Strathmore University
SU+ @ Strathmore
University Library

2018

An analysis of Kenya's counterterrorism policy and its implications on police-community relations

Sheila C. Kurui
Strathmore Business School (SBS)
Strathmore University

Follow this and additional works at https://su-plus.strathmore.edu/handle/11071/6048

Strathmore Business School

MASTER OF PUBLIC POLICY & MANAGEMENT

DISSERTATION

AN ANALYSIS OF KENYA'S COUNTERTERRORISM POLICY AND ITS

IMPLICATIONS ON POLICE-COMMUNITY RELATIONS

SHEILA CHEPKORIR KURUI

084370

STRATHMORE UNIVERSITY, NAIROBI, KENYA.

4 MAY 2018

This dissertation is presented in partial fulfillment of the requirements for the award of the degree of Master in Public Policy and Management of Strathmore University

DECLARATION

I declare that this work has not been previously submitted and approved for a degree by this or any other university. To the best of my knowledge and belief, this dissertation contains no material previously published or written by another person except where due reference is made in the dissertation itself:

Name of Student: Sheila Chepkorir Kurui

Signature: ……………………………………… **Date:** …………………………………..

Approval ………………………………………………………………………………..

This dissertation has been submitted for examination with my approval as university supervisor.

Name of Supervisor: Prof Robert Mudida

**Faculty Affiliation**: Strathmore Business School

Institution: Strathmore University

Signature: ………………………………………… **Date:** ……………………

ACKNOWLEDGEMENT

I would like to thank the many people who made an invaluable contribution to the long process of working on this dissertation. First, I am deeply grateful to my advisor Prof. Robert Mudida for the invaluable support and intellectual guidance throughout the writing of this dissertation. I would also like to thank my family in a special way for the support and great sacrifices throughout the course of my studies which culminated in this dissertation. I am nothing without you. I wish to acknowledge the Faculty at the Strathmore Business School for the intellectual nourishment and commitment to see us through the Master in Public Policy program. To the Program Manager, Mr Bildad Nyongesa and his team, thanks for your understanding and support throughout the course of this program. Finally, I wish to extend my deepest gratitude to the Kenya Defence Forces leadership and colleagues for the invaluable support.
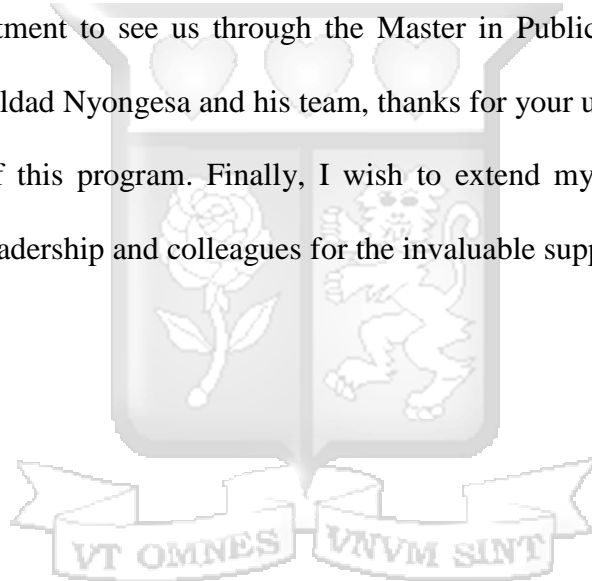
ABSTRACT

The threat of terrorism has emerged as one of the biggest influences of modern day public policy. High profile events such as the August 1998 bombing of the US Embassy in Nairobi, West Gate Mall and Garissa University attacks have transformed the manner in which the government and citizens conduct their day to day affairs. Kenyan government has employed institutional and legislative actions aimed at addressing this threat as reflected in the national counterterrorism policy documents. This study, using Kamukunji Constituency as a case study sought to investigate the interaction between police and the community in addressing the threat of terrorism. Utilizing a descriptive survey design, it specifically intended to examine the experiences of diverse communities and the voices of those charged with the responsibility of policing terrorism. The findings of the study reveal that community-police relationship that is built on trust and mutual respect is much more likely to give early warnings about terrorist acts. The study therefore recommends that the role of police in counterterrorism stands to benefit greatly if conceptualized with the aim of reaching out to the communities and fostering partnership that promotes safety and security by creating a network of individuals who feel it is in their best interest to create an environment hostile to criminals of all types.

TABLE OF CONTENTS

LIST OF ACRONYMS/ABBREVIATIONS

ATPU – Anti Terrorism Police Unit

CT – Counterterrorism

CTIF – Counter-Terrorism Implementation Task Force

CVE – Countering Violent Extremism

ISIS – Islamic State in Iraq and Syria

KDF – Kenya Defence Forces

NCTC – National Counter Terrorism Center

NGO – Non-Governmental Organization

NIS – National Intelligence Service

NPS – National Police Service

NSAC – National Security Advisory Council

NSCVE - National Strategy to Counter Violent Extremism

NTF – National Task Force

POCAMLA – Proceeds of Organized Crime and Money Laundering Act

POTA – Prevention of Terrorism Act

TFG – Transitional Federal Government

UN – United Nations

UNCCT – United Nations Counter Terrorism Centre

US – United States

LIST OF FIGURES

CHAPTER ONE

1.1 Introduction

The emerging threat of terrorism has profoundly changed the manner in which governments and the public perceive the environment they operate in. In a distinct break from the past where states grappled with existential threats from other states, the post-Cold War era heralded a new chapter marked by intra-state conflicts with terrorism and insurgencies taking root. A host of non-state actors have employed terrorism in the post-World War II era since it is an "inexpensive, attractive and effective instrument for achieving political, social, economic and strategic objectives in violation of law" (Alexander, 2009). Revolutions in information, communication and technology (ICT), means of transportation, conventional and non-conventional weapon systems have caused modern terrorists to employ *Jihadist* propaganda and violence on an unprecedented scale. This has had serious ramifications on the conduct of international affairs and more specifically to global peace and security.

Notably, terrorism gained significant prominence as a global public policy issue following the 11 September 2001 (9/11) terrorist attacks against the World Trade Center in New York and The Pentagon in Washington, United States. Following these attacks, the world focused more attention on terrorism; however, the phenomenon predates the US attacks (Roach, 2011). The emergence of Sunni-Salafist Islamic extremist ideology since the early 1980s precipitated by the sustained campaign against Soviet occupation of Afghanistan marked a major turning point in violent extremism and use of terror as a weapon. The new ideology embedded on global jihad appealed to many across the Muslim world and provided a launching pad for Osama Bin Laden to build the organization to a global hegemony within a span of ten years. The Al Qaeda has relied on this Islamic rhetoric to radicalize and mobilize Muslims beyond the traditional

battlegrounds of Afghanistan and Iraq to the rest of the world (Shemella, 2011). The emergence of the Islamic State in Iraq and Syria has seen an intense competition in the battle for the hearts and minds of radical Islamists which has seen the Al Qaeda's influence wane over the last decade (Zelin, 2015). Daesh or the Islamic State in Iraq and Syria (ISIS) was born out of ideological differences arising out of the interpretation of *Sharia* law among Al Qaeda's top leadership with the former advocating for a stricter version of Islam. The six-year civil war in Syria, the instability in Iraq and the spillover of the chaos and anarchy following the 2011 overthrow of Muammar Gaddafi in Libya have fueled new and complex configurations in international terrorist networks.

The emergence of terrorism has given the problem of failed states an imperative and unyielding prominence that transcends its previous humanitarian dimension (Rotberg, 2002). The limited reach of state institutions in parts of the Sahel, West Africa and the Horn of Africa has attracted terrorist groups, and spread instability and disorder in large swathes of mostly ungoverned space (NCTC, 2016). Kenya's eastern neighbor, Somalia falls within this category having not had a stable government for more than two decades following the collapse of the government of Siad Barre in 1991. In place have been a series of transitional governments whose control has been limited to a few blocks within the capital, Mogadishu. The Somalia Council of Islamic Courts Union (ICU), a political outfit established by clan factions not satisfied with the installation of a Transitional Federal Government (TFG) earlier in 2004 through sustained international efforts formed a military wing, the *Harakat al-Shaabab al-Mujahidin* or Al Shaabab as they are commonly referred to, with the intention of enforcing its will on the rest of Somalia. It employed insurgency and terrorist tactics of recruiting clan-based militia in the areas they operated in and consequently managed to exert control over strategic resources including ports, key markets and

other vital installations. With access to resources, the group grew and even after the defeat of the Islamic Courts Union and being pushed out in 2006 by Ethiopian forces managed to reorganize and stage a comeback to recapture vital grounds in Mogadishu and large swaths of Central and Southern Somalia. The group continued to grow in influence not only in Somalia but also in the East African region galvanized by the support it received from the local population united by nationalistic sentiments against perceived foreign occupation. It achieved this by recruiting members from Kenya's North Eastern and Coastal region and also from the large Somalia refugee population straddled across the world. As part of its efforts to gain acceptance into the greater Islamic brotherhood and to be recognized by Al Qaeda, the patrons of global jihad, the group began launching a series of deadly attacks across the East and horn of Africa region.

1.2 Background

The events of 9/11 set the stage for a global counterterrorism campaign that changed state responses to terror threats and significantly raised the stakes for all the actors. While launching what would now be termed as the Global War on Terror (GWOT), US President George W. Bush declared that 'Our war on terror begins with al Qaeda, but it does not end there. . . . Our response involves far more than instant retaliation and isolated strikes. . . . We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or no rest' (White House, 2001). The international community was also quick to respond to the attacks. The United Nations, the African Union (AU) among other international organizations soon engaged themselves in an enhanced effort to combat terrorism.

The UN as the presumptive custodian of international peace and security prompted by the 11 September 2001 attacks quickly moved to put in place the necessary legislative and institutional framework to guide the global counterterrorism campaign. The primary responsibility for

maintaining international peace and security is borne by the UN Security Council. The General Assembly and the Secretary-General also play major, important, and complementary roles, along with other UN offices and bodies (UN, 2017). In reaction to the new threat to international peace and security, the UN Security Council adopted Resolution 1373 which established the Counter Terrorism Committee (CTC). In 2006, the UN General Assembly agreed on a common strategic framework to fight the scourge of terrorism; the UN Global Counterterrorism Strategy. The Strategy is a unique instrument aimed at enhancing the efforts of the international community to counter terrorism along the four pillars of addressing conditions conducive to the spread of terrorism, preventing and combatting terrorism, building Member States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard and ensuring the respect for human rights for all and the rule of law as the fundamental basis for countering terrorism. An existing trilateral cooperation among the United Nations, the African Union and the European Union has been utilized to boost collective ability to manage peace and security in the regions of the world. It is on the same breath that the African Union also instituted legal and institutional mechanisms to combat the threat of terrorism in the African continent (Mohochi, 2011).

Driven by the urgent need to stem the spread of terror threats around the world, governments began to formulate counterterrorism strategies which have been implemented with varied degrees of success. A case in point is the enactment of new anti-terrorism laws by the UK parliament in 2001, 2005, 2006, and 2008 which supplemented terrorism-related powers passed into law in 2000 (Weisburd et al., 2009). These laws expanded police authority on the ground (Awan, 2013). New antiterrorism policing powers in Britain have however led to allegations that

police direct disproportionate resources toward Muslim and South Asian communities or otherwise engage in what critics view as 'racial and religious profiling' (Huq et al, 2011).

Terrorism in Kenya however, predates the 9/11 attacks which thrust the world into the era of Global War on Terror (GWOT). The country succumbed to major terror attacks in 1998 at the US Embassy in Nairobi and in 2002 at the Israeli-owned Kikambala hotel in Mombasa in addition to other minor attacks. The entry of Kenyan forces into Somalia in October 2011 raised the stakes for both sides. Al Shaabab launched a massive recruitment of Kenyan youth to propagate its activities in Somalia and Kenya.

A host of factors have predisposed Kenya as a soft target for terrorism in the Horn of Africa and this has projected the country into the international limelight as one of the main theatres of the global anti-terrorism campaign (Kagwanja, 2014). This is attributed to a combination of geographical, historical, economic and socio-cultural factors which predispose the country and indeed the horn of Africa region to global terrorism. The region's geographical proximity and close cultural ties to the Middle East eases the movement of terrorist agents within the two regions. The significant Muslim population residing in economically deprived regions presents a perfect target for Islamists to export their ideas and win allies (Kagwanja, 2014). Worth noting are the bleak statistics depicting staggering poverty levels in Mandera (86%), Wajir (84%), Tana River (76%), Kwale (71%) and Mombasa (35%) (KNBS and SID, 2013). Furthermore, the presence of substantial Christian populations which is perceived as a hindrance to the Islamization of the greater East Africa has contributed further to this predisposition (Otiso, 2009). Kenya's perceived warm relations with Western countries and the presence of their installations in the country don't help matters. Evidently, the country's foreign policy has been shifting to the East in recent years. Some analysts also cite the concentration of tourism activities

5

in the coastal areas whose practices affront Islamic moral code demonstrating a clash of civilizations which as Huntington, 1993 postulates, is the source of conflict among non-Western civilizations. This is further aggravated by the feeling that gains accrued from the tourism industry are not used to benefit the coastal inhabitants.

