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A Clarion call for Action: Realising True Sustainable Development

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Abstract

There has never been a more urgent time than now for the world to come together and work towards achieving sustainable development. This is due to the accelerated rate of environmental degradation and the rising levels of poverty among communities. Sustainable development seeks to adopt a three-pronged approach that seeks to balance environmental, social and economic needs of the society. This paper argues that there is a need for all stakeholders to rise and take their places towards achieving sustainable development. It also affirms that international cooperation is important in achieving sustainability.

1. Introduction

The United Nations 2030 Agenda for Sustainable Development [1] captures the global goals towards securing environmental, economic, social and political development and sustainability for the sake of current and future generations. Notably, this means that the goals call for action from various actors from the state agencies, private sector, communities, among others.

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[1] UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1.

This paper seeks to explore the specific roles of each of these actors, overlapping areas and how they can all collaborate towards realisation of the sustainable development agenda. The paper also looks at the place of international actors in all these.

The discourse adopts a human rights based approach, ecosystem management approaches as well as other approaches envisaged under the Sustainable Development agenda, and the related topics thus feature prominently across the paper.

2. Background Information on Sustainable Development and the General Actors

The idea of sustainable development stretches back to traditional societies and ancient civilizations, predating the 1972 Stockholm Conference.[2] It aims to reduce pollution of the environment, the depletion of non-renewable resources, and environmental damage caused by anthropogenic activities.[3] The *Brundtland Commission*[4] defined sustainable development as, "*development that meets the needs of the present without compromising the ability of future generations to*

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[2] Per Judge Christopher Weeramantry *in Hungary v Slovakia*, 1997 WL 1168556 (I.C.J-1997).

[3] Cullet P., *Differential Treatment in International Environmental Law and its Contribution to the Evolution of International Law* (Aldershot: Ashgate, 2003), pp.8 -9.

[4] The Brundtland Commission was established by the United Nations in 1983 to address the problem of deterioration of natural resources. Its mission was to unite countries to pursue sustainable development together. The Commission was named after its chairperson, Gro Harlem Brundtland, a former Prime Minister of Norway. It was officially dissolved in 1987 after releasing a report entitled *Our Common Future*, also known as the *Brundtland Report*. This report defined the meaning of the term Sustainable Development.

meet their own needs."[5] Under section 2 of *Environmental Management and Co-ordination Act, 1999[6]* (EMCA), sustainable development is defined as development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystems. Essentially, sustainable development seeks to address *intra-generational equity*, that is equity among present generations, and *inter-generational equity*, that is equity between generations.[7]

When referred to as Sustainable Human Development, Sustainable Development is also associated with the right to development, human rights, and good governance. Focus is placed on both tangible and immaterial aspects of human development, such as participation and rights, in order to achieve sustainable human development. Moreover, it aspires to a variety of objectives, including the eradication of poverty, the advancement of human rights, the promotion of equal opportunities, the preservation of the environment, and the evaluation of the effects of development efforts. [8] Kenya's Vision 2030 adopts sustainable human

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[5] World Commission on Environment and Development, *Our Common Future*, GAOR, 42ndSess, Supp. No. 25, UN Doc, A/42/25 (1987), p.27; See also the Rio Declaration of 1992, UN Doc. A/CONF.151/26 (Vol. I).

[6] Environmental Management and Co-ordination Act, No. 8 of 1999, Laws of Kenya.

[7] Weiss, E.B., "In Fairness to Future Generations and Sustainable Development," *American University International Law Review*, Vol.8, 1992.

[8] See generally Amartya S., *Development as Freedom* (Anchor Books, New York, 1999), pp.35-53; See also UNDP, Human Development Report 2011, *The Real Wealth of Nations: Pathways to Human Development*, (Palgrave Macmillan Houndmills, Basingtoke, Hampshire, 2011), p. (i)-12. This report defines sustainable human development as the expansion of the substantive freedoms of people today while making reasonable efforts to avoid seriously compromising those of future generations.

development as it seeks to address the economic, social and political pillars. It thus fosters both material factors and non-material factors.[9] Sustainable Human Development is, therefore, inextricably linked to people's livelihoods, and is thus requisite in moving towards environmental justice.

In the *Case Concerning the Gabcikovo-Nagymoros Project,*[10] ICJ Judge Weeramantry rightly opined that Sustainable Development reaffirms the need for both development and environmental protection, and that neither can be neglected at the expense of the other. He considered Sustainable Development to be a '*principle with normative value*' demanding a balance between development and environmental protection, and as a principle of reconciliation in the context of conflicting human rights, that is the *human right to development* and the *human right to protection of the environment*. Sustainable Development reconciles these rights by ensuring that the right to development tolerates the '*reasonable demands of environmental protection.*'[11]

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[9] Kenya Vision 2030, Government of Kenya, 2007.

[10] The Gabčíkovo–Nagymaros Project relates to a large damming project on the Danube River. This river is classified as an international waterway as it passes through or touches the borders of ten European countries before emptying into the Black Sea. The Project was specific to the part of the river passing through Hungary and Slovakia. It was initiated by the Budapest Treaty of 1977 between Slovakia and Hungary and aimed at preventing floods, improving river navigability and producing clean electricity for the two countries. Only a part of the project was completed in Slovakia, under the name Gabčíkovo Dam. Hungary suspended the Project in its territory and then later tried to terminate it citing environmental and economic concerns. Slovakia then proceeded with an alternative solution, called "Variant C", which involved diverting the river. These developments caused an international dispute between the two countries and they turned to the International Court of Justice for redress.

[11] Hungary v Slovakia, 1997 WL 1168556 (I.C.J-1997).

SDG Goal 12.2 mandates that by 2030, all States should achieve the sustainable management and efficient use of natural resources in order to guarantee sustainable consumption and production patterns. The goal is to prevent the world from degrading, which includes doing so through sustainable production and consumption, managing its natural resources responsibly, and taking immediate action to combat climate change, so that it may satisfy the demands of both the present and future generations.[12]

Sustainable use refers to the need to reduce and eliminate unsustainable patterns of production and consumption. [13] It is described as use that in any way and rate does not lead to long-term decline of biological diversity, thereby maintaining its potential to meet the needs of present and future generations.[14] It requires that present use of the environment and natural resources does not compromise the ability of future generations to use these resources or degrade the carrying capacity of supporting ecosystems.[15] It is a principle that is applied to determine the permissibility of natural resource exploitation[16] and is central to the principle of sustainable development.

In order to maintain strong sustainability as opposed to weak sustainability, governments and public bodies must assure sustainable usage. Strong sustainability recognises that the environment has benefits beyond economic potential. According to

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[12] Preamble, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1.
[13] Principle 8 of the Rio Declaration.
[14] Art.2, Convention on Biological Diversity.
[15] S. 2 of Act, No. 8 of 1999.
[16] See Birnie, P., Boyle, A. and Redgwell, C., *International Law and the Environment*, (3rd ed., Oxford 2009).

some observers, future generations shouldn't inherit a deteriorated ecosystem, regardless of how many other sources of income are available to them, because the environment provides services and benefits that cannot be replaced by wealth created by humans. [17] Strong sustainability is preferable to weak sustainability for reasons such as 'non-substitutability,'[18] 'uncertainty'[19] and 'irreversibility.'[20] Weak sustainability makes a wrong assumption that future generations will be adequately compensated for any loss of environmental amenity by having alternative sources of wealth creation.[21]

Sustainable use, therefore, puts fetters in the utilization of natural resources. For example, not all forms of resource use will be permissible since certain forms of exploitation may lead to destruction of environmental resources with no substitutes, thus limiting the enjoyment of these resources by future generations.[22] Public, private, and non-profit sectors can all be categorized as

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[17] Beder, S., "Costing the Earth: Equity, Sustainable Development and Environmental Economics," *New Zealand Journal of Environmental Law*, Vol.4, 2000, pp.227-243.

[18] Ibid. The argument is that there are many environmental assets for which there are no substitutes, such as the ozone layer, tropical forests, wetlands, etc.

[19] Ibid. It has been said that scientific knowledge about the functions of natural systems and the possible consequences of depleting and degrading them is uncertain.

[20] Ibid. The depletion of natural capital can lead to irreversible losses such as species and habitats, which cannot be recreated using man-made resources.

