

CLANDESTINE DIPLOMACY AND KENYA'S FOREIGN POLICY

BY

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DECLARATION

I hereby declare that this is my original research project and has not been submitted for any award in any other University.

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This research project has been submitted for examination with my approval as University Supervisor.

Signature..... Date.....

PROF. AMB. MARIA NZOMO

DEDICATION

Special dedication to my dear wife Mercy Kainyu Kithinji Arithi - for her unwavering support and for sacrificing her promising career to accompany me to Kenya High Commission, London and later to the Kenya Embassy, Khartoum for my Foreign Service duties. My Foreign Service experiences in those two stations directly influenced the choice for this research study.

I also dedicate this research to my son, Jeff and daughter Doreen and hope that it will put to rest their inquisitiveness as to what I was doing in London and Khartoum; the two cities are a contrast, with the former being too cold during winter, while the latter is extremely hot. To both of you - thank you for accompanying me, you inspired me to continue doing my very best.

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LIST OF ABBREVIATIONS

AMISOM	- African Union Mission in Somalia
APRM	- African Peer Review Mechanism
ASEAN	- Association of the South East Asian Nations
AU	- African Union
BC	- Before Christ
CIA	- Central Intelligence Agency
CID	- Criminal Investigations Department
COMESA	- Common Market for Eastern and Southern Africa
DA	- Defence Attaché
DMI	- Directorate of Military Intelligence
DOD	- Department of Defence
DSI	- Directorate of Security Intelligence
EAC	- East Africa Community
ECOSOC	- Economic and Social Council
FDI	- Foreign Direct Investments
IC	- Intelligence Community
ICC	- International Criminal Court
IGAD	- Inter-governmental Authority on Development
IR	- International Relations
ISS	- International Security Studies
JKIA	- Jomo Kenyatta International Airport
KADU	- Kenya African Democratic Union
KANU	- Kenya National African Union
KDF	- Kenya Defence Forces

MFAs	- Ministries of Foreign Affairs
NIS	- National Intelligence Service
NSAC	- National Security Advisory Council
NSC	- National Security Council
NSIS	- National Security Intelligence Service
OAU	- Organization of African Unity
ODA	- Official Development Assistance
PLO	- Palestine Liberation Organization
PFLP-EO	- Popular Front for the Liberation of Palestine-External Operations
SB	- Special Branch
SSA	- Sub-Saharan Africa
TJRC	- Truth Justice and Reconciliation Commission
TRG	- The Rendon Group
UK	- United Kingdom
UN	- United Nations
US	- United States
USA	- United States of America

ABSTRACT

Intelligence as a term can have at least three general meanings. It can be a process, by which governments request, collect, analyze and disseminate certain types of required information, and the rubric by which covert operations are planned and executed. The purpose of the study was to establish the relationship between clandestine diplomacy and Kenya's foreign policy.

This study applied Realism Theory in evaluating the complex relationship between clandestine diplomacy and Kenya's foreign policy - which assumes that the character of foreign policy can only be ascertained through the examination of the political acts performed, as a result realism seems to seek security and order. This study aims to strengthen National Security Advisory Council and other key policy makers to develop stronger policies that are driven by intelligence in Kenya. In addition this study aims to contribute to action oriented strategies by the Government and particularly key actors in Kenya's Foreign Policy.

The study utilized both qualitative and quantitative research approaches within a stage of the study or across two of the stages of the research process. The collected data was sorted and analyzed using document analysis and thematic analysis techniques, based on the emerging issues that were under investigation. The results (outcomes) obtained were presented in form of frequency tables, histograms and narratives, so as to give graphical representations.

The study found that a country's foreign policy, is a set of goals outlining how the country will interact with other countries economically, politically, socially and militarily, and to a lesser extent, how the country will interact with non-state actors. Therefore intelligence was found to be used for public diplomacy when it is publicly presented to support a policy decision. Public diplomacy is combined with intelligence when the government seeks to harness the political power of an intelligence assessment to justify some policy or action to the public. Diplomacy and foreign policy are central features of international politics.

Subsequently the study found that most participants were referring to National Intelligence Service (NIS) in their definition of the Kenyan context of intelligence, since the NIS is both the main national domestic and foreign intelligence agency of Kenya. The study revealed that since independence, Kenya has had no written foreign policy until President Uhuru Kenyatta launched one on 20th January, 2015.

The study concludes that inattention to the role and position of intelligence is considered one of the main reasons for faulty understanding of policymaking trends in Kenya's foreign policy apparatus.

The study recommends that parliament play an active role in foreign affairs in a systematic manner, it is necessary to activate the Standing Committees on Foreign Affairs of the two Houses. The study further recommends that important issues and projects relating to the foreign economic relations should be handled by specific departments as with each key national concern such as security, labour and foreign investments.

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

One of the earliest references to intelligence is found in the Bible, as evidenced by Moses sending the twelve spies to the land of Canaan, Joshua sending two spies to Jericho, Philistines dispatching Delilah to probe Samson's weaknesses and many other illustrations. As Sheldon points out;

“By The Hebrew Bible's own account, intelligence activities arrived in the Holy Land along with the Jews. In fact, intelligence activities had begun even before the Jews arrived. Without proper reconnaissance, not even Moses would have considered entering the land of milk and honey. To find out how best to go about conquering this new land, Moses sent out twelve spies”.¹

Intelligence is also illustrated by Kautiliya, an Indian Philosopher, (3rd Century B.C), who said that “Rulers see through spies, as cows through smell, Brahmins through scriptures and the rest of the people through their normal eyes.”²

According to Lowenthal, the term intelligence can have at least three meanings. It can be seen as a process, that is, the means by which governments request, collect, analyze and disseminate certain types of required information, and the rubric by which covert operations are planned and executed. Intelligence also comprises the products of those gathering, analysis and covert operations. Finally, intelligence can refer to the organization, that is, those agencies that carry out its functions.³

Barston defines diplomacy as the art and practice of conducting negotiations between representatives of groups or states. It is also concerned with the management of relations between states and between states and other actors. From a state perspective, diplomacy is concerned with advising, shaping and implementing foreign policy.⁴ It is also the means by which States throughout the world conduct their affairs in ways to

¹Sheldon, M. S, *Spies of the Bible: Espionage in Israel from the Exodus to the Bar Kokhba Revolt*, (London: MBI Publishing Co., 2007), p. 21.