In response to GWOT, Kenya expressed its unequivocal support for intensified and comprehensive international cooperation in the fight against terrorism and went ahead to sign and ratify several United Nations treaties and conventions related to counterterrorism. It further went ahead and signed other conventions and protocols at the African Union relating to combating terrorism in 2002 and 2005 (Mohochi, 2011). The country further prioritized the implementation of structural and practical actions in line with the UN Security Council Resolution 1373 of 2001which included the introduction of the Suppression of Terrorism Bill in 2003 and the successful enactment of Proceeds of Crime and Money Laundering Act in 2009. The former was met with stiff resistance over certain provisions which experts felt could promote religious and ethnic prejudices in the country.

Following the terrorist attacks in 1998 and 2002, Kenya began its counterterrorism campaign by establishing institutions including the Anti-Terrorism Police Unit (ATPU) in 1998, National Counterterrorism Centre (NCTC) in 2003 and the National Security Advisory Council (NSAC) in 2004. It mainly relied on the existing legal framework to deal with terrorism related crimes. The government however continued its quest for counterterrorism legislation even as it pursued an overarching strategy to consolidate its efforts which apparently appeared disjointed. In 2012, after much deliberations and a back and forth process, parliament managed to pass the Prevention of Terrorism Act albeit watered down. These laws not only defined what constitutes a terrorist act but also expanded police authority to arrest any person on suspicion of involvement

in terror activities while holding the public duty-bound to disclose information relating to terrorist acts. With a legal and institutional framework in place, the country still lacked a robust counterterrorism strategy and had to rely on a combination of military-security strategies and intelligence operations with varying degrees of success (Mohochi, 2011). Owing to the limitations observed with the approach which included an upsurge in terrorism related attacks particularly in the period post-October 2011 Kenya's incursion into Somalia, the government through the NCTC developed a comprehensive strategy that sought to house all counterterrorism efforts under one common umbrella. This culminated in the launch of a National Strategy to Counter Violent Extremism (NSCVE) in September 2016.

Kenya's counterterrorism strategy consists of several key pillars of engagement. The security pillar focuses on the application of the 'full force of the law' to deal with the threat of terrorism and violent extremism. It lays a special emphasis on "hard" and "soft" approaches in the implementation of the strategy. The "hard" or direct approach can be defined as an enemy-centric doctrine consisting of primarily offensive, hard power tactics such as military operations, increased policing and intelligence. These are useful tools if the goal is to isolate and destroy groups like Al Shaabab. The indirect soft power approach consists of population-centric methods which contain features such as capacity building, economic development, and counter-radicalization focusing on the underlying causes that allow terrorism to thrive (Rineheart, 2010). While appreciating the limitations of the kinetic application of blunt force, the national Counterterrorism strategy proposes 'softer' approaches which seek to foster dialogue, participation and community feedback between communities, state agencies and non-governmental organizations, which might serve to increase communities' trust of, and engagement with, state and other institutions. Accordingly, there is the expectation that citizens

and to a large extent those with an affiliation to the external source of the threat are to work in partnership with the state in order to reduce the potential for extremism from within their own communities (Spalek & Imtoual, 2007). Kenya among many other governments have reacted to terrorism with kinetic application of blunt force but as earlier alluded to, studies have demonstrated that such approaches carry a considerable risk of escalating tensions through which terrorism is generated and sustained (Pickering et al., 2008). This study therefore seeks to investigate the manner in which the police and ethno-religious diverse communities experience one another in a contemporary security context.

1.3 Statement of the Research Problem

The police and local administration in Kenya find themselves at the point where the greatest interaction of community and government takes place and where the most basic services are provided. It is here that that government policy is delivered and received by those intended for. Since terrorist attacks take place in routine public settings where mass casualties are likely to occur, the police's responsibility as the first and primary responders places her and the citizens as stakeholders and major actors in the policing of terrorism (Hasisi et al, 2009). The security pillar of the National Strategy on Countering Violent Extremism while stressing the importance of unleashing the full force of the law on potential terror threats to the country, also takes cognizance of the fact that counterterrorism and countering violent extremism efforts should be conducted in accordance with the laws and best practices to ensure that they do not lead to alienation and radicalization of citizens (NCTC, 2016).

In spite of this, the relationship between these two important players in counterterrorism has often been characterized by tension and mutual suspicion. On one hand, communities have been

objects of intensive scrutiny and intrusion on the other, the law enforcement agencies have strived to cultivate ties to secure their cooperation in obtaining information about potential terrorist recruitment and planning.

If that is the case, then an argument can be made that despite the good intentions, counterterrorism policing responses could be undermining the very safety and security they are attempting to create at community level. Consequently, this study investigates how the counterterrorism policy and strategic environment regarding policing of terrorism affects relations at the community-police interface.

1.4 Objectives of the study

The overall objective of the study is to;

1.4.1 Analyze Kenya's counterterrorism policy and its implications on police-community relations.

1.4.2 The sub-objectives include;

i. To determine the extent to which police and communities in Kamukunji Constituency work together to address the problem of terrorism.

ii. To determine the priorities of the community in as far as policing of terrorism is concerned.

iii. To establish the methods used by the police to reinforce feelings of safety and security among communities residing in Kamukunji Constituency.

1.5 Research Questions

i.   What extent do the public and the police work together to address terrorism and how does the ultimate community-police partnership look like?

ii. What are the priorities of the communities residing in Kamukunji Constituency in as far as policing of terrorism is concerned?

iii. What methods do the police use in order to reinforce feelings of safety and security among communities residing in Kamukunji Constituency?

1.6 Scope of the study

The scope of this study focuses on the dynamics of the interrelationship between the police who are perceived as the purveyors of counterterrorism policy and strategy to the communities they serve and how these strategies, policies and laws are reacted to by the individuals and groups within selected communities in Kamukunji Constituency, Nairobi County. Nairobi County is an appropriate locus of study primarily due to its cosmopolitan nature and the fact that it has been the scene of two of the most vicious terror attacks in Kenya's history; the 1998 US Embassy bombing and the 2013 West Gate Mall attacks. The Muslim communities in Kamukunji Constituency have been the most affected by the new wave of terrorism that saw a significant number of its young people leave the country to join the Al Shaabab in Somalia and ISIS in Libya and Syria with some returning to carry out attacks against hard and soft targets within the country. The local mosque, Masjid Riyadha has been on the security and intelligence agencies radar for reportedly being used as recruitment and fund raising grounds for terror activities. In this research, Kenya's national counterterrorism policy and laws act as the overarching backdrop and the two distinct groups represent the interface where policy meets reality.

1.7 Significance of the study

It is intended that the research will help generate knowledge that academics in the field of terrorism and counterterrorism, policymakers, law enforcement agencies and communities will find useful.

1.7.1 Academic Significance

While taking into consideration the limited research in this field in Kenya, there is an urgent need to invest in studies that seek to evaluate the counter-terrorism measures put in place by the government to determine whether these strategies actually work. The inadequate scientific evidence drawn from studies conducted in Kenya limits the strength of evidence and the conclusions that can be drawn from them making it difficult to establish whether the strategies are effective, ineffective or particularly harmful to the society. It is intended that this study shall help generate academic debate which will not only build the literature on an important topic but also generate solutions to a contemporary challenge.

1.7.2 Policy Significance

It is expected that this study will help policy makers to rethink the manner in which policy is translated into practice thereby enhancing the impact of government policies on the intended recipients. Studies have shown that the evidence base for policy making, strategic thinking and planning against terrorism in a vast number of countries is particularly wanting. This is largely attributed to the limited funding available for large scale and intensive studies into counterterrorism and also the lack of access to information held by governments on terrorism incidents informed by national security concerns. It is therefore expected that this study will contribute in expanding the knowledge base and guide evidence based policy making.

Considering the fact that the counterterrorism strategies promulgated by governments have attendant financial costs, it is only in the interest of the tax payer to evaluate whether these strategies are sound and are contributing to improved personal safety and security. It is thus expected that this study will stimulate debate about the effectiveness of current strategies of policing in counterterrorism and the resultant financial expenditures on counter-terrorism efforts.

1.7.3 Police

The findings from this study could potentially assist the police as one of the agencies involved in counterterrorism and internal security in determining what critical issues should be included in the national counterterrorism strategy to enable it discharge her duties effectively. Despite the growing attention paid to the community policing initiatives in Kenya, there has been limited utilization of this policy to counterterrorism efforts, it is therefore expected that this study will generate important empirical evidence that could be of use to police officers engaged in the planning and implementation of such initiatives.

1.7.4 Community

It is expected that the findings of this study will help the communities develop a greater appreciation of their role in not only addressing the challenge of terrorism but also in fighting ordinary crime. There is limited research on community attitudes towards police involvement in counterterrorism work. It is intended therefore that this study will contribute to other studies on this important aspect of policing.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

Before the declaration of the GWOT, which was precipitated by the events of September 11, 2001 in the United States, a few scholars had delved into the studies of terrorism but even those were limited in scope. Terrorism has become an important subject matter across a wide range of social institutions such as politics, the military, legal, police and the criminal justice (Deflem, 2010). Accordingly, the past few decades have witnessed an increase in scholarship regarding terrorism and counterterrorism. The paragraph is organized into two main sections; Theoretical Review where the critical literature related to terrorism, policing and communities will be explored, Kenya's counterterrorism legislative and policy environment relative to international context will be analysed, a literature overview will follow and then the conceptual framework will be examined.

2.1 Theoretical Review

The literature review begins with the definition of key terms including terrorism and community which are critical in this study. An examination of the changing nature of terrorism which forms the basis for the formulation of counterterrorism strategies will be undertaken. Government counterterrorism legislation and policies will then be analyzed. Next, the critical literature related to policing as a counterterrorism tool and expectations of communities and police will be explored. A review of the theoretical literature will conclude the topic.

2.2 Defining Terrorism

Despite efforts by terrorism scholars to coin a globally acceptable definition of terrorism which could be considered neutral with regards to perpetrators of a terrorist act, consensus on an

adequate social science definition of terrorism remains lacking and this has remained an enduring question in terrorism research (Bester, 2011). The moral dilemma that arises regarding the description of a person or a group as terrorists often leads to subjectivity and the politicization of the concept bringing about problems in settling on a generally acceptable definition. This also applies to the question of whether the problem of terrorism is the violence or its underlying causes. This failure to agree on a globally acceptable definition is a problem which continues to impede the realization of a collective approach and satisfactory cooperation for combatting terrorism. Roach (2011) admits that this continues to hamper the United Nations (UN) efforts to find common ground on a definition of terrorism which has had a negative impact on how governments have responded to acts of terrorism.

Innes (2006) has defined terrorist violence as some form of communicative action which is designed to impact upon public perceptions by inducing fear in pursuit of some political objective(s). On the other hand, Black (2004) defines terrorism as an attempt at social control where a less powerful actor seeks to exert influence over the norms, values and conduct of another more powerful actor. Wilkinson (2006) defines terrorism as the systematic use of coercive intimidation in order to attain political ends. It is then used "to create and exploit a climate of fear among a wider target group than the immediate victims of the violence and to publicize a cause, as well as to coerce a target to acceding to the terrorists' aims".

Crenshaw (2000) points out that even if the term is used objectively as an analytical tool, it is still difficult to find a satisfactory definition that distinguishes terrorism from other forms of violent action and describes terrorism as pre-eminently political and symbolic and as "deliberate and systematic violence performed by small numbers of people with the purpose of intimidating awaiting audience". Ruby (2002) has defined terrorism from a legal, moral and behavioral

standpoint. From a legal point of view, he views terrorism as a violation of established laws. Although this approach is popular with governments, it is scarcely universal given the wide variety of laws and governments around the world. From a moral standpoint, he opines that terrorist acts are "morally unjustifiable". But since "morally unjustifiable" acts are perceived relatively, it is not surprising that terrorists and their victims have a different view of terrorist attacks. The behavioral approach is more unifying since it defines terrorism "…purely by the behaviors involved, regardless of the laws or morality of those doing the terrorism". Because the approach "…permits a reliable operational definition of terrorism regardless of who measures it", it is preferred by many societies although some behaviorally defined terrorism acts may be morally and legally justified.

The Kenya Government Suppression of Terrorism Bill 2003 defined terrorism as the use or threat of action where the use or threat is designed to influence the government or to intimidate the public or a section of the public and the use or threat is made for the purpose of advancing a political, religious or ideological cause. Mwazighe (2012) highlights the fact that this was criticized for being too broad and vague particularly in the articulation of the elements of the crime of terrorism. This could potentially be abused and sometimes gives the prosecutors discretionary powers to determine what constitutes an act of terrorism. The East African Law Society (2003) described the definition as "so absurdly wide as to mean anything and thus nothing. The Kenyan government Prevention of Terrorism Act (POTA) 2012 defines 'terrorist act' and 'terrorist' but fails to provide an encompassing definition of terrorism. This is replicated in the National Strategy on Countering Violent Extremism document. For the purpose of this study, I adopt the definition as provided by Forst (2009) which defines terrorism as the premeditated and unlawful use or threatened use of violence against a noncombatant population

or target having symbolic significance, with the aim of either inducing political change through intimidation and destabilization or destroying a population identified as an enemy.

