
Kenya and the Global War on Terror: Neglecting History and Geopolitics in Approaches to Counterterrorism

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Abstract

This article explores the relationship between Kenya and the Global War on Terror (GWOT) insofar as it relates to national politics, regional security, and the international community. The author first examines the historical context of Kenya's relationship with terrorism on a domestic level, then offers a profile for past and future perpetrators, and lastly explains the reasons that Kenya is a common and attractive target to terrorists. Specifically analyzing criminological and root cause theories while taking into account inherent policy flaws, the author seeks to offer insight into the importance of Kenya's anti-terrorism strategy in maintaining global security.

KEYWORDS: Kenya, terrorism, law enforcement, radicalism, East Africa

Introduction

Kenya became a major partner in the Global War on Terror (GWOT) in the aftermath of September 11, 2001. Having historically been an ally of the United States, the country's importance was only reiterated following several major incidents in the last two decades. In 1998, the American embassies in Nairobi and Dar es Salaam (Tanzania) were attacked, taking the lives of hundreds and marking a shift in U.S. foreign policy. In 2002, terrorists – widely believed to be affiliated with the perpetrators of the embassy attack – detonated a bomb at a hotel on Kenya's coast while simultaneously shooting a surface-to-air missile at an Israeli commercial aircraft, narrowly missing the target. Most recently, a September, 2013 insurgent attack on the Westgate Shopping Mall in Nairobi made international headlines and took the lives of 67 individuals from nearly a dozen countries around the world, while reiterating the reputation of Kenya as a hub for terrorism, violent extremism, and factionalism. As al-Qa'ida affiliates continue to target Kenya for its role in the Global War on Terror and 2011 military invasion of Somalia, there have been frequent small-scale attacks, exemplifying that the surrounding threats to regional security can only act as an even greater prediction for future problems. It has become clear that the insecurity stemming from terrorism in Kenya does not remain restricted to the confines of the country. The implications of further instability, therefore, affect global security and create a critical need for successful anti-terrorism policies that promote the Global War on Terror. Nevertheless, the current anti-terrorism

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strategy in Kenya neglects the history and geopolitics of the nation and is thus flawed in its most basic capacity.

The geography of Kenya is crucial to understanding its present importance in combating terrorism. The country is situated on the Eastern coast of Africa and has direct access to the Arabian Sea and the Gulf of Aden. Additionally, Kenya is surrounded by five countries: Somalia, Uganda, South Sudan, Ethiopia, and Tanzania. While each bordering state offers its own threats to Kenyan security, this paper only directly addresses Somalia. The location of Kenya makes it a part of both East Africa and the Horn of Africa. The implications of this may initially sound unimportant but as will be discussed further, being part of two regions that are funded separately by the international community has an effect on the country's counterterrorism strategy.

Demographically, Kenya has a population of roughly 40 million people, of which 45 percent live below the poverty line (World Bank, 2010). While the country is predominantly Christian, a substantial and vocal minority are Muslims. The Government of Kenya (GOK) estimates the Muslim population at 7 percent but leading private organizations claim a much larger 20 percent. Nevertheless, a widely accepted figure is 15 percent of the population, many of whom live along the coast (Vittori et al., 2009). These Muslims are part of a complex history that is directly relevant to the current counterterrorism strategies.

History and Background

The historically Bantu Kenya started seeing the arrival of Arab settlers well before colonial rule. There is little known about this time period although historians believe that Islam was adopted by some Bantus living in mainly urban areas (Vittori et al., 2009). In the fifteenth century, more Muslims arrived on the coast of Kenya and began to intermarry with local Bantu, thus creating the concept of a Swahili person. Swahili became as much an identity as it is a language. When the Portuguese, and later the British, colonized Kenya, there was already a substantial population that neither fit into the category of Bantu nor European, beginning the alienation that is seen in present day (Pretholdt, 2011). Colonialism made the Swahili Muslim population irrelevant to political and social affairs. As Pretholdt (2011) points out, "...most [Muslims] occupied the awkward position of having neither a recognized African 'tribal' identity nor the higher legal status of Non-Native" (p. 6). Lacking identity in the broader social spectrum of Kenya ultimately created a cohesive Swahili community on the coast that continued to face problems with the larger Christian political elite.

