorism efforts abide by the rule of law. Further, the security forces should be held accountable when laws are broken, that counterterrorism assistance out to be conducted transparently, and that the forces must engage in dialogue with civil society.

The report’s recommendations are that Kenya ought to ensure that counterterrorism operations in practice fully comply with international human rights standards, and ensure that counterterrorism operations are not in any way targeting individuals or groups based solely on race, ethnicity, religion, nationality, political affiliation, or other similar distinctions. Secondly, the country should ensure that a repeal or amendment of the Prevention of Terrorism Act of 2012 does not contravene international human rights standards. Further, Kenya should publicly state that the country will not carry out unlawful renditions, and will seek the lawful return of its citizens who were rendered to Uganda as the Kampala bombing suspects. The country should also make public the command and control structures of Kenya’s various counterterrorism forces. Further it ought to ensure that security sector reforms include counterterrorism security forces and provide
for stronger oversight and accountability mechanisms. These mechanisms require impartiality, and transparency in investigations into the allegations of detainee abuse, extrajudicial killings, and other serious human rights violations associated with counterterrorism suspects. The country should respond publicly, investigate, and release any relevant information, concerning the allegations that its officials violated the human rights to the Kampala bombing suspects. In addition, Kenya should and make publicly available, information about foreign military and counterterrorism support.

Patrick Mijoni (2013) attempts to investigate and establish the extent of the threat of terrorism in southern Africa as well as the capacity and strategy required in the Africanization of its war. He argues that a lack of coordinated policies on anti-terrorism, Africanization of the war against terror present many challenges SADC. The study concluded that whilst the extent of the threat of terrorism is relatively low in SADC, there is potential for it to escalate. Due to the dynamic nature of terrorism and ever-increasing occurrences of terror attacks in African regions and elsewhere, SADC needs to cooperate with the international community, address the underlying causes accordingly and devise clear and consistent policies on anti-terrorism. The creation of a powerful institution in the region to deal with terrorism is therefore highly recommended.

2.4. Terrorism and Counterterrorism in Kenya

Jeremy Prestholdt (2011) examines the US security aid to Kenya, the experiences of those affected by counterterrorism initiatives, and the ways in which Kenya’s internal sociopolitical dynamics shape America’s counterterrorism agenda. US counterterrorism strategy in Africa entails the coordination of diplomatic pressures and aid-related incentives. The paper outlines the effects of US policies toward Kenya in the context of the war on terrorism. It addresses how
Kenya, a majority Christian nation, has responded to American pressure to intensify counterterrorism activities and how the actions of the state have both reflected and aggravated tensions between the central government and Muslim minority communities, particularly those at the coast.

Kenya, therefore, offers a valuable case study of US foreign policy in the age of counterterrorism because it is regarded as both a frontline state in the global war on terrorism and America’s most important ally in the Greater Horn of Africa. Moreover, it exemplifies the evolving multipronged US security directive in Africa. It has been the focus of security funding, targeted aid to Muslim communities, and direct military engagement, particularly in the field of military-provided development assistance. The recent history of counterterrorism in Kenya thus presents a balance sheet to assess America’s counterterrorism initiatives on the African continent.

The paper points out that the reality of terrorist threats on the continent of African. It further goes down to note that too much scholarly attention has been given to the meaning of new policy directives for American diplomacy, and the parameters of U.S. military engagement in Africa. Another body of research, one more critical of US foreign policy, has addressed the conflation of security concerns with development assistance and the convergence of counterterrorism with issues such as the demand for African oil and US economic competition with China. Despite the richness of these veins of inquiry, two aspects of the evolving diplomatic and security relationship between the US and African nations have garnered less reflection: the experiences of those who have been most severely affected by counterterrorism initiatives, and how the realpolitik of allied African governments shapes America’s war on terrorism. Unlike in Afghanistan and Iraq, the United States generally pursues its interests by proxy in Africa, depending on aid to partner nations more than on direct American forces.
It argues that though the US provides funding, training, and military hardware to its allies, success in the war on terrorism is largely determined by the priorities and internal socio-political dynamics of African partner states. In Kenya, security training and assistance have empowered domestic anti-terrorism forces to address the problem of violent extremism more aggressively, but Kenyan authorities regularly act on minimal evidence and violate domestic and international law. Thus, the government of Kenya’s antiterrorism initiatives has compounded an already deep sense of alienation among those most severely affected by the new measures: Kenyan Muslims, particularly those of Arab and Somali ancestry.

Jan Bachmann and Jana Hönke (2010) analyses the merging of development and security in Western policies vis-à-vis 'deficient' states in the Global South, looking at the social life of anti-terror policies in Kenya. The article highlights the positive synergies which can be generated by integrating an international relations perspective into area studies, and allows for the investigation of an oft-neglected but important nexus: how do Western interventions affect local societies and how are these interventions shaped and appropriated by local politics? The authors show how specific struggles within the donor-recipient relationship and micro struggles can challenge and shape externally defined programs, while a discourse-theoretical perspective accounts for shifts in how problems of international security are approached on a more structural level and how this, in turn, structures local politics.

The Kenyan case shows that the strategies on hard security assistance have enabled the government to expand its counterterrorism infrastructure, which in turn has been used for controversial security practices against sections of the population suspected to be prone to terrorist activities, namely the Muslim minority. On the other hand, these practices have mobilized opposition in Kenya and have also contributed to a rethinking of donor agenda where
soft security and engagement with civil society organizations are now accentuated. As part of this strategy, foreign military actors engage in development work with local communities, making the boundaries between development and security assistance harder to identify. Despite such differences in approach and objective, however, they argue that the projects have yet to abandon the traditional rationality according to which Western development and security interventions in 'deficient' states serve homeland protection and thus continue to prioritize stability over civil rights.

The paper specifically focuses on Kenya's anti-terrorism efforts and assistance from external support mainly from the US, UK, and Denmark. The British counterterrorism strategy emphasizes civilian programs crucial parts of the population in order to 'prevent the radicalization of individuals'. The Danish liberal-conservative government stresses the need to realign Danish development, foreign, and security policy objectives. The government not only links state fragility to terrorism but, makes the fight against terrorism one pillar of its development agenda. Denmark emphasizes its comparative advantage of soft interventions and does not provide bilateral military assistance or training to Kenya. The UK's assistance to enhance Kenya's control capacity at the Somali border also fits into the strategy of hard security: through the Foreign and Commonwealth Office's Global Opportunities Fund, the Administration Police have received communication hardware and operations training in order to 'limit infiltration' of militants. Additionally, the British military has been involved in training special counterterrorism forces in Kenya.

