UNIVERSITY OF NAIROBI

Department Of Diplomacy and International Studies

MILITARY INVOLVEMENT IN INTERNAL SECURITY OPERATION: AN ASSESMENT OF THE KENYA DEFENCE FORCES IN TERRORISM OPERATIONS IN KENYA FROM 2000-2021

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DECLARATION

The Candidate:

I, Joachim Kipkoech Ketter, hereby declare that this research is my work and has

not been submitted for graduation in any institution.

Signed...................................Date......10 Sep 22...............

The Supervisor:

This proposal, with my consent and advice as university supervisor, was submitted for

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DEDICATION

I dedicate this project to God who has been my source of inspiration, wisdom, knowledge and understanding

Also dedicate this work to my wife; Caroline for her encouragement throughout time I was doing the research.

To my children Cyril, Cyntel Cyprian and Cynthia who have been affected in every way possible by this quest.

Thank you. My love for you all can never be quantified. May God bless you.

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LIST OF ABBREVIATIONS

ACOTA: Africa Contingency Operations Assistance and Training

AMISOM: African Union „Peacekeepers‟ sent to Somalia

AU: African Union

CJTF- HoA Combined Joint Task Force - Horn of Africa

EAC: East African Community

GSU- General Service Unit (Paramilitary wing of Kenya's NPS)

HOA: Horn of Africa

ICISS: International Commission on Intervention and State Sovereignty

ICPAT: Capacity Building Program against Terrorism

ICU: Islamic Courts Union

IGAD: Intergovernmental Authority on Development

JIATFs: Joint Inter-Agency Task Forces

KDF: Kenyan Defence Forces

MHR: Muslim for Human Rights

NIS- National Intelligence Service

NPS- National Police Service

NCTC: National Counter-Terrorism Center

NSAC: National Security Advisory Committee

NSA: Non-state Actors

Recce- Reconnaissance Platoon of the GSU

TFG: Transitional Federal Government

UK: United Kingdom

UN: United Nations

US: United States

USAID: United States AID

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ABSTRACT

Kenya has been faced with a mounting security threat primarily from terrorism orchestrated by the Al-Shabaab terror organisation. The research focused on military involvement in internal security operation focusing on assessing the Kenya Defence Forces in terrorism operations in kenya from 2000-2021. The research objectives was to determine the scope of military roles in internal security, explore the strategies the KDF can apply when involved internal security and examine the challenges the KDF could face in internal security operation. Qualitative research methodology was usedrelying heavily on secondary datafor content analysis. Data was obtained from several secondary sources which included information from official documents within the areas that constitute the key elements of the current study including at the global, regional, and national levels, with Kenya as the as the case study. The study's findings revealed the need to intensify multi-agency collaboration involving the NPS and the KDF in combating terrorism. The government needs to prioritise addressing the innate challenges like poor working conditions and remuneration for the police, in addition to endemic corruption. Continued investment in multi-agency cooperation and leveraging intelligence as opposed to always reacting to attacks. The study therefore recommends that, that the government should champion the development of high-level multi-agency cooperation and collaboration among these agencies, improving the working conditions and remuneration to the police and other security agencies, prioritise equipping the security agencies especially the KDFand prioritise intelligence.

CHAPTER ONE

INTRODUCTION

1.1   Introduction

The chapter gives an overview of the changing roles of the state, which institute a need for defence forces to be involved in domestic security tasks, particularly in the case of Kenya. In addition, the chapter outline the problem statement, research objectives, a literature review, a definition of the scope within which the study will be undertaken, the study's justification, significance, as well as limits.

1.2   Background to the study

Majority of scholars are in agreement that security is a concept which is contested. However, there is consensus on the definition that security is the freedom from threats to core values (for both individuals and group).Disagreement arise on whether the main focus of enquiry should be on national or international security (Baylis& Smith, 2001:300). Experts dealing with security maintains that the security concept has for long time beenlinked with the safety and survival of the state and its citizens from undesirable threats. This view give the state as the only institutionwith the power to safeguard the territory and the people (Zabadi, 2005:3). The concept of security in this paper is operationalized within the context of a nation hence the concept of internal security. States have various security apparatus responsible for different aspects of state security. The police in the Kenyan context is solely responsible for the internal security, law and order within the country.

According Busan (2014) Internal Security is freedom from threats or lack of those aspects whichcompromiseinteriorunity and the shared existences of a nation and its ability to preserve its vital institution   for the elevation of its core values and socio –political and economic objectives as well as meet the legitimate operations of the people. Internal security Operations covers those operations of domestic security agents, Customs Services, Immigration Services and the policewith the sole drive of containing internal threats to the security of the

nation. All these threats span from riots within a state, demonstrations, civil strikes, ethnic clashes, terrorism, among others and which has the potential to warrant employment of the military though outside their constitutional mandate (Azinge, 2013:4)[1]. According to Nigerian Police Act section 4, among the duties of the police include the, protection of lifeand property, preservation of law order andenforcement of all otherrules and regulations which they are directly charged within the the social order. Security operations within the country are designed to take care of internal conflicts within the country.

The Kenya Police Service under the Kenyan Constitution mandated to fulfil these tasks. The functions of the Kenya Police Service are the provision of assistance to the public when in need; maintenance of law and order, preservation of peace, protection of life and property, investigation of crimes, collection of criminal intelligence, prevention and detection of crime, apprehension of offenders, enforcement of all laws and regulations with which it is charged; and performance of any other duties that may be prescribed by the Inspector-General under this Act or any other written law from time to time[2].

Defence of the nation is the sole mandate of the Defence Forces of a state. Apart from protecting the national territory from invasion, the Defence Forces also conducting offensive warfare in form of military alliances. However, in contemporary international affairs offensive warfare has has marginally decreased and rendered aggression against other states legal under international law reorienting the nation's defence forces to focus more on national defence[3].

In Kenya, communal/ethnic clashes, post-election violence, Banditry, cattle rustling and terrorismactions have necessitated nations to use military within the country. Some of the operations the KDF have been called upon to assist the Kenya Police Service and continue to execute include; Mount Elgon insurgency operation, North Rift disarmament operations, 2007-2008 Post election violence, NEP internal security operation, Operation Linda Mboni in lamu county and response to terrorist acts in Mombasa Garrisa and Nairobi Counties. It is evident that, the military can no longer be employed in its traditional mandate of defence against external aggression but will also need to play a big role in internal security as well.

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[1]https://www.ijrdo.org/index.php/sshr/article/view/3630/2748
[2]https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97347/115467/F-467123398/KEN97347.pdf
[3]https://www.files.ethz.ch/isn/195684/DCAF_BG_10_The%20Armed%20Forces.11.15-1.pdf

Consequently, the implications of providing external security in a post-modern state are that military needs to utilise forces that are different to those employed in the past. That said, there is a general consensus that having boots on the ground is paramount, but in the modern context, the use of force features alternate equipment as well as training[5]. Such is the case since the soldiers must be adept at coordinating and cooperating with both internal security apparatus especially the police, and obtaining goodwill from civilians. In certain instance, the police will need to be substituted with the often more organised, and better trained military, which is often always available, and ready for immediate deployment. As such, there has been a marked increase in the push for the military to perform law enforcement duties, especially when the internal security apparatus is ineffective[4]. Interestingly, the element of globalisation that has transcended various elements of the modern society, have extended to internal security, whereby the police as well as civilian security experts, are increasingly being involved in external missions. That is through aiding the security sector in the host country through trainings, and in some cases, substituting the internal security forces. Furthermore, new modes of horizontal cross-border cooperation have been developed, as well as internal vertical cooperation, between different security units[5]. For instance, within the context of Europe, it is often the case that the police may in certain instances, cross borders to pursue suspects. Despite the evident changes externally, it is the changes taking place internally that are of particular relevance.

Two particular trends have been witnessed internally within the state, as pertains to the security framework across the globe. The first involves the adaptation of police work, whereby, there is a consensus among a majority of scholars, that the police have become increasingly militarised. That approach could be perceived to be a part of the general trend designed at increasing the bureaucratic organization, and controlling the populace. Furthermore, there has been a marked uptake of military equipment among police, and the particular changes are not mainly on the individual members of the police force[5]. Rather, the police as an institution are now using

[4]T Edmunds, "Security Sector Reform: Concepts and Implementation", in *Sourcebook on Security Sector Reform: Collection of Papers* Geneva Centre for the Democratic Control of Armed Forces Centre for Civil-Military Relations. 2004, 45 - 62

[5]Derek Lutterbeck, "Blurring the Dividing Line: The Convergence of Internal and External Security in Western Europe", European Security 14, no. 2 (2005): 231-253, doi: 10.1080/09662830500336193.

modern heavy equipment, which would conventionally be a preserve of the military in defending a state's borders. Coupled with the utilisation of heavy military-spec weapons and equipment, is the growing push by police to prevent crimes, as opposed to punishing offenders. The result is an increased emphasis on intelligence, the growing use of unrestrained force especially among groups marked off as being problematic. It is thus commonplace now to have special units akin to the military formed within police forces, and which are often undergo training akin to that of the military, and in some cases, comprises of former soldiers.

Concomitantly, the military have been taking over certain roles within the internal security apparatus. That is especially the case in areas where the police lack the requisite capabilities, on account of new security threats such as in border control, drug enforcement, and operating critical infrastructure such as airports, particularly post 9/11[6]. In addition, the military is involved in the provision of special expertise against unique threats such as biological and airborne attacks, within the state. Moreover, the development of new institutions while redefining existing ones that operate at the margins of internal and external security, has emerged as one of the ways that the two types of security have been blurred. Some of the examples around the world where that has been done includes Sweden, where the state created a new civil security directorate within the Ministry of Defence. The growing development of paramilitary units is another illustration, whereby they stand out as institutions that feature the benefits of the two broad types of security forces. That is, in a similar way to the military, they can be easily deployed, are well equipped, and like the police, are well trained to operate within the society, and undertake internal security assignments[78]. Such units that are commonly classified as *gendarmerie* forces have grown significantly across the globe since the 1990s, and there is an expectation that they will continue to grow in different countries across the globe, including Kenya[7]. A case in point is the State Defence National Guards in the United States (US), who have been trained extensively in performing law enforcement duties, which the primal role that they are called to serve. Though they at the moment do not label themselves as *gendarmerie* forces, their structure,

[6]Robert Dover, "Towards a Common EU Immigration Policy: A Securitization Too Far", *Journal of European Integration* 30, no. 1 (2008): 113-130, doi: 10.1080/07036330801959523.
[7]Didier Bigo, "Internal and External Aspects of Security", *European Security* 15, no. 4 (2006): 385-404, doi: 10.1080/09662830701305831.
[8]Pierre Gobinet, "The Gendarmerie Alternative: Is There A Case For The Existence Of Police Organisations With Military Status In The Twenty-First Century European Security Apparatus?", *International Journal Of Police Science & Management* 10, no. 4 (2008): 448-463, doi:10.1350/ijps.2008.10.4.098.

training, and weaponry, fits into the definition of *gendarmerie*, which are military forces, with law enforcement duties.

Vitally, the conclusion of the Cold War around three decades ago presented new global realities, in addition to hopes and expectations regarding greater peace in the world. A considerable part of the peace was due to decreased military expenditure, and thus a direct consequence on the size and roles of military forces globally. Consequently, across the globe, in regions that benefited from improved security, there has been a marked shift in the interpretations of what should be viewed as appropriate tasks for armed forces around the globe. The question on whether to deploy armed forces in domestic law enforcement operations has now extended to different regions around the world. Whereby nations that have previously been involved in war find themselves with many army personnel, for whom there are no new deployments. That then raises the question of how to effectively utilise the skills and competencies possessed by the military personnel, especially considering that a significant investment was made on them, primarily through extensive training[9]. To that effect, the study seeks to determine the nature of the involvement of militaries in internal security operations, using the case of the Kenya Defence Forces (KDF).

1.3. Statement of Research Problem

Insecurity continuously pose a serious security problem in Kenya especially in the frontier counties of Lamu, Mandera, WajirGarissa which boarders Somalia (Otieno, 2019) and the North rift Kenya. As a result of this, there is a heightened threat of terrorism in Lamu county such as deadly attacks on civilians and security personnel's, terrorist kidnapping of foreigners among others all which are associated with Al-Shabaab a Somalia based terrorist group (Kamau, 2021). For example, Al-Shabaab attacked military airstrip in Manda Bay Island in January 2020 killing 3 US personnel, Police officers on patrols were attacked and killed in January 7th 2022. Besides attacks on military personnel's, personal security across Lamucounty cannot be guaranteed. For instance, seven villagers were killed by al-Shabaab terrorists on January 2nd 2022.

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[9]OkoliOkoli, "Evaluating the Strategic Efficacy of Military Involvement in Internal Security Operations (Isops) In Nigeria." *IOSR Journal of Humanities and Social Science* 9, no. 6 (2013): 20-27, doi: 10.9790/0837-0962027.

Due to frequent terrorist attacks in part of the county, the government has been instigating various counter- insecurity measures in the bid to enhance security across the county. However, despite the government effort to counter-terror and countering violent extremism in the county, their efforts have not solved security problems a fact which calls for fresh thinking to overcome the internal security threat to personas security in the county (Kamau, 2021). In all these terror attacks, Al-Shabaab has been claiming responsibility, explaining that they were revenging for the Kenyan government's actions in Somalia. These study therefore aims to identify the challenges faced by the militaries especially KDF when engaged in internal security and how to overcome them and further to establish extend of scope of military roles in internal security in order to handle them internal security effective and analyse the strategies the KDF can apply when involved internal security.

1.4. Objectives of the Study

1.4.1. General Objective. To explore the involvement of the military in internal security operations in Kenya.

1.4.2. Specific Objectives

    a.   To determine the scope of military roles in internal security.

    b.   To explore the strategies the KDF can apply when involved internal security.

    c.   To examine the challenges the KDF could face in internal security operation.

1.5. Research Questions

In order to accomplish the stated objectives, the research will be guided by the following research questions:

    a.   What is the scope of military roles in internal security.

    b.   What strategies should KDF apply to effectively resolve internal security threats?

    c.   What are the challenges the KDF face when involved in internal security operation and other emerging security threats?

1.6. Significance of the Study

As outlined in Chapter Fourteen of the Kenyan Constitution 2010, the KDFis mandated to conduct Internal Security Operationss when the need arises. That said there has been an evident uneasiness on utilization the Kenya Defence Forces in internal operations, mainly due to the

forces' reputation for forcefulness. Based the above statement, use of the KDFwithin, as provided in the Kenyan constitution, includes a crucial caveat that the deployment should only be done with the approval of the National Assembly[10]. The relevance of such a provision is not in question, as it is a way of introducing oversight into the role of KDF in ISOPs. Even so, on account of emerging security threats, including terrorism, the presence of well-trained soldiers who are currently not deployed, is a factor that should fuel a broader utilisation of the KDF within Kenyan borders. Crucially, at present, there are no studies that are aimed at elucidating the role of KDF in internal security. As such, the current study seeks to present a case for the expansion of the mandate of KDF beyond that which is provided for in the constitution to provide for its extensive utilisation in ISOPs within borders. The relevance of the study to that effect, is to provide defence strategists with an outlook for the adoption of KDF in internal security functions, by detailing the basis for such an approach, the strategies that the KDF should employ to be successful in such an undertaking, and the challenges they are likely to face.

1.7. Literature Review

1.7.1 The changing Role of Militaries across the World

The national security of a nation is grounded on her national interests, in addition to her strategic calculations in the region within which the state is located, as well as globally. Vitally, national security cannot be accomplished through a single sector, but has to involve a combination of different elements of national security, that encompasses different security institutions[10]. Vitally, the conventional approach to security was the existence of a distinct cutamid internal and external security and the security organs mandated for each type of security undertaking. The evolution of the security environment presents a blurry distinction between external and internal security. For instance, using Slovenia as an example, it offered a basis for domestic assistance, as a pertinent role for the military, especially in providing an avenue for gaining social legitimacy[11]. Currently, the Slovenian army on account of limited combat operations in which it could be engaged in, has found itself with limited activities, and as a consequence, there is a growing

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[10]EmmahWabuke, "Mapping the Legal Contours for Internal Deployment of Military Forces in Kenya", Lawfare, Last modified 2017, https://www.lawfareblog.com/mapping-legal-contours-internal-deployment-military-forces-kenya.

[11]L Jelušic, "Domestic Military Assistance: The Case of Slovenia", in *Defence Transformation in Europe: Evolving Military Roles*, 2nd ed. IOS Press. 2005, 83 - 90.

consideration for its deployment in bolstering internal security. That is in addition to the more common and realistic view as a suitable force to ensure order, especially during disasters. Similar state of affairs is evident in other regions across the globe, whereby the military finds itself with increasingly fewer external security roles, thus instituting a need for finding alternate ways to keep the highly trained forces active, in internal security.

The changing roles of the military have been especially poignant within Europe, and has resulted in the emergent of highly trained military forces, who are trained to undertake tasks internally within a nation. The growth of such units – often referred to as *gendarmerie* forces, has been extensive across the globe since the 1990s, and the growth is expected to continue in different countries globally, including Kenya[7]. The definition of a *gendarmerie* is a military like but fall under the ministry of defence chain of command within a state. Some examples of such units in Europe are France use Gendarmerie police force, the Italy useCarabinieri, and Guardia Civil in Spain. The United States of America has the National Guard a force similar to *gendarmerie*-like force, that is trained extensively in performing law enforcement duties, which the primal role that they are called to serve. All these are examples of police forces who have a military status, which means that their force essentially possess military status of soldiers. Furthermore, *gendarmerie*force are under the control of the ministries of defence, but may be placed under the interior ministry, subject to their mission, or their legal status.

Historical evidence points to the origins of the *gendarmerie* in France in the 18th century whereby the French Gendarmerie, was created in 1791, and was based on the Maréchaussée, whose origins date back to the late medieval period. Within the 19th century, gendarmerie forces were established in different nations around the world, mainly due to the French influence. Consequently, in Africa, the establishment of such units commenced in almost all former French

colonies, their distinctive feature military personnel performing police duties[12]. Within the context of the European statehood, gendarmerie forces were utilised in quelling dissent especially in the classical unruly countryside. Hence, one of the main undertakings was to address especially internal civil strife, and disturbances often accompanied attempts at nation building. In addition to their role in internal security, gendarmerie forces was deployed extensively in external security tasks, especially those involving inter-state conflicts. For instance, the French Gendarmerie forces was deployed in France's wars, where they played different roles, including as military police, and in active frontline combat, alongside the more conventional French military.

Importantly, regardless of the existence of differences between gendarmerie forces around the world, it could be argued that their military status is often illustrated by certain common features. These include organisation along military lines, which means, they are more centralised, and feature a more hierarchical structure compared to the ordinary, civilian-style police forces[13]. To that effect, they are often equipped with heavier weaponry akin to what is used by the military and a mandate for more intense suppression capabilities that is uncommon with purely civilian police units. Some of the equipment includes armoured personnel vehicles, aircraft, and infantry light weapons. In addition, gendarmerie forces were in most cases controlled by the defence ministry, though depending on their mission, they were placed under to other ministries, especially the ministry interior and justice. Moreover, thestatus of gendarmerie forces had implications on the resourcing elements especially in terms of personnel, whereby, since they are essentially soldiers, officers in gendarmerie units, do not have a right to strike, and are obliged to

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[12]Derek Lutterbeck, "Between Police and Military", *Cooperation and Conflict* 39, no. 1 (2004): 45-68, doi: 10.1177/0010836704040832.
[13]D Lutterbeck, "The Paradox of Gendarmeries: Between Expansion, Demilitarization and Dissolution" Geneva; Switzerland: The Geneva Centre for the Democratic Control of Armed Forces, 2013.

be permanently available. They are also housed within military barracks, hence are not among the civilians, as is the case with regular police officers. Pertaining to their function, the typical task in which gendarmerie forces would be involved include all aspects of policing and law enforcement, which makes it difficult to distinguish their general features on that basis[10]. In states that employ the a dual model of police at the national and province level, similar to French system, gendarmerie forces would usually be involved in policing the rural areas, in which they undertake all roles pertaining to law enforcement[14]. In areas where the roles are not defined based on a geographical criterion, a thematic definition is adopted.

Consequently, gendarmerie forces tend to be employed in quelling particularly serious disturbances, which may warrant the use of a more powerful response than is the case with the conventional police forces. That includes addressing internal terrorism, as well as serious forms of riots, and organised crime. Additionally, though the primal roles of gendarmerie forces were to address internal police role, also mostly exhibitedmilitary defence role that they adopt during a war, which further reinforces their military status[18]. Importantly, though conventional militaries and civil police have generally been accepted as the main elements of a nation's security structure, use of gendarmerie has received contention from critics. They areperceive them to be archaic institutions that are indicative of a militarisation of the internal security. The argument being the law enforcement and internal security matters to be handled bythe nation's police.As such, utilization of a military-like force in internal security operations would conflict with the ideations of civil as well as democratic principles. In illustrating the basis of their argument, critics of the creation of gendarmerie forces present the case of the use of gendarmerie in former autocratic regimes especially in Europe, in which they were used to quash internal repression.

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[14]M Weger, "The Potential of the European Gendarmerie Force" Hague; Netherlands: Netherlands Institute of International Relations Clingendael, 2009.

That was the case with the France regime in Spain, which utilised the Spanish Guardia Civil to great effect, and the fascist regime of Mussolini in Italy, which relied on the Italian Carabinieri[18]. According to the critics, in areas where gendarmerie forces already exist, they should be demilitarised to assume police status or be dissolved altogether.

That said, the argument might find less acceptance in countries that use federal syatems, since the decentralisation of police power can be easily accomplished through the devolution of police authority from the federal level to the different states. On the other hand, with a politically centralised administration, the presence of police forces exhibiting civilian and military statuses and attached to several ministries, often acts as a suitable checks and balances to counter abuse by state[17]. The opponents of the use of gendarmerie forces assert the potential threats to civil liberties, on the other hand, proponents of the use of such forces perceive gendarmerie to be essential in protecting the individual freedoms of citizens within a dual system featuring both civilian and military police force, as opposed to only having a civilian one.

