Multi Agency Response to International Terrorism in Kenya: A Comparison of Dusit D2 and Westgate Terror Attacks

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ABSTRACT

This study sets out to assess responses to international terrorism in Kenya. This stems out of the fact that the terrorism menace has had been a major security challenge facing the country. The study draws a comparison of the Dusit D2 and Westgate terror attacks. Data was collected from a purposive sample of academics as well as serving and retired diplomats, senior police officers and military personnel. Primary data was collected from the respondents using interviews. The findings show that the West gate shopping mall in 2013 and the DusitD2 Hotel attack in January 2019 are replete with major differences. A critical comparison between both attacks shows an immense difference in the response to the terrorist attacks in Westgate Mall and Dust D2. In both cases, there was prior intelligence of the looming attack. However, there was no clear policy framework on intelligence sharing between the various security agencies in Westgate. Additionally, policies on timely multiagency deployment were disjointed in Westgate but improved in Dusit D2. Although the friendly fire was recorded in Westgate, this was not the case in Westgate. There was also a lack of clear policies on hierarchical coordination between different security agencies in Westgate Mall as opposed to Dusit D2. The law had also been more enhanced with the domestication of the 2012 Prevention of Terrorism Act and the creation of the institutions enshrined therein during the Dusit D2 attack. Accountability mechanisms for security agencies had also been improved during the Dusit D2 attack as opposed to Westgate Mall attack where there were cases of indiscipline and looting by state security personnel. Coordination between government officials and security agencies was also smoother in the Dusit D2 attack. Although the terrorists could communicate for some time between themselves and their command center and share publicity information, this was not the case with Dusit D2 where such communication was curtailed immediately. In both attacks though, communication between victims and outside help was poor and unreliable, and false information was passed. This was more prone and documented in the Dusit D2 attack. It is recommended that multiagency response teams should constantly review their operation guidelines and standard operating procedures so as to deal with the ever-changing sophistication in terrorist attacks. The government should put in place ways aimed at checking disparities in capabilities and equipment among various tactical and intelligence teams in Kenya for a uniform response to terrorism. There is a need for multinational frameworks for undertaking financing and creation of joint information infrastructure for security agencies so as to reign in on international terrorism in the East African Region. Training should also be synchronized across security agencies.

Key Words: Dusit D2 Attack, Westgate Mall Attack, Terror Response Coordination, International Terrorism

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LIST OF ABBREVIATIONS

9/11:   September 11, 2003 Terror Attack on the USA
AFRICOM: US Africa Command
AMISOM: African Union Mission in Somalia
ATA: Anti-Terrorism Assistance Program
ATPU: Anti-Terrorism Police Unit (Kenya)
AU: African Mission
CBRN: Chemical Biological, Radiological and Nuclear
CIMIC: Civil-Military Co-operation
CJTF- HoA: Combined Joint Task Force - Horn of Africa
CMAA: Customs Mutual Assistance Agreement
CTC: Counter-Terrorism Committee
CTED: Counter-Terrorism Committee Executive Directorate
CTF: Counter-Terror Financing
CTITF: Counter-Terrorism Implementation Task Force
EU: European Union
EUR: Euro
IAEA: International Atomic Energy Agency
INTERPOL: International Criminal Police Organization
KDF: Kenya Defence Forces
LRA: Lord's Resistance Army
NCTC: National Counter Terrorism Centre
NGO: Non-Governmental Organization
NIS: National Intelligence Service
NPS: National Police Service
OAU: Organization for African Union
POCA: Prevention of Organized Crime Act, 2010
POCAMLA: Proceeds of Crime and Anti-Money Laundering Act
POTA: Prevention of Terrorism Act, 2012
Recce: Reconnaissance Platoon of the GSU
SAARC: South Asian Association for Cooperation
SLAA: Security Laws (Amendment) Act, 2014
SoF: Special Operations Forces of the KDF
SOPs: Standard Operating Procedures
TIP: Terrorist Interdiction Program
TMT: Terror Management Theory
UK: United Kingdom
UN: United Nations
UNODC: United Nations Office on Drugs and Crime
US/USA: United States of America

I. INTRODUCTION

Kenya has an elaborate counterterrorism framework. One of the measures undertaken by the country to deal with the threat of terrorism is international cooperation. The country has close, though complicated relations with the US in its 'War on Terror.' Within the security sector (military, intelligence, police), cooperation has been quite high. In this regard, with US training and assistance, "the government established an Anti- Terrorism Police Unit, the Joint Terrorism Task Force (later disbanded), a National Counter-Terrorism Center, and a National Security Advisory Committee." In addition, Kenya has taken part, actively, in the Anti-Terrorism Assistance Program (ATA) and Terrorist Interdiction Program (TIP) programs. Cooperation with the US has led to harmonization of the regional aviation. For many years, the US and Kenyan militaries has trained together time and again. They have also support US military

action in the country. Cooperation with the US has led to the capture of terrorist suspects fleeing violence in Somalia (due in part to its own security concerns).[1] This has greatly limited terrorism activity in the country.

Kenya also enjoys support from the United Kingdom (UK) and Denmark. Despite the fact that the motivation and practice of the US, the UK, and Denmark projects differ greatly, they are all founded on the importance of a broader 'peace and security' agenda.[2] Kenya enjoys both soft and hard assistance. Regarding hard assistance, Kenya has been able to expand its counterterrorism infrastructure. With technical support, the country has been able to strengthen its soft security (legal and technical) capacities.[3] Whereas the US focuses on hard strategies, Denmark has more emphasis on soft interventions.[4] These divergent approaches have however led to complimentary capacities to deal with terror threats in the country. Including support from the UK, Denmark and the US are involved in "(1) granting hard security assistance to state security forces; (2) providing leal advice on anti-terrorism legislation and; (3) Engaging with crucial parts of the population on soft security issues."

As already stipulated, the combined effect of soft and hard assistance, though challenging, can yield positive results. To begin with the hard security assistance, the Kenya Defence Forces, National Police Service, Border Control Units (Immigration Departments, Ports and Coast Guards) and the National Intelligence Service have received considerable assistance from the US in form of training, weapons, logistics and intelligence supports. This does a lot in enabling the key teeth agencies meet their constitutional obligations when responding to terror activities.[5] The USA for instance has various Bases in Kenya where they launch direct operational assistance to Kenya Defence Forces (KDF) in Somalia and other border areas.

The US foreign policy towards 'anchor states' such as Kenya has focused, primarily, on transforming national security agencies into more robust units. UK assistance has enhanced the capacity of Kenya to monitor its long border with Somalia. This is a form of hard assistance. Also, the British military has taken part in training special counterterrorism forces in Kenya.[6] The Danish Government has played more robust roles in providing legal advice and training in issues to terrorism. This has targeted the Judiciary, Law Enforcement Agencies, and Intelligence Services. This support has also entailed workshops on disaster prevention and awareness creation on terrorism. The United Nations also provides funding and expertise to Kenya as well as other countries regarding counterterrorism.[7] This is exampled by the joint United Nations Office on Drugs and Crime (UNODC)-facilitated project 'Strengthening Counter-Terrorism Capacity for a Safer Kenya' and is funded by the Danish government.[35] The main purposes are enhancing the enactment of "an anti-terrorism bill and security laws acts." Donors have also played key roles in poverty reduction which has been proven to have direct links with terrorism. The Danish foreign ministry has thus been undertaking interventions to this end.[8]

In the same accord, the US complements its hard security assistance through Civil-Military Co-operation (CIMIC) activities by its military which entails building infrastructure projects along the Somali-Kenyan border region to improve the livelihood of the local community-mainly Muslims. The Kenya Defence Forces has also made various medical camps to offer free medical services for the same.[9] This shows that Kenya has put in place elaborate measures aimed at dealing with the challenge of international terrorism. However, this has not prevented the occurrence of intermittent terror attacks in the country.