²Green, R. *The 48 Laws of Power*. (London: Profile Books Ltd., 1998), p. 103.

³Lowenthal, M. M., *Intelligence: From Secrets to Policy*, 2nd edition (Washington: CQ Press, 2003).

⁴Barston, R.P, *Modern Diplomacy*. Publisher, Pearson Longman, 2006), p. 6.

ensure peaceful relations. Barston identifies one of the tasks of an embassy as timely warning of adverse developments in co-operation with intelligence services. The main task of individual diplomatic services is to safeguard the interests of their respective countries abroad.⁵ These two definitions illustrate that the line between diplomacy and intelligence is sometimes blurred.

Diplomacy concerns as much the promotion of political, security, economic, cultural or scientific relations as it does international commitment to defend human rights or the peaceful settlement of disputes.⁶ It is for this reason that a diplomat must build up rapport and cultivate a network of contacts in all areas of society with a view to becoming actively involved in shaping public opinion in the host country.

Defined loosely, clandestine diplomacy can refer to official, serious diplomatic negotiations behind the scenes and is usually conducted in secrecy. Clandestine diplomacy also relies heavily on existing foreign diplomacy organisations and structures and is carried out by official diplomats on the orders of their respective heads of State. In addition clandestine diplomacy by definition is unobservable.⁷ The term clandestine diplomacy is less scientific or specific. In the current context, it could be defined as a “secret negotiation involving two or more states pursuing essentially peaceful high policy objectives, and which expresses itself in explicit communication, businesslike exchanges, and tacit achievable understanding or arrangement of such sensitivity as to preclude sharing these confidences with either domestic or international actors.”⁸

There has been for a long time a distinction between public and secret diplomacy. Public diplomacy is conducted openly, even if meetings in offices and conference rooms

⁵ The ABC of Diplomacy (Swiss Federal Department of Foreign Affairs (FDFA), Bern, 2008) P.5

⁶ Ibid.

⁷ Klieman, Aharon *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy*. (Boulder, CO: Westview Press, 1988), p.10.

⁸ Ibid, p. 10.

may not be accessible to the public or media.⁹ The presence of diplomats and their movements and activities are known. Secret diplomacy is meant to take place without any knowledge of the public or the media.¹⁰ From another perspective, clandestine diplomacy also means diplomacy carried on by the government without the knowledge or consent of the people and behind closed doors. Through secret diplomacy policymakers pursue the goals of foreign policy through effective means of compromise, persuasion, and threat of war.¹¹ It has also been termed as quiet diplomacy. In other words, Secret or Clandestine diplomacy is the management of international relations behind closed door secret negotiations and without the knowledge or consent of the people.¹²

Policymakers since the end of World War II have relied on intelligence when they needed information on foreign policy issues. Policymakers need information to make decisions and traditionally have relied heavily on the intelligence community for that information.¹³ Clandestine diplomacy therefore has an extensive influence on a Country's foreign policy.

A foreign policy consists of self-interest strategies chosen by the state to safeguard its national interests and to achieve goals within its international relations milieu.¹⁴ It refers to the course of action designed by a state to achieve its objective in the international arena, hence it is a sum total of a country's intention towards other states and non-state actors in the international system. The Swiss Federal Department of Foreign Affairs notes that since the national interests are paramount, foreign policies are designed by the government through high-level decision making processes. National

⁹Kappeler, D. *Diplomacy; Concept, actors, organs, process and rules*, Institute of Diplomacy and International Studies, University of Nairobi, 2010), p. 7.

¹⁰Ibid, p 7.

¹¹ Pigman, G. *Contemporary Diplomacy*. Cambridge, (UK-Malden, MA: Polity Press, 2010), p 17.

¹² Ibid, p 17.

¹³ Ibid, p 17.

¹⁴Macharia M., *African Review of Foreign Policy*. (A publication of United States International University, Africa, Nairobi, 1999), p. 48.

interests' accomplishment can occur as a result of peaceful cooperation with other nations, and or through exploitation.

Makinda states that, from the beginning, Kenya's foreign policy was shaped by the need to attract more foreign capital, maintain commercial links with neighboring states, ensure the security of her neighbors and consolidate the domestic political power base. In pursuance of those goals, he argues that Kenya maintained her independence in two different ways. First there was a dependence on the wider East African market. Secondly, there was a security dependence maintained in a defense agreement with Britain.¹⁵

Kent realized that if intelligence analysts were to be prevented from becoming apologists for policy plans and objectives, its objectivity would have to be protected. The role of intelligence is to provide objective information to policymakers, but without the proper guidance and the confidence which goes with it, intelligence cannot produce the appropriate kind of knowledge.¹⁶ Kent believed that the function of intelligence was to provide expert knowledge of the external world on the basis of which a sound policy would then be made, by those with expert knowledge of national politics.

The initial inclinations in Kenya's foreign policy were generated by forces that had their origins in the first few decades of the twentieth century. These forces included: the creation of common organs in several fields to serve the needs of the three East African countries under British rule, the assignment by European administrative decision of an inhospitable and poor but large bloc of Somali-populated land to Kenya instead of to adjacent Somalia and the establishment of sizeable European settler and Asian immigrant communities in the country plus the domination of the economy by

¹⁵Macharia M., *African Review of Foreign Policy*.(A publication of United States International University, Africa, Nairobi, 1999), pp 48.

¹⁶Sherman, K. *Strategic Intelligence for American World Policy*, (Princeton, NJ: Princeton University Press, 1949), p 64.

agricultural exports.¹⁷ Kenya maintained close ties with its former colonial ruler despite frequently strong clashes in the colonial era between men who became the post-independence leaders and the British government.

Kenya's foreign policy has always had among its core interests, the advancement of security related concerns. The rationale for its engagement with conflict management has changed in different periods.¹⁸ In the first phase, largely in the 1960s, Kenya's foreign policy basis was on the *Shifita* war in North Eastern Kenya. The second phase of Kenya's foreign policy with security concerns was in the 1970s and 1980s when Kenya stated commitment to multilateral political institutions, Kenya acted as a mediator at the behest of the Organization of African Unity (OAU).¹⁹ The third phase was during the early years of President Moi's presidency as Kenya searched for a role that would define its position within the international relations of its surrounding.

