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A CRITICAL ANALYSIS OF THE NATIONAL INTELLIGENCE  
COMMUNITY IN THE WAR ON TERRORISM IN KENYA

JUDY MAREBE AINEA

Submitted in partial fulfilment of the requirements for the Degree of Master of Arts in  
Diplomacy, Intelligence and Security at  
Strathmore University



SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

STRATHMORE UNIVERSITY

NAIROBI, KENYA

November, 2021

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Judy Marebe Ainea

10<sup>TH</sup> November, 2021

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## ABSTRACT

There have been concerted efforts by the National intelligence community to fight terrorism in Kenya in the wake of rampant terrorist attacks. This study sets out to critically analyse the role of the intelligence community in the war on terrorism in Kenya. Its objectives are to examine the effectiveness of the intelligence community to combat terrorism in Kenya; establish the causes of intelligence community failures in the fight against terrorism in Kenya and; suggest ways in which the efficacy of intelligence community in Kenya can be enhanced. Based on the rational choice theory, this study adopts the exploratory and descriptive research designs. The target population is the personnel employed in the security agencies intelligence agencies and intelligence communities: Kenya defense Forces (KDF), Kenya Police services, military intelligence services and national intelligence services in Kenya estimated at 400 persons. Out of these, a sample of 90 persons were obtained proportionately using the purposive sampling technique. Both primary and secondary data collection techniques were employed. Questionnaires and interviews were used to collect primary data. Additionally, relevant secondary data was obtained from reports, journals and books among publications. Quantitative and qualitative techniques were used in data analysis. In this regard, the data collected from questionnaires were subjected to descriptive and inferential statistics. This was done through the help of the Statistical Package for the Social Sciences (SPSS) version 24. The findings were presented in charts and tables. Conversely, qualitative data analysis was guided by Miles and Huberman's framework of thematic analysis. The method suggests the use of four critical steps intended for extracting meanings from data collected from participants. The findings show that there were improvements in intelligence gathering in Kenya. However, the efficiency with which the intelligence community operated was challenged by poor coordination mechanisms. Bureaucracies also challenged information dissemination within the counterterrorism agencies and organizations. There were limitations related to missed or delayed signals. Lack of sufficient numbers of intelligence personnel also limited the efficiency of the intelligence community. Corruption also created security vulnerabilities since it lead to compromise of intelligence operations. Poor interagency cooperation has also limited the capacity of the intelligence community. Poor regional and international policy frameworks mean that joint counterterrorism initiatives could not be implemented effectively. Inadequate financing and training also limited the responsiveness of the intelligence community to the dynamism of terrorism. The challenge of training has also negatively impacted on the intelligence end product which has as a result compromised counterterrorism operations. Challenges related to local legislation means that the intelligence community operated in a vacuum. Several recommendations were made. These include: regular training to of the intelligence community; strengthening cooperation with regional and international intelligence organizations; enacting facilitative laws to limit legal constraints; implementing interagency cooperation strategies; ensuring adequate financing; deploying enough personnel and establishing a terrorism research department.

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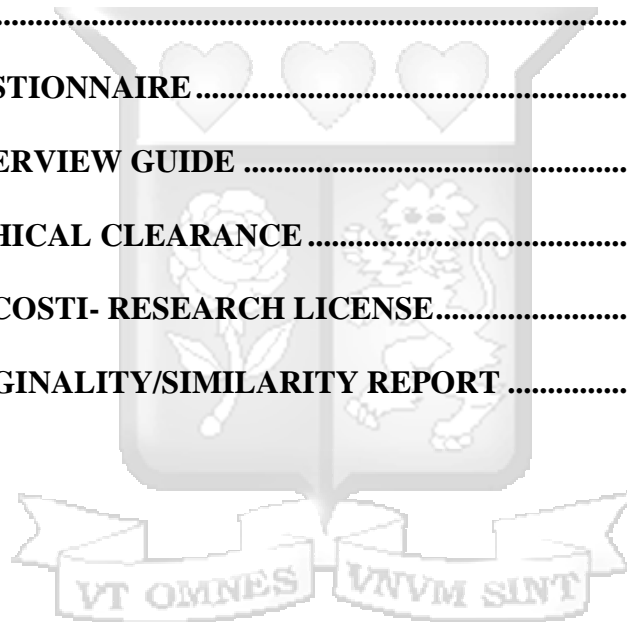
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## ABBREVIATIONS & ACRONYMNS

AMISOM-	African Mission in Somalia
ATPU -	Anti-Terrorism Police Unit (Kenya)
AQ -	Al-Qaida
AS -	Al-Shabaab
CT-	Counter Terrorism
EC -	Economic Communities
FBI-	Federal Bureau of investigation
GSU -	General Service Unit (Paramilitary wing of Kenya's NPS)
IGAD -	Inter-Governmental Authority on Development
IS -	Islamic State
IS -	Islamic State
KDF -	Kenya defense Forces
NACTEST -	National Counter Terrorism Strategy
PLO -	Liberation or Organisation
NIS -	National Intelligence Service
Recce -	Reconnaissance Platoon of the GSU
SF -	Special Forces
SPSS -	Statistical Package for the Social Sciences
TFG-	Transitional Federal Government
UN-	United Nations
US -	United States

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## DEDICATION

I dedicate this research to my family who have sacrificed so much, supported and stood by me in every step in this academic journey.



# CHAPTER ONE

## INTRODUCTION

### 1.0 Introduction

Following the September 11 attack on the world Trade Centre, and the Pentagon, a “floating coalition” of nations has been cooperating with the united states in the pursuit of terrorists, exchanging data, arresting suspects and coordinating activities.<sup>1</sup> With the global increase in terror threat and the impossibility of securing all the possible terror targets, from an indescribable enemy, there is need to have an effective intelligence system. The task of providing intelligence is vested upon the intelligence community. The intelligence community is the body comprising of the various intelligence agencies and security organizations responsible (separately yet together) of collecting information, analyzing it disseminating it to policy makers and commanders to inform policy making. In most cases, although much of the processes are done separately by each intelligence agency, there is a multiagency cell responsible for fusion of the intelligence to reach a common ground on the reality of the threat situation and guiding on the assignment of the most appropriate intervention measures. Intelligence communities need to intensify their collection capabilities and strengthen their cooperation and intelligence sharing in effort to combat the menace of terrorism. Aggressive collection of intelligence on terrorist organizations is vital in the war on terrorism. Timely accurate and relevant intelligence is necessary for penetrating and disintegrating terrorist networks identifying and cutting off their financiers, supplies and logistic support, and disrupting their ability to carry out their operations.

Although terrorism existed for over a century ago its securitization was not emphasized before as it became after the September 11 attack on the World Trade Centre and the Pentagon. The USA felt the need to protect its people and their interests both within and

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<sup>1</sup> General Wesley K. Clark, *Winning Modern Wars, Iraq Terrorism and the American Empire*, USA Public Affairs(2006) P.104

outside the US. The USA has spearheaded the war on terrorism since the September 11 terrorism attack. This has been through deployment of intelligence agencies(FBI), provision of technical support and giving advice to enhance intelligence collection and processing as well as surveillance and target acquisition in support of its various partner states all over the world to cover the intelligence needs to fight terrorism. This is achieved through collaboration with the intelligence communities of the partner states.

Many countries in Africa have experienced serious attacks in the hands of terrorism. For instance the horn of Africa is currently fighting the Al-Qaeda linked Al-Shabaab terrorists who have been operating and terrorizing Somalia for decades now. In the course of their operations in Somalia, AMISOM troops have been ambushed severally in their defensive positions in such a manner as to suggest that there was no intelligence necessary for prediction the impending attack and if there was, serious lapses existed that led to those deadly attacks. Ethiopian, Burundian, Kenyan, Somalia's Transitional Federal Government (TFG) troops and other troops operating under African Mission in Somalia (AMISOM) have been involved in several deadly attacks. In some, troops involved fought successfully while in others, there was serious failures that led to great losses notably the El Ade and the Kolbiyo attacks. These failures could be blamed on the whole process in the intelligence cycle all through to policy and decision making. Where there is information and the analysts fail to join the dots, where there is intelligence and it fails to reach the correct user, or the policy makers fails to make the appropriate decisions, the result is failure. This seems to be the case from the many recorded terror attacks within the country as well as against AMISOM troops in Somalia.

Within the country, Kenya has experienced serious terror attacks among them, the West Gate mall attack, the Garissa University attack, the Mpeketoni attack and the most recent Manda airport attack among others. In all these attacks, blame has been directed to the shortcoming

of the intelligence community. The military, as argued by Macharia Munene,<sup>2</sup> and intelligence community. Randol,<sup>3</sup> play pivotal roles in the war on terrorism. This can be attested by the ever increasing body of research on this role the world over. A superficial assessment extant research literature shows that scholars and policymakers have attempted to conceptualize the concept of intelligence in different, and sometimes divergent, contexts. There are currently no universally agreeable description of the concept given that the concept has been approached in different contexts, whether in the context of counterterrorism or education.<sup>4</sup> Among the most significant rationales for intelligence is predicting where security threats may be found in the future.<sup>5</sup> Security intelligence should be seen as “the threat of major, politically motivated violence, or equal grievous harm to national security or the economy, inflicted within the nation’s territorial limits by international terrorists, home-grown terrorists, or spies of saboteurs employed or financed by foreign nations.”<sup>6</sup> With respect to the context of the military, Stephen and others concluded that intelligence should be defined as a response to a certain issue or question that has been framed to offer a foundation for strategic actions, which has to be presented to certain groups of person who are mandated to act. Accordingly, it is plausible to argue that the concept of information and the concept of intelligence are divergent, and, therefore, collecting information does not amount to “competitive intelligence.”<sup>7</sup>

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<sup>2</sup> Macharia Munene, *Reflections on Kenya’s national and security interests*, Journal of Language, Technology & Entrepreneurship in Africa 3: 1 (2011).

<sup>3</sup> Mark Randol, *Homeland Security Intelligence: Perceptions, Statutory Definitions*, 2009, p.9 < <https://fas.org/sgp/crs/homesecc/R40602.pdf>>

<sup>4</sup> Matey Gustavo, *Intelligence Studies at the Dawn of the 21st century : New possibilities and Resources for a recent topic in international relations*, University of Salford (2005) p 29–30.

<sup>5</sup> Mark Randol, *Homeland Security Intelligence: Perceptions, Statutory Definitions and approaches*, CSR Report for Congress, DIANE Publishing, (2010) p.9

<sup>6</sup> Mark Randol, *Homeland Security Intelligence: Perceptions, Statutory Definitions and approaches*, CSR Report for Congress, DIANE Publishing, (2010) p.9

<sup>7</sup> Stephen E. Rudolph, Ernest R. Gilmont, Andrew S. Magee, and Nancy F. Smith, *Technology Intelligence: A Powerful Tool for Competitive Advantage*, *Prism*, 2:1 (1991), p.36.

Richard Hughbank and Don Githens define intelligence as “both a process and a product and has played an important role in diplomacy and warfare throughout history.”<sup>8</sup> The process of collating crucial operational intelligence has been defined variedly with emphasis on how wars have traditionally been fought contingent on varied types of intelligence. Hughbank and Githens observe that recently, activities that have characterized the War on Terror have witnessed scenarios whereby intelligence analysis plays a decisive function in ensuring defensive and offensive operations in Afghanistan and Iraq.<sup>9</sup>

Accordingly, it is clear, therefore, that the concept of intelligence has been interpreted differently in research. The most conventional form of definition positions intelligence as information gathered under cover by means of espionage or other methods of collecting data. On average, intelligence may not be acted on instantly. Instead, it is often collected to offer a long-term perspective of a problem to assist in structuring long-term interventions.<sup>10</sup> It differs from information, which is collected using open source prior to being collated in nearly the same manner as intelligence in order to present a highly strategic perspective of a phenomenon in question. The difference between the two is that collecting of information usually does not entail use of electronic surveillance. Traditionally, national level and local level law-enforcement agencies have characteristically taken part in collecting of evidence and information. Such roles have a potential to boost gathering of counterterrorism intelligence in many ways. For instance, collecting of information and evidence are critical in shaping future traditional intelligence efforts.<sup>11</sup> Additionally, evidence gathering advance conventional intelligence activities in particular situations. In the war on terrorism robust intelligence collection, processing dissemination and timely action is the only sure way of

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<sup>8</sup> Richard Hughbank and Don Githens, *'Intelligence and Its Role in Protecting Against Terrorism'*, Journal of Strategic Security 1:3 (2010) .p.31

<sup>9</sup> Hughbank and Githens, *Intelligence and Its Role in Protecting Against Terrorism*, Journal of Strategic Security 3, no. 1 (2010). p31-38. Accessed October 20, 2020. <https://www.jstor.org/stable/26462996>.

<sup>10</sup> Riley, J., Treverton, G., Wilson, J. & Davis, L. *State and local intelligence in the war on terrorism*. Arlington: Rand. (2001). p.2

<sup>11</sup> Ibid, 2

effectively defending the targets and victims. The Kenyan National intelligence community has continued to play this this role over the years since the securitization of terrorism threat. While the country continues to fight terrorism from various fronts: internationally, regionally and nationally, the country continues experience threats, mounting pressure on the intelligence community to be more pre-emptive in predicting and countering terror threats. While this study assesses the role played by the intelligence community in the war on terrorism in Kenya, it seeks to understand the extent to which the IC through provision of relevant counterterrorism intelligence has aided in preventing terrorism in the country. It also seeks to bring to light some factors that affect the intelligence process and provide an understanding of the underlying issues impeding the intelligence community's effort and propose the strategies that can be employed alongside the intelligence process to ensure the IC and the national security organs acquire accurate and relevant intelligence needed in CT and eventually avoid ensure success.

### **1.1 Background to the Study**

The war on terrorism requires a proper understanding of the complex issues connected to terrorism. Terrorism has continued to define relations and interaction of states as well as influence the foreign policies of states towards others worldwide. There will be moreover enormous leap in the lethality of terrorist actions and fundamental changes in terrorist organizational, structures, technologies strategies and tactics. These will require corresponding, and to the extent possible, pre-emptive counter-terrorism responses that can only be based on deeply analytical, rigorous and scientific study of past and present trends as well as the emerging ideological, geopolitical, and technological imperative.<sup>12</sup> In the aftermath of September 11 2001 terrorist attacks, the US Federal Bureau of Investigation (FBI) was widely criticized for failing to prevent the strikes on the World Trade Centre and

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<sup>12</sup> K.P.S Gill. *Terror and Containment, Perspectives of India's Internal security*. Gyan Publishing house (2001) p 42

the Pentagon. This historic occurrence led to global securitization of the war on terrorism and the USA intensified its pursuit for the terrorists beyond its borders. The various terrorist attacks especially on US targets both within US and beyond the borders led to the America's adoption of protectionist kind of foreign policy where focus was on protection of America's people and interests within and beyond its borders. In the current environment, the threat of terrorism is a major shaping force of many nations' international and domestic security policies<sup>13</sup> as well guiding the operations of the intelligence community. Intelligence community (IC) according to the USA is a group of separate government intelligence agencies and subordinate organizations that work separately and together to conduct intelligence activities to support the foreign policy and the national security of the US. RAND corporation defines intelligence community as comprising of the many agencies and organizations responsible for intelligence gathering, analysis and other activities that affect foreign policy and national security.<sup>14</sup> This study adopts a similar definition where the IC is defined as a group of intelligence agencies from various government organizations as well as nongovernmental agencies that work separately, and together though centralized coordination and whose mission is collection of information, processing and dissemination of the intelligence to the relevant consumers. Their effort is geared towards national security. In the Kenyan context, the IC comprises of Military intelligence component, National Intelligence Service, the National Police Intelligence component and other subordinate organization involved in the intelligence process.

War on terrorism involves all efforts by the security agencies of a state to collect information about the plans and operations of terror organizations and individuals, their plans and intentions, motivations, motives sources of financial and logistical support, sympathizers and their capabilities with an aim of dislocating them. The objective of this is preventing hostile

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<sup>13</sup> "Countering the Changing Threat of International Terrorism", *Report on the National Commission on Terrorism*, pursuant to Public Law 227,105<sup>th</sup> Congress

<sup>14</sup> "American association for Public Opinion" *Documentary Number EP-51174*, [http://en.wikipedia.org/wiki/United\\_states\\_intelligence.gov](http://en.wikipedia.org/wiki/United_states_intelligence.gov)

acts either at the source or at the target site through development of the most effective strategy to counter all their plans before they are executed. War on terrorism involves disintegration of the terrorist cells to such an extent that they are not able to communicate, think coordinate or even execute any plan. It involves strategies aimed towards fighting terrorism from its sources while ensuring the protection and hardening the target. This cannot happen without a robust and effective system of intelligence, capable of wide area coverage in terms of collection, processing and sharing intelligence with the relevant security elements in a timely manner.

Many countries in the world have approached terrorism from the realist point of view, using the military forces as the means to fight terrorism. While acts of terrorism are criminal in nature, treating them as common crime has not been the best way to address the problem either. Kenya, like the USA, Tunisia, Congo, Nigeria and other states have attempted to fight terrorism through deployment of the military forces. Kenya deployed troops in Somalia in the year 2011 under the operation Linda Nchi and later Joined AMISOM. Although this deployment had some gains in the initial stages of deployment of troops in Somalia, we are still far from winning the war on terrorism after a decade of the deployment. In most cases, the use of forces has not been appropriate for fighting terrorism since terrorists are not a conventional army and due to their ability to melt into the population, it is not easy to determine who terrorists are. For the IC to work effectively they must have a strong collaboration with the National security organs and national law enforcement organs, that is the military and national police as well as policy makers. National and local law enforcement agencies play a critical role in intelligence gathering. They are the eyes and ears in the war on terrorism.”<sup>15</sup> By routinely taking part in deterrence and response to terrorism, National and

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<sup>15</sup> Riley, J., Treverton, G., Wilson, J. & Davis, L. *State and local intelligence in the war on terrorism*. Arlington: Rand. (2001). p.1

local law enforcement agencies are known to be at a strategic position to gather, glean, and share intelligence that activates support in ‘war on terrorism.’

Terrorism in Kenya can be traced back from the 1980’s attack on the Jewish owned Norfolk hotel where the Palestinian Liberation Organization (PLO) claimed the attack. This was followed by the 1998 Al-Qaida attack on the US embassy in Nairobi which was then followed by the 2002 attack on the Israeli owned Paradise hotel. During this time, terrorism was a much new phenomenon that was not given much attention. Focus was more on the external terrorists and mostly on foreign targets. In the context of Kenya’s counterterrorism efforts, intelligence-gathering powers have since 1998 concentrated on the National Intelligence Service (NIS), which was formed as a replacement of the Special Branch. A 2017 report by the Privacy International indicates, throughout the 2000s, Kenya’s surveillance capability was blurred, forcing the media to only rely on anecdotal surveillance reports.<sup>16</sup> Focus on domestic terrorism during the early 2010s brought in new advancements when Communications Commission of Kenya (CCK) initiated systems for monitoring outgoing and incoming internet traffic. Additional developments included the passage of the National Intelligence Service Act and the Prevention of Terrorism Act Two important acts in 2012 to advance state agencies’, particularly the National Intelligence Service Act (NIS), surveillance capabilities.<sup>17</sup>

Prior to 2010, Kenya’s counterterrorism efforts were held back by the nonexistence of a legal framework for prosecuting terrorism acts. Subsequent changes, such as the passage of Security Laws (Amendment) Act in 2014 revolutionized 20 already established legislations to reinforce the Kenyan anti-terror legislative framework.<sup>18</sup> In turn, the Security Laws (Amendment) Act in 2014 led to the creation of state agencies like Anti-Terrorism Police

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<sup>16</sup> “In Kenya, communications surveillance is a matter of life and death”. Privacy International. (2017). P11

<sup>17</sup> Ibid, 11

<sup>18</sup> Oscar Gakuo Mwangi, “How Kenya is managing security 20 years after the Nairobi blast.” The Conversation. (2018), p1

Unit to engage in the ‘war on terror.’ It also mandated the Kenya Defence Forces to participate in the war on terror. Today, intelligence that the National Intelligence Service (NIS) gains through an interception of telephone communications is often shared with Kenya Police units like the Anti-Terrorism Police Unit (ATPU) and GSU-Recce Company to inform their counterterrorism operations.<sup>19</sup> The information that NIS acquires through communications surveillance forms the core of counterterrorism cycle like “surveillance, profiling, locating, tracking, and arresting targets to abuse, torture, abduction, and extrajudicial killing.”<sup>20</sup>

Since, 2011, the government’s counterterrorism budget- has been on the increase. In 2017, for instance, the government allocated some Ksh 124 billion to the NIS and Kenya Defense Forces (KDF), indicating an increase from Ksh 98 billion a year before. In spite of such glaring advancements, a 2017 report by Privacy International reveals that counterterrorism operations in Kenya have been unusually vicious, disproportionate and far from being effective because of impunity and corruption.<sup>21</sup> The report further provides instances where intelligence gathering by state agencies have been undertaken with oversight and in contravention of the Kenyan law.<sup>22</sup> Another critical problem is the lack of coordination among state agencies involved in counterterrorism.<sup>23</sup> This current study envisages that effectiveness levels and intelligence lapses could affect the efficacy of military and intelligence agencies to combat terrorism. In the backdrop of these glaring challenges, the study sets out to critically analyze the role of the intelligence community in the war on terrorism in Kenya, the challenges experienced and recommend the ways to improve the IC and its effort in fighting terrorism.

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<sup>19</sup> In Kenya, communications surveillance is a matter of life and death”. Privacy International. (2017). P.7

<sup>20</sup>Ibid, 1

<sup>21</sup> In Kenya, communications surveillance is a matter of life and death”. Privacy International. (2017). P.8

<sup>22</sup>Ibid, 7

<sup>23</sup> Oscar Gakuo Mwangi, “How Kenya is managing security 20 years after the Nairobi blast.” The Conversation, (2018), p.1

## 1.2 Statement of the Research Problem

The intelligence community form a vital organ in the provision of intelligence in support of war on terrorism. Counterterrorism intelligence must be collected and analyzed in a timely accurate and precise manner and subsequently disseminated to the security elements concerned in a timely manner that will facilitate shaping the operations, preventing threats and prepare for the future developments. However it appears that the intelligence communities all over the world have been challenged by the terrorist menace where getting actionable intelligence against terrorism in many cases is yet to be achieved. In most terror attacks cases there has been evidence of presence of sufficient information that was not properly fabricated to provide actionable intelligence. The faults have been blamed by the intelligence not being specific on timings, dates, places of attacks. The general information is thus ambiguous and cannot be acted upon. Sometimes it comes so late when the attacks have already happened while at other times during investigations is when it is realized that the information from various sources was not pieced together to complete the puzzle and give the wider picture. The September 11 attack on the US twins Tower and the Pentagon, the Oct12, 2002 two nightclubs bombing in Bali, Indonesia where 202 people were killed, March 11, 2004 Madrid's Atocha station Bombing that killed 191, the May 5 to 6, 2014 attack on Gamboru and Ngala towns in the Borno state of Nigeria where more than 336 people were killed by the Boko Haram militia, the 2014 Westgate mall attack in Kenya, Garrissa university attack, Mpeketoni attack and the most recent Manda airport attack are just a reflection of lapses in the intelligence cycle.

The role of the IC is to reduce uncertainty through acquiring information, either overtly or covertly, that is deemed necessary for understanding the developments within the operational environment and the intentions of the opposition. Contrary to fictional depictions, and popular misconceptions fueled by political grandstanding and media caricatures, the

intelligence enterprise exists to do more than steal, secrets and “connect dots”. Ferreting out information that adversaries wish to hide and discovering (and disrupting) terrorist plots and other threats to our nation and interests<sup>24</sup> forms the basic role of the intelligence community. Past research on intelligence gathering activities have aimed to address issues of surprise attack and the associated concerns like failure of intelligence. A number of related research studies have also attempted to present descriptions of how divergent dimensions of intelligence shape the strength of national security as well as the significance of supervision and intelligence reform. On the other hand, it appears that research has tended to take no notice of the everyday application of intelligence in counterterrorism efforts. There has been limited research effort in the context of Kenya to establish the reasons why the intelligence community has failed to achieve effectiveness and precision in intelligence required in fighting terrorism.

While the deployment of the military in counterterrorism is a contentious issue that has been explored in past research, it still needs a more advanced analysis. To conclusively explore the issue, Hughes pointed at a need to explore the historical background along with the challenges associated with modern-day counterterrorism.<sup>25</sup> However, it is appreciated that exploring this issue may be made complex by the idea that terrorism has usually co-existed with a number of other internal conflicts, and practically, distinguishing between counterinsurgency and counterterrorism is difficult. Additionally, terrorism is as well a spin-off of intense civil strife.

In the context of Africa, many states, particularly in Kenya, instances of terrorism have been rampant in the last decade owing to its close proximity to Somalia. There has been an attempt by the Kenyan government to militarize its counterterrorism strategies. The military has been

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<sup>24</sup> Thomas finger, *Reducing Uncertainty: Intelligence Analysis and National Security* Stanford University Press(2011) p. 50

<sup>25</sup> Geraint Hughes, *The Military's Role in Counterterrorism: Examples and Implications for Liberal Democracies* (U.S. Army War College: Carlisle, PA, (2014), p.7

employed to collect intelligence especially in areas where the level of threat is high. In some cases where the population is hostile, the strategy has failed. There is generally lack of scholarly research on the use of the military for counterterrorism intelligence is non-existent. Indeed there is glaring lack of evidence on the efficiency of Kenya's military to counter terrorism at least from an empirical perspective. This study seeks to identify the gaps in the intelligence process and agencies that needs to be addressed to ensure that precision in intelligence is achieved and to ensure timeliness accuracy and relevance is achieved by the intelligence community.

### **1.3 Research Questions**

Based on the research problem, the research questions that guided this research include:

#### **1.3.1 General Question**

What is the role of the intelligence community in the war on terrorism globally and in Kenya?

#### **1.3.2 Specific Questions**

1. What are the challenges of intelligence community in the war on terrorism in Kenya?
2. What are the achievements of the intelligence community in the war on terrorism in Kenya?
3. In which ways can the efficacy of intelligence community in Kenya be enhanced?

