

In What Ways Has US Security Cooperation Programs Been Effective in Helping Kenya to Build Partnership Capacity to Counter Transnational Terrorism

A Monograph

by

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Abstract

In What Ways Has US Security Cooperation Programs Been Effective in Helping Kenya to Build Partnership Capacity to Counter Transnational Terrorism by MAJ Jason C. Henneke, US Army, 66 pages.

This monograph uses Kenya as a case study to analyze the US Security Cooperation role and process in building host-nation capacity to meet the needs of Kenya to counter transnational terrorists' networks. US counterterrorism operations since 9/11 have explicitly demonstrated the US requirement to take an indirect approach to ensuring national security as part of an international community combating transnational terrorists' networks. In addition to capacity building, regional focus from all agencies with the US Government (USG) is required for a coordinated and effective approach in the GWOT. The United States began formal relations with Kenya in 1981 with air and port basing agreements. Kenya's strategic location facilitated access for stability and humanitarian operations in the western Indian Ocean and east Africa. The events of 9/11 highlighted the US requirement for security partners in combating transnational terrorists and Kenya became a central front on the Global War on Terror (GWOT) due to its strategic location and willingness to ally. The partnership that started during the Cold War has carried on through to today's war on transnational terrorists. Kenya is one of the three "anchor states" in sub-Saharan Africa, along with Nigeria and South Africa, essential in stabilizing Africa.

The program with Kenya focused on three general lines of effort to include foreign assistance, defense security cooperation and assistance programs, and counter-terrorism training programs. In general, all three have been effective for Kenya. In specifics, the lack of a coordinated regional USG effort reduced the effectiveness of on-going programs to counter the transnational threat in the region.

The nature of capacity building and countering terrorism requires a long-term strategy. The requirement to get initial successes in short and mid-term are met through the Defense and Counter-Terrorism efforts. The success in these areas is due to tailoring these programs to the requirements of Kenya. Security assistance procedures have not progressed since the Cold War era, and as such, actions to assist building Kenya's security apparatus have met roadblocks.

The current focus of the international community is the Middle East; Everything else is secondary. Conflicts in other regions of the world have not stopped, nor is there any indication of such action in the future. The limitations of what the US military can accomplish are real. The necessity of effective security cooperation programs to fight as part of the indirect approach to warfare is more relevant today than ever before to mitigate the requirement for armed interventions.

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Chapter 1: Introduction and Background

US counterterrorism operations since 9/11 have explicitly demonstrated the US requirement to take an indirect approach to ensuring national security as part of an international community combating transnational terrorists' networks. One example of this approach taken by the US is their partnership with the Government of the Republic of Kenya. Kenya is a vital participant in maintaining stability internally, in its region, and as member of the international community. Kenya's regional area includes the Horn of Africa, Sudan, and Rwanda, all of which the 9/11 Commission identified as geographic regions of concern as current or future sanctuaries for terrorists.¹ Figure 1 shows this region. Kenya's participation as a security partner is contingent upon its will and capacity. Kenya maintains the will but its capacity is limited due to poor economic conditions and requires external assistance in order to become an international partner in combating terrorism.²

This study uses Kenya as a case study to analyze the US Security Cooperation role and process in building host-nation capacity to meet the needs of Kenya to counter transnational terrorists' networks. National level guidance, as well as the Department of Defense, identified in its 2006 Quadrennial Defense Review (QDR) building partnership capacity as the decisive effort in the Global War on Terror (GWOT).³ In addition to capacity building, regional focus from all agencies with the US Government (USG) is required for a coordinated and effective approach in the GWOT.

¹ The 9/11 Commission Report: Final Report of the National Commission on Terrorists Attacks Upon the United States, by Thomas H. Kean, chairman (New York: W.W. Norton & Company, 2004), 61.

² The United States of America and the Government of the Republic of Kenya, White Paper on Military Cooperation. Kenyan National Military Strategy: A Joint Approach to Coastal and Border Security, PKO, and Future Planning, 2005. Kenya's Request for Military Assistance FY 2005, 6.

³ US Department of Defense, *Quadrennial Defense Review Report, 2006* (Washington, D.C., 2006), 2.



Figure 1: Map of Kenya

Source: CIA, World Fact Book, dated January 2006; available from www.cia.org; Internet; accessed on October 24, 2006

The United States began formal relations with Kenya in 1981 with air and port basing agreements. Kenya's strategic location facilitated access for stability and humanitarian operations in the western Indian Ocean and east Africa. The events of 9/11 highlighted the US requirement for security partners in combating transnational terrorists and Kenya became a central front on the Global War on Terror (GWOT) due to its strategic location and willingness to ally. Kenya's vulnerability to terrorist cells such as Al-Qaeda began three years before 9/11. On August 7, 1998, the US embassies in Nairobi, Kenya and Dar es Salaam, Tanzania were simultaneously bombed. These attacks brought international attention to Al Qaeda and Osama bin Laden.⁴ Although the targets were Western, Africans bore the brunt of the damage. Since

⁴ William P. Pope. "Testimony," US Congress, House, Subcommittee on International "Terrorism and Nonproliferation, Eliminating Terrorists Sanctuaries: The Role of Security Assistance."

independence in 1963, Kenya has predominantly aligned with a pro-Western stance on foreign affairs. This relationship, along with its location, has made Kenya the linchpin of stability in the East African region.⁵

Methodology

In determining what has been effective with this program, one of the potential fallacies is between correlation and causality. The determination of the increased capacity of Kenya due to the implementation of the security cooperation programs is essential. Theorists such as Samuel Huntington believe stability is enabled by governments that have strong institutions. These enable governments to govern and provide essential services to its citizens.⁶ This capacity enables the creation and maintenance of these institutions. The information on the capacity levels came from several sources to include, Department of Defense (DoD), State (DoS), and through the Government of Kenya's (GOK) own sources. International cooperation from Kenya is essential to deny and defeat transnational terrorist threats and part of this is this transparency by sharing information.

In order to determine if the conditions in Kenya support or deter terrorists' exploitation, this study looks at evidence based on determining the overall country's stability, economic conditions, governance, corruption, and strength of institutions. These factors are not the cause of terrorism, but do leave states vulnerable to terrorists' networks. The evidence needed to evaluate these conditions will come from governmental and non-governmental sources. The value of this data is based off of the change in conditions. It is difficult at best to place a value on some of the effects that are caused by security cooperation.

Washington D.C., March 10, 2005. Internet. Available at <http://www.state.gov/s/ct/rls/rm/43702.htm>. Accessed August 9, 2006.

⁵ US Department of State, *International Affairs- FY 2005 Budget* (Washington, D.C., 2004), 252.

⁶ Samuel P. Huntington. *Political Order in Changing Societies*, (New Haven, CT: Yale University Press, 1968), 8.

Monograph Format

The primary question this study investigates is this: In what ways has the United States achieved its goals of building partner capacity through security cooperation with Kenya? The focus is on the period after the 1998 US embassy bombing in Nairobi. The answer to this question is far from simple. A host of supporting questions must be addressed before reaching a satisfactory answer. The study will expose the US foreign policy goals, objectives, and desired effects of its security cooperation program with Kenya: where and when has the US and Kenya fulfilled their commitments and if not, how has this affected the partnership. The process and timeline for a security cooperation program such as in Kenya will be illustrated. This study highlights the benefits the US and Kenya have received through this program. The threats facing Kenya and its regional neighbors are exposed in addition to the capability and commitment of the Kenyan Government to counter these threats. Finally, this study addresses the implications if these threats are not countered.

The study addresses the existing situation in Kenya from several perspectives including Kenyans, the US, the United Nations and the African Union. The focus is on Kenya's capacity and specifically programs employed that build this capacity. Building partnership capacity to counter terrorism is of great relevance. This is seen in the great number of countries involved in combating terrorist networks in the international arena. The lessons are presented and analyzed over five chapters.

Chapter one presents an introduction to Kenya, highlights the significance of the issue, and outlines the organization of the monograph. Chapter two covers a brief history of Kenya focusing on its importance, regionally and internationally. The security situation in Kenya, recent past and current, are highlighted as part of this history. Chapter three describes the US Security Cooperation program in general terms. Chapter four analyzes and evaluates the US Security Cooperation program with Kenya. The process of this program is explained to include space and

time considerations along with the key players involved. This part is extremely valuable for those involved with building partnership capacities of our allied countries. Although every country's situation is different, this chapter provides a framework for enabling partners. Chapter five concludes the study by recommending changes to the current US Security Cooperation program to enable partnership capacity and highlighting the general successes.

Problem Statement and Significance

This war will not be like the war against Iraq a decade ago, with a decisive liberation of territory and a swift conclusion. It will not look like the war above Kosovo...Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen.... We will starve terrorists of funding, turn them against one another, drive them from place to place, until there is no refuge and no rest.

President George W. Bush, September 20, 2001⁷

Kenya's amiable relationship with the US and other Western countries, in addition to its geographic location, poverty, political instability in the region, and porous borders, are significant factors contributing to transnational terrorist attacks against Kenya. Kenya is openly committed to the international coalition against terrorism, yet its ever-increasing security requirement exceeds its fiscal ability. US security cooperation with Kenya enables a capacity to help meet these requirements.

There are four objectives to the US National Strategy for Combating Terrorism.⁸ The first objective is to defeat terrorist organizations of global reach by attacking their sanctuaries, leadership, finances, and command, control, and communications. The second objective is to deny further sponsorship, support, and sanctuary to terrorists by cooperating with other states to take action against these international threats. The next objective is to diminish the underlying conditions that terrorists seek to exploit by enlisting the international community to focus its

⁷ US DoD, *QDR, 2006*, 9.

⁸ William P. Pope. Testimony.

efforts and resources on the areas most at risk. Lastly, the fourth objective is defending the US, its citizens and interests at home and abroad.

The primary purpose of this study and analysis is to evaluate the security cooperation programs with Kenya to determine what programs have been effective in enabling Kenya to counter transnational terrorism. This evaluation will not only assist the US efforts with Kenya, but also provide a framework for current and future security partners. Security cooperation programs between the US and partner governments focus primarily on denying support and sanctuary. Historically, security assistance focused on conventional weapons and training. The rise of terrorism to a transnational venue forces our strategy to be very specific to the needs of the partnered country. How cooperation is achieved today is as critical as the amount provided in the past.

Kenya, as part of the East African Counterterrorism Initiative (EACTI), in June 2003 partnered with United States Governmental (USG) agencies for the creation of an in-country antiterrorism training program.⁹ This program combined resources and expertise, while being conducted in Kenya, to maximize throughput and relevancy for Kenya specific requirements.¹⁰ Kenya as a regional member, takes on the lead role in peace and humanitarian initiatives. In addition, it is a direct participant with the United Nations (UN) and the African Union (AU) in force commitments. These commitments are in large part due to the enabled partnership capacity through security cooperation. Hara`mbee- "all pull together" or "all help out," was a rallying cry that brought Kenya together when it achieved independence, and it represents what it will take today to counter transnational terrorists.¹¹

⁹ Ibid.

¹⁰ Ibid.

¹¹ Harold D. Nelson, ed. *Kenya: A Country Study* (Washington D.C., 1984), xxv.

Chapter 2: Kenya's Contextual Setting

This study focuses on the security cooperation that enabled Kenyans to build their capacity to counter transnational terrorists. A historical overview is required to understand Kenya's challenges, evolution to its current situation, and appreciate the context of their partnership with the US. Case studies practicality and usefulness are derived from a contextual understanding of the environment. This is the purpose of this chapter. Regional aspects play an equal role in determining the state's environment and nowhere is this more evident than with Kenya, with neighbors like Somalia and Sudan. This study only highlights the environment owing to limited space. The best security cooperation programs are generated from a holistic, individual, and focused application.

This chapter highlights Kenya's past from contemporary settlement, British colonial rule, to eventual independence. As part of the independence era, Kenya's relationship with the US will be detailed. This relationship is cordial but has motivated terrorist networks to target Kenya for these ties. Additionally, China's relationship with Kenya is discussed to illustrate their ever growing presence and influence. Lastly, this study analyzes the current threat in Kenya and its region with respect to Kenya's security capabilities. Once the contextual setting is presented, Kenya's significance to its region and to the international community becomes evident.

The creation of Kenya: From the Cradle to the Rainbow

Kenya's history arguably dates to the origins of mankind because of its geographic location in the "cradle of civilization" more than two million years ago. This region is thought to be the birthplace of man. Kenya has a total area of 224,960 square miles, slightly larger than the state of Texas. Its location along the equator and Indian Ocean produces a temperate climate.

Kenyan land is 75 percent desert, semi-desert, or arid bush; 20 percent highland steppe; and the remainder is part of the 275 mile coastline.¹²

The country's population total is approximately 32 million of which almost 90 percent live in rural areas in the southern half of Kenya. Kenya's population is 70 percent Christian and 10 percent Muslim. The Muslim population is predominantly located along the north-eastern border with Somalia and the eastern coastline. This is relevant due to the nature and location of many of the transnational terror nodes which is discussed later in detail. The Muslim population is located in vast areas with little economic activity. These areas are semi-arid and give rise to nomadic tribes.¹³

Cushitic-speaking people inhabited Kenya's highland and adjacent valleys from 2000 B.C. until around the first century A.D. Additional groups of people began occupying interior areas of Kenya and coastal areas, to include Arab traders and Persian settlers. The Swahili language developed as a means of communication between the traders of different origins. In the Kenya highlands, the existence of farming and domestic herds can be dated to 2000 B.C. Trade between the Kenya coast and Arabia was brisk by A.D. 100. Arabs settled on the coast during medieval times, and they soon established several autonomous city-states such as Mombasa. Farmers and herders traveled from Ethiopia and settled in Kenya around 2000 B.C. This explains the predominant Muslim population along the east coast.