Another determinant of Kenya's foreign policy was the attitude adopted by the Kenyan leaders who came to control the government, particularly President Jomo Kenyatta. These men emphasized pragmatism, moderation, and a continuing reliance on western world, particularly Great Britain, as a source of needed funds and technical assistance for national development.²⁰

Okumu argues that Kenya adopted an extremely moderate and indeed a cautious stance in handling her external affairs.²¹ However, as in all other affairs, President Kenyatta exercised a controlling voice over major foreign policy decisions and had direct influence on whoever was in charge of the foreign affairs docket. In the Kenyan context, the National Intelligence Service [Kenya] (NIS) which was previously known as the

¹⁷ Kaplan, I. *et al.* *Kenya a Country Study; Foreign area Studies*, (The American University, 1975), p. 43

¹⁸ *Ibid.*

¹⁹ The Organization of African Unity (OAU) was established on 25 May 1963 in Addis Ababa, with 32 signatory governments. It was disbanded on 9 July 2002 by its last chairperson, former South African President Thabo Mbeki, and replaced by the African Union (AU).

²⁰ *Op Cit*, Kaplan, I. *et al.*, p. 43.

²¹ Oduogo, Cyprine, *Kenya's Foreign Policy/Relations*. (Lecture Notes, 2012).

National Security Intelligence Service (NSIS) is both the (national) domestic and foreign intelligence agency of Kenya.²² It had its origins in "Special Branch" a department of the national police that was created under the British administration, before being changed to Directorate of Security Intelligence (DSI) in late 1980s.

With regards to the interaction of the military, clandestine diplomacy and Kenya's foreign policy - in the Kenyan context, the Directorate of Military Intelligence (DMI), is responsible for coordination with foreign Defence Attaches (DA) accredited to Kenya on all matters pertaining to the Military. They help maintain effective liaison with Defence Attachés accredited to Kenya and they also assist in the administration of DA's abroad. They also coordinate and arrange for appointments with Department of Defence (DOD) senior officers for visiting foreign Military officers, as well as coordinate escorts for foreign Military officers visiting Kenya.

The promotion of peace through negotiation, conciliation, and mediation and the negotiation of all states were also stressed as cornerstones of Kenya's foreign policy. Though attitudes towards southern Africa had to be exempted from such general policies, Kenya's adherence to anti-colonial and anti-racist attitudes took precedence over seeking peaceful solutions. Today the Country maintains good relations with various countries around the world, though it is important to note that Kenya's foreign relations keep changing, probably influenced by many factors, including the intelligence and the diplomatic community.

1.2 Statement of the Problem

Writing in 1994 Michael Fry and Miles Hochstein observed that, while intelligence studies had developed into an identifiable intellectual community, there was still a noticeable failure to integrate intelligence studies, even in a primitive way, into the

²²Njau, Mutegi "New intelligence Body Will be Service Oriented". Daily Nation (Nairobi, Kenya, 1999), P.12

mainstream of research in international policy relations.²³ This position obtains in most states, Kenya included, and therefore the biggest problem in intelligence community today is that its relationship with policy making is still unclear.

Scot observes that important distinction needs to be drawn, between intelligence services acting as diplomatic conduits, and intelligence services acting as quasi-independent foreign policy maker.²⁴ While it might be difficult to distinguish the two, various accounts suggest that both organizations pursue their own foreign policies at variance with their foreign ministry. Realists believe that all states' foreign policies conform to these basic parameters and that, above all, scholars need to investigate the influences of the structure of the international system and the relative power of states in order to understand the outcomes of foreign policy decisions.

Calculations of national interests are self-evident and can be rationally arrived at through a careful analysis of material conditions of states as well as the particulars of a given foreign policy dilemma confronting states. Clandestine diplomacy has therefore not been formally recognized and the form that it has taken in Kenya is still unclear at the moment. It is important to understand if foreign policy decisions are being made at the spur of the moment, or through consultation with the intelligence community, therefore the time is ripe for Kenya to re-focus on clandestine diplomacy. It is based on these backgrounds that the study aims to establish the place and role of clandestine diplomacy and the extent to which it has influenced foreign policy in Kenya.

1.3 Objectives of the Study

The purpose of the study is to establish the relationship between clandestine diplomacy and Kenya's foreign policy. Specifically the study aims to;

²³Michael, H. *Diplomacy and Intelligence: Diplomacy & Statecraft* Vol. 9, No. 2. (GenPostwar/Policy/(1998) pp. 1-22)

²⁴Scott, L. *Secret Intelligence, Covert Action and Clandestine diplomacy*, (2004) p. 170.

- i. Examine and assess the role of the key players in Kenya's foreign policy.
- ii. Analyze the role of clandestine diplomacy on Kenya's foreign policy.
- iii. Assess the influence of intelligence community on Kenya's foreign policy.
- iv. Critically examine Kenya's strategic direction to diplomacy and foreign policy.

1.4 Research Questions

- i. Who are the key players and what role do they play in Kenya's foreign policy?
- ii. What is the role of clandestine diplomacy on Kenya's foreign policy?
- iii. What is the influence of intelligence community on Kenya's foreign policy?
- iv. What is Kenya's strategic direction to diplomacy and foreign policy?

1.5 Literature Review

Diplomacy has existed since the time when States, empires or other centres of power dealt with each other on an official basis. Numerous diplomatic archives have been found in Egypt dating back to the 13th century BC. Permanent diplomatic missions, that is, representations set up by one country in the territory of another, date back to the Renaissance period in the 15th century.²⁵

Switzerland set up its first permanent legations in its neighbouring countries around 1800. At the time, international relations were mostly conducted through honorary consuls, who carried out these functions in parallel with their professional activities and in a voluntary capacity.²⁶ The modern Swiss Confederation, which was founded in 1848, first began to build up a network of professional diplomatic missions and consular posts towards the end of the 19th Century.