1.7.2.   The Contemporary Threats to Kenya's Domestic Security

Most of the internal security threats that Kenya faces are as a result of criminal groups and armed bandits. Kenya's deployment in to Somalia to combat the cross border attacks by armed terror groups in the country, primarily the al-Shabaab, there has been a marked increase in attacks on soft civilian targets.

1.7.2.1 The Case of Al-Shabaab

In October 2011, Kenya acted in response to the growing frequency of incursions by the Somali Islamic group – al-Shabaab, by deploying the KDFinto Somalia, in an operation aimedat degrading the militant groups. Deployment was based on several factors, though the immediate trigger was a spate of kidnappings of primarily expatriates and foreign nationals, including Marie

Dedieu – a French citizen, who was kidnapped in MandaLamu county and Spanish volunteers working with Médecins Sans Frontières, taken away from Dadaab refugee camp. Owing to the concern that such attacks would only escalate, effectively impacting Kenya's essential industries, especially the tourism sector, the Kenyan government vowed to attack al-Shabaab and its sympathisers wherever they are. The aim of going into Somalia then, was to develop a buffer zone within the Somali side of the Kenya-Somalia border and degrade the effectiveness of al-Shabaab. That was in addition to restoring the Transitional Federal Government in Somalia that had constantly threatened by the Islamic extremists, as a way of ensuring there was enduring peace in Somalia and the region at large[5].

The deployment of the KDF into Somalia has had a significant contribution to the progress made in the country[15]. The deployment also resulted in a marked increase in insecurity in Kenya, as frequent attacks from al-Shabaabterrorists and their sympathisers. Though extremists' acts are not new in Kenya, KDFoperations made Kenya a target for al-Shabaab, and especially by tits supporters as the drivers of domestic terrorism. For instance, in addition to the sporadic grenade attacks in different areas especially in the major cities of Nairobi, and Mombasa, other incidences, included Westgate Mall attack in 2013, June 2014Mpeketoni attacks, terrorist attack Garissa University in April 15, and the DusitD2 attack in January 2019.

1.7.2.2. The Modern Nature of Insecurity in Kenya

From 2000, Kenya has lost on an average of two people daily from the activities of armed civilians who operate as bandits, as well as criminal groups, to abuses resulting from actors in the state security machinery, and of late, radical extremist groups such as Al-Shabaab, and their

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[15]A Atta-Asamoah, "Responses to Insecurity in Kenya: Too Much, Too Little, Too Late?" Institute for Security Studies, 2015.

sympathisers. In a study detailing security incidences from 2000 – 2014, a total of 3,815 incidents were reported, and the incidences cumulatively resulted in 6,800 deaths over the same period[19]. The greatest number of incidents took place within the Rift Valley region, where there were 1,183 reported incidents resulting in 2,849 deaths, a majority of which resulted from numerous banditry attacks involving cattle rustlers and armed gangs within the counties of Turkana, Baringo, Samburu, and West Pokot. The graph in Figure 1 as prepared below depicts the situation as pertains to the reported incidents and the resulting casualty statistics in Kenya from 2000 to 2014.
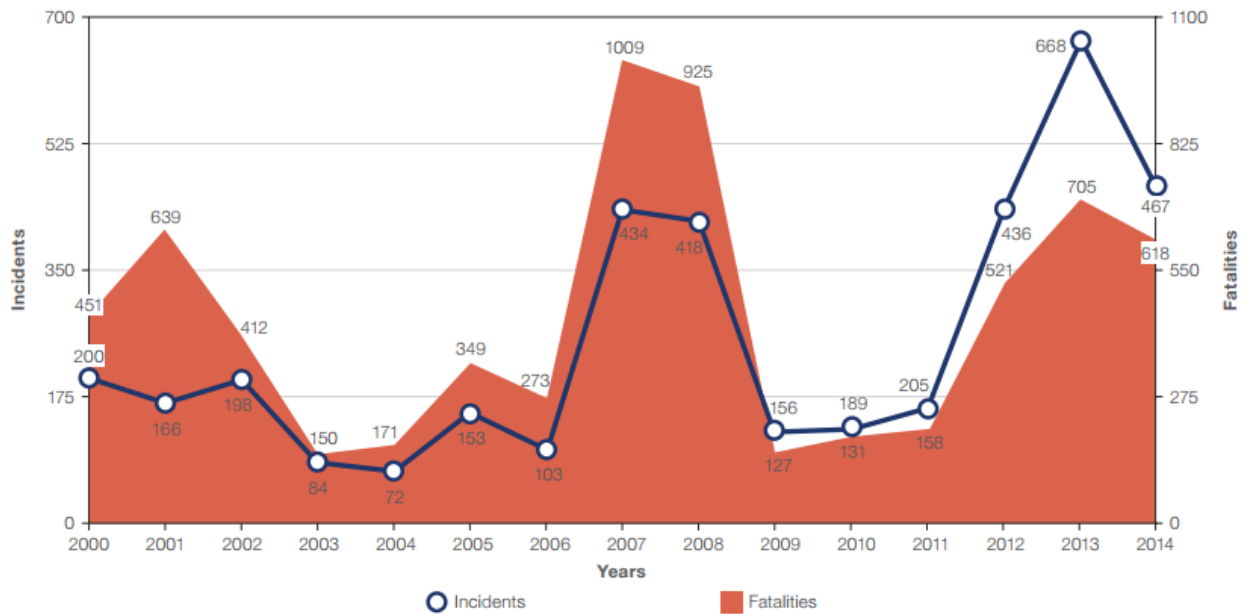
Figure 1: CummulativeInsecurity-related Incidents and Fatalities, from 2000 - 2014[16]

Despite the significant progress made in bolstering Kenya's security, especially following the PEV of 2007, the country's security situation witnessed a significant deterioration from 2011. For instance, in 2011, there 205 casualties out of were 158 reported incidents. Similarly, in 2013, there out of 633 reported incidents there were 705 casualties countrywide. Importantly, since

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[16]A Atta-Asamoah, "Responses to Insecurity In Kenya: Too Much, Too Little, Too Late?" Institute for Security Studies, 2015.

2008, 211 incidents reported were directly linked to the Al-Shabaab resulting in about 609 casualties, owing to the activities of the group, which sums up to about three deaths per incident[19]. The increased sporadic assaults from the Al-Shabaabresulted in significant socio-economic effects to the country, especially the near erosion of investor confidence, in addition to affecting the tourism industry, and heightened threat perceptions among citizens. The discourse on the suitable approach to address the threats has resulted mounting pressure on the government to withdraw her forces from Somalia. Consequently, insecurity became an integral considerations pertaining to the nation's political and economic outlook, in addition to its diplomatic involvements.

1.7.3. Strategies the government has applied to resolve insecurity in the country

The threat of terrorism in Kenya stands out as one of the most significant domestic security threat that the country is facing, and as such, most of the initiative that the government has instituted, have been aimed at addressing the terrorism threat to the country. The growing reluctance and a growing lack of interest especially among Western powers in intervening, especially in security challenges resulting from terror attacks in Africa, there has been an enormous load on the countries that bear the greatest brunt of terrorism, to address their challenges themselves. Crucially, countries such as Nigeria and Kenya have had to be on the frontline in addressing terror threats resulting from different terror groups[17]. That is with or without the support of regional and continental organisations likeIGAD and the AU. The majority of the literature on Kenya's anti-terrorism strategies, and especially the country's

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[17]L Phillips, "The Future of ISIS and the US Counterterrorism: A Study of ISIS, Boko Haram, Al-Shabaab, And the US Policy Response" Oxford, 2017.

intervention into Somalia, is centred on quantifying the rationale for the military invasion[1819].
There have also been attempts to understand the beneficiaries of the military intervention.

According to Marangio[20], the reason behind Kenya's military intervention, was national security, while according to Limo & Muna[22], the intervention was merely a gimmick by the Kenyan government, to play to the interests of the Western powers in the Horn of Africa. Similarly, Makanda[21] posits that the military intervention has served to create more instability in Kenya, than what it was envisioned to address. Irrespective of the arguments for or against the military intervention, the fact is the activities of the Al-Shabaab terror group had significantly threatened the sovereignty of Kenya, and action had to be taken. That view is held by Aronson[22], who argued that the volatile situation in Somalia had spilled over into Kenya in the form of the sporadic attacks on soft civilian targets. As a way of protecting itself, the Kenyan government was obligated to safeguard national security, and security that is more so human for all in Kenya, regardless of their nationality. That said, Kenya's ability to effectively combat the threat of terrorism rests in a multi-pronged strategy that commences at home, aimed at thwarting and crashing domestic terror cells, primarily led by Al-Shabaab sympathisers. To that effect, the Kenyan government has since 2010 embarked on different strategies aimed at bolstering domestic security.

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[18] E Odhiambo et al., "The Reprisal Attacks By Al-Shabaab against Kenya", *Journal of Defence Resources Management* 4, no. 2 (2013): 53 - 64.

[19] Irene Limo and Williams Muna, "Challenges of Relationships and Social Identities: The Paradox of the Consequences of Kenya's Military Intervention in Somalia", in *The New African Civil-Military Relations* the African Public Policy & Research Institute, 2015, 99.

[20] R Marangio, "The Somali Crisis: Failed State and International Interventions" IstitutoAffariInternazionali, 2012.

[21] Joseph Makanda, "Fighting Terrorism in the Horn of Africa: The Role of Ordinary Kenyans in Kenya's Military Intervention in Somalia and the Fight against Al-Shabaab", *Journal of African Union Studies* 8, no. 1 (2019): 33-49, doi:10.31920/2050-4306/2019/v8n1a2.

[22] Samuel L. Aronson, "Kenya and the Global War on Terror: Neglecting History and Geopolitics in Approaches to Counterterrorism", *African Journal of Criminology & Justice Studies* 7, no. 12 (2013): 24-34.

1.7.3.1. Usalama Platform

The platform was envisioned to be an inter-agency approach with the aim of enhancing an integrated response to the challenge of insecurity. The aim was to harmonizedifferent response teams and agencies, specifically from KDF and police to fostering a culture of information sharing, the pooling of resources, and most importantly, synchrony in responding to cases of insecurity. At the heart of Usalama platform is a command centre with an analysis section, and a situation-monitoring infrastructure which offer up-to-date information, for planning and launching operations. The platform is the form of a Central Command and Control Centre, which will allow the different security agencies and the public to share information seamlessly to boost domestic security[19]. The Command Centre was envisioned to comprise of the representatives of different security agencies, whose role was to offer planning,leadership, and facilitate multi-agency decision making, as well as synchronising responses. In addition to benefitting from the intelligence capabilities of the different agencies, the success of the command centre is based on the work of an analysis cell, which collects information from different channels, to feed into the mechanism of planning for the operations. Though the elements of the Platform were meant to operate away from eyes of the public, its effect will be visible to the public in the form of robust counter-terrorism operations, prompt response to incidents.

1.7.3.2 Operation Usalama Watchstrategy

The escalation of grenade attacks in Mombasa and Nairobi in 2014 prompted the Kenyan government to deploy around 6,000 police officers into the Eastleigh suburb in Nairobi to track and disrupt the operations of terror cells that were suspected to have embedded themselves in the area. The operation was undertaken by screening of the residents in the area, resulting in the arrest and detention of over 3,000 people in Kasarani stadium. Though there were operational

success through fleeting disruption the terror cells operated in the region, its execution featured extensive challenges most notable of which were the highlighting of the inherent weaknesses in Kenya's response to insecurity[19]. For instance, homes would be searched severally by different police units is a single day's operation.

1.7.3.3. The Nairobi Metropolitan Command

One of the most significant initiatives by the Kenyan government aimed at instituting a long-term approach for bolstering domestic security is the establishment of the Nairobi Metropolitan Command. With the exception of the Garissa University attack, the most casualties from terror activities in Kenya have occurred in Nairobi, and as the country's capital, and a potential for high casualty figures in the event of a successful attack, it was only logical to establish a security command to address modern security threats in the city. The command is a wing of the Defence Forces tasked with combating terror threats, drug trafficking, in addition to the proliferation of small arms crime in Nairobi. In a parliamentary inquest on the nature of the unit, the then defence minister detailed that the command was formed pursuant to the Section 7(2) of the KDF Act that allow establishment of such formation within the Defence Forces and according to the President's will in consultation with the Defence Council[19].

Importantly, the command is tasked with responding to crises and disasters as well as acting as the nexus for cybersecurity in the country synchronise KDF's counterterrorism operations, as well as protecting various military installations, while strengthening the relationships between the KDF, and other security agencies. The command's main operation area has been set out to be Nairobi and its environs, and in its formation, was envisioned as a unit that function independent of the operational responsibilities of the police, while not replacing the functions of the National Police Service. The unit is effectively a form of a *gendarmerie* force, and instituted the primal

steps towards introducing the expertise and tenacity of the armed forces in addressing the contemporary security threats of terrorism, cybercrimes, and drug trafficking.

1.7.3.4. The Equipping of Security Agencies

The relative peace that Kenya experiences for long period since the 1990s meant that the different governments were not too keen on investing in modernising the country's security organs, especially with regard to domestic security. To that effect, successive post-independence administrations in the country have thus done little to equip the police force to levels that match the evolving security threats. As outlined by President Uhuru Kenyatta in his assessment of the inability of the country's security organs to address the emerging threats, under-investment in the past three decades, had significantly affected the capacity of Kenya security organs. Equipping the security forces was primal in pursuit of effectiveness of the security agents in securing the country. On account of the numbers of security personnel, there have been a marginal improvement in the ratio of police to citizens over the past two decades, from 1:750, to 1:535.

The dynamic nature of the security threats that the country now faces, has necessitated more intense recruitment drives, that are aimed at ensuring there are more security agents to respond to emerging threats. Some of the initiatives by the government include extensive recruitments drives, where for instance, the government in 2013, set aside Kshs.2.3billion, to bolster police recruitment drives. Another initiative has been to equip the security forces, whereby, in 2014, the government pledged to equip police officers with over 1,100 vehicles, in addition to a commitment to provide surveillance equipment that is essential for bolstering surveillance activities especially in the major cities – Nairobi, and Mombasa[19].

1.7.3.5. CCTV Surveillance System

Closely linked to the government's investment in equipping the security forces, is the introduction of a closed circuit television surveillance system comprising of cameras, as well as the installation of broadband connectivity in major cities, and at border points. SafaricomPlc was tasked to installan Integrated Public Safety Communication and Surveillance System of 1,800 CCTV cameras, in Nairobi and Mombasa 2016. To future proof the system, it is designed to run on a dedicated 4G-infrastructure, with a capacity to host an additional 50,000 users[19]. Some of the other aspects of the infrastructure includes equipping close to 8,000 police offices with ultra-modern media communication devices to bolster their operations. That is in addition to digital radio communication systems, for use in an extensive surveillance system, with video conferencing capacities, intricate mapping systems, as well as command centre, to be ran by the National Police Service.

1.7.3.6. Community-Based Policing

According to Mwangi&Okinda[23], community-based policing stands out as a philosophy, i.e. a way of thinking, and organisational strategy, i.e. an approach for executing a philosophy. It makes it possible for the police to work together with the community using alternate approaches to address problems involving insecurity, as a way of improving everyone's quality of life. The aim of the strategy is to develop a co-ownership of the security agenda, both by the community and the state. Consequently, community policing as a philosophy promotes the relevant organisational approach that make it possible to support the systematic use of the partnerships between communities and government security agencies. The aim is to proactively deal with the immediate conditions that result in a rise in insecurity, and social disorder. Crucially, the

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[23]S. Mwangi and Albert Okinda, "A Critique Of Kenya's Security Sector Reforms (SSR) In The Fight Against Terrorism", *International Journal Of Science And Research* 8, no. 8 (2019): 1795 - 1806.

conceptualisation of community policing approach as an element of reforms aids in putting into perspective the notion that security responsibilities is solely a role of the police[26]. It makes it possible for communities to contribute to, and take part in addressing the security matters that affect them, in addition to aiding them to professionalise their operations, since they are accountable to the community.

The uptake of community policing as a concept and a practical strategy for combating crime, gained traction globally as a result of terrorism, and especially, violent extremism. For instance, following 9/11, community based policing gained acceptance in the US, and the UK, as an appropriate strategy for combating extremists, and terrorists. In the Kenyan case, the promulgation of the new constitution in August 2010, offered a boost to the concept of community based policing. As per the constitution, the National Police Service Training program was developed as a way of retooling the police, and sensitising the police in Kenya on aspects such as community policing, public relations, as well as effective service delivery. Of importance was the establishment of community policing committees, whose role was to oversee the implementation of the community policing programs within their location. The committees would be chaired by a civilian, and deputised by an officer of the National Police Service[26]. Despite the provision of the legal framework with which to implement the community policing framework, it has not been implemented fully, though the Westgate attack necessitated fast tracking implementation of the community policing framework dubbed *NyumbaKumi*. Ofimportance in instituting the need for effective community policing strategies, was the experience at the Westgate attack, whereby a significant portion of the first responders to the attack comprised of armed civilians within Westgate neighbourhood.

As such, when well implemented, the local policing initiative stand to offer a good opportunity for helping the country win its fight against emerging security threats, especially terrorism. That said, there is a need for the sensitisation of the public on its relevance, considering that a significant proportion of Kenyans still have no idea of the form of the initiative, as well as the key players in their community. Furthermore, public responses to the initiative have been mixed, in the sense that from a purely security perspective, there is a consensus that it is an innovative idea for fostering the collaboration between the citizens and the state, in enhancing the fight against terrorism[26]. It also offers the appeal of enhancing the requisite security consciousness that is beneficial to the wider population. There are many sceptics on the suitability of the approach in urban areas, where the argument is that the Kenyan urban areas are highly cosmopolitan innature where people tend to go about their business without taking notice of others who might be the purported domestic terrorists[19]. There have also been arguments that in countries where such an initiative has worked, especially Tanzania, there is the benefit of a strong social context grounded on patriotism, nationalism, and brotherliness. These elements are clearly lacking in the context of Kenya, or rather, they are not to the levels of Tanzania.

1.7.4. Challenges faced by the KDF in Internal security operation

Crucially, despite the efforts made to effectively equip the security agencies in Kenya, most of the other responses to emerging security threats have largely remained as policy announcements or ideas, which are yet to be effectively implemented. Several pronouncements made, are yet to be effected, and the necessary efforts made to align and synchronised into a systematic structure for responding to any threat. The relevance of that is that were the operations to be fully operationalised, the effect would be a significant improvement in the security situation in the

country. The key challenges that are posed by the different responses include inappropriate responses, the dominance of the Al-Shabaab paranoia, as well as faulty security structures.

1.7.4.1.Training

Defence of the nation against external threats is the main role of the KDF. The training they undergo and weaponry in their possession are tailored to facing a conventional threat. In internal security, it characterized by adherence to restrictions in application of force. While the KDF are involved in internal operation, they are essentially engaged in maintaining law and order. Soldiers require re-training to reorient them to the internal operations role. Lack of detailed briefings and re-training on the pertinent law during deployment in internal operations may expose the soldiers to varied array of challenges. Such new operating environments require a soberness and maturity that is acquired in training soldiers in all aspects of internal security operations. Well trained soldiers adjustand cope fast to the demands of internal security, otherwise they become a liability to themselves, and the innocent civilians it is their duty to protect.[24]

1.7.4.2. Equipment

The KDF operations have on many occasions been deployed in the North rift to fight the cattle rustling, parts of North Eastern to restore peace and security and Boni forest and to respond to terrorist activities in various parts of the country. Internal security operations requires appropriate and suitable equipment to enable forces to respond to different situations effectively, however, lack of itwould render the operation ineffective especially when faced with threat that you are not prepared to deal with and would therefore threaten the life of soldiers. If they have defensive equipment, like rubber bullet guns, water cannons, tear gas, batons and shieldsetc, a progressed response may be used to discourage or deter without necessarily resorting to extreme measures. Demand restraint and use of minimum force is difficult when the lives inexperienced soldiers are threatened and improperly equipped for the job.

1.7.4.3.Tactics

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[24]https://www.icrc.org/en/doc/assets/files/other/law11_final.pdf

Troops deployed to conduct internal security operation are required to adjust their training and tactics appropriately. KDF soldiers have been equipped and trained for conventional military operations characterized bymanoeuvres and concentrations of force. The KDF soldiers need to adjust to the internal tactical skirmishes and low level tactical manoeuvres required internal security operations. Unlike the approach used in conventional warfare, dealing with banditry and cattle rustling situation requires a totally different approach. Command and responsibility such operations are delegated to lower levels.

1.8   Methodology

This section details the research design, the methods of collecting data, and the approaches that employed in the analysing data. In the process of determining the appropriate research, approach employed in the study. The first step involved settling on the suitable research philosophy[25]. For the current study, the appropriate research philosophy was an interpretivist one. The appeal of the philosophy in undertaking the current study was that owing to its focus on complexities and diverse interpretations of phenomena, it was essentially subjectivist. After determining the philosophy, the second step involved settling on the research approach, and for the current study, an abductive approach was the most appropriate. That was the case since it entailed the collection of data to evaluate a phenomenon, pinpoint the existing themes, so as to develop new theories, while checking on the existing ones.

The next step in developing the research design, involves determining the research methodology, and for the current study, a qualitative method was adopted. The motivation for adopting a qualitative research method was that it is closely associated with the interpretive research philosophy as it is suited for the determination of subjective and socially constructed meanings that were depicted with respect to a phenomenon that was being studied[27]. Hence, considering

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[25]M. N. K Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students*, 8th ed. Pearson Education Limited. 2019.

that the current study is an interpretive, abductive one, a qualitative research method was the most appropriate[26]. The next step entailed determining the appropriate research strategy to employ, and considering that the current study was focused on the review of a phenomenon within its context in real-life, a case study research strategy was be ideal.

