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**Accepted: February 3, 2022**

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**ABSTRACT**

*This study explored appropriate measures for strengthening Intelligence Gathering & Sharing in reducing terror related acts in Kenya. The research covered diverse categories of informants from various institutions and agencies cross cut by intelligence gathering and sharing in Kenya. These included: security officers from the national police service, members of civil society organizations working in areas of security and human rights, academicians and members of the public. Government officers, members of community policing department and former police reservists were also included. Exploratory research design was applied. Primary data was collected using open and close-ended questionnaires and interview guide. Data analysis done through mixed analysis method while quantitative data was analyzed through descriptive statistics. Qualitative data was analysed through content analysis. The findings revealed that TT has morphed overtime in terms of actors, motives and targets. Initial TT attacks in the country were indirect attacks on U.S and Israel interest but most subsequent attacks were direct targets to Kenya. The study found that diverse security reforms that have been implemented in the country since independence which have helped to improve IG & S. Major improvements were highlighted to have been streamlined in technology used, training and the information shared. Among the different forms of intelligence, human intelligence and signals intelligence were found to have played the greatest role in containing TT. The study concluded that the question of intelligence being effective or ineffective in curbing transnational terrorism is dependent on the reaction of all security agencies who receive it. The study recommended that the ability of terrorists to morph should be met with equal efforts by security forces changing their strategies in gathering and sharing information on terrorism from members of the public. There is need for interagency cooperation in sharing intelligence. Both domestic and foreign agencies involved in intelligence sharing should work together to boost their confidence with each other to enhance their readiness and commitment to share security intelligence.*

**Key terms:** *Transnational Terrorism, Reforms, Counter Terrorism Strategy, Information Sharing*

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**CITATION:** Wanderi, S. M., Mwangi, S., & Wasonga, J. (2022). Strengthening intelligence gathering and sharing in reducing terror related acts in Kenya. *The Strategic Journal of Business & Change Management*, 9 (1), 388 – 402.

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## INTRODUCTION

Terrorism is in two broad categories; domestic and transnational terrorism. The former is homegrown where perpetrators, target and the venue are all from the same nation while TT involves terrorists transiting an international border to perpetrate the attack (Enders, Sandler & Gaibullov, 2011). Terrorism, especially transnational terrorism is a major security issue that traverses the whole world. Developed and developing countries have been victims of terrorist attacks albeit with different measure, intensity and frequency. No state is safe from terrorism. Notable attacks include the September 2001 attack in U. S. (Pleschinger, 2006); the March 2004 bombings in Madrid, Spain; the July 2005 bombings in London, England (Carsten, 2012); the November 2015 Paris attack (MacAskill, 2015). In Africa, terror attacks involving abductions, beheadings and bombings by *Boko Haram* in West Africa and *al-shabaab* in East Africa region have been frequent (Ankomah, 2014; Lowenthal, 2016). Terrorist attacks have devastating impact in the victim nations including loss of lives, destruction on property, deterring growth-promoting foreign direct investment among others.

Kenya has been a victim of transnational terrorism since the 1970s when the first terrorist attack (i.e. the attack at the OTC bus stop in Nairobi on March 1975) was experienced. However, according to Atallah (2019), the earliest transnational terrorist attack in the country was in December 1980 where the Palestine Liberation Organization attacked the Fairmont Norfolk Hotel in Nairobi. Since then, transnational terrorist attacks have been frequent in the country with Njoku et al (2018) indicating that Kenya experienced 15 incidents of terror attacks in 2010, which increased to 70 by 2012. Nyongesa (2017) adds that between 2012 and 2015, terror attacks significantly increased further with a change in targets which resulted to more devastating effects than before from some of the worst terror attacks experienced including the 1998 attack on the U. S. embassy in Nairobi, the 2013 Westgate mall attack in Nairobi, the 2014

Mpeketoni attack in Lamu and the 2015 Garissa University attack

A major counterterrorism measure that is widely applied in most states in the fight against terrorism is the use of security intelligence service. Intelligence gathering involves any secret information, together with the activities involved in producing or procuring it, designed to ensure and or enhance national and global security (Martin, 2016). The fact that security problems that intelligence services address are transnational has created the necessity for cooperation among intelligence service agencies in different states with other intelligence services in the respective region and abroad to share intelligence. For instance, after the Norfolk hotel attack in Nairobi in 1980, activities of the intelligence service in the country were reinterpreted into international matter as opposed to a national matter. Consequently, collaboration with foreign countries like the United States of America and Israel were initiated where they offered assistance in intelligence services given that at the root of the terror attacks were the interests of the two countries (Agbala 2009). The Westgate mall attack in 2013 and the Garissa University attack in 2015 prompted the strengthening of intelligence sharing between Kenya and the U. S. including more funding by the U.S. to facilitate the same (Nkala, 2015). The collaboration continues to be expanded with different intelligence services in different states including the Central Intelligence Agency (CIA) of the U.S, M16 of the U.K., Mossad of Israel and Tanzanian Intelligence Security Service to help the country in detecting imminent terror threats to Kenya.