Historically, the art of diplomacy and the art of spying were closely associated. Diplomats, in essence, were spies. This changed with further specialization of government departments beginning in the 19th century. And while there is a separation

²⁵ Op. Cit., *The ABC of Diplomacy*, P.3

²⁶ Barston, R.P, *Modern Diplomacy*. (Publisher, Pearson Longman, 2006), p. 25.

between the diplomatic and the intelligence profession, the two remain close. Intelligence is used in diplomacy, both in terms of strategy and tactics, to gain advantages.²⁷ As far back as the middle Ages it was taken for granted that the special envoy of a prince travelling in a foreign country was a spy. But today the Vienna Convention on Diplomatic Relations has drawn a line on what is acceptable information gathering and what is unacceptable in diplomatic relations has been drawn more clearly.

Morgenthau notes that when it comes to evaluating the actual and potential powers of a nation, the diplomatic missions take on the aspects of a high-class and sub rosa spy organization. In addition Morgenthau advances the idea that the foreign policy of any country is founded in the function of gathering information, especially secret information and this to him, rests the root of modern diplomacy.²⁸

An interesting issue in the study of diplomacy is the relationship between ‘open’ and ‘secret’ diplomacy. Nicolson’s view on the shift from secret to parliamentary style and open diplomacy during the 1960s - the balance has once more shifted back to secret diplomacy, while of course recognizing that much of modern diplomacy is in practice conducted on the basis of secrecy.²⁹ Nations vary as to how well hidden they choose to have their intelligence personnel under the guise of diplomatic immunity.

Democracies that use spies, covert acts, and at least grey propaganda face an inherent dilemma. To protect national security, many states, including a number of democracies, have undertaken a variety of clandestine activities, treating them as justified means to protect the countries. Realists have argued that providing national security to citizens is a high moral obligation of all leaders.³⁰

²⁷Michael, H. *Diplomacy and Intelligence: Diplomacy & Statecraft* 9, no. 2 (1998). [GenPostwar/Policy/90s], pp. 1-22.

²⁸Morgenthau, H. *Politics Among Nations, The struggle for Power and Peace*, Six Edition, (Kalyan publishers, New Delhiv, 2001), p 568.

²⁹Op Cit, Herman, pp. 1-22.

³⁰Henderson, C.W, *International Relations, Conflict and Cooperation at the Turn of the 21st Century*.

One of the key elements in foreign policy-making is the use of intelligence material, gained from both foreign operations and domestic intelligence.³¹ This raises the question as to whether the intelligence services are capable of running an alternative policy to their political superiors, under the cover of official foreign policy; therefore the relationship between intelligence and politics is of crucial importance to the success of foreign policy.

According to Wieck, for quite some time in Germany and elsewhere in Europe it was felt not to be advisable to recognize within a law on Intelligence Services that the Government authorized the use of clandestine methods for the purpose of collecting confidential or secret material from within other governments. However, since a couple of years international agreements on disarmament and arms control legitimized the presentation of reports based on the results of national intelligence.³²

More and more the use of intelligence work methods is considered compatible with the goals and ethics of foreign policy.³³ He further notes that many other democratic states in Europe have adopted legislation on intelligence organizations, such as United States of America (USA) in 1947 with the legislation on the establishment of the Central Intelligence Agency (CIA).

Michael Herman, a diplomacy and intelligence scholar at Oxford further argues that "... some distancing between intelligence and diplomacy is desirable, at least to the extent that the association between them (and the targeting of foreign diplomats and premises) should be kept within reasonable limits, and not expanded to a renewed Cold War scale."³⁴ Where to locate this dividing line between intelligence gathering and

(University of South Carolina, 1998), p. 104.

³¹ Verrier, A. *Through the Looking Glass British Foreign Policy in an Age of Illusion*. (London, 1993) Cape, p. 23.

³² Hans-Georg, W, *Intelligence and Foreign Policy*. (London, 2003), p. 47.

³³ Ibid, p. 47.

³⁴ Op Cit, Herman, pp. 1-22.

diplomacy is of course a matter of judgment. However, it is interesting to note that maybe this line has recently become more blurred, or so it seems.

The importance of intelligence to the policy formulation by leaders is gaining credence every day. The United States has expanded the role of American diplomats in collecting intelligence overseas and at the United Nations, ordering State Department personnel to gather the credit card and frequent-flier numbers, work schedules and other personal information of foreign dignitaries.³⁵

Zlotnick argues that intelligence is not the only ingredient of the decision making process. Zlotnick is of the view that intelligence would be of more use when closely intertwined with the policy making process. This would permit more effective policy-making, so that intelligence could review its influence in past policies. He emphasised that it would be proper for intelligence analysts to examine the probable effects in foreign countries of alternative United States (US) policies, and that intelligence analysts should be permitted to evaluate the results of policy decisions already made.³⁶

John W. Huizenga, also a post-traditionalist, supported the traditional point of view in the Murphy commission of 1975, arguing that intelligence producers must be separate from policy-makers. Huizenga made clear that there must be both a functional separation and a continued dialogue between the two.³⁷ The author argued that intelligence was part of a deliberative process and that organizationally the structures of intelligence production and policy making had been separate.

According to Kendall, as the U.S. intelligence community developed during the 60's, experience with policymakers began to soften the strict independence advocated by

³⁵Ronald E. Neumann, a former American ambassador to Afghanistan, Algeria and Bahrain, said that Washington was constantly sending requests for voluminous information about foreign countries. But he said he was puzzled about why Foreign Service officers — who are not trained in clandestine collection methods — would be asked to gather information like credit card numbers.

³⁶Zlotnick, J. *National Intelligence*. Industrial College of the Armed Forces. Vol. 16, No. 2, (Washington, DC, 1964). pp. 43-52.

³⁷Huizenga was a member of the Policy Planning Council, Department of State, (1964-1966); thereafter Deputy Director, Office of National Estimates, Central Intelligence Agency.

the traditionalists. The activists sought to develop personal contacts with their consumers. Hence foreign policy-makers increasingly sought intelligence advice. Often on an informal basis, consumers were encouraged to communicate their needs more specifically.³⁸

Intelligence failures during the 1970s forced analysts to re-examine their methods and inevitably their relationship with policy makers. Those that believed in a symbiotic relationship between intelligence and policy advocated a closer association between the two and became part of what would be called the “Activist School”.³⁹ Dialogue was stressed as the key concept in this framework and this school of thought advocated a closer working relationship between intelligence producers and consumers through the development of a two-way flow of information and feedback.