Secondly, strategy donors provide legal advice and training in counterterrorism to the judiciary, law enforcement agencies, and intelligence services. This includes advising the government on anti-terrorism legislation, conducting workshops on disaster prevention, and awareness-raising
about terrorism. The UN-CTC provides funds and expertise to assist states in complying with UNSC resolution 1373 (2001), which obliges all member states to criminalize terrorist acts. This strategy is applied by the joint UNDP/UNODC-facilitated project 'Strengthening Counter-Terrorism Capacity for a Safer Kenya' and is funded by the Danish government.

The third strategy concentrates on soft security and assumes a close relationship between poverty and terrorism. Donors now increasingly link development aid with security programs, working with non-state actors and targeting populations who are at risk of radicalization. In 2004, with the announcement of DKK145 million (approximately $24 million) of Danish development assistance for fighting terrorism, this proposition was solidified into official Danish policy. Denmark has also announced two initiatives to counteract 'religious radicalism' in Africa - one of them in Kenya with a budget of DKK15 million (approximately $2.4 million) for a three-year period. The UK also pursues the approach of addressing Muslim groups; drawing on the Global Opportunities Fund's 'Engaging with the Islamic World' program, by supporting community policing and a prison reform program in the Coast Province in 2010.

In conclusion, even though Kenya's three main donors in counterterrorism have launched different strategies, over time all have emphasized the relevance of social development programs. The liberal interventionism and of counterterrorism in Kenya shows how addressing risks to 'homeland security' has merged Western security and development policies. Demonstrating their adaptability to national and international dynamics such as strong local criticism of the state-centered counterterrorism policies, strengthening the security capacities of the Kenyan state through counterterrorism assistance has thus been complemented by an engagement with local groups in Muslim-dominated regions under the new label of peace and security, involving counterterrorism, counterinsurgency, conflict prevention, and local welfare.
projects. In this context, future research has to engage more deeply with the functionality of development as counterinsurgency, with the use of potentially emancipative development projects as new modes of governing populations.

Juanita Kasili Nangila (2016) study investigates counter-terror measures used by the government of Kenya; impacts of the counter-terror measures on the rule of law and human rights; and the link between international terrorism and governance in Kenya using the realist theory. The study established that some counter-terror measures negate constitutionalism by perpetuating human rights and rule of law violations. The research findings affirmed the hypothesis that Kenya’s counter-terror measures have not resulted into an absence of terror attacks, and some counter-terror measures have violated human rights and constitutional provisions and international terrorism has impacted governance in Kenya. The study recommended the use of counter-terror measures that promote constitutionalism by respecting the rule of law, human rights, and freedoms. Secondly, terrorism provides an opportunity for the government to address historical grievances and injustices through social justice, Truth Justice, and Reconciliation mechanisms.

Carolyne Wanjiru Kamau (2006) explores what happens when the global war on terror collides with the politics of democratic transition in Africa, and Kenya in particular. She analyses the unwavering response of Kenya's civil society in rejecting the Suppression of Terrorism Bill. This paper works to capture the moment when a very vocal civil society successfully rejected the influence over Kenyan politics that these major powers have exerted. The paper explores the impetus for anti-terror legislation and the nature of civil society's responses to the proposed legislation. It concludes with a brief discussion of democracy and the importance of a vocal civil society in the consolidation of new democracies.
Charles Lenjo Mwazighe (2012) examines the development of counterterrorism legislation in Kenya. It analyzes successful counterterrorism approaches adopted by the UK. It evaluates the sufficiency of the criminal justice system, the British legal response to counterterrorism as a basis for comparison, and current counterterrorism legislation (Prevention of Terrorism Act, 2012). The thesis argues that the civil society and watchdog groups have blamed Kenya’s anti-terrorism legislation, especially on human rights violations. The UK has been at the forefront of fighting the global war on terrorism, using both the criminal justice model and the war model. The UK’s commendable successes in controlling Irish terrorism for more than a century, have been tempered by civil-liberties by employing a mix of regular legislation, emergency legislation, and military-based emergency executive orders. Thus the UK’s approach to counterterrorism has particular relevance for Kenya. First, the UK’s historical enshrinement of civil liberties can be traced to the 1215 Magna Carta. Second, the UK has been involved in creating the EU’s human rights conventions, which have shaped Europe’s counterterrorism legal strategies. Learning from the UK, counterterrorism legislation evolves in tandem with the crime of terror.

Human Rights Watch (2016) report is based on research conducted in Nairobi, Garissa, Wajir and Mandera counties in northeastern Kenya—all counties in which community members had raised concerns about the whereabouts of people who had been arrested in law enforcement operations. Researchers visited and conducted interviews in villages and towns in Garissa in September 2015, in Wajir in October 2015, and in Mandera in December 2015. The report reveals how security officers raided homes, compounds, business premises, and schools to arrest individuals and conduct searches, thereby committing grave human rights violations including torture, killings, and disappearances. The targets of these operations are most often males.
between 20 and 40 years old and some are either imams or Islamic education teachers and their students.

Watch recommends that Kenya’s international partners (US, UK, and the EU) to publicly denounce these abuses, call for investigations and accountability, and to ensure any support to Kenya’s security forces – including training, logistics, and other material support—does not go to units implicated in enforced disappearances, extrajudicial killings or torture. Donors should consistently press for credible investigations and prosecutions of perpetrators, and consider providing forensic support for such investigations.

It further recommends that the Kenyan government should urgently address allegations of abuses in counterterrorism operations, provide information regarding the identities, and whereabouts of people arrested in these operations, and ensure basic due process rights for all individuals arrested or currently in custody; Kenya should also comply with the provisions of its own constitution and fulfil its obligations under international human rights law; the government should ensure that the law is followed during all operations and that members of the military and Kenya Wildlife Service, who have no legal mandate to make arrests, do not arrest and detain people; and the government also should ensure that all those arrested by police are properly registered in police records and detained in police stations, not in military facilities or the bush as has sometimes occurred.

