International Peace Support Training Centre
Nairobi, Kenya

ISSUE BRIEFS
2015 SERIES

ISSUE No5
FOURTH QUARTER

The Role of Police in Enhancing Rule of Law in Peace Support Operations

A Review of Counter Terrorism Strategies in Eastern Africa

Changing Trends of Conflicts and Response Strategies in Eastern Africa

ISSUE BRIEFS
2015 SERIES

ISSUE Nº 5
Fourth Quarter

December 2015

Compiled by

IPSTC Peace and Security Research Department

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Nairobi, Kenya.

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Foreword

The International Peace Support Training Centre (IPSTC) is a research and training institution focusing on capacity building at the strategic, operational and tactical levels within the framework of the African Peace and Security Architecture (APSA) and has evolved to be a regional Centre of Excellence for the African Standby Force (ASF) in Eastern Africa. IPSTC addresses the complexities of contemporary United Nations/African Union (UN/AU) integrated Peace Support Operations (PSOs) by analysing the actors and multi-dimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention through management to post-conflict reconstruction. The Centre has made considerable contribution in training and research on peace support issues in the Great Lakes region and the Horn of Africa through design of training curricula, field research and publication of Occasional Papers and Issue Briefs. The Occasional Papers are produced annually, while the Issues Briefs are produced quarterly. These publications are an important contribution to the Vision and Mission of the IPSTC.

This fourth quarter Issue Brief No. 5 (2015) has two titles: *The Role of Police in Enhancing Rule of Law in Peace Support Operations, and A Review of Counter-terrorism Strategies in Eastern Africa.* The Issue Brief provides insights into pertinent peace and security issues in Africa that are useful to policy makers and aim to contribute to the security debate and praxis in the region. The articles in the Issue Brief are also expected to inform the design of training modules at IPSTC. The research and publication of this Issue Brief has been made possible by the support of the Government of Japan through UNDP.

Brig. P. M. Nderitu

Director, IPSTC

Abbreviations and Acronyms

ADF	Allied Democratic Front
ADFAT	Australian Department of Foreign Affairs and Trade
AML	Anti-Money Laundering
ARDUF	Afar Revolutionary Democratic Union Front
ATA	Anti-Terrorism Assistance
AU	African Union
AUPOL	African Union Police
AMISOM	African Union Mission to Somalia
APSA	African Peace and Security Architecture
ASF	African Standby Force
ATP	Anti-Terrorism Proclamation
ATPU	Anti-Terrorism Police Unit
BPLM	Benishangul People's Liberation Movement
CFT	Countering the Financing of Terrorism
CJTF-HOA	Combined Joint Task Force-Horn of Africa
CSO	Civil Society Organization
CVE	Countering Violent Extremism
DDR	Disarmament, Demobilisation and Reintegration
EACTI	East Africa Counter-Terrorism Initiative
EFJEX	Ethiopian Free Press Journalists' Association
EHRCO	Ethiopian Human Rights Council
ENDF	Ethiopian National Defense Force
EPPF	Ethiopian People's Patriotic Front

EPRDF	Ethiopian People's Revolutionary Democratic Front
ERTA	Ethiopia Radio and Television Agency
FDI	Foreign Direct Investment
FDRE	Federal Democratic Republic of Ethiopia
FPU	Formed Police Units
GWOT	Global War on Terror
HOA	Horn of Africa
HPR	House of People Representatives
ICPAT	International Capacity-Building Program against Terrorism
IED	Impoverished Explosive device
IFLO	Islamic Front for the Liberation of Oromiya
IGAD	Intergovernmental Authority on Development
IPO	Individual Police Officers
IPSTC	International Peace Support Training Centre
KECOSCE	Kenya Community Support Centre
KEMYA	Kenya Muslim Youth Alliance
KEMWA	Kenya Muslim Women Alliance
KDF	Kenyan Defence Forces
MINURSO	United Nations Mission for the Referendum in Western Sahara
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MONUSC	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

NCTC	National Counter Terrorism Centre
NISS	National Intelligence and Security Service
OLA	Oromo Liberation Army
OLF	Oromo Liberation Front
ONLA	Ogaden National Liberation Army
ONLF	Ogaden National Liberation Front
ONUC	United Nations Operation in Congo
OSAA	Office of the Special Adviser on Africa
PISCES	Personal Identification Secure Comparison and Evaluation System
PLANELM	Planning Element
POCAMLA	Proceeds of Crime and Anti-Money Laundering Act
POTA	Prevention of Terrorism Act
PREACT	Partnership for Regional East African Counter-Terrorism
PSO	Peace Support Operation
PSOD	Peace and Support Operations Division
REC	Regional Economic Community
RM	Regional Mechanism
SCIC	Supreme Council of Islamic Courts
SIRA	Security, Immigration and Refugee Affairs
SLT	Senior Leadership Team
SOP	Standard Operating Procedure
SPLM/A	Sudan People's Liberation Movement/Army
SPT	Specialized Police Teams

SUPKEM	Supreme Council of Muslims of Kenya
TFG	Transitional Federal Government
UIC	Union of Islamic Courts
UN	United Nations
UNAMID	United Nations and African Union Hybrid Mission in Darfur
UNAMSIL	United Nations Mission in Sierra Leone
UNISFA	United Nations Interim Security Force for Abyei
UNMIK	United Nations Mission in Kosovo
UNMIL	United Nations Mission in Liberia
UNMISS	United Nations Mission in South Sudan
UNOCI	United Nations Operation in Cote d'Ivore
UNPOL	United Nations Police
WIC	Walta Information Centre

Introduction to the Issue Briefs

The topics in this Fourth Quarter Issue Brief are geared towards creating greater understanding and appreciation of the peace and security situation in the Eastern Africa Region as well as on the continent as a whole. In particular, the first paper examines the role of police in enhancing the rule of law in PSOs while the second reviews counter-terrorism strategies in Eastern Africa.

The first paper, *The Role of Police in Enhancing Rule of Law in PSOs,* examines ways in which the police component promotes rule of law in conflict and post-conflict zones. Broken window and contingency theories have been utilized to provide an in-depth understanding of this link. The paper argues that PSO police deployment helps enhance rule of law through provision or facilitation of training and capacity building, monitoring and advisory, reforms and restructuring, electoral assistance, joint operations, and executive law enforcement duties among others. Through these roles, the police aim at developing operational capability of the community, host police, and other law-enforcement institutions. Despite its contribution, the police unit faces many challenges some of which require urgent attention. Some of the highlighted obstacles include inadequate resources, local resistance, insecurity, inadequate training, language barrier, lack of gender representation, and structural hindrances. Finally, the paper recommends various ways in which these challenges could be addressed to ensure that present and future police components successfully implement their rule of law mandate.

The second paper, *A Review of Counter-terrorism Strategies in Eastern Africa*, maintains that the Eastern African region continues to face terrorism due to limited State capacity, socio-economic challenges, porous borders and, more recently, youth radicalization and extremism. Almost all States in the region have experienced terrorists attack. Terrorists exploit geographical space where there is limited State presence, inter-ethnic strife, and lax or non-existent border controls among others. This paper argues that there has been limited success or little documentation on effective counter-terrorism approaches in Eastern Africa. Given the emerging trends

of terrorist camps within the region and the fact that Eastern Africa has suffered immensely from countless Al-shabaab attacks, the study observes that Eastern Africa faces the same reality of weak states whose ineffectiveness in securing territorial integrity and ensuring sustainable and equitable development, has bred conflicts. Though regional, international and nation-specific actors and initiatives have been put in place, counter-terrorism strategies have not born fruits due to a myriad of constraints. This paper also looks at the various initiatives and measures that the Ethiopian government has put in place to counter terrorist extremism in Ethiopia from which that the Kenyan government can borrow in the implementation of counter-terrorism.

The Role of Police in Enhancing Rule of Law in Peace Support Operations

Margaret Cheptile

1.0 Overview

The United Nations (2015) asserts that the complex nature of contemporary armed conflicts necessitates multidimensional peace support operations (PSOs) for effective response in alleviating suffering of the affected communities. The police form an integral part of personnel deployed in PSOs and their roles complement those of the military and civilian components (Ford, 2008). More specifically, the roles of police such as promoting personal safety and rule of law are critical to the success of PSOs and re-establishment of functioning societies (Sismanidis, 1997). It should be noted that the police service in conflict-ridden host states is often ineffective and in a dilapidated state. According to UN (2012) the host police service is commonly characterized by corruption, human rights violations, political biasness, incompetence, limited personnel, mistrust, inadequate remuneration, dysfunctional courts and prisons, and general departure from the rule of law. To this end, the principal task of a deployed police component is to aid the host police unit regain an adequate level of operational capacity and effectiveness in promoting the rule of law.

The aim of this paper is to discuss how the police component enhances the rule of law in a peace support environment. It also examines the main challenges faced in the process. The paper is divided into six sections. The first section introduces the subject with an overview of the paper, background of the police component in a peace support environment, problem statement, overall and specific objectives, and justification of the study. Section two provides the theoretical and conceptual frameworks that guided the paper while the third section gives a methodological note. The body of the paper is contained in section four. Section five outlines the challenges or factors constraining police operations in PSOs. The last section (6) presents the conclusions and recommendations.

1.1   Background

Over the years, the participation of police in PSOs has expanded dramatically worldwide. In fact, unlike in the past, none of the PSOs deployed on the African continent today lacks a policing component (UN, 2014). The African continent is hereby highlighted because it is not only a major contributor of police personnel in the world but also a primary theatre for PSOs. Other scholars have argued that the police unit is one of the fastest growing components in peace operations (Ford, 2008; Caparini and Livingstone, 2014). This progress demonstrates the complexities and changing nature of contemporary PSOs that demand a police unit operating in a more active role to restore law and order in the affected communities. For example, Levine (2008) states that due to lawlessness and weak institutions in most conflict and post-conflict contexts, a security vacuum is often created when the military leaves in the absence of police personnel. This vacuum is highly likely to predispose the local population to human rights abuses and violations.

The primary roles of police in PSOs have also changed considerably. Since the first deployment of the police component in the UN Operation in Congo (ONUC) in 1960, their mandated tasks and responsibilities have become and continue to be increasingly wide-ranging and complex. According to Caparini and Livingstone (2014), traditional police responsibilities entailed monitoring, observing and reporting. However, these passive roles have changed and rapidly broadened to include numerous executive and transformative functions. This change could also be attributed to the evolving nature of PSOs.

It is reported that police roles in UN and African Union (AU)-led PSOs are largely comparable. De Coning, Dessut and Gjelsvik (2014) argue that this is because the training of AU Police (AUPOL) is often based on a UN Police (UNPOL) curriculum. The scholars further argue that some of the AUPOL have previously served in UN missions and hence exhibit similar characteristics. They also state that AU has borrowed valuable lessons from UNPOL in the creation and design of its police structure.

Nevertheless, a further analysis reveals a significant variance in the focus and priority of UNPOL and AUPOL in peace operations. This difference is linked to the distinctions of UN and AU missions. For example, while UN deploys peacekeeping personnel in areas where a ceasefire agreement has been established, AU-led missions conduct peace enforcement and stabilization efforts in an on-going conflict (UN, 2012). As a result, Aubyn (2015) argues that UNPOL's priority is often on capacity-building as an attempt to develop a new post-conflict police force. On the other hand, AUPOL focuses on strengthening the capacity of the host police to contribute to defeating insurgencies that threaten the state.

Besides the mandated police tasks, the number of police personnel participating in PSOs has also increased. According to UN statistics, UNPOL deployed worldwide has risen from 5,840 in 1995 to about 13,328 personnel in 2015. Out of this number (13,328), about 81% (10,850) are deployed to peace operations in Africa. Table 1 provides the number of military, police and civilian personnel serving in the present UN and AU peace missions in Africa. The figures illustrate that out of a total number of 11,236 police in both UN and AU missions, a large proportion (3,230) is deployed in the AU-UN Hybrid Mission in Darfur (UNAMID) while the lowest (6) is in the UN Mission for the Referendum in Western Sahara (MINURSO). This variation could be attributed to differences in the scope of police responsibilities, the priority of the mission as well as availability of resources among other factors. The size of the police component is presumed to influence the extent to which the unit can achieve its mandated tasks.

Table 1: Approximate Number of Personnel in UN and AU Missions in Africa

Mission[1]	Military	Police	Civilian
MINURSO	26	6	246
UNMIL	3,632	1,389	1,240
UNOCI	5,248	1,465	992
UNAMID	14,392	3,230	3,410
MONUSCO	18,111	1,156	3,565
UNISFA	4,388	24	195
UNMISS	11,359	980	1,973
MINUSMA	10,556	1,031	1,260
MINUSCA	8,859	1,569	681
AMISOM	21,500	386	Unavailable
Total	98, 071	11, 236	-

Source: UN Factsheet (2015); http://amisom-au.org/mission-profile/amisom-police/ (10th November, 2015)

In a mission, the police component is further subdivided into three units namely, Individual Police Officers (IPOs), Specialized Police Teams (SPTs), and Formed Police Units (FPUs). Although they perform specific operational duties and tasks, their ultimate goal is restoration of law enforcement and public safety in the host country within the rule of law framework (Caparini and Livingstone, 2014). Madsen (2013) defines rule of law as a principle of governance in which all persons, institutions (including the state) are accountable and equal subject to publicly disclosed legal codes and processes that are consistent with international human rights and standards. In a nutshell, rule of law denotes the authority of law to constrain individual and institutional behaviour in the society in a manner that enhances security and development. Therefore, the role of police, whether in a mission or at home, is usually to ensure that individual and institutional conduct is in accordance with the rule of law as prescribed in national, regional and international standards. To be more specific, conflict and post-conflict zones are often characterised by collapse in civil authority, criminal justice system, and law and order and hence are in dire need of police enforcement. It is against this backdrop that the current paper aims to examine the role of police in enhancing the rule of law in peace support environments.

1.2   Problem Statement

The literature recognizes that the police component is critical in enhancing the rule of law and overall success of peace operations (Sismanidis, 1997). As a result, there has been a noticeable growth in the scale, scope and mandate of police in PSOs over the past few decades. However, despite this significant recognition, the police component remains one of the most scarcely researched areas in peace and security literature, particularly in Africa. In contrast, the military and civilian components involved in humanitarian assistance have dominated the research discourse. It is further noted that a few scholars who have attempted to study the police component have described their general, rather than specific, contributions in peace operations (De Coning et al, 2015; Levine, 2008). Therefore, what is unknown are the specific ways in which police contributions enhance the rule of law in the context of PSOs. In particular, given the collapse of rule of law and the moribund nature of host police services in conflict settings, it is critical to understand how deployed police units address and transform the ominous situation through their mandated roles. It is also pertinent to elucidate the main obstacles faced as they determine the extent to which the police can enhance the rule of law and generally achieve its mandated tasks.

Overall Objective

The overall aim or objective of this paper is to analyse the role of the police component in enhancement of the rule of law in peace support operations. It also examines the main challenges faced in the process.

1.3   Specific Objectives

This paper was guided by the hypothesis that the police component is critical in enhancing the rule of law in PSO environments despite encountering several obstacles or constraints. The specific objectives of the study/paper, therefore, were to:

i.   Examine the ways in which the police component enhances rule of law in PSOs; and

ii. Identify the challenges faced by the police component in enhancing the rule of law in PSOs.

1.4   Study Justification

This paper aims to contribute to the body of knowledge and intellectual debate about the role of police in enhancing the rule of law in PSOs. It is also hoped that the analysis will shape policy formulation and implementation on the subject. Information on the role of the police component in promoting rule of law in PSO environments and challenges faced will prompt the police contributing countries, UN and AU bodies, and other stakeholders to take meaningful actions towards enhancing police effectiveness. In addition, the discussions in this paper are anticipated to form a basis for future research on the subject.

2.0 Theoretical and Conceptual Frameworks

2.1   Theoretical Framework

This paper is guided by broken windows and contingency theories. It is critical to note that these theories are not mutually exclusive but rather complement each other in explaining the role of police in enhancing the rule of law in peace support environments. While the broken windows theory explains the significance of the police component in PSO environments, the contingency approach highlights the importance of adapting police roles and functions to host settings.