The Portuguese were the first Europeans to explore Kenya in 1498, and by 1593 they controlled much of it. However, in 1729, the Portuguese were permanently expelled from Mombasa and were replaced as the leading power on the coast by two Arab dynasties: the Busaidi dynasty, based first at Masqat (in Oman) and from 1832 on Zanzibar, and the Mazrui dynasty, based at Mombasa. This period, from 1700 until 1844, was marked by continuous raids by

¹² Norman N. Miller, *Kenya: The Quest for Prosperity* (Boulder, CO, 1984), 2.

¹³ *Kenya: 2006 Country Review*, (Houston, Country Watch, 2006) Internet. Available at <http://www.countrywatchac/kenya.com>. Accessed 24 October 2006, p. 7.

different groups looking for better land and wealth through livestock and slavery. The social landscape of Kenya changed continuously until Britain became involved. Britain's interest was economic first, combating piracy in the Persian Gulf, and second stopping the slave trade.¹⁴

British presence in the area increased after the Berlin Conference of 1885.¹⁵ The emerging nations of Europe (Germany, Italy, France, and Britain) partitioned East Africa and initiated Kenya's colonial experience with Britain. In 1887, the sultan of Zanzibar granted a British association concessionary rights to the Kenya coast. The association in 1888 was given a royal charter as the Imperial British East Africa Company, but severe financial difficulties soon led to its takeover by the British government, which established the East Africa Protectorate in 1895. The British government subsequently began to build a railroad (1895–1901) from Mombasa to Kisumu on Lake Victoria to facilitate trade with the interior and Uganda.¹⁶

In 1903, the first settlers of European descent established themselves as large-scale farmers in the highlands by taking land from the Kikuyu, Masai, and others. Kenya's economy relied on agricultural exports. In 1920, the territory was renamed and its administration changed; the interior became Kenya Colony and a coastal strip (10 mi/16 km wide) was constituted the Protectorate of Kenya. From the 1920s to the 40s, European settlers controlled the government and owned extensive farmlands while the Africans grew cash crops, such as coffee and cotton on a small scale, were subsistence farmers, or were laborers in the towns. The separate elements of the Kenyan population between Europeans, Africans, and Arabs settled in these territories.

In the 1920s, Africans began to protest their inferior status. They were prohibited from direct political participation until nearly the end of World War II in 1944. Post World War II brought the nationalist rising movement to Kenya. The movement reached a peak between 1952

¹⁴ Nelson, 11-12.

¹⁵ European powers first partition of East Africa occurred at the Berlin Conference of 1885. This marked the beginning of the "scramble for Africa." Kenya became populated by the Europeans in their initial travel to and from Uganda.

¹⁶ Miller, 9.

and 1956 with the Mau Mau movement. This was a complex armed revolt led by the Kikuyu, a rebellion against British rule and an attempt to reestablish traditional land rights and governance.¹⁷ The British declared a state of emergency until 1959 and imprisoned many of the colony's nationalist leaders, including Jomo Kenyatta. After the revolt, Britain increased African representation in the colony's legislative council. In 1961, Africans became the majority in the Kenyan government. Kenyatta's release from detention in August 1961 was soon followed by his election as the prime minister of the internal self-government of Kenya in June 1963. He became Kenya's first prime minister, upon independence on December 12, 1963. In 1964 the country became a republic and Kenyatta assumed the role of President, until his death in 1978. The Vice President, Daniel Arap Moi, became the president and served until his defeat in 2002.

Kenya was a de facto one-party state from the outset, all political members of the Kenya African National Union (KANU). In 1991 a constitutional act re-introduced a multi-party system to Kenya. The 2002 election ended the 40 year KANU rule over Kenyans and brought in the National Rainbow Coalition and President Mwai Kibaki in a peaceful transition of power.¹⁸

Relations with the US: A Tale of Cooperation

Since Kenya's independence in 1963, their relationship with the US has been cordial. Kenya's open society and free-market economic system has continually attracted American investors and business since the 1960's. Security cooperation began in the midst of the Cold War as the Soviet Union provided military assistance to Somalia and Uganda, both volatile neighbors of Kenya. In 1976 the US provided a squadron of F-5 aircraft and armed helicopters to assist in the defense of Kenya.¹⁹ This security cooperation continued later with the Facilities Access Agreement on June 26, 1980. The US received over-flight rights and access to use of three air

¹⁷ Caroline M. Elkins, *Detention and Rehabilitation during the Mau Mau Emergency: The Crisis of Late Colonial Kenya* (Ph.D. diss., Harvard University, 2001), 2.

¹⁸ US Department of State. *Background Note: Kenya*. Internet available at <http://www.state.gov/r/pa/ei/bgn/2962.htm>. Accessed 13 November 2006.

¹⁹ Nelson, 256.

bases in addition to port access at Mombasa. These requirements came out of the increased Soviet naval activity in the Indian Ocean and Iran's new radical regime.²⁰ The partnership that started during the Cold War has carried on through to today's war on transnational terrorists.

The US cooperation with Kenya promotes broad-based economic development as the basis for progress in social, political, and security areas. The strategic focus is on four objective areas to include: health care, focused on AIDS prevention and family planning; increasing rural incomes through small business initiatives and in agricultural production; conservative and sustainable use of natural resources; and the continued progress in strengthening democratic institutions. Kenya is an obvious regional partner for US security interests. It is the most stable anchor state anchor state in an unstable and violent region. In turn for its cooperation, Kenya seeks US financial support and confidence from the international institutions.²¹

The contemporary security interests in Kenya became somewhat apparent after the August 7, 1998 US embassy bombings in Nairobi and in Dar es Salaam, Tanzania. Yet, it took the 9/11 tragedy for the US to see Kenya's attractiveness as a security cooperation partner. This area of Africa is infested with deep-rooted problems from interlocking conflicts to weak and failing states to economic distress. The presence of al Qaeda is known but so are these fundamental problems that create an environment terrorists desire for sanctuary.²²

The US relationship with Kenya has not been without tension because of Kenya's past single party political system and suppression of human rights of anti-government supporters. Kenya's first multi-party election was not until 1992. This was the result of US Ambassador

²⁰ Ibid, 264.

²¹ Joel D. Barkan and Jennifer G. Cooke, "US Policy Toward Kenya in the Wake of September 11: Can New Antiterrorist Imperatives be Reconciled with Enduring US Foreign Policy Goals," *Africa Notes, Center for Strategic and International Studies*, Number 4, December 2001. Available at http://www.csis.org/media/csis/pubes/anotes_0112.pdf. Accessed 20 September 2006.

²² "Panel on Terrorism and Transnational Threats – Causes and Enablers" by David H. Shinn, as part of the Symposium *Africa: Vital to US Security?* Presented at the National Defense University, Fort McNair, Washington D.C., 15-16 November, 2005.

Smith Hempstone “bulldozer diplomacy” style with the Kenyan government.²³ US foreign assistance to Kenya since 1980 has totaled over \$1.5 billion but has not flowed continuously.²⁴ The reductions in assistance resulted from the Kenya government not adhering to political openness or as in the most recent years, failing to enter a bilateral non-surrender agreement with the US. This agreement, Article 98, of the Treaty of Rome in 1998, which created the International Criminal Courts (ICC), when entered by another ICC signatory with the US, waives the ICC authority to criminally prosecute members of the US Armed Forces.²⁵

The American Servicemembers’ Protection Act (ASPA), passed in August 2002, prohibited military assistance to signatories of the ICC.²⁶ The intent of ASPA was to protect American forces not the unintended consequence of jeopardizing efforts to counter terrorism. Secretary of State Condoleezza Rice, whose department has overall responsible for foreign assistance, stated that blocking military assistance to nations like Kenya, seeking to combat terrorism was, “sort of the same as shooting ourselves in the foot.”²⁷ In the past year, with the realization of the detrimental effects of prohibited security assistance to non-signatories, the military training and education portion of security assistance was separated from the ASPA sanctions.²⁸

US policy interests in Kenya are complex and often compete against each other. Issues of national security with countering transnational terrorist networks in the Horn of Africa require full cooperation between the US and Kenya. Although only the US Security Assistance package

²³ Smith Hempstone, *Rogue Ambassador: An African Memoir* (Sewanee, TN : University of South Press, 1997) 30.

²⁴ This figure was determined from various US Department of State web sites. This figure is the cumulative amount between all the foreign assistance programs (USAID and Security Assistance). The gaps in funding resulted due to actions within the Kenyan Government such as lack of democratic reforms or the failure to sign an Article 98 agreement with the US.

²⁵ US Department of State. *American Service-Members’ Protection Act*, Section 2005. Internet available at <http://www.state.gov/t/pm/rls/othr/misc/23425.htm>. Accessed 14 February 2007.

²⁶ *Ibid.*, Section 2007.

²⁷ Mark Mazzetti, “US Cuts in Africa Said to Hurt War on Terror,” *The New York Times*, 23 July 2006.

²⁸ US Department of State. *American Service-Members’ Protection Act*, Section 2005. Internet available at <http://www.state.gov/t/pm/>. Accessed 14 February 2007.

was reduced, it did not go unnoticed by the international community. This shortage in funding for Kenya's military was quickly addressed by China.

Relations with China: A Tale of Pragmatism

China's interest in Kenya today is purely pragmatic, since it requires energy and trade. Kenya is a gateway to East Africa and as one of the few stable, conflict-free nations in the region; it is an ideal location for China. China is actively expanding its influence in Africa through financial assistance. This attention to Africa comes without pressure or demands on democracy and human rights toward its institutions and people. As an alternative, China's support to repressive governments in Africa counters western influences interests and is setting the stage for conflict with Africa caught in the middle.²⁹

The diplomatic relationship between China and Kenya has been cordial since Kenya's independence. China's historical presence in Africa was political foremost as a means to put a wedge between the Cold War powers of the US and the Soviets. As a liberated country, China saw her role to liberate others and for strategic benefits, unite as many countries away from the two superpowers.³⁰ Economic relations began in 1985 with trade focused on agricultural exports to China and manufactured goods and construction materials imported to Kenya. The trade balance ratio between the two nations is 48 to 1 in favor of China.³¹ China balances this difference through aid projects and assistance to include highway and medical facility construction. Additionally, China has over 44 companies in Kenya and is continually increasing

²⁹ Peter Brookes and Ji Hye Shin, "China's Influence in Africa: Implications for the United States," *Backgrounder, The Heritage Foundation*, Number 1916, 22 February 2006. Available at <http://www.heritage.org/research/asiaandthepacific/bg1916.cfm>. Accessed 22 September 2006.

³⁰ Gao Jinyuan, "China and Africa: The Development of Relations over Many Centuries," *African Affairs*, vol. 83, no. 331. (April 1984): 250.

³¹ Embassy of the People's Democratic Republic of China in the Government of Kenya, "Bilateral Relations Between China and Kenya," Internet available at <http://ke.china-embassy.org/eng/sbgx/t169682.htm>. Accessed 6 January 2007.

investment in Kenyan small and medium enterprises for job opportunities and regional development.

China's economy has expanded nearly ten percent in the last decade and it demands enormous energy resources to sustain this growth.³² Asian energy production can not grow fast enough forcing the Chinese to look beyond its boundaries. The current allocation of Middle Eastern oil provides 58% of China's import requirement. To avoid a confrontation with the US over additional resources, China has focused on Africa. This market provides 25% of the import requirement without the high visibility and competition of the Arab market. Kenya's role in oil production so far has been only in refining with a 90,000 barrel a day capacity at Mombasa.³³ The Horn of Africa region has produced minimal natural gas and oil reserves, but limited resources so far have been allocated by prospectors in exploring for reserves.

In June 2006, Kenya agreed to allow the China Offshore Corporation the rights to prospect for oil in Northern Kenya and off the coast.³⁴ Kenya's privatization of the state's enterprises in the early 1990's enabled such a venture. This agreement between the two nations also included additional economic and trade links and education exchange programs. A second venture the Chinese are pursuing involves turning the port of Manda into a deep-water port with an industrial area in the immediate vicinity.³⁵ Manda is in a rural area and requires the development of extensive infrastructure. China's venture into such an operation indicates their long-term interest in the region. The Chinese timing coincided with the reduction in foreign assistance previously provided by the US. Chinese assistance to Kenya includes military

³² Mathew Shane and Fred Gale, "China: A Study of Dynamic Growth," Electronic Outlook Report from the Economic Research Service of the US Department of Agricultural, October 2004. Internet available at <http://www.ers.usda.gov/publications/WRS0408/WRS0408.pdf>. Accessed 6 January 2007.

³³ *Janes Sentinel Security Assessments*-Central Africa, Natural Resources, Kenya. Internet available at http://sentinel.janes.com/subscribe/sentinel/country_report_doc.jsp?prod_name=CAFRS. Accessed 13 November 2006.

³⁴ "Deal Signed to Search for Oil in Kenya," *China Daily*, 29 April 2006. Internet available at http://www.chinadaily.com.cn/china/2006-04/29/content_579965.htm. Accessed 6 January 2007.

