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Changing Trends in the Logistics of Intelligence Gathering and Sharing in Curbing Terrorism in Kenya

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Abstract

Kenya has had to streamline its intelligence gathering and sharing to counter the problem. Nonetheless, terrorism has continued to prevail in the country. This research therefore interrogated the changing trends in forms and logistics of intelligence gathering and sharing in Kenya towards curbing terrorism. An exploratory research design was applied and a historical interrogation approach used to interrogate various facets of intelligence gathering and sharing in the country from the pre-colonial period. Primary data collected through key informant interviews and focus group discussions was used and largely supplemented by secondary data. Findings indicated that there have been major shifts in the forms and focus of intelligence gathering and sharing since pre-colonial period. The study concludes that although the transformations have culminated into major improvement in intelligence gathering and sharing, there have also been significant challenges that need to be addressed. The study therefore recommends among other measures, that both domestic and foreign agencies involved in intelligence sharing should work together to boost their confidence with each other to enhance their readiness and commitment to share security intelligence.

1.0 Introduction

Terrorism is a major security issue that traverses the whole world. Developed and developing countries have been victims of terrorist attacks albeit with different measure, intensity and frequency. No state is safe from terrorism. Notable attacks include the September 2001 attack in U. S. (popularly and hereafter referred to as 9/11 or September 11 attack) (Pleschinger, 2006); the July 2005 bombings in London, England (Carsten, 2012); and the November 2015 Paris attack (MacAskill, 2015). In Africa, terror attacks involving abductions, beheadings and bombings by *Boko Haram* in West Africa and *al-shabaab* in East Africa region have also been frequent (Ankomah, 2014; Lowenthal, 2016).

A major counterterrorism measure that is widely applied in most states in the fight against terrorism is the use of security intelligence service.

Many countries have been putting efforts to streamline their intelligence gathering and sharing operations especially with the continuous changing trends of terrorism over time. This has cut across the intelligence policies and practices being adopted in efforts to combat terrorism. In the U.S for instance, the FBI tripled its counter-terrorism force after the World Trade Center attack in 1993 and the Central Intelligence Agency (CIA) created its Counter-Terrorism Center (CTC) to deal with the threat at the highest civilian and military levels (Karmon, 2002).

African states have also been making efforts to improve intelligence gathering and sharing to curb terrorism. For instance, in the 1999 OAU Convention on the Prevention and Combating of Terrorism (also referred to as the Algiers Convention of 1999), member states to the Organization of African Union (OAU),currently called the African Union (AU), agreed to co-operate by promoting the sharing of information and expertise on terrorist acts and establish data bases for the collection and analysis of information and data on terrorist elements, groups, movements and organizations (Organization of African Union, 1999).

In Kenya, use of intelligence as a security strategy has been at the forefront over time in bid to curb transnational terrorism. The National Security Intelligence Service (NSIS) for instance was established following the U.S embassy bombing in 1998 and Kenya was added to the U.S. Anti-Terrorism Assistance Program [ATA] (Mogire & Agade, 2011). Since 2002, the ATA Program has had many Kenyan Security officials trained in the U.S and many more in U.S. designated training facilities throughout East Africa. The Kenyan Government has also created an Anti-Terror Police Unit (ATPU), a National Counter-Terrorism Centre, and a National Security Advisory Committee (Aronson, 2013).

Increased states partnerships in intelligence sharing are also widely being adopted in combating terrorism (Lowenthal, 2016).Developed states are partnering with other developed states as well as with the developing states in sharing intelligence to curb terrorism. An example is “the Five Eyes” which is a coalition of intelligence gathering and sharing arrangement comprised of the United States’ National Security Agency (NSA), the United Kingdom’s Government Communications Headquarters (GCHQ), the Australian Signals Directorate (ASD), Canada’s Communications Security Establishment (CSE), and New Zealand’s Government Communications Security Bureau (GCSB) (Dailey, 2017). Another one is the Africa-Frontex Intelligence Community (AFIC) that was set up in 2010 to provide a framework for regular knowledge and intelligence sharing in the field of border security between Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) and African countries (Frontex, 2016). In its part, Kenya has often partnered with the United States of America (USA) and Israel in sharing intelligence in the fight against international terrorism (Otiso, 2009).

2.0 Problem Statement

Given the complex, dynamic and perverse nature of terrorism, Kenya has had to streamline its intelligence gathering and sharing to counter the problem. Nonetheless, terrorism has continued to prevail in the country as evidenced by persistent attacks over time. This raises fundamental questions that need to be interrogated which motivated this study: how far has Kenya gone in streamlining its intelligence gathering and sharing towards abating terrorism in Kenya? Do these attacks get all the security intelligence agencies involved by surprise? Is the problem in the institutions, the system or the methods used by the actors in intelligence gathering and sharing? The purpose of this research was therefore to interrogate the changing trends in forms and logistics of intelligence gathering and sharing in Kenya towards curbing terrorism.

3.0 Objectives

(i) To interrogate the evolution in intelligence gathering and sharing in Kenya
(ii) To identify the major challenges in intelligence gathering and sharing for curbing terrorism in Kenya

4.0 Literature Review

4.1 Conceptualizing Intelligence

"Intelligence" is a term that precisely varies in meaning among peoples and governments. This is evident in the different definitions that have been put forward on what constitutes intelligence. The term "Intelligence" is derived from the Latin word "*Intellectio*" which means "knowledge capacity" (Flavius-Cristian & Andreea, 2013). According to Flavius-Cristian and Andreea (2013), intelligence is information that has been processed so that it contains a particular meaning for a given recipient. This definition however ignores the fact that if the meaning does not address national security interest, it cannot suffice in the state security arena.

