



Electronic Theses and Dissertations

2020

Coordination in multi agency response to International Terrorism in Kenya: a comparison of Dusit D2 and West Gate terror attacks.

Musoma, Albert Lusiola
School of Humanities and Social Sciences
Strathmore University

Recommended Citation

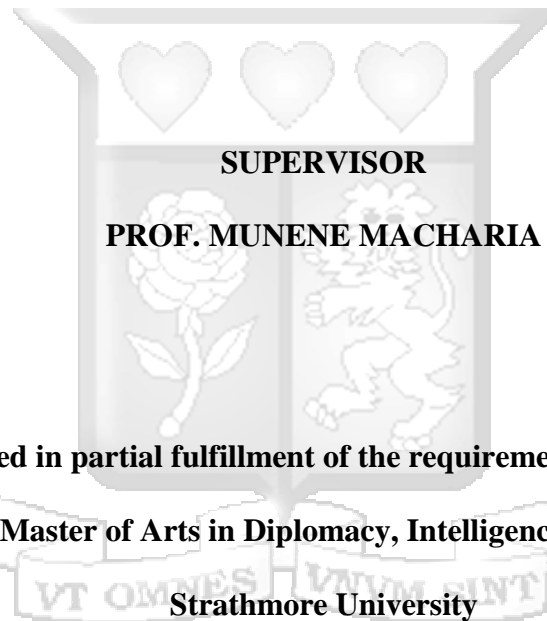
Musoma, A. L. (2020). *Coordination in multi-agency response to international terrorism in Kenya: A comparison of Dusit d2 and Westgate terror attacks* [Thesis, Strathmore University]. <http://hdl.handle.net/11071/12063>

Follow this and additional works at: <http://hdl.handle.net/11071/12063>

**COORDINATION IN MULTI AGENCY RESPONSE TO INTERNATIONAL
TERRORISM IN KENYA: A COMPARISON OF DUSIT D2 AND
WESTGATE TERROR ATTACKS**

MUSOMA ALBERT LUSIOLA

119115



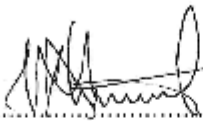
**A thesis submitted in partial fulfillment of the requirements for the award of the
degree of Master of Arts in Diplomacy, Intelligence and Security of**

November, 2020

This thesis is available for Library use on the understanding that it is copyright material and that no quotation may be published without proper acknowledgement of the author.

DECLARATION

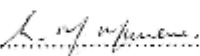
I, the undersigned, declare that this is my original work and has not been published or submitted to any academic institution in any form other than Strathmore University

Signed.....

Date.....19/October/2020

Musoma Albert Lusola

This dissertation has been submitted for examination with my approval as the designated University Supervisor.

Signed.....

Date.....Oct. 17, 2020

Professor Macharia Munene

School of Humanities and Social Sciences

Strathmore University

DEDICATION

To my love and life's partner- Pauline- I say *Asanti*.

Tiffany, Brynt and Dylan-your ever present energy keeps me a day younger

I love y'all.



ACKNOWLEDGMENTS

I acknowledge the help the Almighty God has accorded me so far. I thank my sponsors for trusting in me and sponsoring me. I thank the Kenya Defence Forces for nominating me for this noble course.

I also thank my supervisor for his guidance and sincere support. I also take note of the invaluable support of my classmates and colleagues who have encouraged me along the way.

I can't complete this acknowledgement by not thanking Prof Mwagiru and Lieutenant General Humprey Njoroge. Lastly, I thank my family for always being there for me, their moral support in this research journey had made me come this far.



TABLE OF CONTENTS

| | |
|---|------------|
| DECLARATION..... | ii |
| DEDICATION..... | iii |
| ACKNOWLEDGMENTS | iv |
| TABLE OF CONTENTS | v |
| LIST OF TABLES | x |
| LIST OF FIGURES | xi |
| LIST OF ABBREVIATIONS | xii |
| ABSTRACT..... | xv |
| CHAPTER ONE | 1 |
| 1.0 Introduction..... | 1 |
| 1.1 Background of the Study | 3 |
| 1.2 Statement of the Research Problem | 5 |
| 1.4 Research Objectives..... | 7 |
| 1.4.1 General Objective | 7 |
| 1.4.2. Specific Objectives | 7 |
| 1.5 Literature Review..... | 7 |
| 1.5.1 International Terrorism | 8 |
| 1.5.2 Structural and Legal Frameworks Guiding Multi-Agency Operations on Countering Terrorism..... | 12 |
| 1.5.3 Strategic Multi-Agency Policies on Coordination in Response to Terrorism and the Success | 20 |
| 1.6 Gaps in the Literature Review | 25 |
| 1.7 Hypotheses..... | 25 |
| 1.8 Study Justification and Significance..... | 26 |

| | |
|--|-----------|
| 1.8.1 Academic Justification and significance..... | 26 |
| 1.8.2 Policy Justification and significance..... | 26 |
| 1.9 Theoretical Framework..... | 27 |
| 1.10 Research Methodology | 30 |
| 1.10.1 Research Design..... | 31 |
| 1.10.2 Target population and Sample size..... | 31 |
| 1.10.3 Validity and Reliability..... | 32 |
| 1.10.4 Data Collection | 32 |
| 1.10.5 Data Analysis and Data Presentation..... | 33 |
| 1.10.6 Legal and Ethical Considerations | 33 |
| 1.11 Chapter Outline..... | 33 |
| CHAPTER TWO | 35 |
| RESPONSES TO INTERNATIONAL TERRORISM: INTERNATIONAL TO | |
| AFRICA..... | 35 |
| 2.1 Introduction..... | 35 |
| 2.2 International Responses to Terrorism..... | 35 |
| 2.3 Conclusion | 46 |
| CHAPTER THREE..... | 47 |
| RESPONSES TO INTERNATIONAL TERRORISM IN KENYA..... | 47 |
| 3.1 Introduction..... | 47 |
| 3.2 A Preview of Responses to International Terrorism in Kenya | 47 |
| 3.3 Response to International Terrorism in Kenya according to Questionnaires | 50 |
| 3.3.1 Response Rate..... | 50 |
| 3.3.2 Demographic Information..... | 51 |
| 3.3.2.1 Operation Units of Respondents | 51 |

| | |
|--|----|
| 3.3.2.2 Duration of Service in Security Forces | 52 |
| 3.3.2.3 Level of Education | 52 |
| 3.3.3 Findings from Questionnaires..... | 54 |
| 3.3.3.1 Existence of Policies to Fine-tune Multiagency Coordination | 54 |
| 3.3.3.2 Policies Guided by the UNSC Resolutions..... | 55 |
| 3.3.3.3 Policies for Synchronizing the Operations of Various Primary Responders ... | 57 |
| 3.3.3.4 Clear Policies in Kenya for Enhancing the Involvement of the Military in Supporting the Police | 58 |
| 3.3.4 Findings from the Open-Ended Questions and Interviews | 59 |
| 3.3.5 Hypothesis Testing..... | 60 |
| 3.4 Structural and Legal Frameworks Guiding Multi-Agency Operations on Countering Terrorism in Kenya..... | 60 |
| 3.4.1 Laws on the Use of Legal Instruments of Violence..... | 60 |
| 3.4.1.2 Efforts to Unify the Measures Taken to Prevent, Punish and Combat Terrorism in Kenya | 62 |
| 3.4.1.3 Legal Frameworks on Media Coverage during Terror Attacks | 63 |
| 3.4.1.4 Clear Understanding of the Terror Financing Act and Anti-Money Laundering Act..... | 64 |
| 3.4.1.5 Kenya Enjoys Support from International Security Frameworks | 65 |
| 3.4.1.6 Kenya as Part of International Counterterrorism Efforts..... | 67 |
| 3.4.1.7 Multi-Lateral Training Institutes..... | 68 |
| 3.4.2 Findings from the Open-Ended Questions and Interviews | 69 |
| 3.4.3 Hypothesis Testing..... | 69 |
| 3.5 Multi-Agency Laws, Policies, Doctrines, and Strategies Regarding Terror Response Coordination | 70 |

| | |
|--|-----------|
| 3.5.1 Findings from Questionnaires..... | 70 |
| 3.5.1.1 Border Security, Technical Surveillance and Enhanced ICT counterterrorism Capabilities | 70 |
| 3.5.1.2 Poor Sharing of Intelligence on Terrorism among the Various Security Agencies..... | 71 |
| 3.5.1.3 Poor Coordination of Efforts Aimed at Checking Terror Group Financing.... | 72 |
| 3.5.1.4 Disconnect in the Operationalization of Frameworks on Synchronization of Response to Terrorism | 73 |
| 3.5.1.5 Exchange Programs and Sponsored Course Abroad | 74 |
| 3.5.1.6 Kenya Faces Challenges Related to Uneven Capacities..... | 75 |
| 3.5.1.6 Lack of a Common Curriculum, Doctrine and Modus Operandi | 76 |
| 3.5.1.7 Poor Arming of Intelligence Teams..... | 77 |
| 3.5.1.8 Corruption Defeats Multiagency Response | 78 |
| 3.5.1.9 Enhanced Capacities to Respond to Terrorism through Multi-Country-Multi-Agencies..... | 79 |
| 3.5.2 Findings from the Open-Ended Questions and Interviews..... | 80 |
| 3.5.3 Hypothesis Testing..... | 85 |
| 3.6 Conclusion | 85 |
| CHAPTER FOUR..... | 92 |
| COORDINATION IN RESPONSE TO THE WESTGATE AND DUSIT D2 TERROR ATTACKS | 92 |
| 4.1 Introduction..... | 92 |
| 4.2 West Gate Attack | 92 |
| 4.3 Dusit D2 Attack | 97 |
| 4.4 Conclusion | 100 |

| | |
|--|------------|
| CHAPTER FIVE | 105 |
| CRITICAL ANALYSIS FOR BOTH DUSIT AND WESTGATE..... | 105 |
| 5.1 Introduction..... | 105 |
| 5.2 The Westgate Shopping Mall and Dusit D2 Hotel Attacks | 105 |
| 5.3 Failures at strategic level | 111 |
| 5.4 Failure at Operational Level | 111 |
| 5.5 Critical Analysis on a 12-Point-Criteria | 112 |
| 5.6 Conclusion | 114 |
| CHAPTER SIX: SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS..... | 118 |
| 6.1 Introduction..... | 118 |
| 6.2 Summary | 118 |
| 6.2.1 Strategic Multi-Agency Policies on Coordination in Response to Terrorism in Kenya | 118 |
| 6.2.2 Structural and Legal Frameworks Guiding Multi-Agency Operations on Countering Terrorism in Kenya..... | 120 |
| 6.2.3 Multi-Agency Laws, Policies, Doctrines and Strategies Regarding Terror Response Coordination | 123 |
| 6.3 Conclusion | 125 |
| 6.4 Recommendations..... | 126 |
| REFERENCES..... | 129 |
| APPENDICES | 138 |
| APPENDIX I: QUESTIONNAIRE | 138 |
| APPENDIX II: INTERVIEW GUIDE | 142 |

LIST OF TABLES

| | |
|--|----|
| Table 1.1 Sample Size Categories | 32 |
| Table 2.1 Response Rate..... | 50 |
| Table 3.1 Border Security, technical surveillance and enhanced ICT counterterrorism capabilities | 71 |
| Table 3.2 Poor Sharing of Intelligence on Terrorism among the Various Security Agencies..... | 72 |
| Table 3.3 Poor Coordination of Efforts Aimed at Checking Terror Group Financing | 73 |
| Table 3.4 Disconnect in the Operationalization of Frameworks on Synchronization of Response to Terrorism | 74 |
| Table 3.5 Exchange Programs and Sponsored Course Abroad | 75 |
| Table 3.6 Kenya Faces Challenges Related to Uneven Capacities..... | 76 |
| Table 3.7 Lack of a Common Curriculum, Doctrine and Modus Operandi | 77 |
| Table 3.8 Poor Arming of Intelligence Teams..... | 78 |
| Table 3.9 Corruption Defeats Multiagency Response | 79 |
| Table 3.10 Enhanced Capacities to Respond to Terrorism through Multi-Country-Multi-Agencies | 80 |

LIST OF FIGURES

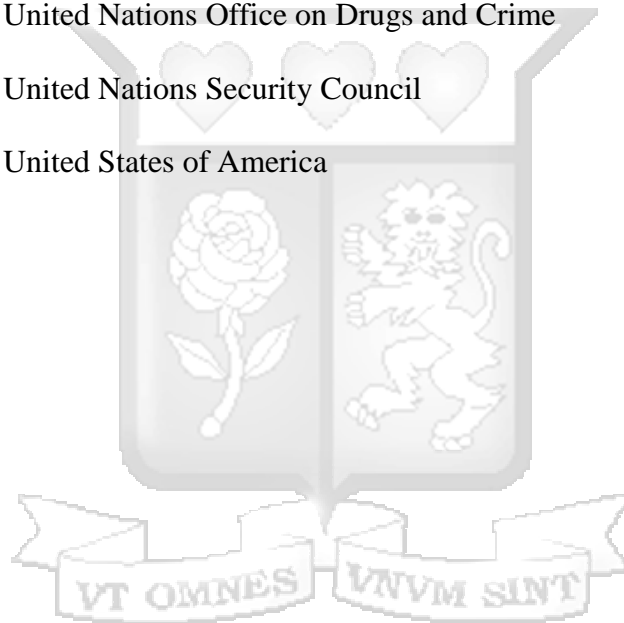
| | |
|---|----|
| Figure 3.1 Operation Units of Respondents..... | 51 |
| Figure 3.2 Duration of Service in Security Forces | 52 |
| Figure 3.3 Level of Education | 54 |
| Figure 3.4 Existence of Policies to Fine-tune Multiagency Coordination | 55 |
| Figure 3.5 Policies Guided by the UNSC Resolutions | 56 |
| Figure 3.6 Policies for Synchronizing the Operations of Various Primary Responders | 58 |
| Figure 3.7 Clear Policies in Kenya for Enhancing the Involvement of the Military in Supporting the Police..... | 59 |
| Figure 3.8 Laws on the Use of Legal Instruments of Violence | 61 |
| Figure 3.9 Efforts to Unify the Measures Taken To Prevent, Punish and Combat Terrorism in Kenya..... | 63 |
| Figure 3.10 Legal Frameworks on Media Coverage during Terror Attacks..... | 64 |
| Figure 3.11 Clear Understanding of the Terror Financing Act and Anti-Money Laundering Act | 65 |
| Figure 3.12 Kenya Enjoys Support from International Security Frameworks | 66 |
| Figure 3.13 Kenya as Part of International Counterterrorism Efforts | 67 |
| Figure 3.14 Multi-Lateral Training Institutes | 68 |

LIST OF ABBREVIATIONS

| | |
|-----------|---|
| 9/11- | September 11, 2003 Terror Attack on the USA |
| AFRICOM- | US Africa Command |
| AG | Attorney General |
| AMISOM- | African Mission in Somalia |
| AMISOM- | African Union Mission in Somalia |
| AML- | Anti-Money Laundering |
| ATA- | Anti-Terrorism Assistance Program |
| ATPU- | Anti-Terrorism Police Unit (Kenya) |
| AU- | African Mission |
| CBRN- | Chemical Biological, Radiological and Nuclear |
| CDF- | Chief of Defence Forces |
| CIMIC- | Civil-Military Co-operation |
| CJTF- HoA | Combined Joint Task Force - Horn of Africa |
| CJTFHOA- | Combined Joint Task Force-Horn of Africa |
| CMAA- | Customs Mutual Assistance Agreement |
| CT- | Counter-Terrorism |
| CTC- | Counter-Terrorism Committee |
| CTED- | Counter-Terrorism Committee Executive Directorate |
| CTF- | Counter-Terror Financing |
| CTITF- | Counter-Terrorism Implementation Task Force |
| DG- | Director General |
| DMI- | Directorate of Military Intelligence (The intelligence branch of KDF) |
| DOD- | Department of Defence |

| | |
|----------|---|
| EUR- | Euro |
| FIU- | Financial Intelligence Unit |
| GSU- | General Service Unit (Paramilitary wing of Kenya's NPS) |
| IAEA | International Atomic Energy Agency |
| ICT- | Information Communications Technology |
| IG- | Inspector General |
| IGAD- | Inter-Governmental Authority on Development |
| INTERPOL | International Criminal Police Organization |
| IPSTC- | International Peace Support Training Center (Karen-Kenya) |
| JAT- | Joint Anti-Terrorism |
| KDF- | Kenya Defence Forces |
| LRA- | Lord's Resistance Army |
| MS- | Mortality Salience |
| NCTC- | National Counter Terrorism Centre |
| NGO- | Non-Governmental Organization |
| NIS- | National Intelligence Service |
| NPS- | National Police Service |
| NSAC- | National Security Advisory Committee |
| OAU | Organization for African Union |
| PFLP- | Popular Front for the Liberation of Palestine |
| POCA- | Prevention of Organized Crime Act, 2010 |
| POCAMLA- | Proceeds of Crime and Anti-Money Laundering Act |
| POTA- | Prevention of Terrorism Act, 2012 |
| Recce- | Reconnaissance Platoon of the GSU |
| SAARC | South Asian Association for Cooperation |

| | |
|---------|---|
| SLAA- | Security Laws (Amendment) Act, 2014 |
| SoF- | Special Operations Forces of the KDF |
| SPSS- | Statistical Package for the Social Sciences |
| TIP- | Terrorist Interdiction Program |
| TMT- | Terror Management Theory |
| UK- | United Kingdom |
| UN- | United Nations |
| UNDP- | United Nations Development Program |
| UNODC | United Nations Office on Drugs and Crime |
| UNSC- | United Nations Security Council |
| US/USA- | United States of America |



ABSTRACT

Kenya has in the last decade been faced by a constant terror threat from al-Shabaab, ISIS and al Qaeda. This study sets out to assess responses to international terrorism in Kenya. It draws a comparison of the Dusit D2 and Westgate terror attacks. The study questions were as follows: Are there existing or lack thereof of multi-agency strategic policies on coordination in response to international terrorism in Kenya? Are there existing or lack thereof of structural and legal frameworks guiding multi-agency operations on countering international terrorism in Kenya? And what are the successes and failures borne out of having/not having multi-agency laws, policies, doctrines and strategies regarding terror response coordination? The study adopted mixed methods and exploratory research designs. The target population was all the members of the KDF SoFs, the NPS Recce squad, and ATPU Officers as well as policy level Military, Intelligence and Police Officers. The target population is estimated at 3400 personnel from which a sample of 97 was obtained. The used primary data collected from the respondents using mainly questionnaires and interviews as well as secondary data that was obtained from library-based research via books, e-books, journals, government publications, and published thesis, among other reputable academic publications. The data collected from questionnaires were analyzed using the Statistical Package for the Social Sciences (SPSS) version 24. The findings were presented in descriptive statistics, tables, graphs, charts and inferential statistics. On its part, data from interviews were analyzed thematically based on the objectives so as to establish the key themes and trends from which findings, conclusions, and recommendations were drawn. The study findings make it manifest that strategic multi-agency policy on coordination in response to terrorism in Kenya enhances coordination in response to international terrorism. In this light, the level to which Kenyan security agents are guided by well formulated and clear policies in their response affects the quality of their coordination to international terrorism and vice versa. Additionally, the existence of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya had led to effective response through standardizations of operation guidelines, better sharing of information, joint training and exchange of best practices among the various responders. This was evidenced in the Dusit D2 Attack in which synchronization of operations showed better response to the attack by the various operational and tactical teams as compared to the Westgate Attack. The study recommends that: the multiagency response teams should constantly review their operation guidelines and standard operating procedures so as to deal with the ever-changing sophistication in terrorist attacks; the government should put in place ways aimed at checking disparities in capabilities and equipment among various tactical and intelligence teams in Kenya for uniform response to terrorism; there is need for multinational frameworks for undertaking financing and creation of joint information infrastructure for security agencies so as to reign in on international terrorism in the East African Region; there is need for mobile-based applications to enhance real-time information sharing among intelligence and tactical teams on terrorism-related issues during operations; E-policing and rapport with the community should be enhanced so as to enhance sharing of information between police officers and the community on terrorism-related issues and There should also be measures aimed at regulating the use of social media in response to terrorism.

CHAPTER ONE

1.0 Introduction

Territorial integrity and sovereignty are the core national interests that any state cannot afford to negotiate. Kenya has in the last decade been faced by a constant terror threat from al-Shabaab, ISIS and al Qaeda. All these threaten the very existence of Kenya by undermining its sovereignty. This translates to the country putting in facilities, programs, policies, laws, and institutions to prevent, protect, counter or neutralize the effects of such terror threats.

According to McCauley and Moskalenko, terrorism is “a product of extremity of beliefs, behaviors, and feeling supporting perceived oppression or threat of the existence of a group.”¹ Whereas many scholars the world over attribute terrorism to “divergence in political opinions and feelings of disorientation which leads to radicalization,” the main cause of terrorism has been religious extremism.² Huntington in his *Clash of Civilizations* notes that the greatest causes of conflict in the postmodern world are the clash between western and non-western values (Islamic civilizations).³ This explains the prevalence of terrorism even in democratic countries. As a result, no meaningful response to terrorism devoid of addressing religious radicalization has been worth its salt.⁴

¹ McCauley, C., & Moskalenko, S. (2008). Mechanisms of political radicalization: Pathways toward terrorism. *Terrorism and political violence*, 20(3), 415-433.

² Weinberg, L.B., Eubank, W.L., & Francis, E.A. (2008). The cost of terrorism: The relationship between international terrorism and democratic governance. *Terrorism and Political Violence*, 20(2), 257-270.

³ Huntington, Samuel P. *The Clash of Civilizations and the Remaking of World Order*, New York, Simon & Schuster, 1996. P.256

⁴ Jeroen Gunning and Richard Jackson, “What's So ‘Religious’ about ‘Religious Terrorism?’” *Critical Studies on Terrorism* 4, no. 3 (2011), 369–388.

Psychologically, terror attacks leave the victims with trauma, stress, depression among other negative psychological effects.⁵ Economically, terrorism keeps investors at bay, especially when meted on restaurants and shopping malls. In Kenya, terrorism has had very negative impacts on the tourism and service sectors.⁶ Mwagiru considers the economy to be one of the legs of the three-legged stool that forms the instruments of national power to which the Grand Strategy of any nation addresses itself to. Without it, the other two legs of Diplomacy and Military cannot function effectively⁷. Globally, hotels and shopping malls have often been subject to numerous terror attacks. This is exemplified in the Easter holiday of 2019 attacks in Sri Lanka as well as other numerous places such as the USA, Britain, and France where hotels have suffered a barrage of terrorist attacks.⁸

Due to globalization, terror attacks attract a lot of international attention. This causes some artificial pressure for states to respond almost immediately to protect their image in the name of sovereignty. These quick responses at times act against the very intentions of the states by bringing out a picture of disjointed organs, different government voices, and blue on blue instances in some cases. Sometimes, states increase surveillance both physical and technical amongst the civilian population thereby creating the debate of human rights versus national security. Some countries tend to enforce curfews, round up certain segments of the population for profiling,

⁵ Waxman, Dov. "Living with Terror, Not Living in Terror: The Impact of Chronic Terrorism on Israeli Society." *Perspectives on Terrorism* 5, no. 5/6 (2011): 4-26.

⁶ Aaron M. Hoffman, Dwaine H. A. Jengolley, Natasha T. Duncan, Melissa Buehler, and Meredith L. Rees, "How Does the Business of News Influence Terrorism Coverage? Evidence from The Washington Post and USA Today," *Terrorism and Political Violence* 22 (2010): 576.

⁷ Makumi Mwagiru. *Dimensions of the Grand Strategy: Essays on Theory, Practice, Institutions and Mechanisms.* (Nairobi, Thirty Three Consortium Publications, 2016)

⁸ Rudolph, Christopher (2006) *National Security and Immigration; Policy Development in the United States and Western Europe Since 1945.* California: Stanford University Press

random arrests and hard interrogations amongst other measures. Some states even conduct preemptive attacks on terrorist location often with high civilian casualty rates.

1.1 Background of the Study

Hanhimäki quoting Rapoport in his four waves of terrorism terms the religious wave as the modern wave. To him, although terrorism is not a new phenomenon, the modern religious wave has become an extremely organized and complex enterprise⁹. Kenya has experienced five-decades of terror. The first documented terror was the January 1976 attempted shoot down of an Israeli passenger aircraft landing in from Embakasi Airport (currently Jomo Kenyatta International Airport). The Popular Front for the Liberation of Palestine (PFLP) claimed responsibility. The flight number El-Al flight was shot at using surface-to-air missiles however, the terror attack failed.¹⁰ The second documented terror attack was on the 31st of December 1980. It was carried out by the same PFLP. The object of attack was the Israeli-owned Norfolk Hotel. The estimated death toll was 20 people who were celebrating the ushering of the New Year.¹¹ The third documented attack which was the most devastating was the 1998 bombing of the USA embassy in Nairobi. The al Qaeda terror group claimed responsibility. They carried out a coordinated attack on the USA embassies in Nairobi and Dar-es-salaam.

⁹ David C. Rapoport, *The Four Waves of Modern Terror: International Dimensions and Consequences* in Hanhimäki, Jussi and Bernhard Blumenau, eds., *An International History of Terrorism: Western and Non-Western Experiences* (London: Routledge, 2013) and "Reflections on the Third or New Left Wave: 17 Years Later", in Alberto Martin Alvarez and Eduardo Re Tristan eds. *Revolutionary Violence and the New Left* (London: Routledge, 2017)

¹⁰ Charles Hornsby, *Kenya: A History since Independence*, [London/New York: I. B. Tauris, 2012], p. 321

¹¹ Edward Mogire & Kennedy Agade Mkutu, "Counterterrorism in Kenya," in *Journal of Contemporary African Studies*, Vol. 29, No. 4, 2011, p. 474.

The 2002 attack on Israeli-owned Hotel in Kikambala carried out by al Qaeda affiliates was the 4th documented terror attack in Kenya. It claimed the lives of 13 and caused an estimated 80 injuries.¹² In the same year, the al- Qaeda linked Al-Shabaab targeted an Israeli chartered plane on its' take off from Mombasa International Airport with a shoulder-launched missile. It is said that Faizul- one of the key figures in al-Shabaab- was the mastermind.¹³ The common trend in all these attacks is that Kenya was a soft and secondary target. The primary target was Israel, the USA, and the West. Kenya was a softer target due to security gaps and lapses as well as its proximity to Somalia.¹⁴

With the first-ever militarization of the Kenyan foreign policy and the eventual entry of the Kenya Defence Forces (KDF) into Somalia in 2011, Kenya has evolved to become a primary target for terror groups, especially the al -Shabaab. The 2013 West gate shopping mall attack and the DusitD2 Hotel attack in January 2019 are the two major attacks where Kenya was a primary target with western interests being peripheral.¹⁵ In other cases, terrorists have been known to haul bombs into hotels and other crowded business areas so as to harm as many people as possible. Regrettably, no documented study has attempted to take stock of some of the measures put in place to respond to these attacks.

¹² Deanne Criswell, "Preparing for a Complex Coordinated Terrorist Attacks," [17th January 2018]. URL: <https://www.domesticpreparedness.com/preparedness/preparing-for-a-complex-coordinated-terrorist-attack/> Accessed: 14.04.18

¹³ David H. Shinn, "Al-Qaeda in East Africa and the Horn," in *Journal of Conflict Studies*, Nov., 2007, Vol. 27, No. 1, p. 56.

¹⁴ Macharia Munene, "We Will Recover from Terrorist Attack," *Business Daily*, [30th September 2013].

¹⁵ Asamba, M. (2019, 7th January). Anger, pain in the aftermath of Dusit attack. *Standard Digital*. <https://www.standardmedia.co.ke/article/2001309766/anger-pain-in-the-aftermath-of-dusit-attack-photos>

This current study conceptualizes that governments have various responses to international terrorism which include normative, policy and strategic frameworks as well as institutional mechanisms for sharing information during terror operations by intelligence teams and obtaining and relaying information to the intelligence community by operational-tactical teams during terror attacks. The study hypothesizes that intelligence teams and operation units face numerous challenges in sharing intelligence products. However, no documented study has investigated this conceptualized relationship. It is in this context that this current study sets out to investigate the coordination in responses to international terrorism in Kenya.

1.2 Statement of the Research Problem

Kenya has in the past 6 decades been affected by international terrorism. In the last two decades, Kenya has been a direct target of these terror attacks. Because of this, Kenya has adopted various ways to respond to these terror acts. Initially, Kenya responded in a silo bureaucratic manner where the military was the main responder as seen in the 1998 USA embassy bombing in Nairobi. In 2013, Kenya employed the 1st multi-agency approach to responding to international terrorism during the West-gate attack. In these responses, Kenya like many countries in the world has put in place many institutional, normative, and structural changes to deal with this menace of terrorism. It has adopted international resolutions, enacted national laws.

National legal responses to coordination in response to terrorism include among others: “the enactment of the Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAMLA); the Prevention of Organized Crime Act, 2010 (POCA); the Prevention of Terrorism Act, 2012 (POTA), and Security Laws (Amendment) Act,

2014 (SLAA).”¹⁶ These amongst other multi-agency institutions have created the National Counter Terrorism Center, which was created by the SLAA; Anti-Terror Police Unit (ATPU), and the Joint Intelligence Analysis Center all these are to synergize and consolidate the efforts to deal with terrorism in the country.

With all these creations though, the Dusit D2 terror attack still happened. There was notably much improvement in the tactical response between the KDF special operation forces (SoF) and the recce teams from the NPS. There was also a greater improvement in the dissemination of information at strategic levels. However, there are several issues that need to be investigated and several questions to be answered in order to deal with the issue of coordination in response to terrorism at strategic and higher operational realms. For instance, the laws governing deployment, training and interoperability of various multi-agency actors, the policies, strategies, and doctrines underlying the coordination of information amongst various multi-agency teams and documentation of the successes and failures attached to the existence or lack of thereof of these laws and policies. This underlines the importance of this current study.

1.3 Research Questions

1. Are there existing or lack thereof of multi-agency strategic policies on coordination in response to international terrorism in Kenya?
2. Are there existing or lack thereof of structural and legal frameworks guiding multi-agency operations on countering international terrorism in Kenya?

¹⁶ <http://frc.go.ke/downloads.html>

3. What are the successes and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination?

1.4 Research Objectives

1.4.1 General Objective

To examine the coordination in responses to international terrorism in Kenya with a sharp focus on the comparison between the coordination in response during Dusit D2 and West Gate mall terror attacks.

1.4.2. Specific Objectives

1. To establish the existence or lack thereof of strategic multi-agency policies on coordination in response to terrorism in Kenya.
2. To examine the existing or lack thereof of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya.
3. To investigate the success and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination.

1.5 Literature Review

This section presents the literature reviewed. The literature starts with definitions of terrorism. This is followed by a review of relevant literature which is done in line with the study variables namely strategic multi-agency policies on coordination in response to terrorism, structural and legal frameworks guiding multi-agency operations on countering terrorism and the success and failures borne out of having/not having

multi-agency laws, policies, doctrines, and strategies regarding terror response coordination.

1.5.1 International Terrorism

Steven Best and Anthony J. Nocella in *“Terrorists or Freedom Fighters”*, define terrorism as “the intentional use of physical violence directed against innocent persons - human and/or nonhuman animals - to advance the religious, ideological, political, or economic purposes of an individual, organization corporation, or state government.”¹⁷ Best and Nocella not only cover the five factors in defining terrorism but also bring in an important perspective of the economic objective. This is very common, especially in interest-based terrorist groups. What is questionable about this definition is the non-human animals. They instead would have focused on property destruction.