### **1.4 Research Objectives**

#### **1.4.1 General Objective**

To examine the role of the intelligence community in combating terrorism

#### **1.4.2 Specific Objectives**

1. To examine the challenges of the of the intelligence community in the war on terrorism in Kenya
2. To examine the achievements of the intelligence community in the war on terrorism in Kenya
3. To suggest ways in which the efficacy of the intelligence community can be enhanced.

## **1.5 Literature Review**

### **1.5.1 The Role of the Intelligence Community in Combating Terrorism**

The intelligence community is the body comprising of the various intelligence agencies and security organizations responsible (separately yet together) of collecting information, analyzing it disseminating it to policy makers and commanders to inform policy making.

Although much of the processes are done separately by each intelligence agency, there is a multiagency cell responsible for fusion of the intelligence to arrive to a common understanding of the reality of the threat situation and guiding on the assignment of the most appropriate intervention measures. Intelligence communities need to intensify their collection capabilities and strengthen their cooperation and intelligence sharing in effort to combat the menace of terrorism.

War on terrorism involves all efforts by the security agencies of a state to collect information about terror organizations and individuals, their plans and intentions, motivations, motives sources of financial and logistical support, sympathizers and their capabilities with an aim of dislocating them. The objective of this is preventing hostile acts either at the source or at the target site through development of the most effective strategy to counter all their plans before they are executed. War on terrorism involves disintegration of the terrorist cells to such an extent that they are not able to, communicate, think coordinate or even execute any plan. It involves strategies aimed towards fighting terrorism from its sources while ensuring the protection and hardening the target. This cannot happen without a robust and effective system of intelligence, capable of wide area coverage in collection, processing and sharing intelligence with the relevant security elements in a timely manner.

For intelligence to bear fruits in the fight against terrorism, it must provide insight as well as foresight. The USA Director of national intelligence service in “The National intelligence Strategy of USA: *Transforming through integration and innovation*” states that beyond

meeting the immediate information needs of decision makers, however, intelligence must also be forward looking, capable of providing decision makers with an accurate and timely assessment of future threats above and beyond the bound of the immediate. He continues that if it is to fulfill its primary mission it must be able to collaborate within its ranks to produce an understanding of a host of adversaries from traditional national states to emergent sub-state and non-state actors.<sup>26</sup> Cynthia Grabo in *Warning Intelligence* states that surprise Military actions and even undeclared initiations of wars are not, of course, exclusively a modern phenomenon<sup>27</sup> In this regard, although intelligence is meant to give an understanding of the dynamism in the current war on terrorism, it is important to note that sometimes surprise is inevitable and some attacks may happen without any indicators. Therefore intelligence community must build on the information available to them to help in successful discerning the future.

Thomas Finger, in “Intelligence analysis and National Security, *Reducing uncertainty*” asserts that while reducing uncertainty is usually interpreted to mean ferreting out secrets that adversaries wish to keep hidden and providing warning that policy makers, military commanders or law enforcement personnel need to prevent or prepare for the developments that threaten our country, our citizens and our interests, this interpretation is too narrow.<sup>28</sup> He states that properly conceived and applied intelligence collection and analysis also identify opportunities for decision makers to shape the future and by reinforcing positive trends and redirecting those headed in a problematic or negative direction. This is further emphasized by Fulton T. Armstrong, in “ways to Make Analysis Relevant but Not Predictive” that, Even with the consequences of prioritization process, biased in favor of threats, good analysts always have sufficient expertise and insight to identify opportunities to change the trajectory

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<sup>26</sup> Director of , The National Intelligence strategy of the USA: *Transforming though integration and innovation* (Washington DC: Office of the Director of National Intelligence, (2015) p.1

<sup>27</sup> Cynthia Grabo, *Handbook of Warning Intelligence: Assessing the Threat to National Security*, Pentagon Press, UK (2010) p. 1

<sup>28</sup> Thomas Finger, “*Reducing Uncertainty*”, *Intelligence Analysis and National Security*, Stanford University press, California (2011) p. 67

of events<sup>29</sup>. In this regard, counterterrorism operatives must maintain a keen observation and monitoring of the developments within the specific operational environment. This will provide them with situational awareness on where events are headed to as well as what drives them and thus provide the opportunities available for exploitation. In most cases counterterrorism efforts have failed to identify or have identified opportunities when it is too late to exploit them. Terrorists therefore have thrived on the weaknesses of the government in the specified environment where they have exploited such opportunities to engender support, recruit and operated freely.

The intelligence task is a job akin not only to finding a needle in a haystack, but of trying to determine which pieces of hay in the stack will turn into needles. In this case just as it is difficult to locate a needle in the middle of hay, so is gaining intelligence on terrorism especially where the perpetrators have blended in to the population and the society at large. This is further complicated by the al-Shabaab terrorists tactics of playing on the variable of time and exploitation of vulnerabilities in space in a bid to gain initiative. To engender dislocation, and its subsequent exploitation, it will maximize on maneuver and surprise by adjusting their means from conventional engagements to terror acts while adopting their plans to circumstances. This implies that the security elements need to monitor target persons and the unfolding events within the area of operation in order to have a clear understanding how they may influence future operations of both the terror groups and the security forces in a particular operational environment. According to pillar, The Intelligence Community has an obligation to assess how policies of the Administration are likely either to increase or decrease terrorism. This kind of assessment, undertaken at a strategic and long-range level, he believes is just as much a part of counterterrorist intelligence as is the tactical uncovering of

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<sup>29</sup> Fulton T. Armstrong, "Ways to Make Analysis Relevant but Not Predictive" Central Intelligence Agency, Centre for The Study of Intelligence, *Studies In Intelligence*, 46:3 (April 14, 2007) At [www.cia.gov/library/centre-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol46no3/article05.html](http://www.cia.gov/library/centre-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol46no3/article05.html)

plots (despite the common public conception that it is all a matter of plot uncovering).<sup>30</sup> This means that the intelligence community have a responsibility of guiding policy makers on the kind of policies that may be applied and the implication of such policies to the counterterrorism effort and thus only the policies that support the CT efforts can be applied.

### **1.5.2 The Challenges of the Intelligence community in the war on terrorism in Kenya**

Kenya is located in the eastern Africa, bordering South Sudan to the North west, , Ethiopia to the North, Somalia to the East and the Indian ocean to the South East. Due to the proximity of the country to the horn of Africa, it is sometimes considered to be part of the horn. The region is characterized by civil wars and instability it states including civil war in South Sudan and instability in Somalia related to decades of terror attacks which rendered Somalia a failed state. This state of Somalia has made the nation a terrorists haven for local and international terror groups including the factions of ISIS, Al-Qaida and the AS. Terror activities in Somalia have over the years spilled over into countries bordering Somalia, Kenya being one of them and caused insecurity in the region. The Al-Qaida linked Al-Shabab Islamist terrorists operate in Somalia and have also been linked to various attacks inside Kenya. They work together with other terror groups that share similar ideologies. The instability in the neighboring countries of South Sudan has caused refugee influx into Kenya with. Some of the refugees have lived in the refugee camps that have existed for decades. Over the years, intelligence reports have indicated that terrorists have exploited the refugee camps as safe havens, and as planning grounds and area for launching attacks into the country. This explains Kenya's decision to relocate the refugee camps into Somalia in effort to move terror threat away from within its borders, a move that was strongly opposed by international human rights bodies.

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<sup>30</sup> Ibid, 27

One of the most glaring challenges was the ever-changing nature of terrorism. The inability to promptly adapt to rampant changes made it hard for counterterrorism campaigns to be efficient.<sup>31</sup>

Also lack of proper coordination between intelligence agencies and security elements that execute the counterterrorism operations is a great undoing to the progress. This is particularly so since as posited by Stephen Lee in “Family Separation as Slow Death,” poor international cooperation between intelligence teams contributes to increases in intelligence lapses.<sup>32</sup> The results of these are increases in the intensity of failure-related terror attacks.

Clinton C. Brook’s ‘Knowledge Management and Intelligence community’ states that knowledge management, the ability to produce relevant information in contest in an appropriate and usable form, easily accessible to the recipient is the means by which the intelligence community of the 21<sup>st</sup> century will remain relevant to government decision makers.<sup>33</sup> While this is true, this knowledge (through intelligence) is vital in fighting terrorism, Uffe K Wills states that despite vast investments in counter-terrorism, victory in the global war on terror remains elusive. In part, this is because terrorist groups are highly adaptive in their tactics and strategy. It is sometimes argued that estimation of terrorism risk is near impossible because terrorism is irrational behavior<sup>34</sup>. In this regard, while the IC is responsible of collecting information, processing it to produce intelligence, managing the knowledge acquired from the intelligence and ensuring that it is disseminated to the users in a timely manner to guide in decision making, it is definite that getting intelligence on

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<sup>31</sup> Fredrick Okoth Otieno, *Counterterrorism strategies and performance of the national police service in managing terrorism in Lamu County, Kenya*, PhD Thesis. Masinde Muliro University of Science and Technology, Kenya (2019). Accessed on March 27, 2020 from <http://r-library.mmust.ac.ke/1234>

<sup>32</sup> Stephen Lee, *Family Separation As Slow Death*, Columbia Law Review, Vol. 119, Issue 8 (2019).

<sup>33</sup> C. Brooks, *Knowledge Management and Intelligence Community*. Defense international Journal a winter (2000) p. 18

<sup>34</sup> Uffe Kock Wiil, *Counterterrorism and Open Source Intelligence*, Springer-Verlag Wien, (2011) P.9

Terrorism remains a difficult affair since terrorists change their plans also based on the intelligence they collect about the defendant

Brian Forst in *Terrorism, Crime and Public Policy* states that technology is proving to be a crucial tool in our efforts to minimize the hazards of terrorist attacks by helping identify threats, gather and analyze intelligence and establishing effective strategies for preventing and intervening against them<sup>35</sup>. Cristian Nita's, "The Importance of Risk Factor Analysis for Romania's National Security in the 2020 Perspective," looks at the effectiveness of intelligence community to combat terrorism in the wake of challenges in the security environment owing to numerous regional conflicts as well as asymmetric threats in today's technologically advanced world.<sup>36</sup> The study shows that security agencies in Romania were often unable to deal with emergent threats due to poor efficiency in keeping pace with new potential risks in a past paced environment. It is therefore evident that technology continues to advance and terrorists as well as security agencies have continued to adapt to the advancement. This therefore means that terrorism can often go on unabated if security agencies are not quick to adapt to new technological realities.

Concerning the 1998 terrorist attack on the US Embassy in Nairobi, the warning about terrorism was received very differently in East Africa than they were in Washington. The American ambassador in Nairobi, Prudence Bushnell was extremely receptive to the warnings she received from the intelligence community, but she found out that she had little authority to act on those warnings. In Washington where the authority rested to make major security improvements ,there was less urgency and less receptivity<sup>37</sup>. 'In the aftermath of the September 11,2001 terrorist attacks, the US Federal Bureau of Investigation (FBI) was

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<sup>35</sup> Brian Forst, *Terrorism, Crime and Public Policy*, Cambridge University press (2009) P. 199

<sup>36</sup> Cristian Nita, *The Importance of Risk Factor Analysis for Romania's National Security in the 2020 Perspective*, Journal National Strategies Observer, 1, no.1 (2015),p. 9

<sup>37</sup> Erik J.Dahl, *Intelligence and Surprise Attack: Failure and Success from Pearl Harbour to 9/11 and beyond*

widely criticized for failing to prevent the strikes on the World Trade Centre and the Pentagon. More probably, the Bureau, the nation's primary agency for conducting counterterrorist intelligence operations within the United States was faulted for failing to understand the nature, scope and the virulence of the threat posed by Osama Bin Laden's terror network to prevent the strikes'.<sup>38</sup> In this regard, it is notable that while IC has continually been faulted for failure to prevent terrorism, the degree of reception of intelligence and authority to act on the available intelligence are vital to the prevention of terrorism. In both cases, there was intelligence and sufficient warning. However, no action was taken due to poor receptivity and lack of authority to act and failure of the relevant authorities to take action and thus end result is failure.

Joshua H. Ho, in "The Security of Sea Lanes in Southeast Asia, Asian Energy Security" studied the influence of spending in defense on the abilities of China, India, and Japan to secure their sea lanes and by extension the trade in high seas.<sup>39</sup> The study shows that high investment in the security sector was correlated with the abilities of countries to thwart organized crime such as terrorism for sea going vessels and infrastructure. Paul R. Pillar, in "Terrorism and Current Challenges for Intelligence," *The Georgetown Security Studies Review*, Special Issue, states that Most of the principal challenges confronting intelligence as far as counterterrorism is concerned have been around for a long time. He explains that the biggest challenge is the inherent difficulty of discovering plots that involve small numbers of people who do their planning and preparation in secret and are highly conscious of operational security. Another challenge involves inflated and unrealistic public expectations, especially the expectation that with enough intelligence gathering skill and dot-connecting

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<sup>38</sup> Peter Chalk and William Rosenau, *Confronting the Enemy Within, Security Intelligence the Police and Counterterrorism in Four Dimensions*, Rand Corporations Publishers, (2004)

<sup>39</sup> Joshua H. Ho, *The Security of Sea Lanes in Southeast Asia, Asian Energy Security* (New York: Palgrave Macmillan, 2009), 205-224.

acumen, any such secret plots ought to be discovered.<sup>40</sup>In this regard, there is need to understand while spending on intelligence is necessary in the war on terrorism, terrorists can easily counter this efforts through avoidance of patterns that can be traced. It should also be noted that even with the best training, chances of missing out on detecting terrorism are high due to their uncertain patterns that defy prediction.

Rebecca Vogel in “Closing the cyber-security skills gap” points out that there is an evident worldwide gap in the skills needed to deploy an effective and competent cyber-security workforce. These challenges, when manifested among security agencies, thwart national abilities to deal with organized crime and flow of information among terrorism organizations.<sup>41</sup> The study by Vogel though not expressly focused on intelligence community agencies shows a glaring gray area in which lack of adequate ICT skills could limit national capacities to combat terrorism since the cyberspace is a major arena in which terrorist organizations plan and coordinate operations.

Eugene Eji’s, “Rethinking Nigeria’s Counter-Terrorism Strategy” focused on the challenges posed by the Boko Haram terrorist group on national security in the country in the wake of apparent ineffectiveness in the government’s strategy to counter terrorism threats. The study shows that the country had previously adopted mainly military-centric counterterrorism efforts until the release of the National Counter Terrorism Strategy (NACTEST) in 2014.<sup>42</sup> However, the strategy is faced with gaps that put to question its sustainability and applicability as a counterterrorism policy document. Since its enactment, Nigeria has been faced with Inter-Security Agency Rivalry. This, as envisaged by this current study, shows that the country is faced with challenges related to limited interagency cooperation. Though

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<sup>40</sup> Ibid

<sup>40</sup> Paul R. Pillar, *Terrorism and Current Challenges for Intelligence: The Georgetown Security Studies Review*

<sup>41</sup> Rebecca Vogel, *Closing the cyber-security skills gap*, *Salus Journal* 4, no. 2 (2016): 32-46.

<sup>42</sup> Eugene Eji, *Rethinking Nigeria’s Counter-Terrorism Strategy*, *The International Journal of Intelligence, Security, and Public Affairs* 21, no.1 (2016): 198-220.

Eji's study was not focused on Kenya or East Africa for that matter, it shows that poor coordination and rivalry between multiple agencies could limit the abilities of intelligence community to combat terrorism.

Shimels S. Belete, in "Unchecked Powers of the Ethiopian National Intelligence and Security Service in the Prevention and Countering of Terrorist Crimes: Some Disquiets at a Glimpse," argue that the security arrangements thwart the counterterrorism efforts in the country. This was manifested in challenges such as lack of administrative and financial transparency and lack of political independency and functionality.<sup>43</sup> This creates operational challenges since the intelligence community agencies are subjected to political bureaucracies that limit independent operations within the national counterterrorism framework. As a result, response capacities of these teams often remain a tall order as conceptualized by this study.

Edward Mogire and Kennedy Mkutu Agade studied "Counter-terrorism in Kenya." The two look at the counter-terrorism measures undertaken in Kenya in response to terrorism attacks and threats. They argue that the measures aimed at addressing the underlying determinants of terrorism are often based on flawed assumptions and are imposed by foreign powers such as the US.<sup>44</sup> They also lack domestic support and are characterized with negation of civil and human rights as well as freedoms. In this context, the information gathering capacities of intelligence community is thwarted by poor domestic support of counterterrorism strategies.

Brian Forst in *Terrorism, crime and public policy* states that Romantic accounts of technology suggests that there are no limits to the extent to which it is capable of solving our problems. Others suggests that there are no limits to which it can destroy. He notes that, the radicalization process is occurring more quickly, more widely and more anonymously in the internet age, raising the likelihood of surprise attacks by unknown groups whose members

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<sup>43</sup> Shimels S. Belete, *Unchecked Powers of the Ethiopian National Intelligence and Security Service in the Prevention and Countering of Terrorist Crimes: Some Disquiets at a Glimpse*, *European Scientific Journal* 14, no. 29 (2018): 211.

<sup>44</sup> Edward Mogire and Kennedy Mkutu Agade, *Counter-terrorism in Kenya*, *Journal of Contemporary African Studies* 29, no. 4 (2011): 473-491

and supporters may be difficult to pinpoint<sup>45</sup>. Paul Battersby, Joseph M. Saracusa and Sasho Pipiloski states that The pace of technological innovations and social change undermines the states monopoly over the use of force and outstrips global capacity to respond to new security challenge through legal and institutional reforms. In this regard, while technology is an important tool for solving the terrorism puzzle, it has complicated the ability of the state to deal with terrorism due to the globalization of terrorism, without enhancing global cooperation.

Brendon J. Cannon and Dominic Ruto Pkalya's "Why al-Shabaab Attacks Kenya: Questioning the Narrative Paradigm," questioned the reasons for intermittent terror attacks by Al-Shabaab. Although the main reasons highlighted were: Kenya's geopolitical status which presented opportunity to gain international status and visibility as well as free publicity due to a relatively free and independent media among others, the study also highlights high level of corruption as a major determinant of counterterrorism efforts.<sup>46</sup> The study recommends the need for stemming corruption so as to make proper investments in intelligence efforts and relevant homeland security measures. Without this, the study argues that it would be a tall order to sustainably and effectively combat terrorism. It is thus evident that corruption could be a major detriment to the intelligence community capacities to combat terrorism.

Various causes of intelligence community failures in the fight against terrorism have also been studied. Paul Dixon in "Endless wars of altruism', Human rights, humanitarianism and the Syrian war" argue that a Human Rights-based narrative was used by Liberal Hawks to legitimize war in years following the end of the Cold War. However, this had had negative effects on the countries in which such wars were undertaken. An example of this was the British Military intervention in the Syrian war in 2015 in which the Great Britain argued that

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<sup>45</sup> Brian Forst, *Terrorism, Crime and Public Policy*, Cambridge University Press, New York (2009) p. ,199

<sup>46</sup> Brendon J. Cannon and Dominic Ruto Pkalya, "Why al-Shabaab Attacks Kenya: Questioning the Narrative Paradigm, Terrorism and Political Violence" Article 31, no. 4 (2019) p. 836-852.

it entered the war to end human rights abuse as well as provide humanitarian assistance.<sup>47</sup> However, the end result was escalation of war. It is thus apparent that military intervention often yields unexpected results. This can be exemplified in inabilities by intelligence and security agencies to win support from the general population in the fight against terrorism due to poor policies and negative experiences at grassroots levels.

Judith Tinnes's, "Perspectives on Terrorism," undertook a desk-review of literature on the Islamic State (IS / ISIS / ISIL / Daesh) and its predecessor organizations. The study revealed that fast changing political alliances contribute to the complicity of erstwhile partners with terrorist groups as well as other opposing bodies.<sup>48</sup> This creates an intelligence sharing lacuna and compromise of critical information in the hands of former allies in fast changing counterterrorism environments especially during war.

Carl J. Jensen in "Potential Drivers of Terrorism out to the Year 2020" points out that one of the challenges facing intelligence teams is failure to establish realistic and achievable goals.<sup>49</sup> Often intelligence agencies are unable to be up to par with: the fast evolving technology which often offers benefits to terrorist organizations; constantly changing alliances among terrorism groups which complicates interception of information; adoption of complicated hierarchical structures and networked structures that make it efficient for terror groups to conceal their activities and; the increasingly blurred line between gangs, criminal enterprises, political actors, and terrorists. In this context, intelligence teams find it hard to maximally scan and infiltrate the vast and fast changing terrorism environment.

David Mickler, Muhammad Dan Suleiman and Benjamin Maiangwa in "'Weak State', Regional Power, Global Player: Nigeria and the Response to Boko Haram," examined

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<sup>47</sup> Paul Dixon, *Endless wars of altruism? Human rights, humanitarianism and the Syrian war*, *The International Journal of Human Rights* 23, no. 5 (2019): 819-842.

<sup>48</sup> Judith Tinnes, "Perspectives on Terrorism", *Bibliography: Islamic State (IS, ISIS, ISIL, Daesh) [Part 5]* 13, .3, no.1(June 2019) p.87-130.

<sup>49</sup> Carl J. Jensen, *Potential Drivers of Terrorism out to the Year 2020*, *American Behavioral Scientist*, *SAGE Journals* 9, no.1 (2015) p. 4-9, accessed February 3, 2020. <https://doi.org/10.1177/0002764215588819>

Nigeria's international relations in the bid to find out the lapses contributing to the long period - 5 years- used to halt the territorial expansion and intermitted attacks by the terror group. The study established that Nigeria was unable to reign in on the group due to its relatively powerful geopolitical position which made it hard for coercive international intervention.<sup>50</sup> Such preclusion made it hard for neighboring countries, regional blocks and the international community to exert pressure on Abuja to act more forcefully and decisively to fight against the group. It is thus evident that intelligence teams are challenged by poor support from the international community if their country is perceived as being strong by the international community which would naturally deny them material, logistical and intelligence support among others as envisaged by this current study.

Mathieu Bere's "Armed Rebellion, Violent Extremism, and the Challenges of International Intervention in Mali," studied the French-led military intervention as well as the UN peacekeeping mission in the northern part of the country. The study shows that military interventions in the country were not successful in eradicating runway jihadist terrorism.<sup>51</sup> It also did not succeed in reconciling the warring south and northern parts of the country. This was blamed for the incompatibility of agendas and assumptions of the stakeholders. In the wake of this situation, there were differences in the operations of various military forces due to state-centric security approaches which did not factor in identity issues. As a result, local support of the war against terrorism became untenable.

Stephen Lee in "Family Separation as Slow Death" argues that state failure is usually tied to new and serious insecurity at international levels in the context of a developed-world consensus. The study was based on a panel data for 153 countries between 1999 and 2008 and sought to map out the far-ranging relationships between weakness, failure, and

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<sup>50</sup> David Mickler, Muhammad Dan Suleiman and Benjamin Maiangwa, *Weak State', Regional Power, Global Player: Nigeria and the Response to Boko Haram*, African Security Journal 12, no. 3 (2019) p. 272-299.

<sup>51</sup> Mathieu Bere, *Armed Rebellion, Violent Extremism, and the Challenges of International Intervention in Mali*, African Conflict and Peacebuilding Review Journal 7, No. 2 (Fall 2017) p.60-84.

terrorism.<sup>52</sup> It was established that in the wake poor international cooperation between intelligence teams, there are increases in intelligence lapses that led to increases in the intensity of failure-related terror attacks.

Andrew H. Kydd and Barbara F. Walter's "The Strategies of Terrorism" argue that terrorists often employ diverse strategies to wreak havoc on their targets. These strategies are aimed at achieving the goals of costly signaling which include: intimidation, attrition, provocation, spoiling, and outbidding. In this context, the counterterrorism and intelligence gathering strategies deployed by state agencies should be responsive to the various strategies employed by terrorist organizations.<sup>53</sup> When certain counterterrorism drives are inappropriate for the strategies used by terrorists, security lapses and failures take place. In the context of this current study, it can be argued that military and intelligence failures are linked to limited capacities to deploy the right strategies.

Deyanira Garcia, Sarayu Sankar and Nuzulul Isna in "The impact of emotional intelligence in the military workplace" posit that poor training limit the capacities of armed forces to support operations domestically and internationally. Emotional Intelligence (EI) among military forces for example, if not taught and developed, affects their emotional and behavioral health.<sup>54</sup> Due to the grave psychological effects of terrorism on survivors, it is notable that poor development of soldiers through responsive, tailored, and effective programs could limit their capacity to perform in complex counterterrorism environments.

Extant literature shows that there are numerous ways in which the efficacy of intelligence community to combat terrorism can be enhanced. Rory Conces's "Rethinking Realism (or Whatever) and the War on Terrorism in a Place Like the Balkans: The Politics of Inclusion and Exclusion," points out that one of the major ways in which the military and intelligence

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<sup>52</sup> Stephen Lee, *Family Separation As Slow Death*, *Columbia Law Review*, Vol. 119, Issue 8 (2019).

<sup>53</sup> Andrew H. Kydd and Barbara F. Walter, *The Strategies of Terrorism*, *The MIT Press Journals* 31, no.1 (2006): 49-80.

<sup>54</sup> Deyanira Garcia, Sarayu Sankar and Nuzulul Isna, *The impact of emotional intelligence in the military workplace*, *Human Resource Development International Journal* 9, no.1 (2019) p.3-9.

bodies can deal with terrorism is through strengthened international relations by the political establishment.<sup>55</sup> Political will to cooperate with neighbors in combatting terrorism could lead to better outcomes as envisaged by this current study.

Bryan C. Price's "Terrorism as Cancer: How to Combat an Incurable Disease," posits that the war on terrorism needs to be dealt with from different approaches such as the epidemiological approach that is employed in combating chronic diseases instead of just seeing it as a military, ideological, or socio-economic problem. Military and intelligence thus need thorough training to fully appreciate the fact that terrorism is a complex inevitable facet of human life.<sup>56</sup> Training would help them to accept that terrorism cannot be fully solved and vanquished, as such there is need to constantly adapt to the changing realities of international terrorism and come up with comprehensive models aimed at preventing and quickly responding to terrorism when it inevitably takes place.

