



# THE THREAT OF AL-SHABAAB IN KENYA: THE KENYAN GOVERNMENT'S COUNTERTERRORISM APPROACH

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#### Introduction

It has been five years since the Westgate mall attack and twenty years since the US Embassy bombings, but Kenya remains to be a victim of and vulnerable to terrorism and as this briefing paper is being prepared Al-Shabaab has mounted another Westgate-style attack in Nairobi on 15 January 2019, killing more than 15 civilians.

Kenya was one of the first places where Al-Qaeda practised its transnational terrorism.<sup>1</sup> As Al-Qaeda's presence grew from traditional (Afghanistan, Sudan, Sahara and Sahel) to non-traditional areas (Europe, Indonesia and Philippines), Kenyan counterterrorism scope spread across East Africa. Al-Qaeda subsequently diminished but in that vacuum a more intricate and fatal threat emerged, namely Al-Shabaab. An offshoot of Al-Qaeda, Al-Shabaab differs in its aims and objectives, and its targets are far more central to the Horn of Africa.

Al-Shabaab's roots predominantly lie in Somalia, but for the Kenvan Government the terrorist networks prove a more complex threat than Al-Qaeda, in part because it has a significant homegrown element. Since its rise in 2007, Al-Shabaab has killed more than 1000 civilians and carried out more than three major and numerous minor attacks in the Kenyan territory,<sup>2</sup> by far outnumbering Al-Qaeda's operations – Garissa University College and the Westgate shopping mall attacks remain the deadliest on Kenyan soil since the 1998 US embassy bombing by Al-Qaeda. While it is generally believed that Al-Shabaab's aim is to dissuade Kenya from sending its forces to stabilise Somalia -Al-Shabaab's home, experts have now countered this linear narrative arguing that Al-Shabaab's objectives are much more complex than they appear on the surface.

The Kenyan Government's counterterrorism response has been strong based on a two-pronged attack. On the one hand the Kenyan Defence Forces (KDF) continue to contribute to tackle Al-Shabaab on their home turf as part of the African Union Mission in Somalia (AMISOM). On the other hand, the government has invested in reforms and allocated considerable resources in developing and implementing a preventive and responsive counterterrorism strategy. In addition to amending the Terrorism Act to make it more robust, the government has also rolled out a number of countering violent extremism (CVE) programmes to promote interfaith harmony and address grievances. Coupled with, a crackdown on drugs and human trafficking networks has restricted cashflow to Al-

Shabaab. However, despite these measures, as the 15 January attacks have displayed, Al-Shabaab continues to remain an active and dangerous threat. The Kenyan Government has for the most part reduced the threat in major cities but Al-Shabaab retains its hold in rural areas like Lamu County and neighbouring regions bordering Somalia.<sup>3</sup>

The aim of this briefing paper is to provide an outline of Al-Shabaab's operations in Kenya, the Kenyan Government's counterterrorism measures and the role played by the Parliament of Kenya in supporting these approaches. This paper also briefly throws light on the impact of human rights in Kenya as a result of counterterrorism measures. This paper benefited from the first-hand information gathered during the CPA UK visit to Kenya in October 2018.

# The Rise of Al-Shabaab and its Expansion in Kenya

In 2004, when the State of Somalia failed, the Somali Council of Islamic Courts (CIC) gained control over Somalia's southern region and Al-Shabaab emerged as its militant wing. Its immediate goal was to act as the enforcement agency for CIC, in particular, the *Ifka Halan Court* which was a part of CIC.<sup>4</sup> It now operates to achieve two objectives; to recapture territories it lost to the AMISOM forces, and to implement sharia in Somalia – for these reasons, despite its presence in several East African countries, Al-Shabaab remains primarily a Somali organisation.

While Al-Shabaab operates regionally, it has established equally strong international ties. The leaders of Al-Shabaab were long associated with Al-Qaeda. They received training, expertise, and financial and ideological support from Al-Qaeda Central (AQC) as well as Al-Qaeda in Arabian Peninsula (AQAP).<sup>5</sup> In 2012, the leader of Al-Shabaab, Ahmeda Abdi Godane alias Mukhtar Abu Zubair, formerly announced their allegiance to Al-Qaeda.<sup>5</sup> Al-Qaeda leader Ayman al-Zawahiri accepted the allegiance and formerly appointed Abu Zubair as Al-Shabaab's Emir. As Alshabaab's footprints in East Africa increased, Al-Qaeda's declined and the relationship between the two organisations weakened and virtually broke apart. There is now evidence to suggest that the Islamic State is willing to bring Al-Shabaab into its fold by either affiliation or a formal merger.<sup>7</sup>

It is widely accepted that Al-Shabaab's strategy to launch attacks in Kenya intended to force the Kenyan Government to pull out of Somalia. Kenya government's aim to deter these militants from crossing the porous border between the two countries and kidnapping people - which was affecting tourism',<sup>8</sup> provoked Al-Shabaab to consequently target Kenyan civilians who were now considered legitimate targets.