Boaz Ganor, in “Terrorism: No Prohibition without Definition” defines terrorism as “the deliberate use of violence against civilians in order to attain political, ideological, or religious aims.”¹⁸ Boaz’s perspective of terrorism reduces terror activities to only civilians. This contrasts with Best and Nocella who are mainly focused on property destruction without bringing without bring in other dimensions of terrorism and its perpetrators. This means that if terrorists overrun a military barrack or unleashed violence on police or another terror group’s operating base, then that will not constitute terrorism. Two key positives from this definition are that Boaz refrains from mentioning who the subject is in terrorism. This is important since it leaves it

¹⁷ Best, Steven, and Anthony J. Nocella. 2004. *Terrorists or freedom fighters?: reflections on the liberation of animals*. New York: Lantern Books.

¹⁸ Menon, Sundaresh. 2014. «International Terrorism and Human Rights». *Asian Journal of International Law*, 4 (1): 1–33. doi:10.1017/S2044251313000337.

open to include even states who unleash violence on their own population. Also, he refrains from the use of the word “unlawful”. This is because governments have used their legal instruments of violence to terrorize their citizens.

Yonah Alexander in “*Combating Terrorism: Strategies of Ten Countries*” considers terrorism as “the threat and use of both psychological and physical force in violation of international law by state and sub-state agencies for strategic and political goals.” Yonah’s definition tends to go beyond a statist perspective by bringing in the international law perspective which was not focused by Best and Nocella as well as Boaz Ganor. He also adds the psychological factor to his definition. This is very important since the key aim of terrorism is not the loss of lives or destruction of property but creating fear.

Helen Duffy in “*The War on Terror’ and the Framework of International Law*” holds the view that after the September 11 (9/11) attacks on the twin towers and the pentagon, there has been an increased drive in unifying the measures taken to prevent, punish and combat international terrorism.¹⁹ Various legal measures including the United Nations Security Council Resolutions have mushroomed imposing a variety of measures that states can undertake to prevent and suppress terrorism. Duffy questions the understanding of terrorism. She believes it’s not a concept that can be universalized in definition and condemnation.

Walter Laqueur, in “*The Age of Terrorism,*” says that acts of terrorism constitute “the illegitimate use of force to achieve a political objective when innocent people are

¹⁹ Antonio Pastor Palomar (2007) Helen Duffy: *The “War on Terror” and the Framework of International Law, Democracy and Security*, 3:2, 247-248, DOI: 10.1080/17419160601017776

targeted. Walter doesn't consider terrorism to be a threat of the use of force."²⁰ He looks at it just as the use of force. He also doesn't believe that the main aim of terrorism is any non-political objective. This, however, has been deemed otherwise by several terror attacks like 9/11 and East Africa's USA embassy bombings. Lastly, to him, it only qualifies to be terrorism if innocent humans are targeted. This means killings militaries or other terrorists will not qualify to be terrorism yet there exists non-state to non-state terrorism. The definition espoused by Walter Laqueur sharply contrasts that from most of the other scholars cited who see terrorism as having negative effects on human and non-human targets.

Christian Walter, "Defining Terrorism in National and International Law," considers "the League of Nations' 1937 Convention for the Prevention and Punishment of Terrorism" as the first attempt to multilaterally define terrorism. The League considered terrorism to include "all criminal acts against a state with the intention of instilling terror in the minds of particular persons."²¹ This definition has still stood the taste of time, especially for statist. However, it tends to focus on the state to state terrorism and non-state to state terrorism. This definition is important since it creates a context under which multi-agency operations on countering terrorism can be undertaken. It lays an important foundation for understanding international terrorism in the country.

The United Nations Security Council (UNSC) which is the main organ of the united nation charged with the responsibility of maintaining international peace and security

²⁰ Christopher Wall (2019) The last great historian: Walter Laqueur and political violence, *Small Wars & Insurgencies*, 30:1, 255-262, DOI: 10.1080/09592318.2018.1560640

²¹ Reuven Young, *Defining Terrorism: The Evolution of Terrorism as a Legal Concept in International Law and Its Influence on Definitions in Domestic Legislation*, 29 B.C. Int'l & Comp. L. Rev. 23 (2006), <http://lawdigitalcommons.bc.edu/iclr/vol29/iss1/3>

defines terrorism as “all acts that have motivations of political, philosophical, ideological, racial, ethnic, and religious terrorism.” This definition is unique since it’s not only holistic but also modern.

David C. Rapoport, “The Four Waves of Modern Terrorism,” is one of the most influential and widely debated theories in the field of terrorism studies.²² The 9/11 terror attack on the USA made Rapoport create a theoretical framework for describing and grouping what he called “the waves of modern terrorism.” These waves, he names as “anarchism, anti-colonialism, socialism, and religious fundamentalism.” To Rapoport, each of these waves is distinct and lasted a generation. He says that they all are inspired by ideology. Rapoport creates a distinct and expanded understanding of terrorism by underlining the key motivations of international terrorism.

The anarchist wave was in the 19th Century. It was first characterized by Russian anarchists.²³ Later, it spread to Western Europe, the Balkans, and Asia. The anti-colonial wave was the second wave. Its ideology was nationalism.²⁴ This led to the fight for independence from foreign rule. The new left wave or the socialism wave is the third wave. Its ideology was European and American left-wingers who considered themselves as the vanguards for the Third World masses against the imperialism of Americans and Britons.²⁵ The last wave he called the religious wave. It started in the 1970s. Originally, its ideology was Islam but has since spread to other religions.²⁶

In examining global terrorism trends, LaFree, Gary, and Laura Dugan in "Research on Terrorism and Countering Terrorism" posit that the early 1990s period was the peak

²² David C. Rapoport, "Modern Terror: The Four Waves," in *Attacking Terrorism: Elements of a Grand Strategy*, ed. Audrey Cronin and J. Ludes (Washington, D.C.: Georgetown Univ. Press, 2004), 46-73.

²³ Ibid

²⁴ Ibid

²⁵ Ibid

²⁶ Ibid

of global terrorism.²⁷ He noted that this trend significantly dropped in the years leading to 9/11. The 9/11 to him gave a lot of other terrorist groups the impetus to take on governments and armies. It led to a great power diffusion since concepts like air superiority and inflicting mass casualty were considered to be preserves of the state. In the 1970s, Western Europe was the epicenter of international terrorism.

The 1980s the Latin American region faced their fair share of the cake. The later decade saw the Middle East and Persian Gulf region bearing the greatest brand of terror-related activities. La Free notes that the results of terror activities in Western Europe have been lesser deaths per attack compared to the Middle East/Persian Gulf. A large number of terrorist attacks are characterized by the use of commonly available unsophisticated weapons e.g. the improvised explosive devices, low fatalities, and low levels of planning.²⁸

1.5.2 Structural and Legal Frameworks Guiding Multi-Agency Operations on Countering Terrorism

Westby, Jody R. "Countering terrorism with cybersecurity" notes the importance of information and communication technologies ICT as a key enabling factor to terrorism.²⁹ He says that this is even compounded further by difficulty in governments to track and trace cyber communications. ICT being transnational, "there are no common global-standardized processes and procedures for the tracking and investigation of cybercrimes, and the inadequate or ineffective information sharing

²⁷ Gary LaFree & Laura Dugan (2007) Introducing the Global Terrorism Database, *Terrorism and Political Violence*, 19:2, 181-204, DOI: 10.1080/09546550701246817

²⁸ *ibid*

²⁹ Jody R. Westby, "Countering Terrorism with Cyber Security," paper for the 36th Session of World Federation of Scientists, International Seminars on Planetary Emergencies (18–26 August 2006, Erice, Italy).

systems between the public and private sectors.”³⁰ Westby notes that although there have been massive developments in tracking and tracing capabilities globally, governments have shown a lack of goodwill in enacting laws and coming up with policies to fine-tune and operationalize these procedures. The post 9/11 period saw governments tightening border security, heightened technical surveillance and enhanced their ICT counterterrorism capabilities. Westby underlines the importance of interventions across the cyberspace which has been an important component of counterterrorism measures as shown Raneta and others.³¹

Raneta, Lawson Mack, and Michael J. Kelly in “Equal Justice in the Balance: America's Legal Responses to the Emerging Terrorist Threat” assert that in responding to terror acts, governments have put in place several legal measures to combat it.³² In the USA, the September 11 terrorist attacks have brought into light various legal instruments among them are “the Aviation and Transportation Security Act, the Transport Security Act, the Enhanced Border Security and Visa Entry Reform Act among others. All these are aimed at reinforcing border security.” He further adds that the Public Health Security and Bioterrorism Preparedness and Response Act is a key response law.³³

Haque, M. Shamsul. "Government Responses to Terrorism: Critical Views of Their Impacts on People and Public Administration." Focuses on the measures put in place by Western countries in responding to terror acts. They assert that “such states have

³⁰ Ibid

³¹ Renata Lawson Mack and Michael J. Kelly, Equal Justice in the Balance: America's Legal Response to the Emerging Terrorist Threat. University of Michigan Press, Ann Arbor, June 2004, 264 pp., hardback, ISBN: 0-472-11394-1

³² Ibid.

³³ Ibid

strengthened and expanded antiterrorist laws since September 11.³⁴ For instance, the European Commission adopted the Framework Decision on Combating Terrorism (2001).” These frameworks amongst other things define terrorism. This is key to ensuring that during the response, all actors have a common understanding of the phenomenon. The framework also dictates the penalties and sanctions to be meted on various groups or individuals. It goes ahead to explain “the extradition procedures and means of exchanging information to be followed by the member states of the European Union (CEC 2001).”³⁵ Haque paints a clear picture on how policy and legal frameworks can be leveraged to deal with international terrorism.

A country focus shows that Canada enacted the Anti-Terrorism Act (2001), which “prescribes measures to define and designate terrorist groups and activities, prosecute and punish terrorists, facilitate the use of electronic surveillance, and allow the arrest and detention of suspected terrorists.” The Britons, on the other hand, adopted “the Anti-Terrorism, Crime and Security Act (2001).” The Australian government on their part introduced amongst other amendments to their already existing security and anti-terrorism laws, “the Security Legislation Amendment (Terrorism) Act (2002) and Border Security Legislation Amendment Act (2002).”

Ronald Crelinsten and Alex Schmid, “Western Responses to Terrorism: A Twenty-Five Year Balance Sheet” categorizes counter-terrorism responses into two: “the criminal justice model and war model.” In the criminal justice model, terrorism is dealt with like a crime. This means the police, prosecution units, judiciary amongst

³⁴ Haque, M. Shamsul (2002). "Government Responses to Terrorism: Critical Views of Their Impact on People and Public Administration." *Public Administration Review*, Vol.62, No.5, pp.98-108.

³⁵ Ibid

other judicial systems are the key players. Primary responders in this model are the police and affiliated units (e.g. GSU, ATPU, RECCE Company of GSU in Kenya).³⁶

The Second is the war model. In this response model, terrorism is considered as an act of war. Thus, the main response is the military. The primary responders are usually military elite units e.g. special operations forces, air retaliatory attacks, air responses, infantry occupations among other military campaigns.³⁷ There is emerging a modern model that merges these two. The police are involved in arrests, detentions, interrogations and prosecutions whereas the military supports the police in track and trace processes as well as responding to actual terror activities.³⁸

D. Carmichael, “Of Beasts, Gods and Civilized Men: The Justification of Terrorism and of Counterterrorist Measures” looks at state response from a strategic perspective. To him, the state must respond swiftly but in observance of human rights. He gives an example of hostages and says that, as the state responds, it must consider the safety of hostages even though the very terrorists have the ability to kill them. He continues to assert that, if states will respond without observance of human rights, then the states will be as savage as the terrorists themselves.

Schmid, “Countering Terrorism in the Netherlands” opines that, the greatest dilemma governments have in responding to terror events is the balance between how much information to release to the media vis-a-vis trying to observe operation security.³⁹

Negative media coverage aids terrorists a lot. In the Westgate terror attack, the Kenyan media amplified their coverage to such an extent that they aided the al

³⁶ Ronald D. Crelinsten and Alex P. Schmid. Western Responses to Terrorism: A Twenty-Five Year Balance Sheet. In: Alex P. Schmid (Eds.). Western Responses to Terrorism. Special issue of Terrorism and Political Violence, 4: 4 Winter 1992, 322–323.

³⁷ Ibid.

³⁸ Ibid

³⁹ Alex P. Schmid (1992) Countering terrorism in the Netherlands, Terrorism and Political Violence, 4:4, 77-109, DOI: [10.1080/09546559208427175](https://doi.org/10.1080/09546559208427175)

Shabaab to get information that aided the terrorist inside the mall to know what was going on outside. Also, too much media coverage tends to give the terrorists the oxygen they need. It aids them in recruitment, funding, networking, raising stakes for validity and negotiations.

On the contrary, if the government denies media basic information, it leads to speculation thus discrediting the government. Imposing a ban on media could even lead to legal tussles since it infringes on some of the constitutional rights of both the media houses and the citizens who have a right to be informed.⁴⁰

Spanish Organic Law No.8 empowers judges to close down media houses which are support terrorism.⁴¹ Article 129a, Section 3 of the German Penal Law “prohibits the advertising of terrorist manifestos and propaganda.”⁴² Kenya has an open clause towards what media can cover during terror attacks. The Kenyan law only talks of responsible coverage which leaves it open for the media house to define what is responsible and what is not.⁴³ This shows a glaring vacuum on how to ensure such responsibility; which can have negative ramifications on national security.

H. Durmaz, et al. “Understanding and Responding to Terrorism,” gives two principals that should be considered when focusing on legal policing issues in the fight against terror. These are “societal protection (including culture, people, and property) and ensuring human rights and the rule of law.” To do this effectively, we must have a common definition of terrorism. They say that what’s more important is what laws

⁴⁰ Ibid

⁴¹ <https://www.global-regulation.com/translation/spain/615890/organic-law-8-2015%252c-of-july-22%252c-modifying-the-system-of-protection-of-children-and-adolescents.html>

⁴² Criminal Code in the version published on 13 November 1998 (Federal Law Gazette I, p. 3322), as last amended by Article 2 of the Act of 19 June 2019 (Federal Law Gazette I, p. 844)

⁴³ <https://www.mediacouncil.or.ke/en/mck/images/Downloads/A-handbook-on-reporting-terrorism.pdf>

states put in place to protect the two principles. They call these preventive measures. They break them down into; criminal investigation measures, terrorist investigations, penalties, punishments meted, the net effect of the outcomes of these punishments.⁴⁴

Pedahzur, Ami “The Israeli Secret Services and the Struggle against Terrorism the Literature of Counterterrorism” analyses the war model, the criminal-justice model, and the reconciliatory model of terrorism. To him, the war model regards terrorism as “an act of warfare based on revolution.” The criminal-justice model sees terrorism as “a criminal act, whereas the reconciliatory model sees it as a political problem. To Pedahzur, these are the modes with which states can respond to terrorism.”⁴⁵

The war model has the military as the primary responder with the aim of crushing the terror groups. The criminal justice model puts the police agencies as main responders with the judiciary facilitating the police actions in terms of convictions and penalties. The reconciliatory use policy, diplomacy, and politics to negotiate terrorism with a focus on its root causes. Ami goes ahead to assert that these 3 models co-exist and can be mixed at some stage. As the police as arresting and interrogating terrorists, the military could bomb their training bases as diplomats and politicians negotiate deals.⁴⁶

Jeanne K. Giraldo, and Harold A. Trinkunas “Terrorism Financing and State Responses: A Comparative Perspective,” note that the greatest steppingstone to terrorism is financing. If governments can successfully choke terror group financing,

⁴⁴ Durmaz, H. , Seinc, B. , Yayala, A. S. , & Ekici, S. (eds.), Understanding and responding to terrorism (pp. 11–16). Amsterdam: IOS Press

⁴⁵ Pedahzur, Am'i; Perliger, Arie (2009). Jewish terrorism in Israel. Columbia University Press. p. 196. ISBN 978-0-231-15446-8.

⁴⁶ Ibid

then they can defeat terrorists.⁴⁷ However, to do this successfully, government departments like Defence, Intelligence, Police, treasury, banks, and the private sector must synergize and coordinate their efforts to choke the financial supply lines of the terrorists. The post-September 11, 2001 attack brought into light a lot of studies about the financing of terrorist groups. Governments have come up with new policies to deal with financing. In Kenya, the government has enacted the terror financing act, anti-money laundering act, and it has also adopted several international treaties like “the international convention for the suppression of the financing of terrorism (1999), Security Council resolution 1373-2001.”⁴⁸

Richelson, Jeffrey, and Michael L. Evans, “*Terrorism and U.S. Policy*” observe that there were a series of international antiterrorist conventions that had emerged before the 9/11 terror attack. This included “the Convention for the Suppression of Unlawful Acts against the Safety of Aircraft in 1971, the Convention against the Taking of Hostages in 1979, the Convention for the Suppression of Terrorist Bombings in 1997, and the Convention for the Suppression of Financing Terrorism in 1999.”⁴⁹ In the USA alone, the government came up with various acts and documents. Some include “Managing Terrorist Incidents (1982), National Program for Combating Terrorism (1986), U.S. Policy on Counterterrorism (1995), and Terrorism, the Future, and U.S. Foreign Policy (2001).”⁵⁰

⁴⁷ Giraldo, Jeanne K., and Harold A Trinkunas. *Terrorism Financing and State Responses: A Comparative Perspective*. Stanford, Calif.: Stanford University Press, 2007.

⁴⁸ <https://www.ira.go.ke/images/updates/ANTI-MONEY-LAUNDERING--CFT-TRAINING.pdf>

⁴⁹ Kelly R. Cusick, *Thwarting Ideological Terrorism: Are We Brave Enough to Maintain Civil Liberties in the Face of Terrorist Induced Trauma*, 35 *Case W. Res. J. Int'l L.* 55 (2003)

⁵⁰ *Ibid*

Beckam James, “Comparative legal approaches to homeland security and anti-terrorism” notes that “the Patriot Act amended 12 other acts and regulations ranging from laws on money laundering to telemarketing and consumer fraud acts in the United States.”⁵¹ This was in response to the September 11 bombings. In Germany in 2002, the government implemented the Law for fighting international terrorism. This led to the modification of several security statutes.⁵² In contrast, the Spanish government, even after the Madrid train bombings, did not implement any legislation that explicitly addressed the threat of international terrorism. It instead focused on legislating laws that “increased the maximum punishment for terrorist crimes.”⁵³ Beckham considers “Legislative responses to international terrorism to consist of a combination of new laws and amendments to existing laws.”⁵⁴

Ali A. Mazrui, “Afro-Arab Crossfire: Between the Flames of Terrorism and the Force of Pax-Americana,” asserts that the greatest victims who bear the brunt of anti-America terrorism are the Middle East and Africa.⁵⁵ However, he says that the difference between the two is that the Middle East has been terrorized by the American government efforts in ‘war against terrorism’. Africa has been a retaliatory punching bag for terrorists when they are unable to retaliate against America's homeland or its strong allies.

Mazrui borrows from Rapoport's “Four Waves of International Terrorism” and asserts that Africa and the Middle East were both subjected to imperialism forcing them to

⁵¹ Beckman, James. 2016. Comparative legal approaches to homeland security and anti-terrorism. London: Routledge. <https://www.taylorfrancis.com/books/e/9781315573090>.

⁵² Paul Wilkinson. International terrorism, the changing threat and EU responses. Institute for security studies. Eu, Paris. October 2005. No 84. Chaillot paper.

⁵³ Ibid

⁵⁴ Op cit 50

⁵⁵ Mazrui, A. 2002. Afro-Arab Crossfire between the flames of Terrorism and the force of pax-Americana. Published by: DPMF (A.A.)

react in an attempt to shrug off the oppressors. This was considered as an act of terror by the west. Mazrui finalizes by saying that the middle easterners have a keen memory of the atrocities of the west and have fiercely guarded their culture, values, and traditions against western hegemonic tendencies of pushing western cultures down other nations' throats. He says that Africa has a short memory and myopic vision that irrespective of the western atrocities from the colonial times, they still are puppets of the west and thus have been made victims of the western ideology of "the war on terror".

Macharia Munene, "The Challenge of al Shabaab," gives a dichotomy of the challenges of al Shabaab justification of their jihad in Kenya.⁵⁶ The first threat of jihad is the physical threat and destruction of property. This is mainly as a consequence of their military guerrilla operations in Kenya or on Kenyan soldiers in Somalia under the general umbrella of AMISOM. Munene considers the second challenge to be the psychological threat to the minds of the people, and to their socio-cultural and economic way of life. This threat has an even bigger impact than the first since it has a medical connotation to it.

1.5.3 Strategic Multi-Agency Policies on Coordination in Response to Terrorism and the Success

Francis Kipkurui Arap Sang's, "Kenya", focuses on the relationship between the Kenyans National Police Service (NPS) and the international and transnational agencies that fight against crimes and terrorism.⁵⁷ To Sang, cooperation from an

⁵⁶ Macharia Munene, "The Challenge of al Shabaab. Africa Review, FEB 17 2012 <http://news.africareview.com/AfricaAt>

⁵⁷ Francis Kipkurui Arap Sang's, "Kenya", International police cooperation: a world perspective / edited by Daniel J. Koenig and Dilip K. Das. 24 Nov 2015

international arena happens at two stages. The first is the conceptual stage. This is the stage where ideas and policies are formulated, the agenda is set and consultations happen. The second stage is the implementation phase that deals with the operationalization of the blueprints and ideas. At this stage, countries will train together, standardize their policies, legislate laws and sign treaties that deal with common issues e.g. extradition, sharing of intelligence, forming multiagency task forces, creating combined and joint centers of operations and intelligence among other areas.

The KDF, the National Intelligence Service (NIS) and, NPS as well other agencies mandated to deal with terror have benefitted greatly from these initiatives. Multilateral training institutes e.g. the international peace support training center (IPSTC) in Karen have massive courses on terrorism and related areas. Other arrangements have included exchange programs and sponsored courses abroad for security agencies.

Sang notes that Kenya has signed extradition treaties with several countries which is a positive move towards fighting crime including terrorism.⁵⁸ However, he says that at times bureaucratic procedures and political goodwill have in the past affected the execution of such treaties. Sang also notes that the uneven standards in terms of training, equipment, technology, and know-how between the various responders to terror have a significant impact on the success or failure rate of such responses. The lack of a common curriculum, doctrine and modus operandi between various response teams tends to kill the multi-agency idea. Criminals have also been seen to be heavily

⁵⁸ Ibid

armed. On various occasions, the al-Shabaab terrorists have flushed police out of their posts or even overran military defensive positions like el- Adde attack.

Macharia Munene, “Reflections on Kenya’s National and Security Interests,” notes that each country has a national interest in the categories of core or primary interest and peripheral or secondary national interest. Primary national interests are those that are not negotiable.⁵⁹ That a country is willing to use all its instruments of national power including the instrument of the last resort-the military- to defend them. Secondary national interests are important too, but a country could prefer suing the first two instruments of national power i.e. diplomacy and economy to defend them. Munene warns that Kenya should guard her national interests jealously and not trade them in exchange for super-power pleasing. He actually urges Kenya to use her leadership influence in the region to project her ‘national interests’ especially in her core environment which has for a long time been a hostile operating environment. With a focus on terrorism, Munene notes how the porous Kenya-Somalia border has seen an influx of illegal and untaxed goods into Kenya whose proceed have aided the al-Shabaab terror group.

Rabasa, Angel. "Countering Terrorism in East Africa." Notes that “The Combined Joint Task Force-Horn of Africa (CJTJFHOA)” is one of the combined multi-country-multi-agency task force that is dealing with terrorism-related cases.⁶⁰ Their strategic objectives are “to foster a regional perspective on security problems, build littoral capabilities, and support the African Union and United Nations peacekeeping

⁵⁹ Macharia Munene Reflections on Kenya’s national and security interests Journal of Language, Technology & Entrepreneurship in Africa Vol. 3 No. 1 2011

⁶⁰ Angel Rabasa. Radical Islam in East Africa. Copyright Date: 2009. Edition: 1. Published by: RAND Corporation. Pages 84-180

operations in its Area of Responsibility.” They have helped to come up with a joint logistical plan to help lift and support Ugandan troops in the AMISOM. They are also helping the entire East African region, building the counterterrorism capabilities of regional states. This, however, happens with a major input of the states themselves with the CJTFHOA providing technical support and training.

Rabasa says that they had conducted counterterrorism training in Yemen. They have helped to build their Coast Guard to deal with pirate issues that are a cash cow for terrorists through the demand of ransoms. They have also provided military training to Ethiopia, Uganda, and Djibouti especially in the special operations realm. Kenyan and Djibouti navies have been major beneficiaries. As other past and current counterinsurgency and counterterrorism campaigns show, “civil affairs operations can be critical in gaining the support of the population against terrorist elements.”⁶¹

Makumi Mwagiru, “Towards a Security Architecture in the IGAD Region,” urges for more expanded philosophical thoughts amongst policymakers and decision-makers on security.⁶² He says that the traditional militaristic perspective of security narrows national security into a tunnel vision of only 3 or 4 main organs or agencies to deal with. In view of the 1994 UNDP paper on human security, Mwagiru opines that it is vital for states to expand their view of security to have a peripheral and not a tunnel approach. In his other article on globalization, he asserts that factors like the end of the cold war, globalization, and the 9/11 incidence have shifted the philosophy of security from statist to expanded perspective. It has challenged the concept of

⁶¹ Ibid

⁶² Mwagiru Makumi. “Towards a Sub-Regional Security Architecture in the IGAD.”; n: East African Journal of Human Rights and Democracy Vol. 3. University of Nairobi; 2004

sovereignty. It has introduced power diffusion by showing that non-state actors can acquire capabilities previously enjoyed by states likeability to cause mass casualty and having air superiority. Globalization and modern threats e.g. terrorism have opened borders. They have reduced states to only acting within certain frameworks e.g. foreign policies, domestic policies and supranational platforms like the UN and AU.⁶³

Peter Kagwanja's "Counter-Terrorism in the Horn of Africa: New Security Frontiers, Old Strategies," looks at the various measures employed by African governments in countering terrorism. He classifies these measures into 4 main groups. The first group includes those measures taken to deal with "liberation movements, guerrillas, bandits, criminal gangs, cattle rustlers, pirates and vigilantes that are not categorized as terrorists." The second measures include the counterterrorism strategies employed by states to ensure national security is enhanced for regime survival.

The third is hard measures taken by states to combat and confront the menace of terrorism. He, however, notes that these hard strategies that are heavily militaristic end up infringing on the human rights of individuals. The last group of measures is 'Soft' policies that are aimed at nabbing terrorism in the bud. This is done through policies dealing with poverty eradication, illiteracy, unemployment ... that could be effective in countering radicalization and violent extremism. Kagwanja urges efforts to improve coordination in all levels as well as the strengthening of laws and the security sector.⁶⁴

⁶³ Mwagiru Makumi. "Globalisation and African Foreign Relations: Historical and Intellectual Antecedents' ". 2008.

⁶⁴Peter Kagwanja (2006) Counter-terrorism in the Horn of Africa: New security frontiers, old Strategies, African Security Review, 15:3, 72-86, DOI: [10.1080/10246029.2006.9627608](https://doi.org/10.1080/10246029.2006.9627608)

1.6 Gaps in the Literature Review

From the literature reviewed, it is evident that there are knowledge gaps concerning the existence of a strategic multi-agency policy on coordination in response to terrorism in Kenya. There also seems not to exist a clear structural and legal framework guiding multi-agency operations on countering terrorism in Kenya. The laws and policies in place seem to be addressing independent areas like money laundering, counter-terrorism among other areas. In this regard, it is not possible to determine the efficacy of the responses undertaken by security officials during periods of terror attacks without studies such as this current one. Although some scholars have studied the responses undertaken by security forces in Kenya, most of the existent studies do not focus on laws and policies as well as strategies and doctrines specifically in regard to coordination in response during Westgate mall and Dusit D2 terror attacks. This underlines the importance of this study.

1.7 Hypotheses

H₀ The lack of existence of a strategic multi-agency policy on coordination in response to terrorism in Kenya leads to poor coordination in response to international terrorism.

H₁ The existence of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya has led to an effective response.

H₂ Multi-agency laws, policies, doctrines, and strategies regarding terror response coordination have led to an effective response to international terrorism

1.8 Study Justification and Significance

This study sought to address the coordination in responses to international terrorism. It narrows down to Westgate mall and Dusit D2 deter attacks. It focuses on the establishment of the existence or lack thereof of a strategic multi-agency policy on coordination in response to terrorism in Kenya. It also examines the existing or lack thereof of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya. It also investigates the successes and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination.

1.8.1 Academic Justification and significance

The study aims to contribute towards knowledge on responses to international terrorism in Kenya. It could help other researchers with insight into areas such as the influence of strategic multi-agency policies on coordination of response to terrorism in Kenya as well as the influence of structural and legal frameworks guiding multi-agency operations on countering terrorism. The findings could also be pivotal in highlighting the importance of multi-agency laws, policies, doctrines, and strategies regarding terror response coordination. This could prompt follow up studies on ways of boosting coordination of multiagency responses to international terrorism in the larger East African region as well as other parts of Africa in the wake of the rise and rise of armed insurgent groups.

1.8.2 Policy Justification and significance

The findings of the study will help government security agents put in place measures aimed at enhancing the capacity of security agents to protect business premises

against terror attacks. The findings obtained could enable intelligence teams and tactical units to put in place the requisite strategies aimed at averting terror attacks in the country.

1.9 Theoretical Framework

This thesis entered the debate of coordination in response to international terrorism via the Terror Management Theory (TMT) as proposed by Greenberg, Pyszczynski, and Solomon posits that they, being mortal beings, thrive by existential illusions or perceptions.⁶⁵ The fictions regarding existence can be pivotal in coping with the main existential factors or concerns: identity, death, freedom and social connections.⁶⁶ They give people a sense of purpose and meaning in the world despite science telling them that they are simply material beings with a short lifespan in an indifferent world and constituent of a species that will in no time be probably extinct. Death is inevitable. As human beings, their identities and meanings are mainly cultural constructions that do not last for eons of years.

Mostly, their desired relationships are mainly limited and people are “unable to realize the inner life of another being or reliably expect another person to their desires above theirs.” They work hard to be free but at the same time remain prisoners of their cultural upbringing and mainly keen on adhering to others’ rules for survival.⁶⁷

In the event of too much freedom, it leads to anxiety and stress and they mostly fail to know what they can do with it.

⁶⁵ J. Greenberg, T. Pyszczynski, and S. Solomon, ‘the causes and consequences of a need for self-esteem: A terror management theory.’ In R.F. Baumeister (ed.), *Public Self and Private Self*, New York: Springer-Verlag (1986).

⁶⁶ R. Prinz, ‘Terror Management Theory: What role do Cultural World Views play in the cause and prevention of terrorism?’ München: GRIN Verlag GmbH. (2011).

⁶⁷ J. Greenberg, T. Pyszczynski, and S. Solomon (1986).

Out of the five existential concerns aforementioned, focus is on death since it happens to be the crucial focus of TMT since people are constantly focusing on how to cope with this inevitable challenge and has at the same time initiated various hypotheses and research findings. The theory starts off with the simple connotation that all beings are biologically predisposed to desire longer lives and also intelligent enough to note that at one point “they will die and it may as a result of various reasons or causes;”⁶⁸ terrorism as in the case of this current study. Therefore, in light of this predicament, how can they function without being anxious perpetually? According to the TMT, “they do so by perceiving themselves as enduring beings in a permanent and meaningful universe of symbols rather than the characterization: as just material living organisms in an indifferent world destined only to stop existing upon demise or death.”

Since birth, people are socialized into a global perception by their culture that informs them that they are superior and important beings in a meaningful world. People possess souls and the possibility of living after they are gone and part of entities that outlive them such as countries and family lines. They have identities that will live beyond their physical deaths in their achievements and the seemingly perpetual marks they have made in the world such as children, memorials, artistic creations and milestones in science, business, among others.⁶⁹ Consequently, people work with their innate anxiety under wraps so long as they are convinced that they are enduring, crucial players in a relevant and permanent world. However, terrorism threatens this perceived sense of being able to endure.

