Chapter Five

FROM THE COLD WAR TO THE WAR ON TERRORISM

Introduction
The purpose of this chapter is to assess the evolution of US policies towards Kenya from the Cold War to the war on terrorism. It identifies three distinctive trends in various US policies that have been reflected towards Kenya throughout this research report. These include containment, promoting democracy and the war on terrorism. US foreign policy has been mainly guided by these three main themes.

Containment
The term containment describes the foreign policy strategy pursued by the US towards the expansion of Soviet Communism in the world. John Lewis Gaddis (1982) argues that all US foreign policy doctrines and concepts of the Cold War in some way were strategies of containment. This was the domestic policy that influenced US foreign policy towards Kenya. At independence the country emerged as a pro-Western State in the Greater Horn of Africa. This pro-Western stance was mainly dictated by the intricate economic ties that the country had with its former colonial power, Britain, who had entrenched capitalism. Ironically as observed by John Okumu (1997:136-7) at independence the country adopted a non-alignment policy and yet due to the strong relationship it had with its former colony it chose to lean towards the Western powers.

In its containment policy the US was concerned with the spread of Soviet influence in the region and sought out Kenya. In turn Kenya sought out the US in order to deter any imminent dangers from its neighbours especially Somalia who threatened to annex the Kenyan North Eastern Province in its vision to create a greater Somalia. Thus, both countries signed the Facilities Access Agreement in 1980. (Clough 1992:111) The agreement rather enhanced US presence in Kenya, establishing a strategic partnership; due to this the country became a main aid beneficiary from Western powers and donor agencies.
However, as the US set out to contain Soviet influence in the region and Kenya became a close ally, it turned a blind eye to the mismanagement of aid, corruption and the grave human rights violations that were taking place in the country. By the end of the Cold War due to these ills the country was in a dilapidating state. There was no internal voice to hold the government accountable for its actions. The governments of President Kenyatta and Moi had suppressed all forms of democratic debate in the country through manipulating the constitution, intimidating and imprisoning without trial any one who dared to oppose them. For as long as Kenya remained a dependable ally of strategic importance in the US’s containment strategy in the region the political disintegration in the country was overlooked. Kenya-US relations were mainly focused on security measures.

This though was to take a drastic turn at the end of the Cold War. The US emerged as the hegemonic power; with no major enemy to fight it trained its focus on calling for democratic and economic reforms, especially in Africa. At the dawn of the 1990s the world witnessed momentous changes, like intra State conflicts and the democratisation of previously authoritarian regime, according to Peter Schraeder (1996:192) these changes called into question the Cold War foundations of US-African policies. This had a major effect on US policy towards Kenya. Containment was a policy of the Cold War while promoting democracy and free-markets was the new post-Cold War policy.

**Promoting Democracy**

Michael Clough (1992:2) argues that after the Cold War the US was ‘free at last’ of the ideological debate of the Cold War era and therefore had a chance to create a new relationship with African countries. The majority of the African States were under dictatorial rule at the end of the war, thus the US set out to encourage democratisation in these States. US policy had moved from containing the socialist threat in the region to promoting democracy. This was to have a great effect in Kenya where President Moi chose to ignore the calls for reform.
Part of the problem of US policy to promote democracy in Kenya is that it was not always consistent. As shown in chapter three the US abandoned its policy in order to further its own interests. This lack of consistency served a blow to multiparty advocates in Kenya, as the President stood up and belittled democracy as a foreign idea likely to cause trouble in the country. Nevertheless, the freezing of aid to Kenya by the US along with other donor countries and agencies pressurised Moi to amend the constitution and allow for multiparty elections.