2.3 The Changing Nature of Terrorism

Terrorism finds its roots in the outright and violent rejection of the core principles of an existing political order inevitably undermining fundamental procedures that a state would under normal circumstances use to resolve conflicts and maintain public order (Weisburd et al, 2009). Bester (2011) postulates that whereas the use of terrorism runs long in the history of mankind as a means of resolving domestic and regional disputes, from the 1980's however, the nature of international terrorism changed and these changes continued to manifest after the end of the Cold War. The most notable characteristics of this type of terrorism were the increasing importance of religious motivation, transnational nature, the execution of mass casualties and the use of non-conventional weapons. The growing centrality of religious terrorism was largely driven by the Iranian Revolution of 1979 and the desire of terrorist organizations to establish Islamic caliphates across the world (Shemella, 2011).

The last two decades have also witnessed the emergence of 'new terrorism' which differs from the 'old terrorism' by the manner in which attacks have become less discriminate in target selection thereby resulting in mass casualties. Its usage over the last decade has seen unprecedented rise in the number of victims and the employment of highly destructive weapons. And as Bester (2011) suggests, this became evident in mid-1980s when bombs were detonated where there were concentrations of people unlike 'old or traditional terrorism which was considered more of a political communication strategy aimed at achieving publicity.

The emergence and rise of Al Qaeda and ISIS affirms the global reach and the transnational nature of terrorism in which the leadership is responsible for outlining the ideological roadmap while the affiliated networks carried out the attacks. The group, as Hoffman (2001) suggests, illustrates how terrorist organizations had become part of a broad, amorphous and indistinct movement without a central command which allowed greater freedom of movement and independence in decision making. The emergence and rise of Al Shaabab in Somalia following the collapse of the Islamic Courts Union and the subsequent pledging of *ba'ya* to Al Qaeda underscores the amorphous character of global terrorism. The transition from use of explosive-laden bombs to planting improvised explosive devices and most recently ramming vehicle borne improvised explosive devices accompanied with follow-on ground attacks confirm the revolution that terrorist use of violence has undergone over the last two decades. The use of commercially available drones to deliver precision bombs by ISIS in Iraq and Syria marks a turning point in the employment of new technology by terrorist organizations to perpetuate their agenda. These developments have been facilitated by the process of globalization which made it possible for terrorist organizations to acquire new technologies. While agreeing with Huntington's clash of civilizations notion, Bester (2011) suggests that globalization has accentuated the cultural and religious differences between Muslims countries and the rest of the world which have been exploited by terrorist organizations. The dynamic nature of terror organizations underscores the fact that any efforts to subvert social order may achieve distinct advantage by minimizing predictability and maximizing the ability to evolve and change quickly as put forward by Weisburd et al. (2009).

Like any other social phenomenon and like crime, terrorism is time and place specific and as Greene and Herzog (2009) propose, all terrorism is local. This challenges the simplistic notion

that terrorism is unidimensional and monolithic phenomenon. Hasisi et al (2009) expand further the notion of change and evolution in terrorism by drawing distinction between "new" and "old" terrorism. 'New terrorism aims at manufacturing uncertainty in everyday settings increasing the citizen's fear that they may be caught up in an unpredictable and violent attack. This threat alters the way citizens think, feel and act in relation to their own security. As Cromer (2006) points out, terrorism seeks to make every member of the target population to feel unsafe simply by associating with the community associated with the external source of threat. This kind of fear outlines the most outstanding impact of terrorism, which creates an overwhelming fear of victimization among citizens.

More than any other feature of the new, dynamic and unpredictable terrorism, it is the aspect of uncertainty that most challenges the police, to whom issues of citizens safety and urban patrols are paramount. Weisburd et al. (2009) emphasize that in 'old' terrorism, police role was not necessary however in the 'new' terrorism the police find themselves inextricably involved. Meanwhile, even as the state responds to terrorist incidences, the amorphous characteristic of terrorist organizations makes effective response very difficult to establish and maintain. Hasisi et al. (2009) suggest that, in contrast to 'old terrorism' where the location and timing of attacks where announced beforehand, 'new' terrorist attacks are not announced forcing the police to cover a wide range of 'hotspots' where potential attacks could occur. This consumes police resources and has ramifications on police's interactions with the public and how traditional crimes are dealt with. Worth noting is the fact that when the threat of terrorism increases, police resources are redirected towards terrorism prevention significantly reducing those intended for fighting ordinary crime. This has the potential of influencing public perceptions towards the police in as far as crime control as a priority is concerned (Bayley and Weisburd, 2009).

2.4 Kenya's Counterterrorism Legislation and Policy

The need for sound and effective counter-terrorism policies has become a matter of international political and social concern. Governments all around the world are now confronted with the problem of how to effectively respond to terrorism and the evolving terrorist threat. This problem has been complicated by the lack of international consensus regarding a universally agreed upon definition of terrorism, and indeed has provoked extensive debate (Roach, 2004). Governments have therefore differed in the manner they approach this challenge of terrorism largely informed by unique domestic political and socioeconomic imperatives and history. The employment of diplomatic and political processes, use of security agencies and the criminal justice system are but some of the means as alluded by Jacoby (2004).

A typical response from a country that has faced terrorist attacks such as Kenya is to reassess the institutional posture towards handling such attacks against territorial sovereignty. In addition to redefining the responsibilities of myriad government agencies in developing a coordinated counterterrorism response, states may also redefine the conditions under which their militaries may be used to defend and protect domestic interests, in effect reformulating national security doctrine to better address the disruptive effects of terrorism (Bean, 2008). The two most commonly cited models of counterterrorism include the "war model" and the "criminal justice model." The war model aims at preventing terror, often at the expense of protecting civil rights and liberties while viewing terrorist activity as an act of warfare intent on altering the existing power structure. On the other hand, the criminal justice model places greater emphasis on protection of civil rights and liberties often at the expense of an effective counterterrorism policy.

In response to the 1998 and 2002 terrorist attacks, Kenya earnestly established counterterrorism policing and intelligence units. The creation of the Antiterrorism Police Unit (ATPU) as an exclusive and specialized antiterrorism unit in 2003 was aimed at giving the war against terror the attention it deserves. Pickering et al., 2008 postulates that law enforcement agencies shoulder significant responsibilities in the creation and implementation of government counter-terrorism strategies and are increasingly required to combine law enforcement with tasks and responsibilities for national defence. Kenya police units are currently engaged in a wide range of counter-terrorism activities including investigating specific cases, tracking down suspected terrorists, disrupting terrorist plots, community engagement for the prevention of terrorism and international police cooperation in counter-terrorism cases (Bayley & Weisburd, 2009; Deflem, 2010). Aronson (2015) contends that although these specialized units and departments do not operate to their full potential, they are partially effective in mitigating terrorist threats.

Historically, the military has influenced the formulation and the implementation of a state's national security policy and is regarded by the citizenry as a core institution of national identity when the government is facing internal and external threats. Terrorism is considered an act of war and governments are thus forced to reassess their institutional posture toward handling such assaults against a country's territorial integrity and this include a redefinition of the conditions under which their militaries may be used to defend and protect domestic interests (Bean, 2008). The use of military force as a counterterrorism tool has been known to be one of the most effective means to physically eliminate terrorists as but remains inherently controversial (Hughes, 2011). And as Cronin (2009) notes, terrorism picks at the vulnerable seam between domestic law and defence and in hindsight it does not fit within the domains of criminality nor warfare.

20

Internationally, the deployment of militaries on a counterterrorist role is often fraught with strategic, constitutional, diplomatic and ethical problems. Bean (2008) contends that not only is the battlefield the domestic state territory which is a defining characteristic of both the civilian and military spheres but also the enemy is part of the population with whose defense both the civilian authority and its military are charged. It could be assumed that this overlap of geographic responsibilities would be an advantage in the pursuit of an effective counterterrorism policy however, numerous historical examples illustrate that this is not always the case. In Israel for instance, battlefield successes which have resulted in the targeted killing of Hamas and Hezbollah leadership have not necessarily translated to the realization of the country's strategic objectives (Hughes, 2011). In the period post October 2011 following the launch of Operation Linda Nchi, Kenya witnessed an upsurge in retaliatory terrorist attacks on the home soil which culminated in the West Gate Mall and Garissa University attacks. This underscores the fact that although militarized strategies could serve as deterrence, they have the potential of furthering the political objectives of terrorist organizations by providing publicity for their cause and reinforcing sentiments against an actor like the Kenyan government (Adan, 2005). Juergensmeyer (2001) supports the hard-on-terrorism approach, suggesting that the use of violence to kill or forcibly control Bin Laden might deter persons from becoming involved in the planning of future terrorist acts.

The use of legislation as an effective counterterrorism measure gained traction in the period post 9/11. Netanyahu (2001) postulates that terrorism can be fought effectively through revising legislation to enable greater surveillance and action against organizations inciting violence. Many analysts and policymakers believe in the centrality of money as a survival strategy for terror organizations with conventional wisdom suggesting that deprivation of funds will bring

some corresponding decrease in a given terrorist group's ability to operate and specifically its latitude to carry out attacks (Kiser, 2005). Most terrorism financing legislations enacted in Kenya today have their roots in Anti-money laundering regulations enacted in the 1990s in order to curb narcotics trafficking. The anti-money laundering legislation in the 1990s however was fragmented with the only legislation aimed at curbing money laundering being Narcotic Drugs and Psychotropic Substances Control Act (1994) and the Central Bank of Kenya Guideline on Proceeds of Crime and Money Laundering (Prevention) which targeted licensed banking institutions. The enactment of Act no 9 of 2009, Proceeds of Crime and Money Laundering Act (POCAMLA) became the first and real attempt by the government to address the specific issue of terrorism financing.

Walker (2009) however, contends that modern trends in terrorism involve minimal cost. He goes ahead and highlights the case of the 7 July 2007 London bomb attacks which in his estimation cost no more than a few hundred pounds which he opines that it could have easily been raised by the plotters without resorting to outside funding, either from Al Qaeda or its offshoots, or the use of criminal enterprise which has been a characteristic of other recent terrorist plots. Adan (2005) agrees with the above postulation stating that that unlike narcotics smuggling or money laundering, the salient characteristic of terrorism is that it is cheap giving the example of the first terrorist attempt against the World Trade Center in 1993 that could have cost only $400. Critics have faulted financial controls as a strategy asserting that they are primarily of symbolic significance (Pillar, 2001). But contrary to Pillar's view, the use of financial controls is not only of symbolic significance but is effective when applied rigorously (Adan, 2005).

The Prevention of Terrorism Act (POTA) 2012 clearly outlines what constitutes a terrorist act is and the punishments meted out to individuals and organizations for soliciting and giving of

support to terrorist groups or for the commission of terrorist acts. Article 9 of the Act prefers imprisonment for a term not exceeding twenty years for a person who solicits support either by preaching or raising funds in support of such groups' activities. In as far as police powers are concerned, Section 31 states that: "a police officer may arrest a person where he has reasonable grounds to believe that such person has committed or is committing an offence under this Act." The powers of arrest that are vested in police officers under this article are subject to judicial oversight. The police are required to base all arrests on reasonable grounds, and the suspect is to be either taken to court or released within 24 hours as provided by the Constitution. Critics have cited this provision has having given the police sweeping powers to legally "arrest individuals who might never be charged under this act" (Mwazighe, 2012). Section 36 of the Act also grants the police powers to intercept communications if they have sufficient grounds to suspect involvement in planning and commission of a terrorist act. The power to intercept is however subject to administrative and judicial oversight amongst other inbuilt safeguards. The independent police oversight authority is also expected to address any grievances that may be raised on complaints regarding the abuse by police officers. The interception methods employed have been critiqued for breaching the right to privacy.

The Security Amendment Act 2014 made a series of amendments to various laws in an attempt to seal loopholes which had been identified in the aforementioned sets of laws. Most notable are the provisions aimed at curbing broadcasting or publication through the mass media platforms of material that could cause fear or alarm among members of the public. Section 344(1) of the Act grants the police powers to supervise any person having been tried under POTA 2012 for a maximum of five years from the date of his release. It also goes ahead and prescribes a raft of measures such as the requirement for a written consent from the police before moving to another

place, notifying the police before leaving his residence among other provisions. This confirms the changing role of police in counterterrorism context from working with communities to the new role of surveillance.

Internationally, governments have continued in their quest to limit the threat of terrorism on home soil by formulating counterterrorism strategies. A case in point is Canada whose close support for US led operations against the Al Qaeda made her a legitimate target for terrorism. As part of her counterterrorism efforts, it began by enacting the Terrorism Act (ATA), which included a broad definition of terrorism, new terrorism offences and extensive new anti-terrorism measures in the Canadian Criminal Code (Jacoby, 2004; Roach, 2011). The Act also provided Canadian law enforcement agencies with broad new investigative tools such as investigative hearings and preventive arrests. It further enacted the Anti-Terrorism Act 2015 which expanded the powers of Canadian security agencies.