⁶⁸ R. Prinz (2011).

⁶⁹ T. Pyszczynski, J. Greenberg, S. Koole and S. Solomon, Experimental existential psychology: Coping with the facts of life. In S. Fiske, D. Gilbert, & G. Lindzey (Eds.), *Handbook of social psychology*. London: John Wiley and Sons (2010).

Whenever people are not searching for survival or pleasurable encounters, they spend most their time “trying to buttress their claims of significance and legacy in the symbolic reality they psychologically call home or inhabit.”⁷⁰ In the event that such a perception is threatened, “people tend to feel worried and fight against such threats to reassert their value together with the groups that they relate and reinforce their belief in the meaningful universe in which they believe.”

Various hypotheses have been formulated under TMT. These have been supported by over 400 studies the world over. Several studies guided by TMT converge on 3 main points that reinforce the theory. First, it is regarded as the mortality salience (MS) hypothesis.⁷¹ In this case, world perceptions and self-worth save human beings from “anxiety concerning mortality, then the reminders of one’s mortal nature must instigate attempts to strengthen one’s value and that of other groups (self-esteem striving), and faith in an orderly, stable perception of the social realm and one’s self.” For instance, concerning self-esteem striving once mortality is rendered salient, people basing their self-worth on championing ability do so more boldly. This regard, people oppose those who put their beliefs to question. They also rise against any other group or country that criticizes or attacks their homeland or their allies. This explains why nations rise against terror organizations. It also explains why nations strengthen their capacity to deal with terror groups because they challenge their dedication to live at least for as long as possible. Within the context of this study, this explains the essence of multiagency cooperation in the fight against international terrorism in the country.

⁷⁰ Ibid.

⁷¹ C. Campbell and J.J. Ma, ‘Looking Forward, Looking Back: Drawing on the Past to Shape the Future of Marketing: Proceedings of the 2013 World Marketing Congress.’ Cham: Springer International Publishing (2016).

A basic terror management function of the worldviews is to give “an orderly, structured and articulated perception of reality and oneself that enables the possibility of being a crucial player in a meaningful existence.” Hence, MS must inspire human beings to “desire their cognitions to fit together, for them [people] and events to be reliable, for a just world, for a meaningful art and for the self to become an enduring entity, connected from the past to the future.”⁷²

The theory also led to the deduction that people tend to react or respond to reminders of their demise with two different sets of defenses or preparedness. This explains why country put in place elaborate plans aimed at averting security risk vulnerabilities. In order to ensure that mortal threats through terrorism are eliminated, security agencies are put in place. These agencies are elaborately equipped to deal with terror threats that could possibly result in death. This underlines the essence of international responses to terrorism in Kenya. It also explains why elaborate legal and policy frameworks are instituted to deal with the challenges related to international terrorism in the country.

1.10 Research Methodology

This section presents the methods that were employed by this study to address the objectives and answer the research questions. The study sought to investigate the coordination in response to international terrorism with a keen focus on Westgate and Dusit D2. It then in its subsequent sections details the research design, study target population, sampling procedures, data collection techniques, and the data analysis

⁷² Ibid.

techniques. The study was carried out in Nairobi Kenya, which houses the key population and sample of the study.

1.10.1 Research Design

The study adopted mixed methods and exploratory research designs. According to Streb⁷³, exploratory research designs fit well where there are limited or fewer studies, important for obtaining background information about a given topic and is flexible, able to address a variety of research questions. According to Creswel⁷⁴ “mixed-method research employs both qualitative and quantitative research designs to complement each other by overcoming the weaknesses of each other.”

1.10.2 Target population and Sample size

The target population was all the members of the KDF SoFs, the NPS Recce Squad, and ATPU Officers as well as policy level military and police officers. The target population is estimated at 3400 personnel. The sample size for this study was obtained from a sampling formula by Yamane⁷⁵;

$$n = \frac{N}{1 + N(e)^2} = 97.1$$

Where,

n= the sample size

N = the size of the population

e= the error of 10%

The calculation from a population of 3400 was 97.

⁷³ Streb, 372-373.

⁷⁴ Creswell, John W. (2014). Research design: qualitative, quantitative, and mixed methods approaches (4th ed.). Thousand Oaks: SAGE Publications.

⁷⁵ Yamane, Taro. "Statistics: An introductory analysis." (1973).

Therefore, a sample of 97 respondents was chosen from the various security agencies as indicated in Table 1 below.

Table 1.1 Sample Size Categories

| Operations Teams | Population Size | Sample Size | Sampling Technique |
|--------------------------|------------------------|--------------------|---------------------------|
| KDF SoF terror-related | 2000 | 50 | Purposive Sampling |
| NPS Recce terror-related | 400 | 12 | Purposive Sampling |
| ATPU Officers | 800 | 25 | Purposive Sampling |
| Policy Level Officers | 200 | 10 | Purposive Sampling |
| TOTAL | 3400 | 97 | |

Source: Researcher, 2018

1.10.3 Validity and Reliability

Validity is key in making sure that “the instrument measures what is intended to measure.”⁷⁶ To ensure this, the data collection instruments were submitted for expert review. Reliability, on the other hand, ensures consistency, dependability or trustworthiness in measurements of the desired study variables. To aid this, the researcher employed a test-retest technique to guaranty it.

1.10.4 Data Collection

This study employed primary as well as secondary data collection techniques. Primary data was collected from the respondents using mainly questionnaires and interviews.

⁷⁶ Kothari, B. L. (2007). Research Methodology: Tools and Techniques. ABD Publishers.

On its part, secondary data was obtained from library-based research via books, e-books, journals, government publications, and published thesis, among other reputable academic publications.

1.10.5 Data Analysis and Data Presentation

The data collected from questionnaires were analyzed using the Statistical Package for the Social Sciences (SPSS) version 24. The findings were presented in descriptive statistics, tables, graphs, charts and inferential statistics. On its part, data from interviews were analyzed thematically based on the objectives so as to establish the key themes and trends from which findings, conclusions, and recommendations were drawn.

1.10.6 Legal and Ethical Considerations

The study was conducted cognisant of the rights of the respondents during data collection. Participation in the study was voluntary. The privacy of all those involved in the studies has been guaranteed.

1.11 Chapter Outline

This study is organized into five chapters. Chapter one introduces a background to the study area, providing an overview of coordination in responses to international terrorism. It details the statement of the problem to the study, the study objectives, hypotheses, justification of the study, review of related literature, theoretical review and research methodology. Chapter two focuses on international responses to terrorism.

Chapter three examines the international responses to terrorism through a comparison of the responses at the Westgate Shopping Mall and the Dusit D2 Attacks in Kenya. Chapter four presents the findings from primary data sources –questionnaires and interview guides. The final chapter presents the summary of findings, conclusions and recommendations of the study.



CHAPTER TWO

RESPONSES TO INTERNATIONAL TERRORISM: INTERNATIONAL TO AFRICA

2.1 Introduction

This chapter presents a broad analysis of international responses to terrorism. This is done from global to local perspectives. It looks at the responses undertaken by international organizations, states and partnerships between states. The nature of assistance given-hard and soft- is also identified.

2.2 International Responses to Terrorism

In international politics, the fight against the threat of terrorism is a top priority. Since 9/11, most countries have taken clear stands on terrorism. Although China faces its own share of terror attacks, it has been slow in making official its stand on the war on terrorism. Due to this vague approach to counterterrorism, the country has faced demands, both domestically and internationally, to overtly confirm its stand on terrorism.

Based on its understanding of the terrorism threat, China defines terrorism as “any proposition or activity - that, by means of violence, sabotage or threat, generates social panic, undermines public security, infringes on personal and property rights, and menaces government organs and international organizations - with the aim to realize certain political and ideological purposes.” Although the country officially condemns all forms of international terrorism, its efforts to counter it have been wanting.

Though the United States has deployed troops overseas to fight terrorist pockets, China has a rather different approach. Its non-interventionist foreign policy means that it does not deploy troops to fight against terrorism overseas. Though it has a robust domestic infrastructure to combat terrorism through the anti-terrorism law,¹ its international approach shows that there is no consensus on the war against terrorism among the two international economic and military powers. Regarding China, this has been blamed on its “double standards” in combating international terror.

China has tried to absolve itself by positing that it focuses on addressing with the “root causes” and the “symptoms” of terrorism. Though not actively involved in the field, China points out that it fights against terrorism through “technological aid and intelligence sharing” in support of the affected countries. As such, it argues that its positions aligns with “the United Nations Global Counter-terrorism Strategy, under the resolutions and annexed plan of action- A/RES/60/288, A/RES/62/272 and A/RES/64/297.”²

Counter terrorism strategy focused on military option is proving futile in the long run. The Muslim world has rejected modernization and wants recognition of its way of life and leadership. Western intervention in Middle East is seen as a legitimate cause for terrorism by militant groups for the support the West renders to dictatorial regimes and failure to uphold human rights and democracy in the region. Indeed, the West post 9/11 experienced the worse form of violent attacks on its people, cities and interests in spite of the global war on terror. The politics of fear has polarized public

¹ China’s Response to Counter-Terrorism under the BRICS Framework. BRICS International Forum. 28 January 2016

² Ibid.

opinion and societies; creating dangerous levels of hatred and stereotyping gradually turning into dehumanization.³

Response to the threat of terrorism has presently entailed use of social media platforms. Twitter for example has often been identified as a crucial facilitator as well as a deterrent to terrorism. It has been used by terrorist organization to advance their nefarious goals of gaining international visibility. Conversely, it has been used to create patterns of terrorist organizations through “intelligent data mining, visualization, and filtering methods.” Decision makers have used this data to make pertinent counterterrorism decisions.⁴

Terrorism, both domestic and international, has divergent effects on individuals. Based on the sociopolitical environment at home, attackers are viewed differently by governments and individuals. One consideration is who the groups are affiliated with— allies or enemies of the responders. In this regard, those who respond do so based on their cultural, social, political and individual psychologies. This shows that responses to terrorist attacks are based on appropriately layered responses.⁵

In the 70s and 80s for example, the Austrian Government responded to international terrorism in three different ways. This included: the gradual expansion of security

³ Amnah Khalid Rashid, Mohamed Sofwan Ahmed Adhil “A Constructivist Response to Islamophobia and Counter Terrorism.” A Journal of multi-disciplinary research, vol1 no 1 (sept 2017). P.1-15. On <https://www.academia.edu/37314461/A>

⁴ Marc Cheong and Vincent C. S. Lee, ‘A microblogging-based approach to terrorism informatics: Exploration and chronicling civilian sentiment and response to terrorism events via Twitter’ pringer Science + Business Media, LLC. 13 (29 September 2010). 45–59. 10.1007/s10796-010-9273-x

⁵ Francis A. Beer, Alice F. Healy, and Lyle E. Bourne Jr. “After Boston: Terrorism and Response” in e-ir.info. <http://www.e-ir.info/2013/05/13/after-boston-terrorism-and-response/>

forces, international cooperation in the security arena and foreign policy initiatives for purposes of terrorism prevention in the Middle East.⁶

INTERPOL, being a large organization plays an important role in coordination of Chemical, Biological, Radiological and Nuclear (CBRN) counter-measures by providing a well-coordinated system facilitating faster and more effective response to CBRN crimes and terrorism. INTERPOL's response mechanisms are a strong framework for terrorism investigation and deterrence. Despite its real-time contribution to the effective functioning of national law enforcement structures, INTERPOL, as an organization, still has operational gaps which leave some space for vulnerabilities in counter-CBRN measures, prevention, deterrence and response.⁷

When it comes to translational and international terrorism it is very hard to combat it on isolated national level. INTERPOL relies on "its wide international network, over 190 countries, to facilitate detection and response to terror threats, undertake the prosecution of terrorism cases and check trafficking of CBRN materials." Intelligence sharing is essential to identify routes, ways and circumstances related to the traffic of dangerous materials and agents. For an effective and timely communication there are so called "best practices" that boost cooperation of the individual member-states on a global level.⁸

⁶ Freischaffender, Historiker, 'An Austrian approach: the response to international terrorism during the 1970s and 1980s,' JIPSS, Vol.6, NR.1 (2012): 139-157.

⁷ Angelina, Harutyunyan. "CBRN Terrorism: Response Mechanisms of INTERPOL" Cranfield Defence and Security

⁸ Pellerdi, Rezso; Berek, Tamas (2009): Redefining the CBRN Risk Assessment, Security, Vol. 8, No. 1 (Budapest: Miklos Zrinyi National Defence University), 159–172, p. 160.

Sociologist Frank Furedi reports that those who studied interviews of persons after the terror events found that “injured and disabled persons were not run over by panicking crowds or left behind helpless.” On the contrary those who were hurt or disabled had been carefully assisted and taken calmly to emergency service personnel. Likewise, in the first moments of the 9/11 attack the evacuation of the buildings had nothing to do with government intervention or pre-planning but everything to do with the goodwill of persons under common attack.⁹

Terrorism can create both positive and negative outcomes, whereas it fuels suspicion and fear, it also casts light on the heroic activities of the people. The way communication is undertaken has lasting outcomes on the society. In this regard the media can do grave damage or great good. The media as we all know will respond to any mass terror attack within minutes and the “talking heads” will appear almost immediately on television, radio and in print. Recall how the world witnessed real-time coverage of the second twin tower being hit in the 9/11 attacks. The media is nearly simultaneous in its response to terror acts.¹⁰

For governments and nongovernmental institutions to make a difference in response to terror citizens need to be as prepared as the media is. Ideally communication after a mass terror attack should be planned ahead of time. This would ward off confusion and present a unified position by the government. Think for instance of the Red Cross. This NGO has built trust over decades and a speaker representing it will likely be given a high level of credibility. It is thus in a position to give out information beforehand - for instance teaching that staying indoors after a radioactive explosion

⁹ Frank Furedi, “Heroes of the Hour” *New Scientist*, 8 May, 2004 pg. 19.

¹⁰ kccks

with the windows shut is the best policy; that anthrax can be lethal to those directly exposed but does not spread infectiously; that vaccinating for small pox even AFTER exposure is not worthless and effective in a significant percentage of cases; and so on. Regarding communication after terrorism attacks, good preparation would play pivotal roles in calming the population.¹¹

A mixture of court-based responses as well as government initiatives have been practiced in the war against terrorism in the UN since 2001. Though most terrorism suspects are tried in ordinary courts, the government has given itself extra powers to detain a limited number of suspects indefinitely without trial. The government has also undertaken measures aimed at restricting movement through imposition of control orders. Though contested by a portion of the British society, it is evident that the legal response to terrorism in Britain has been shaped and constrained by the norms of security, liberty and proportionality.¹²

In Africa, compliance to the international counterterrorism demands has seen mixed results. A study by Beth Elise Whitaker shows that countries with weaker democratic institutions had higher levels of compliance than those in transitional democracies.¹³ This could be explained by popular pressures at home that reduce compliance. In the wake of demand to join the international counterterrorism regimes, countries

¹¹ Anne Speckhard, "Civil Society's Response to Mass Terrorism: Building Resilience" in *Combating Terrorism – Military and Non Military Strategies*, Rohan Gunaratna editor, Eastern Universities Press, Singapore, 2005.

¹² Frank, Foley "Constraining Britain's Legal Response to Terrorism: Norm Competition and the Prospects for Liberal Democracy" in *European Journal on Criminal Policy and Research*. Springer Science+Business Media B.V. (2012). DOI 10.1007/s10610-012-9183-1

¹³ Beth Elise Whitaker, 'Compliance among weak states: Africa and the counter-terrorism regime,' *Review of international studies*, volume 36, issue 1 (2010): 639-662.

responded by adopting local legislation, cracking down on terror groups and sharing intelligence.

The bid to join the 'War on Terror' has been for various reasons in the East African region. While Uganda readily joined to gain support for its war with the Lord's Resistance Army (LRA). While there was a lot of effort to domesticate counter-terrorism laws in response to international commitments, Tanzania has done little to implement these laws. In Kenya, various anti-terrorism legislation have been passed. This was particularly so since the country enjoyed support from the US. Despite the presence of elaborate laws and policies to deal with terrorism, Kenya continued to be hit by various terrorist attacks.

The backbone of international response to terrorism is the UN Counter-Terrorism Committee (CTC). The CTC was created in 2001 for purposes of monitoring the implementation of 'Security Council Resolution 1373.'¹⁴ The Resolution calls upon governments to periodically submit reports on their antiterrorism efforts to the CTC. In 2004, "the Counter-Terrorism Committee Executive Directorate (CTED)" was formed. Its aim was to buttress the working of CTC through the provision of expert advice. It was also aimed at facilitating the provision of technical assistance to governments. This would go on to enhance the level to which international agreements were domesticated. This would lead to the establishment of "a global legal infrastructure against terrorism."¹⁵

¹⁴ Eric Rosand, 'Security Council Resolution 1373, the Counter-Terrorism Committee, and the fight against terror', *American Journal of International Law*, 97:2 (2003).

¹⁵ *ibid*

Other bodies have been created to strengthen international responses to terrorism. These include “the Counter-Terrorism Implementation Task Force (CTITF)” in 2005. This enjoys membership from 20 organizations such as “the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (INTERPOL), and the World Bank”

The Global Counter-Terrorism Strategy, which was adopted by the UN General Assembly in September 2006, was aimed at providing “a wide-ranging plan of action to build states' capacity to prevent terrorism and to address underlying causes.” This provided a framework under which multilateral counterterrorism efforts under CTITF could be undertaken. This was later institutionalized with the Department of Political Affairs of the UN in 2009. Another framework is the intergovernmental Financial Action Task Force aimed at trailing money to counter terrorist financing. ¹⁶

There have also been multiple agreements adopted by regional and sub-regional organizations to address the threat of terrorism. These include “the European Convention on Suppression of Terrorism (1977), the South Asian Association for Cooperation (SAARC), Regional Convention on Suppression of Terror the Arab Convention for the Suppression of Terrorism (1998), and American Convention Against Terrorism (2002), among others.” The Organization for African Union (OAU) ratified “the OAU Convention on the Prevention and Combating of Terrorism” which though adopted in 1999 was taken up by its successor organization the African Union (AU) in 2001. These regional agreements include strong

¹⁶ ibid

enforcement mechanisms. They show commitment multilayered response to international terrorism.

National policies have also been undertaken the world over to create a platform for counterterrorism since 2001. These legislations have created mechanisms for anti-terrorism and counterterrorism financing (CTF). In addition, the intelligence community, militaries and the police have also adopted strategies aimed at identifying terrorist threats and neutralizing them. They have also created wide mechanisms for enhancing collaboration with their counterparts in other countries in the war against terrorism.

One of the strong mechanisms adopted in the Horn of African Region is The African Union Mission in Somalia (AMISOM) which was created in February 2007 to promote peace and stability in Somalia. AMISON is supported by the UN and the UN through different agencies which support its “political, diplomatic, civilian, military, humanitarian, and development dimensions.” Since its creation, the EU provided funding of up to EUR 1.6 billion by 2017. In 2017 alone, the EU funded AMISOM with EUR 239.4 million.¹⁷ This has strengthened peace and security as well as counterterrorism efforts in Somalia.

Although many Western militaries started disengaging from Africa after the end of the Cold War, this has been changing. Many western militaries have physical presence in various parts of Africa where they battle terrorist organizations. They have taken part in the provision of hard security assistance as well as training. An

¹⁷ <https://www.africa-eu-partnership.org/en/projects/african-union-mission-somalia-amisom>

example of this is the “Combined Joint Task Force - Horn of Africa (CJTF- HoA),” based in Djibouti. The CJTF has over 2,300 US personnel tasked with fighting against terrorism as well as training African militaries in the HOA. The “US Trans-Sahara Counter-Terrorism Partnership” in the Sahel region and the CJTF has been integrated under the “new US Africa Command (AFRICOM)” which is used by the Pentagon to streamline its military activities on the continent. Kenya, among other governments of strategic importance continue to benefit from these bilateral military programs to enhance their fight against terrorism.¹⁸ This has had immense benefits since as identified by Karthika Sasikumar, “terrorism is a transnational threat and can be tackled only by cooperation among states.”¹⁹

The elaborate frameworks put in place since 9/11 has led to “a 'regime complex' for counter- terrorism as posited by Peter Romaniuk. There has been extensive “duplication of efforts, overlapping mandates and lack of coordination.”²⁰ There is thus the need for the establishment of a single institution, which under today’s geopolitical realities may be a tall order.²¹

Uganda has been in the forefront in the global struggle against terrorism. It has established various strategies domestically. The country established the Joint Anti-Terrorism (JAT) in 1999 as a task force aimed at “coordinating efforts among military, police, and intelligence officials to counter a series of domestic terrorist

¹⁸ Association of Concerned Africa Scholars, 'The politics of Africom' (Washington DC, Association of Concerned África Scholars, Bulletin 78, Washington DC, 2008), <<http://concernedafricascholars.org/analysis/acas-bulletin-78-africom-special-issue/>> (19 Jan)

¹⁹ K Sasikumar State agency in the time of the global war on terror: India and the counter-terrorism regime. *Review of International Studies* 36 (3), 615-638

²⁰ Linnéa Gelot, Adam Sandor. (2019) African security and global militarism. *Conflict, Security & Development* 19:6, pages 521-542.

²¹ Eric Rosand, 'The UN-Led Multilateral Institutional Response to Jihadist Terrorism: Is a Global Counterterrorism Body Needed?', *Journal of Conflict and Security Law*, 1 1 :3 (2007), pp. 39

attacks.” However, lack of a counter-terrorism legislation meant that suspected terrorists would be charged with treason. This changed with the adoption of the Anti-Terrorism Act in 2002. This created an expanded legal scope for the government to pursue and prosecute terrorism. The country also cooperates with other countries in the fight against terrorism.²²

Presently, Uganda cooperates with the US and other East African countries in the fight against terrorism. With support from the “Anti-Terrorism Assistance (ATA) Program” and “the Terrorist Interdiction Program (TIP),” Uganda has strengthened the capacity of its security agencies to deal with terrorism. It is also able to better monitor its airports and border points.²³ Other legislations enacted in Uganda to deal with terrorism include the “counter-terrorist financing (CTF) and the anti-money laundering (AML).”²⁴

Tanzania has had extensive cooperation with the counter-terrorism regime. Though the government domesticated many international provisions, the implementation of these measures has been regarded as being weak. Some of these include the Prevention of Terrorism Act of 2002 which proscribes the financing, committing and assisting terrorists.²⁵ In November 2006 passed the “Prevention of Money Laundering Act.” In 2007, the law went into effect and “a Financial Intelligence Unit (FIU).” This enabled the country to track suspicious transactions. It was further supported by new banking laws in 2006 and an anti-corruption law in 2007. The country is also

²² Beth Elise Whitaker Review of International Studies, Vol. 36, No. 3 (July 2010), pp. 639-662. Cambridge University Press.

²³ Peter Romaniuk and Tracey Durner (2018) The politics of preventing violent extremism: the case of Uganda, Conflict, Security & Development, 18:2, 159-179, DOI: 10.1080/14678802.2018.1447863

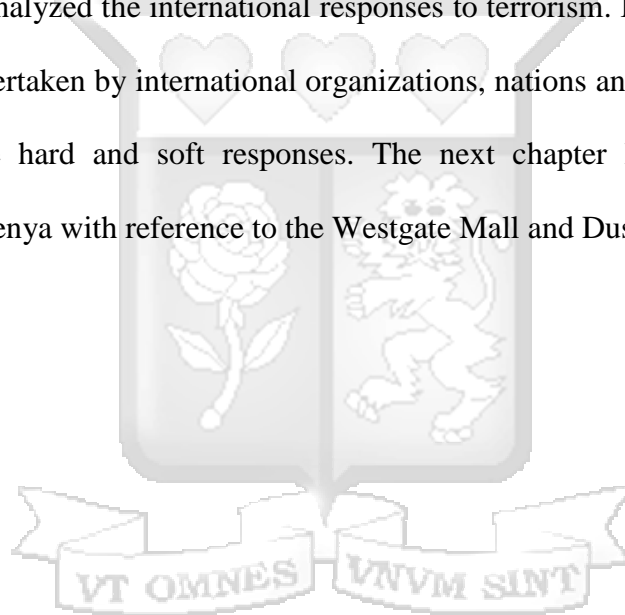
²⁴ <https://ulii.org/ug/legislation/act/2017/4>

²⁵ Op cit 25

supported heavily by the US government. This has strengthened its passport systems and monitoring efforts in its border points. In 2007, the country established a “National Counterterrorism.” Its cooperation in the war against terrorism has however being regarded as being riddled with suspicion. Though the country took part in the US-“organized International Somalia Contact Group” since June 2006, it opposed the US war in Iraq strongly.”

2.3 Conclusion

This chapter analyzed the international responses to terrorism. It looked at the various responses undertaken by international organizations, nations and partnerships some of which include hard and soft responses. The next chapter looks at responses to terrorism in Kenya with reference to the Westgate Mall and Dusit D2 Hotel attacks.



CHAPTER THREE

RESPONSES TO INTERNATIONAL TERRORISM IN KENYA

3.1 Introduction

The chapter analyses responses to international terrorism in Kenya from secondary and primary data sources. To begin with, information on the responses to terrorism in the country based on secondary data sources is presented. This is followed on in-depth analyses of responses based on primary data sources, questionnaires and interviews. The findings from primary data is presented in line with the study objectives which were, “to establish the existence or lack thereof of strategic multi-agency policies on coordination in response to terrorism in Kenya; to examine the existing or lack thereof of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya and; to investigate the success and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination.” Finally, the conclusion is included.

3.2 A Preview of Responses to International Terrorism in Kenya

Kenya has an elaborate counterterrorism framework. One of the measures undertaken by the country to deal with the threat of terrorism is international cooperation. The country has close, though complicated relations with the US in its 'War on Terror.' Within the security sector (military, intelligence, police), cooperation has been quite high. In this regard, with US training and assistance, “the government established an Anti- Terrorism Police Unit, the Joint Terrorism Task Force (later disbanded), a National Counter-Terrorism Center, and a National Security Advisory Committee.” In addition, Kenya has taken part, actively, in the ATA and TIP programs. Cooperation with the US has led to harmonization of the regional aviation. For many years, the US

and Kenyan militaries has trained together time and again. They have also support US military action in the country. Cooperation with the US has led to the capture of terrorist suspects fleeing violence in Somalia (due in part to its own security concerns).¹ This has greatly limited terrorism activity in the country.

Kenya also enjoys support from the UK and Denmark. Despite the fact that the motivation and practice of the US, the UK, and Denmark projects differ greatly, they are all founded on the importance of a broader 'peace and security' agenda.² Kenya enjoys both soft and hard assistance. Regarding hard assistance, Kenya has been able to expand its counterterrorism infrastructure. With technical support, the country has been able to strengthen its soft security (legal and technical) capacities.³ Whereas the US focuses on hard strategies, Denmark has more emphasis on soft interventions.⁴ These divergent approaches have however led to complimentary capacities to deal with terror threats in the country. Including support from the UK, Denmark and the US are involved in “(1) granting hard security assistance to state security forces; (2) providing legal advice on anti-terrorism legislation and; (3) Engaging with crucial parts of the population on soft security issues.”

As already stipulated, the combined effect of soft and hard assistance, though challenging, can yield positive results. To begin with the hard security assistance, the Kenya Defence Forces, National Police Service, Border Control Units (Immigration

¹ Eric Rosand, 'Security Council Resolution 1373, the Counter-Terrorism Committee, and the fight against terror', *American Journal of International Law*, volume 97, Issue 2 (2003).

² Raymond Muhula, 'Kenya and the global war on terrorism' in John Davis (ed.), *Africa and the War on Terrorism* (Ashgate, Aldershot, 2007), pp. 43- 60

³ Donald Rothchild and Edmond J. Keller, *Africa-US Relations: Strategic encounters* (Lynne Rienner Publishers, Boulder, CO, 2006)

⁴ Macharia Munene, 'Human rights and democracy in contemporary global security promotion as a goal of US foreign policy: African responses' in Makumi Mwagiru and Okello Oculi *Rethinking Global Security: An African perspective* (Heinrich Boll Foundation, Nairobi, 2006) pp. 40-60.

Departments, Ports and Coast Guards) and the National Intelligence Service have received considerable assistance from the US in form of training, weapons, logistics and intelligence supports. This does a lot in enabling the key teeth agencies meet their constitutional obligations when responding to terror activities.⁵ The USA for instance has various Bases in Kenya where they launch direct operational assistance to KDF in Somalia and other border areas.

The US foreign policy towards 'anchor states' such as Kenya has focused, primarily, on transforming national security agencies into more robust units. UK assistance has enhanced the capacity of Kenya to monitor its long border with Somalia. This is a form of hard assistance. Also, the British military has taken part in training special counterterrorism forces in Kenya.⁶

The Danish Government has played more robust roles in providing legal advice and training in issues to terrorism. This has targeted the Judiciary, Law Enforcement Agencies, and Intelligence Services. This support has also entailed workshops on disaster prevention and awareness creation on terrorism. The United Nations also provides funding and expertise to Kenya as well as other countries regarding counterterrorism.⁷ This is exemplified by the joint UN UNODC-facilitated project 'Strengthening Counter-Terrorism Capacity for a Safer Kenya' and is funded by the Danish government.³⁵ The main purposes are enhancing the enactment of “an anti-terrorism bill and security laws acts.” Donors have also played key roles in poverty

⁵ Daniel Volman, 'US military activities in Kenya' (Association of Concerned Africa Scholars, Washington,) US Department of State, 'Kenya: security assistance' (US Department of State, Washington, DC, 2007).

⁶ Foreign and Commonwealth Office, 'Global Opportunities Fund: Annual Report 20 2007' (FCO, London, 2008), p. 26.

⁷ Background statement of the UN Counter-Terrorism Committee, <<http://www.un.org/sc/ctc/>> (2 January 2009)

reduction which has been proven to have direct links with terrorism. The Danish foreign ministry has thus been undertaking interventions to this end.⁸

In the same accord, the US complements its hard security assistance through Civil-Military Co-operation (CIMIC) activities by its military which entails building infrastructure projects along the Somali-Kenyan border region to improve the livelihood of the local community-mainly Muslims. The Kenya Defence Forces has also made various medical camps to offer free medical services for the same.⁹

3.3 Response to International Terrorism in Kenya according to Questionnaires

3.3.1 Response Rate

The study sampled 97 officers from four operations teams namely KDF SoF, NPS Recce Squad, ATPU Officers and Policy Level Officials from the Ministry of Defence and Ministry of Interior. Out of these, 85 responded. This made an average response rate of 87.6% as shown in Table 3.1. From these, 77 were presented with the questionnaires while 8 were interviewed.

Table 3.1 Response Rate

| Unit | Sampled | Responded | Response Rate |
|-----------------------|-----------|-----------|---------------|
| KDF SoF | 50 | 44 | 88.0 |
| NPS Recce Squad | 12 | 11 | 91.7 |
| ATPU Officers | 25 | 21 | 84.0 |
| Policy Level Officers | 10 | 9 | 90.0 |
| Total | 97 | 85 | 87.6 |

⁸ Jan Bachmann and Jana Hönke. 'Peace and Security' as Counterterrorism? The Political Effects of Liberal Interventions in Kenya. *African Affairs*, Vol. 109, No. 434 (Jan., 2010), pp. 97-114. Oxford University Press.

⁹ Sarah Iischer, 'Winning hearts and minds in the heart of Africa', *Harvard International Review* (March 2007), <<http://www.harvardir.org/articles/1481/>> (31 December 2008)

3.3.2 Demographic Information

The study sought to find out information on selected demographic characteristics of the study participants.