A more elaborate definition by Martin (2016) states that intelligence is any secret information, together with the activities conducted to produce or procure it, designed to maintain or improve national and international security. This definition however excludes open sources which are also sources of information that may be of national or international security interest. Since this study was carried out in Kenya, the term was used as defined by the Kenya National Intelligence Service Act of 2012. In line with the Act, intelligence refers to information that has been collated, evaluated and analyzed and which is relevant to a government's decision making formulation or implementation of policy in relation to any internal or external threat or potential threat to national security as well as opportunities relevant to the protection and promotion of national security and national interests (Republic of Kenya, 2012).

4.2 Forms of Intelligence

Dailey (2017) highlights different forms of intelligence including: Signals Intelligence (SIGINT), Human Intelligence (HUMINT), Geospatial Intelligence (GEOINT), Measurement and Signatures Intelligence (MASINT), and Open-Source Intelligence (OSINT).Signals intelligence entail information collected from communications interception; human intelligence entails information obtained through direct personal involvement of officers with persons; while open source intelligence includes information obtained from publically available materials (Cornall & Black, 2011).

In the context of the war on terror, intelligence is broadly categorized into two: strategic and tactical intelligence. Strategic intelligence pertains to the intelligence meant to inform long term plans (Lowenthal, 2016). Through meticulous analysis and usage of computers for producing understandable estimations alongside succinct evaluations, law enforcers locally can get a basic instrument that may be used effectively in identifying possible terrorist activities and targets in the society (Nisbett, 2010). This capacity to "predict" where and when terrorism attacks are likely to happen and the probable targets for the terrorists, by using intelligence, gives the local security agencies an upper hand in executing offensive and or defensive strategies to frustrate possible attacks (Hughbank & Githens, 2010).
Tactical intelligence is the intelligence whose use is mainly limited to operational units (Hughbank & Githens, 2010). Its collection calls for skilled and committed ground officers, able to think fast and trace the very simple patterns in culture and changes in behavior for those within their designated areas (Walsh, 2015). Every potential assessed source needs to be used to its maximum potential inclusive of the ones often ignored (Bruneau, 2008). This calls for the establishment of a centre clearing house for gathering and exploiting the gathered information, then dispatch the collected intelligence to the commandants in charge, to pass on to an incoming shift or within

the shift as considered appropriate. The ground officers are then required to relay the information obtained from their area of designation to their assigned intelligence collector within the required time. It is only in this manner that an intelligence system is able to operate at the requisite level for identifying and thwarting potential attacks (Hughbank & Githens, 2010).

4.3 Intelligence Gathering in Curbing Terrorism

Intelligence work is conducted by government agencies on behalf of the state. Operational success of intelligence in combating terrorism depends on the ability to integrate information about the battle space and enemy forces. Until the late 20th century, intelligence came primarily from human sources, with the strength of the information being based on the credibility of the source (Catano & Gauger, 2017). Aerial reconnaissance and satellite technology were big Cold War advances in intelligence gathering. In contrast, globalization and the internet have created a modern environment highly conducive to information collection and analysis and hence the various systems of intelligence gathering in different countries worldwide (Dailey, 2017).

The US is one of the countries with a complex intelligence gathering system which predates 9/11 attack (Catano & Gauger, 2017).The National Security Agency (NSA) is the United States' predominant SIGINT agency. The Central Intelligence Agency (CIA)is the predominant collector of human intelligence (HUMINT) while the Federal Bureau of Investigation (FBI)is in charge of counter-terrorism investigations. The office of the Director of National Intelligence (DNI) is the head of the America's intelligence community (Dailey, 2017).

The UK has three national intelligence and security services regarded as "Agencies"(Chalk & Rosenau, 2004). These are: the Secret Intelligence Service (SIS) known as "MI6"; the Government Communications Headquarters (GCHQ); and the Security Service known as "M15". The MI6 is the nation's external intelligence agency, which uses human and technical sources and liaisons with foreign security services to produce secret intelligence on political, military and economic issues. The GCHQ intercepts and decodes communications and other signals that are used to create signals intelligence. The M15 is in charge of the domestic/internal security intelligence; which involves gathering information on and assessing "covertly organized [domestic] threats to the nation," such as terrorism and espionage.

In South Africa, intelligence gathering is the responsibility of the South African Police Service Crime Intelligence Division and the State Security Agency (SSA). With regard to the SSA, four main entities are at the core of intelligence gathering. These include: the Domestic Branch of the SSA (Formerly known as the National Intelligence Agency); the Foreign Branch of the SSA (Formerly known as the South African Secret Service); the National Communication Centre (NCC), and the Office of Interception Centres (OIC) (Swart, 2016).

In Kenya, the National Intelligence Service (NIS) is the main institution charged with the responsibility of intelligence gathering under Article 242 of Kenya's constitution. The Criminal Intelligence Unit of the Directorate of Criminal Investigations also contributes greatly in intelligence gathering under its mandate as stipulated under the National Police service Act, 2011 (Directorate of Criminal Investigations, 2015). Moreover, the National Counterterrorism Centre (NCTC) is mandated to ensure the provision of factual and timely intelligence relevant in curbing terrorism (NCTC, 2016).

4.4 Intelligence Sharing for Curbing Terrorism

Intelligence sharing according to Oluwafemi, Balogun and Layefa (2019) is the exchanging of intelligence information among federal, state, local and private sector entities on diverse issues that may adversely affect national security, and is often done among security agencies. Intelligence sharing was largely emphasized and adopted among nations worldwide after the 9/11 attacks in the U. S (Gill, 2010). Thus, intelligence gathering

especially in the war on terror is not sufficient without proper intelligence sharing.

Intelligence sharing can be in diverse forms based on the intelligence sharing agreement. The first one is where collection of intelligence can be shared among and by partners in an intelligence sharing agreement. According to McGruddy (2013), it is an arduous and impossible task for any single country to effectively handle all critical areas of attention that their intelligence collection demands. Therefore, states work together in intelligence sharing arrangements through a division of responsibilities among the partner states to enable them to expand their scope of coverage and get deeper in unraveling more issues than when working independently, as well as share the economic bill for the expansive intelligence collection.

