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Challenges Faced by the National Police Service in Counterterrorism in Lamu County, Kenya

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ABSTRACT: Terrorism remains a cardinal threat to national, regional, and international peace and security. It violates the fundamental principles of law, order, human rights and freedom and remains an affront to the Global Charter of the United Nations (UN) and the values and principles enunciated in Africa's Constitutive Act of the African Union (AU). Moreover, it presents a grave and direct threat to the territorial integrity, security and stability of states. In this regard, effective counter terrorism strategies remain fundamental tools in curbing the threats and devastating effects of terrorism. In Kenya, the National Police Service (NPS) is one of the key agencies involved in counterterrorism operations. Given emerging trends of terrorist camps and continued attack in Kenya by terrorist elements, it is imperative that the NPS improves the overall direction of its counter terrorism strategy and adopt robust counterterrorism mechanisms in the fight against terrorism. The problem that necessitated this study was the continued and relentless attack by suspected Al-Shabaab terrorists in Lamu County despite the NPS adopting numerous counterterrorism strategies in its operations. The study sought to evaluate challenges faced by the NPS in counterterrorism in Lamu County. The study adopted a conceptual framework and was informed by Expectancy Theory, Control Theory and Justice Theory of Performance. The study employed survey research design which entailed the use of ex post facto research design employing mixed method approach. The target population were members of the NPS, religious leaders, council of elders and administrators (chiefs and county commissioner) in Lamu County. The study used both probability and nonprobability sampling methods. Members of the NPS comprising NCOs and members of the inspectorate were first stratified then randomly sampled to generate 189 respondents. Purposive sampling was used to select 12 gazetted officers of the NPS as well as 23 chiefs, 1 county commissioner, 35 council of elders, and 54 religious leaders for the study. Data collection was both interactive (interviews and FGDs) and non-interactive (questionnaires, document analysis, photography and observation). A pilot study was carried out in Lamu. The reliability of the instruments was determined through the calculation of a correlation coefficient between the first and second administration. The instruments were tested for validity through consultation and discussion with supervisors. Data were analysed by use of descriptive statistics, through qualitative and quantitative techniques. The study found out that the fight against terrorism must involve all stakeholders and the strategies must take into account and address prevailing circumstances and conditions for operation to succeed. Overally, the study concluded that as terrorism evolves so must counterterrorism strategies, taking into account the prevailing circumstances and dynamics on the ground such as socio-economic and political factors, technology, human resource and governance. The study recommended that all stakeholders be involved in counterterrorism and underlying issues and challenges be addressed for effective and efficient counterterrorism.

KEYWORDS: Al-Shabaab, Antiterrorism, Challenges, Community Policing, Counterterrorism, Counterterrorism Strategy, Terrorism, Police Officer, Terrorist

ABBREVIATIONS: NCOs – Non Commissioned Officers, NPS – National Police Service

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I. INTRODUCTION

Terrorism poses a direct threat to security of citizens in countries all over the world, and to international stability and prosperity more broadly and will remain a threat for the foreseeable future. Terrorists have demonstrated their ability to cross international borders, establish cells, survey targets and execute attacks. The threat is aggravated by terrorist groups and individuals that continue to spread over the world. Modern technology increases the potential impact of terrorist attacks employing conventional and unconventional means, particularly as terrorists seek to acquire chemical, biological, radiological or nuclear (CBRN) capabilities and cyber abilities. Instability or conflict can create an environment conducive to the spread of terrorism, including fostering extremist ideologies, intolerance and fundamentalism (Hunsicker, 2006).

Africa and the rest of the worldhas since witnessed numerous terrorist attacks. Most of the attacks are as a result of internal strife and the spill-over from regional wars, as different belligerent groups have resorted to terrorism in an attempt to advance their objectives and intentions (Goredema& Botha, 2004). Over the past years, terrorist groups such as *ISIS*, *Boko Haram* and *Al-Shabaab* have reinvented our thinking about terrorism and sparked debate on how to deal with the same. Their message of intolerance – religious, cultural, social – has had drastic consequences for many regions of the world (Onuoha, 2013). Their ability to use social media to bring to prominence their activities has challenged our core values of peace, tranquillity and humanity. Counterterrorism needs for the regions are very great indeed. To begin with, efforts to strengthen the reach of the state are essential to any lasting counterterrorism strategy. This must include not only training defense and interior ministry forces, ensuring they have the necessary intelligence and other means, but also ensuring that they are capable of working effectively together, and doing so in the context of a justice system that respects human rights and the rule of law. However all these are lacking in the region.

