

Lund University  
Department of Political Science  
Master's thesis

STV M11  
Autumn term 2009  
Supervisor: Professor Anders Sannerstedt

# Intelligence and State-Building

Understanding the Role of Intelligence Services in State-Building: The Case of Kenya



LUND  
UNIVERSITY



Sebastian Bay  
sebastian@bay.se  
www.sebastian.bay.se

## Abstract

This master's thesis contributes to the theoretical development of the role of intelligence services in state-building. To that end it establishes a theoretical framework consisting of current research in the field of intelligence and state-building. The role of the Kenyan intelligence services in the Kenyan state-building endeavor is then thoroughly analyzed using a range of primary and secondary materials, as well as a number of interviews with individuals central to Kenyan intelligence reforms. This thesis then merges the Kenyan case study with the established theoretical framework to develop a number of theoretical reductions on intelligence and state-building.

This thesis offers a number of insights into the role of intelligence and state-building, providing a theoretical lens through which some of these processes can be understood. In doing so it identifies interesting and important fields where further research is needed. It also underscores the general need to further study the role of intelligence services, especially in new democracies, to advance the understanding of contemporary state-building.

*Keywords:* Intelligence, State-Building, Kenya, SSR, Democratization.

Words: 19,863

*De omnibus dubitandum*

# Table of contents

<b>1 INTRODUCTION.....</b>	<b>6</b>
1.1 AIM AND PURPOSE .....	7
1.2 META-THEORETICAL POSITIONING .....	7
1.2.1 <i>The postulates</i> .....	8
1.2.2 <i>The solution</i> .....	8
<b>2 METHODS AND MATERIAL.....</b>	<b>9</b>
2.1 THEORY AND THE CASE STUDY.....	9
2.2 WHY KENYA?.....	10
2.3 OPERATIONALIZING THE STUDY .....	10
2.3.1 <i>The interviews</i> .....	11
2.3.2 <i>Primary and secondary material</i> .....	12
2.3.3 <i>Operational delimitations</i> .....	13
2.4 DISPOSITION .....	13
<b>3 THEORETICAL FRAMEWORK .....</b>	<b>14</b>
3.1 UNDERSTANDING THE PROBLEM.....	14
3.2 DEFINING INTELLIGENCE AND INTELLIGENCE SERVICES .....	15
3.3 DEFINING STATE-BUILDING.....	16
3.4 INTELLIGENCE AND STATE-BUILDING .....	18
3.4.1 <i>Western experiences</i> .....	19
3.4.2 <i>Central and Eastern European experiences</i> .....	20
3.4.3 <i>South American experiences</i> .....	22
3.4.4 <i>Asian experiences</i> .....	23
3.4.5 <i>The South African experience</i> .....	24
3.4.6 <i>African experiences</i> .....	25
3.4.7 <i>Analytical reduction</i> .....	26
<b>4 INTELLIGENCE AND STATE-BUILDING IN THE KENYAN CONTEXT .....</b>	<b>29</b>
4.1 FOR HER MAJESTY THE QUEEN (1952–1963) .....	29
4.1.1 <i>The Kenyan intelligence services (1952–1963)</i> .....	29
4.1.2 <i>The Kenyan intelligence services and the Mau Mau rebellion</i> .....	31
4.2 FIGHTING THE OPPOSITION (1963–1998) .....	32
4.2.1 <i>The Kenyan intelligence services (1963–1998)</i> .....	32
4.2.2 <i>A special relationship</i> .....	34
4.2.3 <i>The 1992 and 1997 election violence</i> .....	34
4.3 A NEW DAWN (1999–2010) .....	36
4.3.1 <i>The Kenyan intelligence services (1999–2010)</i> .....	37
4.3.2 <i>The 1998 intelligence reform</i> .....	37
4.3.3 <i>The 2002 elections</i> .....	41
4.3.4 <i>The 2007 elections and the Post Election Violence</i> .....	41
4.3.5 <i>Intelligence and the constitutional reviews</i> .....	42
4.4 CONCLUDING THE ROLE OF INTELLIGENCE IN KENYAN STATE-BUILDING .....	44
4.4.1 <i>Conclusion</i> .....	46
<b>5 THEORETICAL REDUCTION .....</b>	<b>47</b>
<b>6 CONCLUSION .....</b>	<b>50</b>
<b>7 EXECUTIVE SUMMARY .....</b>	<b>51</b>
7.1 AIM, PURPOSE AND DELIMITATIONS .....	51

## Intelligence and State-Building

---

7.2 THEORETICAL FRAMEWORK .....	51
7.3 METHODOLOGY .....	52
7.4 INTELLIGENCE AND STATE-BUILDING .....	52
7.5 INTELLIGENCE AND STATE-BUILDING IN KENYA .....	53
7.6 THEORETICAL REDUCTIONS.....	54
7.7 CONCLUSION.....	55
<b>REFERENCES .....</b>	<b>56</b>

# 1 Introduction

The intelligence sector of any state plays a major role in safeguarding national security, and in the extreme, it acts to preserve the very survival of the state. Even though maintaining effective control and oversight over intelligence services is as important to the democracy “as maintaining control over the armed forces, intelligence services have received much less attention from scholars and those supporting the democratization process” (Caparini 2007, 3).

The research available about intelligence services in developing countries is mediocre at best and research is virtually non-existent regarding intelligence and state-building. We know very little about the role of intelligence services in the making of states in general and postcolonial states in particular (cf. Goscha 2007, 100f; Chappuis and Hänggi 2009, 31).

Reforming intelligence services in emerging democracies is one of the most important and difficult activities facing any government. In order to achieve democratic consolidation, controlling intelligence services is vital for several reasons. First, as the organization in charge of internal security and regime protection, it is important that it operates within the rule of law without abusing its authority. Second, authority and civilian control are needed to ensure that the elected government holds genuine control over the monopoly on violence. If this is not achieved the intelligence services risks remaining or becoming a state within a state effectively preventing democratic consolidation (cf. Macdonald 2007, 301; Bruneau 2001, 337; Boraz 2009, 84).

Even though the role of intelligence services is essential for liberal, open, and democratic state-building to occur, we know little of the exact role of intelligence services in the state-building process. I believe that it is important to better understand this process in order to be able to enhance support for the democratization process in emerging democracies, something that is even truer regarding African states, where academic research traditionally has had a difficult time understanding state-building (cf. Herbst 2000, 3f).

If authoritarian regimes are to reform the tools and manuals must be available, precisely and simply explained by Wilson Boinett:

“I believe [former Kenyan President] Moi wanted to reform the Special Branch but he did not know how to proceed. It had never been done in a similar context before and there was no information available on what to do or how to proceed.” (Boinett 2010).

## 1.1 Aim and purpose

“Intelligence, if we understand it, might some day be more clearly a force for good. If intelligence is ever to be a force for good, then it must be studied. We can bet that, if we remain ignorant of it, intelligence will certainly be a force for ill.” (Warner 2009, 29f).

The purpose of this thesis is to contribute to the development of a theory about the role of intelligence services in state-building. To this end I have studied and analyzed the role of the Kenyan intelligence services in the Kenyan state-building endeavor. My ambition has been to use the Kenyan experience to better understand what role intelligence services play in state-building. While such a case study might say little about how intelligence universally influences state-building, it does, I argue, work towards providing a framework for how such a relationship can work, thereby offering a theoretical approach to the subject. The goal is to inform, inspire and offer a set of theoretical spectacles that can be used to view other cases. To this end my research is using the Kenyan experience to develop a number of theoretical approaches to the role of intelligence services in state-building.

## 1.2 Meta-theoretical positioning

“Meta-theoretical positioning is essential for all science. Each scientist must have her ontological and epistemological starting-point ready before the onset of her operative research.” (Lundquist 2007, 17; my translation).

In 1904 Max Weber wrote that the one thing that the social sciences can accomplish without “entering into the realm of speculation” is to make the reader aware of the final axioms that the author unconsciously assumes and if he or she wishes to be consistent must assume (Weber 1949, 54). Weber believed that any author bases his or her research on a set of basic assumptions that determine the outcome of that research. The role of science, in the eyes of Weber, should be to highlight these basic assumptions in as bright a color as possible striving towards intersubjectivity (Lundquist 1993, 52; Weber 1949, 54). I stand by Weber in this regard and I argue that it is essential that meta-theory be seen as “a skin not a sweater” (Marsh and Furlong 2002, 17). That is to say that a researcher, if he or she wishes to be coherent, can only have one meta-theoretical position at any one time. Explicitness is the core of the social sciences and this section will clarify my meta-theoretical position.

### 1.2.1 The postulates

I have structured my meta-theoretical postulates using a structure introduced by Brante (2001, 172), but modified to fit my own meta-theoretical approach. In its simplest form it can be described as relativistic and consists of the following postulates:

1. We cannot know whether there is a reality existing independently of our representations or awareness of it since human knowledge is socially constructed (agnostic ontological postulate).
2. Social reality is a social construction dependent on the social scientists' representations or awareness of it (ontological postulate for the social sciences).
3. It is not possible to achieve objective knowledge about this reality (epistemological postulate).
4. Knowledge is infallible in terms of truth since it is socially constructed (first methodological postulate).
5. Research in the social sciences should be valued after its ability to win support for the ideas it generates (second methodological postulate).

Put plainly I believe that there is no objective truth and that we cannot know whether there is a reality independent of our representations or awareness of it. In general this is a classical postmodern approach. However, I have tweaked it somewhat trying to deal with the main criticism against postmodernism; namely that it fails to provide a sufficient degree of constructivism (McKinlay 1998, 482; Lyotard 1984, xxiv; Delanty 1997, 101f).

### 1.2.2 The solution

Brante (2001) has suggested that adhering to postmodernism means rejecting fundamental and major parts of social knowledge. Alvesson and Sköldböck (1994) assert that knowledge isn't advanced by simply tearing down existing systems, but rather by building new ones.

I agree with them, but rather than accept that if there is no objective knowledge there can be no constructive role of science, I have constructed a meta-theory that allows me to work within my own frames of reference.

I believe that research in the social sciences should be valued after its ability to win support for the ideas it generates (second methodological postulate). Such support can be won on an open market or from a specifically addressed audience (cf. Berg 1989, 205).

This approach allows for research, based on my meta-theoretical approach, to be daring and productive in bringing forth new theories, but with the strict comment, warning if you wish, that such theories do not pretend to be true in any sense of the word. Rather they are ideal-types, not to be measured against any reality, since the notion of such an existence has been rejected.

The next chapter will discuss my choices of methods and material.



## 2 Methods and material

Esaiasson et al. (2005) argue that the last 15 years of research shows that the primary rule for researchers wanting to find explanatory factors from empirical research is to map the situation studied as detailed a manner as possible. The key, Esaiasson et al. argue, is not to focus on any real or imagined end at the onset of the research, but to study the entire process or chain of events. In practice this means that you have to identify relevant actors and try to reconstruct how different decisions were made, how they unfolded, and what they led to. This general procedure suggested by Esaiasson et al. has inspired and guided my methodological approach (Esaiasson et al. 2005, 142ff).

### 2.1 Theory and the case study

Esaiasson et al. (2005) argues that there is no apparent reason to reject attempts to build theory simply because of the scope of the study or the level of the research; rather Esaiasson et al. assert that a theory should be valued based upon its empirical usefulness. Researchers, they argue, should always try to say something about the phenomena studied, if for no other reason, than because it is often more interesting to read an essay that tries to say something about the world (Esaiasson et al. 2005, 121; Guba and Lincoln 2000, 27ff).

A common starting point for much research has been the idea that more cases studied equate to a greater opportunity for the researcher to generalize and build theory (cf. Landman 2003, 26). I do not adhere to this epistemological stance as I have argued in chapter 1.2. I have no illusions of being able to build solid theory from a single case study. I do, however, believe that a case study can contribute to the development of a theoretical framework. This view is also taken by George and Bennett (2005) as they argue that the case study method can be highly useful to produce policy-relevant knowledge and to develop theory (cf. Guba and Lincoln 2000, 27ff; George and Bennet 2005, 270ff).

A theory-developing study can be undertaken in quite a few different ways depending on the purpose. Roughly explained, such a study either tries to find explanatory or causal mechanisms. My focus rests upon the latter, working to understand how a given factor causes a chosen phenomenon. The main rule in these kinds of studies is often that it is better to study a few cases in detail rather than many synoptically (Esaiasson et al. 2005, 122f).

I have constructed my theoretical reductions by traveling between the empirical Kenyan experience and the research available in the field. The difference between a theory-building and a theory-testing study is not very large

in studies like this one. The difference can primarily be seen in the aim of the study while the results are often similar. This is relevant, as Esaiasson et al. (2005) note, because it is important to be clear regarding the scope and focus of the study. If it isn't possible to pick the case in the study because of the value of the explanatory variable, the general rule is that the study has more of a developing than testing character. For my study this is true, as I haven't been able to pick my case because of an actual or presumed variable but rather because of relevance, interest and ease of access to material (cf. Esaiasson et al. 2005, 124).

## 2.2 Why Kenya?

The bulk of intelligence research carried out so far has been centered on British and American intelligence services. More recently there has been a growing body of research on Eastern and Central Europe as well as Latin America. Apart from South Africa, there has been very little research on African intelligence services.

I have chosen to focus my case study on Kenya, as the African context (apart from South Africa) has been marginalized in academic research. The Kenyan context, I argue, will add to the understanding of intelligence and state-building. The Kenyan context also provides insight into the role of state-building and intelligence in a contemporary context, which is highly relevant to many current state-building endeavors.

I also wanted to focus my research on a country where the role of intelligence services can be followed throughout the state-building process, to allow for a broader understanding of how the two factors interact.

Being a relatively open Africa country, praised by the British as an example of successful use and development of intelligence services in a time of decolonization, Kenya is an excellent choice for the study of intelligence and state-building (cf. Wright 1987a, 179f; Heather 1990, 62ff).

Kenya is also one of few African countries that are open enough to allow the rather sensitive issue of intelligence and state-building to be studied. Lastly, Kenya has proven to be a very interesting case, challenging some earlier assumptions and adding knowledge to a number of areas.

## 2.3 Operationalizing the study

Although it is difficult to talk about a most likely design, since this is not a theory-testing study per se, a most likely design has inspired my choice of method (cf. Landman 2003, 35; Esaiasson et al. 2005, 113). For this thesis I have researched and analyzed the relationship between intelligence and state-building to the extent that the available literature has permitted. From this theoretical base I have generated an analytical reduction that, together with my field study, forms the

basis for my theoretical contributions to the field of intelligence and state-building. The material studied for my case study consists of a blend of interviews and secondary as well as primary documents relating to the subject at hand.

### 2.3.1 The interviews

Much of Kenyan intelligence history isn't written. As such, knowledge must be derived from individuals with insight into the processes specific to the country. Initially I aimed broadly and interviewed people from all strata of society whom I guessed could have relevant information. Every person interviewed was then asked about others to whom he or she thought I should talk to gain a broader understanding of the subject. This technique is popularly referred to as "snowball" or "chain" sampling, i.e., "when the researcher accesses informants through contact information that is provided by other informants." (Noy 2008, 350). When prior research in the field is lacking there are virtually no other means available for the researcher to sample and reach informants. This is especially true in an environment such as Kenya where access to informants is dependent upon contacts. The snowball technique is especially useful when the researcher is trying to obtain access to "hidden populations", in this case where the respondents often are hidden by choice (cf. Noy 2008, 350f).

I have been able to interview everyone I have deemed interesting, with one exception: former Kenyan President Daniel arap Moi. But as I have managed to talk to both his minister of internal security, as well as his head of intelligence during the critical 1998 reform, I do not feel that there are any unanswered questions apart from personal motif and aspirations.

The interviews have been of an informant and respondent nature, as I have been interested in both the views of the people as well as their insights into the field studied (cf. Esaiasson et al. 2005, 253f; Flick 2006, 164f). Apart from the informant nature of the interviews, it has been interesting to extend my inquiry by using a more narrative approach and studying how the people interviewed experience and reason around my research question. The core concept comes from the social constructivist perspective, which in essence claims that our social world and its phenomena are created and re-created by the individuals affected. As humans we surround ourselves with narratives. They tell us who we are, where we are heading, and why the world looks like it does (Robertson and Petersson 2003, 93).

My questions have encouraged storytelling as a way of tapping into the narrative of a person. The narrative interview has a lot in common with the semi-structured interview, as they share the same flexible attitude, but the narrative approach provides more contexts by focusing on experiences and thoughts (Flick 2006, 172f, 185ff).