Samuel Aronson (2013) looks at the relationship between Kenya and the Global War on Terror and how it relates to national politics, regional security, and the international community. The author first examines the historical context of Kenya’s relationship with terrorism on a domestic level, then offers a profile for past and future perpetrators. The paper lastly explains the reasons
that Kenya is seen to be a terrorist’s heaven. The study specifically analyses criminological and investigations of the root cause theories while taking into account inherent policy flaws. The author sought to offer insight into the importance of Kenya’s anti-terrorism strategy in maintaining global security. As a result, papers argument was that there is little evidence to show that a mobilizing belief for violent jihad exists within Kenya. Instead, all of the major terrorist incidents in the country have been perpetrated by foreigners who use Kenya for a number of reasons, which included and not limited to geographic location and a lack of state capacity. In addition, the fiscal aid offered by the American government becomes an irrelevant factor when the counterterrorism strategies in Kenya are, in and of themselves, flawed.

In the spirit to ensuring security and political stability, the paper recommends several policy changes. First, Kenya is required to utilize law enforcement and intelligence entities. The two act as both a deterrent and reactive force to terrorists, deterring the planning of attacks on Kenyan soil and reacting to intelligence gathered in the course of investigations. In addition to the present capacity of these entities, systematic improvements ought to be made at the individual and departmental levels. With the assistance of the United States of America, there needs to be better training offered to security agencies in terrorism-related investigations. Second, the government should have an all religion inclusivity in politics, the economy, and everyday life as an important strategy to the Global War on Terror, “winning the hearts and minds of target populations”. If the strategy is implemented, then Kenya can operate as a more secular and open-minded country where religion is not the overwhelming root of anger and disagreements. Third, Kenya must ensure border security, especially with Somalia.

Hillary Odhiambo Odero (2009) examines Kenya's cooperation levels in fighting terrorism as outlined in the UNSC Resolution 1373, 2001 on counter-terrorism. The study revealed that
Kenya has cooperated on two fronts: At the national level and with external partners on the implementation of UNSCRES 1373, 2001. However, domestic actors such as members of parliament and civil society opposed the Suppression of Terrorism Bill, 2003 and the Proceeds of Crime and Anti-Money Laundering Bill, 2008.

Bakano Otto (2010) also looks at the impact of international terrorism on counter-terrorism legislation and Kenya’s Suppression of the Terrorism Bill (2003). Bakano’s paper studies its contents and the effectiveness of the legislation's provisions in tackling terrorism. The paper also looks at the forces behind the publication of the bill, both foreign and local and investigations the role those factors played in creating the anti-terrorism bill.

Nancy Mutave (2005) investigated the challenges that Kenya faces in combating terrorism. This study focused on finding out the measures put in place to combat terrorism and their effectiveness in Kenya. The research found out that terrorism is a threat to national security in various social, economic and political aspects. The recommendations drawn from the study showcased the importance of coming up with a definition of the term terrorism that individuals from different disciplines accepted. Secondly, the government should extend its regional network and cooperation to effectively gather intelligence for adequate response to suppress terrorism. This research is appropriate for information to students of security studies and government policymakers who are in charge of designing counter-terrorism strategies. Likewise, Leonard Boiyo (2013 critically examines the various counter-terrorism measures adopted by Kenya and the US and determine how effective these measures have been.

Stephen Karanja (2011) argues that globalized radical militant and Islamist terrorism has been on the rise. The study investigates the rapid growth of radical militant Islamist terrorism, its
existence in Kenya and the measures put in place to counter the phenomenon. Significantly the paper critically and comprehensively examined the regional and domestic challenges faced by Kenya in its war against terrorism. The study established that Kenya is not only a victim of terrorism but also a source. More Kenyans in their youth are joining the terrorist ranks motivated by both intrinsic factors such as the desire to revenge, re-affirm one's identity, religious motivations and extrinsic ones such as the nature of the international system, regional dynamics, and presence of grievances and perceptions of discrimination as well as the promise of riches. The paper significantly established that Kenya's counter-terrorism measures have been faced by legislative, institutional and operational challenges mainly caused by corruption. Additionally, Kenya's cooperation in the war against terrorism, radical ideology and a hostile geographical regional environment pose fundamental challenges. The study concluded that Kenya needs to enhance its counter-terrorism measures.

Anthony Kamindo (2016) assesses the social factors that cause terrorism in Kenya with reference to Eastleigh Estate of Nairobi County in Kenya. The research’s focus was to determine the socio-economic causes of terrorism in Kenya; to establishing the socio-cultural causes of terrorism in Kenya; determining the extent to which the degree of access to resources causes terrorism in Kenya, and determining the extent to which security policing contributes to terrorism in Kenya. The study found out that the social causes of terrorism in Kenya are propagated by complex network of interwoven problems arising from four thematic areas, namely; the socio-economic conditions of Kenya; poor and wanting security system; the politics of resource allocation and access; socio-cultural factors.

The study concluded that terrorism is caused by a mixture of the country’s unfair socio-economic conditions, poor security policing, policies and strategies, socio-cultural extremism and resource
marginalization. The study recommended that Kenya should embrace a proactive role in its overall counterterrorism strategy. Secondly, Kenya’s security agencies should be specially trained in counterterrorism techniques, policing best practices and public relations in order to inculcate a high degree of professionalism. In addition, the country’s socio-economic conditions need to be addressed to avert economic desperation being a breeding ground for terrorism. The study also called for increased police-civilian cooperation; and the need for a regional approach among states.

Macharia, M. K. (2016) examined the psychosocial impacts of international terrorism in Africa, focusing on the victims and first responders to terrorist attacks in Kenya between 1998 and 2015. The study observed that there is scanty literature on the psychosocial impacts of international terrorism from an IR perspective and the available literature is heavily dependent on the discipline of Psychology. The study found out that the majority of the survivors experienced flashbacks and memories of the attacks and suffer psychosocial effects such as horror, insomnia, anxiety, fear of crowded places and avoided conversations, people and places that reminded them of the traumatic event they were involved in. The study also found out that the Kenyan government has failed to put in place sufficient measures for assisting terrorist survivors. The study, therefore, recommended for further research to develop a theoretical framework that can be applied in the analysis of the psychosocial impacts of international terrorism from an IR perspective.