³⁵ Walt Runyon, US Department of State, Counterterrorism, Antiterrorism Assistance Program, Training Management Division (Kenya) interview by author, Loring Dunn, VA, 15 February 2007.

equipment in addition to the continued military education and training in China for Kenyan military officers.³⁶

Instability in the Region – The Current Threat

American national interests in Kenya and this region includes countering transnational terrorists. Kenya is one of the three “anchor states” in sub-Saharan Africa, along with Nigeria and South Africa, essential in stabilizing Africa.³⁷ Kenya and the entire Horn of Africa’s greatest threats are due to political instability.³⁸ The fundamental problem confronting states in Africa is how to exercise power and control over sparsely settled areas. External sovereignty does not exist for the majority of the states in Africa. The threat involves the entire HOA region and can not be countered between only Kenya and the US. Kenya’s control and security assurance begins with their ability to handle refugee migration as part of a regional issue. As a sovereign nation, Kenya is expected to exercise internal sovereignty, controlling all of its territories within its boundaries, and external sovereignty through border control. This is not a reality for any state in Africa.

The significance of states failing to exercise external sovereignty has resulted in proliferation of arms and contraband, illegal refugee migration, and transnational terrorists.³⁹ Kenya’s economic conditions have stagnated since the 1998 US embassy bombing. This incident reduced the international financial institutions and donors confidence in investing in Kenya.⁴⁰

³⁶ Major Aphaxard Kiugu, Kenyan Army, interview by author, Ft Leavenworth, KS 13 December 2006.

³⁷ Joel D. Barkan, “Kenya After Moi,” *Foreign Affairs*, January / February 2004. Internet available at <http://www.foreignaffairs.org/20040101faessay83109/joel-d-barkan/kenya-aftermoi.htm>. Accessed 17 September 2006.

³⁸ Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control*, (Princeton, NJ: Princeton University Press, 2000), 11.

³⁹ US Department of State, Bureau of Diplomatic Security, Bureau of Diplomatic Security, Antiterrorism Assistance Program, *Profile of The Republic of Kenya*, (Washington, D.C., 2005), 8-9.

⁴⁰ Barkan and Cooke, 2.

The economic imbalance in Kenya runs parallel to the political marginalization of the Muslim dominated northern half of the country. This area is vastly unpopulated and ungoverned.⁴¹

Over half of Kenyans live in poverty while 10 percent of the population receives half of the wealth. The country also faces a number of significant social challenges. Although the prevalence of HIV has been declining due to fewer new infections and to increasing AIDS-related deaths, it remains among the highest in the world. The nation also continues to struggle with significant regional disparities in the rate of growth and investment, as well as with a prevalence of gender inequality in the distribution of income and wealth. All of these factors contribute to breeding terrorism.⁴²

A United Nations conference in 2003 in Oslo focused on the so called “roots of evil” of terrorism. The overall consensus from the experts gathered determined that a population in despair was the most likely to concede to terrorism, either as executors or enablers.⁴³ Despair comes from inequality of power, illegitimate and corrupt government, lack of democratic processes and representation, and the overall social disenfranchisement of certain groups within a population.⁴⁴ Kenya has areas ripe for the establishment and maintenance of terrorist nodes.

In the overall scheme of transnational terrorists’ cells, nodes are small, closely knit, and actually commit acts in their regions. Terrorist hubs, such as ones in Somalia, provide the resources including ideological guidance, finances, and arms to enable the nodes to execute their attacks.⁴⁵ Foreign policy expert Michael Nacht defines failed states as, “states that have lost the

⁴¹ US DoS, Profile of The Republic of Kenya, 9.

⁴² Panel of International Experts chaired by Dr. Tore Bjorgo, “Root Causes of Terrorism,” Presented at the Norwegian Institute of International Affairs, Oslo, Norway, 9-11 June 2003. Internet available at http://www.nupi.no/IPS/filestore/Root_Causes_report.pdf. Accessed 15 February 2007.

⁴³ Ibid.

⁴⁴ Karl Wycoff. “Testimony,” US Congress, House, Subcommittee on International Relations, “Fighting Terrorism in Africa.” Washington D.C., 1 April 2004. Internet available at <http://www.state.gov/s/ct/rls/rm/2004/31077.htm>. Accessed 17 September 2006.

⁴⁵ Marc Sageman. *Understanding Terror Networks* (Philadelphia: University of Pennsylvania Press, 2004), 151-2.

fundamental elements of sovereignty,” and offer venues for terrorist cells.⁴⁶ Somalia and Sudan, two of Kenya’s most unstable neighbors, are at the top of the list of failed states.⁴⁷

Somalia’s most prominent terrorists group, the Al-Ittihad al-Islamiyya (AIAI), has demonstrated suspected links to Al Qaeda.⁴⁸ This has made Somalia the key hub for terrorists’ attacks throughout East Africa including three separate terrorists’ incidents in Kenya. These range from the successful 1998 US embassy bombing to the November 2002 Israeli hotel bombing.⁴⁹ Al Qaeda cells from Somalia were involved in all of these incidents. Kenya’s border with Somalia is porous to these terrorists, but also to the ethnic Somali populations that provide sanctuary and support to these groups. The most recent war in Somalia started in July 2006. Ethiopia perceived a direct threat to their borders and crossed into Somalia to destroy this threat. The official start of the war was December 21, 2006 when the Islamic Court Union (ICU) declared Somalia is in a state of war. Ethiopian and US air strikes forced the ICU out of Mogadishu and withdraw under pressure toward Ras Kamboni, Somalia. This area is known as a sanctuary town for Al Qaeda operatives and Al Itihaad al-Islamiya (AIAI) members. This continued pressure forced many of the ICU members to cross into Kenya. Although Kenyan border agents captured various ICU members, including ICU’s second-in-command, Sheikh Ahmad, many more escaped through the porous border.⁵⁰

⁴⁶ Robert S. Litwak. *Rogue States and US Foreign Policy: Containment After the Cold War* (Washington D.C.: The Woodrow Wilson Center Press, 2000), 62.

⁴⁷ “The Fund for Peace 2006 Failed States Index.” Internet available at <http://www.fundforpeace.org/programs/fsi/fsindex2006.php>. Accessed 12 January 2007.

⁴⁸ “Transnational Threats Update,” *Center for Strategic and International Studies*, vol 3, no. 10, August/September 2005. Available at http://www.csis.org/media/csis/pubs/ttu_05089.pdf. Accessed 20 September 2006.

⁴⁹ The three separate incidents include: the August 7, 1998 suicide truck bombing of the US Embassy in Nairobi that killed 219 people and injured over 5,000; on November 28, 2002, at approximately 0800 local time, the Israeli-owned hotel Paradise along the Indian Ocean coast, just north of Mombasa, was attacked by a suicide truck bomb that killed 13 and injured over 80; minutes later an Israeli chartered jet with 270 Israelis enroute back to Tel Aviv was fired upon by two Surface-to-Air missiles, just missing the plane.

⁵⁰ Andrew McGregor. “Somalia’s Islamist Leadership: Where Are They Now?” *The Jamestown Foundation*, vol. 10, iss. 2 (February 2007). Internet available at <http://jamestown.org/terrorism/news/article.php?articleid=2370254>. Accessed 23 February 2007.

The threats against Kenya are enormous for a fragile democracy. President Mwai Kibaki is the country's third president but marks the only electoral change since the nation's independence in 1963. Kenya is a sovereign nation but its agreement with the US to fight transnational terrorism has political risks. The marginalized Muslim population is against any alliance with America. The presence of American personnel, especially military, in foreign states exposes that nation as a target to more potential terrorist acts.⁵¹

⁵¹ Senate Committee on Foreign Relations, "Embassies as Command Posts in the Anti-Terror Campaign," report prepared by Richard G. Lugar, Chairman, 109th Cong., 2d sess., 2006, Committee Print, 2.

Chapter 3: US Security Cooperation Programs

Notwithstanding the provisions of any other law, the President may, from time to time, when he deems it in the interest of national defense, authorize the Secretary Of War, the Secretary of the Navy, or the head of any other department or agency of the Government. . . . to sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to any such government any defense article. . .

Lend-Lease Act of 1941⁵²

This chapter explains the US Security Cooperation and Assistance programs and how they support the overall USG foreign policy. The first section defines security cooperation and security assistance and explains their origins. The second section describes the different programs and interactions entailing cooperation and assistance entities. The third section details the current process of the two programs and the final section discusses security cooperation and assistance in today's contemporary operating environment (COE). This study introduces the security cooperation programs specific to Kenya here, but will discuss these in detail in Chapter 4. Appendix 1 is a list of security cooperation programs and Appendix 2 comprises security assistance programs.

Security Cooperation and Assistance Introduced

Security cooperation and assistance consists of focused programs of bilateral and multilateral defense activities conducted with foreign countries to build defense relationships that promote specific US security interests. Secondly, these programs develop allied and friendly military capabilities for self-defense and coalition operations including allied transformation. Additionally, these programs improve information exchange and intelligence sharing to

⁵² Lend Lease Act, US Code, vol. 55 sect. 2-3 (1941).

harmonize views on security challenges. Lastly, these security programs provide US forces with peacetime and contingency access and en route infrastructure.⁵³

The Secretary of Defense identifies security cooperation goals, assesses the overall effectiveness of security cooperation activities, and revises goals when required to ensure continued support for US interests abroad.⁵⁴ Security cooperation is the means by which DoD encourages and enables countries and organizations to work with the US to achieve strategic objectives. The myth that only DoD participates in security cooperation activities could not be farther from the truth. A good working definition of security cooperation is provided by Colonel Albert Zaccor:⁵⁵

Security cooperation refers to all USG assistance provided to foreign law enforcement, security, and defense establishments in support of national defense, security, and foreign policy objectives.

Security assistance is the security cooperation program administered by the Department of State, and executed by the Department of Defense, that allows the transfer of defense articles and services to foreign governments and international organizations.⁵⁶ The premise underlying this transfer is that if it is essential to the security of the gaining allied nation, then it is essential to the national interest and security of the US. These programs promote US foreign policy and as such are implemented to achieve strategic goals and objectives of the US Government executive branch with legislative oversight.

⁵³ “Security Cooperation Guidance,” Coordination Draft, unclassified excerpt, Office of the Secretary of Defense (Washington D.C., 2004), 6

⁵⁴ US Department of Defense. *Joint Publication 5-0, Doctrine for Planning Joint Operations*. (Washington D.C., 2006), I-3.

⁵⁵ Albert Zaccor, Colonel, US Army. “Security Cooperation and Non-State Threats: A Call for an Integrated Strategy,” (Washington D.C.: The Atlantic Council, 2005), 7.

⁵⁶ Barry Pavel. “Current Directions in Security Cooperation Briefing,” Brief at the annual Army Security Assistance Executive Conference, Myrtle Beach, SC, January 24, 2006.

Security Cooperation and Assistance Inception

Security cooperation has been ongoing since the US allied with France in defeating the British in the American Revolution. Although the US provided little in terms of assistance (it was the recipient of SA) to the French in fighting this war, it was the US first activity with a foreign country to build a defense relationship that supported the national interests of the US. The official beginning of security assistance for the US came with the repeal of the Neutrality Acts (1935-1939) on November 4, 1939, as Britain and France sought much needed military hardware. These were the first Foreign Military Sales (FMS) for the USG and within two years, the Allied nations resorted to a modern day Foreign Military Funding (FMF) program to sustain their fight against the Axis powers.⁵⁷ The FMF program consists of congressionally appropriated grants given to foreign governments to purchase American-made weapons and services. The Lend-Lease Act of 1941 authorized this initial security assistance type program between the US and its Allies. Over the next four years America provided over \$50 billion in military hardware to the Allied nations' defense. The defeat of the Axis was deemed a national interest by President Roosevelt and met through forces and funded materiel.

The cooperation needed to regain peace after WWII was relatively quick compared to the up and coming Cold War. President Truman sought peace and prosperity for continental Europe through the Marshall Plan beginning in 1947. The first and foremost security challenge was stomping out communist insurgencies occurring in Europe. Turkey and Greece were the first two countries to seek US assistance to counter this threat, and through the Greece Turkey AID Act of 1947, the US began support to these allies.

⁵⁷ J. Garry Clifford, Kenneth J. Hagan, and Thomas G. Paterson, *American Foreign Relations: A History Since 1895* (Lexington, MA: D C Heath and Company, 1995), 131-132.

The passage of the Mutual Defense Assistance Act in 1949 created the modern day security assistance program.⁵⁸ This act established the formal Military Assistance Program and authorized the Foreign Military Sales Program. The goal of these programs was part of the overall containment strategy in the Cold War. In addition to providing foreign assistance to allied countries, this act prohibited funding to those countries allying with the Soviet Union. This act provided the US with a powerful tool to shape foreign policy during the Cold War as it does today in the GWOT.

Security Cooperation Today

The Secretary of Defense annually produces the Security Cooperation Guidance (SCG). This guides USG agencies planning and activities with foreign policy and security issues. Although, the State Department is free to choose its own strategy. The potential for disagreement is great, resulting in an “administered policy.” This is the policy that Barry Posen stated results in democratic societies in which agendas, values, and policies collide.⁵⁹ Security cooperation requires an integrated effort among all elements of national power. The SCG objectives are translated from the National Security and Defense Strategies. Embedded in every US national level strategy today is the objective to strengthen alliances to defeat global terrorism.