There is also the form of intelligence sharing where states enter into agreements to share intelligence purely for mutual benefits without sharing in the collection aspects. According to Stephane (2003), states enter into such arrangements when both parties see the potential gains such as reduced need for costly surveillance in other states, obtaining information that helps to address gaps in information gathered by the individual states' and or less developed states gaining valuable support from countries with more intelligence gathering capacity.

States also enter into intelligence gathering and sharing arrangements where although they share in collecting the intelligence with partner states in the agreement, they may still share the intelligence collected with other non-member states. This is primarily driven by the ancient notion that "enemy of my enemy is my friend" (Reveron, 2008). As McGruddy (2013) explains, in the globalized world, democratic states share enemies and this has 'shifted' the boundaries of collaboration among other nations.

5.0 Methodology

Research Design: An exploratory research design was applied to carry out this study due to its strength in addressing the study problem through an in-depth analysis of issues over time.Based on the design, a historical interrogation approach was applied to interrogate various facets of intelligence gathering and sharing in Kenya whereby they were chronologically documented, and the changes that have occurred over time analyzed.

Sample Size: A sample size of 113 informants was interviewed including security officers from the national police service, members of civil society organizations working in areas of security and human rights, academicians and members of the public. Government officers, members of community policing department and former police reservists were also included. Due to the sensitive nature of this study, the researcher relied on snowballing and purposive sampling.

Data Collection: Primary data was used and largely supplemented by secondary data. Primary data was collected through key informant interviews and focus group discussions. An interview guide was used to collect data from key informants including senior security officers and local *Nyumba Kumi* leaders drawn from Nairobi, Mombasa and Mandera. Selected community leaders and members of the public from the general population, academicians, local community mobilisers and '*Nyumba Kumi*' leaders, and members of civil society and human rights organizations were formed into focus groups for in-depth discussions.

Data Analysis: The qualitative data was analyzed through content analysis.In this regard, classification of qualitative data was done in line with the research objectives the study objectives. After classifying the data, it was discussed with reference to the study problem where the themes extracted were interpreted in line with the study objectives.

6.0 Results and Findings

6.1 Evolution in Intelligence Gathering and Sharing in Kenya

6.1.1 Intelligence Gathering and Sharing in Kenya in the Pre-Colonial Period

Intelligence gathering and sharing (IG & S) in Kenya existed before the colonial period. According to Ndeda (2006), Kenya's intelligence originally emerged in relation to the traditional geopolitical conditions. Espionage and spying was common in different communities in their pursuit to gain understanding on how strong or weak their neighbors were, in order to decide on how to co-exist with each other. An aged *Nyumba kumi* elder articulated that;

"My grandfather used to tell us that before the white man came to rule Kenya, they used to engage in spying which was mostly done by one community on their neighbouring communities. It is from him I learnt that our community used to send their warriors to spy on their neighbours so that they could get insights on how to fight them or how to raid from them. But I never experienced it myself. During my youthful age, the white man had already come and disorganized the traditional ways of life."

Thus, communities engaged in espionage prior to the colonial rule. In most of the communities, persons aged 40-45 years were largely used to gather information on neighbouring communities through espionage where spies disguised themselves as cattle herdsmen, beggars, actors, or visitors seeking treatment or some other help, and gathered information on their opponents' security; weapons and warriors (Boinnett, 2009). With the high porosity of the community borders then, it was easy to obtain information.

Diviners were also mentioned as having contributed to intelligence gathering during the pre-colonial period. An aged mother to a *Nyumba Kumi* elder noted that;

"Traditional diviners helped to give information on enemies to the community. They would predict when the community was about to be raided so that the warriors would be kept alert to push back the enemy when they attempt to invade the community. Even with the coming of the whitemen to rule us, there were those who predicted their coming but the whiteman was still able to cunningly 'buy' some of us and rule us."

Thus, religion was a source of intelligence by then where diviners and medicine men would divulge information that forecasted about future moves of neighbours, enemies and even strangers to the respective community. Ndeda (2006) also asserts that prior to the colonial rule, there was information on dangerous whites (Europeans) with the capacity to kill many with dangerous weapons.

From communities' perspective, intelligence gathering was not specified in the different communities given that various categories of people in one community offered information in different times. In most of the communities, they were generally referred to as spies, scouts, council of elders or war leaders. In the Kikuyu community for instance, Muriuki (1974) revealed that the council of war (known as *Njama ya ita*) was responsible for seeking information from medicine men, scouting, spying and reconnaissance on the enemy. The members of this council had people among them who in consultation with medicine men would spy out a territory that the community was intending to raid and determine based on the information garnered whether the raid would succeed or fail, and what to do for it to be successful.

Thus, intelligence gathering in the pre-colonial period was largely driven by economic and political interests among the different communities. Relationship and coexistence between neighbor communities was significantly determined by this information garnered. It was these very systems of intelligence collection that the European settlers in Kenya depended upon to establish their control. This was especially where some communities largely collaborated with the

British to inform on the activities of other communities. These networks helped the Europeans to develop new networks for intelligence gathering to further their colonial agenda.

The foregoing is an indication of centrality of intelligence in the well-being of the community. As it emerges, indeed intelligence might have been even more critical at this point of the absence of the Westphalia state system which protected communities under international law. Security (without international rule of law) was so critical as the groups of people often experienced regular attacks and raids. Thus, information on impending threat was of paramount importance. Every stranger was always considered a threat and communities would use every means to gather intelligence from other communities.