[21] Ibid.

[22] Kuhlman T and Farrington J, 'What Is Sustainability?' (2010) 2 Sustainability 3436; Chu EW and Karr JR, 'Environmental Impact: Concept, Consequences, Measurement' [2017] Reference Module in Life Sciences B978; Freedman B, 'Chapter 12 ~ Resources and Sustainable Development' *<https://ecampusontario.pressbooks.pub/environmentalscience/chapter/chapter-12-resources-and-sustainable-development/>* accessed 19 April 2023.

players who can support sustainable development. [23] Even throughout evaluation, sustainability is always being redefined and interpreted in new ways. Some scholars contend that in order to arrive at the basically normative concept of sustainable development, stakeholders' and citizens' perspectives must be taken into account while evaluating the application of international rules.[24]

NGOs, workers' unions, local governments or "local authorities, business and industry, scientific and technological communities, children and youth, women, farmer(s), aboriginal peoples and communities, are among the nine primary players of Sustainable Development that the United Nations has identified. According to Rio Agenda 21, the degree of commitment and sincere participation of all social groups and the general public in decision-making will determine how effectively Sustainable Development is implemented.[25]

3. Getting Private Actors and non-State Actors on Board

Since the 1980s, Sustainable Development has played a role in influencing local public policy. According to the World Commission on Environment and Development, sustainable development is "development that meets the needs of the present without

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[23] Niţoaia P and Camară G, 'Roles of Actors in Promoting Sustainable Development' [2018] Present Environment and Sustainable Development 169.

[24] Pülzl H and Wydra D, 'The Evaluation of the Implementation of Sustainability Norms: An Exercise for Experts or Citizens?' (2011) 2 International Journal of Social Ecology and Sustainable Development (IJSESD) 31, 32.

[25] Rafika, K., Rym, K., Souad, S.B. and Youcef, L., "A public actor awareness for sustainable development." *Procedia-Social and Behavioral Sciences* 216 (2016): 151-162, p. 154.

compromising the ability of future generations to meet their own needs."[26] Thus, the widespread adoption of public policy agendas, such as localizing the United Nations Sustainable Development Goals, and the thousands of local governments worldwide creating sustainability plans reflect the need for a collective effort to overcome the social, ecological, and economic difficulties inherent in achieving sustainability.[27]

The 2030 Agenda for Sustainable Development was adopted by the United Nations in 2015 and includes 17 Goals (SDGs).[28] Conflict management and access to justice are considered to be an important element of Sustainable Development agenda.[29] For human civilization to continue, peace and harmony are necessary. According to the United Nations (2016), SDG 16 demands for equal access to information and judicial services while creating inclusive, peaceful societies with access to justice.[30]

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[26] MacDonald, A., Clarke, A., Ordonez-Ponce, E., Chai, Z. and Andreasen, J., 'Sustainability Managers: The Job Roles and Competencies of Building Sustainable Cities and Communities' (2020) 43 Public Performance & Management Review 1413, p.2.

[27] Ibid, p. 39.

[28] UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1.

[29] Muigua, D., 'Understanding the Place of Conflict Management in Sustainable Development Agenda' (27 September 2022) <*https://papers.ssrn.com/abstract=4371703*> accessed 31 March 2023.

[30] Leal Filho, W., Tripathi, S.K., Andrade Guerra, J.B.S.O.D., Giné-Garriga, R., Orlovic Lovren, V. and Willats, J., 'Using the Sustainable Development Goals towards a Better Understanding of Sustainability Challenges' (2019) 26 International Journal of Sustainable Development & World Ecology 179.

Arguably, commercial and business activities contribute a great deal to climate change and other ills that lead to environmental degradation.[31]

While the environmental effects of these economic activities are often mitigated through Corporate Social Responsibility (CSR) activities, these may not at times be sufficient in tackling the resultant increased rates of degradation. Indeed, many of the top scientists in the world believe that human-caused climate change is the "defining issue of our time." Many people now prefer to use the term "Climate Crisis" to emphasise how quickly and severely the world's climate is changing and how urgently we need to take action to create a sustainable future.[32] According to the Intergovernmental Panel on Climate Change (IPCC), global CO2 emissions must decrease over the next ten years to around half of 2010 levels and achieve net zero by 2050. According to the IPCC, in order to keep global warming to 1.5 °C, all facets of society would need to undergo quick, significant, and unheard-of adjustments.[33] In addition to climate change, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) of the United Nations found equally alarming results in its 2019 assessment report on biodiversity and ecosystem services.[34]

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[31] 'Trade and the Environment - OECD'
<https://www.oecd.org/trade/topics/trade-and-the-environment/> accessed 1 April 2023.
[32] McGregor D, Whitaker S and Sritharan M, 'Indigenous Environmental Justice and Sustainability' (2020) 43 Current Opinion in Environmental Sustainability 35, p.35.
[33] Ibid, p.35.
[34] Ibid, p.35.

4. The Place of International Cooperation towards Achieving Sustainability

The place of international law in achieving sustainability is well recognised as was pointed out by Kenyan courts in the case of *Amina Said Abdalla & 2 others v County Government of Kilifi & 2 others* [2017] eKLR[35], that 'the Environmental Law is principally concerned with ensuring the sustainable utilization of natural resources according to a number of fundamental principles developed over the years through both municipal and international processes'. [36] At the international level, these principles include, *inter alia*, the international cooperation in management of natural resources and common but differentiated responsibilities.[3]

International collaboration is now required in the management of natural resources as more nations embrace globalization and the resulting struggle over resources, particularly those that are transboundary in nature, to spur economic growth. This is because some environmental issues, like climate change, that result from poor management of natural resources are themselves global in scope, necessitating the work and collaboration of all states to address them. This collaboration primarily involves bilateral, transnational, multilateral, and corporate sector relationships.[37]

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[35] *Amina Said Abdalla & 2 others v County Government of Kilifi & 2 others* [2017] eKLR, ELC Case No. 283 OF 2016.

[36] Ibid, para. 17.

[37] Nkonya, E.M., Cenacchi, N. and Ringler, C., International cooperation for sustainable land and water management, *SOLAW Background Thematic Report* - TR16.

4.2. International Cooperation in Management of Natural Resources

In international law, the obligation to collaborate is firmly established. "States must collaborate in a spirit of global partnership to conserve, maintain, and restore the health and integrity of the earth's environment," the Rio Declaration's Principle 7's opening sentence reads. According to Principle 14, States shall work together effectively to deter or prohibit the relocation and transfer of any activities or chemicals that seriously degrade the environment or are determined to be detrimental to human health. This Principle has not received much attention in Kenyan natural resources legislation. Nonetheless, EMCA acknowledges this Principle as one of the guiding principles for managing natural resources that are shared by one or more states.[38]

This idea is particularly important when it comes to cross-border trading across countries and regions. For instance, the United Nations Conference on Sustainable Development, also known as Rio+20, calls on nations to collaborate in developing well-designed and managed tourism in order to significantly contribute to the three pillars of sustainable development, with close ties to other sectors, and with the potential to create decent jobs and expand trade opportunities.[39]

The *2030 Agenda on SDGs* also affirms that international trade is an engine for inclusive economic growth and poverty reduction, and

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[38] EMCA, No. 8 of 1999, S. 3 (5) (c).

[39] United Nations, *The Future We Want*, A/RES/66/288, Sixty-sixth session Agenda item 19, Resolution adopted by the General Assembly on 27 July 2012, para. 130. Art. 1.11 of the RIO+20 Report, requires State parties to strengthen international cooperation to address the persistent challenges related to sustainable development for all, in particular in developing countries.

contributes to the promotion of sustainable development.[40] As such, it seeks to continue to promote a universal, rules-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the World Trade Organization, as well as meaningful trade liberalization. It also calls upon all members of the World Trade Organization to redouble their efforts to promptly conclude the negotiations on the Doha Development Agenda.[41]

Achieving food security, creating decent employment opportunities for the unemployed, fostering technology transfer [42], ensuring national economic security, and supporting infrastructure development, not only for transporting goods to and from ports but also for the provision of basic services like health, education, water, sanitation, and energy, are all possible thanks to fair international trade.[43] This is crucial for achieving SDG Goal 8, which aims to promote full and productive employment, sustained, inclusive, and sustainable economic growth, and decent work for everyone.