Experts have recently countered this narrative. They argue that KDF's withdrawal from Somalia might not meet an identical response from Al-Shabaab. Kenya is not the only country which had contributed forces to AMISOM; in total six AU members became troop-contributing countries (TCC): Kenya, Sierra Leone, Ethiopia, Djibouti, Uganda and Burundi, and KDF's deployment to the 22,000 strong AMISOM force is limited to only 3664 personnel, yet Kenya is Al-Shabaab's primary target.<sup>9</sup> Further, Al-shabaab entered Kenya in 2008, before KDF entered Somalia in 2011. In addition, historically, Somalia has had a far greater antagonistic relationship with Ethiopia than Kenya. Nevertheless Al-Shabaab's interest lies primarily in Kenya.<sup>10</sup> Experts have identified Kenya's international status, its proximity to Somalia, a presence of (relatively) free media, and Kenya's strong international tourist base as the key reasons for Al-Shabaab's interest in Kenya. This allows Al-Shabaab to attract international recognition which it will otherwise struggle to attract. In addition to this, the democratic system of Kenya as opposed to Ethiopia, Djibouti, and Uganda helps Al-Shabaab get the attention it desires.<sup>11</sup> Further, as Kenya has a large Somalian population, it is seen as a major recruitment base for Al-shabaab. Kenyans now constitute a sizeable population in Al-Shabaab's ranks.<sup>12</sup> Thanks to its recruitment base, Al-shabaab has created a strong network of terror cells inside the Kenyan territories – for instance, 'four of the five Garissa University College attackers were Kenyans'.13

Al-Shabaab has successfully managed to exploit all these reasons to its advantage and to receive the international attention it garnered. Since its first attack in 2008, it has successfully penetrated and then expanded in Kenya despite the government's best efforts to counter it. It carried out at least three major attacks, numerous small-scale attacks and frequent kidnappings of foreign nationals. The three major attacks - a four-day siege of Westgate Mall in Nairobi in October 2013; an attack in the coastal area of Lamu in 2014; and the assault on the Garissa University College in Garissa in April 2015 - resulted in more than 300 casualties.<sup>14</sup>

The government's counterterrorism approach, discussed in the next section, has been effective in reducing Al-Shabaab's threat to some extent with no major incident after the Garissa University attacks

had been reported. Small cities and towns still face terror threats and the 15 January attacks proved that Al-Shabaab is still very much capable of striking in major cities. However, as most of the recent attacks by Al-Shabaab are small scale and in small towns, barring the 15 January attacks, they are deprived of a much-needed media attention - a psychological disadvantage in terrorism warfare. For example, in Mandera County, two teachers were killed by Al-Shabaab in October 2018<sup>15</sup> and in November Al-Shabaab attacked a shopping centre at Chakama in Kenya's Kilifi County leading to the kidnapping of an Italian student.<sup>16</sup> Neither incident appeared in the mainstream newspapers. Equally, these incidents indicate - as the 15 January attacks have established -Al-Shabaab's active presence in Kenya.

#### **Counterterrorism Approach in Kenya**

The Westgate mall siege in 2013 was the first major attack in Nairobi after the US embassy bombings in 1998. Westgate was quickly followed by the Lamu attacks and the horrendous Garissa University massacre forcing the government to step up its counterterrorism measures. These measures are fourfold; increase international and regional cooperation, reform the internal security sector, amend relevant legislations and increase parliamentary oversight, and initiate CVE programmes. They are discussed below in turn.