2.5 Policing as a Counterterrorism Tool

Although a few people would argue that the police should not be involved in counterterrorism, their precise role is unclear and often controversial. Police in counterterrorism utilize the tactics of covert intelligence, surveillance and disruption. Crime control policing on the other hand emphasizes prevention through visible patrolling and deterrence by employing the country's Penal Code and other relevant pieces of legislature. Wilkinson (2001) contends that counterterrorism policing differs from ordinary policing as it is less transparent, less accountable and less careful with respect to human rights. Bayley and Weisburd (2009) postulate that in general counterterrorism policing encourages a top-down command structure and changes the orientation of police from servicing to controlling the population. Others have argued that crime control policing should play a greater role in counterterrorism in that it has unique advantages in

a war on terror that should be exploited (Innes, 2006).

Terrorism is a relatively dispersed and infrequent phenomenon. It poses a threat to a near-infinite range of symbolic targets, typically using operatives with no prior record of terrorist activity. As a result, accurate and timely information to distinguish genuine threats from background noise has great value. Huq, 2011 opines that the difficulty of identifying real risks in communities and cultures that are unfamiliar to law enforcement community may mean that public cooperation is even more important in counterterrorism contexts than in the crime control context. By its very nature, crime control policing provides an unprecedented access to communities which if properly focused could help in the acquisition of intelligence on activities that are precursors of terrorism. Majority of the terrorist attempts in Kenya have often involved individuals who developed connections with terrorist organizations and violent plans while living within Kenyan communities.

According to Hasisi et al (2009) by taking into account the extent that terrorist groups seek either to recruit or hide within co-religionist communities, cooperation can provide information at lower cost and with fewer negative side effects than coercive or intrusive forms of intelligence gathering. Tyler (2011) argues that police can get community members to cooperate with the police utilizing two competing models: instrumental and normative. The former is based on the belief that community members will cooperate with the police out of self-interest. With its roots in rational choice theory, this model holds that community members will have a greater propensity to cooperate with the police if they believe that the police are effective in fighting crime and that the police may direct unwelcome policing tactics disproportionately on the communities that withhold their cooperation with the police (Huq, 2011). But by appearing responsive to individual needs and concerns, police engaged in counterterrorism may raise the

likelihood that the public will assist the police by providing information or even take instructions during an incident.

The normative model links legitimacy as a strong predictor of cooperation to the perceptions that police act in procedurally just ways. In analyzing procedural justice theory, two key elements should be looked at according to Tyler (2006): the quality of the process used to make decisions and the quality of the interpersonal treatment that people receive when dealing with authorities. He emphasizes that the measurement of procedural justice therefore looks to several aspects of institutional behavior, including whether officials allow people to provide input before making decisions, exercise authority in neutral and consistent ways, perceptions of trustworthiness, and whether they treat people with whom they deal with dignity and respect.

The procedural justice theory although originally developed to explain variance in compliance with the law, has now been extended to cooperation with law enforcement entities (Sunshine and Tyler, 2003). An example of a similar study established that support for extra-legal law enforcement or use of vigilantes in Ghana could be explained by procedural justice but not by measures of police effectiveness (Tanekebe, 2009). When applied to the counterterrorism context, studies in the United States which analyzed the interaction between American law enforcement and Muslim Americans in New York City found strong procedural justice effects on cooperation both generally and when cooperation is defined as willingness to alert police of potentially suspicious behavior (Tyler et al., 2010). The studies also established that the effect of procedural justice is mediated through legitimacy consistent with similar studies carried out in the past. By contrast, there were no statistically significant correlation between expected costs or benefits of counter-terrorism and cooperation. This New York City study provides threshold ground for thinking that models of public cooperation in the crime-control context can be

profitably transferred to the counterterrorism context. The Kenya National counterterrorism strategy has strived to address this concern by adopting a multi-pronged approach that seeks to prevent the emergence and spread of violent extremism by addressing the root causes and roping in the communities in the fight against terrorism. Counterterrorism policing strategy therefore recognizes the value of cultivating public support and cooperation with Kenyan communities, at least on paper.

2.6 Community Policing

On a global scale, community policing has taken on an important role as a policy aimed at cultivating mutual trust and cooperation between police and communities in jointly identifying priority areas to tackle security related issues (Gitau, 2017). Premised on the need to cultivate public support and cooperation, community policing was borne out of the recommendations of the Kenya National Task Force on Police Reforms as captured in its 2009 report. According to the Task Force, community-police partnership is critical in deterring and detecting criminal activity as well as in reducing the fear of crime. Just like terrorism, there has been no single generally acceptable definition of community policing. Friedman (2015) defines community policing as a policy and strategy aimed at achieving more effective crime control, reduced fear of crime and improved police legitimacy through proactive reliance on community resources. On the other hand, the US Department of Justice (2014) defines community policing as a law enforcement philosophy or a way of thinking about improving public safety. The Kenyan Constitution 2010, the National Police Service Act as well as the Police Strategic Plan 2013 place emphasis on police-citizen partnership as a means of addressing crime and insecurity.

Community policing as a policy has found particular relevance in counterterrorism as relationships with the community underpin police legitimacy and for that reason critical for

effective policing (Pickering et al. 2008). In the context of counterterrorism, debate has raged among opponents who have argued that community policing should be abandoned whereas its proponents suggest that relationship building is critical. Innes (2006) outlines a community-intelligence based model to counterterrorism policing by focusing on neighbourhood policing that can be used to deter terrorist threats. He further emphasizes that in order to build a better fit between neighbourhood policing and counterterrorism, building of interpersonal trust between communities and the police can enhance the flow of community intelligence. This relies on high-visibility policing aimed at assuring the community of safety and security and increased police-community contacts ensuring that the police maintain the appropriate levels of surveillance.

According to Pickering et al. (2008), community policing as a strategy has found greater utility in jurisdictions where matching soft power initiatives have been pursued by government agencies other than the police. Community intelligence in this case is considered a form of 'soft power' that works through 'negotiation, persuasion and agenda setting' (Pickering et al., 2008). On the other hand, Loader (2006) criticizes community policing strategy as contributing towards making insecurity a pervasive feature of everyday life through the provision of 'ambient policing' which fails to acknowledge and address the political and socio-economic conditions that generate insecurity. Despite this debate, there seems to be consensus however, among law enforcement specialists that community policing is essential to counterterrorism (Deflem, 2010).

The era of community policing has raised fundamental questions as to whether the work of the police should entail preventing crime or building a working relationship with the communities. The era of terrorism has equally introduced a new set of potential expectations which encompass gathering intelligence and other pre-terrorist activities. This has the potential of raising new and complex set of questions and even disagreements about what the police should do and how well

they should do it. A community's expectations for the police should therefore not only include how they are to conduct themselves but also what they are to do. Ganor and Hasisi et al. (2011) advance that the community expectations that police will relieve not only the threat of crime and terrorism but also the fear of it demand the employment of active security measures such as surveillance, intelligence gathering and security operations that help in restoring community's confidence in police and may alleviate fears of additional terrorist attacks. Of special emphasis is the fact that ordinary policing can help build bridges to communities that may shelter or give rise to terrorists.

2.7 Communities as the Social Contexts of Terrorism and Policing

The term 'community' can be traced back to the time of the Magna Carta which establishes "…the unremitting claim of the community of the realm to be consulted on matters of high policy..." (Week, 2011). Dissecting the term from a social context perspective, there are both objective and subjective elements that make up a 'community'. Objectively, communities can be defined by the physical boundaries that demarcate an area determining whether it is an estate, a location, ward, a defined area within a town or city, a city, a county, or a country. By using boundaries as the simplest way to label a 'community', its objective measurement is limited to quantifiable dimensions like area, population, education, and income. The subjective sense of community is drawn not from the quantifiable simplicities that exist in its objective sense (Week, 2011).

As Cohen (2005) states "community is largely in the mind." Another simplistic explanation by Week (2011) is that individuals feel a sense of community because they are a part of a larger dependable and stable structure. Putnam (2000) writes extensively about the historical decline of social networks and the disenfranchisement of individuals in the democratic process. His work

29

exemplifies the efforts of social scientists to rebuild the social fabric of society and regain social agency (social belonging) through the concept of 'community' which he popularized by coining the term 'social capital'. Perhaps stated in its broadest form as postulated by Cohen (2005), 'community' occupies the place that is greater than kinship but less than the abstract notion of society.

Studdert (2005) contends that from a very primitive perspective, 'community' and the state are inextricably linked in that state power is only realised when the 'community' extends it. It is perhaps the uncontrollability and inherent insecurity in that notion that motivates politicians to continually measure their relationship with 'community'. While supporting this assertion, Week (2011) states that owing to the quid pro quo relationship between communities and states; the community extends power to the state that in turn is entrusted to manage the affairs of the community. Through this collective relationship, 'community' becomes the fundamental source of social cohesion and power. Given that community exists mostly as a state of mind, individually and collectively, it should be understood that the basic source of state power lies outside of what can be controlled by government. Community fears and insecurity have increasingly become a part of the social discourse as concerns over "personal safety and personal liberties" are thought to be threatened. However, despite anxiety by some and a seemingly sympathetic posture of government, others argue that public expectations are unrealistic.

According to Weisburd et al (2009), no terrorist organization can be accurately defined or sufficiently comprehended outside its social context. As a basis, this demands an appreciation for the manner in which terrorists and terror organizations trace their roots to specific places, communities or even neighbourhoods. Weisburd et al (2009) also postulate that even large and highly organized international networks of terrorists often seek to cultivate and maintain local

and community affiliations especially when ethnic or regional identity or separatism is part of the ideological foundation of the terrorist movement. Fazul, the Comorian Al Qaeda mastermind of the August 1998 bombing of the US Embassy in Nairobi first moved to Siyu island in Lamu from where he married a local girl and even sponsored local football teams. This provided the much needed foil against detection by the intelligence and law enforcement agencies.

Hasisi et al. (2009) gives insights into how certain sections of the Arab community within Israeli society shield terrorists from security surveillance and other counterterrorism measures. Additional empirical evidence collected from community surveys of British Muslims confirms the assertion that community context of terrorists can shroud their actions from detection and effective preventive measures (Hasisi et al, 2009). Communities also serve as the recruiting grounds for new members of terrorist organizations and where new strategies and propaganda can be shaped and tested (Weisburd, 2009).

Hasisi et al (2009) contend that the urban community has become the primary context and more often than not the choice target for 'new terrorism'. And as Innes (2006) describes the concept of signal crime in terrorism, terror attacks that signal risk and threat tend to be located in routine public settings where mass casualties are likely to occur. These kinds of attacks usually exert a certain degree of political and perceptual influence by signaling the risks and threats that can be manufactured in everyday life situations by a determined minority and in so doing induce changes in how citizens think, feel or act in relation to their security. The terrorist attack at the West Gate Mall on 21 September 2013 presents a case in point where terrorist violence has been visited on urban communities with large numbers of casualties being recorded.

Hitherto, the community presents more than a battlefield on which terrorism occurs but also the

social context within which terrorist organizations thrive, hide and cultivate sympathy and support and the expectations of the police are defined (Weisburd et al, 2009). The multiethnic and multinational character of urban communities such as those residing in Pumwani, Majengo, Eastleigh and other neighbourhoods within Nairobi presents a new set of challenges to the police effectiveness owing to language barriers and other cultural differences. Hasisi et al. (2009) highlight that these complexities are compounded in a context of terrorism and counterterrorism where efforts by the police to establish bonds with these communities conflict with the need to gather covert intelligence about potential terror threats. This makes the establishment of reciprocal trust almost impossible to attain.

A post-9/11 study on policing in Arab-American communities puts these complexities into perspective. Worth noting is the fact that residents in Arab-American communities were found to be less trustful and more fearful of the law enforcement agencies. Residents reported a heightened sense of scrutiny by the police and an acute sense of cultural and language differences between the residents and police. This was the inevitable reaction to police involvement in counterterrorism with communities being viewed as neither key constituencies nor partners of the police but as havens for citizens being regarded with suspicion and who need to be closely watched and controlled (Weisburd et al., 2009).

2.8 Literature Overview

Studies on terrorism and counterterrorism have taken prominence in the period post September 11. However, certain aspects of the field of terrorism studies have not received adequate attention. And as Deflem (2010) argues, among these aspects, the policing of terrorism presents an as-yet relatively unexplored and often not properly understood topic of research. Innes (2006) has argued against traditional counterterrorism policing claiming that it relies on criminal

intelligence often collected covertly which has the attendant cost of straining police-community relations. Huq et al. (2011) found that police practices that focused much on communities with an affiliation with the external source of threat were negatively related to perceptions of legitimacy of police among Muslim communities in the UK. In light of the aforementioned, traditional counterterrorism approaches tend to foment public support for terrorism (Pickering et al., 2008) consequently reducing community trust and legitimacy of the police as well as cooperation (Huq et al., 2011). Despite the limitations, traditional counterterrorism still finds a lot of relevance in certain circumstances but law enforcement agencies must take cognizance of as they discharge their responsibilities. Community-based counterterrorism that is rooted in community policing may avoid the limitations of the traditional kinetic counterterrorism policing (Friedmann and Cannon, 2009). Based on the available empirical evidence on the effectiveness of community policing, Greene (2011) contends that "it may be this platform (community engagement) that policing terrorism most vitally needs – one focused on fear management, response, and mitigation, rather than prevention".