Simplice A. Asongu and Jacinta Nwachukwu, in "Mitigating externalities of terrorism on tourism: global evidence from police, security officers and armed service personnel" argue that terrorism is a complex phenomenon. In this regard, security agencies need to have the capacity to deal with terrorism targeted at human and non-human targets such as infrastructure and other installations.<sup>57</sup> This could reduce the number of incidents, injuries, fatalities and property damages. This can be effectively achieved through increased cooperation between various security units, training and deployment of enough personnel as well as increasing awareness, training and encouraging cooperation with citizens to develop resilience and engender support especially in provision of intelligence.

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<sup>55</sup> Rory Conces, *Rethinking Realism (or Whatever) and the War on Terrorism in a Place Like the Balkans: The Politics of Inclusion and Exclusion*, *A Journal of Social and Political Theory* 56, no. 120 (2009): 81-124.

<sup>56</sup> Bryan C. Price, *Terrorism as Cancer: How to Combat an Incurable Disease*, *Terrorism and Political Violence*, *Journal* 31, no. 5 (2019): 1096-1120

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Mette Eilstrup-Sangiovanni and Culvert Jones in “Assessing the Dangers of Illicit Networks: Why Al-Qaida May Be Less Threatening than Many Think,” elicits that there is need for security agencies to understand terrorism organizations such as the Al-Qaeda. Although it is a common belief that these organizations are stable, hierarchical and highly networked, some of them face challenges related to trust issues, distance, coordination and security.<sup>58</sup> This means that these groups may not be as resilient and adaptable as they are often depicted. Understand the inherent weakness in an organization creates a window that can be exploited by security forces for more effective responses to their operations.

Wyn Q. Bowen, Matthew Cottee and Christopher Hobbs’s “Multilateral cooperation and the prevention of nuclear terrorism: pragmatism over idealism,” shows that one of the ways in which nuclear terrorism could be prevented would be through the development of multilateral cooperative efforts. There is also need for military and intelligence responses to security risks to be guided by a reinforced international regulative framework on the prevention of this kind of terrorism.<sup>59</sup> At domestic levels, the efficacy of the national intelligence teams to deal with this kind of terrorism would be based on the abilities of countries to domesticate nuclear security conventions. Inter-state cooperation should also be strengthened so ensure the applicability of these treaties.

Makumi Mwagiru’s “Towards a Security Architecture in the IGAD Region,” argues that there is need for expanded philosophical foundations on security. In this regard, leaders and policy makers should move from the traditional military approaches to security which leads to the narrowing of security agencies to two or four.<sup>60</sup> In this regard, there is need to have an expanded scope of the definition of security beyond the traditional focus on the state to

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<sup>58</sup> Mette Eilstrup-Sangiovanni and Culvert Jones, *Assessing the Dangers of Illicit Networks: Why Al-Qaida May Be Less Threatening than Many Think*, *International Security Journal* 33, no. 2 (2008): 7-44.

<sup>59</sup> Wyn Q. Bowen, Matthew Cottee and Christopher Hobbs, *Multilateral cooperation and the prevention of nuclear terrorism: pragmatism over idealis*, *International Affairs (Royal Institute of International Affairs) Journal* 88, no. 2 (2012): 349-368.

<sup>60</sup> Makumi Mwagiru, *Towards a Security Architecture in the IGAD Region*, Mwagiru, M., (ed.), *African Regional Security in the Age of Globalization* (Nairobi: Heinrich Boll Foundation, 2004).

human aspect of security. The means should also be expanded beyond the military approach to security so as to incorporate other security actors while ensuring that emerging threats to human security and survival are also addressed.

Various theoretical explanations have been advanced in effort to explain why intelligence fails. The relative deprivation theory as postulated by Peter Townsend shows that human frustration is linked to violence and insecurity.<sup>61</sup> Dollard and Ford argue that aggressive behavior is linked to frustration. This creates a haven for terrorism.<sup>62</sup> Dollard et al. (1939) first argued that “aggressive behavior always originated in frustration.” Later, Galtung (1964) argued that “the situation most likely to provoke aggressive behavior is one in which individuals find themselves in a state of disequilibrium along various socio-political dimensions of status.” A study by Brian Lai established a link between political inequality of minority groups and terrorism in a state.<sup>63</sup> Real or perceived socio-economic deprivation explains sympathy for terrorism organizations in a country.<sup>64</sup> In areas where people perceive that they are victims of unfair political and economic exclusion, it becomes hard for an effective intelligence community to thrive.

The Human Needs Theory as espoused by John Burton also explains the challenges leading to intelligence failure in Kenya owing to poor societal support of the intelligence community.<sup>65</sup> The theory is informed by Maslow’s Human Needs Theory.<sup>66</sup> Within the context of this theory, human needs should be met through national development. In instances where this is not possible, people may attempt to achieve their needs through terrorism. Changes related to the achievement of personal fulfillment, participation and other

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<sup>63</sup> Brian Lai, *Explaining Terrorism Using the Framework of Opportunity and Willingness: An Empirical Examination of International Terrorism*, Research Paper, Department of Political Science, University of Iowa, April 2004,

<sup>64</sup> Blomberg, S. Brock. Gregory D. Hess and Akila Weerapana. 2004. *Economic Conditions and Terrorism*. European Journal of Political Economy 20(2):463-478.

<sup>65</sup> John Burton, “The Theory of Conflict Resolution”, *Current Research on Peace and Violence*, vol. 9, No. 3 (1986): 125-130.

<sup>66</sup> Abraham H. Maslow, *A theory of human motivation*, *Psychological review*, Journal 50, no. 4 (1943): 370.

freedoms due to unfair resource distributions contribute to locally-bred terrorism or sympathy for international terrorist groups such as Al-Shabaab as in the case of this current study. Due to rampant stereotyping of some Kenyan Somalis, Muslims as well as the threat of not recognizing real refugees from Somalis, sending some back to Somalia has resulted to a feeling of seclusion by the state. In areas the areas affected, like the North Eastern and Coast part of Kenya, this has created icy relationships between local populations and the intelligence community, leading to difficulty in cooperation by the locals, especially in providing intelligence. This goes on to challenge counterterrorism drives.

The capacity of intelligence agencies to rein in on terrorism can also be explained by the contingency theory.<sup>67</sup> This theory has been in existence since the 50s. It postulates that organizations put in place various strategies aimed at strengthening their capacity to deal with existential threats. This leads to sustainability and success. Each organization should have an equilibrium between contingency and structure. Without this, the organization would not be effective. The ability of organizations to deal with terrorism threats is pegged on their counterterrorism strategies as posited by Botha. In line with this current study, it is arguable that the level to which intelligence organizations succeed in thwarting terror attacks through effective intelligence gathering is pegged on their strategies and their intrinsic capacities.

Extant literature shows that there are numerous ways in which the efficacy of intelligence community to combat terrorism can be enhanced. Rory Conces's "Rethinking Realism (or Whatever) and the War on Terrorism in a Place Like the Balkans: The Politics of Inclusion and Exclusion," points out that one of the major ways in which the military and intelligence bodies can deal with terrorism is through strengthened international relations by the political

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<sup>72</sup> Wyn Q. Bowen, Matthew Cottee and Christopher Hobbs, "Multilateral cooperation and the prevention of nuclear terrorism: pragmatism over idealis," *International Affairs (Royal Institute of International Affairs)* 88, no. 2 (2012): 349-368.

<sup>73</sup> Makumi Mwangi, *Towards a Security Architecture in the IGAD Region*, Mwangi, M., (ed.), *African Regional Security in the Age of Globalization* (Nairobi: Heinrich Boll Foundation, 2004).

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for international terrorist groups such as Al-Shabaab as in the case of this current study. Due to rampant stereotyping of some Kenyan Somalis, Muslims as well as the threat of not recognizing real refugees from Somalis, sending some back to Somalia has resulted to a feeling of seclusion by the state. In areas the areas affected, like the North Eastern and Coast part of Kenya, this has created icy relationships between local populations and the intelligence community, leading to difficulty in cooperation by the locals, especially in providing intelligence. This goes on to challenge counterterrorism drives.

The capacity of intelligence agencies to rein in on terrorism can also be explained by the contingency theory.<sup>80</sup> This theory has been in existence since the 50s. It postulates that organizations put in place various strategies aimed at strengthening their capacity to deal with existential threats. This leads to sustainability and success. Each organization should have an equilibrium between contingency and structure. Without this, the organization would not be effective. The ability of organizations to deal with terrorism threats is pegged on their counterterrorism strategies as posited by Botha. In line with this current study, it is arguable that the level to which intelligence organizations succeed in thwarting terror attacks through effective intelligence gathering is pegged on their strategies and their intrinsic capacities.

### **1.5.3 Achievements of the Intelligence Community in the war on terrorism in Kenya**

In the context of Kenya's counterterrorism efforts, intelligence-gathering powers have since 1998 concentrated on the National Intelligence Service (NIS), which was formed as a replacement of the Special Branch. A 2017 report by the Privacy International indicates, throughout the 2000s, Kenya's surveillance capability was blurred, forcing the media to only rely on anecdotal surveillance reports.<sup>81</sup> Focus on domestic terrorism during the early 2010s brought in new advancements when Communications Commission of Kenya (CCK) initiated

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<sup>80</sup> L. Donaldson, *The Contingency Theory of Organizations*, Thousand Oaks, Calif: Sage Publications (2001).

<sup>81</sup> Privacy International. (2017). "In Kenya, communications surveillance is a matter of life and death". P11

systems for monitoring outgoing and incoming internet traffic. Additional developments included the passage of the National Intelligence Service Act and the Prevention of Terrorism Act Two important acts in 2012 to advance state agencies', particularly the National Intelligence Service Act (NIS), surveillance capabilities.<sup>82</sup>

Prior to 2010, Kenya's counterterrorism efforts were held back by the nonexistence of a legal framework for prosecuting terrorism acts. Subsequent changes, such as the passage of Security Laws (Amendment) Act in 2014 revolutionized 20 already established legislations to reinforce the Kenyan anti-terror legislative framework.<sup>83</sup> In turn, the Security Laws (Amendment) Act in 2014 led to the creation of state agencies like Anti-Terrorism Police Unit to engage in the 'war on terror.' It also mandated the Kenya Defence Forces to participate in the war on terror. Today, intelligence that the National Intelligence Service (NIS) gains through an interception of telephone communications is often shared with Kenya Police units like the Anti-Terrorism Police Unit (ATPU) and GSU-Recce Company to inform their counterterrorism operations.<sup>84</sup> The information that NIS acquires through communications surveillance forms the core of counterterrorism cycle like "surveillance, profiling, locating, tracking, and arresting targets to abuse, torture, abduction, and extrajudicial killing."<sup>85</sup>

Dynamics in contingency (eventualities for terrorism) push organizations to change their modus operandi. The structure of an organization should be reflective of the terrorism realities they have to deal with. This explains the hierarchies and numbers of intelligence organizations that countries deploy; based on the terrorism realities in their environments.<sup>86</sup> Intelligence organizations put in place well-articulated plans irrespective of the challenges

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<sup>82</sup> Ibid, 11

<sup>83</sup> Oscar Gakuo Mwangi, "How Kenya is managing security 20 years after the Nairobi blast." (2018), The Conversation, p1

<sup>84</sup> Privacy International. (2017). "In Kenya, communications surveillance is a matter of life and death". P.7

<sup>85</sup> Ibid, 1

<sup>86</sup> W.R. Scott, *Organizations: Rational, Natural and Open Systems*, Prentice Hall, 5th Edition) (2003).

they face so as to enhance their performance. In line with this current study, the level to which intelligence organizations in Kenya succeed depends on their strategies and their responsiveness to local terrorism realities. In this context, this current study envisages that the success of intelligence organizations is pegged on the capacity. The intelligence agencies have continued to increase their capacity in terms of numbers of personnel, training, acquisition of advanced intelligence and surveillance equipment to augment intelligence collection.

Great development has continued to take place in the legal system of Kenya. Towards the end of the decade the rampant incidences of terrorism prompted the parliament to enact the prevention of terrorism act 2012.<sup>87</sup> This act endeavored to strike a balance between protecting civil liberties and combating terrorism. This was followed by the Security Laws amendment Act. Unlike the act, the Amendment act came to align all laws to ensure coordination in investigating, fighting and prosecuting terrorism. In this regard the development in the legal framework has improved the operation and coordination of counterterrorism operations which improves effectiveness in the intelligence community.

There has been a connection between money laundering, drug trafficking and crimes including terrorism. The crime and money laundering prevention bill 2004 was presented and Action Task Force(FATF) formed, which proposed the enabling of authorities to identify, trace, freeze and seize or confiscate funds from proceeds of a crime including corruption, money laundering.<sup>88</sup> In this regard, the development has helped in curbing the money laundering businesses has in turn denied terrorism of the necessary funds to further their activities in the country.

The employment of the military strategy, coupled with the national counter terrorism and counter violent extremism efforts have greatly reduced terrorism this can be credited to the effective and collaborative approaches in information sharing and coordination of their activities.

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<sup>88</sup> Peter Warutere, *Detecting and Investigating Money Laundering in Kenya, Money Laundering, A Survey*, No 124, June 2006, edited by Charles Goredeema

## **1.6 Gaps in the Literature Review**

It is evident in the review of the literature section that scholarly research on the extent to which the intelligence community has influence the war on terrorism in Kenya has not been systematically studied. It is also clear that gaps in research exist on roles played by the intelligence community in fighting terrorism in Kenya. The extent of the intelligence community's operations have influenced the success or failure of the war on terror in Kenya has also not been systematically studied. There exists no studies on the causes of intelligence failures and the challenges in acquiring accurate intelligence that can be used to effectively fight terrorism in Kenya. A significant gap in research also exists on scholarly explanations for Kenya's continued experiences of terror attacks despite the availability of intelligence warning and indicators and how this challenge can be addressed. This has made it hard to paint a vivid picture on how to buttress the war against terrorism from the intelligence perspectives. This current study sets out to bridge this information through empirical evidence in Kenya.

## **1.7 Hypotheses**

H<sub>0</sub>: There is no significant relationship between the intelligence community's effort and success or failure to combat terrorism in Kenya

H<sub>1</sub>: There is a significant relationship between the intelligence community effort and success or failure to combat terrorism in Kenya

## **1.8 Study Justification and Significance**

This study sets out to critically analyze the relationship between the intelligence community's effort and the success or failure in the war on terrorism in Kenya. In this regards, it aims at examining the effectiveness of the intelligence community in combatting terrorism in Kenya; establishing the causes of intelligence community failures in the fight against terrorism in

Kenya and; suggesting ways in which the efficacy of intelligence community in Kenya can be enhanced.

### **1.8.1 Academic Justification and significance**

The study aims to add to the body of knowledge on the nexus between the intelligence community effort and the success or failure in the fight against terrorism in Kenya. It also aims to provide answers to the question as to why the action ability of counterterrorism intelligence failed in many instances. It aims to identify the roles of intelligence community and how they should be carried out to ensure that errors resulting to failures are eliminated. The information so obtained shall form basis for follow up work in this study direction as well as add to the body of knowledge in the field.

### **1.8.2 Policy Justification and Significance**

The study findings will also be important in highlighting the nexus between intelligence community effort and the policy making by the existing leadership. It seeks to explain the role of intelligence in guiding policy making as well as examining the influence of policy makers roles in the success of the IC's effort in fighting terrorism. In this regard, the study shall guide policy and practice on how to enhance the effectiveness of the national intelligence community. It will guide policy makers on development of relevant policies and tasking of appropriate national security organs in the most effective way to deal with terrorism.

## **1.9 Theoretical Framework**

To examine the role of intelligence as in the war on terrorism the rational actor theory is employed as a theoretical framework. The rational actor model assumes that terrorist acts are as a result of rational decisions by individuals While the rational actor model originates from microeconomics, it attempts to explain that terrorist activities are based on factors that go

beyond the relatively restricted factors like costs and benefits.<sup>89</sup>As rational decision makers they weigh the costs and benefits, and take the option offering the greatest net benefit. If complete information is available about the costs and benefits of each option, then the rational decision is to select the path with the highest utility, that is the path with highest net benefit (benefit minus cost).<sup>90</sup>This may also mean decisions to avoid some obvious easy targets to achieve surprise, if the cost is assessed to favor the terrorists

Within this context, counterterrorism strategy can be employed as a cost-effective measure for attaining a more extensive religious, political, and social objective. It can further be conceived from this theory that terrorists are and must be approached as rational actors. Yet, by considering terrorists as rational actors, then it would seem that calculating their costs and benefits indeed provides effective counterterrorism tools. Being rational actors, and knowing that they are fighting against a superior government forces, they employ strategies that will result into maximum impact on their victim while utilizing as minimal resources as possible. Resources are naturally scarce and in most cases government operations are set to take place within specified timings. While this is so, terrorists exploit this factor, ensuring prostration of counterterrorism operations, thus pumping pressure on the available resources, causing exhaustion and complacency. While the most government counterterrorism intelligence communities effort is focused on collection and analyzing intelligence on terrorism to reduce uncertainty, provide warning and guide decision, as rational actors, terrorist have endeavored to exploit the opportunities that exists in a given operational environment. For instance, they have effectively manipulated the human terrain which constitute the main battlefield in the war on terrorism. The use of few and cheap improvised means to achieve maximum terror effects on the victim forms one of the reasons why terrorism has continued to thrive. The

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<sup>89</sup> Claude Berrebi, *The Economics of Terrorism and Counterterrorism: What Matters and Is Rational Choice Theory Helpful?* in Paul K. Davis and Kim Cragin, eds., *Social Science for Counterterrorism: Putting the Pieces Together* (Santa Monica, CA: Rand Corporation, 2009), p. 151.

<sup>90</sup> Uffe Kock Wiil, *Counterterrorism and Open Source Intelligence*, springer-Verlag Wien (2010) pg 14-16

choice of the victims of terror is done such that the government will have no choice but to bow to the demands of the terrorist. Availability of political social and religious sanctuaries has also been exploited to engender support by the population, it is plausible to reason that counterterrorism policies could be approached by either increasing or decreasing the cost of terrorism.<sup>91</sup> By increasing the cost, it would mean augmenting defensive mechanisms like strengthening the security of prospective targets and taking consideration of offensive mechanisms, which includes using direct military actions. On the other hand, decreasing the benefits that terrorists can perceive from their activities could be attained by giving concessions to distressed groups that the terror groups claim to be working on behalf.<sup>92</sup>

At the center of this theory is the idea that a human agent determines his or her destiny based on knowledge and the power of reason.<sup>93</sup> In which way, human agents will most likely act in self-interests by weighing between the costs and benefits. Accordingly, human agents will always choose from a combination of alternatives and selects the alternative that provides the most optimal benefit and lowest cost. This implies that terrorists will always gauge their probability of success whenever they decide whether or not, they will be involved in future criminal activities. The rational decision<sup>94</sup> Decision-making would involve making choices to take part in terrorism or not depending on the counterterrorism mechanisms in place.<sup>95</sup> Hence, an underlying choice process occurs between carrying out a terrorist activity and circumventing law enforcement agents.<sup>96</sup>

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<sup>91</sup> Berrebi, *The Economics of Terrorism and Counterterrorism*, p.151

<sup>92</sup> Ibid151

<sup>93</sup> Moran, R. (1996). *Bringing Rational Choice Theory Back to Reality*. Journal of Criminal Law & Criminology, 86(3): 1150-4.

<sup>94</sup> Russell F. Korte, *Is counter terrorism counterproductive? The case of Northern Irelan*. Pp.11 Retrieved from <https://drum.lib.umd.edu/bitstream/handle/1903/2932/umi-umd-2723.pdf?sequence=1>

<sup>95</sup> Ibid11

<sup>96</sup> Moran, R. (1996). *Bringing Rational Choice Theory Back to Reality*, Journal of Criminal Law & Criminology, 86(3): 1150-4.

## 1.10 Research Methodology

This research aims to examine critically the role of intelligence community in the war on terrorism in Kenya. In this section, the research methods employed are presented. It incorporates methods on the research design, study target population, sampling procedures, data collection techniques, and the data analysis techniques. The study was carried out in Nairobi and was focused on the national intelligence community as well as the security apparatus that form part of the primary consumers of intelligence products and are responsible for responding to any threats predicted by the same.

### 1.10.1 Research Design

To successfully complete this research, the study was based on the exploratory and descriptive research designs. This design is often employed for purposes of understanding an otherwise poorly studied topic or subject. An exploratory research is conducted when it is necessary to understand the general nature of the problem, identify possible alternatives to the solution, as well as relevant variables that need to be taken into account. It is the research that helps to learn the essence of the problem; to make sure that there is a problem, and to find out the character of this problem. It is simple and is carried out in the form of free discussions with experts specially selected for this purpose or analysis of secondary information. It is a flexible method which can employ various techniques to obtain information aimed at fulfilling various study objectives.<sup>97</sup> This study will also be based on the descriptive survey design which as posited by Cooper and Schindler (2003) "...is concerned with finding out who, what, when, where and how."<sup>98</sup> Its aim is to accurately and systematically describe a population, situation or phenomenon. It is an appropriate choice when the research aim is to identify characteristics, frequencies, trends, and categories. It is useful when little is known

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<sup>97</sup> Christoph Klaus Streb. "Exploratory case studies Encyclopedia of case study research" (2010): 372-373

<sup>98</sup> Donald Cooper and Pamela Schindler, *Business Research Methods* (11 ed.). New York: McGraw-Hill Education (2011).

about the topic or problem and thus there is need to understand how, when and where it happens. Descriptive surveys use questionnaires, interviews and focus guides in data collection. As such, this current study will use questionnaires and interviews in data collection. These will help in proper understanding of the problem and access to a wide range of information from the target population including the key informers to answer the research questions.

### **1.10.2 Target Population and Sample size**

The target population was the employees of National Intelligence service, Military Intelligence and National Police Service. The target population is about 400 persons. The Purposive or judgmental was used where particular employees were selected deliberately based on their deployment in intelligence and counterterrorism departments, access to information that cannot be accessed by others and the special roles they play in the intelligence cycle of the IC. The idea behind purposive sampling is to concentrate on people with particular characteristics, operational knowledge and skills, who will better be able to assist with the relevant information. One of the key benefits of this sampling method is the ability to gather large amounts of information by using a range of different techniques. The purposive sampling used in this case was quota where the enumerator is instructed to continue sampling until the necessary “quota” has been obtained from each stratum. This variety will, in turn, give a better cross-section of information. The simplified formula suggested by Yamane was used in data collection.<sup>99</sup>

The formula is:

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

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<sup>99</sup> Yamane, Taro. *Statistics: An introductory analysis*.(1973).

Where,

n= Sample Size.

N = Target Population

e= error estimated at 10%

When applied to the population of 400, a sample of 80 persons were obtained. These were proportionately sampled from the various units using the purposive sampling technique as shown in Table 3.1.

The sample size was calculated as follows:

$$n = \frac{400}{1+400(0.1)^2}$$

where n was found to be 80.

In addition to this an additional ten key informers were involved in the study. These were heads of department in the intelligence departments, making a grand total of 90 personnel.

**Table 3.1 Sample Size Categories**

Operations Teams	Population Size	Sample Size
Military Intelligence	200	40
National Police intelligence Service	100	20
National Intelligence Service	100	20
<b>TOTAL</b>	<b>400</b>	<b>80</b>

**Source: Researcher, 2020. Purposive sampling was used where cases or participants in the sample were selected based on the believed that they have the sufficient information relevant to the achievement of the study objective.**

The KII will be administered using a tool that is (appendix two). The respondents will be draw from the MI SVC (4), NIS ( 3) and NPS(3) The KII are senior personnel in the IC who will not be part of the 80 respondents.

### 1.10.3 Validity and Reliability

This refers to “the degree of accuracy in capturing the intended information.”<sup>100</sup>

The validity of the questionnaires were tested using content validity technique where the questions were evaluated against the desired outcome to see how valid they were to the study. Instrument reliability is “the capacity of a research tool to dependably measure features of concern over time.”<sup>101</sup> In this study, reliability was assessed by pre-testing the questionnaire. Cronbach Alpha ( $\alpha$ ), a reliability coefficient whose cut-off point is 0.7 (which signifies acceptable) and above was used in testing the internal consistency of research items. In this study  $\alpha$  values of more than 0.7 for the three variables were obtained. This shows that the questionnaire could reliably be used in data collection.

### 1.10.4 Data Collection

This study was based on both primary and secondary data. Primary data was acquired through administration of questionnaires and interviews to the selected individuals. The questionnaires contained simply structured questions to cover the relevant areas in line with the study objectives. Both open-ended and closed-ended questions were used to collect qualitative and quantitative data respectively. Questionnaires were preferred in this study due to the need to protect the privacy of the participants. Oral interviews were administered through one on one interaction; mobile communication and Skype with selected key informants using an interview schedule/guide the key informants included heads of departments in NIS, MI, and NPS, Commanders, directors and heads of intelligence. The interview schedule helped in getting in-depth information by asking the in-depth questions that generate qualitative data. Secondary data was acquired from the library through study of

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<sup>100</sup> Joyce Mbwesa, *Research Method*. University of Tilburg: Hans Wergard. (2006).

<sup>101</sup> Olive Mugenda and Abel Gitau Mugenda, *Research methods Quantitative and Qualitative Approaches*. Nairobi: ACTS. (2003).

books by other scholars, journals, magazines, newspapers and internet. Additionally relevant secondary data was obtained from reports, international publications.

### **1.10.5 Data Analysis**

Quantitative and qualitative techniques were used in data analysis. The data collected from questionnaires were subjected to descriptive and inferential statistics. Using inferential statistics, data from the interviews and questionnaires was studied carefully and used to make generalizations about a population. The large information from the interviews and questionnaires was then summarized through descriptive statistics to make it as simply as possible. This was done through the help of the Statistical Package for the Social Sciences (SPSS) version 24. The findings were presented in charts and tables. Conversely, qualitative data analysis was guided by Miles and Huberman's framework of thematic analysis. The method suggests the use of four critical steps intended for extracting meanings from data collected from participants.<sup>102</sup> The four include "data reduction, data display, drawing conclusion and verification of findings." The four steps translated to the researcher becoming "familiar with data, generating initial codes, extracting themes, reviewing emerging, and compiling a research report."<sup>103</sup> Data reduction aims at the transforming information into a correct, simplified form and in the right order. The vast amount of data was broken down to precise meaningful parts. Data display involved portraying of information from the research process in simple, well organized and summarized way. It includes use of tables, charts, graphs among others. It makes data easy to visualize, understand, make comparison and conclusions. Drawing conclusion involves the analysis of the findings of the research; whether or not they support the hypothesis and why. Verification of research findings

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<sup>102</sup> Matthew Miles and Michael Huberman, *Qualitative data analysis: an expanded sourcebook*. Newbury Park, Sage (1994).