Kendall argues that the function of intelligence was to help policy makers influence the course of events, and saw nothing wrong with a closer relationship between intelligence and policy. Kendall’s review of Kent’s book, *Strategic Intelligence*, gave praise for his talent in describing the terminology and organizational map of intelligence.

Kendall’s major salvos against Kent concerned the relation of intelligence to policy in a democratic society. He agreed with Kent on the need for guidance from policymakers to get the intelligence job done. More specifically, Kendall charges Kent with a compulsive preoccupation with prediction and elimination of surprise from foreign affairs.⁴⁰

Therefore Kendall sees the intelligence functions as helping the policymakers influence the course of events by helping them understand the operative factors on which national security can have an impact. In general, clandestine diplomacy is starting to be an important factor that must be reckoned with in any analysis of foreign policy.

³⁸Willmoore, K., “*The Function of Intelligence*,” *World Politics*, Vol. 1, No. 6 (1949), pp. 83-90.

³⁹Ibid, p. 101.

⁴⁰Ibid, p 113.

A common misconception of the Intelligence Community (IC)⁴¹ role is that it makes predictions. It does not. Instead, the IC writes estimates, generating possible outcomes based on available information. At best, intelligence contributions are designed to help policymakers understand complex situations.⁴² Analysts identify and monitor developing issues or trends in order to narrow down the influences in those developments. The analysis results are then used to better prepare policymakers to make decisions and shape opinions on foreign policy.

The proper relationship between intelligence gathering and policymaking sharply separates the two functions. The intelligence community collects information, evaluates its credibility, and combines it with other information to help make sense of situations abroad that could affect U.S. interests. Intelligence officers decide which topics should get their limited collection and analytic resources according to both their own judgments and the concerns of policymakers.⁴³ It is therefore safe to say that policymakers thus influence which topics intelligence agencies address but not the conclusions that they reach.

The intelligence community, meanwhile, limits its judgments to what is happening or what might happen overseas, avoiding policy judgments about what the U.S should do in response. It is because both the successes and the failures of intelligence are spectacular, foreign policy executives need to pay the closest attention to the advice of intelligence chiefs.

Intelligence services in Kenya like many other African countries have their roots from former colonial powers. The British out of the need to fight the Mau Mau revolution

⁴¹ Intelligence Community is a group of government agencies and organizations that carry out intelligence activities for their respective governments.

⁴² Martin, P “*What We Should Demand from Intelligence.*” National Security Studies Quarterly 5 (1999) P. 107–113.

⁴³ Paul, P. *Intelligence, Policy and the War in Iraq.* Foreign Affairs, (2006), p. 231.

first established Kenya's intelligence service. The British implemented their own system of intelligence that could be utilized to maintain control over the natives and safeguard their interests. As a result, the first intelligence agency was the Special Branch unit, which was part of the Criminal Investigations Department (CID). The department was formed in 1926 while its subset the Special Branch (SB) in 1952. The department was manned by whites and operated under the Police Commissioner even though arrangements for racial balance were already in place to cater for European, Asians and Africans within the department.⁴⁴

After the disintegration of the Soviet Union in early 1990s and subsequent calls for pro-democracy reforms in Kenya, the government succumbed to pressure leading to section 2(A)⁴⁵ of the constitution being repealed. According to Ndeda, the change had minimal effect on intelligence because intelligence still remained uncertain as politicization of policing continued, power and policy rested on the President and SB. However, the status quo was now being challenged with a view of forcing changes within the judiciary and legislature.⁴⁶ The wind of change also led to the creation of the National Security Intelligence Service (NSIS) that replaced the DSI. The NSIS was created via an act of Parliament in 1998 - the National Security Intelligence Act. Parliament further separated NSIS and the Kenya Police thereby granting the latter sole powers of arrest and making NSIS a disciplined civilian outfit.

The role of the policymaker begins with a request to the IC for intelligence. Yet the policymaker's role does not, and should not, end here. Policymakers are present throughout the intelligence cycle, continuously giving feedback to help shape the intelligence needs. It is this guidance that gives the IC direction for establishing the best

⁴⁴ Ndeda, Millicent (2003), *Secret Servants: A History of Intelligence and Espionage in Kenya*, pp 332-333.

⁴⁵ Ibid, pp 334

⁴⁶ Ibid pp 332-333.

collection strategies and intelligence production methods.⁴⁷ Without this, intelligence has no indication of what is useful to the policymaker. Allowing an analyst to establish requirements creates the situation where products are interesting to the producer but not necessarily of any use to the consumer.

The relationship between the IC and policymakers has been a complex one. Good intelligence is arguably the backbone of good and proper policymaking and exists especially in developed countries to serve the executive authority; it is the work of intelligence that guides the policymaker down the road to just and reasonable policy.⁴⁸ On the other hand, intelligence relies on the policymaker to provide it with direction and the appropriate intelligence questions or requirements needed in order to produce actionable intelligence that assists the policymakers. However, that said, the relationship is a symbiotic one in which a failure on one part is a failure of the entire system.⁴⁹

Kenya's foreign policy has since independence been guided and shaped by its own national interest. This self-interest could be grouped into three main categories: Peace and stability are a pre-requisite to social and economic development. The government's commitment to guarantee the security of its people and the preservation of national integrity and sovereignty within secure borders underlies the desire to advance national interests by guaranteeing a secure political environment for development. Economic development has played a dominant role in shaping Kenya's foreign policy.⁵⁰ The need to pursue an open economic policy and the demand for foreign capital and investment flows, inter-alia Foreign Direct Investments (FDI) and Official Development Assistance (ODA), has influenced Kenya's approach to foreign policy. Kenya's foreign policy in the region has been shaped by factors such as the presence of overlapping ethnic community

⁴⁷ Op Cit, Lowenthal, p 174.

⁴⁸ Ibid, p. 174.

⁴⁹ Ibid, p 200.