Martin Mutua (2013) analyzed the role of the media in influencing the war against terrorism in Kenya. It also sought to present the current status of the fight against terrorism in Kenya against the background of the Global War on Terror since the first major terrorist attack in Kenya on August 28, 1998, and subsequently the redefining events in the United States on September 11,
2001. He argues that since then, terrorist incidents have attracted media coverage. Terrorist and terrorist networks, as well as the counter-terrorist organizations, seek to take advantage of the extensive global media networks and New Media highways to instantly carry news of their violence and to spread political propaganda thus attaining their agenda of generating support for their cause.

Sheikh Aden (2009) in his research examines the interrelationship between Christians and Muslims in Kenya with regard to terrorism. The study confirmed that in environments where mixed ideological categories exist, religious relations are compromised because of terrorist-related activities. The study showed that most respondents thought that the Kenyan government's anti-terrorism fight is and was unfair to Muslims as is in other Christian nations. In addition, the results also showed that Muslims in Kenya are discriminated because of their faith and as a result, most of the respondents believed that terrorism damages the existing relations between Christians and Muslims in Kenya. The study concluded that terrorism is straining the relations between Muslims and Christians in Kenya thus increasing the level of mistrust and mutual suspicions between the two groups.

Kiunga Sarah (2012) provides a conceptual overview of terrorism, its dimensions, and perspectives, factors that influence it and how it affects a nation-state. The study looks at foreign policy in Kenya and how the country projects its foreign policy as a nation; it further examines national security concept, its history, principles and pillars. The study bases its theoretical framework on Graham Allison's three models of decision making. In conclusion, the research found out that foreign policy decisions are used to counter terrorist threat in Kenya as well as achieving an environment that discourages terrorist threat; national security pillars are the key objectives used to further a nation's foreign policy interests and to protect itself from the threat of
terror; in Kenya and Africa, terrorism is synonymous to poor institutional mechanisms, porous borders, corruption, weak investigative and prosecutorial systems, and an environment within which foreign jihadists can move freely; and as a result, Kenya is seen to be a terrorist safe haven.

2.5. Chapter Summary

This chapter looks at past literature that were conducted with regards to the topic in question. It first introduces the topic and looks at other research papers in an inverted pyramid manner. That is, it looks at the papers that have been researched on the topic at the global level, then Africa and finally comes home to Kenya.

In summary, it can be observed that the global 'war on terrorism' has produced a plethora of literature, particularly concerning its implementation by powerful states led by the US and UK in Africa, but relatively little attention has been given to the role of regional organizations such as the EU in Africa and particularly Kenya, which has suffered heavily under terrorism and is also a traditional colonial and a strategically. In the above literature, although useful, none has focused on the role of the EU in combating terrorism in Kenya, which is the main focus of this study.

CHAPTER 3

3.0. METHODOLOGY

3.1. Introduction

This research borrowed a lot from what Bryman teaches about research methods in his book ‘Social Research Methods.’ The research paper used Kenya as its site of study and unit of analysis in the survey on terrorism, the European Union, and counterterrorism measures
employed by the country with the help of the regional organization. The country boarders Somali, a country that was once declared a failed state and dominated by the Al Shabaab who are a jihadist fundamentalist group that pose the terrorist threat in the region (The Economist, 2016).

3.2. Research design

The research used descriptive design as it is easy to extract information which relates to the survey. According to Cooper & Schindler (2003), descriptive design creates an easy link between diverse study variables which in this papers case was the role of the European Union on counterterrorism measures in Kenya.

3.3. Study population and sample selection procedures

The target population of this study was the embassy of the EU; National Treasury, Ministry of Devolution and Planning; National NGO Council, the Kenya Police Service (KPS), National Police Service Commission (NPSC), Independent Police Oversight Authority (IPOA), Kenya Defence Forces (KDF), Ministry of Defence, National Intelligence Service (NIS), Kenya National Commission on Human Rights (KNCHR), Attorney General, Public Prosecutor, and Ministry of Interior and Coordination of National Government.

3.4. Data collection

Data collection was derived from secondary data. The secondary data collection was derived from documentary sources like EU publications, Government of Kenya publications and official reports, publications and reports of CSOs, counterterrorism policies, laws, regulations, and institutions; books, journal articles, newsletters, newspapers; and online sources.
3.5. Data Analysis and Interpretation Techniques

Data analysis, testing of hypothesis, and measurement of variables involved a combination of univariate and bivariate methods (triangulation) to analyse the relationship between EU’s counterterrorism approaches and their implications in Kenya. This ensured validity by eliminating biases and inconsistencies. The triangulation process is rigorous and in this research, it permitted various ways of analysing the role of the EU counterterrorism approaches in Kenya based on the critical theory of the Copenhagen School.

3.6. Ethical issues

Data collected and used in this research was referenced and the authors correctly cited. Further, the intention of this research paper is purely academic and thus, all ownership of original data has been acknowledged.

3.7 Chapter summary

This chapter provided the blueprint of the methodology that the research used from the sample design, the study population. It further explained the data to be needed and the techniques used to collect the information more so, the chapter explained how that data was analysed and interpreted. Finally, the paper explained the ethical issues involved in the research.
CHAPTER 4

4.0 DATA PRESENTATION, ANALYSIS AND FINDINGS

4.1. Introduction

The EU has become a major factor in the fight against global terrorism. Its policy can be traced from the 1970s and remains informal within the cooperation carried out in unceremonious intergovernmental context, such as the TREVI association. The European Union has been one of the major supporters of Kenya in its fight against terrorism. Attacks in Kenya include but not limited to; American Embassy, West gate attacks, Dusit, Mombasa sporadic attacks, North Eastern region attacks and abduction (Garissa University, Moyale query attacks and public works staffs attacks.

To analyze EU’s performance on international counterterrorism approaches in Kenya.