3.3.2.1 Operation Units of Respondents

The 77 officers who responded to the questionnaires were asked to indicate the units under which they worked. The findings obtained show that most of the respondents (54.5%) worked as KDF Special Operations Forces. These were followed by ATPU Officers at 24.7%. The least was NPS Recce Squad Officers (11.7%) and Policy Level Officers at 9.1%. These findings show that the various units targeted by the study were proportionally represented. As a result, it was possible to obtain all-rounded opinions on the subject under investigation. These findings are shown in Figure 3.1.

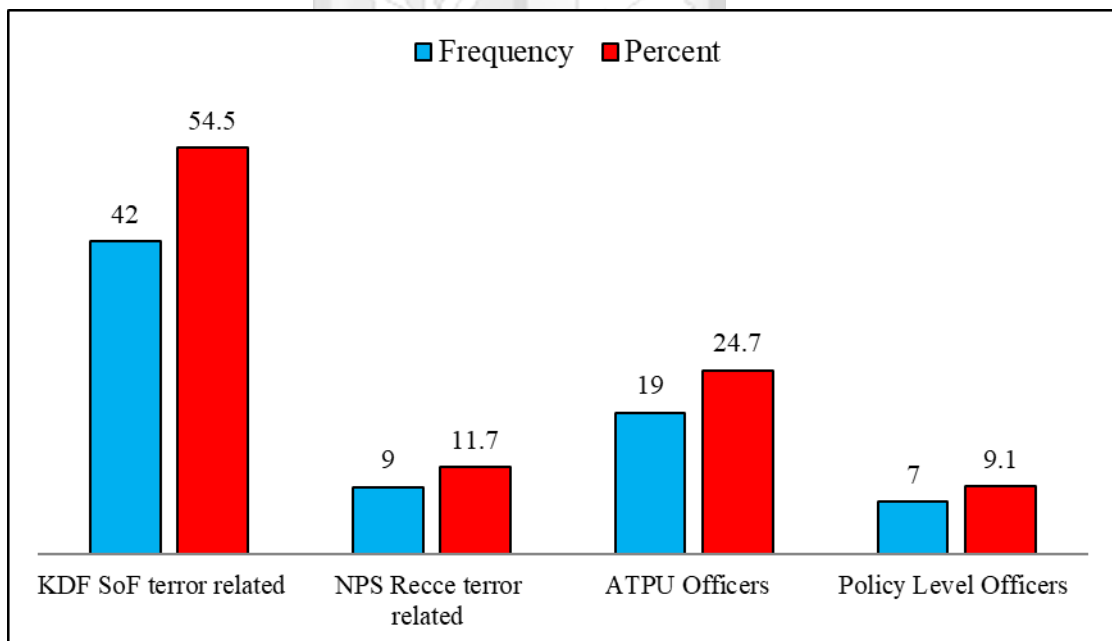


Figure 3.1 Operation Units of Respondents

3.3.2.2 Duration of Service in Security Forces

The respondents were also asked to indicate their duration in their units of service/operational teams. The findings obtained show that more than a quarter of them (27.3%) had served for 11 to 15 years. These were followed by those who had served for 6 to 10 years at 19.5% and those who had served for 21 to 25 years at 16.9%. The least had either served for periods of 1 to 5 years or 26 to 30 years at 10.4% and 9.1% respectively.

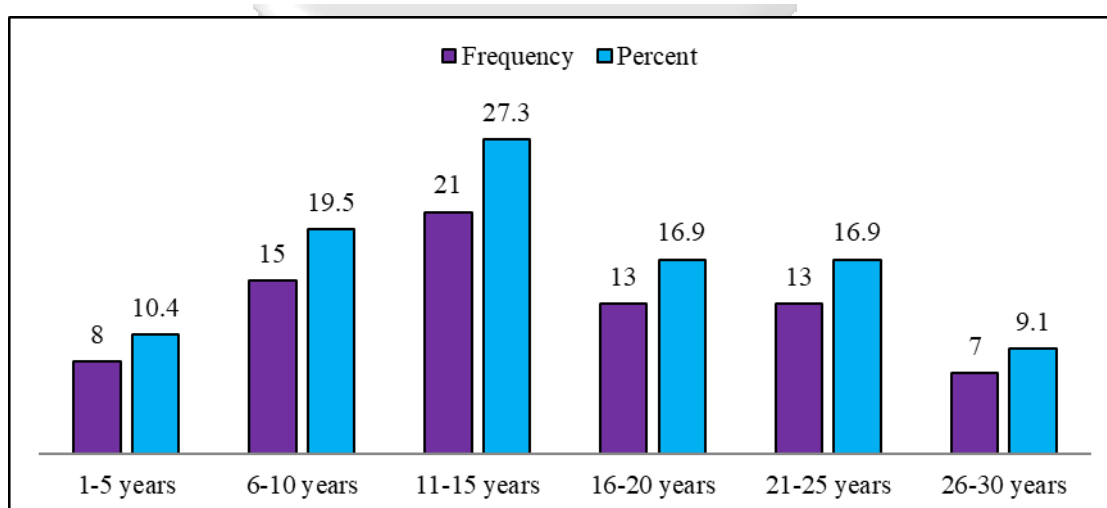


Figure 3.2 Duration of Service in Security Forces

3.3.2.3 Level of Education

Lastly, the respondents were asked to indicate “their highest levels of formal education.” The findings obtained show that more than half of them (50.6%) had diplomas. These were followed by more than a quarter (28.6%) that had degrees. Another 14.3% had post-graduate qualifications while only 5 (6.5%) had secondary level academic qualifications. These findings show that the respondents had adequate academic qualifications to make significant contributions to the subject under investigation. These findings are shown in Figure 3.3.



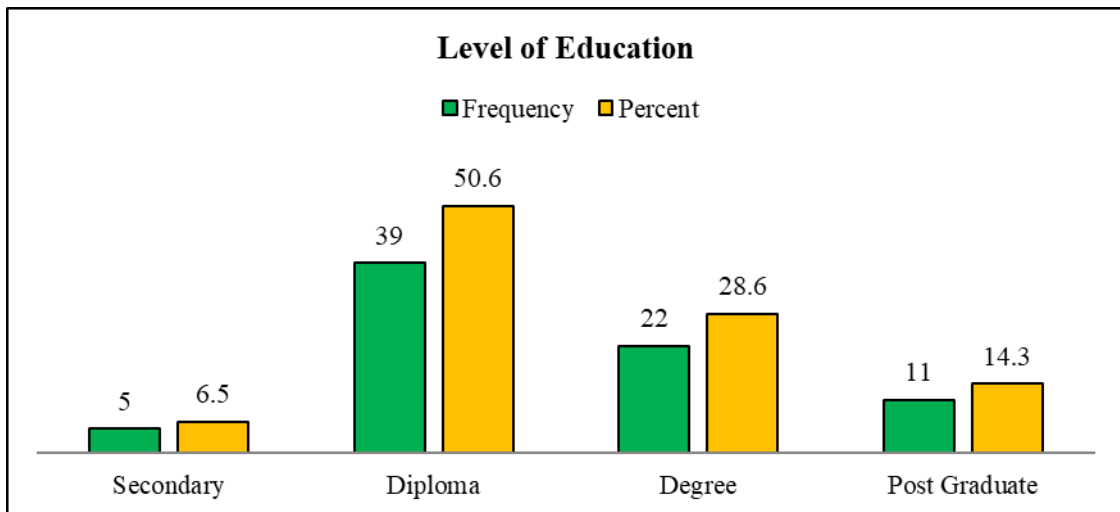


Figure 3.3 Level of Education

3.3.3 Findings from Questionnaires

The respondents were presented with a set of five-point psychometric scale-based statements aimed at investigating the existence or lack thereof of strategic multi-agency policies on coordination in response to terrorism in Kenya. This was on a scale of 1=Strongly Disagree; 2=Disagree; 3=Not Sure; 4=Agree and; 5=Strongly Agree. Frequencies, percentages, and means were used to show the respondents' levels of agreement with each of the statements.

3.3.3.1 Existence of Policies to Fine-tune Multiagency Coordination

When presented with the statement, “Kenya is yet to come up with policies aimed at fine-tuning multiagency coordination of response to terrorism,” the majority of the respondents (42.9%) strongly disagree. These findings as presented in Figure 3.2 show that although Kenya had enacted various legislations aimed at enhancing multi-agency cooperation in information sharing during counterterrorism initiatives,¹⁰ it was

¹⁰ Kibet, K.R. Terrorism and Kenya's foreign policy: a contextual analysis, 2016. Master's Thesis. United States International University - Africa

yet to have strong policies aimed at ensuring that multiagency response to terrorism was highly synchronized.

These findings agree with those of Opon, Okoth, and Onkware that show that Kenya was faced with “the lack of constant surveillance and sharing of intelligence among others.”¹¹ This inhibited the reliability of the intelligence shared among various security agencies and challenged the efficacy of intelligence sharing processes as was the case in other countries.¹² As a result, efficiency in response coordination could be compromised; leading to security breaches and other consequences.

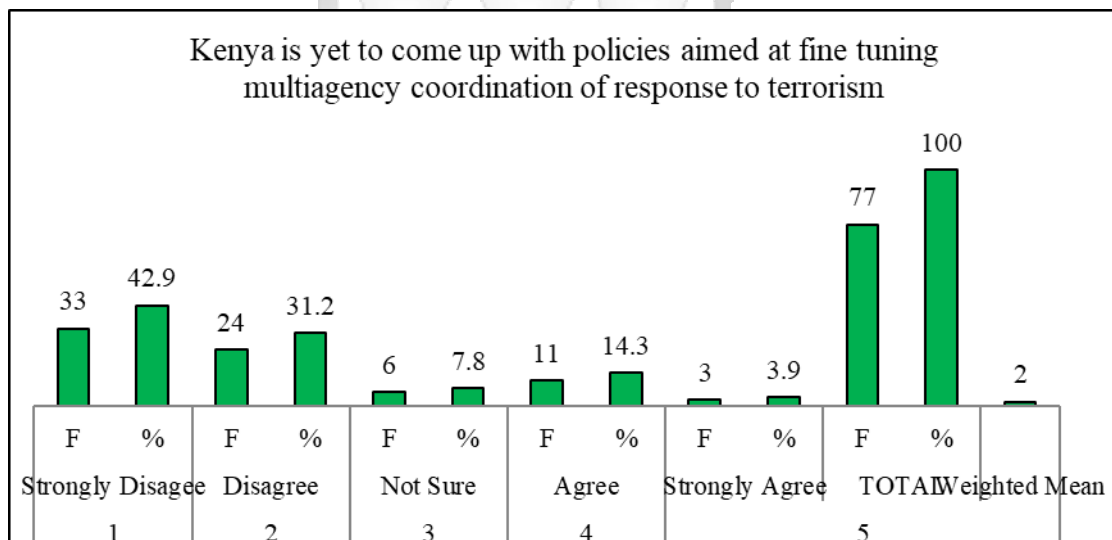


Figure 3.4 Existence of Policies to Fine-tune Multiagency Coordination

3.3.3.2 Policies Guided by the UNSC Resolutions

The respondents were presented with the statement, “Kenya borrows from the United Nations Security Council (UNSC) resolutions to prevent and suppress terrorism.” The

¹¹ Opon, D.O., Okoth, P.G., & Onkware, K. Immigration Border Control Human Resource Challenges and Opportunities Affecting Counter-terrorism Strategies in Kenya. *International Journal of Education and Research*, (2015), Vol.3, issue 5,301-314. Accessed 12 November 2015 from: <http://www.ijern.com/journal/2015/May2015/26.pdf>

¹² Jody R. Westby, *Countering terrorism with cyber security*, *Jurimetrics*, Vol. 47, No. 3 (Spring 2007), pp. 297-313.

findings obtained show a high level of agreement with the statement. In this light, about half of the respondents (48.1%) agreed with it. This shows that Kenya had endeavored to domesticate UNSC resolutions.¹³ This was through the formulation of policies that were pegged on the recommendations of the Council;¹⁴ a trend also witnessed in Western democracies.¹⁵ It was thus possible for the country to see improvements in formulating policies aimed at enhancing smooth coordination of response to terrorism. However, the efficacy of these policies was still questionable seeing that response to the Dusit D2 attack, though better coordinated than the Westgate Attack,¹⁶ had some gaps.

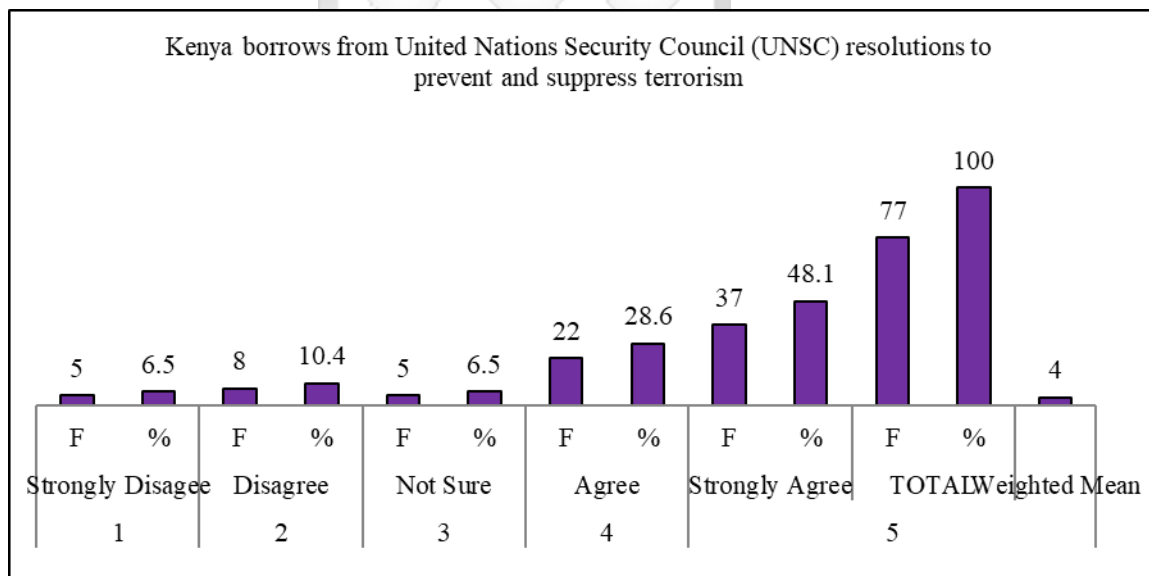


Figure 3.5 Policies Guided by the UNSC Resolutions

¹³ UN Security Council, Letter dated 2002/09/29 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning Counter-terrorism addressed to the President of the Security Council, 31st July 2002, S/2002/856, p 3.

¹⁴ Alistair Millar and Eric Rosand, *Building Global Alliances in the Fight Against Terror*, Washington: Center on Global Counterterrorism Cooperation, 2008.

¹⁵ Christian Walter, "Defining Terrorism in National and International Law," in *Terrorism as a Challenge for National and International Law: Security Versus Liberty?* ed. Christian Walter, Silja Vöneky, Volker Röben, and Frank Schorkopf (Berlin: Springer, 2004), 23–43.

¹⁶ Maluki, P.M. (2019, January 21). How Kenya's security forces made sure they responded better this time. *African Arguments*. <https://africanarguments.org/2019/01/21/how-kenya-security-forces-responded-nairobi-attack/>

3.3.3.3 Policies for Synchronizing the Operations of Various Primary Responders

When presented with the statement, “Kenya has policies for synchronizing the operations of various primary responders to terrorism such as the police and affiliated units (e.g. GSU, ATPU, RECCE Company of GSU in Kenya) as well as the military,” most of the respondents tended to either strongly agree or agree, each at 27.5%. This shows that Kenya had come up with some policies aimed at enhancing the synchronization of operations between the various responders. This supports the findings of Patrick Maluki in an article, “How Kenya’s Security Forces Made Sure They Responded Better This Time,” who argued that there were improvements in the way security forces responded to the Dusit D2 attack compared to the Westgate attack. Since 2013, the government had enhanced surveillance equipment and had established the National Counter-Terrorism Centre.¹⁷ The country had also established an anti-terrorism police unit aimed at detecting and thwarting terror threats. As a result, the Dusit D2 operation was considered highly successful due to prompt and precise security response.

There was also proper inter-agency cooperation among forces drawn from the NPS, the NIS, Kenya Defense Forces (KDF), and other security organs.¹⁸ However, the fact that the remaining 45% of the respondents were of contrary opinion or not sure shows that these policies were not very effective. It can thus be deduced that coordination was still not very strong as identified by Samini.¹⁹ This could thwart the overall success of a multiagency response to terrorism. These findings are shown in Figure 3.6.

¹⁷ Anderson, D. M., and McKnight, J. Kenya at War: Al-Shabaab and Its Enemies in Eastern Africa, African Affairs, 2014, pp.1-27.

¹⁸ Maluki, 2019.

¹⁹ Samini Magogo, The effectiveness of counter terrorism strategies in Kenya: a case study of Eastleigh Location, Nairobi County, Master Thesis, University of Nairobi, 2017.

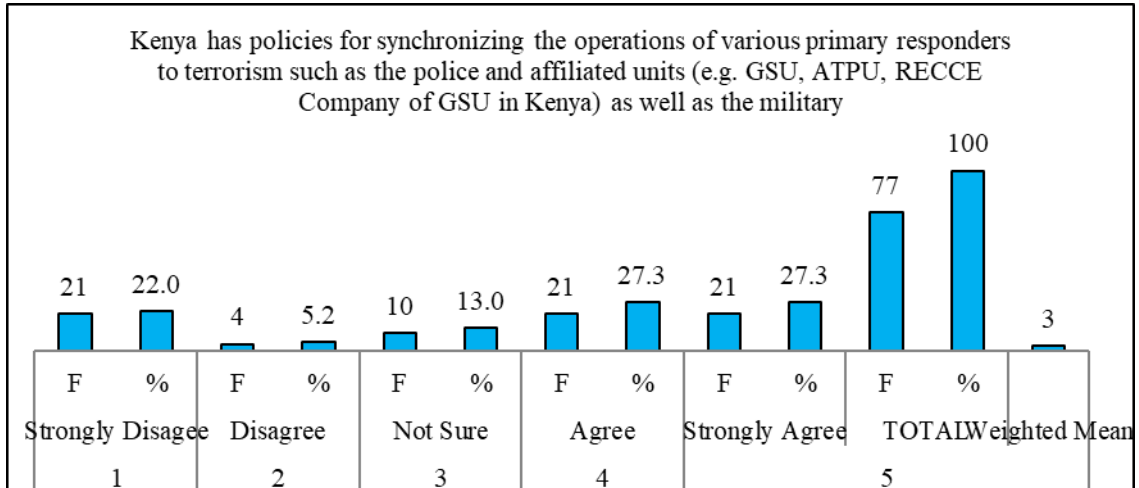


Figure 3.6 Policies for Synchronizing the Operations of Various Primary Responders

3.3.3.4 Clear Policies in Kenya for Enhancing the Involvement of the Military in Supporting the Police

Lastly, the respondents were presented with the statement, “there are clear policies in Kenya aimed at enhancing the involvement of the military in supporting the police in track and trace processes as well as responding to actual terror activities.” The responses obtained show that there were some policies aimed at enhancing these involvements but they were not very clear as shown by more than 50% of the respondents who either disagreed or strongly agreed to the statement. These findings are indicative of the fact that although some policies were in place,²⁰ their clarity –at least among responders - was questionable.²¹ It can also be argued that possibly, most of the respondents had not been clearly briefed of these policies. This was recipe for chaos during terror attacks since clear flow of information in a hierarchical manner or

²⁰ Maluki, 2019.

²¹ Samini, 2017.

in any other configuration could be compromised.²² These findings are shown in Figure 3.7.

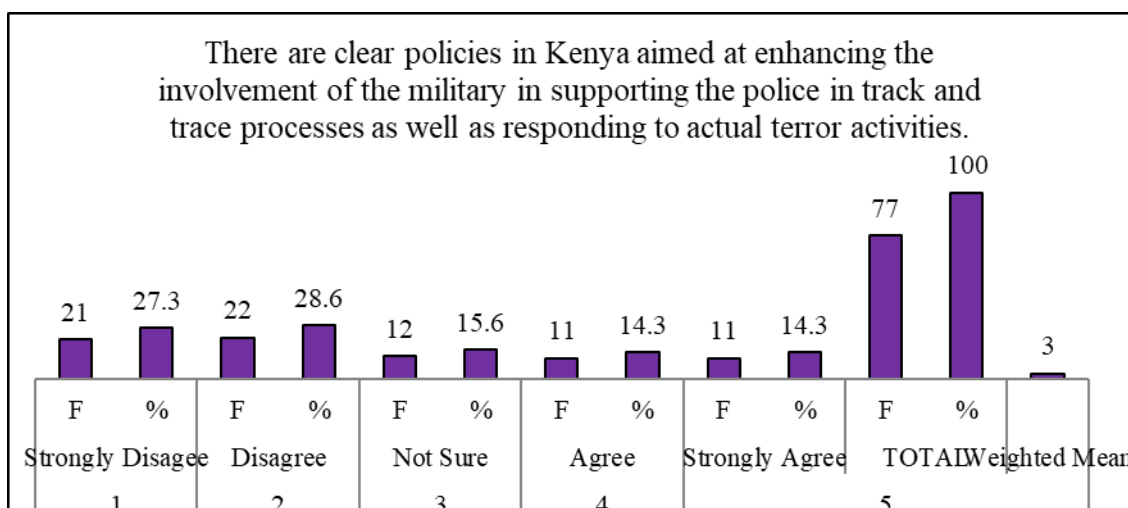


Figure 3.7 Clear Policies in Kenya for Enhancing the Involvement of the Military in Supporting the Police

3.3.4 Findings from the Open-Ended Questions and Interviews

The respondents were presented with the question, “in which other ways do you rate the existence of strategic multi-agency policies on coordination in response to terrorism in Kenya?” Similarly, the interviewees were posed with the question, “are there strategic multi-agency policies on coordination in response to terrorism in Kenya?” The responses obtained show that indeed there were policies aimed at enhancing coordination between the various security forces during terrorist attacks.²³

Although each unit had own policies, it was subject to the elaborate umbrella policy that guided joint operations. These policies heightened the circumstances under which the various security forces were obligated to share information, equipment, and strategies during attacks. These saw improvements in the way various agencies

²² Yengoude, E.A. The Enemy Achieves Surprise: Are Intelligence Failures Avoidable? Journal of Political Sciences & Public Affairs, 2017, 5, 4.

²³ Kibet, 2016.

handled the Dusit D2 Attack²⁴ in comparison with the Westgate Attack.²⁵ However, lack of preparedness among citizens and the areas attacked often challenged the efficacy of response initiatives.²⁶

3.3.5 Hypothesis Testing

Based on the study findings, the study accepts the hypothesis that “the lack of existence of a strategic multi-agency policy on coordination in response to terrorism in Kenya leads to poor coordination in response to international terrorism.” In this regard, it is evident that the level to which Kenyan security agents are guided by well formulated and clear policies in their response would affect the quality of their coordination to international terrorism and vice versa as argued by Maluki.²⁷

3.4 Structural and Legal Frameworks Guiding Multi-Agency Operations on Countering Terrorism in Kenya

The second objective of this study was, “to examine the existing or lack thereof of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya.” The findings obtained from questionnaires, interviews and desk review of extant literature are presented in the following section.

3.4.1 Laws on the Use of Legal Instruments of Violence

The respondents were presented with the statement, “Kenyan security forces often use their legal instruments of violence to terrorize citizens in antiterrorism campaigns and

²⁴ Asamba, 2019.

²⁵ BBC. (2018). Kenya profile-Timeline. Retrieved from <https://www.bbc.com/news/world-africa-13682176>

²⁶ Chiharu, M. A. (2015). Effects of Terrorism on International Tourists: A Case of Kenya. Doctoral dissertation. United States International University-Africa.

²⁷ Maluki, 2019.

these challenges the cooperation of locals in the fight against terrorism.” The findings obtained show that there were instances in which the security forces misused their instruments as shown by most of the respondents (37.7%) who agreed with the statement. This shows that the existent structural and legal frameworks guiding multiagency operations were either weak or poorly enforced. This is in line with Boaz Ganor, in “Defining Terrorism: Is One Man's Terrorist another Man's Freedom Fighter?” who argues that governments had used their legal instruments of violence to terrorize their citizens.²⁸In this regard, there could be poor protection of civilians in the fight against terrorism.²⁹ As a result, winning the support of locals in the fight against terrorism could be compromised as argued by Jones and others.³⁰ These findings are presented in Figure 3.8.

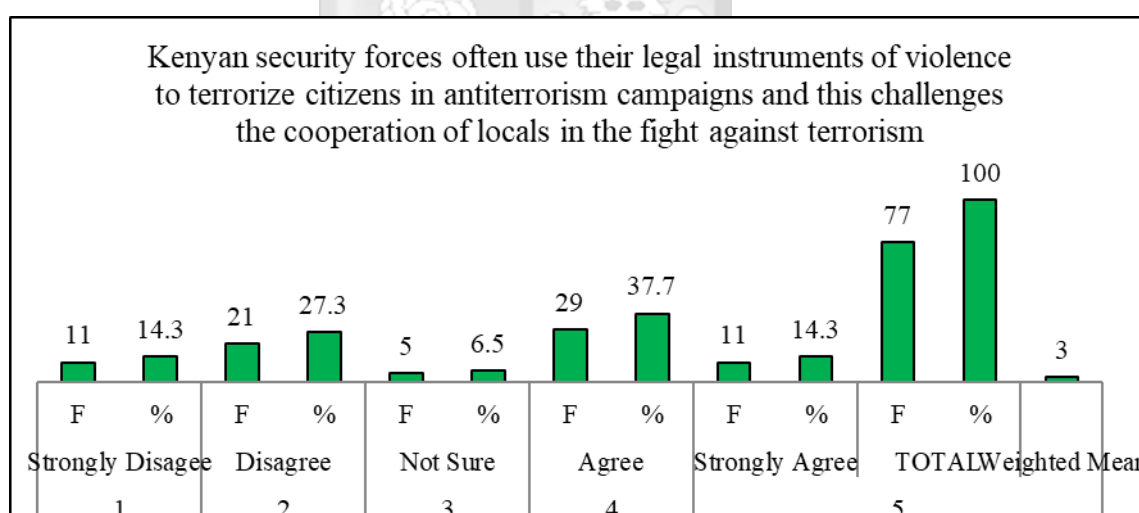


Figure 3.8 Laws on the Use of Legal Instruments of Violence

²⁸ Boaz Ganor, *Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter?* (Aug. 1998), at <http://www.ict.org.il/articles/define.htm>.

²⁹ UNHRC, *The Error of Fighting Terror with Terror: Preliminary Report of KNCHR Investigations on Human Rights Abuses in the Ongoing Crackdown against Terrorism*, September 2015, Accessed on January 5, 2020 from: <http://www.knchr.org/Portals/0/CivilAndPoliticalReports/Final%20Disappearances%20report%20pdf.pdf>

³⁰ Jones, Seth G., Andrew Liepman, and Nathan Chandler, *Counterterrorism and Counterinsurgency in Somalia: Assessing the Campaign against Al Shabaab*. Santa Monica, CA: RAND Corporation, 2016. https://www.rand.org/pubs/research_reports/RR1539.html. Also available in print form.

3.4.1.2 Efforts to Unify the Measures Taken to Prevent, Punish and Combat

Terrorism in Kenya

The respondents were presented with the statement, “there has been an increased drive in unifying the measures taken to prevent, punish and combat terrorism in Kenya.” Most of the respondents (44.2%) strongly agreed with it. This means that there were various legal and structural frameworks put in place by Kenya for the purposes of ensuring a synchronized and effective response to terrorism in Kenya. As a result, there could lead to improvements in coordination in the fight against terrorism. Some of these frameworks as elicited by Kibet in a study titled, “Terrorism and Kenya’s Foreign Policy: A Contextual Analysis,” include “Prevention of Organized Crime Act 2010, Proceeds of Crime and Anti-Money Laundering Act 2011, and Prevention of Terrorism Act 2012” which was amended in 2013 to “strengthen the criminalization of financing acts of terrorism.”³¹ However, some of these legislations – “Prevention of Organized Crime Act 2010,³² Proceeds of Crime and Anti-Money Laundering Act 2011,³³ and Prevention of Terrorism Act 2013”³⁴ - had not totally sealed loopholes in terror response processes as shown in Figure 3.9.

³¹ Kibet, 2016.

³² GoK, Prevention of Organized Crimes Act, 2010, Government Printer, Nairobi.

³³ GoK, Proceeds of Crime and Anti-Money Laundering Act 2011, Government Printer, Nairobi.

³⁴ GoK, Prevention of Terrorism Act 2013 Government Printer, Nairobi.

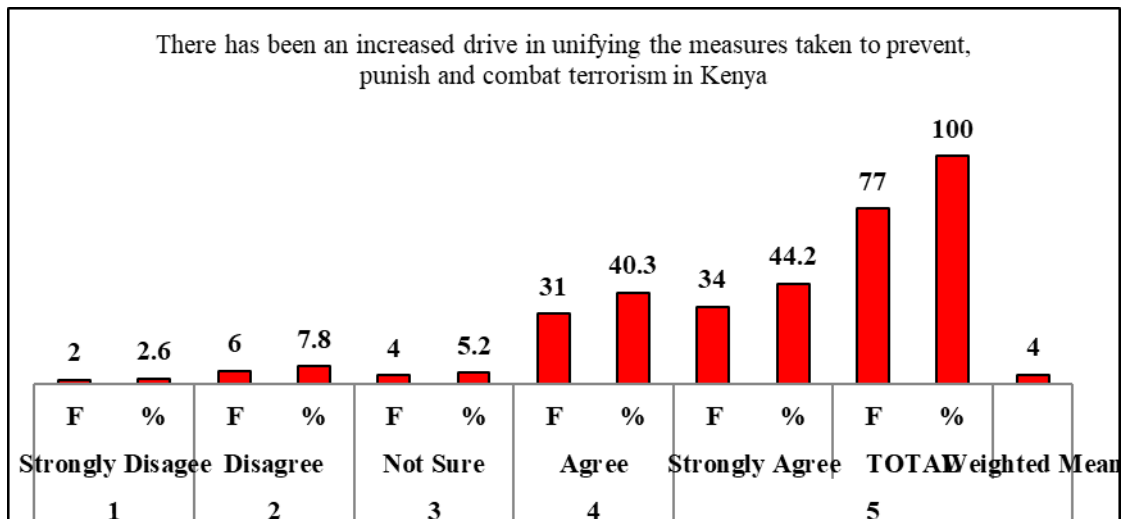


Figure 3.9 Efforts to Unify the Measures Taken To Prevent, Punish and Combat Terrorism in Kenya

3.4.1.3 Legal Frameworks on Media Coverage during Terror Attacks

The respondents were posed with the statement, “due to the open clause towards what media can cover during terror attacks, Kenya has not been able to ensure operational security in response to terrorism.” As shown in Figure 3.3, almost half of the respondents (48.1%) agreed with the statement. This shows that response to terror attacks was often challenged by leaked information on during operations.³⁵ Although this effect was less pronounced during the Dusit D2 Attack in comparison with the West Gate Attack, the modus operandi of the mass media could still enhance the morale of terrorists under Kenya’s current legal framework.

Simon, Goldberg, et al in “the Use of Social Media in the Westgate Mall Terror Attack in Kenya with a special focus on Twitter,” found that the September 2013 attack in which 67 persons lost their lives; twitter was extensively used “to share

³⁵ Caleb Mogoi Osoro, effectiveness of social media in crisis communication: the case of Westgate Mall attack, master’s Thesis, 2017, University of Nairobi.

information between the government, emergency responders and the public.”³⁶ This often created confusion with some key tactical information falling into the hands of the terrorists as argued by Gonzales-Herrero and others.³⁷ As such, there was a need to expand the legal and structural frameworks guiding multiagency response to terrorism to reign in on interferences from the mass media while still safeguarding freedoms of expression and access to information.