6.1.2 Intelligence Gathering and Sharing in Kenya in the Colonial Period; 1895-1963

Intelligence gathering and sharing during the colonial period was largely for colonial needs. Shaffer (2019) indicates that the primary purpose of intelligence gathering and sharing during the colonial period was to guard against threats to the rule of the British colonial government. At the onset of the colonial rule, the colonial government depended on the traditional systems of intelligence gathering which largely comprised of traditional leaders from communities that collaborated with the British colonists (Ndeda, 2006). Therefore, human intelligence dominated the intelligence gathering and sharing service. An aged man who served as a community chief in the colonial era asserted that:

"Most of us were in trade and the white people realized that we were in contact with many people. They recruited us to replace the traditional elders where our job was mostly to keep our eyes and ears open to what people are saying or doing to detect those speaking against the whites' rule."

This was echoed by a *nyumba kumi* elder who served as an informer during the colonial period who said that:

"Our job was mostly to protect the white peoples' administration by collecting information on what people are saying in the markets, ceremonial events and other gatherings. Any information that indicated a possible threat to the administration was forwarded to the D.C as fast as possible."

Therefore, all the members of the British colonial administration generally played one role or the other in policing and intelligence gathering. The British administration also adopted a local-level oriented IG & S system where they appointed officials including the District Commissioners (D.C) and Provincial Commissioners (P.C), retainers, recruited missionaries and other whites and African collaborators and allies into the system (Boinett, 2009). This was also highlighted by another elderly woman who worked with the missionaries in the colonial era. She indicated that;

"I think the missionaries were also involved apart from the formal colonial administration officers. Sometimes they (the missionaries) would get to some homes during their missionary work and you find them asking the residents many questions pertaining to political issues, how they felt about it, what they are doing about it etc. And sometimes you find the chief and the home guards conducting a raid few days after the missionaries have left and arrest some people considered to be inciting resistance among the natives."

The primary focus for the intelligence gathering and sharing therefore was to collect information about the African people generally. As Boinett (2009) further elaborates, intelligence reports were prepared monthly and annually at the sub-commissioners offices discussing the general society issues, administrative problems, political issues, public works, communications, agriculture among other matters and events considered important. These reports according to Ndeda (2006) were submitted to the office of the Commissioner in charge of the East African Protectorate in Nairobi.

When World War I started in 1914, the focus of intelligence gathering changed from the locals to Britain's enemies and their operations in

neighboring countries (Africa & Kwadjo, 2009). This resulted to a hasty institution of an intelligence department in Nairobi with its core being the Game department that by then already had native spies. They appointed Delamere (one of the earliest British settlers) to be the spymaster along the border of the Maasai. He was to keep the intelligence headquarters in Nairobi informed about enemy troops' movement (Ndeda, 2006). The game department functioned until September 1915 when the war council was formed, and the department was reformed to an intelligence division. It mainly focused on HUMINT gathered through recruited intelligence officers, local chiefs, reliable headmen, scouts, trade guides, ex-police and missionaries among others.

After the war in 1918, a major reorganization was done largely targeting the police force – the British East African Police which was renamed as Kenya Police in 1920. The force was expanded and new police stations constructed to enhance surveillance and meet the growing security needs. The Criminal Investigations Department (CID) was also formally instituted in 1926. The Special Branch (SB), the Director of Intelligence and Security (formerly called the Director of Civil Intelligence) was instituted whose responsibility was analyzing and sorting all intelligence information that emanated from the police stations. In 1945, with the increased international and local security concerns, there was a major reorganization in the SB and it was charged with the responsibility of handling all matters relating to intelligence and security control. The main goal of intelligence by then was to notify the national headquarters in Nairobi about any change of situation in non-British territories, and reporting even a slightest sign of developing hostility against 'the British territory' (Africa & Kwadjo, 2009).

In 1952, with the uprising of *Mau Mau* rebellion, the SB expanded its mandate to address the growing internal security concerns more thoroughly. Its activities then diversified to collecting intelligence on criminal activities, investigating the citizens advocating for independence, actions of trade union movements and the growing independent churches, which were all considered major internal security concerns (Africa & Kwadjo, 2009). With the increment in scope of work for the SB and the CID, these critical departments were faced with shortage of staffs and they were unable to adequately assess the danger posed by the *Mau Mau* uprising. This resulted to the Director of General Security Services in the U.K moving to Kenya in the company of A. M. Macdonald of the Security Service, purposely to review intelligence gathering and processing mechanism. Macdonald recommended the establishment of the Kenya Intelligence Committee (KIC)as a direct advisory organ to the governor on political security intelligence, and the establishment of district and provincial intelligence committees (Boinett, 2009).

The reorganization in the IG & S mechanism to feature KIC, and the provincial and district intelligence committees conquered the strain of the *Mau Mau* emergency. The responsibility of the SB was then expanded to cover new provincial-level responsibility of giving advice to the government in vetting of members of staff in order to maintain secrecy. During the struggle for independence, intelligence function was also expanded to the monitoring of key African personalities' movements in their advocacy for independence.

6.1.3 Intelligence Gathering and Sharing in Kenya in the Post-Independence Kenya

Since Kenya became independent in 1963, there have been four major regimes under four different presidents. Consequently, many changes have taken place in the intelligence gathering and sharing systems, structures and strategies as different regimes of government took over leadership. Soon after independence in 1963, Jomo Kenyatta who had been elected the first president of Kenya then, and his KANU regime started Africanizing IG & S mechanisms. Explaining the changes, a retired civil servant who served in the ministry of home affairs during the reign of President Jomo Kenyatta indicated that;

"What Kenyatta and his regime did was that they maintained everything from the former colonial mechanisms that they perceived to be very critical by then, especially vital aspects of law and order. I think Kenyatta wanted the institutions in charge of the security of the people and the state administration to remain intact."

To this end, several African officers were promoted to the ranks of District Special Branch Officers, Provincial Special Branch Officers, Deputy Director of Intelligence, and even Director of Intelligence. The major role of the first Director of Intelligence (Mr. Bernard Hinga) was to head the intelligence service (the Special Branch) and transform its colonial focus of suppressing Africa nationalism, to one that focused on addressing the challenges of a newly independent nation. After a year of leading the spy service, Hinga was appointed as a commissioner of police and was succeeded by James Kanyotu in 1965 (Ndeda, 2006).