After Kenya gained independence, President Jomo Kenyatta instituted a one-party government that kept him in power through rampant corruption until dying in office over a decade later. When Daniel Arap Moi took over as the successor, an even more troubled *kleptocracy* ruled Kenya. Moi continuously rejected calls for a multi-party political system but eventually conceded to the

demands after “Western threats to withhold economic assistance” (Vittori et al., 2009, p. 1081). This was an important precedent to the current counterterrorism strategy in Kenya for one main reason: it created the widespread notion that Kenya was unsustainable on its own. Whether or not this was actually true, both Kenya and Western allies – such as the United States – realized the importance of the aid money and resources that flowed into the country each year.

Nevertheless, the alienation of Muslims in Kenya continued throughout this entire time period. Multi-partyism created the emergence of a few main politically motivated groups. The Muslim population was nominally represented in all of these parties and thus, decided to create its own political party that sparked controversy throughout the state. Politics in Kenya, since Kenyatta’s rule, was never based on religion. As Muslims continued to remain irrelevant, there was no need to place an importance on religion. In 1992, the Islamic Party of Kenya (IPK) came to exist. The IPK was popular amongst young Muslim men and was eventually accused by President Moi of “promoting Islamic fundamentalism” (Prestholdt, 2011, p. 7). This was the first time that the issue of Islam as a threat to Kenya became relevant in the national political arena. The subsequent reaction created what is arguably the *extremist* Muslim community that remains part of current anti-terrorism policies.

Muslims on the coast of Kenya became even more unified once the alienation and irrelevance that they once faced started shifting into discrimination and hostility. The IPK was still in existence and it created a forum for Muslims to discuss gripes with the political system. The gathering of these Muslims created an almost irrational fear by the government and over the course of the early 1990s, led to numerous violent clashes with police. These clashes included numerous instances of attacks on police stations and public buildings (Vittori et al., 2009). This arguably spread the ideology of extremist views amongst Muslims in Kenya but this saw little attention by the international community. Up until this point, terrorism was a domestic issue to the extent that threats by Kenya’s Islamic population did not directly affect American or global interests.

Terrorism and Foreign Nationals

The emphasis on domestic terrorism by Kenyan Muslims does not mean that international terrorism was absent from the country. Quite the opposite, Kenya’s proximity to Somalia and the Middle East created a haven for transnational terrorist groups. It should be noted, however, that prior to the Global War on Terror, little attention was paid to these syndicates. According to authors Mogire and Agade (2011), the first transnational terrorist incident “was the 28 January 1976 plot by the Popular Front for the Liberation of Palestine (PFLP) and the Baader-Meinhof group to shoot down an El Al passenger plane during a scheduled stopover in Nairobi” (p. 474). This plot was ultimately thwarted after successful intelligence sharing between Israel and Kenya. The next instance of

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transnational terrorism occurred four years later when the PFLP attacked the Norfolk Hotel in Nairobi, killing 15 people. The PFLP committed this act in revenge for Kenya's assistance to Israel during the rescue operation to free hostages at Entebbe Airport in Uganda (Mogire & Agade, 2011). Both of these terrorist attacks targeted Israeli interests and while a heightened state of alert in Kenya may have existed for several years, the threat posed by foreign nationals subsided for nearly two decades. The lack of interest by the United States was likely due to the belief that these attacks were isolated incidents and did not directly target the West.

The 1998 American embassy attack in Nairobi made both the U.S. and Kenya more aware of the threats posed by foreign terrorists. This incident, which killed over 200 people [including 12 Americans] and injured thousands, prompted Kenya to begin – albeit slowly – a more concerted counterterrorism strategy (Krause & Otenyo, 2005). The perpetrators behind this incident came as a surprise to investigators. Initially, the Government of Kenya neglected the possibility of international involvement. Since the timing of the attack came “at the heels of IPK political activity” (Prestholdt, 2011), it was suspected that Swahili Muslims were responsible for the bombing. This assertion was not entirely false; however, the ensuing investigation by U.S. and Kenyan authorities discovered a vast network of international terrorists that operated within Kenya. The investigation uncovered that the bombing was planned over a five-year period. The planning of the attack involved Osama bin Laden, who was already brought to the attention of U.S. Government officials. With the help of a Palestinian al-Qa'ida member from Jordan and a former Egyptian policeman, the plan was set in motion. Fazul Abdullah Mohammed, a man from the Comoros Islands helped recruit the two suicide bombers, who were Saudis (Vittori et al., 2009). This operation, although it had support from several Kenyan citizens, was almost entirely a foreign operation.