I have spoken to a great deal of people throughout my field study. Because of the sensitivity of the topic, many have wanted to remain anonymous, few have allowed me to cite them, and even fewer allowed me to record the interviews. In many situations I felt that the question of whether I could record the interview or

not would have greatly limited the information given. I therefore chose rather early in my field study not to try to record the interviews despite of this being recommended by many scholars (cf. Johansson 2005). I believe the informants were more open with me than had I recorded the interviews. A clear drawback is that information and nuances have probably been lost and the number of direct quotes is limited.

To increase transparency in this study I have chosen, to the greatest extent possible, to only use sources who I have been allowed to cite. However, in a few instances in this thesis, I have had to refer to anonymous sources as I have not had alternative sources for the information given. A few sources asked me not to use the information they provided, something which I respected. This has not affected my research since although such information contributed the general picture, it has not been vital to my specific inquiry.

### 2.3.2 Primary and secondary material

In regard to primary and secondary material, excluding interviews, I have conducted a qualitative text analysis, i.e., a text analysis where nothing is being counted or measured, a systematical search in chosen documents after information of presumed importance (Winnerstig 2000, 215; Bergström and Boréus 2000, 45).

No matter what method and material are used, source criticism should always be at the center of analysis as no method is better than the information it uses and no material is better than its analysis. Critical to process is the explicit use of method to allow the reader to critically interpret the research (cf. Thurén 2005).

This thesis is based on a wide range of material. I have used archive material from the Kenya National Archive and the British National Archive. I have also used material from the newspaper archives at the Macmillan Memorial Library for the historical dimensions of my research. The Kenyan archives have a number of limitations, as much material is unaccounted for and only part of the material is indexed, which means that a lot of manual searching is required. That said, I have found information on all issues researched, but for some issues I have had to rely exclusively upon second hand material, as the first hand material has either been missing or I have been unable to gain access to it.

For more contemporary material (1998 and later) I have accessed online newspaper archives and documents in the Kenya National Assembly library. I have also used a range of material from nongovernmental organizations, commissions, independent researchers, and government institutions.

As research regarding intelligence and state-building is scarce I have had to rely upon a single source for some cases and issues in my theoretical framework. In some cases I have managed to back-check with other information, but in other cases this simply has not been possible. In such cases I have been careful not to draw any general conclusions from the material available.

### 2.3.3 Operational delimitations

As with all research there is a need to put in place operational delimitations to intentionally and explicitly focus the research on the issues chosen. This is especially necessary when vague terms are being researched.

This thesis mainly focuses on the contemporary issues of intelligence and state-building. To that end I am only marginally dealing with the issues from a historical perspective. Although intelligence has played a role in every state-building endeavor, it was to some extent both a different form of intelligence and a different form of state from what we see today. To that end my research mainly focus on intelligence and state-building from the time that modern intelligence services came into existence, which occurred around the Second World War among western states and 1952 in Kenya.

Due to the restraints in terms of space and time that have been placed upon this thesis, I have chosen to focus more on intelligence than on state-building in terms of academic positioning. In order to make this arrangement work I have chosen a simple and rather general definition of state-building.

## 2.4 Disposition

My work follows a traditional structure wherein I first introduce my subject, aim and purpose. Thereafter follows a discussion and positioning regarding meta-theory, methods, and delimitations.

In chapter 3 I position my thesis in terms of defining state-building and intelligence. I then create a theoretical framework consisting of current research in the field of intelligence and state-building.

In chapter 4 I analyze the Kenyan intelligence services and their role in Kenyan state-building. Chapter 4 is divided into three sections focusing on the era before independence and the eras before and after the 1998 intelligence reform, which can be considered a watershed moment in Kenyan intelligence history.

Chapter 5 merges the theoretical framework with the field study to form a theoretical reduction on intelligence and state-building. Chapter 6 provides a general conclusion and some suggestions for further research. This thesis is then concluded with an executive summary.

## 3 Theoretical framework

This chapter provides a literary overview of current research in the fields of intelligence and state-building. This chapter also establishes a theoretical framework providing the necessary analytical tools for this case study.

### 3.1 Understanding the problem

“Secrecy is the enemy of democracy.” (Holt 1994, 3).

Accountability is arguable one of the main pillars of democracy. If the leaders of a country cannot be held accountable, democracy ceases to exist. For the leaders to be held accountable, the people must know what they are doing. In this regard, secrecy is the enemy of democracy (Holt 1994, 3).

Yet secret intelligence is often a crucial part of policy. Still, this information is often restricted to a small number of the different groups that usually take part in policy formulation. Sometimes this exclusivity is not crucial to decisions on policy but sometimes there is not enough information available in the public domain for informed decisions to be made. Access to secret intelligence then becomes a tool for reasoned judgment as well as a tool of power — information often equals power in the struggle for the same. The ability of intelligence to decide political debates, as well as the value of intelligence in power politics, explains the temptation of politicians to interfere with professional intelligence (Holt 1994, 11f; Bar-Joseph 1995, 10f).

Proper use of intelligence allows for informed and enlightened decisions. Intelligence should be objective, autonomous, and free of political influence (Bar-Joseph 1995, 1, 9). Intelligence in this regard helps the decision maker avoid mistakes and it helps to keep the game honest. However, policymakers are frequently tempted to use intelligence in support of their own agenda, and intelligence also negatively informs politics from time to time (Holt 1994, 13).

In intelligence work governments are often forced to either act in secrecy or not do anything at all. This creates a catch-22, as open societies depend on free insight into issues to inform and encourage public debate, discussion, and accountability. Intelligence, on the other hand, often depends upon secrecy which runs in contrast to the open society (Holt 1994, 17; Bar-Joseph 1995, 10).

The power that secret intelligence brings with it risks creating a government within the government. Twenty years after leaving office, former US President Harry Truman noted that the CIA had become like a government within the government and was not accountable to anyone; – rather, it spent billions of

dollars stirring up wars across the planet, without anybody being able to keep track of what it was doing. Truman therefore argued that secrecy and a free, democratic government do not mix (Holt 1994, 29).

In non democratic governments the problem is worse, as regimes often use intelligence and intelligence services for their own interests – often against the opposition in the internal struggle for power (Bar-Joseph 1995, 1). Intelligence is often “subject, object, and instrument of power politics” (Ransom quoted in Bar-Joseph 1995, 9).

Taking all this into account, it is easy to form the conclusion that secret intelligence is a menace that should be removed for the workings of a democratic state. However, as Michael Herman (1996) writes, part of statecraft is *knowing*, both in general and in particular (Herman 1996, 1). Intelligence is a key component of any modern state and a factor in a government’s success or failure (and in extreme cases integral to the very survival of the state). Intelligence is a crucial part of the protection of national interests and citizens, domestically and internationally, against surprise attacks, foreign domination, dissolution, and violent political change. This is especially true for internally or externally weak states, as intelligence acts as a multiplier of resources (Caparini 2007, 3; Herman 1996, 3, 342f). However, the role of intelligence has largely been expanded in the modern, post Cold War, era to include intelligence in support of international negotiations, economic interests, international trade, etc (Herman 1996, 344).

Herein we find the contradiction that intelligence is both needed for the survival of the state and a threat to its very existence. While national security is a primary and legitimate concern for any state, democratic states also struggle to uphold the core values that define the democratic state, e.g., civil liberties, human rights, rule of law, accountability, and transparency. In this context, security is but one value among many.

While intelligence is the enemy of democracy, it is also a vital part of the modern state. “The challenge is to deal with it, not to escape it” (Holt 1994, 5).

To deal with it, it is important to understand exactly what role intelligence plays in the state-building process. The next sections will define intelligence and state-building and consider further theoretical aspects of intelligence and state-building.

### 3.2 Defining intelligence and intelligence services

“Case studies of intelligence failures abound, yet scholars lament the lack of theory of intelligence. It is more accurate to say that we lack a positive or normative theory of intelligence.” (Betts 2009, 87).

When it comes to a meta-theoretical understanding of intelligence realism and positivism dominate the field, but there is a lack of explicit meta-theoretical awareness (Bay 2009, 23). Defining intelligence is difficult and an intellectual battle is currently raging in spite of the fact that Kristian J. Wheaton and Michael

T. Beerbower (2006) think that “this vagueness should seem ridiculous. Definitions are basic stuff. Every schoolchild knows what a spy is” (Wheaton and Beerbower 2006).

Michael Warner (2009) brings forth that there are basically two camps in the struggle over a definition of intelligence. The difference between the two is that one camp sees intelligence as information that informs and guides, while the other camp sees it as clandestine activity that both informs and executes. Warner himself brings forth that intelligence is not a product, but rather a process and interaction between leaders and subordinates (Warner 2009, 17).

Wheaton and Beerbower (2006) argues that the goal of intelligence should be to reduce uncertainty for the decision maker, where the ultimate goal for intelligence is to be able to make better decisions than the adversary through a process that uses information and is focused externally (Wheaton and Beerbower 2006). Intelligence scholars Peter Gill and Mark Phythian uses Foucault’s concept of surveillance, “a term to denote the interrelationship between power and knowledge as sought and employed by states” (Scott, Gill and Phythian in Warner 2009, 18). Mark Lowenthal (2006) underlines in his work that intelligence is “information that meets the stated or understood needs of policymakers and has been collected, processed, and narrowed to meet those needs” (Lowenthal 2006, 1ff).

Virtually every author in the field of intelligence has his or her own definition of intelligence. Warner (2009) has studied a number of these definitions to provide a good general definition of intelligence. Warner deduces the following:

“Intelligence is a service or interaction with leaders to help them manage, by privileged means, the hazards they face in dealing with rival powers [...] the locus of intelligence is not the state as such but rather sovereignty. [...] [Intelligence] manages risk and uncertainty by reducing the probability of setbacks, controlling their impacts, or both. In practical terms, intelligence informs and executes decision [...]” (Warner 2009, 19, 24).

This definition underlines the core aspect of what I am studying. For the operational delimitation in this thesis I have chosen to define intelligence services as agencies that, by self-definition, are engaged in intelligence work.

In Kenya this means the Special Branch of the Kenyan Police (1952–1998) and the National Security Intelligence Service (1999–present). Although the Special Branch the Kenyan Police was changed organizationally three times, it was essentially the same organization throughout its existence.

### 3.3 Defining state-building

Considering the sheer volume written on state-building one would think there would be some basic agreement amongst scholars on the definition of state-



building, but that is not the case. Nevertheless, what follows here is my chosen definition of state-building (cf. Scott 2007, 3).

Creating a state is easy. It only needs international recognition generated through the stroke of a pen. This is also how all states of what Paul Collier (2010) calls the *bottom billion* came into existence, forced into states by outsiders. However, most countries in the world, especially in Europe, did not come into existence in this way. Instead, the modern state arose from the “solution to the central security issue of what size of territory was best suited to the creation of a monopoly over the means of violence” (Collier 2010, 169). State creation, however, is only one aspect of state-building.

State-building has experienced something of a renaissance and is now a broad and truly inter-disciplinary subject (Scott 2007, 3). With such a broad base, a number of issues follow. State-building is traditionally seen as an interventionist action to “restore and rebuild the institutions and apparatus of the state” (Scott 2007, 3). This is where the main spotlight of contemporary state-building research is directed, a direct consequence, I suppose, of the state-building endeavors in Somalia, Iraq, Afghanistan, Southern Sudan, Haiti, etc. There is, however, another group of theorists, gaining more and more prominence, that see state-building as largely an internal process which only the society itself can shape.

This second understanding of state-building has been driven, to no small extent, by players and researchers in the development field, where state-building is seen as broader and more complex than traditional capacity-building, which is but an aspect of state-building (Fritz and Menocal 2007, 4).

In this thesis, state-building, as I choose to define it, is generally to be understood as the “process through which states enhance their ability to function” (Whaites 2008, 4). However, more specifically state-building is “developing the governance capabilities that enhance the capacity of the state to enforce political stability and enhance economic viability” (Khan 2008). State-building is therefore the long-term effort from state creation and onward “of controlling violence, establishing legitimacy and building capable and responsive institutions [...]” (Fritz and Menocal 2007, 4f). State-building is therefore also the “creation of new government institutions and strengthening of existing ones” (Fukuyama 2004, ix).

With this definition I intend to draw a clear line between the definition I have chosen and the more common view that state-building is an activity undertaken by a state, or group of states, to build or re-build another state (cf. Dobbins et al. 2007, xviif). The purpose is to focus on state-building as a mainly domestic, internal, and continuous process, a product of state-society relations that may be influenced by external factors but is primarily shaped by local dynamics (Whaites 2008, 4).

It is important to point out that my chosen definition encompasses democratic, as well as authoritarian, state-building. That is to say that, although it is widely assumed today that all state-building efforts should lead to a democratic state, my chosen definition does not restrict the state-building process in that sense. Francis Fukuyama (2007) discusses this issue extensively and establishes that states are highly dependent on some form of legitimacy although democracy is but one such form of legitimacy. Europe is a good example of this, as “state-building,

construction of a liberal rule of law, and democratization occurred in three distinct phases, often separated by decades if not centuries” (Fukuyama 2007, 11ff). Although democracy might be normatively desirable, a wider definition allows for a broader understanding of the interactions of state-building and intelligence.

Next section will deal with state-building from the perspective of intelligence services by exploring the role that intelligence services have played in the state-building processes in various countries.

### 3.4 Intelligence and state-building

“So, though theories of intelligence should ideally guide efforts at its reform – and not emotions or politics of the moment – governments plagued by surprise and failure seem to have few intellectual tools to guide them” (Sims 2009, 151).

Intelligence and State-building, as an inseparable team, are as old as the state itself. One of the first stories of spies is told five hundred years before the birth of Christ by the Chinese sage Sun Tzu. The Bible also tells a story in which Moses sent men “to spy out the land of Canaan” (Holt 1994, 20f; Jackson 2005, 11f). “Intelligencers” or specialist collectors evolved under the rule of Elizabeth I of Britain, and the diplomatic system that became institutionalized in Europe after the sixteenth century and led to the development of modern intelligence was sparked by the states need for information (Herman 1996, 9f; Jackson 2005, 19ff). Max Weber defines the state as an entity that successfully claims a “monopoly on the legitimate use of physical force within a given territory”. Indeed, Weber asserts that if violence were to be removed from the equation, the state as a concept would cease to exist.

“Why and when do men obey?” Weber asks, adding in his following argument that the monopoly of violence rests upon a fragile but needed and mutually beneficial contract between the rulers and those ruled (Swedberg 2005, 265; Weber 1948, 77f). In this fragile equation intelligence serves a mighty purpose. It acts as a facilitator of control and authority, but it also keeps the rulers informed and aware. This is something that rulers of states have understood and embraced throughout history.

As noted in the section on operational delimitations this thesis is mainly focused on the contemporary issue of intelligence and state-building. To that end, the role of intelligence in the Western countries will be dealt with on a general level, siphoning some general theories from the vast history of intelligence and Western state-building. After having studied western intelligence and state-building the rest of this chapter will examine cases of intelligence and state-building in a more contemporary and detailed context.

### 3.4.1 Western experiences

Danish historian Sune Christian Pedersen's (2008) study of the role of Danish postal espionage in Danish history (1660-1849) clearly shows the value which the monarchs in Denmark placed upon their intelligence services. More important, Pedersen shows that as the intelligence services in other countries bureaucratized Danish intelligence failed to institutionalize its own intelligence services, which severely hampered the country's inflow of information. This lack of access to critical information at first contributed to a wide-reaching and highly visible communication censorship. Gradually, however, it affected diplomatic relations, as Denmark was left in the dark in a time when other nations had much greater cryptographic abilities. This shows that intelligence services in Denmark, in a negotiation process between the ruler and his bureaucracy, played a role in the Danish state-building process. The usage and structure of the intelligence systems periodically enhanced and periodically undermined the monarch's absolute power (Pedersen 2008, 415ff; Herman 1996, 10ff).

During the time when Denmark suffered, because of lack of intelligence capabilities, Britain, France, Prussia, and Austria led the development and institutionalization of intelligence during the eighteenth and nineteenth centuries (Herman 1996, 12ff). The role of intelligence in the state-building process of the above-mentioned countries cannot quite be understood without the Danish comparison, which serves as an indication of the importance of functioning intelligence during this era.

With the rise of the modern intelligence bureaucracy during the Second World War, new problems and aspects of intelligence and state-building emerged. Hitler's Germany and Stalin's Soviet Union were to a large extent held together by their domestic intelligence services, and the intelligence services became important tools in the political life of these countries. This vastly expanded role of intelligence services is by no means limited to authoritarian regimes (Jackson 2005, 26ff).