The SB was largely a political instrument whose major focus was to protect the interest of the executive branch of the government. Thus, the role of IG & S after independence in Kenya was mainly for general security purpose and to protect the constitutionally elected president. It had a complex structure that comprised of informers at the lowest level. The next level had agents supposed to give what was perceived as true or accurate information on various issues since they were placed in strategic positions to enable them obtain such information. They could be placed in major institutions including parliament, universities, trade unions and even government departments, where they could be employees in their organization/institution of placement. Depending on the information sought and from which location, different categories of people including farmers, politician, shoe shiners, lecturers, and maize roasters served as informers. An elderly man who served as an informer during the period in the guise of a shoe shiner explained that;

"We were first trained on the job we were to be engaged into. It was a very secretive activity and we would easily mingle with the people without anybody detecting that we were informers. Even among ourselves, we didn't fully know each other because as you know, we were not based in an office. Again, you were submitting information to the chief's office or D.C's office individually, receive your payment and some briefing, and then go back to your work. So, as you continue with your job, others would be recruited and engaged without you knowing."

The focus was thus on securing the governing regime as opposed to the core duty of ensuring the security of the citizenry. The IG & S structure was working with the provincial and district administration. The assistant chief was responsible for collecting information at the sub-location level through ordinary people in his sub-location who were his informers. He would then brief the chief. However, chiefs also maintained their own informers within their locations, who would brief them daily. All the chiefs from a particular division would then pass the information gathered to the D.O in charge, who then would pass it to the D. C. At the district level, there was a District Intelligence Committee and a district Special Branch Officer (SPBO). At the province level, the P.C had a provincial intelligence committee and the provincial SPBO was a member of the committee. The P. C. and the provincial SPBO had their own agents who furnished them with independent information. The P. C had to be briefed thoroughly to enable him brief the president. In addition to these was the Kenya Intelligence Committee that apart from obtaining information from the provinces had their personal network of informers too that ran parallel to the official network. Jonyo and Butere (2011) criticize this structure on the basis that it lacked sufficient oversight which made it to be full of mismanagement, corruption and subjectivity.

When President Moi took over the presidency after Kenyatta's death in 1978, he introduced his *Nyayo* philosophy, which was an expression of his readiness to follow Kenyatta's footsteps pertaining to local and foreign policies. The main forms of intelligence used were human intelligence and open source intelligence. The focus of intelligence service during the early years of the Moi regime was to ensure that potential threats to Kenya's political equilibrium were addressed. These included the heightened confrontational politics in the early 1980s. After an attempted coup in 1982, the SB was blamed for laxity and as a result, major changes were done in the department. As Boinett (2009) indicates, several officers in SB were transferred to non-police duties while others were deployed to other departments. President Moi was more concerned with the state security than before. Describing Moi's handling of intelligence, a retired officer who worked in the intelligence service during President Moi's reign stated that;

"Moi was intelligence and intelligence was Moi. He made sure that agents infiltrated every system. Informers were everywhere, from educational institutions, media, business circles etc. Just to make sure that he was abreast with whatever was happening especially anything considered as a threat to his political reign."

Consequently, intelligence gathering was heightened with human agents who could not be easily recognized positioned in nearly every segment of the society. Ndeda (2006) elaborates that the agents included: university students and lecturers, journalists, members of trade unions, government ministers, and even office messengers. Therefore, collecting intelligence even from open sources in different institutions was relatively easy. By early 1982, the SB as part of the police force had become an oppression tool. A retired civil servant alleged that;

"The Special Branch was a machinery to deal with those opposed to the KANU reign. They would just show up when you are least expecting and arrest you sometimes on allegations of what you never did after which they would torture you until you confess that you did it even if you did not. It was just terrible."

An aged lady who also served in the civil service during the period added that;

"Special Branch was the government's crude mechanism to have its way in whatever it wanted. Their purpose was to deal with whoever was a barrier in any mission that the government wanted to accomplish including the critics of the KANU government. You couldn't just wake up one day and start criticizing the government and go free like today."

To this end, SB conducted major crackdowns on those considered political dissents or those challenging the political status quo. A report published by Nation (2009) revealed that SB tortured people considered as dissents to Moi's administration seeking to collect information from them.There was however a major difference in how Moi used intelligence compared to his predecessor. According to Shaffer (2019), Kenyatta received intelligence briefings from the director of SB only while Moi supplemented the briefs with other intelligence briefs from provincial heads as well as a diverse network of non-official informers from all sectors of the society. However, under both Kenyatta and Moi, provincial administration was crucial in running their agendas.

The need to replace SB and improve the IG & S service based on democratic principles aroseandconsequently, the National Security Intelligence Service (NSIS) was created through the NSIS Act of 1998 (Africa & Kwadjo, 2009). However, in his opinion, a senior officer in the NIS explained that;

"After the 1998 terror attacks on the U.S embassy, there was a shift in the focus of intelligence. The need to focus on emerging security threats as opposed to political threats became more real and this marked the beginning of objective reforms in the intelligence service."

Therefore, new threats from terrorism also triggered reforms in the intelligence docket. According to Shaffer (2019), Kenyan intelligence shifted their attention to emerging threats which entailed terrorism after the August 1998 terror attacks. The NSIS started its operations in 1998 with Brigadier (Rtd) Wilson Boinett as the Director General (Africa & Kwadjo, 2009). It replaced the SB (also called the DSI) which had been associated with torture and brutality. NSIS was also separated from the police andmade the central agency responsible for gathering information, investigating and disseminating intelligence to government bodies with the Director General as the chief advisor to the president on national security matters. The agency was mandated to inform the government about any security threat to Kenya emanating from acts of sabotage, espionage, foreign interference, terrorism among others (Boinett, 2009).