After the 1992 elections, which were marred with conflict and irregularities, it remained unclear what kind of democracy the US and other Western powers had advocated for. Moi won both the 1992 and 1997 elections. These elections were deemed free and fair despite the various electoral irregularities like ethnic violence, media blackout for opposition leaders and the stealing of voting cards. Nonetheless Moi’s regime did not change; it continued to be authoritative, intimidating opposition parties and suppressing the media. Liberal democratic States are expected to have open competitive elections that result in a popular leader being voted in, opposition parties are meant to have a mouthpiece to criticise the government and hold it accountable. In Kenya this was not quite the case as opposition voices in the country continued to be intimidated and threatened, while human rights abuse continued to be reported in the country. Kenya could not be classified as a liberal democracy, and analysts like Hempstone (1997:309) instead chose to call it a ‘second-class’ democracy. The country had set out on a democratic course following the 1992 elections. Though Kenya was in a democratic footing it was faced with higher levels of corruption, poverty, politically instigated violence and insecurity among others than ever before. The 2002 elections were deemed free and fair, President Mwai Kibaki under a coalition party came into power ending Moi’s 24 years rule. Two years since coming to power, Kibaki’s government has improved on some things but the fundamental politics like corruption and introducing a new constitution among others have not changed.

US policies towards Kenya during this period were mainly directed on economic reforms, issues of human rights abuse rarely surfaced. The Clinton Administration introduced the
Africa Growth and Opportunity Act (AGOA), which was meant to help African countries develop economically through trade rather than aid. Kenya became an AGOA beneficiary in October 2000 after meeting the eligibility criteria. It has supported Kenyan farmers and manufacturers especially those in the apparel industry to export their goods to the US, though Nicholas Guyatt (2000:25) has criticised the act as benefiting the higher echelons of society and not the poor who are the majority. Various elements like the continuous high levels of corruption in the country affected the relations between the two countries, though economic reforms remained the main policy focus towards Kenya during this Administration. The 1998 embassy attacks and the events of 11 September 2001 brought terrorism to the forefront of the two countries relations.

**War on Terrorism**

The years following the 1998 embassy attacks, that left over 200 people dead and thousands of others injured, were mainly characterised by claims and counter claims from both sides. Kenyans were angered by the attacks and especially by the actions taken by the US marines immediately after the attacks. By stringing barbed wire round the embassy the US was accused of being aloof to the Kenyans trapped in the debris. Questions on the disparity of compensation payments given to US victims compared to Kenyan victims were raised. The survivors felt that the US owed them and continued to push for fair compensation. Not much was done to this effect; the Kenyan government did not play a major role in supporting its citizens’ calls for further compensation. In the end of it the US government denied the responsibility of compensation of the damages but instead shifted the responsibility to Al Qaeda the group behind the attacks.

The war on terrorism led by the US was brought about by the attacks of 11 September, 2001 in the US. The US’s new policy was to eliminate terrorists who threatened US interests in the world. Their policy became a global strategy; countries were either with the US or against them’. (LaFaber 2002:553) In its 2002 National Security Strategy (NSS) the Bush Administration identified anchor States in sub-regions of the African continent to work with as partners in the global campaign against terrorism. Kenya was one of the identified States consequently giving it prominence in the war on terrorism.
The country has taken crucial actions to address terrorism issues in the country and the region. It established the anti-terrorism unit which has trained members of the police on anti-terrorism measures, as well as established a task force to look at Kenya’s laws on money laundering. The country realises the need to deal with terrorist activities within her borders and the region having been attacked previously. This in turn has drawn Kenya and the US closer together as they share a partnership to fight a common threat. Effective counter terrorism measures and strategies including technical collaboration have been undertaken by both governments to deter terrorist activities in the region.

Not much action was taken by the Kenyan government to fight terrorism within its borders and the region after the embassy bombings. The country perceived itself as a target because of its pro-Western relations as opposed to seeing itself as a source of terror. The erosion of governance structures, poverty, corruption and a lax in security within and at the borders of the country had left the country vulnerable over the years making it easy for terrorist cells to establish themselves. Though poverty is not a direct cause of terrorism, Mbugua argues that when coupled with low wages paid to immigration and security personnel, it significantly increases the prospect of widespread corruption that, in turn, creates a climate amenable to terrorism. Indeed, poverty weakens structures of governance, and weak institutions provide a fertile environment for terrorism to prosper. As a result terrorists are able to infiltrate into a country and recruit new members. This was the case in Kenya; it only began to address the issue of being a target and a source of terrorism following the attacks on an Israeli owned hotel in Kikambala, Mombasa.

