

KENYA'S OIL PIPELINE AND TERRORISM

E.O.S ODHIAMBO*; T.L.MAITO**; K.ONKWARE***

*Kenya Military Academy (KMA), Ministry of State for Defence (MoSD) and Dept.of Peace and Conflict Studies (PCS) Masinde Muliro University of Science Technology, Kenya

**Maasai Mara University- Kilgoris Campus, Kenya

***Dept. of Emergency Management and Humanitarian Assistance (EMHA), Masinde Muliro University of Science Technology, Kenya

The threat of Al-Shabaab and Al-Qaeda terrorist attacks on the critical infrastructure (oil pipeline) in Kenya has brought to the attention the strategic issue of the energy sector security, highlighting the potential vulnerabilities of this sector. Critical Infrastructure Protection (CIP) should be a key component of the national security especially after the Kenya Defence Forces' (KDF) incursion into Somalia. The merger of Al-Shabaab and Al-Qaeda terrorist groups and the accelerated grenades attack against Kenya in retaliation has become the centre of the debate on terrorism and internal security of the Kenya. The energy resources are strategic assets from the security, political and economic point of view. Kenya as an oil transit country is considered of primary strategic importance at international level. International terrorism has always looked with interest at the oil resource in order to meet its political and economic targets. We argue that Kenya's oil pipelines are vulnerable to Al-Shabaab and Al-Qaeda terrorist attack. In summary, the article looks at the concept of terrorism within the framework of critical infrastructure protection, the dangers of attacks on oil pipelines, Kenya's government preparedness and recommendations.

Key words: terrorism, critical infrastructure protection, vulnerability, protection.

1. INTRODUCTION

Terrorism worldwide is changing with the innovations in information communication technology (ICT). As a result, terrorist activities have evolved into a remodeled guerilla warfare, which has led the international, regional and national security apparatus to switch from conventional war tactics to localized counter-terrorism operations [1]. Terrorism has become a core component of the global geo-economic feature with respect to the energy sector because there is a linkage between scaled up terrorist

activities and energy generation [2].

The world population is growing at an alarming rate compared to the scarce resources. According to the United Nations University 2020 Global Energy Scenarios, the world has entered the age of resource-driven conflicts and the terrorist activity region-wide and the oil price growth are interrelated. Therefore, the objective of terrorist and extremist groups is no longer to overthrow central government and gain civil rights which were denied to their social, ethnic or religious group, but to establish and retain control over resources [3].

2. METHODOLOGY

The research employed quantitative and qualitative research methods. Because of the nature of the research topic, the research was formed through the analysis of secondary data and in this respect, extensive library research was done, where journals, internet, newspapers, books, and reports were consulted and studied. According to Bryman [4] secondary analysis is analysis of data by researchers who will probably not have been involved in the collection of data and, in addition, is concerned with analyzing already collected data within another study [5]. Secondary analysis allows for the examination of existing data yet can produce new and more detailed information, including the emergence of conclusions that differ to those in the original report [6]. The advantages of secondary analysis are that it provides high quality data [7], quick and easy access to materials as documentary research is largely free of the restrictions and difficulties faced in primary data research, the researchers do not encounter rejection, non-response, bias, or any other respondent-based problems [8]. People in the oil transport business were interviewed and provided primary data. A total of one hundred and seventeen (117) people were interviewed.

3. TERRORISM

Terrorism is a subfield of peace and Conflict Studies that analyses the interactions between states and other actors in their engagement with each other over legitimacy [9]. It is one of the most disputed terms and has no comprehensive definition [10]. Terrorism refers to

the deliberate killing of civilians, or to the doing of extensive damage to their property, with the intention of spreading fear through a population and communicating a political message to a third party, usually a government[11].

A terrorist is someone who opposes the established order either at national level or internationally. Even if engaged in a restrained military campaign against an un-democratic, racist or repressive regime, these individuals are still 'terrorists', and the government forces that oppose them 'counter-terrorists' [12].

The French Republic coined the term 'terror' as a measure to counter-revolutionaries against the weak government in 1795 and as a policy to protect itself [13]. The Bolsheviks used it to legitimize their actions against enemies of the state [14]. According to Jenkins [15] 'One man's terrorist is another man's freedom fighter', is often used to highlight the problem of implying a moral judgment when classifying the term 'terrorism'. If one identifies with the victim of the attack, then it is considered terrorism, but if one can identify with the perpetrator he or she is seen as a liberator. This elusiveness reflects the fact that the meaning of the term terrorism remains contested. It can be used in relation to violence by states against their subjects, sometimes referred to as 'enforcement terrorism' or 'terrorism from above' [16]. It can be used more broadly to describe violent actions in a civil war or other conflict. It can also describe isolated acts of violence separate from a situation of war, intended to cause terror rather than contribute to a broader conflict. By extension, this type of terrorism can refer to acts of violence carried out internationally,

in a third country apart from the location of its political cause [17].