During the long "peace" of the Cold War, the risk of total nuclear annihilation placed even greater emphasis on intelligence service, which gained an even more prominent role in the political developments of states. Especially in terms of bilateral developments, intelligence services have been responsible for many bilateral low points; in the US alone, intelligence services induced the Cuban Missile Crisis, the Iran Contra scandal, and the Watergate scandal (Jackson 2005, 35ff). During the Cuban Missile Crisis, for one, there is much information to suggest that the CIA became an independent actor in the U.S. foreign policy process (Bar-Joseph 1995, 77f).

Although the U.S. takes most of the heat for the work of its intelligence services, it is by no means alone in having its intelligence services undertake rogue activities. Even a neutral country such as Sweden had its intelligence services undertake wide-ranging illegal activities and infiltration into political opposition groups and parties for nearly twenty years (cf. Säkerhetstjänstkommissionen 2002). Although the Swedish example looks minor in comparison to many other examples, it does illustrate a point, namely that intelligence has

played a role in the politics of democratic Western states. This is different from the function of intelligence in non-democratic states, where the use of intelligence services for the parochial interests of regimes is only to be expected. In a democratic state, however, the normal expectation is that intelligence services will be separated from politics and serve the interest of the state (Bar-Joseph 1995, 1).

### 3.4.2 Central and Eastern European experiences

In the countries behind the Iron Curtain, intelligence services served as a powerful tool for the authoritarian regimes to keep political opposition to a minimum. Many countries in the former Eastern bloc have been described as post-totalitarian police states where the security services in the 1980s had transformed from simply being a tool of the oppressors to a leading state apparatus. It has been argued that by 1980 security services were the only leg, that the Communist parties rested their power on that has not collapsed. This weakening was a general tendency throughout the Eastern bloc but occurred in different phases and to different extents in different countries. As ideologies and economies were undermined, states had to rely on pure force to stay in power, and security services more and more served the cause of elites rather than an ideology (Zybertowicz 2007, 70f).

Security and intelligence services were a needed and much used tool to keep public opposition in check but they were also one of the reasons that people, in the end, violently revolted against the government.

In Romania, the violence of the revolution, and the role that the intelligence services played in this violence, greatly contributed to the thorough reorganization the intelligence services were forced through after the 1989 revolution. It took no more than nine days after the revolution before the dreaded *Securitate* had been thoroughly dismantled. Cristiana Matei (2007) argues that had not the whole of the *Securitate* been dismantled swiftly Romania could easily have ended up in a civil war between a pro-Sommunist fraction, led by the *Securitate*, and the pro-democracy movement (Matei 2007, 222).

Although intelligence sector reforms in Romania can be seen as successful today on an institutional level, many of the former intelligence officials cut loose during the reforms took their expertise with them to other institutions. Many former *Securitate* officials became members of the press, and some even acquired whole newspapers. The effect of this has been that blackmail is a major problem in Romanian media, seriously undermining the ability of the press to hold the political establishment accountable in a fair manner. The press has also tried to meddle in intelligence-related matters, trying to influence elections to influential positions in the intelligence services in order to keep pro-reform forces out (Watts 2007, 60ff).

In Poland the experiences has been somewhat different. Although Polish intelligence services played as big a role in keeping the authoritarian government in power as in any other country in the former Eastern bloc, the services have to a much larger extent continued parts of this activity in the post-1989 era. Andrzej Zybertowicz (2007) writes:

“The post-1989 history of the Polish secret services abounds with scandals, leaks, falsifications, manipulations, and actions of dubious legality and utility. [...] The services were charged with the unlawful infiltration both of left- and right-wing political groups, of three prime ministers, one deputy prime minister and numerous minor figures, not to mention unlawful intervention in all three presidential campaigns” (Zybertowicz 2007, 65).

Another factor in Poland, which it shares somewhat with Romania, is a notable presence of former employees of the intelligence services engaging in criminal and otherwise dubious activities. A lustration law passed in 1997 in Poland showed that a great number of former intelligence employees and affiliates were presently working in the judiciary and executive branches of the government. The relationships between politics and business and intelligence services in Poland has been described by a Polish professor, and later minister, as having an effect beyond any reasonable degree. Zybertowicz wrote that the Polish intelligence services “have become active agents in murky struggles over the distribution of resources” (Zybertowicz 2007, 68ff, 81f).

This struggle for resources began before the fall of the Berlin Wall and actually contributed to the same. Zybertowicz argues that the Polish intelligence services played a substantial role in the system transformation that occurred in 1989. Contrary to the common perception of intelligence services, as the sword and shield of authoritarian government, the services facilitated the dismantling of the old system by promoting the often-illicit privatization of government companies and institutions for personal gain (Zybertowicz 2007, 71).

In Czechoslovakia the post-1989 reform process and the dismantling of the former security and intelligence services created two outcomes; first, the intelligence services lacked skilled personnel for a number of years, which greatly hampered its work. Second, the tabula rasa enabled the transformation of the services into modern democratic institutions. Černý (2007) does not think that the intelligence and security services would have been much better off had they tried to reform the existing Communist structures rather than building up a new service from the ruins of its predecessor (Černý 2007, 105f).

Deconstructing the role of the Cheka and later the KGB in Soviet state-building is an extensive task. For the purpose of this chapter I will summarize with the analysis provided by Peter Jackson (2005). Jackson argues that intelligence played a central role in the functioning of the Soviet state from its very inception. In the mid-1930s, Soviet intelligence agencies controlled the “sprawling empire of slave labor” set in place by the Soviet state. Jackson makes the following assertion:

“Over the course of the interwar period Intelligence became such a central component of the Soviet political life that it is impossible to imagine the functioning of the Soviet system without the Cheka or its successors, the OGPU, the NKVD, the NKGB, and the KGB.” (Jackson 2005, 29).

### 3.4.3 South American experiences

Marco Cepik (2007) argues that the development phase Brazil is currently in relative to its security sector is detrimental to the quality and stability of the country's democracy. Brazil has gone from being a military dictatorship to a rather consolidated democracy in less than twenty years—a time span similar to that experienced in post-Communist Europe (Cepik 2007, 151). Brazil seems to have developed its intelligence institutions in a pro-democracy manner in line with the general democratic transformation the country has undergone in the past two decades (Cepik 2007, 165f).

Argentina shares its intelligence history with Brazil and many other South American states. Intelligence reform has mainly focused on transforming the oppressive intelligence services established under the military dictatorship to uphold the dictatorship through internal political control. Focus on the reform process initially centered mainly on removing the military from the control of intelligence and internal security (Carlos Brandao Antunes 2007, 195, 199ff). After 1992, democratic control measures were enhanced and congress was given an oversight mandate. Despite of this, proper control was still hampered by limitations imposed on the oversight committee. Two major intelligence failures reinitiated the debate and greater oversight was established, to enhance the efficiency of the intelligence services. The Argentinean case shows how difficult intelligence reform often is and iterates that intelligence reform often requires a relatively advanced democratic consolidation to take place. Carlos Brandao Antunes (2007) argues that without the public intelligence failures, it is unlikely that intelligence reform would have gone as far as it has (Carlos Brandao Antunes 2007, 215f).

The Colombian experience shows that the old legacy of intelligence brutality is a deterrent for political control of intelligence; mainly because politicians fear being associated with the behavior of the intelligence services, but also because politicians generally do not trust intelligence services. Although Colombia doesn't have a history of atrocious intelligence services, there have been enough incidents in the country to keep politicians on their toes. More interesting, widespread abuses in many other countries in Latin America have held back political involvement in Colombia. This has led to a *laissez-faire* approach to the transformation and establishment of democratic control mechanisms. Steven C. Boraz (2009) attributes this to the reasons mentioned above but also to a general lack of knowledge and political will (Boraz 2009, 87f, 94).

The main lessons to be learned from El Salvador are that international players can help create and sustain formal security and justice reforms, and also that the window of opportunity when it comes to institutional reform is rather narrow as “significant security reforms [in El Salvador] occurred in conjunction with peace negotiations and implementation of the peace accords, all within three years of the agreements” (Call 2003, 860). This case also shows that it is relatively easy to remove the protagonist in the security sector and to abolish an abusive service, but it is far more difficult to create a new service that is accountable, transparent, and conforms to standards of “democratic policing” (Call 2003, 860).

### 3.4.4 Asian experiences

Taiwan is an example of the successful democratization of intelligence services. Steven Phillips (2007) outlines two main lessons that can be learned from the Taiwanese reforms. First, Phillips argues that the Taiwanese case illustrates the need to focus on a certain sequence of political change to accomplish durable and democratic intelligence reform.

“[C]onstitutional reform, guaranteed rights, free elections, viable opposition parties, and a political culture that generally eschewed violence all preceded reform to intelligence and security agencies.” (Phillips 2007, 190).

Second, Phillips argues that the constant perception of a common external threat went a long way to support the process as all internal adversaries has a strong incentive to maintain an effective intelligence service and shield themselves from internal political struggles (Phillips 2007, 170f, 190).

Another important aspect to note is the role that intelligence scandals had in the push for democratic change in Taiwan. Many of the actual policy changes in the intelligence field occurred in reaction to a number of intelligence scandals. So although democratic reforms laid the ground for the reforms, actual reforms were triggered by intelligence scandals (Phillips 2007, 174ff).

The post-2000 era in Taiwan demonstrates the difficulty a new regime faces in changing personnel and attitudes within intelligence services while still maintaining efficiency. This is perhaps especially difficult when, as in the Taiwanese case, the new regime previously suffered from the oppression of the intelligence services. In Taiwan this created strain, as the intelligence services often felt that changes undertaken by the new regime were part of a political vendetta against the services (Phillips 2007, 170, 180ff, 196f).

In the Philippines the effort to reform the intelligence services is still an ongoing effort. The Philippines context originates from the pre-1986 dictatorship, which was responsible for widespread corruption and politicization of the intelligence services. A number of attempts to reform the intelligence services have been made in the post-1986 era. The government of Corazon Aquino tried to completely overhaul the military and the intelligence services thorough an approach described by Samuel Huntington as “blitzkrieg” and borrowed by Douglas J. Macdonald (2007) for the case in question (Macdonald 2007, 310). Although the approach used by Aquino was far more lenient than the one used by the Romanians after the overthrow of Nicolae Ceausescu, the reforms in the Philippines were still very wide reaching and broadly based, and generated a unity of opposition through the intelligence services. Macdonald (2007) argues that the aggressive approach of cleansing and reforming used toward the military and intelligence services by the Aquino government was a contributing factor to the nine military coups it faced during its four years in power (Macdonald 2007, 309ff). The successive democratically elected government was headed by Fidel V. Ramos who was chief-of-staff of the armed forces and later secretary of national defense before winning the presidency. Ramos had far more credibility in the eyes

of the intelligence services, and the gradual bottom-up, *in seriatim*, reforms he undertook was successful in terms of removing corrupt and politicized elements of the services (Macdonald 2007, 314ff). Macdonald argues that the lesson to be drawn from this case is that intelligence reform works better through incremental change rather than a massive *blitzkrieg* approach (Macdonald 2007, 301, 320ff). It is true that this approach has worked well in the Philippines, but it is equally true that there is still much needed reform, both in terms of general democratic consolidation and improvement of democratic accountability of the intelligence services.

### 3.4.5 The South African experience

The South African case of intelligence reform is an interesting and inspiring one, described by Kenneth R. Dombroski (2007) as “a model for success” (Dombroski 2007, 241). South Africa has managed to transform a brutal, repressive and militarized tool for internal control into a modern democratic intelligence service. Dombroski writes:

“From a theoretical standpoint, South Africa’s transformation process is a political scientist’s dream come true: models were adapted to policy prescriptions, which in turn were codified into law and operationalized into new structures and procedures.” (Dombroski 2007, 241).

The South African intelligence services were key components in preserving and maintaining the rule of the white minority during apartheid. The intelligence services descended from the Special Branch of the South African Police, which was developed exclusively for the purpose of internal security, a focus its successors also inherited (Dombroski 2007, 245).

Reforms of the South African intelligence services started during the final years of apartheid under the presidency of F. W. de Klerk. De Klerk was determined to transform the South African security state into a modern democracy by diminishing the influence of the military and establishing democratic control mechanisms. During the reform process, however, de Klerk found that a number of secret units resisted reform supported by secret funds (Dombroski 2007, 249f).

In 1994 Nelson Mandela came into power in South Africa, and with the new government came immediate demands for a reform of the intelligence services previously used to repress the now-governing opposition. The Transitional Executive Council recognized that merely integrating the security and intelligence services into a new agency would not remove the persisting legacy of the Special Branch and the independent security state it was struggling to uphold. Supporting the reform process has proven difficult for the government and there were signs under President Mbeki that the intelligence services were making slow regressing steps back into political policing mode, this time controlled by ANC members inside of the services.



However the future looks like, South Africa has transformed its intelligence community in a remarkable way. Dombroski notes that the major lessons we should learn from the South African case are that intelligence reform is a key element of the democratization process and that reforms should begin earlier rather than later in the reform process. It should also be understood that the reformation of intelligence services is a long-term commitment rather than just a single event—it is far too easy for pro-democracy work to be undone when the political spotlight is removed (Dombroski 2007, 250, 263ff).

### 3.4.6 African experiences

Until one year ago there was, to the best of my knowledge, very little (or most probably nothing) written about the intelligence services of post independence Africa (excluding South Africa). The first major step towards an enlightening of this field has been provided by Sandy Africa et al. (2009a). In the work, which looks at Kenya, Uganda, Ghana and South Africa, a number of interesting conclusions are drawn.

African intelligence services were developed by colonial powers. The British implemented the British colonial system of intelligence while the French had their own system etc. As African countries gained independence, the intelligence structures and personnel were left mainly intact to be inherited by the post-colonial governments. Just as the colonial powers had used the intelligence services to maintain social and political control, the newly born nations tended to do the same (Africa and Kwadjo 2009a, 5ff; Africa and Kwadjo 2009b, 181ff).

During the initial post-independence era the Cold War influenced many of the intelligence developments in Africa. During the Cold War, each bloc tried its best to recruit allies and then support them, intelligence support grew to be a major component in this effort. The Western bloc trained and equipped the intelligence services of its allies and the Eastern bloc did the same for its allies. The Cold War also made it easier for authoritarian governments to remain intact, as donors mostly ignored domestic abuses and acted to strengthen the regimes' hold on power, continued despite deteriorating governance and respect for human rights (Africa and Kwadjo 2009a, 8ff; Brown 2007, 306f).

The failure of the post-independence African nations to build viable and prosperous nations led to massive critique from marginalized groups within each nation. This development, underscored by the failure of the governments to address pressing issues, caused increased defensiveness and hostility from the governments toward their oppositions. To protect themselves, most African governments developed draconian laws and security institutions to deal with their opponents. Torture, harassment, political assassinations, illegal detentions and other abuses became, and in many nations still are, commonplace (Africa and Kwadjo 2009a, 7ff).

These developments have halted today in many African nations, and democracy is generally on the rise, which has changed the roles of the intelligence services. Intelligence services in Africa are still shrouded in excessive secrecy and

there is often little or no judicial or legislative oversight. In many African countries the focus is still on regime security rather than human security. In the few countries where the focus of the intelligence services has changed to human security, they are far too often unable to do their jobs because of executive branch interference (Africa and Kwadjo 2009a, 7ff).

### 3.4.7 Analytical reduction

Herman (1996) argues that there is no simple link between a nation's situation and the importance of intelligence; instead governments inherit intelligence services that have been developed over long periods of time. Intelligence services cannot be created easily and capabilities that are abandoned takes considerable time to reconstruct. The importance placed upon intelligence by a government is usually in relation to the internal or external threats that government faces or believes itself to be facing (Herman 1996, 342f). In the case studies above we have seen that a common external threat often goes a long way to create political incentive for reform and often shields intelligence services from internal political struggles.

Boraz and Thomas C. Bruneau (2007) shows that intelligence is important for many other reasons beside national defense. It is reasonable to argue that democratic consolidation cannot fully occur without effective democratic civilian control of the intelligence services. Using a broader scope, Charles T. Call (2003) argues that "justice and security are tremendously important for the survivability and everyday relevance of democracy" (Call 2003, 827).

Creating democratic control over intelligence is not only an issue of democracy, it is also imperatively necessary for truly effective intelligence, both being twenty-first-century imperatives (Boraz and Bruneau 2007, 341ff).

My walk-through of the role that intelligence has played in a number of contemporary state-building endeavors shows that although many countries have similar experiences of intelligence and state-building, there are also a great number of unique experiences.

