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Kenya's Responses to Terrorism

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Abstract
This research is a study of how a particular state reacts to terrorism and how this impacts on the escalation or de-escalation of the threat. Kenya has had a forty-year relationship with transnational terrorism. Over the years, different strategies have been adopted based on how the threat has been viewed. For instance, prior to Kenya's incursion into Somalia, transnational terrorism was viewed as a threat targeting Western interests with Kenya being an easy accessible target. Hence, the strategies adopted were largely driven by the targeted Western state. However, following the incursion, Kenya became a target by its own right as Al Shabaab terror group issued a fatwa against Kenya. Consequently, the strategies adopted were driven by Kenya's agenda to safeguard itself from further attacks. However, the threat continues.

Keywords: Kenya, terrorism, counterterrorism strategies

1. Introduction

Kenya has been a target of transnational terrorism since 1976. However, it is the Al Qaeda-perpetrated US Embassy bombing on 7th August 1998 that nudged the government into action regarding counterterrorism policymaking. This article, therefore, is based on the hypothesis that counterterrorism decision-making in Kenya is reactionary as it comes as a response to a terror attack. It studies the following terror attacks and the resultant counterterrorism strategies adopted: the 28th November 2002 bombing at Paradise Hotel and the attempt against an Israeli chartered plane as it took off from Mombasa International Airport; the 21st September 2013 Westgate mall attack; attacks against non-Muslims in North Eastern and the Coast Regions between 2014 and 2016; the attacks against Kenya Defense Forces (KDF) camps in Somalia on 15th January 2016 and 27th January 2017; and, the 2nd April 2015 attack at the Garissa University College. The article concludes by establishing whether or not the responses adopted have been effective in countering terrorism.

2. The 7th August 1998 US Embassy Bomb Attack, Kenya Embarks on Counterterrorism

After the 1980 Norfolk hotel attack by suspected members of the Popular Front for the Liberation of Palestine (PFLP), there were no other transnational terror attacks in Kenya. What were prevalent were ethnically and politically instigated acts of terror and also violent conflicts over scarce resources. Religio-political groups such as the Mungiki that emerged in the later 1980s that was notorious for beheadings, extortion and the forceful circumcision of females, and the ethnic groupings notorious for violent attacks against neighboring communities such as the Kalenjin Warriors, Digo Warriors, Maasai Morans, Toposa, Dongiro and the Sabaot gangs, were the terror groups of the day. Consequently, when the *National Intelligence Service Bill* went to parliament for debate, issue was raised over what the term terrorism, part of the proposed intelligence service's mandate, meant. For instance Member of Parliament (MP) James Orengo stated that the only terror the country knew was that of land clashes while MP Kipkalya Kones stated that "I may not be able to describe what terrorism is all about ... what is important is whether or not people will desist from terrorism" (KNA, 1996). A few months prior to the 1998 US Embassy terror attack, parliament vetoed the *National Intelligence Service Bill* on grounds that the scope of the intelligence service's mandate and powers were too wide and allowed for human rights' abuses (KNA, 1996). However, a few months after the attack, the Kenyan parliament changed tune and accepted the *National Intelligence and Security Service Bill* whose aim was to establish a professional independent intelligence service with clear powers and functions (KNA, 1998). The Service would be civilian and be de-linked from the police. It was to be advisory and non-executive and would not have powers of arrest, entering, and searching premises without properly executed search warrants. The debate therefore, moved from definitions and scope of mandate to the caliber of people to work for the Service. Also, MPs stated that if the country had had an effective and independent intelligence service, the 1998 bombing would not have occurred. Consequently, parliament supported the bill, which became an Act of Parliament on 31st December 1998 and in January 1999; the National Security Intelligence Service (NSIS) was established.

The 1998 terror attack was a phenomenon in itself, being the first time Al Qaeda had carried out such a large-scale operation. It had taken a long period of time in planning, and it targeted American interests. The attack was a 'complex coordinated terrorist attack' that involved a vehicle borne improvised explosive device (VBIED), suicide attackers and gunmen who were also armed with hand grenades. Additionally, it was carried out simultaneously in two countries causing at least 250 deaths, and serious injuries to thousands and irreparable damage to property.