[1] Eric Rosand, 'Security Council Resolution 1373, the Counter-Terrorism Committee, and the fight against terror', American Journal of International Law, volume 97, Issue 2 (2003).

[2] Raymond Muhula, 'Kenya and the global war on terrorism' in John Davis (ed.), Africa and the War on Terrorism (Ashgate, Aldershot, 2007), pp. 43- 60.

[3] Donald Rothchild and Edmond J. Keller, Africa-US Relations: Strategic encounters (Lynne Rienner Publishers, Boulder, CO, 2006.

[4] Macharía Munene, 'Human rights and democracy in contemporary global security pro- motion as a goal of US foreign policy: African responses' in Makumi Mwagiru and Okello Oculli Rethinking Global Security: An African perspective (Heinrich Boll Foundation, Nair obi, 2006) pp. 40-60.

[5] Daniel Volman, 'US military activities in Kenya' (Association of Concerned Africa Scholars, Washington,) US Department of State, 'Kenya: security assistance' (US Department of State, Washington, DC, 2007).

[6] Foreign and Commonwealth Office, 'Global Opportunities Fund: Annual Report 20 2007' (FCO, London, 2008), p. 26.

[7] Background statement of the UN Counter-Terrorism Committee, <http://www.un.org/ sc/ctc/> (2 January 2009.

[8] Jan Bachmann and Jana Hönke. 'Peace and Security' as Counterterrorism? The Political Effects of Liberal Interventions in Kenya. African Affairs, Vol. 109, No. 434 (Jan., 2010), pp. 97-114. Oxford University Press.

[9] Sarah Iischer, 'Winning hearts and minds in the heart of Africa', Harvard International Review (March 2007), <http://www.harvardir.org/articles/1481/> (31 December 2008).

The 2013 West gate shopping mall attack and the DusitD2 Hotel attack in January 2019 are the two major attacks where Kenya was a primary target with western interests being peripheral.[10] In other cases, terrorists have been known to haul bombs into hotels and other crowded business areas so as to harm as many people as possible. Regrettably, no documented study has attempted to take stock of some of the measures put in place to respond to these attacks. This study carries out a detailed comparison of the two attacks.

1.1 Statement of the Research Problem

Despite the fact that Kenya has elaborate national legal responses for coordination in response to terrorism, terrorism has remained a major challenge facing the country. Some of the major legislations in Kenya are "the Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAMLA); the Prevention of Organized Crime Act, 2010 (POCA); the Prevention of Terrorism Act, 2012 (POTA), and Security Laws (Amendment) Act, 2014 (SLAA)."[11] These legal frameworks have led to the creation of the National Counter Terrorism Center, which was created by the SLAA; Anti-Terror Police Unit (ATPU), and the Joint Intelligence Analysis Center among other multi-agency institutions. Although, these institutions have played key roles in synergizing and consolidating the efforts to deal with terrorism in the country, they did not prevent the Dusit D2 terror attack. Although there was much improvement in the tactical response between the KDF special operation forces (SoF) and the recce teams from the NPS since the Westgate Terror Attack in 2013, gaps were still identified in the responses undertaken. However, there is lack of documented studies on detailed comparison of responses in both attack in both attacks. This paper sets out to bridge this existent gap.

1.2 Research Objective

To compare responses to international terrorism in Dusit D2 And Westgate Terror Attacks

1.3 Hypothesis

H_0 There are no differences in response to international terrorism in Dusit D2 And Westgate Terror Attacks

II. LITERATURE REVIEW

In international politics, the fight against the threat of terrorism is a top priority. Since 9/11, most countries have taken clear sands on terrorism. Although China faces its own share of terror attacks, it has been slow in making official its stand on the war on terrorism. Due to this vague approach to counterterrorism, the country has faced demands, both domestically and internationally, to overtly confirm its stand on terrorism.

Based on its understanding of the terrorism threat, China defines terrorism as "any proposition or activity - that, by means of violence, sabotage or threat, generates social panic, undermines public security, infringes on personal and property rights, and menaces government organs and international organizations - with the aim to realize certain political and ideological purposes." Although the country officially condemns all forms of international terrorism, its efforts to counter it have been wanting.

Though the United States has deployed troops overseas to fight terrorist pockets, China has a rather different approach. Its non-interventionist foreign policy means that it does not deploy troops to fight against terrorism overseas. Though it has a robust domestic infrastructure to combat terrorism through the anti-terrorism law,[12] its international approach shows that there is no consensus on the war against terrorism among the two international economic and military powers. Regarding China, this has been blamed on its "double standards" in combating international terror.

China has tried to absolve itself by positing that it focuses on addressing with the "root causes" and the "symptoms" of terrorism. Though not actively involved in the field, China points out that it fights against terrorism through "technological aid and intelligence sharing" in support of the affected countries. As such, it argues that its positions align with "the United Nations Global Counter-terrorism Strategy, under the resolutions and annexed plan of action- A/RES/60/288, A/RES/62/272 and A/RES/64/297."[13]

Counter terrorism strategy focused on military option is proving futile in the long run. The Muslim world has rejected modernization and wants recognition of its way of life and leadership. Western intervention in Middle East is

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[10] Asamba, M. (2019, 7th January). Anger, pain in the aftermath of Dusit attack. Standard Digital. https://www.standardmedia.co.ke/article/2001309766/anger-pain-in-the-aftermath-of-dusit-attack-photos

[11] http://frc.go.ke/downloads.html

[12] China's Response to Counter-Terrorism under the BRICS Framework. BRICS International Forum. 28 January 2016

[13] Ibid.

seen as a legitimate cause for terrorism by militant groups for the support the West renders to dictatorial regimes and failure to uphold human rights and democracy in the region. Indeed, the West post 9/11 experienced the worse form of violent attacks on its people, cities and interests in spite of the global war on terror. The politics of fear has polarized public opinion and societies; creating dangerous levels of hatred and stereotyping gradually turning into dehumanization.[14]

Response to the threat of terrorism has presently entailed use of social media platforms. Twitter for example has often been identified as a crucial facilitator as well as a deterrent to terrorism. It has been used by terrorist organization to advance their nefarious goals of gaining international visibility. Conversely, it has been used to create patterns of terrorist organizations through "intelligent data mining, visualization, and filtering methods." Decision makers have used this data to make pertinent counterterrorism decisions.[15]

Terrorism, both domestic and international, has divergent effects on individuals. Based on the sociopolitical environment at home, attackers are viewed differently by governments and individuals. One consideration is who the groups are affiliated with- allies or enemies of the responders. In this regard, those who respond do so based on their cultural, social, political and individual psychologies. This show that responses to terrorist attacks are based on appropriately layered responses.[16]