This objective requires our allies have the will and capacity to deny the terrorists sanctuary. The US assists in providing capacity through training, educating, and materiel. As part of the Department of State’s Foreign Assistance Framework, “peace and security,” are one of the five objectives which security cooperation is directly targeted. Today’s cooperation programs involve various USG departments with the challenge that no two countries have the same requirements. As part of security cooperation, combined military operations with our allies

⁵⁸ William H. Mott IV. *Military Assistance: An Operational Perspective*, (Westport, CT: Greenwood Press, 1999), 6.

⁵⁹ Barry Posen. “The Struggle Against Terrorism: Grand Strategy, Strategy, and Tactics,” *International Security*, vol.26, no.3 (Winter 2001/2), 51.

including training exercises, training and education, humanitarian and disaster assistance, and military-to-military contacts are conducted.⁶⁰

Each Regional Combatant Command (RCC) has a specific Theater Security Cooperation (TSC) program tailored to the requirements of their region. All programs have the same four general pillars: combined military exercise, International Military Education Training (IMET), Foreign Military Sales (FMS) / Foreign Military Funding (FMF), and lastly counter-terrorism programs.⁶¹ Within the regions, various agencies in the USG, including DoD, operate with embassy country teams. Coordination within the team and the RCC is critical to ensure effective and efficient relationships with the Host Nation.

Security Assistance Today: Filling the Requirements of Our Allies

As part of security cooperation, security assistance is a group of programs, authorized by law that allows the transfer of military articles and services to allied foreign governments and international organizations. These transfers may be carried out through sales, grants, leases, or loans. Allied governments and organizations have the ability to conduct direct commercial purchases with the defense industry on certain goods and services to expedite the process. This decision causes these countries to forego potential costs savings and other services such as maintenance and repair provided as life-cycle support package when negotiated through DoD. The table in Appendix 2 lists the major types of security assistance programs:

The Security Assistance Process

The security assistance (SA) process consists of two major parts, the establishment of US foreign policy and the request of the purchasing country. The establishment of the Presidential

⁶⁰ US Department of Defense. *Joint Publication 3-0, Doctrine for Joint Operations*. (Washington D.C., 2006), VII-1,2.

⁶¹ John P. Abizaid, General, US Army. "Testimony," US Congress, Senate, Armed Services Committee. *2006 Posture Statement of the US Central Command*. Washington D.C., 14 March 2006. Internet available at <http://armed-services.senate.gov/statemnt/2006/March/Abizaid%2003-16-06.pdf>. Accessed 12 September 2006.

administration's foreign policy is done through a formal and informal processes portrayed in Appendix 3. This policy is then translated into goals and objectives to which different USG agencies responsible for executing foreign policy, to include the Departments of State and Defense, and the National Security Council design programs to support the policy. It is essential that the USG understands the requirements foreign nations have and approach these requirements with unity of effort. Congress has the final say on the SA Programs through their appropriations power. Their decisions are made with recommendations from DoS on each particular country as a case by case study.⁶²

The second part of the security assistance process is the request and deliver process of a requirement for the foreign country. An outline of this process is provided in Appendix 4. The actual time from the letter of request (LOR) to delivery has averaged between 12 and 36 months. The former number is based on request for hardware already in production, while the latter time requires production line activity.⁶³ The process, with over 25 steps, is inflexible, lock-step and designed for relatively peaceful times, not a "long-war" methodology.

Security Cooperation in the Contemporary Operating Environment

The current security cooperation model is not effective in today's environment. This model developed and metamorphosed as a Cold War relic, shaped while out of conflict for states to counter other states.⁶⁴ Today, the GWOT is fought in many internationally against non-state threats by states, organizations, and non-state actors. Multiple USG agencies are involved with security cooperation, yet there is no clear authorities on the direction programs are applied to accomplish goals and objectives within a particular state, or a regional area. The next chapter

⁶² Jim Kolbe, Congressman. "Security Cooperation: New Challenges – New Opportunities," Brief at DSCA Worldwide Conference, 28 March 2006. Washington D.C. Internet available at http://www.fas.org/terrorism/at/docs/2006/Kolbe_remarks_28Mar06.pdf. Accessed 12 September 2006.

⁶³ Carl Brieske, US Army Security Assistance Command, interview by author, Fort Belvoir, VA, 13 February 2007.

⁶⁴ Zaccor, 43.

exposes the security cooperation model that assists and provides a framework for Kenya to allow them to build capacity to counter terrorism and maintain stability. This study will highlight what programs have been effective in countering terrorism.

Chapter 4: Security Cooperation Programs In Kenya

We discussed at length the issue of terrorism. Kenya, like United States, has in the past suffered to the hands of terrorism. The attacks have strengthened our resolve to intensify and enhance our cooperation with the United States and the international community in the fight against terrorism...I have requested the US government to support Kenya, to strengthen its security as an essential element in the fight against terrorism. This assistance will also enhance Kenya's role as a peacemaker in the Horn of Africa.

Kenyan President Mwai Kibaki⁶⁵

In this chapter the study will introduce and analyze several specific USG Security Cooperation programs in Kenya since the 1998 US embassy bombing in Nairobi. The intent of this chapter is to highlight the programs within the DoS, DoD, and USAID that have been effective in countering transnational terrorism in Kenya. It is paramount to highlight the Government of Kenya and its people have led these efforts to counter transnational terrorism. Ultimately it is the responsibility of Kenya to counter terrorists within their borders. It is imperative they have the capacity to execute required operations. Effectiveness is tied to the US stated policy and goals in Africa, which precedes the programs, and to the institutions and programs established within Kenya to counter terrorism. These institutions, programs, and laws make-up the capacity Kenya's requires countering terrorism. Countering terrorism in Kenya and the HOA requires a balance of short, mid, and long-term strategies in terms of programs with different USG agencies.⁶⁶ While highlighting these Kenyan programs, this study expresses the lack of regional programs, outside of DoD, which increase security cooperation. There are over 18 different USG organizations operating in Kenya, each claiming to be conducting operations

⁶⁵ Press briefing of President George W. Bush and President Mwai Kibaki as part of President Kibaki's State visit on 6 October 2003 at the White House, Washington D. C.. Internet available at <http://www.whitehouse.gov/news/releases/2003/10/20031006-3.html>. Accessed 10 August 2006.

⁶⁶ Michael Miklaucic and Thomas Blatazar. "The Declining Neutral Space – USAID and the Military," brief presented as part of the 2006 USAID Summer Seminar Series on 1 August 2006. Internet available at http://www.usaid.gov/policy/cdie/sss06/session_080106.html. Accessed on 22 October 2006.

supporting security enhancements in line with the US stated policy objectives. DoS is ultimately responsible for US security cooperation programs, yet no one agency within DoS has the lead. Success has been relative due to the very low initial capacity that existed since the US-Kenyan relationship began.

US goals in Kenya are to assist in countering the terrorist threat, support the processes of political and economic reform, help combat the health crisis, especially HIV/AIDS, and to protect Kenya's natural resource base.⁶⁷ Kenya requires capacity to conduct these operations. Likewise, it is in the interests of the US to provide strong diplomatic counsel and material support as Kenya continues to lead regional efforts to end the war in Sudan and to rebuild a shattered Somali state.⁶⁸

Regional Authority and Agencies Operating in Kenya and HOA

The number and type of USG agencies in Kenya and the Horn of Africa is as vast and varied as the problems. Three of these agencies have significant current or future representation in this region. These are the DoS, DoD, and USAID. The first agency discussed is DoD. This geographic area is part of the Central Command region with Combined Joint Task Force – Horn of Africa (CJTF-HOA) headquartered in Djibouti to facilitate regional operations. CJTF-HOA commands and controls various operations and training to assist host nations to combat terrorism in order to establish a secure environment and enable regional stability.⁶⁹ Several of the HOA countries, to include Kenya, have DoD liaison teams to assist with security cooperation programs. Of note, the US has no DoD Security Cooperation programs with Sudan or Somalia. Two of

⁶⁷ The US goals for Foreign Assistance to Kenya are a combination from USAID and from The President. The President goals are Internet accessible at <http://www.whitehouse.gov/news/releases/2003/10/20031006-3.html> and the USAID at <http://www.usaidkenya.org>.

⁶⁸ Kenya White Paper, 7.

⁶⁹ US Central Command, Combined Joint Task Force-Horn Of Africa. This purpose was extracted from the mission statement. Internet available at <http://www.hoa.centcom.mil/facts.htm>. Accessed on 22 October 2006.

Kenya's southern neighboring countries (Tanzania and Uganda) come under the European Command region. This overlapping Regional Combatant Command (RCC) relationship will be eliminated with Africa Command's inception. This change is an example of how DoD is strategically planning for today and tomorrow's challenges by aligning resources with requirements.

The Department of State (DoS) has various bureaus and offices represented and operating in Kenya. This study focuses on the Counterterrorism (S/CT) and Reconstruction and Stabilization (S/CRS) offices. S/CRS is not operating currently operating in Kenya but is discussed as part of the regional view as Kenya borders two countries, Sudan and Somalia, require stabilization and reconstruction to progress to a baseline level of peace for further development. S/CRS is the inter-agency coordinator responsible for these efforts that in the past were conducted under an ad hoc structure.⁷⁰

USAID provides economic, development, and humanitarian assistance around the world in support of the foreign policy goals received from the DoS. In January 2006, Secretary of State Rice began the transformation of foreign assistance with the establishment of a new leadership position, the Director of Foreign Assistance (S/F).⁷¹ This position concurrently heads USAID which greatly enhances its role in foreign assistance strategy. The S/F and administrator of USAID has authority over all State Department and USAID foreign assistance; directing the creation of policy budgets and program implementation, and mobilizes the foreign assistance expertise of the State Department and USAID. This enables a more efficient program while operating with various partners across the federal government.

⁷⁰ US Department of State, Office of the Coordinator for Reconstruction and Stabilization. Internet available at <http://www.state.gov/s/crs/c12936.htm>. Accessed 12 February 2007. Although this office was created by then Secretary of State Colin Powell on 5 August 2004, it was not until National Security Presidential Directive 44, signed by President George H. Bush on 7 December 2005, which authorized its responsibility to take the interagency lead on efforts concerning reconstruction and stabilization.

⁷¹ US Department of State, Director of US Foreign Assistance. "New Direction for US Foreign Assistance" Press briefing on 13 October 2006. Internet available at <http://www.state.gov/r/pa/prs/ps/2006/59398.htm>. Accessed 12 October 2006.

Counterterrorism (S/CT): Enabling the Kenyans

The DoS Coordinator for Counterterrorism, through the Anti-Terrorism Agency (ATA) and Bureau of Diplomatic Security, has implemented and conducted an extensive CT program in Kenya and the region since the inception of the East African Counter Terrorism Initiative (EACTI) in June 2003.⁷² EACTI encompassed the HOA and was a \$100 million program designed to strengthen the capabilities of states in the region to combat terrorism and foster cooperation among these governments. This initiative involved various USG agencies to train law enforcement and military for border and coastal security. A variety of programs, to strengthen control of the movement of people and goods across borders, aviation security capacity-building, assistance for regional efforts against terrorist financing, and police training, were part of the EACTI.⁷³ EACTI included an education program to counter extremist influence and a robust outreach program. All the programs incorporated the leadership of the government and the operators at the field level.⁷⁴ The minimum requirement for a program of this nature to work is a basic level of functioning security to enable the host nation to absorb such external assistance.

The strength and success of this program is derived from the manner in which the program was built from the ground up in Kenya, with their input, for their country. The National Counterterrorism Center (NCTC) in Nairobi is such an example. An in-depth combined assessment (US and Kenya) highlighted the two greatest weaknesses were the lack of interagency collaboration and the ability to command and control operations.⁷⁵ By bringing all required assets and agencies to Kenya, this enabled the most efficient and effective use of trainers and assistance to develop and execute a nine-week course. The course included law enforcement,

⁷² William Pope. Opening Remarks at the East African Counterterrorism Initiative Conference in Kampala, Uganda. 21 April 2004. Internet available at <http://state.gov/s/ct/rls/rm/2004/31731.htm>. Accessed 17 September 2006.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Pope. "Eliminating Terrorists Sanctuaries: The Role Of Security Assistance."

military, judicial, and immigration officials who in turn would form a Joint Terrorism Task Force (JTTF) to counter terrorism in Kenya and as part of the region. US and British representation was resident as part of the JTTF to advise in investigating and prosecuting terrorists.

The British involvement in training the Administrative Police (AP) was an example of tailoring the CT program to Kenyan's requirements.⁷⁶ The AP is a British design from the early 1900's. It serves the rural areas as community based police and border enforcement. Kenyan police in general operate in a structure modified from British Colonial practice.

In coordination with the NCTC, are the Terrorist Finance Working Group (TFWG) and the Terrorist Interdiction Program (TIP). TFWG is co-chaired between the S/CT and the International Narcotics and Law Enforcement office of DoS. It is supported by various USG agencies to include Treasury, Justice, Homeland Security and State with a purpose of helping Kenya to detect, dismantle, and deter terrorist financing networks in the HOA.⁷⁷ Kenya must first develop the legal, financial regulatory, financial intelligence, law-enforcement, and prosecutorial capabilities, and institutions to effectively combat terrorist financing and money laundering. Currently, Kenya has not passed the Suppression of Terrorism Bill (STB), but has passed the Anti-Money Laundering and Corruption Bills. The failure to pass any legislation with "terrorism" in the title is difficult due to the concerns of the minority Moslem population with respect to human rights.⁷⁸

TIP is a highly effective, low-cost, proven tool to border control officials in the global fight against terrorism to prevent terrorists freely moving from country to country.⁷⁹ In Kenya and other HOA countries, it provides the ability to collect, compare and analyze traveler data to assist in securing its borders and, if necessary, detain individuals of interest. TIP assist in

⁷⁶ Runyon.