2.9 Conceptual Framework

In constructing a conceptual framework for investigating policing in counterterrorism, three vectors emerge to form the intersection of the police and terrorism: the nature of terrorism, the community context within which policing and terrorism take place and the role, structure and functioning of the police.

Independent Variable   **Dependent Variables**
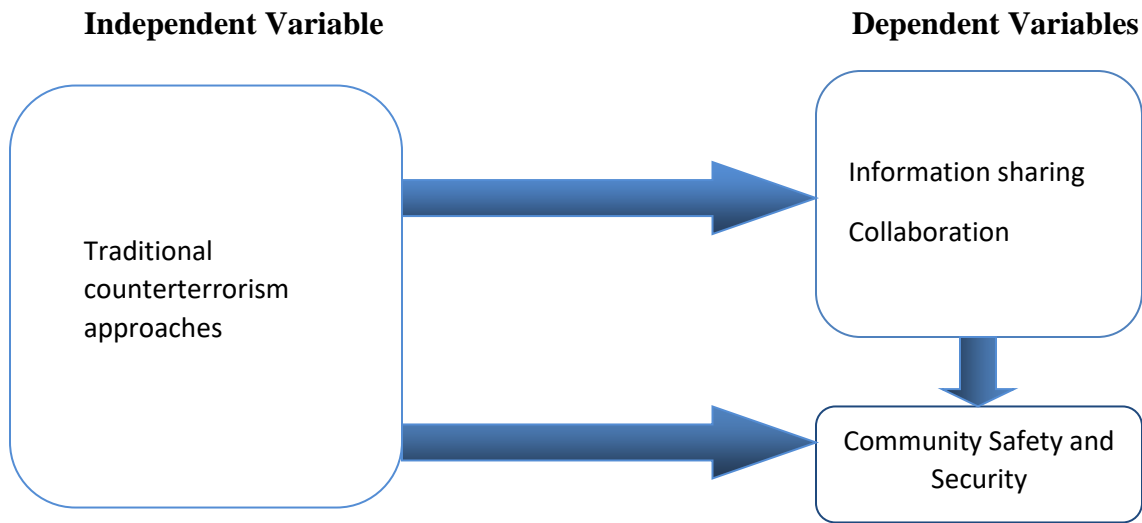
Fig 2.9: Conceptual Framework

2.9.1 Independent Variable

The study will measure strands of police behaviour and procedures which have implications on the effectiveness of the counterterrorism policy as conveyed to the intended recipients by the police. They include the procedural justice behaviour parameters such as following due process of law when carrying out their duties, fairness in treatment of all community members irrespective of age, gender, creed and ethnicity as well as responsiveness to individual and community concerns.

2.9.2 Dependent Variables

The study will measure the causal factors relevant to instrumental and normative theories influencing counterterrorism policy. The two variables are behavioral and encompass the general willingness to cooperate with the police and the willingness to report terrorist-related activities.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

The Kenya National Counterterrorism Center (NCTC) has proposed a top down approach towards the evaluation of the national counterterrorism policy in the National Counterterrorism Strategy document. This relies heavily on quantitative data from the law enforcement agencies. This research however employed a bottom up approach to investigate the delivery and receipt of counterterrorism policy at the government and community interface. It primarily focused on two distinct areas specifically the National Police Service units that are directly involved with the community in the fight against terrorism and communities, groups and selected individuals as the recipients of the counterterrorism policy.

3.1 Research Design

Studies on the role of police in counterterrorism are limited and as Creswell (2009), posits, qualitative studies are particularly suited to emerging topics on which research and validated data collection instruments are limited. The research employed a descriptive survey design involving use of formal interviews and self-administered questionnaires in order to answer the research questions.

3.2 Research Site

Pumwani, Eastleigh North, Eastleigh South and Airbase Wards of Kamukunji Constituency of Nairobi County formed the research sites. The choice of the above administrative units was informed by the notion that the threat of terrorism in Nairobi and to a greater extent in Kenya emanate from these areas. The former three wards have substantial Muslim populations with relatively smaller populations of other ethnic and religious affiliated groups. Worth noting is the

fact that Nairobi County has been the scene of two of the most vicious terror attacks in Kenya's history; the 1998 US Embassy bombing and the 2013 West Gate Mall attacks. The communities in Kamukunji Constituency have been the most affected by the new wave of terrorism with a number of its young people leaving the country to join the Al Shaabab in Somalia and ISIS in Libya and Syria with some returning to carry out attacks against hard and soft targets within the country. Several local mosques have been on the security and intelligence agencies radar for being used as recruitment and fund raising grounds for terror activities. Kamukunji constituency therefore is an environment where the police-citizen interactions are primarily shaped by the counterterrorism functions of the police making it an ideal site for this study.

3.3 Sample of the Study

The population of Kamukunji constituency according to 2009 National Population Census Report was placed at 211,991. The population distribution by ward indicated that Pumwani had 37,602(17.7%), Eastleigh North at 43,258(20.4%), Eastleigh South at 66,264(31.3%), Airbase at 43,168(20.4%) and California at 21,699(10.2%). For the survey, the researcher used a simple stratified random sampling. The sample size was obtained using the formula;-

$$\text{Sample Size} = \frac{z^2 \times p(1-p)}{e^2}$$

Where;

e is the margin of error (a confidence interval of 0.03 will be used for this research)

z is the z-score derived from the level of confidence (1.96 for 95% confidence levels)

P is the standard deviation (a variance of 0.5 will be used for this study)

Thus,

$$= 1.96^2 \times 0.5(1-0.5)/0.03^2$$

Sample size = 1067

Equal numbers of survey instruments were distributed in each ward. A random walk method was used to identify respondents in each ward.

For the formal interviews, the researcher targeted 5% participants drawn from the population sample comprising community leaders and police officers though as many members as possible of the Kamukunji Police Division command staff along with additional officers with a defined terrorism prevention role were initially targeted for interviews. As Cresswell and Clark (2011) postulate:

....the qualitative researcher identifies and recruits a small number that will provide in-depth

information about the central phenomenon or concept being explored in the study. The

qualitative idea is not to generalize from the sample (as in quantitative research) but to

develop an in-depth understanding of a few people - the larger number of people, the less

detail that typically can emerge from any one individual.

3.4 Data Collection Tools

The study utilized a community survey instrument to collect data on the involvement of police in counterterrorism and how this had shaped community-police relations. Additionally, formal interviews were conducted among police officers involved in counterterrorism as well as key community leaders.

3.4.1 Interviews

Formal interviews were conducted with police officers involved in counterterrorism operations to help understand their experiences when dealing with their constituencies. Key community leaders including religious, political and opinion shapers were also interviewed to gain a deeper understanding of the communities' concerns and priorities in as far the threat of terrorism is

concerned. The 'general interview guide approach' which is a conversational interview approach with guideline questions that do not limit the interviewee and also have questions that focus the conversations in the desired path was employed. This allows a degree of freedom and adaptability in getting the information from the interviewee (Pallavi, 2002). The disadvantage with this is that it is subject to personal moods and interpersonal dynamics.

3.4.2 Survey Questionnaires

The data collection instrument was administered to the individual community members from the four wards of Kamukunji constituency was a self- administered questionnaire. This was intended to help understand the attitudes and experiences of individual community members towards the involvement of police in missions of counterterrorism and was based on the conceptual framework of the study. The survey consisted of questions with Likert Scale responses such as Strongly Disagree, Strongly Agree etc. The survey questions were centered on the reporting of suspicious activities, attitudes towards police behaviour in counterterrorism policing, willingness to cooperate during investigations among others. A descriptive survey was selected because it provides an accurate portrayal or account of the characteristics, for example behavior, opinions, attitudes, beliefs, and knowledge of a particular individual, situation or group (Burns & Grove 1993:29). The design of questionnaires with pre-conceived categories may lead to a biased and overly simple view of reality and this was addressed by using a wide sample.

3.5 Data Processing and Analysis

The researcher relied on qualitative methods of data analysis procedures. Content analysis of the qualitative data from the interviews was conducted in order to draw out themes that were necessary to help answer our research questions. The choice of a qualitative method was driven by the need to establish and analyze the nuanced patterns of relationships that exist in these types

of environments which would otherwise not be possible with quantitative methods. Incomplete responses were discarded from the analysis.

3.6 Research Quality

Reliability describes how far a particular test, procedure or tool, such as a questionnaire, will produce similar results in different circumstances; i.e. if it used by different users and at different times (Roberts, 2006). Cronbach's alpha methodology, which will assess internal consistency of individual questions in a questionnaire, will be used. Research assistance was used to administer the survey instrument and was trained prior to being deployed to minimize response bias.

Validity – Validity describes the extent to which a measure accurately represents the concept it claims to measure (Punch 1998). External validity addresses the ability to apply with confidence the findings of the study to other people and other situations. It was ensured by drawing representative samples of the population of interest and in reference to relevant variables such as age and gender. Internal validity helps to reduce unanticipated reasons for different outcomes than those expected. Internal validity was ascertained through use of literature review to develop the questionnaires and pilot testing the questionnaire with people who are similar to the study respondents (Punch 1998).

3.7 Legal, Safety and Ethical Considerations

Two issues that required special consideration during the study include the management of sensitive national security information should that information become known; and, the ethical use of human subjects in research. To address the ethical use of human subjects during the study, an ethics review approval was sought from the Strathmore University Institutional Ethics Review Board (IRB) before commencing the fieldwork. To those who took part in the formal interviews, a formal letter outlining the purpose of the study and to seek their consent to participate in the

research was submitted prior to the interviews. The cover letter also informed the participants that their participation was voluntary and that they had a right to withdraw from the study at whatever stage. The design of the questionnaires was such that the respondents were not required to give very descriptive details of themselves to preserve anonymity and where they needed assistance in filling them, they were assisted without trying to influence the outcome of the research. All data forms were stored securely in a lockable cabinet accessible to the researcher only. The soft copies of the data were stored in a password protected computer only accessible to the researcher.

To alleviate against release of sensitive information associated with national security, whether collected intentionally or not, was excluded from the research report. There were also concerns about personal safety during the course of the study, the researcher drew on her years of experience in the security sector. Where the element of risk was considered substantial, adequate mitigation measures were made through the local security agencies.
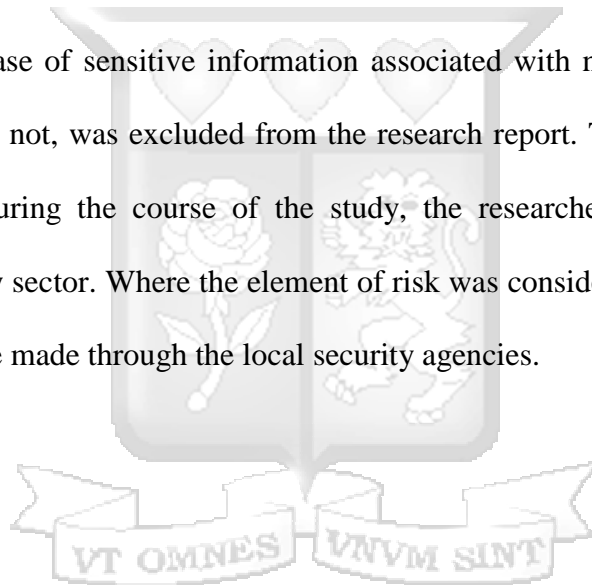
CHAPTER FOUR

DATA ANALYSIS, PRESENTATION, AND INTERPRETATION

4.1 Introduction

The chapter discusses the analysis of data, interpretation and the presentation of the research findings. Data analysis is the process of reducing or summarizing a large amount of collected data to data that addresses the initial proposition of the study (Chandran, 2004). The Chapter is organized in to two main parts; the presentation of descriptive statistics from the survey of local community members that measured different forms of cooperation with the police involved in counterterrorism work and the second part covers the content analysis of the interviews with the local police and the community leaders to pick out key themes on addressing the challenge of violent extremism and terrorism. The first element of this study involved a survey of the attitudes of Kamukunji Constituency residents towards local law enforcement officers involved in the prevention of violent extremism and terrorism with one set of questions examining procedural justice in the process of policy formulation and another during policy implementation. The sampling frame was 1067 community members. The survey yielded responses from 789 participants which represented 73.4% of the total population sample whereas 16 police officers and 6 community leaders were interviewed for the purpose of this study. This chapter presents the research findings as related to the research questions that guided the study. The main purpose of the study was to analyze Kenya's counterterrorism policy and its implications on police-community relations.