Intelligence sharing contributes significantly to other counterterrorism strategies where according to Nte (2011), it contributes significantly to both defensive and offensive strategies making it fundamental in collective strategies in the fight against transnational terrorism. Its main advantages include its strong ability in uncertainty reduction, provision of early warning as well as provide insight to policy making in fighting terrorist attacks (Martin,

2016). Therefore, IG & S serves two purposes: informing policy and supporting police, military or covert operations directed towards enhancing state security (Nte, 2011).

Intelligence sharing is grounded on the assumptions that security is best achieved when there are common values, goals, and interest among the community of states on the global stage. This notion dates back to the works of ancient philosophers like Immanuel Kant.

To streamline their intelligence sharing developed states collaborate with other developed states and with the developing states too. This is manifested in various bilateral and multilateral intelligence sharing arrangements among them. For instance, the Five Eyes comprises a coalition of surveillance agencies from different countries including NSA (U.S); GCHQ (U.K); Australian Signals Directorate (ASD); Communications Security Establishment (CSE) from Canada; and Government Communications Security Bureau (GCSB) from New Zealand (Dailey, 2017). Another one is *the Club de Berne*, an IG & S alliance for the European Union (EU) member states. Moreover, EUROPOL – EU's law enforcement agency further facilitates IG & S among members of EU (Walsh, 2010). Another notable intelligence sharing arrangement is the Shanghai Cooperation Organization (SCO), an IG & S alliance comprising of Uzbekistan, Kazakhstan, Tajikistan, Kyrgyzstan, Russia and China (Albert, 2015).

In Africa, different states have also established different intelligence sharing mechanisms. For instance, in Nigeria, Nte (2011) explains that IG & S is attached to several institutions in charge of the country's internal and external security including the Nigeria Police; Nigerian Armed Forces; Nigeria Intelligence Agency (NIA); Security and Criminal Intelligence Bureau of Nigerian Police; Nigeria Immigration Services; Directorate of State Security Services; among others. Nte (2011) adds that each institution has rules and regulations designed to ensure the security of intelligence, which makes information classification to restricted, confidential,

secret and top secret to remain a permanent feature within the system. Unlike Nigeria, South Africa has a more defined IG & S sector. In South Africa, Swart (2016) explains that intelligence gathering is the responsibility of the South African Police Service Crime Intelligence Division and the State Security Agency (SSA). Swart (2016) elaborates that with regard to the SSA, four main agencies are at the core of intelligence gathering: the Domestic Branch of the SSA (Formerly known as the National Intelligence Agency); the Foreign Branch of the SSA (Formerly known as the South African Secret Service); the National Communication Centre (NCC), and the Office of Interception Centres (OIC).

In Kenya, the National Intelligence Service (NIS) is the main institution charged with the responsibility of intelligence gathering under Article 242 of Kenya's constitution. The Criminal Intelligence Unit of the CID also contributes greatly in intelligence gathering under its mandate as stipulated under the National Police service Act, 2011 (Directorate of Criminal Investigations, 2015). To enhance its intelligence in its efforts to curb transnational terrorism, Kenya has also engaged in various intelligence sharing partnerships with other states. In addition to being a member of the Great Lakes Region Intelligence Fusion Centre, Kenya has often partnered with U.S and Israel in sharing intelligence in efforts to curb transnational terrorism (Otiso, 2009). Kenya and the Dutch (Netherlands) Government also signed an agreement to partner in counterterrorism through intelligence sharing among other measures (Muraya, 2017).

In spite of the continuous streamlining of IG & S, transnational terrorism has persistently remained a major security threat in many countries including Kenya. There are instances that successful intelligence sharing thwarted transnational terrorist attacks including the plot to attack an Israel aircraft (*El Al* airline) in 1976 that was prevented through effectively coordinated IG & S between Kenya and Israel (Mogire & Agade, 2011). However, several transnational terrorism attacks that have been

successfully executed in Kenya resulting to huge losses in human life as well as properties are clear indication that, transnational terrorism remains a major threat to the country's security. This raises the issue on the effectiveness of IG&S and the need to interrogate the effectiveness of IG & S in the fight against transnational terrorism in the country. Curiously, do some actors have some priori information on the attacks before they happen yet withhold it and why? Does it have anything to do with the principles of IG & S? Interestingly when developing countries are hit, superpowers claim they had prior intelligence of the attack and due to the sensitivity of the matter, the sharing was restricted. If the sharing is shrouded in secrecy and state-centric interests, how effective is it?

In its nature, IG & S is underpinned by various principles. First is the principle of secrecy. Intelligence is one of the highly guarded state secret and states seek to keep their intelligence as much as possible (Wippl, 2012). Thus, whereas there are clear advantages of IG & S, states withhold information from their security strategic partners. This raises questions on free and adequate sharing of intelligence. Does IG & S destroy the very fundamental of security intelligence? The conundrum is, how can states effectively share intelligence whereas they tend to conceal it for their self-interest and survival? How can intelligence be shared while retaining its very fundamental of secrecy? This portrays the nature of IG & S arena as full of dilemmas.