A key part of strengthening internal security is improving the ability of states in the region to control their borders. At present, financing, arms, other logistics, and terrorists themselves flow with relative ease across the borders of countries in the region. Tamping down on such movements is an essential step toward progress in hampering and containing the growth of the region's jihadist groups in the first place. Border security, like internal security, requires not only technical capabilities, but also effective policies, coordination practices between relevant agencies, command and control, and cross-border communication systems and procedures. In nearly all cases, such systems and capabilities are weak or altogether lacking (START, 2016).

Effective regional strategy should also address the underlying radicalization problems. Understanding of radicalization processes and the effective means of stopping them is not as strong as it might be, but it is clear that if a country like Kenya is to escape from a long-term domestic terrorism challenge, counter-radicalization will be needed. Similarly, if Somalia is ever to regain statehood of some form, counter-radicalization is likely to be no less important there (Tefft, 2006). On one level, economic opportunity and efforts to control the malicious effects of efforts to spread radical ideologies outside the religious mainstream are desirable, but these must be complemented by programs that intervene directly to prevent youth from radicalizing.

Since 2011, Kenya has seen an increase in terror attacks. The government affirmed that most of the killings and explosions are perpetrated by *Al-Shabaab* in retaliation to Operation Linda Nchi, a synchronized military mission between the Somalia military and Kenyan military that began in October 2011, when troops from Kenya crossed the border into Somalia. According to security experts, majority of the attacks are perpetrated by youths who are radicalised. Security apparatus have also indicated that they belonged to death squads which carried out many of the killings under the orders of a government. By mid-2014, the cumulative attacks began affecting Kenya's tourism industry, as Western nations issued travel warnings to their citizens (Macharia, 2014).

On 21st September, 2013 Kenya recorded its deadliest terrorist incident since the 1998 *Al-Qaeda* bombing of the US embassy in Nairobi. At least 70 people were confirmed dead, 175 others reported injured, and several others held hostage, when a group of Islamists fighters stormed Kenya's high-end Westgate mall in Nairobi and randomly opened fire on weekend shoppers. The Islamist fighters reportedly shouted in the local Swahili that Muslims would be allowed to leave while all others would be killed. At least 18 foreigners were killed in the horrific attack, including citizens from Britain, France, Canada, the Netherlands, New Zealand, Australia, Peru, India, Ghana, South Africa, and China (Mamdani, 2013). The Somali-based Islamist group *Harakat Al-Shabaab Al-Mujahideen Al-Shabaab*, the youth, *MujahidinAl-Shabaab* Movement, *Mujahideen* Youth Movement, *Hizbul Shabaab*, *Hisb'ul Shabaab*, Youth Wing claimed responsibility for the attack through her twitter account. During an interview with Al Jazeera, a spokesman for *Al-Shabaab* stated that the Westgate mall was chosen because it's frequented by foreigners (Agbiboa, 2013).

In 2014, *Al-Shabaab* was believed to have carried attacks in Mandera County that claimed at least 64 lives. On 22nd November 2014, a group of gunmen raided a bus which was travelling from Mandera to Nairobi. The raid claimed 28 lives who were mostly Government workers, teachers heading for the December holidays. *Al-Shabaab* also claimed responsibility of 36 quarry workers who were attacked and killed near Manderatown, many were non-Muslims (*TheEast African Standard Newspaper*, 2016).

In June, 2014 suspected *Al-Shabaab* carried out an attack in Mpeketoni Township in Lamu County killing more than 60 people. The gunmen raided the town, burnt down Mpeketoni Police Station and killed everyone on sight (*TheEast African Standard Newspaper*, 2016). In April 2015, *Al-Shabaab* conducted another attack at Garissa University College. The April 2015, raid at Garissa University College was planned by Mohamed KunoGamadheere who serves as *Al-Shabaab*'s Lower Juba Commander. The terrorist attack claimed almost 150 students and leaving hundreds with serious injuries. *Al-Shabaab* claimed the responsibility terming the heinous act as retaliatory over non-Muslims occupying the Muslim lands (*TheEast African Standard Newspaper*, 2016).