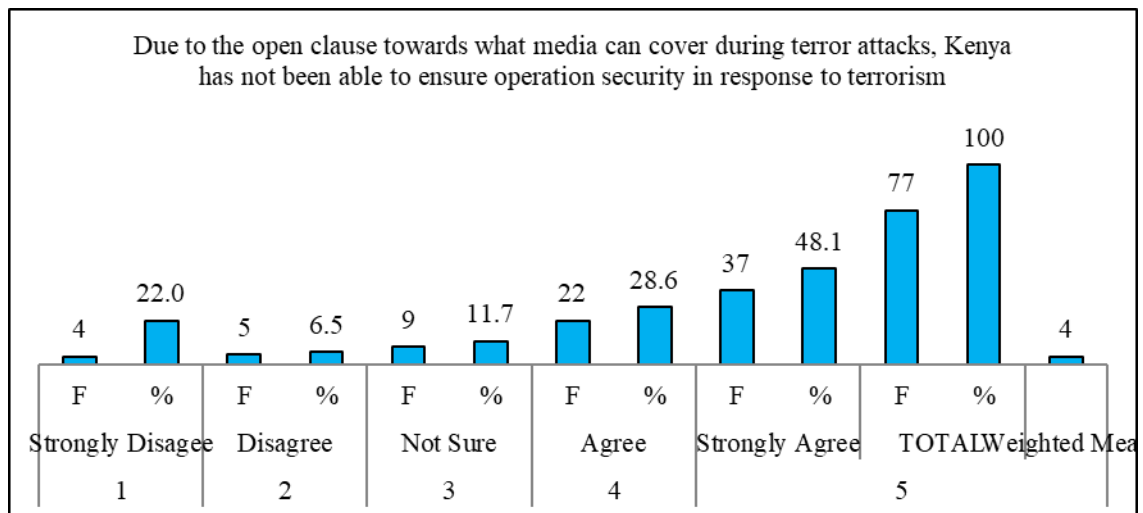


Figure 3.10 Legal Frameworks on Media Coverage during Terror Attacks

3.4.1.4 Clear Understanding of the Terror Financing Act and Anti-Money

Laundering Act

The respondents were presented with the statement, “there is a clear understanding of the terror financing act and anti-money laundering act by the various intelligence teams in Kenya.” This was pertinent since the lack of understanding of these acts could curtail intelligence sharing on terrorist organizations and their plans. This was

³⁶ Simon, T., Goldberg, A., Aharonson-Daniel, L., Leykin, D., Adini, B. Twitter in the Cross Fire—The Use of Social Media in the Westgate Mall Terror Attack in Kenya. PLoS ONE, (2014, 9(8): e104136.

³⁷ Gonzales-Herrero, Alfonso and Smith, Suzanne. Crisis Communications Management 2.0: Organizational Perspective. Journal of Contingencies and Crisis Management 14.4, 2008.

aggravated by hierarchical challenges in the application of law.³⁸ Most of the respondents (42.9%) strongly disagreed with the statement. This shows that there was poor understanding of the act as posited by Kibet.³⁹ Consequently, the capacity of multi-agency response teams to promptly share information on terror financing could be compromised; creating loopholes that could be exploited by terrorists.⁴⁰

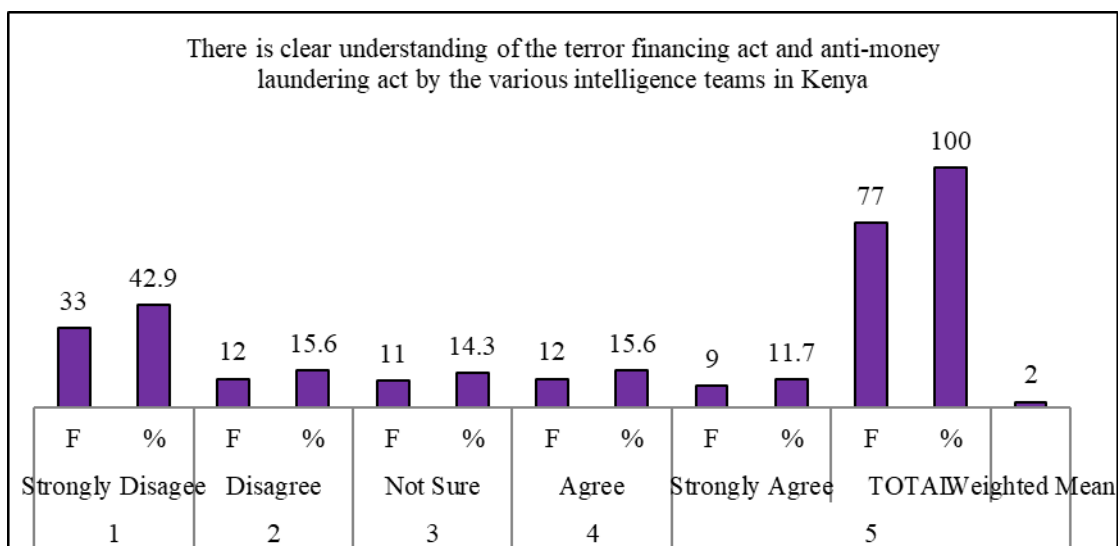


Figure 3.11 Clear Understanding of the Terror Financing Act and Anti-Money Laundering Act

3.4.1.5 Kenya Enjoys Support from International Security Frameworks

The respondents were also presented with the statement, “support from international security frameworks like the international convention for the suppression of the financing of terrorism (1999) and Security Council resolution 1373-2001 has helped Kenyan intelligence teams in the fight against terrorism.” Almost half of the respondents (48.1%) strongly disagreed with the statement. Although 39.2 % of the respondents either agreed or strongly agreed with the statement, it can be argued that Kenya was yet to fully enjoy support from international security frameworks such as

³⁸ Bransford, S.D. "An Examination of Factors Affecting Information Sharing among Law Enforcement Agencies." Dissertations. 2012, 540. <https://aquila.usm.edu/dissertations/540>

³⁹ Kibet, 2016.

⁴⁰ Gatuiku, P. Countering terrorism in the H of Africa: a case study of Kenya. Master’s Thesis. University of Nairobi, 2016.

suppression of the financing of terrorism (1999)⁴¹ and Security Council resolution 1373-2001⁴² among others on the fight against terrorism.

Evidently, Kenyan security agents benefitted from access to intelligence on possible terror attacks and the operations of terrorist organizations and their cells. However, the fact that terrorist attacks did still take place is indicative of the fact that the country was yet to fully benefit from some of the frameworks as posited by Jeanne Giraldo, and Harold Trinkunas in “Terrorism Financing and State Responses: A Comparative Perspective.”⁴³ However, some efforts had been undertaken such as “the enactment of the Terror Financing Act and the Anti- Money Laundering Act.”

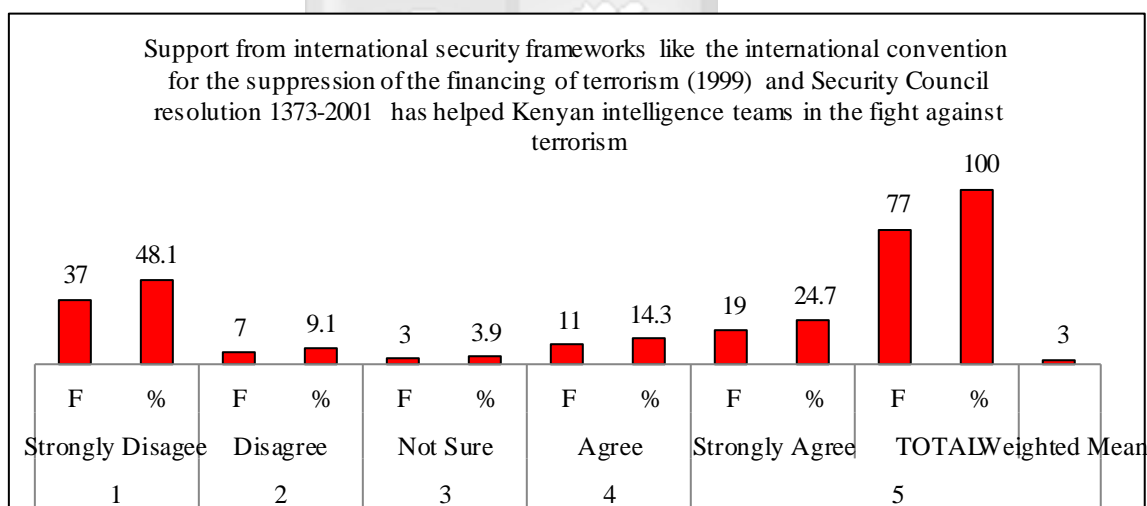


Figure 3.12 Kenya Enjoys Support from International Security Frameworks

⁴¹ UN General Assembly, International Convention for the Suppression of the Financing of Terrorism, 9 December 1999, No. 38349, available at: <https://www.refworld.org/docid/3dda0b867.html> [accessed 6 January 2020]

⁴² UN Security Council, Security Council resolution 1373 (2001) [on threats to international peace and security caused by terrorist acts], 28 September 2001, S/RES/1373 (2001), available at: <https://www.refworld.org/docid/3c4e94552a.html> [accessed 6 January 2020]

⁴³ Giraldo, Jeanne K. and Harold A. Trinkunas. Terrorism Financing and State Responses. Stanford: Stanford Univ. Press, 2007.

3.4.1.6 Kenya as Part of International Counterterrorism Efforts

When presented with the statement, “Kenya is part of international efforts aimed at training together, commonizing policies, legislating laws and signing treaties on extradition, sharing of intelligence, forming multiagency task forces, creating combined and joint centers of operations and intelligence among other areas,” most of the respondents (44.2%) strongly agreed. This shows that tactical and intelligence teams took part in training together⁴⁴ and had adopted some common policies⁴⁵ and laws that could enhance sharing of intelligence and joint operations in response to terrorist attacks as argued by Francis Kipkurui Arap Sang in his book chapter titled Kenya in “International police cooperation: a world perspective.”⁴⁶

In this context, it can be argued that Kenya was likely to report gains in her responsive to terror attacks as witnessed in the Dusit D2 Attack where support from international partners led to a reduction in the number of casualties as well as the time taken to neutralize the attack. These findings are shown in Figure 3.6.

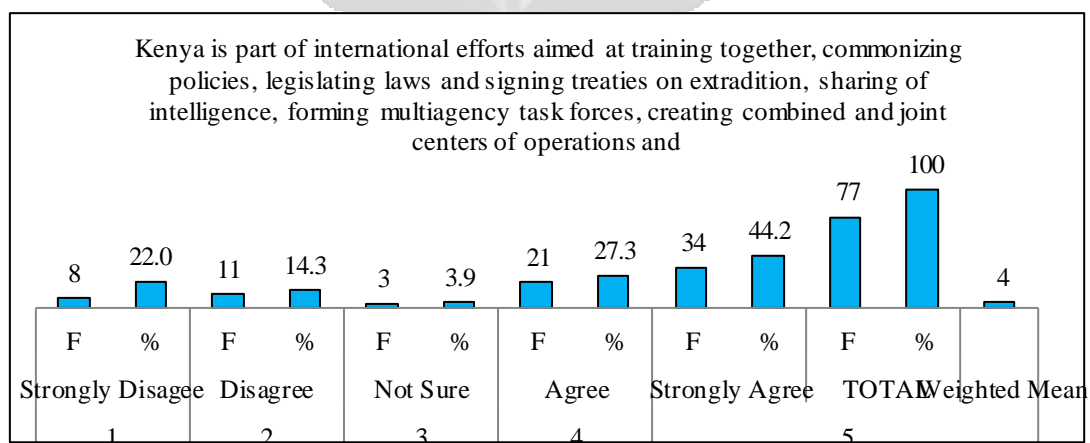


Figure 3.13 Kenya as Part of International Counterterrorism Efforts

⁴⁴ Parkinson, Jennifer, “The Cost of Inadequate Training,” Western Journal of Criminal Justice, Vol. 3, No. 1, 2011.

⁴⁵ Magogo, 2017.

⁴⁶ Sang, 2001.

3.4.1.7 Multi-Lateral Training Institutes

Lastly, the respondents were presented with the statement, “multi-lateral training institutes such as the international peace support training center in Karen have enhanced the capacity of local intelligence and tactical teams to respond to terror threats.” More than half of the respondents (51.9%) strongly agreed with the statement. This shows that these training institutions had led to the exchange of best practices and expertise in the fight against terrorism as posited by Bakker, Maley, and Boeke.⁴⁷ As a result, Kenya had seen improvements in the capacity of local security agents to respond to terrorist threats as witnessed in Sri Lanka among other parts of the world.⁴⁸ These structural frameworks and the associated security arrangements were thus pivotal in equipping local intelligence and tactical teams to undertake productive multi-agency response to terrorism.⁴⁹

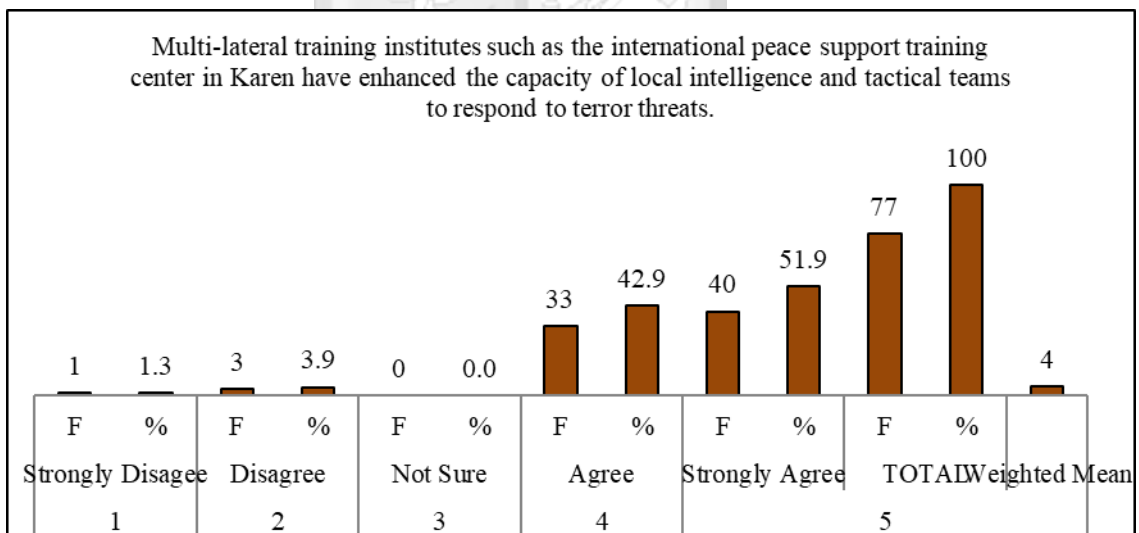


Figure 3.14 Multi-Lateral Training Institutes

⁴⁷ E. Bakker, W. Maley and S. Boeke. "ICCT Research Report NATO Project: Transitioning from Military Interventions to Long-Term Counter-Terrorism Policy", the International Centre for Counterterrorism - The Hague (2016).

⁴⁸ Wickramasekara, A.P. Transnational organized crime and new terrorism in Sri Lanka: a nexus? Master's Thesis, 2017. Naval Post Graduate School, Monterey, California.

⁴⁹ Sang, 2001.

3.4.2 Findings from the Open-Ended Questions and Interviews

The respondents were presented with the question, “in which other ways do you rate the structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya?” In the same accord, the interviewees were posed with the question, “are there structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya?” The emanating responses show that the country had various legal and structural arrangements aimed at enhancing the effectiveness of such operations. These included operation guidelines in all agencies and special task forces that had similar or related training. These guidelines created an avenue for smooth intelligence sharing as well as platforms under which the challenges experienced in joint operations could be solved as argued by Maluki.⁵⁰

This had played crucial roles in reducing blue on blue attacks and other negative repercussions emanating from disjointed multi-agency responses during terrorist attacks.⁵¹ The existent legal and structural frameworks had also enabled Kenya to get into partnerships with international allies in the fight against terrorism. This had borne fruits in the information sharing,⁵² prosecution, freezing of terrorist assets and repatriation of suspects among others. Kenya had also been able to cooperate with her neighbours in cross-border operations targeting terrorist cells and their operations.

3.4.3 Hypothesis Testing

On the basis of the preceding discourse, the study accepts the hypothesis that “the existence of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya has led to an effective response.” This had been

⁵⁰ Maluki, 2019.

⁵¹ N.D Shortland, H. Sari, M. Palasinski, E. Nader, and C. Hilland Murder on Maneuver: Exploring green-on-blue attacks in Afghanistan. Armed Forces and Society, 2018.

⁵² Bransford, 2012.

evidenced in the Dusit D2 Attack in which synchronization of operations showed better response to the attack by the various operational and tactical teams as compared to the Westgate Attack as argued by Maluki.⁵³ As such, there was need to strengthen these frameworks so as to enhance unified response to international terrorism.

3.5 Multi-Agency Laws, Policies, Doctrines, and Strategies Regarding Terror

Response Coordination

3.5.1 Findings from Questionnaires

This section presents findings from a set of five-point psychometric scale-based statements on the subject under investigation.

3.5.1.1 Border Security, Technical Surveillance and Enhanced ICT counterterrorism Capabilities

The respondents were presented with the statement, “Kenya has effectively tightened border security, heightened technical surveillance and enhanced ICT counterterrorism capabilities due to multiagency coordination of response to terrorism.” The majority of the respondents (41.6%) strongly disagreed with the statement. It can thus be deduced that multiagency coordination in response did not have very strong effects on enhanced technical surveillance and ICT counterterrorism capabilities as recommended by Jody Westby.⁵⁴ It had also not led to thorough border security as witnessed in neighboring countries such as Uganda.⁵⁵ This could be attributed to

⁵³ Maluki, 2019

⁵⁴ Westby, 2- 3.

⁵⁵ Isoke, Henry. The dilemma of porous borders: Uganda’s experience in combating terrorism. Master’s Thesis, 2015, Naval Post Graduate School, Monterey, California.

challenges such as lack of sufficient resources among other factors as argued by Gatuiku.⁵⁶

Table 3.2 Border Security, technical surveillance and enhanced ICT counterterrorism capabilities

| Statement | Strongly Disagree | | Disagree | | Not Sure | | Agree | | Strongly Agree | | Total | | Weighted Mean |
|--|-------------------|------|----------|------|----------|-----|-------|------|----------------|------|-------|-----|---------------|
| | F | % | F | % | F | % | F | % | F | % | F | % | |
| Kenya has effectively tightened border security, heightened technical surveillance and enhanced ICT counterterrorism capabilities which has enhanced multiagency coordination of response to terrorism | 32 | 41.6 | 19 | 24.7 | 3 | 3.9 | 12 | 15.6 | 11 | 14.3 | 77 | 100 | 2 |

3.5.1.2 Poor Sharing of Intelligence on Terrorism among the Various Security Agencies

The findings obtained show that despite gains in multiagency response to terrorism, there was poor sharing of intelligence on terrorism among the various security agencies in Kenya. This can be attested by most of the respondents (40.3%) who strongly agreed with the statement. As such, Kenya had yet to fully streamline intelligence sharing on terrorism among the various agencies despite the presence of policies as well as legal and structural frameworks aimed at addressing this challenge.⁵⁷⁵⁸⁵⁹ As argued by Gatuiku, this could be due to factors such as “corruption, organization inefficiency, lack of resources and technical capacity, poor

⁵⁶ Gatuiku, 2016.

⁵⁷ GoK, Prevention of Organized Crimes Act, 2010, Government Printer, Nairobi.

⁵⁸ GoK, Proceeds of Crime and Anti-Money Laundering Act 2011, Government Printer, Nairobi.

⁵⁹ GoK, Prevention of Terrorism Act 2013 Government Printer, Nairobi.

interagency law enforcement coordination, insufficient training, the politicization of some terrorist incidents, and several other factors.”⁶⁰

Table 3.3 Poor Sharing of Intelligence on Terrorism among the Various Security Agencies

| | 1 | | 2 | | 3 | | 4 | | 5 | | | | Weighted Mean |
|---|-------------------|----------|----------|-------|----------------|-------|----|------|----|------|----|-----|---------------|
| | Strongly Disagree | Disagree | Not Sure | Agree | Strongly Agree | Total | | | | | | | |
| Statement | F | % | F | % | F | % | F | % | F | % | F | % | |
| There is poor sharing of intelligence on terrorism among the various security agencies in Kenya | 9 | 11.7 | 11 | 14.3 | 5 | 6.5 | 21 | 27.3 | 31 | 40.3 | 77 | 100 | 4 |

3.5.1.3 Poor Coordination of Efforts Aimed at Checking Terror Group

Financing

The respondents were presented with the statement, “there is poor coordination of efforts aimed to check terror group financing among government departments like Defence, Intelligence, Police, Treasury, banks and the private sector in Kenya.” In response, most of the respondents (31.2%) strongly agreed. This shows that multiagency response to terrorism was yet to effectively reign in on terror group financing as recommended by Kibet.⁶¹ Consequently, it can be argued that Kenya did not effectively check intra and extra logistical support among terror groups; which could challenge the fight against terrorism.

⁶⁰ Gatuiku, 2016.

⁶¹ Kibet, 2016.

Table 3.4 Poor Coordination of Efforts Aimed at Checking Terror Group Financing

| | 1 | | 2 | | 3 | | 4 | | 5 | | | | |
|--|-------------------|------|----------|------|----------|------|-------|------|----------------|------|-------|-----|---------------|
| | Strongly Disagree | | Disagree | | Not Sure | | Agree | | Strongly Agree | | Total | | Weighted Mean |
| Statement | F | % | F | % | F | % | F | % | F | % | F | % | |
| There is poor coordination of efforts aimed at checking terror group financing among governments departments like Defence, Intelligence, Police, treasury, banks and the private sector in Kenya | 12 | 22.0 | 9 | 11.7 | 11 | 14.3 | 21 | 27.3 | 24 | 31.2 | 77 | 100 | 3 |

3.5.1.4 Disconnect in the Operationalization of Frameworks on Synchronization of Response to Terrorism

Most of the respondents (32.5%) strongly agreed with the statement, “although there are clear frameworks on the synchronization of response to terrorism, there is disconnect in their operationalization.” This shows that despite the fact that Kenya had attempted to put in place frameworks aimed at smoothening joint response to terrorism,⁶² their effectiveness was thwarted by disconnect in their implementation; which further corroborates the findings of Gatuiku.⁶³ This could affect the efficacy of these joint responses to terrorism attacks among multiple agencies as shown in Table 3.5.

⁶² Magogo, 2017.

⁶³ Gatuiku, 2016.

Table 3.5 Disconnect in the Operationalization of Frameworks on Synchronization of Response to Terrorism

| | 1 | | 2 | | 3 | | 4 | | 5 | | | | |
|---|-------------------|------|----------|------|----------|------|-------|------|----------------|------|-------|-----|---------------|
| | Strongly Disagree | | Disagree | | Not Sure | | Agree | | Strongly Agree | | Total | | Weighted Mean |
| Statement | F | % | F | % | F | % | F | % | F | % | F | % | |
| Although there are clear frameworks on synchronization of response to terrorism there is disconnect in their operationalization | 13 | 16.9 | 16 | 20.8 | 11 | 14.3 | 12 | 15.6 | 25 | 32.5 | 77 | 100 | 3 |

3.5.1.5 Exchange Programs and Sponsored Course Abroad

More than half of the respondents (54.5%) strongly agreed with the statement, “exchange programs and sponsored course abroad has enhanced the capacity of local intelligence forces and tactical teams to respond to terror attacks.” In this regard, it can be argued that frameworks that created avenues for further learning and exchange programs had enhanced the capacities of security agents to respond to terror attacks as argued by Kipkurui Sang.⁶⁴ This could explain the better response to the Dusit D2 Attack in comparison with the Westgate Attack.

⁶⁴ Sang, 2001

Table 3.6 Exchange Programs and Sponsored Course Abroad

| | 1 | | 2 | | 3 | | 4 | | 5 | | | | |
|--|-------------------|-----|----------|-----|----------|-----|-------|------|----------------|------|-------|-----|---------------|
| | Strongly Disagree | | Disagree | | Not Sure | | Agree | | Strongly Agree | | Total | | Weighted Mean |
| Statement | F | % | F | % | F | % | F | % | F | % | F | % | |
| Exchange programs and sponsored course abroad has enhanced the capacity of local intelligence forces and tactical teams to respond to terror attacks | 5 | 6.5 | 6 | 7.8 | 3 | 3.9 | 21 | 27.3 | 42 | 54.5 | 77 | 100 | 4 |

3.5.1.6 Kenya Faces Challenges Related to Uneven Capacities

Almost half of the respondents (48.1%) strongly agreed with the statement, “Kenya faces challenges related to uneven capacity in terms of training, equipment, technology and, know-how between the various responders to terror and this has a significant impact on the success of such responses.” This shows that there has not been effective in synchronizing training, technologies and equipment as posited by Yengoude in “The Enemy Achieves Surprise: Are Intelligence Failures Avoidable?” who pointed out that intelligence failures could be explained by lack of equipment and poor of organization.⁶⁵ As a result, multiagency response to terrorism was not as effective as envisaged by the policy, legal and structural frameworks. Thus, there was a need to put in place strategies aimed at dealing with these challenges.⁶⁶

⁶⁵ Yengoude, 2017.

⁶⁶ Bakker, Maley and Boeke, 2016.

Table 3.7 Kenya Faces Challenges Related to Uneven Capacities

| | 1 | | 2 | | 3 | | 4 | | 5 | | Total | | Weighted Mean |
|---|-------------------|------|----------|------|----------|-----|-------|------|----------------|------|-------|-----|---------------|
| | Strongly Disagree | | Disagree | | Not Sure | | Agree | | Strongly Agree | | Total | | |
| Statement | F | % | F | % | F | % | F | % | F | % | F | % | |
| Kenya faces challenges related to uneven capacity in terms of training, equipment, technology and, know-how between the various responders to terror and this has a significant impact on the success of such responses | 4 | 22.0 | 9 | 11.7 | 6 | 7.8 | 21 | 27.3 | 37 | 48.1 | 77 | 100 | 4 |

3.5.1.6 Lack of a Common Curriculum, Doctrine and Modus Operandi

When posed with the statement, “there is lack of a common curriculum, doctrine and modus operandi between various response teams and this tends to kill the multi-agency setup,” more than half of the respondents (57.1%) strongly agreed. This is indicative of the fact that Kenya was yet to have uniform capacities to secure synchronized multiagency response to terrorist attacks as recommended by Zhang Yunbi in a study focused on China-US cooperation during terror attacks that argued that there is need for ensuring synchronization in working processes through

multiagency cooperation.⁶⁷ This puts to questions the adequacy of the existent policy, legal and structural arrangements put in place to check this anomaly.⁶⁸

Table 3.8 Lack of a Common Curriculum, Doctrine and Modus Operandi

| Statement | 1 | | 2 | | 3 | | 4 | | 5 | | Total | | Weighted Mean |
|--|-------------------|-----|----------|-----|----------|-----|-------|------|----------------|------|-------|-----|---------------|
| | Strongly Disagree | | Disagree | | Not Sure | | Agree | | Strongly Agree | | F | % | |
| | F | % | F | % | F | % | F | % | F | % | F | % | |
| There is a lack of a common curriculum, doctrine and modus operandi between various response teams and this tends to kill the multi-agency setup | 3 | 3.9 | 4 | 5.2 | 1 | 1.3 | 25 | 32.5 | 44 | 57.1 | 77 | 100 | 4 |

3.5.1.7 Poor Arming of Intelligence Teams

Most of the respondents either agree or strongly agree - each at 24.7% - with the statement, “poor arming of intelligence teams has often seen terrorist organizations such as al-Shabaab flush police out of their posts or even overran military defensive positions.” This shows that in some instances, intelligence teams had often made Kenya a soft target, leading to the decimation of police posts and military stations. These findings agree with Macharia Munene in an article titled, “Reflections on Kenya’s national and security interests,” who posited that Kenya was a softer target

⁶⁷ Zhang Yunbi, “China, U.S. Hold Talks on Terror Fight.” U.S. Department of State, Country Reports on Terrorism 2014.

⁶⁸ Sang, 2001.

due to security gaps and lapses.⁶⁹ As such, there was a need to match policy as well as legal and structural frameworks with practice. This could be achieved through adequate financing as has been the case in India.⁷⁰

Table 3.9 Poor Arming of Intelligence Teams

| | 1 | | 2 | | 3 | | 4 | | 5 | | Total | | Weighted Mean |
|---|-------------------|------|----------|------|----------|-----|-------|------|----------------|------|-------|-----|---------------|
| | Strongly Disagree | | Disagree | | Not Sure | | Agree | | Strongly Agree | | | | |
| Statement | F | % | F | % | F | % | F | % | F | % | F | % | |
| Poor arming of intelligence teams has often seen terrorist organizations such as al-Shabaab flush police out of their posts or even overran military defensive positions. | 16 | 20.8 | 17 | 22.1 | 6 | 7.8 | 19 | 24.7 | 19 | 24.7 | 77 | 100 | 3 |

3.5.1.8 Corruption Defeats Multiagency Response

The respondents were presented with the statement, “corruption has led to the influx of illegal and untaxed goods from Somalia into Kenya whose proceeds have aided the al-Shabaab terror group.” In this light, most of the respondents (45.5%) strongly agreed. This shows that the success of multiagency response to terrorism was challenged by corruption among some security agencies⁷¹ which had led to financing of terror groups such as Al-Shabaab through contraband goods. As such, dealing with

⁶⁹ Macharia Munene (2011). Reflections on Kenya’s national and security interests. Journal of Language, Technology & Entrepreneurship in Africa Vol. 3 No. 1

⁷⁰ Bamrara, Atul. The Challenge of Cyber Crime in India: The Role of Government. Pakistan Journal of Criminology Volume 3, No. 3, Jan, 2012, pp. 127-134.

⁷¹ Gatuiku, 2016.

the vice of corruption could lead to the consolidation of the gains made in multiagency response to terrorism. There was also need to come up with effective border control.⁷²

Table 3.10 Corruption Defeats Multiagency Response

| | 1 | | 2 | | 3 | | 4 | | 5 | | | | |
|--|-------------------|------|----------|------|----------|-----|-------|------|----------------|------|-------|-----|---------------|
| | Strongly Disagree | | Disagree | | Not Sure | | Agree | | Strongly Agree | | Total | | Weighted Mean |
| Statement | F | % | F | % | F | % | F | % | F | % | F | % | |
| Corruption has led to the influx of illegal and untaxed goods from Somalia into Kenya whose proceeds have aided the al-Shabaab terror group. | 8 | 22.0 | 12 | 15.6 | 1 | 1.3 | 21 | 27.3 | 35 | 45.5 | 77 | 100 | 4 |

3.5.1.9 Enhanced Capacities to Respond to Terrorism through Multi-Country-Multi-Agencies

Lastly, the respondents were posited with the statement, “intelligence sharing with combined multi-country-multi-agency task force such as the combined Joint Task Force-Horn of Africa has enhanced the capacity of Kenya to respond to international terrorism.” More than half of the respondents (53.2%) strongly agreed with the statement. It is thus clear that when operationalized, multiagency as well as multi-country cooperation strengthened the fight against terrorism in Kenya. This agrees with Angel Rabasa in *Radical Islam in East Africa* who posits that multiagency and

⁷² Miyandazi, L. Kenya's military intervention in Somalia: An intricate process. Policy and practice brief issue (2012), November, 19.

multi-country agencies strengthened responses to international terrorism.⁷³ It also agrees with Naeem Ahmed in registered similar findings in Pakistan.⁷⁴

Table 3.11 Enhanced Capacities to Respond to Terrorism through Multi-Country-Multi-Agencies

| | 1 | | 2 | | 3 | | 4 | | 5 | | | | |
|--|-------------------|-----|----------|------|----------|-----|-------|------|----------------|------|-------|-----|---------------|
| | Strongly Disagree | | Disagree | | Not Sure | | Agree | | Strongly Agree | | Total | | Weighted Mean |
| Statement | F | % | F | % | F | % | F | % | F | % | F | % | |
| Intelligence sharing with combined multi-country-multi-agency task force such as the combined Joint Task Force-Horn of Africa has enhanced the capacity of Kenya to respond to international terrorism | 2 | 2.6 | 8 | 10.4 | 3 | 3.9 | 23 | 29.9 | 41 | 53.2 | 77 | 100 | 4 |

3.5.2 Findings from the Open-Ended Questions and Interviews

The respondents were presented with the question, “in which other ways do you rate the success and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination?” Conversely, the interviewees were asked, “what are the success and failures borne out of having/not having multi-agency laws, policies, doctrines and strategies regarding terror response coordination?” The findings obtained show that multiagency laws, policies, doctrines and strategies had led to numerous gains in response to terrorism as posited by Jerome

⁷³ Rabasa, Angel. *Radical Islam in East Africa*. Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation, 2009. www.jstor.org/stable/10.7249/mg782af.