Cooperation is another principle connected to the secrecy principle. The dilemma caused by the secrecy principle creates a mutual suspicion which affects inter-state cooperation in IG & S. Sandler and Arce (2003) use a game-theoretic model to demonstrate the benefits of cooperating using two states and a terrorist group, and shows "a prisoner's dilemma" (from the game theory) in which countries find themselves in IG & S arrangements. In the model by Sandler and Arce (2003), the two states opt to prevent the terrorists without cooperating (each seeking to maximize its

self interest without caring what action the other one takes), despite the best alternative being the two states cooperating and preempting. In another scenario, Sandler and Arce (2005) demonstrate the very optimal option for two states to work together. They cite a scenario that includes IG & S. Two states infiltrating one same terrorist group is being redundant and aggravates chances of their discovery (Sandler & Arce, 2005). Thus, even where states have entered into bilateral or multilateral intelligence sharing arrangements, the tendency for an individual state to defect and prefer to conceal its information for its own interest is high. How can a state share out its intelligence in the fight against terror without exposing its own security? Yet, lack of sharing its intelligence undermines the fight against global terror. How do states then handle this conundrum in their use of IG & S to fight transnational terrorism? All these questions reflect the need for the very principles of IG & S to be interrogated as to whether they promote or undermine the effectiveness of its application by states worldwide in the fight against transnational terrorism.

States enter into agreements as a way of ensuring integrity of shared information. But in a world of mutual distrust and suspicion, are pacts strong enough to guarantee parties that IG & S safeguards their own security integrity? What implications does the distrust and suspicion in the process cause in the application of IG & S in the fight against terrorism? These were investigated in this research by interrogating the role of IG & S in curbing transnational terrorism in Kenya. Kenya has attracted a major global interest both as a trading and security partner as well as an investment hub. This coupled with its close proximity to Somali which is believed to be a major terrorist ground, makes Kenya a major target of transnational terrorism. Thus, Kenya provides a critical context for examining the complexities of IG & S in curbing transnational terrorism.

Demeke and Gebru (2014) assessed the role of IGAD in fighting terrorism. They revealed that IGAD

was over relying on foreign help and hard power in fighting terrorism in the region. However, it did not examine the use of IG & S by Kenya as a member state of IGAD in the fight against terrorism. Chome (2016) explored the relationships between resilience and risk to clan violence and to violent extremism in northeastern Kenya. This study demonstrated the contribution of various factors to clan conflict and how this ends up promoting violent extremism. However, the study provided no insight pertaining to the use of IG & S in combating violent extremism and terrorism.

Van Metre (2016) assessed community resilience to violent extremism in Kenya. The study described the various ways in which local violent extremism has been thwarted and countered through resilience but did not consider the role of IG & S in the process. Ochieng' (2016) explored security sector reforms and their implication in fighting terrorism in Kenya between 1998 and 2015. This study acknowledged the critical role played by intelligence in fighting terrorism and highlighted some of the reforms and challenges therein. However, the study does not explore international politics associated with IG & S and its implication on Kenya's fight against terrorism. Thus, it did not give adequate insights regarding the use of IG & S in the country and how the specific issues undermining the effectiveness in IG & S should be addressed.

Therefore, there are scarce international and local studies assessing the use of IG & S in the fight against transnational terrorism. Journalists and politicians only express a perceived failure of IG & S through innuendos in the aftermath of the attacks which lacks empirical grounds to guide any reforms. Thus, very scarce empirical evidence exists regarding application of IG & S in the fight against transnational terrorism in Kenya. Consequently, there is inadequate information to guide on necessary policy reforms, strategies and programmes of action to enhance the effectiveness of IG & S in curbing transnational terrorism in Kenya. These studies have not focused on IG & S in Kenya and more significantly. This observation is

particularly relevant because Kenya has been a centre of terrorist attacks. Some of these attacks happened when allegedly intelligence was in the hands of our strategic intelligence partners. That is why the politics of IG & S become critical. Research is thus necessary to interrogate in depth, the developments in use of IG & S over time in the fight against transnational terrorism in Kenya with a view to explore the international politics of IG & S and identify the issues affecting its effectiveness, so as to inform on the necessary improvements that are needed. In view of the above, this study focuses on the international politics of IG & S and an interrogation on the role played by IG & S to curb transnational terrorism in the country.

Transnational terrorism has been a major security problem in Kenya. One of the major areas that the government has been striving to streamline over time to address TT is in the security intelligence. Given the complex, dynamic and perverse nature of TT, Kenya has had to even adopt a collective approach characterized by partnering with other states in bilateral and multilateral IG & S arrangements to counter the problem. Nonetheless, TT has continued to prevail in the country as evidenced by persistent attacks over time. This raises fundamental questions that need to be interrogated which motivated this study: how far do the states in IG & S arrangements go in sharing information to abate TT in Kenya? Do these attacks get all the security intelligence agencies involved by surprise? Is the problem in the institutions, the system or the methods used by the actors in IG & S?