4.2 EU Policy on Terrorism

4.2.1 Security Cooperation

The EU has been supporting Kenya and its people to improve the country's security. This is partly because the country has experienced terrorist atrocities and because the regional body believes in respect to basic human rights, the constitution and sharing economic and social approaches as effective means of eliminating terror activities in a region. Moreover, the regional institution gives communities and governments support across the African continent via programs intended to; curb violent extremism, curb terrorist financing and money laundering
which enhance judicial capacity and investigation to assist in prosecuting of offenders linked to terror activities. According to the EU (2015) website report, the European Union has several missions in Africa operating under Defense policy and Common Security. This is shown in the EU's intention to enhance 'regional maritime security capacity’ involving maritime governance and counter-piracy measures.

The regional institution as well intends to curb armed robbery and piracy at the shores of Somalia's coast while protecting AMISOM’S (African Union Mission in Somalia) and WFP (World Food Programme) ships. In addition, the EU through the deployment of a military training mission in Somalia, the Somalia government's security organ is strengthened. Moreover, the regional body as well minimizes biological, chemical, nuclear, and radiology risks that curb organized crime and counter-terrorism activities in the region by using 'instrument contribution to Stability and Peace-ICSP’ (EU, 2015, paragraph 7). The ICSP-financed regional programs are located in and operate from Nairobi (Kenya). Besides, Nairobi, the capital city of Kenya hosts as well ‘the European Union Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative (EU CBRN Coe) of BRN risk mitigation center’s regional secretariat ’(EU, 2015 Par. 8). Finally, Somalia stability has been approached as one of the major issues in the EU where financial and diplomatic approaches are accorded to AMISOM. The support to join forces in Somalia makes the EU a leading supporter to the peace process in Kenya and the development, growth, and governance in Somalia

4.2.2. EU counter terrorism Measures

The European Commission put forward measures intended to curb terrorism expansionist methods while at the same time securing EU citizens. This operation is intended to solve the vulnerability level presented by the recent increase in terror attacks and strengthen further the
regional body's external operations on counter-terrorism. Multilateral and bilateral associations with the developing states towards curbing organized crimes and terrorism have been a key prerequisite used by the Union in strengthening internal security. The EU, therefore, has opted to enhance collaboration between the developing states and the 'EU's legal enforcement institution Europol. The collaboration has been effected through engaging in negotiations in conformity with personal information transfer between developing states and Europol. Kenya among countries such as Egypt, Algeria, Morocco, Turkey, Israel, Lebanon, and Jordan benefits from enhanced Europol's capacity to curb terrorism in the third country.

The discussion held by EU to join the 2005 Council of Europe Convention on the Prevention of Terrorism and its Additional Protocol (EEAE/SEAE, 2017) was aligned towards opening up for assenting on Warsaw, in 2005 May 16 thus criminalizing the Acts outlined in the Protocol’s Article 2 and 6 encouraging parties to engage in curbing global terror. Moreover, the Act encourages parties to eliminate or limit the negative impact occurring as a result of terror activities which may hinder the stabilization of human rights. The same Convention was assented to on October 2015. The convention focuses on illegalizing terrorist and other terror-linked activities, global association related to protection and such offenses and compensation as well as support for terrorism victims. Moreover, the additional protocol provided a uniform platform for understanding and responding to crimes associated with foreign terrorist militias. The EU as well implemented the "EU External Action on Counter-Terrorism." The 2017 June decision intended to stabilize the counter-terrorism experts' networks in EU delegations by increasing collaboration between 'Common Security and Defence Policy mission’, EU justice, as well as Home Affairs departments and enhancing global collaboration with partner states, major strategic partners, as well as key multilateral and regional partners.
4.2.3 Security cooperation

The European Union has been supporting Kenyan government efforts and its people to enhance security within the country. This aspect resonates well with the negative experience the EU has with terrorist attacks in Kenya. This mutual relation is strengthened by the fact that the regional bloc respects the human rights fundamentals and the constitutional framework which opens up the economic and social opportunities hindering terrorists’ activities in the society. According to the European Union website, the EU has been supporting the communities and governments within the African continent through; blocking terrorist financing and money laundering, counter-extremism violence, enhancing investigative and legal institutions capacity to assist to prosecute terrorist offenders.

In the same view, Megged Moshe article "Kenya get European Union backing in fighting against terrorism" acknowledges the close relationship shared by Kenya and EU’s cooperation towards curbing global terrorism. This according to Mogged is necessitated by the threat posed by terrorism in security and economic challenge within East Africa. Kenya has been marked by consistent Al Shabaab attacks geared towards retaliatory measures by Jihadist against Kenya Defence Forces presence in Somalia. However, the Kenyan forces have continued to conduct offensive attacks against the terror group in Somalia leading to killings of some of their members. This measure taken by the Kenyan government has provided a platform for the EU to assist in curbing the Somali based terror group spread. The affirmation is presented through, "the Head of EU's Political, Press and Information" promising approximately 19 million Euros to support the fight against terror activities (Mogged, 2015).
This is further confirmed within "the Common Security and Defence Policy" which provides regional support to missions in Kenya and within the sub-Saharan region towards enhancing maritime governance, counter-piracy, and regional maritime security capability. EU as well focuses on curbing armed robbery and piracy within Somali's coast while securing the World Food Programme and offering the African Union Mission in Somalia-AMISOM's ships with security. In addition, the regional body operations offer military training to the Somali's government thus strengthening the institution hence assisting Kenya in the challenge of training the neighbouring states' forces.

The attacks on the Garissa University which led to the death of several students and staff prompted the EU to join Kenya in the fight against terrorism expansionism tactics in the region. These phenomena catalysed the EU to carry out three main projects within Nairobi-Kenya; a tri-annual project focusing on countering militant group financing. This first focus intends to manage the anti-money laundering campaign across the East Africa region. The second pilot project concentrates on Ethiopia, Somalia and Kenya to curb the extremism and radicalization from the grassroots level. Thirdly, the EU focuses on constructing and enhancing intervention mechanisms in collecting intelligence and prosecuting the suspected terrorist members (Mogged, 2015.. par. 6, 7, and 8). Therefore, through the recognition of Kenya's efforts towards curbing terrorism in the country and the region, the country through the EU’s assistance intends to modernize its forces and improve its "Intelligence Service" capacity to identify and predict terror threat.