<sup>103</sup> Uwe Flick, *An introduction to qualitative research*, (5th ed). Los Angeles: SAGE Publications (2014).

involves validation of findings, vetting to check the level of credibility and to see whether they build up on other studies previously done.

#### **1.10.6 Data Dissemination**

Data dissemination will include making the research findings available to the public for other users including academic researchers, government officials, policy makers and the general public. The data will be published and disseminated to the University library for further studies. Intelligence agencies that is NIS, MI and NPS will also be issued with the data for their study and guidance in decision making. Further, this study outcome will be made available to the public through the internet.

#### **1.10.7 Ethical Considerations**

As part of the ethical considerations considered in this research, effort was made to ensure that the participants' right to informed consent was duly respected. Before the actual process of interviewing each participant, their consent and the consent of their employers to take part in the interview was sought. The participants were issued with consent form, which contained pertinent research details. The consent form was clearly explained to them and they were also informed that their involvement in the process was voluntary. The participants privacy and confidentiality was also respect. Due to the sensitive nature of this research, serious measures were taken to avoid disclosure of any information that would give away the identity of the participants. This included ensuring that each participant is provided with an absolute anonymity.

#### **1.10.8 Limitations and Delimitations**

This study targeted personnel employed by the security organs in Kenya and not limited to Kenya Defense Forces, National Intelligence Service and Kenya Police Service. There were three major limitations experienced during the study. Firstly, there was the resistance and fear

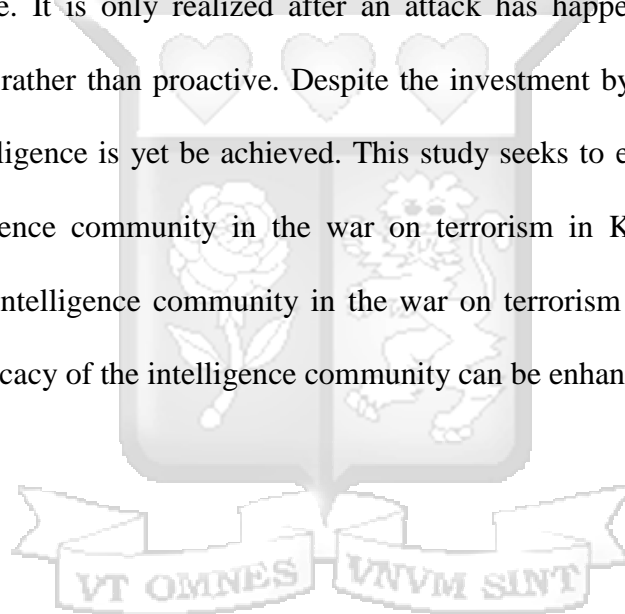
of the personnel to participate in the study owing to the sensitive nature of information required in the study which would have severe consequences if disclosed. Due to the sensitive nature of this research, measures were taken to avoid disclosure of any information that would give away the identity of the participants. This included ensuring that each participant is provided with an absolute anonymity. Secondly, there was limited access to confidential documents and information held by the security organs. To mitigate this, authority was sought through an official letter to the institutions followed by visits to the institutions to seek authority of the same. Lastly, there was the fear of disclosing sensitive information by the participants which would have serious consequences if disclosed. This was addressed by ensuring that sensitive information is properly handled to ensure its due confidentiality.

### **1.11 Conclusion**

With the global increase in terror threat and the impossibility of securing all the possible terror targets, from an indescribable enemy, the need for an effective intelligence system cannot be overstated. The war on terrorism requires a proper understanding of the complex issues connected to terrorism. Terrorism has continued to define relations and interaction of states as well as influence the foreign policies of states towards others worldwide. Aggressive collection of timely accurate and relevant intelligence is necessary for penetrating and disintegrating terrorist networks, identifying and cutting off their financiers, supplies and logistic support, and disrupting their ability to carry out their operations. This requires a that the intelligence communities and agencies must collaborate with each other both internally and internationally. Among the most significant rationales for intelligence is predicting where security threats may be found in the future. It involves strategies aimed towards fighting terrorism from its sources while ensuring the protection and hardening the target. This cannot happen without a robust and effective system of intelligence, capable of wide area coverage

in terms of collection, processing and sharing intelligence with the relevant security elements in a timely manner. Strong collaboration must exist between IC the National security organs and national law enforcement organs, that is the military and national police as well as policy makers.

While they are doing their best to support CT efforts, intelligence communities all over the world have been challenged by the terrorist menace where getting actionable intelligence against terrorism in many cases is yet to be achieved. In most terror attacks cases, there has been evidence of presence of sufficient information that was not properly pieced to provide actionable intelligence. It is only realized after an attack has happened and thus security elements are reactive rather than proactive. Despite the investment by states in intelligence, counterterrorism intelligence is yet to be achieved. This study seeks to examine the challenges of the of the intelligence community in the war on terrorism in Kenya, to examine the achievements of the intelligence community in the war on terrorism in Kenya, To suggest ways in which the efficacy of the intelligence community can be enhanced.



## CHAPTER TWO

### A CRITICAL ANALYSIS OF THE INTELLIGENCE COMMUNITY IN THE WAR ON TERRORISM IN KENYA

#### 2.1 Introduction

This chapter presents a critical analysis of the of the intelligence community in the war against terrorism. It looks the role of intelligence community in the war on terrorism in Kenya, the challenges they face and ways in which the intelligence community has dealt with them. The study covers the period from 1998 US Embassy Bombings to date (2020). These responses are analyzed against extant literature.

#### 2.2 The Intelligence Community and the War on Terrorism.

The security state of the world is challenged by the nature of current threats, characterized by acts of terrorism, perpetrated by states and non-state actors, with high dependence on technology which has been escalated by globalization. In such an environment, Intelligence has never been more important in world politics than it is now in the opening of the twenty first century.<sup>1</sup> Many states globally have come to terms with the fact that terrorism is a threat that is here to stay and that we are forced to develop strategies to leave with it. Given the impossibility of preventing terrorism by protecting every potential target against a very large number of thinking, hostile adversaries, the most potent element in any arsenal of defense against terrorism is likely to be an effective system of intelligence.<sup>2</sup> In this age where the global security is greatly focused on fighting terrorism, the intelligence community forms a key role in the war on terrorism. The essence of intelligence is the ability to process information and knowledge at the point of action; at its crux are real-time collection, fusion, intuitive products, and dissemination of those products; and enhancements are needed to

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<sup>1</sup> Len Scott and Peter Jackson, *The Study of Intelligence in Theory and Practice* in L.V Scott and P.D Jackson(eds) *Understanding Intelligence in the Twenty First Century: Journeys In Shadows*, (London-Routledge 2004) pp 1-24

<sup>2</sup> Brian Forst, *Terrorism Crime and Public Policy*, Cambridge University press(2009) P.341

establish intelligence cells at the lower levels, improve intelligence networks, and tailor, automate, and balance information pull (passive) and selective push.<sup>3</sup> Intelligence is needed for disclosing terrorist plans, and intentions and consequently, to foil or counter terror threats. This may include preventing terror from the planning stage on the perpetrators side or from the victims side which includes securing or hardening the targets. Intelligence community/agencies are institutions charged with this task of collection of information analyzing it to get intelligence about potential as well as imminent threats to the state and its interests. They are responsible for informing the authorities, policy makers and relevant counterterrorism elements on any anticipated terrorism threats and plans to ensure intervention measures are taken before the attacks happen.

While it is impossible to bring terrorism to an end, incapacitating it is possible if the aspect of support is attacked. Intelligence community is responsible for penetrating into the terrorists chain and thinking cycle. Intelligence agencies must recruit agents within the terror organizations to conduct espionage, and spy on their plans, their ideologies, leadership, supporters, both local and international, financiers and recruitment process, weaknesses within the government, exploited by the terrorism to thrive and gain followers. Such information is necessary for understanding how terror cells operate, their leadership, plans, how they think and act, their motivations and thus help in selection of the most appropriate counterterrorism strategy. penetration of command and leadership structure in necessary for facilitating deception plan thus causing confusion within the terror group. Intelligence agents collect real time information through direct observation of suspected terrorists, their current activities and operations, locations. This is best done by secret intelligence agencies operating clandestinely and with accessibility into the terror cell command structure. Real time intelligence is also acquired through interception of terrorist communication to listen into

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<sup>3</sup> Christopher Paul, Harry J. Thie et al, Alert and Ready: *An Organizational Design Assessment of Marine Corps Intelligence*, RAND Corporation. (2011) <https://www.jstor.org/stable/10.7249/mg1108usmc.13>

their conversation. This conversation reveals their plans, command structure, current activities and operations, location, sources of financial, logistical and military support, their weapon, and other military arsenals. Passive information is acquired through study of past material, which gives the historical back ground of terrorism. It gives information on how the movements started, causes, leadership, ideological aspects, operational patterns training and recruitment process and how these have changed over time.

The Intelligence Community has a responsibility of full time monitoring of the social media and internet to sport and take action against any terrorism related activities. The internet plays two primary roles for those involved in terrorism: first, propaganda is as important to today's terrorists as their hidden financial networks are. Islamic Jihadists use propaganda to spread their message and call others to action. Secondly, the internet provides a first, accurate and if employed cleverly, secure means of communication among terrorists.<sup>4</sup>The platform has also been used for recruitment, indoctrination, spread of terrorist ideologies due to its ability to reach a large number of audience globally, especially the youth. Social media, internet monitoring and study gives information about terrorist historical background, ideologies, motivations and recruitment. The intelligence community is responsible for round the clock monitoring of the social media and internet to identify and pull down any such websites and posts that promote and attract support for terrorism in order to develop counter terrorism strategies against them.

Kenya has had a long history of battling terrorism. Since the US Embassy Bombings in 1998, many organized terrorist attacks have rocked the country. While the government has continued to intensify the war on terrorism, terrorism and terror tactics have continued to morph, making the war quite difficult and challenging. While the menace of violence is known to man, terrorist violence has acquired a greater degree of sophistication thanks to the

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<sup>4</sup> Gary Berntsen, *Human Intelligence, Counterterrorism and National Leadership*, A Practical Guide, VII books Publishers (2009) PP. 52-53

advances in science and technology. It is this sophistication in tactics that is paralyzing the state and traumatizing the society by seeking to disrupt the life process<sup>5</sup>

In fighting terrorism it is important that the security elements involved should properly define the term terrorism. Although terrorism has no legally and universally accepted definition in all jurisdictions, there are common elements that feature in most definitions that have been advanced by a majority of the statutes, however, generally share some common elements. Terrorism involves the use or threat of violence and seeks to create fear, not just within the direct victims but among a wide audience. The degree to which it relies on fear distinguishes terrorism from both conventional and guerrilla warfare. The principal means to victory for conventional forces is dependent upon the military might although they invariably employ psychological warfare. On the other hand, guerrilla forces often rely on terrorism and propaganda as means to achieve military victory and occasionally succeed. Terrorism is thus the calculated use of violence to generate fear, and thereby to achieve political goals, when direct military victory is not possible. Fighting terrorism thus requires a very elaborate, well thought and planned strategy. Terror attacks range from minor attacks like isolated grenade attacks and shootings to soft targets, major attacks on soft as well as hard targets, bombings and even direct attacks on security forces including the police and well-defended military DPs. It requires a proper understanding of the operational environment.

Kenyan intelligence community has been at the forefront in the war against terrorism. The IC comprises of various intelligence agencies including the National Intelligence service, the Directorate of military intelligence, the Kenya police intelligence agencies and any other agencies that are concerned with intelligence collection within the country. The IC must maintain an extremely close working relationship with other law enforcement agencies

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<sup>5</sup>Verinder. Grover Terrorism: *History and Development, Deep and Deep*, 2002, pp. 3-4, A text of the address delivered by shri G.M.C. Balayogi, Hon'ble speaker of Lok Sabha at the international conference of terrorism: A Threat to the 21st Century ' held on December 11-12, 1898 at new Delhi.

including the KDF, Kenya police and antiterrorism police unit to ensure a holistic process that will leave no gaps in dealing with terrorists.

Intelligence plays a vital role in the war against terrorism and is needed at all levels of this war. It provides information and insights about the operational situation and the operational environment. It provides a roadmap through which all the stakeholders in the counterterrorism effort should navigate from the policy makers to the platoon commander at the tactical level.

Intelligence is necessary for increasing confidence and reducing uncertainty and informing decision makers. Effective counterterrorism requires a systematic and accurate intelligence gathering. Successful counter-terrorist strategies are based on detailed intelligence on terrorists networks and activities.<sup>6</sup>Detailed information is also needed on sources of their supplies, weapon, funding, supporters, sympathizers and operating bases. Intelligence must be gathered through surveillance, interrogation, informers, and infiltration into the terrorist chain and this should also include routes into and out of the country for cross border terror gangs

The Kenyan IC has made commendable stride towards improving its counter terrorism intelligence. The domestic intelligence services collect and analyses counterintelligence in parallel with counterpart foreign intelligence which work beyond the country's borders. When suspected criminal behavior is uncovered, the domestic intelligence service may turn to national police organizations to carry out law enforcement operations against the suspect<sup>7</sup>. However, Kenya has faced challenges in assertively dealing with terrorism due to demands to

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<sup>6</sup> Ibid

<sup>7</sup> Loch. K. Johnson, Strategic Intelligence, *The Intelligence Cycle: The flow of Secrete intelligence from overseas to the Highest Councils of Government*, Greenwood Publishing group (2007) P.13

adhere to human rights.<sup>8</sup> The intelligence community has increasingly been called upon to adhere to human rights frameworks at national and regional levels. Between 1998 and 2016, the lack of policy frameworks for ensuring that the intelligence community could infiltrate terrorism cells without being accused of human rights violence placed insurmountable challenges to the fight against terrorism.

Since the 1998 and 2002 terror attacks, Kenya has been part of the global war on terror. This has led to an increased push for political will in this fight. The donor and diplomatic community was also at the forefront in agitating for military and political strategies in Kenya's war against terror. This came with immense benefits for Kenya's intelligence community that was able to gain political, legal, technical and financial support to buttress intelligence capabilities. However, opposition to counterterrorism legislation by the clergy and civil society organizations as well as some politicians challenged the legal space under which the intelligence community operated.<sup>9</sup> This bred poor societal support for the intelligence community due to weak support by local leaders in some of the areas with the highest security risk vulnerabilities.

With a focus on terrorist attacks in Kenya between 2009 and 2019, Hubi points out that one of the major frontiers in the fight against terrorism has been social media platforms. In this light, the intelligence community has continued to enhance its capability to deal with cyberspace security. This emanates from the fact that most of radicalization takes place through social media platforms such as "Facebook, Twitter, What Sapp, YouTube, and Telegram."<sup>10</sup> However, the huge volumes of information crisscrossing social media platforms

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<sup>8</sup> Norman Sempijja and Bulelwa Nkosi, *National Counter-Terrorism (C-T) Policies and Challenges to Human Rights and Civil Liberties: Case Study of Kenya*. In: Shor E., Hoadley S. (eds) 'International Human Rights and Counter-Terrorism, *International Human Rights* (2019), Springer, Singapore

<sup>9</sup> Jeremy Lind & Jude Howell, *Counter-terrorism and the Politics of Aid: Civil Society Responses in Kenya*, *International Institute of Social Studies*, Vol 41, Issue2 (2010): 335-353

<sup>10</sup> Nesteha Hussein Mohamed Hubi, *The Role of Social Media in Influencing Radicalization: Case Study of Majengo-Nairobi, Kenya*, Master's Thesis. United States International University, 2019. Accessed on March 27 from <http://erepo.usiu.ac.ke/11732/4915>

have often made it impossible for the intelligence community to curb all terrorism risk vulnerabilities.

In Kenya, like other parts of Africa, the nebulousness of terrorist organizations has created immense challenges for the international community. There has been the constant need to adapt their techniques in response to the ever-changing modus operandi of terrorist groups. The trans-boundary nature of terrorist organizations (terrorism without borders) has pushed the intelligence community to cooperate with neighboring countries within the processes of intelligence gathering.<sup>11</sup>This cooperation could either be bilateral or multilateral. Bilateral cooperation involves sharing of intelligence information and analysis on topics of mutual interest between two states. This cooperative agreement may take various forms. This may include situations where one country undertake collection while the other performs an analysis of the information and share it with the other. This has specifically been the case especially between Kenya and the US. Kenya has benefitted from the USA government in the war on terrorism especially in intelligence sharing. In reciprocation to this, the country has allowed the USA to utilize its territory as an operational base and intelligence collection and operations area, sharing the results of such collection. The U.S. and other states supports countries in acquiring a collection capabilities with the understanding that the supported country will share the results through joint collection operations that may be undertaken with the supporting state's intelligence officers working side-by-side with their foreign counterparts. Sometimes one country may provide training to compensate for the services rendered like language interpretation, where a foreign service brings unique skills to the endeavor. However, the fact that terrorism is perpetrated by both state and non-state actors means that regional cooperation may not necessarily bear the required fruits. In addition, the

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<sup>11</sup> S.K. Morumbasi and C. Amuhaya, *A networks analysis of terrorism in Africa: implications for Kenya*, 'Africa in International Relations, Vol 16, No 2 (2016): 265-273. Accessed on March 26 from <http://journals.rudn.ru/international-relations/article/view/14275>

intelligence community has historically been working in a vacuum due to sketchy international legal frameworks in the war against terrorism in the East African region.

The efficacy of the intelligence community in Kenya has also been challenged by demands to handle intermitted glaring attacks on civilian and military personnel. Their capacity to effectively thwart terror attacks has also been limited by conflicts in neighboring countries. Poor domestic support, as well as financial constraint, have faced counterterrorism drives. This is due to the inability to afford all the requisite logistical support.<sup>12</sup> In the bid to deal with these challenges the Kenya government has, though not successfully, endeavored to establish a collaborative framework to coordinate anti-terrorism drives with local, regional, and international agents. This has had mixed results on abilities to deal with the causes of the intelligence failure in the country.

Since the 1990s, community policing has been playing major roles in enhancing the intelligence gathering capabilities of the intelligence communities<sup>13</sup>. This has led to easy access to information and easy infiltration of terrorist cells. Challenges related to successfully implementing it in some parts of Northern Kenya have however defeated the promises it offers in the fight against terrorism. This has made it hard to collect information from some high-security risk areas.<sup>14</sup> This concept of credibility is obviously quite complicated when it comes to intelligence and security. The public cannot know every detail of an intelligence or law enforcement operation; thus, public trust and a sense of institutional legitimacy must bridge this gap. Although issues of security and terrorism absorb the energy of policymakers and those who support those policy makers,

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<sup>12</sup> Wilson Muna, The Cost of Terrorism in Kenya, *The Journal of Social, Political, and Economic Studies*, Washington Vol. 42, Iss. 3/4, (Fall 2016-Winter 2017): 289-306.

<sup>13</sup> *Intelligence led Policing: the integration of community policing and law Enforcement Intelligence*

<sup>14</sup> Hanno, *Refugees in uniform: community policing as a technology of government in Kakuma refugee camp, Kenya*, *Journal of Eastern African Studies*, 2020, Accessed on March 26, 2020 from DOI: 10.1080/17531055.2020.1725318

there is minimal public engagement with them by any one beyond elite audiences. This has continued to affect public trust and limit public participation in the whole process.

Between 1970 and 2019, Kenya was a hotbed for terrorism with over 440 terror attacks. Some of the major attacks rocked the North Eastern regions of Kenya with Garissa County having been hit 53 times as at the end of 2017. Some of the reasons blamed for such high attacks on Garissa County were poor economic development.<sup>15</sup> In the county, perceptions of politically sanctioned exclusion from national development contributed to less support of counterterrorism drives. The intelligence community has continued to face challenges while operating in such areas where there is lack of trusting relationship and communication between IC and the community. This could thwart intelligence gathering as envisaged by this current study.

Terror organizations have continued to intensify their radicalization efforts all over the country and especially among the youths leading to continued spread of terror ideologies. The fight against terrorism was only feasible if radicalization of the local community was checked through effective communication.<sup>16</sup> Targeted communication processes have been employed by the intelligence community in understanding local mind-sets towards terrorism. This has enhanced their capacity to implement tangible counterterrorism strategies.

The fight against terrorism saw a dramatic change when Kenya invaded Somalia in October 2011. Although Kenya scored major gains in Somalia, through the “Operation Linda Nchi” military excursion into Somalia, terrorist attacks against Kenyan troops as well as grave attacks in Kenya show that intelligence lapses continued almost unabated. This was often blamed for Kenya’s “inability to make a political settlement with its Somali and wider

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<sup>15</sup> George Nyongesa, *Effects of terrorism on the political economy: Case study of Garissa County, Kenya*, Master’s Thesis, Kenyatta University (2019): 1-79.

<sup>16</sup> Naman Owuor, *Impact of Strategic Communications in Preventing Violent Extremism and Countering Terrorism by The National Counter Terrorism Centre in Pumwani Area, Nairobi Kenya*, Master’s Thesis, United States International University, Kenya, 2019, accessed on March 27, 2020 from <http://erepo.usiu.ac.ke/11732/4580>

Muslim communities at home.”<sup>17</sup> This shows that the Kenyan intelligence community has often been unable to undertake efficient intelligence gathering activities due to poor local support in the wake of perceptions of state-sanctioned exclusion of others. The socioeconomic and political environment of the country thus places immense bottlenecks to the intelligence community in the fight against terrorism.

Unless intelligence is relevant to users and reaches them in time to affect their decisions, the effort to collect and the final product has been wasted. Consumers in policy agencies in particular express dissatisfaction with the intelligence support they receive.<sup>18</sup> The efficacy of Kenya to streamline intelligence gathering and sharing has often been questioned. This emanates from the fact that numerous concerted efforts to enhance the capacity of its intelligence apparatus have not thwarted transnational terrorism in the country. Although Kenya uses human intelligence and signals intelligence in her fight against international terrorism, there were glaring gaps in the efficacy with which Kenya uses the intelligence gathered. This was due to challenges related to the lack of precision of anticipated attack and poor timeliness of the intelligence gathered and shared with other agencies.<sup>19</sup>

Enhancing the capacity of intelligence officers to deal with cyber-terrorism has been another strategy used in Kenya. Terrorists have been able to exploit cyberspace vulnerabilities to radicalize and recruit militants. In response, the country enacted the “Misuse and Cybercrimes Act (2018),” which creates a legal framework for dealing with cyber terrorism among other cybercrimes.<sup>20</sup> However, there have been gaps related to legislation on terrorism financing. Capacity challenges have also limited the ability of intelligence teams to respond

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<sup>17</sup> David M. Anderson and Jacob McKnight, *Kenya at war: Al-Shabaab and its enemies in Eastern Africa*, African Affairs, Volume 114, Issue 454 (2014): 1–27, Accessed on March From <https://doi.org/10.1093/afraf/adu082>

<sup>18</sup> Report of the Commission on the Roles and Capabilities of the U.S. Intelligence Community. Washington, D.C. (1996) p. xxi  
W.S. Mwangi, S.W. Mwangi, & J. Wasonga, *Assessing The Effectiveness Of Intelligence Gathering And Sharing (IGS) In Countering Violent Extremism (CVE) In Kenya*, International Journal of Innovative Research and Advanced Studies (IJIRAS), Volume 7 Issue 1, 2020: 149-156.

<sup>20</sup> Mark Ogonji, *Promoting Security in Africa through effective counter cyber terrorism Strategies*, Master’s Thesis (2019).

to cyberspace perpetuated terrorism. Lack of a functional multi-agency counter cyber unit also means that there is limited information exchange between various security units on suspected terrorist activity over the cyberspace.

The intelligence community in Kenya has had to deal with challenges related to manning vast porous borders. Although the country has constantly foiled planned terrorist attacks by groups such as Al-Shabaab, trans-border sporadic terrorist attacks have remained a major challenge.<sup>21</sup> Sinking opportunity in targeted countries' home grounds means that terror groups continue to exploit cross-border security vulnerabilities. Kenya has thus been faced with the challenge of having got to decipher information from war-torn Somalia which is a haven for Al-Shabaab.

The intelligence community in Kenya also faces challenges related to large numbers of Al-Shabaab sympathizers at home. Due to political and economic reasons, radicalization of locals means that terrorist groups can undertake clandestine operations unabated. In addition, large numbers of former Al-Shabaab militants coming home after fighting in Somalia coupled with problems with reintegration creates a complex environment for intelligence gathering.<sup>22</sup> This is further aggravated by poor relationships with state security agencies. In this context, terrorism risk vulnerabilities increased.

Kenya, like many states has responded to terrorism threats by the use of force, a move that has proved to be ineffective especially when used in isolation. The use of force, since the first religious terrorist attack in 1998, led to poor relationships between security forces and the community. Though intelligence and financial control strategies were employed, the mixed approach in which coercive techniques were repeatedly deployed led to inabilities by the

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<sup>21</sup> Brendon Cannon and Wisdom Iyekepolo, *Explaining Transborder Terrorist Attacks: The Cases of Boko Haram and Al-Shabaab*, African Security Journal, Volume 11, Issue 4 (2019): 370-396.

<sup>22</sup> Kennedy Mkutu and Vincent Opondo, *The Complexity of Radicalization and Recruitment in Kwale, Kenya*, Terrorism and Political Violence, 2019, Accessed on March 27, 2020 from DOI: 10.1080/09546553.2018.1520700

intelligence community to create a sustainable national intelligence architecture.<sup>23</sup> This current study assesses ways in which the efficacy of the intelligence community could be enhanced in such a context.