1.8.1. Data Collection

1.8.1.2. Data Collection

Data was obtained from secondary sources including information from official documents within the areas, academic papers, academic journals, policy documents and online documentaries focusing on global, regional and narrowing on KDF. The research was a desktop form of research. Relevant information was collected and analysed.

1.8.2. Ethical Considerations

The research ethics were observed during the entire research process. For the purposes of academic integrity, a declaration was undertaken supervised by the college administration that students would not engage in any forms of academic malpractices such as presentation of previous works or failure to acknowledge the sources of information used in studies. Therefore, all the sources and authorities used in this research were properly cited and referenced according to the writing style approved by IDIS. The results and findings of the research were never to be influenced by the interests of organizations associated with the research as a compromise to obtain their cooperation.

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[26]John W Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, And Mixed Methods Approaches*, 5th ed. Thousand Oaks, California: SAGE Publications, Inc., 2018.

CHAPTER TWO

THESCOPE OF KDF INVOLVEMENT IN INTERNAL SECURITY OPERATIONS

2.1 Introduction

With the mounting threat of terrorism particularly among Kenya's neighbours, the mandate of the country's military in combating these external threats has been expressed extensively over the past decade, particularly through Operation Linda Nchi. That said, as outlined in Chapter 1, the emergence of new security threats particularly those based on technology, has blurred the difference between internal and external security operations. That has resulted in a need for a more robust security approach to combat the threats, by leveraging the competencies of the entire security apparatus including the military.

This chapter explores the scope of KDF involvement in internal security. The chapter details the approaches, and logic utilised in expanding the internal security mandate of the military, and that is done based on both global and local perspectives. At present, the constitution provides for the role of the KDF with the principal mandate being defence, protection the territorial integrity and sovereignty of the republic of Kenya. The secondary mandate is military aid to civil authorities in situations of emergency and assistance to civil police in civil unrest in the country. Based on that understanding the chapter details factors that could influence the participation of the military in internal security, as well as presenting a suitable justification of expanding military scope in internal security operations.

2.2.   The TraditionalDissimilaritybetweenInternal and External Security

For decades, particularly after World War II, there remained a clear distinction between defence, and internal security. That effectively resulted in distinguishing the role of the militaries in safeguarding against external threats, leaving internal maintenance of law and order to the police force. In addition, for most countries, particularly those in Latin America, memories of how military administrations conducted themselves while in power in the 1970s, and 80s, has resulted in an unwillingness to utilise militaries to address internal security challenges. Some of the other reservations around the use of militaries within national borders emanate from the view that militaries are accustomed to a level of heavy-handedness when conducting their operations, which is unfit for use in maintaining law and order. Indeed, even in the more developed nations including the United States, following the end of World War II, most militaries were absorbed by fighting foreign wars, preparing to intervene abroad or fighting in certain limited wars, particularly during the Cold War. The functions of nation building and exploration that had been a preserve of the militaries were no longer desirable, especially due to the view that they distracted the armed forces from the capacity to win the highly complex military conflicts of the late 20th century.

Interestingly, despite the clear distinction between internal and external security, armed forces across the globe, especially in the developed nations, never really succeeded in completely avoiding involvement in domestic roles. For instance, the National Guard in the United States, has since the end of World War II, been activated on multiple occasions by both state governors and the President, to quell protests, enforce racial integration, prevent looting during natural

disasters, and other purposes that are of an internal order[27]. Such roles include disaster assistance, fighting forest fires, maintaining law and order, addressing anti-Vietnam War violence and other internal roles that emerged during the last half of the 20th century. For instance, with the mounting threat of an invasion by the Soviet Union during the Cold War, army units were involved in manned anti-aircraft missile defence systems in American cities particularly in the 1950s and 60s[28].

At the same time, a large number of air defence squadrons remained ready to intercept Soviet bombers. In the 1980s, both the Army, and the Air Force were pressed into service, to aid in the war on drugs, by intercepting shipments headed for American shores, and halting illegal immigration through the Mexican border[29]. On the eve of the 9/11 terror attack, the reserve forces were just beginning to consider a re-evaluation of their roles and missions. The regular forces, despite the extensive pressure from the new bush administration to transform their operations, had done little to align their mode of operation to the challenges presented by the security environment of the 21st century. Indeed, neither the regulars nor the reserves seriously contemplated homeland defence – term alien to the armed forces of the US, when planes commandeered by terrorists, fell two of the tallest buildings in the country, and struck the Pentagon on the 11th of September 2001[30]. Indeed, the attack jolted the armed forces into action in rethinking their mode of operation towards an increased emphasis on internal security – a role that had declined in relevance.

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[27]Richard .H Kohn, "Using the Military At Home: Yesterday, Today, and Tomorrow", *Chicago Journal of International Law* 4, no. 1 (2002): 165 - 192.
[28]Ibid.
[29]Ibid.
[30]Ibid.

The apprehension towards employing armed forces in internal security operations has also been witnessed in the developing world, such as in Latin America. Such a reservation has been based on the traditional understanding of the armed forces, and their role in safeguarding nations against external threats[31]. Crucially, the memories of how the military establishments conducted themselves when they were in power, has also contributed to political leaders having a general misgiving in addressing internal security challenges. That is despite the region having to contend with extremely well organized and armed groups of organized criminals involved in all vices including drug smuggling, and people smuggling. One of the main issue raised against the utilization of armed forces in internal security is their propensity to use force, which is likely to put innocent civilians at risk. That said, most nations in the region still allow military use internally under certain conditions. For instance, Argentina, which has some of the toughest hurdles on the utilization of the military within the borders, still allow for the internal deployment of the military under certain conditions such as when the internal security forces are overwhelmed[32]. In addition, they can be deployed following a presidential decree to guarantee internal order, which is a provision in as many as ten nations within Latin America.

In the late 20th century and particularly during the Cold War, there was a clear divide in states' threat perception, where one was concerned with crime, law and order within a state. The other threat emanated from war, and the pursuit of deterrence among states. Crucially, the first threat remained a concern, though not a basis for existence, secondly, was a determinant for survival based on a collectively assured destruction, from a foreign enemy[33]. After Cold War bi-polarity from 1989 to 1991, there was a shift in opinions with the purported threat of a full-fledged

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[31]David Pion-Berlin, "The Military and Internal Security Operations in Latin America", *RevistaPolítica Y Estrategia*, no. 130 (2017): 101-123, doi:10.26797/rpye.v0i130.
[32]Ibid.
[33]Didier Bigo, "Internal and External Aspects of Security", *European Security* 15, no. 4 (2006): 385-404, doi: 10.1080/09662830701305831.

nuclear weapons war, disinclined. However, the trans-national organised crime, and terrorism threat, emerged as a real concern for governments across the globe[34]. Interstate warsbecame less probable, but with crime metamorphosing, it emerged as a real threat to the states, and the individuality of societies.

With wars in different countries across the globe including Liberia, and Yugoslavia, there was an onset of a grim outlook on the future, with previous hope of an end to meaningless conflicts dissipating. With the rise of failed states, a prohibition on politics in many regions across the globe, the emergence of war loads, and transnational organised crimes backed by states, fuelled the image of an unsafe third world[35]. There was thus a real concern regarding the emergence of new wars that would fuel massive emigration of people fleeing into the first world nations, with the possibility of carrying their political disputes into the new countries they sought refuge. Following the attack of September 11th 2001, the possibility of a spillover of instabilities in one country into another became a real concern. Effectively, following 9/11, as well as other attacks in Europe such as the London bombings in in July 2005, meant that the consequences of non-traditional military threats to internal security were now very tangible. Crucially, internal security has gained a higher priority within the political agenda particularly in the West such as within the European Union (EU).

For instance in 2010, the EU member states adopted the EU Internal Security Strategy, with the action plan for the implementation of the strategy detailing five common threats, which have displayed an increase in scope and scale. These threats include international criminal networks,

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[34]Ibid.
[35]Ibid.

terrorism, cybercrime, border security, and disasters[36]. In 2011, a study was undertaken in the EU to determine the security perceptions of EU residents, and the findings from the study are presented in Figure 1 below.
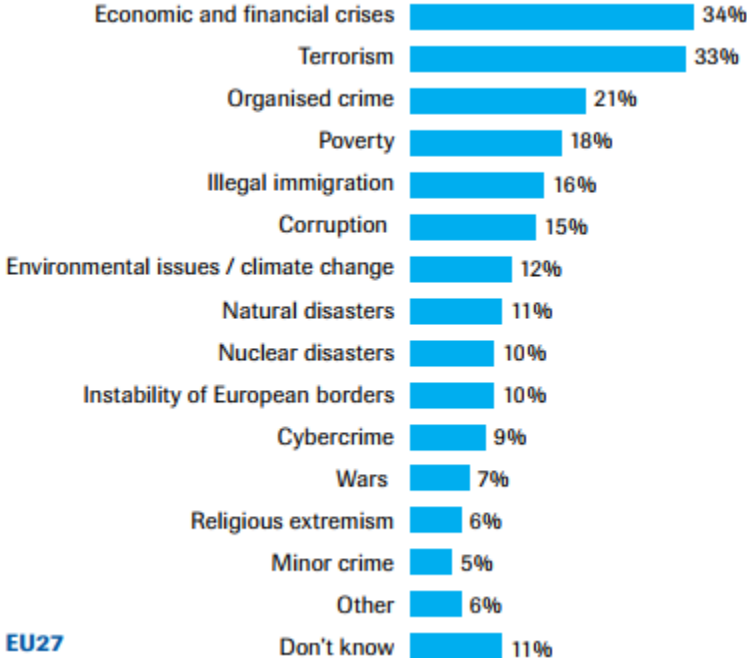
Figure 1: Most Critical Security Threats in the EU[37]

From the Table above, the threats associated with terrorism, organised crime, and illegal immigration ranked high, with cybercrime viewed as a threat that would soon become acute. Interestingly, the European population do not consider wars as a significant threat, and that is attributed to the changing security situation in the region. The threat of large-scale violence such as witnessed during the Balkans in the 1990s, is highly unlikely, whereas the stability experienced over the past three decades, means there is a reduced willingness to deploy troops to

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[36]European Commission, "The EU Internal Security Strategy in Action: Five Steps towards A More Secure Europe", Communication from the Commission to the European Parliament and the Council Brussels: European Commission, 2010.

[37]European Commission, "Eurobarometer Survey on Internal Security: The Economic Crisis and Terrorism Top the Agenda" European Commission, 2011.

overseas operations[38]. In fact, 60 percent of the Dutch respondents involved in the study, asserted that the Ministry of Defence should take up more national duties. That domestic orientation explains why there is less support for the involvement of Dutch troops in managing conflicts outside Europe.

Crucially, the conventional understanding of security has been a subjective construct, primarily due to the conception within the perspective of individuals, society, and the state. That has resulted in a level of fluidity in the comprehension of security by both policy makers, and academicians[39]. Owing to the absence of a common interpretation, the concerns of each stakeholder are the threats posed by their respective referent object. To that effect, for the state, national security rules supreme, and it is operationalised from both a military and strategic perspective, and is underlined by the state's capacity to protect herself against direct attacks to her citizens, sovereigntyand territory. In such a state's approach to security, it is viewed as the central concern by the state, and the most prevalent instrument used to safeguard it is force, once a threat is perceived and acknowledged to be preventable, or manageable[40]. From that conventional view, the state is the pivotal player within the security apparatus, and the main concern of a state, is to ensure its survival, which is guaranteed through the build-up of a military. As such, a state's military capability proves to be the main indicator of its power, and it plays a pivotal role in operationalizing national security interests.

Consequently, states invest extensively in preventing attacks, and safeguarding their citizens from any forms of surprise, sabotage, or espionage. That said, in recent time, the threats faced by states have metamorphosed from the conventional conflicts between states, to threats presented

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[38]Ibid

[39]MumoNzau and Mohammed Guyo, "The Challenge Of Securing Kenya: Past Experience, Present Challenges And Future Prospects", *The Journal Of Social Encounters* 2, no. 1 (2018): 37-59.

[40]Ibid.

by the subversion of the rule of law, to both ethnic and religious radicalization, that manifests itself in both state, and non-state terrorism[41]. Vitally, the threats by non-state actors have proven to be a huge concern, and have been described as new wars that feature unique approaches encompassing a varying combination of both state, and non-state networks. That is in addition to employing politics of identity to wage war in the name of politics, as opposed to ideologies, and are not exclusively financed by states, but increasingly by predatory actors, keen on propagating violence, and anarchy.

2.3.   Contemporary Threats

In the post-Cold War world, the debate surrounding global security has changed markedly, first starting with the re-conceptualization of security as a multi-sectoral phenomenon. That was particularly the case due to an acknowledgment of the growing complexity of security threats, due to the emergence of non-state actors, intent on causing harm[42]. Furthermore, the evolution of technology has introduced tools that could be leveraged by maleficent actors to cause untold harm. Thus, the main security threats faced in the contemporary society revolve around terrorism and cyber threats.

2.3.1.   Global Terrorism

Terrorism has been a dark feature of human behaviour, ever since the first recorded history. In the name of greater good, leaders have been assassinated; individuals and groups have committed acts of great violence, while entire cities have been massacred. Irrespective of how it is defined, terrorism is posing a great challenge to the stability of societies, and the peace of

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[41]Ibid

[42]Brandão Ana Paula, "The Internal-External Nexus in the Security Narrative of the European Union", *JANUS.NET E-Journal of International Relations* 6, no. 1 (2015): 1-19.

mind of individuals across the globe[43]. Within the contemporary society, the impact of terrorism – its capacity to terrorise is not limited to the specific locations where the terrorists strike. Rather, in the current age of global new coverage on television, the internet, and particularly on social media, the heinous acts of terrorism are broadcasted to millions of people across the globe[44]. As a consequence, these acts have the capacity to influence people ideologies, especially in instilling a feeling of helplessness, or animosity towards people from a particular demographic. Terrorists are also aware of the power that the images of violent acts would have on people, particularly in manipulating their perceptions, and as a result, they will always try to control the narrative regarding their conduct. As such, the 21st century in many ways stands out as the age of globalised terrorism.

For a majority, the terror attacks of 11th September 2011 on U.S. soil, proved to be the turning point within the history of political violence. In the days, months and years following the attack, academicians, journalists, as well as policy makers have repeatedly proclaimed the emergence of a new global international terrorism environment. That said, the United Nations had been involved in addressing terrorism long before the 9/11 attacks. Of particular concern, terrorist bombings of American embassies in Kenya, and Tanzania, as well as deteriorating security situation in Afghanistan, with the Al-Qaeda terror group who origins were Afghanistan, having been held responsible for the attacks[45]. That said, what the 9/11 attacks illustrated, was that terrorism had transformed as a global phenomenon, capable of causing significant agony and devastation anywhere in the world. Furthermore, the magnitude of the terrorist occurrencesmeant

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[43]Gus Martin, *Understanding Terrorism: Challenges, Perspectives And Issues*, 3rd ed. London, United Kingdom: SAGE Publications, 2010.
[44]Ibid.
[45]Mike Smith, "Securing Our Future: A Decade of Counter-Terrorism Strategies | United Nations", United Nations, Last modified 2021, https://www.un.org/en/chronicle/article/securing-our-future-decade-counter-terrorism-strategies.

that all were susceptible and hence could stay on the fence considering that the impact of the terror attacks could be felt everywhere.

The permeation of terrorism in the modern society has resulted in the need to understand its origins, as a way of combating the phenomenon from its source. To that end, extremism has been presented as the foundation of terrorism, and it is viewed as a primary feature that underlies all terrorist behaviours. Crucially, behind every occurrence of terrorist violence, is some form of a deeply engrained belief system that motivates the maleficent actors that orchestrate the terror activities. Such belief systems are at their core based on extremist systems that are grounded on intolerance. That said there is a need to keep in mind that though terrorism is a form of violent expressions of the beliefs one holds, it is not the only way in which those beliefs are expressed. Consequently, extremism as a pre-cursor for terrorism is a belief system employed by terrorist in order to justify their behaviour. Vitally, extremism is based on an ideology, and some form of extremism include religious extremism, such as was illustrated Daniel and Philip Berrigan in the mid-20th century, who were renowned as staunch members of the pacific left within the Roman Catholic. They led the anti-war and anti-nuclear movements in the United States in line with their uncompromising belief in pacifism. They would express their beliefs through a series of symbolic and often illegal protest actions. In one of those actions, they together with seven of their followers broke into the Baltimore Selective Service Board and stole Selective Service classification forms, which they burnt outside in the parking lot. Crucially, despite it being an extremism behaviour, it fell short of being classified as terrorism[46]. That then brings up the need to gain a deeper comprehension of what constitutes terrorism.

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[46]National Commission on Terrorist Attacks Upon the United States, "The 9/11 Commission Report", Final Report of the National Commission on Terrorist Attacks upon the United States Washington, DC: U.S. Government Printing Office, 2004.

According to the United States Department of Defence, terrorism is defined as the unlawful use of, or the threat to use force or violence against individuals or property, as a way of coercing and intimidating societies to accomplish an ideological objective[47]. Evidently, these common elements indicate that the United States has adopted a somewhat narrow and legalistic approach in defining terrorism. Interestingly, that understanding of terrorism is reflected in other parts of the globe, considering that the United States has largely led the fight against contemporary terrorism being the arch nemesis for a majority of terror cells across the globe. Vitally, the key elements of terrorist environments tend to be uncomplicated with both commentators and experts generally in agreement on the forms of terrorism that found in modern political environments. For instance, Barkan and Snowden perceive them to include vigilantes, insurgents, and transnational, as well as state terrorism[48]. On the other hand, Hoffman dwells on separatist, international, religious, in addition to self-sponsored terrorism[49]. Conversely, in a quest to contextualise new terrorism, Laqueur discusses far rightist, religious, states, and criminal terrorism[48].

The types of terrorism include state terrorism by governments against her people which manifest itself direct to external enemies internationally, or intrastate against domestic adversaries. Another form is dissident terrorism, committed by non-state actors directed to legitimate governments, ethnonational groups, and other perceived enemies. Religious terroristsare motivated by the belief that an otherworldly power has commanded the application of terrorist violence towards the greater glory of faith[45]. Religious terrorism is often conducted in defence of what the believers perceive to be the one true faith. The other type of terrorism is criminal

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[47]Ibid.
[48]Simon Reeve, *The New Jackals: Osama Bin Laden And The Future Of Terrorism* London: Carlton Publishing Group, 2001.
[49]United States v. Salameh, 856 F. Supp. 781, *S.D.N.Y. 1994*, S.D.N.Y. 1994 (United States District Court, S.D. New York. 1994).

terrorism, which is motivated by sheer profits, or some combination of profit and politics. Some of the traditional organised criminal enterprises including the Italian Mafia, and Japanese Yakuza, have accumulated profits through criminal activities and personal glorification[45]. The final form of terrorism is international terrorism is international terrorism, which tends to spill over to the global stage. Often the targets of international terrorism tend to be symbols of international interest, within the home country or across state boundaries[45]. Within the current society, some of the overarching forms of terrorism that permeate the world include those based on religious extremism, particularly radical Islam, thus resulting in religious terrorism. In addition, in certain regions, another form of terrorism is dissident terrorism, involving non-state actors looking to assert their influence on governments.

2.3.2. Radical Islam in Africa as Pre-Cursor for Religious Terrorism

For the African continent, radical Islam has emerged as one of the pivotal security threats confronting the region. Radical Islam a global occurrenceas a result ofunrestrainedpropagation of extremist ideologies, often backed by extensive private wealth with no scrutiny in the Gulf,[50].The phenomenon presents a significant threat to African nations having significant Muslim population who may be affected by poverty and poor governance and can easily morph into all out religious terrorism. The menace of Islamic extremismwas evident in the past years in Mali, the Central African Republic (CAR), Kenya, Nigeria, and recently, in Mozambique[51]. Within Mali and the CAR, the threat posed by radical Islam was existential in that without the timely intervention from the French army, both states would likely have been overrun by the radical Islamic forces. In the case of Nigeria and Kenya, the security threat posed by radical Islam has

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[50]Paul Collier, "Security Threats Facing Africa And Its Capacity To Respond", *Prism: A Journal Of The Centre For Complex Operations* 5, no. 2 (2015): 31 - 41.
[51]Ibid.

taken on the form of sensational terrorism, which despite threatening states directly, is extremely damaging to the international reputations of the countries[52]. The difference between Nigeria and Kenya on one side, and Mali, and the CAR on the other, is that Kenya and Nigeria have bigger economies that have made it possible to finance sufficiently robust militaries that have the capacity to quell feasible rebel enemies. That said these security forces are not adequate on their own to address effectively the more demanding task of preventing a possible escalation in terrorism.

Crucially, in all the four cases, i.e. Mali, the CAR, Nigeria, and Kenya, the Islamic terrorism is as a result of a spill over of Islamic insurgents who have managed to develop their military capacity[53] in neighbouring failed states. The collapse of the Libyan regime, which is yet to be resolved, offered a base for a rebel force to equip itself sufficiently, such that is was able to take on the Malian Army. Similarly, the endemic insecurity that is evident within the vast areas of the Sahel provided a good base for a rebel force to gel, and defeat the army in the CAR, in addition to infiltrate North-East Nigeria. In a similar context, Somalia is providing a suitable environment for the Al-Shabaab terror group to grow having had no government for almost two decades now. Vitally, geography as opposed to policy differences account for why it is these countries and not others within the African continent are faced with Islamic extremism, and resulting terrorism, since these countries border failed states. That said there is a clear potential for the spread of terrorism to other region, especially due to the limited capacity of security forces to control the threat posed by radical Islam.