In response to numerous attacks, NPS has adopted counterterrorism strategies that include legislative reforms, institutional building, trainings and bilateral and multilateral collaboration with like-minded states including the US and UK on the actions(s). Kenya has reported thrice pursuant to UN resolution 1373 of 2001 and taken several counterterrorism measures which include establishment of the National Intelligence Service with support from the U.S. Anti-Terrorism Assistance (ATA) Program; creation of the Anti-Terrorism Police Unit (ATPU) in1998, a Joint Terrorism Task Force (JTTF) and the National Counter-Terrorism Center (NCTC) in 2003; and the National Security Advisory Committee (NSAC) in 2004 which has since been scrapped. Additional measures include participation in the U.S. Terrorist Interdiction Program (TIP), which provides technology to screen travellers arriving at airports and border crossings (Agbiboa, 2013).

Kenya has further re affirmed her commitment to the eleven existing international treaties and conventions it had previously signed and ratified, in relation to counter-terrorism and signed and ratified two successive conventions in 2002 and 2005. Kenya has also ratified the Convention on the Prevention and Combating of Terrorism 1999 and its 2002 Protocol at the African Union (Macharia, 2014). She has also taken into account the implementation of operational and practical actions to counter terrorism. The NPS counter terrorism actions in Kenya has been concentrated on predominantly Muslim areas in North Eastern on the border with Somalia and the Coastal strip that is inhabited with predominant Muslim Arab-Swahili communities especially Lamu County with a lot of challenges.

II. METHODOLOGY

This study employed survey research design which entailed the use of *ex post facto* design employing mixed method approach in data collection and analysis. Observation, photographs, questionnaires, FGDs and interview schedules were employed. Quantitative and qualitative analysis was done with information from secondary data and holding interviews with key informants. A review of counterterrorism strategy documents and reports was carried out for a comprehensive understanding of the topical issue and clarification of intricate areas arising from the research. The study was conducted in Lamu County, Kenya. It is located in the northern coast of Kenya. Lamu County is also the home to the expansive Boni forest which covers about 1,339 square kilometres and stretches to Somali, where *Al-Shabaab* terrorist has established their cell and operation base that they use to train and launch attacks in Kenya (Fergusson, 2013). It is in this forest that a multiagency operation *Linda Boni* to flush out terrorists is on-going.

Table 1: Sample Size

| Category | Target Population | Sampling Strategy/Procedure | Sample Size |
|----------------------------|-------------------|--------------------------------|----------------|
| Other Ranks, NCOs& Members | 1888 | Simple Random Sampling | 189 |
| Of Inspectorate | | (10%) | |
| Gazetted Officers | 12 | Purposive Sampling | 12 |
| (Senior Officers) | | | |
| Chiefs | 23 | Purposive sampling | 23 |
| Council of Elders | 75 | Purposive Sampling | 35 |
| Religious Leaders | 102 | Purposive Sampling | 54 |
| County Commissioner | 1 | Purposive Sampling | 1 |
| Total | 2013 | | 314 |

The study employed both probability and non-probability sampling method as indicated in table 1. In this study, the target population were 1900 officers of the NPS in Lamu County. These officers work in police stations, police posts, camps and operational bases and are currently engaged in counterterrorism operation *Linda Boni*. Additionally, data was obtained from 35 council of elders, administrators (23 chiefs and 1 county commissioner), and 54 religious leaders affected by terrorism and counterterrorism operation and purposively chosen. Stratified random sampling technique was employed to draw respondents from the NPS target population. The researcher then used simple random sampling to pick 189 officers of Other Ranks and Members of Inspectorate who together form a huge chunk of the NPS population. They were subjected to questionnaires. Gazetted Officers, who were 12 in number, were purposively sampled and were subjected to interview schedule.

For administrators (county commissioner and chiefs), council of elders, religious leaders and gazetted officers, purposive sampling was applied to select the sample size for each case. Since they were fewer in number and crucial for the study result, total population in each case was sampled for the study. Whereas religious leaders and council of elders were subjected to focus group discussion, gazetted officers of the NPS, county commissioner and chiefs were subjected to interview schedules. The researcher used available data in literature to examine cases of terrorist attacks in Lamu County. The documents included police and judicial records, published research and reports addressing security situation in Lamu County during the period under

review and journals on counterterrorism. Quantitative and qualitative analysis methods were used to transform data into the required information in line with the research objectives. Data analysis systematically followed through data processing, presentation, analysis and interpretation.

