RESPONDING TO TERRORISM: TOWARDS A COMPREHENSIVE COUNTERTERRORISM POLICY APPROACH

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AUTHOR'S DECLARATION

I, the undersigned **Solomon Bari** hereby declare that I am the sole author of this thesis. To the best of my knowledge this thesis contains no material previously published by another person except where proper acknowledgment has been made. This thesis contains no material, which has been accepted as part of the requirements of any other academic degree or non-degree program, in English or in any other language.

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ABSTRACT

Terrorism is becoming the main threat to international peace and security. The evolving nature of the threats and the challenge(s) it triggers both at domestic and international level is heightened with the advance in technology and globalization in the 21st century. This has become clear to the international community especially after the September 11 incident. Countries reacted to the growing threat of terrorism in different ways by employing different policy tools both before and after September 11. However, the success achieved is highly uneven and the threat is becoming more devastating. Counterterrorism policy scholars suggest that countries should use a 'comprehensive counterterrorism policy approach' in order to overcome the threat. This thesis evaluates this 'comprehensive counterterrorism policy' and substantiates whether a country with a more comprehensive counterterrorism policy is more successful at combating transnational terrorism than others. The thesis uses two case countries, specifically Ethiopia and Kenya, and assesses their counterterrorism policies in their response to al-Shabaab. The thesis also uses both quantitative and qualitative data to assess the counterterrorism policies of the countries and the attacks they faced from the year 2006 - 2014. The research has found that the country with more comprehensive counterterrorism policy is more successful in combating terrorism.

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LIST OF FIGURES AND TABLES

LIST OF ABBREVIATIONS

AMISOM- African Union Mission in Somalia

AU- The African Union

EMoFA- Ethiopian Ministry of Foreign Affairs

GoK- Government of Kenya

ICG- International Crisis Group

ICU- Islamic Courts Union

IGAD- Inter-Governmental Authority for Development

TFG- Transitional Federal Government

UN- The United Nations

INTRODUCTION

The last decade of the 20th century and the beginning of the 21st century, more specifically the September 11 attack marked the beginning of a 'new time' both in the understanding and the study of terrorism and counterterrorism. Terrorism was once considered a form of political violence confined only to the boundary of a given sovereign state. Countries were also used to respond to the challenge accordingly. The advancement in technology and communication witnessed in the last few decades have not only created a conducive environment for the betterment of the world but also facilitated the spread of new forms of challenges especially in the field of public peace and security. Terrorists exploited the opportunity to carry out indiscriminate attacks, encourage sympathizers and recruit those who are vulnerable both at close and at far.

Almost every country has experienced some form of terrorism throughout history. Countries have responded to the challenges that terrorism poses in varying ways. The main counterterrorism policy tool that countries used to deal with the violence in the past was nothing more than the criminal justice system. After September 11, as the international dimension of terrorism and its effects became clear, the use of other policy tools such as military action has also come into the picture. Scholars and policy makers have also been propounding one or the other policy tool as a response to the threat. However, the intimidation that terrorism triggers to human security has increased over the past decade in an unprecedented way and we have also observed an uneven degree of successes among states in their efforts to combat terrorism. Terrorists have continued to exploit the vulnerabilities of states both at home and abroad. Hence, the question of how countries can overcome the challenge and what policy approach can make a difference in fighting terrorism have become increasingly important.

Terrorism, whether domestic or transnational, affects the international community in one way or another. In the contemporary world where mobility is becoming indispensable for different socio-economic and political reasons, no one or no country seems to be able to escape the challenge posed by terrorism and terrorists whether at home or abroad. Hence, given the recent trend and the challenge that terrorism is posing and possibly will continue to pose to the international community, it is vital to devise and use a proper policy tool which helps to tackle or at least minimize the irreversible fatality and damage that terrorists perpetrate indiscriminately. The study of counterterrorism policy as such is very crucial in producing research-based policy solutions which help to effectively respond to the developing threat. Crelinsten (2009) argues that how countries respond to the threat of terrorism is very crucial in defeating terrorism than the threat *per se*. Recently, counterterrorism policy scholars such as Cronin and Ludes (2004), Crenshaw (2004, 2011) and Crelinsten (2009) have developed and suggested a 'Comprehensive Counterterrorism Policy' theory to effectively overcome terrorism. They criticize the pre and post-September 11 counterterrorism policy approaches which they consider as non-comprehensive. They argue for an integrated usage of the different arrays of policies such as criminal justice, policing and intelligence, diplomacy and military in a harmonized manner and as complementary policy tools in the campaign against terrorism rather than sticking to a single policy.

By employing an empirical approach, this thesis aims at evaluating how much this 'comprehensive counterterrorism policy' approach helps in combating terrorism. Two countries (Ethiopia and Kenya) were selected as a case study and their respective counterterrorism policy will be evaluated in light of their response to the transnational terrorist group of Al-Shabaab from the year 2006 to 2014. To date, there is no significant empirical research made in this area to evaluate the propounded theory of 'comprehensive counterterrorism policy'. Hence, it is vital to substantiate to what extent the proposed theory

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helps to address the challenge(s). This helps policymakers to devise proper policies in their response to terrorism. By substantiating this theory, the research also highly contributes to the field of counterterrorism policy study. The scope of the study, however, is limited to transnational terrorism for pragmatic reason. It is the position of the author that how countries respond to the challenge matters in their success in combatting terrorism.

The thesis comprises six chapters. The first chapter introduces terrorism, its evolution and approaches to counterterrorism briefly. The second chapter provides methodologies and the theoretical approach employed in the research. The third chapter addresses the threat of terrorism posed by Al-Shabaab to the countries. The fourth chapter assesses the responses of both countries. The fifth chapter assesses the outcome of counterterrorism policies in both countries, and the final chapter provides an overall conclusion.

CHAPTER ONE:
LITERATURE OVERVIEW

1.1 Evolution and approaches

The use of the term terrorism is not a recent phenomenon. What is not yet clear, however, is the objective definition of what terrorism is. The lack of a common definition is mainly attributed to the evolving nature of the term and the subjectivity of the activity with which it is associated (Cronin 2004). The usage of the term terrorism, for centuries, has been associated with different varieties of meaning. During the 18th century, the term was used to describe violent actions by those in control of state power against the subjects (Nacos 2010). This was changed in the 19th century, where the term terrorism expanded to include violence against those in control of political power (Nacos 2010). However, in the 20th century, a broader interpretation was widely used to describe the term as political violence by non-state actors that encompasses violence within and beyond the borders of a country (Nacos 2010).

The most commonly used approach in defining terrorism by scholars is to focus on characteristics that can possibly help to differentiate terrorism from other violence. Accordingly, Cronin (2004, 1) focused on four fundamental aspects of the act in her effort to define terrorism. Firstly, she argues that terrorism in its nature is political and employs the commission of ferocious acts to precipitate political change. Secondly, terrorism is violence by non-state actors' and involves non-state character which implies that it is different in nature and in trend from the conventional war. Thirdly, terrorism is an indiscriminate act. Lastly, the actors of terrorism are not subjects to international legal norms. From these four fundamental characteristics of terrorism, Cronin defined terrorism as "a surprise threat or use of seemingly random violence against innocent for political ends by a non-state actor'' (Cronin 2004, 4). I use this definition as a working definition for the purpose of this research.

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Scholars trace the birth of modern terrorism to the 19th century (Nacos 2010; Rapoport 2004, 46). Rapoport (2004, 46) posited in his wave theory that the development of modern terrorism was started as anarchism in the late 19th century in Russia. Rapoport's wave theory suggests the development of terrorism in four phases since the 1880s. Accordingly, the anarchist terrorism which represents the first wave was started in the 1880s and aimed at defeating the modern social conventions that the society devised for control by indicating that the conventions were 'mere historical creations' (Rapoport 2004, 46). To this end, anarchist terrorists focused on attacking and assassinating political figures (Rapoport 2004, 46).