Kenya's need for a counterterrorism strategy was necessitated by the 1998 attack. The attack and its perpetrators influenced how the newly established NSIS understood terrorism while the American perspective influenced how the intelligence service sought to counter terrorism. The NSIS was charged with the task of unraveling the terror network and understanding how the attack happened. The United States played an important role in investigating and apprehending the suspected terrorists and those who facilitated them, and repatriating them to America where they faced trial and incarceration. The outcome of this collaboration was the emergence of the profiles of some of the attackers including Fazul Abdullah Mohammed alias Harun Fazul and Mohamed Sadiq Odeh. It was established that all the attack perpetrators were foreigners who had come to the country and fraudulently acquired Kenyan identification documents, established NGOs and businesses, married local ladies and integrated in the community virtually undiscovered during which they recruited several individuals who became the first batch of Kenyans involved in subsequent terror attacks (Prestholdt, 2009).

3. 28th November 2002 Attack against Israelis at the Coast, Kenya Embarks on Anti-Terrorism Legislation

At 0800 hours on 28th November 2002, three individuals in a four wheel drive vehicle attempted to access the Paradise Hotel in Kikambala, at the Kenyan Coast. The security guards however, stopped the vehicle at a barrier. One of the three individuals jumped from the car and ran into the lobby where he detonated his suicide vest. The other two rammed the vehicle into the barrier and detonated the explosive devise therein. In the meantime, in Changamwe, a couple kilometers from the Mombasa International Airport, some individuals with a missile launcher fired two missiles at an Israeli chartered plane as it took off (BBC, 2002).

The Kenyan police responded to this attack by detaining a dozen people, an American woman, a Spanish man, four Somalis and six Pakistanis, for looking like Arabs; as they were the most likely to have committed the attack (Filkins, 2002). However, investigations by the multi-agency intelligence services drawn from Israel, America and Kenya, established that Harun Fazul and Saleh Ali Saleh Nabhan, both linked to the 1998 attack, and several Kenyans were behind the attack.

In February 2003, the Anti-Terror Police Unit (ATPU) was established with the Criminal Investigations Department (CID). It was charged with investigating, arresting and prosecuting individuals suspected to have been involved in the terror attacks. Consequently, several individuals were arrested and charged with planning to the attack that led to the deaths of 13 individuals, the attempted attack of the airliner (Kenya Law, 2005), procurement of materials that were used in the attack (RoK, 2003), and hosting Harun Fazul – a wanted terror fugitive (Filkins, 2002).

Following this attack, Kenya embarked on anti-terrorism legislation. On 30th April 2003, the Attorney General published the *Draft Suppression of Terrorism Bill* with the aim of establishing measures for the detection and prevention of terrorism (Hassan, 2003). The bill was in line with *UN Security Council Resolution 1373* (S/RES/1373) that obliged UN member states to take necessary steps to combat all forms of terrorism and the financing of terrorist acts (UNSC, 2001). The bill, however, was received with a lot of negatively from the civil society, the Muslim community, and some parliamentarians. They questioned the bill's necessity since it appeared to be a response to external pressure caused by the American-led Global War on Terror (GWoT). the bill also threatened the constitutional order by contravening human rights and by targeting a particular group of people mostly from the Muslim community, by allowing for their profiling and subsequent harassment through "arbitrary arrests, illegal detentions, searches" (Amnesty International, 2003) and prosecution in a flawed judicial system. Consequently, the bill was shelved in 2004.

In 2006, another draft anti-terrorism bill was unveiled, as a revised version of the 2003 bill, and it too was thwarted for the following reasons. First, despite the fact that the bill "included better protection for civil liberties" (Whitaker, 2010), it was still perceived to be an American project. Second, some MPs did not see the need for such legislation since Kenya was "not a target of terrorism but mere collateral damage" (KNA, 2007). Third, the bill gave the police excessive powers to conduct arbitrary searches and detain people suspected of being terrorists (Murimi, 2006). Lastly, the Attorney General and the ATPU were mandated to pass information on terrorism to foreign intelligence agencies (Kamau, 2006).