In the 70s and 80s for example, the Austrian Government respondent to international terrorism in three different ways. This included: the gradual expansion of security forces, international cooperation in the security arena and foreign policy initiatives for purposes of terrorism prevention in the Middle East.[17]

International Criminal Police Organization (INTERPOL), being a large organization plays an important role in coordination of Chemical, Biological, Radiological and Nuclear (CBRN) counter-measures by providing a well-coordinated system facilitating faster and more effective response to CBRN crimes and terrorism. INTERPOL's response mechanisms are a strong framework for terrorism investigation and deterrence. Despite its real-time contribution to the effective functioning of national law enforcement structures, INTERPOL, as an organization, still has operational gaps which leave some space for vulnerabilities in counter-CBRN measures, prevention, deterrence and response.[18]

When it comes to translational and international terrorism it is very hard to combat it on isolated national level. INTERPOL relies on "its wide international network, over 190 countries, to facilitate detection and response to terror threats, undertake the prosecution of terrorism cases and check trafficking of Chemical Biological, Radiological and Nuclear (CBRN) materials." Intelligence sharing is essential to identify routes, ways and circumstances related to the traffic of dangerous materials and agents. For an effective and timely communication there are so called "best practices" that boost cooperation of the individual member-states on a global level.[19]

Sociologist Frank Furedi reports that those who studied interviews of persons after the terror events found that "injured and disabled persons were not run over by panicking crowds or left behind helpless." On the contrary those who were hurt or disabled had been carefully assisted and taken calmly to emergency service personnel. Likewise, in the first moments of the 9/11 attack the evacuation of the buildings had nothing to do with government intervention or pre-planning but everything to do with the goodwill of persons under common attack.[20]

Terrorism can create both positive and negative outcomes, whereas it fuels suspicion and fear, it also casts light on the heroic activities of the people. The way communication is undertaken has lasting outcomes on the society. In this regard the media can do grave damage or great good. The media as we all know will respond to any mass terror attack within minutes and the "talking heads" will appear almost immediately on television, radio and in print. Recall how the world witnessed real-time coverage of the second twin tower being hit in the 9/11 attacks. The media is nearly simultaneous in its response to terror acts.

[14] Amnah Khalid Rashid, Mohamed Sofwan Ahmed Adhil "A Constructivist Response to Islamophobia and Counter Terrorism." A Journal of multi-disciplinary research, vol1 no 1 (sept 2017). P.1-15. On https://www.academia.edu/37314461/A

[15] Marc Cheong and Vincent C. S. Lee, 'A microblogging-based approach to terrorism informatics: Exploration and chronicling civilian sentiment and response to terrorism events via Twitter'' pringer Science + Business Media, LLC. 13 (29 September 2010). 45–59. 10.1007/s10796-010-9273-x

[16] Francis A. Beer, Alice F. Healy, and Lyle E. Bourne Jr. "After Boston: Terrorism and Response" in e-ir.info. http://www.e-ir.info/2013/05/13/after-boston-terrorism-and-response/

[17] Freischaffender, Historiker, 'An Austrian approach: the response to international terrorism during the 1970s and 1980s,'JIPSS, Vol.6, NR.1 (2012): 139-157.

[18] Angelina, Harutyunyan. "CBRN Terrorism: Response Mechanisms of INTERPOL" Cranfield Defence and Security

[19] Pellerdi, Rezso; Berek, Tamas (2009): Redefining the CBRN Risk Assessment, Security, Vol. 8, No. 1 (Budapest: Miklos Zrinyi National Defence University), 159–172, p. 160.

[20] Frank Furedi, "Heroes of the Hour" New Scientist, 8 May, 2004 pg. 19.

For governments and nongovernmental institutions to make a difference in response to terror citizens need to be as prepared as the media is. Ideally communication after a mass terror attack should be planned ahead of time. This would ward off confusion and present a unified position by the government. Think for instance of the Red Cross. This Non-Governmental Organization (NGO) has built trust over decades and a speaker representing it will likely be given a high level of credibility. It is thus in a position to give out information beforehand - for instance teaching that staying indoors after a radioactive explosion with the windows shut is the best policy; that anthrax can be lethal to those directly exposed but does not spread infectiously; that vaccinating for small pox even after exposure is not worthless and effective in a significant percentage of cases; and so on. Regarding communication after terrorism attacks, good preparation would play pivotal roles in calming the population.[21]

A mixture of court-based responses as well as government initiatives have been practiced in the war against terrorism in the UN since 2001. Though most terrorism suspects are tried in ordinary courts, the government has given itself extra powers to detain a limited number of suspects indefinitely without trial. The government has also undertaken measures aimed at restricting movement through imposition of control orders. Though contested by a portion of the British society, it is evident that the legal response to terrorism in Britain has been shaped and constrained by the norms of security, liberty and proportionality.[22]

In Africa, compliance to the international counterterrorism demands has seen mixed results. A study by Beth Elise Whitaker shows that countries with weaker democratic institutions had higher levels of compliance than those in transitional democracies.[23] This could be explained by popular pressures at home that reduce compliance. In the wake of demand to join the international counterterrorism regimes, countries responded by adopting local legislation, cracking down on terror groups and sharing intelligence.

The bid to join the 'War on Terror' has been for various reasons in the East African region. While Uganda readily joined to gain support for its war with the Lord's Resistance Army (LRA). While there was a lot of effort to domesticate counter-terrorism laws in response to international commitments, Tanzania has done little to implement these laws. In Kenya, various anti-terrorism legislation have been passed. This was particularly so since the country enjoyed support from the US. Despite the presence of elaborate laws and policies to deal with terrorism, Kenya continued to be hit by various terrorist attacks.

The backbone of international response to terrorism is the UN Counter-Terrorism Committee (CTC). The CTC was created in 2001 for purposes of monitoring the implementation of 'Security Council Resolution 1373.'[24] The Resolution calls upon governments to periodically submit reports on their antiterrorism efforts to the CTC. In 2004, "the Counter-Terrorism Committee Executive Directorate (CTED)" was formed. Its aim was to buttress the working of CTC through the provision of expert advice. It was also aimed at facilitating the provision of technical assistance to governments. This would go on to enhance the level to which international agreements were domesticated. This would lead to the establishment of "a global legal infrastructure against terrorism."[25]

Other bodies have been created to strengthen international responses to terrorism. These include "the Counter-Terrorism Implementation Task Force (CTITF)" in 2005. This enjoys membership from 20 organizations such as "the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (INTERPOL), and the World Bank." The Global Counter-Terrorism Strategy, which was adopted by the UN General Assembly in September 2006, was aimed at providing "a wide-ranging plan of action to build states' capacity to prevent terrorism and to address underlying causes." This provided a framework under which multilateral counterterrorism efforts under CTITF could be undertaken. This was later institutionalized with the Department of Political Affairs of the UN in 2009. Another framework is the intergovernmental Financial Action Task Force aimed at trailing money to counter terrorist financing.[26]

There have also been multiple agreements adopted by regional and sub-regional organizations to address the threat of terrorism. These include "the European Convention on Suppression of Terrorism (1977), the South Asian

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[21] Anne Speckhard, "Civil Society's Response to Mass Terrorism: Building Resilience" in Combating Terrorism – Military and Non Military Strategies, Rohan Gunaratna editor, Eastern Universities Press, Singapore, 2005.