2.1.1 Broken Windows Theory

Proposed by Kelling and Wilson in 1982, the 'broken windows' theory of criminology explains norm-setting and signalling effect of disorder and vandalism on deviant behaviour and insecurity. It asserts that monitoring communities to prevent small crimes and offences helps to create an environment of order and lawfulness which, as a result, prevent occurrence of more serious crimes and insecurity. It further explains that people understand disorder to imply decreased levels of social control which consequently lead to increased fear and mistrust from

local communities. This uncertainty often prompts the occurrence of more serious crimes. To this end, the theorists urge that minor disorders must be tackled quickly (equivalent to mending broken windows) to avoid escalation of the problem. They further emphasize the importance of developing capacity and involving local institutions and communities in the 'mending' process. The aim is to ensure that the community and host institutions are able to effectively maintain social control and respect the rule of law on a sustainable basis.

Conflict zones are characterised by widespread human rights violations, destruction of livelihoods, displacements and fluid rules for social interaction. Therefore, this theory is relevant to the current discussion since the objectives of the police component are to restore public order, create safer environment, re-establish confidence of host communities, and protect societies from other atrocities common in conflict settings. Their overall goal is to address trifling criminal and unlawful incidences that are likely to escalate conflict. It is for this reason that the role of the police component is considered key in long-term viability and success of PSOs.

2.1.2 Contingency Theory

This paper also adopts the contingency theory as postulated by Lawrence and Lorsch in 1967 and Evans, R. and Neumann, P. (2009. The theory stresses the importance of understanding the link between police functions and the environment in which they operate. It highlights that the environment of operation influences the effectiveness of police functions and hence different settings place different requirements on police roles and conduct. In particular, these requirements are based on geographical, social, economic, cultural and political characteristics of the host community. For instance, conflict environments present different demands to the police component from those of relatively stable environments. Consequently, the success of the police component depends on how well they adapt to these environments. The theory suggests that the police component needs to match its functions, structure and resources to the conditions of the task environment if they are to be successful in meeting their mandated roles.

In peace support contexts, this theory is supported by the argument that getting the policing right is at the heart of successful PSOs. The intricate nature of peace operations as well as the environment of operation presents numerous demands that require active police participation. These demands include the need to develop capacity of host police service and reforming and rebuilding law enforcement institutions among other rule of law related activities. Depending on the socio-economic and political features of the host community, the deployed police may require a range of technical skills, inter-cultural communication expertise, and sensitivities to local practices of the rule of law and conflict disputes. In other circumstances, deployed police personnel may be required to take up executive police duties which are otherwise supposed to be performed by the host police. This theory is relevant because it explains that police roles and the challenges encountered depend on the environment of operation. It is critical, therefore, that police mandates are adapted to the task milieu for successful enhancement of the rule of law.

2.2   Conceptual Framework

The conceptual framework that guides this paper is captured in Figure 1. It represents the author's own assumptions and conceptualization of the role of police in enhancing rule of law in PSOs as well as the challenges faced in the process. The independent and dependent variables are roles of police component and enhancement of the rule of law respectively. The arrows in the diagram show the flow of the relationships between these variables. The literature indicates that the police component in PSOs is divided into three sub-units: IPOs, SPTs and FPUs. Despite having certain specializations, the main goal of these units is to restore the rule of law in conflict and post-conflict situations as guided by international standards of democratic policing. In general, the police component achieves this goal by engaging the host community, police, and other law-enforcement institutions and stakeholders. Some of the police roles that enhance the rule of law include training and capacity building, monitoring and advising, electoral assistance, joint operations, executive law enforcement, disarmament demobilization and reintegration (DDR),

and reforming and rebuilding law enforcement agencies. Through these roles, the police component enhances rule of law by assisting in the development of sound polices and legislation; establishment of an adequate number of knowledgeable and skilled local police; harnessing public confidence in the capacity of law enforcement agencies; and aiding in the creation of law enforcement institutions that are professional, responsive, representative, accountable and self-sustaining.

Nevertheless, the process of enhancing the rule of law is not without obstacles. Some of the common challenges faced include inadequate resources and training, structural problems, lack of gender equity, language barriers, local resistance, and insecurity among others. The last three challenges are related to the operational environment and determine the extent to which the police component could restore the rule of law and achieve its mandated tasks.

Figure 1: A Conceptual Overview of Police Component and Rule of Law
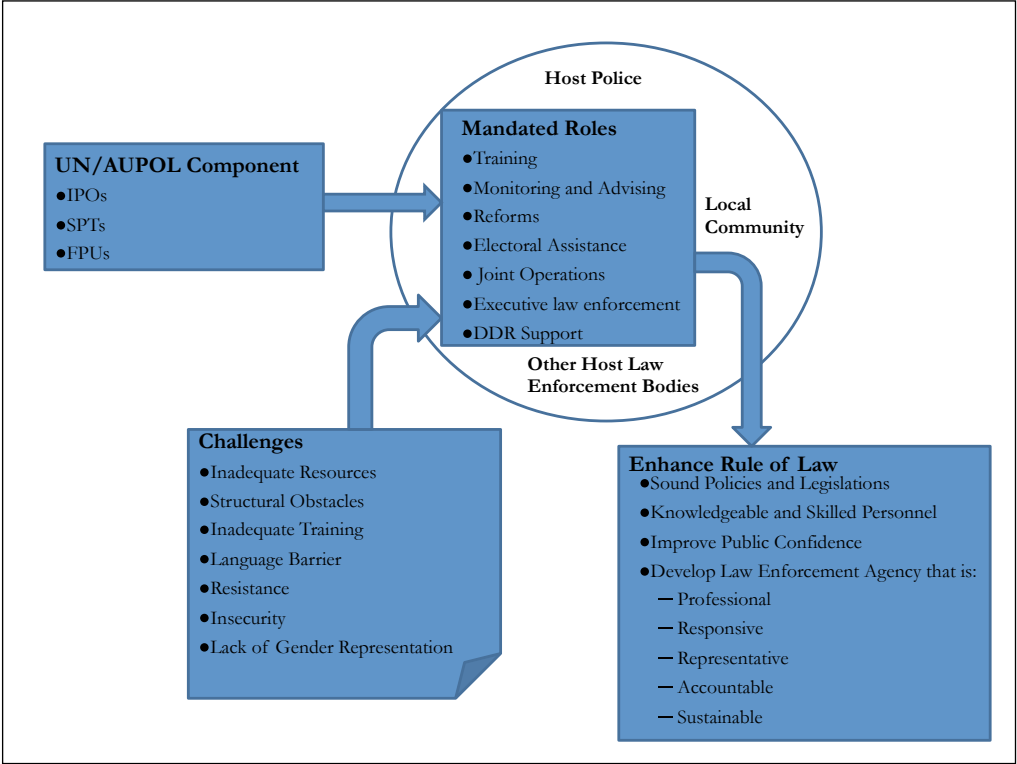
Source: Author's Conceptualization

3.0 Methodological Approach

This paper is based on a critical review of selected books, journals, reports, government publications, and theses on the role of police in enhancing the rule of law in PSOs. The literature review was complemented by personal experiences of the researchers. The arguments herein are therefore based on a combination of these approaches. More specifically, qualitative analysis has been employed to provide an in-depth understanding of the topic under discussion.

4.0 Police and Rule of Law in Peace Support Operations

The mandate of the police component may change from mission to mission. However, most of its activities often conform to international policing standards. One of the primary tasks that deployed police is mandated to carry out is to help re-establish the rule of law in conflict- affected societies. Broadly, the police component does this in three different ways. Firstly, it ensures that the law-enforcement institutions and personnel have the capacity to effectively carry out policing roles with respect to the rule of law. Secondly, it ensures that the public, law enforcement units and other institutions respect and are accountable to the rule of law. Thirdly and finally, it ensures that public confidence and trust on the ability of law-enforcement institutions is restored. To illustrate this argument further, the following are some of the specific ways in which the police component enhances the rule of law in PSO environments.

4.1 Training and Capacity Building

In most missions, the police component is mandated to build the capacity of their host counterparts and other law-enforcement institutions. The goal is to strengthen the capacity, change the attitudes and mind-sets, and professionalise the host police personnel to ensure that their conduct is effective and complies with the rule of law (Mbogo, 2009). As a capacity building tool, training is considered pertinent since it ensures that once peace is secured, the host country has an adequate pool of competent police officers to maintain law and order and prevent conflict resurgence

(UN, 2014). According to the UN (2012) some of the main areas of police training include criminal investigations, election security, professionalism, intelligence gathering, counter-terrorism, public order management and riots control. Aubyn (2015) provides an example of effectiveness in police training when he reports that a training conducted by MINSUMA police strengthened the operational capacity of the Malian police in maintaining law and order during the 2013 general elections. The police were trained in responding to electoral violence and code of conduct of security personnel. This contributed to relatively peaceful general elections in that country. In addition, Mbogo (2009), notes that it is critical to involve facilitators from the local community and law-enforcement bodies in the training so as to foster local ownership and commitment.

4.2   Monitoring and Advisory

As earlier alluded to, the mandate of the police component has traditionally been to certify that the host police forces conduct their duties in an efficient, professional and non-partisan manner and with utmost respect to individual human rights. In this case, police components in various missions monitor the operations of the host police and other law enforcement bodies as regards their service delivery and conduct so as to ensure that it is attuned to international policing standards and human rights provisions (Ford, 2008). The police component is further mandated to report any human rights violations by host police personnel, identify weaknesses, suggest appropriate interventions and report on their effectiveness (UN, 2012). Specifically, De Coning et al (2014) outlines that AMISOM police advises and gives support to the Somali Police Force (SPF) on key policing areas including police operations, crime investigation and administration. It has also advised SPF on development of strategic action plans and other working documents that have subsequently been adopted by the Somali parliament. The goal of monitoring and advisory is to ensure that the local police are sustainably responsive and accountable to the community it is responsible for protecting.

4.3   Electoral Assistance

The UN (2005) observes that elections in most conflict and post-conflict countries are filled with security concerns and hence require proactive involvement of law-enforcement institutions. In each phase of elections, therefore, deployed police in collaboration with local police are tasked to provide security and ensure that basic human rights, such as freedom of expression and association and the right to peaceful demonstration, are protected. In particular, this protection detail entails protection of voters and candidates from intimidation, harassment, abduction and retribution (Aubyn, 2015). This implies that police personnel may be tasked to provide security at voter registration and polling sites, protect electoral materials and equipment, and provide security during inauguration of newly-elected leaders. The UN (2005) further argues that police support has helped several post-conflict societies, for example Namibia, Mali and Kosovo among others, to conduct peaceful and internationally accepted democratic elections. According to Aubyn (2015) MINSUMA police in particular, provided technical and logistical support to Mali's independent national electoral commission during the 2013 general elections. It facilitated transportation of electoral materials, deployment of domestic and international observers and secured almost all the 21,000 polling stations across the country.

4.4   Executive Law Enforcement

The mandate of executive law enforcement refers to scenarios where deployed police personnel have the authority to carry out direct law enforcement duties such as arrest and detention as well as major police reforms (UN, 1995). This direct function is often authorized when there is a significant collapse of law enforcement institutions or where the host police are either non-existent or ineffective (Ford, 2008). A good example is where UNPOL in Cambodia and Haiti had to assume responsibility for prisons and police service due to a totally dysfunctional civil authority (Sismanidis, 1997). Another instance is where UNPOL, serving in a UN Mission in Kosovo (UNMIK), was mandated to conduct normal policing duties such as protection of

property and lives, crime investigation, enforcement of law and order, and building the capacity of local police service (UN, 2005). In these cases, the police component served as the national police service until domestic capacities were established. It is important to note that the executive policing function should aim at a progressive hand-over of the law enforcement responsibility to national police forces (Ford, 2008). Consequently, therefore, the priority of the police component should be the development and establishment of competent and skilled domestic policing.

4.5   Reform, Reconstruction and Rebuilding of Law Enforcement Institutions

The establishment of independent and self-sufficient local law-enforcement institutions and police force is a long-term objective of the police component in PSOs (UN, 2005). To achieve this, the component carries out reforms intended to support institutional development and capacity-building of the local police. It also advises and supports national authorities in designing and establishing appropriate administrative and operational structures for national police agencies (Levine, 2008). According to De Coning et al (2014), in post-conflict situations, it is sometimes necessary to recruit a new police force as the old personnel could be typically associated with the conflicting parties. In addition, the police component often attempts to re-skill the old police personnel especially on international human rights standards and policing guidelines, on the assumption that the old police force might have been corrupt, biased and abusive. Mbogo (2009) further highlights that deployed police units sometimes focus on creating a civilian police culture as the existing police might have been militarized during the conflict. Overall, the aim of these efforts is to create a local police that has a long-term democratic basis, independence, operational sustainability and public credibility. Besides the training, working closely with national authorities and local communities is critical in ensuring local ownership and sustainability of any reform and restructuring efforts.

4.6   Supporting Joint Operations

Police units deployed in PSOs often support host police personnel in operations such as neighbourhood and checkpoint patrols; provision of security in food distribution sites, ports, and camps of internally displaced persons; cordon and search operations; traffic and crowd control; quick response to terrorist incidents and other crisis situations (UN 2014; De Coning et al, 2014). In PSO environments, these joint operations tend to improve security especially in areas already liberated from conflict, boost the confidence of the local police and empower them to control and secure the territory under their control (Caparini and Livingstone, 2014). In particular, the outlined operations constitute what is referred to as 'public order management' which aims at facilitating the exercise of fundamental rights and freedoms by individuals without undue disturbance or hindrance (UN, 2005). Importantly, the police component has increasingly involved communities in finding solutions to local security and justice problems. This approach has fostered a close relationship between the police and local communities to the extent that law reforms are better understood and easily accepted by the population (Aubyn, 2015).

4.7   Disarmament, Demobilization and Reintegration (DDR)

Globally, more than 500,000 people are annually killed by illegal arms the majority of whom are civilians (Madsen, 2013). The continuous flow of illegal arms endangers peace operations as insurgencies remain armed. According to the UN (2005), involvement of the police component in DDR initiatives in a PSO context enhances the success rate as well as acceptance of ex-combatants into the society. The specific tasks of the police component include assisting local law enforcement agencies to develop policies and legislation that control and regulate possession of firearms (Smith, Holt and Durch, 2006). Other mandated tasks include assisting local authorities in the maintenance of law and order within demobilization and cantonment zones; provision of security to ex-combatants during the reintegration phase; assisting local authorities in vetting ex-combatants during absorption into

the local police service; helping the local security forces in their down-sizing efforts, and provision of alternative livelihoods to the affected persons (Sismanidis, 1997; Mbogo, 2009).

The police component enhances the rule of law in PSOs by engaging their host counterparts, the community at large, and other law enforcement institutions. Through their outlined roles, the deployed police enhance the rule of law in various ways. First, they support formulation and implementation of policies and legislations that adhere to and promote the rule of law. Second, they build the capacity of law-enforcement personnel thereby developing competent, knowledgeable and skilled staff. Third, they constantly engage the community with intent to improve public confidence in the efficiency and effectiveness of law-enforcement institutions and procedures. Lastly, they support the development of law-enforcement bodies that respect international standards which include democratic policing principles such as professionalism, representativeness, responsiveness, accountability and self-sustenance.

5.0 Challenges Faced by Police Component in Peace Support Operations

In spite of the contribution of the police component in enhancing the rule of law, there are various obstacles that limit their effectiveness. The success and efficacy of current and future peace operations depend on the progress made in addressing the strategic, tactical and operational challenges faced. Some of these are discussed below.

5.1 Inadequate Resources

A gap exists between the police mandate and the resources provided for its implementation. Caparini and Livingstone (2014) highlight that AU-led missions largely depend on external support in terms of resources for the execution of their mandates. These resources are most of the time unreliable, delayed and limited. In particular, De Coning et al (2014) states that the police unit faces a shortage of resources such as vehicles, radios, training materials and other critical resources

required to support development of host law-enforcement institutions especially the police. The resource scarcity challenge is not specific to AU-led missions. Aubyn (2015) highlights that MINSUMA faces logistical, financial and human resource constraints. Its police unit is operating below the UN authorized strength. For instance, in 2014, there were 974 police personnel in MINSUMA representing about 67.1% of the authorised strength. This has affected the deployment of police personnel to most parts of northern Mali. Ironically, while more personnel are required, the mission lacks facilities and equipment for new personnel. According to Levine (2008) resource scarcity is likely to aggravate governance problems as police are easily drawn into crime, corruption, insurgency and other unlawful activities that have economic benefits. De Coning et al (2014) maintains it is regrettable that while missions are in dire need of equipment, the international community is often ready to provide training. However, this paper argues that both training and equipment are required in equal measure to enhance the rule of law and realize success in PSOs.