The second wave of terrorism which is also termed as 'anti-colonial', on the other hand, was started in the 1920s and aimed at averting colonial rule and hence targeted colonial powers who wanted to maintain their colonial status in their colonies (Rapoport 2004, 46). Anti-colonial terrorism had a different focus and objective in that, the motivating factor was the need for self-determination. To free themselves from external domination, organizations in the occupied territories employed terrorism as a means to achieve their independence and self-determination. In the second wave of terrorism, the tactics that terrorist used and their targets were changed and less focus was given to assassination of political figures as opposed to the first wave (Rapoport 2004, 46). As the diaspora also started to support the cause of the anti-anticolonial violence through morale and funding, the focus on criminal activities for financial purposes, such as bank robberies, became less common during the second wave (Rapoport 2004, 46).

In the 1960s, another form of terrorism, the 'third wave', which was influenced by Marxism and socialist thoughts became the dominant terrorism. The third wave of terrorism, also called the 'new left' terrorism, was influenced by both radicalism and nationalism (Rapoport 2004, 46). During this time, the old practice of the first wave such as assassination and kidnapping were revived once again but with different logic (Rapoport 2004, 46). The advance in

communication and technology also provided the third wave new forms of tactics such as international hijacking (Rapoport 2004, 46; Wilkinson 2011).

In the 1980s, while the ethno-nationalist and the 'New Left' terrorism became less dominant, another form of terrorism evolved with rapid force, which Rapoport termed the 'fourth wave' or the 'religious wave'. The classification of the 'fourth wave' as a 'religious wave' does not mean that there were no religious elements in the preceding waves of terrorism. However, what makes the fourth wave terrorism entirely different from the previously experienced terrorism is that it is overwhelmingly characterized by the zeal to create a religious or theocratic state (Rapoport 2004, 46). The fourth wave terrorist groups engage divine authority or sacred texts as a justification for their actions (Moghadam 2006; Rapoport 2004, 46). Since the 1990s, religion gained a different significance, becoming increasingly an important justification and organizing principle for terrorism (Rapoport 2004). Rapoport identifies terrorism by Islamic groups as the main example of the fourth wave terrorism. This wave gave birth to the first religiously inspired global reach terrorist organization such as al-Qaeda (Rapoport 2004, 46). The 1998 attacks on the US embassies both in Kenya and Tanzania and the September 11, 2001 attacks on The World Trade Center and Pentagon affirmed such development. The success achieved during this time apparently influenced religiously inspired terror groups in other places (Rapoport 1993, 429).

This historical context and the contemporary development in global terrorism signifies two essential implications in our approach to terrorism. Firstly, terrorism is not a new phenomenon and it evolved gradually from time to time taking different forms and motivations. Parker and Sitter (2015) are clear in their 'horsemen' or 'strain' approach in this regard (Parker and Sitter 2015). They establish that the evolution of terrorism has a deeper historical chain than what was explained by Rapoport's Wave theory and also that the strategy and tactics employed by

terrorist organizations throughout was learned from one another (Parker and Sitter 2015). Secondly, there is no common ground for terrorism across history in a sense that the justifications underlying terrorism differ across time and place.

As the focus of this thesis is transnational terrorism, it is imperative to differentiate between domestic and transnational terrorism. As can be observed from both Rapoport's *wave theory* and Parker and Sitters *'horsemen'* or *'strain'* approach, terrorism took different dimensions throughout history. Some terrorism, such as the one by anarchist and ethno-nationalist in the first two waves, were more or less confined and limited to certain political jurisdictions both in target and in their members. However, some transcend national frontier both in ideology and target. The religious terrorism that spread in the fourth wave plainly demonstrated this transnational dimensions of terrorism. Weinberg (2013) also classifies terrorism as 'domestic' and 'international' from the perspective of geography and nationality implying that not all terrorism have international reach both in terms of the area of operation and constituencies (Weinberg 2013). Weinberg employed the nationality of the perpetrator, the place of perpetration and the terrorist target in differentiating between domestic and international terrorism (Weinberg 2013). He forwards that international terrorism is different from its domestic counterpart in that international terrorism involves the commission of a terrorist act by a "national of one country against nationals of another; or, it is a terrorist act committed on territory foreign to its perpetrators (and /or targets)" (Weinberg 2013, 53).

1.2 Approaches to counterterrorism

Terrorism is a threat to all humankind, especially the 'innocent' civilians. The human and property loss that terrorism causes to society is humiliating. Countries devised different counterterrorism approaches to respond to the evolving challenges of terrorism they encountered throughout history. However, the growing internationalization of terrorism and

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the unprecedented causalities it precipitated during the conclusion of the 20th century and the beginning of 21st century alarmed the international community to rethink how to approach the rising threat. Even though the number of the terrorist groups were found diminishing in the fourth wave as opposed to the trend in the first three waves (Rapoport 2004, 46), the threat that the evolving terrorism posed was found to be increasing since the 1990s. The concern about how to address the challenge also became a subject of massive academic debate since then. The unprecedented increase of the threat and the casualties are attributable partly to the evolving ideology and partly to the growing technology and means of communications which facilitated sophisticated attacks. In general, as much as the nature of the threats and the organizations vary, the responses made by states to terrorism and the outcome also greatly varies.

Crelinsten stated that "the danger that terrorism possess to democratic values and the way of life that they permit stems not just from terrorist threats and violence and the vulnerabilities that the terrorists exploit but the ways in which the societies think about them, talk about them, prepare for them, respond to them and recover from their impacts" (Crelinsten 2009, 7). Crelinsten's text tells us two important things about terrorism and counterterrorism. First, it underscores how much propaganda is at the ambit of terrorism. Put in another way, terrorism is a means of communication to a wide group of audiences and the immediate victims are mere instruments. Second and most importantly, what matters more about terrorism is neither the potential and actual threat terrorism poses nor the vulnerabilities terrorists exploit but how a society responds to them. Hence, the subject of counterterrorism policy is crucial so as to properly deal with the societal concern about the challenge both in the present and in the future.

Broadly, counterterrorism literature differentiates between the pre-September 11 and post September 11 counterterrorism approaches. In the period before September 11, terrorism was

mainly considered as a typical form of crime which was dealt with accordingly through domestic laws (Crelinsten 2009). However, the September 11 attack sent two essential messages to the international community, and especially to the US, that terrorism was no more only a domestic issue and thus reliance on criminal justice or other domestic measures alone was no more a functional policy approach.

Crelinsten (2009) argued that the complexities of the contemporary challenges of terrorism need a more *comprehensive policy approach* than relying on only single policy options. Crenshaw (2011) also supported this position by criticizing pre and post-September 11 US counterterrorism policies. Clutterbuck (2004, 140) argued that no comprehensive counterterrorism response can be based exclusively on one or the other single policy approach. Clutterbuck suggested that the widest and flexible combination of policy tools must be used by bringing together the criminal justice system, intelligence, military approaches to effectively and efficiently respond to terrorism (Clutterbuck 2004, 140). Even though what the scholars meant by comprehensive approach is not an enclosed basket, Crenshaw's strategy and grand strategy (Crenshaw 2011), Cronin's grand strategy (Cronin 2004, 285) as well as Crelinsten's (2009) and Clutterbuck's comprehensive policy (Clutterbuck 2004, 140) encompasses and suggests the integrated use of the criminal justice system, the intelligence, diplomacy and military as a pillars of comprehensive policy tools to effectively respond to terrorism.

The aim of this thesis is also to evaluate this theory of 'comprehensive policy approach' in countering terrorism. Explicitly put, the research questions whether those countries which adopt a more comprehensive policy approach in countering terrorism are more successful in defeating terrorism than the others. As opposed to the scholarly contest in an abstract, especially with regard to the puzzle of how countries can be successful in countering terrorism,

this research employs an empirical approach to evaluate the theory of 'comprehensive counterterrorism policy' by taking a real scenario.