#### International Cooperation

The primary reason Al-Shabaab entered Kenya, as some have argued, was to discourage Kenya's defence cooperation with the African Union and KDF's contribution to AMISOM. Yet, Kenya stepped up its involvement in Somalia after a series of Al-Shabaab attacks particularly from 2013. As highlighted, Kenya contributes only around 3600 personnel to the 22000strong AMISOM force. However, Kenya's international cooperation is not limited to AMISOM. Kenya is one of the largest recipients of US security assistance in sub-Saharan Africa. They received US\$100million in assistance in 2015<sup>17</sup> for counterterrorism activities, training and purchase of sophisticated equipment. In addition to this, the National Security Intelligence and 'General Service Unit', a paramilitary reserve unit primarily deployed to respond to civil disorders, and the Anti-Terror Police Unit (ATPU), a specialised police unit tasked with counter-terror responses',<sup>18</sup> were all established with the support of the US Anti-Terrorism Assistance (ATA) programme. Additional measures include participation in the U.S. Terrorist Interdiction Program (TIP), which provides technology to screen

## UK – Kenya Cooperation on National Security

While bilateral cooperation between UK and Kenya on national security has operated for over two decades, counter-terrorism cooperation between the two countries considerably strengthened in September 2015 when the then British Prime Minister David Cameron, met with his counterpart President Uhuru Kenyatta, and agreed on a new Defence Cooperation Agreement.<sup>23</sup> The agreement allowed the UK to provide 'additional support to Kenya on maritime security and continued British military training in Kenya'.<sup>24</sup> Both countries agreed to cooperate on issues like countering violent extremism (CVE), national security and criminal justice. In August 2018, Prime Minister Theresa May's visit to Kenya further strengthened this relationship. As the UK and Kenya continue to face the shared threat of terrorism, the UK Government support on national security has grown significantly.

The British military conducts joint training exercises with Kenyans 'to promote stability in East Africa and beyond and to build the continent's capacity to overcome its own challenges and deliver its own security'.<sup>25</sup> The UK has also funded a counter improvised explosive device (IED) facility in Kenya where training is provided to Kenyan security forces and to the African Union Mission in Somalia.<sup>26</sup> The UK also provides £2.3 million a year to Kenyan forces.<sup>27</sup> In addition, the Foreign and Commonwealth Office (FCO) have also developed a good working relationship with the Kenyan security agencies like the anti-terrorism unit and special counter-terrorism unit.<sup>28</sup>

travellers arriving at airports and border crossings'.<sup>19</sup>

Kenya also receives both financial and technological support from the UK, and KDF regularly undergoes joint military training with British forces (see box). Among other international cooperation on national security, the European Union's Horn of Africa project, a four-year regional counterterrorism law enforcement project, is the most notable. As part of this project, capacity building workshops on counter-terror financing<sup>20</sup> and counterterrorism case management <sup>21</sup>were recently organised<sup>22</sup> in Kenya. Participants represented Djibouti, Ethiopia, Kenya, Somalia, Sudan, South Sudan, Tanzania and Uganda, working for police, law enforcement and prosecution services.

#### Internal Security Sector Reforms

In the wake of the provisions on national security set out by the new constitution<sup>29</sup> and the rise of Al-Shabaab in Kenya, the government initiated internal security sector reforms. A new National Police Service was created as a result of the merger of the Kenyan Police and the Administration Police, placed under 'one independent command of the Inspector General and his two deputies appointed through a competitive process'.<sup>30</sup> The government also created a new National Police Service Commission with the aim of providing competition based recruitment, training and welfare services.<sup>31</sup> Most importantly, an Independent Policing Oversight Authority Board was established 'to provide civilian oversight of the work of the Police, including investigating complaints against the police by the public and from the police officers, inspection of police premises including places of detention, monitor and review investigations

undertaken by the Internal Affairs Unit of the National Police Service, review patterns of police misconduct and internal disciplinary processes and, present any relevant information in a judicial inquest'.<sup>32</sup> Further in 2016 the government also adopted a National Security Strategy with the aim to ensuring that ministries and agencies adopt appropriate mechanisms to prevent and counter terrorism.<sup>33</sup>

The overall aim of these steps was to make the internal security sector efficient and robust enough to counter terrorism threats from Al-Shabaab. However, reports suggest that despite these reforms, there are significant gaps which include, but are not limited to, low pay, lack of proper arms and ammunition, lack of police vehicles, poor housing conditions, and poor working conditions. These gaps have promoted a high level of corruption effectively exploited by Al-Shabaab to operate in the Kenyan territories.