[22] Frank, Foley "Constraining Britain's Legal Response to Terrorism: Norm Competition and the Prospects for Liberal Democracy" in European Journal on Criminal Policy and Research. Springer Science+Business Media B.V. (2012). DOI 10.1007/s10610-012-9183-1

[23] Beth Elise Whitaker, 'Compliance among weak states: Africa and the counter-terrorism regime,' Review of international studies, volume 36, issue 1 (2010): 639-662.

[24] Eric Rosand, 'Security Council Resolution 1373, the Counter-Terrorism Committee, and the fight against terror', American Journal of International Law, 97:2 (2003).

[25] Ibid.

[26] Ibid.

Association for Cooperation (SAARC), Regional Convention on Suppression of Terror the Arab Convention for the Suppression of Terrorism (1998), and American Convention Against Terrorism (2002), among others." The Organization for African Union (OAU) ratified "the OAU Convention on the Prevention and Combating of Terrorism" which though adopted in 1999 was taken up by its successor organization the African Union (AU) in 2001. These regional agreements include strong enforcement mechanisms. They show commitment multilayered response to international terrorism.

National policies have also been undertaken the world over to create a platform for counterterrorism since 2001. These legislations have created mechanisms for anti-terrorism and counterterrorism financing (CTF). In addition, the intelligence community, militaries and the police have also adopted strategies aimed at identifying terrorist threats and neutralizing them. They have also created wide mechanisms for enhancing collaboration with their counterparts in other countries in the war against terrorism.

One of the strong mechanisms adopted in the Horn of African Region is The African Union Mission in Somalia (AMISOM) which was created in February 2007 to promote peace and stability in Somalia. African Mission in Somalia (AMISON) is supported by the UN and the UN through different agencies which support its "political, diplomatic, civilian, military, humanitarian, and development dimensions." Since its creation, the EU provided funding of up to EUR 1.6 billion by 2017. In 2017 alone, the EU funded AMISOM with EUR 239.4 million.[27] This has strengthened peace and security as well as counterterrorism efforts in Somalia.

Although many Western militaries started disengaging from Africa after the end of the Cold War, this has been changing. Many western militaries have physical presence in various parts of Africa where they battle terrorist organizations. They have taken part in the provision of hard security assistance as well as training. An example of this is the "Combined Joint Task Force - Horn of Africa (CJTF-HoA)," based in Djibouti. The CJTF has over 2,300 US personnel tasked with fighting against terrorism as well as training African militaries in the HOA. The "US Trans-Sahara Counter-Terrorism Partnership" in the Sahel region and the CJTF has been integrated under the "new US Africa Command (AFRICOM)" which is used by the Pentagon to streamline its military activities on the continent. Kenya, among other governments of strategic importance continue to benefit from these bilateral military programs to enhance their fight against terrorism.[28] This has had immense benefits since as identified by Karthika Sasikumar, "terrorism is a transnational threat and can be tackled only by cooperation among states."[29]

The elaborate frameworks put in place since 9/11 has led to "a 'regime complex' for counter-terrorism as posited by Peter Romaniuk. There has been extensive "duplication of efforts, overlapping mandates and lack of coordination."[30] There is thus the need for the establishment of a single institution, which under today's geopolitical realities may be a tall order.[31]

III. RESEARCH METHODOLOGY

This section presents the methods that were employed by this study to address answer the research question. The study adopted mixed methods and exploratory research designs. Exploratory research designs fit well where there are limited or fewer studies, important for obtaining background information about a given topic and is flexible, able to address a variety of research questions. According to Creswel[32] "mixed-method research employs both qualitative and quantitative research designs to complement each other by overcoming the weaknesses of each other."

Data was collected from a purposive sample of including: a professor of diplomacy from Strathmore University, a professor of security from the University of Nairobi, a doctor of security from Strathmore University, a professor of conflict studies from Kenyatta University, a professor of Security from Buckingham University, a former ambassador of Kenya to Israel, several members of the diplomatic corps, senior retired military general, a retired Colonel who

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[27] https://www.africa-eu-partnership.org/en/projects/african-union-mission-somalia-amisom

[28] Association of Concerned Africa Scholars, 'The politics of Africom' (Washington DC, Association of Concerned África Scholars, Bulletin 78, Washington DC, 2008), <http://con- cernedafricascholars.org/analysis/acas-bulletin-78-africom-special-issue/> (19 Jan)

[29] K Sasikumar State agency in the time of the global war on terror: India and the counter-terrorism regime. Review of International Studies 36 (3), 615-638

[30] Linnéa Gelot, Adam Sandor. (2019) African security and global militarism. *Conflict, Security & Development* 19:6, pages 521-542.

[31] Eric Rosand, The UN-Led Multilateral Institutional Response to Jihadist Terrorism: Is a Global Counterterrorism Body Needed?', Journal of Conflict and Security Law, 1 1 :3 (2007), pp. 39

32 Creswell, John W. (2014). Research design: qualitative, quantitative, and mixed methods approaches (4th ed.). Thousand Oaks: SAGE Publications.

worked in the directorate of military intelligence, an officer in the NCTC, a policy level officer in the NPS headquarters and a retired former deputy director of the NIS. Primary data was collected from the respondents using interviews. On its part, secondary data was obtained from library-based research via books, e-books, journals, government publications, and published thesis, among other reputable academic publications. Data from interviews were analyzed thematically based on the objectives so as to establish the key themes and trends from which findings, conclusions, and recommendations were drawn.

IV. RESULTS AND ANALYSIS

This section presents findings from a set of five-point psychometric scale-based statements on the subject under investigation.

4.1 West Gate Attack

The Westgate attack of September 21, 2013, in Nairobi, did not catch members of the intelligence community by surprise. However, there were gaps in the associated responses. There was a lack of a clear modus operandi on how to make use of the intelligence between the military and the police.[33] This limited the ability to thwart the terror attack before it happened even though it was well-known by the intelligence community that an attack was imminent.

After four days of engagement between armed terrorists and Kenya security agencies in the Westgate Mall, several gaps in the way responses were undertaken were identified. This raises pertinent questions on the state of the Kenyan security forces. One of the main issues raised was the inability of the security agencies to respond within an hour of the attack.[34] This brought attention to the inherent weakness in Kenya's disaster risk management system.