⁷⁴ Naeem Ahmed. *Pakistan’s Counter-terrorism strategy and its Implications for domestic, regional and international security*. 2014.

Bjelopera in “Terrorism Information Sharing and the Nationwide Suspicious Activity Report Initiative: Background and Issues for Congress.”⁷⁵ This was through enhanced sharing of intelligence, expertise, facilities and, equipment as posited by Erik Dahl.⁷⁶ It had led to standardization of training and operation guidelines during terror attacks. However, lack of enough equipment, corruption as well as slow adoption and domestication of legislation had challenged realization of the gains anticipated through multiagency response to terrorism in Kenya. This agrees with Gatuiku who was of the same opinion.⁷⁷ Additionally, lack of clear guidelines on how to engage civilians had robbed multiagency drives cooperation and support in some of the terrorism prone areas. This was aggravated by use of legal instruments of violence against civilians and profiling by intelligence teams.⁷⁸

The respondents were also asked to give their assessment of the structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya. To begin with, General Humphrey Njoroge (former commandant of the National Defence College), in an interview with the researcher in Karen Kenya, pointed out that according to the Kenya Defence Forces (KDF) Act, the KDF has two main missions—the primary and secondary missions. Their primary mission is The defense of Kenya’s territorial integrity. The secondary mission is to aid civil authorities. KDF supports other security agencies when called upon to do so internally. However, the law does not tell them how to do that. It just tells them what to do. General Njoroge remarks that the military is guided by certain documents i.e. SOPs, orders, manuals, strategies,

⁷⁵ Bjelopera, Jerome, P. *Terrorism Information Sharing and the Nationwide Suspicious Activity Report Initiative: Background and Issues for Congress*, 2011. CRS Report No. 7-5700, Washington, DC: Congressional Research Service, 2011), <https://fas.org/sgp/crs/intel/R40901.pdf>, 1.

⁷⁶ Erik J. Dahl, “Local Approaches to Counterterrorism: The New York Police Department Model,” *Journal of Policing, Intelligence and Counter Terrorism* 9, no. 2 (2014): 81.

⁷⁷ Gatuiku, 2016.

⁷⁸ Ganor, 1998.

policies and plans. Though the military has a military strategy, the strategy does not tie to the National Security Strategy (NSS) and the Grand Strategy (GS). According to him, “The military strategy should include coding of national assets into vital installations such as Westgate and Dusit D2 Malls”. This emanates from the fact that vital installations such as the three tiers of government affect national security.

Professor Mwagiru in a verbal interview asserted that the defence policy doesn't work in isolation. It must work in cognizance of the foreign policy, economic policy as well as the national security policy. All these must work looking at the grand strategy that operationalizes the strategic vision. This is because in a multi-agency set-up, there are many agencies that must work together. Thus, the military, the police, the intelligence services as well as other agencies in a multi-agency set up must have joint structures and frameworks. These structures and frameworks must transcend strategic levels, operational levels and tactical levels. The strategic level includes the national security council ensuring that the grand strategy exists, the relevant policies exist and they work inter-operably. This includes training at 3 levels especially for disciplined forces such as commissioners and generals at national level, commanders at operational level and soldiers at tactical level⁷⁹

The operational level must include the various strategies working synergistically. General Njoroge asserts that the military strategy, the diplomatic strategy and the economic strategy must work in liaison as they marry with the national security strategy to guide the operational level of events. He asserts that at operational level multi agency operations should be conducted at two tier: the 1st he calls committee

⁷⁹ General Njoroge, August 15, 2020, Nairobi.

level. To him, the committee must do the planning, coordination, direction, and management of such operations. The thus faults scenes where strategic level officials camp outside the terror scenes to give press releases as was witnessed at west-gate attack. The second tier consists of the operational teams. These teams must share a similar doctrinal approach to the conduct of operations. Such teams must for instance have the same standard operating procedures as well as similar doctrines in terms of training, operations, worldview and philosophy of the operating environments. They are only to receive direction from the operations committee.

Prof. Mwangiri Makumi on his part asserted that there should be scenario building such that all forces train together. Coordination should be done at national level. It can shift from one agency to another based on the phases an operation is undergoing for instance, it could shift from DOD to NIS to NPS to immigration, KRA to among other agencies. To him, though the war on terror was initially defined diplomatically, it has ever since become an intelligence war. As such, terrorism is not a military concept but a diplomatic concept. In this light, diplomacy must be the first instrument to get information about terror related activities via diplomatic missions and then engage. Diplomacy can also assess the capacity of security agencies to deal with terrorism. In this regard, it helps advice the command system on the intentions and strategic history of the other states to enable decision makers act. General Njoroge Humphrey goes ahead to assert that there is thus a need to establish a center of diplomatic studies to that validates the diplomatic command and control information systems. The center should also carry out scenario building to help in carrying out analysis of possible future attacks.⁸⁰

⁸⁰ General Njoroge, August 15, 2020, Nairobi

Mwagiru opines that the key informants were also asked to point out how the multiagency policies as well as structural and legal frameworks guiding terrorism responses in Kenya had evolved with time. The findings show that there was the constitution and other laws that guide the roles of each security organ. However, the problem was interpretation. In this regard, the command systems such as NSC, NSAC, DOD, NIS and NPS had different strategies, doctrines, policies, laws, and structures to have one smooth coherent operation. The strategic group becomes of the NSC becomes the Cabinet secretaries whereas the technical head of every ministry i.e the CDF, IG NPS, DG NIS and AG become the interpreters of those policies and strategies.⁸¹

One of the key informants was asked to interpret section 214 of the NSC, its roles and members etc. The findings show that there was an issue with the secretary of the NSC. It was thus necessary to have an independent person as the National Security Advisor. There was discord between the constitution and National Security Council Act about the secretary. This should be dealt with so as to stop turbulence in case of war/terrorism. Indeed, there were challenges in multiagency coordination at Westgate. During the attack, the Cabinet Secretaries for Defence and Interior, the Chief of the Kenya Defence Forces and interior security minister went to influence the result of the action. Then IG of police went with a G3 rifle. This shows that his thinking was tactical and not strategic. They should have remained at the strategic offices and get feeds for the entire process.⁸²

⁸¹ Prof. Makumi Mwagiru, Professor of Diplomacy and School of Security Studies, August 15, 2020, Nairobi.

⁸² Ibid.

3.5.3 Hypothesis Testing

Based on the findings obtained, the study also rejects the hypothesis that multi-agency laws, policies, doctrines, and strategies regarding terror response coordination had led to an effective response to international terrorism. This emanates from the fact that there were divergent interpretations of the existing policies and strategies that could limit their efficacy in counterterrorism efforts.⁸³

3.6 Conclusion

The first objective of the study was to investigate the existence or lack thereof of strategic multi-agency policies on coordination in response to terrorism in Kenya. The findings from questionnaires, interviews and desk review of extant literature show that although Kenya had enacted various legislations aimed at enhancing multi-agency cooperation in information sharing during counterterrorism initiatives,⁸⁴ it was yet to have strong policies aimed at ensuring that multiagency response to terrorism was highly synchronized.

Lastly, it was made manifest that although some policies were in place,⁸⁵ their clarity –at least among responders - was questionable. It can also be argued that possibly, most of the respondents had not been clearly briefed of these policies. This was a recipe for chaos during terror attacks since clear flow of information in a hierarchical manner or in any other configuration could be compromised.

Based on the study findings, the study accepts the hypothesis that “the lack of existence of a strategic multi-agency policy on coordination in response to terrorism

⁸³ Prof. Makumi Mwangi, Professor of Diplomacy and School of Security Studies, August 15, 2020, Nairobi.

⁸⁴ Kibet, 2016.

⁸⁵ Ibid.

in Kenya leads to poor coordination in response to international terrorism.” In this regard, it is evident that the level to which Kenyan security agents are guided by well formulated and clear policies in their response would affect the quality of their coordination to international terrorism.

On the structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya, show that there were instances in which the security forces misused their instruments as shown by most of the respondents (37.7%). As such, the existent structural and legal frameworks guiding multiagency operations were either weak or poorly enforced. There could thus be poor protection of civilians in the fight against terrorism.

There were various legal and structural frameworks put in place by Kenya for the purposes of ensuring a synchronized and effective response to terrorism in Kenya. As a result, there could lead to improvements in coordination in the fight against terrorism. Some of these frameworks included “the Prevention of Organized Crime Act 2010, Proceeds of Crime and Anti-Money Laundering Act 2011, and Prevention of Terrorism Act 2012” which was amended in 2013 to “strengthen the criminalization of financing acts of terrorism.”⁸⁶ However, some of these legislations had not totally sealed loopholes in terror response processes.

Almost half of the respondents (48.1%) agreed with the statement. This shows that response to terror attacks was often challenged by leaked information on during operations. Although this effect was less pronounced during the Dusit D2 Attack in

⁸⁶ Kibet, 2016.

comparison with the West Gate Attack, the modus operandi of the mass media could still enhance the morale of terrorists under Kenya's current legal framework. This often created confusion with some key tactical information falling into the hands of the terrorists. As such, there was a need to expand the legal and structural frameworks guiding multiagency response to terrorism to reign in on interferences from the mass media while still safeguarding freedoms of expression and access to information. There was a poor understanding of the act as posited by Kibet.⁸⁷ Consequently, the capacity of multi-agency response teams to promptly share information on terror financing could be compromised; creating loopholes that could be exploited by terrorists.

Evidently, Kenyan security agents benefitted from access to intelligence on possible terror attacks and the operations of terrorist organizations and their cells. However, the fact that terrorist attacks did still take place is indicative of the fact that the country was yet to fully benefit from some of the frameworks such as the suppression of the financing of terrorism (1999)- security council resolution 1373-2001. However, some efforts had been undertaken such as the enactment of the Terror Financing Act and the Anti- Money Laundering Act.

Tactical and intelligence teams took part in training together and had adopted some common policies and laws that could enhance the sharing of intelligence and joint operations in response to terrorist attacks. It can thus be argued that Kenya was likely to report gains in her responsive to terror attacks as witnessed in the Dusit D2 Attack

⁸⁷ *ibid.*

where support from international partners led to a reduction in the number of casualties as well as the time taken to neutralize the attack.

Training institutions had led to the exchange of best practices and expertise in the fight against terrorism. As a result, Kenya had seen improvements in the capacity of local security agents to respond to terrorist threats. These structural frameworks and the associated security arrangements were thus pivotal in equipping local intelligence and tactical teams to undertake productive multi-agency response to terrorism.⁸⁸

The country had various legal and structural arrangements aimed at enhancing the effectiveness of such operations. These included operation guidelines in all agencies and special task forces that had similar or related training. These guidelines created an avenue for smooth intelligence sharing as well as platforms under which the challenges experienced in joint operations could be solved as argued by Maluki.⁸⁹

This had played crucial roles in reducing blue on blue attacks and other negative repercussions emanating from disjointed multi-agency responses during terrorist attacks. The existent legal and structural frameworks had also enabled Kenya to get into partnerships with international allies in the fight against terrorism. This had borne fruits in the information sharing,⁹⁰ prosecution, freezing of terrorist assets and repatriation of suspects among others. Kenya had also been able to cooperate with her neighbors in cross-border operations targeting terrorist cells and their operations.

⁸⁸ Ibid.

⁸⁹ Maluki, 2019.

⁹⁰ Bransford, 2012.

Based on the study findings, the study accepts the hypothesis that “the existence of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya has led to an effective response.” This had been evidenced in the Dusit D2 Attack in which synchronization of operations showed better response to the attack by the various operational and tactical teams as compared to the Westgate Attack. There was thus a need to strengthen these frameworks so as to enhance unified response to international terrorism.

The study sought “to investigate the success and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination.” The findings show that multiagency coordination in response did not have very strong effects on enhanced technical surveillance and ICT counterterrorism capabilities as recommended by Jody Westby.⁹¹ It had also not led to thorough border security. This could be attributed to challenges such as lack of sufficient resources among other factors as argued by Gatuiku.⁹²

Kenya was also yet to fully streamline intelligence sharing on terrorism among the various agencies despite the presence of policies as well as legal and structural frameworks aimed at addressing this challenge. This could be due to factors such as “corruption, organization inefficiency, lack of resources and technical capacity, poor interagency law enforcement coordination, insufficient training, the politicization of some terrorist incidents, and several other factors.”⁹³ Multiagency response to terrorism was yet to effectively reign in on terror group financing as recommended by

⁹¹ Westby, 2-3.

⁹² Gatuiku, 2016.

⁹³ Ibid.

Kibet.⁹⁴ Consequently, it can be argued that Kenya did not effectively check intra and extra logistical support among terror groups; which could challenge the fight against terrorism.

Despite the fact that Kenya had attempted to put in place frameworks aimed at the smoothening joint response to terrorism, their effectiveness was thwarted by disconnect in their implementation; which further corroborates the findings of Gatuiku.⁹⁵ This could affect the efficacy of these joint responses to terrorism attacks among multiple agencies.

It can be argued that frameworks that created avenues for further learning and exchange programs had enhanced the capacities of security agents to respond to terror attacks as argued by Kipkurui Sang.⁹⁶ This could explain the better response to the Dusit D2 Attack in comparison with the Westgate Attack. There has not been effectiveness in synchronizing training, technologies and equipment.⁹⁷ As a result, multiagency response to terrorism was not as effective as envisaged by the policy, legal and structural frameworks.

Kenya was yet to have uniform capacities to secure synchronized multiagency response to terrorism attacks⁹⁸ This puts to questions the adequacy of the existent policy, legal and structural arrangements put in place to check this anomaly. In some instances, intelligence teams had often made Kenya a soft target, leading to the decimation of police posts and military stations. As such, there was a need to match

⁹⁴ Kibet, 2016.

⁹⁵ Gatuiku, 2016.

⁹⁶ Sang, 2001.

⁹⁷ Yengoude, 2017.

⁹⁸ Zhang, 2014.

policy as well as legal and structural frameworks with practice. This could be achieved through adequate financing.

The success of a multiagency response to terrorism was challenged by corruption among some security agencies⁹⁹ which had led to the financing of terror groups such as Al-Shabaab through contraband goods. As such, dealing with the vice of corruption could lead to the consolidation of the gains made in multiagency response to terrorism. It was also clear that when operationalized, multiagency as well as multi-country cooperation strengthened the fight against terrorism in Kenya.

Lastly, the findings obtained show that multiagency laws, policies, doctrines, and strategies had led to numerous gains in response to terrorism.¹⁰⁰ This was through enhanced sharing of intelligence, expertise, facilities and, equipment.¹⁰¹ It had also led to standardization of training and operation guidelines during terror attacks. However, lack of enough equipment, corruption as well as slow adoption and domestication of legislation had challenged realization of the gains anticipated through multiagency response to terrorism in Kenya.¹⁰² Additionally, the lack of clear guidelines on how to engage civilians had robbed multiagency drives cooperation and support in some of the terrorism prone areas.¹⁰³

⁹⁹ Gatuiku, 2016.

¹⁰⁰ Bjelopera, 2011.

¹⁰¹ Dahl, 2014.

¹⁰² Gatuiku, 2016.

¹⁰³ Ganor, 1998.

CHAPTER FOUR
COORDINATION IN RESPONSE TO THE WESTGATE AND DUSIT D2
TERROR ATTACKS

4.1 Introduction

This chapter looks at the responses to the Westgate and Dusit D2 terror attacks. It looks at the operational and policy responses to these attacks. Data is also analyzed against the primary data from key informants. These included a professor of diplomacy from Strathmore University, a professor of security from the University of Nairobi, a doctor of security from Strathmore University, a professor of conflict studies from Kenyatta University, a professor of Security from Buckingham University, a former ambassador of Kenya to Israel, several members of the diplomatic corps, senior retired military general, a retired Colonel who worked in the directorate of military intelligence, an officer in the NCTC, a policy level officer in the NPS headquarters and a retired former deputy director of the NIS. Inferences to the primary data collected on responses to international terrorism in Kenya are also made.

4.2 West Gate Attack

The Westgate attack of September 21, 2013, in Nairobi, did not catch members of the intelligence community by surprise. However, there were gaps in the associated responses. There was a lack of a clear modus operandi on how to make use of the intelligence between the military and the police.¹ This limited the ability to thwart the terror attack before it happened even though it was well-known by the intelligence community that an attack was imminent.

¹ Sirkku Hellsten, Radicalisation and terrorist recruitment among Kenya's youth, Policy Note No 1:2016 Nordic Africa Institute, 2016.

After four days of engagement between armed terrorists and Kenya security agencies in the Westgate Mall, several gaps in the way responses were undertaken were identified. This raises pertinent questions on the state of the Kenyan security forces. One of the main issues raised was the inability of the security agencies to respond within an hour of the attack.² This brought attention to the inherent weakness in Kenya's disaster risk management system.

There was also a lack of a clear policy on how to respond to an attack of such nature. For quite some time, the police continued to deal with the attack as if it was an armed robbery. This can be attested by the retired senior military general who said:

“There were serious limitations in the way the police responded to the attack. Lack of clear policy frameworks on how to coordinate responses for attacks of that nature meant that it was not an easy feat to promptly respond. For the first three or so hours, the police dealt with the attack as if it was an ordinary armed robbery.”³

There was also no clear policy frameworks for information exchange. The security agencies did not have a synchronized information exchange framework between the various intelligence units. As a result, the response was mostly haphazard; with friendly fire being registered. In this regard, one of the respondents, a policy level officer in the NPS headquarters said that:

² Awino Okech, The Westgate Mall Siege: Reassessing Kenya's Security Architecture. African Studies Association. November 2013: 56th Annual Meeting Special Issue <https://africanstudies.org/asa-news/56th-annual-meeting-special-issue/the-westgate-mall-siege-reassessing-kenya-s-security-infrastructure/>

³ Retired Military General, August 21, 2020, Karen, Nairobi.

“There were immense information flow limitations between the various state security agencies. Lack of uniform communication strategies and tools meant that coordinating a smooth response at West Gate was not an easy feat.”⁴

These findings show that Kenya had not instituted clear communication policies to coordinate response in the country. The attack also revealed limitations related to poor policies on the timely deployment of security agencies. The fact that it took over one hour to respond to the attack shows these glaring gaps. These findings can be shown by the words of a retired Colonel who had worked in the directorate of military intelligence who said:

“There was an absence of uniform strategies on how to deploy enough personnel in the Westgate in time between the various security agencies. This showed huge gaps in uniform deployment policies between the various security agencies.”⁵

The response in Westgate also happened in a context in which security agencies were faced with challenges related to lack the broader oversight and democratization processed need to ensure operational efficiency. During that time rank mobility was still marred by challenges related to corruption and political patronage. A few years earlier, for example, the two Armenian nationals popularly known as the “Artur Brothers” were able to obtain senior police level accreditation in Kenya.⁶ This showed a culture of lack of transparency in security agencies. No meaningful strategies were

⁴ Policy Level Officer, NPS Headquarters, Nairobi, August 25, 2020.

⁵ Retired Colonel, Nairobi Upper Hill, August 28, 2020, Nairobi.

⁶ Standard Media, “Revealed: The Secrets of the Artur Brothers,” May 26, 2012, <http://www.standardmedia.co.ke/?articleID=2000058816>. See also Harun Ndubi, “Kenya: Lessons for Kenya in Chinedu’s Deportation” The Star, July 8, 2013, <http://allafrica.com/stories/201307090216.html> (accessed September 24, 2013).

put in place to check this anomaly in the years building up to the Westgate Attack. Kenya was also faced with sketchy implementation of policies aimed at controlling unchecked entry into Kenya by foreign nationals. This, among other factors, created a plethora of policy-level challenges that made an effective response to the West-Gate Attack a daunting task. In this regard, a professor of Security from Buckingham University said:

“Kenya has had issues related to oversight mechanisms for security agencies. This created a culture of corruption in the security forces. There were also limitations related to porous borders and the inability to control movement into the country. Lack of clear policies or inability to implement the existing ones means that Kenya’s security forces were largely unable to deal with glaring challenges facing the attack at Westgate.”⁷

The Westgate Mall attack also took place before the domestication of the 2012 Prevention of Terrorism Act. The act was yet to be fully implemented and massive debates still surrounded it; especially issues related to fears of religious and ethnic profiling. The counterterrorism legal environment under which the Westgate Attack took place was thus limiting. This challenged how intelligence was handled before the attack. This is evidence by a member of the diplomatic corps who said:

“It was under a complicated legal and policy framework that the Westgate Attack took place. Kenya was still struggling with the adoption of the 2012 Prevention of Terrorism Act which had seen immense debates. Intelligence

⁷ Professor of Security, from Buckingham University, Phone Interview, August 27, 2020.

had to be acted upon carefully to avoid accusations of ethnic and religious profiling.”⁸

The weak legal and policy framework was also indicated by the fact that the Westgate attack took place in the absence of a national security policy. State security agency-citizen cooperation legal frameworks were weak. This challenged security sector reforms and civil-military relations. The Westgate Attack also highlighted major gaps in overall reform for all security sector agencies. Although most reform debates had focused on the police force, little had been done on other security agencies such as the military. This created gaps in accountability in terms of the level of preparedness, operational capabilities, and respect for the rule of law during counterterrorism response.⁹ Also, the police lacked the leadership to implement legislated changes.

Coordination between the Interior Cabinet Secretary Officials and the security forces, especially in information exchange also showed limited knowledge of the security sector among the top government officials. This security illiteracy largely limited the coordination between political leadership and the security agencies; leading to immense lapses in response during the Westgate Terror Attack. These findings were supported by a professor of conflict studies from Kenyatta University who said:

“The way officials from the interior ministry reported the attack shows high levels of illiteracy of security issues. This meant that security agencies could not enjoy informed support from the political class. Such illiteracy of security

⁸ Member of the Diplomatic Corps, Lavington, Nairobi, August 12, 2020

⁹ Dennis Okari, ‘Kenya's Westgate attack: Unanswered questions one year on,’ BBC Africa, Nairobi, 22 September 2014. Accessed on August 4, 2020 from <https://www.bbc.com/news/world-africa-29282045>

issues can also be blamed for some of the failures witnessed in the Westgate Terror Attack.”¹⁰

Experts on Counter-Terrorism and Intelligence Gathering also highlighted key gaps in response to the Westgate attack. As a result, key recommendations for success in future responses were made.¹¹ These include strengthening intelligence and data collection; intelligence sharing within and across security agencies; hardening strategic installations such as government laboratories and acquisition of chemicals for making fertilizers that could be used in making explosives; public involvement and support for better policing; strengthening the role of Counter-Terrorism Center; mechanisms for punishing security officers who commit crimes and offenses such as looting during response; promotion of effective oversight; better coordination of security agencies; establishing an interface between the National Intelligence Service and the Military Intelligence and formulation of legislation by the National Assembly to ensure mandatory oversight of security agencies.

4.3 Dusit D2 Attack

The Dusit D2 Attack took place on January 15, 2019. A group of armed terrorists unleashed a deadly attack at Dusit D2 Luxury Hotel in the Westlands neighborhood of Nairobi. The attack left 21 people dead and about 28 injured.¹² The Dusit D2 attack

¹⁰ Professor of Conflict Studies from Kenyatta University, Nairobi CBD, August 11, 2020.

¹¹ Kenya National Assembly Eleventh Parliament, First Session – 2013. Report of the joint committee on administration and national security; and Defence and Foreign Relations on the inquiry into the Westgate terrorist attack, and other terror attacks in Mandera in North-Eastern and Kilifi in the Coastal Region, Clerk’s Chambers Parliament Buildings, Nairobi. Assessed on August 4, 2020 from https://info.mzalendo.com/media_root/file_archive/REPORT_OF_THE_COMMITTEE_ON_WESTGATE_ATTACK_-_4.pdf

¹² Aljazeera, ‘Gunmen storm Nairobi hotel complex. Al-Shabaab claims coordinated assault on upscale hotel complex in Kenyan capital, with reports of at least 15 killed,’ 16 Jan 2019. Accessed on

saw a faster and more successful response compared to the Westgate Attack of 2013. Within two days, the attack was over and all the terrorists killed. This was enhanced by a strong policy framework on a coordinated response as pointed out by a professor of diplomacy from Strathmore University who said:

“There were strong mechanisms to ensure a coordinated response through clear policies that had been domesticated by all the agencies involved.”¹³

As already pointed out, the response at Dusit D2 was largely successful. Within minutes of the attack, the terrorists were put on defense. The security services had launched a relatively swift, coordinated, and effective response. This shows immense improvements in areas such as thwarting the ability of the terrorists to project terror and communicate with their base in Somalia. There was also quick and effective information management between the relevant government agencies and the media.¹⁴ Unlike the Westgate, it is evident that policies had been put in place and implemented on how to ensure prompt, coordinated, and accurate information exchange. Policies had also been put in place to ensure that specialized security units could work in a coordinated way. As such, the attack was ended within 20 hours, unlike the Westgate attack that lasted four days. These findings are buttressed by a former ambassador of Kenya to Israel who said:

Responses at Dusit D2 were well facilitated by coordinated policies. It was possible to effectively coordinate all the different specialized security units in

<https://www.aljazeera.com/news/2019/01/explosions-gunfire-heard-kenyan-capital-nairobi-190115130845511.html>

¹³ Professor of Diplomacy from Strathmore University, Nairobi, August 7, 2020.

¹⁴ Horn Policy Brief, No. 16, Securing The Nation: Responding to the Changing Terror: Tactics after Dusit D2 Attack, January 24, 2019. Accessed on August 4, 2020 from <https://horninstitute.org/wp-content/uploads/2019/02/16-SECURING-THE-NATION-Responding-to-the-Changing-Terror-Tactics-after-DusitD2-Attack.pdf>

*the context of clear facilitative policies on coordination and communication.*¹⁵

Dusit D2 attack had many positive response outcomes. The fast response shows that the country had put in place-responsive counterterrorism strategies.¹⁶ Policies for proper inter-agency cooperation had also been well implemented. This can be attested by a professor of diplomacy from Strathmore University who said:

*Dusit D2 took place under the better policy and strategic response frameworks. There were better and standardized operation guidelines. This led to faster responses due to clear communication and coordination strategies.*¹⁷

Based on the successes of the response to the Dusit D2 Attack, the following recommendations were made: It is important to ensure that policies on Swift and Prompt Response in the event of an attack are meticulously honored. Ways of enhancing structured response should always be explored; loopholes should be sealed to stop the smuggling of terrorists and weapons into the country; social media and communication management should be guided to ensure efficient information exchange since, in the Dusit D2 Attack, some people reached for help through WhatsApp and Twitter and received fake and incorrect information. There should also be well-publicized numbers that survivors can use to communicate with security agencies. This is affirmed by a professor of conflict studies from Kenyatta University who said:

¹⁵ Former Ambassador of Kenya to Israel, Kitisuru, Nairobi, August 7, 2020.

¹⁶ Maluki, P.M. (2019, January 21). How Kenya's security forces made sure they responded better this time. African Arguments. <https://africanarguments.org/2019/01/21/how-kenya-security-forces-responded-nairobi-attack/>

¹⁷ Professor of Diplomacy from Strathmore University, Nairobi, August 7, 2020.

“Communication policies did not overtly deal with the issue of misuse of social media such as WhatsApp and Twitter when communicating with victims caught up in the attack. This affected some of the victims who received fake and incorrect information when they tried to seek outside help.”

Responses to the Dusit D2 attack also had strategies for digital disruption countermeasures to thwart communication processes between terrorists. The ability to thwart communication between terrorists and their command position in Somalia played a pivotal role in squashing the Dusit D2 Terror Attack. The Dusit D2 Attack also showed the gains made by community policing efforts such as the *Nyumba Kumi Initiative*. It is thus important to strengthen community policing strategy. This trust made it possible for the community to provide useful information during the Dusit D2 Attack.

4.4 Conclusion

This chapter looked at the responses to the Westgate and Dusit D2 terror attacks. It looks at the operational and policy responses to these attacks. The findings show that the Westgate attack on September 21, 2013, did not catch some members of the intelligence community by surprise. However, there was a lack of a clear-cut modus operandi on how to coordinate the military and the police in the use of intelligence.¹⁸

After four days of engagement between armed terrorists and security agencies in the Westgate Mall, several gaps in the way responses were undertaken were identified. This raised pertinent questions on the state of the Kenyan security forces. One of the

¹⁸ Sirkku Hellsten, Radicalisation and terrorist recruitment among Kenya’s youth, Policy Note No 1:2016 Nordic Africa Institute, 2016.

main issues raised was the inability of the security agencies to respond within an hour of the attack.¹⁹ This brought attention to the inherent weakness in Kenya's disaster risk management system.

There was a lack of clear policy on how to respond to the attacks of such nature. For quite some time, the police continued to deal with the attack as if it was an armed robbery. There was also a lack of clear policy frameworks on information exchange. As such, the security agencies did not have synchronized information exchange frameworks between the various intelligence units. As a result, the response was mostly haphazard; with friendly fire being registered.

These findings show that at the policy level, there was a lack of clear communication frameworks to coordinate response in the country. The Westgate Attack also revealed limitations related to poor policies on the timely deployment of security agencies. The fact that it took over one hour to respond to the attack shows these glaring gaps.

The response in Westgate also happened in a context in which security agencies were faced with challenges related to lack of the broader oversight and democratization processes needed to ensure operational efficiency. During that time, rank mobility was still marred by challenges related to corruption and political patronage. Kenya was also faced with sketchy implementation of policies aimed at controlling unchecked entry into Kenya by foreign nationals. This, among other factors, created a

¹⁹ Awino Okech, The Westgate Mall Siege: Reassessing Kenya's Security Architecture. African Studies Association. November 2013: 56th Annual Meeting Special Issue <https://africanstudies.org/asa-news/56th-annual-meeting-special-issue/the-westgate-mall-siege-reassessing-kenya-s-security-infrastructure/>

plethora of policy-level challenges that made an effective response to the West-Gate Attack a daunting task.

The Westgate attack also took place before the domestication of the 2012 Prevention of Terrorism Act. The act was yet to be fully implemented and massive debates still surrounded it; especially issues related to fears of religious and ethnic profiling. The counterterrorism legal environment under which the Westgate Attack took place was thus limiting. This challenged how intelligence was handled before the attack.



The weak legal and policy framework was also indicated by the fact that the Westgate attack took place in the absence of a national security policy. In this regard, state security agency-citizen legal frameworks were weak. This challenged security sector reforms and civil-military relations. The Westgate Attack also highlighted major gaps in overall reform for all sector agencies. Although most reform debates had focused on the police force, little had been done on other security agencies such as the military. This creates gaps in accountability for the level of preparedness, operational capabilities, and respect for the rule of law during counterterrorism response.

Coordination between the Interior Cabinet Secretary Officials and the security forces, especially in information exchange showed limited knowledge of the security sector among the top government officials. This security illiteracy also largely limited the coordination between political leadership and the security agencies; leading to immense challenges in response during the Westgate Terror Attack.