Unlike its predecessor, NSIS was a "civil service intelligence" having advisory but no powers for arresting, detaining or prosecuting suspects. Unlike the SB where intelligence agents would exclusively be hired from the police department, officers in NSIS were hired from public and private sectors. Under Boinett, NSIS started enhancing its managerial and intellectual capacity whereby, they started recruiting university graduates. The graduates upon recruitment underwent training by British and American trainers on Sociology and Psychology (Shaffer, 2019).Officers in the service were required to desist from using force and torture on suspects to gather information. The agency also shifted focus from the old SB focus on political intelligence, and vested more on collection and assessment of industrial and economic intelligence, as well as foreign intelligence to address any external threat to national security interest in the global arena.

Another major paradigm shift that occurred in intelligence gathering was that emphasis was to be no longer on individuals per se as it used to be in the SB, but rather investigating, assessing and reporting on matters of national interest. This saw a new ethics code being set as a requirement for the officers in the service whereby they were required to disengage from any private business, be politically neutral (not supporting any political party), and refrain from providing any logistical support whatsoever to affiliate groups to political parties (Ndeda, 2006).

In 2003, President Kibaki took over the presidency from Moi under the NARC regime, he further streamlined NSIS with the intent to enhance its firmness and efficiency in responding to the existing security threats (Africa & Kwadjo, 2009). He introduced new priorities for IG & S and NSIS was required to provide early warning on issues of national security interests particularly on terrorism and corruption. A retired officer from the NSIS had this to say about the changes:

"What I remember about the changes in the intelligence docket during the Kibaki administration is that there was a lot of restructuring to change both the image of NSIS and improve their efficiency and effectiveness in addressing the increasing internal and external security threats. These were primarily from increased terrorism threat due to our relationship with the U.S.; there was also a lot of weapons smuggling and drug trafficking which required to be dealt with."

The consumers of intelligence were therefore diversified into national leaders, armed forces, law makers and law enforcement agencies. With the increased capacity-building, NSIS ventured into different forms of intelligence gathering including SIGINT, HUMINT, OSINT among other technical intelligence. This indicates there was strong intent in this case to unravel other threats apart from the normal political threats that used to be the focus. A senior lady officer in NIS who also served in NSIS added that;

"During the NARC government, it was no longer business as usual. Intelligence gathering was no longer just a question of serving a political goal. You see, the reality of both domestic and international terrorism menace in the country had become stronger than before. So we had to advance both in terms of capacity and strategies to deal with the increased threat to national security."

Thus, IG & S became more objective under NSIS to deal with new threats to national security including transnational terrorism.In particular, the heightened transnational threat especially from Al-Qaeda who were determined to fight the allies of U. S by all means, required critical strategies to be deal with them especially after they had successfully attacked U.S embassies in Kenya and Tanzania in August 1998. This also made the U. S. more determined to work with Kenya in addressing the transnational terrorism threat especially in IG & S.With democracy having taken its root by 2003, the responsibilities of NSIS in political matters was therefore significantly reduced during the NARC regime. Their duties were mainly to investigate political matters during politically turbulent times. A former intelligence officer explained that;

"When Kibaki came into power (became the president), politics was no longer part of the core mandate in NSIS. He was not very much into protecting personal political interests although the old constitution gave him opportunity to do so. Except for watching against an outbreak of politically orchestrated violence, politicians had a lot of freedom. Even the political department in NSIS was abolished and replaced with the democratic department."

Thus, NSIS during the NARC regime seemed more focused on addressing threats to national security interest as opposed to individualized political security interests By 2006, NSIS had liaison cells exclusively committed to work with foreign intelligence agencies in intelligence sharing including America's CIA, Britain's M16 and Israel's Mossad. They help NIS in collecting and analyzing intelligence from diverse sources to identify priority threats (Shabibi, 2020).

Another major shift also occurred in legislation with the introduction of the new constitution 2010. One of the changes that the Constitution introduced was the renaming of NSIS to National Intelligence Service (NIS) under Article 242.Under Article 242(2) of the new constitution, the responsibility of NIS involves security intelligence and counter intelligence for enhancing national security, and any other function that the national legislation may prescribe to the organ. The National Police service Act of 2011 was also established mandating the Criminal Intelligence Unit of the CID to contribute in intelligence gathering including: Collecting and providing criminal intelligence; undertaking investigations on serious crimes including terrorism, organized crimes, cyber crime etc; conducting forensic analysis among others (Directorate of Criminal Investigations, 2015).

With the new changes introduced by the new constitution on NIS, the agency had to increase their human resource capacity to cover the increased number of districts which was a challenge in itself. Describing the challenge, a senior intelligence officer explained that;

"…the new constitution also brought its challenges. You see, when you increase the scope of work but you don't put down proper strategies and structures to accommodate the increased scope, definitely there will be problems. That's what the new constitution did which many did not see. It increased the administrative units to be covered but the existing structure of NSIS could not accommodate them effectively forcing a hasty recruitment and training of new agents. Of course there were repercussions in the productivity but we still did our best to manage the situation."

Therefore, as NSIS transited to NIS under the new constitution, there was insufficient capacity in the agency to undertake their mandate. Effort to have at minimum, one intelligence officer per district that was introduced was thus a challenge.

When President Uhuru Kenyatta took over power after March, 2013 elections, national security threat was high.At the beginning of the Uhuru administration, NIS had a major task of addressing terrorism. This had largely been caused by the increased terrorist threat especially in the wake of the Kenya Defense Forces (KDF) invasion in Somalia in pursuit of the al-shabaab terrorists and the terrorists doubtless were planning retaliatory attacks against Kenya.

According to an officer from the national counter terrorism center;

"When our soldiers entered in Somalia to fight the al-shabaab, of course we expected that the group would attack our people back here in the country. We knew it was just a matter of time and so we were also trying to better our defensive strategies but it was not easy."