The concerns relate to pertinent issues around the principles underpinning IG & S which reflect a major dilemma. For instance, intelligence sharing though crucial in global counterterrorism may at the same time affect other. Again, IG & S is sometimes perceived as violating some human rights, yet intelligence information is necessary for counterterrorism as transnational terrorism itself continues to violate the very rights. There are further complexities arising from state sovereignty (and national interests) including national security,

political and even economic interests that might largely undermine cooperation. What if sharing intelligence might undermine the very self-interest? Could this be the reason for states often hiding behind sovereignty to withhold some of the vital information? Behind the scenes, concealment of the very information needed contravenes the very essence of IG & S in the fight against transnational terrorism. Despite a lot been written on terrorism in literature, little has been done to interrogate the effectiveness of IG & S in the management of terrorism particularly within the Kenyan context. Therefore, with specific focus on Kenya's use of intelligence gathering and sharing in the management of TT in Kenya, this work therefore interrogates how far states can go in sharing crucial intelligence critical to counterterrorism when doing the same might expose their own national security systems and affect their interests.

## LITERATURE REVIEW

### Challenges in the Use of IG & S in Fighting Transnational Terrorism

Existing literature points out at various challenges experienced in the use of intelligence in combating terrorism. Majority of the key challenges facing the use of IG & S in curbing terrorism has been a concern for quite long (Pillar, 2017). First is the pressure to comply with many legal frameworks with no single agency being in charge of the various frameworks. There is the requisite to adhere to the specific states' laws and being restricted to their territories. This affects the ability of the agencies to exchange intelligence freely in addition to hindering effective investigations (Rickards, 2016). According to Walsh (2015), while there has been a great enhancement in the capacity for collecting intelligence, collating the information remains a significant challenge. Most law enforcers have a myriad of technological challenges. For instance, use of obsolete ICT makes it hard to store, retrieve and share intelligence effectively. Walsh (2015) indicates that, agencies experience these challenges internally as well as across different territories. These assertions are however too general and

needs to be empirically investigated. The prevalence of terrorism differs from one state to another and from one region to another, the assertions cannot be generalized to every country situation in combating transnational terrorism.

Another major challenge highlighted in literature is the intrinsic challenge to discover plots involving few persons whose plans and preparations for attacks are highly secretive and they are very informed of security operations (Pillar, 2017). Tension around security strategies adopted to fight against terrorism is also a major challenge, as well as the norms of democracy on issues like surveillance and personal rights and freedoms (Pollock, 2008). There is also the challenge of high unrealistic expectations from the public, particularly the notion that there are always enough IG & S skills and intelligence collating expertise to discover every secret plot. Additionally, the public usually perceive that counterterrorism IG & S is exclusively about plot-discovering, and expects unattainable standard of zero-tolerance imposed on counterterrorism which is also echoed by their elected politicians (Pillar, 2017). While these assertions may be valid, there is need to interrogate how the intelligence agencies have responded to such challenges and how this has helped in combating terrorism. If there has been no response to these challenges then, it is critical to unearth the reasons why no measures have been taken to address these challenges despite their being brought to the limelight in research.

Moreover, lack of co-operation amongst the various agents involved in intelligence gathering as well as poor exchange of intelligence among agents and law enforcers and law enforcement forces has also being pointed out as a major challenge in curbing terrorism. In addition to involvement of multiple institutions in IG & S, there is a tendency among different agencies to withhold "their" information being reluctant to share it (Catano & Gauger, 2017). States create hierarchical IG & S relationships after perceiving their probability to gain substantially from the relationship, but being very cautious of

their partner's trustworthiness (Walsh, 2008). However, political discrepancies usually turn out to be major hindrances to effective co-operation. As Walsh (2008) explains, governments involved in IG & S alliance could experience different political pressures that may cause them to double-cross, evade and or depart from their cooperation agreements. To detect such issues is hard particularly in IG & S because states have various "good" self-reasons to hide most of their intelligence operations in information, with most of them basing their reasons on state sovereignty and national interests. Therefore, states seek cooperation from other states in IG & S in their fight against terrorism, but they will hold some information. The fundamental question then is, how will IG & S be used successfully to fight terrorism if some partners in an IG & S alliance withhold some of their intelligence?

Sometimes also, institutions that collect and analyze intelligence perceive little gain in intelligence sharing while they have more reasons to conceal regardless of the consequence (Clark, 2013). Connable (2012) noted that persons concerned with information fusion pay more attention to interpretation of information using their individual subjective opinions, instead of objectively incorporating the information in the system to be holistically analyzed. A report on United States' capability on Weapons of Mass Destruction (WMD) revealed that those who were collecting and analyzing intelligence did not work in teamwork and there was no effective information sharing (Catano & Gauger, 2017). Poor coordination in intelligence sharing has also been blamed for failed intelligence in 1982 when Great Britain invaded the Falkland Islands as well as during the 1973 Israel's Yom Kippur war (Clark, 2013).