⁵⁰ Permanent Mission to the Republic of Kenya to the United Nations office in Geneva.

across borders and the fact that Kenya is a littoral state of the Indian Ocean and which influences relations with landlocked neighbors.⁵¹ While Kenya's foreign policy objectives have not appreciably changed over the years, the international environment has witnessed a lot of changes that have continued to necessitate appropriate responses and adjustments.

This therefore calls for continued dynamism in Kenyan's foreign policy, and what is needed now more than ever before is a pragmatic diplomacy which will steer the policy towards the achievement of the country's goals. Kenya should now be on the look-out for the changes in strategic direction which has guided how diplomacy is viewed based on the country's requirement of those trained in diplomacy.

1.6 Theoretical and Conceptual Frameworks

1.6.1 Theoretical Framework

The study will apply Realism Theory in evaluating the complex relationship between clandestine diplomacy and Kenya's foreign policy.

Realism surfaced as a stronger, valid and logical theory in explaining the world politics as well as domestic politics during 15th and 16th centuries. This theory of international politics remained successful in satisfying the answers to questions about causes and effects of war. Realists figured out war as a recurrent event in world politics. Until the cold war ended, no other theory challenged its fundamental assumptions.⁵² Since World War II "realism" in one form or another, has been the dominant way of viewing and understanding the world, to which US foreign policy responds.⁵³ It assumes that the character of foreign policy can only be ascertained through the examination of the political acts performed and of the foreseeable consequences of these acts.⁵⁴ Its main drive in international relations theory is to highlight the anarchic nature of international

⁵¹ Permanent Mission to the Republic of Kenya to the United Nations office in Geneva.

⁵² Ian, W. *Refocusing Concepts on Security: The Convergence of Military and Non-Military Tasks*, *Land Warfare Studies Centre*, Working Paper No. 111, November (2000), pp. 7-9.

⁵³ Ibid, pp 7-9.

⁵⁴ Op Cit Morgenthau, H. (2001) p. 568.

politics and in this regard classical realists who are also known as traditional realists, held the view that international politics is an amoral exercise which is blighted by war and conflict because of human nature.⁵⁵

Realism is based on the assumption that states act rationally and that any two states in a similar situation will act in a similar way, regardless of internal politics. It is largely on the basis of how realists depict the international environment that they conclude that the first priority for state leaders is to ensure the survival of their state.⁵⁶

Realism relies on the use of force to achieve the desired ends only after ‘deterrence has failed’, for realism is not about war, realism seeks security and order.⁵⁷

All theories recognize the process of diplomacy as important in making international relations function, but like foreign policy, diplomacy has no grand theory and the theories of international relations do not agree on the nature of diplomacy and its potential in international politics. In fact, for most major theories, diplomacy is not a central theoretical concern in their attempts to make empirical or normative sense of anarchical politics.⁵⁸

Realists argue that in anarchy, states are necessarily the primary actors, which forces them to act in a calculating, self-interested way. Diplomacy is therefore an instrument in pursuit of power, survival and self-interest.

Liberalism holds that individuals and non-state groups are the primary actors in international relations. For liberals, the two issues that dominate are the protection of

⁵⁵Jehangir, H. Realism, Liberalism and the Possibilities of Peace, (E-International Relations Publishing, 2012) at <http://www.e-ir.info/2012/02/19/realism-liberalism-and-the-possibilities-of-peace/> Accessed on 24.05.15

⁵⁶ Baylis J, *et al.*, *The Globalization of World Politics*, An Introduction to International relations, Fifth Edition, (Oxford University Press, Oxford, 2011), p 87.

⁵⁷Walt, S.M. *Beyond bin Laden: Reshaping U.S. Foreign Policy, International Security*, (2001), V. 26, No. 3, p 56.

⁵⁸ David Fidler. *Navigating the Global Health Terrain: Mapping Global Health Diplomacy* Indiana University Maurer School of Law (2003), dfidler@indiana.edu.

individual rights and the existence of democratic governments. Individual and non-state actors are seen as driving state behaviour in anarchy to achieve the proliferation of economically interdependent democracies.⁵⁹

Common interests articulated through diplomatic processes are only undertaken and considered if they help achieve this goal.⁶⁰

Realism has been implicated in almost every major debate over the last half century. 'Theory of Political Realism' is differentiated from other theories in its explanation of events around the world. Some of the scholars opine that Realists take a pessimistic view of international relations. The roots of realism can be traced back to antiquity in the famous works from Greece, Rome, India and China. Realist's arguments can be found in the works of Kautiliya Arthshastra, who focuses on the position of potential conqueror who always tries to maximize his power even at the expense of others.⁶¹

States in international arena develop relations with other international actors (states). No state can survive alone in the competitive world without making friends and countering enemies. The most important desirable thing for each stronger and weaker state is the attainment of security against internal and external threats. States make allies (friends) for satisfying their needs of security and prosperity.⁶² Just like an individual in the world cannot survive alone, he/she needs other fellow beings around him to fulfill his/her psychological, biological and economic needs.

States behave on similar pattern as the human beings do, because states are constructed by human beings for the fulfillment of their needs of survival, safety, identity, foreign policy economy and polity. 'Anarchy' is the significant feature of international

⁵⁹ Fidler D. *Disease and globalized anarchy: Theoretical perspectives on the pursuit of global health.* (Social Theory & Medicine, 2003), Vol 1: pp. 21-41.

⁶⁰ Ibid pp. 21-41.

⁶¹ Op Cit, Walt. S.M, (2001), p. 56.

⁶² Ibid, p. 56.

system of states. There is no central authority over states that could regularize relations among states. So relations among states take place in an anarchic environment (absence of a world government). Realists call this characteristic an international anarchic system. Spies, counterintelligence efforts, and covert acts directly relate to a state's national security, the ultimate concern of realists. Hans Morgenthau recognizes the entanglement of espionage and diplomacy since spies often operate under the cover of service diplomats. Intelligence activities fit neatly into the analytical model of international anarchy.⁶³ The study therefore observes that on a positive way, intelligence can make a contribution to the growth of a cooperative international society based on actors coping with global problems.