Within East Africa, Islam has been in existence for over a millennium, where it begun as a force for good, to liberate oppressed Africans. However, the liberating efforts by Muslims towards

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[52]Ibid.
[53]Ibid.

Africans over time mutated into oppressive regimes[54]. For centuries, the definition of Islamic approach in Africa was largely defined by conquests. As such, how the regions managesthe Islamic elements in its midst has that region's most daunting challenge. The East African region has a substantial number of Muslims,however, there seems to be a direct linkagebetween Islamic extremism and poverty. Indeed, according to JakayaKikwetethe former Presidentof Tanzania, who is a Muslim, urged that religious belief and poverty could be potentially seed of radicalism, which results in the thriving of the vice. The conduciveness of East Africa to the existence of Islamic extremists is as a result of diverse characteristics, specific to the region. Some of those factors include weak governance, collapsed states, alternate power centres, porous borders, access to illegal light firearms and the fact that east Africa is closer to the Arabian Peninsula[55].

For the East African region, the main terrorism threat is posed by the activities of the Al-Shabaab terror cell – an affiliate of Al-Qaeda, and the increasing levels of radicalisation particularly among the youths of the East African Muslim population. The emergence of Al-Shabaabishas a linkto Al-Qaedaextremist's activities in the region, which climaxed when they bombed the U.S. embassies in Kenya, and Tanzania capital cities in 1998, resulting in over 300 fatalities. In the period following the attack, when the Al-Qaeda terror cell gained strength and appealed to radical elements especially within Muslim communities across the globe, Somalia remained in a state of anarchy. That offered an opportunity for the emergence of Al-Shabaab, inspired by Al-Qaeda's activities. Understanding how an ineffective administrations in different countries in East Africais important, it played a role in the accumulation of Al-Shabaab's strength especially from the late 2000s to now. As a result of poor governance and limited state capability, state

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[54]Charles R. Stith, "Radical Islam in East Africa", *The ANNALS of The American Academy of Political and Social Science* 632, no. 1 (2010): 55-66, doi: 10.1177/0002716210378676.
[55]Angel Rabasa et al., "Ungoverned Territories: Understanding And Reducing Terrorism Risks" Santa Monica, CA: RAND Corporation Project Air Force, 2007.

level poverty has become endemic in most countries in the region, such as South Sudan, and Somalia. Decades of failed governments, have unsurprisingly resulted insignificant portions of populations especially in Somalia, viewing political Islam as an attractive prospect[56]. In addition, owing to weak governance, many administrations have been unable to provide the basic requirements of security, and social services. The result is a gap that can be filled by anyone who is able to provide the services and Islamic extremists, who are often funded by global terror cells such as al-Qaeda, often take up those positions.

In addition to weak governance and collapsed states, the presence of alternative power centres is another significant enabler of emergence of terrorist in East Africa region. These are especially pervasive in the Horn of Africa where they take the form of clans, warlords, insurgent groups, criminal networks, and Islamic militants. For instance in the case of Somalia, clans that were divided into smaller clans and extended families, were the prehistoric identity units into which the society collapsed, following the ouster of the SiadBarre regime in 1991. Over time, the warlords were able to develop their power bases independent of the clans. For Somaliland, clan elders managed to re-assert their authority following the de facto secession of the region from Somalia. In the south however, the clans were unable to control the warlords and as a result, though the clan elders were able to raise forces, theirs were not as effective, or as well trained as those of the warlords were[26]. Furthermore, criminal networks are widespread in the region, as they capitalize on corruption, and lawlessness – hallmarks of weak governance, to undertake their criminal activities. For instance, the Gulf of Aden, and the surrounding waters remain areprone to piracy, through in the Gulf of Guinea has had more cases of piracy in the last five years (2015 – 2020). These criminal syndicates comprising of not only locals, but also featuring

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[56]A. Ousman, "The Potential of Islamist Terrorism in Sub-Saharan Africa", *International Journal of Politics, Culture, and Society* 18 (2004): 65 - 105.

linkages with other gangs throughout the continent and beyond, are heavily armed and operate within areasagreed and pre-determined regions of influence, where they loot, ransack, as well as hijack, and take hostages[35].

One of the key enablers of terrorism in the region is the presence of a robust informal economy, which often is stronger than the formal economy, and is neither scrutinized nor controlled by the state[57]. The informal sector, which is in certain case institutionalised by corrupt government officials, offers the terror networks an opportunity to launder money, transport funds, and execute the financial transactions that they need to operate. That could be credited with the evident growth in the financial might of the extremist cells – particularly the Al-Shabaab, as they are able to transact without the fear of being interdicted through cash trails. Another factor that has contributed to the spread of terrorism across East Africa, are the porous borders between most countries, as a result of governments' inability of effectively police the outer reaches of their territories. For instance, the extensive Kenya – Somalia border, has been a porous one for a while, featuring an arid climate, with sparsely distributed populations of mainly ethnic Somalis. That has resulted in multiple smuggling points especially at the border points that are less patrolled[58].

The ability to capitalise on a robust informal sector to advance their agenda and develop their financial capacity, Islamic militants in East Africa have benefited from the access to illegal firearms. Despite there being a UN arms embargo, as per the United Nations Monitoring Group on Somalia, the flow of arms into Somalia has been due to the increased number arms trading tworksin the neighbouring states, and. For instance in the late 2000s, Egypt,Djibouti, Libya, Iran,

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[57]I. William Zartman, *Collapsed States: The Disintegration and Restoration Of Legitimate Authority* Boulder, Colorado: Lynne Rienner, 2007.
[58]Human Rights Watch, "Playing With Fire: Weapons Proliferation, Political Violence, and Human Rights in Kenya" New York: Human Rights Watch, 2002.

Eritrea, Saudi Arabia, and the Lebanese Hezbollah, all supported by providingtraining,arms, and logistical support to the Islamic Courts Union (ICU), Ethiopia and Uganda on the other hand provided military aid to the Transitional Federal Government (TFG)[45]. Arms trading networks in Yemen sent large shipments of arms to all sections of the Somalia conflict as well as the Puntland conflict. Crucially, large quantities of many different types of arms continue to pass through the Bakaaraha Arms Supermarket. The large scale trafficking of weapons is not limited to Somalia, where for instance arms suppliers are currently meeting the needs of different rebel armies with South Sudan. In a report detailed by the institute for security studies, as at 2017, there were 740,000 illegal firearms in Kenya, which is the highest number in the entire region[59]. These firearms have been obtained from different sources including the Oromo Liberation Front (OLF) in Ethiopia, Al-Shabaab, as well as rebel groups in South Sudan[60].

2.3.3. Domestic Terrorism in Kenya

The radicalisation, and recruitment of youth emerged as a growing concern since November 2011. It was followed by the launching of operation Linda Nchi, in which the Kenyan Defence Forces were deployedin Somalia to flush out the Al-Shabaab terror cell in Somalia which later rehatted to AMISOM[61]. That decision by the Kenyan government was fuelled by the sporadic attacks on tourist establishment at the Kenyan coast, in which the Al-Shabaab terrorists would kidnap tourists, hold them captive in Somalia, and demand ransoms. Just like the extensive piracy off the Somalia coast, the ransoms obtained from the kidnappings, would be used to sustain the criminal activities of the terror cells, and non-payment would compromise the safety

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[59]Duncan E. Omondi and GuyoChepeTuri, "Cross-Border Arms Trafficking Inflames Northern Kenya's Conflict - ISS Africa", ISS Africa, Last modified 2019, https://issafrica.org/iss-today/cross-border-arms-trafficking-inflames-northern-kenyas-conflict.
[60]Ibid.
[61]Jeremy Lind, Patrick Mutahi and MarjokeOosterom, "Tangled Ties: Al-Shabaab and Political Volatility in Kenya", Evidence Report No 130: Addressing And Mitigating Violence Institute of Development Studies, 2015.

of captives. Furthermore, the Al-Shabaabcited the decision to launch operation Linda Nchi. This has seen 150 terror attacks in the country executed using different kinds of weapons like improvised explosive devices and guns in different parts of Kenya, resulting in over 300 deaths, and serious injuries to many more[62]. The targets for the attacks have included shopping malls, mosques, churches, schools, and public transport.

Crucially, the attacks were executed by Al-Shabaab operativesin the country. Majority of them are the young Kenyan males who are recruited by smuggled to Somalia where they undergo training and radicalisation and send back to Kenya to conduct attacks[63]. Though the Kenyan security apparatus have made effort to address terrorism, The process of recruiting and radicalising young men by the Al-Shabaab, with the recruiters extending their search for recruits to universities[64]. Different studies have been undertaken in a bid to understand the different factors that have contributed to the rise in radicalisation among the Kenyan youths, resulting in a significant security threat from domestic terrorism. The looting of the Youth Fund in 2010, which had been set up by the government to establish projects around the country that would address the issue of youth unemployment, resulted in a feeling of disenfranchisement among youths[65]. As a result, the hopeless youths who resented the looting, saw no harm if they joined the terror group terror cell, owing to the promise of wealth, and a better life. Key aspects associated with poverty includedgeographical location and ethnic inequality, as well as a lack of

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[62]GOV.UK, "Terrorism - Kenya Travel Advice", GOV.UK, Last modified 2021, https://www.gov.uk/foreign-travel-advice/kenya/terrorism.
[63]Anneli Botha, "Radicalisation in Kenya: Recruitment to Al-Shabaab and the Mombasa Republican Council", Issue Paper 265 Institute for Security Studies, 2014.
[64]Ibid.
[65]Alice Mary WamuyuKariuki, "Challenges Of Combating Homegrown Terrorism In Kenya: A Youth Radicalization Perspective", Walden Dissertations And Doctoral Studies Walden University, 2019.

basic services, fuelled a feeling of marginalisation, which Al-Shabaab capitalised on to radicalise the youths[66].

Rising number of unemployed was seen to contribute to the vulnerability of Kenyan youth to recruitment and[67]. According to the then United Nations Secretary General – Ban Ki-Moon, young people are increasingly living in fear of not being meaningfully employed, as they doubt that their education equips them fully for a profession in the current job market. Furthermore, the UN report indicated that youths were especially concerned about the last in, and first out policy in most firms, effectively rendering them unemployed. That said, despite a majority of those recruited into the domestic terror cells being unemployed, there is the case of those who are relatively well off, in stable jobs, who still are radicalised. A case in point would be one of the perpetrators of the attack on GarissaUniversity,He had law degree, was banker, and came from an influential family[68]. The narrative of marginalization has also been raised extensively as an enabler of radicalization. Indeed, certain scholarsare of the opinion that Al-Shabaab capitalised on perceived long-held grievances held by some communities especially in the North Eastern andCoastalregions[69]. Al-Shabaab have been very busy trying to recruit young Kenyans from those communities, and as a result, there have been calls for the Kenyan government to consider alienation, and historical injustices, as reasons behind the perceptions of marginalisation, credited with providing fertile grounds for radicalisation.

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[66]International Peace Support Training Centre, "Issue No 6 Fourth Quarter", Issue Briefs 2015 Series Nairobi, Kenya: International Peace Support Training Centre, 2015.
[67]William R. Patterson, "Islamic Radicalization in Kenya", *Joint Force Quarterly* 78 (2015): 16 - 23.
[68]Office of the Director of National Intelligence, "Historic Timeline | National Counterterrorism Center", Dni.Gov, Last modified 2015, https://www.dni.gov/nctc/timeline.html.
[69]A. Atta-Asamoah, "Responses to Insecurity in Kenya: Too Much, Too Little, Too Late?" Institute for Security Studies, 2015.

That said there have been exceptions such as the most recent high-profile terror attach of January 16 2019DusitD2 Hotel in Nairobi, where 26 people died. The attack did not fit into the profile of the marginalised due to the fact that the mastermind of the attack came from the Central Province, which is not considered a marginalized area[70]. He was reported missing in 2015 after secondary school education and in the period before the attack, he had been living with his wife in a leafy suburb in Nairobi[71]. Additionally, Kenya's expansiveporous border which is not adequately and the sparse nature of populationcoupled with unstable neighbouring countries, have been credited with the emergence of home-grown radicalisation, and terrorism[72]. Also, the high influx of refugees have made it possible for Islamic radicalism to spill over into the country as the Al-Shabaab are able to cross the border. Further, Al-Shabaab have maintained underground support network from sympathetic populations especially in North Eastern, the Coastal region and in Eastleigh where there are registered and unregistered refugees. The refugees have actually christened Eastleigh as Little Mogadishu, and some of them were found to have been accomplices to the five Al-Shabaabterror attacks in in 2012.

Another key contributor to domestic terrorism in Kenya has been the radicalisations, and recruitment of youths into Muslim extremism. As per the International Crisis Group Briefing, a study undertaken on Imams, and key leaders in Northern Eastern Kenya, Islamic extremism that is practiced in Mosques, and Madrassas, results in religious and social conservatism, as well as

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[70]Matt Bryden and PremdeepBahra, "East Africa's Terrorist Triple Helix: The Dusit Hotel Attack and the Historical Evolution of the Jihadi Threat – Combating Terrorism Center at West Point", Combating Terrorism Center at West Point, Last modified 2019, https://ctc.usma.edu/east-africas-terrorist-triple-helix-dusit-hotel-attack-historical-evolution-jihadi-threat/.

[71]Alice Mary WamuyuKariuki, "Challenges Of Combating Homegrown Terrorism In Kenya: A Youth Radicalization Perspective", Walden Dissertations And Doctoral Studies Walden University, 2019.

[72]William R. Patterson, "Islamic Radicalization in Kenya", *Joint Force Quarterly* 78 (2015): 16 - 23.

religious intolerance, which is are precursors for home-grown terrorism[73]. Some of the more high-profile Muslim clerics who have been accused of involvement with Al-Shabaab terror cell include Sheikh AboudRogo, AbubakarShariff Ahmed - Makaburi, and Sheikh ImanAhmed Ali – a founder of the Muslim Young Centre, atPumwani, Nairobi[74]. Crucially, despite the presence of extremist elements within Kenya, there is an observation that Al-Shabaab is focusedon a radical understanding of Islam, its original versionand developments, extended past Kenya's influence[75]. That perspective holds since Al-Shabaab is affiliated to Al-Qaeda, who are renowned for using religion as a tool for accomplishing its goals. Even so, Madrassas have been employed in radicalising youths, with mosques serving as the centres for distributing extremist materials, as well as recruitment hubs for youths in Lamu, and Kiunga, where they would be radicalised, and their key documents including birth certificates, and identity cards confiscated and destroyed.

2.3.4. Cybersecurity

2.3.4.1. Cybersecurity from a Global Perspective

The global growth in information and communication technologies (ICT), has resulted in a significant transformation in the way individuals, businesses, as well as governments produce, and receive information. That said, the rapid development of cyberspace has introduced vulnerabilities in the cyber domain, which are growing in a fast pace as the international economy, society, and regimes increase their reliance on ICT tools to interconnect and perform key functions on a daily basis. Furthermore, attackers of cyber space are continually developing sophisticated new methods and tools that are directed at damaging crucial infrastructure, access

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[73]Alice Mary WamuyuKariuki, "Challenges Of Combating Homegrown Terrorism In Kenya: A Youth Radicalization Perspective", Walden Dissertations And Doctoral Studies Walden University, 2019.
[74]Nation, "AboudRogo's Last Moments | Kenya", Nation. Africa, Last modified 2012, https://nation.africa/kenya/news/aboud-rogo-s-last-moments-826694?view=htmlamp.
[75]International Crisis Group, "Kenyan Somali Islamist Radicalisation", Crisis Group, Last modified 2012, https://www.crisisgroup.org/africa/horn-africa/kenya/kenyan-somali-islamist-radicalisation.

critical information and steal scholarly properties from individuals, organisations and governments. With growing adoption of ICT in everyday lives, there is an expectation that the cyber threats will keep evolving, and multiplying, thereby becoming more dangerous. The conceptualisation of cybersecurity by the International Telecommunication Union is a pool of policies, tools and security models, best practices, approaches to risk-management, as well as and technologies assurance, which could be employed in safeguarding the cyber environment[76]. Furthermore, there is a view that cybersecurity should involve managing future risk, as well as countering to present, and historical incidents and attacks. As such, the management of future risks requires obtaining insights on present and future susceptibilities, as well as how to avoid and decrease the likelihoods of threatand costs relatedto the likely outcomes, and their mitigation[77].

Vitally, the comprehension of cybersecurity would be incomplete without a complete understanding of cyberspace, which consists of all global computer networks, as well as anything controlled through cables, connections and fibre-optics, as well as technologiesrelying on wireless connections[78]. Furthermore, cyberspace consists of resources that are grouped into six distinct components, which together make up the cyberspace infrastructure, and environment. They include hardware (such as computers, scanners, servers, and printers), software, and stored datawhether undergoing modification or in transition, people, documentation, as well as supplies. Another crucial component to reflect is the infrastructural systems in thecyberspacewhichconsist of hardware (for receivingsourcing, and transmitting, information), software protocols, human-

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[76]International Telecommunication Union, "Series X: Data Networks, Open System Communications and Security: Overview of Cybersecurity", Recommendation ITU-T X.1205 Telecommunication Standardization Sector of International Telecommunication Union, 2008.

[77]Hans Brechbühl et al., "Protecting Critical Information Infrastructure: Developing Cybersecurity Policy", *Information Technology for Development* 16, no. 1 (2010): 83-91, doi:10.1002/itdj.20096.

[78]Fred Schreier, Barbara Weekes and Theodor. H Winkler, "Cyber Security: The Road Ahead", DCAF Horizon 2015 Working Paper, 2015.

ware (those using the information) and the information (in a rest state at a node, or moving within linked media)[79]. Owing to the robustness and interconnected nature of cyberspace, there has been an increased reliance on it being doneon computers operating national infrastructure including telcomms, financeand banking, transport, electric power and water, gas and oil storage systems, government services, as well as emergency services[80]. Owing to the extensive interconnectedness and evident importance of cyber security, there has been a growing number of maleficent actors keen to exploit vulnerabilities in the system for their personal gains.

The insecurity of cyberspace is attributed to the vulnerable nature of cyber systems comprising of weaknesses and flaws inboth the software and hardware, as well as howindividuals, groups andstateswho have access conduct themselves. Such insecurity are categorized aseither espionage, cyber warfare, crime, attacks to the cyber infrastructures, as well as the misuse of cyberspace. Vitally, almost all forms of insecurity in cyber domain feature a transactional element that affects the users of cyber systems globally[81]. The different forms of cyber insecurity can affect any member of society from individuals, up to the level of nation-states, and often come with serious repercussionswhich include the loss of crucial and often delicate information, the loss of income, privacy violation, exposure to cyber-attacks and cyber fraud, as well as denial of access to legitimate online services[82]. There is a valid argument on the conception of threats in the cyberspace, as having originated from the fear of an increased level of vulnerability as well

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[79]Joseph MiggaKizza, *Computer Network Security and Cyber Ethics*, 4th ed. Jefferson, North Carolina: McFarland & Company, Inc., Publishers, 2014.
[80]Ibid.
[81]Committee on Deterring Cyberattacks: Informing Strategies and Developing Options for U.S. Policy, *Proceedings Of A Workshop On Deterring Cyberattacks: Informing Strategies and Developing Options for U.S. Policy* Washington, D.C: National Research Council of the National Academies, 2010.
[82]Paula Kigen et al., "Rethinking Cyber Security – "An Integrated Approach: Processes, Intelligence and Monitoring.", Kenya Cyber Security Report 2014 Nairobi, Kenya: Serianu Ltd, 2013.

as the loss of control, owing to the transition from and industrial, to an information age[83]. That argument holds since the emergence of cybercrime coincided with the growing number of personal andprivatecomputers, software programs globally, in the late 20th century.

At the time, curious young people took advantage of the access to computer systems, and rapidly became professionals in programming, where they shortlygraspedhow easily the computers could be manipulated for personal gain, by using malicious malwares. Moreover, emerging types of computer threatlike use of illegal computer systems, electronic data manipulation and fraud associated with the use of computer systems[84]. Crucially, computer networks allowed maleficent actors to undertake a new type of crime since the networks made it possible for to penetration ofoffenders into computer networks when not necessarily beingin the location of crime. As a consequence, discovery of a surge in computer viruses and the likelihood of distribution of malicious malwares through discreetcomputer networks[85]. A group of young people referred to as the 'gifted kids' with computer skills emerged and are credited with the rise of the first generation of cyber criminals and hackers. In addition, these 'gifted kids' are also believed to have birthed the subsequentera of cybercrimes that commenced from 1990through to the early 2000[86]. With the increase in internet usage growing exponentially, there was a flare-up of malware in terms of number and capacity of the attacks. The period also saw a significant growth in the number of interconnected computer networks, which became a good conduit for cyber criminals to launch devastating and widespread computer virus attacks.

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[83]Johan Eriksson and GiampieroGiacomello, "The Information Revolution, Security, and International Relations: (IR) Relevant Theory?" *International Political Science Review* 27, no. 3 (2006): 221-244, doi: 10.1177/0192512106064462.
[84]International Telecommunication Union, "Understanding Cybercrime: A Guide For Developing Counties" Geneva, Switzerland: ITU-D ICT Applications and Cybersecurity Division, 2009.
[85]Ibid.
[86]Kenneth Geers, *Strategic Cyber Security* Tallinn, Estonia: NATO Cooperative Cyber Defence Centre of Excellence, 2011.

The third generation of cybercrimes commenced at the beginning of the 21st century, fuelled by great interconnectedness of computer networks around the globe, and the growing number of maleficent actors with the right skills to cripple systems for financial gain. As such, the 2000s were characterised by new and highly sophisticated methods of committing cybercrimes[87]. The fourth generation of cybercrimes commenced in 2011 to date, and is primarily motivated by a significant shift in comms technologies and the information infrastructure design. The result is the fast growth of social networks that have resulted in a more threatening computer environment. The shift in the nature of ICTs, as well as the changing background of the demographics of users of computer systems has resulted in a dynamic variety of security threats[88]. Vitally, the fourth era of cyber-warfarewas characterised by the advent of cyber-criminal cartels, as well as the growth in state-sponsored cyber-attacks.