The fundamental question therefore is how states deal with all these challenges to ensure their IG & S is effective in fighting transnational terrorism. While the broader picture published portrays successful terrorist attacks due to failed IG & S, behind the scene are other would-be attacks that were

thwarted through successful intelligence. For instance, through successful IG & S where the United States' FBI played a major role, after the 1993 World Trade Center bombing, another bigger plan to attack the Lincoln Tunnel and UN building in New York was foiled, as well as new attempted attacks in Jordan, Israel and Pakistan, eventually resulting to several terrorists who were involved being arrested (Karmon, 2002). In Kenya, on 28 January 1976, a plot to shoot down an Israel aircraft by the PLFP and the Baade-Meinhof in its Nairobi stopover was thwarted through effective sharing of intelligence between Kenya and Israel (Mogire & Agade, 2011). In 2009, successful intelligence sharing between CIA and NIS was able to thwart a plot to execute simultaneous attacks on three Nairobi-based hotels (one of which Hilary Clinton, the former U.S Secretary of State was to visit. Working together, CIA and NIS were able to pinpoint the suspects' location and they were subsequently apprehended by the Rapid Response Team (RRT) of the Recce squad of the General Service Unit (Shabibi, 2020).

### **The Securitization Theory**

The Securitization Theory (ST) is believed to have been initiated by the Copenhagen School of International Relations (Buzan, Weaver, & de Wilde, 1998). This school has served a major role in expanding the conceptualizing security as well as provision of a frame for analyzing the securitization or de-securitization of an issue. It further widens the study on security through the inclusion of non-state actors. It represents a shift from old school security studies and focuses on non-state actors as well as non-military matters. Many regards "non-traditional security" (NTS) agenda as going past conflicts between states and geopolitics, hence the emphasis of the theory on non-military issues on security as well as incorporation of non-state actors together with the states (Emmers, 2004).

Security agenda according to the Copenhagen school is defined from five major areas where issues may be securitized: environment, political, society, economic or the military. To some scholars, NTS



matters should be grounded on the insecurity's origin. For example, Zabyelina (2009) suggests that NTS agenda should include "terrorism, drug traffic, international crimes, shortage of water and food, economic crisis, environmental damage, hacker, illegal immigrants, ethnic conflicts, overgrowth of population" among others. Copenhagen's critical amendment in securitization theory asserts that "a successful process of securitization results in an issue being framed in such a way that 'special or emergency measures' are deemed acceptable and necessary to deal with the threat in question" (Buzan et al., 1998:27). In order not to confuse it with other security matters, three levels are identified to securitize an issue: "(1) identification of existential threat; (2) emergency action; and (3) effects on inter-unit relations by breaking free of rules" (Buzan et al., 1998:6). Moreover, the Copenhagen School identifies two distinguishing requirements that an issue must fulfill for its securitization: it should first prove to be an existing threat and then, it should be such a threat that invokes the use of extraordinary/extralegal measures.

The securitization theory posits that when an issue poses an existing threat to a particular object of reference, it qualifies for securitization, which justifies extralegal measures to be applied. Consequently, the need to address it surpasses the ordinary political logic of balancing the threat and the strategy used to address it. This according to Buzan et al., (1998) permits an officer to handle the threat even by deviating from the normal rules that may be legally binding. In particular, when an issue is securitized, it shifts past any public debate and allows the application of emergency tactics including restraining citizen's rights and reallocation of resources. The particular state in this case also becomes an object of security reference. Other possible reference objects may entail the economy and the environment among others. Parties of interest could include elite civil servants, politicians, military personnel or the public at large. Moreover, the Copenhagen School asserts that "the whether

the key decision-makers like politicians or the media, succeed in convincing a specific target group through a discursive 'speech act', that is speeches, declarations, articles, and concrete political measures (Anthony, Emmers & Acharya, 2006), that a certain danger posed an existential threat to a specific referent object" (Buzan et al., 1998).

Based on the principles put forward in the securitization theory, the theory is well suited to this research. This is because transnational terrorism as an issue fulfills the two requisite characteristics that Buzan et al (1998) highlight as the requisites for any issue to be securitized. To begin with, terrorism being a proof of existing threat and the threat being of such nature that calls for extraordinary, if not extralegal measures to be taken. Given that transnational terrorism is a contemporary threat in most countries in the world, it then calls for state involvement in providing security to vulnerable citizens. No wonder Zabyelina (2009) recommends terrorism in general to be considered a "non-traditional security" matter.

Securitization of transnational terrorism therefore draws the issue of intelligence gathering and sharing in the debate. This is because the intelligence gathering practices directed towards combating transnational terrorism sometimes involve extraordinary measures which are perceived extralegal. For instance, intelligence gathering at times could entail trespassing certain right of individuals but which is necessary to combat the threat. This theory was applied in this study to assess whether the issue of transnational terrorism in Kenya has been successfully securitized. The theory was also used to help identify whether there are intelligence gathering methods that are used in the country that reflects the issue as being securitized, and how this has affected the overall fight against transnational terrorism. The theory therefore helped to analyze and understand the involvement of extraordinary measures in use of IG & S as a strategy in the fight against terrorism.