According to Kent, intelligence must be close enough to policy plans and operations to have the greatest amount of guidance, but must not be so close that it loses its objectivity and integrity of judgement. It is dangerous if analysts are too far or too close to foreign policy-makers because in both cases they could lose their objectivity.⁶⁴

Kent explains that the job of the intelligence producers is to stand behind policy makers, and yet this is not often the case in reality. Thus currently there is no clear framework used as a linkage between trends in Kenyan foreign policy makers and in covert diplomacy.

Much of the daily stuff of international relations is left to be accounted for by theories of foreign policy. These theories take as their dependent variable not the pattern of outcomes of state interactions, but rather the behavior of individual states. Theories of foreign policy seek to explain what states try to achieve in the external realm and when they try to achieve it.

The realist framework, despite existing as the dominant theoretical framework in

⁶³ Op Cit, Morgenthau (2001), p.194.

⁶⁴ Op Cit, Sherman, K. (1949), p.67.

international relations theory since its inception, may inherently hinder conceptualization of an international solution to the delicate balance between clandestine diplomacy and foreign policy development. This is because at its foundations, realism defines international political action in terms of relative power, and fundamentally recognizes the Westphalia principle of sovereignty as crucial to a predictably stable international system. It values the balance of power as the primary and sufficient means for maintaining international stability, and believes in the subordination of morality to security intelligence interests. Irrespective of how much power a state may possess, the core national interest of all states must be survival and like the pursuit of power, the promotion of the national interest is, according to realists, an iron law of necessity.⁶⁵

Theories, must deal with the coherent logic of "autonomous realms." Because foreign policy is driven by both internal and external factors, it does not constitute such an autonomous realm, and therefore scholars should not strive for a truly theoretical explanation of it. Instead, scholars must rest content with mere "analyses" or "accounts," which include whatever factors appear relevant to a particular case. Realism also has some pitfalls because of the too many players involved.

1.6.2 Conceptual Framework

A conceptual framework helps simplify the proposed relationships between the variables in the study and show the same graphically or diagrammatically.⁶⁶

⁶⁵Op. Cit, Baylis, J., Smith and Owens, P., (2011). P. 87.

⁶⁶ Mugenda, O.M and Mugenda, A.G; Research Methods; (ACTS press; Nairobi, 2003).

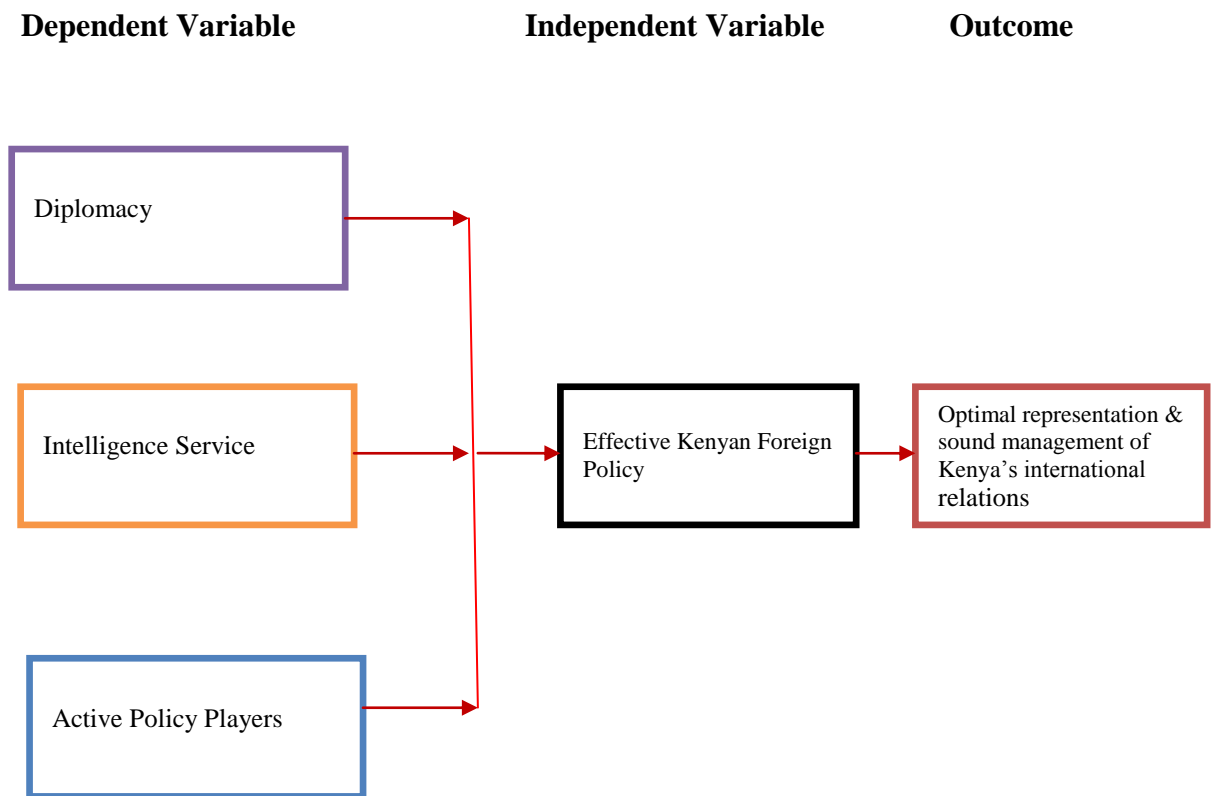


Figure 1: Conceptual framework

Source: Researcher (2015)

1.7 Hypothesis of the Study

H₁: Clandestine diplomacy has been part of Kenya's foreign policy instrument since 1963.

H₁: That Kenya has changed its approach to diplomacy and foreign policy since 2003.

H₂: That the intelligence community and the military have an influence on Kenya's foreign policy.

1.8 Justification of the Study

1.8.1 Policy Justification

Robert Jervis argues that intelligence is vital for States to survive. States have to understand their environment and be able to evaluate their adversaries. In the absence of intelligence a State will "thrash out blindly or allow threats to grow without taking

countermeasures”.⁶⁷ The Republic of Kenya, and indeed all of Africa, is no exception to this critical requirement. In fact with the worldwide increase in insecurity, especially because there is favorable environment within Africa that permits terrorist operations, diplomatic spats, including porous borders, internal conflicts, failed states, lax financial systems, poverty, corruption, and socio-cultural diversity, the continent needs an effective regulated intelligence.