5.2 Structural Obstacles

According to Caparini and Livingstone (2014), there is decreasing development of the police component at the AU and Regional Economic Community (REC) and Regional Mechanism (RM) levels. The two scholars argue that there are gaps in policy, Standard Operating Procedures (SOPs), doctrine and training which result in slow mobilisation and deployment of police in PSOs. For example, the AU structure seems to favour the military more than the police component as illustrated in the initial African Standby Force (ASF) blueprint which exclusively reflected military inputs. It is also clear that the police component was not involved in the initial design of the ASF and creation of the African Peace and Security Architecture (APSA). Levine (2008) further notes that the police component is understaffed especially with reference to the continental planning element of AU and the Peace Support Operations Division (PSOD). This set-up, in addition to the absence of a police component doctrine and related frameworks, makes it difficult for the police to implement its mandated rule of law functions.

5.3   Inadequate Training

The police component represents a varied mix of skills, knowledge and expertise which determine the effectiveness of PSOs. In AU-led missions, Caparini and Livingstone (2014) report that police units receive minimal pre-deployment induction and in-mission training. The scholars explain that only a few police commissioners have strategic planning experience and yet it is an essential skill for commanding a deployed police unit. Levine (2008) further documents that many police components are ignorant of key international and legal frameworks that guide their functions, including international human rights law or international humanitarian law. On the other hand, De Coning et al (2014) states that the pre-deployment training offered to police personnel is generic in nature and hence fails to give mission-specific knowledge, skills and insights. For example, the police component in AU-led missions is trained about the UN but not on the local culture and traditions that could facilitate their adaptation and effectiveness in re-establishing the rule of law and realizing overall mission mandate.

5.4   Language Barriers

Language gaps between the deployed police units as well as between the units and local police present a major constraint to effective communication which in turn affects achievement of mission mandate. UN (2014) reports that some deployed police personnel in peace operations in Africa do not speak English or French even though this is a mission requirement. As a result, there is often undue reliance on language assistants for the police to engage with the local population and key authorities. This situation is worsened when language assistants become unreliable either because they work for a party to the conflict or do not understand a specific local dialect of the main language (Ford, 2008).

5.5   Resistance and Insecurity

Deployed police units may sometimes encounter drastic resistance from the local communities. Aubyn (2015) explains that resistance often occurs when the host

population perceives certain institutional, law and structural reforms as unwelcome interference. It also occurs when the community views some police officers, based on their nationality or religion, as favoring a particular conflicting party. This predetermined opinion deters the police from building trust with the local population and law-enforcement bodies (Sismanidis 1995). In addition, deployed police personnel are also faced with considerable security challenges. This is primarily because most missions operate in a context of active armed insurgencies, weak governance and justice systems, and volatile security. AMISOM, for instance, is perceived as a legitimate target of Al-Shabaab (De Coning et al, 2014).

5.6   Inequity in Gender Representation

Currently, there are more male than female police deployed in peace operations around the world. Female police officers are also under-represented in key decision-making positions of peace operations. De Coning et al (2014) reports that there is no female representation at the Senior Leadership Team (SLT) level in AMISOM. Furthermore, Caparini and Livingstone (2014) observe that there are no female police planners in the Planning Element (PLANELM) at REC/RM level and in the PSOD and ASF planning units. The UN (2005) further states that the contribution of female police in missions is limited to gender issues rather than the overall mandated responsibilities and tasks of police officers. For example, most female police officers are often deployed at gender desks at the mission headquarters.

5.7   Inadequacy of Mentoring and Advisory Model

De Coning et al (2014) asserts that the mentoring model employed by police advisors creates an unequal us-versus-them relationship between the police component and their local counterparts. This is detrimental as it is likely to deter solidarity and local ownership of the peace efforts. It is assumed that deployed police officers or mentors are experts in international policing standards and hence are supposed to transfer knowledge to the local police. It is uncertain, however, the degree to which the police personnel or mentors from various countries have a common understanding of international policing standards. Levine (2008) highlights that

a UN assessment found that most police advisors in the United Nations Mission in Sierra Leone (UNAMSIL) were ignorant of international democratic policing standards and UN procedures. In fact, some of them were less experienced than the Sierra Leonean police they were advising.

In summary, the police component may encounter a few or all of the outlined challenges at one time or another. However, some of challenges present greater hindrances than others depending on the nature of the mission and context of operation. For example, the commonly reported obstacles faced by AUPOL relate to structural problems and inadequate resources. Both AUPOL and UNPOL suffer from inadequate training, language barriers, insecurity, and inequity in gender representation, though to varying degrees. Local resistance and inadequate mentoring and advisory models are some of the other obstacles reported.

6.0 Conclusions and Recommendations

6.1 Conclusions

This paper sought to examine ways in which the police component enhances rule of law in PSOs as well as identify the challenges faced. Overall, it concludes that since the first deployment of the police component in ONUC in 1960, police personnel have substantially contributed to the maintenance of global peace and security. Their growing recognition and significance in conflict and post-conflict settings illustrate the inevitability of their involvement in peace operations. The prime mandate of deployed police personnel is to restore the rule of law in communities ravaged by war and conflict. In regards to the research objectives, this paper concludes that the police have enhanced rule of law in PSOs through training, monitoring, advising, electoral assistance, joint operations, executive policing functions and reforms, and reconstructing and rebuilding law- enforcement institutions, among others. These functions have enabled the police component to improve the operational capacity of the local police and law enforcement agencies as well as ensure that individuals and institutions act in accordance with the law. Nonetheless, various challenges limit the ability of the police to fully perform their mandated tasks. These include

inadequate resources and training, language barriers, insecurity, local resistance, and structural problems, to mention but a few. These challenges must be addressed for present and future police components to successfully implement their mandates.

6.2   Recommendations

Based on the findings of this paper, in order to augment the police role in promoting rule of law and overall success of PSO strategies need to be put in place to address the challenges faced. To do this successfully, all stakeholders including local law-enforcement authorities, private sector, civil society organizations (CSOs), regional and international organizations, and community members are required to work together in partnership. The following are some of the suggested strategies:

- Unqualified and unprepared police personnel can jeopardize human life, property, credibility and success of peace operations. As such, there is need to provide sufficient and effective training that inculcates into them the requisite knowledge and skills to accomplish the mandated tasks and responsibilities. In this regard, the police should be provided with intensive and comprehensive pre-deployment, induction and on-going field trainings that focus more on mission-specific content and information rather than on generic material. In this case, training institutions and partners are advised to undertake frequent, timely and thorough training needs analysis so as to update their teaching curricula accordingly.

- There is need to adjust the AU strategic structure to provide the police, military and civilian components with equal functional and decision-making authority. Increased participation in APSA decision-making structures and processes will advance the profile of the police component and its role in PSOs. This will also ensure that the police are no longer subordinate to the military component.

- There is need to ensure that police are deployed with proper and adequate equipment and logistical support so as to promote successful implementation

of mandated functions. This is a key concern for the AU, as opposed to the UN which tends to deploy to higher risk environments that often do not have support systems in place beforehand. In addition, the AU needs to look for self-sustainability formulae as heavy reliance on external funding poses vulnerabilities for the maintenance of not only the police but also military and civilian components as well. This is especially because a shift in donor priorities and interests can result in changes in mission support.

- To mitigate the problem of language barriers, priority should be given to deploying police personnel who can speak the mission operating language. If this is not feasible, the police component should identify host police officers who can speak English (or French) as appropriate and further build their capacity with the aim of employing them as liaison officers between the host police and the international counterparts.

- There is need to increase the number of female police officers in PSOs. To achieve this, national police services need to revise their policies on recruitment, training and promotion of female personnel. Cultural values and norms that deter women from joining the police force should also be addressed. Employing and training more female police officers will ensure that there is an experienced pool of personnel from which the AU and UN can select for deployment.

- The police component should adopt a mentorship approach that enhances solidarity and togetherness between them and the local police. For instance, joint training between the police component and their host counterparts could promote cohesion and end the 'us-versus-them' perception.

References

Aubyn, F. K. (2015). *Policing and Peace Operations in Africa: Reflections on MINUSMA.* KAIPTC Occasional Paper No. 39. Accra: KAIPTC.

Caparini, M. and Livingstone, A. (2014). *African Perspectives on Challenges of Police Command in Peace Support Operations.* Pretoria: Institute of Security Studies (ISS) Paper 276.

De Coning, C., Dessu, M. K. and Gjelsvik, I. M. (2014). *The Role of the Police in the African Union Mission in Somalia: Operational Support, Training and Solidarity.* New York: Training for Peace.

Ford, H. (2008). *Evaluating the Operational Effectiveness of West Africa Female Police Officers Participation in Peace Support Operations: The Case of Ghana and Nigeria.* Accra: KAIPTC Occasional Paper No. 23.

Kelling, G. and Wilson, J. (1982). "Broken Windows: The Police and Neighbourhood Safety". *The Atlantic Magazine*, March 1982.

Lawrence, P. R. and Lorsch, J. W. (1967). "Differentiation and Integration in Complex Organizations". *Administrative Science Quarterly* 12: 1-30.

Levine, D. H. (2008). African Civilian Police Capacity for International Peacekeeping Operations. Washington DC: The Henry L. Stimson Center.

Madsen, B. (2013). "Rule of Law Assistance in United Nations Peace Operations – Next Steps". Berlin: Centre for International Peace Operations, ZiF Policy Briefing.

Mbogo. S. (2009). "Africa: Police for Peace." *ISN Security Watch,* 14 August 2009.

Sismanidis, R. D. V. 1997. *Police Functions in Peace Operations.* Peaceworks No 14. Washington DC: United States Institute of Peace.

Smith, J., Holt, V. K. and Durch, W. J. (2006). *Enhancing United Nations Capacity for Post-conflict Policing.* Washington DC: The Henry L. Stimson Centre.

United Nations (1995). *United Nations Civilian Police Handbook.* New York: UNDKO.

United Nations (2005). *United Nations Police Handbook: Building Institutional Police Capacity in Post-conflict Environments.* New York: UNDPKO.

United Nations (2012). *United Nations Police on Duty for Peace 2008-2012.* New York: UNDPKO.

United Nations (2014). *United Nations Police in Peacekeeping Operations and Special Political Missions.* New York: UNDPKO.

United Nations (2015). *United Nations Peacekeeping Operations Fact Sheet.* New York: UNDPKO.

A Review of Counter Terrorism Strategies in Eastern Africa

Martin Okwir

1.0 Introduction

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. It remains an affront to the Global Charter of the 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 the Eastern Africa region. In this regard, effective counter-terrorism mechanisms and approaches remain fundamental tools in curbing the threats and devastating effects of terrorism.

Since the advent of the 'war on terror', issues concerning terrorism and counter-terrorism have evolved into pronounced norms within regional and global systems. Yet, while enormous literature has focussed on and analysed counter-terrorism approaches within the US, UK and the EU, little has been documented on effective counter-terrorism approaches in Eastern Africa. Given the emerging terrorist camps in the region and the fact that Eastern Africa has suffered countless attacks from the Al-shabaab, it is imperative that Eastern African countries improves the overall execution of counter-terrorism strategies (Beutel, A. J. (2007).

The region continues to face serious counter-terrorism problems due to limited state capacity, inter-state disputes, socio-economic challenges, porous borders and, more recently, radicalization and extremism. Almost all states in the region have experienced terrorist attacks. The terrorists exploit geographical space where state penetration is limited, inter-ethnic strife, differences in governance systems and judicial procedures, lax or non-existent border controls and a variety of transnational organized criminal networks to carry out their activities. Somalia, which has increasingly become a hub for terrorists to recruit and train, presents a growing

challenge for states in the region and the international community. Counter-terrorism has had a mixed impact on the security situation. Broadly, efforts against terrorism opened new security frontiers engendering a reordering of priorities and a fundamental rethinking about security in the Horn of Africa. The dynamics of 'the war on terrorism' catalysed peace deals in Somalia and South Sudan, but also fostered restrictive security paradigms which have perpetuated conflicts and stoked civil wars in the region. The campaign against terrorism also gave new impetus to the old security perspectives that enabled some regimes to utilise terrorism for political ends. On their part, local extremist groups, redefined as 'terrorists', formed strategic alliances with Islamists aimed at securing aid and sanctuary and imported into the local theatres of war some of the obnoxious tactics of jihadists such as beheading of victims.

Responses to terrorism by African governments threatened the stability of fragile states with hastily introduced counter-terrorist laws that threatened human rights and widened religious fissures. Disaffection with the US's blanket definition of terrorism within Africa has resulted in poor coordination between regional and international counter-terrorist initiatives, making counter-terrorism one of the weakest links in Africa's peace and security agenda since 2002. In line with the increased focus on Africa in the US security strategy, the Horn was redefined as a particularly risky region becoming a focus of Washington's efforts against terrorism such as the East Africa Counter-Terrorism Initiative (EACTI) and the Combined Joint Task Force Horn of Africa (CJTF-HOA). Washington's high-handed approach to counter-terrorism has imperilled fragile democracies in countries like Kenya.

The devastating effects of the current transnational terrorism have put much pressure on national, regional and international actors and states to urgently focus greater attention on improving border controls and counter-terrorism strategies. Although defence and economic regulations have traditionally been key border concerns in the past, currently, states are redefining and reconfiguring their border regulatory apparatus to prioritise policing with the objective of denying territorial access to both local and transnational terrorists who attempt to evade law

enforcement agents (Andreas, 2003). Due to exponential increase in international travel, border management systems have to contend with additional risks associated with these movements including mass-casualty terrorist attacks, rising illegal immigration, and human trafficking which have exposed the weaknesses of states in managing borders effectively. As a result, governments have invested heavily in border management frameworks with the aim of facilitating legitimate travel and trade, preventing terrorism and transnational criminal activity as well as reducing illegal migration flows (Collett, 2011).

Due to increased terrorist attacks within Europe, the Middle East and the Eastern Africa region, many counter-terrorirsm measures such as anti-terrorism legislation, intelligence gathering, judicial authority as well as use of programmed 'smart' cameras, positioning of snipers at specific locations, undercover security operatives and multiple checks using different operational methodologies, have been implemented with little success (Kalu, 2009). The problem of long, uncontrolled and porous borders poses a significant challenge to all African states. The porosity of the borders of most Eastern African states makes them vulnerable to cross-border smuggling of small arms, precious metals, illegal drugs, illegal small arms and light weapons, movement of currencies and other possible sources of terrorism financing (OSAA, 2003). This raises the odds and provides opportunities for corrupt officials to collude with terrorists, particularly those with responsibility for maritime and land border controls within Eastern Africa and the Gulf of Aden coast of Somalia. The UN's counter-terrorism strategy highighted in UN Security Council Resolution no. 1267, 1624 of 2005, and SCR 2178 of 2014, has among its priorities the commitment to address underlying conditions conducive to the emergence and spread of terrorism and highlights the importance of development as an important element of global counter-terrorism efforts. However, there still exists a gap between political goodwill and the strengthening of the human resource capacity needed to effectively implement counter-terrorism strategies. While the African Union wants to be an effective partner in global counter-terrorism, its members such as Kenya, Uganda, Burundi, Somalia and Ethiopia do not have the financial, technical and human resource capacity to enable the organization to meet its expectations.