4.2 Community survey return rate

Table 4.2: *Response rate*

	Frequency	Percentage
Completed	789	73.4%
Not completed	278	26.6%
Total	**1067**	**100.0**

The study targeted 1067 community members. Out of the 1067 respondents targeted, 789 filled and returned their questionnaires.

4.3 Description of respondents

The study sample was diverse in terms of age, gender, education and religious affiliation. The mean age of the sample was 37 years with 53% being female. In the case of education, 18 percent had less than secondary school education; 25 percent were secondary school graduates; 30 percent had college education; and 17 percent had some post-college education. In as far as religious affiliation was concerned; 43 percent identified as Christians, 37 percent identified as Muslim and 20 percent preferred not to mention.

4.4 Counterterrorism Legislation and Policy

The study established that the most notable feature of the Kenya's counterterrorism legislative and policy environment is the rapid development into expansive and complex legislative terrain. Worth noting is how Kenya rose from having no specific counterterrorism legislation to having a mass of legislation that fundamentally alter the context within which law enforcement operates. This presents numerous challenges for the National Police Service as well as communities who are subjects of counterterrorism policing. As a matter of fact, the distinction between evidence and intelligence and the police and military is almost blurred as a result. The review of the legislation and policy also reveals an optimal policy and legislative environment that pays specific focus on preventing terrorism through thwarting attacks and limiting the growth of support for terrorism as a means of achieving political, ideological and religious objectives.

4.5 How Police and Community work together

The study sought to establish a link between community sentiments and the manner in which public law enforcement agencies translate counterterrorism policy and strategy into practice. The study therefore found that majority of the respondents reported that sometimes the police considers their community's views when making decisions about addressing terrorism at the

policy formulation and implementation stage.

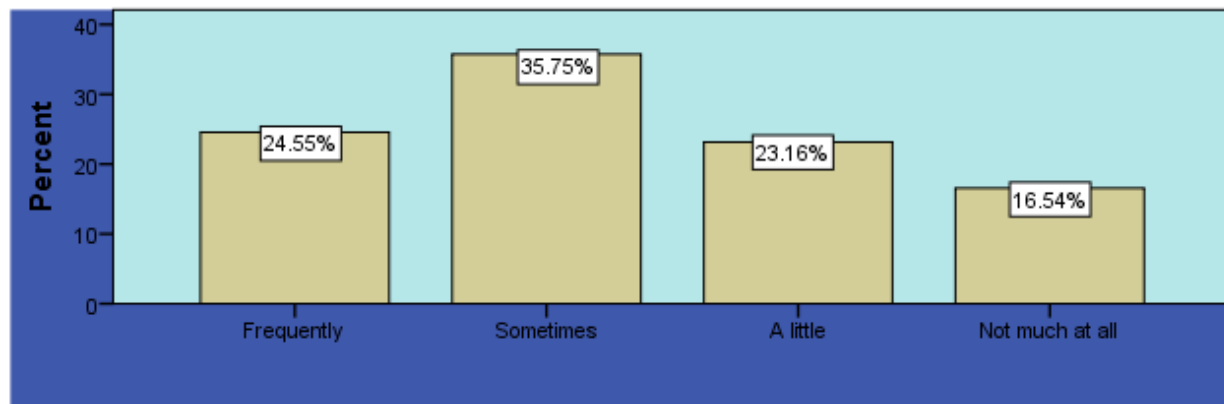### 4.5.1 Consideration of community's views

Figure 4.5.1 *: Police considering the community views*

The Figure 4.2 shows that majority (35.75%) of respondents reported that sometimes the police consider their community views when making decision about addressing terrorism. The findings also show that 24.55% indicated that it frequently considers, 23.16% a little while 16.54 not much at all. While quoting the Minister of Internal Security opening remarks during the launching of the NSCVE at State House Nairobi in September 2016 thus "reflecting its public focus, this strategy has been developed through an inclusive, consultative process involving government agencies and county governments, religious leaders, civil society, the private sector, the research community, and regional and international partners" (NSCVE, 2016). This affirms the government's commitment to continually engage the public and other stakeholders in fighting the scourge of violent extremism and terrorism and which is reflected by the results of the study.

The findings show that most of community members are very likely to report when they overheard people planning to plant explosives in terror attack. While some are somewhat unlikely to report to the police when they see a person reading a religious literature believed to be extremist, a person giving money to the organization that people say it is associated to terrorism and a person saying that he is travelling overseas to fight for Muslims. This underlines

the suspicion and the general lack of trust in the police by the community members attributed to their way of handling terrorism activities or the community's belief that it is only a police responsibility to fight terrorism.

4.5.2 Collaboration and Information Sharing

The study also established that in areas where the community tended to trust the police more, their likelihood of reporting suspicious activity was always higher and vice versa. The study also established that by sharing information about terrorist behaviors and activities, communities enable the police to take appropriate and immediate action when suspicious behavior is observed.

4.5.2.1 Assisting in Investigation
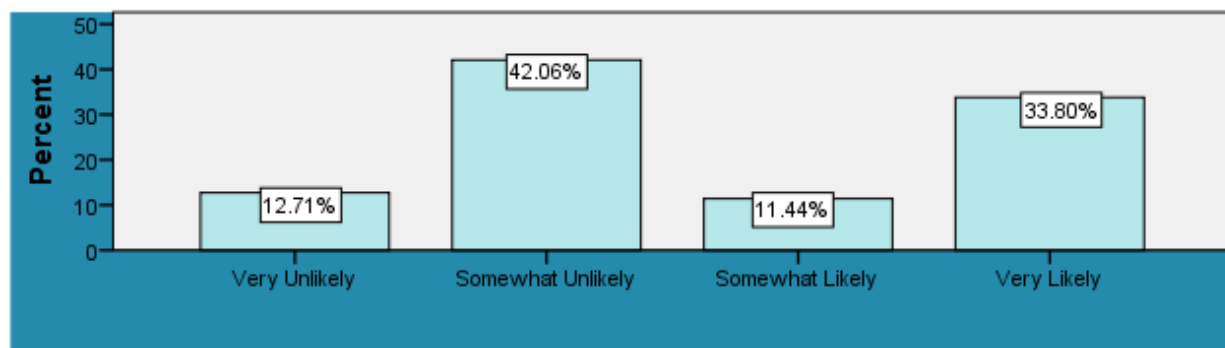
Figure 4.5.2.1.: *Honor the police summon to help in the investigation*

42.06% of total population sampled reported that they are somewhat unlikely to honor a summon to the police station to assist in the investigation. While 33.8% were very likely, 12.71% were very unlikely. The findings also reveal that 11.44% were somewhat likely to honor summon as presented in the Figure 4.5 above.

Several studies on counterterrorism policing have hypothesized an instrumental mechanism whereby people assess and act on the basis of net expected benefits or costs from cooperation with the law (Huq et al., 2011). The procedural justice model also supports this view and

postulates that people respond to the belief that police are a legitimate authority, which is a function of the fairness and procedural justice of police procedures in formulating and implementing policies (Tyler and Huq, 2002).

The police officers indicated that there was a need to develop nationally agreed standards for officers and government staff in fighting terrorism. This could be done through empowerment of communities, private sector and business community in order to have directed efforts in fighting against terrorism. The police blamed incoherent policies that exist between the various agencies for the lack of the uncoordinated strategy in fighting terrorism.

4.5.2.2 Reporting suspicious activities

The researcher also found out that most community members were likely to work with the police in educating people in their communities about the dangers of terrorism and terrorist acts. The study also found out that majority of the community members reported that they were very likely to encourage the members of the public to generally cooperate with the police in an effort to fight terrorism. The findings further indicate that most respondents are likely to go to the police if they see any suspicious terror related activity in the community.

The findings show that most of community members are very likely to report when they overheard people planning to plant explosives in terror attack. While some are somewhat unlikely to report to the police when they see a person reading a religious literature believed to be extremist, a person giving money to the organization that people say it is associated to terrorism and a person saying that he is travelling overseas to fight for Muslims. This underlines the suspicion and the general lack of trust in the police by the community members attributed to their way of handling terrorism activities or the community's belief that it is only a police responsibility to fight terrorism.
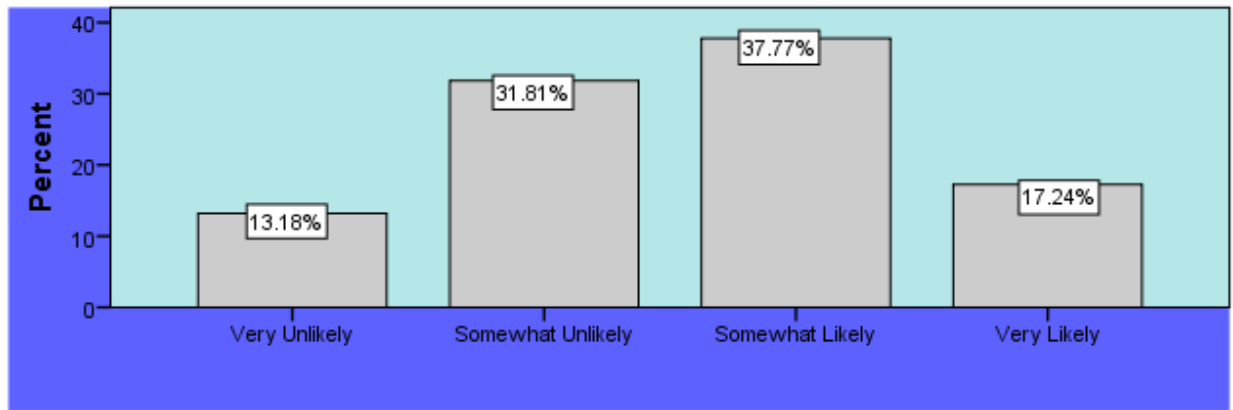
Figure 4.5.2.2a: *Reporting suspicious terror related activities*

The Figure 4.6 shows that majority (37.77%) of respondents indicated that they were somewhat likely to go to the police if they see any dangerous terror related activity going in the community. The Figure also shows that 31.81% were somewhat unlikely to report while 13.18% were very unlikely.

Figure 4.5.2.2b: *How likely the respondents will report terror related activities to the police*

	Very unlikely	Somewhat unlikely	Somewhat likely	Very likely
A person overheard discussion about decision to help plant explosives in terror attack `	14.3%	28.1%	19.9%	37.6%
A person reading a religious literature believed to be extremist	21.5%	32.3%	27.2%	18.9%
A person giving money to the organization that people say it is associated to terrorism	11.8%	44.1%	36.8%	7.4%
A person saying that he is travelling overseas to fight for Muslims	15.2%	43.1%	11.9%	29.8%

The above table indicates the respondent's level of likeliness concerning statements based on the reporting any terror activities to the police whereby 37.6% reported that they were very likely to report when they overheard discussion their decision to help plant explosives in terror attack. The findings also show that (32.3%, 44.1% and 43.1%) of respondents indicated that are somewhat unlikely to report to the police when they see a person reading a religious literature believed to be extremist, a person giving money to the organization that people say it is associated to terrorism and a person saying that he is travelling overseas to fight for Muslims respectively.

From the data presented, it is clear that both the fairness of the procedure by which government forms anti-terror policing policies and implements such polices are implemented shape communities' attitudes towards the police involved in counterterrorism and ultimately on cooperation in as far as educating other community members, reporting of suspicious activities and assisting in investigations are concerned.

Majority of the officers indicated that members of the public view the police with suspicion, which strains the work relation between the officers and the public. Community leaders welcomed the initiative by the police to share information on imminent terrorist threats and how the community can collaborate by sharing information but cited the problem of being treated as a suspects whenever they report suspicious activities. One stated "*we want to support the police in dealing with crime and terrorism but we get arrested whenever we report anything to the police and held as suspects*". The officers suggested that more interaction through various activities between the police and the public should be encouraged to eliminate the suspicion.

4.5.2.3 Decision by Police Officer

	Strongly agree	Agree	Disagree	Strongly Disagree
The police officer are legitimate authority and you should obey their decision	9.4%	57.1%	20.8%	12.7%
Agreeing with the decisions made by the police officer, even when you disagree with them	22.3%	33.9%	35.9%	7.9%
You trust the police officers to make decisions that are good for everyone when they are investigating and prosecuting terrorism	12.6%	30.0%	42.7%	14.6%

Table 4.5.2.3: The police decision-making

From the Table 4.2 majority (57.1%) of community members agreed that the police are legitimate authority and they should obey their decisions. The findings also show that (35.9% and 42.7%) of participants disagreed with the decisions made by the police officers but trust that the police officers will make decisions that are good for everyone when they are investigating and prosecuting terrorism respectively. According to the process-based model of regulation, the quality of treatment one receives from legal authorities leads to viewing them as more legitimate and thus being more likely to obey and cooperate. This stems from the trust cultivated by police officers both at individual and institutional level.

4.6 Priorities of the Community

The community leaders indicated that the community has a role to play in educating other members on the importance of cooperating with police agencies in the fight against terrorism.

The leaders indicated that the community members must be each other's keeper in the fight against terrorism. They are also expected to share the information with the law enforcement officers on the terrorism activities.