The next major terrorist attack occurred in 2002 when many of the same foreign al-Qa'ida affiliates bombed an Israeli-owned hotel in Mombasa and shot a Surface to Air Missile at a commercial airplane taking off from the airport in Mombasa. It was widely known that Fazul Abdullah Mohammed planned and coordinated this attack, though he considered it a failure because the surface-to-air missile missed the airplane. Fazul was even so bold as to plan an attack in 2003 on the newly built U.S. Embassy (Adan, 2005). This plan was luckily thwarted by authorities before it could occur; yet Fazul was not located.

After a decade free from an international terrorist attack within the confines of Kenya, a popular upper class shopping mall in Nairobi was sieged by a group of militants on September 21, 2013, leading to a multi-day standoff and more than 62 *civilian* deaths, many of whom were citizens of Western countries. Given the recent nature of this incident, many of the facts are still unknown and speculated. What can be asserted, however, is that the al-Qa'ida affiliate in Somalia – al-Shabaab – claimed responsibility for the attack and quite possibly had financial and operational support from the core of al-Qa'ida in Pakistan as well as from

numerous foreign fighters hailing from countries throughout Africa, the Middle East, Europe, and even the United States. The significance of this violent incident falls not only in the role of foreign terrorists operating in Kenya but more significantly, the improvements of anti-terrorism operations vis-à-vis the previous decade. Nevertheless, allegations of corruption and brutal counterterrorism practices by Kenyan law enforcement and military officials in the days immediately following the Westgate attack only underscore the critical need for further improvement.

Why Terrorists Target Kenya

Kenya was not simply chosen at random by terrorists. Quite the opposite, there are several factors that contribute to making Kenya an attractive target. These, in turn, make Kenya a priority for the Global War on Terror. These factors include "...geography, ethnic composition, political stability, unstable neighbors, poverty, Islamic fundamentalism, and lax law enforcement" (Adan, 2005, p. 8). The scope of this paper is too narrow to properly address poverty, ethnic composition, and geography. It therefore examines those most closely associated with the recent Westgate incident: unstable neighbors, Islamic fundamentalism, and lax law enforcement.

Unstable Neighbors

Thus far, this paper has been emphasizing issues within Kenya. Much of the Global War on Terror is based on its northern neighbor, Somalia. When the government of Somalia collapsed in 1991, it created a lawless society where crime and radical ideologies flourished. Lacking state capacity since that time has allowed unrestricted movement of people and goods into and out of Somalia. While many of these people were refugees seeking a better life in Kenya, the number of terrorists should not be underestimated. With a porous border and a confirmed presence of Islamic fundamentalists, Somalia poses a threat to Kenya and the rest of the world. In a joint press conference with Kenya and the United States in 2003, President Bush declared that "stabilizing Somalia is essential in sustaining the war against terrorism" (Mogire & Agade, 2011). Without a proper government that can take control of the country, Somalia continues to play a direct role in the security deficiencies of Kenya. For one, Somalia's geographic location gives it the longest coastline in Africa and makes it the closest African country to the Middle East. This allows Somalia to act as a transit hub in bringing illicit items into Kenya. Most notably, the perpetrators of the 2002 Mombasa attacks transited from Somalia and smuggled weapons into Kenya through the shared border (Mogire & Agade, 2011). The lack of border security allowed arguably the most well-known East African fugitive, Fazul Abdullah Mohammed, to transit frequently between both countries. Fazul was eventually killed in 2011 after exchanging gunfire with Somali forces.

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The invasion of Somalia by the Kenya Defense Forces (KDF) re-amplified an already tenuous relationship between Muslims in the Horn of Africa and the Kenyan government. This offensive into southern Somalia, known as *Operation Linda Nchi* (Swahili for “Protect the Country”), has been used as the basis for nearly all of the transnational violence directed at Kenya since the offensive began in October 2011. In fact, al-Shabaab and its sympathizers have conducted more than 50 separate grenade attacks in Kenya, believed to be in retaliation for *Operation Linda Nchi* and more widely, the foreign policy of Kenya. To the extent that any of these attacks have caused civilian casualties (which is not to be discounted), they are more widely representative of fear mongering and the ability for small-scale terrorism to take place in both rural and urban areas of Kenya.