The Somalia state has been a volatile ground conducive for recruitment, radicalization and training of islamist terrorist groups such as Al-shabaab since the early 1990s (Masese, 2012, Krause, V. and Otenyo, E. (2005). As a result, Eastern Africa's (particularly Kenya and Uganda) vulnerability to terrorist attacks has worsened with the counter-insurgency pursuit of the Al-shabaab into Somalia by the KDF since October 2011. Incidences of terrorist revenge and retaliation have been on the rise. Being the diplomatic and commercial hub of the region, coupled with its long stretch of porous (poorly policed) borders, the infiltration of terrorist elements to attack Kenya, Uganda, Burundi and foreign interests, has been real. Evidence of this reality can be seen in the history of terrorist attacks in Kenya which (Adams, et al, (2011) and Miriti (2008) traces to several sources: the 1980 bombing of the Israeli-owned Norfolk Hotel in Nairobi which claimed sixteen lives and injured one hundred more; the August 1998 bombing of the U.S. Embassy in Nairobi claiming over two hundred lives and injuring many more; the 2002 bombing of the Israeli-owned paradise Hotel in Kikambala, Mombasa, and the attempt to shoot down an Israeli airplane on take-off at the Moi international airport, Mombasa. Others include the terrorist attack on Westgate Mall in Nairobi in 2013, the Mpeketoni attack at the Kenyan Coast in which over 60 people died; the killing of 28 bus passengers and 38 mine-workers in Mandera in 2014; the killing of 147 students at Moi university's Garissa campus on 2 April, 2015, as well as abduction of tourists, government officials and international aid workers from refugee camps in northern Kenya. All of these are the results of a declaration of war (with reprisals and revenge attacks) by Al-Shabaab against Kenya and Uganda for their participation in the pacification and stabilization of Somalia.

Such terrorist activities pose adverse effects on the wellbeing of Eastern African nations. For instance, terrorism and the war against it have jeopardized Kenya's social and economic and political stability. International governmets in some cases issued travel advisories warning their nationals against travelling to Kenya. Besides the terrorist threats, international governments have warned of violent and sometimes fatal criminal attacks, carjacking, grenade attacks, home invasions,

burglaries and kidnappings which may occur at any time in any part of Kenya. It is noted that Kenya, being a regional hub and economic powerhouse, bears the brunt of runaway breakdown of security relative to some of its neighbours such as Uganda. As a result, strengthening the institutional and technical capacity to respond to or mitigate terrorism is not an option but a necessity for the Kenya government (Wachira, 2013). It is against this background that this research sought to investigate the challenges faced in establishing effective counter-terrorism strategies in Kenya and Ethiopia and what the existing gaps and opportunities are in counter-terrorism strategies.

1.1 Problem Statement

Terror attacks in the Eastern African region have led to negative socio-economic and political effects for each of the affected countries. Terrorism has claimed hundreds of civilian lives with thousands surviving with incapacitating long-term injuries; led to the destruction of both local Western business establishments; affected the enjoyment of individual rights and freedoms; and influenced the escalation in social animosities and religious tensions. Considering the fact that Kenya's economy is heavily dependent on tourism and inflows of foreign direct investment (FDI), it is important to critically examine the country's response to this growing problem.[1] Rolling back the negative impact of terrorism has been made more urgent and necessary due to the country's long-standing role as a regional economic hub whose national security is necessary for regional growth. Its geopolitical positioning as well as being home to substantive Western economic interests has pushed Kenya to a global partner in the war against terror.

For a long time, Kenya did not have in place any specific counter-terrorism legislation despite her being a victim of criminal activities carried out by terrorists.

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1   Chweya L., "Emerging Dimensions of Security in the IGAD Region," in Mwagiru M., (Ed), African Regional Security in the Age of Globalization,(Nairobi: Heinrich Boll Stiftung, 2004), p.22.

Though there existed various legislations that criminalized terrorism such as the penal code, [2] the sentences were rather lenient and thus terrorists would walk free in most circumstances. In 2012, Kenya marked a milestone with the enactment of the Prevention of Terrorism Bill. The Bill was however marred with controversy after a section of the Muslim community and human rights groups opposed it. The Kenya Human Rights Network, an umbrella organization of rights groups, argued that the Bill gave security personnel wider powers to arrest suspects, seize property and investigate terrorist offences. They also argued that the bill gives the requisite cabinet secretary the right to declare and render a person or an association terrorist.[3] The minority Muslim community argued that the legislation was formulated to oppress and undermine their freedoms. They also argued that most persons associated terrorism were Muslim given that most terrorists were radicalized jihadists from the Islamic faith. Despite the controversies, the bill was enacted into law on 12 October, 2012.[4]

Among the contentious clauses sighted by the above groups include was Section 31 that gives the Kenyan police unsanctioned power to arrest any persons on reasonable suspicion.[5] The Act, however, does not specify the legitimate limits of the "reasonable suspicion" making the section vague and an impediment to the freedoms guaranteed under the Kenyan constitution. All governmental action or recourse, even in exceptional situations, must meet the highest standards of reasonableness, non-arbitrariness and equality. By implication, the clause prohibits the use of torture and other forms of unorthodox screening techniques by law-enforcement agencies. Coercive interrogation mechanisms more often than not

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2   Act 30 of 2012 Sec 220, 224, 234, 235 and 393.

3   Act 30 of 2012 Sec 220,224, 234, 235 and 393.(Apr 9, 2015) - International law regimes affecting Kenya and importance if any in upholding the Bill of Rights under the constitution and enforcing the Prevention of Terrorism Act.

4   The Constitution in Article 27 guarantees equality and freedom from discrimination. Article 27 (4) outlaws direct and indirect discrimination against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. The Constitution through Article 33 (1) also guarantees freedom of expression. It also states in Article 33 (2) that "the right to freedom of expression does not extend to; propaganda for war; incitement to violence; hate speech; or advocacy of hatred that (i) constitutes ethnic incitement, vilification of others or incitement to cause harm; or (ii) is based on any ground of discrimination specified or contemplated in 27 (4)."

5   Act 30 of 2012 Sec 31

result in false confessions and do not help in preventing acts of terrorism *per se*. Tolerance of the same can breed a sense of complacency if they are viewed as an easy way out by enforcement agencies. This is required because in recent counter-terrorist operations, there have been several reports of arbitrary arrests, profiling of certain communities and concoction of evidence.[6]

The few studies on terrorism in Eastern Africa particularly Kenya and Ethiopia (Hussein, 2006; Woldeselase, 2010; Shinn, 2002; 2005; 2007; Smidt, 2008; Rabasa, 2009) document the factors contributing to both Kenya's and Ethiopia's vulnerability to terrorism. They concur that the political, ethnic or religious marginalization of different groups may be responsible for attempts at secession by some groups. In one way or another, these factors may explain the reasons behind the terrorist manifestations in Eastern Africa, Kenya and Ethiopia in particular.

The Ethiopian government has been fighting against terrorist campaigns from Somalia and internally the ONLF and OLF separatist movements which have been associated with various atrocities; Amtaika, A and Ahmed, M. 2013, Shinn, 2002; 2005; 2007; Dickson, 2005; Rotberg, 2005; Rabasa, 2009; Woldeselase, 2010; Goitom, 2013). Some terrorist campaigns were described as more dangerous and complex especially when the Eritrean government aligned itself with the separatist movements targeting the Ethiopian people (Pham, 2009; Rabasa, 2009; Foltz, 2010; Woldeselase, 2010; Amtaika and Ahmed, 2013; Goitom, 2013).

This study argues that Kenya's social, economic and political disposition coupled with her foreign and internal policy perceptions and behaviors are responsible for terrorist threats facing the country. Infact, Forest, J. J. (2011), Savun and Phillips (2009), have analyzed the interface between a state's domestic and foreign policy behaviors and terrorist threats. This study, conducted at the global level in 2009, come out with three internal and foreign policy behaviors of states that are more likely to trigger terrorism against the state itself. These are: involvement in both

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6   The Presidential Action Committee to address specific concerns of the Muslim community in regard to alleged harassment and/or discrimination in the application/enforcement of the law. This committee's report, submitted in July 2009, has never been made public. See, Office of Public Communication, 'No one will be discriminated–president assures Muslim community', 22 July, 2009, http://www.communication.go.ke/news.asp?id=253

domestic and foreign policy crises (conflictual or hostile relationships) with other states; alliance with the USA, Israel, and UK; and intervention in the civil wars of other states. According to the two scholars, when a given state adopts a more active foreign policy approach, this makes it a likely target for terrorist attacks by the real or perceived aggrieved groups.

This paper critically assesses the counter-terrorism strategies and mechanisms instituted by Kenya and Ethiopia to deal with terrorist groups. The research on which the paper is based had three main objectives. These were to:

1.2   Research Objectives

i.   Compare counter-terrorism strategies employed in Kenya and Ethiopia;

ii.   Assess the challenges facing the counter-terrorism strategies employed by Kenya and Ethiopia; and

iii.   Identify the most effective counter-terrorism strategies for Kenya and Ethiopia

2.0 Literature Review and Findings

According to Sandler and Enders (2002) terrorism is a premeditated use or threat of use of extra- normal violence to obtain a political objective through intimidation or fear directed at a large audience. Acts of terrorism have significant negative effects on the political, social and economic set-ups in which they occur. Although a wealth of literature on terrorism exists in the public domain, there is an apparent scarcity of literature regarding counter-terrorism measures that conform to anti-terrorism legislations by encompassing human rights doctrines in Kenya and in Eastern Africa in general. This paper has relied on secondary data from the existing literature to arrive at the conclusions discussed at the end of the paper. Specifically, this chapter covers a theoretical and empirical literature review for studies done both internationally and in the local context. It also provides a summary of the findings.

2.1 Terrorism and Regional Security Dynamics in Eastern Africa

Kelley and Munaita (2004) argue that insecurity in neighboring countries combined with concerns over terrorist movements across Kenya's porous border with Somalia and along its coast and piracy off the coast have compelled the country to take a progressively more active role in regional security[7]. Poaching, banditry, cattle rustling, and high urban crime, and periodic outbreaks of communal violence place contending domestic demands on Kenya's national security resources. Kenya has frequently been a target of international terrorist attacks and the concentration of potential international and domestic targets in Nairobi remains a serious concern for Kenyan and Western security officials.

The September 2013 Siege of the Westgate Mall in Nairobi, a popular shopping destination for tourists, émigrés, and the Kenyan elite, was the second major terrorist attack in the country since the American Embassy bombing and Al -Qaeda assaults in Mombasa in the early 2000s. According to Plotch, L. (2010) and Omand (2007), there have been several small-scale attacks on civilian and state targets in recent years with most being attributed to Al-Shabaab or its sympathizers[8]. The frequency of these attacks, most of which occur near the Somali border, has increased since Kenya began military operations in Somalia in 2011. Kenya is home to over a half million Somali refugees, many of whom live in the congested Dadaab Refugee Camp, Africa's largest refugee complex, quite close to the Somali border. Other Somali migrants are concentrated in the Nairobi suburb of Eastleigh. Kenya also has a substantial population of ethnic Somalis who are indigenous residents of the North-eastern Province. Al-Shabaab is known to have drawn recruits from indigenous Somalis and other Muslim communities in Kenya.

Kenyan Muslims distrust the government and view its counter-terrorism efforts as prejudiced, bigoted and biased. The government faced opposition in its efforts to pass anti-terrorism legislation due to distresses over civil liberties but an anti-

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7   Kelley, K. J. and Munaita, P. US: Al Qaeda Threat Greatest in East Africa, The East African on the Web, Monday, April 12, 2004, online at http://www.nationaudio.com/, Accessed April 12, 2004.

8   Omand, D. Countering International Terrorism: The Use of Strategy, 2005-2006. Survival, vol. 47, no. 4, pp. 107-116.

terrorism law was finally passed in October 2012. The extradition to Uganda by Kenyan security services of suspects in the Kampala bombings was opposed in the courts as it was reportedly carried out without due procedure. Rising insecurity in and around Dadaab, combined with a series of kidnappings along the Kenya-Somalia border, led in late 2011, to the deferment of all but emergency relief efforts at Dadaab. This corresponded with the Kenyan military incursion into Somalia[9].

While an increased police presence has since permitted some aid activities to recommence, security threats including Improvised Explosive Devices (IEDs)[10], continue to hinder aid delivery. Some human rights groups allege that Kenyan security forces have committed abuses against Somali Kenyans and refugees as part of indiscriminate retaliations for suspected Al-Shabaab attacks in Kenya. Other reports suggest that Somalis in Eastleigh are increasingly subjected to police harassment. Kenyan police, military, and civilians have been increasingly targeted in multiple grenade and IED attacks since 2011. Kenya launched its military offensive into southern Somalia in October 2011, with intent to defend Kenya against terrorist threats and incursions by Al-Shabaab, Plotch, L. (2010).

Governments in the region, including that of Somalia, voiced support for Kenya's actions. In February 2012, the U.N. Security Council added its support, approving Kenya's inclusion in the African Union (AU) Mission in Somalia (AMISOM) which raised the authorized troop level of the force and increased its mandate beyond Mogadishu. Kenya took the strategic port city of Kismayu which was one of Al Shabaab's key sources of revenue in late 2012 on behalf of AMISOM and the Somali government. The Kenyan forces are well-equipped by regional standards, but have inadequate experience in deploying beyond their borders, except as peacekeepers. As part of AMISOM, Kenyan forces will likely continue their stay in in Somalia for the foreseeable future. Territorial gains by AMISOM, Ethiopian, and Somali forces have allowed the Somali government to register its presence in key strategic towns in southern and central Somalia and reinvigorated the return

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9   Kelley, K. J. and Munaita, P. US: Al Qaeda Threat Greatest in East Africa, The East African on the Web, Monday, April 12, 2004, online at http://www.nationaudio.com/, Accessed April 12, 2004.

10   Reich, W. (ed.), Origins of Terrorism. Cambridge: Cambridge University Press, 1990.

of international diplomatic representation in Mogadishu, although Al Shabaab continues to conduct deadly attacks in the capital and elsewhere. (Okoth, P. G and Opon, D.O, 2015). Various criminal organizations, including pirate networks continue to function on the Somali coast, posing an enduring threat to ship traffic in and out of Mombasa, despite a decline in successful attacks[11].

2.2 Terrorism: A Theoretical Framework

This paper is underpinned by systems and relative deprivation theories. Systems analysis of political systems is associated with David Easton and is an analogy of how the whole is made up of a collection of inter-related parts. The idea is that if all the parts worked effectively, the overall objectives could be achieved. A system can be open or closed. Kenya is an open system. A key feature of open systems is their interdependence on the environment which may be relatively stable or unstable at a particular point in time. This feature is of considerable importance to political and economic systems which need to adapt to the changing environment if they are to thrive or survive.

The focus of systems theory is the factors and forces that engender stability and/or instability in the political system thereby strengthening its relevance in explaining the linkage between challenges such as poverty, inequality and insecurity and dysfunctionality in governance. The political system within this framework is an input-output mechanism which deals with political decisions and activities and performs integrative and adaptive functions relevant to the transformation of society (Johari, 2011). Moreover, the mix of environment, citizens' demands and support (inputs), and policy outputs from the system are core factors that affect the structures and processes involved in the authoritative allocation of values and are thus fundamental to the stability and survival of the political system (Johari, 2011).

Political leadership is often characterized by blatant personalization of power, predatory, parochial, prebendal and patrimonial dispositions (Jega, 2007). These ills no doubt undermine popular participation and the critical role of the masses in

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11   Reich, W. (ed.), Origins of Terrorism. Cambridge: Cambridge University Press, 1990.

setting the agenda of governance. The dominant role of the political elite in setting, shaping and articulating governmental policies at the expense of the general interests of the populace erodes public support in democratic governance and policies as the masses perceive and equate democratic governance with the interests of the ruling elites (Olaniyi, 2001).

The fact that in most cases the outcome of elite-imposed policies consists of widespread unemployment, corruption and poverty tend to worsen the peoples' sense of alienation and frustration in the political system, which often translates into disobedience of the state and resort to violence as a means of challenging the legitimacy of the state. This explains in part Al-Shabaab's militant attacks in the coastal region and other parts of Kenya. It is within this context that the worsening social tensions, economic inequality, poverty and increased spate of insecurity in the country since Kenya joined AMISOM in 2011 can be placed or understood.

Relative deprivation is the experience of being denied something to which one is entitled. It refers to the discontent people feel when they compare their positions with those of others and realize that they have less of what they believe themselves to be entitled to (Davis, 2011). Some scholars of social movements explain their rise by citing grievances of people who feel deprived of what they perceive as 'values' to which they are entitled. Similarly, individuals engage in deviant behaviour when their means do not match their goals. Relative deprivation theory holds that instead of an absolute standard of deprivation, a gap between expected and achieved welfare leads men to violence (Claire, 2011). Claire went further to provide a psychological approach to explain how collective discontent is manifested in violence. According to him, the primary source of human capacity for violence appears to be aggression born of frustration. The anger induced by frustration is a motivating force that disposes men to aggression.