4.6.1 Work with Police to educate community members
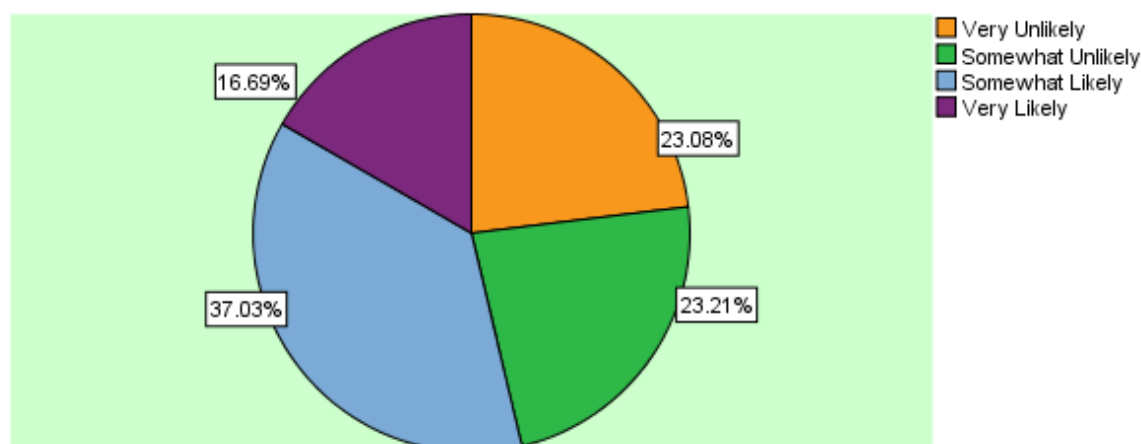
Figure 4.6.1: *Working with police to educate community members*

The above Figure indicates that majority (37.03%) of the survey participants reported that they are somewhat likely to work with the police to educate people in the community about dangers of terrorism. 23.21% somewhat unlikely while 16.69% indicated that they were very likely to work with the police to educate the public. This confirms the information provided by the community leaders which indicate that they continually hold forums with the community members in order to educate them on the various activities and signs of terrorism as well as their role in fighting terrorism.

The Nyumba Kumi initiative was also praised in encouraging the community members to know their neighbours and the activities they are engaged in. The community leaders and the law enforcement agencies also support the initiative. In other areas, some leaders indicated that the

Nyumba Kumi initiative is yet to take root among the community members thus one quipped "*we have only seen it (Nyumba Kumi) on TV and heard about it in the news*".

4.6.2 Encouraging a community member to cooperate

Table 4.6.2*: Encouraging the members of the public to cooperate*

	Frequency	Percent
Very Unlikely	131	16.6%
Somewhat Unlikely	241	30.6%
Somewhat Likely	100	12.7%
Very Likely	316	40.1%
Total	788	100.0%
Not Responded	1	
Total	789	

The Table 4.3 presents the respondents level likeliness based on encouraging the members of the public to cooperate. Majority (40.1%) reported that they were very likely to encourage the members of the public to generally cooperate with the police in an effort of fighting terrorism. The findings also show that 30.6% were somewhat unlikely while 12.7% were somewhat likely.

4.7 Methods police use to enhance public security and safety

The communities have always been provided with the information on terrorism through texting which majority of the officers feel is not sufficient. The police officers identified the need for a communication medium that allows the members of the community and leaders a direct contact for easier information sharing.

The majority of the police officers indicated that the awareness training provided to the community is not sufficient and therefore more needs to be done to empower the public. While other officers indicated that there was a sensitization initiative carried-out by the police officers in their areas, which is a police initiative. The police officers indicated that more coordinated

50

awareness campaigns among the members of the community, the civil society and the private sector was important in fight against terrorism. On the other hand, a community leader complained that, "*they hold barazas on terrorism or how to help the police, but we shouldn't be singled out as members of the Muslim community*". The majority of the officers indicated that more training is required in order to sensitize the public on the roles they can play in counter terrorism initiatives. On account of the issues raised by the community leaders and the police, there is need for a rigorous curriculum that imparts knowledge on violent extremism including identifying community members who are at risk of engaging in violent extremism, improves cultural competency and promotes effective community engagement and partnerships.

The study also found out that police have adopted several strategies to reinforce citizens' feelings of safety and security such as urban patrols, arrest of suspects, collaboration, information sharing and public awareness and sensitization. The study found out that most officers have facilitated programmes that deals with counter-terrorism in order to engage the community. In addition, most officers indicated that the resources provided to the police to fight terrorism are insufficient as such, adversely affect the counter-terrorism efforts of the government agencies.

The officers also indicated that involvement of all the agencies through public forums is also necessary to empower other agencies. The majority of the officers also indicated that there should be an outreach programme that deals with counter-terrorism in order to engage the community thus "*there is need for dialogue with the local communities as they are able to pick suspicious behaviour and report to officers they trust*". The majority of the officers indicated that the resources provided to the police to fight terrorism are inadequate and this therefore hinders the counter-terrorism efforts for the government agencies.

The job of gaining community trust and providing services is not exclusively a police responsibility considering the constraints attributed to resources and the many public safety threats to address. Similarly, many community concerns arise from the activities of the national government, such as difficulties in acquiring national identification documents, access to capital etc. Accordingly, meaningful community engagement requires partnerships with multiple government agencies. Multiple government agencies should therefore form part of community engagement activities aimed at addressing violent extremism and terrorism with the local police taking the lead.

CHAPTER FIVE

DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the conclusions drawn from the findings highlighted and recommendations made thereto. The conclusions and recommendations were drawn in addressing the research question or achieving the research objectives, which included the analyzing Kenya's hard counterterrorism policy and its implications on police-community relations.

5.2 Discussion of Findings

Under ideal conditions, police must forge partnerships with all categories of consumers of its services in a counterterrorism context who can be broadly categorized into majority and suspect minority communities. For the majority communities, police can aim to raise community awareness (Greene, 2011), educate them in the identification of indicators of terrorist attacks (Hasisi et al., 2009), and emphasize social cohesion (Pickering et al., 2008) while aiming to rebuild trust with minority communities and ensuring their protection (Lyons 2002). Community outreach and engagement programs intended to cultivate trust must be consistent, participatory, creative, and personal. Worth noting is the fact that cultivation of trust is not a one-day affair, rather, trust is gained in a variety of ways, over time, and through persistent effort by both police and communities. The ways to build trust are virtually limitless including visits to community organizations, talking to community members in their shops or on the streets, open forums at police stations, public demonstrations of police equipment, or police participation in community events. No matter where or how these interactions take place, in the end, trust is built through person to person relationships – the police chief to the leader of a mosque or the outreach officer to a business owner among other forms of interactions. Consequently, outreach and engagement

53

efforts must be strictly separated from intelligence gathering and criminal investigative functions. Lyons (2002) argues that "community-police partnerships work best when they are structured to encourage information sharing, composed of citizens from those communities often least willing to assist the police, and actively encourage citizen participation at all stages of the neighborhood problem-solving process". In as far as prevention of terrorism and response to terrorist attacks is concerned, community partnerships can involve educating the community members on detection and reporting indicators for an imminent terror attack and on what they should do following a terrorist incident.

5.3 Conclusions

A community-police relationship that is built on trust and mutual respect is much more likely to give early warnings about terrorist acts. Efforts aimed at reaching out to the communities and fostering partnership tend to increase safety and security by creating a network of individuals who feel it is in their best interest to create an environment hostile to criminals of all types. Such a network can be achieved by providing excellent police service and building solid relationships with community members. Once established, such a relationship can then provide an opening to tackle a broader set of issues, from community support for criminal investigations to preventing violent extremism.

The support and the trust of the public are essential to "softer" counterterrorism policing strategies aimed at countering extremist ideologies and influence at the local level. This is in tandem with the broad objectives of Kenya's counterterrorism strategy which not only seek to pursue terrorism suspects and disrupt their plans but also includes efforts that target terrorists' motivations.

5.4 Recommendations

Kenya government should continue to utilize the specialized law enforcement and intelligence units that are already in place. They act as both a deterrent and reactive force to terrorists, deterring the planning of attacks on Kenyan soil and reacting to intelligence gathered in the course of investigations.

The study recommends that the role of police in counterterrorism stands to benefit greatly if conceptualized within the paradigms of community policing. Such an arrangement has a lot to offer to counterterrorism policing and multicultural communities if it is conceived with a goal of enhancing social cohesion. Such engagement however has to be grounded by sensitivity and an in-depth, long-term understanding of the complexities and diversity of co-religious communities such as those in Kamukunji Constituency.

The study also identifies and recommends trust building as an important facet in developing good partnership practice and also the need for a grassroots-led, 'bottom-up' approaches which are critical in engendering the reciprocal trust needed in partnership work allowing for mutually beneficial and therefore sustainable relationships in which partners may gain on a number of levels. This also demands that policing departments must prioritize addressing the public safety and other concerns of the community. This will help build trust and enable police and communities to address more sensitive issues such as building resiliency to violent extremism in the future. It is further recommended that other social service agencies including schools, public health officials, mental health officials, and other social services agencies should participate alongside the police and communities in the outreach and engagement activities.

The study also recommends that the police should work with communities to determine the best way to educate officers and communities about the threat of violent extremism and identify behaviors that should be brought to the attention of the police. Cultural and religious awareness lessons should form part of counterterrorism policing training curriculum to promote greater understanding of religious symbols and attires.

The study further recommends an investment in community intelligence gathering mechanism which can be a positive, empowering process, only if generated through a two-way, equality based relationship. The study establishes that it is generally futile, ineffective and counter-productive to attempt to deal with the communities as informers. This requires good interpersonal skills, risk-taking, trust, and an open, honest approach to diverse identities, interests, values and goals which strengthen rather than undermine partnership work.

5.5 Suggestions for Further Research

The study recommends that further research be conducted to further clarify terrorism. Thus, a study focusing on the relationship between religion, violent extremism and terrorism would be more unraveling.

There is also need for rigorous empirical research into whether community policing can make a difference in perceived police legitimacy and willingness to cooperate with the police when applied to minority groups that are the targets of counterterrorism efforts due to their affiliation with the external source of terror threat.

REFERENCES

Alexander, C., (2009). Report on the Operation in 2008 of the Terrorism Act 2000 and of Part 1 of the Terrorism Act 2006. Her Majesty's Stationery Office. London.

Adan, H.H. Maj. (2005). Combating transnational terrorism in Kenya. Retrieved from Defense Technical Information Center. Retrieved from: http://www.dtic.mil/.

Atta-Asamoah, A., (2008). Counter-Terrorism and the National Security of African States: Points of Convergence and Departure. Journal of Security Sector Management, Vol. 6(1) 1-10.

Awan, I., (2013). Policing Extremism within a Counterterrorism Context in Blakemore, B., 2013. Extremism, Counter-terrorism and Policing.

Black, D. et al (eds.), (2004). Terrorism as Social Control. In Terrorism and Counter-terrorism: Criminological perspectives. Greenwich, CT: JAI.

Bester, F., (2011). An Investigation into the Underlying Reasons for Changing Perspectives of the United Nations on Terrorism. University of Pretoria. South Africa.

Burns, N. and Grove, S. K. (1993). The practice of nursing research: Conduct, critique and utilization. 2nd edition. Philadelphia: Saunders.

Clarke, P. (2007), Learning from experience: Counter-terrorism in the UK since 9/11. London: Policy Exchange.

Crenshaw, M., 2000. The Psychology of Terrorism: An Agenda for the 21st Century. Political Psychology 21. 405-420.

Creswell, J. W. (2009). Research design: Qualitative, quantitative, and mixed method approaches (3rd ed.). Thousand Oaks, CA: Sage.

Creswell, J. and Clark, P.V. (2011). Designing and Conducting Mixed Methods Research, 2nd Edition. Thousand Oaks, California: SAGE Publications.

Deflem, M., (2010). The Policing of Terrorism: Organizational and Global Perspectives. Routledge. London.

East Africa Law Society Statement on Kenya's draft Anti-Terrorism Law (Legal brief May 29, 2003)

Forst, B. (2009). Terrorism, crime, and public policy. New York: Cambridge University Press.

Ganor, B., (2011). The Counterterrorism Puzzle: A Guide for Decisionmakers. The State University of New Jersey. Rutgers, NJ. Transaction Books.

Greene, J.R. and Herzog, S., (2009). The Implications of Policing on the Formal and Social Organization of Policing: Some Concerns and Opportunities in Policing for Terrorism in Israel and the US edited by David Weisburd. New York. Springer.

Hasisi, B. et al., (2009). The Impacts of Policing Terrorism on Society: Lessons from Israel and the US in Weisburd, D. et al. (eds.), To Protect and to Serve: Policing in the Age of Terrorism. Springer Science + Business Media LLC. New York.

Hasisi, B. and Weisburd, D., (2014). Policing Terrorism and Police-Community Relations: Views of the Arab Minority in Israel. Police Practice and Research: An International Journal 15(2):158-172.