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[40] 'Trading Into Sustainable Development: Trade, Market Access, and the Sustainable Development Goals' (2016)
<*https://unctad.org/system/files/official-document/ditctab2015d3_en.pdf*>
accessed 19 April 2023.

[41] SDG 17.

[42] Art. 7 of the Agreement on Trade-Related Aspects of Intellectual Property Rights states that: "The protection and enforcement of intellectual property should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations."

[43] Galmes G, 'Trade as an enabler of sustainable development and poverty eradication,' in United Nations, *The Road fromRio+20:TowardsSustainable DevelopmentGoals*, Issue4,September2014, p. 10. UNCTAD/DITC/TED/2014/1<*https://www.tralac.org/images/docs/6328/ch-3-trade-as-an-enabler-of-sustainable-development.pdf* > [Accessed on 8/1/2019].

Participating in international trade can increase the economic space required to generate new job opportunities, encourage resource efficiency, increase access to food, energy, and essential services, and enhance the managerial, entrepreneurial, and productive capabilities necessary for economic diversification, growth, and development.[44]

With international collaboration for the realisation of the Sustainable Development agenda, this may be accomplished successfully.[45]

The SDG Goal 17—to strengthen implementation mechanisms and re-energize the international cooperation for sustainable development—also reflects this. This is intended, among other things, through enhancing domestic capacity for tax and other revenue collection, especially through international assistance to poor nations.[46] Goal 17.6, which aims to improve North-South, South-South, and triangular regional and international cooperation on and access to science, technology, and innovation as well as enhance knowledge sharing on mutually agreed terms, includes improved coordination among existing mechanisms, particularly at the UN level, as well as through a global technology facilitation mechanism. This goal also promotes international cooperation. Enhancing international support for the implementation of efficient

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[44] Muigua, K., *Nurturing Our Environment for Sustainable Development,* Glenwood Publishers, Nairobi – 2016), p. 244.

[45] Principle 5 of the *Rio Declaration* calls on all States and all people to cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world; See also World Commission on Environment and Development, *Our Common Future: Report of the World Commission on Environment and Development*, 1987, A/42/427.

[46] SDG Goal 17.1.

and targeted capacity-building in developing countries to support national plans to implement all the sustainable development goals, including through North-South, South-South, and triangular cooperation, is another important aspect of international cooperation for capacity building.[47]

Notably, the 2030 Agenda on Sustainable Development strongly advises against adopting and enforcing any unilateral economic, financial, or trade measures that are in violation of international law and the United Nations Charter and that would hinder the full realisation of economic and social development, especially in developing nations.[48]

4.3. Common but Differentiated Responsibilities

The idea of the "shared heritage of mankind" is claimed to have given rise to the idea of "common but differentiated responsibility," which is also a manifestation of general principles of justice in international law.[49] Governments must work together in a spirit of international collaboration to preserve, protect, and restore the health and integrity of the earth's environment, according to Principle 7 of the Rio Declaration. It continues by stating that States have similar but distinct obligations in light of the various ways in which environmental deterioration throughout the world is caused.[50]

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[47] SDG Goal 17.9.

[48] A/RES/70/1 - Transforming our world: the 2030 Agenda for Sustainable Development.

[49] The Principle of Common but Differentiated Responsibilities: Origins and Scope, For the World Summit on Sustainable Development, 2002, Johannesburg, 26 August, *A Centre for International Sustainable Development Law (CISDL) Legal Brief*, p. 1.

[50] Tokuç A, 'Rio Declaration on Environment and Development (UN)' in Samuel O Idowu and others (eds), *Encyclopedia of Corporate Social*

This idea is included in several international legal documents, such as the Rio Declaration and the Kyoto Protocol of the United Nations Framework Convention on Climate Change (UNFCCC). According to the UNFCCC, Parties must act "on the basis of equality and in accordance with their common but differentiated responsibilities and respective capabilities" in order to preserve the climate system.[51]

The member states that have polluted the most must shoulder the bulk of the burden for minimising the impacts of that pollution. In order to provide fairness to developing and Least Developed States, who have made smaller contributions to climate change and global warming, differentiated responsibility is particularly crucial. Depending on how much emissions each State produces, each has a different level of accountability. For instance, compared to a small developing State, large growing economies would have a greater need to manage and conserve the environment.[52]

The notion of "common but differentiated responsibility" is a means to take into consideration the diverse conditions, especially in regards to each state's role to the development of environmental issues and its capacity to avoid, minimise, or regulate them.[53] The goal is to promote equity and participation for everyone.[54] This principle is crucial for achieving the Agenda 2030 Sustainable

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Responsibility (Springer 2013) <*https://doi.org/10.1007/978-3-642-28036-8_19*> accessed 19 April 2023.

[51] Art.3 of the UNFCCC.

[52] 'Smallest Footprints, Largest Impacts: Least Developed Countries Need a Just Sustainable Transition | UNCTAD' <*https://unctad.org/topic/least-developed-countries/chart-october-2021*> accessed 19 April 2023.

[53] Kurukulasuriya, L. and Robinson, N.A., "UNEP Training Manual on International Environmental Law." *Nairobi: United Nations Environment Programme* (2006).

[54] Ibid.

Development Goals (SDGs), which include, among other things, the notion of common but differentiated responsibilities outlined in principle 7 of the Rio Declaration on Environment and Development. SDG Goal 10(a)s aims to, among other things, implement the principle of special and differentiated treatment for developing countries, particularly least developed countries, in conformity with World Trade Organization agreements in order to minimise inequality within and between nations.[55]

5. Concluding Remarks

Unquestionably, the human rights approach is at the core of the 2030 Agenda for Sustainable Development. In order for the world to continue to serve the requirements of the present and future generations, everyone has a responsibility to prevent it from degrading, especially via sustainable production and consumption, the management of its natural resources, and urgent action on climate change. Sustainable Development must take into account the relationship between human rights and environmental protection. Sustainable Development is contingent upon upholding peoples' rights to a secure environment where they can thrive.[56]

The Sustainable Development Goals (SDGs) also envisions a world where democracy, good governance, and the rule of law are essential for Sustainable Development, which includes inclusive and sustained economic growth, social development, environmental protection,

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[55] Hub ISK, 'Guest Article: Common But Differentiated Governance: Making the SDGs Work | SDG Knowledge Hub | IISD' *<http://sdg.iisd.org/commentary/guest-articles/common-but-differentiated-governance-making-the-sdgs-work/>* accessed 19 April 2023.
[56] Choondassery Y, 'Rights-Based Approach: The Hub of Sustainable Development' (2017) 8 Discourse and Communication for Sustainable Education.

and the eradication of poverty and hunger. [57] In this sense, "steering"—which comprises both procedures and institutions—is referred to as "governance" since it entails a certain amount of power. Process refers to how choices are made on priorities, how disagreements are handled, if at all, and how coordination of people's actions with regard to resource usage is made simpler. The structural part, on the other hand, deals with the organisation and 'management' of these operations.[58]

Addressing conflict of whatever nature is part of the social aspects of sustainability that must be put into consideration if Sustainable Development agenda is to be achieved. Thus, the Sustainable Development agenda advocates for an integrated approach to tackling environmental management challenges as well as social problems affecting the society.[59] The Organisation for Economic Co-operation and Development(OECD) calls for an integrated approach to the implementation of Sustainable Development and argues that many SDGs are interconnected with each other; an integrated approach implies managing trade-offs and maximising synergies across targets. [60] The fundamental action principle of Sustainable Development is integrated decision-making, which is the process of

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[57] United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development | Department of Economic and Social Affairs'* *<https://sdgs.un.org/2030agenda>* accessed 1 April 2023.
[58] Vatn, Arild, Environmental governance: institutions, policies and actions, Edward Elgar Publishing, 2015, p. 133.
[59] See Hussein Abaza and Andrea Baranzini, *Implementing Sustainable Development: Integrated Assessment and Participatory Decision-Making Processes* (Edward Elgar Publishing 2002).
[60] Rizza Ambra, 'An Integrated Approach to the Sustainable Development Goals' *(Assembly of European Regions, 4 March 2019)* *<https://aer.eu/integrated-approach-sdgs/>* accessed 1 April 2023.