The Dusit D2 Attack took place on January 15, 2019. Led by a group of armed terrorists, the attack unleashed a deadly attack at Dusit D2 Luxury Hotel which is located at 14 Riverside Drive in the Westlands neighborhood of Nairobi. The attack left 21 people dead and about 28 injured.²⁰ The Dusit D2 attack saw a faster and largely more successful response compared to the Westgate Attack of 2013. Within two days, the attack was over and all the terrorists killed.

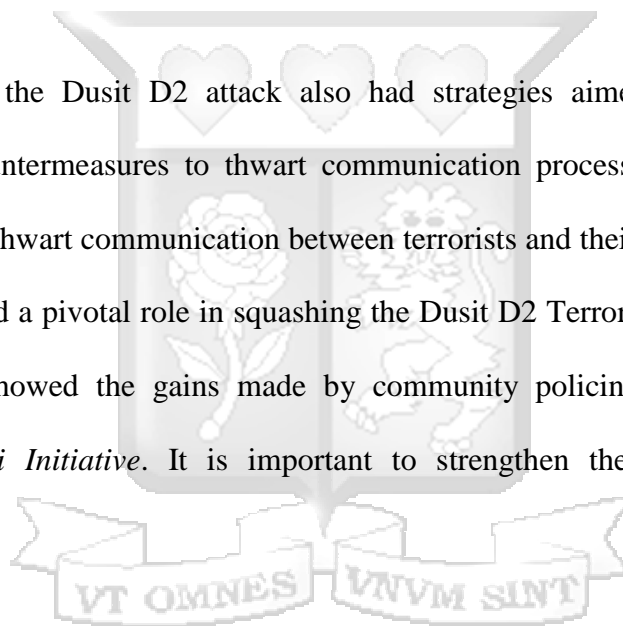
As already pointed out, the response in Westgate was largely swift. Within minutes of the attack, the terrorists were put on defense. This shows immense improvements in areas such as thwarting the ability of the terrorists to project terror and communicate with their base in Somalia. There was also quick and effective information management between the relevant government agencies and the media.²¹ Unlike the Westgate, it is evident that policies had been put in place and implemented on how to ensure prompt, coordinated, and accurate information exchange. Policies had also been put in place to ensure that specialized units of the security agencies could work in a coordinated way. As such, the attack was ended within 20 hours, unlike the Westgate attack that lasted four days. The fast response shows that the country had put in place responsive counterterrorism strategies. Policies for ensuring proper inter-agency cooperation had also been well implemented.

²⁰ Aljazeera, 'Gunmen storm Nairobi hotel complex. Al-Shabaab claims coordinated assault on upscale hotel complex in Kenyan capital, with reports of at least 15 killed,' 16 Jan 2019. Accessed on <https://www.aljazeera.com/news/2019/01/explosions-gunfire-heard-kenyan-capital-nairobi-190115130845511.html>

²¹ Horn Policy Brief, No. 16, Securing The Nation: Responding to the Changing Terror: Tactics after Dusit D2 Attack, January 24, 2019. Accessed on August 4, 2020 from <https://horninstitute.org/wp-content/uploads/2019/02/16-SECURING-THE-NATION-Responding-to-the-Changing-Terror-Tactics-after-DusitD2-Attack.pdf>

Based on the successes of the response to the Dusit D2 Attack various recommendations were made. It is important to ensure that policies on Swift and Prompt Response in the event of an attack are meticulously honoured. Ways of enhancing structured response should always be explored; loopholes should be sealed to stop the smuggling of terrorists and weapons into the country; social media and communication management should be guided to ensure efficient information exchange since, in the Dusit D2 Attack, some people reached for help through WhatsApp and Twitter and received fake and incorrect information.

Responses to the Dusit D2 attack also had strategies aimed at ensuring digital disruption countermeasures to thwart communication processes between terrorists. The ability to thwart communication between terrorists and their command position in Somalia played a pivotal role in squashing the Dusit D2 Terror Attack. The Dusit D2 Attack also showed the gains made by community policing efforts such as the *Nyumba Kumi Initiative*. It is important to strengthen the community policing strategy.



CHAPTER FIVE

CRITICAL ANALYSIS FOR BOTH DUSIT AND WESTGATE

5.1 Introduction

This chapter presents draws a comparison of responses to the Westgate Shopping Mall and Dusit D2 Hotel attacks of 2013 and 2019 respectively. The responses are also analyzed against extant literature.

5.2 The Westgate Shopping Mall and Dusit D2 Hotel Attacks

The West gate shopping mall in 2013¹ and the DusitD2 Hotel attack in January 2019² shows some glaring differences. In both attacks, heavily terrorists pulled out well-planned attacks with aims of inflicting as much harm on people as possible. The responses however differed greatly. While responses to the Dusit D2 attack are lauded as having been largely successful, those at the Westgate attack are seen as being disjointed and largely ineffective.

Both West Gate shopping and Dusit D2 Hotel attacks in January 2019 left many dead. The fact that the two attacks did take place puts to question the capacity of intelligence teams and operation units to detect terror threats effectively. The intelligence that security agents had was not effective enough to stop the attacks before they occurred. Although warnings about imminent attacks had been issued by international intelligence teams, there were gaps about the specifics of the planned attack. Although responses to the Dusit D2 attack showed immense comparative

¹ BBC. (2018). *Kenya profile-Timeline*. Retrieved from <https://www.bbc.com/news/world-africa-13682176>

² M. Asamba, *Anger, pain in the aftermath of Dusit attack*, Standard Digital (2019, 7th January). <https://www.standardmedia.co.ke/article/2001309766/anger-pain-in-the-aftermath-of-dusit-attack-photos>

improvements,³ it is evident that there were intelligence gaps since the attack did occur.

There were real differences in the assailants who took part in the two attacks. While the Westgate Attack was pulled by a mixture of local and international terrorists, the Dusit D2 attacks were undertaken largely by non-Somali native Kenyans. Matt Bryden and Premdeep Bahra carried out a study on “East Africa’s Terrorist Triple Helix: The Dusit Hotel Attack and the Historical Evolution of the Jihadi Threat.” The study points out that, unlike past attacks by Al-Shabaab where ethnic Somalis were informed in attacks, the Dusit D2 attack was carried out by non-Somali Kenyan nationals.⁴ This shows that the AL-Shabaab was bracing itself to picture itself as a regional organization; transcending its Somali origins. The fact that there are better responses to the attacks despite these dynamics show that Kenya had registered advancements in counterterrorism drives.

A study by Patrick Maluki on “Kenya security forces performed better but still, there are gaps,” focused on the gains made in the Dusit D2 Hotel attack. The study shows that although the hotel complex is home to many hotel complexes, quick response by security agencies checked what could have been one of the worst attacks in contemporary African history. The speed with which security agents responded means that Kenya had strengthened her counterterrorism strategies. As such, the country had constituted an anti-terrorism police unit tasked with “detection and neutralization of

³ Patrick Maluki, ‘Kenya security forces performed better but still there are gaps,’ Research gate (2019): 1-3

⁴ Matt Bryden and Premdeep Bahra, ‘East Africa’s Terrorist Triple Helix: The Dusit Hotel Attack and the Historical Evolution of the Jihadi Threat,’ *combating terrorism center*, Vol 2 Issue 6 (2019): 1-712.

terror threats.”⁵ There had also been increases in civilian knowledge on how to respond during attacks which made it possible for the rescue operation to save more civilians. Swift and precise response coupled with proper inter-agency cooperation also contributed to the success of the operation. However, the fact that there were casualties shows that gaps still existed.

The responses to the Westgate attack were marred by several challenges. To begin with, there was a lack of institutional integrity which weakened the capacity of government agencies to effectively deal with terrorism threats. Poor funding in the wake of other competing national priorities meant that security agencies were not well prepared to handle the terror threat. Poor interagency security forces cooperation hindered affected intelligence gathering and analysis. It also affected the intelligence sharing processes.⁶ The issue of institutional cooperation also led to immense security lapse implications. It was in this context the attack took place; leading to high levels of casualties.

Multiagency responses in Westgate did not bear the fruits intended. Whereas the Ministry of Interior (IM) tried to keep non-security agency stakeholders informed through Twitter, the information passed was riddled with inaccuracies and inconsistencies. This compromised the reputation of the government.⁷ Besides, multiagency security responses were faced with chaos due to poor coordination. As a result, cases of friendly fire and other security risks prevailed. Government credibility

⁵Patrick Maluki, 'Kenya security forces performed better but still there are gaps,' *Research gate* (2019): 1-3.

⁶Vincent K. Ngeno, 'The Influence of Counter Terrorism Measures in Kenya,' Master's Thesis, University of Nairobi (2019).

⁷ Stephen Gichuhi Kimotho and Carolyne Nyaboe Nyarang'o, 'Role of Social Media in Terrorism Crisis Communication: A Case of Westgate Mall Terror Attack in Nairobi,' *International Journal of Information Systems for Crisis Response and Management (IJISCRAM)*, Volume 11, Issue 1 (2019): 18.

was also largely affected due to inaccuracies in reporting the attacks. The disjointed response also challenged confidence among citizens on the ability of the government to deal with terror attacks.

The low capacity of security organizations to deal with security risks has been cited as one of the reasons for failures in response to terrorist attacks. Although responsive capacities could be enhanced through coordination with private security agencies, this has not always been the case. During the Westgate and Dusit D2 attacks, there was no clear framework for involving private security personnel in response to the attack. In addition, failure to arm local security agencies means that terrorists could easily breach locally mounted security barriers, which happened in both Westgate and Dusit D2 attacks.⁸ As postulated by the human needs theory, people employ private security personnel to protect themselves, however, they have been unable to offer the first line of defense during terrorist attacks. It is thus evident that the inability to strengthen government-private security partnerships has limited the efficacy of responses to international terrorism in Kenya.

Another main reason for response failures in the Westgate gate attack, as already stipulated, was poor information exchange.⁹ At the outset of the attack, most of the business premises in the area did not have effective frameworks for terror management.¹⁰ However, the improved manner in which Kenya responded to the Dusit D2 attack shows that the government had put in place mechanisms to enhance

⁸ Dan Riunga, *'Armed private security firms and Counter Terrorism in Kenya,'* Master's Thesis, University of Nairobi (2019).

⁹ Gunaratna, R. (2017, February). Fighting Terrorism with Smart Power: The Role of Community Engagement and Terrorist Rehabilitation. In *Talking to the Enemy* (67-90). Nomos Verlagsgesellschaft mb H & Co. KG.

¹⁰ Chiharu, M. A. (2015). *Effects of Terrorism on International Tourists: A Case of Kenya*. Doctoral dissertation. United States International University-Africa.

citizens' preparedness regarding terrorist attacks.¹¹ This makes it clear that enhancing the preparedness of citizens plays key roles in response to international terrorism.

Preparedness among citizens can strengthen individual responses to terrorism at postulated by the Terror Management Theory (TMT) as proposed by Greenberg, Pyszczynski, and Solomon.¹² Existential consideration could drive people to protect them from an early death from activities such as terrorism.¹³ Indeed people adopt various measures to prepare themselves against terror attacks that could result in death. Security agencies can thus exploit this desire for self-preservation among individuals to strengthen relationships with citizens, hence averting the gravity of terror attacks in case they take place as was the case with Dusit D2 Hotel.

Security vulnerabilities in both attacks were also challenged by poor abilities to roll out some of the most effective security strategies employed in Kenya such as the *Nyumba Kumi Initiative* (Ten Houses Initiative). The initiative, which is “a community policing initiative aimed at engaging the community in the prevention of crime and terrorism,”¹⁴ is hard to implement in bustling urban areas such as Nairobi were the Westgate and the Dusit D2 attacks happened. The ability of intelligence agencies to gather information from the local community [businesses in the case of this study] before both attacks were thus challenged.

¹¹ Caponecchia, C. (2012). Relative risk perception for terrorism: implications for preparedness and risk communication. *Risk analysis*, 32(9), 1524-1534.

¹² J. Greenberg, T. Pyszczynski, and S. Solomon, 'the causes and consequences of a need for self-esteem: A terror management theory.' In R.F. Baumeister (ed.), *Public Self and Private Self*, New York: Springer-Verlag (1986).

¹³ R. Prinz, 'Terror Management Theory: What role do Cultural World Views play in the cause and prevention of terrorism?' München: GRIN Verlag GmbH. (2011).

¹⁴ Leting, M. and J. Chepchirchir (2017). Nyumba Kumi Strategy of Community Policing and Its Impact on Curbing Crime; Empirical Assessment from Kenya. *IOSR Journal of Humanities and Social Science*, Volume 22, Issue 1, Ver. 4 (January 2017). pp 32-36.

In the years following the Westgate Attack, Kenya put in place strategies aimed at enhancing international cooperation in information exchange in the fight against terrorism. For example, the ratification of the Customs Mutual Assistance Agreement (CMAA) with the USA government created a legal framework to facilitate the exchange of information and evidence on terrorism. This enhanced cooperation in “the prevention, detection, and investigation of terror-related customs offenses between the two countries.”¹⁵ Extra funding was also available under these frameworks.¹⁶ It was under this context that Dusit D2 took place; finding Kenya better prepared to respond to terror attacks in the country.

Responses to terrorism threats in both attacks were challenged by the inability to deal with huge volumes of information. All was not well in the days preceding the Dusit D2 attack. Although there was intelligence from multiple sources that an attack was imminent, security agencies were not able to effectively analyze this information and ascertain where the attack would take place. Although the Kenyan intelligence was blamed for not taking measures to try and prevent the attack even though there was information about the imminent attack,¹⁷ inability to sieve through all the information received should be blamed on the lack of enough and qualified personnel. It is thus recommended for Kenya to put in place strategies aimed at hiring enough qualified personnel to deal with these challenges.

¹⁵ McKenzie, B. (2014 August 8). U.S. and Kenya Sign Customs Mutual Assistance Agreement. International Trade Compliance Blog. Accessed August 29, 2019 from: <https://www.internationaltradecomplianceupdate.com/2014/08/08/u-s-and-kenya-sign-customs-mutual-assistance-agreement/>

¹⁶ Ibid.

¹⁷ Asamba, M. (2019, 7th January). *Anger, pain in the aftermath of Dusit attack*. Standard Digital. <https://www.standardmedia.co.ke/article/2001309766/anger-pain-in-the-aftermath-of-dusit-attack-photos>

The key informants were asked to compare the responses to the terrorist attacks in Westgate and Dusit D2. The findings show that at tactical level, both were undertaken in a single building and by the same terrorist group. The actors (responders) were also the same. Evidently, Dusit was much better done after learning from failures of Westgate.

5.3 Failures at strategic level

At Westgate, intelligence was gotten at strategic levels in time but was never shared clearly to tactical levels. There was also lack of coordination at various levels of intelligence. The terrorists were able to do surveillance and planned well. It was thus a perfect target¹⁸. Competition of security and intelligence teams was also prevalent.¹⁹ This also applies to the 9/11 Attack in the US in which political, institutional and individual competition were prevalent. This could be addressed by the NSA being put into context. There was also lack of a national security plans for protection of national strategic assets. There was also a problem defining the various installations as strategic. There should thus be data collection and analysis platforms over time to help gauge an asset as national. This is evidence in the USA where the Trump Tower has become a vital installation because of data.²⁰

5.4 Failure at Operational Level

¹⁸ <https://www.aljazeera.com/indepth/features/2013/09/kenyan-officials-warned-westgate-attack-2013929122737128930.html>

¹⁹ <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol-63-no-1/pdfs/Kenya-intel-since-colonial-era.pdf>

²⁰ Prof. Makumi Mwagiru, Professor of Diplomacy and School of Security Studies, August 15, 2020, Nairobi interview in karen

At operational levels, there was lack of joint SOPs and contingency plans of high value installations. As a result, multiagency operations should be done by a committee not by the actual operating teams.²¹

5.5 Critical Analysis on a 12-Point-Criteria

As shown in Table 5.1, there were immense differences in response to the terrorist attacks in Westgate and Dusit D2. In both cases, there was prior intelligence of looming attacks. However, there was no clear policy framework on intelligence sharing between the various agencies in Westgate. Additionally, policies on timely multiagency deployment were disjointed in Westgate but improved in Dusit D2. Although the friendly fire was recorded in Westgate, this was not the case in Westgate.

There was also a lack of clear policies on hierarchical coordination between different security agencies in Westgate as opposed to Dusit D2. The law had also been more enhanced with the domestication of the 2012 Prevention of Terrorism Act and the creation of the institutions enshrined therein. Accountability mechanisms for security agencies had also been improved during the Dusit D2 attack as opposed to Westgate where there were cases of indiscipline and looting. Coordination between government officials and security agencies was also smoother in the Dusit D2 attack.

²¹ Schroeder, Ashley; Pennington-Gray, Lori; and Bricker, Kelly (2014) "Lessons Learnt from the Westgate Shopping Mall Terrorist Attack in Nairobi, Kenya: Involving the Meetings, Incentives, Conferences and Exhibitions Sector in Crisis Communications," *International Journal of Religious Tourism and Pilgrimage*: Vol. 2: Iss. 1, Article 6. doi:<https://doi.org/10.21427/D7872V>

Although the terrorists could communicate for some time between themselves and their command center and share publicity information during the Westgate attack, this was not the case with Dusit D2 where such communication was curtailed immediately. In both attacks though, communication between victims and outside help was poor and unreliable, and false information was passed. This was more prone and documented in the Dusit D2.

Table 5.1 Critical Analysis on a 12 Point Criteria

| Activity | Westgate Attack | Dusit D2 Attack |
|---|---|---|
| 1. Prior intelligence about the imminent attack | There was intelligence of the looming attack before it took place | There was intelligence of the looming attack before it took place |
| 2. Clear policy framework on intelligence sharing between various security agencies | Lack of a clear policy framework. Intelligence overlooked | Presence of a clear policy framework. Intelligence acted upon |
| 3. Policies on timely multiagency deployment | Lack of clear policies [haphazard response] | Clear policies in place |
| 4. Friendly fire | Incidence of friendly fire fatality | No friendly fire fatalities |
| 5. Policy on how to respond to sustained terror attacks | Policies developed as the incidence continued. Initially, it was like responding to armed robbery | Clear policies on how to deal with such attacks |
| 6. Clear communication policies and command structure between different agencies | Lack of clear multiagency communication strategy or command structure | Clear communication and command structure for all agencies |
| 7. Coordination framework between security forces and armed civilians | Haphazard, no clear structure | Improvement in coordination between government security forces and armed civilians |
| 8. Antiterrorism law (2012 Prevention of Terrorism Act)/legal framework | 2012 Prevention of Terrorism Act not yet implemented, the existence of numerous legal facilitative gaps | Already implemented/facilitative legal framework |
| 9. Accountability for the level of preparedness, operational capabilities, and respect for the rule of law | Low accountability Cases of security personnel looting | High accountability and oversight mechanisms |
| 10. Coordination between the Interior Cabinet Secretary Officials and the security forces | Poor and haphazard coordination and communication | Clear and professional coordination |
| 11. Derailing communication between terrorists and their command base in Somalia | Coordination continued between terrorist and their command center for some time | Communication was jammed immediately and communication with their Somalia base stopped |
| 12. Framework for communication between victims and security agencies outside the attack center using social media and other channels | Social media was poorly used and there was no clear knowledge on how to seek outside help | Social media was used highly used. There was no clear knowledge of how to seek outside help with misleading and unreliable information being passed between victims and those outside |

5.6 Conclusion

The West gate shopping mall in 2013²² and the DusitD2 Hotel attack in January 2019²³ are replete with major differences. In both cases, terrorists pulled out well-planned attacks. The responses were different, with Dusit being lauded as being largely successful. The Westgate attack was regarded as being disjointed and largely ineffective. However, there were immense cases of loss of life in both cases.

There were major intelligence failures in both attacks. These were blamed for a number of reasons. During the time of the Westgate attack, there were poor terrorism response frameworks. As a result, there were poor mechanisms for interagency response processes. This led to the disjointed responses with friendly fire being recorded among security forces. Although improvements were made after the Westgate attack, intelligence failures continued. In Dusit D2, the fact that warnings about imminent attacks had been issued by international intelligence teams did not completely thwart the attack.

Security forces continued to adapt to the changes emanating from the dynamism of terrorist organizations. As a result, it was possible for security agents to largely thwart the Dusit D2 attack that was carried out by majority non-Somali Kenyan nationals.²⁴ Quick response by security agencies at Dusit D2 strengthened the success of the responses. The creation of the antiterrorism police unit had also contributed to a swift

²² BBC. (2018). *Kenya profile-Timeline*. Retrieved from <https://www.bbc.com/news/world-africa-13682176>

²³ Asamba, M. (2019, 7th January). *Anger, pain in the aftermath of Dusit attack*. Standard Digital. <https://www.standardmedia.co.ke/article/2001309766/anger-pain-in-the-aftermath-of-dusit-attack-photos>

²⁴ Matt Bryden and Premdeep Bahra, 'East Africa's Terrorist Triple Helix: The Dusit Hotel Attack and the Historical Evolution of the Jihadi Threat,' *combating terrorism center*, Vol 2 Issue 6 (2019): 1-712.

and precise response. Proper inter-agency cooperation also contributed to the success of the operation.

Citizens were also well prepared in the Dusit D2 Attack. This created room for security agencies to launch better-coordinated responses to the attacks compared to the Westgate attack. Poor preparedness of citizens could lead to mayhem as people run all over the place. However, local security agencies continue to be a weak link. Lack of capacities to ward off armed aggressors made

Although responsive capacities could be enhanced through coordination with private security agencies, this has not always been the case. During the Westgate and Dusit D2 attacks, there was no clear framework for involving private security personnel in response to the attack. In addition, failure to arm local security agencies means that terrorists could easily breach locally mounted security barriers.²⁵

Kenya had also come up with some policies aimed at enhancing the synchronization of operations between the various responders. There were improvements in the way security forces responded to the Dusit D2 attack compared to the Westgate attack. Since 2013, the government had enhanced surveillance equipment and had established the National Counter-Terrorism Centre. The country had also established a special anti-terrorism police unit aimed at detecting and thwarting terror threats.

²⁵ Dan Riunga, *'Armed private security firms and Counter Terrorism in Kenya,'* Master's Thesis, University of Nairobi (2019).

It can thus be deduced that there were policies aimed at enhancing coordination between the various security forces during terrorist attacks. Although each unit had its policies, it was subject to the elaborate umbrella policy that guided joint operations. These policies heightened the circumstances under which the various security forces were obligated to share information, equipment, and strategies during attacks. These saw improvements in the way various agencies handled the Dusit D2 Attack²⁶ in comparison with the Westgate Attack.²⁷ However, the lack of preparedness among citizens and the areas attacked often challenged the efficacy of response initiatives.²⁸

A critical comparison between both attacks shows an immense difference in the response to the terrorist attacks in Westgate Mall and Dust D2. In both cases, there was prior intelligence of the looming attack. However, there was no clear policy framework on intelligence sharing between the various security agencies in Westgate. Additionally, policies on timely multiagency deployment were disjointed in Westgate but improved in Dusit D2. Although the friendly fire was recorded in Westgate, this was not the case in Westgate.

There was also a lack of clear policies on hierarchical coordination between different security agencies in Westgate Mall as opposed to Dusit D2. The law had also been more enhanced with the domestication of the 2012 Prevention of Terrorism Act and the creation of the institutions enshrined therein during the Dusit D2 attack. Accountability mechanisms for security agencies had also been improved during the Dusit D2 attack as opposed to Westgate Mall attack where there were cases of

²⁶ Asamba, 2019.

²⁷ BBC, 2018.

²⁸ Chiharu, 2015.

indiscipline and looting by state security personnel. Coordination between government officials and security agencies was also smoother in the Dusit D2 attack.

Although the terrorists could communicate for some time between themselves and their command center and share publicity information, this was not the case with Dusit D2 where such communication was curtailed immediately. In both attacks though, communication between victims and outside help was poor and unreliable, and false information was passed. This was more prone and documented in the Dusit D2 attack.



CHAPTER SIX: SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

This chapter presents the study summary, conclusions, and recommendations. This is presented in line with the study objectives.

6.2 Summary

6.2.1 Strategic Multi-Agency Policies on Coordination in Response to Terrorism in Kenya

The first objective of the study was to investigate the existence or lack thereof of strategic multi-agency policies on coordination in response to terrorism in Kenya. The findings from questionnaires, interviews and desk review of extant literature show that although Kenya had enacted various legislations aimed at enhancing multi-agency cooperation in information sharing during counterterrorism initiatives, it was yet to have strong policies aimed at ensuring that multiagency response to terrorism was highly synchronized.

The findings also show that Kenya had endeavored to domesticate UNSC resolutions. This was through the formulation of policies that were pegged on the recommendations of the Council. It was thus possible for the country to see improvements in formulating policies aimed at enhancing smooth coordination of response to terrorism. However, the efficacy of these policies was still questionable seeing that response to the Dusit D2 attack, though better coordinated than the Westgate Attack, had some gaps.

Kenya had also come up with some policies aimed at enhancing the synchronization of operations between the various responders. There were improvements in the way security forces responded to the Dusit D2 attack compared to the Westgate attack. Since 2013, the government had enhanced surveillance equipment and had established the National Counter-Terrorism Centre. The country had also established a special anti-terrorism police unit aimed at detecting and thwarting terror threats. As a result, the Dusit D2 operation was considered highly successful due to prompt and precise security response. There was also proper inter-agency cooperation among forces drawn from the NPS, NIS, KDF, and other security organs. However, the fact that the remaining 45% of the respondents were of contrary opinion or not sure shows that these policies were not very effective. It can thus be deduced that coordination was still not very strong. This could thwart the overall success of a multiagency response to terrorism.

Lastly, it was made manifest that although some policies were in place; their clarity – at least among responders - was questionable. It can also be argued that possibly, most of the respondents had not been clearly briefed of these policies. This was a recipe for chaos during terror attacks since clear flow of information in a hierarchical manner or in any other configuration could be compromised. It can thus be deduced that there were policies aimed at enhancing coordination between the various security forces during terrorist attacks. Although each unit had own policies, it was subject to the elaborate umbrella policy that guided joint operations. These policies heightened the circumstances under which the various security forces were obligated to share information, equipment and strategies during attacks. These saw improvements in the

way various agencies handled the Dusit D2 Attack in comparison with the Westgate Attack. However, lack of preparedness among citizens and the areas attacked often challenged the efficacy of response initiatives.

Based on the study findings, the study accepts the hypothesis that “the lack of existence of a strategic multi-agency policy on coordination in response to terrorism in Kenya leads to poor coordination in response to international terrorism.” In this regard, it is evident that the level to which Kenyan security agents are guided by well formulated and clear policies in their response would affect the quality of their coordination to international terrorism.

6.2.2 Structural and Legal Frameworks Guiding Multi-Agency Operations on Countering Terrorism in Kenya

On the structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya, show that there were instances in which the security forces misused their instruments as shown by most of the respondents (37.7%). As such, the existent structural and legal frameworks guiding multiagency operations were either weak or poorly enforced. There could thus be poor protection of civilians in the fight against terrorism.

There were various legal and structural frameworks put in place by Kenya for the purposes of ensuring a synchronized and effective response to terrorism in Kenya. As a result, there could lead to improvements in coordination in the fight against terrorism. Some of these frameworks included “the Prevention of Organized Crime Act 2010, Proceeds of Crime and Anti-Money Laundering Act 2011, and Prevention

of Terrorism Act 2012” which was amended in 2013 to “strengthen the criminalization of financing acts of terrorism.” However, some of these legislations had not totally sealed loopholes in terror response processes.

Almost half of the respondents (48.1%) agreed with the statement. This shows that response to terror attacks was often challenged by leaked information on during operations. Although this effect was less pronounced during the Dusit D2 Attack in comparison with the West Gate Attack, the modus operandi of the mass media could still enhance the morale of terrorists under Kenya’s current legal framework. This often created confusion with some key tactical information falling into the hands of the terrorists. As such, there was a need to expand the legal and structural frameworks guiding multiagency response to terrorism to reign in on interferences from the mass media while still safeguarding freedoms of expression and access to information.

There was a poor understanding of the act as posited by Kibet. Consequently, the capacity of multi-agency response teams to promptly share information on terror financing could be compromised; creating loopholes that could be exploited by terrorists.

Evidently, Kenyan security agents benefitted from access to intelligence on possible terror attacks and the operations of terrorist organizations and their cells. However, the fact that terrorist attacks did still take place is indicative of the fact that the country was yet to fully benefit from some of the frameworks such as the suppression of the financing of terrorism (1999)- security council resolution 1373-2001. However,

some efforts had been undertaken such as the enactment of the Terror Financing Act and the Anti- Money Laundering Act.

Tactical and intelligence teams took part in training together and had adopted some common policies and laws that could enhance the sharing of intelligence and joint operations in response to terrorist attacks. It can thus be argued that Kenya was likely to report gains in her responsive to terror attacks as witnessed in the Dusit D2 Attack where support from international partners led to a reduction in the number of casualties as well as the time taken to neutralize the attack.

Training institutions had led to the exchange of best practices and expertise in the fight against terrorism. As a result, Kenya had seen improvements in the capacity of local security agents to respond to terrorist threats. These structural frameworks and the associated security arrangements were thus pivotal in equipping local intelligence and tactical teams to undertake productive multi-agency response to terrorism.

The country had various legal and structural arrangements aimed at enhancing the effectiveness of such operations. These included operation guidelines in all agencies and special task forces that had similar or related training. These guidelines created an avenue for smooth intelligence sharing as well as platforms under which the challenges experienced in joint operations could be solved as argued by Maluki. This had played crucial rules in reducing blue on blue attacks and other negative repercussions emanating from disjointed multi-agency responses during terrorist attacks. The existent legal and structural frameworks had also enabled Kenya to get into partnerships with international allies in the fight against terrorism. This had born

fruits in the information sharing, prosecution, freezing of terrorist assets and repatriation of suspects among others. Kenya had also been able to cooperate with her neighbors in cross-border operations targeting terrorist cells and their operations.

Based on the study findings, the study accepts the hypothesis that “the existence of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya has led to an effective response.” This had been evidenced in the Dusit D2 Attack in which synchronization of operations showed better response to the attack by the various operational and tactical teams as compared to the Westgate Attack. There was thus a need to strengthen these frameworks so as to enhance unified response to international terrorism.

6.2.3 Multi-Agency Laws, Policies, Doctrines and Strategies Regarding Terror Response Coordination

The study sought “to investigate the success and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination.” The findings show that multiagency coordination in response did not have very strong effects on enhanced technical surveillance and ICT counterterrorism capabilities as recommended by Jody Westby. It had also not led to thorough border security. This could be attributed to challenges such as lack of sufficient resources among other factors as argued by Gatuiku.

Kenya was also yet to fully streamline intelligence sharing on terrorism among the various agencies despite the presence of policies as well as legal and structural frameworks aimed at addressing this challenge. This could be due to factors such as

“corruption, organization inefficiency, lack of resources and technical capacity, poor interagency law enforcement coordination, insufficient training, the politicization of some terrorist incidents, and several other factors.” Multiagency response to terrorism was yet to effectively reign in on terror group financing as recommended by Kibet. Consequently, it can be argued that Kenya did not effectively check intra and extra logistical support among terror groups; which could challenge the fight against terrorism.

Despite the fact that Kenya had attempted to put in place frameworks aimed at the smoothening joint response to terrorism, their effectiveness was thwarted by disconnect in their implementation; which further corroborates the findings of Gatuiku. This could affect the efficacy of these joint responses to terrorism attacks among multiple agencies.