Islamic Fundamentalism

The Islamic fundamentalist aspect of terrorism must also be critically analyzed. Much, if not all, of the international terrorism threat in Kenya is based on Islam. While a detailed history of Muslim alienation was provided earlier in this paper, the current state and extent of Islamic extremism is necessary to understanding the existence, or lack, of terrorism in Kenya. Much of the radical Islam originates in Somalia and due to the lack of border security, makes its way into Kenya. There are certainly a number of Kenyan-born radical Imams who preach anti-Western and anti-Kenyan views (Shinn, 2004; Adan, 2005). This extremism, nevertheless, is relatively limited in its scope. There is a crucially important differentiation between Muslim theological conservatives and those willing to mobilize. The two may hold similar beliefs on the United States and Kenyan governments; however, the extent of those willing to partake in terrorist acts is much less obvious. Of the mobilized groups, al-Qa’ida has continued to maintain a presence in Kenya since the early 1990s, often through proxies. Besides the obvious nexus between al-Qa’ida and the instances of past terrorism, these proxies often have specific goals and use the brand of al-Qa’ida to improve recognition. The Somali Islamist militant group al-Shabaab, while seeking some goals specific to Somalia, operates to some extent in Kenya with an increasing amount of support from al-Hijra – a Kenyan Islamist fundamentalist group previously known as the Muslim Youth Center in Mombasa. The Muslim Youth Center was not inherently a violent or militant organization but as it evolved into al-Hijra, theologically conservative Muslims were overshadowed by radical Kenyans with a desire to mobilize. The difference between radicalized terrorists and theologically conservative Muslims lacks discussion and distinction in the Kenyan counterterrorism approach: Kenya may have a presence of both; however, the former is made up almost entirely of foreign nationals and the latter consists of Swahili Muslims – the same group that has consistently been treated as terrorists by the government.

The Swahili Muslim community is assumed to be far more radicalized than current information suggests. As a target of anti-terror legislation and actions by the Kenyan government (funded by Western countries), one would surely expect

a deep hatred for the political system and the West. This hatred undeniably exists to some extent. It has created a coastal society that feels as if it is “second class” to Bantu Africans (Kresse, 2009). As mentioned earlier, the IPK had been extremely active during the Daniel Arap Moi presidency but after realizing the limitations of violent extremism in the national political scene, support for the movement dwindled and is currently almost non-existent. The Muslim community instead took issue with the radicalized element on the coast, consisting mainly of foreign-born or foreign-educated Muslims. While it may be common to consider coastal Muslims a homogeneous group, the fact remains that there is a rift within the religion equal to or greater than the tribalism that exists throughout the rest of East Africa. Swahili Muslims have a poor reputation throughout the Middle East and are considered second class to the Islamic world, given their limited ability to use Arabic and overwhelming poverty (Kresse, 2009). This *us versus them* mentality creates hostility towards many of the foreign Muslim elements that enter coastal Kenya for purposes of spreading new forms of radicalized beliefs. The predominantly Sunni coastal population takes issues with Sh’ia and Wahhabi foreigners who, according to many on the coast, lure the “lesser educated and financial needy Africans away from the true faith” (Kresse, 2009, p. 85). Notable to this argument is the evidence that these internal rifts with radicalized sects of Islam (Wahhabiism) actually portray the opposite of what many actors in Kenya’s counterterrorism policy circles claim. It is an overwhelming belief amongst politicians and Western officials that the coastal population is mainly terrorists. Scholars and experts dispute this and point to evidence that Wahhabiism is being rejected by most Kenyan Muslims and that of the roughly 200 mosques in Mombasa, “maybe five [can] be considered extremist” (Rosenau, 2005, p. 5). Furthermore, it is widely stated that all of the radical Muslims are known throughout the coast by name (Rosenau, 2005; Kresse, 2009).