In the absence of anti-terrorism legislation, Kenya relied on a hotchpotch of legislation that included the *Penal Code*, *Criminal Procedure Code* and the *Anti-Corruption and Economic Crimes Act*, to try suspects of crimes linked to terrorist acts. Additionally, the government resorted to the rendition of terror suspects to western countries and to the neighboring countries including Ethiopia and Uganda where they could be held and charged.

The *Proceeds of Crime and Anti-Laundering Act* (POCAMLA, 2009) was enacted in compliance to the Financial Action Task Force (FATF) and the S/RES/1373. Its aim was to enable the production of laws to address the misuse of money laundering and other related crimes including terrorist financing (Cheramobss, 2017). This also allowed for the establishment of an effective financial intelligence unit in the form of the Financial Reporting Center (FRC) that would work with financial institutions in identifying and freezing terrorist financing (Zhao, 2014). However, the POCAMLA was inadequate in stopping money laundering and the FRC was relegated to administrative work, that of receiving "annual reports from reporting institutions and citing any irregularities to its partner organization" (Cheramboss, 2017). In 2017, the *Proceeds of Crime and Anti-Money Laundering* (Amendment) Act 2017 was signed into law. The amendment widened the law's mandate to including monitoring of money laundering carried out via casinos, real estate, NGOs and trade in precious metals and stones. Additionally, the FRC was empowered to penalize those who do not adhere to the legislation as well as recommend the suspension or revocation of an institution's license for violations (Ibid.).

In 2012, Kenya passed and adopted an anti-terrorism legislation after nine years of back and forth between the government, the civil society and the Muslim community. The *Prevention of Terrorism Act* (POTA) was accepted because it

addressed the concerns raised in previous attempts. For instance, it removed the incommunicado detention of suspects as they were to be presented before a court of law within 24hours after arrest and remand had to be justified by reasons including the suspect being a 'flight risk', and for the safety of the suspect as well as the community. Furthermore, the Act put in place several safeguards to minimize terrorism such as empowering the police to gather information including the interception of communication through court orders, limiting certain rights to allow for investigations, and declining to grant refugee status to suspected terrorists (RoK, 2012).

4. Operation Linda Nchi

In 2011, Al Shabaab kidnapped several tourists from the Kenyan Coast, and foreign aid workers and two Spanish nuns from border towns in North Eastern Region. This provoked the Kenyan government to invade Somalia on 16th October 2011. The government invoked Article 51 of the UN Charter to justify the incursion as a 'just war' intended to quell a threat that was gradually undermining the country's security and economy (Migue et al., 2014). Essentially, self-defense was seen as the only recourse since all other efforts towards peace in Somalia had failed. Kenya's mission, therefore was to establish a buffer zone inside Somalia as well as secure the border (Ibid.).

Several concerns arose following the invasion. First, was that Al Shabaab would carry out retributive attacks on Kenyan territory. A couple of days after the invasion, Kenya experienced a series of grenade attacks within Nairobi and at the Coast. There were at a total of 27 attacks between 17th October 2011 and 29th December 2011 (NCTC, 2014). Second, Western powers were concerned that Kenya had not factored in the long-term costs of fighting an intractable war against a terror group engaged in asymmetrical warfare (Shephard, 2011). The West, therefore, feared that Kenya would get bogged down in the campaigns, which would undermine the entire Horn of Africa region's security. Consequently, the United States government declined to back Kenya in the campaign especially since it would be an expensive affair.
KDF formally joined AMISOM in early June 2012. Its operations were successful in dislodging Al Shabaab from its strongholds in Gedo and Juba regions. In September 2012, following the 'battle of Kismayo', Al Shabaab lost its grip on Kismayo, which it had occupied since August 2008 (Migue, 2014). KDF's presence in Somalia undermined Al Shabaab authority in liberated areas as well as denied the terror group revenue for its operations. In the meantime, in Kenya, feeling of patriotism and pride were high. However, there was still concern that the invasion would prove a "heavy burden financially and in terms of casualties," (Throup, 2012) and that Kenyans would become targets of retributive attacks. These concerns gained credence following the Westgate and Garissa University College attacks, attacks against KDF camps in Gedo and Lower Juba Regions, and the incessant assaults along the Kenyan border.