⁷⁷ Pope. "East Africa Counterterrorism Initiative Conference."

⁷⁸ US Department of State, Office of the Coordinator for Counterterrorism. "Country Reports on Terrorism: Africa Overview," released on 28 April 2006. Internet available at <http://www.state.gov/s/ct/rls/crt/2005/64335.html>. Accessed 20 October 2006.

⁷⁹ Pope. "Eliminating Terrorists Sanctuaries: The Role Of Security Assistance."

intercepting suspects and providing data for investigative purposes. This program increases the regional cooperation of the HOA countries as they work together to hinder terrorists mobility.

Antiterrorism Capabilities: Kenyan's Advancement

The capabilities of Kenya to counter transnational terrorism are divided into two parts, preventive and post-incident. Since 1998 Kenya's ability to secure its ill defined and porous border is limited due to its vast size in comparison to available security resources. The nomadic lifestyle of the border population makes the challenge even greater. Port and maritime border security has increased since 9/11 specifically in surveillance, response teams, and cargo tracking systems. ATA operates with the US Navy in training and providing expertise in required equipment for Kenyans to conduct maritime security operations. Kenya's maritime operations require the presence of Kenyan police forces to conduct arrests.⁸⁰ Along with airport security, the US is heavily concerned about port operations due to the ease of international movement of personnel and cargo. Part of the EACTI is the Safe Skies for Africa Initiative. This initiative works to ensure security, safety, and air navigation enhancements to Kenya and seven other African countries as part of the overall airport security component of countering transnational threats.⁸¹ Intelligence security within Kenya is primarily the responsibility of the National Security Intelligence Service (NSIS) which heads the NCTC in Nairobi. The Kenyan government created this capability after the 1998 US embassy bombing but had limited resources until the EACTI in 2003.⁸²

Post-incident capability is the weakest area for the Kenyans. The major shortfall is Kenyan's inability to pass the Suppression of Terrorism Bill (STB). This bill would criminalize the recruitment and membership to a terrorist group to include finance activities. This bill has

⁸⁰ Antiterrorist Assistance Program, *Profile of The Republic of Kenya*, 14-15.

⁸¹ US Department of State. "FY 2007 Congressional Budget Justification for Foreign Operations," Request by Region: Africa. Internet available at <http://www.state.gov/documents/organization/60651.pdf>, page 344. Accessed 20 October 2006.

⁸² Antiterrorist Assistance Program, "Profile of The Republic of Kenya," 17.

met resistance due to concerns with international human rights especially in light of its minority Muslim population since its initial proposal in 2003. Success in legislation came with the passage of the Anti-Money Laundering and Anti-Corruption Bill.⁸³ These two laws facilitate political reform needed in the country to fight terrorism as a coordinated effort.

Many of the Anti-terrorism programs, such as the EACTI, are short and mid-term approaches in order to facilitate the long term strategies needed to fully address and alter the environment favorable for terrorism in Kenya. A major shortfall in this approach is the lack of CT programs with Sudan and Somalia. This relates back to the minimum requirement for security and a willing government in these countries to implement a basic program. The long term strategy is discussed in the following section with programs under the foreign assistance program of the State Department, which does address Sudan and Somalia.

Foreign Assistance: The Long Term Development

The Director of Foreign Assistance has two programs to build capacity in Kenya as part of the USG Security Cooperation. The first is USAID, through development and relief and recovery. The second is through security assistance programs. These programs have a measure of tangible output that is highly recorded and discussed. What is not easily discernible is the measure of outcome.⁸⁴ USAID goal in Kenya is to build a democratic and economically prosperous country through the focuses of five programs to include governance, sustainable use of natural resources, agriculture, economic growth, health and education.⁸⁵ Security assistance in

⁸³ Ibid., 19.

⁸⁴ Michael Burns. Senior Analyst for the Wexford Group International, Inc., member of the Iraq/Afghanistan Joint Transition Planning Group. Interview by author, Rosslyn, VA, 13,15 February 2006.

⁸⁵ US Agency for International Development. "USAID's Strategy in Kenya," Internet available at http://www.usaid.gov/locations/sub-saharan_africa/countries/kenya. Accessed 23 October 2006.

Kenya consists of IMET, Peace Keeping Operations (PKO), and Foreign Military Financing (FMF). This study will briefly discuss each of these including a level of effects.⁸⁶

USAID and Kenya have a strong historical partnership since Kenya's independence. USAID's operations contribute to security cooperation through efforts with the Kenyan government in support of USG national security interests and policies. The essence of the indirect approach to warfare is to diminish the underlying conditions that terrorists exploit. In the CT programs previously discussed, institutions and functions are created as part of the capacity to wage the fight whereas USAID enables the conditions required for these programs to begin. Although relatively prosperous compared to its HOA neighbors, Kenya faces an overwhelming range of developmental constraints.

Improving Health Conditions

USAID/Kenya's population and health program has three components, HIV/AIDS prevention, care, and support; family planning and child survival; and health sector reform and health care financing.⁸⁷ The program seeks to continue its achievements in these areas and to provide lessons to the rest of Africa on how to successfully address these problems. Kenya, with about 1.4 million (4.5 percent of total population) HIV-positive Kenyans, continues to be a focus country under the President's Emergency Plan for AIDS Relief under the policy direction of the US Global AIDS coordinator.⁸⁸ Results from the Kenya 2003 Demographic and Health Survey indicate that sexual activity by unmarried women and men has decreased in the past five years, while sales of socially marketed condoms increased by 35 percent, meeting the FY 2003 target.⁸⁹

⁸⁶ Effects in this case study are part of the overall capacity building of the institutions for Kenya and its government. Theorists such as, Samuel Huntington (see note 6) argues stability in states is the result of strong institutions (rule of law, security infrastructure, essential services).

⁸⁷ US Agency for International Development. "USAID's Strategy in Kenya."

⁸⁸ Ibid.

⁸⁹ USAID. "2006 Congressional Budget Justification," USAID Budgeting for Kenya - HIV/AIDS, Population, and Health. Internet available at <http://www.usaid.gov/policy/budget/cbj2006/afr/pdf/ke615-003.pdf>. Accessed on 20 October 2006.

After the 2002 terrorist bombing of a hotel in Mombasa, many lives were saved due to the new blood transfusion center there, part of the USAID-supported national safe blood project.⁹⁰

Promoting Sustainable Use of Natural Resources

The major challenges to the realization of sustainable management and conservation of natural resources in Kenya include: high annual population growth (3.5 percent), land degradation, loss of wildlife habitat, pollution of marine ecosystem, resource-linked conflicts, destruction of water containment areas and, encroachment to and elimination of forests.⁹¹ Kenya offers limited job opportunities outside of those reliant on natural resources. Approximately 70% of the country's total domestic energy is derived from wood. The USAID/Kenya natural resources program objective supports efforts that lessen, reverse or halt unsustainable use of the natural resource base through an integrated natural resources management approach to conservation. The focus is on influencing change in the community behavior regarding natural resources by promoting favorable incentives to improve natural resources management. USAID programs have led to strengthen the skills of community-based organizations to manage nearly 2 million acres and facilitated the creation of over 1,200 jobs as part of the sustainment for these natural resource areas.⁹²

Democracy and Governance

Kenya's government is less than 45 years old and has seen only three leaders since independence. USAID programs have focused on improving the balance of power within the branches of government, promoting and supporting anti-corruption reforms and free and fair elections, and increasing effectiveness of institutions and civil societal organizations. The civil society organizations are essential to providing the government with accurate information,

⁹⁰ Ibid.

⁹¹ USAID. "2006 Congressional Budget Justification," USAID Budgeting for Kenya – Natural Resources Management. Internet available at <http://www.usaid.gov/policy/budget/cbj2006/afr/pdf/ke615-005.pdf>. Accessed on 20 October 2006.

⁹² Ibid.

serving as a watchdog, and promoting peace in the country.⁹³ The strategy has three main components.

Civil Society Advocacy for National Level Reforms

A fundamental component of this program is support to civil society organizations. USAID supports organizations that lobby for national level democratic changes, provide Kenya's government with accurate political and economic information, and promote peace-building.⁹⁴ In supporting sustainable effective civil society organizations, USAID's interventions are aimed at improving civil societal organizations (CSOs) technical and internal management skills as well as their ability to prevent and resolve conflicts.⁹⁵ Two key areas for civil society intervention are anti-corruption and peace building and conflict prevention.

Increased Independence of Select Government Institutions

For the past three years, USAID support to Kenya's government institutions has focused on strengthening their Parliament. In order to support the National Assembly, USAID's activities aim at strengthening the parliamentary committee system and the Parliamentary Service Commission, increasing Members of Parliament's (MPs) awareness of alternative practices and available resources, and developing their capacity for analysis, investigation, and decision-making.⁹⁶

With a positive democratic transition in Kenya and a new government committed to good governance, the USAID program will place additional focus on supporting Kenyan's institutions. The mission receives direct requests from Kenya to assist in fighting corruption. This process requires a commitment from the President of Kenya and the USAID Administrator. Along with other donor organizations, USAID supports the national anti-corruption campaign, along with

⁹³ USAID. "2006 Congressional Budget Justification," USAID Budgeting for Kenya – Democracy and Government. Internet available at <http://www.usaid.gov/policy/budget/cbj2006/afr/pdf/ke615-006.pdf>. Accessed on 20 October 2006.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

critical support to legal sector reforms that ensure a more favorable environment for the promotion of transparency and accountability throughout the public sector.

More Transparent and Competitive Elections

USAID supported activities aimed at making the electoral process more transparent and competitive. Activities in this area are focused on improving the electoral enabling environment, electoral administration, and election monitoring. The largest component of the program went into assisting the Electoral Commission of Kenya (ECK) to increase its capacity to manage elections more effectively.⁹⁷

An independent evaluation revealed the Kenyan Parliament is significantly more independent and willing to demand amendments to bills and force the Executive Office to better explain and justify the budget it proposes.⁹⁸ Bills are routinely subjected to more amendments than at any other time in the history of Parliament. Civil society continues to be essential to advancing democratic consolidation in Kenya. It has suffered as several of its prominent leaders have accepted positions in the government. By program completion, there will be a better balance of power among the institutions of governance. The National Assembly will be independent and government systems will be more transparent and accountable to the people of Kenya. Lastly, civil society organizations will have the full capacity to effectively lobby for national reforms and monitor government activities.⁹⁹

Increasing Rural Incomes

Nearly 80 percent of rural Kenyans rely on farming as their primary income. The per capita annual income gradually dropped between 1992 and 2003 due to drought conditions.¹⁰⁰

Rural farmers have limited access to services to include credit, business, and distribution. The

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ USAID. "2006 Congressional Budget Justification," USAID Budgeting for Kenya – Increased Rural Household Incomes. Internet available at <http://www.usaid.gov/policy/budget/cbj2006/afr/pdf/ke615-007.pdf>. Accessed on 20 October 2006.

overarching programs USAID focuses on include: increasing agricultural productivity, increase in private sector growth, improve economic policy and governance, strengthen financial sector's contribution to economic growth, and increase food security of vulnerable populations.¹⁰¹

Programs within this area contributed directly to the 40% raise in rural household incomes and small business sectors access to credit services while increasing total food production by 45%.¹⁰²

Additionally, legislation continues to progress that addresses the agricultural sector.

Supporting Education for Marginalized People

The last of the USAID programs is also one of the most critical in terms of a long term strategy. Education provides a prosperous and peaceful future for youth in Kenya, while providing hope and sense of pride to family members. As an agrarian economy, education historically is not appreciated nor seen by many as a manner to progress. Schooling is not free and as such is widely unavailable to those residing in urban areas. The drop-out rate is over five percent and nearly one in six students must repeat a previous year of classes in order to meet the requirements.¹⁰³ The marginalized Muslim and female population historically had the lowest enrollment rate. USAID's programs are focused on improving the quality and enrollment of these marginalized areas as part of the overall national education system. Training of teachers is limited to access, and for the rural areas, instructions via radio to these teachers is improving their practices. This program has enabled the training of over 350 teachers in rural areas and almost 6,000 teachers in urban areas in the last two years.¹⁰⁴

The USAID portion of foreign assistance focuses on shaping the underlying conditions enabling Kenya to proceed in countering terrorists. These programs will not defeat or inflict

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ USAID. "2006 Congressional Budget Justification," USAID Budgeting for Kenya – Basic Education. Internet available at <http://www.usaid.gov/policy/budget/cbj2006/afr/pdf/ke615-008.pdf>. Accessed on 20 October 2006. USAID

¹⁰⁴ Ibid.

physical destruction upon these terrorist organizations, that part comes from the capacity security assistance brings to Kenya.

Security Assistance: Partners in Arms, An Indirect Approach

Security assistance is one of the critical components of the indirect approach to warfare that allows partner nations to diminish the underlying causes of instability - the instability that terrorists and adversaries wish to exploit.