Insufficient Law Enforcement and Counterterrorism Policies

The role of counterterrorism increased significantly in Kenya since 9/11. The mission of fighting terrorists was not a new concept. To be sure, prior to September 11, 2001, there were certainly counterterrorism units that existed in both the law enforcement and intelligence arenas. The main problems, however, were based on lack of funding and support from more experienced Western counterparts. The National Security Intelligence Service was established following the embassy bombings and Kenya was added to the U.S. Anti-Terrorism Assistance Program (Mogire & Agade, 2011). The addition to ATA was largely a formality and no significant funding was dispersed until several years later (Aronson, 2012). This was, nevertheless, a statement made by both America and Kenya to reiterate their joint fight against terrorism. Since 2002, The ATA Program has “trained more than five hundred Kenyan Security officials in the United States” and many more in U.S. designated training facilities throughout East Africa (Ploch, 2010). The Kenyan Government has also created an Anti-Terror Police Unit (ATPU), a Joint Terrorism Task Force [that has since been

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disbanded] (Aronson, 2012), a National Counter-Terrorism Centre, and a National Security Advisory Committee.

The addition of these entities has required substantial funding from the United States. The direct funding for counterterrorism, which nominally existed prior to 9/11, increased roughly 15 times its previous value in the immediate year following the attack (Aronson, 2012). Additionally, President Bush – in 2003 – authorized a \$100 million aid package titled the East African Counterterrorism Initiative. Of this funding that was directed towards the entire region, \$88 million went directly to Kenya. Further, an additional \$122 million was requested for the next fiscal year. After all of this money is dispersed through the various government entities, the problem still remains that the “infrastructure has yet been seen to affect authorities’ ability to identify terrorists, foil terrorist plots, and bring criminals to justice” (Prestholt, 2011).

The flawed terrorism laws in Kenya have caused grave problems and even with improved legislation over the last few years, success has been minimal. For one, the definition of *terrorism* is vague and thus, able to be contested by many opponents. The Kenyan government defines *terrorism* as “anti-state violent activities undertaken by non-state entities which are motivated by religious goals” (Mogire & Agade, 2011). This definition neglects terrorism based on political, ideological, and criminal rationales and thus, places an unfair target on the minority religion in Kenya [Islam]. Second, actual legislation has been very difficult to pass and put into practice, therefore the government has been operating without official and encompassing anti-terrorism laws and standards. The 2003 Suppression of Terrorism Bill did not make it into law after a public outcry over unconstitutionality, international human rights violations, and overt discrimination against Muslims. Two years later, the Anti-Terrorism Bill of 2006 was again brought before Parliament. This bill contained many of the same issues as its predecessor and was, therefore, not passed into law. Certain crimes committed by terrorists (such as murder) can be prosecuted in Kenyan courts; however, there has yet to exist a comprehensive anti-terrorism law insofar as one exists in other Western democracies.

The lack of this comprehensive legislation puts Kenyan law enforcement officials in positions where they perform questionable means and violate the human rights of many in the Muslim community. Intelligence officials have been accused numerous times of unlawfully detaining suspected terrorists for lengthy periods of time and torturing suspects in attempts to gain confessions and further intelligence (Prestholt, 2011). As the proper prosecutorial infrastructure is hardly in place, Kenyan authorities frequently hand-off terrorism suspects to neighboring countries or the United States. In one instance – after the 2010 bombing in Kampala, Uganda – the Government of Kenya transferred 13 Kenyan citizens suspected of taking part in the attacks to Uganda. The Minister of Justice declared that the rendition was illegal (Mogire & Agade, 2011), although there was no possibility of reversing the action that had already occurred. There are also several Kenyan nationals currently detained at Camp Delta, Guantanamo

Bay. One such subject, Mohamed Abdulmalik, was informally suspected of participating in the 2002 Mombasa attacks. He was never charged with a crime and no evidence was ever recovered after extensive interrogations and searches. Nevertheless, he was handed over to the American government because Kenya did not have the means to further investigate or prosecute the case. This is not to say that Mohamed Abdulmalik is innocent. Rather, the untrained law enforcement personnel and lack of proper legislation in Kenya make the amount of counterterrorism aid flowing into the country largely irrelevant.