The most prominent difference between the examples is the context in which democratic consolidation of intelligence services occurred, from Romania's total and violent break to the more gradual transitions in Taiwan and South Africa. Transformation in a continuous political environment has strong advantages, as the vacuum that arises when there is an instantaneous and complete break from the past has led to the current situation of dysfunction situation in many post-Communist countries in which the intelligence services during the vacuum period have either increased their internal power or moved this power out to gray zones of society. This in turn has led to something that most closely might be described as institutionalized un-accountability, which has proven to be very hard to reverse. Intelligence services continue to operate and conduct business in their own interests, even after a country has gone through an initial process of democratic reconciliation. What we have seen is that either the intelligence services continue to operate as usual, because they are too strong to be democratized or elements of

the intelligence continue as crime syndicates or even within the media (cf. Zybertowicz 2007, 65, 81f).

Most case studies also give testimony to the risk that cultural legacies play in intelligence. It is simply not enough to change the shell of intelligence services to create a democratic organization. Instead, most authors agree that there is a strong need for professionalism to be entrenched in the services. The main way to do this, while painstakingly slow, is to reform the way training is done and open up recruiting to the wider society. But as the South African case shows, the temptation is sometimes strong for politicians to plant their own people within the services, thereby reversing the progress of professionalism.

Of importance to the issue of intelligence and state-building is whether intelligence consolidation must occur before general consolidation can occur? Of the cases studied the evidence seems to indicate that intelligence consolidation is a prerequisite for general democratic consolidation, but exceptions include both the Argentinean and the Taiwanese cases, which suggests that intelligence reform sometimes requires a relatively advanced democratic consolidation to be able to occur at all.

Intelligence reform has been described as a key element in the overall reform process in Eastern and Central Europe. It has been expressed that had early consolidation of the intelligence services not occurred it would have been very difficult for the new regime to establish any sense of legitimacy. In Poland it is evident that failure to reform the intelligence services is still severely hampering the reform process. However, in this context it is interesting to note, that the Polish pre-1989 intelligence services actually played a large role in facilitating the fall of the Communist regime and the onset of democratic reforms, but for the wrong reasons altogether (i.e., personal gain).

Although it is argued that intelligence reform works better through incremental change than *blitzkrieg*, we have seen that in some cases the incremental approach might not be possible. It can be very difficult for a country to establish gradual change over its intelligence services if the true power continues to lie outside the civilian government. The Philippines et al. bear tribute to this. The Brazilian case gives us a different aspect of this issue, namely that low state capacity in the security sector can be detrimental to the quality and stability of the country's democracy.

It should also be understood that intelligence reform "requires consistent attention, oversight, and institutional engineering if intelligence is to be effective" (Boraz and Bruneau 2007, 331). These cases show that governments tend to stick to their old problematic formulations of intelligence services and that democratic consolidation is easily undone, either when the political spotlight is removed or when a new government repeats the old regime's mistakes in a new or different way.

Important, too, are the findings from Colombia, that a legacy of brutal and corrupt intelligence services vastly influences the desire of politicians to involve themselves in issues relating to those services for fear of association and lack of trust, even if there is no such legacy in their own country.

The next chapter will examine the Kenyan context; thereafter I will bring the theoretical framework presented above to the case study and merge the two into a theoretical contribution to the development of a theory about the role of intelligence services in state-building

## 4 Intelligence and state-building in the Kenyan context

This chapter explores the role that the Kenyan intelligence services have played in the domestic state-building process. To fully comprehend the Kenyan state-building process, this chapter also looks briefly at the historical and democratic development in Kenya during the period studied.

This chapter is divided into three main sections, each addressing a specific phase of intelligence and state-building in Kenya. Each section begins by establishing the historical context, after which the history and role of the intelligence services during those specific time periods are explored.

### 4.1 For her majesty the queen (1952–1963)

In the beginning of the move towards self-rule in the colonies, it was never imagined that the Africans would ever acquire self-rule except perhaps in a very distant future. The aim of the colonizers was rather to lay the power in the hands of the settler population with marginal African inclusion. The British strategy was to enable a tactical withdrawal while safeguarding both its economic interests and the interest of the settlers. However, during the Mau Mau rebellion in Kenya (1952–1960), Britain came to understand that the settlers and other minorities would not be able to guard the interests of Britain. Hence Britain was forced to accept that the interests of the settlers had to be abandoned to safeguard her own interests (Maloba 1989, 196ff).

For the move to independence to be successful, it was vital to British interests for Britain to ensure that power would be transferred to moderate political interests with a desire to safeguard the interests of Britain. Britain struggled hard, and ultimately succeeded in passing the power to friendly forces.

#### 4.1.1 The Kenyan intelligence services (1952–1963)

The first Kenyan intelligence service, the Special Branch, was in the beginning a specialized section of the Criminal Investigations Department (CID) instituted in 1926. The Special Branch, as an independent unit, was formally established in 1952 and operated under the commissioner of police. As elsewhere in the British Empire, the intelligence organization before 1952 was rudimentary at best. The need for a local independent intelligence service had been identified as early as

1945 by the various governors of Kenya, but no funds were allocated for the purpose (Murphy 2002, 131; Heather 1990, 61; Boinett 2009, 23f).

The establishment, or rather upgrading, of the Special Branch was a direct result of the outbreak of the Mau Mau emergency in Kenya, which obviated the need for serious investment in a local intelligence service. However, at the official declaration of the Mau Mau emergency in October 1952, the entire Special Branch only consisted of three European, one Asian officer and a few Kenyans. A new head of the Special Branch, who arrived in 1952, described the organization as unable to handle even normal intelligence work. This situation was made acute by the governor of Kenya, who not only believed that his intelligence organization was competent and effective but did not believe that there would be a Kikuyu revolt (i.e. Mau Mau emergency) in Kenya (Heather 1990, 61f; Boinett 2009, 23f).

In November 1952, after the emergency had become a fact the new governor spent considerable time developing the Special Branch. The “Malayan model” was quickly adopted, as it had proven successful against the Communist rebellion in Malaysia. The Malayan model, or simply the Special Branch system, established intelligence stations spread throughout the country in order to get reliable first hand tactical intelligence from the field. One of the main advantages of this system was that it created a permanent presence in the field, allowing for the establishment of local information and contacts (Heilbrunn 1968, 86; Heather 1990, 67ff; Foran 1962, 216).

It took until 1954, when the police and the Special Branch had been developed to a degree, that the tide in the struggle against the Mau Mau rebellion turned. A number of intelligence successes eventually led to the defeat of the military wing of the Mau Mau rebellion. Robert Foran (1962) has argued that a number of stories could be told about the valor, determination, and skill of Special Branch officers in defeating the rebellion (Heather 1990, 78f; Foran 1962, 216ff).

During the emergency years, the Kenya police and the colonial administration acted as one. These years were formative for the police and the Special Branch in developing torture and oppression as tools to support and uphold the ruling administration. After Kenya became independent in 1963, the police and intelligence structures put in place by the colonial administration remained, and the Kenya Intelligence Committee and the district and provincial intelligence committees became permanent features of the post-independence government (Kagari and Thomas 2006, 4ff; Boinett 2009, 26). The Kenya Human Rights Commission noted the following in a 2002 report:

As the country moved quickly to self rule, having in place the same police units, the same police structures [to which the Special Branch belonged] and many of the same police officers made it inevitable that the same culture of supporting the regime in power would permeate the force and be carried over into the new post-independence era (Kagari and Thomas 2006, 5).

#### 4.1.2 The Kenyan intelligence services and the Mau Mau rebellion

“Britain decolonized most successfully when we defeated the military insurgency first, using intelligence rather than force of arms, before negotiating a political solution based on the political leadership of the defeated insurgency movement, and with British force of arms to maintain the installed government. This is basically what happened in Malaysia and Kenya, and both these countries have survived intact.” (Wright 1987b, 158).

Peter Wright’s perception of the role of intelligence in a time of decolonization merits some attention. While it can be argued that the successful deployment of intelligence (and force) went a long way towards defeating the Mau Mau insurgency, the neglect of the Kenyan police and the Special Branch prior to the outbreak of the Mau Mau rebellion greatly prolonged the rebellion. Randall W. Heather argues that the failure of the Special Branch to accurately identify the leaders of the militant wing of the Mau Mau rebellion led to the arrest and trial of Jomo Kenyatta. Kenyatta was clearly a political figure and his imprisonment contributed to galvanizing the Kikuyu resistance against the colonial government (Maloba 1994, 83f; Heather 1990, 64f, 79).

The Mau Mau rebellion led to a state of emergency in Kenya that lasted from 1952 until 1960. During this period, the Kenyan police reserve, the Special Branch, and the Criminal Investigation Department (CID) conducted a notorious campaign of torture and intimidation against members of the Mau Mau rebellion. Because of the roughness of the methods used, especially initially, the wrath of these organizations hit broadly and generally against the Kenyan population (Kagari and Thomas 2006, 4ff).

The role of the intelligence services in the Mau Mau rebellion should be considered from at least three different perspectives.

First, the lack of preparedness allowed the Mau Mau rebellion to gain in size, strength, and momentum in a way that it would not likely have done had the Kenyan police and intelligence services been well equipped and structured prior to 1952.

Second, the slow response by the colonial government in building an adequate security service allowed for a number of wrongful turns, such as the arrest of Kenyatta and the widespread use of torture and detention camps, which galvanized Kikuyu resistance against the government.

Third, the eventual rise of a capable police and intelligence forces allowed the British to defeat the insurgency, without an all-out war, which in turn facilitated a smooth transition to independence.

It is reasonable to say that Wright is correct in his estimate that effective intelligence services provided for a smooth transition to independence. However, to fully understand the role of the intelligence services in the Kenyan move to independence, one must also appreciate that it was intelligence failures that both galvanized the opposition against the colonial government and sped up the Kenyan transition to independence.

## 4.2 Fighting the opposition (1963–1998)

“One could call it apocalypse revisited, or kafka [*sic*] in Kenya. They are tales - fictional and actual - of Kenyans in the hands of special branch police and in prison now forming a literary genre that could be called prison literature.” (Mutahi 1998).

Kenya became independent from the United Kingdom in 1963. The first constitution of the country gave considerable autonomy to its regions. In 1964 the constitution was altered to transform Kenya into a republic with a highly centralized government. That same year the Kenya African National Union (KANU) political party absorbed (citing the need to foster unity) its rival political party, the Kenya African Democratic Union, creating a de facto one-party state. This status was entrenched into the constitution in 1982 when the Kenyan constitution was changed making Kenya a de jure one-party state, outlawing all political parties except the KANU (Akiwumi 1999, 22; Oloo 2007, 96).

In the late 1980's, Kenya was facing economic stagnation, domestic discontent, and mounting international pressure. The internal opposition to KANU rule, in the beginning of the 1990s, was so great that diverse social forces managed to unite under a single umbrella in the push for democratic change. The heavy-handed response by the Moi government against the opposition forces united their stance and entrenched donor demand for democratic change (Brown 2007, 306f; Oloo 2007, 98f).

In 1991 the one-party clause of the constitution (the infamous section 2(A)) was removed, enabling multiparty politics to be reintroduced. Between 1992 and 2002 the Moi government vigorously resisted leveling the playing field for all parties. Moi “referred to multipartyism as a foreign imposition and opposition parties as agents of ethnic conflict” (Oloo 2007, 108). This led to sustained isolation and harassment of the opposition, but also to blatant state patronage, where regions in opposition to the KANU were continuously denied access to government programs, funds, and activities, something Moi often reminded the electorate of (Oloo 2007, 100). The Moi regime systematically used the states resources to marginalize the opposition. In both the 1992 and 1997 general elections state's resources were used by the KANU to incite ethnic clashes and intimidate the opposition's supporters (Oloo 2007, 108f).

In spite of efforts to tackle the deep rooted problem of tribalism, it is still a severe predicament that hampers state- and nation-building efforts, disturbing political life in Kenya and making Kenya highly neopatrimonial (Akiwumi 1999, 26ff; cf. Fukuyama 2004, 21).

### 4.2.1 The Kenyan intelligence services (1963–1998)

The story of the Kenyan intelligence services between 1963 and 1998 is not a pretty one. After independence, President Kenyatta took over the security institutions from the colonial government without making any changes. Although



some ranking expatriates were replaced with Africans, many European officers were kept on the force. All in all this meant that there was no clean break from the past, but rather a very smooth transition (Boinett 2009, 26ff).

The initial Kenyan constitution of 1963 established an independent inspector general of the Kenyan police as well as an independent Police Service Commission. The members of the Police Service Commission were to be nominated by the Public Service Commission, also independent and established in a way that would force power sharing (*Kenya Gazette* Supplement No. 30 1963, 98f). In 1964 a constitutional amendment abolished the Police Service Commission and the inspector general of the Kenyan police was transformed into a less powerful commissioner of police. In 1969 all safeguards of the Kenyan constitution in regard to the Police and most other institutions were removed. The president became all powerful with regard to the Kenyan police, with powers to appoint and remove the commissioner of police and disband the Public Service Commission. The constitutional amendment also opened up the intelligence establishment for manipulation by the provincial administration through the security committees (Boinett 2009, 27; *Kenya Gazette* Supplement No 5 1969, 105).

Wilson Boinett (2009) argues in his overview of the origins of the intelligence system in Kenya that between 1965 and 1991 the Special Branch fully descended into the abyss, undertaking all kinds of illegal activities including political assassination. After the failed coup in 1982, political repression entered its worst phase in post-independence Kenyan history. The Special Branch had become a full-fledged political instrument, systematically abusing the law by using violence and torture in support of the executive branch of government (Boinett 2009, 27f).

There is evidence to suggest that the changes inflicted on the intelligence services by former presidents Kenyatta and Moi not only worsened the culture of human rights abuses but also greatly undermined the efficiency of the service. Njenga Karume (2009) gives evidence in his autobiography of an intelligence service that, already during the rule of Kenyatta, had become inefficient in terms of providing accurate intelligence to the president (cf. Karume 2009, 212ff).

Torture, violence, and intimidation of the opposition continued until Boinett took over the Special Branch in 1996. However, from the onset of multiparty politics in 1992, the role of the Special Branch became more and more openly questioned, but substantive challenge to the order's political policing did not occur until Moi was forced to agree to a dialogue on constitutional changes in 1996 (Boinett 2009, 28).

The period of 1963-1998 in the history of Kenyan intelligence is mainly characterized by the actions of sitting presidents to tie the intelligence services closer to the executive branch in an attempt to intimidate political rivals and secure power. The move to tie the Special Branch closer to the government was mainly undertaken through three presidential charters. In 1963, Special Branch was made independent from the police force and its operations were formalized in 1969. In 1986, the Special Branch was transformed into the Directorate of Security Intelligence. In practice this was merely a name change as the structures

and organization of the Special Branch were retained (The National Security Intelligence Service (NSIS) 2006).

Although a large section of the 1998 intelligence reform falls into the 1963–1998 time period, it will be dealt with in the next section in an attempt to keep the entire reform process together.

#### 4.2.2 A special relationship

The first presidential charter establishing the Special Branch is alleged to read “You will report to me” in the preamble, something that set the pace for the relationship between the Special Branch and Kenyan presidents (Kenya National Assembly 1998a, 2705). Therefore, it is no secret in Kenya that Kenyan presidents have had close relationships with the heads of the Special Branch and the NSIS. An infamous venture between Moi and James Kanyotu (head of the Special Branch from 1965–1991), was the Goldenberg Affair, a multibillion-shilling corruption scandal. Although Kanyotu has never been tied directly to any illegal activities, it is clear that he was either a very incompetent or a very corrupt intelligence officer, as his unique involvement in the Goldenberg Affair and his access to Moi should have made the ongoing corrupt activities apparent to him (Bosire 2005, 206ff, 257ff).

The Goldenberg Affair had implications for the 1992 general elections in Kenya. Pattni has himself testified that he spent more than KSh 4 billion for election-related activities. This amount could not be confirmed by the Bosire Commission, but it is likely that large sums were given to the KANU by Pattni, even though the true extent of these has not been established. Additionally, it is clear that large amounts of money fell directly into the hands of prominent politicians at the time, and one can only assume that those funds, to some extent, were used during the 1992 elections (Bosire 2005, 181ff). Dr. Gibson Kamau Kuria goes further and argues that illegal financing of election campaigns was a crucial role of the Special Branch (Kuria 2010).