### Counterterrorism Legislation

In 2014, the Kenyan Government amended the Prevention of Terrorism Act to strengthen its national security legal framework. However, opposition and civil liberties groups claimed the move was an attempt by the Kenyan authorities to crackdown on civil society and the media as it posed a draconian threat to civil liberties and freedom of speech. The bill was fervently opposed by opposition parties and on one occasion a fight between government and opposition members broke out on the floor of the House.<sup>34</sup> One aspect of the bill, requiring journalists to obtain police permission before investigation or publishing stories on domestic terrorism and security issues, was viewed as particularly concerning. Other

provisions like police approval before publication or broadcasting of information relating to investigations on terrorism were considered by many to be equally draconian.<sup>35</sup> A legal challenge was mounted in the court of law immediately after the law was passed and the High Court annulled eight clauses in the amended Prevention of Terrorism Act 'including those which curbed media freedom and capped the number of refugees and asylum-seekers to 150,000'.<sup>36</sup>

Yet, the government has claimed that the legislation has hugely supported the law enforcement agencies in curbing the presence of Al-Shabaab in Kenya. Equally, civil societies assert that the implementation of the new legislation has increased human rights abuses (see the section on human rights). The Country Reports on Terrorism 2017 published by the US State Department noted that 'Kenya's government used the (legislation) to aggressively investigate and prosecute terrorism, but it has fallen short in implementing initiatives to improve access to justice among terrorism suspects'.<sup>37</sup> In August 2017, to provide free legal aid to suspects arrested under the terrorism act the government launched a National Legal Aid Action Plan. However so far, the government had not funded a single case.<sup>38</sup>

#### Parliament's Role in Counterterrorism

The Parliament of Kenya has a committee on national security each in the National Assembly and the Senate; the National Assembly Committee on Administration and National Security, and the Senate Committee on National Security, Defence, and International Relations. In addition to acting as national security oversight bodies, these committees allow Senators and National Assembly members to ask defence questions in the House to which the Chairs respond. As in the UK Parliament, committees write reports for the House, drawing upon a wide range of evidence including from meetings with government officials, members of the community, elders, and women. The Senate Committee also invites members of the public to petition the Committee to hold a public hearing on certain topics.

The Committee on Administration and National Security has been engaged in police reforms and the administration of police, with border control as a key focus. According to Committee Chair Hon. Paul Koinange MP, the reforms would "change the face of policing" and increase public trust in police officers – low salaries being a significant factor in shaping police behaviour contributing to low levels of motivation. There are plans for officers to be

better compensated, including provision of a housing allowance as opposed to accommodation in police quarters – enabling police officers to live in the community they serve, in turn building trust and links useful for gathering information during investigations. Further proposals include changes in the structure of police administration reducing the number of highand middle-ranking officers to better enforce order and discipline. Increasing the use of technology is also expected to improve public perception of the police, for example by reducing corruption.

The Kenyan Parliament recently passed the Coast Guard Act 2018 which established the Kenya Coast Guard Service.<sup>39</sup> This is intended to help the government counter drug and human trafficking. Other legislative milestones included a cybersecurity bill and an upcoming data protection bill.

#### Countering Violent Extremism (CVE) Programmes

In 2016, with the aim to better integrate religious, ethnic and tribal minorities, promote interfaith harmony, and facilitate deradicalisation, the government launched a National Strategy to Counter Violent Extremism. The plan was launched in four coastal counties; Mombasa, Kwale, Lamu and Kilifi to build 'strong, cohesive and resilient communities against violent extremism and (Al-Shabaab) recruitment'.<sup>41</sup> Set up under the supervision of the National Counter Terrorism Centre (NCTC), the Strategy aims to strengthen civil society and faithbased organisations in their fight against extremism and terrorism.<sup>42</sup> The strategy pools 'resources from government, civil society, and the private sector in support of counterterrorism efforts, and emphasizes on deradicalisation over military tactics.'43 As part of the Strategy, the government trains police to be more sensitive towards minority communities, initiate dialogues on post-traumatic stress, and early warning and early response programmes. Small-scale efforts are also initiated to rehabilitate and reintegrate former terrorists, facilitators, and sympathisers.<sup>44</sup> Additionally, government is also promoting and supporting CVE programmes undertaken by civil societies and international organisations like UN. The UNDP in collaboration with the Government of Kenya and the Government of Japan launched a CVE programme titled Strengthening Community's Resilience Against Radicalisation and Violent Extremism, which aimed 'to enhance the resilience of vulnerable local communities against radicalisation and violent extremism, as well as to enhance the capacity of government in countering terrorism and violent extremism'.45

The NCTC is also working with the Ministry of Education

on a school programme on countering violent extremism. Kenya also receives funds from Geneva based Global Community Engagement and Resilience Fund (GCERF) for its CVE programmes.