There was also a lack of a clear policy on how to respond to an attack of such nature. For quite some time, the police continued to deal with the attack as if it was an armed robbery. This can be attested by the retired senior military general who said:

"There were serious limitations in the way the police responded to the attack. Lack of clear policy frameworks on how to coordinate responses for attacks of that nature meant that it was not an easy feat to promptly respond. For the first three or so hours, the police dealt with the attack as if it was an ordinary armed robbery."[35]

There was also no clear policy frameworks for information exchange. The security agencies did not have a synchronized information exchange framework between the various intelligence units. As a result, the response was mostly haphazard; with friendly fire being registered. In this regard, one of the respondents, a policy level officer in the NPS headquarters said that:

"There were immense information flow limitations between the various state security agencies. Lack of uniform communication strategies and tools meant that coordinating a smooth response at West Gate was not an easy feat."[36]

These findings show that Kenya had not instituted clear communication policies to coordinate response in the country. The attack also revealed limitations related to poor policies on the timely deployment of security agencies. The fact that it took over one hour to respond to the attack shows these glaring gaps. These findings can be shown by the words of a retired Colonel who had worked in the directorate of military intelligence who said:

"There was an absence of uniform strategies on how to deploy enough personnel in the Westgate in time between the various security agencies. This showed huge gaps in uniform deployment policies between the various security agencies." [37]

The response in Westgate also happened in a context in which security agencies were faced with challenges related to lack the broader oversight and democratization processed need to ensure operational efficiency. During that

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[33] Sirkku Hellsten, Radicalisation and terrorist recruitment among Kenya's youth, Policy Note No 1:2016 Nordic Africa Institute, 2016.

[34] Awino Okech, The Westgate Mall Siege: Reassessing Kenya's Security Architecture. African Studies Association. November 2013: 56th Annual Meeting Special Issue https://africanstudies.org/asa-news/56th-annual-meeting-special-issue/the-westgate-mall-siege-reassessing-kenya-s-security-infrastructure/

[35] Retired Military General, August 21, 2020, Karen, Nairobi.

[36] Policy Level Officer, NPS Headquarters, Nairobi, August 25, 2020.

[37] Retired Colonel, Nairobi Upper Hill, August 28, 2020, Nairobi.

time rank mobility was still marred by challenges related to corruption and political patronage. A few years earlier, for example, the two Armenian nationals popularly known as the "Artur Brothers" were able to obtain senior police level accreditation in Kenya.[38] This showed a culture of lack of transparency in security agencies. No meaningful strategies were put in place to check this anomaly in the years building up to the Westgate Attack. Kenya was also faced with sketchy implementation of policies aimed at controlling unchecked entry into Kenya by foreign nationals. This, among other factors, created a plethora of policy-level challenges that made an effective response to the West-Gate Attack a daunting task. In this regard, a professor of Security from Buckingham University said:

> *"Kenya has had issues related to oversight mechanisms for security agencies. This created a culture of corruption in the security forces. There were also limitations related to porous borders and the inabilities to control movement into the country. Lack of clear policies or inability to implement the existing ones means that Kenya's security forces were largely unable to deal with glaring challenges facing the attack at Westgate."*[39]

The Westgate Mall attack also took place before the domestication of the 2012 Prevention of Terrorism Act. The act was yet to be fully implemented and massive debates still surrounded it; especially issues related to fears of religious and ethnic profiling. The counterterrorism legal environment under which the Westgate Attack took place was thus limiting. This challenged how intelligence was handled before the attack. This is evidence by a member of the diplomatic corps who said:

> *"It was under a complicated legal and policy framework that the Westgate Attack took place. Kenya was still struggling with the adoption of the 2012 Prevention of Terrorism Act which had seen immense debates. Intelligence had to be acted upon carefully to avoid accusations of ethnic and religious profiling."*[40]

The weak legal and policy framework was also indicated by the fact that the Westgate attack took place in the absence of a national security policy. State security agency-citizen cooperation legal frameworks were weak. This challenged security sector reforms and civil-military relations. The Westgate Attack also highlighted major gaps in overall reform for all security sector agencies. Although most reform debates had focused on the police force, little had been done on other security agencies such as the military. This created gaps in accountability in terms of the level of preparedness, operational capabilities, and respect for the rule of law during counterterrorism response.[41] Also, the police lacked the leadership to implement legislated changes.

Coordination between the Interior Cabinet Secretary Officials and the security forces, especially in information exchange also showed limited knowledge of the security sector among the top government officials. This security illiteracy largely limited the coordination between political leadership and the security agencies; leading to immense lapses in response during the Westgate Terror Attack. These findings were supported by a professor of conflict studies from Kenyatta University who said:

> *"The way officials from the interior ministry reported the attack shows high levels of illiteracy of security issues. This meant that security agencies could not enjoy informed support from the political class. Such illiteracy of security issues can also be blamed for some of the failures witnessed in the Westgate Terror Attack."*[42]

Experts on Counter-Terrorism and Intelligence Gathering also highlighted key gaps in response to the Westgate attack. As a result, key recommendations for success in future responses were made.[43] These include strengthening intelligence and data collection; intelligence sharing within and across security agencies; hardening strategic installations such as government laboratories and acquisition of chemicals for making fertilizers that could be used in making explosives; public involvement and support for better policing; strengthening the role of Counter-Terrorism

[38] Standard Media, "Revealed: The Secrets of the Artur Brothers," May 26, 2012, http://www.standardmedia.co.ke/?articleID=2000058816. See also Harun Ndubi, "Kenya: Lessons for Kenya in Chinedu's Deportation" The Star, July 8, 2013, http://allafrica.com/stories/201307090216.html (accessed September 24, 2013).

[39] Professor of Security, from Buckingham University, Phone Interview, August 27, 2020.

[40] Member of the Diplomatic Corps, Lavington, Nairobi, August 12, 2020

[41] Dennis Okari, 'Kenya's Westgate attack: Unanswered questions one year on,' BBC Africa, Nairobi, 22 September 2014. Accessed on August 4, 2020 from https://www.bbc.com/news/world-africa-29282045

[42] Professor of Conflict Studies from Kenyatta University, Nairobi CBD, August 11, 2020.

[43] Kenya National Assembly Eleventh Parliament, First Session – 2013. Report of the joint committee on administration and national security; and Defence and Foreign Relations on the inquiry into the Westgate terrorist attack, and other terror attacks in Mandera in North-Eastern and Kilifi in the Coastal Region, Clerk's Chambers Parliament Buildings, Nairobi. Assessed on August 4, 2020 from https://info.mzalendo.com/media_root/file_archive/REPORT_OF_THE_COMMITTEE_ON_WESTGATE_ATTACK_-_4.pdf

Center; mechanisms for punishing security officers who commit crimes and offenses such as looting during response; promotion of effective oversight; better coordination of security agencies; establishing an interface between the National Intelligence Service and the Military Intelligence and formulation of legislation by the National Assembly to ensure mandatory oversight of security agencies.