Intelligence community plays an important role in informing policy formulation. While it is arguable that intelligence, if enmeshed in the policy process, will lose its value, intelligence has to be close to policy to remain relevant. There must be good communication between policy consumers and intelligence managers if intelligence has to be on target and meet the needs of the policy makers. Intelligence community has been faced with the challenge of friction with policy especially where policy makers have preconceived ideas. Politicization of information to suit political ideologies hinders effective policy decision making. This waters down the efforts of the intelligence community and effective counterterrorism efforts despite presence of intelligence.

Just like global terrorism, terrorists in Kenya base their acts and beliefs on strong religious fanaticism. This provides a justification of their use of violence and killing of all perceived to be non-believers, '*kufaar*'. The Islamic Jihadists have managed to use this element to manipulate and create division on religious grounds among the populations in nations globally. The Westgate attack, Garissa University attack Mpeketoni attack, the Garissa quarry attack and the 2015 Mandera bound bus attack alongside attacks on churches which were characterized by isolation of non-Muslims from Muslims before execution all portrayed a religious inclination of terrorism in Kenya. This alongside execution of radical Muslim clerics also fuelled animosity and resistance and a period of religious intolerance. Extreme acts of terror, and their sheer irrationality cause unbearable fear and panic among the population which intimidates and eventually sways large numbers of the population. The intelligence community has had serious challenges in getting intelligence on terrorism in

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<sup>23</sup> Damaris Wanjiku Kimani, *A critical analysis of counterterrorism responses: a study of Kenya and Al-Shabaab (1998-2017)*, Master's Thesis, United States International University Africa (2018): 1-98

areas dominated by the radicalized Muslim communities especially where the communities have been under the tutorship of the radical clerics. This has been the situation in parts of the North Eastern and coastal regions of Kenya.

### **2.3 Conclusion**

Historically, Kenya has suffered terror upon terror attacks. This has called for strong measures aimed at dealing with these terror attacks. This had included buttressing intelligence gathering processes. However, intelligence failures weakened the fight against terrorism; leading to intermittent attacks. One of the main reasons for continued terrorism attacks in the country has been a lack of policy frameworks for ensuring that the intelligence community can infiltrate terrorism cells without being accused of human rights violence. Opposition to counterterrorism legislation by the clergy and civil society organizations as well as some politicians challenged the legal space under which the intelligence community operated.<sup>24</sup> This has sustained poor societal support of the intelligence community in some of the terrorism-risk areas.

Inabilities to monitor cyberspace has meant that huge volumes of crucial information crisscrossing social media platforms have been left assessed and analyzed. This has been exploited by terrorism organizations to coordinate attacks in the country. Lack of a functional multi-agency counter cyber unit has also limited success in counterterrorism initiatives across the cyberspace. Besides, the inabilities to constantly adapt intelligence gathering techniques in response to the ever-changing modus operandi of terrorist groups have also contributed to intelligence risk lapses.

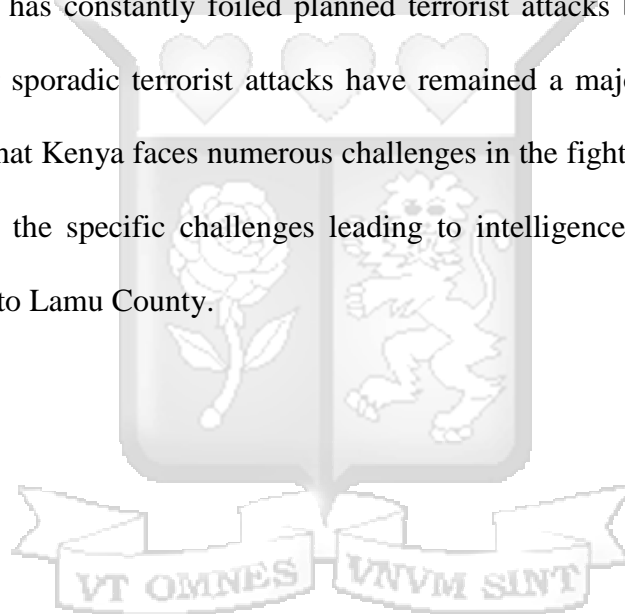
The poor regional frameworks to coordinate the fight against terrorism, aggravated by incidences of failed states, had led to poor cooperation with neighboring countries in

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<sup>24</sup> Jeremy Lind & Jude Howell, *Counter-terrorism and the Politics of Aid: Civil Society Responses in Kenya*, International Institute of Social Studies, Vol 41, Issue2 (2010): 335-353

intelligence gathering.<sup>25</sup> The East African region has sketchy legislation that creates an intelligence-gathering vacuum replete with mixed results. At the local level, poor interagency cooperation has also limited the success of intelligence teams. High radicalization levels in the local communities mean that the intelligence community has limited poor local support in some areas.

Poor capacities due to financial constraints have also led to lack of precision of anticipated attack and poor timeliness of the intelligence gathered and shared with other agencies.<sup>26</sup> Lack of enough personnel has also led to challenges related to manning vast porous borders. Although the country has constantly foiled planned terrorist attacks by groups such as Al-Shabaab, trans-border sporadic terrorist attacks have remained a major challenge.<sup>27</sup> In this context, it is evident that Kenya faces numerous challenges in the fight against terrorism. The next chapter looks at the specific challenges leading to intelligence failure in the coastal region with reference to Lamu County.



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<sup>25</sup> S.K. Morumbasi and C. Amuhaya, *A networks analysis of terrorism in Africa: implications for Kenya*, Africa in *International Relations*, Vol 16, No 2 (2016): 265-273. Accessed on March 26 from <http://journals.rudn.ru/international-relations/article/view/14275>

<sup>26</sup> W.S. Mwangi, S.W. Mwangi, & J. Wasonga, *Assessing The Effectiveness Of Intelligence Gathering And Sharing (IGS) In Countering Violent Extremism (CVE) In Kenya*, *International Journal of Innovative Research and Advanced Studies (IJIRAS)*, Volume 7 Issue 1, 2020: 149-156.

<sup>27</sup> Brendon Cannon and Wisdom Iyekepolo, *Explaining Transborder Terrorist Attacks: The Cases of Boko Haram and Al-Shabaab*, *African Security Journal*, Volume 11, Issue 4 (2019): 370-396.

## **CHAPTER THREE**

### **INTELLIGENCE FAILURES AND TERRORISM IN KENYA; THE CASE OF LAMU COUNTY**

#### **3.1 Introduction**

This chapter looks at the intelligence community's capability or incapability to detect and thwart terrorism in Kenya's Coast with reference to Lamu County. In this regard, the chapter looks at security risk vulnerabilities in the county and the reasons for intelligence failures in the county. The reasons for such failure are also analyzed in the existing body of existing literature.

#### **3.2 Kenya's Geopolitical location, intelligence failure and terrorism risk**

Kenya is located in the eastern Africa, bordering South Sudan to the North west, Ethiopia to the North, Somalia to the East and the Indian ocean to the South East. Due to the proximity of the country to the horn of Africa, it is sometimes considered to be part of the horn. The region is characterized by civil wars and instability it states including civil war in South Sudan and instability in Somalia related to decades of terror attacks which rendered Somalia a failed state. This state of Somalia has made the nation a terrorists haven for local and international terror groups including the factions of ISIS, Al-Qaida and the AS. Terror activities in Somalia have over the years spilled over into countries bordering Somalia, Kenya being one of them and caused insecurity in the region. The Al-Qaida linked Al-Shabab Islamist terrorists operate in Somalia and have also been linked to various attacks inside Kenya. They work together with other terror groups that share similar ideologies. The instability in the neighboring countries of South Sudan has caused refugee influx into Kenya with. Some of the refugees have lived in the refugee camps that have existed for decades. Over the years, intelligence reports have indicated that terrorists have exploited the refugee camps as safe

havens, planning grounds and areas for launching attacks into the country. This explains Kenya's decision to relocate the refugee camps into Somalia in effort to move terror threat away from within its borders, a move that was strongly opposed by international human rights bodies.

Kenya is an ally of the United States of America sharing information and a great beneficiary of US support in the war on terrorism. Kenya has benefitted from funding from the US, technical support on current technology for fighting and Reconnaissance Intelligence Surveillance and Target Acquisition Assets (RISTA). In return, Kenya has hosted the US in various locations offering the US army bases where they can conduct their operations while the two countries mutually benefit from each other in sharing intelligence in war on terrorism. Kenya is a member of the African Union Mission in Somalia which is fighting terrorism in Somalia. Kenya Defense Forces' incursion in Somalia since 2011 was a move aimed at fighting terrorism from the source, that is Somalia. This transitioned to AMISOM which is an ongoing mission by Africa troops to fight terrorism in Somalia and stabilize the nation. Since this incursion of KDF Somalia, Kenya has continued to experience deadly terror attacks on targets within its borders as well as inside Somalia bringing into question the efficacy of the intelligence community's capacity to provide actionable intelligence.

The 21 September 2013 Westgate mall attack where more than 67 people lost their lives and more 200 injured saw the National Intelligence Service criticized for failure to give warning. A month before the attack, the UN had warned of a planned large-scale attack in Nairobi. A week before the attack again there a similar warning was given. The Star Paper reported that two unnamed NIS officers had passed the information to the police and that a pregnant woman had been warned by her brother, a NIS officer not to visit the Westgate mall that Saturday because she will not be able to run with her bulging tummy<sup>1</sup>. Some suspects had

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<sup>1</sup> The Star, 26 September 2013, "NIS Gave advance Westgate Warning"

been intercepted at final stages of preparation for an attack at an unspecified target within Nairobi. The Observer paper reported that Kenya had intelligence on the impending attack and NIS officers had reported at Westgate.<sup>2</sup> With all this information, the failure to prevent this attack points out to intelligence blunders. The intelligence cycle should not just end at the dissemination of information, but with action to prevent attacks.

The Garissa university attack of 02 April 2015 where 148 were killed and 79 injured is another attack where failure in intelligence resulted to the loss of lives and scars from terrorism. Prior to this attack there was warning by diplomats and analysts against Kenyan security forces policing strategy which involved indiscriminate mass arrest against resident Somalis in connection with acts of terrorism. This they pointed out that would provide an opportunity to capitalize on. Days before the attack there was high profile warning of an attack on one of the universities although it was not specific. On 30 March, there was information that strangers had been spotted in Garissa and were believed to be terrorists planning an attack. There were reports that strangers had been spotted at the university compound and yet this was not questioned. Strangers had also been spotted in a nearby college which prompted the closure of the college but Garissa University remained open. On 2 April 2015 the university was attacked. All this information was quite enough to give an warning of an impending attack. The failure of intelligence community to piece this information and give an accurate and actionable intelligence indicates a gap in the intelligence process resulting to intelligence failure.

### **3.3 Terrorism and intelligence failures in Lamu**

Lamu County is located in the Northern Coast of Kenya and is one of the Six Coastal Counties in Kenya. It borders Tana River county in the southwest, Garissa County to the

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<sup>2</sup> Afua Hirsch, The Observer, 28 September 2013, "Kenyan Authorities had been warned about threat to buildings 'day before attacks'"

north, Republic of Somalia to the northeast and the Indian ocean to the South.<sup>3</sup> It has two sub-counties i.e. Lamu East and Lamu West. Some notable areas in Lamu include Mpeketoni, Hindi, Pandaguo, Witu, Bothei, Magumba, Majengo, Milimani, Minjila ,Mkunumbi Bargoni, Mokowe, Kiunga among others. Lamu is a metropolitan county comprising of the Natives including the Bonis, Bajunis, and immigrants from other parts of the country including. Lamu is one of the oldest historic towns made up of more than sixty five Islands and natural beaches which form beautiful tourist attraction sites. The main economic activities include tourism, fishing, hunting and gathering. The main religion of the native of Lamu has been mostly Islam although other religions have continued to be practiced with the migration of other people from other parts of the county.

Over the years, Lamu has experienced a prevalence of terror attacks. This could be associated to various factors. Its location in relation to the neighboring counties is a factor of security concern. Garissa, Its neighboring county to the north, is known for the prevalence of terror activities most of which can easily spill over to Lamu and on several occasions terrorists have accessed Lamu, moving and operating freely between the two counties. To the North East is the war torn Somalia state which has been the home and breeding ground for the AS terrorists group. The country has been in war against terrorism for decades, a situation that has destabilized the country to its current state of a failed state. The sharing of the border with Somalia is in itself a security threat. While pressure is being mounted on the Al-Shabaab terror group in Somalia by the Somalia Government forces alongside the AMISOM forces, they flee to Kenya through existing cut lines within the Lacta Belt and Boni forest and along the Indian ocean into lamu and establish operating bases. The vast forest provide a suitable areas for the al-Shabaab operations, offering cover and concealment of their activities. The forest also provide resources for survival while the sea is used for fishing while disguising

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<sup>3</sup> Lamu County Integrated Development Plan CIDP 2018-2022. Lamu County Government. 2018. p. 1

themselves as genuine fishermen. They exploit the forest as their operating bases, training and access points into Lamu for recruitment as well as entry points into other parts of the country. The vast land with extensive forests coupled with insufficient government control and policing makes Lamu suitable for AS to operate without much interference.

Lamu County is one of the most hit areas by terrorism, behind Nairobi and Garissa Counties. Intermittent intelligence apses have been repeatedly reported in the county, leading to a barrage of terrorist attacks since 2011.<sup>4</sup>Talking of terrorism in Lamu brings memories of such attacks as the Mpeketoni attack, where in one notable attack, Al-Shabaab militants attacked Lamu, ravaged through a village and left 48 civilians dead. Organized attacks on places of worship left scores dead.<sup>5</sup> Most of these attacks have happed, although the government security agencies deployed in the area had intelligence pointing to the attacks. The manner in which they happen raise questions on what went wrong with the information/intelligence as they appeared to have been caught unawares and could not respond to thwart or reduce the impact of the attacks. The question as to whether the intelligence received was timely accurate specific or actionable remains unanswered. Equally the question on what gaps were not exploited and what failures existed in the analysis process remains unanswered. This showed limited capabilities of the intelligence community to detect and foil attacks before they occurred. This is in line with Simplice Asongu and Jacinta Nwachukwu who recommend the need for security agencies to have the capacity to deal with terrorism targeted at human and non-human targets.<sup>6</sup>

Noting the attack in Mpeketoni in which 48 persons died as already quoted, Sirkku Hellsten points out that most of the attacks in the county were targeted at hotels and even police

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<sup>4</sup> Simeon Mokaya Momanyi, *The Impact of Al-Shabab Terrorist Attacks in Kenya*, Master's Thesis, The Arctic University of Norway, 2015, 10.

<sup>5</sup> BBC, *Kenya attack: Mpeketoni near Lamu hit by al-Shabab raid*, British Broadcasting Corporation, 16 June 2014, <https://www.bbc.com/news/world-africa-27862510>

<sup>6</sup> Simplice A. Asongu and Jacinta Nwachukwu, *Mitigating externalities of terrorism on tourism: global evidence from police, security officers and armed service personnel*, *Current Issues in Tourism* 22, no. 20 (2019): 2466-2471.

stations. In one instance, a police station was attacked near an island resort. The study by Sirkku established that the main reasons for continued attacks, which put to question the efficacy of intelligence gathering and sharing processes, was corruption.<sup>7</sup> Indeed, many national security institutions, including the intelligence community had been repeatedly implicated in corruption. This created unbridled trafficking of weapons, persons and animal trophies. In this context, terrorists continued to be trafficked into the country; arguably under the watchful eyes of security agencies.

Further, coercive methods were used to enhance compliance. When meted against citizens, this augmented exclusion and buttressed the spread of terrorism. It thus became untenable to rein in on extremism.<sup>8</sup> This is in line with the study by Brendon J. Cannon and Dominic Ruto Pkalya on “Why al-Shabaab Attacks Kenya: Questioning the Narrative Paradigm”<sup>9</sup> which shows that corruption is one of the main challenges facing Kenya’s fight against terrorism. This was particularly so since corruption challenged proper investments in intelligence efforts which limited national capacities to deal with terrorism threats.

The intelligence officials face numerous challenges in counterterrorism activities in Lamu county. One of the most glaring challenges was the ever-changing nature of terrorism. The inability to promptly adapt to rampant changes made it hard for counterterrorism campaigns to be efficient.<sup>10</sup> Poor collaboration among various stakeholders also led to intelligence lapses. The result has been that investigative reports have indicated that in many circumstances, there was at least some information pointing to the attack, which was not analyzed, shared or transmitted to the right actors at the right time. Instead, intelligence

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<sup>7</sup> Sirkku Hellsten, ‘Radicalisation and terrorist recruitment among Kenya’s,’ Policy Note No 1:2016, Nordic Africa Institute (2016),

<sup>8</sup> Ibid.

<sup>9</sup> Brendon J. Cannon and Dominic Ruto Pkalya, *Why al-Shabaab Attacks Kenya: Questioning the Narrative Paradigm*, Terrorism and Political Violence 31, no. 4 (2019): 836-852.

<sup>10</sup> Fredrick Okoth Otieno, *Counterterrorism strategies and performance of the national police service in managing terrorism in Lamu County, Kenya*, PhD Thesis. Masinde Muliro University of Science and Technology, Kenya (2019). Accessed on March 27, 2020 from <http://r-library.mmust.ac.ke/1234>

agencies keep different parts of the information to themselves, denying themselves the opportunity to compare with others within the intelligence community and develop a bigger picture of the unfolding events both within the state and internationally.

The Manda base attack is one of the attacks that should have been prevented if there was proper sharing and corroboration of intelligence. A day before the attack, the attackers were seen passing through Hindi, abducted two women who were fetching firewood, inquired where Manda base was located. Some locals within Hindi are reported to have seen the attackers but did not know where to report. Prior to that the US Intelligence agency had given a warning about an eminent terror attack on an unspecified airport. Also, reports had been received of AS movement from the areas of Hola Wajir in Somalia, through cut lines in Raschiamboni, Eldere to Boni forest. While in the forest, they are supplied with food, and basic needs by their sympathizers and supporters using motorbikes. They conceal movement, prepositioned weapons to the target area in readiness for the attack. It took almost two months between the time the movement was sighted and the actual attack. They exploited the element of time in space to protract the anticipation of the victim. With all this information, although not specific and precise, and the threat indicators, no preparations or effort was made to secure probable targets. In this context, it was recommended that there was a need for extensive collaborative frameworks in counterterrorism campaigns. With all this, it is evident that there was enough intelligence pointing to the attack a target in Manda. However, this communication was not brought to a common analysis and dots in the information were not joined to come up with the bigger picture. Also lack of proper coordination between intelligence agencies and security elements that execute the counterterrorism operations is a great undoing to the progress. This is particularly so since as posited by Stephen Lee in “Family Separation as Slow Death,” poor international cooperation between intelligence

teams contributes to increases in intelligence lapses.<sup>11</sup> The results of these are increases in the intensity of failure-related terror attacks.

Extant literature shows that Lamu County is the bedrock of the longstanding conflict between Kenyan security forces and Al-Shabaab. A series of events taking place in the county led to a full-scale invasion of Somalia by the Kenyan military. In September 2011, for example, the kidnap of a British couple near a hotel in Lamu Island while on a sailing expedition and the subsequent kidnapping of a French woman from another hotel by Al-Shabaab pushed Kenya to react. The ability of the Al-Shabaab to pull these attacks shows immense intelligence failures.<sup>12</sup> It was also a pointer that the terrorist group had local collaborations. Although many hotel workers were investigated in connection with complicity in the attacks, it is evident that local sympathizers and collaborators with terrorist groups were a major challenge facing the intelligence community in Lamu County.

The repeated barrage of terrorist attacks in Lamu County has often been blamed on her location. The county borders Somalia by Land and Sea. Its proximity to Somalia thus, which is the home to Al-Shabaab, makes it particularly an easy target. In addition, the county is home to the Boni Forest.<sup>13</sup> This forest is quite expansive and covers more than 1300 square kilometers. The fact that this forest stretches to Somalia made it easy for Al-Shabaab to establish cells and bases from which it could launch attacks in Kenya. AS control and patronizing of the area, coupled with poor government policing of the area creates vulnerability to the locals who are forced to pay allegiance to the AS whose physical presence is much felt than the government presence. They exploit the element of distance decay, poor infrastructure and lack of social amenities and historical injustices to disqualify the legitimacy of the government. The withholding of the intelligence by locals is either

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<sup>11</sup> Stephen Lee, *Family Separation As Slow Death*, Columbia Law Review, Vol. 119, Issue 8 (2019).

<sup>12</sup> The East African Standard Newspaper, (November 4, 2016), <http://allafrica.com/stories/201605322120.html>

<sup>13</sup> Fergusson, J. (2013). *The World's Most Dangerous Place: Inside the Outlaw State of Somalia*. De Capo Press; Bantam.

voluntary or under duress. Several instances of execution of locals for cooperating with the government and especially in intelligence sharing have been experienced. This has caused fear among locals who feel that they are not assured of their security because they become targets for AS execution for sharing intelligence with the government, which has not sufficiently covered the area. In this context, it is untenable for efficient policing and intelligence gathering to take place in this vast environment. This creates immense security vulnerabilities in the study area. Also, it is evident that the intelligence strategies put in place have not been overtly responsive to the demands of such vast areas as recommended by Kydd and Walter in “The Strategies of Terrorism.”<sup>14</sup> Civilians must believe that the counterinsurgent will be able to protect them from retaliation once such critical information is provided<sup>15</sup>. Informers would be more forthcoming when the population had confidence in the ability of the special forces ability to protect them<sup>16</sup> Emphasis should be made to clear and hold operations as opposed to search and clear or sweep operations, since the latter however aggressive, do not achieve the purpose of killing the insurgents and destroying their infrastructure. Makumi Mwangi emphasizes on clearing, holding and building, where clearing seeks to find (intelligence) and eliminating military actions, Holding presupposes actions rooted in the presence of governmental assets that allow the protection of the population, while the third component building is all about construction of infrastructure where there have been none to create legitimacy of local governance structures and the rule of law<sup>17</sup> Much of what the counterinsurgent is collecting is not actionable intelligence in the

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<sup>14</sup> Andrew H. Kydd and Barbara F. Walter, *The Strategies of Terrorism*, The MIT Press Journals 31, no.1 (2006): 49-80.

<sup>15</sup> Galula David, *Counterinsurgency warfare: Theory and Practice*, Praeger Security International, Westport, CT (1964)

<sup>16</sup> Ajai Sahni, *Terror and Containment: Perspectives of India's Internal Security*, Gyan Publishing House (2001) p-230

<sup>17</sup> Makumi, Mwangi and Kigen Morumbasi, *Countering Violent Extremism in Kenya*, Thirty three Consortium publications on international security (2017) p 101.

short term, while even specific intelligence regarding insurgent identities and locations will only be provided within the trusting atmosphere of a long-standing relationship<sup>18</sup>.

Intermittent terror attacks in Lamu County have had immense effects on the socioeconomic activities and livelihood of residents as well as response to these attacks. Poor community and security forces relationships and lack of effective policing affected intelligence gathering processes in the county.<sup>19</sup> Many residents live in fear of the existing security agencies due to the perceived violation of human rights in the previous counterterrorism campaigns in the area and thus are not readily available to share information. Besides this, there exists a gap in intelligence flow between locals and the security forces where some locals willing to share information have no idea on whom or where to report. It was recommended that in order to enhance the effectiveness of counterterrorism measures including intelligence gathering; there was a need to enhance cooperation between the security agencies and the local population. This is in line with Mathieu Bere who recommends the measures aimed at ensuring the compatibility of local measures with those of other stakeholders so as to enhance local support counterterrorism measures.<sup>20</sup>

There are many safe havens for terrorist organizations in Lamu County. For instance, the Boni, Lunge and Dodori forests in 2015 were hotspots for the fight against terrorism. This led to the mass movement of people from the area as an elite group of Al-Shabaab, the Jeys Ayman fighters battled security forces. This presented two major challenges for security agencies, the diversification of tactics by Al-Shabaab and the export of local recruits of Al-Shabaab to other parts of the country in the mass exodus of people.<sup>21</sup> Increases in deaths of

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<sup>18</sup> Ibid 123

<sup>19</sup> Robert Magak Owino, Terrorism and its effect on people's socio economic ways of life: a case study of Lamu County, Master's Thesis, University of Nairobi (2018), 5.

<sup>20</sup> Mathieu Bere, *Armed Rebellion, Violent Extremism, and the Challenges of International Intervention in Mali*, African Conflict and Peacebuilding Review 7, No. 2 (Fall 2017): 60-84.

<sup>21</sup> Herman Butime, *Unpacking the Anatomy of the Mpeketoni Attacks in Kenya*, Small Wars Journal, September 23, 2014, <http://smallwarsjournal.com/jrnl/art/unpacking-the-anatomy-of-the-mpeketoni-attacks-in-kenya>

people in the county including members of the security forces in the hands of terrorists also led to poor confidence in government security agencies; further straining local cooperation in intelligence gathering processes. Besides this, the AS intelligence wing (The Amniyaat) who are specialized in intelligence collection have continued to operate within the country and have managed to infiltrate the government institutions with an aim of countering the government intelligence efforts. Similarly some of the sources that are depended upon turn out to be double agents and this acts as a great setback to the efforts by national intelligence community.

In the late 2015, a UN task Force warned of the growing capability of the Jaysh Ayman Militia. It was posited that at that time, the militia which was allied to Al-Shabaab and which had many local and foreign fighters, was strong enough to hold territory in parts of the Northern part of Lamu County.<sup>22</sup> They were liable for the death of 3 soldiers in a KDF camp in Lamu in June 2015 as well as the death of other security officers. This dynamism led to the loss of key personnel in the war on terrorism. As a result, the intelligence-sharing infrastructure was constantly broken as various security installations such as police stations continued being attacked. This shows that direct attacks on security installations posed a challenge to the government, reducing the infrastructural backbone for intelligence gathering processes, creating opportunities for security risk lapses. Indeed, Sharma points out that attacks on police posts, military camps, and government buildings have a negative effect on the capability of intelligence teams to intercept and deal with leads on planned terror attacks.<sup>23</sup>

As previously noted, there has been insufficient policing of the area of Lamu which leaves a large area unmanned. Besides this, the security elements operating in the area are poorly resourced. The poor remuneration, poor living standards, posting to the area as a punishment,

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<sup>22</sup> Protus Onyango, *Terror group has adopted new tactics, says expert*, The Standard, 14th Jul 2017.