CHAPTER TWO:
METHODOLOGY

This chapter discusses the methodology employed in the research. It briefs on the variables and the cases selected to operationalize the theory to be tested. It also sets the data sources to be used in the research. The chapter briefly explains the research questions, cases selected, the time frame, and the variables respectively.

2.1 Research question

The main aim of this research, as noted at the beginning of the thesis, is to establish whether or not a comprehensive counterterrorism policy helps to overcome terrorism. Hence, the research answers the question 'whether countries with more comprehensive counterterrorism policy approaches are more successful in overcoming terrorism or not'.

2.2 Comprehensive counterterrorism policy as an independent variable

A comprehensive counterterrorism policy approach is used to refer to the coordinated usage of different arrays of policy tools to respond to the threat and challenge of terrorism. In this research, I look into the countries' criminal justice system, the policing and intelligence system, the military, and the diplomacy approach as pillars of the comprehensive counterterrorism policy approach to evaluate how comprehensive the countries' counterterrorism policies are in responding to the threat. These policy tools are not the only elements of comprehensive counterterrorism policy. However, they are the main pillars of the policy tools in countering terrorism and hence can help to evaluate to what extent a country's counterterrorism policy is comprehensive or not.

The need of a criminal justice approach to counterterrorism emanates from the criminal and perpetual nature of the act (Clutterbuck 2004, 140). Accordingly, criminal justice refers to the

putting in place of criminal laws which prescribe the crimes beforehand while simultaneously providing a working policing system. Discursively, fostering social involvement in detecting such behavior also constitutes part of this effective criminal justice system. On the other hand, the use of intelligence in protecting national security in general and in counterterrorism in particular, refers to the role of intelligence in assessing the range of threats and informing the respective decision makers for the next actions (Pillar 2004, 115). In dealing with transnational problems such as terrorism, diplomacy has also an invaluable place. Accordingly, diplomacy refers to the use of diplomatic action as an instrument to deal with both the enemies and the allies and encompass exerting pressures whenever necessary (Sheehan 2004, 97). Finally, the military approach to counterterrorism refers to the use of military action against terrorists, terrorist regimes, regimes that harbor or allow terrorist to train and operate from their territory, terrorist targets within the territory of a friend state and the more risky one is its use against opposing countries (Hoyt 2004, 162).

2.3 Terrorism as a dependent variable

The focus of the research is limited to transnational terrorism as defined and hence does not refer to domestic terrorism. It asks the question from the perspective of transnational terrorism and seeks to collect and analyze data accordingly.

2.4 Measuring 'success'

The research tries to employ an objective method to measure how a country is successful in countering terrorism. Measuring 'success' is a difficult task to advance, especially in the field of counterterrorism. However, the sound way to measure 'success' is to look into what the terrorist group wants to achieve. Hence, I measured the countries success against their capability to frustrate and foil the goals and strategies of the terrorists and thereby maximize public peace and security. The quantitative data was collected with regard to attacks and

assaults by the terrorist group on the territory of the two countries and the damages inflicted will help as a good indicator in this regard.

2.5 Case selection and time frame

To address the research question, two countries were selected for a case study, specifically Ethiopia and Kenya. The challenge of terrorism to both countries and their respective response over the past nine (9) years will be assessed. These countries are geographically located in the same region of East Africa and both share a boundary with the failed state of Somalia. Ethiopia shares 1,010 miles long border with Somalia while Kenya shares 424 miles. Somalia with its fragile government is currently serving as a safe haven for a transnational terrorist group of al-Shabaab- an organization which was designated as such by the US in the early years of 2008. As both of the case countries share a long border with Somalia, they are equally vulnerable to the transnational terrorist group. Moreover, al-Shabaab has vowed and confirmed in its subsequent activities that both countries (Kenya and Ethiopia) are its targets since it claims territory from both countries with a view to creating a greater Islamic State of Somalia. If that makes them target, both countries have contributed to the establishment of the TFG, the government which the extremist group fights in Somalia. However, the case countries have experienced different levels of attack and assaults from the group since its birth in 2006. It is my position that the degree of comprehensiveness of counterterrorism policy the countries used in responding to the threat brought about different levels of victimization.

Data of attacks and assaults by the terrorist group for nine (9) years were collected. Specifically, from the year 2006 when the terrorist group started an armed insurgency against the TFG and its supporters within and outside the country to the year 2014.

2.6 Data sources

The research employs both quantitative and qualitative methods. The quantitative method was mainly used to gather and evaluate data concerning attacks carried out by the terrorist group on the case countries' territories since 2006. Qualitative data was employed to gather information with regard to the counterterrorism policies of the two countries and how they responded to the threat of the terrorism within the time frame set for the purpose of this research. Specifically, secondary data sources such as statutes, policy documents, and works of others in the area were consulted on the countries criminal justice system, the policing and intelligence services, the use of the military in responding to the threat and the use of available diplomatic opportunities to defeat the terrorist group.

CHAPTER THREE:

TERRORISM IN AFRICA AND AL-SHABAAB AS A THREAT TO ETHIOPIA AND KENYA IN THE HORN AND THE EAST

This chapter discusses the transnational terrorist group of al-Shabaab as a threat to Ethiopia and Kenya. The chapter starts with highlighting the history of terrorism in Africa in general and the Horn and Eastern Africa in particular. It explains the origin of al-Shabaab, its ideological foundation, its goals and aims, strategies and tactics and the financial sources of its operation as a basis of the threat in a nutshell.

3.1 Terrorism in Africa

Similar to other parts of the world, Africa has experienced different forms of terrorism throughout history (Solomon 2015). Even though it is difficult to trace the origin of terrorism to a specific historical time, it is clear that Africa experienced terrorism of different nature from different groups that were inspired by one or another motive. In the second half of 20th century, there were different ethno-nationalist terrorist organizations operating in different countries of the continent waging attacks against the then colonial rules. The revolutionary nationalist terrorist Front de Liberation Nationale (FLN) and its predecessors in Algeria since the 1940s represents such organizations (Crenshaw 1995). Though the main goal of the organizations during the period was to attain independence or self-determination, there were also religious elements in the movement of some of the organizations (Crenshaw 1995). During the same period Egypt had also hosted conspiracies and attacks of terrorism though it was mainly related with the Jewish-Palestine hostility (Walton 2013). It was in Cairo that the Lehi (Zionist extremist) assassinated the British Minister for the Middle East, Lord Moyne, in 1944 (Walton 2013).

The modern fully fledged religiously inspired terrorism, however, appeared as a challenge in the early 1990s in Africa similar to the rest of the world. In fact the prominent religiously inspired terrorist organization of the 'fourth wave', al-Qaeda, first assaulted the US integrity and sovereignty in an unprecedented manner on the soil of Africa (Solomon 2015). The 1998 bombing of US embassies in Kenya and Tanzania were the most devastating terrorist assaults against the US interests. Even though the main target of the terrorists and terrorism in the 1990s were against The Western and the interest of US, it would not be an exaggeration to argue that it had a precipitation on the subsequent development of terrorism in the region. The attack clearly demonstrated the states' unpreparedness to deal with the challenge and their vulnerability. After the September 11 attacks, terrorism took a totally different form not only in the other parts of the world but also in Africa too.

Coupled with the weak security system and the usual instability that inter-ethnic conflicts and other socio-economic and political problems triggers, Africa became highly exposed to terrorism after the US declaration of war on terrorism. The US-led war in Afghanistan in the after month of September 11 forced al-Qaeda operatives to look for places such as Africa to hideout (Crelinsten 2009). Today, al-Qaeda in Islamic Maghreb (AIM) in North Africa, Boko haram and Ansar Dine in Western Africa, al-Shabaab in the Eastern and the Horn Africa are some of the terrorist groups operating in Africa (Solomon 2015).