5. Attacks against KDF Camps in Somalia

Just before 0500 hours on Friday 15th January 2016, an unknown number of fighters drawn from the Abu Zubeyr Brigade of Al Shabaab invaded the KDF base in El Adde, Gedo Region of Somalia (Hiraal, 2018). The Abu Zubeyr Brigade, also known as the Saleh Nabhan Brigade, is an elite unit that targets AMISOM and SNA camps within Somalia with the aim of annihilating the enemy and appropriating the much-needed military supplies (ibid.). The El Adde attack was a 'complex coordinated attack' that involved the use of either two or three suicide vehicle-borne improvised explosive devices (SVBIED) to breach the camp's defenses (Agutu, 2016), at least 15 suicide attackers, and an 'infantry' armed with AK-47 rifles and between 20 and 30 rocket propelled grenades (RPGs) (Mohamed, 2016). The camp was overrun during the attack leading to many deaths for the KDF, the exact number of which was not established since the Ministry of Defense and the KDF were not open on the matter (Williams, 2016). The terrorists also took several soldiers hostage, and seized most of the equipment and weaponry.

Investigations of the attack established several glaring operational challenges and problems for AMISOM bases within SOMALIA. First, the attack took place during troop rotation. This is when one group of officers, eagerly waiting to go home after a tour of duty and has thus 'switched off', is replaced by a new team comprising of officers new to the environment and has thus not acclimatized (Williams, 2016). Second, the KDF in Gedo Region, and the villages had a frosty relationship. The villagers who are from the Marehan clan, disliked the fact that the Kenyan government continued to support and prop up Sheikh Ahmed Mohamed Islam alias Ahmed Madobe, an Ogaden and the President of Jubaland, who had reneged on the promise to share power with them (Ibid.). Third, despite the KDF leadership denying that they had intelligence regarding the planned attack (Ombati, 2016), there had been overt signs that an attack was in the offing. For instance, Al Shabaab destroyed the Hormud communication mast cutting off communication in the area, which was indicative of an attack in the offing (Williams, 2016). Also, the neighboring villages had emptied out by 14th January 2016 as Al Shabaab had given the elders a warning to vacate (Ombati, 2016). Fourth, the nearby Somalia National Army (SNA) camp, roughly 600 meters away, was empty during the attack, which raised questions as to whether the Somalis had colluded with Al Shabaab (Williams, 2016). In its defense, the SNA claimed it had warned the KDF of the looming attack. Lastly, the KDF's inability to repel an Al Shabaab attack exposed the former's poor operational setup and decision-making with regards to deployment to such a remote area with few troops surrounded by Al Shabaab and hostile villagers (Williams, 2018).

At around 0500 hours on Friday 27th January 2017, a year after the El Adde attack, about 500 hundred militants drawn from the Jeysh Ayman and Saleh Nabhan Brigades of Al Shabaab attacked the KDF camp in Kolbio, in Lower Juba Region of Somalia, 18 kilometers from the Kenyan border. Al Shabaab replicated the El Adde attack by using VBIEDs driven by suicide attacks and machine gun-armed infantry. Additionally, the attack came a few weeks after troop rotation. A majority of the militants in Jeysh Ayman and the specialized Saleh Nabhan Brigade were foreigners including several hundred Kenyans such as Anwar Yogan Mwok, who drove the lead SVBIED during the attack (Mukinda, 2017).