#### **Other National Security Concerns**

According to Hon. Dr Fred Matiang'i, Cabinet Secretary in the Ministry of Interior and Co-ordination of National Government, in addition to terrorist threats Kenya also faces challenges from human trafficking and the movement of small arms which strengthen Al-Shabaab and other terrorist organisations. To counter these, the Kenyan government closely follows the related challenges in Somalia, internal changes in Ethiopia, and growing generational tension in Uganda, some of the main drivers of these security risks. Some believe an escalation of generational tensions in Uganda could lead to increasing numbers of Ugandan refugees crossing the border into Kenya. The government should therefore have to carefully balance security concerns and human rights.

Kenya has also increased its efforts to curb narcotics and human trafficking. Active marine patrols in the Indian Ocean initiated through an act of parliament, for example, aim to hinder the shipment of drugs to South Asia. Shortly before the UK delegation met with Hon. Dr Matiang'i in October 2018, Kenyan authorities discovered and returned 300 children illicitly taken across the border from Uganda. Efforts to curb trafficking and modern slavery are one of the most important issues in Kenya requiring global collaboration.

It is also understood that youth unemployment is one of the driving factors for the increase in the Al-Shabaab's human resource and pose a significant risk to the government's counterterrorism efforts.

There is also a risk of Al-Shabaab opening a corridor for Islamic State (ISIS) to penetrate East Africa as it is now willing to cooperate with ISIS, after the decline of Al-Qaeda, further increasing the terror threat levels.

# Counterterrorism and the State of Human Rights

While the Kenyan Government's counterterrorism measures against Al-Shabaab have received international support, its resulting human rights track record has been seriously questioned. A number of international and national organisations including the Kenya National Commission on Human Rights (KNCHR), a constitutional body established by an act

of parliament, have criticised the violation of human rights by the Kenyan security forces.

In a report titled 'The Error of Fighting Terror with Terror' published in 2015, KNCHR highlighted that the security agencies 'have continued to conduct abusive operations against individuals and groups suspected to be associated with terror attacks in various parts of the country'.<sup>46</sup> The report documented over 120 cases of human rights violations including 25 cases of extrajudicial killings and 81 cases of enforced disappearance.<sup>47</sup>

A separate report particularly questioned the Kenyan anti-terrorism police unit's (APTU) counterterrorism measures highlighting two notable cases of mysterious deaths of two Muslims; Aboud Rogo Mohamed and Sheikh Ibrahim Ismail.<sup>48</sup> A 2017 US State Department report also underlined forced disappearances, arbitrary detention, torture and extrajudicial killings as major human rights issues in Kenya.<sup>49</sup> In 2014, in a heavily criticised move, the Kenyan government arbitrary rounded up more than 3000 Somalians and detained them in Nairobi's Kasarani football stadium in the process to check their identities,<sup>50</sup> a dramatic reminder of a 1999 Hollywood movie 'The Siege'.

The revised Terrorism Act of 2015, accorded security agencies additional powers but was followed by an increase in the number of human rights abuses. Despite this the government has claimed it to be an effective counterterrorism tool. There has been a significant rise in arbitrary arrests, the majority of which targeted young ethnic Somali Kenyans, Imams, and Islamic school teachers.<sup>51</sup> Furthermore, despite President Kenyatta's assent to the Prevention of Torture Act in 2015, cases of torture and other cruel, inhuman or degrading treatment continue to be reported. The government has also placed a restriction on the movement of Somalian refugees and has moved thousands of Somalian refugees and asylum seekers from urban centres like Nairobi to refugee camps.52

Young people particularly Muslims, face a very high risk of murder, arrest, or disappearance and reports of such instances are published in national newspapers on a daily basis. Although the government has made efforts to engage with Muslim communities along the coast only few have felt any difference in the government's attitude towards them. As a result, a small but growing number of secessionist movements have emerged, most noticeably the Mombasa Republican Council (MRC), formed in 1999, continue to counter "marginalisation".