In the words of Omer Taspinar (2012), relative deprivation is the gap between high expectations and missing opportunities. To him, social, cultural, political and economic awareness grows at the heart of relative deprivation and this in turn fuels

expectations. When these expectations are not forthcoming, the deprived could resort to violence to seek redress. The major thrust of the relative deprivation theory holds that when people are deprived of things which they deem valuable in society whether money, justice, status or privilege, they join social movements with the aim of redressing their grievances.

Violent conflict is common across the Eastern African states (Raleigh et al, 2014). Research has demonstrated a clear relationship between the practices of governance such as repression (Regan and Nortion 2005) or exclusion from central power (Deiwiks et al, 2012) and the level, location and variations in violence across sub-national territories in Africa (Raleigh, 2014). In addition to experiencing high rates of violence, many African states experience multiple forms of violence. Understanding the relationship between these discrete forms of violence and the politics and practices of governance within which they occur is of critical importance. In this context, Sub-Saharan Africa has witnessed an increase in levels of violent Islamist activity in recent years, as well as its emergence in spaces from which it was previously absent (Dowd, 2015).

Contrary to theories and explanations of Islamist violence which attribute its emergence and intensity to religious ideology or the diffusion of violence from neighbouring states, this paper contends that Al-shabaab's Islamist violence can be attributed to similar factors explaining other forms of conflict, namely the local political and economic conditions in which it emerges. The current Al-Shabaab violence emerges in sub-national contexts shaped by governance practices of political and economic marginalisation and a history of non-Islamist violence. Timing and escalation are explained by the expansion of the state's politically exclusionary practices on which nascent or local Islamist militants capitalise on to reconfigure grievances. Islamist violence is not different in context or mechanism from other forms of violent conflict, but differs in its mode of organisation. This argument has been tested in a wide cross-national comparison (Dowd, 2015) and in specific studies of individual country cases (Agbiboa, 2013).

In contrast to frameworks which assert the importance of cultural or ideational aspects of Al-shabaab Islamist terrorist groups, the findings highlight the applicability of wider theories of political violence centring on political and economic marginalisation as drivers of Islamist violence in diverse contexts. Further, this research expands and applies grievance-based explanations of the Al-shabaab violence through an analysis of group power and influence as motivating factors in collective mobilisation and distribution of grievances across group cleavages in generating conditions for collective action. In addition, by situating violent Islamist activity within the contexts of political practices of governance and domestic legacies of violence, rather than as a sudden aberration in the histories and politics of each country, this paper draws attention to and focuses on the endogenous practices of local conflict and instability. Finally, applying these theories at the regional and subnational levels facilitates comparisons between different sub-national areas within the same countries differentially affected by the Al-shabaab Islamist violence, and across diverse countries in which this phenomenon is present such as Ethiopia.

2.3   Regional Responses to Counter- terrorism in Eastern Africa

Governments across the Eastern Africa region utilise the 'war on terror' to further their political ends thereby closing channels of peace talks that could end the conflicts. Ethiopia branded the Oromo Liberation Front, the Ogaden National Liberation Front and the Islamic Front for the Liberation of Oromia as 'terrorist' groups. Eritrea's president, Issaias Afewerki, also labelled his more democratically-minded former colleagues in the nationalist liberation movements terrorists. Similarly, Uganda's President Yoweri Museveni, branded as terrorists both the LRA and the Allied Democratic Front (ADF) blamed for the orgy of bomb-throwing in pubs, taxi parks, markets and other public spaces in Kampala, Uganda that killed over 50 people and injured 160. The worst incident was the July 2010 Al-Shabaab bombings carried out against crowds watching a screening of the 2010 FIFA World Cup Final match at two locations in Kampala, Uganda. Museveni also invoked the Anti-terrorism Act against Kizza Besigye, his worthy rival for the presidential slot during the 2006-2011 polls, in a move aimed at weakening his bid

for power. While this utilisation of terrorism blurred the line between legitimate acts of resistance and terrorism, many governments rejected peace talks as a way of resolving conflicts.

Authoritarian or closed political systems, unhealthy governments, nationalist and ethnic inclinations, and religious and economic circumstances have been seen as some of the root causes of terrorism and radicalization in the Horn of Africa. Based on these, various governments in Eastern Africa have used the law and other tools to justify their draconian actions against perceived enemies of the state. As insinuated above, use of ambivalent definitions of terrorism has led various governments to label some liberation groups 'terrorist' in order to act against them. For using clandestine guerilla tactics against the state, various movements including the Lord's Resistance Army, the Sudan people's Liberation Movement and Army (SPLM/A) in Uganda have been termed as terrorist organizations by incumbent regimes. A good example in the wrong definition of terrorism to foster government agenda can be seen in the branding of Kizza Besigye as a terrorist by the Ugandan President to weaken his bid for power.

Due to globalization of conflict, transnational terror has become a reality beyond Eastern Africa. The proximity of the region to the Arabian world has not only led to easy movement of terror suspects but has also led to the decentralization of terror cells which capitalize on domestic circumstances to establish their presence within the Horn of Africa. Even though the governments of some countries such as Kenya, Uganda, Burundi and Somalia struggle to deal with these threats, they face a myriad of challenges spanning from the fact that there are open borders and large immigrant communities. The traditional hospitality of African communities has resulted in easy movement of illegal weapons to the detriment of peace and security in many nations. Insufficient civic education among the public and limited communication between states have limited international cooperation and led to ineffective nation-specific counter-terrorism strategies.

2.3.1 Counter-terrorism Measures in Eastern Africa

Various attempts have been instituted at the global, regional and national levels to mitigate the severity of terror attacks. Chapter VII of the UN Charter addresses the existence of "any threat to the peace, breach of the peace, or acts of aggression" and the inherent right of individual and collective self-defense if an armed attack occurs against any member." There is no mention of terrorism or aggression by sub-national entities. Individual conventions and United Nations General Assembly and Security Council Resolutions have been adopted since 1964 to guide efforts at combating various aspects of terrorism. For instance, the UN Convention on Offenses and Certain Other Acts Committed On board Aircraft (1969), Convention on the Suppression of Unlawful Seizure of Aircraft (1971), and the Convention on the Suppression of Unlawful Acts against the Safety of Civil Aviation (1973) were systematically put in place. Other conventions dealing with hostage-taking, oil platforms, ships, nuclear materials and plastic explosives were signed in the 1980s and 1990s.

In 1994, the UN General Assembly adopted the Declaration on Measures to Eliminate International Terrorism. In 1997, the Assembly adopted the Convention on the Suppression of Terrorist Bombings while in 1999 it adopted the Convention on Suppression of the Financing of Terrorism. The Security Council has also passed resolutions requiring the co-operation of states in combating this security issue. At the regional level, the Horn of Africa is part of the US-led Combined Joint Task Force-Horn of Africa (CJTF-HOA) that aims at "deterring, pre-empting and disabling terrorist threats emanating from the region." The intergovernmental authority on development (IGAD) has also led regional efforts at instituting mechanisms for co-operation. There also exist bilateral agreements between Kenya and Ethiopia on co-operation on security matters (Adams, et al, (2011).

An attempt by the Kenya government to introduce the Suppression of Terrorism Bill in Parliament in 2003 failed to sail through due to massive civil society and Muslim groups' opposition due to implied violations of human rights. After much

haggling and consensus building, the Prevention of Terrorism Bill was signed into law by the President in October 2012. The Act brought together all laws dealing with terrorism that were previously found in sections of the Penal Code such as the Banking Law, Anti-Money Laundering and Proceeds of Crime Act, Firearms Act (CAP 114), Financing of Terrorism Banking Act (cap 488), Anti-Corruption and Economic Crimes Act (2003).

An Anti-Terrorism Police Unit (ATPU) was also constituted to specifically deal with this security issue in collaboration with regional and international security agencies. It therefore emerges that there have been tangible efforts to reverse the gains made by terrorist groups. This study provides insights into anti-terrorism preparedness (judicial, legal and security-wise) and evaluates its strengths and weaknesses in light of regional weaknesses in addressing the same.[12]

2.3.2   Terrorism and Counter-terrorism in Kenya

The Kenyan Government took responsibility to act decisively against terrorists within its borders and in Somalia after the attacks from presumed radical Islamist terrorists, right from the US embassy attack in 1998. Government policy on national security crystallized in favour of the military option within the country and hot pursuit into Somalia. As a member of the United Nations and trusted ally of the United States and Western powers, Kenya had the support to deal decisively with terrorism within its territorial borders but needed a legal framework to be able to do so without violating international law.

Lacking a credible legal framework and strong institutions to deal with perpetrators of radical islamist terrorism, any suspects would be sent to the US to face justice as had happened with Somali suspects of piracy in the High Seas. Due to lack of a proper and sufficient legislation and well-founded jurisprudence on terrorism, most of the counter-terrorism measures have taken a military dimension in dealing with the presumed suspects of terror. This turn of events has been condemned by

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12   Akolo, J. (2003). Terror Bill to be domesticated, says Minister, East African Standard ,Wednesday, July 16, 2003, online athttp://www.eastandard.net/,accessed Wednesday, July 16,2003.

both mainstream and non-mainstream human rights watchdogs especially Amnesty International and Human Rights Watch who have blamed Kenya for extrajudicial killings and breach of fundamental rights and freedoms of the individual.

Kenya has been at the receiving end of various Islamist terrorist attacks in the last two decades. The clamour for anti-terrorist legislation has been growing calling for more law reforms, preparedness mechanisms, better trained intelligence-gathering bodies, and judicial authority, despite strong opposition especially from Muslim legislators who have argued that such laws would only deny their community members of their rights and freedoms rather than taming radical Islamist terrorism.

Poor case law and political and legislative failure to come up with proper statutes on the crimes of terrorism have put the judiciary in a rather awkward position in dealing with terror suspects in Eastern Africa, particulary Kenya and Uganda. International criminal jurisprudence is at its infancy in both Kenya's and Uganda's legal systems thus making it somehow cumbersome for the courts to come up with acceptable rulings on radical islamist terrorism and counter-terrorism policies HRW (2009). In Kenya, the International Crimes Act 2008, and Prevention of Terrorism Act, 2012, including the Constitution of 2010, are all legal measures to deal with radical extremist terrorism in a manner that would respect fundamental human rights and avoid a compromise of state security.

3.0 Methodology

For an effective examination of the research problem, this study gather its data from secondary sources. The data gathered will be analyzed qualitatively and objective conclusions made. The research was gathered primarily through destop-based research, newspapers, conference proceedings, journal articles, government/corporate reports of relevant organizations and internet and was critically analyzed. Secondary analysis is analysis of data by researchers who will probably not have been involved in the collection of data and in addition, is concerned with analyzing already collected data within another study. Secondary analysis allows for the examination of existing data, yet it can produce new and more detailed information,

including the emergence of conclusions that differ from those in the original report.

The advantages of secondary analysis are that it provides high quality data and, as a result of the quick and easy access to materials since documentary research is largely free of the restrictions and difficulties faced in primary data research, the researchers do not encounter rejection, non-response, bias, or any other respondent-based problems. The findings and analysis are presented under the sub headings of A Review of Counter-terrorism Strategies in Eastern Africa

4.0 Governmental Efforts at Countering Terrorism in Kenya

According to (Opon, et al, 2015). The Kenya Government came up with new measures for the country's responses which include increased security surveillance, security operations, community policing, and development of a counter-terrorism strategy. Currently, Kenya depends on legislative, social and diplomatic approaches to the issue of terrorism. Among these approaches is the anti-terrorist legislation, enhanced security patrols performed by police and military forces, and social outreach and peace talks with Somalia and South Sudan. Since the 1998 terrorist attacks, Kenya has been developing a legal framework to counter the terrorist problem. For several years, parliament has been debating an anti-terrorism bill, but due to political and religious differences, it has not been easy. In 2003, the Anti-terrorism Police Unit was established as well as a National Counter-Terrorism Centre.

4.1   Heightened Security Surveillance

The Government has heightened security measures including more elaborate screening at ports of entry, deployment of more security personnel in volatile counties/regions, around Western and international installations as well as tourist hotels. The enhanced intelligence gathering and surveillance have led to the thwarting of a number of planned terror attacks plans around the Country. However, the recent attack in Lamu County where terrorists killed over 60 people and pillaged the town

of Mpeketoni for hours has shown an unnerving capacity of the terrorist groups, and the need for more efforts from the state to counter radicalization to prevent such occurrences from the roots. The State is currently developing a Community Policing Initiative and a community security system dubbed 'Nyumba Kumi' which is based on a ten-household interactive security model premised on the idea that a small community acting as a unit can be accountable to each other, keeping watch over the activities that happen within its neighborhood.

4.2   Counter-terrorism Strategy

Although the Kenyan Government has enacted the Prevention of Terrorism Act (POTA 2012); the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA 2009); the Prevention of Organized Crime Act (POCA 2010); and established a National Counter-Terrorism Centre, and an Anti-Terror Police Unit (ATPU) among other security agencies, the infrastructure needs more support and capacity-building to effectively deter and respond to threats, identify terrorists, foil terrorist plots and bring criminals to justice. While POTA gives severe penalties including up to a twenty-year jail term for terror convicts, there have been challenges in coordinating the conviction chain, from conversion of intelligence into effective admissible evidence for effective prosecution.

4.3   Security Operations

According to the Kenya National Commission on Human Rights (KNCHR) report (2014), the State launched a security operation dubbed 'Operation Usalama' in many urban centers aimed at mopping up illegal immigrants suspected to be involved in youth indoctrination or planning execution of terror activities. Nearly 4,000 people were arrested during the operation, 2,303 persons were screened, 557 deported, 288 prosecuted and 730 sent back to refugee camps. However, the security operations have been met with criticism by many Muslim clerics, opposition political leaders and human rights activists who termed the measures excessive, discriminatory profiling and acts of economic sabotage against Muslims and people of Somali origin, especially in the Eastleigh suburb of Nairobi. There

were also fears that such actions could lead to more Kenyan Somali and other Muslim youth being more radicalized. Going by this experience, there is need for greater involvement of communities in such operations in future, and working with them to achieve better policing.[13]

4.4   Anti-terrorist Police Squad

The constitution of Kenya allows the police to deal with suspects in all places especially in the cities of Nairobi and Mombasa. Getting into religious places and residential houses to identify terrorists are measures that Kenya adopted to deal with terrorist gropus. Extrajudicial killings of suspected terrorists has however been condemned for violating human rights. Torture of arrested and detained persons has been a violation of human rights. A shoot-to-kill bill has been criticized by human rights activists as declaring war on terrorism should not be incompatible with human rights. This includes the use of drones which in an attempt to eliminate targeted persons, may end up killing innocent civilians. This way, extra-judicial killing, which is meant to deter terrorists or others from venturing into atrocities and crimes of aggression, becomes tantamount to another terror attack. HRW (2009)

By deploying the military to counter terrorism, States may find themselves on the wrong side of the rule of law and may be held responsible for human rights violations. With respect to human rights law, even arrests of the perpetrators of terror must be done within the law. Proper procedures must be followed while arresting any suspect. Before the police is ordered to launch a swoop on a community in search of suspects of a terrorist attack, proper procedures that respect human rights must be carefully observed by the law-enforcers. However, this has rarely been the case in the Kenyan operations within the coastal areas of Mombasa.

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13   See article by David Mwere and Dominic Wabala "NIS Gave Advance Westgate Warning" reported at http://www.the-star.co.ke/news/article-137366/nis-gave-advance-westgate-warning accessed on 21 November 2015.