A perfect example of a fourth generation cyber-attack, isWannaCryransomware attack that first emerged in May 2017, and was highly effective since it spread across devices by exploiting the Windows Server Message Block (SMB) protocol that enables Windows machines to communicate with one another across networks[89]. Once infected, the malware could encrypt files, and disrupt communications, which could only be stopped with the payment of the required ransom. The most concerning aspect of the attack was it would infect personal computers, and spread between machines by itself, without requiring user intervention or any form of social engineering[90]. As a result, it was able to decimate networks globally, thus affecting entire

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[87]International Telecommunication Union, "Understanding Cybercrime: A Guide For Developing Counties" Geneva, Switzerland: ITU-D ICT Applications and Cybersecurity Division, 2009.

[88]Joseph MiggaKizza, *Computer Network Security and Cyber Ethics*, 4th ed. Jefferson, North Carolina: McFarland & Company, Inc., Publishers, 2014.

[89]Jennifer Gregory, "What Has Changed Since The 2017 WannacryRansomware Attack?" Security Intelligence, Last modified 2021, https://securityintelligence.com/articles/what-has-changed-since-wannacry-ransomware-attack/.

[90]Fortinet, "What Is Wannacry? WannacryRansomware Attack Case Study | Fortinet", Fortinet, Last modified 2021, https://www.fortinet.com/resources/cyberglossary/wannacry-ransomeware-attack.

healthcare systems in the United Kingdom, banks, as well as national telecommunication companies. Evidently, the development of cyber-attacks over the years has been gradual, primarily fuelled by the growth in number of people using ICT tools, and a growing number of people with the right skills to manipulate ICT networks to their advantage. This gradual development is highlighted in Figure 2 below that details the growing sophistication of cyber-attacks.

Compounding Cyber Attack Progression
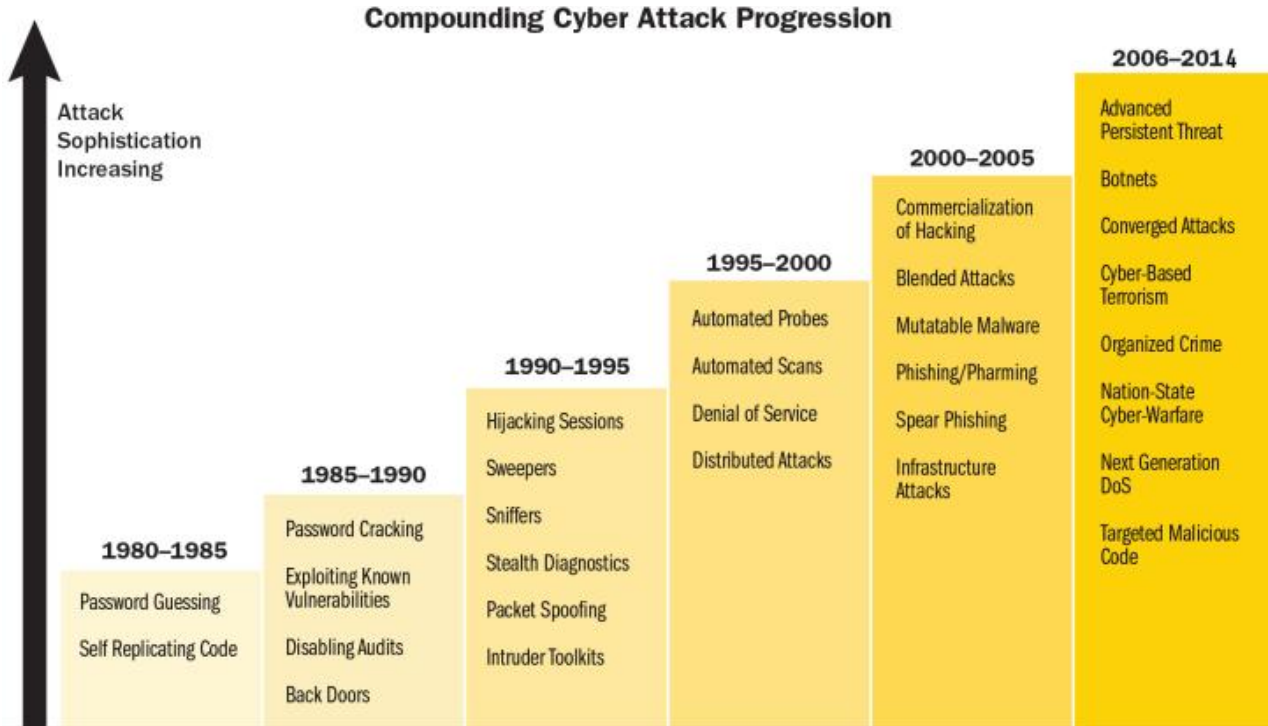
Figure 2: A Snapshot of the Growing Sophistication of Cyber-attacks from 1980 - 2014[91]

2.3.4.2. Cybersecurity in Kenya

In Kenya, the adoption of ICT into everyday life is widespread something that the government is proud of and is actively encouraging its continued growth through initiatives such as Kenya's Vision 2030, the ICT Master Plan, as well as the deployment of nationwide fibre-optic network infrastructure. Such efforts promise to offer a significant increase in inter-connectivity among

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[91]Ministry of Information Communications and Technology, "National Cybersecurity Strategy" Nairobi, Kenya: Government of Kenya Ministry of Information Communications and Technology, 2014.

businesses and individual throughout the country. Both the public and private sector in Kenya are leveraging the increased bandwidth, and ICT capabilities to enhance their service delivery, conduct business transactions, and share information across organisational, social and geographic boundaries. However, as Kenya matures into an information society, the country is confronted with a constantly evolving cyber threat landscape whereby nation states, criminal organisations, as well as hacktivists, will continue exploiting vulnerabilities in Kenya's ICT ecosystem. That reality aligns with the challenges faced by any other nation in the world with a robust ICT infrastructure. Indeed, the number of cyberattacks has been increasing over the past decade.

For instance, owing to the increased utilisation of ICT tools for remote working arrangements following the Covid-19 pandemic, 56 million cyber-threats were detected by the Communications Authority of Kenya in the last three months of 2020[92]. That was a 50 percent increase over the same period in 2019, where 37.1 million cases were detected. That trend was witnessed throughout 2021, whereby cyber-attacks in the banking and financial sector increased by 59 percent in the second quarter of 2021, compared to the first quarter[93]. According to David Emm, a senior researcher at Kaspersky, Africa, and indeed Kenya, has suffered almost as many cyber-attacks, as other regions across the globe[94]. While the majority of attacks thus far have been random and speculative, targeted at both individuals, and businesses, there is a now an evident shift towards more advanced, strategic, and persistent attacks[95]. That is a worrying trend, which calls for concerted efforts to confront the vice, especially since Kenya is increasing adopting ICT tools throughout the society, and across industries.

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[92]Kevin Rotich, "Cyber-Attacks in Kenya up by Half to Hit 56M in Three Months", Business Daily, Last modified 2021, https://www.businessdailyafrica.com/bd/corporate/companies/cyber-attacks-in-kenya-56m-in-three-months-3285438.

[93]Jackson Okoth, "Cyber Attacks In Kenya Rise 59% In Q2, 2021-Kaspersky", Kenyan Wallstreet, Last modified 2021, https://kenyanwallstreet.com/cyber-attacks-edge-up-59-in-q2-2021-kaspersky/.

[94]Ibid.

[95]Ibid.

It is crucial to point out that Kenya currently has a somewhat soft underbelly for combating cyber-attacks, owing to the relatively immature cyber-security standing, in as far as the growth of more sophisticated cyber-attack tools, is concerned. That said the Kenyan government has committed to enhancing the country's cyber-security standing through the provision of strategic cyber-security direction. That is followed by implementation actions aimed at securing the country's crucial cyber infrastructure against current and emerging threats[96]. The Kenyan government pinpointed a number of challenges that emanated directly from emergent risk regions within Kenya, regionally as well as globally. By dealing with these risks and comprehending the effect of Kenya's cyber-security efforts, growth in technology, as well as economic development, will be significantly enhanced by the implementation of concrete cyber-security measures[97]. In line with the acknowledgement of the importance of implementing a concrete cyber-security strategy, the Kenyan government in 2014, came up with a National Cyber Security Strategy. Together with the Kenya National Cyber Security Master Plan (2012), the Kenyan government is intent on addressing the cyber-threats that the Kenyan ICT infrastructure could face in the future[98].

There are four strategic goals anchored on the cyber-security strategy.First is the enhancement of the country's cyber-security standing having an overarching objective of defending the nation'sICT infrastructure[99].That is in line with the government's acknowledgement that maleficent actors have the capacity to exploit the country's ICT vulnerabilities to execute crimes against the government, as well as against the members of public to rely heavily on ICT

[96]Ministry of Information Communications and Technology, "National Cybersecurity Strategy" Nairobi, Kenya: Government of Kenya Ministry of Information Communications and Technology, 2014.
[97]Ibid.
[98]Ibid.
[99]Brian NjamaKiboi, "Cyber-Security as an Emerging Threat to Kenya's National Security", Dissertation for Master of Security Studies University of Pretoria, 2015.

infrastructure to transact, and obtain critical services from the government. The second strategic goal of the cyber-security strategy is to develop the country's cybersecurity capability in two broad ways[100]. The first involves increasing awareness and training among the Kenyan public on the need to safeguard the state's cyberspace. Furthermore, the government is keen on collaborating with the private sector, as well as academia, to ensure those tasked with cybersecurity responsibilities, possess the appropriate qualifications, and competencies[101].Through its collaboration with the field of academia, the governmentshould commit to the development of curriculumsrelatedto cyber-security for higher learning programmes and specialised teaching programs, as a way of developing competency for cyber-security professionals.

The second approach that the government seeks to employ in developing Kenya's cyber-security capability, is through targeted communication, and outreach as a way of elevating cyber-threatalertness for the governments, private sectors and the general population. By employing a targeted communication, and outreach strategy, the government aims to promote a comprehension of cyber-security threats[102]. That is in addition to investingin the Kenyan population to embrace safe, and protected online practices, and sharing the relevant policies and tactics the Kenyan population should adopt to ensure that they are safe when online. The third strategic goal involves fostering a framework for sharing information, and collaborating towards the development of a comprehensive governance strategy to leverage existing resources towards the accomplishment of Kenya's long-term cyber-security goals[103]. Through the governance framework, the Kenyan government seeks to enact relevant rules, policies and regulations to

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[100]Ibid.
[101]Ibid.
[102]Ibid.
[103]Ibid.

protect the country's cybers domain. That is in addition to soliciting input from relevant stakeholders towards striking a balance between the security of information, considerations for privacy, and economic priorities[104]. The fourth strategic goal, and which proves relevant in the push for a multi-agency security cooperation, is the provision of national leadership in the development, coordination, and implementation of the National Cyber Security Strategy.

2.4.   The scope of military roles in internal security

There is a growing consensus among security experts around the globe, particularly in the past twentyyears that the borders that traditionally existed amidinternal and external threats, became increasingly getting blurry. That is largely due to the transformation witnessed among criminal agents, as well as illegal activities that are progressively becoming more coordinated, big in scope and international in nature. With the illegal organisations able to transcend national boundaries, then security challenges are neither purely externalnor internal, and could be combined, hence obscuring the lines of whether it is defenceor public safety spheres[105]. For instance, drugs, human trafficking, arms smuggling, and contraband, are activities that have traditionally been the purview of internal security forces, but have increasingly been on the agenda for the bi-annual DefenseMinisterial over the past decade. However, claiming that the line dividinginternal and external security is blurrydiffer from maintaining that actual police effortand defence force roles should come together. A number of researchers urges that the Defence Forces and civil police roles have merged; as the civil police developedto be more militarised, and defence forces have adopted more police strategies when performing their tasks. Indeed, as held byR. Price and P. Andreas, and, "As the difference between law enforcement and

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[104]Ibid.
[105]David Pion-Berlin, "The Military and Internal Security Operations in Latin America", *RevistaPolítica Y Estrategia*, no. 130 (2017): 101-123, doi:10.26797/rpye.v0i130.

defence forces missions narrow; defence forces tasks became increasingly internal and civilian friendly, while police tasks became moreinternational and military-like force"[106].

According to Barcham-Greener,the blurring of internal, and external security spheres is not necessarily an indicationof the need to automatically conflate the roles of the police and those of the military[107]. In developing his narrative for the suitable approach for retaining the division roles between the law enforcement and Defence Forces, Greener-Barcham studied the New Zealand'ssecurity structure. Some of the study's findings indicated that a division of labour between the military and police actually improve the security situation in the country. As such, it is possible for the military to be involved in domestic security operations but remaining restricted to the role that can be undertaken comfortably within their abilityand in an unconventional manner on account of involvement in internal security undertakings[108]. That therefore requires extra care not get into undesirable situation that can lead to the conventionallaw enforcement roles that they are not suited, often find distasteful, and thus would rather avoid. With that in mind, it is essential to consider the factors that warrant the inclusion of the military in internal security in Kenya. These factors are primarily based on the evolving nature of the security threat landscape in Kenya.

2.4.1. Addressing Domestic Terrorism

One of the main factors that institutes the need for the involvement of the Kenya Defence Forces (KDF) in internal security is the case of domestic terrorism fuelled by external actors, especially al-Shabaab. In October 2011, the Kenyan government launched operation Linda Nchi, in

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[106]Peter Andreas and Richard Price, "From War Fighting to Crime Fighting: Transforming the American National Security State", *International Studies Review* 3, no. 3 (2003): 31-52, doi:10.1111/1521-9488.00243.
[107]B.K. Greener-Barcham, "Crossing the Green or Blue Line? Exploring The Military–Police Divide", *Small Wars & Insurgencies* 18, no. 1 (2007): 90-112, doi:10.1080/09592310601173246.
[108]Ibid.

response to the increasing number of attacks launched by Somali Islamist groups in Kenya. A number of factors informed the operation, but the immediate one was the kidnapping of foreign nationals at the Kenyan coast by al-Shabaab, for ransom[109]. Fearful of the possible escalation of such attacks, and the effect they would have on the Kenyan tourism sector, the government branded the al-Shabaab terror group as an enemy, and vowed to attack its operations wherever it was. As per Kenya's Ministry of Defense, the deployment of Kenyan troops into Somalia was aimed at creating a buffer zone on the Somali side of the Kenya-Somalia border, which would reduce the effectiveness of al-Shabaab, and reinstate the authority of the Transitional Federal Government towards the realisation of lasting peace in Somalia.

Following their deployment, Kenyan troops liberated over fifteen towns in Somalia including the port city of Kismayo, before getting integrated into the African Union Mission in Somalia (AMISOM) in 2012. That effectively meant the command of the war against al-Shabaab in Somalia would be spearheaded by the African Union[110]. As a result, the number of Kenyan troops in Somalia has reduced gradually over the past, particularly since the formation of a stable administration in Somalia, which was part of the exit strategy, is yet to be accomplished – a decade since the first Kenyan troops set foot into Somalia. On the other hand, counter-insurgency from al-Shabaab has remained a significant concern for Kenya, as the terror group has infiltrated the Kenyan social fabric, to entrench domestic terrorism. To that end, the war against terror has shifted from dealing with external actors launching attacks from Somalia, to domestic extremists, most of whom have been indoctrinated by al-Shabaab to execute attacks in Kenya.

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[109]International Crisis Group, "The Kenyan Military Intervention in Somalia", Africa Report Number 84 International Crisis Group, 2012.
[110]A. Atta-Asamoah, "Responses to Insecurity in Kenya: Too Much, Too Little, Too Late?" Institute for Security Studies, 2015.

As a consequence, the main war on terror is now domestic, which is highlighted by the fact that a majority of terror attacks on the home soil have been executed by locals, including the attack on Garissa University. Furthermore, the terror group has been a headache for domestic security forces particularly due to their ability to infiltrate into society and pass off as normal Kenyans, until they launch devastating attacks[111]. Consequently, for the KDF, its experience and insights into waging the war on terror would be invaluable in addressing domestic terrorism. Indeed, that has been reflected in the deployment of Kenyan troops in rooting out al-Shabaab insurgents from Boni forest, from where they have been launching attacks into the neighbouring counties including Lamu, Tana-River, and Garissa. Al-Shabaab are unlike any threats that the Kenyan police force is trained to combat, which institutes the need to involve the KDF in combating a threat that is akin to that which they are trained to address.

2.4.2. Cyber-Security Threats

For Kenya, much like the rest of the world, the cyber-attacks pose on of the immediate threats to internal security. The main challenge of cyber-attacks is that, a solitary maleficent actor with the right skills, can decimate entire systems, posing a significant risk to people's lives and wellbeing, considering that currently, even hospitals are heavily reliant on ICT for their operations[112]. Furthermore, rogue states, and terror organisations, are increasingly advancing into the digital space to execute their attacks, as it means maximum impact, with minimal cost implications, as they only need a person with the right skills. For instance, some of the main cyber-attacks that have shaken the world over the past five years including WannaCry have brought entire economies to a standstill, while the perpetrators remain largely unknown. One of the theories

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[111]Ibid.
[112]Josh Fruhlinger, "What Is WannacryRansomware, How Does It Infect, and Who Was Responsible?" CSO Online, Last modified 2018, https://www.csoonline.com/article/3227906/what-is-wannacry-ransomware-how-does-it-infect-and-who-was-responsible.html.

developed following the attack was that it was orchestrated by rogue states particularly North Korea. Another example of how far-reaching the effects of cyber-attacks can be is the attack on the Bangladesh Central bank, in which North Korean hackers planned and executed a $1 billion raid, and almost succeeded, but eventually made away with $81 million[113].

The hackers navigated the global banking system, exploiting loopholes in the administrative structure, to orchestrate a well-planned attack in which they concealed fraudulent orders to the SWIFT payment systems to steal $951 million – almost the entire amount in the Bangladeshi's central bank account[114]. Though the perpetrators did not manage to steal the entire sum of almost $1 billion, they managed to make away with $81 million, which they transferred to a Philippines bank account. The case highlights how dangerous such attacks can be, considering that has the attack been successful, it would have crippled the entire Bangladeshi economy in less than three days. Some of the other attacks and intrusions have involved entertainment companies, financial services organisations, defence institutions, academia, electric utilities, technology infrastructure, as well as virtual currency companies[115]. As such, cyber-attacks have now transitioned from seemingly mild attacks aimed at retrieving information about an individual or organisation, to well-orchestrated criminal activities that have the capacity to decimate entire societies.

Crucially, cyber-attacks fall outside the purview of conventional policing, which then institutes the development of a robust cyber-security infrastructure manned by a multi-agency task force. Indeed, in the United States, over the past year from December 2020, some of the key attacks included the breach of the SolarWinds IT management software that exposed thousands of

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[113]Neha Banka, "Explained: The Story of How North Korea Hackers Stole $81 Million From Bangladesh Bank", The Indian Express, Last modified 2021, https://indianexpress.com/article/explained/bangladesh-bank-robbery-north-korea-lazarus-heist-7375441/#:~:text=The%20cyber%20heist%20that%20came,of%20the%20world's%20biggest%20cyberheists.
[114]Ibid.
[115]Ibid.

clients' networks[116]. That is in addition the ransomware attack on Colonial Pipeline in June 2021, which sent the prices the gas soaring. As such, global cyber-attacks is a matter of growing concern, and in the U.S, the Congress has been actively involved in expanding the mandate of the U.S. Department of Defence (DoD), in forward defence against potential cyber combatants. Also referred to as defending forward, the role of the military in cyber-security includes infiltrating enemy IT systems, observing their activities, and intervening whenever there is a threat to the U.S military, the country's critical infrastructure, or democracy. An illustration of the military involvement in that role is when the Cyber Command undertook a defensive attack on a Russian troll farm, which was spreading false information in the lead-up to the 2016 general election, taking it offline for a number of days during the election.

Consequently, much like the U.SDOD has taken the war against terror and the defence of the country to the cyber space, the KDF needs to play a significant role in Kenya's cyber-security strategy. At present, the Kenyan government lacks a single definition of cyber-terrorism, or cyber-crime, and neither does it have an agency solely focused on addressing cyber-attacks[117]. Considering that the KDF is currently not involved in any active external war, it could be well utilised in defending Kenya against cyber-attacks. Thereby, the DOD could assume the primary responsibility of combating cyber-attacks, and cyber-terrorism. In that role, the KDF could focus on defending, deterring, disrupting, and defeating adversaries, who could undertake cyber-attacks against Kenya. That said it is important to point out that cyber-security, as a discipline requires a concerted effort by both the public and private sectors. Hence, a nation that relies solely on the military for its cyber-security initiatives effectively reduces the incentives for

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[116]Stennis Centre for Public Service, "The Civil-Military Divide: The Role of the Military in Domestic Cybersecurity - StennisCenter for Public Service", StennisCenter for Public Service, Last modified 2021, https://stennis.gov/the-civil-military-divide-the-role-of-the-military-in-domestic-cybersecurity/.
[117]Samuel P. Mowery, "Defining Cyber and Focusing the Military's Role in Cyberspace", Strategic Research Project United States Army War College, 2013.

private sector, and especially multi-national corporations (MNCs), who often possess vast resources, from being actively involved in the provision of cyber-wellness[118]. Furthermore, very few private sector organisations would be willing to allow a hand-on military involvement in their operations, as the former would most likely have adequate resources to defend their infrastructure. As such, a collaborative approach with other government agencies, and the private sector, would be one of the best ways in which the KDF could be involved in cyber-security[119].