“Terrorism means premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.” The definitions propose the motive of *“furtherance of political or social objectives”*. Such motives include religious, cultural, economic or psychological factors. Increasingly important, however, is the question of targets [18].

In traditional discussions about terrorism, targets are usually governments, political figures, objects of economic or social significance, or random civilians. But the motives and targets can include environmental and ecological resources such as water and built water systems. The social and cultural value and importance of oil pipeline systems also make them attractive targets. By calling attention to the inability of governments to protect vital symbols of civilization, terrorists can raise doubts about controlling authorities [19]. *“The relatively high efficiency of terrorism derives from its symbolic nature. If the terrorist comprehends that he is seeking a demonstration effect, he will attack targets with a maximum symbolic value.”* There are few natural resources with more symbolic power than water and oil [20].

The United Nations General Assembly’s Declaration on Measures to Eliminate International Terrorism, set out in its resolution 49/60 that terrorism includes *“criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes”* and that such acts *“are in any circumstances*

unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them” [21].

4. VULNERABILITY OF KENYA’S CRITICAL INFRASTRUCTURE (OIL PIPELINE) TO AL SHABAAB ATTACKS

Al Shabaab employs extremist intimidation and terror tactics designed to instill fear in the population. Its so-called religious police mete out severe punishments, including floggings, amputations, stoning, and beheadings, for violations of its strict interpretation of Islamic law [22]. Al Shabaab has conducted kidnappings, shootings, and targeted political assassinations, not only of TFG officials but also journalists, civil society activists, and aid workers.

Al Shabaab’s use of improvised explosive devices (IEDs) and suicide bombers is a new dimension in the context of Somali conflict, tactics of urban warfare that have been successfully used by terrorists in Iraq and elsewhere. U.N. experts suggest that the IEDs used by Al Shabaab have become increasingly sophisticated, as have the tactics for their use, and the planning and execution of the suicide bombings of AMISOM targets indicate a level of expertise reminiscent of AQ operations [23]. In 2007, Al Shabaab claimed responsibility for at least five successful suicide bombings [24]. In 2008, Somalia ranked fourth globally, behind Iraq, Pakistan, and Afghanistan, in the number of fatalities incurred by terrorist attacks

[25]. Among the attacks attributed to Al Shabaab was the coordinated suicide bombing of five targets, including the U.N. Development Program (UNDP), in Somaliland and Puntland in 2008. The above cited incidences affirm the vulnerability of critical infrastructure (oil pipeline) in Kenya to Al Shabaab attack.

4.1. Oil Pipelines and Terrorism

Pipelines are the safest and fastest form of energy transportation, when compared to other modes of transportation such as rail and highway. However, it is more vulnerable to terrorists attacks [26]. Prevention methods are superior to detection and should always be noted that any 'detection' means a 'prevention' methods has failed [27]. Oil pipeline Companies should have 'management systems' which allow threats within the system to be identified, and mitigated [28]. Pipelines can be a target for attack by terrorists [29]. The terrorists prefer hard targets like security forces, high ranking government officials, diplomats and only turn to soft targets like transportation, infrastructure, hospitality, leisure and entertainment as a last resort [30].

Pipelines are 'high value' targets, and unfortunately they are difficult to protect, and are soft targets. They extend over long distances, and their location can be posted in company websites [31]. A typical attack may involve a cell of terrorists and pipelines may not be the prime target for terrorists, as they may not produce the publicity the terrorists desire like high number of death, casualties and extensive media coverage. Nevertheless, terrorism is on the increase in Kenya, and pipeline systems might be prime targets. The government should empower and partner with the private security firms to protect pipelines infrastructure [32].

4.2. Precedence of Oil Pipelines Terrorist Attacks

There have been attack and attempts on Oil pipelines by terrorists. For several years the Shell Company in Nigeria have been dealing with 'hot tapping' (drilling into a pressurized pipeline) and 'bunkering' or illegally obtaining fuel from pipelines [33]. Colombia's Caño limón oil pipeline has been attacked several times by the National Liberation Army since 1986, while in 2003 Iraq's main oil pipeline from the Kirkuk oilfields in the north to Turkey's Mediterranean port of Ceyhun was attacked [34] and between 2003 and 2007 there were 449 reported attacks against Iraqi oil infrastructure targets. In 2007 there were also attacks on Mexican pipelines by the Popular Liberation Army [35].