#### The Kenya- Somali Border Wall

In 2015, President Kenyatta announced that Kenya will build a wall along its border with Somalia to keep out illegal immigrants and Al-Shabaab militants.<sup>53</sup> The 700km planned wall, consisting of concrete barriers, fences, ditches, and observations posts, will stretch from the Indian Ocean to Mandera. In March 2016, both countries agreed to establish shared exit and entry ports along the border so as to better monitor those moving between the two countries'.<sup>54</sup>

This step has met with strong criticism as there is no evidence to suggest such measures had been successful in the past to deter terrorists entering a country's territory. While the government had refused to divulge the budget, the estimates from the Israeli wall suggest that the construction cost could surpass \$2m/km with an additional \$260m per year maintenance cost. Kenya shares a long 700km border with Somalia and by these estimates the massive budget will outweigh the minuscule benefits Kenya aims to reap from the border wall. Kenya also has a long coastline which could also be used by terrorists to enter its territories. The UN has also raised concerns, stating 'the wall would have extreme practical and humanitarian consequences and would violate international law',<sup>55</sup> particularly around the status of the Dabaab refugee camp. The government has currently suspended the border wall work but is determined to complete the construction.56

At the same time, the new Constitution, which comprehensively covers the protection of human rights, and a relatively strong and independent Kenyan judiciary have recurrently checked government's counterterrorism actions - although the rate of human rights abuses outweigh the judiciary's effort.<sup>57</sup> In November 2015, the High Court revoked the freezing of the bank accounts for two NGOs ruling it unconstitutional and therefore invalid, after the government decided to deregister hundreds of NGOs<sup>58</sup> and in a landmark judgement in January 2018, after the Kenyan government convicted five people under the terrorism act for travelling to Somalia 'the High Court overturned the convictions, as the Kenyan government had not followed legal procedures designating Somalia as a prohibited destination'.59

#### Conclusion

Al-Shabaab continues to pose a threat to Kenya's national security, and as a country of strategic interest, it will continue to target Kenya. Kenya's counterterrorism measures have been partially

successful in marginalising the terrorist group from urban centres to rural areas. Yet this has not deterred Al-Shabaab from carrying out terrorist attacks. Many view that the government should continue to invest and improve its counterterrorism measures and as a starting point should tackle the 'high levels of corruption that allow Al-Shabaab ease of access and greater ability to attack Kenya'.<sup>60</sup> There should also be sufficient funds available for both external and internal security agencies - Kenyan police being the most affected with the lack of funding. Many internal and external observers believe that funding should be directed towards the improvement of working conditions for the police instead of the construction of the border wall. Furthermore, the Kenvan government should continue to coordinate with international and regional counterterrorism organisations on training and joint operations.

Many have criticised the government's human rights record. It is essential for the government to protect the human rights of its citizens as well as Somalian nationals residing in Kenya alike. The government should address the issues raised by the KNCHR and other human rights organisations complying with international human rights standards in letter and spirit. Further, 'all national security organs involved in countering terrorism should be trained on human rights and compliance with human rights law. The training should be considered mandatory for promotion officers'.<sup>61</sup> Finally, citizens should be made aware of those human rights guaranteed by the Constitution which cannot be violated in the name of countering terrorism.

Like all countries in the same position, the Kenyan government should strive to maintain a balance between countering terrorism and protecting human rights.

#### **End Notes**

<sup>1</sup>US Embassy bombings in Nairobi and Dar es Salaam on 7 August 1998 was Al-Qaeda's one of the first major terrorist attacks.

<sup>2</sup> Al-Shabaab Five Years after Westgate: Still a Menace in East Africa, *International Crisis Group*, September 2018, https://www.crisisgroup.org/africa/horn-africa/ kenya/265-al-shabaab-five-years-after-westgate-stillmenace-east-africa, accessed on 16 Jan 2019.

<sup>3</sup> Suspected Al-Shabaab ambushes in Lamu county, *Garda World*, 3 August 2018, https://www.garda. com/crisis24/news-alerts/68131/kenya-suspectedal-shabaab-ambushes-in-lamu-county-august-2, accessed on 16 Jan 2019.

<sup>4</sup> Al-Shabaab Five Years after Westgate: Still a Menace in East Africa, *International Crisis Group*, September 2018, https://www.crisisgroup.org/africa/horn-africa/ kenya/265-al-shabaab-five-years-after-westgate-stillmenace-east-africa, accessed on 16 Jan 2019.