To that end, the four main initiatives that KDF could be involved in as part of a fully-fledged cyber-security strategy, includes the provision of governance in cyber-security, as well as developing standard operating practices. In conjunction with the other stakeholders in cyberspace, the KDF can be involved in developing policies that are to be used in governing cyber-security through a standardisation of operating procedures in cyberspace, as a way of offering better protection to classified networks[120]. By sharing information on best practices pertaining to cyber-security, the teams could develop operational norms that will be pivotal in dealing with cyber-threats, particularly those threatening Kenya's security. In addition, the KDF could spearhead research in cyber-threats, as a way of developing the technical competencies for pre-empting possible threats, and developing appropriate solutions for combating them. This could involve mapping the country's entire cyberspace, establishing a healthy baseline for cyber well-being, as well as ascertaining the threshold which when crossed, could signal the onset of a cyber-attack. Such an approach could echo the sentiments held by Wei Seng that, "Against the fast-paced threat present in the cyber landscape, it is important that cyber experts beup-to-date of

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[118]Ian Wallace, "The Military Role in National Cybersecurity Governance", Brookings, Last modified 2013, https://www.brookings.edu/opinions/the-military-role-in-national-cybersecurity-governance/.
[119]Ibid.
[120]Alan Ho Wei Seng, "Cyber Attacks And The Roles The Military Can Play To Support The National Cyber Security Efforts", *Journal Of The Singapore Armed Forces* 42, no. 3 (2016): 27 - 37.

the adversary and staytogether, through constant learning and conducting consistent currency checks to shape an open, vibrant, and stable cyberspace that the public can use safely"[121].

The other initiative through which the KDF could be involved in cyber-security is in enacting cyber-security measures and implementing them. Within the KDF as with other militaries of the world, war gaming entails the basic principles towards the development of fledgling operational concepts, and processes, as they can be clinically tested without massive resources, when compared to the actual manoeuvring of forces[122]. One area in which the KDF could be involved in generating appropriate cyber-security measures is in the development of cyber simulation systems to make it possible to create and test cyber tools, best practices, policies for robustness with the critical system architecture. KDF's experiences and practices in war gaming could be employed in simulating how technical systems could respond to different attacks and provocations[123]. That is in addition to ascertaining how cyber-attacks can potentially escalate out of control, and the type of cooperation that could be suitable in thwarting attacks. Finally, the KDF could be involved in cyber-security training, and awareness to other government agencies, the private sector, as well as the members of public. By leveraging its expertise in combating cyber-attacks, as well as competencies gained in collaboration with other stakeholders in the cyberspace, the KDF could help proliferate basic cyber-security awareness for all who are reliant on IT systems connected to the cyberspace.

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[121]Ibid.
[122]Ibid.
[123]Ibid.

CHAPTER THREE

THE STRATEGIES KDF CAN APPLY IN INTERNAL SECURITY OPERATIONS

3.0.   Introduction

In the previous chapters, the current study has detailed how the security threat landscape in Kenya has evolved over two decades now. A review of the security status in Kenya, reveals that different factors have come together, to make it a relatively weak state from a security standpoint. That is particularly the case when one considers the 'arc of insecurity' in Kenya, which comprises of 25 percent of the counties, and over half of the country's land mass. The existing security agencies appear unable to address the emerging security threats from organised crime, banditry, and criminal gangs operating in these regions. Kenya's situation is not helped by being in an insecure neighbourhood comprising of highly fragile states, which has resulted in a spillover of insecurity, most notably the Al-Shabaab terrorist group from Somalia.

This chapter presents the strategies KDF can apply in internal security operations in Kenya. The chapter outlines the logic for the inter-agency cooperation on the basis of the inefficiencies in the current structure, which has led to ineffectiveness in dealing increased threats. Furthermore, the chapter also provides a basis for expansion of the KDFscope in internal security operations. Crucially, the development of the case for this chapter will commence with a review of the successful implementation of such a strategy in other regions across the globe, presenting a model for its adoption in Kenya. Hence, this chapter presents a basis for the adoption of a multi-

agency cooperation among the different security agencies in Kenya, with a view to bolstering the country's security.

3.1.   The Security Threat Landscape in Kenya

National security is a promoted and guaranteed element as mandated by the Kenya constitution. It is to be followed in compliance and in a manner that respect the rule of law, human rights, as well as the fundamental freedoms. That said, there have been a number of threats which have limited the government's capacity to fulfil this mandate. One of the main threats that the country has had to contend with in the past few years is general crime where for instance, in 2019, where 93,411 cases of crime were reported to the police, which was an increase of 5.8 percent from the 88,268 cases reported in 2018.[124] Some of the incidences that have shown an increase include stealing, assault, drugs abuse and possession, malicious damage anddefilement. Vitally, these crimes are linked to alcohol, and substance abuse. Figure 1 below details the proportion of crime figures as reported in 2019.

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[124]Office of the President of the Republic of Kenya, "Annual Report to Parliament on the State Of National Security by His Excellency Hon. Uhuru Kenyatta, C.G.H" Office of the President of the Republic of Kenya, 2020.
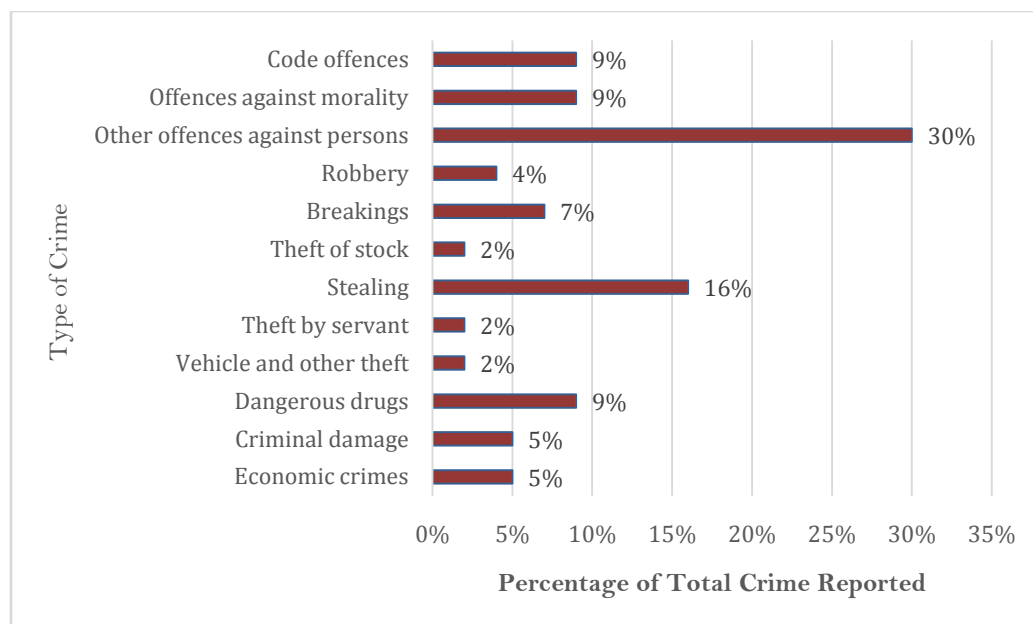
Figure 3: Distribution of Reported Crimes in 2019[125]

In addition to general crime, terrorism has become a major threat in Kenya particularly in the past decade where hundreds of terrorism incidences have been reported, with hundreds of casualties, and thousands more injured. The emergence of terrorism as a key threat to Kenya's security, is as a result of multiple factors. These include the fragile nature of neighbouring states particularly Somalia, which has provided room for terror cells, specifically Al-Shabaab to thrive, and providing them with a base from where they can launch attacks into Kenya.[126] Other factors including endemic poverty, and rising cases of corruption within the government, have provided an ideal environment for radicalisation of youths, who then end up forming the domestic terror cells, which launch sporadic attacks against civilians, and security agencies.

Another significant challenge to the quest to secure Kenya is endemic corruption. In addition to stifling economic growth, corruption weakens both the rule of law, and implementation of the constitution. Furthermore, corruption undermines public trust on institutions, and compromises

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[125] Ibid.

[126] Charles R. Stith, "Radical Islam in East Africa", *The ANNALS of The American Academy of Political and Social Science* 632, no. 1 (2010): 55-66, doi: 10.1177/0002716210378676.

the maintenance of law and order, thereby promoting insecurity. In 2015, the government declared corruption as a national security, pledging to root out the vice in all its forms from the public service.[127] However, despite the commitments, criminal groups comprising of public officials continue being involved in various illicit activities including smuggling of contrabands, facilitating the illegal acquisition of identification documents, human and drug trafficking, as well as the proliferation of small arms and light weapons to different actors. In 2019, the government sought to intensify the fight against corruption through increased allocation of funds for the initiative, in addition to the prioritisation of multi-agency cooperation among the various agencies.[128] These include the Directorate of Criminal Investigations (DCI), the Office of the Director of Public Prosecutions (ODPP), the Kenya Revenue Authority, as well as the Ethics and Anti-corruption Commission (EACC). As a result of the multi-agency cooperation, the government managed to prosecute different high-profile individuals involved in corruption. However, there are still multiple challenges that hamper the actualisation of a corruption-free culture, particularly due to the extensive web of corrupt officials especially in the public service, and the emergence of new channels through which individuals can funnel the proceeds of illicit activities.

Another major threat to Kenya's security involves criminal gangs. Some of these gangs primarily exist as a result of the politics of insecurity perpetrated by different political actors. This gang phenomenon is also closely tied to the main pressing issues facing Kenya including violence, ethnic polarisation, corruption, and the abuse of security services.[129] The role of these gangs is so pervasive particularly in urban areas such that they determine cost and provision of urban

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[127]Office of the President of the Republic of Kenya, "Annual Report to Parliament on the State Of National Security by His Excellency Hon. Uhuru Kenyatta, C.G.H" Office of the President of the Republic of Kenya, 2020.
[128]Ibid.
[129]Kenya National Commission on Human Rights, "A Country under Siege: The State Of Security in Kenya an Occasional Report (2010 – 2014)" Kenya National Commission on Human Right, 2014.

services. They are also so entrenched in politics such that aspiring candidates view it as unrealistic to vie for political positions without funding these gangs, or having gangs of their own. Though the state acknowledges that the significant negative effects of these gangs, its interventions have only contained the problem for a brief period, only for it to flare up again after a short period. Ultimately, these gangs flourish and undermine the response of the state to the problem through relationships based on protection and patronage between them, and political figures.[130] Though the degree to which these gangs thrive in Kenya is pronounced, the phenomenon is not unique to Kenya. In different parts of the world, organised crime has an entrenched relationship with the political power. For instance, in countries such as Philippines, Nepal, El Salvador, Jamaica, and Guyana, criminal gangs have been documented to mobilize voters, and intimidate rivals' supporters.[131] Different criminology studies highlight that these gangs not only thrive during political transitions, but they also play critical roles in the formation of states.[132] Crucially, these roles are always dysfunctional, and the relationships they develop tend to undermine democracies and the possibility of effective governance. Thus, it is imperative that they are decimated.

3.2. Multi-agency Security Strategies in Kenya

As a way of avoiding the influx of foreign militants, including Kenyan into Somalia to enlist into the Al-Shabaab, the government ofKenyan focused its efforts to establishan anti-terrorism unit from the early 2000s. Some of the multi-agency action plans that the Kenyan government has been involved in include the International Capacity Building Program against Terrorism (ICPAT), the Joint Task Force – Operation Inherent Resolve (JTF-HOA), in addition to the

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[130]Simone Haysom and Ken Opala, "The Politics of Crime: Kenya's Gang Phenomenon", Political Economy Report Global Initiative against Transnational Organised Crime, 2020.
[131]Ibid.
[132]Nicholas Barnes, "Criminal Politics: An Integrated Approach to the Study of Organized Crime, Politics, And Violence", *Perspectives on Politics* 15, no. 4 (2017): 967-987, doi:10.1017/s1537592717002110.

United Nations (UN), and African Union (AU) action plans. The Kenyan government has also been part of various operational conventions, and protocols as an integral element for programs and systems for region, and global multi-agency security dirlls aimed at bolstering Kenya security, particularly from terrorism and organised criminal gangs.

3.2.1. Counter Terrorism Centre

Following a spate of terror attacks in Kenya in 1998, and 2002, on the American Embassy, and the Mombasa attacks respectively, the government realised that the threat of terrorism was real, and it posed a significant risk to the wellbeing of Kenyans. Furthermore, the threat of transnational crime and terrorism was real, particularly as a result to the presence of the Al-Shabaaboperatives in Somalia.[133] As a result, the Kenyan government embarked on different approaches to bolster its security, by adopting multi-agency structures that called for the active collaboration of different stakeholders as a way of harnessing security. One of these approaches includes the submission of a policy paper to the Cabinet in September 2003, championing for multi-agency cooperation in combating terrorism. This led to the formation of the National Counter Terrorism Centre (NCTC), in 2004 as a body formed with the aim of coordinating the various multi-agency security activities of the Kenyan government.[134]After promulgation of the constitution of 2010 and enactment of the Prevention of Terrorism Act in 2012, the NCTC was re-established mandated to coordinate the national counter-terrorism measures. Its role is to prevent, detect, deter, and disrupt terrorism acts. NCTC's mandate was further reinforced under the President's Executive Order No. 1 of 2018, where in addition to its existing roles, it was

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[133]National Counter Terrorism Centre, "National Counter Terrorism Centre - NCTC - Kenya", NCTC - Kenya, Last modified 2022, https://counterterrorism.go.ke/.
[134]Ibid.

mandated to coordinate the counter-terrorism strategy and policy implementation framework.[135] That is in addition to the coordination of counter radicalisation, disengagement and rehabilitation, as well as being a focal point for both bilateral, and multilateral partnerships in counterterrorism. The different agencies allied to the NCTC include the National Police Service, the Kenya Defence Forces, the Office of the Attorney General, the National Police Service, National Intelligence Service, and the Directorate of Immigration and Registration.[136]

3.2.2. Operation Linda Nchi

The Kenyan government launched Operation Linda Nchi in October 2011. It involved the deployment of Kenyan troops into Somalia, as a response to the growing insecurity n Kenya, owing to the numerous attacks launched by Al-Shabaab insurgents and their sympathisers.[137] A number of factors resulted in the deployment, though the immediate trigger had been the spate of kidnappings orchestrated by Al-Shabaab against foreign national at the Kenyan coast. Due to a growing concern that such attacks would escalate, thereby impacting some of the critical industries particularly tourism, the Kenyan government vowed to attack Al-Shabaab insurgents, and their sympathisers wherever they were.[138] Hence, the aim of launching Operation agaist the Al-Shabaab militant in Somali was to have a buffer zone within the Somalia side of the Kenya-Somalia border, and considerably degrade the effectiveness of Al-Shabaab. That is in addition to reinstating the Transitional Federal Government in Somalia, which had been toppled by

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[135]Ibid.

[136]Ibid.

[137]LuckystarMiyandazi, "Kenya's Military Intervention in Somalia – ACCORD", ACCORD, Last modified 2012, https://www.accord.org.za/publication/kenya-s-military-intervention-in-somalia/#:~:text=Yet%2C%20when%20on%2016%20October,in%20the%20region%20was%20highlighted.

[138]A. Atta-Asamoah, "Responses to Insecurity in Kenya: Too Much, Too Little, Too Late?" Institute for Security Studies, 2015.

extremists, in order to ensure that there was lasting peace in Somalia.[139] The operation which involved over 6,000 Kenyan security forces was relatively successful with hundreds of Al-Shabaab insurgent getting slayed during the battle, while many more were Al-Shabaab sympathisers were arrested, to provide intelligence on the group's operations.[140] Crucially, the operation featured a multi-agency cooperation involving the the Ethiopian troops, AU member states, IGAD regional block, and who had been fighting in Somalia since the late 2000s. Moreover, the operation was bolstered by help from the United States, particularly in aerial command, and surveillance. Following eight months, the operation came to an end on 31 May 2012, with the Kenyan Defence Forces joined andintegrated into the AMISOM.

3.2.3. African Union Mission in Somalia (AMISOM)

The African Union Mission in Somalia (AMISOM), is a regional peacekeeping mission run by the AU with the approval of the UN. It was first created in January 2007 with an initial mandate of six months, as the Inter-Governmental Authority on Development Peace Support Mission to Somalia (IGASOM).[141]IGASOM had been formed with a proposed immediate implementation, with the aim of the mission being to support the national reconciliation congress. With its restructuring with the mandate of both the AU and the UN, AMISOM at the peak of its operations in 2015 featured 22,126 troops, with 4,000 of them being Kenyans. The mission has since its establishment launched multiple offensives against Al-Shabaab strongholds, killing thousands of insurgents in the process, in addition to decimating the group's leadership

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[139]AMISOM, "AMISOM Background - AMISOM", AMISOM, Last modified 2022, https://amisom-au.org/amisom-background/.

[140]BBC, "Kenyan Troops 'Kill 60 Al-Shabaab Fighters' In Somalia", BBC News, Last modified 2012, https://www.bbc.com/news/world-africa-16455039.

[141]AMISOM, "AMISOM Background - AMISOM", AMISOM, Last modified 2022, https://amisom-au.org/amisom-background/.

structure.[142] One of the mission's main successes was in capturing the port city of Kismayo, which had the effect of curtailing Al-Shabaab's income generation, which had mainly been through running the port.

3.2.4. Legislation, Law Enforcement and Border Security

Legislation is essential for the development of the relevant legal framework to facilitate multi-agency cooperation in combating insecurity in Kenya. In 2003, as a way of reigning in on the sources of funding for terrorist organisation, the Kenyan governmenta multi-agency task force involving line ministries was established. The task force has over the years been tasked with reviewing existing laws and proposing measures for the development of a regional plan aimed at blocking funding channels for terrorist organisations.[143] Similarly, in 2003, the government through the Coordination Act of Non-Governmental Organisations of 1990, deregistered multiple Muslim NGOs that were suspected of being in cahoots with different extremist groups. Some of the deregistered NGOs included the Muslim Youth World Congress, the Islamic al-Muntada al-Haramain, and the I-Najah. In 2004, the High Court ruled against the appeals brought forth by the NGOs, and went one step further to sanction the expulsion of al-Haramain's president − Sheikh Muawiya − a Sudanese national. Following the enactment of the new constitution in 2010, the government followed up its approach of using legislation to combat terrorism.[144] That commenced with the Corruption and Money Laundering Act of 2011, followed by the Organised Crime Prevention Act of 2012. In addition, as a way of enhancing the multi-agency cooperation against crime, the President of Kenya signed into law the Security Laws Act in 2014, which would serve to harness the multi-agency security operation framework.

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[142]Ibid.
[143]Peter Kagwanja, "Counter-Terrorism in the Horn of Africa: New Security Frontiers, Old Strategies", *African Security Review* 15, no. 3 (2006): 72-86, doi:10.1080/10246029.2006.9627608
[144]Ibid.

Some of the positive steps that resulted from the passing of the laws included the creation of a centralised border control agency, and improving the capabilities of the NCTC in pinpointing extremist elements within the country and their sympathiser. In accordance with the restructuring of the security sector as provided for in the Constitution of Kenya 2010, the government split the functions of the multi-agency security operation in the country among different divisions in the Kenya Police. These include the General Service, Administrative Police, Anti-Terror Police Unit, and the Kenya Police. The aim was for these units to function in conjunction with non-police units including the Directorate of Criminal Investigation, and the National Intelligence Service. Even so, the lack of intra-police, and inter-police harmonisation of activities with other security agencies such as the military, has significantly undermined the efficacy of multi-agency cooperation towards the enhancement of security in Kenya. Furthermore, certain areas that are pivotal to the maintenance of security including border control, have proven ineffective mainly due to corruption, thereby providing opportunities for extremists to cross over from Somalia. Indeed, the absence of a surveillance plan and the effective border defence equipmentcontribute to reduced effectiveness of agencies responsible for enforcing thelaw in identifying and apprehending terrorism suspects.

3.2.5. International Multi-agency Cooperation

As a way of enhancing Kenya's cooperation with other governments and security agencies around the globe, the country ratified multiple international conventions and agreements of defence activities in 2003, followed shortly by the passing of the terrorism prevention bill. As a member of the AU, IGAD, the East African Community (EAC), and the Common Market for Eastern and Southern Africa (COMESA), Kenya has performed pivotal roles within the different blocs, in bolstering security through different bilateral agreements. For instance the AU Peace

and Security Council assembly of leaders held in Nairobiin 2014,focused on the development of multi-agency cooperation among the states, as a way of bolstering security within the East African region. In addition to sending troops in Somalia, Kenya has also played a pivotal role in championing for peace and stability within the region. That said, one of the key partnerships that Kenya has struck especially in the war against terror, has been with the United States, particularly after 9/11. The relationship has included planning, the sale of equipment, logistics support, and the sharing of tactical knowledge. Such partnerships have gone a long way in bolstering Kenya's security preparedness, and its capacity to address terror threats.

3.3. Multi-agency Cooperation Measures for Internal Security Moving Forward

Different approaches for multi-agency cooperation particularly against terrorism have been proposed. For instance, in the article titled 'Countering terrorism with cybersecurity', Westby Jody highlights the role of information and communication technology in enabling terrorism.[145] That threat is compounded by the inability of security forces for collaboratively share information among themselves and private companies, who are mainly involved in handling the information. Though there have been massive developments over the past few years in the tracking and tracing capacities among security agencies across the globe, governments have failed to show the goodwill needed to come up with the relevance policies to operationalise effective surveillance procedures.[146] In the post 9/11 world, governments particularly in the west, have intensified their border management strategies, followed by heightened technical surveillance and intense ICT counterterrorism capabilities.[147] For Kenya, timely interventions and collaboration in across cyberspace, will be pivotal in enhancing the country's

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[145] Jody R. Westby, "Countering Terrorism with Cyber Security", *Jurimetrics* 47, no. 3 (2007): 297-313.
[146]Ibid.
[147]Ibid.

counterterrorism measures. Similarly, in the article titled 'Equal justice in the balance: America's legal responses to the emerging terrorist threat' Raneta et al. argue that in responding to terrorism, governments need to establish different legal measures.[148] In the case of the US, the pursuit of an effective counterterrorism framework following 9/11 resulted in the enactment of different policies including the Transport Security Act, the Enhanced Border Security and Visa Entry Reform Act, as well as the Aviation and Transportation Security Act among others.[149]

Counterterrorism strategies is classified into the war modeland the criminal justice model. According the criminal justice model, terrorism is addressed like any other crimes, whereby the police, prosecution units and the judiciary, are the main players. The respondents model include the police and affiliated units where in the Kenyan context, that would be agencies such as the GSU, the ATPU, the RECCE Company of the GSU, and the Special Unit of the KDF.[150] The second approach is the war model, where terrorism is considered an action of war, and isresponded to by the military special operations forces, air attacks, and infantry, among other strategies.[151] A third approach has emerged that merges the two models whereby the police conductinterrogations arrests,prosecutions and detentions while the military play a supporting role in tracking and tracing missions, in addition to responding to actual terror activities.