In 2007, a terrorist plot to destroy fuel pipelines at John F Kennedy airport was foiled by the Federal Bureau of Investigations [36]. Other potential attacks were uncovered and disrupted in the planning stage, including a surveillance of oil storage facilities in Australia and the U.S. in 2005 and 2006, respectively [37], the narrowly averted double vehicle bomb attack on the world's largest petroleum facility Abqaiq in Saudi Arabia in February 2006 [38], a threat to Ras Tanura in Saudi Arabia and Bahraini refineries in October 2006 [39] and the unsuccessful attack on a Yemeni oil refinery in September 2006 [40]. It seems likely that a number of other such threats have been disrupted but not publicized for security reasons.

4.3. The Risk of Oil Supply Interruption due to a Terrorist attack on Oil Pipelines

The possibility of attacks on oil installations, pipelines, offshore

installations and tankers are an attractive target for the disaffected [41]. There was a probable risk of terrorist attacks on oil facilities in the Middle East as part of “a move from symbolic targets to economic targets” [42]. Although there is increased awareness of the risks of terrorist attacks, the critical infrastructure management needs to increase resources to address this risk [43]. However, security experts opine that the risk of a successful terrorist attack is high, especially for energy facilities located in isolated locations [44].

This view is corroborated by the postings on jihad websites and the escalation of the rhetoric regarding the need to attack energy facilities is reflected in fatwas. For example, in June 2004 Shaykh Abdullah bin Nasser al-Rashid issued a fatwa entitled “The Laws of Targeting Petroleum-Related Interests and a Review of the Laws Pertaining to the Economic Jihad” [45]. Also published in 2006 was a “Decree on Targeting Oil Installations”, which gave comprehensive religious and political arguments in favor of attacks on energy facilities [46]. In 2007, an article entitled “Bin Laden and the Oil Weapon” was published, calling for attacks worldwide on oil facilities supplying the United States of America [47].

5. KENYA'S GOVERNMENT SECURITY AGENCIES & THE PRIVATE SECURITY FIRMS

The transportation of oil from Mombasa to Nairobi is mostly done through pipelines. The pipelines are built on the land surface and therefore are highly visible, or in the subsoil but also in this case are easily detectable [48]. At times the sub-stations along the oil pipeline are usually protected by a few guards from private security firms and sometimes left unprotected

[49]. Because some of these sub-stations are located in remote areas, the vulnerability to terrorist attack is increased [50].

Though Kenya pipeline Company, a major energy facility, have elaborate security programs in partnership with private security firms, in most cases private security guards are unlikely to be able to repel a determined attack by well-armed terrorists. In Kenya, private security guards are not allowed to carry guns and some companies have firm “no weapons” policies at all their locations. In reality, the private security guards focus on industrial safety, accident prevention and mitigation, ensuring that only authorized personnel have access to critical facilities, and preventing pilferage or theft of products [51]. Consequently, it is not surprising that in most of the major energy companies the heads of security report directly to the board with several levels of management between them and the board which affirms that security is a key priority for senior management [52].

In Kenya security against external and internal terrorist threats is provided by Kenya Defence Forces (KDF), National Intelligence Service (NIS) and the National Police Service (NPS) personnel [53] but in most cases private security firms are responsible for security outside the Critical Infrastructure Protection (CIP) facility perimeter and usually control both vehicle and personnel access at the gates. Typically, they also work closely with the nation's intelligence professionals to identify and defeat threats before they can approach the perimeter [54]. In principle, the private security firms at the perimeter should have the personnel, weaponry, and training to repel an attack by a determined and well-armed group of terrorists

using car or truck bombs, automatic weapons, and high explosives. In practice, however, experience to date indicates that the private security firms are seldom up to the task [55].

Even in cases where it is the armed government security personnel manning these Critical Infrastructure Protection (CIP) the armed government forces may not provide adequate security because the Kenya government have not yet designated a single ministry that has both the responsibility for security at energy facilities and the authority needed to implement effective security measures [56]. Second, “*stove-piping*” and competition between ministries inhibit cooperation and information sharing between all of the parties involved in security issues. Third, the authority to make decisions regarding a response to an attack is usually restricted to relatively high-ranking officers rather than delegated to the junior or non-commissioned officers who would bear the brunt of an attack [57]. As a result, no one can or will make a decision in real time to counter an attack, effectively paralyzing the defence and finally, prevailing attitudes like “it can’t happen here”, or that “if it does, it is God’s will and nothing can be done” need to be overcome [58].