4.2 Dusit D2 Attack

The Dusit D2 Attack took place on January 15, 2019. A group of armed terrorists unleashed a deadly attack at Dusit D2 Luxury Hotel in the Westlands neighborhood of Nairobi. The attack left 21 people dead and about 28 injured.[44] The Dusit D2 attack saw a faster and more successful response compared to the Westgate Attack of 2013. Within two days, the attack was over and all the terrorists killed. This was enhanced by a strong policy framework on a coordinated response as pointed out by a professor of diplomacy from Strathmore University who said:

> *"There were strong mechanisms to ensure a coordinated response through clear policies that had been domesticated by all the agencies involved."[45]*

As already pointed out, the response at Dusit D2 was largely successful. Within minutes of the attack, the terrorists were put on defense. The security services had launched a relatively swift, coordinated, and effective response. This shows immense improvements in areas such as thwarting the ability of the terrorists to project terror and communicate with their base in Somalia. There was also quick and effective information management between the relevant government agencies and the media.[46] Unlike the Westgate, it is evident that policies had been put in place and implemented on how to ensure prompt, coordinated, and accurate information exchange. Policies had also been put in place to ensure that specialized security units could work in a coordinated way. As such, the attack was ended within 20 hours, unlike the Westgate attack that lasted four days. These findings are buttressed by a former ambassador of Kenya to Israel who said:

> *Responses at Dusit D2 were well facilitated by coordinated policies. It was possible to effectively coordinate all the different specialized security units in the context of clear facilitative policies on coordination and communication."[47]*

Dusit D2 attack had many positive response outcomes. The fast response shows that the country had put in place-responsive counterterrorism strategies.[48] Policies for proper inter-agency cooperation had also been well implemented. This can be attested by a professor of diplomacy from Strathmore University who said:

> *Dusit D2 took place under the better policy and strategic response frameworks. There were better and standardized operation guidelines. This led to faster responses due to clear communication and coordination strategies."[49]*

Based on the successes of the response to the Dusit D2 Attack, the following recommendations were made: It is important to ensure that policies on Swift and Prompt Response in the event of an attack are meticulously honored. Ways of enhancing structured response should always be explored; loopholes should be sealed to stop the smuggling of terrorists and weapons into the country; social media and communication management should be guided to ensure efficient information exchange since, in the Dusit D2 Attack, some people reached for help through WhatsApp and Twitter and received fake and incorrect information. There should also be well-publicized numbers that survivors can use to communicate with security agencies. This is affirmed by a professor of conflict studies from Kenyatta University who said:

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[44] Aljazeera, 'Gunmen storm Nairobi hotel complex. Al-Shabaab claims coordinated assault on upscale hotel complex in Kenyan capital, with reports of at least 15 killed,' 16 Jan 2019. Accessed on https://www.aljazeera.com/news/2019/01/explosions-gunfire-heard-kenyan-capital-nairobi-190115130845511.html

[45] Professor of Diplomacy from Strathmore University, Nairobi, August 7, 2020.

[46] Horn Policy Brief, No. 16, Securing The Nation: Responding to the Changing Terror: Tactics after Dusit D2 Attack, January 24, 2019. Accessed on August 4, 2020 from https://horninstitute.org/wp-content/uploads/2019/02/16-SECURING-THE-NATION-Responding-to-the-Changing-Terror-Tactics-after-DusitD2-Attack.pdf

[47] Former Ambassador of Kenya to Israel, Kitisuru, Nairobi, August 7, 2020.

[48] Maluki, P.M. (2019, January 21). How Kenya's security forces made sure they responded better this time. African Arguments. https://africanarguments.org/2019/01/21/how-kenya-security-forces-responded-nairobi-attack/

[49] Professor of Diplomacy from Strathmore University, Nairobi, August 7, 2020.

"Communication policies did not overtly deal with the issue of misuse of social media such as WhatsApp and Twitter when communicating with victims caught up in the attack. This affected some of the victims who received fake and incorrect information when they tried to seek outside help."

Responses to the Dusit D2 attack also had strategies for digital disruption countermeasures to thwart communication processes between terrorists. The ability to thwart communication between terrorists and their command position in Somalia played a pivotal role in squashing the Dusit D2 Terror Attack. The Dusit D2 Attack also showed the gains made by community policing efforts such as the *Nyumba Kumi Initiative*. It is thus important to strengthen community policing strategy. This trust made it possible for the community to provide useful information during the Dusit D2 Attack.

4.3 Critical Analysis for both Dusit and Westgate

This section presents draws a comparison of responses to the Westgate Shopping Mall and Dusit D2 Hotel attacks of 2013 and 2019 respectively.

4.3.1 The Westgate Shopping Mall and Dusit D2 Hotel Attacks

The West gate shopping mall in 2013[50] and the DusitD2 Hotel attack in January 2019[51] shows some glaring differences. In both attacks, heavily terrorists pulled out well-planned attacks with aims of inflicting as much harm on people as possible. The responses however differed greatly. While responses to the Dusit D2 attack are lauded as having been largely successful, those at the Westgate attack are seen as being disjointed and largely ineffective.

Both West Gate shopping and Dusit D2 Hotel attacks in January 2019 left many dead. The fact that the two attacks did take place puts to question the capacity of intelligence teams and operation units to detect terror threats effectively. The intelligence that security agents had was not effective enough to stop the attacks before they occurred. Although warnings about imminent attacks had been issued by international intelligence teams, there were gaps about the specifics of the planned attack. Although responses to the Dusit D2 attack showed immense comparative improvements,[52] it is evident that there were intelligence gaps since the attack did occur.

There were real differences in the assailants who took part in the two attacks. While the Westgate Attack was pulled by a mixture of local and international terrorists, the Dusit D2 attacks were undertaken largely by non-Somali native Kenyans. Matt Bryden and Premdeep Bahra carried out a study on "East Africa's Terrorist Triple Helix: The Dusit Hotel Attack and the Historical Evolution of the Jihadi Threat." The study points out that, unlike past attacks by Al-Shabaab where ethnic Somalis were informed in attacks, the Dusit D2 attack was carried out by non-Somali Kenyan nationals.[53] This shows that the AL-Shabaab was bracing itself to picture itself as a regional organization; transcending its Somali origins. The fact that there are better responses to the attacks despite these dynamics show that Kenya had registered advancements in counterterrorism drives.

A study by Patrick Maluki on "Kenya security forces performed better but still, there are gaps," focused on the gains made in the Dusit D2 Hotel attack. The study shows that although the hotel complex is home to many hotel complexes, quick response by security agencies checked what could have been one of the worst attacks in contemporary African history. The speed with which security agents responded means that Kenya had strengthened her counterterrorism strategies. As such, the country had constituted an anti-terrorism police unit tasked with "detection and neutralization of terror threats."[54] There had also been increases in civilian knowledge on how to respond during attacks which made it possible for the rescue operation to save more civilians. Swift and precise response coupled with proper inter-agency cooperation also contributed to the success of the operation. However, the fact that there were casualties shows that gaps still existed.

The responses to the Westgate attack were marred by several challenges. To begin with, there was a lack of institutional integrity which weakened the capacity of government agencies to effectively deal with terrorism threats. Poor funding in the wake of other competing national priorities meant that security agencies were not well prepared to handle the terror threat. Poor interagency security forces cooperation hindered affected intelligence gathering and

[50] BBC. (2018). *Kenya profile-Timeline*. Retrieved from https://www.bbc.com/news/world-africa-13682176
[51] M. Asamba, *Anger, pain in the aftermath of Dusit attack*, Standard Digital (2019, 7th January). https://www.standardmedia.co.ke/article/2001309766/anger-pain-in-the-aftermath-of-dusit-attack-photos
[52] Patrick Maluki, 'Kenya security forces performed better but still there are gaps,' Research gate (2019): 1-3
[53] Matt Bryden and Premdeep Bahra, 'East Africa's Terrorist Triple Helix: The Dusit Hotel Attack and the Historical Evolution of the Jihadi Threat,' *combatting terrorism center*, Vol 2 Issue 6 (2019): 1-712.
[54]Patrick Maluki, 'Kenya security forces performed better but still there are gaps,' *Research gate* (2019): 1-3.

analysis. It also affected the intelligence sharing processes.[55] The issue of institutional cooperation also led to immense security lapse implications. It was in this context the attack took place; leading to high levels of casualties.