It can be argued that frameworks that created avenues for further learning and exchange programs had enhanced the capacities of security agents to respond to terror attacks as argued by Kipkurui Sang. This could explain the better response to the Dusit D2 Attack in comparison with the Westgate Attack. There has not been effective in synchronizing training, technologies, and equipment. As a result, multiagency response to terrorism was not as effective as envisaged by the policy, legal and structural frameworks.

Kenya was yet to have uniform capacities to secure synchronized multiagency response to terrorism attacks. This puts to questions the adequacy of the existent policy, legal and structural arrangements put in place to check this anomaly. In some

instances, intelligence teams had often made Kenya a soft target, leading to the decimation of police posts and military stations. As such, there was a need to match policy as well as legal and structural frameworks with practice. This could be achieved through adequate financing.

The success of a multiagency response to terrorism was challenged by corruption among some security agencies which had led to the financing of terror groups such as Al-Shabaab through contraband goods. As such, dealing with the vice of corruption could lead to the consolidation of the gains made in multiagency response to terrorism. It was also clear that when operationalized, multiagency as well as multi-country cooperation strengthened the fight against terrorism in Kenya.

Lastly, the findings obtained show that multiagency laws, policies, doctrines, and strategies had led to numerous gains in response to terrorism. This was through enhanced sharing of intelligence, expertise, facilities and, equipment. It had also led to the standardization of training and operation guidelines during terror attacks. However, lack of enough equipment, corruption as well as slow adoption and domestication of legislation had challenged realization of the gains anticipated through multiagency response to terrorism in Kenya. Additionally, lack of clear guidelines on how to engage civilians had robbed multiagency drives cooperation and support in some of the terrorism prone areas.

6.3 Conclusion

The study findings make it manifest that strategic multi-agency policy on coordination in response to terrorism in Kenya enhances coordination in response to

international terrorism. In this light, the level to which Kenyan security agents are guided by well formulated and clear policies in their response affects the quality of their coordination to international terrorism and vice versa. Additionally, the existence of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya had led to effective response through standardizations of operation guidelines, better sharing of information, joint training and exchange of best practices among the various responders. This was evidenced in the Dusit D2 Attack in which synchronization of operations showed better response to the attack by the various operational and tactical teams as compared to the Westgate Attack. Lastly, it is evident that Kenya is yet to know that it has dealt with the terrorism menace. This can only be attested when the country stays for a long period of time without an attack, say more than 5 years.

6.4 Recommendations

Based on the findings of the study, the following eight recommendations were made. The multiagency response teams should constantly review their operation guidelines and standard operating procedures so as to deal with the ever-changing sophistication in terrorist attacks. This is pivotal in the wake of constant evolution of terrorism so as to ensure responsive interventions as posited by Matt Bryden and Premdeep Bahra in, ‘East Africa’s Terrorist Triple Helix: The Dusit Hotel Attack and the Historical Evolution of the Jihadi Threat.’ Without constant review, it is possible for terrorist organizations to repeatedly identify loopholes that could be readily exploited in response processes.

The government should put in place ways aimed at checking disparities in capabilities and equipment among various tactical and intelligence teams in Kenya for a uniform response to terrorism. This is important due to the ever-increasing complexity of weaponry in the hands of terrorists. Without investing in modern equipment as well as enhancing uniform capacities among various tactical and intelligence teams, smooth coordination of multiagency response measures against terrorism could be put at stake.

There is a need for multinational frameworks for undertaking financing and creation of joint information infrastructure for security agencies so as to reign in on international terrorism in the East African Region. This is pertinent since financing remains a major challenge to multiagency coordination in the region. Also, different SOPs between various security agencies at state level creates a challenge that could confound transborder cooperation in response to international terrorism. It is thus important to create a joint regional infrastructure that takes cognizance of these local realities and that proffers tangible remedial actions.

There is a need for mobile-based applications to enhance real-time information sharing among intelligence and tactical teams on terrorism-related issues during operations. This is should be backed up by adequate financing and domestication of the existing SOPs by each team.

E-policing and rapport with the community should be enhanced so as to enhance the sharing of information between police officers and the community on terrorism-related issues. Local capacities at community levels should thus be enhanced through

training, empowerment programs and curricular interventions at the all levels of learning in Kenya.

There should also be measures aimed at regulating the use of social media in response to terrorism. This would be tenable through multiagency cooperation between security forces and civilian government departments such as the Communications Authority of Kenya. This would be pivotal since it could be possible to monitor social media use by various actors during response interventions. Strategies should also be put in place to ensure that security agencies adhere to the set social media use guidelines in response to terrorism.



REFERENCES

- Aaron M. Hoffman, Dwaine H. A. Jengolley, Natasha T. Duncan, Melissa Buehler, and Meredith L. Rees, "How Does the Business of News Influence Terrorism Coverage? Evidence from the Washington Post and USA Today," *Terrorism and Political Violence* 22 (2010): 576.
- Alistair Millar and Eric Rosand, *Building Global Alliances in the Fight Against Terror*, Washington: Center on Global Counterterrorism Cooperation, 2008.
- Amnah Khalid Rashid, Mohamed Sofwan Ahmed Adhil "A Constructivist Response to Islamophobia and Counter Terrorism." *A Journal of multi-disciplinary research*, vol1 no 1 (sept 2017). P.1-15. On <https://www.academia.edu/37314461/A>
- Anderson, D. M., and McKnight, J. *Kenya at War: Al-Shabaab and Its Enemies in Eastern Africa*, African Affairs, 2014, pp.1-27.
- Angelina, Harutyunyan. "CBRN Terrorism: Response Mechanisms of INTERPOL" *Cranfield Defence and Security*
- Anne Speckhard, "Civil Society's Response to Mass Terrorism: Building Resilience" in *Combating Terrorism – Military and Non Military Strategies*, Rohan Gunaratna editor, Eastern Universities Press, Singapore, 2005.
- Asamba, M. (2019, 7th January). Anger, pain in the aftermath of Dusit attack. *Standard Digital*. <https://www.standardmedia.co.ke/article/2001309766/anger-pain-in-the-aftermath-of-dusit-attack-photos>
- Association of Concerned Africa Scholars, 'The politics of Africom' (Washington DC, Association of Concerned Africa Scholars, Bulletin 78, Washington DC, 2008), <<http://concernedafricascholars.org/analysis/acas-bulletin-78-africom-special-issue/>> (19 Jan)
- Background statement of the UN Counter-Terrorism Committee, <<http://www.un.org/sc/ctc/>> (2 January 2009)
- Bamrara, Atul. *The Challenge of Cyber Crime in India: The Role of Government*. *Pakistan Journal of Criminology* Volume 3, No. 3, Jan, 2012, pp. 127-134.
- BBC. (2018). Kenya profile-Timeline. Retrieved from <https://www.bbc.com/news/world-africa-13682176>

- Beth Elise Whitaker, 'Compliance among weak states: Africa and the counter-terrorism regime,' *Review of International Studies*, Vol. 36, No. 3 (July 2010), pp. 639-662. Cambridge University Press.
- Bjelopera, Jerome, P. Terrorism Information Sharing and the Nationwide Suspicious Activity Report Initiative: Background and Issues for Congress, 2011. CRS Report No. 7-5700, Washington, DC: Congressional Research Service, 2011), <https://fas.org/sgp/crs/intel/R40901.pdf>, 1.
- Boaz Ganor, Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter? (Aug. 1998), at <http://www.ict.org.il/articles/define.htm>.
- Bransford, S.D. "An Examination of Factors Affecting Information Sharing among Law Enforcement Agencies." Dissertations. 2012, 540. <https://aquila.usm.edu/dissertations/540>
- C. Campbell and J.J. Ma, 'Looking Forward, Looking Back: Drawing on the Past to Shape the Future of Marketing: Proceedings of the 2013 World Marketing Congress.' Cham: Springer International Publishing (2016).
- Caleb Mogoi Osoro, effectiveness of social media in crisis communication: the case of Westgate Mall attack, master's Thesis, 2017, University of Nairobi.
- Caponecchia, C. (2012). Relative risk perception for terrorism: implications for preparedness and risk communication. *Risk analysis*, 32(9), 1524-1534.
- Charles Hornsby, Kenya: A History since Independence, [London/New York: I. B. Tauris, 2012], p. 321
- Chiharu, M. A. (2015). Effects of Terrorism on International Tourists: A Case of Kenya. Doctoral dissertation. United States International University-Africa.
- China's Response to Counter-Terrorism under the BRICS Framework. BRICS International Forum. 28 January 2016
- Christian Walter, "Defining Terrorism in National and International Law," in *Terrorism as a Challenge for National and International Law: Security Versus Liberty?* ed. Christian Walter, Silja Vöneky, Volker Röben, and Frank Schorkopf (Berlin: Springer, 2004), 23–43.
- Creswell, John W. (2014). *Research design: qualitative, quantitative, and mixed methods approaches* (4th ed.). Thousand Oaks: SAGE Publications.
- Dan Riunga, 'Armed private security firms and Counter Terrorism in Kenya,' Master's Thesis, University of Nairobi (2019).

- Daniel Volman, 'US military activities in Kenya' (Association of Concerned Africa Scholars, Washington,) US Department of State, 'Kenya: security assistance' (US Department of State, Washington, DC, 2007).
- David C. Rapoport, 'The Four Waves of Modern Terror: International Dimensions and Consequences' in Hanhimäki, Jussi and Bernhard Blumenau, eds., *An International History of Terrorism: Western and Non-Western Experiences* (London: Routledge, 2013) and "Reflections on the Third or New Left Wave: 17 Years Later", in Alberto Martin Alvarez and Eduardo Re Tristan eds. *Revolutionary Violence and the New Left* (London: Routledge, 2017)
- David H. Shinn, "Al-Qaeda in East Africa and the Horn," in *Journal of Conflict Studies*, Nov., 2007, Vol. 27, No. 1, p. 56.
- Deanne Criswell, "Preparing for a Complex Coordinated Terrorist Attacks," [17th January 2018]. URL: <https://www.domesticpreparedness.com/preparedness/preparing-for-a-complex-coordinated-terrorist-attack/> Accessed: 14.04.18
- Donald Rothchild and Edmond J. Keller, *Africa-US Relations: Strategic encounters* (Lynne Rienner Publishers, Boulder, CO, 2006)
- E. Bakker, W. Maley and S. Boeke. "ICCT Research Report NATO Project: Transitioning from Military Interventions to Long-Term Counter-Terrorism Policy", the International Centre for Counterterrorism - The Hague (2016).
- Edward Mogire & Kennedy Agade Mkutu, "Counterterrorism in Kenya," in *Journal of Contemporary African Studies*, Vol. 29, No. 4, 2011, p. 474.
- Eric Rosand, 'Security Council Resolution 1373, the Counter-Terrorism Committee, and the fight against terror', *American Journal of International Law*, 97:2 (2003).
- Eric Rosand, 'The UN-Led Multilateral Institutional Response to Jihadist Terrorism: Is a Global Counterterrorism Body Needed?', *Journal of Conflict and Security Law*, 11:3 (2007), pp. 39
- Erik J. Dahl, "Local Approaches to Counterterrorism: The New York Police Department Model," *Journal of Policing, Intelligence and Counter Terrorism* 9, no. 2 (2014): 81.
- Foreign and Commonwealth Office, 'Global Opportunities Fund: Annual Report 2007' (FCO, London, 2008), p. 26.

- Francis A. Beer, Alice F. Healy, and Lyle E. Bourne Jr. “After Boston: Terrorism and Response” in e-ir.info. <http://www.e-ir.info/2013/05/13/after-boston-terrorism-and-response/>
- Frank Furedi, “Heroes of the Hour” *New Scientist*, 8 May, 2004 pg. 19.
- Frank, Foley “Constraining Britain’s Legal Response to Terrorism: Norm Competition and the Prospects for Liberal Democracy” in *European Journal on Criminal Policy and Research*. Springer Science+Business Media B.V. (2012). DOI 10.1007/s10610-012-9183-1
- Freischaffender, Historiker, ‘An Austrian approach: the response to international terrorism during the 1970s and 1980s,’ *JIPSS*, Vol.6, NR.1 (2012): 139-157.
- Gatuiku, P. Countering terrorism in the H of Africa: a case study of Kenya. Master’s Thesis. University of Nairobi, 2016.
- Giraldo, Jeanne K. and Harold A. Trinkunas. *Terrorism Financing and State Responses*. Stanford: Stanford Univ. Press, 2007.
- GoK, Prevention of Organized Crimes Act, 2010, Government Printer, Nairobi.
- GoK, Prevention of Terrorism Act 2013 Government Printer, Nairobi.
- GoK, Proceeds of Crime and Anti-Money Laundering Act 2011, Government Printer, Nairobi.
- Gonzales-Herrero, Alfonso and Smith, Suzanne. Crisis Communications Management 2.0: Organizational Perspective. *Journal of Contingencies and Crisis Management* 14.4, 2008.
- Gunaratna, R. (2017, February). Fighting Terrorism with Smart Power: The Role of Community Engagement and Terrorist Rehabilitation. In *Talking to the Enemy* (67-90). Nomos Verlagsgesellschaft mb H & Co. KG.
<http://frc.go.ke/downloads.html>
<https://www.africa-eu-partnership.org/en/projects/african-union-mission-somalia-amisom>
- Huntington, Samuel P. *The Clash of Civilizations and the Remaking of World Order*, New York, Simon & Schuster, 1996. P.256
- Isoke, Henry. The dilemma of porous borders: Uganda’s experience in combating terrorism. Master’s Thesis, 2015, Naval Post Graduate School, Monterey, California.

- J. Greenberg, T. Pyszczynski, and S. Solomon, 'the causes and consequences of a need for self-esteem: A terror management theory.' In R.F. Baumeister (ed.), *Public Self and Private Self*, New York: Springer-Verlag (1986).
- Jan Bachmann and Jana Hönke. 'Peace and Security' as Counterterrorism? The Political Effects of Liberal Interventions in Kenya. *African Affairs*, Vol. 109, No. 434 (Jan., 2010), pp. 97-114. Oxford University Press.
- Jeroen Gunning and Richard Jackson, "What's So 'Religious' about 'Religious Terrorism'?" *Critical Studies on Terrorism* 4, no. 3 (2011), 369–388.
- Jody R. Westby, *Countering terrorism with cyber security*, *Jurimetrics*, Vol. 47, No. 3 (Spring 2007), pp. 297-313.
- Jones, Seth G., Andrew Liepman, and Nathan Chandler, *Counterterrorism and Counterinsurgency in Somalia: Assessing the Campaign against Al Shabaab*. Santa Monica, CA: RAND Corporation, 2016. https://www.rand.org/pubs/research_reports/RR1539.html. Also available in print form.
- K Sasikumar State agency in the time of the global war on terror: India and the counter-terrorism regime. *Review of International Studies* 36 (3), 615-638
- Kibet, K.R. *Terrorism and Kenya's foreign policy: a contextual analysis*, 2016. Master's Thesis. United States International University - Africa
- Kothari, B. L. (2007). *Research Methodology: Tools and Techniques*. ABD Publishers.
- Leting, M. and J. Chepchirchir (2017). *Nyumba Kumi Strategy of Community Policing and Its Impact on Curbing Crime; Empirical Assessment from Kenya*. *IOSR Journal of Humanities and Social Science*, Volume 22, Issue 1, Ver. 4 (January 2017). pp 32-36.
- Linnéa Gelot, Adam Sandor. (2019) *African security and global militarism*. *Conflict, Security & Development* 19:6, pages 521-542.
- M. Asamba, *Anger, pain in the aftermath of Dusit attack*, *Standard Digital* (2019, 7th January). <https://www.standardmedia.co.ke/article/2001309766/anger-pain-in-the-aftermath-of-dusit-attack-photos>
- Macharia Munene (2011). *Reflections on Kenya's national and security interests*. *Journal of Language, Technology & Entrepreneurship in Africa* Vol. 3 No. 1
- Macharia Munene, 'Human rights and democracy in contemporary global security pro- motion as a goal of US foreign policy: African responses' in Makumi

- Mwagiru and Okello Oculi Rethinking Global Security: An African perspective (Heinrich Boll Foundation, Nairobi, 2006) pp. 40-60.
- Makumi Mwagiru. Dimensions of the Grand Strategy: Essays on Theory, Practice, Institutions and Mechanisms. (Nairobi, Thirty Three Consortium Publications, 2016)
- Maluki, P.M. (2019, January 21). How Kenya's security forces made sure they responded better this time. African Arguments. <https://africanarguments.org/2019/01/21/how-kenya-security-forces-responded-nairobi-attack/>
- Marc Cheong and Vincent C. S. Lee, 'A microblogging-based approach to terrorism informatics: Exploration and chronicling civilian sentiment and response to terrorism events via Twitter'' pringer Science + Business Media, LLC. 13 (29 September 2010). 45–59. 10.1007/s10796-010-9273-x
- Matt Bryden and Premdeep Bahra, 'East Africa's Terrorist Triple Helix: The Dusit Hotel Attack and the Historical Evolution of the Jihadi Threat,' combatting terrorism center, Vol 2 Issue 6 (2019): 1-712,
- McCauley, C., & Moskalenko, S. (2008). Mechanisms of political radicalization: Pathways toward terrorism. *Terrorism and political violence*, 20(3), 415-433.
- McKenzie, B. (2014 August 8). U.S. and Kenya Sign Customs Mutual Assistance Agreement. *International Trade Compliance Blog*. Accessed August 29, 2019 from: <https://www.internationaltradeupdate.com/2014/08/08/u-s-and-kenya-sign-customs-mutual-assistance-agreement/>
- Miyandazi, L. Kenya's military intervention in Somalia: An intricate process. *Policy and practice brief issue* (2012), November, 19.
- N.D Shortland, H. Sari, M. Palasinski, E. Nader, and C. Hilland Murder on Maneuver: Exploring green-on-blue attacks in Afghanistan. *Armed Forces and Society*, 2018.
- Naeem Ahmed. Pakistan's Counter-terrorism strategy and its Implications for domestic, regional and international security. 2014.
- Opon, D.O., Okoth, P.G., & Onkware, K. Immigration Border Control Human Resource Challenges and Opportunities Affecting Counter-terrorism Strategies in Kenya. *International Journal of Education and Research*, (2015), Vol.3, issue 5,301-314. Accessed 12 November 2015 from: <http://www.ijern.com/journal/2015/May2015/26.pdf>

- Parkinson, Jennifer, "The Cost of Inadequate Training," *Western Journal of Criminal Justice*, Vol. 3, No. 1, 2011.
- Patrick Maluki, 'Kenya security forces performed better but still there are gaps,' *Research gate* (2019): 1-3
- Pellerdi, Rezso; Berek, Tamas (2009): *Redefining the CBRN Risk Assessment, Security*, Vol. 8, No. 1 (Budapest: Miklos Zrinyi National Defence University), 159–172, p. 160.
- Peter Romaniuk and Tracey Durner (2018) *The politics of preventing violent extremism: the case of Uganda*, *Conflict, Security & Development*, 18:2, 159-179, DOI:10.1080/14678802.2018.1447863
- R. Prinz, 'Terror Management Theory: What role do Cultural World Views play in the cause and prevention of terrorism?' München: GRIN Verlag GmbH. (2011).
- Rabasa, Angel. *Radical Islam in East Africa*. Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation, 2009. www.jstor.org/stable/10.7249/mg782af.
- Raymond Muhula, 'Kenya and the global war on terrorism' in John Davis (ed.), *Africa and the War on Terrorism* (Ashgate, Aldershot, 2007), pp. 43- 60
- Rudolph, Christopher (2006) *National Security and Immigration; Policy Development in the United States and Western Europe Since 1945*. California: Stanford University Press
- Samini Magogo, *The effectiveness of counter terrorism strategies in Kenya: a case study of Eastleigh Location, Nairobi County*, Master Thesis, University of Nairobi, 2017.
- Sarah Iischer, 'Winning hearts and minds in the heart of Africa', *Harvard International Review* (March 2007), <<http://www.harvardir.org/articles/1481/>> (31 December 2008)
- Simon, T., Goldberg, A., Aharonson-Daniel, L., Leykin, D., Adini, B. *Twitter in the Cross Fire—The Use of Social Media in the Westgate Mall Terror Attack in Kenya*. *PLoS ONE*, (2014, 9(8): e104136.
- Stephen Gichuhi Kimotho and Carolyne Nyaboe Nyarang'o, 'Role of Social Media in Terrorism Crisis Communication: A Case of Westgate Mall Terror Attack in Nairobi,' *International Journal of Information Systems for Crisis Response and Management (IJISCRAM)*, Volume 11, Issue 1 (2019): 18.

- T. Pyszczynski, J. Greenberg, S. Koole and S. Solomon, Experimental existential psychology: Coping with the facts of life. In S. Fiske, D. Gilbert, & G. Lindzey (Eds.), Handbook of social psychology. London: John Wiley and Sons (2010).
- UN General Assembly, International Convention for the Suppression of the Financing of Terrorism, 9 December 1999, No. 38349, available at: <https://www.refworld.org/docid/3dda0b867.html> [accessed 6 January 2020]
- UN Security Council, Letter dated 2002/09/29 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning Counter-terrorism addressed to the President of the Security Council, 31st July 2002, S/2002/856, p 3.
- UN Security Council, Security Council resolution 1373 (2001) [on threats to international peace and security caused by terrorist acts], 28 September 2001, S/RES/1373 (2001), available at: <https://www.refworld.org/docid/3c4e94552a.html> [accessed 6 January 2020]
- UNHRC, The Error of Fighting Terror with Terror: Preliminary Report of KNCHR Investigations on Human Rights Abuses in the Ongoing Crackdown against Terrorism, September 2015, Accessed on January 5, 2020 from: <http://www.knchr.org/Portals/0/CivilAndPoliticalReports/Final%20Disappearances%20report%20pdf.pdf>
- Vincent K. Ngeno, 'The Influence of Counter Terrorism Measures in Kenya,' Master's Thesis, University of Nairobi (2019).
- Waxman, Dov. "Living with Terror, Not Living in Terror: The Impact of Chronic Terrorism on Israeli Society." *Perspectives on Terrorism* 5, no. 5/6 (2011): 4-26.
- Weinberg, L.B., Eubank, W.L., & Francis, E.A. (2008). The cost of terrorism: The relationship between international terrorism and democratic governance. *Terrorism and Political Violence*, 20(2), 257-270.
- Wickramasekara, A.P. Transnational organized crime and new terrorism in Sri Lanka: a nexus? Master's Thesis, 2017. Naval Post Graduate School, Monterey, California.
- Yamane, Taro. *Statistics: An introductory analysis*. Harper & Row; 3rd edition (1973).

Yengoude, E.A. The Enemy Achieves Surprise: Are Intelligence Failures Avoidable?

Journal of Political Sciences & Public Affairs, 2017, 5, 4.

Zhang Yunbi, "China, U.S. Hold Talks on Terror Fight." U.S. Department of State,
Country Reports on Terrorism 2014.



APPENDICES

APPENDIX I: QUESTIONNAIRE

The questionnaire aims at seeking information about responses to international terrorism in Kenya with special reference to Dusit D2 and Westgate terror attacks. Please answer the questions by ticking or filling in the spaces provided. Your participation is on a voluntary basis, and all information provided will be held confidentially and only used for purposes of this study.

SECTION A: GENERAL INFORMATION

1. Under which operations team do you serve?

KDF SoF terror related

NPS Recce terror related

ATPU Officers

Policy Level Officers

2. For how long have worked in your force?

1-5 years 6-10 years 11-15 years 16-20 years

21-25 years 26-30 years More than 30 years

3) What is your highest level of formal education?

Secondary Diploma Degree Post Graduate PhD

SECTION B: STRATEGIC MULTI-AGENCY POLICIES ON COORDINATION IN RESPONSE TO TERRORISM IN KENYA

4. This section sets out to investigate the existence or lack thereof of strategic multi-agency policies on coordination in response to terrorism in Kenya. Please rate your level of agreement with the following statements on a scale of 1=Strongly Disagree; 2=Disagree; 3=Not Sure; 4=Agree; 5=Strongly Agree.

| Statement | Likert-Scale | | | | |
|-----------|--------------|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |

1. Kenya is yet to come up with policies aimed at fine-tuning multiagency coordination of response to terrorism
 2. Kenya borrows from United Nations Security Council (UNSC) resolutions to prevent and suppress terrorism
 3. Kenya has policies for synchronizing the operations of various primary responders to terrorism such as the police and affiliated units (e.g. GSU, ATPU, RECCE Company of GSU in Kenya) as well as the military
 4. There are clear policies in Kenya aimed at enhancing the involvement of the military in supporting the police in track and trace processes as well as responding to actual terror activities.
5. In which other ways do you rate the existence of strategic multi-agency policies on coordination in response to terrorism in Kenya?

SECTION C: STRUCTURAL AND LEGAL FRAMEWORKS GUIDING MULTI-AGENCY OPERATIONS ON COUNTERING TERRORISM IN KENYA

6. This section sets out to examine the existing or lack thereof of structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya. Please rate your level of agreement with the following statements on a scale of 1=Strongly Disagree; 2=Disagree; 3=Not Sure; 4=Agree; 5=Strongly Agree.

| Statement | Likert-Scale | | | | |
|---|---------------------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 4 | 5 |
| 1. Kenyan security forces often use their legal instruments of violence to terrorize citizens in antiterrorism campaigns and this challenges the cooperation of locals in the fight against terrorism | | | | | |
| 2. There has been an increased drive in unifying the measures taken to prevent, punish and combat terrorism in Kenya | | | | | |
| 3. Due to the open clause towards what media can cover during terror attacks, Kenya has not been able to ensure operational security in response to terrorism | | | | | |
| 4. There is a clear understanding of the terror financing act and anti-money laundering act by the various intelligence teams in Kenya | | | | | |
| 5. Support from international security frameworks like the international convention for the suppression of | | | | | |

the financing of terrorism (1999) and Security Council resolution 1373-2001 has helped Kenyan intelligence teams in the fight against terrorism

6. Kenya is part of international efforts aimed at training together, commonizing policies, legislating laws and signing treaties on extradition, sharing of intelligence, forming multiagency task forces, creating combined and joint centers of operations and intelligence among other areas
7. Multi-lateral training institutes such as the international peace support training center in Karen have enhanced the capacity of local intelligence and tactical teams to respond to terror threats.

7. In which other ways do you rate the structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya?

SECTION D: SUCCESSES AND FAILURES BORNE OUT OF HAVING/NOT HAVING A MULTI-AGENCY LAWS, POLICIES, DOCTRINES AND STRATEGIES REGARDING TERROR RESPONSE COORDINATION

8. This section sets out to investigate the successes and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination. Please rate your level of agreement with the following statements on a scale of 1=Strongly Disagree; 2=Disagree; 3=Not Sure; 4=Agree; 5=Strongly Agree.

| Statement | Likert-Scale | | | | |
|---|---------------------|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| Kenya has effectively tightened border security, heightened technical surveillance and enhanced ICT counterterrorism capabilities due to multiagency coordination of response to terrorism | | | | | |
| There is poor sharing of intelligence on terrorism among the various security agencies in Kenya | | | | | |
| There is poor coordination of efforts aimed to check terror group financing among governments departments like Defence, Intelligence, Police, treasury, banks and the private sector in Kenya | | | | | |
| Although there are clear frameworks on the synchronization of response to terrorism there is a disconnect in their operationalization | | | | | |
| Exchange programs and sponsored course abroad has enhanced the capacity of local intelligence forces and tactical teams to respond to terror attacks | | | | | |
| Kenya faces challenges related to uneven capacity in | | | | | |

terms of training, equipment, technology and, know-how between the various responders to terror and this has a significant impact on the success of such responses

There is a lack of a common curriculum, doctrine and modus operandi between various response teams and this tends to kill the multi-agency setup

Poor arming of intelligence teams has often seen terrorist organizations such as al-Shabaab flush police out of their posts or even overran military defensive positions.

Corruption has led to the influx of illegal and untaxed goods from Somalia into Kenya whose proceeds have aided the al-Shabaab terror group.

Intelligence sharing with combined multi-country-multi-agency task force such as the combined Joint Task Force-Horn of Africa has enhanced the capacity of Kenya to respond to international terrorism

8. In which other ways do you rate the success and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination?

*****END*****



APPENDIX II: INTERVIEW GUIDE

1. Are there strategic multi-agency policies on coordination in response to terrorism in Kenya? Please explain
2. Are there structural and legal frameworks guiding multi-agency operations on countering terrorism in Kenya? Please explain
3. What are the success and failures borne out of having/not having multi-agency laws, policies, doctrines, and strategies regarding terror response coordination? Please explain



ALBERT LUSIOLA THESIS FINAL OCT.doc

ORIGINALITY REPORT

| | | | |
|------------------|------------------|--------------|----------------|
| 10% | 9% | 5% | 5% |
| SIMILARITY INDEX | INTERNET SOURCES | PUBLICATIONS | STUDENT PAPERS |

PRIMARY SOURCES

| | | |
|----------|--|---------------|
| 1 | www.tandfonline.com Internet Source | <1% |
| 2 | clas-pages.uncc.edu Internet Source | <1% |
| 3 | www.rug.nl Internet Source | <1% |
| 4 | portal.idc.ac.il Internet Source | <1% |
| 5 | erepository.uonbi.ac.ke Internet Source | <1% |
| 6 | info.mzalendo.com Internet Source | <1% |
| 7 | Submitted to Kenyatta University Student Paper | <1% |
| 8 | hdl.handle.net Internet Source | <1% |
| 9 | www.aljazeera.com Internet Source | <1% |



Strathmore
UNIVERSITY

16th April 2020

Mr Musoma Lusola, Albert
albertmike84@gmail.com

Dear Mr Musoma,

RE: Coordination in Multiagency Response to International Terrorism: A Comparison Between Dusit D2 And Westgate Mall Terror Attacks

This is to inform you that SU-IERC has reviewed and approved your above research proposal. Your application approval number is SU-IERC0754/20. The approval period is 16th April 2020 to 15th April 2021.

This approval is subject to compliance with the following requirements:

- i. Only approved documents including (informed consents, study instruments, MTA) will be used
- ii. All changes including (amendments, deviations, and violations) are submitted for review and approval by SU-IERC.
- iii. Death and life threatening problems and serious adverse events or unexpected adverse events whether related or unrelated to the study must be reported to SU-IERC within 72 hours of notification
- iv. Any changes, anticipated or otherwise that may increase the risks or affected safety or welfare of study participants and others or affect the integrity of the research must be reported to SU-IERC within 72 hours
- v. Clearance for export of biological specimens must be obtained from relevant institutions.
- vi. Submission of a request for renewal of approval at least 60 days prior to expiry of the approval period. Attach a comprehensive progress report to support the renewal.
- vii. Submission of an executive summary report within 90 days upon completion of the study to SU-IERC.

Prior to commencing your study, you will be expected to obtain a research license from National Commission for Science, Technology and Innovation (NACOSTI) <https://oris.nacosti.go.ke> and also obtain other clearances needed.

Yours sincerely,


Dr Virginia Gichuru,
Secretary; SU-IERC

Cx Prof Fred Were,
Chairperson; SU-IERC



Ole Sangale Rd, Madaraka Estate, PO Box 59857-00200, Nairobi, Kenya. Tel +254 (0)703 034000
Email info@strathmore.edu www.strathmore.edu



REPUBLIC OF KENYA



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION

Ref No: 436239

Date of Issue: 15/May/2020

RESEARCH LICENSE



This is to Certify that Mr. ALBERT MUSOMA LUSIOLA of Strathmore University, has been licensed to conduct research in Lamu, Mandera, Mombasa, Nairobi on the topic: Coordination In Multiagency Response To International Terrorism In Kenya: A Comparison Of Dusit D2 And Westgate Terror Attacks for the period ending : 15/May/2021.

License No: NACOSTIP/20/4902

436239

Applicant Identification Number

[Handwritten Signature]

Director General NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION

Verification QR Code



NOTE: This is a computer generated License. To verify the authenticity of this document, Scan the QR. Code using QR scanner application.