Another critical element in the management of terrorism activities, is the determination of how much information is sufficient to provide to the public via the media in consideration of the operation security.[152] That consideration is highly relevant, since negative media coverage tends

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[148]Lawson Mack Raneta, Michael J Kelly and Janet Reno, *Equal Justice in the Balance: America's Legal Responses To The Emerging Terrorist Threat* Ann Arbor: University of Michigan Press, 2014.
[149]Ibid.
[150]Ronald D. Crelinsten and Alex P. Schmid, "Western Responses to Terrorism: A Twenty- Five Year Balance Sheet", *Terrorism and Political Violence* 4, no. 4 (1992): 307-340, doi:10.1080/09546559208427189.
[151]Ibid.
[152]Alex P. Schmid, "Countering Terrorism in the Netherlands", *Terrorism and Political Violence* 4, no. 4 (1992): 77-109, doi: 10.1080/09546559208427175.

to be ideal for terrorists, where for instance, during the Westgate attack, the media intensifiedtheir coverage in a mannerperceived to have aided the insurgents who had barricaded themselves in the mall could followthe happening outside the mall. Furthermore, a lot of coverage helps fuel propaganda agenda since for terrorists, any publicity whether positive or negative, is good. Huge media attention helps in recruitment drives, obtaining funding, in addition to raising stakes for validity. Conversely, when the government denies media the relevant information pertaining to the attack, it results in speculations which leads to the discrediting of the government.[153] Thus, these are critical factors that need to be considered when looking to enhance multi-agency cooperation among different security agencies in fighting terrorism.

3.4.   A Review of the Progress in Multi-agency Cooperation in Kenya

Two of the major terrorist attacks that have been orchestrated by the Al-ShabaabNairobi include the 2013terror attack at Westgate and January 15, 2019Dusit D2attack. An analysis of the response of security agents in the two incidents, provides a good perspective on whether Kenya's approach to combating terrorism has improved or deteriorated over the past decade. The Dusit D2 attack was envisioned by Al-Shabaab as a way of reclaiming the ground they had lost in the geopolitical fight with the KDF. However, the DusitD2 attack featured fewer casualties in comparison to other attacks including the Westgate attack, despite the fact that the Dusit D2 complex plays host to hundreds of offices, business outlets, and a luxurious hotel.[154] Crucially, owing to the hundreds of people working or touring the facility, the attack had the potential to go

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[153]Ibid.
[154]Patrick MuthengiMaluki, "Kenya's Security Forces Did Better This Time. But There Are Still Gaps", The Conversation, Last modified 2019, https://theconversation.com/kenyas-security-forces-did-better-this-time-but-there-are-still-gaps-110039.

down as the worst in modern African history, were it not for the swift response, and collaboration of the different agencies involved in the operation. Interestingly, despite the flow of information in the surroundings that terrorists had struck again, people in the area did not panic as had been the case in previous attacks, and that was also credited to the swift response of the security agencies and a clear strategy on what needed to be done.[155]

Response to the Westgate gate, and the Garissa University attacks had been disorganised, devoid of a clear chain of command, as different agencies seemingly did whatever they felt was right without factoring in the input from other agencies. Following the Westgate attack, the government established stringent measures to combat terrorism. Some of the approaches included the acquisition of state of the art surveillance equipment, as well as the establishment of the National Counter Terrorism Centre.[156] In the period since its establishment, the centre has overseen the implementation of various hard and soft power policies geared towards protecting Kenyans from external attacks. One of the other achievements of the centre, was the establishment of the ATPU, which is a unit of the NPS specifically tasked with detecting and neutralising terror threats. Furthermore, different government agencies are now involved in countering extremist ideologies through deradicalisation, and rehabilitation initiative for potential, and repentant terrorists.[157] Moreover, through extensive sensitisation campaigns, Kenyans are now aware of what to do during terror attacks. That was evident at Dusit where the rescue operation saved hundreds as compared to the Westgate fiasco. Coordination between the different response agencies was well done, when compared to other attacks such as Westgate

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[155]Ibid.
[156]Ibid.
[157]Ibid.

where there was a significant failure in coordination among the security forces, who evidently lacked a clear central command.[158]

Following the Westgate attack, attempts were made by the government to optimise the level of coordination between the National Police Service, the National Intelligence Service, and the Kenya Defence Forces. Hence, during the DusitD2 attack, officers from the Special Forces in the KDF, the Recce Squad from the General Service Unit, and investigators from the Directorate of Criminal Investigation, worked together, under one command.[159] A key aspect that has contributed to the development of the multi-agency cooperation in combating terrorism in Kenya, is the multi-national collaboration particularly in training. For instance, among the Kenyan law enforcement units who responded to the Dusit attack were three police tactical teams who had been professionally trained and equipped by the Antiterrorism Assistance (ATA) program of the US Department of State.[160] ATA is funded and guided in terms of policy by the Bureau of Counterterrorism, and falls under the administration of the Bureau of Diplomatic Security and Diplomatic Security Service (DSS). Moreover, two of GSU Recce company tactical teams who responded to the attack, had been trained and equipped by ATA. The Recce units were the lead forces in the counterassault, and were praised for their efforts whereby they managed to save hundreds of lives.[161] Moreover, the US Embassy Special Program for Embassy Augmentation Response (SPEAR) responded to the attack, and coordinated with the different tactical units from the NPS and KDF, and aided in the clearing operations.

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[158]Ibid.

[159]RoselyneOmondi, "Terrorist Attack at Dusitd2: Evaluating Kenya's Response", Horninstitute.Org, Last modified 2019, https://horninstitute.org/terrorist-attack-at-dusitd2-kenya-is-not-afraid-of-the-big-bad-wolf/.

[160]Roberto Bernardo, "DSS-Trained Police Help Neutralize Terrorists, Rescue Scores Of Civilians In Nairobi Hotel Attack - United States Department Of State", United States Department Of State, Last modified 2019, https://www.state.gov/dss-trained-police-help-neutralize-terrorists-rescue-scores-of-civilians-in-nairobi-hotel-attack/.

[161]Ibid.

In addition, a Kenyan Bomb Disposal Unit, which was also equipped by ATA, responded to the attack, and undertook a controlled detonation of one of the explosive devices that the terrorists had left outside the hotel.[162] The success of the counterassault was as a result of high-level collaboration among the different security agencies, whereby it would emerge later that the different teams who responded to the attack had trained together multiple times before, the latest of their drills being a month before the Dusit attack.[163] Evidently, there is a lot to be gained from a high-level collaboration among the security agencies in Kenya, and the focus moving forward, should be to also act effectively on intelligence reports. For instance, it emerged that the security agencies failed to act on intelligence reports regarding a possible attack, weeks before Dusit was attacked. As a result, the security agencies had to result to a reactionary response as opposed to a pre-emptive action which could have ensured that no civilian life would be lost. Moreover, following the Westgate attack, it emerged that security agencies had intelligence information on an impending attack, which they failed to act on.[164] Clearly, the security agencies need to bolster their ability to act on intelligence reports. Furthermore, the multi-agency collaboration witnessed in the counterassault against Al-Shabaab insurgents at Dusit, needs to be extended to other emerging threats in the country particularly criminal gangs, banditry, and cyber insecurity.

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[162]Ibid.
[163]Ibid.
[164]Patrick MuthengiMaluki, "Kenya's Security Forces Did Better This Time. But There Are Still Gaps", The Conversation, Last modified 2019, https://theconversation.com/kenyas-security-forces-did-better-this-time-but-there-are-still-gaps-110039.

CHAPTER FOUR

THE CHALLENGES KDF FACE IN INTERNAL SECURITY OPERATION

4.1.   Introduction

The changing security threat landscape in Kenya particularly over the past two decades, has resulted in the stretching of existing security apparatus. An in-depth evaluation of the security status in Kenya highlights that the country is at a crossroad. That is because security has emerged as a defining feature within politics, economics, in addition to social, religion, and national cohesion and stability. The widespread and anomalous domestic, and trans-national insecurity has outstretched the country's security apparatus, thereby presenting a significant challenge to the country's stability. The changing security dynamics have been informed by various actors located at the local, regional, and international levels. As such, the threats stretch from

conventional local cattle rustling in the northern regions of the country, to the emerging ethnic, and religious radicalisation that is depicted through terrorism.

This chapter explores the challenges faced by the current internal security apparatus, in addressing the emerging security threats in Kenya. The chapter details the nature of the current internal security system, as well as the nature of the emerging security threats, which reduce the capacity of the security system in combating them. That is done on the basis of both global, and local perspectives in Kenya. There has been the notion that despite new administrations assuming office, the old national security and administrative architecture that was used in Kenyatta's and Moi's administrations, is constantly recycled at the expense of the management of highly dynamic security threats. Thus, this chapter details the structure of the current internal security system in Kenya, and the features within it that hinder its ability to effectively address the emerging security threats.

4.2.   Confluence of Internal and External Security Threats

The events of 11th September 2001 remain etched in security records the world over, as they ushered in the new age of security management in which there exists a limited distinction between internal and external security threats, mainly due to terrorism. The spread of terrorism across the globe has brought about many discussions among security experts on the overpowering questions pertaining to the connection between local, and global security events, internal and external security, and the rise of the global threat, which is new in size and identity.[165] An understanding of the nature of current security threats, calls for a review of the nature of global security in the late 20th century – a period in which the focus of states shifted from global security, towards safeguarding security within a nation's borders. During the Cold

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[165]Didier Bigo, "Internal and External Aspects of Security", *European Security* 15, no. 4 (2006): 385-404, doi: 10.1080/09662830701305831.

War, the treat perceptions among states was split into two broad realms. The first concerned crime, as well as law and order within a state, while the other was concerned with war, and deterrence among states. The first realm remained a concern, but not based on the question of survival, whereas the second one features a more eminent threat of mutually assured destruction, which made it a pressing concern.[166] Consequently, during this period, the security apparatus within nations was well defined with the police and other law enforcement agencies concerned with the maintenance of law and order, while militaries defended states against threats from other states, which were in certain cases existential.

Following the end of the bipolarity after the fall of the Soviet Union from the late 1980s, to early 1990s, there was a shift in perceptions of security threats, as the threat of a major conflict featuring nuclear weapons diminished significantly. At the same time, the threat of trans-national organised crime and terrorism grew significantly.[167] The prospect of war between states was less plausible, but crime evolved and threatened the states, as well as the identity of societies. Following wars in Liberia, Yugoslavia, and Algeria, the hope that the end of the Cold War was usher in a period of relative peace and an end to meaningless conflicts, was dashed. The emergence of failed states and war lords, the criminalisation of politics in most regions, in addition to the evolution of trans-national organised crime backed certain government, created an overarching image of an 'unsafe' third world. This third world had the capacity to develop new wars resulting in a massive flux of refugees moving into the developed world, with the risk of importing their political disputes to the countries where they immigrate. Following 9/11, there was a fear of dirty bombs being used by fanatical terrorist organisations, and that reframed the

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[166]Ibid.
[167]Ibid.

political image around the globe to its current state.[168] The threat of terror activities orchestrated within the borders of a state became a real threat, and that has driven the discourse of security within states over the past decade and a half.

The prevention of the insecurity in other regions spilling over to the 'core' states (Western World), has become a priority, in order to avoid the seepage of violence of the rest of the world, through transnational borders. This priority is to be pursued even at the expense of civil liberties and the rule of law. Crucially, despite the evident interest within the developed world to curtail the spread of violence and extremist political ideologies from the rest of world, there has been an evident increase in violent extremist activities perpetrated by both external players, and domestic extremists. That has resulted in the need for domestic security agencies to remodel their operating strategies to combat the emerging threats.[169] For instance, as detailed by the RAND Corporation, the current trends involving the merging of external and internal security threats, calls for domestic law enforcement authorities to play an increasingly primal role in investigating terrorism-related incidents.[170] The growing number of leads emanating from multiple sources indicate that follow-up investigations will increasingly be undertaken by local law enforcement agencies. In addition, in the case of the United States (US), state and law enforcement organisations will likely be called upon to act more to fill the gap between what federal agencies can do, and what local law enforcement agencies are able to do in the collection of intelligence.[171] Thus, the confluence of the external and internal security threats, has led to law

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[168]Ibid.
[169]Ibid.
[170]Council of State Governments; Eastern Kentucky University, "The Impact of Terrorism on State Law Enforcement: Adjusting To New Roles and Changing Conditions", Document Number 216642 Eastern Kentucky University, 2006.
[171]Ibid.

enforcement authorities having to perform roles that they are traditionally not equipped to handle thereby curtailing their capacity to combat the emerging security threats.

4.3.   The Nature of Global Terrorism

Terrorism stands out as one of the major threats to security across the globe. Terrorist attacks continue to occur around the globe and only a few get foiled. Indeed, it is impossible to make predictions on the future course of terrorism, other than surprise will be investable moving forward.[172] That said, certain trend are discernible and they include the fact that the jihadist ideologies fuelled by different Islamic extremist groups will continue being at the focal point of terrorism across the globe. Moreover, the process of radicalisation will undoubtedly continue to morph to align with the prevailing societal conditions. Moreover, insurgencies in different pockets around the world including in the Middle East, and North Africa, are continually developing complementary skills which are likely to be dispersed around the world through its jihadists, and radicalisation through digital channels.[173] A review of the global terror scene reveals three overarching trends with the first being the emergence of smaller, more amorphous groups that are able to undertake independent attacks that are more difficult to detect and trace. That is mainly due to the emergence of domestic extremism. The second trend involves a growing sophistication of the exploitation of global information systems, finances, and ideologies by terrorists, to their benefit, mainly through the internet. Moving forward terrorists will likely become more proficient in harnessing their craft of violence, and in communicating their ideologies to masses across the globe. Thirdly there is a growing overlap of terror activities

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[172]Fred Schreier, "Trends and Challenges in International Security: An Inventory", Occasional Paper – №19 Geneva Centre for the Democratic Control of Armed Forces, 2010.
[173]M. Maples, "Terrorism 101 – Knowledge About the "What and Why" Of Terrorism as a State and Local Law Enforcement Competency" Monterey, California: Naval Postgraduate School, 2008.

and trans-national organised crime, with the possibility of more interactions between domestic law enforcement authorities and terror elements.

In addition to the three trends in the construct of terrorism across the globe, there are three trends pertaining to the nature of terror attacks, which are causing significant challenges on the capacity of domestic law enforcement agencies to combat the threat. The first trend is the growth in the number of attacks aimed at causing economic damage, such as those focused on energy installations, transport infrastructure, and tourism.[174] These attacks are aimed at causing maximum economic upheaval, and are significant threats to the stability of nations across the globe. The second trend involves a growing proportion of unattributed terrorist attacks, mainly involving self-radicalised individuals who feature no affiliation to any terrorist organisation.[175] The third trend involves the growing power and influence of radical Islamist political parties in various foreign states, which continue to bolster the capacities of extremist groups in executing attacks.[176] Thus, what has become common is the growing number of smaller attacks, which feature less planning, and are more localised in nature as opposed to having a trans-national scope. That has instituted the adoption of a more international law enforcement-oriented approach to combating terrorism, as opposed to the conventional militarised counter-terrorism. Moreover, with the evolution of technology, and the growing capacities of terrorists to inflict considerable economic and political impacts to societies, there is a need to adopt high-level surveillance and data management approaches as a way of improving risk assessment.[177] These features of the contemporary terrorism scene as played out within different states, places

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[174]Raphael Perl, "Trends In Terrorism: 2006", CRS Report For Congress Congressional Research Service, 2007.
[175]Ibid.
[176]Ibid.
[177]Fred Schreier, "Trends and Challenges in International Security: An Inventory", Occasional Paper – №19 Geneva Centre for the Democratic Control of Armed Forces, 2010.

considerable pressure on law enforcement authorities, who are not used to dealing with threats that are more akin to what militaries have to contend with in their defence missions.

Within Africa, radical Islam has emerged as one of the main security threats in the region. It is mainly an ideology resulting from an uncontrolled circulation of extremist ideologies that are mainly supported by unscrutinised private wealth within the Gulf region.[178] This phenomenon presents a significant security challenge to African countries, particularly due to the large population of Muslims within the continent. In conditions of poverty, and poor governance that often permeate the continent, there are suitable grounds for the emergence of religious extremism and terrorism. The threat of radical Islam has been evident in different countries in Africa including Mali, the Central African Republic (CAR), Nigeria, Mozambique, and Kenya.[179] The dynamic nature of the threat posed by radical Islamic terrorism in Africa, has threatened to completely decimate nations, as domestic security apparatus can hardly keep up. For instance, the extremism in Mali, and the CAR, threatened to break up the two countries, and were it not for the intervention from foreign powers such as France, the two countries could likely have been overrun by the radical Islamic forces.[180] Within Nigeria, and Kenya, the Islamic extremist has adopted the form of sensational terrorism whereby despite it not posing an existential threat to the state, it has damaged the reputations of the two countries internationally, where they are viewed as terror hotspots. Vitally, for the four countries, the religious extremism has resulted from a spill over of instability from failed neighbouring states.

In the case of Mali, the collapse of Libya following the outer of Muammar Ghaddafi, provided Islamic insurgents with good grounds for them to enhance their capacities, to the level that they

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[178]Paul Collier, "Security Threats Facing Africa And Its Capacity To Respond", *Prism: A Journal Of The Centre For Complex Operations* 5, no. 2 (2015): 31 - 41.
[179]Ibid.
[180]Ibid.

were able to take on the Malian army. In a similar case, the widespread insecurity within the Sahel region, offered a good operating base for rebel forces to develop, and launch successful attacks against the CAR army, in addition to infiltrating the North Eastern part of Nigeria.[181] Similarly, Somalia which has been a failed state for close to three decades, has offered a good grounds for the Al-Shabaab terror cell that has been responsible for the majority of terrorist activities in Kenya over the past decade. A good indication of the reasons behind the evident intensification of Islamic extremism in the sub-Saharan region is contained in an essay published on Sada al-Jihad, which is an online magazine that backs global jihad. In the essay, the al Qaeda terror cells registers its interest in expanding operations in the sub-Saharan region, buoyed by the limited capability of most government in the regions to effectively manage their domestic security.[182] That is in addition to the high levels of corruption within the region, which make it easier for jihadists to operate in the region as opposed to countries that feature effective security, intelligence and military capabilities.[183] Moreover, the vast cultural and ethnic differences within the region often make it difficult to gather and interpret actionable intelligence, effectively.

4.4. Internal Factors Limiting Kenya's Capacity to Address Emerging Security Threats

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[181]Charles R. Stith, "Radical Islam in East Africa", *The ANNALS of The American Academy of Political and Social Science* 632, no. 1 (2010): 55-66, doi: 10.1177/0002716210378676.
[182]Maxim Worcester, "Combating Terrorism in Africa" Berlin: Institute for strategic, political, security and economic consultancy, 2015.
[183]Ibid.

Aspect of Security Concern | **The Total Number Between 2010 - 2014**

Deaths from gunshots	1,894
Deaths from ethnic clashes	574
Deaths from armed robberies	260
Death from terror attacks	277
Police killed on duty	91
People displaced by violence	180,300
Livestock killed & stolen	3,682
Houses burnt as a result of ethnic clashes	845

Crucially, the issue of the spill-over of insecurity in neighbouring countries, particularly Somalia, has been a major contributor to insecurity in Kenya, particularly as pertains to terrorism. That is evidenced by the upsurge in cases of insecurity over the past decade, which have been manifested in various ways, including terrorist attacks targeted at public facilities, civilians, and security personnel in different regions particularly in the North Eastern, and Coastal parts of the country. There have also been attacks against security personnel and security installations in Baringo, Turkana, Nairobi, Mombasa, and Lamu counties. That is in addition to inter-ethnic, resource-based, and governance conflicts in Lamu, Baringo, Turkana, Samburu, Mandera, Tana River, and Pokot counties. Table 1 below details some of the cases of insecurity reported in the early parts of the past decade

Table 1: Cases of Insecurity Reported from 2010 – 2014[184]

The cases above illustrate the scale of growth of insecurity in both intensity, and magnitude in Kenya. As such, insecurity has become synonymous to various regions across the country, from the urban to the rural areas. Furthermore, it is evident that maleficent actors have become emboldened to mete out attacks of different proportions affecting individuals across different

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[184]Kenya National Commission on Human Rights, "A Country under Siege: The State Of Security in Kenya an Occasional Report (2010 – 2014)" Kenya National Commission on Human Right, 2014.

socio-economic groupings.[185] Owing to the mounting challenges, the reaction of the government has included deferring certain domestic policing functions to the military. Thus, there is a need to understand the main factors that have contributed to the inability of the internal security structure to respond effectively to the mounting threat of insecurity.