4.5   The Military Option

In 2011, the Kenya Government responded by sending its KDF into Somalia in an operation code-named *"Linda Nchi"* (protect the nation). However, in dealing militarily with terrorism in Somalia, there have been accusations of violations of human rights and universal principles. The military option aims at preventing, deterring and pursuing terrorist operations while protecting and securing civilians. While the rising incidents of terrorist attacks have seen the establishment of an Anti-Terrorism Police Unit, there is still lack of a legal framework that clearly sets out the human rights that must be respected in the fight against terrorism. There are also allegations of state involvement in extradition of individuals suspected of being involved in terrorist acts to countries where they are likely to be tortured or face serious human rights violations (Articles 2 and 7 of the Kenyan constitution). For this reason, the state should enact legislation on counter-terrorism which **(a)** precisely defines terrorist crimes both in terms of their purpose and nature and **(b)** does not impose undue restrictions on the exercise of rights under the Covenant. The State should desist from any acts of extraordinary rendition but should ensure that the proposed Refugee bill 2011 complies with the provisions of Article 7 of the Covenant which also applies to cases of persons deemed a threat to national security.[14]

4.6   Specific Responses by NCTC and Partners

The Kenyan government through the National Counter Terrorism Centre (NCTC), which is the agency responsible for coordinating implementation of the strategy, is currently working with various partners in implementing parts of the strategy. In particular the government has collaborated with the European Union and the Government of Denmark in programs involving training of law-enforcement officers and Prisons and Probation Services Officers to identify radicalization cases and equip them with appropriate intervention tools and techniques Prestholdt, J. (2011). While the government Countering Violent Extremism (CVE) programs

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14   United Nations CCPR/C/KEN/CO/3 Report from Special Rapporteur of Human Rights in Kenya, 31st August 2012, (No.14).

continue to be effective, Al-Shabaab has enhanced its radicalization efforts by increasing its penetration of communities for recruitment especially in the coastal areas of Mombasa and in Somalia. There is therefore urgent need to strengthen community resilience among the affected communities and groups to curb the growing radicalization and recruitment of the youth.

In addition to a national counter-terrorism strategy, the NCTC is also in the process of implementing a national counter-radicalization strategy, Prestholdt, J. (2011). The latter strategy aims at building resilience to reject, prevent and counter radicalization and promote community as well as national security. It further promotes dialogue forums and capacity-building for challenging extremism. The new Kenyan Counter-radicalization Strategy has seven pillars or sub-strategies: **(1)** Media strategy; **(2)** Psycho-social strategy; **(3)** Faith-based strategy; **(4)** Capacity-building strategy; **(5)** Political strategy; **(6)** Education and **(7)** Security strategies.

The NCTC has started implementing various components of the counter-radicalization strategy with the aim of providing support to the fight against radicalization as one of the root causes of terrorism. NCTC is working with the Kenya Muslim Women Alliance (KEMWA) and Kenya Community Centre (KECOSCE) among other organizations towards empowering women to overcome radicalization. The NCTC has engaged the Kenya Muslim Youth Alliance (KEMYA) in an arrangement to counter radicalization of the youth within their communities.

4.7   Inter-faith and Intra-faith Dialogue

In the recent past, the UNDP and NCTC have extended modest support to civil society organizations to initiate dialogue and discussions on arresting rising religious tensions and the worrying trend of indoctrination of mostly Muslim youth towards violent extremism. This effort needs to be stepped up by bringing on board inter-faith groups (Aronson, S. L, 2012). Christian and Muslim leaders in the country have been engaged in inter-faith dialogue towards stemming religious intolerance and tensions. However, the dialogues have not been sufficient to cause cohesion and integration at grassroots level. For instance, in March 2014, with the support

of UNDP and other development partners, religious CSOs under the leadership of the Supreme Council of Kenya Muslims (SUPKEM) held a three-day national conference on 'Security and Countering Violent Extremism in Kenya' to create a platform for knowledge exchange towards preventing extremism and building moderation. A key deliverable of the conference was development of Countering Violent Extremism (CVE) advocacy and accountability charter for effective cooperation and coordination on countering violent extremism. Additionally, in April 2014, UNDP supported a local CSO network, the Partnership for Peace and Security, to organize an interactive community security and resilience workshop which examined homeland security challenges and developed practical action plans. Aronson, S. L, (2012).

5.0 Counter-terrorism Activities in Ethiopia

5.1 Institutions, Policies and Strategies

Ethiopia's current initiatives to combat terrorism in the Horn of Africa focus on integrating and reinforcing regional military efforts and cooperation of the AU, Intergovernmental Authority for Development (IGAD) member countries, and the United States to eliminate the Al-Shabaab terrorist group operating in Somalia. This is important for Ethiopia because sustainable peace and security in Somalia will have a positive impact on that of Ethiopia and the Horn of Africa as a whole. Ethiopia remains committed to providing the necessary security assistance to the TFG, its security forces and other collaborative efforts in support of the African Union Mission in Somalia (AMISOM). However, Somalia is still far from its goals of building a strong central government and defeating terrorism despite recent positive developments in the country. It is evident that Ethiopia is the target of domestic and international terrorism directed from terrorist groups like the ONLF, the OLF, Al Itihaad Al Islamiya, Al Gamaa al Islamiya and Al -Shabaab. Due to the increasing severity of the consequences of the tactics employed by these groups, Ethiopia has taken several steps in response, some of which are briefly discussed below.[15]

15   Adan, H.H. Maj. 2005. Combating Transnational Terrorism in Kenya. Retrieved from Defense Technical Information Center- http://www.dtic.mil/.

5.2   Institutional Arrangements

In order to effectively mitigate the threats to national security, the government of Ethiopia has a tough institutional security apparatus known as the National Intelligence and Security Service (NISS). Prior to 2006, the national security activities had been running under the Security, Immigration, and Refugee Affairs Authority (SIRA). However, in 2006, the responsibility shifted to the newly instituted National Intelligence and Security Service. This restructuring, according to Woldeselase (2010: 292), contributed to the intensification of intelligence activities with a view to transforming them into an organization to provide decision makers with the necessary strategic intelligence on which to base policy decisions. Accordingly, the NISS has become an institution mandated with a broad authority for intelligence, border security, criminal investigation and overall counter-terrorism management in Ethiopia. The objective of NISS is to protect and safeguard national security by providing quality intelligence and reliable security services to all House of People Representatives (HPR, 2013 a: 2). It has the responsibility of formulating national intelligence and security policies and devising methods for their implementation upon approval.

5.3   Legislation and Law Enforcement

There is no doubt that terrorism poses a serious threat to social and political values that directly relate to the full enjoyment of security in all aspects of life. Legal procedures have, in fact, been the primary methods of stifling such threats if properly addressed. Since the start of terrorist threats to Ethiopia's national security, the government has been actively working to legally respond to these threats. The most important legislative measures Ethiopia has adopted in countering terrorism are the Anti-terrorism Act of 2009 and the Act of Countering Terrorist Financing, operational since 2009.

5.4   Anti-terrorism Proclamation

According to article 23 of its proclamation No. 4/95, the Ethiopian Ministry of Justice adopted a legal memorandum whose aim is to legally mitigate terrorist threats and "initiate the implementation of significant IGAD, AU and UN conventions on countering terrorism in Ethiopia" (Woldeselase, 2010: 294). This memorandum is duped the Ethiopian Anti-Terrorism Proclamation No. 652/2009. The draft was produced by a group comprising members of the National Intelligence and Security Service, Federal Police Commission and Ministry of Justice. In addition to these, the ministries of foreign Affairs and Defense significantly contributed inputs for strengthening the provisions of the legislation.

Amnesty International and the Committee to Protect Journalists have been vocal critics of the anti-terrorism law. Amnesty International says the statute has been used to jail more than 100 journalists and opposition politicians during the past few years. Many have been convicted and handed long prison terms. The Ethiopian government, according to these reports, charged those arrested with either material or "moral" support for terrorist activity.

5.5   Anti Money Laundering and Financing of Terrorism

Studies suggest that money laundering and terrorist financing are among the growing criminal activities in Eastern Africa and the Greater Horn region. In response, Ethiopia adopted an anti- money laundering proclamation in 2013. Earlier in 2010, it had established a Financial Intelligence Center which is overseen by a board involving multiple government agencies. Though the 2012 Review Report of the Financial Action Task Force (International Cooperation Review Group) highlighted strategic deficiencies in the fight against terrorist financing, the 2013 report suggests certain progress made in controlling finance-related terrorist activities in the country. According to the Report (Tu'emay, 2013), the progress includes: a) a three-year strategic action plan; b) A comprehensive Anti-money laundering (AML) and countering the financing of terrorism law drafted by national experts and reviewed by experienced expatriate consultants, an expert team set up

by the Council of Ministers of the Ethiopian Government for compliance with international standards and requirements. This law was ratified in May 2013; and c) the Financial Intelligence Centre (FIC) which has been developed and installed and applies a computerized report management system capable of receiving, processing, and disseminating cash transaction reports including suspicious ones. The system detects and analyzes suspicious cases of money laundering and potential terrorist financing to enable law-enforcement authorities to proceed, if necessary, with investigations.

According to different counter-terrorism reports (Task Force, 2012; Tu'emay, 2013; US Department of State, 2012; 2013), the Ethiopian government froze assets allegedly used in planning terrorist acts and held investigations as to whether those assets could be legally confiscated. The government of Ethiopia's Charities and Societies Agency is responsible for monitoring non-profit organizations to prevent misuse of funds and terrorist financing. The government distributed designated terrorist lists and entities to the UN and financial institutions (US Department of State, 2013: 20). The Federal Police and Federal State Prosecutor investigated and prosecuted cases of terrorism-financing and money laundering. Reports from the Ministry of Justice (as cited in Tu'emay, 2013) revealed that between 2009 and 2012, a total of 126 cases of terrorism financing were investigated and prosecuted of which 141 were on money laundering.

5.6   Regional and International Cooperation

The fight against terrorism and its causes have, for long, been viewed as a joint and collective responsibility on the part of all members of the international community. Ethiopia, too, is actively involved in international cooperation in this field both through bilateral and multilateral (intergovernmental) arrangements (Kalu, N. 2009).

5.6.1   Bilateral Cooperation

In order to enhance anti-terrorism capability and for jointly or cooperatively

containing cross-border terrorist raids, Ethiopia has been forging strong alliances, coalitions or ties with like-minded states. It has entered into specific bilateral arrangements or agreements governing military, police and security cooperation with states prominent of which the United States and with fellow Eastern African countries (Djibouti, Kenya, Sudan, Uganda and Tanzania).

Ethiopia has continued benefiting from regional programs designed by the US Government for counter-terrorism purposes in East Africa. These programs are the Partnership for Regional East African Counter-Terrorism (PREACT) and Combined Joint Task Force - Horn of Africa (CJTF- HOA). Ethiopia and the US continue to cooperate in areas of intelligence and experience-sharing on modern counter-terrorism techniques. Anti-terrorism Assistance Training has been given by the US to Ethiopian frontline supervisors engaged in land border management at points of entry and to senior police officers on how to analyze terrorist activities including financing and confidential source handlings. In return, the Ethiopian government has enhanced physical security, conducted investigations, and provided protective surveillance in response to threat information directed at US citizens and continues to collect and share intelligence on terrorist groups (US Department of State, 2006:8). In relation to its neighbors, Ethiopia and Kenya have used their long-standing peaceful relations in jointly fighting terrorism. For instance, Kenya followed the same policy during the 2006 Ethiopian intervention in Somalia by extending support for the Transitional Federal Government (TFG) in Somalia and closed its border to control the flow of extremists to Kenya (WIC, 2007). According to Ambassador Dinna Mufti, Spokesperson of the Ethiopian Ministry of Foreign Affairs, Ethiopia, Kenya, Uganda and Djibouti have conducted joint military trainings and shared classified information as part of a joint military operation against Al-Shabaab (ERTA, 2013c). Ethiopia also has bilateral mutual legal assistance (MLA) and extradition agreements with Djibouti, Sudan and

Kenya (Task Force, 2012: 9). According to this report, cross-border cooperation in investigation and prosecutions is a growing enterprise in Ethiopia with attention focused to date on police-to-police arrangements notably with Interpol and East African Police Chiefs Committee (EAPCCO). As such, the Government of Ethiopia is extensively participating in the multilateral exchange of information with neighbouring countries and the EAPCCO is one forum for such exchange of information.

5.6.2 Multilateral Cooperation

Multilateral cooperation is here used to denote a country's participation in initiating, endorsing and implementing counter-terrorism efforts through inter-governmental organizations (IGOs) to which that country is a member. The UN, AU and IGAD are IGOs in which Ethiopia is a member and is actively working to materialize the counter-terrorism efforts proposed and run by these organizations. The organizations' counter-terrorism strategies, according to Rosand et al (2010: 17), offer member countries a broad-based long-term framework needed not only to respond to or thwart terrorist attacks, but to prevent violent radicalization of the local population which might resort to terrorist violence in the future thus becoming a huge strategic challenge to counter-terrorism efforts. The 2006 UN Global Counter-terrorism strategy (adopted by UN General Assembly), for instance, calls for a holistic and inclusive approach to counter-terrorism and has four pillars which include: *measures to address the conditions conducive to the spread of terrorism*; *measures to prevent and combat terrorism; measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the United Nations in this regard*; and *measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.*

In September 2002, the AU adopted a Plan of Action which guides members in implementing the earlier conventions. As part of the implementation, IGAD countries came up with the IGAD Capacity Building Program Against Terrorism (ICPAT) launched in 2006 with five components, namely: enhancement of judicial

measures; optimization of interdepartmental cooperation; enhancement of border control and training; sharing of information and best practices; and promotion of strategic cooperation. Ethiopia has ratified a number of UN counter-terrorism conventions.

5.6.3 Military Response and Border Security

In order to respond to terrorist threats to its national security, the government of Ethiopia began responding militarily against the Oromo Liberation Front (OLF), the Somalia-based terrorist group Al Itihad Al Islamiya (AIAI), UIC, Al Shabaab and the ONLF in different places including Ethiopia, southern Somalia and northern Kenya. These Ethiopian counter-terrorism efforts have been well documented by Gadarowski and Foard (2013: 4). As a US State Department report reveals, Ethiopian military forces continued counter-terrorism operations in Somalia and were instrumental in combating Al-Shabaab in Southern and Central Somalia (2013:19). With regard to border security, the government of Ethiopia maintained a defensive military presence along the Somalia and Eritrea borders to stem potential infiltration of violent extremists into Ethiopia. Within its borders, Ethiopia successfully identified an Al-Qaeda cell, arresting and convicting the cell affiliates (Ibid: 20). In this respect, bolstering defensive forces along the Ethio-Somalia border is an important mechanism for countering terrorist threats, (Horgan, J. (2009). In Eastern Africa, Ethiopia has therefore become a lead country in the fight against terrorism, performing sufficient military tasks for the elimination of terrorist groups like Al-Shabaab (the extension of Al Itihad) whose aim is to destabilize countries such as Ethiopia. However, what has to be noted is that through military means, it is possible to minimize the likelihood of terrorism (Bonnell, J., et al 2011)

5.6.4 Miscellaneous Counter-terrorism Measures

Ethiopian counter-terrorism measures include: use of the Personal Identification Secure Comparison and Evaluation System (PISCES), biometric security measures at immigration enforcement stations such as Bole and Dire Dawa International

Airports as well as in other points of entry throughout the country (Ibid). Besides, since 29 July 2010, it has been reported that the Ethiopian government has expanded the level and number of security measures in Addis Ababa in order to protect violent attacks or threats of violence by terrorists aimed at foreign interests. These new security measures include vehicle searches and other check-ups on entering venues that may be frequented by foreigners such as international hotels (ADFAT, 2010: 2).

5.7   Responses by both Kenyan and Ethiopia Governments to Counter-terrorism

Various measures have been undertaken to address the conditions conducive to the spread of terrorism. In Kenya, the Kenyan constitution adopted in 2010 has provisions aimed at promoting ethnic, national and religious tolerance, as well as respect for all religions, cultures and belief systems as a prerequisite towards peace, justice and human development. The Kenyan National Development Blueprint, the Vision 2030, also contains as national objectives measures to pursue and reinforce development and social inclusion agendas at every level. By these, the government seeks to develop means to tackle economic hardships and in particular, take measures that will engage the youth in gainful employment so as to reduce marginalization and sense of victimization that propels extremism and recruitment into terrorism.

In line with the UN Counter-terrorism pillar of taking measures to prevent and combat terrorism, the East African governments are currently closely monitoring radicalization initiatives with a view to identifying and arresting those who seek to indoctrinate the youth and initiating programs to stop the youth most at risk of radicalization from becoming terrorists. The governments have initiated various initiatives putting the youth at the forefront of the fight against violent extremism

Education policies to ensure maximum education opportunities are available to all the youth at primary, secondary and tertiary levels of education in conflict areas and in other areas to be implemented as a bulwark against youth extremism. Some

policy initiatives include specific education and outreach targeting the youth who are most vulnerable to violent extremism. Others are innovative programs aimed at nurturing the youth through development of talents and preaching peaceful co-existence among different cultures in various communities.