<sup>5</sup> Somalia's islamists, *International Crisis Group*, December 2005, https://www.crisisgroup.org/africa/ horn-africa/somalia/somalias-islamists, accessed on 16 Jan 2019.

<sup>6</sup> Somalia's al-Shabab join al-Qaeda, *BBC*, https://www. bbc.com/news/world-africa-16979440, accessed on 16 Jan 2019.

<sup>7</sup> Brendon J. Cannon & Dominic Ruto Pkalya (2017): Why al-Shabaab Attacks Kenya: Questioning the Narrative Paradigm, *Terrorism and Political Violence*, 9 March 2017, DOI: 10.1080/09546553.2017.1290607.

<sup>8</sup> Why is al-Shabab targeting Kenya?, *BBC*, 3 April 2015, https://www.bbc.com/news/world-africa-32174235, accessed on 16 Jan 2019.

<sup>9</sup> Note 7, p.5. Also see, Paul D. Williams, "Joining AMISOM: why six African states contributed troops to the African Union Mission in Somalia", *Journal of Eastern African Studies*, Volume 12, Issue 1, 2018

<sup>10</sup> Note 7, p.5.

<sup>11</sup> Note 7, p.8.

<sup>12</sup> Tom Burridge, Funding jihad: Al-Shabab cash lures in young Kenyans, *BBC*, 12 December 2014, https://www.bbc.com/news/world-africa-30419987, accessed on 16 Jan 2019.

<sup>13</sup> Note 7, p.9.

<sup>14</sup>Al-Shabaab Five Years after Westgate: Still a Menace in East Africa, *International Crisis Group*, September 2018, https://www.crisisgroup.org/africa/horn-africa/ kenya/265-al-shabaab-five-years-after-westgate-stillmenace-east-africa, accessed on 16 Jan 2019.

<sup>15</sup> Al Shabaab attack kills two Kenyan teachers, *Reuters*, 10 October 2018, https://www.reuters.com/article/ us-kenya-security/al-shabaab-attack-kills-two-kenyanteachers-idUSKCN1MK0SY, accessed on 16 Jan 2019.

<sup>16</sup> Mel Frykberg, Al-Shabaab kidnap Italian woman in attack on shopping centre in Kenya, *IOL*, 21 November 2018, https://www.iol.co.za/news/africa/al-shabaabkidnap-italian-woman-in-attack-on-shopping-centrein-kenya-18205340, accessed on 16 Jan 2019.

<sup>17</sup> U.S. Counterterrorism Aid to Kenya, Fact Sheet, http://www.securityassistance.org/fact\_sheet/uscounterterrorism-aid-kenya, accessed on 16 Jan 2019.

<sup>18</sup> Peter Kirechu, Kenya's Counterterrorism Approach is Floundering, *National Interest*, 4 August 2016, https://nationalinterest.org/feature/kenyascounterterrorism-approach-floundering-17247, accessed on 16 Jan 2019.

<sup>19</sup> Samwel Mukira Mohochi, 'Preventive Counter Terrorism Action: Case Study of Kenya',

April 15, 2011, https://papers.ssrn.com/sol3/papers. cfm?abstract\_id=1898930, accessed on 16 Jan 2019.

<sup>20</sup> EU and Kenya hosting regional workshop on counter terrorist-financing, *Delegation of the European Union to Kenya*, 18 September 2018, https://eeas.europa.eu/delegations/kenya/50610/eu-and-kenya-hosting-regional-workshop-counter-terrorist-financing\_en, accessed on 16 Jan 2019.

<sup>21</sup> Kenya, EU hosting regional seminar on counterterrorism (CT) case management, *Delegation of the European Union to Kenya*, 5 October 2018, https:// eeas.europa.eu/delegations/kenya/51680/kenya-euhosting-regional-seminar-counter-terrorism-ct-casemanagement\_en, accessed on 16 Jan 2019.

<sup>22</sup> The workshops were organised respectively in September and October 2018

<sup>23</sup> Uhuru meets Cameron in show of softening UK-Kenya relations ahead of visit, *The Star*, 29 September 2015, https://www.the-star.co.ke/news/2015/09/29/ uhuru-meets-cameron-in-show-of-softening-ukkenya-relations-ahead-of\_c121409, accessed on 17 January 2019.