4.4.1. Poor Working Conditions and Terms of Service for the Police

The National Police membershave a right to live in a dignified manner, and other rights that are outlined in the Kenyan constitution of 2010.[186]In order tomake it a reality is to improve the working environment and the terms of service for the police. When preparing a report on the state of security in Kenya over the past decade, the Kenya National Commission on Human Rights (KNCHR), interviewed police officers who admitted that due to their poor working environment was the reason they felt that they were unacknowledged in their work. And therefore, they were unwilling to give their best performance in performing their roles in the country, and defending the security of citizens. That the police in Kenya often work in deplorable conditions, is a fact that cannot be contradicted, considering that these sentiments are highlighted in different publications including the Ransley Report on Police Reforms.[187] The report offered various recommendations on the need to improve of police terms of service. Some of the recommendations included, providing adequate housing for the police, providing medical insurancecoverin addition to improving allowances and salaries for the police.[188] Vitally, the peace of mind that emanates from a police officer knowing that their basic needs are well catered for, goes a long way in ensuring that they are committed to their mandate, and that they are

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[185]Ibid.
[186]Ibid.
[187]National Task Force of Police Reforms, "Report of the National Task Force of Police Reforms" Nairobi, Kenya: National Task Force of Police Reforms, 2009.
[188]Ibid.

willing to go over and beyond what is expected of them, in combating the emerging security threats that Kenya is facing.

4.4.2. Corruption Kenyan Security Sector

Corruption in security sector in Kenya stands out as one of the main hindrances for the government in its quest to bolter internal security, and address emerging security threats. The available evidence indicates that there is a growing evidence of an increase in the number of instances of collusion between law enforcement officers and criminals.[189] In developing the report on the state of security in Kenya, the KNCHR undertook interviews with different non-state and state players who revealed that indeed there are rogue individuals within the law enforcement agencies.[190] These individuals tended to work in conjunction with criminals in defeating efforts to address the issue of insecurity in the country. Some of the counties in which these rogue operates appeared to exist in large numbers include Nairobi, Kisumu, Kirinyaga, Lamu, Mombasa, Kilifi, Busia, and Nyamira.[191] One of the main effects of the culture of corruption among law enforcement agencies, has been the erosion of confidence from members of public, who would otherwise be very keen in cooperating with the police in combating crime. Consequently, a security vacuum has emerged in different regions in the country, and that has led to the rise of the inferior idea of local security protection which involvingmilitias, andcriminal gangs. These militia groups which often start out with well-meaning intentions, often end up as some of the main perpetrators of violent crimes, owing to the extra-legal nature

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[189] Dick M. Ombaka, "Explaining Kenya's Insecurity: The Weak State, Corruption, Banditry and Terrorism", International Journal of Liberal Arts and Social Science 3, no. 3 (2015): 11 - 26.
[190] Kenya National Commission on Human Rights, "A Country under Siege: The State Of Security in Kenya an Occasional Report (2010 – 2014)" Kenya National Commission on Human Right, 2014.
[191]Ibid.

of their operations.[192] As a result, numerous criminal gangs have emerged in different parts of the country, where they run extortion rings, and mete out unfathomable violence to members of the public who oppose their operations.

Another security challenge resulting from high levels of corruption within the security agencies in Kenya is the creation of a safe haven for both potential and real terrorist actors. For instance, in the period from 2010 to 2014, a study by the KNCHR determined that some of the terrorist attacks, could be traced back to terrorist individuals who were able to get passage into the country through unlawful border crossings points with assistance of corrupt agents, and immigration officers.[193] Furthermore, in an investigation into the human rights violations that were perpetrated during Operation Usalama Watch, the KNCHR determined that individuals who had previously been deported to Somalia for engaging in terrorist activities, found their way back into Kenya by paying corrupt security officials manning check points along the Garissa – Nairobi highway.[194] In addition to aiding and abetting terrorism, corrupt security agents are increasingly linked with the development of a human trafficking enterprise in Kenya. A visit of the Kajiadoand Athi River G.K Prisons in 2013 revealed that a significant number of the inmates were of Ethiopian dissent, arrested while en route to South Africa through the Namanga border crossing.[195]Furthermore, there was a growing body of evidence pointing to an organised criminalswithin the police force, thus washard for the service to respond effectively to the emerging security threats effectively. Indeed, a study by the KNHCR revealed that gangs have not only permeated the police force to the extent of influencing decisions made by the service,

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[192]Dick M. Ombaka, "Explaining Kenya's Insecurity: The Weak State, Corruption, Banditry and Terrorism", *International Journal of Liberal Arts and Social Science* 3, no. 3 (2015): 11 - 26.
[193] Kenya National Commission on Human Rights, "A Country under Siege: The State Of Security in Kenya an Occasional Report (2010 – 2014)" Kenya National Commission on Human Right, 2014.
[194]Ibid.
[195]Ibid.

but also a considerable number of police officers are members of these gangs.[196] The effect has been the negligence of duty by the police official with dire consequences to the nation's security.

4.5.   Elements of a Weak State in Kenya

Countries across the globe are grouped into two broad categories including strong, and weak states. A strong state presents a high capacity for exercising considerable control over its territories, while weak states feature a limited control over its territory. Though many agree to this characterisation, there is no consensus on where a state transitions from being a weak into a totally failed state.[197] At present, one of the main indicators of the transition is the effectiveness in control over territory. Thus, a suitable description of a states which havefailed is that her weakness has extended to levels that she lacks a recognisable government structure, and a good depiction of that would be what happened to Somalia in 1990s. Therefore, based on the definition of a failed state, Kenya is not in that category, though some would dispute that assertion. That dispute would probably emanate from the fact that Kenya is ranked 23rd in the Fragile States Index as prepared by the World Population Review, with an index of 93.5.[198] The list is prepared on the basis of two key indicators which include the capacity of a government to project authority over its people, and territory, and the capacity of a country to protect its borders. Thus, a failed state, according to the World Population Review, is one in which the government is completely unable to control its people and resources, with minimal or absent public services.[199] There are several reasons why a country could fail including the presence of a

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[196]Kenya National Commission on Human Rights, "'The Cry of Blood': Report on Extra-Judicial Killings and Disappearances" Kenya National Commission on Human Rights, 2008.
[197]Dick M. Ombaka, "Explaining Kenya's Insecurity: The Weak State, Corruption, Banditry and Terrorism", International Journal of Liberal Arts and Social Science 3, no. 3 (2015): 11 - 26.
[198] World Population Review, "Failed States 2022", Worldpopulationreview.Com, Last modified 2022, https://worldpopulationreview.com/country-rankings/failed-states.
[199]Ibid.

predatory and corrupt administration. Some of the other reasons include ethnic violence, civil wars, and genocides.

Some of the countries within the top ten on the index, include Somalia, South Sudan, and Sudan, while Ethiopia, and Uganda rank higher than Kenya, in 22nd and 18th position respectively. These statistics detail the fact that Kenya is located in a neighbourhood comprising of multiple failed states, or countries with a high level of fragility.[200] That fact in addition to the comparison between strong and weak states, means that Kenya is effectively a weak state. At present, almost a half of the country is under control of central government as illustrated by the increasing frequency over the past decade. For instance, in November 2012, 42 police officers killed in Samburu country.[201]Between 2012 – 2013 ethnic violence between the PokomoandOrma tribes where 50 people were killed. The two areas fall within what is described by experts, as the 'arc of insecurity'.[202]This arc covers twelve counties, which includeWajir, West Pokot, Baringo,Isiolo,Samburu, Turkana, Marsabit, Garissa, Tana River, Mandera,Lamu and Elgeyo-Marakwet. The twelve counties occupy over half of Kenya's total land mass. Unfortunately, the indication of limited control is not restricted to the twelve counties, as the other half of the country is not as secure. That fact has been highlighted by the multiple terrorist attacks that have been orchestrated in different parts of the country, most notably within the capital Nairobi, where close to 200 people have lost their lives, and thousands more getting seriously injured, in the different terrorist attacks.

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[200]Daniel Wagner, "Kenya, Corruption, And Terrorism", Huffpost, Last modified 2014, https://www.huffpost.com/entry/kenya-corruption-and-terr_b_5505869.
[201]Dick M. Ombaka, "Explaining Kenya's Insecurity: The Weak State, Corruption, Banditry and Terrorism", *International Journal of Liberal Arts and Social Science* 3, no. 3 (2015): 11 - 26.
[202] Peter Kagwanja, "How New Wars Are Feeding Myth of Kenya as A 'Military State'", Nation, Last modified 2014, https://nation.africa/kenya/blogs-opinion/opinion/how-new-wars-are-feeding-myth-of-kenya-as-a-military-state--1043730.

Furthermore, organised criminal gangs operate with relative ease in different parts of the country, with operations ranging from extortion rings, to extensive violence meted out to those deemed uncooperative. Hence, though Kenya is not a failed state based on the definitions presented above, it may be considered a weak state based on the key indicator of a weak state, which includes the challenge of ensuring the safety of its citizens from both external and domestic elements of insecurity.[203] Vitally, Kenya is surrounded by multiple weak states, but the distinguishing factor among between Kenya and other states, is that Kenya has been the target of multiple terrorist attacks particularly in the past decade. In addition, another factor that tends to differentiate Kenya from herneighbours, is rampant corruption within state agencies. With a score of 30/100 in the latest corruption perceptions index, and ranked 128 out of 180 countries, Kenya may not be the most corrupt but it is not far from being the worst considering that it is ranked closely with well-known failed states, and countries governed by tyrants.[204] A blend of corruption, banditry, and the emerging threats of terrorism and cybersecurity, makes for aextremely potent, and dangerous concoction leading to the emergence of a perspective that corruption and terrorism make up parts of a single continuum in which corruption features on one end, with terrorism on the other, with armed robbery tacked in between.[205] Consequently, within Kenya, the insecurity and violence from rootsapart terrorism in the 'arc of insecurity' thereby falls within the middle of the continuum. Thereby, the characteristics of a weak state in Kenya, make it impossible for the country to address the emerging security threats.

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[203]Ibid.

[204]Transparency International, "2021 Corruption Perceptions Index - Explore Kenya's Results", Transparency.Org, Last modified 2022, https://www.transparency.org/en/cpi/2021/index/ken.

[205] Dick M. Ombaka, "Explaining Kenya's Insecurity: The Weak State, Corruption, Banditry and Terrorism", *International Journal of Liberal Arts and Social Science* 3, no. 3 (2015): 11 - 26.

4.5.1. Kenya's Vulnerability to Insecurity

Due to the inability to safeguard herself from both domestic and external security threats, a weak state tends to be a prime target for terrorism, particularly when herself in a position where it interests terrorists. That has been evident in Kenya within the past decade where the country has not only been exposed to terrorism from Al-Shabaab, but has also had to contend with domestic security threats from her arc of insecurity. Within the region where insecurity is a perennial concern, the presence of the Kenyan state tends to be nominal. Indeed, most residents in some parts of the countryused to say they are 'going into Kenya.'[206] Essentially, other than their nominal citizenship, they have no real feel of being part of Kenya. For the Kenyan administration to change from this minimal status in the region to having antangible presence, the country needs to embrace a more strategic approach different from the one being practised. Al-Shabaab and other maleficent elements will continue enjoying relative success in Kenya, unless the state confronts several key weaknesses. One of these weaknesses is the presences of a poor security intelligence system. Though the National Intelligence Service (NIS) has existed for a while, there has been plenty of criticism surrounding its operations, where it is accused of biasness.[207]Critics have had a feeling that the agency appears more geared towards safeguarding the political wellbeing of certain personalities as opposed to catering for the needs of the entire country. It is thus not surprising that despite numerous intelligence reports from different international partners on imminent attacks such as the Mpeketoni attack in 2014, the NIS has appeared incapable of performing its mandate of presenting intelligence that can be acted on to bolster Kenya's security.

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[206]Ibid.
[207]Ibid.

The second weakness that evident in Kenya's security system, is a poor anti-terror strategy. One of the descriptions given to Kenya's strategy in combating terrorism, is a 'firefighting mentality'. That assertion is backed by the way in which events unfold, often commencing with an attacks, followed by the security agencies reactions.[208] Evidently, this approach has served to embolden terror cells into conducting attacks, as they are aware there is a high likelihood that the attacks will be successful, seeing that Kenya's security agencies mainly employ a reactive approach to terrorism, as opposed to being proactive in combating the threat. The third weakness related to poorly equipped security agencies. This weakness emanates from the entrenched corruption within Kenyan security agencies.[209] Vitally, corruption assuming a lead role from other factor, has denied Kenya's security agencies the equipment they need to address emerging security threats, including terrorism. Furthermore, misplaced priorities in the allocation of funds has served to deny the security agencies of the funds they need to effectively address the threat of insecurity. That fact is highlighted in an article by the Washington Post in 2014, showed that the Kenya Anti-Terror Police Unit (ATPU), operated on a lean budget of $735, as compared to $12,000 spent on remunerationof politicians.[210]

Another major weakness in Kenya's fight against insecurity, is incompetent investigations that yield nothing in terms of actionable intelligence. The script following attacks is very familiar, and sometimes appears rehearsed. Once an attack occurs, the various security officials details how 'no stone will be left unturned in ensuring the perpetrators pay for their acts'. Often, that tends to be the last that people hear of the matter, and in the rare occurrence that someone gets arraigned in court for the attack, more often than not they are released for lack of evidence, or

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[208]Ibid.
[209] Harry Misiko, "How Kenya Made Itself Vulnerable to Terror", The Washington Post, Last modified 2014, https://www.washingtonpost.com/news/worldviews/wp/2014/06/17/how-kenya-made-itself-vulnerable-to-terror/.
[210]Ibid.

other technicalities pointing to a poor investigation, or that the security agencies arrested the wrong the person.[211] In most cases, the reason behind this ineptness in Kenya's security agencies, is corruption, and a culture of professional negligence. The fifth weakness involves poor cooperation among the different security agencies in combating crime. Following the Westgate attack in 2013, the National Intelligence Servicealleged sharing of relevant intelligence to the police though the later disputed the same claiming that the information could not inform any action. In the response to the attack, the General Service Unit proclaimed that they had the situation under control before the military ruined the entire situation.[212] This findings detail a litany of disjointed voices among the different security agencies, highlighting a limited capacity to cooperate effectively. Together, these factors make it impossible for the Kenya's security agencies to effectively address the emerging security threats.

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[211] Dick M. Ombaka, "Explaining Kenya's Insecurity: The Weak State, Corruption, Banditry and Terrorism", *International Journal of Liberal Arts and Social Science* 3, no. 3 (2015): 11 - 26.
[212] Joseph Akwiri, "Kenya Needs Better Security Coordination after Westgate - Report", Last modified 2014, https://www.reuters.com/article/uk-kenya-security-idUKBREA1O0XO20140225.

CHAPTER FIVE

SUMMARY, CONCLUSION, AND RECOMMENDATIONS

5.1.   Introduction

This chapter provides an overview of the case for the inclusion of the military in internal security operations taking the perspective of the operations of KDF in Kenya. In addition to detailing an overview of the study's findings in line with the objectives, it presents a conclusion for the study in addition to offering recommendations.

5.2.   Summary

5.2.1. The Scope of KDF Involvement in Internal Security Operations

One of theobjective of the research was to determine the scope of military roles in internal security. In the context of Kenya, the constitution mandates the KDF to primarily defend the country, and protect the territorial integrity and sovereignty of Kenya. The secondary mandate is to aid and collaborate with other authorities in emergency situations or disaster and reinstate law and order in any region of the country that is affected by unrest and instability. Crucially, the study determined that from the conventional perspective of security, there exists a clear distinction between internal and external security. As such, there has tended to be a reservation towards the adoption of armed forces for internal security operations in most regions across the globe. This reservation emanates from their propensity to use excessive force which is likely to put innocent civilians at risk. Moreover, in the late 20th century, there existed a clear divide in the threat perceptions of states whereby one threat pertained to crime and the preservation of law and order of a country.

The other threat resulted from war and pursuit of deterrence among nations. After the collapse of the Soviet Union, the threat of a full-fledged war between states became less of a possibility, but another threat involving terrorism and trans-national organised crime became a real security concern for governments. Hence, the changing threat landscape warrant the rethinking of the traditional divide between internal and external security. Some of the emerging threats that states have to contend with include global terrorism which has extended to Kenya in the form of religious terrorism fuelled by radical Islam. Another threat is cybersecurity which is a particularly concerning threat considering its capacity to wreak havoc to critical infrastructure and service delivery systems owing to the high level of interconnectivity. Thereby, owing to the fact that the traditional conceptual boundaries that existed between internal and external security are getting blurry, there is a case for the adoption of more 'domestic' roles by the military. This is by working in collaboration with other security agencies to address the emerging security threats that Kenya faces.

5.2.2. The Strategies KDF Can Apply in Internal Security Operations

The second objective was to analyse the strategies the KDF can apply when involved internal security in combating security threats in Kenya. A review of Kenya's security status indicates that different factors have come together to make it a relatively weak state from a security perspective. As a result, the current security structure appears challenged in addressing the emerging security threats which range from terrorism and criminal gangs, to cybersecurity. Some of the challenges include the spill over of insecurity from neighbouring nations with most of Kenya's neighbours experiencing significant challenges in exercising control over their territories. The other challenges include corruption within the security organisations, and limited commitment to bettering Kenya's security situation. Vitally, the case for a multi-agency

cooperation strategy for the enhancement of the security situation in Kenya, can be made based on the KDF's success in different multi-lateral collaborations it has undertaken to secure other regions most notably in Somalia under AMISOM.

That is in addition to different security partnerships with countries in the EAC block, IGAD, and COMESA among others. Moving forward, a suitable approach for the establishment of multi-agency collaboration that Kenya could adopt involves blending the criminal justice model, and the war model. The approach would entail the National Police Service being undertaking arrests, interrogations, prosecutions anddetentions, while the KDFprovide supports the civil police in tracking and tracing missions, in addition to responding to active security threats. There has been success in recent times in the utilisation of this approach particularly in addressing the threat of terrorism. Most notably, during the Dusit D2 terror attack, a multi-agency force comprising of different units in the NPS and the KDF performed efficiently under a single command to save hundreds of lives from the Dusit complex, while managing to take down the insurgents in a little over twenty hours, a far cry from the four days it took to end the Westgate siege.

5.2.3. The Challenges KDF Face in Internal Security Operation

The third objective was to examine the challenges the KDF face in internal security operation. The changing security threat landscape in the country, especially over the past two decades has resulted in the stretching of the current security apparatus. As such, Kenya is at a crossroad since security has emerged as a key feature within politics, economics, as well as in defining the social, religion, and national cohesion and stability of the country. One of the main challenges facing the current security apparatus is the confluence of the external and internal security threats. That is especially so in the case of terrorism whereby in Kenya it is mainly propagated by external actors – Al-Shabaab, which has meant that the domestic law enforcement authorities

are increasingly required to play a primal role in the investigation of terrorism-related incidents. In addition to the confluence of external and internal threat factors, there are internal elements that continue to hamper the effectiveness of law enforcement authorities in performing executing their mandate.

One of the factors is the poor working environment and terms of service within the police force. Working in deplorable conditions, and the constant worry about their livelihoods limits their willingness to go the extra mile in safeguarding the lives of Kenyans. That is because the peace of mind that results from an officer knowing that their basic needs are catered for goes a long way in ensuring that they are committed to their mandate, and makes them more willing to go the extra dealing with the emerging security threats that Kenya faces. Another internal challenge that reduces the effectiveness of domestic security agencies' capacity to combat emerging security threats is corruption. The entrenched corruption within the agencies means that there are many rogue individuals within the agencies who are in cahoots with criminals and whose efforts reduce the efficacy of combating emerging security threats. Other factors include Kenya's vulnerability to insecurity, by virtue of its nature as a weak state, where it has been unable to have complete authority in about 12 percent of the counties, leading to a state of lawlessness.

5.3. Conclusion

The study's findings makes it evident that the intensification of multi-agency collaboration involving the NPS and the KDF in combating emerging security threats including terrorism is essential if Kenya is to bolster its security situation. To that end, the government needs to prioritise addressing the innate challenges that has continued to impede the effectiveness of the internal security structure in Kenya. These include poor working conditions and remuneration for the police, in addition to endemic corruption which continues to afford loopholes to maleficent

actors through which they can hide, and continue enjoying the proceeds of their illicit activities. Continued investment in multi-agency cooperation in addressing the internal security situation in Kenya, with surely yield results, and that has been evidenced by the effectiveness with which the multi-agency unit comprising of officers from the Special Forces of the KDF, the Recce Unit of the GSU, the ATPU, and the National Intelligence Service worked together under one command to handle the terror attack at Dusit D2 complex in the process saving hundreds of lives and managing to overrun the insurgents in a relatively short time. That same collaboration should be put to use in combating some of the other emerging security threats including criminal gangs, and banditry that continue to impact Kenya's security situation. In addition, the agencies should prioritise a proactive approach to security by leveraging intelligence as opposed to always reacting to attacks.

5.4. Recommendations

Based on the study's findings, one of the recommendations is that the government should champion the development of high-level multi-agency cooperation as a way of combating emerging security threats. This is based on contemporary nexus between internal and external security threats owing to security threats such as terrorism, trans-national criminal gangs, and cybersecurity. In addition, owing to the different competencies possessed by the various agencies in the NPS and the KDF, collaboration among these agencies provides an amalgamation of high-level, and diverse competencies which can be leveraged in combating threats of different types.

Another recommendation is that the government should consider improving the working conditions and remuneration to the police, which has emerged as an Achilles' heel in the quest for top level commitment from security agencies. This would also go a long way in addressing the entrenched corruption within the NPS, which has often derailed the process of securing the

country. Moreover, the government should prioritise equipping the security agencies especially the KDF to ensure that they have the tools they need when called upon to undertake internal security operation and other security ever-evolving threats.

Finally, the security agents should prioritise intelligence as a critical tool in the war against insecurity, as it affords them the opportunity to be proactive in the fight against insecurity, as opposed to always having to react to attacks.

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