<sup>23</sup> A. Sharma, and Gupta, A. (eds) *The Anthropology of the State: A reader*. Malden, M.A.: Blackwell (2006).

coupled with overstay of personnel leads to complacency poor performance and indiscipline issues. They stay there for long periods of time and in the process, they get exhausted. Apart from this, most police and government agencies come from upcountry and don't have proper historical backgrounds of the area. They are perceived to be intruders whose interest are not for the local, especially where there are issues blamed on "Historical injustices". In this regard, the security element have the challenge of getting intelligence where they are viewed as intruders. The poorly motivated, poorly resourced, exhausted and complacent security agency will not effectively react to the intelligence provided and especially where there is no hope of reinforcement when need be. This explains the instances where attacks still happen even when there is prior intelligence. in this case the purpose of the intelligence, that is to prevent an attack before it happens or reduce the impact of the attack is not achieved and that translates to intelligence failure. This situation challenges the efficiency of the intelligence community in the fight against terrorism.

Marginalization of Lamu county has affect the cooperative relationship between the locals and government officials operating in the area. The county lacks social amenities like schools, hospitals, power installation and others public facilities. Poor infrastructural development in the area evidenced by lacks transport and communication network , with very few areas accessible by roads characterizes the county. This has resulted to poor living conditions of the locals with a majority of children in school going ages being forced to drop out of schools while the youth are illiterate and jobless, surviving through fishing and poorly paying casual jobs to survive through the tough living conditions. These conditions have been exploited by terrorist to radicalize and instill animosity in the locals and mentally manipulate them into believing that they have been deliberately ignored by the government. In this regard the intelligence community experiences difficulty in accessing intelligence from the locals.

Historical grievances especially in connection with land issues have been a contentious issue in Lamu for decades. Most of the natives of Lamu lack title deeds for their land. The settlement of non-locals in Lamu is an issue that has not settled well with the locals of Lamu who believe that non locals came and grab their land. The ongoing LAPSET project is viewed by locals as an avenue by the non-locals from the other parts of the country to come and grab their land and to be of no benefit for them as locals. In such an atmosphere, it is challenging for intelligence agencies operating in the area to access intelligence from the community.

High illiteracy level in Lamu affects the reasoning capability of the people in Lamu especially the teens and the youths who are easily manipulated by radicalism. These groups are not able to question and critically analyses the ideological beliefs and radical teachings offered to them. They are highly likely to believe what they have been made to believe and will likely follow wrong instructions as long as they seem to promise a bright future. Terrorists have exploited this to turn the youth against the government making it a serious challenge even for intelligence community to effectively operate in the area.

Religious and tribal inclination of the war on terrorism is one of the factors that have characterized the war on terrorism in Kenya. This is because the Al-Qaida linked AS terrorists, like the Al-Qaida, proclaim Islam as their religion of choice and terrorism as a call to “Jihad”, a holy war against the Kufaar, or anybody who does not proclaim Islam as their religion. This explains the reason why on 15<sup>th</sup> June 2014, about 50 masked gunmen high jacked a van and raided a police station in the predominantly Christian town of Mpeketoni as well as burning hotels, restaurants and government offices. At least 53 people were reportedly killed during the attack and eight others were unaccounted for<sup>24</sup>. All those killed in

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<sup>24</sup> *Daily Nation*. Nation media group. Afp. 16 June 2014. “Mpeketoni attack: Death toll rises to 48”.

the brutal Mpeketoni attack were from upcountry. It could be the reason why the native locals did not give out the details of the upcoming attack because they knew they were not affected.

### 3.4 Conclusion

There are various factors accountable for intelligence failure in Kenya. In the coastal county of Lamu, intermittent attacks have continued to rock the county; leaving carnage and loss of human lives. One of the evident reasons for continued attacks has been limited capabilities of the intelligence community to detect and foil attacks before they occurred.<sup>25</sup>

Intelligence failure has also been blamed on corruption.<sup>26</sup> This sustained unbridled trafficking of weapons, persons and animal trophies as well as terrorists arguably under the watchful eyes of security agencies. The ever-changing nature of terrorism also challenged the intelligence community in the wake of the inability to promptly adapt to these rampant changes.<sup>27</sup>

Poor collaboration among various stakeholders also led to intelligence lapses. Since Lamu County is very extensive, poor cooperation made it hard for the intelligence community to effectively cover the area in intelligence gathering and analysis processes. This led to increases in the intensity of security risk lapses in the country.<sup>28</sup>

Terrorists in the Lamu County work with extensive networks of local collaborators. In this context, local accomplices led to a large web of locals with complicity in the attacks. The inability to track and interrogate this immense network of local collaborators further challenged intelligence gathering processes in the county.<sup>29</sup>

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<sup>25</sup> Simplice A. Asongu and Jacinta Nwachukwu, *Mitigating externalities of terrorism on tourism: global evidence from police, security officers and armed service personnel*, Current Issues in Tourism 22, no. 20 (2019): 2466-2471.

<sup>26</sup> Sirku Hellsten, *Radicalization and terrorist recruitment among Kenyans*, Policy Note No 1:2016, Nordic Africa Institute (2016), 5.

<sup>27</sup> Fredrick Okoth Otieno, *Counterterrorism strategies and performance of the national police service in managing terrorism in Lamu County, Kenya*, PhD Thesis. Masinde Muliro University of Science and Technology, Kenya (2019). Accessed on March 27, 2020 from <http://r-library.mmust.ac.ke/1234>

<sup>28</sup> Stephen Lee, *Family Separation As Slow Death*, *Columbia Law Review*, Vol. 119, Issue 8 (2019).

<sup>29</sup> The East African Standard Newspaper, (November 4, 2016), <http://allafrica.com/stories/201605322120.html>

The geographical location of Lamu, in addition to its extensive coast and land bordering, Somalia also complicated intelligence gathering processes. The county was home to extensive forests such as the Boni Forest which covers at least 1300 square kilometers.<sup>30</sup> The limited numbers of Kenya's intelligence officers were often unable to gather intelligence about activities in these areas where Al-Shabaab had in the past established camps.

Poor relations with the local community also means limited the success of intelligence gathering processes in the county.<sup>31</sup> This calls for the need to enhance the effectiveness of intelligence gathering through enhanced cooperation with local populations. Changing tactics of Al-Shabaab combatants also challenged the efficacy of intelligence gathering techniques. The rise and rise of local recruits as well as low confidence in the government by the local population limited information access at grassroots levels.

Lastly, enhanced capacities of Al-Shabaab, as well as its evolution in sophistication and increases in attacks, poked holes in the strength of intelligence teams. Loss of security infrastructure through attacks on police posts and military camps also reduce the infrastructural support for intelligence gathering processes. This augmented lapses in intelligence gathering processes. This chapter looked at Terrorism and Intelligence Failures in Kenya with reference to Lamu County. The next chapter presents the analysis and presentation.

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<sup>30</sup> Fergusson, J. (2013). *The World's Most Dangerous Place: Inside the Outlaw State of Somalia*. De Capo Press; Bantam.

<sup>31</sup> Robert Magak Owino, *Terrorism and its effect on people's socio economic ways of life: a case study of Lamu County*, Master's Thesis, University of Nairobi (2018), 5.

**CHAPTER FOUR**  
**RESEARCH FINDINGS AND DISCUSSION**

**4.1 Introduction**

This chapter presents the research findings in line with the study objectives namely: to examine the effectiveness of the intelligence community to combat terrorism in Kenya; to establish the causes of intelligence community failures in the fight against terrorism in Kenya and; to suggest ways in which the efficacy of intelligence community in Kenya can be enhanced. Data was collected using questionnaires and interviews as well as desk review of existent literature.

**4.2 Response Rate**

The study sample was 80 persons and an additional 10 key informants . From these, 60 and 8 key informants participated in the study. This makes a response rate of 76%. These were deemed enough to represent the study. These findings are presented in Table 4.1. The 60 responded to questionnaires while the 8 informants were interviewed. Out of these 30 were from military intelligence service, 22 from NIS and 16 from NPS intelligence service.

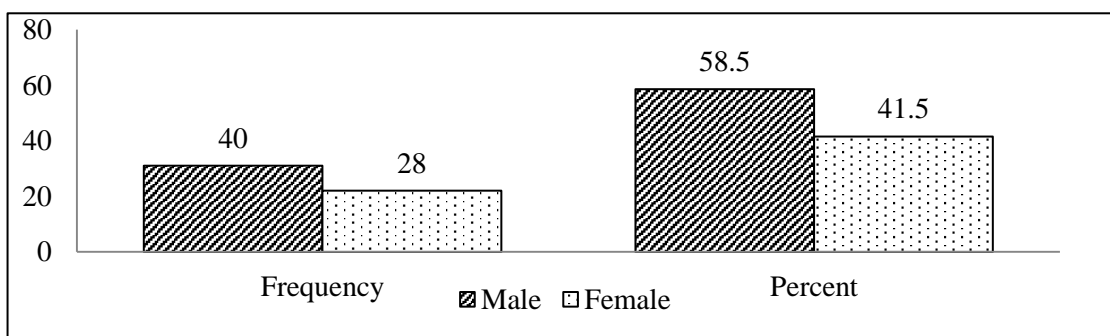
**Table 4.1 Study of Target Population**

<b>Department target</b>	<b>Number of Interviewees</b>	<b>Responded</b>
Military intelligence Service	40	30
National Intelligence Service	30	22
NPS Intelligence Service	20	16
<b>Total</b>	<b>90</b>	<b>68</b>

### 4.3 General Information About of the respondents

The respondents (those who filled the questionnaires) were asked to indicate their gender. The findings show that 58.8% were male while 41.2% were females. Both genders were thus represented in the study; which could limit bias.

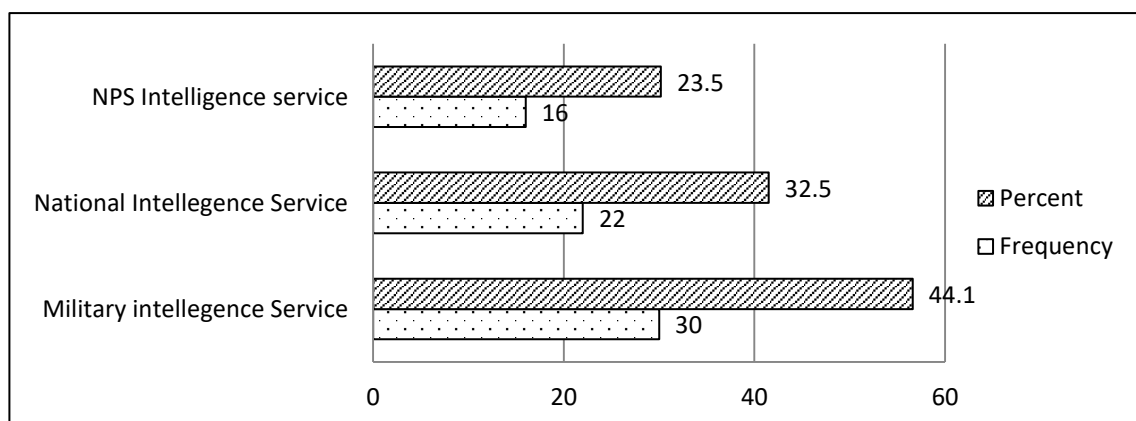
#### 4.3.1 Genders of Respondents



*Figure 4.1 Gender of Respondents*

#### 4.3.2 Intelligence Unit

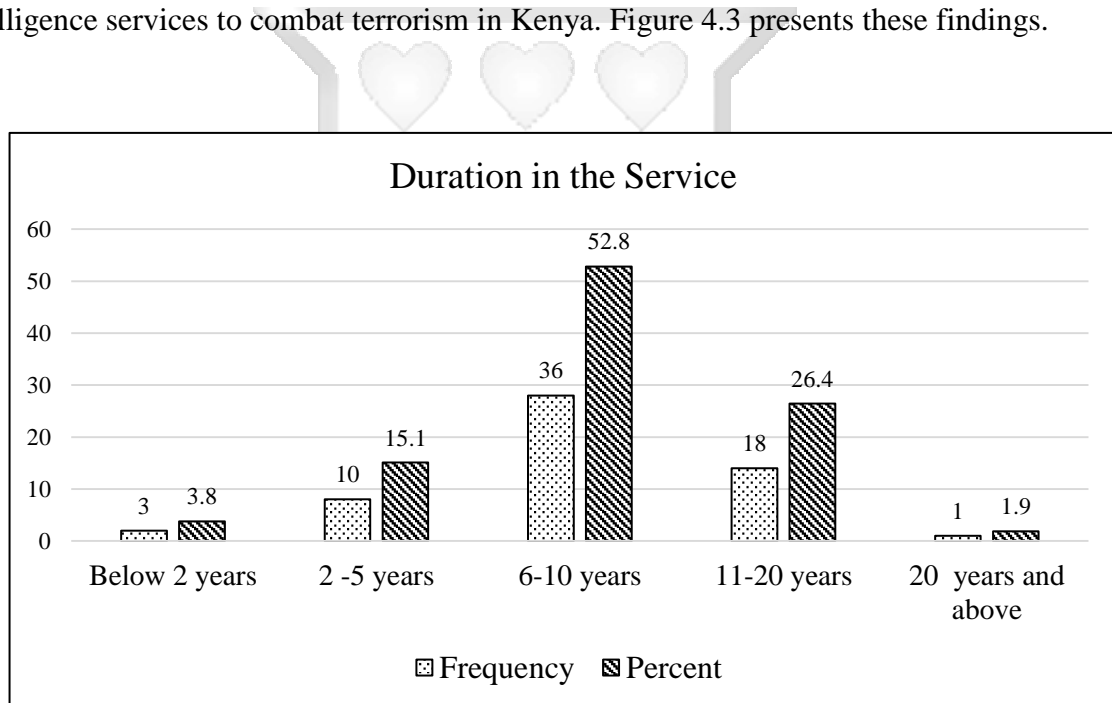
The respondents were asked to indicate the intelligence units they came from. The findings show that most of the respondents (44.1%) were from the military intelligence service, 32.5% from National intelligence service while 23.5% were from the National Police Intelligence Service. This shows that all key players in intelligence services were well represented in the study.



**Figure 4.2 Intelligence Units of Respondents**

**4.3.3 Duration with the Intelligence Service**

Lastly, the respondents were asked to indicate their durations working for intelligence units. The findings obtained show that more than half of them (52.8%) had worked for periods ranging between 6 and 10 years. These were followed by more than a quarter who had worked for 11 to 20 years. Another 15.1% had worked for 2 to 5 years. The least had worked for less than 2 years (3.8%) and more than 20 years (1.9%). These findings show that the vast majority had worked in the intelligence services long enough to understand the effectiveness of intelligence services to combat terrorism in Kenya. Figure 4.3 presents these findings.



**Figure 4.3 Duration with the Intelligence Service**

**4.4 Effectiveness of the Intelligence Community to Combat Terrorism in Kenya**

The first objective of the study was “to examine the effectiveness of the intelligence community to combat terrorism in Kenya.” Data was collected using questionnaires and interviews. This section presents the findings obtained.

#### 4.4.1 Ability to Deal with New Potential Risks

The respondents were presented with the statement, “the intelligence community is able to deal with emergent threats due to high efficiency in keeping pace with new potential risks in a past paced environment.” They were required to respond on a scale of 1-5 where: 1-to a very low extent; 2-to a low extent; 3- to a moderate extent; 4-to a high extent and; 5-to a very high extent. Weighted means and frequency distributions were used to describe the findings. The findings show that most of the respondents (almost a half) agreed with the statement to a moderate extent (42.6%). This is buttressed by the weighted mean of 3 (agreement to a moderate extent). Lack of sustainable and uniform counterterrorism policies have limited interagency cooperation leading to terrorism vulnerabilities.

**Table 4.2 Ability to Deal with New Potential Risks**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
The intelligence community is able to deal with emergent threats due to high efficiency in keeping pace with new potential risks in a past paced environment.	5	7.4	13	19.0	29	42.6	3	4.4	18	26.5	3

n=68

#### 4.4.2 Ability to Adapt to New Technological Realities

The respondents were presented with the statement, “The intelligence community is quick to adapt to new technological realities employed by terrorist organizations.” To this, most of the respondents (more than a half at 35.2%) tended to agree to a very low extent. The weighted mean of 2 shows that overall agreement was to a low extent. In this regard, it can be deduced

that the intelligence community was not able to quickly adapt to the new technological tactics employed by terrorist organization. This could be due to lack of the requisite financial and other hard resources as well as lack of capacity challenges.

**Table 4.3 Ability to Adapt to New Technological Realities**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
The intelligence community is quick to adapt to new technological realities employed by terrorist organizations	41	60.3	6	8.8	15	22.1	6	8.8	0	0.0	2

N=68

#### 4.4.3 Promptness in Gathering Intelligence

The respondents were presented with the statement, “the intelligence community is able to promptly gather intelligence on eminent threats.” Most of the respondents, about a half, at 40% agreed to a very low extent. These were followed by 20.6% who agreed to a low extent. This shows that the intelligence community was often characterized with tendency to obtain intelligence late. This explains the vulnerabilities that led to some attacks taking place.

**Table 4.4 Promptness in Gathering Intelligence**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
The intelligence community is able to promptly gather intelligence on eminent threats	27	40	14	20.6	10	14.7	5	7.4	12	17.6	2

N=68

**4.4.4 Presence of Elaborate Interagency Cooperation Framework**

The respondents were asked to respond to the statement, “there is an elaborate interagency cooperation framework in Kenya that leads to prompt and effective response to terror threats.” The majority of the respondents (40%) agreed to a little extent. These were followed by 23.5% who agreed to a very little extent. These findings show that interagency cooperation frameworks were still not strong, though they were existent. This had limited the effectiveness of responses to terror threats.

**Table 4.5 Presence of Elaborate Interagency Cooperation Framework**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
There is an elaborate interagency cooperation framework in Kenya that leads to prompt and effective response to terror threats	16	23.5	27	40	14	20.6	5	7.4	6	8.8	2

N=68

#### 4.4.5 High Investment in the Security Sector

When presented with the statement, “There is high investment in the security sector which has strengthened the ability of Kenya to check terrorism attacks,” mixed results were obtained. In this regard, 23.5% agreed to a little extent while an equal number (23.5%) agreed to a very high extent. The weighted mean of 3 however means that the investments were moderate. This means that though investments were made in the security sector, they were not high enough. This means that the intelligence community was moderately equipped to check terror threats; which could lead to some lapses.

**Table 4.6 High Investment in the Security Sector**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
There is high investment in the security sector which has strengthened the ability of Kenya to check terrorism attacks	14	20.6	16	23.5	14	20.6	8	11.8	16	23.5	3

N=68

#### 4.4.6 Presence of the Necessary Technology

The respondents were presented with the statement, “presence of the necessary technology has enhanced security teams’ effectiveness in dealing with terrorism and other forms of attacks on national interests.” Most of the respondents (28%), which is buttressed by a weighted mean of 3, agreed to a moderate extent. In this regard, it is evident that there were some gaps in adoption of the right technologies aimed at strengthening the capacity of the intelligence community to deal with terrorism. There was thus need for more investments to check these vulnerabilities.

**Table 4.7 Presence of the Necessary Technology**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Presence of the necessary technology has enhanced security teams' effectiveness in dealing with terrorism and other forms of attacks on national interests.	12	17.6	14	20.6	19	28	9	13.2	14	20.6	3

N=68

**4.4.7 Competent Cyber-Security Workforce in the Intelligence Community**

The respondents were presented with the statement, “a competent cyber-security workforce in the intelligence community has enhanced national abilities to deal with flow of information among terrorism organizations.” The majority of the respondents also agreed with it to a moderate extent (30.9%, mean=3). This means that though a cyber-security team was in place, its ability to thwart all cyberspace terrorism threats was average. It was possible thus for some incidents of intelligence failure to take place; leading to possible terrorist attacks.

**Table 4.8 Competent Cyber-Security Workforce in the Intelligence Community**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
A competent cyber-security workforce in the intelligence community has enhanced national abilities to deal with flow of information among terrorism organizations.	14	20.6	15	22	21	30.9	4	5.9	14	20.6	3

N=68

#### **4.4.8 Responses from Interviews**

The interviewees were presented with the question, “How effective is the intelligence community to combat terrorism in Kenya?” Various responses were obtained. The findings show that though there had been improvements in the intelligence services, some gaps were existent in intelligence gathering. Often information was obtained late, leading to security risks [Respondent C, March 12, 2020, Nairobi]. Response was also not always well coordinated since most intelligence units had their own ways of working [Respondent A, March 11, 2019, Nairobi]. Sometimes, bureaucracies meant that information had to be passed on to officials in higher hierarchies. In the eventuality of missed or delayed signals, the ability to stop imminent threats was challenged [Respondent E, March 9, 2020, Nairobi]. In some instances, there was good coordination with the large security community in Kenya which made it possible to respond to terrorism threats in a timely and effective manner [Respondent F, March 9, 2020, Nairobi]. These findings show that there were mixed capabilities in the intelligence community in Kenya which resulted in average response to terrorism threats.

#### **4.5 Causes of Intelligence Community Failures in the Fight against Terrorism in Kenya**

The second objective of the study was, “to establish the causes of intelligence community failures in the fight against terrorism in Kenya.” The findings obtained are presented in the following section.

##### **4.5.1 Lack of Sustainable and Uniform Counterterrorism Policies**

The respondents were presented with the statement, “Lack of sustainable and uniform counterterrorism policies have limited interagency cooperation leading to terrorism vulnerabilities.” The majority of the respondents (48.5%) agreed to a very high extent. With a weighted mean of 4, these findings are indicative of the fact that lack of uniform operation

procedures as well as uniform counterterrorism policies contributed to intelligence failure and increases in terrorism vulnerabilities.

**Table 4.9 Lack of Sustainable and Uniform Counterterrorism Policies**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Lack of sustainable and uniform counterterrorism policies have limited interagency cooperation leading to terrorism vulnerabilities	1	1.5	1	1.5	18	26.5	15	22	33	48.5	4

N=68

#### 4.5.2 Poor Coordination and Rivalry between Multiple Agencies

To the statement, “poor coordination and rivalry between multiple agencies limits the abilities of the Kenyan intelligence community to combat terrorism,” more than a fifth of the respondents (35.3%) of the respondents agreed to a high extent. A weighted mean of 4 (agreement to a high extent) was obtained. This shows that poor coordination, overlapping mandates and rivalry could limit the ability of the intelligence community to combat terrorism.

**Table 4.10 Poor Coordination and Rivalry between Multiple Agencies**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Poor coordination and rivalry between multiple agencies limits the abilities of the Kenyan intelligence community to combat terrorism.	4	5.9	12	17.6	14	20.6	24	35.3	14	20.6	4

N=68

#### 4.5.3 Lack of Administrative and Financial Transparency

The respondents were presented with the statement, “lack of administrative and financial transparency affects the efficacy of the intelligence community to deal with terrorism risks.” More than a third of the respondents (38.2%) agreed to a very high extent with the statement. With a weighted mean of 4, it is evident that challenges related to lack of administrative and financial transparency faced the intelligence community. This could be accounted to high corruption which existed in other sectors in Kenya. This could contribute to increases in terrorism vulnerabilities.

**Table 4.11 Lack of Administrative and Financial Transparency**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Lack of administrative and financial transparency affects the efficacy of the intelligence community to deal with terrorism risks	5	7.4	7	10.3	15	22	15	22	26	38.2	4

N=68

#### 4.5.4 Lack of Political Independence and Functionality

To the statement, “Lack of political independence and functionality subjects the intelligence community to political bureaucracies that limit independent operations within the national counterterrorism framework,” most of the respondents agreed to a very high extent. These findings show that political systems challenged the efficacy of the intelligence community to counter terrorism. This was through limiting political bureaucracies and meddling in the work processes of intelligence teams.

**Table 4.12 Lack of Political Independence and Functionality**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Lack of political independence and functionality subjects the intelligence community to political bureaucracies that limit independent operations within the national counterterrorism framework	4	5.9	4	5.9	14	20.6	27	40	19	28	4

N=68

#### 4.5.5 Lack Domestic Support

With agreement to a moderate extent (weighted mean of 3), the findings show that “lack domestic support due to accusations of civil and human rights violation challenge information gathering capacities of intelligence community.” However, this was moderately. Accusations of civil and human rights violations placed immense challenges on intelligence gathering. Accusations of stereotyping and profile of the youth from some communities thus limited the capacity of the intelligence community to collect intelligence promptly.

**Table 4.13 Lack Domestic Support**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Lack of domestic support due to accusations of civil and human rights violation challenges information gathering capacities of intelligence community	12	17.6	23	33.8	18	26.5	5	7.4	10	14.7	3

N=6

#### 4.5.6 Changes in Alliances in the Counterterrorism Arena

The study were presented with the statement, “there are vulnerabilities related to rampant changes in alliances in the counterterrorism arena that compromise of intelligence as former partners turn into terrorist sympathizers.” To this most of the respondents agreed to a little extent (32.4%). These findings show that generally, shifting alliances in terror groups meant that the war on terrorism could be lost with these changes in alliance. However, these effects were not major; which could be explained by the fact that Kenya was mostly faced with challenges emanating from Al-Shabaab which did not have very many viable off-shoots.

**Table 4.14 Changes in Alliances in the Counterterrorism Arena**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
There are vulnerabilities related to rampant changes in alliances in the counterterrorism arena that compromise of intelligence as former partners turn terrorist sympathizers	9	13.2	22	32.4	19	27.9	7	10.3	11	16.2	3

N=68

#### 4.5.7 Lack of Constant Research into Hierarchical Structures of Terrorists

The respondents were presented with the statement, “There is lack constant research into the ever-changing and complicated hierarchical structures of terrorists so as to better intercept intelligence and infiltrate terrorist organizations.” In response, more than a third (35.2%) agreed to a very high extent. With a mean of 4 (agreement to a high extent) these findings show that there were weak efforts to undertake constant research on the changing nature of

terrorist organizations. Since changing hierarchies come with demands for new leaders to prove themselves by pulling attacks, poor vigilance and research on these organizations could lead to unexploited information and opportunities to prevent vulnerabilities.