#### 4.2.3 The 1992 and 1997 election violence.

After 1991, state-sponsored ethnic violence became a permanent feature of Kenyan elections. Pre-election violence has been instigated by the government to try to determine the outcome of the general elections, while post election violence has been employed to punish those parts of society that supported the opposition parties. Although election violence has been instigated by leaders on both sides of the political divide, the majority of the 1992 and 1997 violence seems to have been state sponsored (Kagwanja 1998, 81).

The best insight into the role of the Kenyan intelligence services in the 1992 and 1997 general elections is provided by the *Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya* (Akiwumi 1999).

During the KANU's single-party rule the provincial administration took over many party functions, such as internal party elections and recruitment, establishing a firm bond between the provincial administration and the Kenyan government. This led officers of the provincial administration (including the Special Branch and other branches of the police), long after multi-party politics was introduced, to regard it as their duty to support the KANU (Akiwumi 1999, 28f; Kagwanja 1998, 81ff).

In regard to internal security, the provincial administration is of great importance and holds considerable power. Provincial commissioners are chairmen of provincial security committees and provincial intelligence committees. At a district level, district commissioners chair district security committees and district intelligence committees. In addition to the chairmen, these committees are made up of the heads of the various police departments (of which the Special Branch, now the NSIS, is one). Various other institutions in charge of different aspects of security (e.g., the military branches) may also be included in these committees. In these committees, and as a whole, the provincial administration asserted great influence over the Kenyan police as the later took orders from the former whether there were legal grounds for it or not (Akiwumi 1999, 28f).

Regarding the role that the intelligence services played in the 1992 and 1997 elections, the Akiwumi Commission offers a number of insights.

First, the Special Branch was aware of the fact that there was going to be violence during the 1992 and 1997 elections and reported it to the Kenyan government before both elections.

Second, although the information was available to the Special Branch, it failed to act strongly enough to prevent the violence, even though as a part of the Kenyan police it had the mandate and the obligation to do so.

Third, there are reports of a number of intelligence officers (both senior and junior staff) who not only failed to report planned violence but also aided and partook in the tribal clashes. Although the identities of the instigators were known by many of the top echelons of the Special Branch, they not only failed to take action against these officers but in many cases these rogue officers were promoted after the clashes (Akiwumi 1999, 29f, 33f, 37ff, 48f, 53f, 284ff).

During the 1992 and 1997 election violence the Special Branch played down the seriousness of the situation. "[T]here was a reluctance to carry out investigations that might adversely affect itself, or leading government or KANU supporters" (Akiwumi 1999, 29).

The Kenya Human Rights Commission concluded in its report on the 1992 and 1997 election violence that the KANU government employed surrogate agents rather than state security personnel to eliminate hard evidence of KANU links to the violence. The surrogate agents employed included "KANU Youth Wingers, Masai *"morans,"* Kalenjin *"warriors,"* Digo *"warriors,"* *Jeshi la Mzee,* and cattle raiders" (Kagwanja 1998, 82f).

My conclusion is that although the Special Branch as an organization did not instigate the election violence, it utterly failed to uphold the state's monopoly on violence, and either because of a lack of professionalism or in deliberate support of the KANU, far too many officers of the Special Branch took part in and even

instigated the violence. Because of the failure of the intelligence services to uphold the state's monopoly of violence, thousands of Kenyans were killed or displaced, and the widespread violence severely undermined the democratic elections.

### 4.3 A new dawn (1999–2010)

In the years leading up to the 1997 general elections in Kenya, the demand for constitutional reform grew strong. Although the KANU won the 1997 general elections, Moi could no longer resist pro-democracy reforms. Steven Brown (2004) argues that it is inherently difficult to delimit the borders of any transitional process, and this has been particularly true in Kenya (Brown 2004, 325). The Kenyan transition from authoritarian rule to democracy started long before multiparty democracy was formally introduced in 1992, and it is ongoing. Significant in Kenya's transition was the 1992 introduction of multiparty elections, the 1997 Inter Party Parliamentarian Group talks that led to a number of constitutional changes, and the decision of the Party of National Unity (PNU) not to dispute its loss in the 2002 elections. Great significance should also be attributed to the transformation of the Special Branch into a more democratic institution in 1998. Although the 2002 elections indicated that Kenya had consolidated its democracy, using a very basic definition of "democracy", the post-election violence that followed the 2007 elections did much to undermine this view (cf. Brown 2004, 327).

None-the-less, Kenya has made some important steps toward democratic consolidation since 1992. The 2002 election, while it was then seen as the most important step in Kenya's move towards democracy, is now better understood as an isolated incident (cf. Brown 2004, 335ff).

The 2007 elections became much more tense because of a growing rift between the PNU, the government party, and the Orange Democratic Movement (ODM). This rift caused all the old injustices to reemerge that led to both sides mobilizing violence along ethnic lines.

Since it was clear before the elections that the ODM would probably win the presidency, the PNU mobilized state resources to rig the election and intimidate voters after established patterns. After the rigging was obvious wide spread violence, often planned in advance, led to unprecedented civil disturbance causing more than 1,000 deaths and internally displacing hundreds of thousands of people (Waki 2008, 21ff).

After the 2007 post election violence, which ended through an international mediation effort led by Kofi Annan, an agreement was struck between the PNU and the ODM to form a coalition government and work towards resolving outstanding political issues. This reform process has led to a new electoral body; a much-disputed truth, justice and reconciliation commission and a new draft constitution about which a referendum is expected in August 2010.

#### 4.3.1 The Kenyan intelligence services (1999–2010)

The modern period of the Kenyan intelligence services is very interesting as the 1998/1999 transition from the Special Branch to the NSIS offers a number of lessons. For that reason the 1998 intelligence reform is dealt with more carefully in next section while this section briefly outlines the development of the Kenyan intelligence during the past twelve years.

To replace the Special Branch, the NSIS was created by an act of parliament in December 1998. The new intelligence organization was separated from the Kenyan Police and made independent. NSIS also lost the authority to search, arrest, and prosecute. Warrants for searches and seizures can now only be obtained from a judge in the High Court (Kenya National Assembly 2008). The new law also established a complaints tribunal where citizens can complain about abuses committed by the NSIS. The tribunal is headed by a judge appointed by the president of Kenya (cf. Boinett 2009, 30; cf. Kenya National Assembly 2008).

After Mwai Kibaki became president in 2002, further steps were taken in 2003 to professionalize the NSIS by creating a graduate training program. This training program is run by Kenyans but features elements taught by instructors from friendly countries (e.g., the U.S. and the UK). Kibaki also added further priorities to the NSIS by requesting that they also focus on security, terrorism and corruption.

The praise for the new Kenyan intelligence services is almost uniform among all the people I have spoken to. Although many have questioned the NSIS's effectiveness, all have said that the NSIS does indeed seem to have become an institution that upholds democratic values. The same trend can be found in the news archives, where very few negative articles can be found about the NSIS. One journalist told me in confidence that NSIS has called up the newspaper he works for a few times asking them to bury stories that are politically embarrassing. This, however, is small potatoes compared to the period in Kenyan history when people were afraid to even mention the Special Branch in public.

Despite its positive reform there are still many issues to be addressed regarding the NSIS. As I will show, the NSIS is far from being as professional as it should be. The Kenyan intelligence system lacks legislative and judicial oversight, and the external oversight bodies available profoundly lack independence from the executive branch of the government (cf. Kagari and Thomas 2006, 48).

#### 4.3.2 The 1998 intelligence reform

"I know those among us (MPs) and Kenyans who have passed through the Special Branch have bitter memories, but let us put that in the past, let us forget and turn a new chapter" – Major Marsden Madoka, Minister for Internal Security (*The Daily Nation* 1998).

Although the Special Branch of the Kenyan police operated with many names during its existence, it was always basically the same outfit using the same crude

and inhuman methods in support of the executive branch. Despite all the current shortcomings of the NSIS, the 1998 intelligence reform should be seen as nothing less than a revolution in Kenya.

During the second reading of the National Intelligence and Security Service Bill on December 3, 1998 (Kenya National Assembly 1998a, 2701ff), the Minister of State (Maj. Madoka) explained the need for the Special Branch to be transformed. The following arguments were given by Madoka (Kenya National Assembly 1998a, 2701ff):

The powers and functions of the Special Branch were too loosely defined and lacked legal support in form of a statute, something that the new bill wished to address. Before 1999 the Kenyan intelligence services (the Special Branch) were governed by presidential charters almost exclusively.

The Kenyan intelligence services deserved to be made autonomous from the Kenyan police to ensure their operations, something that the Ndegwa Report (on the public service) in 1971, the Ominde report (on the terms and conditions of the police and prisons) in 1988 and the Inter Party Parliamentarian Group (IPPG) in 1997 had already determined and argued for (*The Daily Nation* 1997b, 48).

Because of the violent past of the Special Branch, the Kenyan intelligence services needed to be given clear limitations of their functions and powers to prevent the intelligence services from undertaking intimidation and torture, or as David Musila so adequately described it in the National Assembly, “There has to be some defined and clarified criteria in which these dogs of fear will be reigned [...] [we need] a national security intelligence and not “dogs of fear” whereby the big man will show up with his dogs and scare everybody around” (Kenya National Assembly 1998b, 2783f).

There was also a desire to make the intelligence services effective to face the increased threats to security, especially in light of the failure to prevent the 1998 U.S. embassy bombing in Nairobi (The Daily Nation 1997a, 24; Kenya National Assembly 1998a, 2701ff).

This is the official story of why the Special Branch was reformed in 1998. Yet it seems incredible that Moi, who had used the Special Branch in support of his own authoritarian rule, would decide to give away his best tool for oppressing the opposition so lightly and rationally. I have asked myself repeatedly throughout this field study why Moi chose to reform the Kenyan intelligence services. In the answer lie some important insights into how intelligence reform can happen in a most incredible circumstance.

Professor Macharia Munene (2010) believes that the 1998 intelligence reform mainly took place for two reasons. First, because the Special Branch had developed a notoriously bad name, which reflected badly upon Moi. Munene believes that Moi had a great desire to be seen as a humble Christian man who cared about his people, something that he went to great lengths to achieve. Munene argues that Moi came to the conclusion that torture did not pay off and the notorious reputation of the Special Branch reflected badly upon his own person. Moi was aware that he was serving his last term and he cared greatly about his legacy. Second, Munene argues that Moi thought that an intelligence reform to separate the Special Branch from the Kenyan police was necessary

because of an internal struggle between the commissioner of Police and the director of intelligence. The heavy focus by the Special Branch on internal political matters was diverting the country's much-needed intelligence resources from their main purpose of safeguarding national security—a fact that had become more and more obvious during the decade before the reform (Munene 2010).

Dr. Gibson Kamau Kuria (2010), constitutional lawyer and former chairman of the Law Society of Kenya (1997–2001), who himself was imprisoned and tortured by the Special Branch, partially agrees. Kuria argues that the intelligence reform was partly intended to resolve the territorial dispute between the commissioner of police and the director of intelligence and partly because Moi was forced to yield to internal and external pressure for intelligence reform. The reason Moi budged to allow for an intelligence reform, Kuria argues, was because Moi was a good politician who understood when he had to give in to preserve power. Kuria, however, does not believe that Moi truly intended to create a democratic and independent intelligence service. This Kuria argues, happened more by accident than by design (Mwangi 1999; Kuria 2010).

The argument by Kuria has some merit, but before we get there I will move jump back in time a little. Maj. Madoka, retired, (2010), the minister of internal security in 1998, agrees with Kuria and Munene that the intelligence reform was partly intended to resolve territorial battles between the police and the Special Branch. Madoka argues that the intelligence reform was badly needed to give the intelligence services the independence they needed to become a professional organization. The reform process, however, was difficult to achieve, as the opposition mistrusted the government and the intelligence services. In fact, the government had to try three times to push the reform bill through parliament. Madoka argues that the Kenyan National Assembly was unresponsive, and many members argued that the intelligence services be abolished altogether (Madoka 2010).

Multiparty politics had created a demand for change and the use of the Special Branch for notorious practices had become unacceptable, as the sitting government was forced to do business with politicians who had been tortured by the Special Branch. This was illustrated most vividly by Gitobu Imanyara (temporary deputy speaker of the National Assembly in 1998) when he proposed a question during the debate on the National Intelligence and Security Service Bill on December 3, 1998:

“Maj. Madoka, I am not sure that I will be able to forget when they removed my nails, but nevertheless, I will propose the question.” (Kenya National Assembly 1998a, 2705).

Madoka claims that the then director of the Special Branch, Boinett, had to talk to the opposition parliamentarians to win the support of the house for intelligence reform. In an interview Boinett confirms this, but adds that his efforts went a great deal further than has previously been recognized. Boinett conducted a massive campaign aimed at convincing the opposition, the media and even his own government of the need for intelligence reform. It even went so far that Boinett

allowed the opposition to take part in the writing of the final draft of the bill on intelligence reform. Boinett argues that drastic measures were needed in 1998. He is convinced that if he had failed in 1998 to reform the intelligence services, there would not have been an intelligence reform in Kenya. Boinett, who probably has the best insight into the motivations behind Moi's decision to reform the intelligence services, offers a complicated view wherein multiple factors come into play. Boinett believes that Moi understood the need for intelligence reform quite early and had been told by Boinett that Boinett would only take the job as head of the Special Branch if Moi allowed him to reform the service. Even though Moi chose to appoint Boinett as head of the Special Branch, the nature and extent of the reform process was far from set in stone. Boinett, however, had decided early that the only recipe for a successful reform would be to start from scratch and reshape the entire intelligence service. Boinett tells that he enlisted the help of foreign intelligence services to initially revamp the Special Branch. This effort led to an increased intelligence capacity which, Boinett argues, impressed Moi since the Special Branch managed to help mediate a peaceful truce with the Mwakenya underground movement after years of fighting. This success gave Boinett leeway in terms of reform. However, Boinett notes, that he does not think for a second that Moi would have hesitated to sacrifice him had the reforms gone astray. In the end the vigorous campaign paid off and Boinett managed to win the support of the entire political spectrum for what should basically be seen as Boinett's intelligence reform. After the intelligence reform was passed in parliament Moi gained a lot of praise from the opposition and the public for the reform. This cemented Moi's trust in Boinett and he was reappointed to head the NSIS (Boinett 2010).

It is here that I agree that the argument by Kuria, that the reform happened more by accident than design, has merit. Boinett does not believe that anyone could follow his reform work, because of the fast pace he kept, and before the bill was passed in parliament Moi voiced concern that perhaps Boinett was moving too fast and taking on too much (Boinett 2010).

So why did Daniel arap Moi, once a feared authoritarian ruler, reform the Special Branch? I believe that Moi felt that some degree of intelligence reform was needed because of massive internal and external pressure. The extent of the reforms however, is the work of Boinett, who with the help of foreign aid managed to draft and build support for an independent and far more democratic intelligence service. Moi needed to reform the intelligence services because the situation at hand was giving him a bad name and he mistrusted the Special Branch to the extent that he had created his own alternative intelligence service, the Liaison Department at the Office of the President, before Boinett took over the Special Branch. Moi saw the need but did not know how to effect reform since there was (and is) little experience of intelligence reform in Africa (Boinett 2010). Boinett found a window of opportunity to reform intelligence rather freely but at great personal risk. Moi let him proceed because Boinett increasingly became an important asset to him, both in brokering an agreement with the international community and the opposition, but also in resurrecting the image of Moi as a respected statesman.



After the reforms the entire staff of the new intelligence services was recruited and many previous employees were not reemployed because of their records. In a clever move, intelligence officers who did not gain employment with the new service did not get fired, as they were still technically employed by the Kenyan police, where they remained as ordinary police officers. Many police officers not transferred to the new intelligence service sued the NSIS, since the conditions with the new services were substantially better. According to Boinett, this caused an uproar in the civil service since it changed the pecking order by increasing the status and salaries of the intelligence service to the level of the civil service. Many of the abandoned police officers were eventually transferred out of Nairobi and finally retired. The Liaison Department was also dismantled and its staff was absorbed by the NSIS. Boinett claims that the dust he stirred up settled fast, since the reform was so broadly supported (Boinett 2010).

In the end the reform was a success praised by everyone I have talked to in the civil society from Samson Omondi (2010), SSR officer at the Kenya National Commission of Human Rights, to Willy Mutunga (2010), representative for the Ford Foundation in Kenya and prominent civil rights advocate, and Dr. Gibson Kamau Kuria (2010), just to mention a few.

### 4.3.3 The 2002 elections

Many feared that Moi might use the security forces to maintain the KANU's power. That there were attempts by leading KANU politicians to make sure that the KANU stayed in power no matter what the election outcome was is supported to some extent by Boinett. Boinett writes in his overview of the Kenyan intelligence services that the NSIS managed to withstand pressure that Moi should stay in power. Boinett further notes that the NSIS spent sleepless nights debating possible outcomes after which they advised Moi that in order to maintain peace it was imperative that there was a smooth transition of power to the winner of the 2002 presidential election (Boinett 2009, 33f; cf. Brown 2004, 333).