III. RESULTS AND DISCUSSION

The study sought to know the challenges faced by the National Police Service in counterterrorism in Lamu County. The findings were as presented in Figure 1.

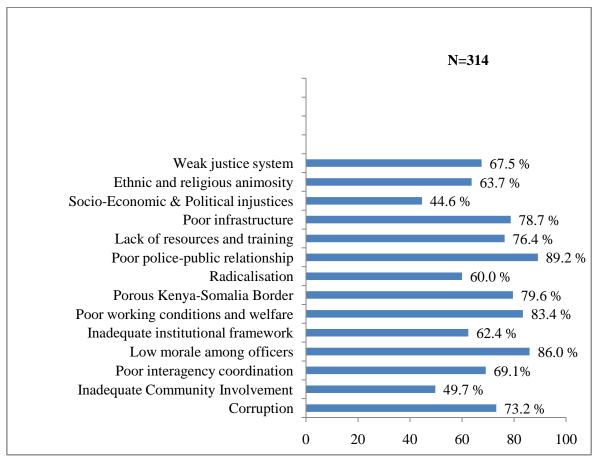


Figure 1: Challenges Faced by the NPS in Counterterrorism in Lamu County

From Figure 1, challenges identified were corruption at 73.2% (230), inadequate community involvement at 49.7% (156), poor interagency coordination at 69.1% (217), low morale among officers at 86.0% (270), inadequate institutional framework at 62.4% (196), poor working condition and welfare of officers at 83.4% (262), porous Kenya-Somalia border, radicalisation at 60.0% (188), poor police-public relationship at 89.2% (280), lack of resources and training at 76.4% (240), poor infrastructure at 78.7% (247), socio-economic and political injustices at 44.6% (140), ethnic and religious animosity at 63.7% (200), and weak justice system at 67.5% (212).

As the findings suggest, poor police-public relationship (89.2%) is the major challenge in counterterrorism in Lamu County. From the interview, respondents indicated that poor relationship has hindered counterterrorism as the locals don't trust the police. They don't cooperate, share information on security matters or general intelligence. The locals blames the police for torturing them, arresting them arbitrarily, disrespecting their religion, taking their land and extra judicial killings. It is evident that developing a framework for cooperation with the locals is key (Saferworld, 2016). Security must therefore develop a coordinated approach in enhancing good relationship to enable them share information; decision making on potential risk situations, and also better enable them integrate the necessary mechanisms for counterterrorism. By engaging the locals, the police have the opportunity to have a greater reach in Lamu, and avoid being seen as outsiders that disregards faith that so many locals hold dear, but that has been politicised and used as a pawn for terrorists to garner support for their cause (Saferworld, 2016). Indeed *Al-Shabaab* has used grievances of the locals to garner support.

Low morale among officers (86.0%), poor working condition and welfare (83.4%) and lack of resources and training (76.4%) were also cited as major challenges in counterterrorism. From the interview, respondents indicated that police are demoralised because of several factors including lack of specialised equipment and weapons to deal effectively with terrorism. Police also have poor welfare and pay, including delay in payment of allowances and poor working conditions. Due to rapid changes in technology, police need specialised training in counterterrorism and other technological and modern equipment for their use. Bossong (2008) asserts that developing a successful capacity to tackle terrorism requires a focus on three main areas of counterterrorism activity: first, to overcome vulnerability to terrorism for example training security personnel and equipping them; second, to deny terrorists a safe haven and ensure that terrorists are prosecuted and/or extradited, to deny terrorists entry into a country and reinforcing law enforcement agencies; and third, to deny terrorists the means to commit terrorist acts for instance, preventing financing of terrorism, and denial of weapons.

On improved working condition and welfare of police officers, respondents emphasized pay and payment of allowances as key. They also indicated that changeovers and leaves should be regularised to allow officers recuperate. Their working conditions must also be improved. Despite these challenges, the National Police Service has to some extent detected and disrupted terrorist threats. While the Westgate attack showed glaring gaps in Kenyan command and control, and the unsuitability of conventional security forces to respond to a civilian incident such as the Westgate, the response by the Crisis Response Team of the elite General Service Unit Recce Company was more competent (START, 2016).