The partnership though has come along with some discrepancies. Kenya introduced the *Suppression of Terrorism (SOT) Bill, 2003* in line with fulfilling the requirements of UN Security Council Resolution 1373 (2001). The US was viewed to be behind the drafting of the Bill which was seen to renounce the USA Patriot Act. Both pieces of legislation give State security forces the power to invade the citizens’ privacy, to detain for long periods of time without trial, and intimidate suspects. This is in violation of the

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56 The resolution called upon member states to take any necessary steps to combat all forms of terrorism in accordance with the UN charter.
rule of law and the basic human rights. The SOT Bill was rejected by members of the public, civil society and parliament, as a result of its rejection it was sent back to the Attorney General's office for redrafting. Kenya is now faced with the challenge of drafting anti-terror legislation that strikes a balance between the need for the country’s security and the protection of human rights. The government should look more deeply into the particular threat it faces from terrorists and draft a bill that addresses the threat. Alternatively existing legislation could be looked at and strengthened to help fight terrorism. A Task Force on Anti-Money Laundering and Combating the Financing of Terrorism was set up to review existing legislation on money laundering. The Task Force was expected to make recommendations on policy to help curb the financing of terrorism. A look at already existing legislation is a useful procedure that can help the government combat terrorism in the country. The government has a record of committing gross human rights violations mainly through the enacting of repressive laws that legitimised their actions, especially during the one party State era. It was due to this past that there was strong opposition against the bill.

The Kenyan government should come up with legislation that does not curtail the citizens’ liberties, or seem to target a certain populace of the society. The legislation should also be in accordance to the Universal Declaration of Human Rights as prescribed in the UN Charter for its member States and the Bill of Rights in the Kenyan constitution. To begin with the government should address the issue of why Kenya is a victim of terrorist activities. High levels of corruption, poverty and the laxity in border security and immigration laws are some of the concerns the government should address in trying to identify the movements of terrorists within the Kenyan borders. To this effect the government has been working with the US to put up measures likely to help curb the threat of terrorism in the country and the region as a whole. One of the most important issues that needed to be addressed was the threat emanating from Sudan and Somalia.

Somalia and Sudan have been of great concern to the US and Kenya along with the international community, they both have been known to harbour terrorists. Since the oust of Siad Barre in 1990 Somalia has had no stable government, posing a great threat in the region. It was feared by the US that Al-Qaeda members fleeing Afghanistan following
the US military raids in 2001 would settle in Somalia. (Dagne 2002:16) Sudan on the other hand has been characterised by conflict for over 23 years. It was home to Osama bin Laden and his associates from 1991 to 1996 where he recruited and trained members of Al Qaeda. The warring status of these two countries made them incapable of projecting power and asserting authority within their borders. (Rotberg 2002, Dagne 2001) Both countries have been categorised as failed States. According to Rotberg (2002:147) such States have implications for peace and security to themselves and the international system as a whole as they have become breeding grounds of instability and exporters of terror through porous borders.

The results of the internal turmoil in Somalia and Sudan and their links to terrorist groups have made Kenya vulnerable as members of the groups have crossed into the country. Out of this concern Kenya has continuously been involved in brokering peace in the two countries under the auspices of the Inter-Governmental Authority on Development (IGAD). Both countries had signed peace deals by the end of 2004. Somali nationals voted in a new president and Administration in October, an encouraging move that is hoped to lead the country into a peaceful and democratic future. While the Sudan warring parties also signed a comprehensive peace deal in December 2004 that is hoped to end the conflict. The neighbouring countries, US and other Western governments played a major role in ensuring the warring factions in both countries came together and eventually signed peace deals.