Without the backing of the security service, having lost leading politicians with access to private armies, unable to use the tribal argument and heading towards a loss in the elections, it seems David Throup is quite right in his observation that most KANU leaders decided that they could live with Kibaki becoming president and therefore chose only to rig the campaign and intimidate voters in a spasmodic, half-hearted manner (David Throup referenced in Brown 2004, 333).

### 4.3.4 The 2007 elections and the Post Election Violence

There is no evidence to suggest that the NSIS took part in orchestrating the 2007 post election violence, something which the Commission of Inquiry into Post-Election Violence (commonly known as the Waki Commission) expressed surprise over, given the history of security services in Kenyan elections. The Waki

Commission established that the NSIS, the Provincial Security and Intelligence Committee and the District Security and Intelligence Committee had a good understanding of the election violence before, during, and after the post election violence. The commission further noted that the NSIS had a reasonable understanding of its role in terms of the planning for the 2007 elections and executing its mandates and service delivery on the ground during the violence (Waki 2008, 58, 373f).

That said, the Waki Commission also faulted the NSIS heavily for failing to translate good intelligence into accurate operational intelligence in the hands of the people who needed it the most to prevent and effectively deal with the violence. A general conclusion is that much of the intelligence that the NSIS produced did not get to its intended recipients, but at the same time it is unclear to what extent the recipients have simply denied knowledge of the intelligence reports *post factum* in order to exempt themselves from responsibility (Waki 2008, 372ff; KNCHR 2008, 4).

I find it likely that the intelligence reports did reach the government but it is also likely that some, or many, of the intelligence reports did not reach field offices, given the chaos and otherwise poor technical infrastructure of government agencies. That said there is also evidence of incidents where the government managed to prevent violence by acting on intelligence reports (Waki 2008, 372ff; KNCHR 2008, 4, 55, 142).

The NSIS defaulted on its responsibilities in a number of incidences during the post election violence. The service did not fully rise to the level it could have in terms of providing on-time intelligence reports (Waki 2008, 379). The Waki Commission noted that there was no adequate training and organization before the breakout of violence and further concluded that the NSIS should have exercised more influence on the situation as it developed to make parties aware of the situation (Waki 2008, 429).

What also became evident during the post election violence was the lack of police intelligence capabilities. The Waki commission indicated that had such “systems been in place and operating effectively [...] then perhaps more preventive action would have been taken” (Waki 2008, 376).

Concluding the role of the NSIS in the post election violence, I argue that it is appropriate to say that the NSIS, by all available accounts today, acted in a professional manner. There is no information to suggest that the NSIS took part in, encouraged or turned a blind eye to the planning and execution of the violence.

On the whole, the failure to prevent the Post Election Violence was a political rather than an intelligence error, which is not surprising since the government was deeply involved in planning and executing the violence (Waki 2008, viiff).

### 4.3.5 Intelligence and the constitutional reviews

Although the Kenyan constitutional review is an ongoing effort, there are a number of instances worth mentioning in this study as they shed light on the role of the intelligence services in the Kenyan state-building process.

The current Kenyan constitution does not deal with the issue of intelligence services at all (cf. National Council for Law Reporting 2009). Having discussed the issue with Yash Pal Ghai, former chairman of the Constitution of Kenya Review Commission (2000–2004) and a prominent constitutional scholar, I understand that the role of intelligence services in the Kenyan constitutional review process has been marginal at best. During the Bomas of Kenya review process, 2003–2004, (cf. Bannon 2007, 1834) the issue of intelligence services was barely discussed. Ghai attributes this to a lack of will or knowledge on the part of the participants in the constitutional review process. Although the NSIS was requested to submit its opinions on the constitutional review it is unclear today if and to what extent that happened. Although oversight mechanisms for intelligence services were studied by Ghai in preparation for the review, he notes in retrospect that the issue might not have been studied enough for lack of public demand (Ghai 2010). *The Final Report of the Constitution of Kenya Review Commission* notes that the essence of the reform required for the Kenyan Defense Forces (including the intelligence services) is the establishment of civilian control to lessen the authority of the executive branch (Constitution of Kenya Review Commission 2005, 247).

The Bomas Draft Constitution, which was the outcome of the Bomas of Kenya, mainly deals with the issue of bringing current intelligence legislation into the constitution to establish a constitutional foundation for greater civilian control of the intelligence services and to protect the respect for human rights, fundamental freedoms, and the rule of law (cf. Kenya National Assembly 2008). Of great importance was the clause 278(9) prohibiting the establishment of rogue intelligence services “other than the National Intelligence Service, an intelligence division of the Kenya Defence Forces or the Kenya Police Service [...] except by legislation” (The National Constitutional Conference 2004, 231). The main reason for this is likely to prevent a re-establishment of a rogue intelligence service such as the aforementioned Liaison Department at the Office of the President.

This safeguard was maintained in the draft constitution (Wako draft) that went to the 2005 constitutional referendum. The Wako draft, however, reduced the security of tenure for the head of the intelligence services (Wako 2010, 117). The Wako draft was later defeated in the 2005 constitutional referendum but the constitutional process was reestablished in 2008 after the post election violence as part of Agenda Four of the Kenyan National Dialogue and Reconciliation (Annan 2008). In the resurrected constitutional review process, the Harmonized Draft Constitution of Kenya (2010) reestablished the safeguards removed in the Wako Draft (2005) and further strengthened the legal framework (Committee of Experts on Constitutional Review 2010, 149).

No substantial changes were made to the sections of the intelligence services in the revised draft of the Harmonized Draft Constitution of Kenya after the Committee of Expert (CoE) had considered the views of Kenyans (Committee of Experts on Constitutional Review 2010, 282ff). The Parliamentary Select Committee (PSC), which was tasked with hammering out a political consensus on the draft constitution, deleted the clause on prohibiting the establishment of intelligence services except by legislation. The draft further deleted the functions

of the National Security Council, director general of the NSIS, National Intelligence Council and the inspector general, arguing that these should be provided for by legislation (Parliamentary Select Committee 2010a, 12; Parliamentary Select Committee 2010b, 224f). These changes were largely maintained by the CoE in its final work-through of the constitution. During the following parliament debate on the draft constitution no party or Member of Parliament managed to win sufficient support to amend the draft constitution and it was therefore passed without moderation and published on May 6, 2010 for a referendum in August (Wako 2010).

This means that the proposed new constitution (Wako 2010), which the Kenyan people will vote on August 6, 2010, lost many of the safeguards on the intelligence services established in prior drafts. The main difference between the proposed new constitution (Wako 2010) and the Harmonized Draft Constitution (Committee of Experts on Constitutional Review 2010) is the removal of the clause prohibiting intelligence services from being established without the consent of the National Assembly. The National Assembly also removed the constitutional safeguards for security of tenure for the director of the NSIS as well as the framework for the National Intelligence Council in the draft constitution. The reasons for this are not explained in either the report of the PSC or the final report of the CoE (Committee of Experts 2010; Parliamentary Select Committee 2010a).

While it is too early and the issue is too politically sensitive to determine the reasons for the constant alterations to the sections pertaining to intelligence services, it is interesting to note that this issue has received no attention at all from various groups and organizations that have otherwise commented extensively on the different constitutional drafts. A reasonable analysis is that there are political forces in the government opposed to the oversight and transparency suggestions brought forward by the Bomas of Kenya and the CoE in the constitutional review process. However, since there is a total lack of public interest on the subject of the role of the intelligence services in the constitution the CoE was perhaps unwilling to fight to retain those clauses and focused on other battles. This experience plays well into prior knowledge from other countries that intelligence reform is extremely difficult without public interest in the issues.

## 4.4 Concluding the role of intelligence in Kenyan state-building

The failure to establish an efficient intelligence organization prior to 1953 greatly contributed to the size and extent of the Mau Mau rebellion. The failure to adequately address the rebellion from the beginning, and the harsh methods used in dealing with the insurgents, galvanized and increased the pace of the struggle for independence. However, the ability of the British government to defeat the insurgency through intelligence efforts rather than the use of pure brute force allowed for a smooth, controlled transition to independence.

The establishment of the Special Branch system in Kenya and its use in upholding executive authority by means of torture and intimidation created a culture of regime support that remained long after independence. That said, the failure to foresee the problems with keeping the same intelligence structure and the same intelligence officers lies mainly with the postindependence regime, which possessed the tools to refurbish the service. The methods and culture left in place by the British colonial government proved useful for Kenyan presidents as the country moved toward authoritarian rule.

The intelligence services played an important role in Kenyan state-building from 1963 to 1998. For the majority of this period the Special Branch acted with brute force against the political opposition. As a result of this heavy-handed suppression of the political opposition, it is fair to argue that these methods united the opposition and entrenched donor demand for democratic change.

In both the 1992 and 1997 general elections, state resources were used by KANU to incite ethnic clashes to intimidate the opposition's supporters. During these clashes the Special Branch failed to uphold the state's monopoly on violence, and far too many officers of the Special Branch took part in, and instigated, violence. Above all, the close relationships between the Special Branch and the government and their collective involvement in corruption scandals show that the Special Branch was used extensively as a way to finance the illegal activities of the government during this era.

The Special Branch thus acted as an executive tool to maintain power. Unfortunately, the actions of the Special Branch, by deliberately failing to uphold public order in support of state-sponsored violence, greatly contributed to the deep-rooted problem of tribalism that still hampers state- and nation-building efforts and severely disturbs the political life of Kenya.

Over the past twelve years (1998–2010), Kenyan intelligence services have played a different role in the country's state-building process, albeit with a rather similar outcome. The 1998 intelligence reform stands out as a remarkable success made possible by the tireless work of Boinett. In contrast to most other countries that have undergone intelligence reform in a similar context, the result is remarkable. Moi, the then-ruling autocrat, forced by external and internal pressure, allowed his head of intelligence to reform his tool for suppressing the opposition and financing the ruling party's illegal activities. The reform was needed to enhance efficiency and put a stop to the dark ages in Kenya. Recent developments, however, show that although the intelligence services were transformed both democratically and professionally, politically sponsored violence has continued in Kenya.

The reformed intelligence service, stripped of its claws, has proven unable or unwilling to intervene and stop political and ethnic violence in Kenya, mainly because the Kenyan police have been unable and too often unwilling to intervene. The violence that followed the 2007 elections gives evidence of an intelligence service unable to uphold the core of the state, namely its monopoly of violence.

The constitutional reform debate in Kenya offers some insights into the role of the intelligence services in Kenyan state-building. The lack of activity in regard to intelligence services in the post-1998 era in general, and during the constitutional

review specifically, indicates a general satisfaction with the intelligence services. The treatment of the clause on rogue intelligence services in the constitutional review process, taking into account the history of Kenya, should be seen as a sign in civil society that the subject should merit more interest and attention. The lack of interest, however, illustrates the point of how difficult it is to reform intelligence without public support.

### 4.4.1 Conclusion

The use of intelligence services as a tool of political oppression and illegal financing upheld and strengthened neopatrimonial rule under Moi. Today Kenya is less authoritarian and the intelligence services have undergone democratization.

Kenya was never a totalitarian state—far from it. In many ways it has always been relatively open, even during its darkest days. The role of intelligence services in Kenyan state-building should be understood within this context. Kenyan intelligence services were never a state within a state like the KGB or the like in Eastern Europe. The Special Branch was a tool of the government used by the government to uphold its authoritarian reign. However, the openness of the Kenyan state mostly kept the government from using its intelligence services for state-sponsored violence because it was inherently important for the government to be able to deny involvement in the violence. The intelligence services have been used extensively to oppress individual opposition members, but in the end this also became too heavy a burden to carry. It became more important for the survival of the government to reform intelligence than to maintain it. It is likely, however, that this reform would have been nothing but “repainting” had it not been for the personal involvement and tireless work of Boinett.

Intelligence services in Kenya have affected the Kenyan state-building endeavor in many ways. As I have shown, it sped up the move to independence. It united the opposition and probably sped up the reintroduction of multiparty democracy. On the other hand, it also preserved the rule of the authoritarian government by financing its activities and abusing its opponents, thus slowing down the reintroduction of multiparty democracy. The intelligence services have also acted as a blunt tool in enhancing ethnic rifts in Kenya, mainly by failing or choosing not to stop the politically sponsored ethnic violence, something that brought the country to the brink in 2007.

The next chapter merges this case study with the theoretical framework established earlier to contribute to the development of a theory about the role of intelligence services in state-building.

## 5 Theoretical reduction

The Kenyan experience is one of successful intelligence reform in a context of general democratic transition. In terms of what came first, democratic transition or intelligence reform, the answer must be that they came together and in support of each other in the Kenyan state-building process.

As self-evident as this might sound, history shows us that the joint march of intelligence and democracy is far from self-evident. In many of the cases studied in this thesis, intelligence services have either hampered or enabled the general democratic transition. Furthermore, they have more often than not played an active role in the new democratic era—too often in opposition to democracy and the democratic state itself.

What does the Kenyan case mean in terms of contributing to the development of a theory about the role of intelligence services in state-building? Utilizing the research I have conducted, both in terms of the theoretical framework established and the Kenyan case study, I would like to propose the following theoretical reductions, which can be used to further understand the role of intelligence services in the state-building process.

Countries inherit intelligence systems as a cultural legacy. This has been evident in all the cases studied in this thesis. In the case of peaceful transitions, intelligence systems are often kept in place, and since intelligence services are difficult to effectively transform, they remain in place for a very long time. This evidence suggests that dire intelligence legacies will produce problematic intelligence services for a long time.

Yet democratic state-building is not complete without pro-democratic intelligence reform, as democratic state-building is dependent upon the creation of democratic institutions. In this process the creation of democratic intelligence services is of importance to essential aspects of democracy, such as rule of law, participation, representation, and free and fair elections. This thesis shows that these aspects can be severely undermined by intelligence services if they do not adhere to democratic values.

The Kenyan case shows that it is not as simple as creating a democratic intelligence service. The rest of the national security organism must be in sync if the intelligence services are to be effective. Abolishing medieval methods is only part of the journey. Intelligence services must also be effective in order to support the state-building process. This fits well with the lessons learned from El Salvador, namely that it is far easier to remove the protagonist in a country than it is to create a new uniform, efficient, and democratic intelligence service. The Kenyan case indicates that if intelligence services are stripped of all their executive powers, they become marginalized if the executive branch of government is unwilling to listen and act on the information that intelligence

services produce. Ideally, intelligence reform should go hand in hand with general security-sector reform.

Partial security-sector reform risks a repositioning of the bad elements that the reform was targeting. This has been seen in many of the cases studied. That said, even partial reform will improve the performance of the service in question and remove an active agent working against the general state-building effort. The Kenyan case indicates that an efficient way of making sure that redundant intelligence officers do not move into gray areas of society, working against the government, is to maintain them within the government rather than to release them to unemployment. This might be obviously unpopular, but the alternative risks are far worse, as seen in Poland and Romania, among others.

Intelligence services are needed to effectively maintain the monopoly of violence, which is needed to create and maintain peace and democracy. In order for this to occur there must be effective oversight of intelligence services. The Brazilian case shows this by illustrating how poor state capacity in the security sector can be detrimental to the quality and stability of the country's democracy. The Kenyan case provides support for this theory, as the failure of Kenyan intelligence to prevent and effectively deal with the postelection violence in 2007 brought Kenyan state-building and democracy to the brink.

History seems to suggest that bottom-up intelligence reform works better than top-down reform. The Kenyan case generally supports this theory, as the bottom-up reform undertaken by Boinett has proved comparatively successful. Of greater importance, however, was the political consensus generated in a rather narrow window of opportunity. From the perspective of executive power, the extent of the Kenyan reforms happened more by accident than by design. From the perspective of Boinett, however, the Kenyan reforms were the result of skillful political consensus-building and tireless efforts. Using knowledge from South Africa, Taiwan, and the Philippines, it is reasonable to suggest that successful intelligence reform is more likely when supported by bottom-up reform backed by political consensus.

While gradual intelligence reform is preferred, as the Czechoslovakian and other cases suggest that it is the only way to maintain intelligence capabilities during the reform process, the Romanian case suggests that this is sometimes not possible. When the intelligence service has become a totalitarian state within the state, a *blitzkrieg* approach might be the only viable option for intelligence reform.