## **FINDINGS**

### **Emergence and Evolution of Transnational Terrorism in Kenya**

The findings revealed that TT has morphed overtime in terms of actors, motives and targets. Kenya's collaboration with U.S and Israel has greatly contributed to the morphing of TT in the country. Initial TT attacks in the country were indirect attacks on U. S and Israel interest but most subsequent attacks have been direct targets to Kenya. The attacks have been largely aggravated by KDF invasion in Somalia and weak border controls. Economic motives were identified as catalysts of transnational terrorism compared to religious and social motives.

### **Security Sector Reforms in the Fight against Terrorism in Kenya**

The study found that the Kenyan government has been responding to terror attacks and the future threat posed by terrorism through various security sector reforms that have been undertaken over time. These reforms largely entailed: institutional reforms which entailed establishment and restructuring of various security institutions; collaboration with other states and actors in counterterrorism characterized by initiation of IG & S partnerships with intelligence agencies of different foreign countries and formation of new institutions and Special Forces; and legislation reforms characterized by enactment of anti-terrorism legislation and judicial reforms.

### **Integration of IG & S as a Counter terrorism Strategy in Kenya**

Changes done on security intelligence structures, systems and strategies in the country overtime were found to have greatly improved IG & S in the country. Major improvements were found in technology used, training and the information shared. Among the different forms of intelligence, human intelligence and signals intelligence were indicated as having played the greatest role in managing TT. Informants indicated that IG & S has helped to stop several transnational terrorism

attacks in Kenya. IG & S was found to have greatly supported police and military operations to prevent proliferation of terrorism. It was further revealed that Kenya's partnership with other states in IG & S has helped to fight transnational terrorism in the country with the most common partners highlighted including CIA (in U.S) and MOSSAD (in Israel). However, IG & S partnership arrangements were also faulted on the ground of certain disadvantages especially lack of effective cooperation among some agencies in the bilateral and multilateral intelligence gathering and sharing arrangements.

### **Major Issues and Dilemmas in Intelligence Gathering and Sharing**

Commitment or defection in intelligence sharing agreements between Kenya and other states was found to be subject to several dilemmas and issues in IG & S. Major dilemmas and issues identified include: the "secrecy" principle in intelligence itself, existence of mutual suspicion within the intelligence community of the states, inter-state intelligence sharing dilemma caused by lack of shared identity between states due to state-centric interests, human rights issues because of lack of commonality between individual's rights and national security interests in respect to IG & S, and sharing dilemma between powerful and less powerful states.

## **CONCLUSIONS AND RECOMMENDATIONS**

The study makes several conclusions in line with the objectives that the study set out to accomplish. On objective one which was to trace the emergence and evolution of transnational terrorism in Kenya, the study concludes that transnational terrorism morphs over time in terms of the motives, perpetrators and targets of transnational terrorism attacks. In particular, it is concluded that terrorism in the country did not begin as transnational terrorism but it began as domestic terrorism. However, it fast evolved into transnational terrorism particularly due to Kenya's international relations particularly with Israel and the U. S. The research further concludes that transnational

terrorism in Kenya began as indirect attacks by terrorists on the interests of the U. S. and Israel but this further evolved with time into direct attacks on Kenya's interests especially after the invasion of KDF into Somalia.

Pertaining to objective two that sought to examine the security sector reforms in the fight against terrorism in Kenya, the study concludes that security sector reforms in the country have played a major role in complementing IG & S in the fight against terrorism in the country. First, the study concludes that the reforms especially in the systems and structures of intelligence services over time have streamlined intelligence gathering and sharing in terms of professionalism. Moreover, the reforms especially the establishment of Special Forces in the police service have enhanced the capacity to collect and act on intelligence for tactical response to terror attacks. Furthermore, the study concludes that the reforms especially in the anti-terrorism legislation framework have complemented IG & S in the arrest, investigation and prosecution of terror suspects.

On objective three which sought to interrogate the integration of intelligence gathering and sharing as a counter terrorism strategy in Kenya, several conclusions were made given that this was the core of the research. First, the study concludes that intelligence gathering and sharing has undergone major transformation in the country since the pre-colonial era which has culminated into major improvement in intelligence gathering and sharing. The study concludes that in the pre-colonial period, the focus of intelligence services as far as security was concerned was on local communities with a goal to enhance peaceful coexistence. In the colonial era, the research concludes that the focus of security intelligence gathering and sharing was to protect the interests of the colonial administration. In the post colonial era, the research concludes that intelligence gathering and sharing changed with the change in different regimes since independence. The study concludes that the focus of post-independence IG & S was to protect political

interests of the ruling regime until 1998 after the terror attack on the U.S Embassy when the integration of IG&S in counterterrorism began with the establishment of NSIS.