Major General (Ret), US Army, Geoffrey Lambert¹⁰⁵

Security assistance to Kenya is focused on foreign military financing (FMF) International Military Education and Training (IMET), and Peace Keeping Operations (PKO). These programs are authorized by Congress and restricted in nature as seen in 2002 with the passage of the American Service-members' Protection Act (ASPA). This law prohibited military assistance to countries such as Kenya for being a member of the ICC and not entering into a separate bilateral agreement with the US.¹⁰⁶ Kenya first experienced this cut to all FMF in 2005. In FY 2007 Congress removed IMET from the ASPA sanctions with the National Defense Authorization Act of 2007.¹⁰⁷ Kenya's overall capacity has increased to counter terrorists and breaches in their security. Essential to modernizing an armed force such as Kenyans is the consideration of the holistic system. The system to include logistics, personnel training, infrastructure, leadership and organization, all must first be capable of sustaining and implementing this new capability.¹⁰⁸

¹⁰⁵ MG (Ret) US Army, Geoffrey Lambert, Discussion, as part of the "Leading Change Semester," to the School of Advanced Military Studies, Fort Leavenworth, KS, 10 December 2006. His discussion focused on indirect methods such as security assistance as opposed to traditional military options in countering terrorism.

¹⁰⁶ American Service-Members' Protection Act, US Code, sec. 2007 (2002).

¹⁰⁷ National Defense Authorization Act (NDAA) of 2007, "Statues at Large" sec. 1222 (2006).

¹⁰⁸ Kenyan White Paper. 14.

Prior to this year, Kenya received the following assistance from the U.S in terms of FMF:

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
\$0	\$0	\$0	\$1mil	\$15mil	\$1mil	\$6.6mil	\$0	\$0	\$0

Figure 2: Foreign Military Funding to Kenya, 1998 to FY 2007
Source: DISAM¹⁰⁹

Kenya's military budget in 2004 was \$260 million, 1.8 percent of their Gross Domestic Product, which nearly all is dedicated to operating and maintenance and personnel expenses, leaving little for enhancing counterterrorism efforts.¹¹⁰ Since 2001 the FMF funds added significant capacity to the Kenyan Armed Forces (KAF). One fully equipped motorized infantry battalion was fielded as part of the FMF funds in addition a special operations and a rapid response airborne company. The Kenyan Air Force has also benefited in the last six years with upgraded and enhanced logistics ability tailored to the F-5 aircraft and MD-500 helicopters. Finally, the Kenyan Naval Forces added four fast patrol boats and coastal radar systems through the FMF funds.¹¹¹

Kenya's capacity for counterterrorism has increased since 1998, although the last two years without FMF has exposed several critical requirements. There currently exists the requirement of another motorized and mechanized battalion, in addition to communication equipment for joint operations with naval and air operations.¹¹² The threat environment requires a medium artillery company capability to support the rapid response units. Lift helicopters are an essential requirement to transport a company sized force to coastal and border threats.¹¹³ Naval key requirements include four additional fast patrol craft and additional surveillance radars which the KAF requires. Kenya's Air Force is comprised of six F-5's.¹¹⁴ The requirements for continuous operations in countering terrorists mandate improved infrastructures and an air

¹⁰⁹ Defense Institute of Security Assistance Management. This data was received via e-mail on 22 February 2007 after a web based request was initiated. The 2002 year amount of Security Assistance was all supplemental.

¹¹⁰ *Janes Sentinel Security Assessments*. "Kenya, Defense Budget," dated 31 Jul 2006.

¹¹¹ Kenyan White Paper. 10.

¹¹² *Ibid.*, 13.

¹¹³ *Ibid.*, 13.

¹¹⁴ *Janes Sentinel Security Assessments*. "Kenya, Air Force," dated 3 November 2006.

defense system to protect vital areas. Although no foreseeable change will occur with the ASPA sanction, the NDAA 2007 presents opportunities for building capacities as part of Section 1206, Global Train and Equip.¹¹⁵

IMET is another part of security assistance. The US military has transparently trained several hundred Kenyan military officers and non-commissioned officers in the US since 1998. On average the US military trains and educates about 55 members of the KAF per year, with as many as 70 in 2003 and 2004. The ASPA sanctions dropped this number to zero for 2005 and 2006. With the sanctions removed from IMET, in FY 07 the expected number is about nine.¹¹⁶ The importance of IMET was evident as several security cooperation agencies argued to have it removed from the ASPA sanctions.¹¹⁷ IMET is an investment in ideas and people that benefits Kenya as well as US and this is especially true due to a common language. An example of one of the effects of IMET that is difficult to quantitatively measure is the Kenya's defense academic and training institutions and colleges.

The Kenya Armed Forces leads the region in training and educating military officers.¹¹⁸ This training is not limited to African defense personnel as evident by the Commanding General of US Marine Central Command attendance at the Peace Support Training Center in 2004.¹¹⁹ These relationships last a lifetime and build trusts and understanding between regional and international players. Critics of IMET cite historical evidence of US training foreign military from authoritarian governments with less than desirable human rights practices, or once trained and educated, these leaders turn on their people and government.¹²⁰ Although there have been

¹¹⁵ NDAA 2007. sec 1206.

¹¹⁶ US Department of State. "FY 2007 Congressional Budget Justification for Foreign Operations," 213.

¹¹⁷ The lead of these agencies was the Defense Security Cooperation Agency.

¹¹⁸ Kenyan White Paper, 11.

¹¹⁹ Ibid.

¹²⁰ US International Security Assistance Education and Training. Internet available at <http://www.fas.org/asmp/campaigns/training.html>. Accessed on 9 August 2006. An introductory quote by US Senator Tom Harkin states the ineffectiveness of IMET type programs from preventing the foreign military from inflicting atrocities against their own people.

isolated incidents, the preponderance of support continues to nations such as Kenya. Kenya's record on human rights practices is not without notice, but by and large the programs such as peace keeping operations (PKO) and African Contingency Operations and Training Activity (ACOTA) support stability in the region and around the globe.¹²¹ PKOs are less controversial programs.

Peace Keeping Operations: Kenyans Leading by Example in Africa

The last section of security assistance in Kenya is the Peace Keeping Operations (PKO) portion. PKO is distributed regionally and in Kenya's case there have been four programs. Before 2003, there was the Africa Crisis Response Initiative (ACRI), replaced with the current version of the African Contingency Operations Training Assistance (ACOTA) program which comes under the Global Peace Operations Initiative (GPOI). The other program is the Africa Regional Peacekeeping.¹²² These programs enabled countries such as Kenya to contribute to humanitarian and crises missions, which without training and resources, would otherwise be left to watch other countries continue with their lion share of the work.

Kenya has contributed more than its share to PKOs. It is the seventh largest troop contributing Nation in the world to United Nations missions. This is remarkable considering it is ranked 34th in world population.¹²³ Since 1979, Kenya has supported 18 PKO's and since 2002, has maintained two battalions of KAF volunteers, one in Eritrea and one in Sierra Leone, as part of these United Nations (UN) missions.¹²⁴ The PSTC is considered the cornerstone of Kenya's ability to maintain stability regionally and as member of the international community. It is

¹²¹ James JF Forest and Matthew V. Sousa. "Countering Terrorism in 21st Century Africa," *The Bulletin, a news publication of the Africa Center for Strategic Studies*. vol. 4, iss.2, (April 2006). Internet available at <http://www.africacenter.org> . Accessed on 20 October 2006.

¹²² US Department of State. "FY 2007 Congressional Budget Justification for Foreign Operations," 228-232.

¹²³ The ranking of the PKO force is from the "Kenyan White Paper." The source of the world ranking in population is from the US Census Bureaus. Internet available at <http://www.census.gov/cgi-bin/ipc/idbrank.pl>.

¹²⁴ Kenyan White Paper, 10.

considered one of the premier peace support training institutions in the world and supports the training of as many international officers as its own.¹²⁵ This regional support is essential to bringing stability to countries that historically did not have trust and confidence in their neighbors.

GPOI, a five-year program, valued at \$600 million, supports the training, equipping, and sustainment for 75,000 foreign troops (15,000 per year) who perform PKOs worldwide, on short notice.¹²⁶ This concept was initiated at the G8 Summit in Canada, June 2002, to make conflict prevention a top priority in Africa. Africa receives two-thirds of this training (10,000 forces per year) and has already initiated the African Standby Force (ASF), with one brigade sized force per sector of the continent for a total of five. Only the Eastern Standby Force (ESF), headquartered in Eritrea with operations planners in Kenya, is operational at this time.¹²⁷ This success is directly attributed to Kenya's active role in the PSTC and as a regional leader in stability operations.

Defense Security Cooperation: Coalition Interoperability Operations

The last area of security cooperation (SC) programs between the US and Kenya analyzed are ones conducted by DoD. These cooperative activities between the US military, the KAF, and other HOA defense forces, promote a stable and secure environment through engagement and presence. As previously discussed, a common language is an enormous facilitator for these activities. Since 1998, these military-to-military engagements have renewed and confirmed the commitment each country has to fighting terrorism and desire for a stable region. There are

¹²⁵ Ibid., 11.

¹²⁶ Beth Degrasse, David Dickson, and Michael Dzedzeck. "Global Peace Operations Initiative: Future Prospects Future Prospects," briefing on 12 October 2003. *United States Institute of Peace*. Internet available at http://www.usip.org/pubs/usipeace_briefings/2004/1021_nbgpoi.html. Accessed on 22 October 2007.

¹²⁷ Steve Mbogo, "African Peacekeeping Force Development Continues Despite Funding Challenges," *World Politics Watch*, 21 December 2006. Internet available at <http://www.worldpoliticswatch.com/article.aspx?id=429>. Accessed 20 February 2007.

numerous examples of effective programs that maintained cooperation and open lines of communication between the countries, but three will be highlighted. These exercises include the Natural Fire series, the Edged Mallet, and the Golden Spear series. Each of these increased the capacity of the Kenyans and the US Armed Forces. Essential to these and all defense security cooperation activities, is the regional command and control (C2) element in Djibouti as part of the CJTF-HOA, from CENTCOM. A regional element provided an operational level of planning and foresight, enabling a broader perspective compared to the bilateral coordination.

Exercise Natural Fire began in 1998 and has since continued in 2000 and in 2006. Involvement in this regional scale PKO exercise included Kenya, US, Uganda, and Tanzania.¹²⁸ Observers included South Africa, United Kingdom, Belgium, and France. This ten day exercise enhanced crises response through an increase in the interoperability of the four countries. KAF commanded the exercise with a combined staff consisting of all the countries, which involved over 1,000 forces conducting field exercises and humanitarian civic action programs.¹²⁹

Exercise Edged Mallet, has been similar in nature to Natural Fire, but is a bilateral exercise between the US Navy/Marine Corps and the KAF. This exercise occurred in 1999, 2002, and most recent in 2004. It involved over 3,000 US forces of which 1,000 marines came ashore to conduct exercises with about 250 KAF members. The effect was an improved interoperability and execution of humanitarian actions. The 2004 exercise evaluated and medically treated over 1,300 Kenyans.¹³⁰

The last program analyzed is the annual Golden Spear strategic working group of eleven East African countries (not including Somalia and Sudan) and the US. This group focused on the

¹²⁸ US Central Command, Combined Joint Task Force-Horn Of Africa. "Kenya, Tanzania, Uganda and US to conduct multi-lateral exercise: Humanitarian projects also scheduled in all EAC nations during Exercise NATURAL FIRE 2006," Internet available at <http://www.hoa.centcom.mil/Stories/Aug06/20060803-003.htm>. Accessed 19 February 2007 and the *Kenyan White Paper*.

¹²⁹ Ibid.

¹³⁰ *Global Security.Org*. "Exercise Edged Mallet," Internet available at <http://www.globalsecurity.org/military/ops/edged-mallet.htm>. Accessed 19 February 2007 and the *Kenyan White Paper*.

disaster management capability of the regional countries.¹³¹ Cooperation is critical as the principle of the group is an open, free, and unrestricted exchange of data and information between all the stakeholders to enable decision making. In 2005, Kenya was chosen by the group to have the Regional Disaster Management Center located in its country due to its cordial relationship with all, central location and accessibility, and willingness to provide facilities for the center.¹³² Kenya's capacity to take on such programs is indicative of its willingness and ability to continue as the East African lead in security and stability operations.

¹³¹ Scott Forester, Colonel, US Army. "Golden Spear Task Force Meeting And Initial Planning Conference," *Center for Strategic Leadership*. Issue Paper, vol. 4-05 (Feb 05). Internet available at <http://www.carlisle.army.mil/usacsl/publications/04-05.pdf>. Accessed 19 February 2007.

¹³² Ibid.

Chapter 5: A Way Ahead for Capacity Building Through Security Cooperation

Today's crises often prevent USG agencies from planning for future problems. DoD devotes a small workforce towards regional and long-range planning. DoD is organized and resourced to conduct such planning, unlike the remainder of the USG. Today's operating environment requires the US potentially to fight or be in conflict with several adversaries simultaneously. This places strain on an already taxed Armed Force, requiring an even greater concerted USG effort and cooperation from our Allies. But, it also requires USG agencies such as the State Department to reorganize as part of a National Security Cooperation Plan (NSCP).¹³³ Security cooperation is the indirect approach to warfare that succeeded to some degree in the past in building partnership capacity but must succeed for the US to meet today's national interests.