6. The 21st September 2013 Westgate Mall Attack, Operation Usalama Watch and the Move to Repeal the Refugee Act

On Saturday 21st September 2013, at around noon, on a day designated by the UN as the 'International Day for Peace', several armed individuals stormed into the Westgate Mall and began to shoot indiscriminately (Barasa, 2013). They also threw several grenades. Initial reporting stated that the gunfire was a robbery in progress (Muiruri, 2013). However, it quickly became apparent that the attackers were not ordinary thugs; they were organized, and were indiscriminate in their shooting. Additionally, some of the initial escapees reported that the attackers chanted *"Allahu Akbar"* (God is Great) (Barasa, 2013), while those unable to escape kept the outside world updated on what they were seeing and hearing using their mobile phones and the social media (Botelho, Karimi & Leposo, 2013). Similarly, Al Shabaab, using twitter handles @HSM_Press and @HSM _PressOfice, took credit for the attack, justified it as retribution for Kenya invading Somalia and causing women and children to lose their lives, and provided real time updates on the attack (Alexander, 2013).

Regular Police from the nearby stations were first responders. However, they were under-equipped and could thus not enter the mall. They were thus charged with keeping onlookers at bay and helping those escaping from the mall (Maruf & Joseph, 2019). At around 1600 hours, the General Service Unit (GSU) Recce team arrived. The Recce, which is Israeli and American-trained and well equipped, managed to pin down the terrorist for a while (Mukinda, 2013). Hard on the heels of Recce were KDF officers. There soon emerged a power struggle between David Kimaiyo, the Inspector General of Police, and General Julius Karangi, the KDF Chief of General Staff (CGS), regarding whose officers would take charge of the operation (Howden, 2013). In the confusion, the KDF officers entered the building and opened fire on the Recce team on suspicion that they were the terrorists killing the GSU commander in the process (Mukinda, 2013). When night fell, President Uhuru Kenyatta declared the police boss to be in charge of the operation while the KDF officers present would only take orders from the CGS (The Standard, 2013).

The attack evolved into a four-day siege that led to the deaths of 67 and injuries and psychological trauma to many more. After the siege was over, the following was established. Firstly, the attackers had been four in number and were of Somali descent but different nationalities including Norway. Consequently, investigators were drawn from Norway, Kenya, Uganda – which had been used as a transit route – and the FBI (Mung'ahu, 2017). Secondly, the attackers had assistance from sleeper cells in refugee camps. Thirdly, the attack took place due to "systemic failure by Kenya's security agencies" (Mathiu, 2014). Systemic failure identified included failure to respond to intelligence (Daily Nation, 2013), lack of actionable intelligence (Yusuf, 2013), and inability by security to detect the movement of heavy weapons and ammunition into the mall (Pflanz, 2013). Consequently, to respond to the numerous questions that emerged within the general public and to quash the blame games between the different security agencies, President Uhuru Kenyatta promised to constitute a Commission of Inquiry (Ilado & Maina, 2013). Similarly, parliament charged the Administration and National Security Committee and the Foreign Affairs Committee, to investigate the events preceding the attack, the attack itself, and the security operations during the attack (RoK, 2013).

The report by the joint-committee tabled in December 2013, noted that there had been prior intelligence on a looming attack but that measures were not put in place to counter it. The report recommended the establishment of a "National Inter-Agency Coordination Center to be referred to as the Directorate of National Security" (RoK, 2013). It also recommended "radical surgery in the Department of Immigration Services" (Ibid.), the *Refugee Act* to be repealed, closure of refugee camps, and fast tracking the National Disaster Management Policy (Ibid.). However, when the report was presented to the National Assembly for deliberation, MPs unanimously rejected it for being too general and not providing recommendations that would hold those that caused security lapses accountable (KNA, 2014).

In the meantime, on 10th November 2013, the government entered into a tripartite agreement with Somalia and the United Nations High Commissioner of Refugees (UNHCR) to commence voluntary repatriation of Somali Refugees. The government also declared its intent to close down the refugee camps. Additionally, on 5th April 2014, the government launched *Operation Usalama Watch* with the intent to "flush out Al Shabaab adherents/aliens, and search for weapons, improvised explosive devices (IEDs) explosives and other arms, so as to detect, disrupt, and deter terrorism and other organized criminal activities" (IPOA, 2014). About 6,000 security officers were engaged in the operation that included setting up roadblocks in the target areas and conducting door to door searchers (Wairuri, 2018). At least 4,000 people were rounded up including women, children and those without Kenyan identification documents and taken to police station as well as to the Safaricom Stadium at Kasarani in Nairobi for 'screening' (IPOA, 2014). Those found to be in the country illegally were deported to their home countries including to the conflict-ridden Somalia (HRW, 2015).