taking environmental, social, and economic goals and issues into consideration when making decisions.[61]

Sustainable Development's environmental component must be considered in its economic, social, and governance facets. This is due to the fact that fostering sustainable economic growth depends on environmental protection, as the natural environment supports economic activity both directly and indirectly through ecosystem services like carbon sequestration, water purification, managing flood risks, and nutrient cycling.[62]

The SDGs are global, multifaceted, and ambitious, and it is arguable that in order to fulfil them, we need an integrated framework that encourages a growth path that protects the environment and whose benefits are shared by everyone, not just by the fortunate few.[63] Thus, the idea of Sustainable Development forces us to reconsider how we interact with the world and how we anticipate that governments would implement policies that promote that worldview.[64]

Corporations, through following Environment Social and Governance (ESG) frameworks or guidelines, can also play a huge role in promoting sustainability within the localities that they operate

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[61] Dernbach, J.C. and Mintz, J.A., "Environmental laws and sustainability: an introduction. Sustainability, 3 (3), 531-540." (2011), 532.
[62] *UN Environment,* 'GOAL 8: Decent Work and Economic Growth' (UNEP - UN Environment Programme, 2 June 2021) <*http://www.unep.org/explore-topics/sustainable-development-goals/why-do-sustainable-development-goals-matter/goal-8*> accessed 1 April 2023.
[63] Ramos, G., "The Sustainable Development Goals: A duty and an opportunity." (2016): 17-21, in Love, P. (ed.), Debate the Issues: New Approaches to Economic Challenges, OECD Publishing, Paris, https://doi.org/10.1787/9789264264687-3-en. 1 April 2023.
[64] Ibid.

in and the country at large. ESG Reporting should be encouraged and used as a tool of promoting sustainability within the companies, communities and country. Under this, organisations make it part of their operational procedures to report publicly on their economic, environmental, and/or social impacts, and hence its contributions – positive or negative – towards the goal of Sustainable Development.[65] As the business community seeks to invest in various sectors, there is a need for them to take into account ESG requirements under SDGs.

The law (government) and other policy makers should work towards supporting businesses in their efforts to transition to more sustainable business models, through using various legal, policy and other effective incentives. The law should move towards ensuring that non-financial reporting on ESG becomes the standard mode of operation for ease of enforcing such principles as "the polluter pays principle", among others. This is especially important as it has been pointed out that 'previous literature, which attempted to investigate the link between sustainability and investment performance, found that a critical barrier to ESG integration is that investors lack reliable and non-manipulated information', at least in other jurisdictions, practices which may also take place in Kenya.[66] While it may not be

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[65] '(10) Global ESG Disclosure Regulations: From Awareness to Practice towards Sustainability | LinkedIn' <*https://www.linkedin.com/pulse/global-esg-disclosure-regulations-from-awareness-dr-mahendra/*> accessed 1 April 2023; Boffo R and Patalano R, 'ESG Investing: Practices, Progress and Challenges' [2020] Editions OCDE, Paris; 'What ESG Reporting Is and How to Do It | A MovingWorlds Guide' (*MovingWorlds.org*) <*https://movingworlds.orgesg-reporting-guide*> accessed 1 April 2023; PricewaterhouseCoopers, 'ESG Reporting and Preparation of a Sustainability Report' (*PwC*, 26 January 2021) <https://www.pwc.com/sk/en/environmental-social-and-corporate-governance-esg/esg-reporting.html> accessed 1 April 2023.
[66] Roy, P.P., Rao, S., Marshall, A.P. and Thapa, C., 'Mandatory Corporate Social Responsibility and Foreign Institutional Investor Preferences' (2020).

disputed that institutional investors vary in their approaches to integrating ESG factors into their investment decisions, the end game should at least show some tangible and verifiable positive results.[67]

It has also been suggested that businesses and companies should embrace technology and innovation in engineering and product development as well as with regard to management structures and entrepreneurship, which will arguably continue to be crucial to overall sustainability strategy. Doing more with less may be a challenge that technology may help solve since it can reduce the strict ecological limitations while also relieving political and economic pressures (thereby allowing space and opportunity for more sustainability solutions from all quarters).[68]

There is a need to adopt innovative governance approaches which integrate economic, social development and sustainable development principles at multiple levels of social organization in addressing the serious challenges facing our globe and achievement of the 2030 Agenda on Sustainable Development Goals.[69]

The Human Rights Based Approach(HRBA) places the most marginalised and discriminated among those who are living in multidimensional poverty and oppression at the centre of development cooperation. The strategy identifies the individuals and

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[67] OECD, *OECD Business and Finance Outlook 2020: Sustainable and Resilient Finance* (OECD 2020)
<*https://www.oecd-ilibrary.org/finance-and-investment/oecd-business-and-finance-outlook-2020_eb61fd29-en*> accessed 1 April 2023.
[68] Clune WH and Zehnder AJB, 'The Three Pillars of Sustainability Framework: Approaches for Laws and Governance' (2018) 9 Journal of Environmental Protection 211.
[69] Kramer, J.M. and Johnson, C.D., "Sustainable Development and Social Development: Necessary Partners for the Future." Sustainable Development (1996), p.89.

institutions in charge of upholding, defending, and enforcing those human rights with the goal of empowering people who are oppressed and living in poverty to take action to escape their circumstances.[70] This is because the HRBA always includes the following provisions: empowerment of women, men, girls, boys, and non-binary people living in poverty and oppression — the rights holders — with, for instance, hope, assertiveness, knowledge, skills, tools, networks, communication channels, and access to justice to enable them to assert their rights both individually and collectively; and capacity development of those with obligations to respect, protect, promote, and fulfil human rights — the duty bearers — through, among other things, education.[71]

Realizing true Sustainable Development is an ideal whose time is now.

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[70] Cybercom, 'Human Rights Based Approach' (*Sida*) <*https://www.sida.se/en/for-partners/methods-materials/human-rights-based-approach*> accessed 19 April 2023.
[71] Ibid.

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A Review of Kenya's National Strategy to Counter Violent Extremism: The Case for Reform

By: Michael Sang *

Abstract

This study reviews Kenya's National Strategy to Counter Violent Extremism and makes a case for reform. The strategy's main features and strengths, including its multi-agency and whole-of-society approaches, are analyzed. However, the study identifies key weaknesses in the strategy, including limited awareness and comprehension, and a failure to address related crime. To improve the strategy, the study draws lessons from national and international jurisdictions, including the African Union's Regional Strategy, the European Union's Strategy, the United States Strategic Framework, and the United Kingdom's CONTEST Strategy. Kenya can learn from these strategies and develop a more comprehensive and effective approach to preventing and countering terrorism in the country.

Key Words: Kenya; Counter violent extremism; Strategy; Reform; Lessons

1. Introduction

Violent extremism has become a pressing issue across the world, with many countries grappling with the challenge of how to prevent and counter it.[1] Violent extremism refers to the use of violence, often in the name of a political or religious ideology, to achieve goals that are typically extreme and radical.[2] Kenya has not been immune to this

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[1] Horgan, J. (2017). What is 'violent extremism'? The Royal Society for the encouragement of Arts, Manufactures and Commerce (RSA).

[2] Ibid

phenomenon, with the country experiencing a rise in violent extremism in recent years. [3] To address this issue, the Kenyan government has developed a National Strategy to Counter Violent Extremism, which aims to prevent and counter the spread of radicalization and violent extremism in the country. [4] This paper reviews Kenya's National Strategy to Counter Violent Extremism, highlighting its main features and strengths, as well as its key weaknesses. The study also analyzes the possibility of integrating other strategies as a way of reforming the current approach. By drawing on lessons from national and international jurisdictions, the study identifies ways that Kenya can improve its strategy and develop a more comprehensive and effective approach to preventing and countering violent extremism in the country.