It is prudent to note that the security status at many energy facilities is unsatisfactory and this may be attributed to the following factors: the security departments in companies are severely limited by budgetary constraints since they compete with other departments for the little resources as the companies may give a higher priority to other concerns and security professionals tend to rely upon familiar approaches and tried and true solutions, and they are often intrinsically distrustful of the new and the unfamiliar ones. This can lead to the

unfortunate situation of “*doing the same thing, over and over again, but expecting different results*” [59].

6. DETERRENT OF AL-SHABAAB & AL-QAEDA TERRORIST RECRUITMENT

The Al-Shabaab and Al-Qaeda terrorist threat in Kenya today consists of tiny conspiracies and on-off attacks [60]. The continued trust and cooperation of most Kenyans, tips to police from the family members and close acquaintances of those heading toward radicalization, alert citizens, and focused intelligence-collection efforts will remain essential components of the thus-far successful containment of domestic Al-Shabaab and Al-Qaeda terrorism [61].

Traditional law enforcement, in which authorities attempt to identify and apprehend a perpetrator after a crime has been committed, is inadequate to deal with terrorists who are determined to cause many deaths and great destruction and who may not care whether they themselves survive [62]. Apart from traditional law enforcement, security intelligence collection, and community policing, public reaction is an essential component of internal security. Public safety demands a more proactive and preventive approach intervention before an attack occurs like the grenade attack in Machakos country bus [63].

With the increase of Kenyan youth’s un-employment, their recruitment and radicalization into Al-Shabaab and Al-Qaeda terrorism remain a reality. Therefore, the international and domestic intelligence collection must remain a top priority. Under appropriate controls, intelligence operations can disrupt terrorist recruiting, uncover terrorist plots, and discourage those who would turn

to violence [64]. Consequently, by preventing dramatic terrorist actions that inevitably create fear and alarm, intelligence operations can also prevent overreactions by the general public, allay unwarranted suspicions, and thereby protect vulnerable minorities (in this case, the Kenyan Muslim community) against official discrimination and even individual acts of revenge [65].

Meanwhile, expanded efforts must be made through community policing and other means to work with Kenyan youths. These efforts must entail working with the youths actively and consistently to address issues of youth empowerment, fears of victimization, crime, the suspicions of authorities and other concerns [66].

Peers, friends, parents and relatives are often more likely than the authorities to know when someone is turning against legitimate authority, anti-establishment and heading toward radicalization. On such occasion peers, friends, parents and relatives should intervene [67]. But in most cases the mistrust between the public and the police may hinder the citizens from notifying the police when a youth is being radicalized. Therefore, maintaining good relationships between the police with all members of the public without stigmatizing any group or privileging special interests is of paramount importance [68]. Un-warranted alarm, exaggerated portrayals of the terrorist threat, unrealistic expectations of a risk-free society, and unreasonable demands for absolute protection will only encourage terrorists' ambitions to make Kenya fibrillate in fear and bankrupt itself with security. As long as Kenya's psychological vulnerability is on display, Al-Shabaab and Al-Qaeda terrorist will find inspiration, and more recruitment and terrorism will occur [69].

7. RECOMMENDATIONS

A. The security agencies in Kenya should enhance partnerships with the private security firms to improve security in energy sector and facilities in Kenya. Reducing Al-Shabaab and Al-Qaeda terrorist risks at these facilities constitute an immediate objective of national intelligence services and law-enforcement agencies.

B. According to Felter et al. [70], unemployed youths are easy to recruit and radicalize by extremist groups like Al-Shabab and therefore, the Kenyan government should empower them economically.

C. The anti-terrorist security interests of Kenya overlap with its economic interests. We believe that boosting business and restoring large-scale economic ties among East Africa Community in the area of energy resources and energy supply, forces us to employ a more pragmatic and legally considered approach to address terrorist threats, as part of a transport security strategy.

D. Private and public security forces should take into account regional specifics when addressing the issues of critical infrastructure protection from sabotage from Al-Shabaab and Al-Qaeda terrorist attacks.

E. The most fundamental action that can be taken to protect oil pipe line systems is to limit or deny physical access to vulnerable points. Sometimes this may be as easy as locking gates or buildings, or reducing public access to sensitive locations. The government should station guards at "critical sites" [71]

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