The Taiwanese and Argentinean cases suggest that a certain sequence of political change is needed to accomplish durable and democratic intelligence reform. The Kenyan case suggests that this might be true. It is difficult to imagine successful Kenyan intelligence reform without at least the onset of constitutional reform, guaranteed rights, free elections, and viable opposition parties. Countries that have conducted intelligence reform in a political environment lacking all or most of these aspects (e.g., Romania and Poland) also provide support for this conclusion.

The cases of Argentina, Taiwan, and El Salvador show that intelligence reform is extremely difficult without public interest. The reason for this is that the issues are politically sensitive and rarely given political merit. The Kenyan case



supports this argument and adds an interesting insight. The issue of intelligence services is often so sensitive in a post-totalitarian context that the opposition risks viewing any attempt to reform intelligence services as merely an attempt by the ruling party to increase its own power. This arguably leads to two insights, true for all cases studied. Public support and interest are crucial for intelligence reform. The sensitivity of the field suggests that no one is willing, or able, to successfully push for intelligence reform unless there is massive public interest and backing. This leads to another important insight, namely that intelligence reform only tends to occur on the back of intelligence failures. So although democratic reforms often pave the way for intelligence reforms, intelligence scandals often trigger the actual reforms.

The Kenyan case also supports the findings in El Salvador, suggesting that the window of opportunity for formal institutional reforms is short lived. Just like in El Salvador, intelligence reform in Kenya occurred together with major institutional change. In Kenya it was the general 1998 reform period, in the wake of the IPPG; in El Salvador it occurred in connection with peace negotiations and their implementation.

My last contribution is a wisdom Kenya does not yet support. Both Taiwan and South Africa offer good reason to believe that intelligence reform is easily undone in a post-authoritarian context if there are no independent oversight mechanisms. The lack of public interest and independent oversight of Kenyan intelligence services risks adding weight to the South African and Taiwanese lessons, unless preventive action is taken.

## 6 Conclusion

This thesis has offered a number of insights into the role of intelligence and state-building while also shining a light on a largely untold aspect of Kenyan history.

The purpose of this thesis has been to contribute to the development of a theory about the role of intelligence services in state-building. There is a great need to demythologize intelligence, especially in new democracies, and to open up the field and start building a foundation of knowledge for those wishing to design or reform their intelligence services in support of democratic state-building.

This field is vitally important for all states, as intelligence services are often important to the survival of both the state and democracy. In democratic states the problem is often one of how to guard the guardians to ensure democratic control, while the problem in authoritarian states is how to achieve pro-democratic intelligence reform. Moving from one stage to another, from dictatorship to fully democratic intelligence, is a necessity for democracy, but also very difficult. The need for intelligence reform, beyond simply removing the protagonist of the day, is far too often not recognized. Among those who recognize the need for change, the literature on how and what to do is too minimal to inspire the change necessary. To achieve democracy more knowledge is needed if democratic state-building is to be accomplished. This means understanding the complex relationships among different elements of intelligence services and different parts of governments, as well as different stages of development.

In this thesis I have contributed a few perspectives and a few theories on intelligence and state-building. Further research is needed, not the least from a political science point of view, on the role of intelligence services in the state-building process and how they can be supported to encourage pro-democracy and pro-rule-of-law reform. We need to better understand how and why intelligence reforms happen. To better understand this field, a normative framework is needed.

I hope this thesis will contribute to the research in the field of intelligence and state-building by identifying interesting and important areas where further research is needed. However, the greatest contribution of this thesis, I argue, is that it shows that research on intelligence services in Africa is not only possible and needed, but also offers a real possibility to gain insight into and contribute to the field.

## 7 Executive summary

The intelligence sector is an important aspect of any state, and even though the role of intelligence services is of great consequence to both democracy and state-building, the issue has received surprisingly little attention from scholars (Caparini 2007, 3).

In authoritarian regimes, intelligence often works in direct contrast to democracy and the ability of citizens (and often even governments) to influence the state-building process. We know that intelligence services play a major role in the development of states, and we can deduce that no state can be fully democratic without a reformed and democratically consolidated intelligence service. Despite this insight, we still know very little about the role of intelligence services in state-building. This also means that countries wanting to reform their intelligence services have very little guidance and research to support the process. This is particularly true for African states, where research has been close to nonexistent (cf. Goscha 2007, 100f; Chappuis and Hänggi 2009, 31).

### 7.1 Aim, purpose, and delimitations

The purpose of this thesis is to contribute to the development of a theory about the role of intelligence services in state-building. To this end I have studied and analyzed the role of Kenyan intelligence services in the Kenyan state-building endeavor. My ambition has been to use the Kenyan experience to better understand what role intelligence services play in state-building.

I have chosen to focus my case study on Kenya, as the African context has been marginalized in academic research. I also wanted to focus my research on a country where the role of intelligence services can be followed throughout the state-building process, to allow for a broader understanding of how the two factors interact. Kenya has proven to be a very interesting case, challenging some earlier assumptions and adding knowledge to a number of areas in the field.

Given the natural limits of this work, this thesis mainly studies the role of intelligence in modern state-building. There is also a deliberate choice to focus more on intelligence than on state-building in terms of academic positioning. In order to make this arrangement work I have chosen a simple and rather general definition of state-building.

### 7.2 Theoretical framework

The theoretical framework I have provided in this thesis stretches from metatheory to case studies on intelligence services and state-building.

In this thesis I have used a metatheoretical framework that incorporates my relativistic ontological and epistemological views using a postulate structured after Brante (2001), but tweaked to incorporate a greater degree of explicit constructivism while dealing with some of the metatheory's most obvious critiques.

In this thesis I have basically defined state-building as “controlling violence, establishing legitimacy, and building capable and responsive institutions” (Fritz and Menocal 2007, 4f), with the intention to focus on state-building as a mainly domestic, internal, and continuous process, a product of state-society relations that may be influenced by external factors but is primarily shaped by local dynamics (Whaites 2008, 4). This thesis rejects the definition of state-building as an interventionist action to “restore and rebuild the institutions and apparatus of the state” (Scott 2007, 3).

Intelligence services have been defined here as organizations that live, breathe, and produce intelligence (Kent cited in Herman 1996, 1ff; cf. Bay 2009, 12f). More specifically, intelligence services have been defined as agencies that, by self-definition, are engaged in intelligence work. For Kenya this primarily means the Special Branch and later the NSIS.

### 7.3 Methodology

Although it is difficult to talk about a most likely design, since this is not a theory-testing study per se, a most likely design has inspired my choice of method and case (cf. Landman 2003, 35; Esaiasson et al. 2005, 113).

This thesis is based on a wide variety of material, from archive material in the Kenyan National Archives to interviews with individuals of central importance to Kenyan intelligence reform. While my theoretical framework is mainly built upon academic research in the field, the modern aspects of Kenyan intelligence history rely heavily on primary material and interviews.

For the interviews I have used a narrative approach, while in regard to written primary and secondary material I have conducted a more traditional qualitative content analysis.

### 7.4 Intelligence and state-building

This thesis shows that there is no simple link between a nation's situation and the importance of intelligence. It is also argued in this thesis that democratic consolidation cannot fully occur without effective democratic civilian control of intelligence services. Using case studies on intelligence and state-building, I have

derived a number of lessons on the relationship between intelligence and state-building.

I have shown that governments inherit intelligence services that have been developed over long periods of time. Intelligence services cannot be created easily, and capabilities that are abandoned take considerable time to reconstruct. Governments inherit an intelligence apparatus and get used to working with what they have. I also have shown that a common internal or external threat often goes a long way in creating political incentive for reform, and often shields intelligence services from internal political struggles.

However, my walk-through of the role intelligence has played in a number of contemporary state-building endeavors shows that although many countries have similar experiences of intelligence and state-building, there are also a great number of unique experiences.

### 7.5 Intelligence and state-building in Kenya

My analysis of the role of intelligence in the Kenyan state-building process shows that the failure to adequately address the Mau Mau rebellion from the beginning, and the harsh methods used in dealing with the insurgents, galvanized and increased the pace of the struggle for independence. However, the ability of the British government to defeat the insurgency through intelligence efforts rather than through pure brute force allowed for a smooth, controlled transition to independence.

The establishment of the Special Branch system in Kenya and its use in upholding executive authority by means of torture and intimidation created a culture of regime support that remained long after independence. The methods and culture left in place by the British colonial government proved useful for Kenyan presidents as the country moved toward authoritarian rule.

The Special Branch acted as an executive tool to maintain power in postindependence Kenya. It did so by undertaking all kinds of illegal activities, including political assassinations. This heavy-handed response toward the political opposition might very well have sped up the move toward multiparty democracy by uniting the opposition. Unfortunately, the actions of the Special Branch, by deliberately failing to uphold public order in support of state-sponsored violence, greatly contributed to the deep-rooted problem of tribalism that still hampers state- and nation-building efforts and severely disturbs political life in Kenya.

Over the past twelve years (1998–2010), Kenyan intelligence services have played a different role in the country's state-building process, albeit with a rather similar outcome. The 1998 intelligence reform stands out as a remarkable success made possible by the tireless work of Wilson Boinett, the former director of Kenyan intelligence. In contrast to most other countries that have undergone intelligence reform in a similar context, the result is remarkable. Moi, the then-ruling autocrat, forced by external and internal pressures, allowed his director of

intelligence to reform his main tool for suppressing the opposition and financing the ruling party's illegal activities. The reform was needed to enhance efficiency and put a stop to the dark ages in Kenya. Recent history, however, shows that although the intelligence services were transformed both democratically and professionally, politically sponsored violence has continued in Kenya.

## 7.6 Theoretical reductions

By merging my Kenyan case study with my theoretical framework on intelligence and state-building, I propose a number of theoretical reductions contributing to the development of a theory about the role of intelligence services in state-building.

While only a portion of the lessons learned are accounted for in this summary, some of the main reductions are presented below.

I argue that the Kenyan case shows that intelligence reform is not as simple as just creating a democratic intelligence service. The rest of the national security organism must be in sync if the intelligence service is to be effective. Abolishing medieval methods is only part of the journey. Intelligence services must also be effective to be able to support the state-building process.

The Kenyan case also indicates that if intelligence services are stripped of all their executive powers, they become marginalized if the executive branch of government is unwilling to listen and to act on the information that intelligence services produce. Ideally, intelligence reform should go hand in hand with general security-sector reform.

Partial security-sector reform risks merely relocating the bad elements that the reform was targeting. This has been seen in many of the cases studied. That said, even partial reform will improve the performance of the service being reformed and remove an active agent working against the general state-building effort.

History seems to suggest that bottom-up intelligence reform works better than top-down reform. The Kenyan case generally supports this theory, as the bottom-up reform undertaken by Boinett has proved comparatively successful.

While gradual intelligence reform is preferred, as the Czechoslovakian and other cases suggest that it is the only way to maintain intelligence capabilities during the reform process, the Romanian case suggests that this is often not possible. When the intelligence service has become a totalitarian state within the state, a *blitzkrieg* approach might be the only viable option for successful intelligence reform.

The Taiwanese and Argentinean cases suggest that a certain sequence of political change is needed to accomplish durable and democratic intelligence reform. The Kenyan case suggests that this might be true. It is difficult to imagine successful Kenyan intelligence reform without at least the onset of constitutional reform, guaranteed rights, free elections, and viable opposition parties.

The Kenyan case also supports the findings in El Salvador, suggesting that the window of opportunity for formal institutional reforms is short lived. Just like in El Salvador, intelligence reform in Kenya occurred together with major

institutional change. In Kenya it was the general 1998 reform period, in the wake of the IPPG; in El Salvador it occurred in connection with peace negotiations and their implementation.

## 7.7 Conclusion

This thesis concludes that the field of intelligence and state-building is vitally important for all states, as intelligence services often are important to the survival of both the state and democracy. This thesis also recognizes that the need for intelligence reform, beyond simply removing the protagonist of the day, is far too often not recognized. Among those who recognize the need for change, the literature on how and what to do is too minimal to inspire the change necessary. To achieve democracy, more knowledge is needed if democratic state-building is to be accomplished.

This thesis therefore argues that more research is needed, not the least from a political science point of view, on the role of intelligence services in the state-building process and how they can be supported to encourage pro-democracy and pro-rule-of-law reform.

I hope this thesis will contribute to the research in the field of intelligence services and state-building by having identified interesting and important areas where further research is needed. However, the greatest contribution of this thesis, I argue, is that it shows that research on intelligence services in Africa is not only possible and needed, but also offers a real possibility to gain insight into and contribute to the field.

## References

- Africa, Sandy, and Johnny Kwadjo. 2009a. Introduction. In *Changing Intelligence Dynamics in Africa*, 1-15. Birmingham, UK: GFN-SSR, University of Birmingham. Available at: <http://www.ssrnetwork.net/documents/Publications/ChangingIntelligenceDynamicsInAfrica/ChangingIntelligenceDynamicsInAfrica.pdf> [Accessed April 1, 2010].
- Africa, Sandy, and Johnny Kwadjo. 2009b. Concluding remarks. In *Changing Intelligence Dynamics in Africa*, 179-190. Birmingham, UK: GFN-SSR, University of Birmingham. Available at: <http://www.ssrnetwork.net/documents/Publications/ChangingIntelligenceDynamicsInAfrica/ChangingIntelligenceDynamicsInAfrica.pdf> [Accessed April 1, 2010].
- Akiwumi, A. M. 1999. *Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya*. Nairobi, Kenya, July 31.
- Alvesson, Mats, and Kaj Skjöldberg. 1994. *Tolkning och Reflektion*. Lund, Sweden: Studentlitteratur.
- Annan, Kofi A. 2008. Kenyan National Dialogue and Reconciliation. Annotated Agenda and Timetable. Panel of Eminent African Personalities, February 1. Available at: [http://www.dialoguekenya.org/docs/Signed\\_Annotated\\_Agenda\\_Feb1st.pdf](http://www.dialoguekenya.org/docs/Signed_Annotated_Agenda_Feb1st.pdf) [Accessed December 8, 2009].
- Bannon, Alecia L. 2007. Designing a Constitution-Drafting Process: Lessons from Kenya. *The Yale Law Journal* 116, no. 8: 1824-1872.
- Bar-Joseph, Uri. 1995. *Intelligence Intervention in the Politics of Democratic States: The United States, Israel, and Britain*. University Press, Pennsylvania: The Pennsylvania State University Press.
- Bay, Sebastian. 2009. Intelligence theories: a literary overview. Lund, Sweden: Lund University.
- Berg, Per Olof. 1989. Postmodern Management? From facts to fiction in theory and practice. *Scandinavian Journal of Management* 5, no. 3: 201-217.
- Bergström, Göran, and Kristina Boréus. 2000. *Textens mening och makt: Metodbok i samhällsvetenskaplig textanalys*. Lund, Sweden: Studentlitteratur.
- Betts, Richard K. 2009. Analysis, war, and decision: why intelligence failures are inevitable. In *Intelligence Theory: Key questions and debates*, 87-111. Studies in Intelligence. London: Routledge.
- Boinett, Brigadier (rtd) Wilson. 2009. The Origins of the Intelligence System of Kenya. In *Changing Intelligence Dynamics in Africa*, 15-40. Birmingham, UK: GFN-SSR, University of Birmingham. Available at: <http://www.ssrnetwork.net/documents/Publications/ChangingIntelligenceDynamicsInAfrica/ChangingIntelligenceDynamicsInAfrica.pdf> [Accessed April 1, 2010].
- Boinett, Brigadier (rtd) Wilson. 2010. Interview with Brigadier (rtd) Wilson Boinett, head of Special Branch and the National Security Intelligence Service (1996-2006) Interview by Sebastian Bay. May 6.
- Boraz, Steven C. 2009. Establishing Democratic Control of Intelligence in Colombia. *International Journal of Intelligence and CounterIntelligence* 19, no. 1: 84-109.