2. Background on Radicalization to Violent Extremism in Kenya

2.1 Brief history

Kenya has faced a growing threat of violent extremism since the early 2000s[5]. The roots of this threat can be traced back to several factors, including political, economic, social, and religious grievances.[6] One of the earliest instances of violent extremism in Kenya occurred in 1998, when Al Qaeda bombed the US embassy in Nairobi, killing over 200 people. [7] This attack marked a turning point in the country's history, as it exposed the vulnerability of Kenya to external terrorist threats. In the years that followed, Kenya experienced a rise in

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[3] Makinda, S. M., & Okumu, W. A. (2017). The security-development nexus in countering violent extremism in Africa: Lessons from Kenya. Africa Development, 42(1), 1-22.

[4] Kimani, N. W. (2018). Kenya's national strategy to counter violent extremism: A critical appraisal. *Journal of Strategic Security*, 11(4), 1-22.

[5] Ibid

[6] Ibid

[7] Mwangi, K. (2017). The Evolution of Terrorism and Counterterrorism in Kenya: A Historical Perspective. *International Journal of Advanced Research in Social Sciences*, 6(1), 1-12.

domestic radicalization, with several incidents of terrorism occurring within the country.[8] These incidents included the 2002 bombing of an Israeli-owned hotel in Mombasa, which killed 13 people, and a series of grenade attacks in Nairobi in 2011, which were attributed to the Somali Islamist militant group Al-Shabaab.[9]

Al-Shabaab has been the most active and visible extremist group operating in Kenya in recent years.[10] The group has been responsible for several high-profile attacks, including the 2013 Westgate Mall attack in Nairobi, which killed 67 people, and the 2015 Garissa University College attack, in which 148 people were killed[11]. The factors driving radicalization in Kenya are complex and multifaceted. They include political and economic marginalization, corruption, ethnic tensions, and religious extremism.[12] The Kenyan government has responded to the threat of violent extremism by implementing various measures, including the development of a national strategy to counter radicalization and the establishment of a specialized police unit to combat terrorism. However, these measures have faced criticism for being ineffective and for potentially exacerbating the problem of radicalization.[13]

2.2 Rise of Terrorism and Gang Culture

The rise of terrorism and gang culture has been a significant challenge for Kenya in recent years. While terrorism is primarily driven by extremist ideologies and political grievances, gang culture is often driven by economic and social factors[14]. Terrorism in Kenya has been primarily perpetrated by the Somali Islamist militant group Al-Shabaab, which has carried out a series of attacks targeting civilians,

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[8] Ibid

[9] Ibid

[10] Ibid

[11] Ibid

[12] Mwenda, K. (2015). History of Terrorism in Kenya: A Perspective. *International Journal of Research in Humanities and Social Sciences*, 3(5), 42-53.

[13] Ibid

[14] Ibid

government officials, and security forces.[15] Al-Shabaab has been able to recruit Kenyan youths, particularly those from marginalized communities, by exploiting their grievances and promising to provide them with a sense of purpose, belonging, and financial rewards[16].

Gang culture, on the other hand, is driven by a combination of economic and social factors, including poverty, unemployment, social exclusion, and the breakdown of family and community structures.[17] In urban areas such as Nairobi, criminal gangs known as "chokoras" have emerged as a major source of violence and insecurity.[18] These gangs often engage in activities such as robbery, drug trafficking, and extortion, and they have been known to use violence to intimidate their rivals and enforce their dominance.[19] The rise of terrorism and gang culture in Kenya has had a significant impact on the country's social, economic, and political fabric. It has contributed to a sense of insecurity and fear among the population, undermined the rule of law, and damaged Kenya's reputation as a safe and stable country in the region.[20] The Kenyan government has responded to these challenges by implementing a range of measures, including increased security operations, community policing initiatives, and social welfare programs aimed at addressing the underlying drivers of radicalization and gang culture.[21]

2.3 Current Situation
The situation on Radicalization to violent extremism in Kenya remains a challenge, although there have been some positive

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[15] Ibid
[16] Ibid
[17] Nduta, E. (2018). An Analysis of Gangs and Their Activities in Nairobi, Kenya. *International Journal of Criminal Justice Sciences,* 13(1), 16-28.
[18] Ibid
[19] Ibid
[20] Ibid
[21] Ibid

developments in recent years.[22] While the number of terrorist attacks in Kenya has declined in recent years, the threat of violent extremism remains high, particularly in the northeastern part of the country and along the border with Somalia.[23]

One of the key factors contributing to the ongoing threat of radicalization is the persistence of political, economic, and social grievances, particularly among marginalized communities[24]. These grievances include feelings of exclusion, discrimination, and inequality, which can be exploited by extremist groups to recruit and radicalize individuals.[25] Another factor contributing to the ongoing threat of radicalization is the continued presence and activity of Al-Shabaab in the region.[26] While the group has suffered significant setbacks in recent years, including the loss of territory and leadership, it remains a potent force in the region, with the ability to launch high-profile attacks.[27]

The Kenyan government has responded to the threat of radicalization through a range of measures, including the implementation of a national strategy to counter violent extremism, the establishment of specialized security units to combat terrorism, and the adoption of community-based approaches to preventing radicalization. [28] However, there is still significant work to be done in addressing the underlying drivers of radicalization, including political, economic, and social grievances.[29]

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[22] Mwenda, A. (2021). Radicalization to Violent Extremism in Kenya: The State of the Nation. Nairobi: Institute for Security Studies.
[23] Ibid
[24] Ibid
[25] Ibid
[26] Ibid
[27] Ibid
[28] Ibid
[29] Ibid

The study posits that the situation on Radicalization to violent extremism in Kenya remains challenging, and continued efforts will be needed to prevent the spread of extremist ideologies and to address the underlying drivers of radicalization in the country.

3. An Analysis of Kenya's National Strategy to Counter Violent Extremism

3.1 Main Features and Strengths

3.1.1 The Ten (10) Pillars
Kenya's National Strategy to Counter Violent Extremism consists of ten pillars that outline the various areas of focus for the strategy. These pillars are:

Ideological: Take a strong stance in defending the core Kenyan principles of constitutional rule, democracy, inter-faith harmony, respect for religious freedom, and secular government in the face of violent extremist ideologies. It is also important to acknowledge and protect those who bravely speak out against violent extremism and terrorism.[30]

Political: Create strong and inclusive citizenship through civic awareness, promoting Kenya's unique and positive qualities.[31]

Education: Utilize education, critical reasoning, sports and the promotion of arts and culture to build the resilience of Kenyans.[32]

Economic: Utilize livelihood training and resourcing for economic empowerment to strengthen a sense of belonging amongst Kenyans, particularly the youth.[33]

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[30] National Counter Terrorism Center. (2017). The National Strategy to Counter Violent Extremism: Monitoring and Evaluation Framework. Nairobi: Government Printer.

[31] Ibid

[32] Ibid

[33] Ibid

Psychosocial: Disengage, rehabilitate and re-integrate risk-assessed extremists and provide psychosocial support to their families and social networks[34].

Media and Online: facilitate Prevention/Countering Violent extremism (P/CVE) practitioners with tools and skills to carry out innovative and context-based P/CVE campaigns on relevant media and online platforms.[35]

Gender: mainstream gender equality, equity and sensitivities in all P/CVE work as the drivers and interventions are different between men, women, boys and girls.[36]

Victims of Terrorism: Aligned with the UNSCR 2331 (2016), it is important to address the needs of victims in a comprehensive manner while also respecting their right to privacy and security. This includes providing or facilitating access to medical and psychosocial assistance as well as legal aid.[37]

Law Enforcement: Pass appropriate legislation and facilitate its enforcement; develop and put into action effective and proactive policies, and enhance institutional frameworks to support efforts in preventing and countering violent extremism (P/CVE) at all levels.[38]

Research: Conduct and encourage research and surveys based on evidence for P/CVE to promote effective interventions and programs.[39]

3.1.2 The Multi-Agency Approach

Kenya's National Strategy to Counter Violent Extremism takes a multi-agency approach to address the challenge of violent extremism in the country, which is a key strength of the strategy. The strategy recognizes that addressing violent extremism requires a collaborative

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[34] Ibid
[35] Ibid
[36] Ibid
[37] Ibid
[38] Ibid
[39] Ibid

effort among various government agencies, civil society organizations, and other stakeholders.[40]

The multi-agency approach brings together multiple stakeholders to identify and address the underlying drivers of violent extremism, and to implement coordinated and integrated responses to prevent and counter it.[41] The strategy leverages the expertise and resources of various stakeholders, including law enforcement agencies, religious leaders, and community-based organizations, among others.[42]
By taking a multi-agency approach, the strategy can draw on the strengths and capabilities of different stakeholders to address the complex and multifaceted challenge of violent extremism.[43] This approach also helps to promote a shared understanding of the problem and to build consensus around the most effective solutions[44]. Furthermore, the multi-agency approach ensures that the strategy is not siloed in any one government agency or sector. Instead, it promotes cross-sectoral collaboration and information sharing, which is essential for effective prevention and counter-radicalization efforts.[45]

The study avers that the multi-agency approach of Kenya's National Strategy to Counter Violent Extremism is therefore a key strength of the strategy, as it allows for a more coordinated, integrated, and comprehensive response to the challenge of violent extremism in the country.