This operation was characterized by human rights abuses. Children, men and women were held in inhumane conditions for long periods of time without adequate food, clothing and shelter as well as access to legal defense and the UNHCR. Those deported included refugees who had sought asylum. Second, ethnic profiling and feelings of xenophobia were abound (Kerrow, 2014). Majority of those arrested were Somalis of those looking like Somalis. Kenyan-Somalis too were arrested. Third, it was characterized by police demanding bribes. Those individuals who were able to pay these bribes were released without further vetting to establish whether or not they were terrorist. Fourth, rampant damage to property including businesses (Daily Nation, 2014).

As a response to this operation, two terror attacks using IEDs took place within Nairobi. They were the 4th May 2014 simultaneous attacks on two buses on Thika Road, in the vicinity of the Safaricom Stadium, that killed three and injured about 70, and the attack on 16th May 2104, in Gikomba market in Nairobi, which took the lives of about 10 individuals (BBC, 2014).

7. Security Laws Amended

In the wake of the Westgate attack, the executive, through the National Assembly, sought to amend various laws relating to security to avert such attacks from happening again. The laws amended included the POTA, *Public Order Act*, *Criminal Procedure Code*, the *Penal Code*, *Registration of Persons Act* (Cap 107), *Evidence Act* (Cap 80), *Prisons Act* (Cap 90), *Refugee Act* 2006, *National Intelligence Service Act* 2012, *National Police Service Act* 2011, and *Firearms Act* (Cap 114) (RoK, 2014). The *Criminal Procedure Code* was amended to allow for an increase in the detention period for suspected terrorists to allow for further investigations (Ibid.). The Director of Public Prosecutions (DPP) was empowered to appeal against a court's decision to grant bail to a suspected terrorist. With regards to the *Evidence Act*, electronic messages and digital material would be allowed as evidence in legal proceedings. The *Prisons Act* was amended to include the confinement of suspected terrorists in a separate prison or in separate sections of a prison so as to prevent them from radicalizing others. The *Refugees Act* was amended to mandate all people who have applied for refugee status to remain in refugee camps until the processing of their applications is concluded. The *NIS Act* was amended to empower NIS officers to arrest individuals including suspected terrorists and hand them over to the police. The POTA was amended to include more offenses including advocating, promoting and advising with intent to commit a terrorist act, participating in the preparation of a terror act, being in possession of weapons including IEDs, espousing radical beliefs, radicalizing others, and publishing images of terror victims without the consent of the police (Ibid.). Lastly, the National Counter Terrorism Centre (NCTC) became an autonomous body charged to "establish a database to assist law enforcement; conduct public awareness on prevention of terrorism; develop strategies such as counter- and de-radicalization; facilitate capacity building for counterterrorism stakeholders; and, coordinate with other government agencies to provide security certification of aviation schools or companies (Ibid.).

8. Terror Attacks against Non-Muslims

Between 2014 and 2016, there were a series of attacks against non-Muslims at both Lamu and Mandera counties. The Lamu attacks took place between June and July 2014 when raiders attacked several towns including the predominantly Christian town of Mpeketoni. By the time the raids were over more than 70 people had lost their lives and many more were displaced as they left their homes to hide in the forest to avoid death (NTV Kenya, 2017). These attacks singled out men who could not recite the Islamic creed (*shahada*) and in most cases slit their throats or shot them. The Lamu attacks, however, were seen by the administration as politically motivated against one ethnic community with the intention of evicting them from Lamu (KTN News, 2014). However, Al Shabaab released a video on 2nd March 2015 on these attacks that apart from showing graphic images of the victims, ridiculed the government's assertion that the attacks had been political motivated (al-Mujahidin, 2015). Al Shabaab also took credit for the attacks by stating that it had targeted Mpeketoni because originally it had been a Muslim region, which Christian settlers invaded and occupied (Ibid.). Al Shabaab threatened many more such attacks as long as the Kenyan government continued to oppress Muslims in Kenya through coercion, intimidation and the extrajudicial killings of scholars. Kenya would also remain a target as along as the KDF continued occupying Somalia (Ibid.).