- Boraz, Steven C., and Thomas C. Bruneau. 2007. Best Practices: Balancing Democracy and Effectiveness. In *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness*, 331-344. Texas, USA: University of Texas Press.
- Bosire, S. E. O. 2005. *Report of the Judicial Commission of Inquiry into the Goldenberg Affair*. Nairobi, Kenya: Judicial Commission of Inquiry.
- Brante, Thomas. 2001. Consequences of Realism for Sociological Theory-Building. *Journal for the Theory of Social Behaviour* 31, no. 2: 167-195.
- Brown, Stephen. 2004. Theorising Kenya's protracted transition to democracy. *Journal of Contemporary African Studies* 22, no. 3: 325-342.
- Brown, Stephen. 2007. From Demiurge to Midwife: Changing Donor Rules in Kenya's Democratisation Process. In *Kenya: The Struggle for Democracy*, 301-330. London, UK: Zed Books Ltd.
- Bruneau, Thomas. 2001. Controlling Intelligence in New Democracies. *International Journal of Intelligence and CounterIntelligence* 14, no. 3 (7): 323-341.
- Call, Charles T. 2003. Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador. *Journal of Latin American Studies* 35, no. 4: 827-862.
- Caparini, Marina. 2007. Controlling and Overseeing Intelligence Services in Democratic States. In *Democratic Control of Intelligence Services: Containing Rogue Elephants*. Hampshire, UK: Ashgate Publishing Limited.
- Carlos Brandao Antunes, Priscila. 2007. Establishing Democratic Control of Intelligence in Argentina. In *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness*, 195-219. Texas, USA: University of Texas Press.
- Cepik, Marco. 2007. Structural Change and Democratic Control of Intelligence in Brazil. In *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness*, 149-169. Texas, USA: University of Texas Press.
- Černý, Oldřich. 2007. The Aftermath of 1989 and the Reform of Intelligence: THE Czechoslovakian Case. In *Democratic Control of Intelligence Services: Containing Rogue Elephants*, 97-106. Hampshire, UK: Ashgate Publishing Limited.
- Chappuis, Fairlie, and Heiner Hänggi. 2009. The Interplay between Security and Legitimacy: Security Sector Reform and State-Building. In *Facets and Practices of State-Building*, 31-58. Leiden, The Netherlands: Brill.
- Collier, Paul. 2010. *Wars, Guns and Votes: Democracy in Dangerous Places*. London, UK: Vintage Books.
- Committee of Experts. 2010. *Report of the Committee of Experts on the Constitutional Review, issued on the submission of the proposed constitution of Kenya*. Nairobi, Kenya: Committee of Experts.
- Committee of Experts on Constitutional Review. 2010. *Revised Harmonized Draft Constitution of Kenya*. Nairobi, Kenya: Committee of Experts on Constitutional Review.
- Constitution of Kenya Review Commission. 2005. *The Final Report of the Constitution of Kenya Review Commission*. Nairobi, Kenya: Constitution of Kenya Review Commission (CKRC).
- Delanty, Gerard. 1997. *Social Science: Beyond Constructivism and Realism*. Minneapolis, USA: University of Minnesota Press.
- Dobbins, James, Seth G. Jones, Keith Crane, and Beth Cole DeGrasse. 2007. *The*

- Beginner's guide to nation-building*. Santa Monica, USA: RAND National Security Research Division.
- Dombroski, Kenneth R. 2007. Transforming Intelligence in South Africa. In *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness*, 241-269. Texas, USA: University of Texas Press.
- Esaiasson, Peter, Mikael Gilljam, Henrik Oscarsson, and Lena Wängnerud. 2005. *Metodpraktikan: Konsten att studera samhälle individ och marknad*. Stockholm, Sweden: Norstedts juridik.
- Flick, Uwe. 2006. *An introduction to qualitative research*. London, UK: SAGE Publications Ltd.
- Foran, Robert. 1962. *The Kenyan Police: 1887-1960*. London, UK: Robert Hale Limited.
- Fritz, V., and A. R. Menocal. 2007. Understanding state-building from a political economy perspective. *Overseas Development Institute* 21: 2009.
- Fukuyama, Francis. 2004. *State-building: Governance and world order in the 21st century*. London, UK: Profile Books Ltd.
- Fukuyama, Francis. 2007. Liberalism versus State-building. *Journal of Democracy* 18, no. 3: 10–13.
- George, Alexander, and Andrew Bennet. 2005. *Case Studies and Theory Development in the Social Sciences*. Cambridge, U.K.: Cambridge University Press.
- Ghai, Yash Pal. 2010. Interview with Yash Pal Ghai, Professor in constitutional law and former chairman of the Constitution of Kenya Review Commission (2000-2004). Interview by Sebastian Bay. April 23.
- Goscha, Christopher. 2007. Intelligence in a Time of Decolonization: The Case of the democratic Republic of Vietnam at War (1945-50). *Intelligence and National Security* 22, no. 1 (February): 100-138.
- Guba, Egon G., and Yvonna S. Lincoln. 2000. The only generalization is: There is no generalization. In *Case Study Methods*, 27-44. London, UK: SAGE Publications Ltd.
- Heather, Randall W. 1990. Intelligence and counter-insurgency in Kenya, 1952-56. *Intelligence and National Security* 5, no. 3: 75-83.
- Heilbrunn, Otto. 1968. Tactical Intelligence in Vietnam. *Military Review* XLVIII, no. 10 (October): 85-87.
- Herbst, Jeffrey. 2000. *States and Power in Africa: Comparative Lessons in Authority and Control*. Princeton, New Jersey: Princeton University Press.
- Herman, Michael. 1996. *Intelligence Power in Peace and War*. Fifth printing. Cambridge: Cambridge University Press.
- Holt, Pat M. 1994. *Secret Intelligence and Public Policy: A Dilemma of Democracy*. Washington, D.C.: Congressional Quarterly Inc.
- Jackson, Peter. 2005. Historical Reflections on the Uses and Limits of Intelligence. In *Intelligence and Statecraft: The Use and Limits of Intelligence in International Society*, 11-52. Westport CT: Greenwood Press.
- Johansson, Anna. 2005. *Narrativ teori och metod*. Lund, Sweden: Studentlitteratur.
- Kagari, Michelle, and Sophy Thomas. 2006. *The Police, The People, The Politics: Police Accountability in Kenya*. Nairobi, Kenya: Kenya Human Rights Commission.
- Kagwanja, Mwangi. 1998. *Killing the Vote: State Sponsored Violence and Flawed*

- Elections in Kenya*. Nairobi, Kenya: Kenya Human Rights Commission.
- Karume, Njenga. 2009. *Beyond Expectations. from Charcoal to Gold*. Nairobi, Kenya: African Books Collective.
- Kenya Gazette Supplement No 5. 1969. The Constitution of Kenya (Amendment) Act 1969. In *Kenya Gazette Supplement*. Nairobi, Kenya: The Governments Printers, April 10.
- Kenya Gazette Supplement No. 30. 1963. The Constitution of Kenya. In *Kenya Gazette Supplement*, Statutory Instruments, Schedule 2 or the order. Nairobi, Kenya: The Governments Printers, April 18.
- Kenya National Assembly. 1998a. *Parliamentary Debates*. Parliamentary Debates. Weekly Hansard. Nairobi, Kenya: Kenya National Assembly, December 1.
- Kenya National Assembly. 1998b. *Parliamentary Debates*. Parliamentary Debates. Weekly Hansard. Nairobi, Kenya: Kenya National Assembly, December 8.
- Kenya National Assembly. 2008. *The National Security Intelligence Service Act 1998*. December 31.
- Khan, Mushtaq H. 2008. *Expert consultation on DFID state-building paper: summary of views on state-building*. Department for International Development, UK.
- KNCHR. 2008. *On the Brink of the Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence*. Nairobi, Kenya: Kenya National Commission on Human Rights. Available at: <http://www.knchr.org> [Accessed January 10, 2010].
- Kuria, Dr. Gibson Kamau. 2010. Interview with Dr. Gibson Kamau Kuria, constitutional lawyer and former chairman of the Law Society of Kenya (97-01) Interview by Sebastian Bay. March 18.
- Landman, Todd. 2003. *Issues and Methods in Comparative Politics*. 2nd ed. New York, USA: Routledge.
- Lowenthal, Mark M. 2006. *Intelligence: From Secrets to Policy*. Washington, D.C.: CQ Press.
- Lundquist, Lennart. 1993. *Det vetenskapliga studiet av politik*. Lund: Studentlitteratur.
- Lundquist, Lennart. 2007. *Att hantera humanvetenskapens tudelning*. Malmö, Sweden: Liber.
- Lyotard, Jean-Francois. 1984. *The Postmodern Condition: A report on Knowledge*. Minneapolis, USA: University of Minnesota Press.
- Macdonald, Douglas J. 2007. Etichal and Moral Issues in Intelligence Reform. In *Reforming Intelligence: Obstacles to Democratic Control and Effectivness*, 301-330. Texas, USA: University of Texas Press.
- Madoka, Masden. 2010. Interview with Maj. (Rtd) Marsden Madoka, Former minister of Internal Security Interview by Sebastian Bay. March 24.
- Maloba, Wunyabari. 1989. Nationalism and decolonialisation. In *A Modern History of Kenya 1895-1980*. London, UK: Evan Brothers Limited.
- Maloba, Wunyabari O. 1994. *Mau Man and Kenya: An Analysis of a Pesant Revolt*. Nairobi, Kenya: East African Educational publishers.
- Marsh, David, and Paul Furlong. 2002. A Skin, not a Sweater: Ontology and Epistemology in Political Science. In *Theory and Methods in Political Science*, 17-41. New York: Palgrave Macmillan.
- Matei, Cristiana. 2007. Romania's Transition to Democracy and the Role of the

- Press in Intelligence Reform. In *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness*, 219-240. Texas, USA: University of Texas Press.
- McKinlay, Patrick F. 1998. Postmodernism and Democracy: Learning from Lyotard and Lefort. *The Journal of Politics* 60, no. 2: 481-502.
- Munene, Macharia. 2010. Professor of history and international relations at USIU Nairobi. Interview by Sebastian Bay. March 17.
- Murphy, Philip. 2002. Creating a commonwealth intelligence culture: the view from Central Africa 1945-1965. *Intelligence and National Security* 17, no. 3: 131-162.
- Mutahi, Wahome. 1998. MP revisits the horrors of police torture. *The Daily Nation*, September 13. Available at: <http://www.nation.co.ke/magazines/lifestyle/-/1214/419748/-/9gvetyz/-/index.html> [Accessed January 29, 2010].
- Mutunga, Willy. 2010. Interview with Willy Mutunga, representative for the Ford Foundation in Kenya and prominent civil rights advocate Interview by Sebastian Bay. March 23.
- Mwangi, Evans. 1999. Special Branch fights horrors of its dark past. *The Daily Nation*, October 3. Available at: <http://www.nation.co.ke/News/-/1056/383406/-/t2eaod/-/index.html> [Accessed May 2, 2010].
- National Council for Law Reporting. 2009. *The Constitution of Kenya. Revised edition 2009 (2008)*. Nairobi, Kenya: National Council for Law Reporting with the Authority of the Attorney General.
- Noy, C. 2008. Sampling knowledge: The hermeneutics of snowball sampling in qualitative research. *International Journal of social research methodology* 11, no. 4: 327–344.
- Oloo, Adams G.R. 2007. The Contemporary Opposition in Kenya: Between Internal Traits and State Manipulation. In *Kenya: The Struggle for Democracy*, 90-128. London, UK: Zed Books Ltd.
- Omondi, Samson. 2010. Interview with Samson Omondi, SSR officer for the Kenyan National Commission for Human Rights Interview by Sebastian Bay. April 19.
- Parliamentary Select Committee. 2010a. *Report of the Parliament Select Committee of the Review of the Constitution on the Reviewed Harmonized Draft Constitution*. Nairobi, Kenya: Parliamentary Select Committee on the Review of the Constitution, Kenya National Assembly.
- Parliamentary Select Committee. 2010b. *Revised Harmonized Draft Constitution*. Nairobi, Kenya: Parliamentary Select Committee on the Review of the Constitution, Kenya National Assembly.
- Pedersen, Sune Christian. 2008. *Brudte segl: Spionage og censur i enevældens Danmark*. Copenhagen: Post och Tele Museum.
- Phillips, Steven E. 2007. Taiwan's Intelligence Reform in an Age of Democratization. In *Reforming Intelligence: Obstacles to Democratic Control and Effectiveness*, 170-194. Texas, USA: University of Texas Press.
- Robertson, Alexa, and Bo Petersson. 2003. *Identitetsstudier i praktiken*. Malmö, Sweden: Liber.
- Scott, Joe. 2007. *Literature Review on State-Building*. Birmingham, UK: University of Birmingham, International Development Department. Available at: <http://www.gsdr.org/docs/open/HD528.pdf> [Accessed October 19, 2009].
- Sims, Jennifer. 2009. Defending Adaptive Realism. In *Intelligence Theory: Key*

- questions and debates*, 151-165. London: Routledge.
- Swedberg, Richard. 2005. *The Max Weber dictionary: key words and central concepts*. Stanford, California: Stanford University Press.
- Säkerhetstjänstkommissionen. 2002. *SOU 2002:92. Det Grå Brödrskapet*. Statens offentliga utredningar (SOU). Stockholm, Sweden: Justitiedepartementet.
- The Daily Nation. 1997a. Hopes rise as Opposition and Kanu agree on crucial issues. *The Daily Nation*, September 12.
- The Daily Nation. 1997b. Draft bill outlines new civilian security service. *The Daily Nation*, November 21.
- The Daily Nation. 1998. Quotes of the week. *The Daily Nation*, December 6. Available at: <http://www.nation.co.ke/oped/-/1192/411320/-/phqe7sz/-/index.html> [Accessed March 4, 2010].
- The National Constitutional Conference. 2004. *The Draft Constitution of Kenya (2004) [Bomas Draft]*. Nairobi, Kenya: The National Constitutional Conference.
- The National Security Intelligence Service (NSIS). 2006. NSIS Historical Background. Available at: <http://www.nsis.go.ke/about.php> [Accessed May 6, 2010].
- Thurén, Torsten. 2005. *Källkritik*. Stockholm, Sweden: Liber AB.
- Waki, Philip. 2008. *Commission of Inquiry into Post-Election Violence*. Nairobi, Kenya. Available at: [http://www.hackkenya.org/index.php?option=com\\_content&task=view&id=74&Itemid=593](http://www.hackkenya.org/index.php?option=com_content&task=view&id=74&Itemid=593) [Accessed September 14, 2009].
- Wako, Amos. 2010. *The Proposed Constitution of Kenya*. Nairobi, Kenya: The Attorney-General of Kenya.
- Warner, Michael. 2009. Intelligence as risk shifting. In *Intelligence Theory: Key questions and debates*, 16-32. Studies in Intelligence. London: Routledge.
- Watts, Larry L. 2007. Control and Oversight of Security in Romania. In *Democratic Control of Intelligence Services: Containing Rogue Elephants*, 47-64. Hampshire, UK: Ashgate Publishing Limited.
- Weber, Max. 1948. Politics as a Vocation. In *From Max Weber: Essays in Sociology*, 77-128. London, UK: Routledge.
- Weber, Max. 1949. "Objectivity" in Social Sciences. In *The methodology of the Social Sciences*, 50-112. New York, USA: The Free Press.
- Whaites, Alan. 2008. *States in Development: Understanding State-building*. A DFID working paper. London, UK: Department for International Development, UK.
- Wheaton, Kristian J., and Michael T. Beerbower. 2006. Towards a definition of intelligence. *Stanford Law & Policy Review* 17, no. 2: 319-331.
- Winnerstig, Mike. 2000. Allians eller maktbalans? USA och den europeiska säkerhetsproblematiken, 1990-1997. In *Europeisk säkerhetspolitik*. Lund, Sweden: Studentlitteratur.
- Wright, Peter. 1987a. *Spionfångaren: Den nakna sanningen om brittiskt kontraspionage*. Stockholm: Norstedts Förlag.
- Wright, Peter. 1987b. *Spy Catcher: The Candid Autobiography of a Senior Intelligence Officer*. New York, USA: Viking.
- Zybertowicz, Andrzej. 2007. Transformation of the Polish Secret Services: From Authoritarian to Informal Power Networks. In *Democratic Control of Intelligence Services: Containing Rogue Elephants*, 65-82. Hampshire, UK: Ashgate Publishing Limited.

# Intelligence and State-Building

Understanding the Role of Intelligence Services in State-Building: The Case of Kenya

This master's thesis contributes to the theoretical development of the role of intelligence services in state-building. To that end it establishes a theoretical framework consisting of current research in the field of intelligence and state-building. The role of the Kenyan intelligence services in the Kenyan state-building endeavor is then thoroughly analyzed using a range of primary and secondary materials, as well as a number of interviews with individuals central to Kenyan intelligence reforms. This thesis then merges the Kenyan case study with the established theoretical framework to develop a number of theoretical reductions on intelligence and state-building.

This thesis offers a number of insights into the role of intelligence and state-building, providing a theoretical lens through which some of these processes can be understood. In doing so it identifies interesting and important fields where further research is needed. It also underscores the general need to further study the role of intelligence services, especially in new democracies, to advance the understanding of contemporary state-building.