3.1.3 The Whole-of-Society Approach

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[40] Sitienei, E. K. (2019). The role of multi-agency approach in enhancing security in Kenya: A case study of Nairobi County. *International Journal of Social Science and Humanities Research*, 7(2), 131-139.
[41] Ibid
[42] Ibid
[43] Ibid
[44] Ibid
[45] Ibid

Another key strength of Kenya's National Strategy to Counter Violent Extremism is its whole-of-society approach. The strategy recognizes that preventing and countering violent extremism requires the involvement and support of all segments of society, including government, civil society, private sector, religious and community leaders, and individuals. [46] This approach encourages active participation and collaboration between government agencies, civil society organizations, and local communities to create a shared understanding of the drivers of violent extremism and to develop effective prevention and response measures.[47]

By engaging all segments of society, the strategy helps to promote greater social cohesion and to build community resilience against violent extremism. [48] It also encourages a sense of ownership and responsibility among individuals and communities in addressing the problem, which is critical for the sustainability of prevention efforts.[49] Moreover, the whole-of-society approach ensures that the strategy is not solely dependent on government efforts. Instead, it leverages the resources, expertise, and networks of a wide range of stakeholders, including non-governmental organizations, religious leaders, and community groups, among others.[50] This helps to promote greater innovation, flexibility, and responsiveness in preventing and countering violent extremism.[51]

The study postulates that this approach is a key strength of the strategy, as it encourages active participation and collaboration

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[46] Gitari, W., & Mwangi, E. (2020). Assessing the Whole-of-Society Approach in Kenya's National Strategy to Counter Violent Extremism. *Journal of Strategic Security*, 13(2), 1-18.
[47] Ibid
[48] Ibid
[49] Ibid
[50] Ibid
[51] Ibid

among diverse stakeholders, promotes greater community resilience, and helps to build sustainable prevention efforts.

3.1.4 The Possibility of Integrating Other Strategies

Kenya's National Strategy to Counter Violent Extremism has the main feature and strength of integrating other strategies to enhance its effectiveness. The strategy recognizes that the challenge of violent extremism is complex and multifaceted, and requires a comprehensive and integrated approach to address it effectively.[52] The strategy integrates various existing policies and strategies, such as the National Counter Terrorism Strategy and the National Action Plan for Preventing and Countering Violent Extremism, among others.[53] This integration allows for a more coordinated and cohesive approach to preventing and countering violent extremism, leveraging the strengths and resources of different strategies.[54]

Additionally, the strategy is adaptable to changing circumstances and can be updated to incorporate new knowledge and emerging threats. This ensures that the strategy remains relevant and effective in addressing the evolving nature of violent extremism.[55]

By integrating various strategies and policies, Kenya's National Strategy to Counter Violent Extremism can draw on a wide range of resources, expertise, and networks to address the underlying drivers of violent extremism and to implement effective prevention and counter-radicalization efforts.[56] This approach helps to promote

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[52] Kisangani, E. M. (2018). Countering violent extremism and the role of national security organs in Kenya. *Journal of Policing, Intelligence and Counter Terrorism*, 13(1), 43-58.

[53] Ibid

[54] Ibid

[55] Ibid

[56] Ibid

greater collaboration and coordination among different stakeholders, which is essential for a successful response to violent extremism.[57]

Indeed, the integration of other strategies is a key feature and strength of Kenya's National Strategy to Counter Violent Extremism, as it allows for a more comprehensive and adaptable approach to preventing and countering violent extremism, leveraging the strengths of different strategies to address the challenge effectively.

3.2 Key Weaknesses

3.2.1 Limited Awareness and Comprehension

One of the key weaknesses of Kenya's National Strategy to Counter Violent Extremism is limited awareness and comprehension among the target audience. The strategy aims to prevent and counter violent extremism through community engagement and public awareness campaigns. However, the success of these efforts largely depends on the ability of the target audience to understand and comprehend the messaging.[58] In some cases, there may be limited awareness among the general population about the threat of violent extremism, the drivers of radicalization, and the appropriate response measures.[59] This may be due to a lack of information or misinformation about the issue, as well as low levels of education and awareness.[60]

Moreover, the messaging may not be tailored to the specific needs and concerns of the target audience, which may limit its effectiveness in preventing and countering violent extremism. For example, the messaging may not effectively address the concerns of marginalized

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[57] Ibid

[58] Gitari, Mugambi. "Countering violent extremism in Kenya: Current policies, gaps and opportunities." *Journal of Terrorism Research* 8, no. 2 (2017): 21-32.

[59] Ibid

[60] Ibid

communities or may not resonate with the cultural and religious beliefs of the target audience.[61]

This limited awareness and comprehension among the target audience can undermine the effectiveness of Kenya's National Strategy to Counter Violent Extremism in preventing and countering violent extremism.[62] Therefore, it is important for the strategy to prioritize effective communication and outreach efforts, including targeted messaging, community engagement, and public education campaigns, to ensure that the target audience fully understands the threat of violent extremism and the appropriate response measures.[63]

3.2.2 Failure to Address Related Crime.

Another key weakness of Kenya's National Strategy to Counter Violent Extremism is its failure to adequately address related crimes. While the strategy aims to prevent and counter violent extremism, it may not effectively address related crimes such as organized crime, corruption, and human trafficking, which may fuel or exacerbate the problem of violent extremism.[64] For example, terrorist groups may engage in criminal activities such as smuggling and trafficking of weapons, drugs, and people, which provide them with the resources and means to carry out attacks.[65] Similarly, corruption and organized crime may undermine the rule of law and promote grievances and disillusionment among marginalized communities, which may increase the risk of radicalization.[66]

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[61] Ibid

[62] Ibid

[63] Ibid

[64] Kamunge, E., & Mbote, D. (2019). The Effectiveness of the Kenyan National Strategy to Counter Violent Extremism in Disrupting Radicalization and Recruitment. *International Journal of Social Science Studies*, 7(1), 125-140.

[65] Ibid

[66] Ibid

Therefore, it is important for Kenya's National Strategy to Counter Violent Extremism to address related crimes as part of its overall approach. This can be done by strengthening law enforcement and judicial systems, promoting good governance and accountability, and addressing socio-economic grievances and inequality [67]. By addressing related crimes, the strategy can help to disrupt the flow of resources and support to violent extremist groups and to address the underlying grievances that may fuel radicalization. This can help to reduce the risk of violent extremism and promote greater stability and security in Kenya.[68]

The failure to address related crimes is a key weakness of Kenya's National Strategy to Counter Violent Extremism, and addressing this issue should be a priority in order to effectively prevent and counter violent extremism.