A way ahead for the US to enable world stability requires various actions of which this study will highlight seven areas. These are independent recommendations, but maximum effectiveness comes out of total implementation. These range from changing legislation such as the ASPA for military assistance, to allocating national resources and responsibilities aligned with authorities such as the new Office for Coordinator of Stability and Reconstruction (S/CRS). Third, the S/CRS office, along with Foreign Assistance (S/F), must implement regional coordinators that align these with DoD's Geographical Combatant Commands, as part of a National Security Cooperation Plan (NSCP). Fourth, institute a NSCP. Fifth, in addition to having FMF sanctions removed from the ASPA, additional security cooperation and assistance measures must be taken to expedite essential military equipment to required countries. Sixth, embassy teams must balance the foreign assistance between military and civilian to deal with the terrorists' threat in their region. Lastly, security assistance as part of Section 1206 and 1208 of

¹³³ A NSCP will be discussed in detail as part of these recommendations.

the NDAA, must be consolidated as part of a regional foreign assistance program under authority of DoS, and administered with the consent of DoD. The manner in which the Iraq Relief and Reconstruction Fund (IRRF) is scrutinized under the Special Inspector General for Iraqi Reconstruction (SIGIR), is the model of future evaluations as part of this assistance.¹³⁴ SIGIR is a product of congressional oversight. One course of action (COA) is always the “do nothing” COA which is the first area discussed as part of what happens if the status quo is followed.

Implications of No Change: The “Do Nothing Effect”

The threat of transnational terrorism is not diminishing any time soon, nor is the resolve and funding from the USG to stamp out this evil. The events from 9/11 still resonant in the hearts and minds of all Americans; Mandating the USG never allow such a tragic re-occurrence. A problem exists in getting all USG elements on the same glide path, beyond the normal interagency hoopla. Currently foreign assistance and capacity building programs are like a “300 horse-powered engine running not hooked up to a transmission.”¹³⁵ The potential is great, but it is not going anywhere real fast, real soon, unless there are holistic changes physical changes beyond talking points.

SIGIR’s oversight responsibility of funds allocated and spent in Iraq will become the standard for all foreign assistance funding programs to include security cooperation (SC) and reconstruction and stability (R&S).¹³⁶ Between DoS, DoD, and the Coordinator for Foreign Assistance (S/F), without a concerted regional capacity building plan, a “SIGIR like” Congressional entity will inhibit or stop assistance. Ultimately these countries, will lose their capacity to counter terrorism due to lack of an effective and efficient plan. Foreign assistance resources are limited for countries like Kenya. Any future cuts to Kenya’s aid package opens the door wider for China to make-up this difference as part of an economic development package.

¹³⁴ Paul Tyson, interview by author via telephone, Springfield, VA, 15 February 2007.

¹³⁵ Ibid.

¹³⁶ Ibid

Our adversaries coming out of the GWOT will likely not be the same as the ones we had entering it.

Regional Capabilities for Foreign Assistance / Stabilization & Reconstruction

Foreign assistance's (FA) transformation began with the integration of all DoS and USAID associated funding under one element, the Director of US FA (S/F). Four months before this, President Bush implemented the National Security Presidential Directive 44 (NSPD-44) that mandated the Secretary of State, through the Office of the Coordinator for Reconstruction and Stabilization (S/CRS), lead the interagency process in coordinating, planning, and execution of R&S in failing and post-conflict states.¹³⁷ These entities must work effectively work with DoD, as some level of military involvement during crises is a certainty.

The first disparity is in the resourcing of the S/CRS. The administration meant well with the NSPD-44 but beyond authority, no real manpower was dedicated until after a crisis occurs. These resources come from across the USG to build interagency teams. The proposed \$100 million Conflict Response Fund was cut to \$24 million, resulting in no real "standing" capability.¹³⁸ With no less than four S/CRS missions concurrently being executed, there is a requirement to have S/CRS fully resourced and capable. Otherwise, S/CRS will continue to be a minor player amongst DoD and S/F. DoD must have the lead in conflict times and S/F in stable times, but it is that "gray" area in between which exists a shortfall that S/CRS must fill.

The implementation of the African Command (DoD) indicated the growing importance and the US national interests in Africa, and the requirement to have focused resources and planning efforts. The regional approach is not a new concept for USG agencies, but what is new

¹³⁷ US Department of State, Office of the Coordinator for Reconstruction and Stabilization. Internet available at <http://www.state.gov/s/crs/c12936.htm>. Accessed 12 February 2007.

¹³⁸ Nina M. Serafino and Martin A. Weiss, "Peacekeeping and Conflict Transitions: Background and Congressional Action on Civilian Capabilities," *CRS Report for Congress*, Jan. 26, 2006. Available at: www.usembassy.it/pdf/other/RL32862.pdf Accessed 13 February 2007.

is the requirement to have four dedicated coordinators and associated staffs, co-located with the Geographic Combatant Commands (GCC), each from the S/F and the S/CRS. This capability goes beyond what is current to execute and enters into the ability to plan for regional security cooperation and post-conflict situations with DoD counterparts. Beyond counter-terrorism, DoS is still locked-step in bilateral dealings as part of foreign policy. The reality is events and crises occur regionally. Currently embassy teams manage foreign assistance. The S/CRS concept for stability and reconstruction is evident only in Iraq and Afghanistan. In failed states such as Somalia and Sudan, each require an S/CRS team focused on progressing these states into stable areas. This is separate from foreign assistance. It is the first step into building these nations capacity and progression into foreign assistance to continue and expand on their existing capacity through development. The majority of countries are in a stable state in which foreign assistance is responsible for capacity building. In those failed states the US perceives as a national interest to stabilize, an S/CRS team located and dedicated to the failed state, becomes the lead for building capacity. In either situation, a regional coordinator must be located in the same theater. This coordinator assists the country teams, but more importantly manages and plans across the region resources and efforts to ensure a coordinated effort.

There are currently no security cooperation programs with Somalia or Sudan. Somalia is receiving minimal foreign assistance and Sudan, with the exception of the Darfur humanitarian assistance mission, is also the recipient of minimal assistance.¹³⁹ The regional coordinator and S/CRS concept would provide four additional sources of planning and coordination for the US embassy team in Kenya. An S/CRS team, one each for Somalia and Sudan, would operate in Kenya until levels of stability are such that enable the team to relocate into their respective states. The proposed organization is in Appendix 5. These teams would alleviate the enormous workload off the Kenyan team and enable their focus on Kenya. Additionally, the regional

¹³⁹ US Department of State. "Darfur and Sudan: The Hard Work of Peace," 27 February 2006. Internet available at <http://www.state.gov/documents/organization/62294.pdf>. Accessed 14 February 2007.

coordinators strengthen planning amongst the varied USG agencies by coordinating and synchronizing security cooperation efforts. They also provide real-time feedback between the country teams and Washington D.C.

Embassy Teams: The Focal Point for Effective Security Cooperation

The next requirement for the effectiveness of the USG Security Cooperation Program is focused on the in-country embassy teams. As stated in the US Senate Committee on Foreign Relations Report in December 2006, US embassies are the frontline in the GWOT.¹⁴⁰ The demands on embassies are well beyond the pre-9/11 era and as such require DoS personnel dedicated to security cooperation efforts. The GWOT has enabled DoD to increase its presence in areas outside of Iraq and Afghanistan. This has caused a perception from some host-nations that the US military is the lead in shaping US foreign policy.¹⁴¹ Military representation is needed as part of the security cooperation effort to ensure requirements and capabilities are balanced, but DoS is responsible for establishing the US foreign policy.

As part of this balance, the level of security assistance, to include NDAA section 1206 funding for globally training and equipping forces, has exponentially increased in some areas where as the other areas of assistance has maintained or stagnated. To return the lead of foreign policy and security cooperation to DoS, all foreign assistance, to include section 1206 funds, must be under the authority of the Secretary of State. This requires increased communication between the DoD and DoS to effectively implement programs to build capacity. This requirement is another capability the regional coordinator concept introduces that is currently absent.

¹⁴⁰ Senate Committee on Foreign Relations, “Embassies as Command Posts in the Anti-Terror Campaign,” 1.

¹⁴¹ Ibid., 12.

Security Assistance Developments for Today's Challenges

In the security assistance area, two changes increase the effectiveness of building capacity in Kenya to fight terrorism. The first involves removing Excess Defense Articles (EDA), as part of the military assistance sanctions associated with the American Service-member's Protection Act of 2002. This would follow in line with the removal of IMET from similar sanctions. EDA equipment is offered to foreign governments, as part of their modernization program, which supports US National Security and foreign policy objectives.¹⁴² One of Kenya's greatest need is outfitting their ground forces with mobility assets to include wheeled vehicles and armored personnel carriers. EDA equipment availability fluctuates based off of the needs of DoD. Some of the recent transfers to African countries would increase the capabilities of the Kenyan Armed Forces. These transfers included five-ton and two and a half ton trucks, M113 armored personnel carriers, UH-1H helicopters, air defense systems to include HAWK and CHAPARRAL, and individual weapons.¹⁴³

The second development would provide timely and flexible options to support US National Security interests in conflict areas such as the HOA. Current requests for military assistance are not adequate for crises prevention or mitigation. The Special Defense Acquisition Fund (SDAF) was a unique and successful program managed by the Defense Security Cooperation Agency, and executed by the military departments from 1981 to 1991.¹⁴⁴ As part of the fund, pre-purchased equipment is in stock, ready for rapid deployment for sale, loan, or lease to US partners in the GWOT. As part of a revolving fund, materiel is replenished into the fund through sales, Congressional appropriations, and donations from non-USG parties. Today's

¹⁴² Defense Security Cooperation Agency. "Excess Defense Articles," Internet available at http://www.dsca.osd.mil/home/excess_defense_articles.htm. Accessed 14 February 2007.

¹⁴³ This information was provided via e-mail from Bob Newman, EDA specialists, US Army Security Assistance Command, Fort Belvoir, VA.

¹⁴⁴ Brieske. This recommendation is also part of the Iraq/Afghanistan Joint Planning Group for the Transition of Multi-National Security Transition Command-Iraq to the Office of Security Cooperation – Iraq.

version is called the Defense Coalition Support Account (DCSA) and is still in a conceptual stage. In the last eight months in the HOA, events have transpired into conflict against terrorists cells which an African Command, working with US regional coordinators, could have requested security cooperation support to countries such as Kenya and Ethiopia.¹⁴⁵

Presidential Actions: ASPA Waivers and a National Security Cooperation Plan

The President of the United States must immediately act in implementing two required changes to ensure Kenya and our coalition partners have the capacity to counter transnational terrorists. The first requires the President to waive the prohibition of military assistance to Kenya and other partners in the GWOT.¹⁴⁶ The US is sending mixed messages when we pronounce Kenya as the linchpin in countering terrorism in East Africa, yet we cut military assistance to build their capacity. Kenya is important to the national interest of the US. It is well worth the \$15 million in FMF funds to meet immediate requirements.¹⁴⁷

The second action is for the President to enact a National Security Cooperation Plan (NSCP) executed by the National Security Council (NSC). The NSCP would come out of the National Security Strategy (NSS). This recommendation is similar to what Colonel (US Army) Albert Zaccor proposed in a thesis, *Non-State Threats as part of Security Cooperation*.¹⁴⁸ DoD has security cooperation guidance directed through the Secretary of Defense, but no other USG agency has a global plan in dealing with US national interests or foreign policy goals.¹⁴⁹ A national level plan would integrate interagency efforts and ensure resources are effective and

¹⁴⁵ These three are used as examples of how an African situation would be executed with the proposed organizational changes.

¹⁴⁶ American Service-Members' Protection Act, sec. 2007, b.

¹⁴⁷ Kenyan White Paper, 15.

¹⁴⁸ Zaccor, p 42.

¹⁴⁹ OSD SCG, page 6

efficiently utilized in building partnership capacity to counter today's transnational terrorist threats and postured to fight tomorrow's threat as well.

Conclusion

The intent of this study was to determine in what ways the United States Security Cooperation program with Kenya has been effective in building host nation capacity to counter transnational terrorism. The program with Kenya focused on three general lines of effort to include foreign assistance, defense security cooperation and assistance programs, and counter-terrorism training programs. In general, all three have been effective for Kenya. In specifics, the lack of a coordinated regional USG effort reduced the effectiveness of on-going programs to counter the transnational threat in the region.

The foreign assistance program has a high level of output, measured and reported continuously, but the same can not be stated about the level of outcome. This is across the board for all three areas of effort. The nature of capacity building and countering terrorism requires a long-term strategy. The requirement to get initial successes in short and mid-term are met through the Defense and Counter-Terrorism efforts. The success in these areas is due to tailoring these programs to the requirements of Kenya. Security assistance procedures have not progressed since the Cold War era, and as such, actions to assist building Kenya's security apparatus have met roadblocks. To make matters worse, even more roadblocks such as the ASPA sanctions have been implemented by Congress.

The current focus of the international community is the Middle East; Everything else is secondary. Conflicts in other regions of the world have not stopped, nor is there any indication of such action in the future. The limitations of what the US military can accomplish are real. The necessity of effective security cooperation programs to fight as part of the indirect approach to warfare is more relevant today than ever before to prevent or mitigate the requirement for armed intervention.

Appendix 1: Security Cooperation Programs

The following list is examples of security cooperation programs currently executed by the USG. This list, where indicated, includes current programs in Kenya and the HOA, indicated by “both.”