The government responded to the Lamu attacks through *Operation Linda Boni Forest* that commenced on 4th September 2015 and was expected to last for 90 days. It covered Lamu and parts of Tana River, Garissa and Kilifi Counties with the intent of denying Al Shabaab the freedom of movement within the Boni Enclave, which they had been using as a source of cover, food and water (Sanya, 2017). The operation was successful in destroying several suspected Al Shabaab camps within the forest (Sanga, 2015), capturing the militant strongholds causing them to flee to Somalia, and arresting several individuals suspected to be terrorists. There were reports of normalization of civilian lives as they returned back to their homes, improvement of tourism, and increased economic activities (Ibid.). Nevertheless, the militia continued to carry out random killings including the attack against the Public Works Principal Secretary, Miriam El Maawy (Ombati, Mugambi & Sanga, 2017).

The attacks against non-Muslims in Mandera commenced on 22nd November 2014 when a Nairobi-bound bus with 60 passengers onboard was stopped by Al Shabaab and those passengers who did not look Somali were made to alight the bus and recite the *shahada*. Those who were unable to do so were forced to lie on the ground and shot dead. On 2nd December 2014, at around midnight, Al Shabaab raided a quarry camp in Kormey, 15kms from Mandera town, separated the non-Muslims and shot them dead. Another attack took place in July 2015 when gunmen raided a residential complex in Mandera mostly populated by non-Muslim quarry workers. The last attack took place in October 2016, when attackers raided another residential building housing non-Somalis. By the time the raids were over at least 71 were dead.

The security nonresponse to the attacks contributed to successes for the terrorists. For instance, the police delayed to respond to the 22nd November attack fearing that Al Shabaab had sophisticated weaponry. This lack of response irked the affected communities and politicians who demanded an overhaul in the security sector (BBC, 2014). The workers' unions recommended their members to leave Mandera leading to about 2000 non-Muslims working as teachers, health workers and civil servants to flee for fear of further attacks (BBC, 2015). This left the local residents without many essential services. The President responded to these attacks by instituting a security reshuffle by replacing David Kimaiyo with Joseph Boinett. The appointment of Boinett, formerly an intelligence officer, as the new Inspector General of Police indicated a "paradigm shift in the management of the country's security apparatus with an emphasis on intelligence-led operations" (Njoka, 2016).

9. The Garissa University College Attack and the Border Wall/Fence Construction Plan

On 2nd April 2015, at around 0530 hours, several gunmen stormed into the Garissa University College (GUC) campus killing the two watchmen at the gate. At this early hour, the Muslim students were in the mosque performing the dawn prayer (*Fajr*), while the non-Muslims were mostly in their rooms (Odula & Muhumuza, 2015). As the attack progressed, Ali Mohamed Rage, Al Shabaab head spokesman, updated the world on what was happening by stating that Al Shabaab was behind the attack and that the attackers had separated the Muslims from the Christians, released the former, and were killing the latter (Ibid.).

Several KDF officers were dispatched from their camp in Garissa and were first to arrive at the scene at around 0630 hours. The officers managed to rescue hundreds of students but were unable to penetrate the campus due to sniper fire and grenades being thrown at them by the attackers (KNA, 2015). Officers from the GSU Recce Company arrived around 1700 hours, nearly 10 hours after the attack commenced. Their late arrival was attributed to weakness in decision-making at the higher echelons of security (Mukinda, 2015), and inadequate logistics including lack of access to a police aircraft since a senior police officer had commandeered it to go pick his family from the Coast (AP, 2015). A few minutes after the arrival of the GSU, the four attackers were dead; two were shot while the other two blew themselves up (Laing & Pflanz, 2015). By the end of the day, 147 students, and several security officers were dead (KNA, 2015).