4. The Case for Reform: Lessons from National and International Jurisdictions

4.1 African Union

4.1.1 Regional Strategy for Preventing and Countering Violent Extremism

The African Union's Regional Strategy for Preventing and Countering Violent Extremism is a comprehensive framework that seeks to address the root causes of violent extremism in Africa.[69] The strategy focuses on five key pillars: promoting good governance and the rule of law, addressing socio-economic grievances, countering extremist propaganda and ideology, enhancing security and military

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[67] Ibid

[68] Ibid

[69] Kassam, A., & Mairiga, L. (2019). African Union's evolving counter-terrorism agenda. Institute for Security Studies

measures, and strengthening regional and international cooperation.[70]

One of the key strengths of the African Union's strategy is its emphasis on addressing the underlying drivers of violent extremism, such as poverty, inequality, and political marginalization. [71] By addressing these root causes, the strategy seeks to prevent radicalization and promote greater stability and security in the region.[72] Moreover, the strategy recognizes the importance of multi-sectoral and multi-stakeholder approaches, which involve the participation of civil society, communities, and other actors in preventing and countering violent extremism.[73] This approach helps to build trust and legitimacy in the strategy and promotes greater ownership and sustainability of the initiatives.[74]

However, one of the key challenges of the African Union's strategy is the limited capacity and resources of member states to implement the strategy effectively. Many African countries face significant socio-economic and political challenges, which may limit their ability to implement the strategy comprehensively.[75]

Therefore, there is a need for greater investment in building the capacity of member states to prevent and counter violent extremism, including through the provision of technical assistance, training, and financial support. By strengthening the capacity of member states, the African Union's strategy can be more effective in addressing the root causes of violent extremism and promoting greater stability and security in the region.[76]

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[70] Ibid
[71] Ibid
[72] Ibid
[73] Ibid
[74] Ibid
[75] Ibid
[76] Ibid

4.1.2 Key Lessons

Kenya can learn several key lessons from the African Union's Regional Strategy for Preventing and Countering Violent Extremism. One is addressing root causes. Kenya can adopt a comprehensive approach to address the root causes of violent extremism, such as poverty, inequality, and political marginalization. This can help to prevent radicalization and promote greater stability and security in the country.[77] Second is the multi-sectoral and multi-stakeholder approach. Kenya can adopt a multi-sectoral and multi-stakeholder approach to preventing and countering violent extremism. This approach involves the participation of civil society, communities, and other actors in preventing and countering violent extremism, which helps to build trust and legitimacy in the strategy and promote greater ownership and sustainability of the initiatives.[78] Capacity building is also a key lesson. Kenya can invest in building the capacity of law enforcement agencies, government institutions, and civil society organizations to prevent and counter violent extremism. This includes the provision of technical assistance, training, and financial support to enhance the effectiveness of initiatives.[79] Finally, is Regional and international cooperation. Kenya can strengthen regional and international cooperation to prevent and counter violent extremism. This involves working with other countries and regional organizations to share best practices, exchange information, and coordinate efforts to prevent and counter violent extremism.[80]

By adopting these key lessons from the African Union's Regional Strategy for Preventing and Countering Violent Extremism, Kenya can develop a more effective and comprehensive strategy to prevent

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[77] Aning, K., & Atuobi, S. K. (2017). The African Union and its strategy for countering violent extremism. In countering violent extremism in Africa (pp. 29-46). Springer, Cham.

[78] Ibid

[79] Ibid

[80] Ibid

and counter violent extremism, which can promote greater stability and security in the country.

4.2   European Union

4.2.1 The European Union's Strategy for Combating Radicalization and Recruitment to Terrorism

It is a comprehensive framework aimed at preventing radicalization and addressing the root causes of violent extremism in Europe. The strategy is built around four pillars: prevention, protection, prosecution, and response.[81]

One of the key strengths of the European Union's strategy is its emphasis on a multi-disciplinary and multi-sectoral approach, which involves various actors such as government agencies, civil society, communities, and religious organizations.[82] This approach aims to build trust and partnerships between these actors to prevent radicalization and promote greater social cohesion. [83] The strategy also recognizes the importance of addressing the underlying drivers of violent extremism, such as discrimination, marginalization, and socio-economic grievances.[84] It emphasizes the need to address these factors through targeted initiatives and policies, such as promoting education, employment, and social inclusion. [85] Furthermore, the strategy emphasizes the importance of early detection and intervention to prevent radicalization. It focuses on strengthening community resilience and promoting the involvement of families, friends, and other trusted individuals in detecting and reporting signs of radicalization.[86]

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[81] Bures, O. (2019). The EU's approach to counterterrorism: A critical appraisal. *Journal of Common Market Studies*, 57(1), 19-36.

[82] Ibid

[83] Ibid

[84] Ibid

[85] Ibid

[86] Ibid

However, one of the challenges of the European Union's strategy is the limited resources available to implement the initiatives effectively.[87] Additionally, there are concerns about the potential for stigmatization and discrimination of certain communities, particularly Muslim communities, which may undermine the effectiveness of the strategy.[88]

4.2.2 Key Lessons

Kenya can learn several important lessons from the European Union's strategy for combating radicalization and recruitment to terrorism. One is the importance of a multi-disciplinary and multi-sectoral approach. [89] Like the European Union, Kenya can adopt a comprehensive and collaborative approach to preventing and countering violent extremism. This approach involves the participation of various actors such as government agencies, civil society organizations, communities, and religious organizations.[90] It aims to build trust and partnerships between these actors to prevent radicalization and promote greater social cohesion.[91] Second involves addressing the underlying drivers of violent extremism. The European Union recognizes the importance of addressing the underlying drivers of violent extremism, such as discrimination, marginalization, and socio-economic grievances.[92] Kenya can adopt a similar approach by implementing targeted initiatives and policies that promote education, employment, and social inclusion to address these drivers of violent extremism.[93]Early detection and intervention

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[87] Ibid

[88] Ibid

[89] Mugambiwa, S. S., & Chikulo, B. C. (2017). The European Union's Counter-Terrorism Strategy and Its Implications for Africa. *Journal of African Foreign Affairs*, 4(2), 1-21.

[90] Ibid

[91] Ibid

[92] Ibid

[93] Ibid

is also another key lesson. The European Union emphasizes the importance of early detection and intervention to prevent radicalization. This involves strengthening community resilience and promoting the involvement of families, friends, and other trusted individuals in detecting and reporting signs of radicalization.[94]

Kenya can learn from this approach by implementing similar initiatives that empower communities to prevent and counter violent extremism.[95] Finally, Balancing security and human rights is a vital lesson for Kenya. The European Union recognizes the importance of balancing security concerns with respect for human rights and the rule of law.[96] Kenya can adopt a similar approach to ensure that its efforts to prevent and counter violent extremism do not violate human rights or undermine democratic values.[97]

By adopting these lessons from the European Union's strategy, Kenya can develop a more effective and comprehensive strategy to prevent and counter violent extremism in the country.

4.3. United States

4.3.1 Strategic Framework
The United States Strategic Framework for Countering Terrorism and Targeted Violence is a comprehensive framework aimed at preventing and countering terrorism and targeted violence within the United States. The framework is built around four pillars: understanding the threat, prevention and disruption, mitigation and response, and cross-cutting areas.[98]

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[94] Ibid
[95] Ibid
[96] Ibid
[97] Ibid
[98] Ibrahim, A., & Smith, C. (2018). An analysis of the US government's strategy for Countering Violent Extremism. Studies in Conflict & Terrorism, 41(5), 345-362.

One of the key strengths of the United States' strategic framework is its emphasis on a comprehensive and collaborative approach to preventing and countering terrorism and targeted violence[99]. This approach involves the participation of various actors such as government agencies, law enforcement, civil society organizations, communities, and private sector stakeholders.[100] It aims to build trust and partnerships between these actors to prevent radicalization and promote greater social cohesion.[101] The framework also recognizes the importance of addressing the underlying drivers of violent extremism and targeted violence, such as hate, intolerance, and discrimination. It emphasizes the need to address these factors through targeted initiatives and policies, such as promoting education, community engagement, and social inclusion. [102] Furthermore, the framework emphasizes the importance of early detection and intervention to prevent radicalization and targeted violence. It focuses on strengthening community resilience and promoting the involvement of families, friends, and other trusted individuals in detecting and reporting signs of radicalization and targeted violence.[103]

However, one of the challenges of the United States' strategic framework is the potential for stigmatization and discrimination of certain communities, particularly Muslim and other minority communities. This can undermine the effectiveness of the strategy and further fuel resentment and distrust towards the government and law enforcement agencies.[104]

4.3.2 Key Lessons

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[99] Ibid
[100] Ibid
[101] Ibid
[102] Ibid
[103] Ibid
[104] Ibid

Key lessons that Kenya can learn from the United States Strategic Framework for Countering Terrorism and Targeted Violence are quite a number. One is Comprehensive and Collaborative Approach. Kenya can adopt a comprehensive and collaborative approach to preventing and countering violent extremism and targeted violence by involving various actors such as government agencies, law enforcement, civil society organizations, communities, and private sector stakeholders.[105] This can help to build trust and partnerships between these actors to prevent radicalization and promote greater social cohesion.[106]