3.2 Terrorism in the Horn and Eastern Africa

Apart from the general vulnerability of the continent, the geopolitical location of the Horn and Eastern Africa region, as shown in Figure 1, makes this part of the continent more vulnerable to terrorism. The proximity of this region to the Middle East and the Persian Gulf where terrorism is rife, makes the Horn and Eastern Africa different in terms of the threat (Rotberg

2005). This part of the continent is also the most targeted and most affected part from modern terrorism.

The long-standing internal problems of Somalia which is mainly attributable to inter-ethnic conflict and which the opportunistic transnational terrorist groups such as al-Qaeda used as an advantage, on the other hand intensified the tension and vulnerability of the region (Rotberg 2015). Somalia, a country in the region devoid of a functioning government since the 1990s, created a conducive environment both for the mutation of a home-grown radical Islamist group such as al-Shabaab and the injection of terrorists from other parts of the world, more specifically from the Middle East and the Persian Gulf (Rotberg 2015). Even though there is no evidence that Somalians participated in the 1998 attack on US embassies in Kenya and Tanzania, it was believed that the attackers used Somalia as a transit zone, both for themselves and for the shipment of the explosives (Rotberg 2015). Hence, the risk of terrorism and vulnerability is clear and high where there is no functioning state, not only for the failed state but also to the neighboring countries as a whole.

Figure 1: Geographical map of the Horn and East African region and recent attacks.

Source: CriticalThreats

3.3 The evolution of al-Shabaab as a transnational terrorist organization

The birth of al-Shabaab as an organization dates back to the historical events of the early 1990s. In 1991, the government of Muhammed Siad Barre which was in charge of ruling Somalia since the country's independence in 1969 was overthrown through armed struggle (Solomon 2015). The period since then in Somalia is characterized by incessant inter and intra-clan conflict (Solomon 2015). Even though the main reason behind the armed struggle was dissatisfaction with the then authoritarian regime's despotic rule and the need for a better government, a reverse situation happened after the collapse of the regime (Buluma 2013).

Somalia was transformed to a stateless polity where numerous ethnic and religious groups fought for dominance (Solomon 2015).

Fighting among leaders of different rival groups and the absence of a functioning government created an opportunity for a radical group such as al-Shabaab to emerge (Buluma 2013). It was only in 2000 that Somalia gained a government established as a Transitional National Government (TNG) which led the country until 2004 (Buluma 2013). In 2004, with a relative power-sharing agreement made in Kenya among the different warlords, the TNG was replaced by the Transitional Federal Government (TFG) which in turn led the country until 2006, the time when the conflict broke out among clans throughout Somalia (Buluma 2013). By the end of 2006 the Islamic Courts Union (ICU), a union of sharia law courts which was established with a view of administering 'justice' amidst the countries instability, drove out the TFG from Mogadishu, and seized power (Masters and Aly Sergie 2013).

However, ICU was never welcomed both by the western and neighboring countries for different reasons. Firstly, no countries among those participating in the Somalia's stabilization since the 1990s wanted to see a disruption of the transitional TFG which came into existence after efforts of more than a decade.[1] Secondly, the neighboring countries were concerned with the ICU's claim for territories from them with the aim of creating a greater Islamic state of Somalia (Buluma 2013). Thirdly, and more importantly, both the US and the neighboring countries were concerned about the ideology and composition of IUC (BBC news 6 June 2006). ICU grew out of the former organization of Islamic Union (IU) or what was known as Al Itihaad Al Islamiya (AIAI), a group which was known for its extremist ideas since the 1990s (Rotberg 2015). In 1996, for instance, the Ethiopian branch of AIAI was condemned for

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[1] The TFG is an internationally recognized transitional government of Somalia created after a long negotiations among the representatives of different clans and Somalian elites.

engaging in different acts of terrorism including two hotel bombings and assassination attempts (Rotberg 2015). It has also been implicated in different attacks in Somalia against US aid workers (Rotberg 2015). Some of the leaders of the succeeding organization, the ICU, were on the US list of suspected terrorists (BBC news 6 June 2006).

As the fight continues between the TFG and the ICU, Ethiopia intervened in early 2007 to back the TFG and the TFG and the Ethiopian forces together drove out the ICU from the capital (Buluma 2013). At this time, al-Shabaab fought both the TFG and the 'external forces' as a military wing of ICU. In 2007 al-Shabaab started to operate independently of the ICU as an insurgent group and declared allegiance to al-Qaeda at different times. It also moved on to mount attacks against the AMISOM and neighboring countries (Buluma2013).

3.3.1 Ideological foundation

The aim and ideology of al-Shabaab as an organization, especially in the early period, was not very clear. It had elements of both nationalism and Islamism (Solomon 2015). During the period from 2006-2008, the group undertook different changes that further links the organization to the global jihad networks (Sjah 2008). For one reason or another, there was an evolution in the organization's position from being the military wing of ICU to a self-declared jihad organization with the ambition of going global. However, whether really jihad was the reason for which the organization was formed or not is still a subject of debate as some, including some of the leaders, contend that they were fighting for justice. The US placed al-Shabaab on the foreign terrorist list in February 2008 (Department of State 2008). In 2012, al-Shabaab's leader Ahmed Abdi Godane and al-Qaeda's Ayman al-Zawahiri formally declared the alliance between the two organizations (Yan 2015).

3.3.2 Organization

Until the end of 2006, al-Shabaab served as a military wing of ICU (Buluma 2013). In early 2007, however, it declared itself as an independent organization and started operations on its own leadership (Buluma 2013). Since then al-Shabaab maintains a centralized authority while also having different autonomous units within the organization (CriticalThreats 2009-20012). There is a Shura Council at the top that sets the organization's policy while local administrations, on the other hand, are expected to observe and implement the policies (CriticalThreats 2009-20012). Internal divisions within al-Shabaab's leadership escalated when the group began to publicly align itself with al-Qaeda and the global jihad network (CriticalThreats 2009-20012). However, it is clear that it maintains the decentralized but hierarchical structure.

3.3.3 Strategy and Tactics

In order to further its goals, al-Shabaab has targeted government officials as well as AMISOM security forces (Mapping Militant Organization 2016).The group has also targeted police members, activists, media workers, aid workers and civilians (Mapping Militant Organization 2016). Al-Shabaab leaders demanded that the US and other foreign countries invade Somalia (Solomon 2015). Seen from the strategy of terrorists, this could be possibly for two reasons. First and foremost, the strategy of drawing foreign countries into war helps the group as a force of mobilization and polarization among the Somali's, other Muslims in the region and the rest of the world. Secondly, it helps to weaken the US and its allies economically and politically. Al-Shabaab employed different tactics such as suicide bombings both in Somalia and Kenya (Mapping Militant Organization 2016).

3.3.4 Finance

Al-Shabaab has different sources of finance from within Somalia and from outside (Counter Extremism Project 2016). It receives support from other countries and insurgents including similar terrorist organizations (Mapping Militant Organization 2016). Confiscation of properties of NGOs and other foreign organization, robbery, and seizure of properties in the war fields helped the organization strengthen itself (Mapping Militant Organization 2016). Until 2012, they were also in control of important ports and outlets which provide a huge income (Buluma 2013).

CHAPTER FOUR:
THE RESPONSES OF ETHIOPIA AND KENYA

The main theme of this chapter is to assess the responses of the case countries. Accordingly I explore the counterterrorism policies of the countries in terms our measurements: criminal justice, intelligence and policing, diplomacy and military approach.

4.1 The response of Ethiopia

Like other countries, Ethiopia has experienced different forms of terrorism. More importantly, it faced a number of attacks from different groups such as AIAI in the recent history (Rotberg 2005). Under this sub-topic, I will explore how Ethiopia responded to these actual challenges. Accordingly, we assess the criminal justice system, the policing and intelligence system, the military and diplomacy approach respectively.