Multiagency responses in Westgate did not bear the fruits intended. Whereas the Ministry of Interior (IM) tried to keep non-security agency stakeholders informed through Twitter, the information passed was riddled with inaccuracies and inconsistencies. This compromised the reputation of the government.[56] Besides, multiagency security responses were faced with chaos due to poor coordination. As a result, cases of friendly fire and other security risks prevailed. Government credibility was also largely affected due to inaccuracies in reporting the attacks. The disjointed response also challenged confidence among citizens on the ability of the government to deal with terror attacks.

The low capacity of security organizations to deal with security risks has been cited as one of the reasons for failures in response to terrorist attacks. Although responsive capacities could be enhanced through coordination with private security agencies, this has not always been the case. During the Westgate and Dusit D2 attacks, there was no clear framework for involving private security personnel in response to the attack. In addition, failure to arm local security agencies means that terrorists could easily breach locally mounted security barriers, which happened in both Westgate and Dusit D2 attacks.[57] As postulated by the human needs theory, people employ private security personnel to protect themselves, however, they have been unable to offer the first line of defense during terrorist attacks. It is thus evident that the inability to strengthen government-private security partnerships has limited the efficacy of responses to international terrorism in Kenya.

Another main reason for response failures in the Westgate gate attack, as already stipulated, was poor information exchange.[58] At the outset of the attack, most of the business premises in the area did not have effective frameworks for terror management.[59] However, the improved manner in which Kenya responded to the Dusit D2 attack shows that the government had put in place mechanisms to enhance citizens' preparedness regarding terrorist attacks.[60] This makes it clear that enhancing the preparedness of citizens plays key roles in response to international terrorism.

Preparedness among citizens can strengthen individual responses to terrorism at postulated by the Terror Management Theory (TMT) as proposed by Greenberg, Pyszczynski, and Solomon.[61] Existential consideration could drive people to protect them from an early death from activities such as terrorism.[62] Indeed people adopt various measures to prepare themselves against terror attacks that could result in death. Security agencies can thus exploit this desire for self-preservation among individuals to strengthen relationships with citizens, hence averting the gravity of terror attacks in case they take place as was the case with Dusit D2 Hotel.

Security vulnerabilities in both attacks were also challenged by poor abilities to roll out some of the most effective security strategies employed in Kenya such as the *Nyumba Kumi Initiative* (Ten Houses Initiative). The initiative, which is "a community policing initiative aimed at engaging the community in the prevention of crime and terrorism,"[63] is hard to implement in bustling urban areas such as Nairobi were the Westgate and the Dusit D2 attacks happened. The ability of intelligence agencies to gather information from the local community [businesses in the case of this study] before both attacks were thus challenged.

In the years following the Westgate Attack, Kenya put in place strategies aimed at enhancing international cooperation in information exchange in the fight against terrorism. For example, the ratification of the Customs Mutual Assistance Agreement (CMAA) with the USA government created a legal framework to facilitate the exchange of

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[55]Vincent K. Ngeno, '*The Influence of Counter Terrorism Measures in Kenya*,' Master's Thesis, University of Nairobi (2019).

[56] Stephen Gichuhi Kimotho and Carolyne Nyaboe Nyarang'o, 'Role of Social Media in Terrorism Crisis Communication: A Case of Westgate Mall Terror Attack in Nairobi,' *International Journal of Information Systems for Crisis Response and Management (IJISCRAM), Volume* 11, Issue 1 (2019): 18.

[57] Dan Riunga, '*Armed private security firms and Counter Terrorism in Kenya*,' Master's Thesis, University of Nairobi (2019).

[58] Gunaratna, R. (2017, February). Fighting Terrorism with Smart Power: The Role of Community Engagement and Terrorist Rehabilitation. In *Talking to the Enemy* (67-90). Nomos Verlagsgesellschaftmb H & Co. KG.

[59] Chiharu, M. A. (2015). *Effects of Terrorism on International Tourists: A Case of Kenya*. Doctoral dissertation. United States International University-Africa.

[60] Caponecchia, C. (2012). Relative risk perception for terrorism: implications for preparedness and risk communication. *Risk analysis*, 32(9), 1524-1534.

[61] J. Greenberg, T. Pyszczynski, and S. Solomon, 'the causes and consequences of a need for self-esteem: A terror management theory.' In R.F. Baumeister (ed.), *Public Self and Private Self*, New York: Springer-Verlag (1986).

[62] R. Prinz, 'Terror Management Theory: What role do Cultural World Views play in the cause and prevention of terrorism?' München: GRIN Verlag GmbH. (2011).

[63] Leting, M. and J. Chepchirchir (2017). Nyumba Kumi Strategy of Community Policing and Its Impact on Curbing Crime; Empirical Assessment from Kenya. IOSR Journal of Humanities and Social Science, Volume 22, Issue 1, Ver. 4 (January 2017). pp 32-36.

information and evidence on terrorism. This enhanced cooperation in "the prevention, detection, and investigation of terror-related customs offenses between the two countries."[64] Extra funding was also available under these frameworks.[65] It was under this context that Dusit D2 took place; finding Kenya better prepared to respond to terror attacks in the country.

Responses to terrorism threats in both attacks were challenged by the inabilities to deal with huge volumes of information. All was not well in the days preceding the Dusit D2 attack. Although there was intelligence from multiple sources that an attack was imminent, security agencies were not able to effectively analyze this information and ascertain where the attack would take place. Although the Kenyan intelligence was blamed for not taking measures to try and prevent the attack even though there was information about the imminent attack,[66] inabilities to sieve through all the information received should be blamed on the lack of enough and qualified personnel. It is thus recommended for Kenya to put in place strategies aimed at hiring enough qualified personnel to deal with these challenges.

The key informants were asked to compare the responses to the terrorist attacks in Westgate and Dusit D2. The findings show that at tactical level, both were undertaken in a single building and by the same terrorist group. The actors (responders) were also the same. Evidently, Dusit was much better done after learning from failures of Westgate.

4.3.2 Failures at strategic level

At Westgate, intelligence was gotten at strategic levels in time but was never shared clearly to tactical levels. There was also lack of coordination at various levels of intelligence. The terrorists were able to do surveillance and planned well. It was thus a perfect target[67]. Competition of security and intelligence teams was also prevalent.[68] This also applies to the 9/11 Attack in the US in which political, institutional and individual competition were prevalent. This could be addressed by the NSA being put into context. There was also lack of a national security plans for protection of national strategic assets. There was also a problem defining the various installations as strategic. There should thus be data collection and analysis platforms over time to help gauge an asset as national. This is evidence in the USA where the Trump Tower has become a vital installation because of data.[69]

4.3.3 Failure at Operational Level

At operational levels, there was lack of joint Standard Operating Procedures (SOPs) and contingency plans of high value installations. As a result, multiagency operations should be done by a committee not by the actual operating teams.[70]

4.3.4 Critical Analysis on a 12-Point-Criteria

As shown in Table 5.1, there were immense differences in response to the terrorist attacks in Westgate and Dust D2. In both cases, there was prior intelligence of looming attacks. However, there was no clear policy framework on intelligence sharing between the various agencies in Westgate. Additionally, policies on timely multiagency deployment were disjointed in Westgate but improved in Dusit D2. Although the friendly fire was recorded in Westgate, this was not the case in Westgate.