Peace in these countries is of paramount importance to the region and the international system. The new governments of Sudan and Somalia will now be able to concentrate their efforts and resources on ensuring security within their borders. It is now up to these governments, with the help of other countries, and monetary institutions to establish authority within their borders and establish security measures to help root out terrorist cells within their borders and the region. This though does not guarantee that the risk of terrorism will decrease in the region but putting into account the various measures that have been taken by the various governments in the region and the US to fight the threat there is hope. The establishment of the Combined Joint Task Force-Horn of Africa
(CJTF-HoA) and the amount of resources that have been poured into curbing terrorism are hoped to deter terrorist attacks.

However as much at Kenya and the US have been working together, the US has continuously placed travel advisories that advise their citizens not to travel to Kenya due to cited terrorist threats in the country. These advisories have been viewed as some form of punishment on Kenya for having not passed the terrorism bill, not signing Article 98 of the International Criminal Courts and not allowing for the establishment of a military base in the country. The advisories have had an effect on the country’s economy particularly the tourism industry. Part of the problem of the advisories is that they are seen as a strategy to pressurise Kenya to accede to the US’s commands.

President Kibaki has been able to stand up and not comply with all of the US’s demands, a move that has been applauded by Kenyans.\textsuperscript{57} In a visit to Washington by President Kibaki in 2003, President Bush called on the Kenyan government to comply to the US’s demands, while on the other hand the President asked the US to lift the travel advisories. According to Macharia Munene (2004:13-4) Kibaki’s lack of complaisance to the Bush Administration’s demands is the reason why President Bush opted not to visit Kenya on his African tour in 2004, the Administration cited terrorist threats as the reason why he did not stop over.

Princeton Lyman and Stephen Morrison (2004) have criticized the war on terrorism policy towards Africa, according to them the Administration should deal with the terrorist threat on the continent by adopting a more ‘holistic’ approach. Their article ‘\textit{The Terrorist Threat in Africa}’ argues that rather than concentrating solely on shutting down existing terrorist cells, the Administration must also deal with the continent’s problems – poverty, failed states, weak democracy and fragile governance – that create an environment in which terrorists thrive. This is in support of Robert Rotberg’s (2000:127) and John Grays (2003) arguments that failed states have been left open for any transactions and flow of illegal goods as well as become breading grounds for terrorists and that international security is threatened by the domestic anarchy in such countries.

\textsuperscript{57} Interview with Nominated Member of Parliament Njoki Ndungu on 06 Dec. 2004
where the rise of terrorist groups is likely in the country and the region. Lyman and Morrison (2004) recommend the US should implement in Africa the strategy of countering the rise of grass-roots extremist, a strategy that has been a central part of fighting terrorism in the Middle East by the US.

**Conclusion**

This chapter set out to look at the three main policies that have informed US policies towards Kenya. These three policies have had a major impact on Kenya’s domestic policy in turn. Containment helped establish Kenya’s strategic importance to the US, and led to bringing Kenya and the US closer together as they tried to curb the spread of Soviet influence in the region. This in turn led to the establishment of close military relations that have been revisited in the war on terrorism. The US played a major role in pressurising Moi to reform politically and establish the country as a liberal democracy. Despite the fact that the US’s promoting democracy policy was not always consistent, it played a major role in steering the country on the path of reformation. Kenya never turned back from this point though it faced new issues like political instigated violence and Moi’s continuous autocratic rule.

The decaying of State institutions under the 24 years of rule by Moi contributed to Kenya’s vulnerability to terrorists’ penetration and being a target as well as a source of terror. Though there was a change of government in 2002 the corruption and poverty levels have yet to improve significantly.

The war on terrorism has heightened the security and military collaboration between Kenya and the US as it was during containment. The policy on the war on terrorism has brought about new tensions in the relationship but nevertheless it meets the interests of both parties as Kenya deals with terrorism within her borders while the US fights the threat of terrorism that poses a danger to it.