The study further concludes that since the creation of NSIS and the subsequent transformations in security intelligence services, IG & S has been fundamental in thwarting terrorism attacks in the country. The study concludes that use of IG & S in Kenya to curb transnational terrorism is a holistic approach that entails the collection and sharing of different forms of intelligence and not just relying on one type. While different forms of intelligence are integrated and applied in efforts to curb transnational terrorism, the study concludes that human intelligence and signals intelligence are the most used forms of intelligence in the fight against transnational terrorism. However, this does not negate the importance of engaging the other forms of intelligence like signals intelligence in the war on terror. The fundamental aspect is that every form of intelligence is useful especially if there is swiftness in acting upon it by those agencies to whom it may be shared in advance.

The study concludes that Kenya's bilateral and multilateral intelligence sharing partnerships with other states have been instrumental in minimizing the number of terrorism attacks in the country. The researcher concludes that terrorists only manage to successfully execute their attacks sometimes due to lack of effective cooperation among some of the states involved. It is inferred that the question of intelligence being effective or ineffective in the fight against transnational terrorism is dependent on the willingness of the different states in intelligence sharing agreements to share information. It is concluded that even in IG & S agreements between Kenya and different countries, there is tendency by some agencies to withhold some information on the ground of protecting national security interest, which eventually ends up jeopardizing the very national security interest it was meant to protect.

The study concludes that although IG & S in the country has improved, more needs to be done

especially to streamline it further so that it can be more effective in fighting against terrorism by addressing the various underlying issues undermining its effectiveness. The researcher concludes that the effectiveness of IG & S is undermined by lack of commitment by states in intelligence sharing arrangements to share all information that is important in dealing with suspected terrorist activities. Moreover, poor exchange of information among agents and law enforcers and the agents being put under pressure to comply with many legal frameworks is also a major hindrance as well as inadequacy of the technology used. Sharing of incomplete and ambiguous information is also concluded to be a major constraint in the application of IG&S in the fight against TT. This is where intelligence provided prior to an attack is sometimes not sufficient for the security agencies to take effective actions to thwart the attack. Furthermore, the intelligence shared prior to an attack sometimes lacks adequate precision for security agents to take effective actions to foil the attack.

In a nutshell therefore, the study concludes that IG & S is fundamental and an effective strategy to fight terrorism but this will only happen when the challenges, complexities and dilemmas involved in intelligence sharing are properly dealt with. Therefore, on top of the significant improvements that have been put in place in systems and institutions in IG & S, the study concludes that more still needs to be done to streamline this strategy in order to maximize its productivity in the war on terror. Thus, in line with and in order to achieve objective four of the study, this research recommends various measures in strengthening IG&S to allow it effectively counter violent extremism and decrease transnational terrorism.

Intelligence gathering and sharing is a major strategy in the war on terror in Kenya. Nevertheless, several challenges and various complexities were found to undermine the effectiveness of IG & S in curbing transnational terrorism. In this regard, the study taking into

account the informants' opinions proposes the following recommendations:

In the investments done to enhance the effectiveness of intelligence gathering and sharing in curbing terrorism in the country, the largest portion should be directed on aspects of technology and training. This is particularly due to the need to improve both strategic and tactical intelligence. The priority must therefore be in such a manner to streamline the capacity to "predict" where and when terrorism attacks are likely to happen and the probable targets for the terrorists. This if achieved may give the local security agencies advantage that would enable them to frustrate possible attacks.

The gaps in tactical intelligence gathering should be addressed by ensuring that the collection of human intelligence is done by skilled and committed ground officers, well equipped and trained to think fast and trace the very simple patterns in culture and changes in behavior for those within their designated areas. This would ensure that the security agents are well furnished to carry out surprises with precision.

No state is fully self-sufficient in all areas – policies and resources (finance, human and technology) to curb TT. Therefore, bilateral and multilateral IG & S arrangements between Kenya and other states should make allocation of more funds and human resources part of their emphasis to capacity build intelligence services in terms of technology and training.

The ability of terrorists to morph should be met with equal efforts by security forces changing their strategies in gathering and sharing information on terrorism from members of the public. All agencies should thus continuously go through retooling and capacity building on early warnings. It should not be onetime event but a continuous process by all involved agencies and institutions. The NIS in this case should consider establishing an independent directorate to exclusively focus on terrorism.

There is also need to separate the enemy (terrorists) from the populace. The security agents

needs to take extra-cautionary measures necessary to ensure that when executing offensive or defensive strategies against terrorists, physical or psychological harm to the populace is largely minimized.

The state should also work hard towards denying an abode to terrorists. Stringent measures need to be taken to seal possible loopholes detected in the structures and system of IG & S that grants terrorists access to security information. Additionally, propaganda is the oxygen for terrorists and therefore, security agencies should counter it by acting fast to ensure that terrorists do not successfully use it to sway the view of the populace.