There was outrage following the attack. There were reports of mounting intolerance against Somalis who were accused of being sympathetic to the Al Shabaab cause by allowing the terrorists to live amongst them and carry out such atrocious attacks. Other responses included remarks that the attack had been carried out by local militia with the support of the community and its leaders (Daily Nation, 2015). The government responded by placing a bounty of 20 million Kenya Shillings on the mastermind of the attack, Mohamed Kuno alias Gamadhere, to facilitate his quick arrest. The government also imposed curfews from 1830 hours to 0630 hours in Garissa, Wajir Mandera and Tana River until the 16th of April 2015 (Business Daily, 2015).

The government also reignited the plan to construct a wall along the Kenya border with Somalia, which had been mooted in 2014, as part of its counterterrorism strategy against Al Shabaab. On 7th April 2015, the Deputy President, William Ruto, stated that the wall was to traverse the entire 700kms from Border Point One in Mandera to Kiunga in Lamu. However, this was contradicted on 30th April 2015, when the Interior Cabinet Secretary, Joseph Nkaissery, stated that the wall was only between Bulla Hawa in Somalia and Mandera town in Kenya, which are used by terror elements to gain access into the country (Mutai, 2015). The two options are not viable due to the following. Firstly, the communities living in Mandera and Bulla Hawa are one and the same people. Some are pastoralists who cross the border often in search of pasture and water for their animals. Additionally, those residing in Mandera rely on Bulla Hawa for basic commodities while those in Bulla Hawa send their children across the border to schooling. Secondly, the idea of building the wall along the entire border is not viable since it is a costly venture and there are communities residing on the no-man's region who have refused to move thus inhibiting progress on the construction. So far only eight kilometers have been done (Otsialo, 2018). Thirdly, Al Shabaab do not need to cross the border at Bulla Hawa. They can access the country through both official and non-official routes. They can access via the Indian Ocean and by flying to Entebbe and then crossing into Kenya via Busia and Malaba. Lastly, the border will not stop terrorism since terror elements are already in Kenya (ICG, 2014). They are self-radicalizing using the internet. They are under the tutelage of radicalism Maalims in *madrassas*.

10. Conclusion

Several factors have emerged. Firstly, Kenya counterterrorism policy has its roots in the US Embassy attacks in 1998. In this attack, the United States was the primary target. The terror elements indicated that the attack was part of the global *jihad* against the United States and that Kenya was a 'soft target' a means to an end in the war. The Kenyan government's reaction was disbelief that such an attack could take place in a 'peace-loving' country like Kenya. Consequently, decision-makers saw Kenya as purely collateral damage in other peoples' war and were of the opinion that the attack was a singular incident; that a similar attack would not occur. With that mind frame, the need for a counterterrorism strategy was not urgent. Second, there appears to be an absence of a national comprehensive counterterrorism strategy for Kenya despite nearly two decades of terror threats and attacks. This explains the numerous strategies embarked on over the years; from legislation to building a fence between the border of Kenya and Somalia. Furthermore, individual security agencies work independently in responding to the threat, which explains the uncoordinated response and dispatch to the scene. Thirdly, the terror threat is dynamic and has evolved over time. The initial attackers were Arabs targeting Western interests. Al Shabaab, which replaced Al Qaeda in targeting Kenya, is populated by Kenyan extremists whose targets are mostly other Kenyans. Therefore, Kenya shifted from being a secondary target for housing and supporting Western interests to being the primary target for supporting the KDF/AMISOM in Somalia. Additionally, the attack methods are continually evolving, making it difficult for security agencies to predict and counter. The use of SVBIEDs and hostage taking by armed gunmen always leads to considerable loss of life before security can respond. Lastly, the terror threat appears enflamed by the different counterterrorism activities embarked on by Kenya. Consequently, according to the Institute for Economics and Peace's yearly *Global Terrorism Index*, Kenya remains top twenty of the countries impacted by terrorism in the world (START, 2017).

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