4.1.1 Criminal justice

Until the year 2008, terrorism has been treated under the ordinary criminal law of the country. Ethiopia moved to adopt a new and special anti-terrorism law in 2009 (also called Anti-Terrorism proclamation No 652/2009) as the previous legal framework was inadequate to deal with the recent developments in terrorism. The objective of the law was provided clearly. It aims at prohibiting terrorism and foiling terror plots as clearly set in the preamble. It also aimed at creating a legal framework which enables the security officers and the police to effectively control terrorism. The preamble of the proclamation states that "it has become necessary to incorporate new legal mechanisms and procedures to prevent, control and foil terrorism, to gather and compile sufficient information and evidence in order to bring to justice suspected individuals and organizations for acts of terrorism by setting up enhanced investigation and prosecution system" (Proclamation No 652/2009 preamble).

The new antiterrorism law also describes acts constituting the crime of terrorism. Accordingly, both direct involvement in committing terrorism or indirectly supporting the commission of such act is clearly prescribed as a crime of terrorism (Art. 3). So long as indirect support is concerned, both material and moral support constitute the crime of terrorism under the law. Material support refers to the provision of finance, explosives and any kind of material input which contributes to the crime in one or another way (Art. 3). Moreover, intentionally harboring or helping the terrorist to escape also constitutes the crime of terrorism. Under the law, a person commits the crime of terrorism when he or she fails to inform the responsible authority while having information or evidence that may assist to prevent terrorism before its commission (Art. 12). Providing false information or evidence in this regard also constitutes the crime of terrorism (Art. 11). The law criminalizes publications or broadcasting statements that are likely to be conceived by a section or all of the members of the community to whom it is published as a direct or indirect inspiration or inducement to them to the perpetration, preparation or encouragement of terrorism (Art. 6). Moreover, the fact that there shall be no period of limitation in investigation and prosecution of persons suspected of the crime of terrorism as provided under Art. 12 will have a strong message in combatting terrorism.

4.1.2 Policing and Intelligence

The same proclamation provides for the establishment of a special intelligence, policing and prosecution within their respective offices (Part six, Art. 28-31). All the National Intelligence and Security Service (NISS), the Federal Police, and the office of prosecution have their own respective special task force handling cases of terrorism. Apart from establishing special departments within these sectors, the law brings these offices together under an independent organ called National Anti-Terrorism Coordination Committee (NATCC) with a clear chain of command (Art.30). The NATCC comprises the heads of the Ministry of Justice, the NISS and

the Federal Police (Art. 30 (2)). The NATCC draws a joint counterterrorism plan, sets up a joint counter terrorism task force and works in a coordinated manner to combat terrorism under the leadership of the Director General of the NISS (Art.30).

The law empowers the police with a flexible power so as to avoid or minimize the irreversible damage to the life and property as a consequence of acts of terrorism. The police have the power to conduct a covert search into property upon court authorization or through unilateral decision depending on the imminence of the threat. The police can arrest any person reasonably suspected to have committed or to be committing a terrorist act without a court warrant. It can also freeze any financial circulation suspected of aiding terror activity.

The mandate of handling cases of terrorism was put under the jurisdiction of the Federal High court and Federal Supreme court (Art.31).[2] As per the proclamation, a separate academic quality and professional experience and integrity is required for officers who handle cases of terrorism in the police and prosecution departments (Art.28). Such personnel need to have testimonial evidence from the relevant senior officials of the Ministry of Justice or the Federal Police as to their professional competence, ethics and integrity.

The coordination between intelligence and police assisted the Ethiopian criminal justice system in making fast and strategic decisions and finally to effectively respond to the threat of terrorism. Gardad, while writing on Ethiopia's relative success in weakening al-Shabaab stated that "The Ethiopian intelligence worked very hard to not only decimate the original al-Shabaab leadership, but also to infiltrate and control it" (Gardad 2015). Similarly, attributing the main success to the coordinated and improved intelligence service, Sahay wrote that "the fact that

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[2] Ethiopia follows a federal structure and hence judicial system is established at both federal and state level. Articles 45-47, & 78-80 of the 1995 Federal constitution clearly provides for the court structure and possibilities of delegations to equivalent regional state courts.

Ethiopia hasn't faced a major terrorist attack in the last few years is not for lack of trying (by the terrorist)'', he argues that it is rather because of "the dedicated members of the countries intelligence community being a step ahead of the terrorists." (Sahay 2015).

4.1.3 Diplomacy

The usage of diplomacy as a tool to deal with a religiously inspired group, no matter what the religion is, would not be as easy as such. However, it is important for states to make sure that it is ineffective before moving to use the alternative options. This could be done only through opening a peace talk with the organization(s). States must be open to such deals throughout while also protecting public peace and security. As it is highly decentralized, there was and there is a high possibility to deal with each fraction of the group separately even if such deal is less viable at the center (Elmi and Abdi 2012). The Ethiopian government has negotiated with some of the leaders of al-Shabaab even after the group was ousted from Mogadishu (Berhane 2011; Gardad 2015). Those leaders who took a moderate position were even later allowed to participate in the transitional government (Gardad 2015). Even while moving to war with the ICU the government had an open position for peaceful solutions to the problem (BBC 23 November 2006).

The other possible importance of diplomacy in countering transnational terrorism is its significance in dealing with other states, both with neighboring states and states from where the terrorist mainly originate. In this regard, Ethiopia cooperated with the transitional federal government of Somalia and other neighboring countries in putting political influence on the group (EMoFA 2016). The Ethiopian policy towards the neighboring countries is clear as stipulated in its general policy statement. The policy statement puts this in an equivocal manner saying "…it is when we strengthen our networking, when we seek the widest participation, and when we play a key coordinating role that we can build our capacity to deliver what is

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needed to protect our interest and security"(EMoFA 2016) . Ethiopia seeks to be more engaged than to have a mere relation both with its neighbors and the rest as can be noted from the policy statement. Ethiopia cooperated with other countries in fighting terrorism at the global level and it contributes to collective actions of the IGAD, AU, EU, and the UN (EMoFA 2016).

4.1.4 Military approach

The Ethiopian military approach as part of its counterterrorism policy tool can be seen in light of its general policy and the 2007 military action against the ICU. Ethiopia used a military action against ICU and subsequently against al-Shabaab in early 2007. The group has vowed to remap territories inhabited by the Somali ethnic group in the region, which include territories both from Ethiopia and Kenya, with an intention of creating a greater Islamic Somali state as its main goal (Solomon 2015). This was not accepted by either Ethiopia or Kenya. However, what immediately led to the military action on the part of Ethiopia was the group's declaration of Jihad against Ethiopia as a response to the support of the latter to the TFG (Gettleman 2006). A similar appeal for Jihad was also subsequently made by Al-Qaeda-leaders against Ethiopia (BBC 5 January 2007).

Even though the intervention of Ethiopia has been criticized ever since by many who argue that the action led the group to a more radical position, Ethiopia believes its action as a lesser risk compared to what might happen once the group assumes power in the region (Council on Foreign Relation 2007). Ethiopia used the military approach as part of its counterterrorism policy as it is evident from its counterterrorism discourse. It is also clear that the country employed military action after the peace discussion was found unsuccessful (Berhane 2011). In this regard while speaking on the military action, the late prime minister stated that his government has 'only been forced by the circumstance' (Cited in Gettleman 2006).

4.2 The responses of Kenya

Kenya also started to experience the recent wave of terrorism in the late 1990s and in the early 2000s similar to Ethiopia. In 1998, al-Qaeda operatives attacked the US embassy in Nairobi (Rotberg 2005). In the year 2002 a similar group attacked an Israeli-owned Hotel in Kenya causing many deaths and injuries, while at the same time failed in its attempt to bring down the Israeli chartered flight (Rotberg 2005). Within few years following these events, al-Shabaab emerged as another threat in Kenya's neighbor failed state, Somalia. Under this topic we specifically observe the response of Kenya to the challenge in light of our measurements.