In the aftermath of the Westgate attack in Nairobi, it is clear to academics and policy experts that Kenya is still heavily reliant on Western security resources. This is not surprising for a developing democracy still dealing with critical levels of poverty and corruption. Still, the counterterrorism units that were expanded and funded for the sole purpose of responding to acts of terrorism were quickly overwhelmed by an inability to work together. Kenyan President Uhuru Kenyatta activated the military – in direct contradiction to its usual role – essentially creating more confusion than would have occurred otherwise. This led to allegations that the success of the militants was a direct result of ineffective law enforcement and counterterrorism strategies, ultimately calling into question the extensive training and funding of recent years. After neutralizing the alleged hostage situation, stories began circulating that the Westgate mall was looted by KDF forces, using an opportunity of chaos to profit financially. Additionally, Kenya detained and later released numerous Kenyan Muslims who were held under the country's existing anti-terrorism legislation and were subsequently released due to lack of evidence (Al-Jazeera, 2013). To the extent that post-9/11 counterterrorism laws around the world allow for varying degrees of detention with little oversight, one can all but expect Kenyan authorities to use its power indiscriminately, albeit *legally*, to search for perpetrators, often at the expense of innocent civilians.

Conclusion

William Rosenau (2005) argues that terrorist recruitment requires at least three elements: “[First] a lack of state capacity, particularly in the areas of police, intelligence, and law enforcement; [second] a ‘mobilizing belief,’ such as Salafist/jihadist extremism; and [third] ‘appropriate agitators’ who can propagate these ideas and create an effective terrorist force” (p. 5). This paper has illustrated the first and third points but there is little evidence to show that a mobilizing belief for violent jihad exists within Kenya. Instead, all of the major terrorist incidents in the country have been perpetrated by foreign nationals who use Kenya for a number of reasons, including geographic location and a lack of state capacity. The fiscal aid offered by the American government becomes an irrelevant factor when the counterterrorism strategies in Kenya are, in and of themselves, flawed. Therefore, this author recommends several policy changes:

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For one, Kenya must continue to utilize the law enforcement and intelligence entities that are already in place. These specialized units and departments, while not operating to their full potential, are at least partially mitigating terrorist threats. They act as both a deterrent and reactive force to terrorists, deterring the planning of attacks on Kenyan soil and reacting to intelligence gathered in the course of investigations. In addition to the present capacity of these entities, there must be systematic improvements made at the individual and departmental levels. With the assistance of U.S. authorities (most likely the ATA Program), there needs to be better training offered to personnel across the entire spectrum of the police force. Equipping and training only a small, specialized unit, such as the ATPU, will not be sufficient in keeping an entire country safe. Instead, following the lead of large Western police departments, this author suggests that all officers obtain basic training in terrorism-related investigations. In agreement, Aden (2005) acknowledges the financial and resource limitations of instituting a large police overhaul but suggests utilizing funds made available through the Global War on Terror.

Second, Kenyan officials need to take a closer look at the actual perpetrators of terrorist acts. While there is an overwhelming belief on both a governmental and societal level that Kenyan Muslims are mobilizing attacks in large numbers against their own country, history simply does not support the assertion. Instead, there is a very simplistic approach to mitigating the alienation felt by many in the Muslim community: Make it a priority to include Muslims in politics, the economy, and everyday life. This includes, as has been an important strategy of the Global War on Terror, “winning the hearts and minds of target populations,” (Prestholdt, 2011). In this case, the target population is coastal Swahili Muslims. The GOK needs to include Islam in its political, social, and economic agendas. Islamic scholars and organizations should play a part in community life instead of being targeted as sponsors of terrorism. If this strategy is successful, Kenya can operate as a more secular and open-minded country where religion is not the overwhelming root of anger and disagreements.

The third and final recommendation is to secure the border. Kenya began *Operation Linda Nchi* (its first-ever regional military mission) with the goal of securing its northern border with Somalia. Kenya has known for quite some time that many of its problems of insecurity are related to the porous border with Somalia. If this mission is successful, the government will be able to deploy immigration resources to the border and significantly reduce the number of people transiting unnoticed between Kenya and Somalia (International Crisis Group, 2012). This reduction will create not only actual internal security but also an image of Kenya as a politically stable country with strong state capacity. These recommendations have the capacity to greatly lower the risk of future acts of terrorism in Kenya and put the country on a path toward political stability and economic prosperity, much desired by the people of Kenya and the whole of the international community.

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