The Human Rights Watch 2003 report notes the aspect of EU donor funding in Kenya. The reports identify the widening gap between Kenya's regime and E.U donors, as donors remained steady with the aid conditionality set by IMF. This led to one of Moi's regimes donor supporter,
U.K. (the United Kingdom) taking a tough stand, a position reflected by Mr. Baroness Valerie’s Amos, Foreign Affairs Minister. According to Baroness, the U.K was not going to come pledging to compromise their stand on aid to the country despite Kenya's support for anti-terrorism efforts sponsored by America and Britain (Human Rights Watch, 2003). The warning pointed out by the U.K to Kenya, focused on election delaying thus British authority withheld half of its aid meant for Kenya when it squashed the anti-corruption bill. However, support was extended to other areas. The same was experienced by Belgium who ended aid citing mismanagement while scaling back of aid was reflected in the Netherlands measures. However, all these mixed relationships never affected the mission by Germany and the U.K to search for al-Qaeda within the region (Human Rights Watch, 2003).

Therefore, Kenya like many other developing countries has experienced some substantial level of security challenges, especially on terrorism. The current terror attacks in the country, was as a result of Kenyan troops involvement in the Somali conflict, experienced through sending the troops to Somali. This, as a result, led to the terror group (Al Shabaab) targeting Westgate mall that killed 70 people, the Garissa University killings that took 147 lives as well as the Dusit attack that left 21 dead. Moreover, the consistency in the attacks has reduced the number of tourists visiting the country necessitated through travel bans, hence impacting negatively on the country's economy.

This led to the government increasing its expenditure on security matters by allocating the security sector with approximately 124 billion shillings towards the Ministry of Defence and NIS (National Intelligence Services) and 140 billion shillings to the Ministry of Interior and Coordination of National Governments. This huge portion was allotted to the Police and military
modernization, lease financing of motor vehicles in the forces and construction of the National Forensic Laboratory.

4.2.4. Military support

The EU (European Union) Parliament voted to ensure Kenya is supplied with military support to assist it in the fight against terror groups. This is especially geared towards the Al-Shabaab terror group based in Somalia, who claimed responsibility of 148 killings of Garissa University College students and staff. According to Kinuthia, the terror incident led to the European parliament advocating to equip the Kenya police and army towards increasing their capacity to fight (2015). This was executed through resolution endorsed by 578 votes to only 31 votes with 34 members being absent. In addition "military training mission" was to be launched in the country by the European States to catalyse and curb terror activities (Kinuthia, 2015). The MEP as well advocated creating a 'European Union military training mission’ in which the modern devices and training were to be supplied to fight as well as curb Al-Shabaab expansionist tactics. This move taken by MEP was due to regrettable speed taken by Kenyan police officers towards preventing further attacks in Garissa.

4.2.5. Funding peace keeping forces.

EU association with the African Union, where Kenya is a key member in relation to peace and security has been deemed financial relation. As from 2004, the EU has contributed more than $2.39 billion (€2 billion) to support peace operations in the AU (International Crisis Group, 2017). This is despite AU receiving contribution from its member states, such as Kenya. The step taken by member states such as Kenya has been an attempt to break from overdependence
on EU for support, hence demand by EU for AU to be accountable. An approach that has been a source of tension in some countries.

4.2.6. Ensure Stability

The EU legislators proposed for the regional integration (EU) to mobile resources to assist in restoring or maintaining peace as well as stability in Kenya and the East Africa region. This was realized through the EU working together with the African Union while weighing 'the African Peace Facility' recourse (Kinuthia, 2015). The major interest was to solve the inter-religious conflict perpetrated by the Al-Shabaab against Christians.

4.3. Factor Leading to EU new counter terrorism mechanism

4.3.1. Factors catalyzing EU fights against Terrorism

The EU has been facing diverse kinds of terror attacks and threats of violent jihadist context emerging from either or both lone actors or network groups. This has seen the EU citizens as well as those directly or indirectly affiliated to them being targeted by the terrorist, who use explosives, use guns in killing people randomly and using selective religious texts in their radicalization process (Europol, 2017). Jihadists who are found in Kenya mostly use a wide scope of weapons such as blades, automatic rifles, vehicles, explosives, and other light weapons.

The jihadist kind of terrorism found within East Africa mostly use 'low technology smaller improvised explosive devices-IEDs and improvised incendiary devices-IIDS' composed of readily accessible products (EUROPOL, 2017). These attacks are composed of both spontaneous attacks and planned attacks. Therefore, if the Al Shabaab who pledge allegiance to IS acquire backup, then they will be in a position to carry out complex attacks not only in Kenya but also in
Europe hurting citizens from both partners. As the EUROPOL 2017 report notes, migrants and refugees influx in Europe has acted as leeway for terror groups such as IS to infiltrate Europe. The has been experienced in Kenya since the 1990s leading to Al Shabaab findings a safer means to attack the state, hence leading to the Kenya Foreign ministry threatening to resettle refugees of Somali descent to their home despite the conditions. An act which called for international communities supports in fighting terrorism and settling refugees.

4.4. European member states terror attacks trend

4.4.1. Cases reported

There were reports of about 143 completed, failed and foiled attacks reported by eight EU member states by 2016. According to Europa 2017 report, approximately 76 cases composing more than half reported cases, was evident in the United Kingdom (UK). This was followed closely by France with 23 attacks cases, Italy with 17 cases, Spain with 10 reports, Greece with 6 cases, Germany with 5 reports, Belgium 4 reports, and the Netherlands reporting 1 terror case. According to Europol 2017 report, less than half (47) of the 142 attacks were deemed complete. As per reports presented by the EU, member states 142 victims lost their lives due to terror attacks while 395 of the casualties experienced injuries. Most of these reported attacks (142) if not all were as a result of terror attacks which was a continuation of a trickling trend, originating from 2014 which was marked with 226 reports, followed closely by 211 attacks in 2015.
There has been an increase in threats cases presented by lone-actors due to enhancement in efforts towards counter-terrorism measures. This measure is attributed to more pressure on terrorists leading to the group resulting in tactical adaptation. According to Pantucci et al. (2015), lone-actors isolation acted without proper guidance from communications with terror groups in a way that makes disruption and detection of their activities difficult. Therefore, the numbers indicate that on average, lone attacks have more impact in comparison with multiple attackers hence explaining the increase in different national security institutions globally. Besides, easy access to abundant weapons as a potential terrorist’s device is no longer the only means of survival to criminal gangs but also the use of other devices such as transforming vehicles or cutleries into weapons.