Economic, political and social injustices (44.6%) and ethnic and religious animosity (63.7%) were also cited as challenges in counterterrorism. As with the other five coastal counties of Kenya, Lamu scores low on development indicators. Just like north-eastern region, also bordering Somalia and generally marginalised from development processes since independence, the coastal area of Kenya has the highest rate of poverty in the country. Its economy and broader socio-economic development is, nonetheless, undergoing a substantial rise with theconstruction of a US\$ 5 billion 32-berth port, which will act as the gateway into East Africa's largest proposed infrastructure project, the Lamu Port South Sudan Ethiopian Transport (LAPSSET) Corridor.

Settlement of Kenyans from other parts of the country in Lamu, especially in Mpeketoni, Hindi, Moa and Mkunumbi is a major source of sour relationship and discord between the communities in Lamu County. This unending suspicion fuels resentment and is a catalyst for radicalisation and terrorism. Fear of land grabbing undermines investment opportunities due to resistance which arises from suspicion.

Although all Kenyan citizens are entitled to the same rights, including ownership of property, these perceived or real inequities in land ownership and tenure have created rift between local indigenous people and people from up country. Critically, these identity divides extend beyond ethnicity into religion: not all coastal people are Muslims, and not all newly-arrived settlers are Christians from up-country – indeed, some move from other parts of the coast – but the division between 'indigenous' and 'outsider' is all too easily presented and described as a Muslim-Christian one. The LAPPSET project also risks fuelling other forms of economic disparity. While the government has sought to provide training to local youths so that they can benefit from broader development in the area, some still say that better educated people from upcountry get the jobs in the big projects and in the hotels. Huge land speculation by investors – who are often non-local, politically-connected Nairobi based elites and referred to as land grabbers – has driven the value of land up, especially in areas of close proximity to the Port (Saferworld, 2016).

Weak justice system (67.5%) is another challenge in counterterrorism. Members cited weak laws on counterterrorism as the reasons why most suspects are arrested almost immediately. According to Mogire and Agade (2011), flawed terrorism laws in Kenya have caused grave problems and even with improved legislation over the last few years, success has been minimal. For one, the definition of terrorism is vague and thus, able to be contested by many opponents. The Kenyan government defines terrorism as "anti-state violent activities undertaken by non-state entities which are motivated by religious goals." In agreement Prestholdt (2011) points out that lack of comprehensive legislation puts Kenyan law enforcement officials in positions where they perform questionable means and violate human rights of many in the Muslim community. Intelligence officials have been accused numerous times of unlawfully detaining suspected terrorists for lengthy periods of time and torturing suspects in attempts to gain confessions and further intelligence.

Poor infrastructure (78.7%) and porous Kenya-Somalia border (79.6%) are further challenges in counterterrorism in Lamu County. Respondents pointed poor infrastructure to be one of the reason for continued terror attack in Lamu County. The county is a home to thick and expansive Boni forest that stretches to Somalia. It is in this forest that *Al-Shabaab* has established their cells and uses to launch attacks. The forest also aids their movement to and from Somalia. security operation in Boni forest has been hampered by the dense vegetation that are used by terrorists as hiding ground and points for launching attacks. Security personnel have given forested area a wide berth. Lamu county physical infrastructure has remained underdeveloped with only 6 Km

of the 688.6 Km total road network in bitumen standard. This makes most of the roads impassable during rainy season, including Mpeketoni –Lamu road (Lamu CIDP, 2013-2017).

The porous Kenya-Somalia border has been complicated by the Somali population bordering Kenyan and Somalia who look alike, speak the same language, wear the same dresses and have similar set of culture and traditions, thus making it difficult to identify a foreign national in the absence of identity card. Connivance of locals with intruders makes the task of detection difficult. Population explosion has also worsened the situation with migration across the borders hence terrorists easily cross the border. Without a proper government that can take control of the country, Somalia will continue to play a direct role in the security deficiencies of Kenya. This is because Somalia's geographic location gives it the longest coastline in Africa and makes it the closest African country to the Middle East. This allows Somalia to act as a transit hub in smuggling illicit goods and arms into Kenya. Most notably, the perpetrators of the 2002 Mombasa attacks transited from Somalia and smuggled weapons into Kenya through the shared border (Mogire & Agade, 2011).