4.2.1 Criminal justice

Until the year 2012, Kenya had no special criminal laws dealing specifically with terrorism. Even though acts such as homicide were criminalized by criminal code and provisions with regard to such acts can also be used to prosecute terrorists who commit similar acts, the term terrorism was not employed in the then criminal code (Mwazighe 2012). Hence, it was hardly possible to prosecute terrorists under Kenyan criminal system. One Kenyan Police authority described in one instance that they were forced to deport suspected foreigners because 'Kenya does not have anti-terrorism laws that would enable prosecutors to directly charge suspects with extremist activities' (Cited in News24 2004). While writing on this, Mwazighe argued that "If suspects were prosecuted once sufficient information on the planned commission of a crime were foreseen, many of the explosions and bombings in the country might be made less severe, if not prevented entirely" (Mwazighe 2012, 22).

Enacting anti-terror law and fighting terrorism was for a long time perceived as a US interest than addressing a national threat *per se* among Kenyan elites (Arson 2013). Considering the recent developments and evolving nature of terrorism with the advance in technology, it would be difficult for Kenya to overcome terrorism under the old laws. Activities such as funding

terrorism and usage of social media are some of the key areas that modern laws needs to address to deal with the contemporary challenges. It also needs to provide an enabling but restricted power to the intelligence and security services to detect terrorist cells and plots as early as possible so as to avoid the irreversible damages that terrorism entails. The Kenyan criminal justice system was devoid of such quality for a long time. Efforts made by the Kenyan government to have an anti-terror law in 2003 and 2006 to address the shortcomings of the criminal code remained frustrated for about a decade (Arson 2013). The laws were objected by oppositions despite its updated nature to deal with the contemporary developments in terrorism starting from attempting to define the crime (Mwazighe 2012).

Recently, in 2012, Kenya came up with another bill to confront the ever-growing threat. The new law (also called the Prevention of Terrorism Act) has made a progressive attempt starting from defining the 'acts of terrorism'. The law addressed different acts that can constitute or contribute to the commission or aggravation of terrorism under part III. Acts such as financing, recruitment, training, and preparations to commit a terrorist attack are also prescribed as a crime (Sections 4-30). In 2014 the government made further effort to widen and strengthen the power of the security services through the adoption of the security law (amendment) bill. This Bill, apart from providing enabling clauses for police and security officers, has also attempted to tighten and balance laws regulating media and publications. Even though the Bill is passed into law by the parliament, the important provisions, especially those which would have greatly assisted the counterterrorism efforts, were again thrown out by the High court on the ground of unconstitutionality (Analo 2015).

Moreover, the Kenyan criminal justice system lacks certainty. The scattered and unstable nature of the laws makes the system unpredictable and hardly understandable for subjects. What constitutes terrorism or not, what are the consequences of certain acts, what are the

responsibility of individuals or citizens in assisting the combat, which otherwise also a crime in itself etc. needs to be clear and certain to the subjects. This helps to inform potential criminals the consequence of their acts. It also saves states from arbitrary action by setting what is wrong and what is right in advance which otherwise contribute to the terrorist objectives by eroding the credibility of governments. Arson, writes that "The flawed terrorism laws in Kenya have caused a grave problem and even with improved legislation over last few years, success has been minimal" (Aronson 2013, 31).

4.2.2 Policing and intelligence

The responsibility of policing crime and following up national security in Kenya also lies with police and intelligence service (Mwazighe 2012). In Kenya, the task of counterterrorism is divided between the Kenyan Police, Directorate of Criminal Investigation and Administration Police, and non-police agencies such as National Intelligence Service and Defence Forces (Mwazighe 2012). However there were no effective coordination and cooperation among these different offices. The US Department of State (Department of State) in its country report on terrorism (2013) reported that the operational effectiveness of Kenyan security service is hampered by poor coordination among and within the police, intelligence, and military forces (Department of State 2013). The report also disclosed the prevalence of lack of clear command structure and explicit political interferences. The Garissa University college siege in 2015 affirms this assertion. The siege at Garissa University College by al-Shabaab militants lasted for about 15 hours and the security forces arrived only at the final hours (Bremmer 2015). Kenyan police and intelligence suffer from different problems including lack of enabling legal framework and weak institutional coordination. The security law amendment bill of 2014 attempted to organize a new agency called a National Counter Terrorism Center (NCTC) which

is an inter-agency body to address this problem. The center consists of different organizations such as National Intelligence Service, the Kenyan Defence Force, the national Police service and other necessary agencies to be determined by national Security Council. Though the initiative is a good start, the effectiveness of the organization will depend on subsidiary rules and how the law is going to be implemented in the times to come.

The Kenyan security officials attribute most of the security failures to the availability of limited resources for conducting policing and intelligence service and insufficient training (Odula 2014). The Kenyan government admitted the allegation that the security sector is under-resourced. Speaking on the issue of under finance of the security service after the Westgate Mall attack, President Kenyatta stated that 'For a long time, the security sector has not been given the attention it deserves....' (Cited in Odula 2014). The Department of State also released the same findings in its 2014 country report on Kenya (Department of state 2015). Related to the issue of financial constraint is the prevalent corruption to the extent of compromising national interest. The same report by Department of State put this as an "endemic corruption", implying how much severe the situation is. Data from transparency international also endorse similar facts. The Kenyan security sector, specifically the police, is identified as the most corrupted government department (Transparency International 2008). Evidence shows that there were instances where suspected terrorists escaped by paying a bribe to the police after they caught while conducting surveillances for future attack (Odula 2014).

Policing and intelligence need not only qualified personnel's but also sufficient human resource, especially in countries in such a vulnerable regions and in countries where the security system is labor intensive. Kenya lacked this as well, which in turn made the criminal justice more handicapped. Many Kenyans, including the rescued students from the Garissa University attack of April 2015 complained that the University has been guarded only by two

security personnel despite the visible risks (BBC 3 April 2015). Immediately after the attack, President Kenyatta admitted this that Kenya had a serious shortage of security forces (BBC 3 April 2015).

While explaining the failure of criminal justice system in putting in place a working legal framework and security system in Kenya, Mwazighe stated that "The deficiencies of criminal justice system in Kenya have led to fresh initiatives and a rise in procurement of private security services…Citizens have resorted to handling the law themselves, while the rich have taken up private security to guard their interest... " (Mwazighe 2012, 21). True, in the Westgate mall attack, in which the terrorist exploded multiple bombs and fired on civilians for almost half a day in Nairobi, they were an organized private 'gun club' individuals and off-duty officers who first attempted to rescue the victims as there were no immediate meaning full response from government security (Kulish, Gettleman and Kron 2013).

4.2.3 Diplomacy

Diplomacy is another important policy tool in combating terrorism. The Kenyan use of diplomacy in combating terrorism can be observed both from its relation with the terrorist group and other states engaged in combating terrorism in the region. The transnational nature of the challenges needs a strong diplomatic relation with other countries in the region and other parts of the world. It needs an exchange of intelligence information, experience, cooperation in policing and taking military action whenever necessary. Lack of mutual understanding, cooperation in information exchange, in experience sharing and in taking action will give a breathing room for the terrorists. It also makes the campaign inefficient and ineffective. As one of its foreign policy pillars, the first ever written Kenyan foreign policy since the country's independence provides that, the Kenyan government would "collaborate with other African countries to strengthen the conflict prevention, management and resolution capacity of regional

institutions, including the East African community (EAC), intergovernmental authority on development (IGAD), Common Market for Eastern and Southern Africa, (COMESA), and the African Union (AU) with the aim of promoting peace and development…" (GoK, 2014). Kenya has a good relation with the US and other allies in The West such as the UK and Israel in fighting terrorism. The US department of state country report on terrorism reveals that Kenya shares experience and benefits from US logistic and technical assistance especially since 2013 in fighting global terrorism (Department of State 2015). However, the indictment of President Kenyatta by the International Criminal Court in relation to the violence of post 2007/2008 election has affected Kenya's foreign relation and engagement during this critical time US (Frazer 2013).