International Military Education and Training (IMET)	Kenya
Military-to-Military contacts to include liaison teams exchanged	Kenya
Overflight and port access	Kenya
Combined military and security operations and training exercises	Kenya
Civic Action Programs (CAP) :	Both
Veterinarian (VETCAP)	Both
Medical (MEDCAP)	Both
Humanitarian Civic Actions (HCA)	Both
Foreign Military Financing (FMF)/ Sales (FMS) (Stopped in Kenya '05)	None
Peace Keeping Operations (PKO)	Kenya
Developmental Assistance (DA)	Both
Food For Peace Programs (Public Law 480 Title II)	Both
Intelligence Collection and Information Sharing	Kenya
Law Enforcement Operations and Training	Kenya
Combined Strategic Information and Communication Operations	None
Antiterrorism Assistance (ATA)	Kenya

Appendix 2: Security Assistance Programs

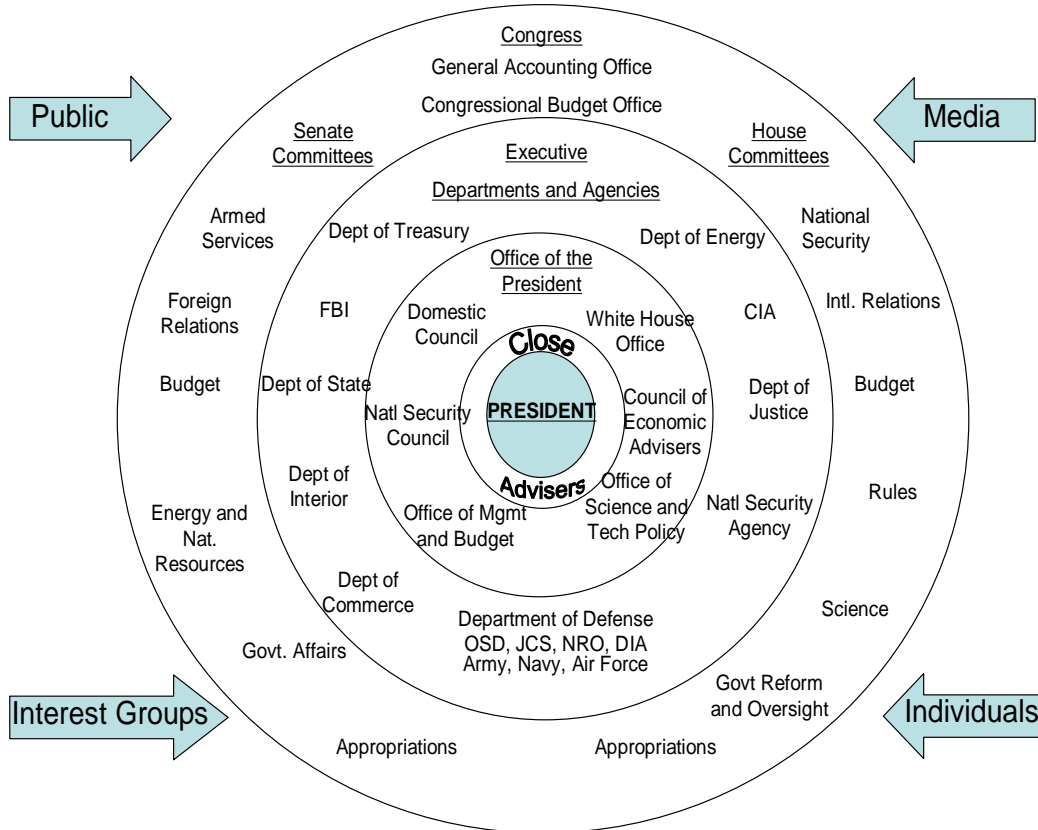
The most common security assistance programs used by the US Government are listed in this table with the lead proponent for each of these programs

Foreign Military Sales (FMS)	DoD
Foreign Military Construction Services (FMCS)	DoD
Foreign Military Fund (FMF)	DoD
Lease Program	DoD
Military Assistance Program (MAP)	DoD
International Military Education and Training (IMET)	DoD
Drawdown	DoD
Economic Support Fund	DoS
Peace Keeping Operations (PKO)	DoS
International Narcotics Control and Law Enforcement (INCLE)	DoS
Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR)	DoS

Source: Security Assistance Studies, Defense Institute of Security Assistance Management Internet available at http://www.disam.dsca.mil/Research/Presentations/dl_presentations.htm, see the briefing, “Introduction to Security Cooperation Management.”

Appendix 3: Formulation of Foreign Policy

The formulation of national security policy is depicted below as various concentric circles that surround the President of the United States. The President's closest advisers comprise the most inner ring. These advisers may not have an official role or position, but due to their unique relationship have garnered the President's attention and confidence.

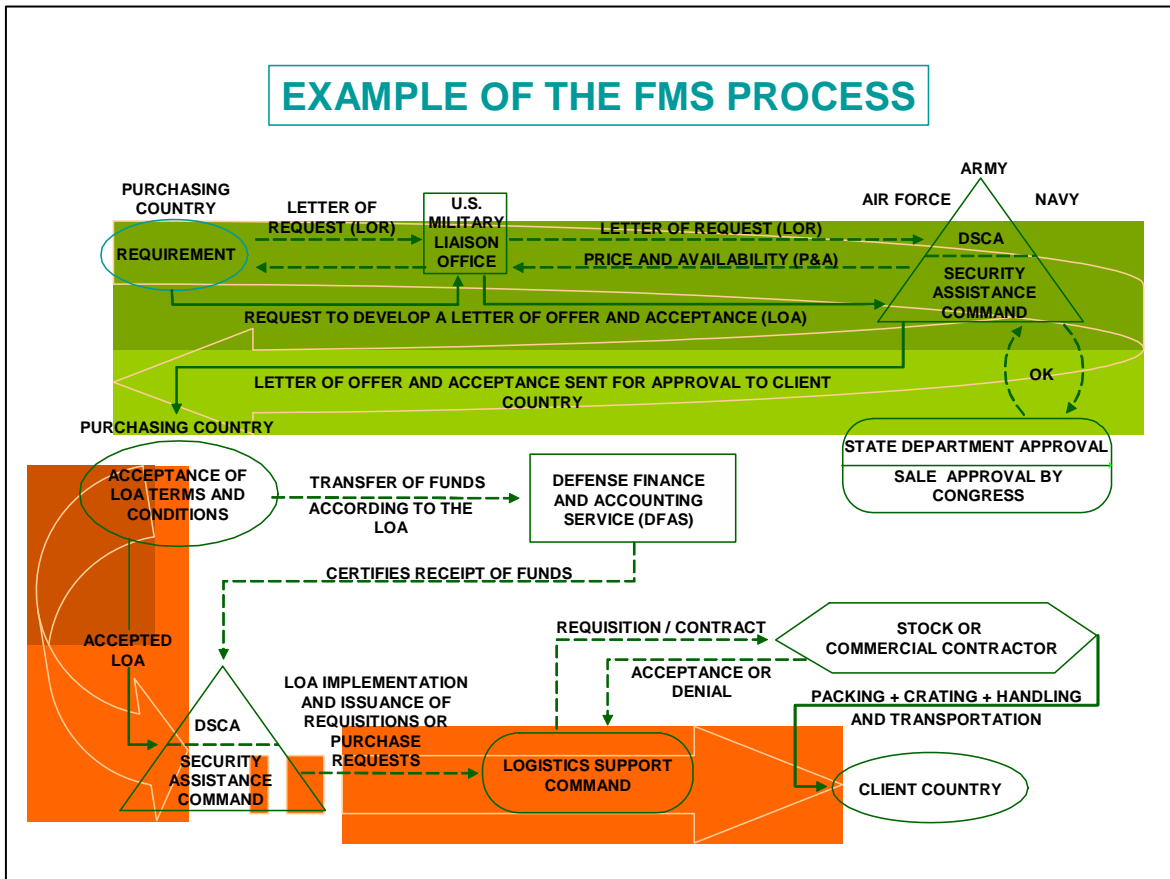


Formulation of Foreign Policy

Source: Adapted from Jordan, Taylor, and Mazarr, American National Security (Baltimore, MD: The Johns Hopkins University Press), 218.

Appendix 4: The Foreign Military Sales Process

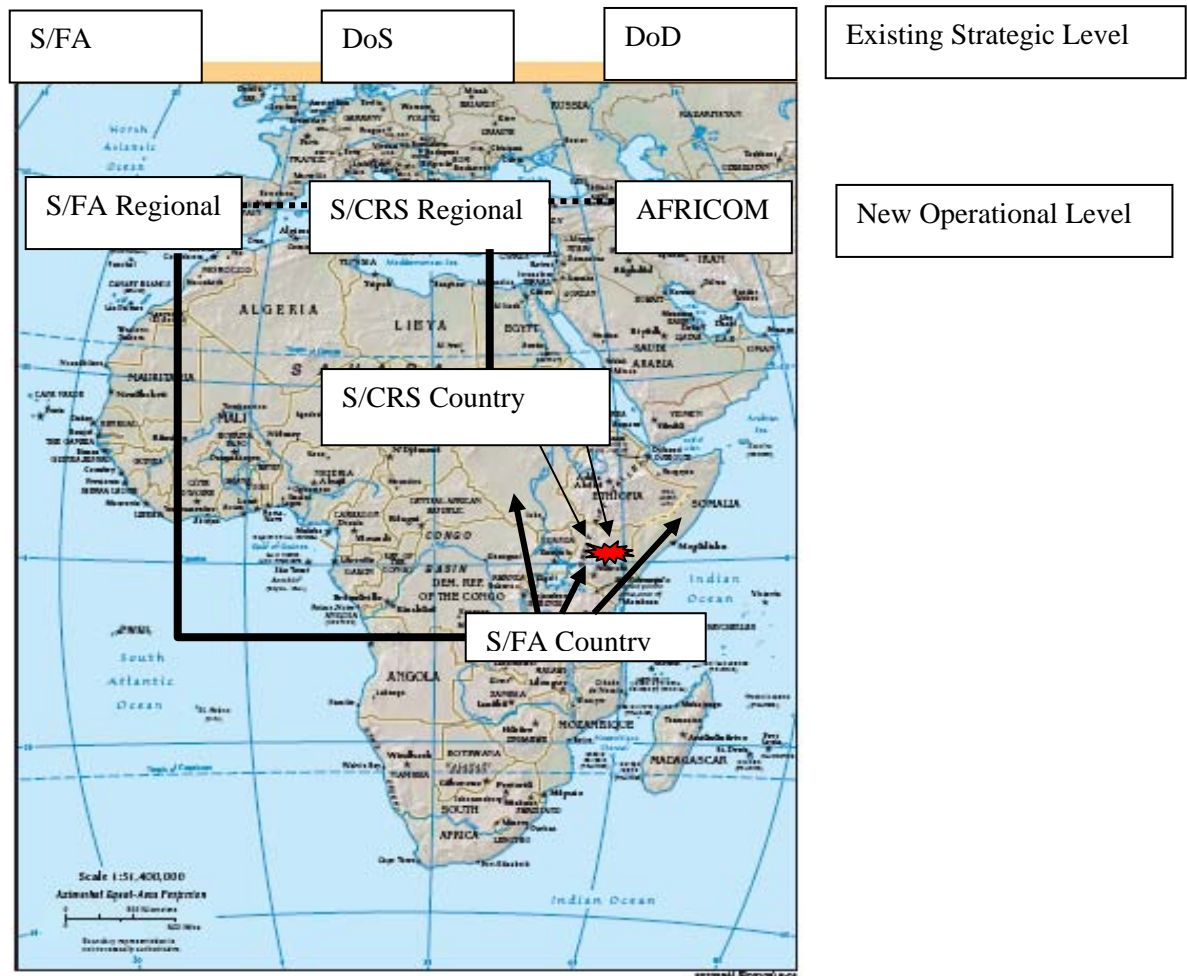
The foreign military Sales (FMS) process begins in the upper left corner. This request to fill a requirement must pass through six different agencies, many several times, before the delivery of the military equipment.



Source: US Army Security Assistance Command Staff Study for the Interagency Transition Planning Team of MNSTC-I to OSC-I

Appendix 5: Illustration of Coordinated Regional Concept

The illustration below depicts a recommended Regional Operational Initiative relationship between Department of State (DoS), Defense (DoD), and Coordinator of Foreign Assistance (S/F). This example is specific for Kenya, in the Horn of Africa, as part of the newly established Africa Combatant Command (AFRICOM), but the concept is universal to the other Geographical Combatant Commands (GCC). The regional situation in this example mirrors the current situation. In Sudan and Somalia there is foreign assistance (S/F) in the form of humanitarian aid only, no stability/reconstruction efforts or security cooperation programs. As a crises event occurs in Kenya, in order to prevent or mitigate conflict in failing/failed states (Sudan and Somalia), reconstruction and stabilization teams from the DoS Coordinator for Reconstruction and Stabilization (S/CRS) leads efforts in the affected states. In this example, these teams operate from Kenya initially. In situations where S/F programs are existent, these would be subordinate to the S/CRS until the crises are over. The essence to this design is the addition of an operational level, where the AFRICOM staff would have two new partners from DoS. The S/F and S/CRS would have regional staffs that reside with the GCC. This new level of organization, created and enforced by legislation, provides a needed regional focus for planning and execution.



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