Therefore, to improve collaboration between the judiciary and the police within a region or
state, data exchange amongst member states need to be effectively provided. This platform of European Counter Terrorism model developed in January 2016 has been emulated by most of countries.

**Figure 2: Average number of deaths per terrorist attack worldwide, lone wolves vs. multiple perpetrators, 2004-2015**

![Graph showing average number of deaths per terrorist attack worldwide, lone wolves vs. multiple perpetrators, 2004-2015](image)

In many of the terrorist events listed in the GTD database information about the number of perpetrators is unknown. These events have thus not been included in this analysis, which results in a larger margin of error. However, the number of terrorist where information on the number of perpetrators is available still’s significant. This trend analysis shows that over the period 04-15, lone wolf attacks on average have been more deadly than attacks by more than one perpetrator. However, there is convergence in the deadliness of groups and lone wolves.

**Source:** Global Terrorism Database (GTD) 2016. This figure shows that in the period of 2004-2015, lone wolf-attacks on average have been more deadly than those perpetrated by multiple actors.

**4.4.2. Arrest cases**

The arrest cases in 2016 related to terrorist offenses were 1,002 a number which comparatively was lower to that in 2005 (1077). However, most of the culprits were linked to terror activities (jihadism) in which the number increased consecutively; 2014 (395), 2015 (689) and 2016 (718). The separatist and the left-wing terrorist incidence reduced by half, in comparison to the number in 2015 (2015 shift of number from 67 to 31 in 2016 and 168 to 84 in the same period respectively). The report indicates that the number of right-wing terror members arrested
remained minimal, 2016 (12 arrested) and 2015 (11 arrested). The striking element is that France uniquely presents itself as the only EU member states that have reported a high number of right-wing terror attack victim arrest cases (from 2014-238 arrest, 2015-424 arrest, and 2016-456 arrest cases).

A substantial number of the culprits (1/3) were youthful individuals, aged 25 years and below. However, only 1/10 culprit fell within the age of 40 (9%). Arrest linked to terror activities such as financing, executing or attempting attacks, assisting and preparing attacks reduced in 2016 (169) from 2015 (209). The Europol 2017 report further notes that those arrested for visiting a conflict zone with intent to engage in terror zones decrease in 2016 (22) from 2015 (41).

4.4.3. Convicted cases and acquittal

In 2016, Greece, Germany, France, Hungary, Estonia, and Austria successfully reported prosecutions that led to the conviction of terror-linked offenses. Germany forms the only EU member country where terrorist offenses prosecutions resulted in a guilty verdict with no acquittal as from 2010-2016. The period of 2016 registered a high conviction rate during the winding up of 89% of the court proceedings. However, the acquittal rate only composed of 11% in 2016, a percentage lower than in 2015, a 21% rate and 2014, 24% rate. In some of the cases, the defendant was acquitted of terror-linked offenses but charged with document forgery, armed robbery organization, racial conflict incitement, manufacturing drugs and owning illegal firearms.
Types of attacks

Figure 3: Type of terrorist attacks, 2004-2016

4.4.4. Weapons Used in Terror attacks

In Europe, 40% of total terror attacks in the region used explosive, especially in 2015. The use of firearms also took place in most of the terror attacks but a drastic reduction was experienced in 2016 marked with 6% firearms attacks from 57% attacks in 2015. The use of firearms and explosives such as hand grenades and landmines has been commonly used in Kenya, especially in Nairobi, Kisumu and North Eastern region.
4.4.5. Explosives

Although terror groups use a large scope of readily accessible weapons, explosive tools are still the most preferred device by terror groups due to power symbolism attached to them and their increased impact. According to Europol 2017 report, the 2016 period was marked with the transfer of techniques, tactics and procedures-TTP used by terror groups from the contemporary conflict zones. The evolution elicited spread and increase in bomb-making instructors and knowledge in the region. The accessibility of explosive materials has enhanced terror preference to 'Home-Made Explosive-HMEs' (Europol, 2017, p.15). Europol report further notes that,
attacks by terror groups using 'Improvised Explosive Devices-IED ' and engaging 'suicide person-borne IEDs-PBIEDs' forms a major concern to a state, mostly due to its effectiveness in soft attacks(2017, p. 15).

4.4.6. IEDS-Improvised Explosive Devices

Most of IED terror attacks generally focus on soft targets to impact maximum casualty numbers on their victims. This type of attacks according to the Europol report has been experienced mostly on rail and air transport facilities, sports events and commercial premises.

Reports on major unique trends used by jihadists in IEDs use indicates that there exist in construction and design of the devices used in terrorist conflict zones. According to Euro 2017 report, some of the identified elements in the sample collected from the used IEDs devices may have undergone modification. The IEDs improvement mostly relies on locally available resources as well as circumstances surrounding the region of the target. Therefore, where complex improvement on devices such as HMEs is involved, specific knowledge and logistic support are required to access the process used in the manufacture of such devices (EUROPOL, 2017). The preference of use of these devices is not pegged on the complexity of the device but its simplicity and reliability in usage in terror activities. Most of the knowledge transfer in bomb-making in terror groups is ensured through physical contact, experience, through instructors or social media instruction guide.

There is also the use of rudimentary IEDs, which is mostly composed of explosive constituents such as ammonium nitrate, pyrotechnic articles and gas cylinder. The IEDS requires little or no preparation, logistic support, extensive planning or expertise involvement. Europol 2017 reports,
therefore, identify this rudimentary tactic as the most readily available attack tools for small terror groups in a country.

**4.4.7. Military Explosives**

The presence of readily accessible explosives in the former and current conflict zones, such as Ukraine and Western Balkans as well as the illicit explosive trafficking into the sub-Saharan region, is believed to be a looming future threat. Terror groups are known to possess rocket propellers, hand grenades, detonators and high-grade plastic explosives from 'organized crime groups' (Europol, 2017, p.16).