Poor interagency coordination (69.1%) was also cited as a challenge in counterterrorism. Interagency coordination in the fight against terrorism is a prerequisite for effective, efficient, and timely response. Erwin (2013) asserts that lack of cooperation between agencies due to organizational structure, technical incompatibilities or competing interests, along with the absence of a central mechanism for coordinating among agencies can lead to operational failures. Indeed these observations motivate a systematic examination of law enforcement structure and capabilities of state.

Pooling all available resources and drawing together multiple strands of expertise can remove the barriers to effective interagency cooperation so the dots can be connected more accurately. Interagency coordination and cooperation in the fight against terrorism is a prerequisite for effective, efficient, and timely response. A conducive environment for cooperation is therefore of paramount importance in ensuring successful operation. While not all agencies might want to share the baggage, it is in their best interests to help their neighbour on overlying and corresponding issues (Saferworld, 2016). Even though the government of Kenya has divided counterterrorism functions among security operatives, operational effectiveness is still impeded by poor interagency coordination among and within the police, intelligence and military forces; limited resources; insufficient training; endemic corruption; and an unclear command and control of, and politicization of some terrorist incidents. In order to improve operational effectiveness, the government made significant leadership changes to enhance effective coordination and cooperation as witnessed during Dusit D2 terror attack on 15th January, 2019.

Corruption (73.2%) was also suggested by respondents as a challenge. A number of terror activities in Lamu and the rest of Kenya have been blamed on corruption involving government officials. Corruption and terrorism have been cited to go coexist. Corruption acts have facilitated influx of terror groups and thriving of terrorism in Kenya as supported by Chumba*et al.* (2016a) who observes that poor governance creates a favourable environment for thriving of terrorism and terror activities by facilitating their ability to attack and organize.

Kenyan Government inability to implement existing laws, ethics and anticorruption measures have also enabled corruption to thrive and water down efforts geared towards counterterrorism efforts, especially along the borders. This has demoralised efforts by other committed personnel to scale up the fight against terrorism and related extremist activities. In addition, lack of integrity among border and custom officials has created a formidable challenge in the fight against terrorism perpetrated along the Kenyan borders. This has put into question the commitment of the government in enhancing security in Kenya to an extent of drawing both local and international criticism.

Inadequate institutional framework (62.4%) and radicalisation (60.0%) comprise some of the challenges. From the respondents, there is no framework of cooperation between different agencies/levels of government. There is suspicion between the County Government and the National Government organs, and this undermines cooperation in counterterrorism. The County Assembly and County Executive are also working at cross purpose. Worse still, the constitutional County Policing Authority has not been established and structures that would foster cooperation between different levels of government in counterterrorism/security are not in place.

There is a rising problem of gang and drug addiction in Lamu. This has been exploited to further the aims of terrorists. Radicalisers are targeting such vulnerable groups. Social media platforms such as Facebook and WhatsApp groups have become potent avenues for radicalisation and recruitment. This is in tandem with observations made by Dandurand (2013) who states that even though many youth live at the margins of society, they are nevertheless inundated with information made available by new technologies. Cell phones and internet access have revolutionised the ways in which youth communicate and stay informed. Information and communication technology is shaping youth culture and methods used consume music, film and art. Furthermore, informal nature of *madrasa* education leaves loopholes that may be exploited by radicalisers. In regulating *madrasa*, governments need to undertake a major effort to reorient their system (initiate curriculum

reform) so that education in the Muslim world focuses less on reproducing repressive religious ideologies and more on teaching the skills needed to develop and globalize their economies; think critically and act independently; and exercise freedom of initiative.

IV. CONCLUSION

It is revealed that the challenges in counterterrorism are numerous and varied. Whereas some are social, others are economic and political. Therefore, the key to effective counterterrorism lies on first addressing these challenges that have remained key impediment in counterterrorism. Generally, as terrorism and terror acts evolve, so must counterterrorism strategies evolve too, taking into account the prevailing circumstances and dynamics on the ground such as socio – economic and political factors, technology, propaganda and general environment. It is then that the war on terrorism will be practically won. Challenges such as socio-economic and political imbalances, including perceived or real marginalization, remain key impediment in management of terrorism and performance of NPS. For effective and efficient counterterrorism operation and performance, the government, the National Police Service and other relevant organs should endeavour to address these challenges satisfactorily.

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