Henderson, N.J., Ortiz, C.W., Sugie, N.F. and Miller, J., (2006). Law Enforcement and Arab American Community Relations after September 11th, 2001: Engagement in a Time of Uncertainty. Vera Institute of Justice. US.

Hoffman, B., (2003). The Logic of Suicide Terrorism. The Atlantic Monthly. June.

Huq, A. et al., (2011). Mechanism for Eliciting Cooperation in Counterterrorism Policing: Evidence from the United Kingdom. University of Chicago, IL.

Huntington, S. (1993). The Clash of Civilizations? Foreign Affairs, *72*(3), 22-49. doi:10.2307/20045621

Innes, M., (2006). Policing Uncertainty: Countering Terror through Community Intelligence and Democratic Policing. The Annals of American Academy of Political and Social Science 605:222-241.

Jacoby, T., (2004). Political Violence, War on Terror and the Turkish State. University of St. Andrews.

Kagwanja, P., (2006). Counter-Terrorism in the Horn of Africa: New Security Frontiers, Old Strategies. Institute of Security Studies Africa. Pretoria.

Kitonga, N., (2005). The Fight Against Terrorism in East Africa: Comments and Observations. East Africa Law Society. Available at
http://www.ealawsociety.org/Joomla/UserFiles/File/fight_Nzamba.pdf

Kelling, G.L. and Bratton, W.J. (2006), Policing Terrorism. New York: Manhattan Institute.

Kiser, S. (2005). Financing Terror. An analysis and Simulation for Affecting Al Qaeda's Financial Infrastructure. RAND Corporation.

KNBS and SID, 2013. Exploring Kenya's Inequality: Pulling apart or Pooling Together?

LaFree, G. and Dugan, L., (2007). Introducing the Global Terrorism Database. Terrorism and Political Violence 19. Taylor and Francis.

LaFree, G. Dugan, L. and Korte, R. (2009), The impact of British counterterrorist strategies on political violence in Northern Ireland: Comparing deterrence and backlash models, *Criminology*, 47, 17-45.

Lum, C., Kennedy, L., Shirley, A., (2009). Are Counterterrorism Strategies Effective? The Results of the Campbell Systematic Review of Counterterrorism Evaluation Research. Journal of Experimental Criminology 2:489-516.

Lyons, W. (2002). Partnerships, information, and public safety: Community policing in a time of terror. Policing, 25(3), 530-542.

Mohochi, S.M., (2011). Preventive Counter Terrorism Action: Case Study of Kenya. Available at SSRN: https://ssrn.com/abstract=1898930 or http://dx.doi.org/10.2139/ssrn.1898930

Mogire, E., & Agade, K. M. (2011). Counter-terrorism in Kenya. Journal of Contemporary African Studies, 29(4), 473-491.

Mwazighe, C.L., (2012). Legal Responses to Terrorism: Case Study of the Republic of Kenya. Naval Post Graduate School. California.US

Otiso, K. (2009). Kenya in the Crosshairs of Global Terrorism: Fighting Terrorism at the Periphery. Kenya Studies Review: 1, 1, 107-132.

Pallavi, D. A. (2002). Interview as a method for qualitative research. Venzuela: Arizona State University

Police Act. Chapter 84, Laws of Kenya.

Punch KF. (1998). Introduction to Social Research. Sage, London.

Putnam, D.R, (2000). Bowling Alone. Simon and Schuster. New York.

Republic of Kenya, Suppression of Terrorism Bill 2003

Republic of Kenya, Prevention of Terrorism Act 2012

Republic of Kenya, The Security Amendment Act 2014

Rineheart, J., 2010. Counterterrorism and Counterinsurgency. Perspectives on Terrorism. Vol 4 No. 5

Roberts P et al., (2006). Reliability and validity in research. Nursing Standard. 20, 44, 41-45.

Rotberg, R. (2002). Failed States in a World of Terror. Foreign Affairs, *81*(4), 127-140. doi:10.2307/20033245

Shemella, P. (2011). Fighting Back. What Governments can do about Terrorism. Stanford University Press.

Spalek, B. and Imtoual, A. (2007). Muslim Communities and Counter-Terror Responses: 'Hard Approaches to Community Engagement in the UK and Australia. Journal of Muslim Minority Affairs, Vol. 27, No. 2. Taylor & Francis Group.

Studdert, D., (2005). Conceptualizing Community: Beyond the State and Individual. Palgrave Macmillan. New York.

Sunshine, J. & Tyler, T.R. (2003a), The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing, Law and Society Review, 37: 513-547.

Tanekebe, J. (2009), Self-Help, Policing, and Procedural Justice: Ghanian Vigilantism and the Rule of Law, Law and Society Review, 43: 245-268.

Thatcher, D., (2005). The local Role in Homeland Security. Law and Society Review 39:635-676. The Role of 'Home' in Homeland Security: The Federalism Challenge. 2003. Rockefeller Institute of Government. Albany. New York:

The Israeli Democracy Institute, 2010. The Israeli Democracy Index: Democratic Values in Practice. IDI, Jerusalem.

Tyler, T.R., (2006). Why People Obey the Law. Princeton University Press. Princeton. New Jersey.

Tyler, T., Schulhofer, S., Huq, A., (2010). Legitimacy and Deterrence Effects in Counterterrorism Policing: A Study of Muslim Americans. Law and Society Review 44:365-401.

United Nations Security Council Resolution 1373 (2001) Adopted by the Security Council at its 4385th meeting. 28 September 2001.

Walker, C., (2009). Blackstone's Guide to the Anti-Terrorism Legislation. 2nd ed. Oxford University Press.

Week, D., (2011). Radicals and Reactionaries: The Polarisation of Community and Government in the Name of Public Safety and Security. PhD Thesis. University of St Andrews. Available through http://hdl.handle.net/10023/3416 Accessed on 16 November 2016

Weisburd, D. et al (eds.), (2009). To Protect and To Serve: Policing in an Age of Terrorism. Springer Science + Business Media LLC.

White House, 'Address to a joint session of Congress and the American people',
 URL <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>. Accessed 14 March 2017

Wilkinson, M., (2000). Terrorism versus Democracy: The Liberal State Response. 3rd Edition. Routledge. London.

Zelin, A.Y., 2015. The State of al-Qaeda. ICSR Publication. Accessed through http://icsr.info/2015/04/icsr-insight-state-al-qaeda/ on 16 April 2017.

http://www.un.org/en/sections/what-we-do/maintain-international-peace-and-security/index.html

APPENDICES

Appendix I: Interview Guide for Police Officers

Preliminary Issues

Introduction/purpose of study

Confidentiality

Informed consent

Kindly give us your background information to include your name, years in service and current rank/appointment?

What positions did you previously hold?

What is your level of education including security related training?

Do you have previous experience in terrorism-related matters?

How the role is communicated within the force and to the community?

How do you consider the community?

Collaboration

How would you describe the level of collaboration within the National Police Service and with other government agencies?

How is the level of collaboration with the Public (community, business, private agencies)?

What is the level of formality in this collaboration?

Are you involved in any activities such as meetings and outreach programmes?

Are there areas that need improvement?

Information sharing

How would you describe communication channels with the community/public?

How are terrorist warnings communicated to the public?

Does your unit/division have community outreach programs?

Conclusion

Anything I should have asked?

Any questions for me?

Who else should I talk with?

<h1 align="center">Appendix II: Interview Guide for Community Leaders</h1>

Preliminary Issues

Introduction/purpose of study

Confidentiality

Informed consent

Kindly share your background information including your name and occupation?

What is your education level and role in the community?

Collaboration & Information Sharing

What would you describe as your community's role in counterterrorism?

How proactive is the community in reporting of suspicious activities?

How would you describe the community's relationship with the police?
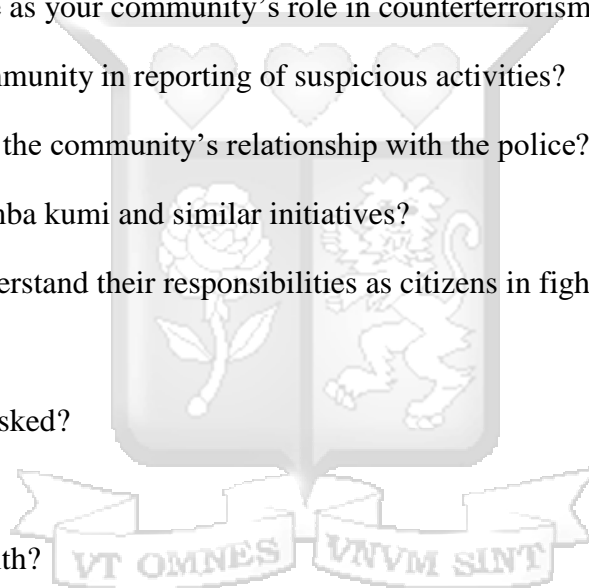
Is there support for Nyumba kumi and similar initiatives?

Does the community understand their responsibilities as citizens in fighting terrorism?

Conclusion

Anything I should have asked?

Any questions for me?

Who else should I talk with?

Appendix III: Questionnaire for Community Members

We are interested in your views about the things the Police do as part of their efforts to fight terrorism.

Tick where appropriate

1. How much does the police consider your community's views when making decisions about how to address terrorism?

 [ ] Frequently   [ ]   Sometimes   [ ]   A little   [ ] Not much at all

2. When the police are dealing with people in your community concerning issues of terrorism, how fair are they in terms of the procedures used and how they treat people?

[ ] Very Fair   [ ]   Fair   [ ]   Unfair   [ ] Very Unfair

3. The police officers are legitimate authorities and you should obey their decisions

 [ ]   Strongly Agree   [ ] Agree   [ ] Disagree   [ ] Strongly Disagree

4. Should you accept the decisions made by the police officers, even when you disagree with them?

[ ] Strongly Agree   [ ] Agree   [ ] Disagree   [ ] Strongly Disagree

5. You trust the police officers to make decisions that are good for everyone when they are investigating and prosecuting terrorism.

 [ ] Strongly Agree   [ ] Agree   [ ] Disagree   [ ] Strongly Disagree

6. To work with the police to educate people in your community about the dangers of terrorism and terrorists

[ ] Very Unlikely   [ ] Somewhat Unlikely   [ ] Somewhat Likely   [ ] Very Likely

7. To honour a summon to the police station to assist in investigation

[ ] Very Unlikely   [ ] Somewhat Unlikely   [ ] Somewhat Likely   [ ] Very Likely

8. To encourage members of your community to generally cooperate with the police efforts to fight terrorism

[ ] Very Unlikely   [ ] Somewhat Unlikely   [ ] Somewhat Likely   [ ] Very Likely

9. To go to police if you see dangerous terror-related activity going on in your community

[ ] Very Unlikely   [ ] Somewhat Unlikely   [ ] Somewhat Likely   [ ] Very Likely

10. If you saw or heard about this activity, how likely are you to report it to the police?

   a. A person overheard discussing their decision to help plant explosives in a terrorist attack

   [ ] Very Unlikely   [ ] Somewhat Unlikely   [ ] Somewhat Likely   [ ] Very Likely

   b. A person reading religious literature you believe to be extremist

   [ ] Very Unlikely   [ ] Somewhat Unlikely   [ ] Somewhat Likely   [ ] Very Likely

   c. A person giving money to organizations that people say are associated with terrorists

   [ ] Very Unlikely   [ ] Somewhat Unlikely   [ ] Somewhat Likely   [ ] Very Likely

   d. A person talking about traveling overseas to fight for Muslims

   [ ] Very Unlikely   [ ] Somewhat Unlikely   [ ] Somewhat Likely   [ ] Very Likely

Appendix IV: Work Plan

Phase	Activity	Months												Person in charge
		1	2	3	4	5	6	7	8	9	10	11	12	
1	Literature review	▓	▓	▓	▓	▓	▓	▓	▓	▓	▓	▓	▓	Researcher
2	Proposal writing	▓	▓	▓										Researcher and supervisor
3	Development of Research Instruments			▓	▓									Researcher and Supervisor
4	Proposal Defence					▓								Faculty Panel
5	Proposal corrections					▓								Researcher
6	Data collection						▓	▓						Researcher
7	Data Analysis								▓	▓				Researcher
8	Report writing								▓	▓	▓	▓	▓	Researcher
9	Report presentation to supervisor									▓	▓	▓	▓	Researcher and Supervisor
10	Dissertation defence and Final Submission											▓	▓	Researcher and Supervisor

Appendix V: Budget

Activity	Item	Item No	Total (Kshs)
Proposal Development	Internet Airtime		2,000
	Printing	6 Copies @ 500	3,000
	Binding	6 Copies @50	300
	Printing of research instruments	10 pages x 1200	12,000
Collection of primary data	Stationery	Assorted	5,000
	Internet	60 hrs	6,000
	Study area map	1 Piece	3,000
	Transport	18 Days	18,000
	Airtime		4,000
Document Preparation	Preparation	80 pages	9,600
Consumables	Photocopying paper		2,500
	Computer Expenses		2,500
	Production of final reports	6 books	10,000
Final Report	Printing and Binding	5	5,000
10% contingency			**9,923**
Total			**100,323**