**4.5. Chapter Summary**

The European Union has the will to not only curb but as well as eliminate the existing terrorist groups and activities in the world. This is reflected through Article 2 to 6 of the Warsaw Convention of 2005 which empowers the European states to engage in fights against terrorism and its impact on the international arena. The experience of various attacks in the European region has made the region develop reliable strategies towards not only minimizing but as well as eliminating terror vices in the region. Therefore, the military support provided by EU to African states and more so Kenya is in line with the EU’s convention Article 2-6 which mandates the region to carry out elimination measures on terrorism. Kenya has greatly benefited through the involvement of the EU in the fight against Al Shabaab and the provision of financial and military support in the country.
CHAPTER 5

5.0 SUMMARY, RECOMMENDATIONS AND CONCLUSION

5.1. Summary

Kenya has faced a higher number of terrorist attacks compared to its neighboring countries (Uganda and Tanzania). Some of these terrorist attacks have been caused by foreigners while others are caused by Kenyan civilians enrolled by terrorist groups such as Al Shabaab. The research found out that unemployment was one of the key reasons for the easy radicalization of the Kenyan youths into the terror groups. In addition, the insinuation by the government through its armed forces that, most, if not all Muslims are terrorists is also a contributing factor to the radicalization of the youth. The geographical positioning of the country is a factor as well since Kenya boarders Somali yet the country is marred with the terrorist (Al Shabaab). The terrorist group uses Kenya’s porous border to access the country. With the cash received from piracy and the support of the group, they are able to pay Kenya police thus move freely in the country as they plot their next move or attack. However, whenever an attack occurs, the country has been reported to infringe the international human rights laws on how they handle the suspects. As a result, part of the EU’s mission is to handle their issue and educate the armed forces on these rules and use other means to extract information from the suspects.

The EU has cooperated with Kenya in several areas on its international counter-terrorism quest. From financing, training of the armed forces, information sharing, among others, the regional organization is said to be the biggest contributor to the war against terrorism in East Africa. The research found out that the regional organization has signed multilateral and bilateral agreements that are set to curb organized crimes, money laundering, as well as stop, organized crimes.
Through its legal enforcement institution Europol, the EU has been able to enhance security by sharing personal information of suspected persons between the organization and affected countries. As a result, in as much as Kenya is reluctant to fully implement the international laws on counter-terrorism, the research found the regional organization has the willingness to fully cooperate with Kenya in domesticating and implementing the international counter-terrorism approaches.

5.2. Recommendation

1. The European Union should integrate the recipient states terror protection strategies to enhance the already existing mechanism towards protecting the country of interest from terror activities.

2. The European Union approach of supporting African regional bodies should narrow down to sub-regional bodies to expound the coverage area in the fight against terrorism. This will increase the military capabilities in the terror-prone regions to fight terror groups.

3. The EU military and security support to African states, such as Kenya, will be more proactive when they are given a chance to experience the effectiveness of the strategies used in the EU at first hand. The joint application of these methods in the advanced economies enables the developing economies security personnel to have an insight on how to tackle the complex terror activities in their region.

5.3. Conclusion

EU has experienced various terror attacks using diverse weapons such as explosives (40%) in 2015, firearms attacks in 2015-2016(57% -6%) and other related attacks. These phenomena resulted in terror victims being arrested and getting convicted or acquitted as per the evidence at hand thus reducing the rate of terror attacks in the country.
These measures have led to the EU developing a strategy to protect not only EU citizens against terrorist expansionist activities with intend to minimizing vulnerability presented by consistent attacks and strengthens external and internal security operations. Therefore, collaborations with developing nations and the ‘EU’s legal enforcement institutions, Europol has been strengthened by engaging in negotiations that conform to personal information transfer between Europol and developing states. Moreover, the EU through the 2005 Council of Europe Convention on the Prevention of Terrorism and its Additional Protocol criminalized terror activities engagement as per Article 2 and 6 of the Convention hence opening up support to EU global war on terror. The international organization also implemented “the EU External Action on Counter-Terrorism” proposing for stabilizing the counter-terrorism experts’ networks through collaboration between, Common Security and Defence Policy mission; EU Justice; and Home Affairs department in an attempt to fight terrorist activities internally and externally. These have led to states such as Kenya benefiting from increased Europol capacity to control terror activities in the third world countries.

Kenya has greatly benefited from EU measures set to curb terrorism thus increasing security cooperation experienced through EU; blocking terrorist financing and money laundering, counter-extremism violence, enhancing investigative and legal institutions capacity to assist to prosecute terrorist offenders.

This is further realized via "the Common Security and Defence Policy" providing regional support to missions in Kenya and within the sub-Saharan region towards enhancing maritime governance, counter-piracy and regional maritime security capability. Moreover, Kenya has benefited from the EU focus on curbing armed robbery and piracy within Somali's coast while
securing the World Food Programme and offering the African Union Mission in Somalia-AMISOM's ships with security.

REFERENCES


_Africa Today_, 52(1), 97-120.

Deloitte. (June 2016). Kenya Economic outlook 2016: The story behind the numbers. The 

University of Nairobi.


European External Action Service (EEAS)/ Service europe'en pour l'action extérieure(SEAE).(). 
News Stories: EU sets out new measures to counter terrorism.

European External Action Service-EEAS & Service Europe'en pour l'action extérieure-
European Union is one of Kenya's leading international partners. The European Union. 

European Union. Countering piracy off the coast of Somalia. EU NAVFOR Somalia. Retrieved 
from http://eunavfor.eu/

Union Agency for Law Enforcement Cooperation. Retrieved from DOI 10.2813/237471

Hatem, Mervat (2004) “Discourses on the "War on Terrorism" in the U.S. and its Views of the 
Arab, Muslim, and Gendered "Other"”, _Arab Studies Journal_, 11/12,(2/1), 77-97.


Khandekar, G. (July, 2011). The EU as a global actor in *The war on terrorism in Africa* counter terrorism. Retrieved from


Miriam and Mathew Penelope (2008) *Fresh Perspectives on the 'War on Terror',* ANU Press.


75