Addressing Underlying Drivers is also a key lesson for Kenya. Kenya can address the underlying drivers of violent extremism and targeted violence, such as hate, intolerance, and discrimination through targeted initiatives and policies.[107] This could include promoting education, community engagement, and social inclusion to address these factors.[108]Another lesson is Early Detection and Intervention. Kenya can focus on early detection and intervention to prevent radicalization and targeted violence by strengthening community resilience and involving families, friends, and other trusted individuals in detecting and reporting signs of radicalization and targeted violence.[109] Finally, is avoiding Stigmatization and Discrimination. Kenya should avoid stigmatizing and discriminating against certain communities, particularly Muslim and other minority communities, which can undermine the effectiveness of the strategy and further fuel resentment and distrust towards the government and law enforcement agencies.[110]

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[105] Kimathi, M., & Kamau, J. (2017). Countering Violent Extremism: A review of the US strategy and lessons for Kenya. *Journal of Strategic Security*, 10(2), 16-34.
[106] Ibid
[107] Ibid
[108] Ibid
[109] Ibid
[110] Ibid

By adopting these lessons, Kenya can develop a more effective strategy to prevent and counter violent extremism and targeted violence in the country.

4.4   United Kingdom

4.4.1 CONTEST Strategy

The United Kingdom's CONTEST Strategy is a comprehensive and multi-disciplinary approach to preventing and countering terrorism. [111] The strategy has four key pillars: Pursue, Prevent, Protect, and Prepare. [112] The "Pursue" pillar focuses on detecting, prosecuting, and disrupting terrorist activities. The "Prevent" pillar aims to stop people from becoming terrorists or supporting terrorism in the first place, by addressing the root causes of radicalization and extremism. The "Protect" pillar seeks to strengthen the country's protection against terrorist attacks, by improving physical security measures and increasing public awareness. Finally, the "Prepare" pillar focuses on building resilience and preparedness among individuals, communities, and institutions to deal with the impact of a terrorist attack.[113]

4.4.2   Key Lessons

Some key lessons that Kenya can learn from the UK's CONTEST Strategy include: A full throng Multi-Agency Approach. Kenya can adopt a multi-agency approach, involving various government departments, law enforcement agencies, and civil society

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[111] Tarek Younis and Amina Easat-Daas (2018).A critical assessment of the UK's counter-terrorism strategy and its implications for Islamophobia
[112] Ibid
[113] Ibid

organizations, to implement a comprehensive counter-terrorism strategy;[114]Community Engagement: Kenya can increase community engagement and partnership-building initiatives with vulnerable and at risk communities, to prevent radicalization while building mutual trust and cooperation with law enforcement agencies; [115] Early Intervention: Kenya can develop programs to identify and intervene likely individuals, who are at risk of radicalization, through a combination of education, mental health support/psychosocial support, and including other social services; Addressing Root Causes: Kenya can prioritize addressing the root causes of radicalization and extremism, including social, economic, and political grievances, as a key component of its counter-terrorism strategy.[116]

By adopting these lessons, Kenya can develop a more comprehensive and effective strategy to prevent and counter terrorism in the country.

5. Conclusion

Kenya's National Strategy to Counter Violent Extremism has made important strides in preventing and countering the spread of radicalization and violent extremism in the country. The strategy's multi-agency and whole-of-society approach are notable strengths, as they recognize the importance of collaboration and community engagement in addressing this complex issue. However, the strategy has several key weaknesses, including limited awareness, comprehension and a failure to address related crimes. To improve the strategy, Kenya can learn some lessons from regional and international jurisdictions, including the African Union's Regional Strategy, the European Union's Strategy, the United States Strategic

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[114] Ngau, P., & Kisiangani, E. W. (2018). The United Kingdom's Contest strategy: Implications for countering violent extremism in Kenya. *Journal of Terrorism Research*, 9(1), 1-12

[115] Ibid

[116] Ibid

Framework, and the United Kingdom's CONTEST Strategy. These examples provide useful insights on how, Kenya can strengthen its approach to countering violent extremism. Ultimately, reforming and improving Kenya's National Strategy to Counter Violent Extremism is essential to ensure that the country can effectively prevent and counter the spread of radicalization and violent extremism, and create a safer and more secure society for all Kenyans.

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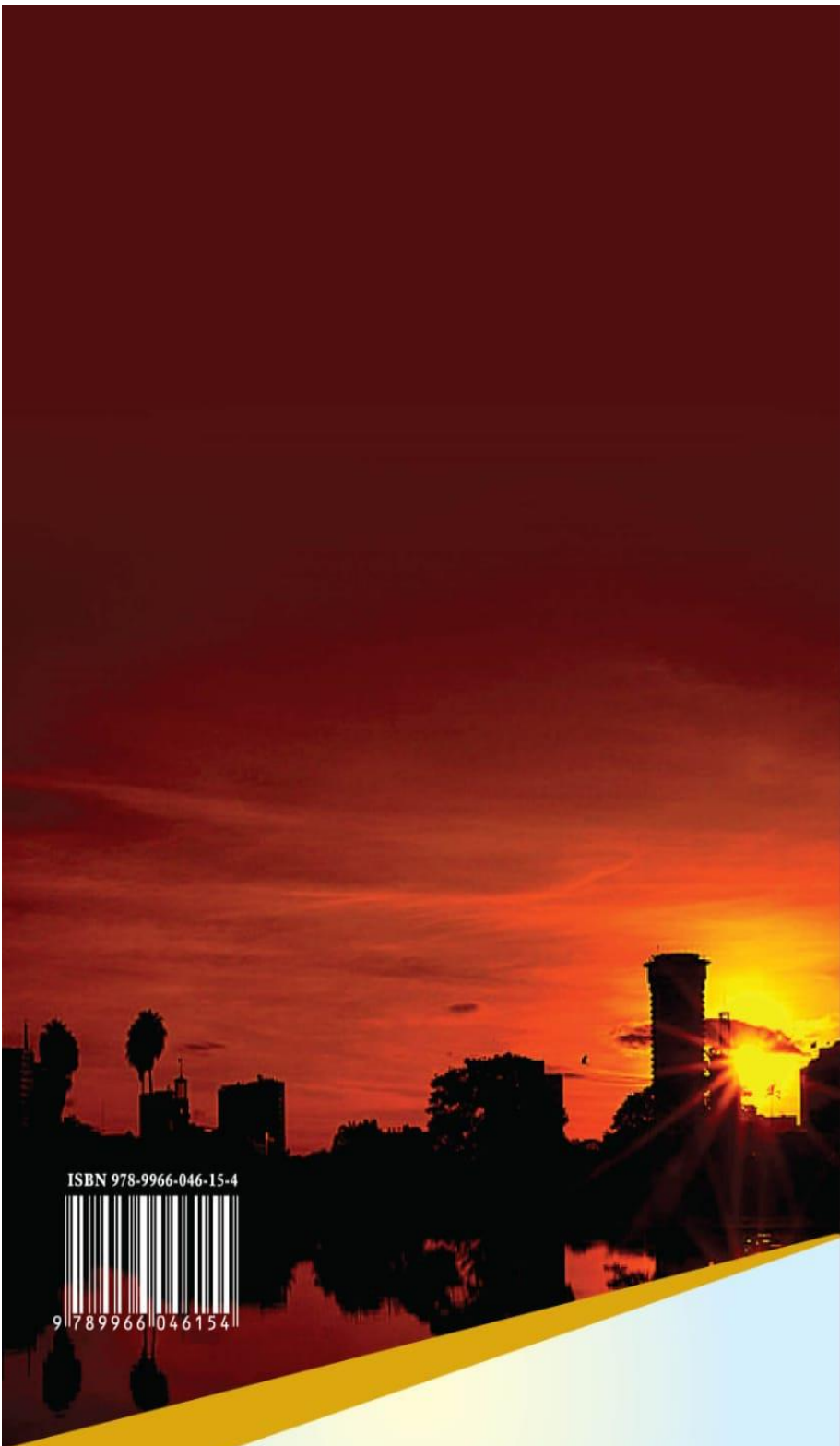
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