Even though the determination to work with allies in combating terrorism is there at the policy level, the engagement of Kenya at the regional level with neighboring states so far is under a huge self-restraint. While writing on Kenyan diplomacy in fighting terrorism, Adan stated that "… the government of Kenya did not apply much effort to incorporating the countries in the horn of Africa region in a unified regional counterterrorism strategy because of the belief that Kenya was a victim rather than a source of international terrorism" (Adan 2005, 38) . Fear of political risks that might follow from full-scale engagement in counterterrorism was also mentioned as a reason behind Kenya's operation under a high self-restraint (Adan 2005).

When it comes to dealing with the terrorists, few months after the Westgate mall attack, the Kenyan president Uhuru Kenyatta stated that 'Extremists prefer death and destruction than discussion and compromise. They will be dealt with ruthlessly and within the law' (Cited in Abdi 2014). Kenya has contributed to the establishment of TFG and it was even important during the negotiation to establish the TFG because of its neutrality. But, after the rise of al-Shabaab Kenya remained passive because of the fear of backlash from within the country until

the recent deadly attacks. The recent approach on the other hand is a hard-line position (Abdi 2014).

4.2.4 Military

Military action in countering terrorism is another policy tool suggested as an integral part of counterterrorism policies. Despite its actual vulnerability and the repeated attacks it faced, Kenya remained reluctant to take military actions until 2011. It is almost a decade after the birth of the threat that Kenya drew itself into military action against al-Shabaab. The ICU seized power in Somalia in 2006 through armed force. The Ethiopian defense force joined the TFG in fighting the group in early 2007 which resulted in a relative restoration of the power of the TFG. However, al-Shabaab remained in control of most part of the country mounting attacks within and outside Somalia (Buluma 2013). As the report by International Crisis Group (ICG) reveals, during this time, al-Shabaab militias and leaders have used Kenya for different counterinsurgency purposes (ICG 2014). As the situation in Somalia deteriorates, the UN Security Council authorized the AU to deploy a peacekeeping mission through a resolution 1744(2007) with a mandate of protecting peace and security in Somalia jointly with the TFG security forces. Accordingly, the AMISOM force was created in January 2007 to assist the TFG in overcoming the threat posed by al-Shabaab (AMISOM 2016).

It was only in October 2011, that Kenyan Defence Force moved into Southern Somalia to pursue al-Shabaab after a series of kidnappings of tourists happened along its border, allegedly by the terrorist group (AMISOM 2016). One month later, the Kenyan government agreed to integrate and operate its forces under AMISOM. For a long time, Kenya operated under serious reservations because of fear of retaliation (Adan 2005). The discourse, in general, shows that the Kenyan military approach is more retaliatory than forward-looking in responding to terrorism as an integral part of its counterterrorism policy so far. In a similar fashion, the study

by ICG asserts that the response of the Kenyan government as "reactive at best" (ICG 2014, 15). Such retaliatory action on the other hand will possibly lead to a cycle of action where the terrorist group also looks opportunity for retaliation. In its previous report on Kenya's military action on al-Shabaab, the ICG has found Kenya's internal unpreparedness which should have preceded the military actions. ICG stated that "Kenya urgently needs to reform its internal security services; what is presently on display is an incoherent system that weakens national security" (ICG 2012, 8). The report also reveals that the Kenyan military action was short of the necessary diplomatic alliance both with the TFG and the neighboring countries involved in the countries stabilization (ICG 2012, 8).

CHAPTER FIVE:
THE OUTCOME OF COUNTERTERRORISM POLICIES IN ETHIOPIA AND KENYA

Putting forward the landscape of the counterterrorism policies of both countries, now in this chapter we explore the attacks and assaults both countries encountered on their respective territory. The data gathered from 2006 to 2014 on terrorist attacks and assaults will be presented.

5.1 Overview of the data of attacks and damages caused by al-Shabaab in Ethiopia and Kenya

The data concerning the terrorist assaults, attack and injuries are gathered from the Global Terrorism Database (GTDB), which is an open source database containing systematic data on domestic as well as transnational terrorist incidents. The GTDB adds statistical information to the database only when they are proved credible (START, 2015). It includes necessary information such as the place and date of the incident, perpetrator(s) of the terror, machines used in perpetration and target type. An attempt was made to include the data of the year 2015 into this study. However, the START has not entered the relevant data for 2015 until the completion of this research.[3] The data of terror attacks carried out in both countries during the period from 2006 to 20014 will be presented consecutively in Table 1 and Table 2.

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[3] The START inters data only in June of each year.

Table 1: Al-Shabaab attacks, fatalities and injuries in Ethiopia (2006-2014).

Year	Terrorist group	Number attacks	Fatalities	Injuries	Targets
2014	al-Shabaab	1	**0**	**0**	Police
2013	"	3	14	0	Private, Citizen Military,
2012	"	0	0	0	-
2011	"	0	0	0	-
2010	"	0	0	0	-
2009	"	0	0	0	-
2008	"	1	0	0	NGO
2007	"	1	100	0	Military
2006	al-Shabaab	**0**	**0**	**0**	**-**

Source: Data gathered by the author from GTDB, 2006-2014.

Table 2: Al-Shabaab attacks, fatalities and injuries in Kenya (2006-2014).

Year	Terrorist group	Number attacks	Fatalities	Injuries	Targets
2014	al-Shabaab	79	238	319	Private citizens, business, police, Military,
2013	al-Shabaab	37	135	327	Private citizens, business, police, Military,
2012	al-Shabaab	53	81	367	Private citizens, business, police, Military,
2011	al-Shabaab	32	33	133	Private citizens, business, police, Military,
1010	al-Shabaab	8	8	41	Private citizens, business, police, Military,
2009	al-Shabaab	1	0	0	Police
2008	al-Shabaab	1	0	0	Police
2007	al-Shabaab	0	0	0	-
2006	al-Shabaab	0	0	0	-

Source: Data gathered by the author from GTDB, 2006-2014.

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5.2 Observation

The data of the terrorist attacks and assaults gathered represent the period from 2006 to 2014. Within this period of 9 years, Kenya faced a confirmed 211 attacks from the al-Shabaab terrorist group. The finding from the data shows that 495   deaths and 1,187 injuries were registered. This figure would have been much higher if the Garissa University attack of 2015, which claimed the life of more than 148 and injured more than 79 was included into the study.

On the other hand, six (6) attacks were perpetrated in Ethiopia over the given period by the terrorist group. There is 114 deaths were registered while there were no injuries registered according to the source. Even though not mentioned in the data, two of the three deaths registered in the year 2013 in Ethiopia were the suicide bombers themselves than innocent civilians or other targets.

The terrorist group targeted private citizens, businesses, religious institutions, the police, the military and government and other public institutions throughout in both countries. The terrorists used firearms and explosives in undertaking their terror act. Even though there were many attacks within the time frame in Kenya, the 2013 Westgate mall attack was recorded more gruesome. The Westgate attack in September 2013 claimed a life of 72 people and left 201 wounded as per the data from GTDB. The April 2015 Garissa University attack, the data which is not included in this observation, caused the death of 148 people and left 79 injured (BBC 5 April 2015).