The NIS under its Director then, Michael Gichangi, was under pressure to unravel plots of terror attacks and work with other security agencies including the National Police Service and the KDF to ensure that terror plots were intercepted and neutralized. Nevertheless, in September 2013, a major terrorist attack by the al-shabaab at the Westgate Mall in Nairobi brought NIS under strong criticism for failure to intercept and prevent the attack (Shaffer, 2019). An officer from NIS explained it as follows:

"Everybody was blaming us that we had failed to foil the Westgate attack. This was not true because we had informed the police of the possibility of an attack in malls in Nairobi, but since what we share is not made public, so definitely when it is not acted upon, people just come out blaming us."

Days after the Westgate Mall attack, national defense leaders including Gichangi were summoned by a parliamentary committee interrogating the failures that occurred leading to the success of the terror attack. Gichangi highlighted what an earlier leaked intelligence report had indicated that his department gave early warning of the attack to the then Inspector General of Police and the Director of CID (Mutua & Munuhe, 2013). Security lapses prevailed and this became evident with subsequent terror attacks in Mpeketoni and other parts of Lamu and Tana River counties. Blame games continued between the Director of NIS, the Chief of General Staff and the Inspector General of Police in the wake of the security lapses. There were alleged internal conflicts between these major national security leaders which eventuallyculminated into the resignation of Gichangi as the Director of NIS (Shaffer, 2019). Therefore, security situation was not likely to improve without the harmonious working relationship of the three critical security leaders which called for urgent changes to be made.

Community-based policing was enhanced with the introduction of *Nyumba Kumi* (which means ten households) initiative. The greater agenda is not literally ten households but to have a basic unit of security arrangement establishing the foundation of the larger national security improvement agenda that entails engaging the non-state actors. This is based on the principle of "say what you see, hear or feel that is suspicious" and this places communities at the center in the fight against insecurity.

The 2017 national elections also became a major concern for NIS. Before the elections, NIS alongside other security agencies took part in a multi-agency special training organized in preparedness for violence. Nevertheless, political violence in the aftermath of the elections still claimed dozens of lives. NIS was also engaged in probing corruption cases. In 2018, president Uhuru ordered a lifestyle audit of all public officials including the president himself where records from NIS were used in investigating corrupt officials and auditing government departments. The Director General of NIS would personally brief the president regarding the issues (Shaffer, 2019). This indicates the diversity of roles that the transformed NIS has to be engaged in compared to the past. Even so, the effectiveness and efficiency of NIS continued to be questioned especially because terrorism still remained a major security threat.

6.2 Challenges in Intelligence Gathering and Sharing for Curbing Terrorism in Kenya

It was revealed that despite the notable improvements in IG & S in the country over time, there is still a myriad of challenges in its application to curb terrorism. A key informant who is a senior security officer in Garissa reported receiving information that was not actionable whereby, the information received in

some instances is inadequate for the other security agencies to act upon effectively to thwart the impending attack. This was emphasized by a Criminal Intelligence expert based in Nairobi who shared a piece of information that he received a day before a terror attack was executed in the city the next day in the afternoon. It stated:

"…Information obtained from a very reliable source established that *al-Shabaab* top commanders have just wished god's blessings to operatives who are proceeding to execute unknown mission at unknown location. The action could be any time from now. Inform all field units to heighten security particularly tonight. Alert all our personnel immediately to take the necessary measures."

The information indicates several gaps that make it difficult to be acted upon to thwart the attack. It lacks precision on the probable target of the attack and the probable time which are very critical in intercepting an attack. Consequently, the terrorists may still successfully execute the attack even despite such information being available because it does not provide adequate insight to inform an offensive or defensive strategy to thwart the attack. Therefore, it is possible to have terror attacks executed despite the existence of intelligence on the attacks due to insufficiency in the information that was available pertaining to the attack. The intelligence is generic in nature and applicable in almost all instances. Without specifics, countering measures are ineffective. This was noted in the remarks of a senior security officer based in Mandera who was categorical singling out a specific case of terrorist attack and elaborating that:

"…The case of Garissa University attack is an example of where intelligence was not acted upon. The implication was death and destruction, yet it has been said that the information was disseminated but someone failed to act on it."

However, the officer's phrase that "...it has been said" indicates that the officer's assertion was based on unfounded source alleging there was information prior to the attack. Upon further probing, the officer could not elaborate the nature of information that was available and whether it was actionable or not to establish whether the failure was on the security agencies not acting, or the information being insufficient to inform effective action. This further implies the inadequacies in information shared. A report by Reuters (2019) after the recent attack in the Dusit hotel, Nairobi also revealed that some warnings could be provided but may be incomplete and hence impossible to act upon without further details. In the report, a Somali intelligence official alleged that they had given a warning to their Kenyan counterparts in November 2018 that said, "Five guys want to attack in Nairobi or Mombasa, like a hotel, tourist attraction or a church."However, such information as explained in the report may be hard to act upon without more details being divulged. However, the Somali agency acknowledged that the intelligence was not adequate but blamed Kenya for failing to 'pay' for more information from sources within the al-Shabaab network (Reuters, 2019).

An academician based in Nairobi pointed out that the secrecy in intelligence is beneficial but a challenge in some instances as far as the national security interest is concerned. He elaborated that,

"…Secrecy ensures that the national security is not jeopardized through classification of information that is considered national secret. Nevertheless, in some cases, it is difficult to establish the authenticity of information to be classified, and to differentiate between propaganda and genuine secret."

Thus, crucial information that could aid to pre-empt and foil an attack may be withheld on the basis of national security interest and as a result, the terrorists may successfully launch the attack because of lack of timely interception. This means the classification of the information may in some instances end up jeopardizing the very national security interest it was meant to protect. From another perspective, there is also the possibility of leaking information that should be withheld and as a result, the terrorists may access it and use it to defeat the security strategies that may have

been put on ground to intercept or neutralize them. A key security officer based in Mombasa further explained that,

"…Sometimes, information may be kept as secret but some agencies may fail to observe the secret code of conduct and through the loopholes, some of the information classified could leak out to unauthorized persons eventually jeopardizing the very purpose of secrecy."