**Table 4.15 Lack Constant Research into Hierarchical Structures of Terrorists**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
There is lack constant research into the ever-changing and complicated hierarchical structures of terrorists so as to better intercept intelligence and infiltrate terrorist organizations	5	7.4	9	13.2	18	26.6	12	17.6	24	35.2	4

N=68

#### 4.5.8 Support from International Economic Communities

To the statement, “poor mechanisms to enhance support from the international economic communities has challenged the fight against terrorism in Kenya,” most of the respondents (35.3%; more than a third) agreed to a little extent. However, a weighted mean of 3 was obtained. This shows that to a moderate extent, failure to secure support from Economic Communities (EC) could limit the success of the war against terrorism. This is particularly so since international cooperation availed various forms of support – technical, financial and physical - in the fight against terrorist.

**Table 4.16 Support from International Economic Communities**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Poor mechanisms to enhance support from the international economic communities has challenged the fight against terrorism in Kenya	10	14.7	24	35.3	19	27.9	10	14.7	5	7.4	3

N=68

**4.5.9 Responsiveness to the Tactics Used by Terrorists**

Lastly, the respondents were presented with the statement, “due to weak strategies to ensure that local counterterrorism drives are responsive to the strategies used by terrorists, security lapses and failures take place.” More than a third of the respondents (36.8%) agreed to very high extent with the statement. A weighted mean of 4 (agreement to a high extent) shows that the intelligence community was faced with challenges related to inabilities to implement strategies that were responsive to the tactics of terrorists. This could poke holes on the intelligence gathering processes, leading to security risks and terrorism vulnerabilities.

**Table 4.17 Responsiveness to the Tactics Used by Terrorists**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Due to weak strategies to ensure that local counterterrorism drives are responsive to the strategies used by terrorists, security lapses and failures take place	4	5.9	5	7.4	19	27.9	15	22	25	36.8	4

N=68

#### **4.5.10 Responses from Interviews**

The interviewees were presented with the question, “What are the causes of intelligence community failures in the fight against terrorism in Kenya?” The responses show that one of the main reasons for intelligence failure was inability to handle all potentially useful intelligence due to limited numbers [Respondent H, March 16, 2020]. Corruption also meant that terrorists could buy their way through security agents without information reaching intelligence teams [Respondent F, March 9, 2020, Nairobi]. In some instances, lack of the requisite Information Technology infrastructure challenged the capacity to adequately monitor the cyberspace for possible attacks against Kenyan targets [Respondent B, March 11, 2020, Nairobi]. Poor interagency cooperation frameworks also meant that coordination in thwarting attacks was not effective. In some instances, conflicting security priorities reduced the level of interagency cooperation [Respondent C, March 12, 2020, Nairobi]. Lack of enough financing meant limited capacities to deal with multiple terrorism risks due to lack of logistical support and personnel [Respondent H, March 16, 2020, Nairobi]. These findings make it clear that security challenges to a large extent limited their efficiency. These were linked to inadequate funds, lack of enough personnel, poor interagency cooperation and limited inherent capacities tactically and technically among the intelligence officers themselves.

#### **4.6 Ways for Enhancing the Efficacy of Intelligence Community in Kenya**

The last and third objective of the study was, “to suggest ways in which the efficacy of intelligence community in Kenya can be enhanced.” This section presents the findings obtained.

##### **4.6.1 Better Relations with the Public**

The respondents were presented with the statement, “the ability of the intelligence community to combat terrorism can be enhanced through better relationships with the general

population.” In response, more than a half (52.9%) agreed to a very high extent. This is indicative of the fact that strategies aimed at ensuring that the public supported the counterterrorism strategies implemented by the country could enhance intelligence gathering processes.

**Table 4.18 Better Relations with the Public**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
The ability of the intelligence community to combat terrorism can be enhanced through better relationships with the general population	0	0.0	0	0.0	18	26.5	14	20.6	36	52.9	4

N=68

#### 4.6.2 Cooperation with Neighboring Countries

To the statement, “there is need for the national leadership in Kenya to cooperate with neighboring countries in combatting terrorism,” more than a third of the respondents (39.7%) agreed to a very high extent. It can thus be deduced that cooperation with neighboring countries could enhance the capacity of intelligence communities in information access and analysis. It would also enhance national intelligence capabilities in other ways through exchange of best practices among others.

**Table 4.19 Cooperation with Neighboring Countries**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
There is need for the national leadership in Kenya to cooperate with neighboring countries in combatting terrorism	1	1.5	4	5.9	14	20.5	22	32.4	27	39.7	4

N=68

#### 4.6.3 Strengthening Interagency Cooperation Policies

The respondents were presented with the statement, “there is need to strengthen policies aimed at garnering support from other security agencies in the fight against terrorism.” More than a third of the respondents (39.7%) agreed with the statement to a very high extent. This shows that interagency cooperation could strengthen the efficacy of the intelligence communities in the fight against terrorism.

**Table 4.20 Strengthening Interagency Cooperation policies**

N=68

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
There is need to strengthen policies aimed at garnering support from other security agencies in the fight against terrorism	4	5.9	5	7.4	18	26.4	14	20.6	27	39.7	4

#### 4.6.4 Training of the Intelligence Community

The respondents were presented with the statement, “training of the intelligence community should be undertaken to enhance their capacity to deal with complex terrorism threats.” Most of the respondents (41.2%), agreed with the statement to a high extent. With a mean of 4, the

findings show that extra training processes could buttresses the capacities to deal with terrorism vulnerabilities.

**Table 4.21 Training of the Intelligence Community**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Training of the intelligence community should be undertaken to enhance their capacity to deal with complex terrorism threats	3	4.4	5	7.4	14	20.6	28	41.2	18	26.5	4

N=68

#### 4.6.5 Capacities to Deal with Different Forms of Terrorism

The respondents were presented with the statement, “capacities to deal with different forms of terrorism should be enhanced.” Close to a half, (45.6%) of the respondents agreed with the statement to a very high extent. This shows that the dynamism of terrorism should be matched with specific capacities by the intelligence community. Since different forms of terrorism necessitated different responses, it was important to expand the capacities of the intelligence community to respond appropriately.

**Table 4.22 Capacities to Deal with Different Forms of Terrorism**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Capacities to deal with different forms of terrorism should be enhanced	2	3	3	4.3	14	20.6	18	26.5	31	45.6	4

N=68

#### 4.6.6 Deploying Enough Personnel

When presented with the statement, “there should be effort to deploy a sufficient number of personnel to deal with the huge volumes of intelligence requirement,” majority of the

respondents (85.3%) agreed to a very high extent. This shows that having sufficient numbers could strengthen the ability of intelligence officers to cover the wide areas of intelligence requirement. This could result to better capabilities to thwart planned terror attacks.

**Table 4.23 Deploying Enough Personnel**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
There should be effort to deploy enough personnel so as to deal with the huge volumes of intelligence.	0	0.0	0	0.0	1	1.5	9	13.2	58	85.3	5

N=68

#### 4.6.7 International Collaborative Framework

When presented with the statement, “There is need for intelligence responses to be guided by reinforced international collaborative frameworks,” most of the respondents (63.2%), agreed to a very high extent. This shows need for strong international collaborative frameworks. This, coupled with regional cooperation, can strengthen intelligence gathering processes.

**Table 4.24 International Collaborative Framework**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
There is need for intelligence responses to be guided by reinforced international collaborative frameworks	2	2.9	3	4.4	6	8.9	14	20.6	43	63.2	5

N=68

#### 4.6.8 Research on Terror Organizations

Most of the respondents (79%), when presented with the statement, “There is need to understand terror organizations through research for more effective responses to their

operations” agreed to a very high extent. This shows the importance of constantly studying the evolution of terror groups so as to understand their origin, ideological factors, structures, modus operandi hierarchies in order to come up with the most suitable responses.

**Table 4.25 Research on Terror Organizations**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
There is need to understand terror organizations through research for more effective responses to their operations.	0	0.0	0	0.0	0	0.0	14	21	54	79	5

N=68

#### 4.6.9 Facilitative Laws

The respondents were presented with the statement, “facilitative laws should be implemented so as to enhance the abilities of intelligence community to obtain intelligence from suspected terrorist cells without being accused of infringing on human rights and to ensure that appropriate action is taken against suspects and perpetrators of terror acts.” Close to a half (40%) agreed to a high extent; which was supported by a mean of 4. This shows the importance of strengthening local laws to enhance the capacity of intelligence officers to obtain information with ease locally without the limitations placed by civil society organizations and politicians through accusations of human rights violations.

**Table 4.26 Facilitative Laws**

Statement	1		2		3		4		5		Mean
	F	%	F	%	F	%	F	%	F	%	
Facilitative laws should be implemented so as to enhance the abilities of intelligence community to obtain intelligence from suspected terrorist cells without being accused of infringing human rights	3	4	4	6	14	20.6	27	40	20	29.4	4

N=68

#### 4.6.10 Findings from Interviews

Lastly, the interviewees were posed with the question. “In which ways can the efficacy of intelligence community in Kenya can be enhanced?” They pointed out that regular training was pivotal. If the security agencies were regularly trained, it was possible to handle all emergent threats [Respondent E, March 9, 2020, Nairobi]. There was also need to strengthen cooperation with regional and international intelligence organizations to enhance effective information exchange [Respondent G, March 16, 2020, Nairobi]. Facilitative laws were also needed so as to ensure that legal constraints did not limit intelligence gathering processes [Respondent A, March 11, 2020, Nairobi]. Interagency cooperation strategies were also recommendable so as to streamline operation processes through training, information exchange and, equipment sharing among others [Respondent D, March 5, 2020, Nairobi].

#### 4.7 Hypotheses Testing

The study was guided by two hypotheses (null and alternative) as follows:

H<sub>0</sub>: There is no significant relationship between the effectiveness of the intelligence community and success or failure to combat terrorism in Kenya

H<sub>1</sub> There is a significant relationship between the effectiveness of the intelligence community and success or failure to combat terrorism in Kenya

Based on the study findings, it is evident that the effectiveness of the intelligence community was evident that abilities of the intelligence community to obtain information about eminent threats (efficiency) affected their abilities to combat terrorism in Kenya. In this regard, the null hypothesis was rejected and the alternative hypothesis accepted. This means that there is a significant relationship between the effectiveness of the intelligence community and success or failure to combat terrorism in Kenya.

#### **4.8 Discussion of Findings**

In this section, the study findings are discussed against the literature reviewed.

##### **4.8.1 Effectiveness of the Intelligence Community to Combat Terrorism in Kenya**

The first objective of the study was “to examine the effectiveness of the intelligence community to combat terrorism in Kenya.” Data was collected using questionnaires and interviews. The findings show that security agents had average capacities to deal with new emergent security risks. This could lead to lapses in the fight against terrorism. Evidently, the intelligence community was not able to quickly adapt to the new technological tactics employed by terrorist organization. This could be due to lack of the requisite financial and other hard resources as well as lack of capacity challenges as posited by Christian Nita.<sup>1</sup>

The intelligence community often characterized with tendency to obtain intelligence late. This explains the vulnerabilities that led to some attacks taking place as argued by Mwangi

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<sup>1</sup>Cristian Nita's, *The Importance of Risk Factor Analysis for Romania's National Security in the 2020 Perspective*, National Strategies Observer, 1, no.1 (2015): 9.

and others.<sup>2</sup> Interagency cooperation frameworks were still not strong, though they were existent. This had limited the effectiveness of responses to terror threats.<sup>3</sup>

Though investments were made in the security sector, they were not high enough. This means that the intelligence community was moderately equipped to check terror threats; which could lead to some lapses. It was also evident that there were some gaps in adoption of the right technologies aimed at strengthening the capacity of the intelligence community to deal with terrorism. There was thus need for more investments to check these vulnerabilities.<sup>4</sup> The findings also show that despite the fact that a cyber-security team was in place, its ability to thwart all cyberspace terrorism threats was average. It was possible thus for some incidents of intelligence failure to take place; leading to terrorism possible terrorist attacks as envisaged by Rebecca Vogel.<sup>5</sup>

The findings from interviews show that though there had been improvements in the intelligence services, some gaps were existent in intelligence gathering. Often information was obtained late, leading to security risks.<sup>6</sup> Response was also not always well coordinated since most intelligence units had their own ways of working which led to security vulnerabilities as posited by Mwangi.<sup>7</sup> In some instances, there was good coordination with the large security community in Kenya which made it possible to respond to terrorism threats in a timely and effective manner.

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<sup>2</sup> W.S. Mwangi, S.W. Mwangi, & J. Wasonga, *Assessing The Effectiveness Of Intelligence Gathering And Sharing (IGS) In Countering Violent Extremism (CVE) In Kenya*, International Journal of Innovative Research and Advanced Studies (IJIRAS), Volume 7 Issue 1, 2020: 149-156.

<sup>3</sup> S.K. Morumbasi and C. Amuhaya, *A networks analysis of terrorism in Africa: implications for Kenya*, Africa in International Relations, Vol 16, No 2 (2016): 265-273. Accessed on March 26 from <http://journals.rudn.ru/international-relations/article/view/14275>

<sup>4</sup> Brendon J. Cannon and Dominic Ruto Pkalya, *Why al-Shabaab Attacks Kenya: Questioning the Narrative Paradigm*, Terrorism and Political Violence 31, no. 4 (2019): 836-852.

<sup>5</sup> Rebecca Vogel, *Closing the cyber-security skills gap*, Salus Journal 4, no. 2 (2016): 32-46.

<sup>6</sup> W.S. Mwangi, S.W. Mwangi, & J. Wasonga, *Assessing The Effectiveness Of Intelligence Gathering And Sharing (IGS) In Countering Violent Extremism (CVE) In Kenya*, International Journal of Innovative Research and Advanced Studies (IJIRAS), Volume 7 Issue 1, 2020: 149-156.

<sup>7</sup> W.S. Mwangi, S.W. Mwangi, & J. Wasonga, *Assessing The Effectiveness Of Intelligence Gathering And Sharing (IGS) In Countering Violent Extremism (CVE) In Kenya*, International Journal of Innovative Research and Advanced Studies (IJIRAS), Volume 7 Issue 1, 2020: 149-156.

Sometimes, bureaucracies meant that information had to be passed on to officials in higher hierarchies. In the eventuality of missed or delayed signals, the ability to stop imminent threats was challenged.<sup>8</sup> These findings show that there were mixed capabilities in the intelligence community in Kenya which resulted in average response to terrorism threats.

#### **4.8.2 Causes of Intelligence Community Failures in the Fight against Terrorism in Kenya**

The second objective of the study was, “to establish the causes of intelligence community failures in the fight against terrorism in Kenya.” The findings are indicative of the fact that lack of uniform operation procedures as well as uniform counterterrorism policies contributed to intelligence failure and increases in terrorism vulnerabilities as posited by Muna.<sup>9</sup> There were also overlapping mandates and rivalry which could limit the ability of the intelligence community to combat terrorism. Also, challenges related to lack of administrative and financial transparency faced the intelligence community. This could be accounted to high corruption which existed in other sectors in Kenya. This could contribute to increases in terrorism vulnerabilities as argued by Sikku Hellsten.<sup>10</sup> Indeed, political systems challenged the efficacy of the intelligence community to counter terrorism. This was through limiting political bureaucracies and meddling in the work processes of intelligence teams as identified by Belete.<sup>11</sup>

Accusations of civil and human rights violations placed immense challenges on intelligence gathering. Also, accusations of stereotyping and profile of the youth from some communities thus limited the capacity of the intelligence community to collect intelligence promptly as

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<sup>8</sup> Shimels S. Belete, *Unchecked Powers of the Ethiopian National Intelligence and Security Service in the Prevention and Countering of Terrorist Crimes: Some Disquiets at a Glimpse*, European Scientific Journal 14, no. 29 (2018): 211.

<sup>9</sup> Wilson Muna, *The Cost of Terrorism in Kenya*, The Journal of Social, Political, and Economic Studies, Washington Vol. 42, Iss. 3/4, (Fall 2016-Winter 2017): 289-306.

<sup>10</sup> Sirkku Hellsten, *Radicalization and terrorist recruitment among Kenyans*, Policy Note No 1:2016, Nordic Africa Institute (2016), 5.

<sup>11</sup> Shimels S. Belete, *Unchecked Powers of the Ethiopian National Intelligence and Security Service in the Prevention and Countering of Terrorist Crimes: Some Disquiets at a Glimpse*, European Scientific Journal 14, no. 29 (2018): 211.

argued by Mogire and Agade.<sup>12</sup> Shifting alliances in terror groups meant that leads in the war on terrorism could be lost with these changes in alliance.<sup>13</sup> These effects were not the major ones however; which could be explained by the fact that Kenya was mostly faced with challenges emanating from Al-Shabaab, which did not have very many viable off-shoots.

Poor efforts to undertake constant research on the changing nature of terrorist organizations. Since changing hierarchies come with demands for new leaders to prove themselves by pulling attacks, poor vigilance and research on these organizations could lead to increases in security risk vulnerabilities. Failure to secure support from Economic Communities (EC) could limit the success of the war against terrorism. This is particularly so since international cooperation availed various forms of support – technical, financial and physical - in the fight against terrorist.<sup>14</sup> The intelligence community was faced with challenges related to inability to implement strategies that were responsive to the tactics of terrorists. This could poke holes on the intelligence gathering processes, leading to security risks and terrorism vulnerabilities as argued by Kydd and Walter.<sup>15</sup>

The interviewees responses show that one of the main reasons for intelligence failure was inability to handle all potentially useful intelligence due to limited numbers.<sup>16</sup> Corruption also meant that terrorists could buy their way through security agents without information reaching intelligence teams.<sup>17</sup> In some instances, lack of the requisite Information Technology infrastructure challenged the capacity to adequately monitor the cyberspace for

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<sup>12</sup> Edward Mogire and Kennedy Mkuu Agade, *Counter-terrorism in Kenya*, Journal of Contemporary African Studies 29, no. 4 (2011): 473-491

<sup>13</sup> Judith Tinnes, *Perspectives on Terrorism*, Bibliography: Islamic State (IS, ISIS, ISIL, Daesh) [Part 5] 13, no.3, (June 2019):87-130.

<sup>14</sup> S.K. Morumbasi and C. Amuhaya, *A networks analysis of terrorism in Africa: implications for Kenya*, Africa in International Relations, Vol 16, No 2 (2016): 265-273. Accessed on March 26 from <http://journals.rudn.ru/international-relations/article/view/14275>

<sup>15</sup> Andrew H. Kydd and Barbara F. Walter, *The Strategies of Terrorism*, The MIT Press Journals 31, no.1 (2006): 49-80.

<sup>16</sup> Simplice A. Asongu and Jacinta Nwachukwu, *Mitigating externalities of terrorism on tourism: global evidence from police, security officers and armed service personnel*, Current Issues in Tourism 22, no. 20 (2019): 2466-2471.

<sup>17</sup> Sirku Hellsten, *Radicalisation and terrorist recruitment among Kenya's*, Policy Note No 1:2016, Nordic Africa Institute (2016), 5.

possible attacks against Kenyan targets as posited by Vogel.<sup>18</sup> Poor interagency cooperation frameworks also meant that coordination in thwarting attacks was not effective. In some instances, conflicting security priorities reduced the level of interagency cooperation.<sup>19</sup> Lack of enough financing meant limited capacities to deal with multiple terrorism risks due to lack of logistical support and personnel.<sup>20</sup> These findings make it clear that security challenges limited their efficiency in counterterrorism. These were linked to inadequate funds, lack of enough personnel, poor interagency cooperation and limited inherent capacities tactical and technical among the intelligence officers themselves.

#### **4.8.3 Ways for Enhancing the Efficacy of Intelligence Community in Kenya**

The last and third objective of the study was, “to suggest ways in which the efficacy of intelligence community in Kenya can be enhanced.” It is evident that strategies aimed at ensuring that the public supported the counterterrorism strategies implemented by the country could enhance intelligence gathering processes.<sup>21</sup> The insurgents have to be innovatively addressed by the design of a mutual security interest in which the locals are provisioned in return for their intelligence and hostility towards the enemy. The focus here has to be distance decay reduction<sup>22</sup>. Cooperation with neighboring countries could enhance the capacity of intelligence communities in information access and analysis. It would also enhance national intelligence capabilities in other ways through exchange of best practices among others.<sup>23</sup>

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<sup>18</sup> Rebecca Vogel, *Closing the cyber-security skills gap*, *Salus Journal* 4, no. 2 (2016): 32-46.

<sup>19</sup> S.K. Morumbasi and C. Amuhaya, *A networks analysis of terrorism in Africa: implications for Kenya*, *Africa in International Relations*, Vol 16, No 2 (2016): 265-273. Accessed on March 26 from <http://journals.rudn.ru/international-relations/article/view/14275>

<sup>20</sup> W.S. Mwangi, S.W. Mwangi, & J. Wasonga, *Assessing The Effectiveness Of Intelligence Gathering And Sharing (IGS) In Countering Violent Extremism (CVE) In Kenya*, *International Journal of Innovative Research and Advanced Studies (IJIRAS)*, Volume 7 Issue 1, 2020: 149-156.

<sup>21</sup> Jeremy Lind & Jude Howell, *Counter-terrorism and the Politics of Aid: Civil Society Responses in Kenya*, *International Institute of Social Studies*, Vol 41, Issue2 (2010): 335-353

<sup>22</sup> M. Mwangi and S.K. Morumbasi. *Countering Violent Extremism in Kenya: Emerging National security Perspectives*, Vol 2 Thirty Three Consortium Publishers, Nairobi Kenya. (2018) pg 100

<sup>23</sup> S.K. Morumbasi and C. Amuhaya, *A networks analysis of terrorism in Africa: implications for Kenya*, *Africa in International Relations*, Vol 16, No 2 (2016): 265-273. Accessed on March 26 from <http://journals.rudn.ru/international-relations/article/view/14275>

Interagency cooperation regime could also strengthen the efficacy of the intelligence communities in the fight against terrorism.<sup>24</sup> Extra training processes could buttresses the capacities to deal with terrorism vulnerabilities.<sup>25</sup> Since the dynamism of terrorism should be matched with specific capacities by the intelligence community, training would expand the capacities of the intelligence community to respond appropriately. Deploying enough numbers could strengthen the ability of intelligence officers to deal with the heavy traffic of intelligence;<sup>26</sup> resulting to better capabilities to thwart planned terror attacks

Since terrorism is a globally intertwined network connecting various cells from across the world, there was also a need for strong international collaborative frameworks. This, coupled with regional cooperation, can strengthen intelligence gathering processes.<sup>27</sup> It was also pertinent to constantly study the evolution of terror groups so as to understand their hierarchies and come up with the most suitable responses.<sup>28</sup> It was also important to strengthen local laws to enhance the capacity of intelligence officers to obtain information with ease without the limitations placed by civil society organizations and politicians though accusations of human rights violations.<sup>29</sup>

It was also noted that the perception of the locals towards the government must be positive. The government must be viewed as friendly and its intention as positive towards the population. If this is the case the locals are likely to cooperate and provide the intelligence

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<sup>24</sup> S.K. Morumbasi and C. Amuhaya, *A networks analysis of terrorism in Africa: implications for Kenya*, Africa in International Relations, Vol 16, No 2 (2016): 265-273. Accessed on March 26 from <http://journals.rudn.ru/international-relations/article/view/14275>

<sup>25</sup> Simplice A. Asongu and Jacinta Nwachukwu, *Mitigating externalities of terrorism on tourism: global evidence from police, security officers and armed service personnel*, *Current Issues in Tourism* 22, no. 20 (2019): 2466-2471.

<sup>26</sup> Simplice A. Asongu and Jacinta Nwachukwu, *Mitigating externalities of terrorism on tourism: global evidence from police, security officers and armed service personnel*, *Current Issues in Tourism* 22, no. 20 (2019): 2466-2471.

<sup>27</sup> David Mickler, Muhammad Dan Suleiman and Benjamin Maiangwa, 'Weak State', *Regional Power, Global Player: Nigeria and the Response to Boko Haram*, *African Security* 12, no. 3-4 (2019): 272-299.

<sup>28</sup> Carl J. Jensen, *Potential Drivers of Terrorism out to the Year 2020*, *American Behavioral Scientist*, SAGE Journals 9, no.1 (2015): 4-9, accessed February 3, 2020. <https://doi.org/10.1177/0002764215588819>

<sup>29</sup> Edward Mogire and Kennedy Mkutu Agade, *Counter-terrorism in Kenya*, *Journal of Contemporary African Studies* 29, no. 4 (2011): 473-491

required. When the government is viewed as hostile, the locals will retreat from counterterrorism efforts and will withhold intelligence.

Holding ground in the area of intelligence operation in counterterrorism is vital to the security organs. From the interview, it was noted that presence of sufficient security elements is an assurance to the locals of their security. Holding presupposes actions rooted in the presence of governmental assets that allow protection of the population<sup>30</sup>

Lastly, the interviewees pointed out that regular training was pivotal. If the security agencies were regularly trained, it was possible to handle all emergent threats. There was also need to strengthen cooperation with regional and international intelligence organizations to enhance effective information exchange.<sup>31</sup> Facilitative laws were also needed so as to ensure that legal constraints did not limit intelligence gathering processes.<sup>32</sup> Interagency cooperation strategies were also recommendable so as to streamline operation processes through training, information exchange and, equipment sharing among others.<sup>33</sup>

#### 4.8.4 Conclusion

This chapter presented the research findings in line with the study objectives namely: to examine the effectiveness of the intelligence community to combat terrorism in Kenya; to establish the causes of intelligence community failures in the fight against terrorism in Kenya and; to suggest ways in which the efficacy of intelligence community in Kenya can be enhanced. Data was collected using questionnaires and interviews as well as desk review of existent literature. The findings indicated that The intelligence community has a moderate

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<sup>30</sup> Musambayi Katumanga, *Distance Decay reduction as Counter Insurgency Propositions for Insur-Terrorism in Kenya and Juba Borderlands*, Countering violent in Kenya, chapter 4

<sup>31</sup> David Mickler, Muhammad Dan Suleiman and Benjamin Maiangwa, 'Weak State', *Regional Power, Global Player: Nigeria and the Response to Boko Haram*, *African Security* 12, no. 3-4 (2019): 272-299.