The degree of vulnerability, attack and causalities shows an increasing trend in Kenya. While, in Ethiopia the data shows a less frequent and a decreasing trend in both the attack and causality as represented by the following figure (Figure 2). If data of the year 2015 were included we would have observed a more increasing trend in attacks, fatalities and injuries in Kenya.
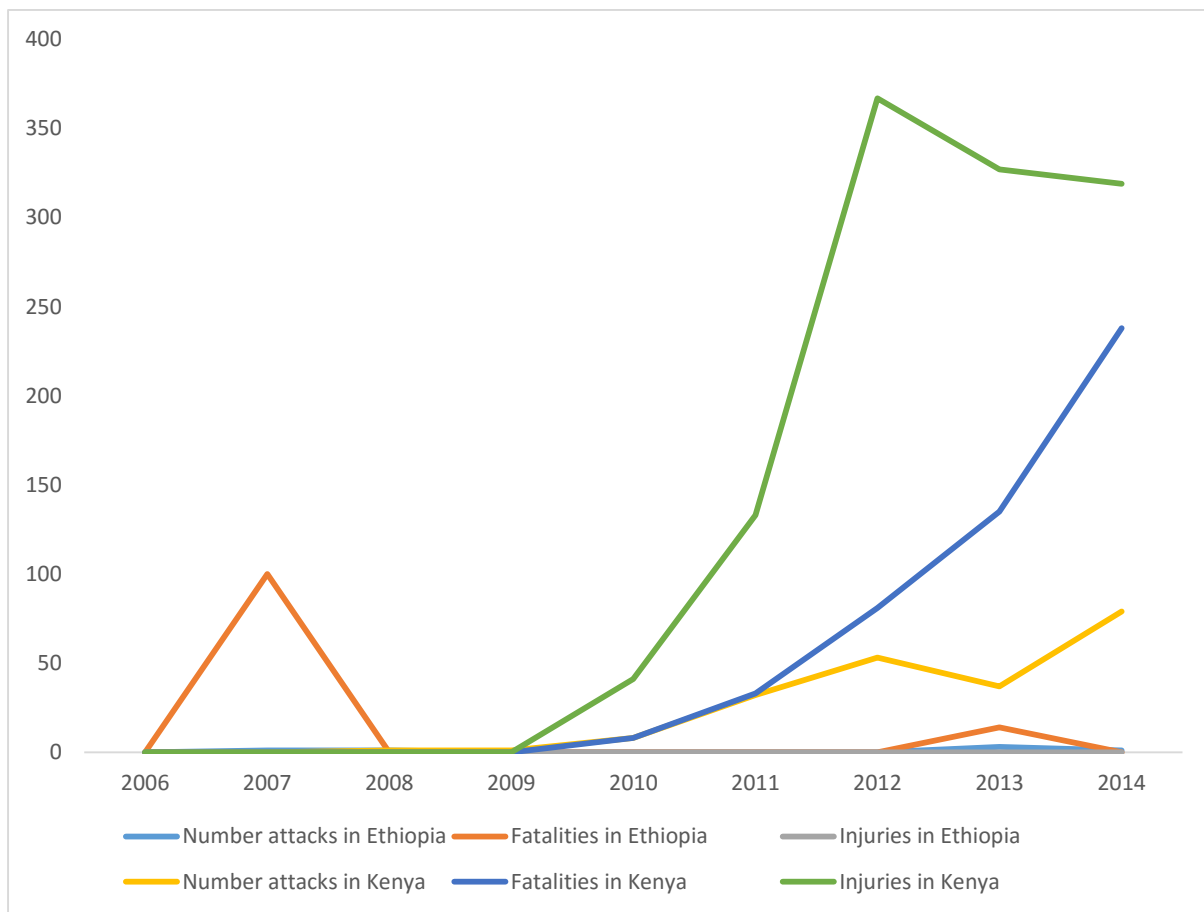
Figure 2: Trend of attacks and injuries in Ethiopia and Kenya, 2006-2014.

Source: Author generated.

In Ethiopia, the most deadly attack was the one that targeted the military and it claimed the lives of 100 people in the year 2007. The most recent assault is the October 2013 suicide bombing attempt against the football fans watching world cup qualifying much between Ethiopia and Nigeria, as later revealed by NIA (Moore 2014). The explosives detonated prematurely causing the death of the two suicide bombers and damages to buildings (Moore 2014). The other conspires who plotted the attack later confessed to the police and intelligence force that the attack was targeted at the gatherings in the football stadium and other two malls (Maashoo 2013). As Mashoo writes, one of the suspects of plotting the terror told the police that the two men who were blown in the rented house returned back with their explosive vests

which they had planned to detonate inside the target because of heavy security (Maashoo 2013).

It would have caused many injuries to the fans in the stadium if the suicide were succeeded.

CHAPTER SIX:
CONCLUSIONS

Terrorism is a complex threat which needs a flexible and coordinated policy response. I employed an empirical approach in this research to answer the research question whether a country with a more comprehensive counterterrorism policy is more successful than the others. The case countries selected (Ethiopia and Kenya) to evaluate the theory were very pertinent to assess the contemporary challenges of terrorism. The research consulted different secondary and primary data on the challenges posed by the transnational terrorism to the countries, the responses of the countries to the challenge and the outcome of the counterterrorism policies in the respective countries. The research found that a country with a more comprehensive counterterrorism policy is more successful in countering terrorism. Such country will have more capacity to detect the terrorist cells, to foil terrorist plots and to degrade terrorist organizations.

The Kenyan approach is characterized by an uncoordinated use of the policy tools. Kenya did not have specific laws dealing with terrorism until 2012. Still, the implementation of the 2012 act and the bill passed in the year 2014 was hampered by oppositions and weak institution. Seen from the criminal justice parameter, the introduced law itself is still scattered and it is hardly possible for the subjects to understand what constitutes terrorism and what does not. It is difficult to predict the Kenyan criminal justice system because of its uncertainty. The security sector, especially the policing system, suffers from rampant corruption which in turn wrecked efforts made through the criminal justice. Kenya kept the use of the military approach out of the policy options for fear of backlash and the political threat it may trigger internally. It also operated under a high self-restraint in cooperating with neighboring countries fighting terrorism. Moreover, there is no effectively coordinated intelligence, policing, and prosecution system as observed from the law and as evidenced in the practical cases. The weak criminal

justice, policing and intelligence at home, which could back the external engagements, made Kenya more vulnerable when it was later forced to engage outside as the threat grew unprecedently.

Ethiopia used the counterterrorism policy tools relatively in an integrated and comprehensive way. The criminal justice system, beyond defining terrorism, formally integrates the police, the intelligence and the prosecution sectors effectively. It puts a clear chain of command in their operation and the diplomacy and military actions were used concomitantly which deterred the terrorist from succeeding both in conducting terror act on Ethiopian territory and recruiting sympathizers for the same end. Ethiopia, with a better comprehensive policy where the criminal justice, the policing and intelligence, the diplomacy and the military as a policy tool are jointly used, faced almost insignificant attacks comparatively.

Terrorism, more specifically transnational terrorism, is an elusive and dynamic threat in nature. Responding to such a complex threat, as Crelinsten (2009) and other scholars suggested, needs the use of different arrays of policy tools in a coordinated and comprehensive way. Neither the sole use of a single policy tool nor uncoordinated policy instruments can help to address the contemporary challenge. Counterterrorism, as Crelinsten writes (2009), should not be merely reactive or coercive. A simply reactive or a simply coercive counterterrorism policy entails a repercussion and brings down countries to the hands of terrorists. Countries should be able to put a coherent and consistent criminal justice in place in advance. The policing and intelligence must be strengthened ethically, logistically and institutionally. Moreover, governments should be able to bring these institutions together formally in a meaningful manner with a clear chain of commands. Countries should engage more with countries in their region and the international community in a determined fashion so that terrorists can be deterred from benefiting from policy gaps. The military approach, must be made an integral part of the rest

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of the policy tools and should not be a mere reactionary. It must plan and act ahead so as to avoid the unnecessary cycle of actions and reactions as it is happening now.

In general, as demonstrated by this research, a comprehensive counterterrorism policy approach is a sound policy option to respond to the growing challenge of terrorism. Hence, countries need to devise and put in place a comprehensive counterterrorism policy in their effort to respond to terrorism. However, responding properly through comprehensive policy still needs a political willingness and a determination on the part of the states.

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