There was also a lack of clear policies on hierarchical coordination between different security agencies in Westgate as opposed to Dusit D2. The law had also been more enhanced with the domestication of the 2012 Prevention of Terrorism Act and the creation of the institutions enshrined therein. Accountability mechanisms for security agencies had also been improved during the Dusit D2 attack as opposed to Westgate where there were cases of indiscipline and looting. Coordination between government officials and security agencies was also smoother in the Dusit D2 attack.

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[64] McKenzie, B. (2014 August 8). U.S. and Kenya Sign Customs Mutual Assistance Agreement. International Trade Compliance Blog. Accessed August 29, 2019 from: https://www.internationaltradecomplianceupdate.com/2014/08/08/u-s-and-kenya-sign-customs-mutual-assistance-agreement/

[65] Ibid.

[66] Asamba, M. (2019, 7th January). *Anger, pain in the aftermath of Dusit attack*. Standard Digital. https://www.standardmedia.co.ke/article/2001309766/anger-pain-in-the-aftermath-of-dusit-attack-photos

[67] https://www.aljazeera.com/indepth/features/2013/09/kenyan-officials-warned-westgate-attack-2013929122737128930.html

[68] https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol-63-no-1/pdfs/Kenya-intel-since-colonial-era.pdf

[69] Prof. Makumi Mwagiru, Professor of Diplomacy and School of Security Studies, August 15, 2020, Nairobi interview in karen

[70] Schroeder, Ashley; Pennington-Gray, Lori; and Bricker, Kelly (2014) "Lessons Learnt from the Westgate Shopping Mall Terrorist Attack in Nairobi, Kenya: Involving the Meetings, Incentives, Conferences and Exhibitions Sector in Crisis Communications," International Journal of Religious Tourism and Pilgrimage: Vol. 2: Iss. 1, Article 6. doi:https://doi.org/10.21427/D7872V

Although the terrorists could communicate for some time between themselves and their command center and share publicity information during the Westgate attack, this was not the case with Dusit D2 where such communication was curtailed immediately. In both attacks though, communication between victims and outside help was poor and unreliable, and false information was passed. This was more prone and documented in the Dusit D2.

Table 1 Critical Analysis on a 12 Point Criteria

Activity	Westgate Attack	Dusit D2 Attack
1. Prior intelligence about the imminent attack	There was intelligence of the looming attack before it took place	There was intelligence of the looming attack before it took place
2. Clear policy framework on intelligence sharing between various security agencies	Lack of a clear policy framework. Intelligence overlooked	Presence of a clear policy framework. Intelligence acted upon
3. Policies on timely multiagency deployment	Lack of clear policies [haphazard response]	Clear policies in place
4. Friendly fire	Incidence of friendly fire fatality	No friendly fire fatalities
5. Policy on how to respond to sustained terror attacks	Policies developed as the incidence continued. Initially, it was like responding to armed robbery	Clear policies on how to deal with such attacks
6. Clear communication policies and command structure between different agencies	Lack of clear multiagency communication strategy or command structure	Clear communication and command structure for all agencies
7. Coordination framework between security forces and armed civilians	Haphazard, no clear structure	Improvement in coordination between government security forces and armed civilians
8. Antiterrorism law (2012 Prevention of Terrorism Act)/legal framework	2012 Prevention of Terrorism Ac not yet implemented, the existence of numerous legal facilitative gaps	Already implemented/facilitative legal framework
9. Accountability for the level of preparedness, operational capabilities, and respect for the rule of law	Low accountability Cases of security personnel looting	High accountability and oversight mechanisms
10. Coordination between the Interior Cabinet Secretary Officials and the security forces	Poor and haphazard coordination and communication	Clear and professional coordination
11. Derailing communication between terrorists and their command base in Somalia	Coordination continued between terrorist and their command center for some time	Communication was jammed immediately and communication with their Somalia base stopped
12. Framework for communication between victims and security agencies outside the attack center using social media and other channels	Social media was poorly used and there was no clear knowledge on how to seek outside help	Social media was used highly used. There was no clear knowledge of how to seek outside help with misleading and unreliable information being passed between victims and those outside

Based on these findings as shown in Table 1, the study rejects the null hypothesis that, "there are no differences in response to international terrorism in Dusit D2 And Westgate Terror Attacks." It is evident that there were major differences in response to terrorism in both attacks.

V. CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

The West gate shopping mall in 2013 and the DusitD2 Hotel attack in January 2019 are replete with major differences. A critical comparison between both attacks shows an immense difference in the response to the terrorist attacks in Westgate Mall and Dust D2. In both cases, there was prior intelligence of the looming attack. However, there

was no clear policy framework on intelligence sharing between the various security agencies in Westgate. Additionally, policies on timely multiagency deployment were disjointed in Westgate but improved in Dusit D2. Although the friendly fire was recorded in Westgate, this was not the case in Westgate. There was also a lack of clear policies on hierarchical coordination between different security agencies in Westgate Mall as opposed to Dusit D2. The law had also been more enhanced with the domestication of the 2012 Prevention of Terrorism Act and the creation of the institutions enshrined therein during the Dusit D2 attack. Accountability mechanisms for security agencies had also been improved during the Dusit D2 attack as opposed to Westgate Mall attack where there were cases of indiscipline and looting by state security personnel. Coordination between government officials and security agencies was also smoother in the Dusit D2 attack. Although the terrorists could communicate for some time between themselves and their command center and share publicity information, this was not the case with Dusit D2 where such communication was curtailed immediately. In both attacks though, communication between victims and outside help was poor and unreliable, and false information was passed. This was more prone and documented in the Dusit D2 attack.

5.2 Recommendations

The multiagency response teams should constantly review their operation guidelines and standard operating procedures so as to deal with the ever-changing sophistication in terrorist attacks. The government should put in place ways aimed at checking disparities in capabilities and equipment among various tactical and intelligence teams in Kenya for a uniform response to terrorism. There is a need for multinational frameworks for undertaking financing and creation of joint information infrastructure for security agencies so as to reign in on international terrorism in the East African Region. The different SOPs between various security agencies at state level creates a challenge that could confound transborder cooperation in response to international terrorism. It is thus important to create a joint regional infrastructure that takes cognizance of these local realities and that proffers tangible remedial actions. E-policing and rapport with the community should be enhanced so as to enhance the sharing of information between police officers and the community on terrorism-related issues. Local capacities at community levels should thus be enhanced through training, empowerment programs and curricular interventions at the all levels of learning in Kenya. There should also be measures aimed at regulating the use of social media in response to terrorism. This would be tenable through multiagency cooperation between security forces and civilian government departments such as the Communications Authority of Kenya. This would be pivotal since it could be possible to monitor social media use by various actors during response interventions. Strategies should also be put in place to ensure that security agencies adhere to the set social media use guidelines in response to terrorism.

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