5.7.1 Reduced Transnational Terrorist Attacks

By developing and implementing a variety of counter-terrorism strategies, Ethiopia has registered success in thwarting several internally and externally organized terrorist attacks in the past years. It is now known that Ethiopia has a tough and effective security apparatus that cannot be easily broken by terrorists. The country has developed an impressive intelligence capacity in this respect and the tactics employed by the security and intelligence agents are said to be firm and timely (Shinn, 2005: 103). As a result, since 1991, Ethiopia has not fallen victim to large-scale transnational terrorist incidents such as those visited on countries like Somalia, Kenya, Tanzania and Uganda (Elise, 2010: 645).[16]

The promulgation and enforcement of anti-terrorism legislation is thought to have contributed to reduced terrorist activities in the country. Practical evidence demonstrates that terrorists usually prefer to operate in countries with weak legal and judicial regimes. In Kenya for instance, members of parliament had initially refused to pass anti-terrorism legislation, mainly because they thought it was backed by the US, and also due to massive civil society and Muslim groups' opposition due to alleged violations of human rights (Elise, 2010: 650). Tanzania's government passed domestic counter-terrorism laws to honor international commitments but has done little to implement or enforce their provisions. Somalia has no anti-terrorism law. These countries have experienced deadly terrorist attacks in recent years. Therefore, Ethiopia's adoption and strict enforcement of a legal regime, despite its drawbacks in implementation, is an approach that greatly frustrates the terrorists in freely operating in or targeting Ethiopia.

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16 Shinn, David H. (2005), "Ethiopia: Governance and Terrorism," in Robert I. Rotberg (ed.) Battling Terrorism in the Horn of Africa, Cambridge, MA and Washington, DC: World Peace Foundation/Brookings Institution, pp. 93-118.

5.7.2   Technical, Material and Financial Gains

Owing to its active counter-terrorism roles, Ethiopia is able to secure substantial amount of assistance in all forms from her global counterparts like USA and UN. The UN and other regional and sub-regional bodies are willing to facilitate the creation of the necessary capabilities for states struggling to eliminate terrorist threats. From such organizations, Ethiopia is benefiting immensely in terms of continued capacity building trainings for security workers, bankers, police, judges, consultancy services to chief officials and material and technical support.

6.0 Limitations of Counter-terrorism Responses in Eastern Africa

Many counter-terrorism responses by governments in Eastern Africa are usually seen as impositions by the West (mainly the US) forged in the name of "war on terror", in projects run by the UN (Atta-Asamoah, 2007: 20). These efforts have also tended to justify what has been called "hard action" through ratification and implementation of international counter-terrorism instruments and comprehensive counterterrorism laws, the training of criminal justice officials, and generally encouraging countries to enhance their operational counter-terrorism capacities (Rosand, 2010: 9). The call for hard action by governments in a region where democracy is fragile and governance is weak has led to increased repression through abuse of counter-terrorism legislation in crackdowns on certain groups. In the case of Ethiopia, this has featured prominently through the enactment of anti-terror legislation which has been blamed and/or criticized by many for being a tool to close down space for political pluralism and criticism of the government.

Another Ethiopian counter-terrorism measure, the counter-terrorism proclamation and its enforcement, is strongly criticized as impairing the realization of the fundamental rights and freedoms of human beings. The critique starts with the broad definition of terrorist acts which necessarily infringes on basic individual rights or liberties such as freedom of assembly and expression. This broadness

allows prosecution of a wide range of conducts far beyond the limits of what can reasonably be considered as terrorist activity.

The counter-terror law also bestows upon the police and intelligence agents the power to search, arrest, and seize. It empowers the police to arrest a suspect a without warrant as long as the police reasonably suspect that that person is about to commit, is committing or has committed a terrorist act. Rogers, P. (2008). Official intelligence agent reports are also admissible even if they do not disclose their source or how their information was gathered (Anti-Terrorism Proclamation, 2009: Art. 23 (1 and 2). This way, intelligence reports based on information gathered through torture could be admitted as evidence in a trial, and this contradicts the country's constitutional provisions of Art. 19(5) (FDRE, 1995).

The government has mounted major counter-terrorism measures through the National Intelligence and Security Service (NISS). Shouldering a broad responsibility of leading and designing national counter-terrorism policies, NISS has continued supervising and coordinating overall counter-terrorism management in Ethiopia. The government has established a national Anti-terrorism task force comprising NISS, the Federal Police Commission and the Federal Ministry of Justice, to integrate and accelerate counter-terrorism activities. The enactment of legal procedures is part of the anti-terrorism strategies. These policies have been hailed as having contributed significantly to the mitigation of several terrorist attacks targeting Ethiopia. However, some of these policies are blamed as denying individuals some of the constitutionally and internationally acclaimed rights and freedoms. It is important to appreciate the fact that counter-terrorism is not easy. It is hard to apply strategic studies concepts such as deterrence to counter terrorism. Terrorist groups are quite amorphous and innovative. Besides, their frequent and constant mutation makes their acts difficult to predict.

6.1 Military Deployments

In 2011, Kenya deployed KDF in Somalia to counter the threats of the Al-Shabaab terror group. According to Odhiambo et al, (2012), Otiso, K. (2009) Kenya

Defence Forces' (KDF) preemptive and preventive actions were justified after the terrorist group Al-Shabaab performed a series of kidnappings and cross-border incursions into Kenya, all of which threatened security and the lucrative tourism industry in Eastern Africa's largest economy. Towards the end of 2011 events like the kidnapping of two foreigners and the killing of another in the Kenyan resorts on the east coast, the abduction of two aid workers from the Dadaab refugee camp, and the attack against Kenyan soldiers in cross-border raids raised a lot of concern for the Kenyan government. There was credible intelligence that the Al-Shabaab terrorist group would continue to attack Kenya. Therefore, the most appropriate decision on behalf of Kenya was to conduct a military operation to take preventive action to stop such further attack.

According to (Elsa G. (2013). Ethiopian military forces continued counter-terrorism operations in Somalia in partnership with the Government of Somalia and the African Union Mission in Somalia (AMISOM) and were instrumental in combating Al-Shabaab in Southern and Central Somalia. Ethiopia and Somalia had long suffered from historical animosities and rivalries, particularly stemming from tensions over the Ogaden region in eastern Ethiopia (which contains a large ethnic Somali population) and suspicion borne of religious differences. Since August 1996, Ethiopian troops had engaged in a series of military incursions aimed at degrading Islamist bases in Somalia, particularly those of al-Ittihad al-Islamiya, which Ethiopia's Prime Minister Meles Zenawi believed were fermenting trouble in eastern Ethiopia. During August 2006, Ethiopian troops entered Baidoa, ostensibly to support the TFG authorities but also to create a buffer zone in case more radical voices within the SCIC gained the upper hand and incited irredentist violence in eastern Ethiopia. Meles Zenawi articulated the logic behind Ethiopia's move shortly after the SCIC's takeover of Mogadishu in the following manner:

"We are aware of course, that the Union of Islamic Courts is a union of desperate forces. There are those Somalis who have supported the establishment of such courts because of the desperation that came as a result of the absolute chaos and lawlessness in Mogadishu. So, in a sense, for many supporters of these courts, the issue is one of order and stability.

"We understand their desire and we have nothing against that desire … As regards the implications of the resurgence of terrorist groups within Somalia, on the security and stability of Ethiopia, naturally, like any country, we reserve the right to defend ourselves against all attempts to destabilize our security and stability."

It was in this turbulent political context that the idea of an African peacekeeping force was resurrected; specifically, when UN Security Council resolution1725 (6 December 2006) authorized IGAD and AU member states to "establish a protection and training mission in Somalia." The African force was mandated to: monitor the progress of and ensure the safe passage of those involved in the political dialogue between the SCIC and the TFG authorities; maintain security in Baidoa; protect members of the TFG as well as their key infrastructure; and train the TFG's security forces and help re-establish the national security forces of Somalia.

6.2   Anti-money Laundering Initiatives

Ethiopia is a member of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), an associate member of the Financial Action Task Force (FATF). Nigeria is a member of the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), a regional FATF. This has helped Nigeria make significant progress in its anti-money laundering (MAL) and countering the financing of terrorism (CFT). Kenya is also a member of the Eastern and Southern Africa Anti-Money Laundering Group. In October, Kenya was recognized by the FATF for progress in improving its anti-money laundering and countering the financing of terrorism regime. The National Assembly passed the 2013 Finance Act containing amendments to the 2012 Prevention of Terrorism Act that strengthened Kenyan legal provisions criminalizing the financing of terrorism.

Senegal is a member of the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), a regional FATF. Senegal established procedures for freezing of accounts and other assets of known and suspected terrorists and terrorist organizations. Algeria's cooperation with Tunisia on counter-terrorism is particularly robust. An agreement between the two countries established military-

to-military communications and a coordination committee in order to improve information sharing related to counter-terrorism activities.

6.3   Regional Collaboration

To improve its counter-terrorism capacity, Ethiopia participated in programs funded through the US' Regional Strategic Initiative and Antiterrorism Assistance program (ATA), focusing on leadership and management, border security, and investigative skill development. Ethiopia is a member of the Inter-governmental Authority on Development (IGAD) and the Partnership for Regional East African Counter-terrorism. The country also participates in regional and multilateral forums for counterterrorism including IGAD's Security Sector Program trainings, which build the capacity of IGAD member states to mitigate, detect, and deter terrorist activity.

Kenya is a member of the Partnership for Regional East African Counter-terrorism and is a strong ally of the United States in the fight against Al-Shabaab and Al-Qa'ida. Kenya has remained one of Africa's largest beneficiaries of the US government's Antiterrorism Assistance (ATA) program focused on building law enforcement capacities in the areas of border security, investigations, crisis response, and institutionalization of counter-terrorism prevention and response.

The Office of Antiterrorism Assistance training (ATA) in Kenya has contributed significantly to nation's ability to confront terrorism at its borders, as well as to respond to mass casualty event. For the past years, ATA partnership with the U.S. Department of Homeland Security's Customs and Border Protection to deliver an in-depth training on rural border patrol unit tactics to members of the Kenya Wildlife Service and Kenya's Administration Police. Both agencies are responsible for protecting Kenya's national border.

Tanzania is a member of the AU, the Southern Africa Development Community (SADC) and the East African Community (EAC), all of which have initiatives to address counter-terrorism. Through the East African Police Chiefs' Organization and Southern Africa Police Chiefs' Organization, the NCTC maintains more frequent informal contact with other police forces in the region. The Tanzania Police

Force also works closely with Interpol. Tanzania is a member of the Partnership for Regional Eastern Africa Counterterrorism and participates in global counter-terrorism events focused on the Horn of Africa.

6.4 Anti-terrorism Legislation

In 2011, Ethiopia passed the Antiterrorism Proclamation (ATP) legislation that has been used to prosecute and convict individuals associated with terrorist activity. Similarly, Kenya's Prevention of Terrorism Act (2012), the Proceeds of Crime and Anti-Money Laundering Act (2011), and the Prevention of Organized Crime Act (2010) together provided a strong legal framework under which to prosecute acts of terrorism. The landmark Prevention of Terrorism Act (PTA) was passed in 2013 strengthening the criminalization of acts of financing terrorism. Regulations for the Act were drafted in 2011 and published in August 2012 as the Prevention of Terrorism Regulations. The regulations established the Police and Financial Intelligence Unit (FIU) as the institutions mandated to collect information and respond to reports of terrorist activity. The regulations also formalized the procedures for freezing the assets of persons suspected to be terrorists and sharing information between government agencies. The most recent but highly controversial legislation in Kenya is the Security Laws (Amendment) Act of 2014.

The controversial security bill was signed into law on 19 December 2014 by the Kenyan President Uhuru Kenyatta. The law says freedom of expression and freedom of the media "shall be limited (...) for the purposes of limiting the publication or distribution of material likely to cause public alarm, incitement to violence or disturb public peace." It provides for heavy penalties for anyone disseminating "any information (...) relating to terrorism," without qualifying this in any way. It says covering terrorism or publishing images of victims, "which are likely to cause fear and alarm", without prior permission from the police is punishable by "a fine not exceeding five million shillings [55,600 dollars] or imprisonment for a term not exceeding three years or both." The law also provides for a sentence of up to 20

years in prison for anyone convicted of encouraging or abetting terrorist acts in Kenya via social media.[17]

This law continues the escalation in draconian media legislation that began in 2013, when laws were adopted creating a special government-appointed media court to rule on editorial content and, in certain circumstances, prevent journalists from working. The creation of this court took powers held until then by the Kenya Media Council, a journalists' self-regulatory body.

However, as soon as the amendment was adopted and signed into law last December, 2014 opposition coalition associated with the Kenyan National Commission on Human Rights filed a petition before the high court challenging many of its provisions on the ground that they violate free speech, media freedom and other civil liberties.

In its ruling, issued on 23 February, 2015 the court struck down Section 12 of the law for "violating the freedom of expression and the media guaranteed under Articles 33 and 34 of the Constitution." This section penalized media coverage "likely to cause public alarm, incitement to violence, or disturb public peace" or that "undermines investigations or security operations by the National Police Service or the Kenya Defence Forces." The maximum sentence for violators was three years in prison, a fine of 5 million shillings (55,000 dollars) or both. Section 48, imposing refugee quotas (and thereby threatening the status of refugee journalists in Kenya, above all those from Ethiopia and Somalia) was also struck down on the grounds that it violated the right of asylum enshrined in 1951 UN Convention relating to the Status of Refugees, to which Kenya is a party.[18]

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17   The Security Laws (Amendment) Bill, 2014

18   High Court suspends 8 parts of controversial security laws; The Daily Nation of Friday, January 2, 2015. Accessed on 4/01/2016 at http://www.nation.co.ke/news/High-Court-suspends-parts-of-controversial-security-law/-/1056/2576396/-/pfa2brz/-/index.html

6.5   Economic Empowerment and Development Initiatives

In addressing the Al Shabaab threat, the Kenyan government is employing a more comprehensive strategy that combines security efforts with political and development efforts ostensibly to reduce the appeal by the group to the local communities on the agenda of economic marginalization. The idea is to address the legitimate concerns of the people especially of the coastal and northern regions of the country. It (government) continues to engage with national and local leaders through US-funded projects that seek to expand vocational skills training for the youth at risk of recruitment by violent extremists. Among the counter-terrorism measures under implementation are poverty alleviation programmes, economic development, education and social reforms as argued by Helle, T. M. (2012). The Kenyan government is aggressively addressing the challenges of poverty through its youth empowerment programme, and investing massively in infrastructure to promote economic development. Similarly, other Eastern African countries such as Uganda and Ethiopia are making concerted efforts to improve the socio-economic conditions of their people through economic development and education programs in order to counter radicalization and violence. They are working closely with USAID's Office of Transition Initiatives (OTI) on several programs designed to counter violent extremism. Such programs include awareness campaigns, establishment of youth centres, and educational activities that seek to engage the youth at risk of being recruited by violent extremist organizations.

7.0   Conclusions and Recommendations

7.1   Conclusions

In Eastern Africa Kenya and Ethiopia counterterrorism initiatives has to some extent succeeded in combating terrorism mainly in its deterrence element since the lack of sufficient intelligence capability, a corrupt and inefficient security arm of government has conspired to frustrate more effective anti-terrorism efforts. This study noted that before the 1998 and 2010 major terrorist attacks occurred, the country's counterterrorism strategy was limited in scope and incapable of handling

large-scale terrorist strikes. There was minimal national co-ordination and the lack of national consensus in defining a common approach to the terrorist threat.

Since then, Kenya's counterterrorism strategy has however registered a marked improvement, with the country becoming increasingly able to control terrorist activities through anti-terrorism legislations, the establishment of a national coordination centre and the training of personnel to thwart out radical element within the community. This study concludes that, regional economic development has been greatly hampered by terrorism. The geopolitical positioning of Kenya vis-à-vis the rest of the Eastern African region has created a symbiotic relationship that requires peace and stability for economic activities to thrive. For instance, Uganda, Rwanda, Burundi South Sudan and to a large extent Ethiopia rely on the port of Mombasa for their import and export needs. The study established that terrorist activity within coastal Kenya, and along the borders with Somalia, and Ethiopia continues to affect the development of the region. It is evident that for any meaningful regional economic development to take place, the security challenge posed in the form of terror acts needs to be tackled jointly by regional government.