<sup>32</sup> Edward Mogire and Kennedy Mkutu Agade, *Counter-terrorism in Kenya*, *Journal of Contemporary African Studies* 29, no. 4 (2011): 473-491

<sup>33</sup> S.K. Morumbasi and C. Amuhaya, *A networks analysis of terrorism in Africa: implications for Kenya*, *Africa in International Relations*, Vol 16, No 2 (2016): 265-273. Accessed on March 26 from <http://journals.rudn.ru/international-relations/article/view/14275>

ability to deal with emergent threats due to low potential in keeping pace with new potential risks in a past paced environment and thus the average capacities to deal with new emergent security risks. The IC's pace of adapting to new technologies and tactics employed by terrorist organization is slow compared to the rate of change. Lack of sustainable and uniform counterterrorism policies, limited interagency cooperation. Poor coordination mechanisms and bureaucracies also challenged information dissemination within the counterterrorist organizations. Additionally, limitations related to missed or delayed signals, lack of sufficient numbers of intelligence personnel to cover the vast intelligence area of interest and corruption have also created security vulnerabilities since they lead to compromise of intelligence. Poor regional and international policy frameworks limited joint counterterrorism initiatives. Inadequate financing and training also limited the responsiveness of the intelligence community to the dynamism of terrorism. Challenges related to local legislation means that the intelligence community operated in a vacuum.

To mitigate these challenges, it was recommended that CT strategies must be aimed at ensuring public support. To win their support and cooperation in providing the intelligence required the government must be viewed as friendly and its intention as positive towards the population.

Cooperation with neighboring countries, interagency cooperation regime, extra training to deal with terrorism vulnerabilities and expand the capacities of the intelligence community to respond appropriately and deploying enough numbers could strengthen the ability of intelligence officers to deal with the heavy traffic of intelligence. There was also a need for strong international collaborative frameworks and regional cooperation in intelligence gathering processes. It was also important to strengthen local laws to eliminate the limitations placed by civil society organizations human rights organizations and politicians. Facilitative laws were also needed to eliminate legal constraints to intelligence gathering process.

## CHAPTER FIVE

### FINDINGS, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Introduction

This chapter provides a summary of the findings, conclusions and recommendations. It also presents possible areas for further study.

#### 5.2 Summary of the Findings

The first objective of the study was “to examine the effectiveness of the intelligence community to combat terrorism in Kenya.” Data was collected using questionnaires and interviews. The findings show that security agents had average capacities to deal with new emergent security risks. This could lead to lapses in the fight against terrorism. Evidently, the intelligence community was not able to quickly adapt to the new technological tactics employed by terrorist organization. This could be due to lack of the requisite financial and other hard resources as well as lack of capacity challenges.

The intelligence community often characterized with tendency to obtain intelligence late. This explains the vulnerabilities that led to some attacks taking place as argued by Mwangi and others.<sup>1</sup> Interagency cooperation frameworks were still not strong, though they were existent. This had limited the effectiveness of responses to terror threats.

Though investments were made in the security sector, they were not high enough. This means that the intelligence community was moderately equipped to check terror threats; which could lead to some lapses. It was also evident that there were some gaps in adoption of the right technologies aimed at strengthening the capacity of the intelligence community to deal with

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<sup>1</sup> W.S. Mwangi, S.W. Mwangi, & J. Wasonga, *Assessing The Effectiveness Of Intelligence Gathering And Sharing (IGS) In Countering Violent Extremism (CVE) In Kenya*, International Journal of Innovative Research and Advanced Studies (IJIRAS), Volume 7 Issue 1, 2020: 149-156.

terrorism. There was thus need for more investments to check these vulnerabilities.<sup>2</sup>The findings also show that despite the fact that a cyber-security team was in place, its ability to thwart all cyberspace terrorism threats was average. It was possible thus for some incidents of intelligence failure to take place; leading to terrorism possible terrorist attacks.

The findings from interviews show that though there had been improvements in the intelligence services, some gaps were existent in intelligence gathering. Often information was obtained late, leading to security risks. Response was also not always well coordinated since most intelligence units had their own ways of working which led to security vulnerabilities. In some instances, there was good coordination with the large security community in Kenya which made it possible to respond to terrorism threats in a timely and effective manner.

Sometimes, bureaucracies meant that information had to be passed on to officials in higher hierarchies. In the eventuality of missed or delayed signals, the ability to stop imminent threats was challenged. These findings show that there were mixed capabilities in the intelligence community in Kenya which resulted in average response to terrorism threats.

The second objective of the study was, “to establish the causes of intelligence community failures in the fight against terrorism in Kenya.” The findings are indicative of the fact that lack of uniform operation procedures as well as uniform counterterrorism policies contributed to intelligence failure and increases in terrorism vulnerabilities. There were also overlapping mandates and rivalry could limit the ability of the intelligence community to combat terrorism. Also, challenges related to lack of administrative and financial transparency faced the intelligence community. This could be accounted to high corruption which existed in other sectors in Kenya. This could contribute to increases in terrorism vulnerabilities. Indeed, political systems challenged the efficacy of the intelligence community to counter terrorism.

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<sup>2</sup>Brendon J. Cannon and Dominic Ruto Pkalya, *Why al-Shabaab Attacks Kenya: Questioning the Narrative Paradigm* Terrorism and Political Violence 31, no. 4 (2019): 836-852.

This was through limiting political bureaucracies and meddling in the work processes of intelligence teams as identified.

Accusations of civil and human rights violations placed immense challenges on intelligence gathering. Also, accusations of stereotyping and profile of the youth from some communities thus limited the capacity of the intelligence community to collect intelligence promptly. Shifting alliances in terror groups meant that leads in the war on terrorism could be lost with these changes in alliance. However, these effects were not major however; which could be explained by the fact that Kenya was mostly faced with challenges emanating from Al-Shabaab with did not have very many viable off-shoots.

Poor efforts to undertake constant research on the changing nature of terrorist organizations. Since changing hierarchies come with demands for new leaders to prove themselves by pulling attacks, poor vigilance and research on these organizations could lead to increases in security risk vulnerabilities. Failure to secure support from Economic Communities (EC) could limit the success of the war against terrorism. This is particularly so since international cooperation availed various forms of support – technical, financial and physical - in the fight against terrorist. The intelligence community was faced with challenges related to inability to implement strategies that were responsive to the tactics of terrorists. This could poke holes on the intelligence gathering processes, leading to security risks and terrorism vulnerabilities. The interviewees argue that show that one of the main reasons for intelligence failure was inability to handle all potentially useful intelligence due to limited numbers.<sup>3</sup> Corruption also meant that terrorists could buy their way through security agents without information reaching intelligence teams. In some instances, lack of the requisite Information Technology infrastructure challenged the capacity to adequately monitor the cyberspace for possible

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<sup>3</sup> Simplice A. Asongu and Jacinta Nwachukwu, *Mitigating externalities of terrorism on tourism: global evidence from police, security officers and armed service personnel*, *Current Issues in Tourism* 22, no. 20 (2019): 2466-2471.

attacks against Kenyan targets as posited by Vogel.<sup>4</sup> Poor interagency cooperation frameworks also meant that coordination in thwarting attacks was not effective. In some instances, conflicting security priorities reduced the level of interagency cooperation. Lack of enough financing meant limited capacities to deal with multiple terrorism risks due to lack of logistical support and personnel.<sup>5</sup> These findings make it clear that security challenges that limited their efficiency. These were linked to inadequate funds, lack of enough personnel, poor interagency cooperation and limited inherent capacities tactical and technical among the intelligence officers themselves.

The last and third objective of the study was, “to suggest ways in which the efficacy of intelligence community in Kenya can be enhanced.” It is evident that strategies aimed at ensuring that the public supported the counterterrorism strategies implemented by the country could enhance intelligence gathering processes. Cooperation with neighboring countries could enhance the capacity of intelligence communities in information access and analysis. It would also enhance national intelligence capabilities in other ways through exchange of best practices among others.

Interagency cooperation regime could also strengthen the efficacy of the intelligence communities in the fight against terrorism. Extra training processes could buttresses the capacities to deal with terrorism vulnerabilities. Since the dynamism of terrorism should be matched with specific capacities by the intelligence community, training would expand the capacities of the intelligence community to respond appropriately. Deploying enough numbers could strengthen the ability of intelligence officers to deal with the heavy traffic of intelligence; resulting to better capabilities to thwart planned terror attacks.

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<sup>4</sup> Rebecca Vogel, *Closing the cyber-security skills gap*, *Salus Journal* 4, no. 2 (2016): 32-46.

<sup>5</sup> W.S. Mwangi, S.W. Mwangi, & J. Wasonga, *Assessing The Effectiveness Of Intelligence Gathering And Sharing (IGS) In Countering Violent Extremism (CVE) In Kenya*, *International Journal of Innovative Research and Advanced Studies (IJIRAS)*, Volume 7 Issue 1, 2020: 149-156.

There was also a need for strong international collaborative frameworks. This, coupled with regional cooperation, can strengthen intelligence gathering processes. It was also pertinent to constantly study the evolution of terror groups so as to understand their hierarchies and come up with the most suitable responses. It was also important to strengthen local laws to enhance the capacity of intelligence officers to obtain information with ease without the limitations placed by civil society organizations and politicians through accusations of human rights violations.

Lastly, the interviewees pointed out that regular training was pivotal. If the security agencies were regularly trained, it was possible to handle all emergent threats. There was also need to strengthen cooperation with regional and international intelligence organizations to enhance effective information exchange. Facilitative laws were also needed so as to ensure that legal constraints did not limit intelligence gathering processes. Interagency cooperation strategies were also recommendable so as to streamline operation processes through training, information exchange and, equipment sharing among others.

### **5.3 Conclusion**

Based on the study findings, it is evident that there were improvement in intelligence gathering in Kenya. However, the efficiency with which the intelligence community operated was challenged by poor coordination mechanisms. Bureaucracies also challenged information dissemination within the terrorist organizations. There were limitations related to missed or delayed signals. Lack of sufficient numbers of intelligence personnel also limited the efficiency of the intelligence community. Corruption also created security vulnerabilities since lead to compromise of intelligence. Poor interagency cooperation at also limited the capacity of the intelligence community. Poor regional and international policy frameworks mean that joint counterterrorism initiatives could not be implemented effectively. Inadequate

financing and training also limited the responsiveness of the intelligence community to the dynamism of terrorism. Challenges related to local legislation means that the intelligence community operated in a vacuum.

#### **5.4 Recommendations**

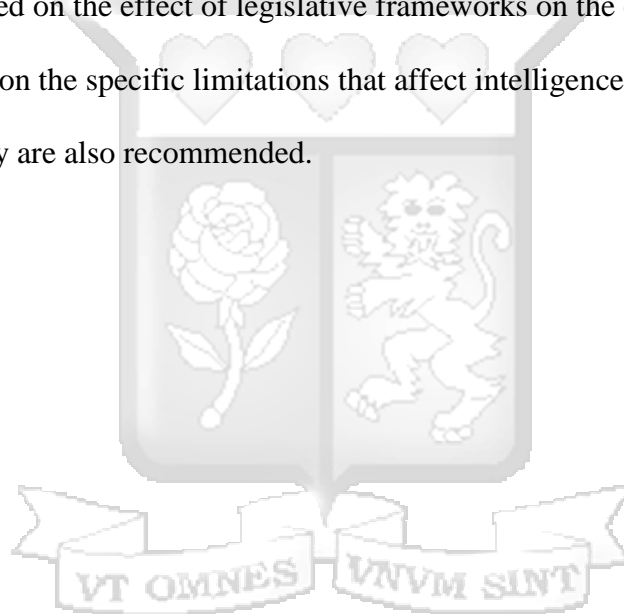
Based on the study findings, the following recommendations are made.

1. There is need for regular training of the IC personnel to enhance the capacity of the intelligence community to handle all emergent threats.
2. There was also need to strengthen cooperation with regional and international intelligence organizations to enhance effective information exchange.
3. Facilitative laws should be enacted to reduce the limitations placed by legal constraints
4. There is need for increased policing and government presence in operation areas to take care of any terror threats and secure the community and engender community support and build confidence.
5. Public education needs to be enhanced to enlighten the public on the need for collaboration in the war on terrorism and on the need to delink terrorism from other issues like religion. There is need to collaboratively work with religious authorities to achieve this.
6. The IC should be given the authority to act on intelligence to avoid the delays resulting from bureaucratic chain of information.
7. Interagency cooperation strategies were also recommendable so as to stream operation processes through training, information exchange and, equipment sharing among others.

8. Adequate financing was pivotal so as to procure sufficient equipment to deal with emergent terrorism risks
9. There is need to deploy enough personnel so as to adequately handle the immense volumes of intelligence in today's increasingly connected world
10. A research department could also play pertinent roles in monitoring and reporting on the evolving nature of terrorist organizations

### **5.5 Recommendation for Further Study**

Studies on the specific intelligence units would be important for in-depth analysis. There is need for studies focused on the effect of legislative frameworks on the efficacy of intelligence communities. Studies on the specific limitations that affect intelligence communities as identified by this study are also recommended.



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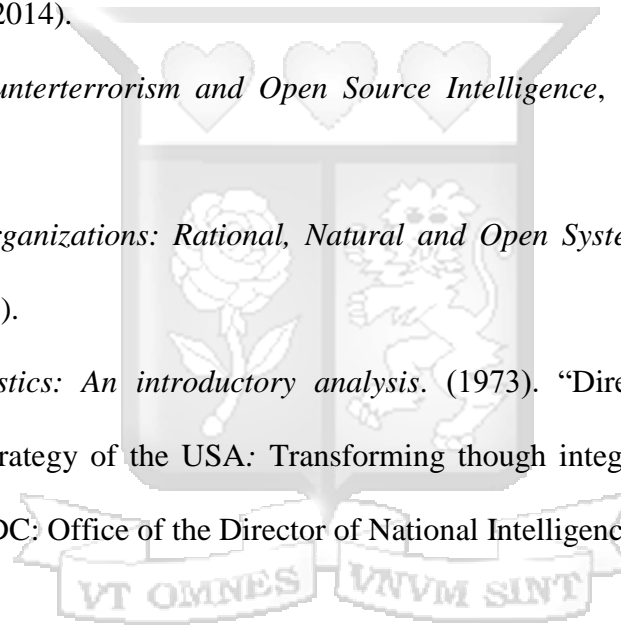
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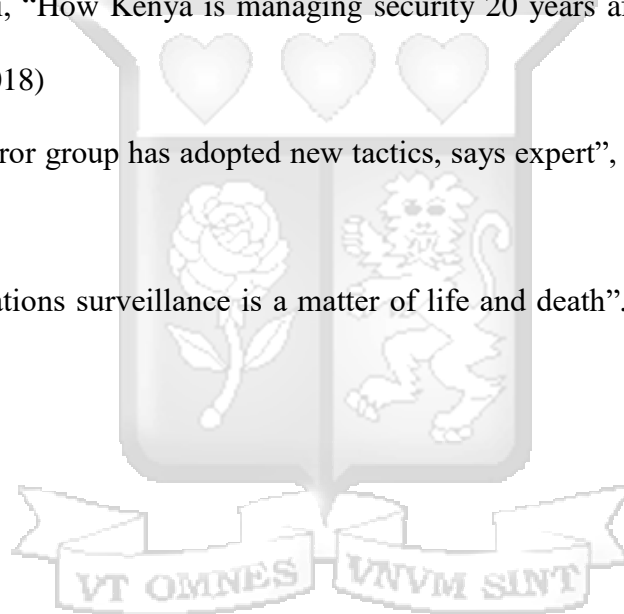
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## APPENDICES

### APPENDIX I: QUESTIONNAIRE

Dear respondent,

I am undertaking a study entitled, “a critical analysis of the role of the intelligence community in the war on terrorism in Kenya.” Please participate in this study by filling in the blank spaces. This study is for academic purposes only and the responses shall be handled confidentially. No identifying information shall be presented in the research findings.

#### SECTION A: GENERAL INFORMATION

Tick where appropriate

1. Sex

Male  Female

2. Intelligence Unit

Military Intelligence  National Intelligence Service  National Police Service

3. Duration of working with intelligence services

Below 2 years  2-5  6-10  10-20  20 years and above

#### SECTION B: EFFECTIVENESS OF THE INTELLIGENCE COMMUNITY TO COMBAT TERRORISM IN KENYA

4. On a scale of 1-5 where 1-to a very low extent; 2-to a low extent; 3- to a moderate extent; 4-to a high extent and; 5-to a very high extent, kindly (√) indicating your level of agreement with the following statements regarding the effectiveness of the intelligence community to combat terrorism in Kenya

Statements	1	2	3	4	5
1. The intelligence community is able to deal with emergent threats due to high efficiency in keeping pace with new potential risks in a past paced environment.					
2. The intelligence community is quick to adapt to new technological realities employed by terrorist					

organizations					
3. The intelligence community is able to promptly gather intelligence on eminent threats					
4. There is an elaborate interagency cooperation framework in Kenya that leads to prompt and effective response to terror threats					
5. There is high investment in the security sector which has strengthened the ability of Kenya to check terrorism attacks					
6. Presence of the necessary technologies has enhanced security teams' effectiveness in dealing with terrorism and other forms of attacks on national interests.					
7. A competent cyber-security workforce in the intelligence community has enhanced national abilities to deal with flow of information among terrorism organizations.					

**SECTION C: CAUSES OF INTELLIGENCE COMMUNITY FAILURES IN THE FIGHT AGAINST TERRORISM IN KENYA**

5. On a scale of 1-5 where 1-to a very low extent; 2-to a low extent; 3- to a moderate extent; 4-to a high extent and; 5-to a very high extent, kindly (√) indicating your level of agreement with the following statements regarding the causes of intelligence community failures in the fight against terrorism in Kenya

Statements	1	2	3	4	5
1. Lack of sustainable and uniform counterterrorism policies have limited interagency cooperation leading to terrorism vulnerabilities					
2. Poor coordination and rivalry between multiple agencies limits the abilities of the Kenyan intelligence community to combat terrorism.					
3. Lack of administrative and financial transparency affects the efficacy of the intelligence community to deal with terrorism risks					

4. Lack of political independence and functionality subjects the intelligence community to political bureaucracies that limit independent operations within the national counterterrorism framework					
5. Lack of domestic support due to accusations of civil and human rights violation challenges information gathering capacities of intelligence community					
6. There are vulnerabilities related to rampant changes in alliances in the counterterrorism arena that compromise of intelligence as former partners turn terrorist sympathizers					
7. There is lack constant research into the ever-changing and complicated hierarchical structures of terrorists so as to better intercept intelligence and infiltrate terrorist organizations					
8. Poor mechanisms to enhance support from the international economic communities has challenged the fight against terrorism in Kenya					
9. Corruption amongst security operatives and government organizations have a big part to play in derailing the intelligence operations and processes					
10. Lack of sufficient government policing in the affected areas and lack of local protection by the government has hindered local cooperation for fear of the repercussion.					
11. Presence of aggressive terrorist counterintelligence elements(Jaysh Ayman Amniyaats) and local sympathizers has a great contribution to the difficulties in access to sufficient, timely and accurate intelligence by government security forces.					
12. Due to weak strategies to ensure that local counterterrorism drives are responsive to the strategies used by terrorists, security lapses and failures take					

place					
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**SECTION D: WAYS IN WHICH THE EFFICACY OF INTELLIGENCE COMMUNITY IN KENYA CAN BE ENHANCED**

6. On a scale of 1-5 where 1-to a very low extent; 2-to a low extent; 3- to a moderate extent; 4-to a high extent and; 5-to a very high extent, kindly (√) indicating your level of agreement with the following statements regarding the suggest ways in which the efficacy of intelligence community in Kenya can be enhanced.

Statements	1	2	3	4	5
1. The ability of the intelligence community to combat terrorism can be enhanced through better relationships with the general population					
2. There is need for the national leadership in Kenya to cooperate with neighbouring countries in combatting terrorism					
3. There is need to strengthen policies aimed at garnering support from other security agencies in the fight against terrorism					
4. Training of the intelligence community should be undertaken to enhance their capacity to deal with complex terrorism threats					
5. Capacities to deal with different forms of terrorism should be enhanced					
6. There should be effort to deploy enough personnel so as to deal with the huge volumes of intelligence.					
7. There is need to understand terror organisations through research for more effective responses to their operations.					
8. There is need for intelligence responses to be guided by reinforced international collaborative frameworks					

9. Facilitative laws should be implemented so as to enhance the abilities of intelligence community to obtain intelligence from suspected terrorist cells without being accused of infringing human rights					
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## APPENDIX II: INTERVIEW GUIDE

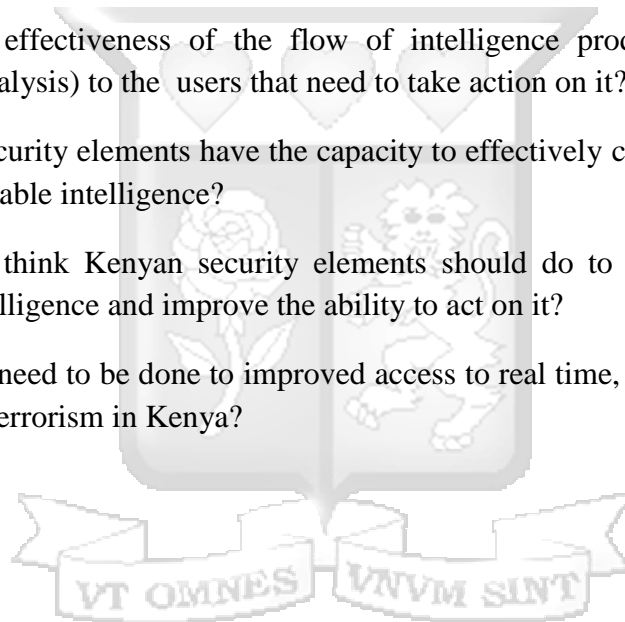
*This interview is administered to high ranking personnel in the organisations involved, that is The National Intelligence Service, the Military intelligence and the National Police Service.*

Dear respondent,

I am undertaking a study on , “A critical analysis of the role of the intelligence community in the war on terrorism in Kenya.” I kindly request for your participation in this study by responding to the following questions. This study is for academic purposes only and the responses shall be handled confidentially. No identifying information shall be presented in the research findings.

1. How effective is the intelligence community to combat terrorism in Kenya?
2. What are the causes of intelligence community failures in the fight against terrorism in Kenya?
3. In which ways can the efficacy of intelligence community in Kenya can be enhanced?
4. In your opinion please elaborate the capacity of the Kenyan Intelligence Community (National Intelligence service, The Military Intelligence, National Police Service) to Counter Terrorism.
5. Why is it that Kenya has always been attacked despite the presence of intelligence.
6. What do you think the Intelligence Community should do to save the situation.
7. Comment on the collaboration of the intelligence agencies in sharing intelligence in fighting terrorism in Kenya?
8. Why does intelligence fail in the war on terrorism?
9. What lessons have the Intelligence community learnt from past intelligence failures in preventing terror attacks in Kenya.
10. What improvements should be done to the intelligence community to eliminate or at least prevent the failures.
11. Kenya has experienced much deadly terror attack since its incursion into Somalia in 2011, directed to both civilian targets as well as military targets Why is it that we are still attacked despite the presence of information about the impending attacks?
12. What strategy does the Kenyan intelligence community have for sharing information on terrorism among themselves and other security actors?

13. If it is possible to use available intelligence to foil attacks before they happen. What is the probability that this can be achieved?
14. Fighting terrorism requires that the Government intelligence agents and local communities have a very co-operative relationship. Is this the case with the Kenyan intelligence agencies, why?
15. One of the reasons why communities might fear co-operating with the Government is the fear of attack by the terror group. Does the Government make plan to secure communities to ensure maximum co-operation?
16. In the various terror attacks including Westgate attacks, Garissa University attacks, El-ade attacks, Kolbiyo attacks. Dusit D2 attacks and the recent Manda base attacks, it is believed that there have been warning intelligence. What then is the cause of intelligence failure? is it the collection failure ,processing failure or policy failure?
17. Comment on effectiveness of the flow of intelligence products from collection, processing (analysis) to the users that need to take action on it?
18. Do Kenyan security elements have the capacity to effectively collect analyse and take action on available intelligence?
19. What do you think Kenyan security elements should do to ensure that they have actionable intelligence and improve the ability to act on it?
20. What reforms need to be done to improved access to real time, actionable intelligence in the war on terrorism in Kenya?



## APPENDIX III: ETHICAL CLEARANCE



**Strathmore**  
UNIVERSITY

16<sup>th</sup> November 2020

Mrs Ainea, Judy  
judy.ainea@strathmore.edu

Dear Mrs Ainea,

**RE: A Critical Analysis of The Intelligence Community in The War on Terrorism in Kenya**


This is to inform you that SU-IERC has reviewed and **approved** your above research proposal. Your application reference number is **SU-IERC0903/20**. The approval period is **16<sup>th</sup> November 2020 to 15<sup>th</sup> November 2021**.

This approval is subject to compliance with the following requirements:

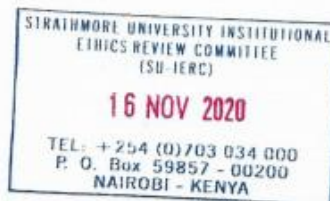
- i. Only approved documents including (informed consents, study instruments, MTA) will be used
- ii. All changes including (amendments, deviations, and violations) are submitted for review and approval by SU-IERC.
- iii. Death and life-threatening problems and serious adverse events or unexpected adverse events whether related or unrelated to the study must be reported to SU-IERC within 48 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 48 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,

  
for: Dr Virginia Gichuru,  
Secretary; SU-IERC

Cc: Prof Fred Were,  
Chairperson; SU-IERC




APPENDIX IV: NACOSTI - RESEARCH LICENSE

Republic of Kenya  
National Commission for Science, Technology and Innovation

Ref No: **929664**

**RESEARCH LICENSE**




This is to Certify that Ms. **JUDY MAREBE AINEA** of Strathmore University, has been licensed to conduct research in Garissa, Lamu, Nairobi on the topic: **A CRITICAL ANALYSIS OF THE INTELLIGENCE COMMUNITY IN THE WAR ON TERRORISM IN KENYA** for the period ending : **10/December/2021**.

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NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION

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## APPENDIX IV: ORIGINALITY REPORT

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