<sup>24</sup> UK and Kenya commit to greater cooperation on defence and security, 30 September 2015, https:// www.gov.uk/government/news/uk-and-kenyacommit-to-greater-cooperation-on-defence-andsecurity, accessed on 17 January 2019.

<sup>25</sup> Prime Minister's press statement in Nairobi, 30 August 2018, https://www.gov.uk/government/ speeches/prime-ministers-press-statement-innairobi-30-august-2018, accessed on 17 January 2019.

<sup>26</sup> UK expands counter-IED support in Africa, 30 August 2018, https://www.gov.uk/government/news/ uk-expands-counter-ied-support-in-africa, accessed on 17 January 2019.

<sup>27</sup> Conflict Stability and Security Fund, Ibid.

<sup>28</sup>Counterterrorism Units in Kenya, 6 July 2017, https:// www.gov.uk/government/publications/counterterrorism-units-kenya, accessed on 17 January 2019.

<sup>29</sup> Chapter 14 of the Constitution of Kenya is dedicated to national security.

<sup>30</sup> A Force for Good? Improving the Police In Kenya, Tanzania And Uganda, *Commonwealth Human Rights Initiative*, 2014, http://humanrightsinitiative.org/ publications/police/A\_FORCE\_FOR\_GOOD\_Improving\_ the\_Police\_in\_Kenya\_Tanzania\_and\_Uganda.pdf, accessed on 17 January 2019.

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#### **CPA UK Delegation to Kenya**

CPA UK delegation visited Kenya between 2 and 7 Oct. The delegation included:

- Lord Steel of Aikwood, Member, House of Lords, UK Parliament
- Baroness Armstrong of Hilltop, Member, House of Lords, UK Parliament
- Katy Stout, Clerk, House of Commons, UK Parliament
- · Yashasvi Chandra, Africa Regional Manager, CPA branch of UK Parliament
- Felicity Herrmann, Programme Officer, CPA branch of UK Parliament

## Meetings

CPA UK Delegation met with the following dignitaries:

- Hon. Dr Fred O. Matiang'i, Cabinet Secretary, Ministry of Interior and Coordination of National Government
- Professor Yash Pal Ghai, former Chair, Committee of Experts on Constitutional Review (CoE)
- Hon. Paul Koinange MP, Chair, Committee on Administration and National Security, National Assembly
- Sen. Mohamed Haji Yusuf MP, Chair, Committee on National Security, Defence, and International Relations, Senate
- Prof. Margaret Kobia, Cabinet Secretary, Ministry of Public Service, Youth and Gender
- Commissioner George Morara, Vice Chair, KNCHR
- Members of the Kenya Women Parliamentary Association (KEWOPA)

Meetings with these dignitaries provided the delegation with a valuable insight of the national security issues and were helpful in shaping this briefing paper.

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#### **About CPA UK**

The international Commonwealth Parliamentary Association (CPA) is the professional association of all Commonwealth parliamentarians, an active network of over 17,000 parliamentarians from 185 national, state, provincial and territorial parliaments and legislatures.

The Commonwealth Parliamentary Association UK Branch (CPA UK) is one of the largest and most active branches in the CPA community and delivers a unique annual programme both in Westminster and overseas. Overseen by the Houses of Parliament and governed by an Executive Committee of cross-party bicameral parliamentarians, CPA UK undertakes international parliamentary outreach on behalf of the UK Parliament and the wider CPA.

With a specific focus on parliamentary diplomacy and parliamentary strengthening activities, CPA UK seeks to foster co-operation and understanding between parliaments, promote good parliamentary practice and advance parliamentary democracy through a variety of international outreach activities and multilateral programmes. Its work is divided into three regions, which include national, regional and provincial legislatures and the legislatures of Overseas Territories:

Americas, Caribbean, and Europe Africa Asia- Pacific

Working closely with parliamentarians and parliamentary officials, CPA UK focuses its bilateral and multilateral outreach activities on a number of areas, including parliamentary practice and procedure, and themes including human rights, public financial scrutiny, sustainable development, equal access to political and economic empowerment and democratic strengthening through election observation.

CPA UK continues to work in partnership with a multitude of national and international organisations for mutual benefit; including the Commonwealth Secretariat, World Bank, UNDP, UNEP, OAS and many others. CPA UK has, and continues to work alongside the UK Government. Over the last five years, CPA UK has leveraged close to £3 million of government funds to achieve its strategic aims in strengthening parliamentary democracy across the Commonwealth.

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