The country's counterterrorism strategy has however registered a marked improvement since 2011, with the country becoming increasingly able to control terrorist activities through anti-terrorism legislations, tight boarder control with Somalia, establishment of a national coordination centre and the training of personnel. The finding also notes that effective and proper mechanisms to manage terrorism can only be realized if there is proper local and regional consensus building and public-private sector collaboration. The country also needs to engage more with the international community to manage this security challenge since it is not only unique to Kenya and Ethiopia but terrorism is affecting the world at large.

7.2   Recommendations

Going by the findings, this study recommends several policy changes in order for the Eastern African regional government to realise its peace and security. For instance, the drivers of counter violent extremism are complex, many, and

context dependent. It is important that states in the subregion assess local and national factors conducive to violent extremism, for instance through surveying local communities and taking stock of the perceptions of groups that represent the diversity of the country

Support Justice and Security Reform, Enhance Access to Justice, and Improve Human Rights Compliance:

Though its still far from the unique to the Greater Horn of Africa particularly Kenya and Ethiopia, a trust deficit still exists between civilians and security forces in the subregion and boarder areas, and many citizens still lack access to justice. Additionally, counterterrorism laws and policies are still being applied disproportionately and arbitrarily in a number of contexts and used as a pretext for the persecution of minority groups and political opposition. Hence, there is a need to enhance capacities within the criminal justice sector and build trust between the citizenry and security providers through measures that demonstrate to both communities and law enforcement the practical benefits and long-term potential of closer cooperation.[19]

Promote State and Civil Society Partnership through Local Security and Peace Committees Initiatives:

Both Kenya and Ethiopian Authorities including the civil society actors in the subregion should continue to work together to analyze and enhance boarder security by creating local security committees, building on and recognising the structure of those already established, for instance, the case of the Puntland region of Somalia. The committees could be expanded to involve a wide range of

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19   For example, George Kegoro, "The Effects of Counter-Terrorism Measures on Human Rights: The Experience of East African Countries," in Understanding Terrorism in Africa: In Search for an African Voice, ed. Wafula Okumu and Anneli Botha (Pretoria: Institute for Security Studies, 2007), pp. 51–57; Samuel M. Makinda, "The Impact of the War on Terror on Governance and Human Rights in Sub-Saharan Africa," in Understanding Terrorism in Africa: Building Bridges and Overcoming the Gaps, ed. Wafula Okumu and Anneli Botha(Pretoria: Institute for Security Studies, 2008), pp. 32–35; Human Rights Watch, "'Why Am I Still Here?' The 2007 Horn of Africa Renditions and the Fate of Those Still Missing," October 2008, http://www.hrw.org/reports/2008/09/30/why-am-i-still-here ; Open Society Foundations, "Counterterrorism and Human Rights Abuses in Kenya and Uganda: The World Cup Bombing and Beyond," 2013, http://www. opensocietyfoundations.org/sites/default/files/counterterrorism-human-rights-abuses-kenya-uganda-20130403.pdf.

stakeholders, including civil society organizations, women's groups, youth groups, market associations, and other relevant community representatives in order to enhance engagement between local communities and governments.

It is important for both Kenyan and Ethiopia government to identify local groups and individuals that represent the diversity of the community to ensure that advice and initiatives resulting from the committees reach and are trusted by the community. Additionally, government representatives and security providers should not only share their insights and concerns but also listen to those of the community. Through local security and peace committees, community awareness on new security developments can be increased, early warning signals may reach the authorities more quickly, and joint efforts can be undertaken in the areas of community safety and security, conflict prevention and resolution, reconciliation, and reintegration of the victims.

Supplement Education Programs:

Education, whether formal or informal, plays a critical role in fostering resilience and promoting civic values like tolerance, pluralism, and the rule of law. Supplemented by programs including sports, arts, and culture, a comprehensive curriculum can help empower youths, provide powerful alternative narratives and activities, and engage families and communities in positive transformations (Barclay, J. (2011). [20] These dynamics, while not narrowly defined as countering violent extremism, can be critical to strengthening community resilience against violent extremist groups. State institutions responsible for education could consider developing curricula that encourage a deeper understanding of national histories or identities, enhance creative and critical thinking, inspire civic responsibility and citizenship, and highlight the usefulness of public service outside the military, Barclay, J. (2011).

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[20] Naureen Chowdhury Fink, Rafia Bhulai, Wedad Alhassen, and Sara Zeiger, "Thinking Outside the Box: Exploring the Critical Roles of Sports, Arts, and Culture in Preventing Violent Extremism," Global Center on Cooperative Security and Hedayah, Policy Brief, February 2015, http://www.globalcenter.org/wp- content/uploads/2015/02/15Feb17_ SAC_Brief_Hedayah_GlobalCenter.pdf.

Through these efforts, young people can be better equipped to resist the pull factors that may drive them toward radicalization to or recruitment for violent extremism.[21]

Improve Access to Justice and Informal Justice Systems in both Kenya and Ethiopia:

In some instances, grievances against the state and ruleof law-based institutions, such as the police, Military and the judiciary, can contribute to an enabling environment in which individuals may be receptive to extremist groups or find their violent ideologies appealing. This is particularly a concern in areas with weak justice and dispute- resolution mechanisms espercially along the boarder communities of Kenya, Ethiopia, Somalia and coastal areas of Mombasa. In addition to the need for states to improve access to formal justice systems, civil society actors, such as human rights defenders and local legal support services, could play an essential role in increasing access to justice for disaffected individuals or marginalized groups such as women, youth, refugees, and minority populations, including through informal justice mechanisms if these are the only sources for resolving disputes and conflicts.

Lastly, Government of Kenya, police, military and all relevant authorities must continue to utilize the law enforcement and intelligence entities that are already in place. These specialized units and departments, while not operating to their full potential, are at least partially able to mitigate terrorist threats. They act as both a deterrent and reactive force to terrorists, pre-empting the planning of attacks on Kenyan soil and reacting to intelligence gathered in the course of investigations. In addition to the present capacity of these entities, there must be systematic improvements made at departmental levels to provide quick and prompt information sharing to each respective department and avoid conflicting information.

With the support of the donor community, especially the US, UK and the European Union, there is urgent need for better skills training for personnel across the entire spectrum of the police force. Equipping and training only a small specialized unit

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21   Center on Global Counterterrorism Cooperation and Hedayah, "The Role of Education in Countering Violent Extremism," Meeting Note, December 2013, http://www.hedayah.ae/pdf/role-of-education-in-countering-violent-extremism-meeting-report.pdf.

such as the Anti-terrorism Police Unit (ATPU) will not be sufficient in keeping the entire country safe. Instead, following the lead from large Western police departments, this study suggests that all men and women in uniform obtain basic training in terrorism-related investigations and information sharing. The ATPU should be in a position to coordinate with the other member countries such as Uganda in training and information sharing.

Kenyan politicians and stakeholders need to take a closer look at the actual perpetrators of terrorist acts. While there is an overwhelming belief by both state and society that Kenyan Muslims could be mobilizing attacks or harboring terrorists against their own community, there is no clear evidence to support this allegation. The government should reach out to the entire Muslim community notably in the coastal areas of Mombasa and North-eastern Kenya and make it a priority to include them in politics, the economy, and everyday life. This will be a crucial strategy in winning the hearts and minds of the Muslim fraternity and an important strategy in the global war on terror. Islamic scholars and organizations should also play a more active role in community life to avoid being targeted as sponsors of terrorism. If this strategy is successful, Kenya can operate as a secular and open-minded country where religion is not a root cause of anger and disagreement.

References

Adams, N., Nordhaus, T. and Shellenberger, M. (2011). Evaluating the Efficacy of Controversial Tactics; Counter-terrorism Since 9/11. Breakthrough Institute spring 2011, (Pp 16).

Amnesty International (2014). "Somalis are Scapegoats in Kenya's Counter-terror Crackdown". London: Amnesty International.

Elsa G. (2013). "The Security Issue behind the Ethiopian Intervention in Somalia" in State and Societal Challenges in the Horn of Africa: Conflict and Processes of State Formation, Reconfiguration and Disintegration. Lisbon: Center of African Studies (CEA)/ISCTE-IUL, University Institute of Lisbon.

Amtaika, A and Ahmed, M. (2013). "Is the Eritrean Government a victim or a sponsor of Islamic extremism and terrorism?" *International Journal of Peace and Development Studies* 4 (4): 53-66.

Aronson, S. L. (2012). United States Aid to Kenya: A Study on Regional Security and Counterterrorism Assistance Before and After 9/11. *African Journal of Criminology and Justice Studies* 5(1): 119-126.

Barclay, J. (2011). Strategy to Reach, Empower and Educate Teenagers (STREET): A Case Study in Government-community Partnership and Direct Intervention to Counter Violent Extremism. Policy Brief, December 2011. Washington DC: Centre for Global Counter-terrorism Cooperation.

Beutel, A. J. (2007). Radicalization and Homegrown Terrorism in Western Muslim Communities: Lessons Learned for America. Cambridge University Inter-Faith Programme- Minaret of Freedom.

Bonnell, J., Copestake, P., Kerr, D., Passy, R., Reed, C. and Salter, R, _ (2011). Teaching Approaches that Help to Build Resilience to Extremism among Young People. London: Department for Education.

Botha, A. (2013). "Assessing the Vulnerability of Kenyan Youth to Radicalization and Extremism". Pretoria: Rand Afrikaans University: Institute for Security Studies (ISS) Paper No. 245.

Opon, D. Okoth P, Onkware. K, (2015) Immigration Border Control Human Resource Challenges and Opportunities Affecting Counter-terrorism Strategies in Kenya. International Journal of Education and Research , Vol. 3 No. 5.

Chweya L. (2004). "Emerging Dimensions of Security in the IGAD Region" in Mwagiru M., (ed.) African Regional Security in the Age of Globalization. Nairobi: Heinrich Boll Stiftung, p. 22.

Cole, J. and Cole, B. (2008). Martyrdom: Radicalization and Terrorist Violence among British Muslims. Hove: Pennant.

Collett, E (2011). Emerging Transatlantic Security Dilemmas in Border

Management. Improving US and EU Immigration Systems. (Add the name of the journal, volume and issue no) , 1- 8.

Davis, Y. (2011). "Phenomenon of Boko Haram". A paper commissioned for National conference of Resource Forum of the Islamic Movement of Nigeria, Zaria, Nigeria.

Evans, R. and Neumann, P. (2009). Islamist Militant Radicalization in Europe: A Critical Assessment of the Literature. London: International Centre for the Study of Radicalization.

Elise, B. W. (2010), "Compliance among weak states: Africa and the counter-terrorism regime." Review of International Studies (2010), 36, pp. 639–662.

Forest, J. J. (2011). Al-Qaeda's Influence in Sub-Saharan Africa: Myths, Realities and Possibilities. *Perspectives on Terrorism* 5(3): 63-80.

Gable, G. and Jackson, P. (2011). Lone Wolves: Myth or Reality? 'Tackling violent extremism in the community' in *Gable, G. Lone. Wolves: Myth of Reality*? A *Searchlight* Report, pp. 101-11

Helle, T. M. (2012). De-radicalization-targeted Intervention. Report on Danish Pilot Experience with De-radicalization and Prevention of Extremism. Helsingor: MHT.

HRW (2009). Open Secret: Illegal Detention and Torture by the Joint Anti-Terrorism Task Force in Uganda. United States of America. ISBN: 1-56432-467-2

Horgan, J. (2008). From Profiles to Pathways and Roots to Routes: Perspectives from Psychology on Radicalization into Terrorism. *Annals of the American Academy of Political and Social Science* 618 (80): 80-94.

Horgan, J. (2009). "Individual Disengagement: A Psychological Perspective" in Tore Bjørgo and John Horgan (eds.), Leaving Terrorism Behind. London and New York: Routledge.

Human Right Watch (2009). *Open Secret: Illegal Detention and Torture by the Joint Anti-Terrorism Task Force in Uganda*. United States of America. pp.1-20

Kalu, N. (2009). Strategic Fusion: What Lessons for International Counter-terrorism. Defence Studies PP, 9:129-148.

Krause, V. and Otenyo, E. (2005). Terrorism and the Kenyan Public. *Studies in Conflict Terrorism* 28(2): 99-112.

Masese, H. (2012). Failed States and the Spread of International Terrorism: *Responses, Challenges and Opportunities for Somalia.* PhD Thesis; Masinde Muliro University of Science and Technology

OSAA (2003). Africa and International Counter-terrorism Imperatives. New York: United Nations Office of the Special Adviser on Africa, pp. 11, 29, 46.

Otiso, K. (2009). Kenya in the Crosshairs of Global Terrorism: Fighting Terrorism at the Periphery. KSR . pp1 (2-20).

Plotch, L. (2010). "Countering Terrorism in East Africa: The U.S. Response". Congressional Research Service, November 3, 2010.

Prestholdt, J. (2011). Kenya, the United States, and Counter-terrorism. *Africa Today* 57(4): 3-27.

Rogers, P. (2008). "Terrorism" in Williams, P.D. (ed.) Security Studies: An Introduction. London: Routledge, pp. 167-201.

Shinn, D. H. (2004). Fighting Terrorism in East Africa and the Horn. *Foreign Service Journal* 81(9): 40.

Smidt, W. (2008), "Terrorism and Discourses on Terror in Ethiopia," in E. M. Bruchhaus and M. Sommer (eds.), Hot Spot Horn of Africa Revisited: Approaches to Make Sense of Conflict, Wien: LIT, 132-145.

Wachira, A. (2013). How IT-based solutions can help counter security threats in Kenya. The Standard on Sunday, 07 July, 2013, p.14

Electronic Sources

Adan, H. H. Maj. 2005. Combating Transnational Terrorism in Kenya. Retrieved from Defense Technical Information Center- http://www.dtic.mil/.

Andreas, P (2003). Redrawing the Line: Borders and Security in the Twenty-First Century. The MIT Press. http://www.jstor.org/page/info/about/policies/terms.jsp. Accessed 10 December, 2015.

Highlights of Key Messages

This factsheet is a quick reference guide regarding issues discussed in the two papers. The key messages include:

The Role of Police Component in Enhancing Rule of Law in Peace Support Operations

- Since the first deployment of the police component in ONUC in 1960, police personnel have considerably contributed to the maintenance of global peace and security around the world.

- Despite this contribution, the police unit remains one of the most scarcely researched areas in peace and security.

- The primary mandate of the police component in PSOs is to restore the rule of law in communities ravaged by war and conflict. It does this through training and capacity building, monitoring and advisory, reforms and restructuring, electoral assistance, joint operations, and executive law enforcement, among others.

- The deployed police aim at developing operational capability of the community, host police, and other law-enforcement institutions in promoting the rule of law.

- Notwithstanding its vital input, the police component faces a myriad of challenges that require urgent attention, the main ones being inadequate resources, local resistance, insecurity, inadequate training, language constraints, inequities in gender representation, and structural hindrances.

- To ensure that the present and future police components achieve their rule of law mandate, there is need for the provision of effective training, logistical support, inclusive UN and AU strategic structures, logistical support, and deployment of more female police personnel, among others.

A Review of Counter-terrorism Strategies in Eastern Africa

- In order to effectively mitigate the threats to national security, the government of Kenya enacted anti-terrorism legislation notably the Prevention of Terrorism Act, 2011; Proceeds of Crime and Anti-Money Laundering Act, and Prevention of Organized Crime Act (May, 2010) which, together, provide a strong legal framework under which to prosecute acts of terrorism.

- Despite the Kenyan government's efforts in developing counter measures against the Al-Shabaab terrorists, it still lacks capacity particularly in the areas of police, intelligence, and law enforcement.

- The new initiatives against terrorism established by the Kenya government range from increased security surveillance, through security operations and community policing to development of counter-terrorism strategies.

- The Kenya government has also encouraged inter and intra-faith dialogue in the prevention of terrorism. This initiative is meant to complement the current program being implemented by NCTC and embraced by civil society organizations through initiation of discussions on youth involvement in violent extremism.

About The Authors

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