There was a concern regarding the large number of radicalised youth in Nairobi, Mombasa and Mandera. To deal with this, it is suggested that the state should reduce opportunities and police spaces where possible radicalisation may be taking place. As a way to reduce the number of youth to be recruited into extremist activities the state should endeavour to create more employment and engage the youth in income generating activities

The government should also consider creating more economic empowerment opportunities for the youth who are graduating from colleges and polytechnics. The government should liaise with colleges and polytechnics to provide job opportunities to those who complete their courses, and give easily accessible incentives to venture into self-employment.

Most importantly there is need for interagency cooperation in sharing intelligence. Both domestic and foreign agencies involved in intelligence sharing should work together to boost their confidence with each other to enhance their readiness and commitment to share security intelligence. It is also important to incorporate the civilian component through a multi-agency framework in IG & S to enhance inter-operability between the disciplined and civilian components in reducing threats and incidences of transnational terrorism.

More efforts should be put in place to detect, crack down and dismantle terrorists networks. As such, more investment in community policing is necessary to increase its capacity to detect terrorist activities and provide accurate, timely and relevant information to the police to help dismantle terrorist networks. There should also be more collaboration between the police and telecommunication companies to implement technological strategies to detect and crack down terrorists communication networks to help thwart terror attacks in their planning stage.

In IG & S arrangements between Kenya and other countries, it is important that the parties should ensure that the agreements signed lead to deepened relations between the countries. This should be worked upon to ensure that the countries deepen their ties through diplomacy that should be geared towards ensuring that none of them conceals information that is critical to the security of the other party.

#### **WAY FORWARD**

In the light of the above recommendations for strengthening IG & S, the following measures are suggested:

Stringent measures should be taken to curb transnational crimes and hence prevent their influence on the thriving of transnational terrorism. Security agents should ensure that they do their best to infiltrate and crack down transnational crimes network in weapon smuggling, drug trafficking among others.

It is also important that NIS consider a restructuring that should culminate into a new division been created in the institution to be specifically in charge of terrorism intelligence. This will ensure that there is a contingent of officers who at all times are focusing on collecting and or analyzing terrorism related intelligence. This can help to improve the efficiency of information analysis to reduce ambiguity and increase in the precision of information been shared to different agencies to foil terrorist attacks that may be detected.

The national police service should also establish more investigative systems for checking local religious groupings and any other social groupings to ensure that any elements of extremism and radicalization are identified at their early emergence stage and stopped. This may be achieved through more empowerment of the *Nyumba kumi* initiative and promoting community policing through increased collaboration between police officers and local *Nyumba kumi* leaders.

With the political instability in neighbouring countries, security within the borders should be enhanced. The border control units should be taken through special training to confront terror threats both in terms of defensive and offensive strategies. They should also be well equipped in terms of sufficient human power and ammunition to enhance their effectiveness and efficiency in repelling transnational terrorist cells from advancing into the country especially along the Somalia border.

It is also important that government organize civic education programs countrywide targeting the youth both in school and out of school to educate and warn them about radicalization and terrorism and the risks in it. This may help to minimize their radicalization and subsequent recruitment into terrorism and hence reduce the threat of transnational terrorism.

The government should equip the intelligence service in the country with more modern technology resources to enhance their capacity in intelligence gathering especially signals intelligence in the war on terror. This should be used to supplement the human intelligence capacity.

The government should also consider investing more in human resources in intelligence gathering and sharing in the country including recruiting more staffs in IG & S and undertaking advanced training on the workforce in intelligence gathering. This will help to reduce the workload on the existing workforce in IG & S and enhance the effectiveness

and efficiency of IG & S in curbing transnational terrorism.

Intelligence agencies should have a special unit with officers who should be trained and deployed within the national police service countrywide especially in areas very vulnerable to transnational terrorism including Nairobi, Mombasa and the North Eastern part of the country. These should primarily seek to investigate and expose instances of police officers cooperating with terrorists through among other measures, checking on the response accorded to any security intelligence dispatched to the police officers. This should help to inform necessary revamping of police officers in different regions in the fight against terrorism.

### **Suggestions for Further Studies**

On the basis of limitations of this study, more studies should be conducted focusing on the following:

Studies should be conducted to interrogate the effectiveness of specific IG & S partnerships between Kenya and other countries in the fight against terrorism. This may help to shed more light on the particular IG & S arrangements that are productive in curbing transnational terrorism in the country and highlight the specific areas in those arrangements that need to be streamlined to enhance their effectiveness.

Studies should be conducted to assess the effectiveness of anti-terrorism legislation in the country in order to identify the areas in the regulatory framework that needs enhancement for effective curbing of transnational terrorism.

Studies should also be conducted to assess the effectiveness of other strategies applied in curbing transnational terrorism apart from IG & S. For instance, effectiveness of the use of military power and use of diplomacy in the war on terror should be assessed. This will help to give more comprehensive insights on the right mix of strategies that should be adopted and how to streamline them in curbing transnational terrorism.

Studies should also be conducted to assess the viability and applicability of the proposed theory – “Interlocking Triangles” to define IG & S between symmetrical and asymmetrical states.

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