This means that the high secrecy principle may also trigger betrayal from some agents. Several informants nonetheless emphasized that intelligence should be classified. A member of the Community policing department in Mombasa was categorical that,

"…All intelligence collected, researched and analyzed and proven of value to the intended purpose should be classified to prevent leakage to unauthorized persons."

This was seconded by a senior security officer based in Mombasa too, who further suggested that,

"…Intelligence should be classified according to the levels of security that is required to be achieved. For instance, national secrets that entail information whose leakage would put the national security at stake should be classified to ensure that the information dispatched to the public is limited."

This further emphasizes the necessity to have in place proper standards for control in the use of secrecy to ensure that nothing in it works against its original intent of maintaining security. Another major challenge was highlighted by a member of the public based in Mombasa who complained that human rights activists also pose a challenge as far the use of IG & S to curb terrorism is concerned. He explained that,

"…As the government through the intelligence agencies tries to come up with a policy to help monitor the movement of perpetrators of terrorism and other transnational crimes, human rights activists come in arms opposing it. They term it as infringing the rights of individual privacy fearing that the law will be applied to anybody through advanced technology."

This implies that use of IG & S in curbing terrorism is often at loggerheads with human right activists who mostly are opposed to the methods used by intelligence agencies to gather intelligence on the basis that it infringes on privacy rights of individuals. Forcese (2011) pointed this out by asserting that intelligence gathering especially human intelligence and electronic surveillance often does involve surreptitious surveillance of communication or conduct, prompting issues of individuals' privacy rights. However, a member of the civil society based in Mandera noted that,

"…What human rights agencies are usually against is not the use of intelligence per se, but its misuse. The idea is to caution the state from collecting people's private information and having it shared among different agencies and or states without observing the rule of law in which case, it may eventually be negatively used against them. This is what threatens the violation of human rights."

Therefore, human rights groups fear the use of information gathered by intelligence agencies to victimize the people to violations of human rights by other states.From a realist perspective, Jones (2010) is of the opinion that when an intelligence officer engages in what would be considered unethical behavior, the actions are not considered unethical because they are all necessary for national security. Similarly, Gill (2009) explains that intelligence activities are justified if they serve the well-being of the state and rest on the "moral duty of the sovereign to protect her subjects" (p.89). This means that, the sole driver of intelligence gathering is the national interest as opposed to an individual's rights. As per Kenya Human Rights Commission officer, infringing of human rights on suspected terrorists further aggravates the perilous situation and leads to more radicalization among the youths.

7.0 Conclusion

From the findings, the root of IG & S in the country can be traced to the geopolitical conditions in Kenya during pre-colonial period. However, major transformations in intelligence services began from the colonial era. These transformations have culminated into major improvement in intelligence gathering and sharing. The study further concludes that since the creation of NSIS and the subsequent transformations in security intelligence services, IG & S has been fundamental in thwarting terrorism attacks in the country. The study concludes that use of IG & S in Kenya to curb transnational terrorism is a holistic approach that entails the collection and sharing of different forms of intelligence and not just relying on one type. While different forms of intelligence are integrated and applied in efforts to curb transnational terrorism, the study concludes that human intelligence and signals intelligence are the most used forms of intelligence in the fight against terrorism. However, this does not negate the importance of engaging the other forms of intelligence like signals intelligence in the war on terror. The fundamental aspect is that every form of intelligence is useful especially if there is swiftness in acting upon it by those agencies to whom it may be shared in advance. The study further concludes that Kenya's bilateral and multilateral intelligence sharing partnerships with other states have been instrumental in minimizing the number of terrorism attacks in the country.

The researcher concludes that terrorists only manage to successfully execute their attacks sometimes due to lack of effective cooperation among some of the states involved. The researcher further concludes that the effectiveness of IG & S is undermined by lack of commitment by states in intelligence sharing arrangements to share all information that is important in dealing with suspected terrorist activities.Sharing of incomplete and ambiguous information is also concluded to be a major constraint in the application of IG & S to curb terrorism. Furthermore, the intelligence shared prior to an attack sometimes lacks adequate precision for security agents to take effective actions to foil the attack. In a nutshell therefore, the study concludes that on top of the significant improvements that have been put in place in IG & S in the country, more still needs to be done to address the challenges therein and streamline it in order to maximize its productivity in curbing terrorism.

8.0 Recommendations

There is need for interagency cooperation in sharing intelligence. Both domestic and foreign agencies involved in intelligence sharing should work together to boost their confidence with each other to enhance their readiness and commitment to share security intelligence. It is also important to incorporate the civilian component through a multi-agency framework in IG & S to enhance inter-operability between the disciplined and civilian components in reducing threats and incidences of transnational terrorism.

The NIS should consider a restructuring that would culminate into a new division been created in the institution to be specifically in charge of terrorism intelligence. This will ensure that there is a contingent of officers who at all times are focusing on collecting and or analyzing terrorism related intelligence. This can help to improve the efficiency of information analysis to reduce ambiguity and increase in the precision of information been shared to different agencies to foil terrorist attacks that may be detected.

The national police service should also establish more investigative systems for checking local religious groupings and any other social groupings to ensure that any elements of extremism and radicalization are identified at their early emergence stage and stopped. This may be achieved through more empowerment of the *Nyumba kumi* initiative and promoting community policing through increased collaboration between police officers and local *Nyumba kumi* leaders.

The government should also consider investing more in human resources in intelligence gathering and sharing in the country including recruiting more staffs in IG & S and undertaking advanced training on the workforce in intelligence gathering. This will help to reduce the workload on the existing workforce in IG & S and enhance the effectiveness and efficiency of IG & S in curbing transnational terrorism.

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