This study aims to strengthen National Security Advisory Council (NSAC) and other key policy makers to develop stronger policies that are driven by intelligence in Kenya; and in particular Kenya’s foreign policy. In addition this study aims to contribute to action oriented strategies by the Government and other key actors in Kenya.

1.8.2 Academic Justification

This study aims to contribute to scholarly literature on effective policy making and intelligence services in Kenya, which will strengthen intelligence information, negotiation skills and understanding of foreign policy formation areas by key stakeholders.

1.9 Methodology

The study applied both qualitative and quantitative research approaches within a stage of the study or across two of the stages of the research process. The advantages of this mixed research will promote the conduct of excellent educational research.

Secondary data was collected through books, journals, articles and periodicals. This helped capture what has already been done on intelligence from a global, regional, national and up to the local level; this information helped in creating deeper appreciation of intelligence agencies. The study, in most part, was historical based on archival research. Secondary sources of information including, but not limited to journal articles,

⁶⁷Jervis, R. *Intelligence, Civil-Intelligence Relations, and Democracy, in Reforming Intelligence; Obstacles to Democratic Control and Effectiveness*, ed Thomas C Bruneau and Steven C Boraz (Austin: University of Texas Press, 2007), p. vii.

official databases, official policy papers, reports and other publications from and on the Republic of Kenya was extensively used. Furthermore, wherever relevant, extensive use was made of mass media sources such as the print media, web-based newspapers, television reports, and other relevant authentic internet sources.

Primary data collection was done using the qualitative research approach. Primary data was collected using questionnaire interview. The questionnaire interview targeted the population that included key stakeholders in intelligence service and diplomacy. This included stakeholders from the Ministry of foreign affairs, National Intelligence Services, the Ministry of Defence, Kenya Police Service, Diplomats, Envoys, Ambassadors, Parliament (Defence and foreign Relations Committee), and Cabinet Secretaries. The face-to-face interviews were used so as to get more facts and minimize the biases. Purposive sampling also may be used to produce maximum variation within a sample. Participants will be chosen based on their work and experience in the field of intelligence and diplomacy.

Operationalizing a variable means finding a measurable, quantifiable, and valid index for a variable under study, and finding how to manipulate that variable in such a way as to have two or more levels. An operational definition is a definition based on the observed characteristics of that which is being defined. Study can be defined in terms of observed characteristics, qualities of people or things.

There is not one perfect way to operationalize. In operationalization of variables, in essence, you want to tell what would count as evidence for or against your hypotheses and or concepts used in your study.⁶⁸ Operationalization uses a different logic when testing a formal (quantitative) hypothesis and testing working hypothesis (qualitative).

⁶⁸ Patricia and Nandhini Rangarajan *A Playbook for Research Methods: Integrating Conceptual Frameworks and Project Management*. (Stillwater, OK: New Forums Press, 2013). pp 109-158.

For formal hypotheses the concepts are represented empirically (or operationalized) as numeric variables and tested using inferential statistics. Working concepts and hypotheses (particularly in the social, political and administrative sciences), on the other hand, are tested through evidence collection and the assessment of the evidence. The evidence is generally collected within the context of a case study.

The collected data was sorted and analyzed using document analysis and thematic analysis techniques, based on the emerging issues under study. Document analysis is a form of qualitative research in which documents are interpreted by the researcher to give voice and meaning around an assessment topic.

Thematic analysis is a qualitative analytic method for identifying, analyzing and reporting patterns (themes) within data. It minimally organizes and describes the main data set in (rich) detail. However, frequently it goes further than this, and interprets various aspects of the research topic. A theme captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set. Adequate data was presented to allow a reader to assess whether or not the interpretation is supported by the data. The results obtained were presented in the form of frequency tables, bar graphs, pie charts and narratives, so as to give graphical representations of the findings.

1.10 Chapter Outline

Chapter One: Introduction to the Study

Chapter one makes up the introduction. In this section the introduction lays a brief background to the study and also makes a theoretical framework of the issues to be addressed and particularly, what is to be investigated, why and how. The key components of this section are problem statement, objectives, literature review and study justification.

Chapter Two: Key Players in Kenya's Foreign Policy

Chapter two will illustrate the players in policy formation, and will show that there are different actors in Kenya's foreign policy namely domestic and external actors. The domestic actors include: the executive, the legislative, the judiciary, among others.

Chapter Three: Clandestine diplomacy Role & Influence on Kenya's Foreign Policy

Chapter three aims to demonstrate that clandestine diplomacy may serve to unlock peace negotiations by insulating leaders against grandstanding and providing a conducive environment for constructive talks.

Chapter Four: Kenya's Strategic Direction to Diplomacy and Foreign Policy

Chapter four will show the strategies in Kenya's new foreign policy including enhancing consular services, reducing high cost of money remittance and developing a framework for promoting diaspora participation. Others are tapping into diaspora skills and expertise, and encouraging participation of Kenyan citizens abroad in the democratic processes in the country.

Chapter Five: Summary, Conclusions and Recommendations

Chapter five sums up the major findings - based on objectives and hypotheses of the study, it acts as the final and ultimate verdict on the issues addressed in the research. In addition it recommends areas for further study; in as far as the topic under research is concerned.

CHAPTER TWO: KEY PLAYERS IN KENYA'S FOREIGN POLICY

2.1 Determinants of Kenya's Foreign Relations

Vasquez defines a Country's foreign policy, also called foreign relations policy, as self-interest strategies chosen by the state to safeguard its national interests and to achieve goals within its international relations milieu. The approaches are strategically employed to interact with other countries.⁶⁹

According to Senarclens and Kazancigil, foreign policy is the key element in the process by which a state translates its broadly conceived goals and interests into a concrete course of action to attain its objectives and preserve interests.⁷⁰ It is therefore safe to say that foreign policy is the bundle of principles and practices that regulate the intercourse of a state vis-à-vis other states, as through foreign policy a state seeks to achieve a variety of objectives.

A country's foreign policy, also called the international relations policy, is a set of goals outlining how the country will interact with other countries economically, politically, socially and militarily, and to a lesser extent, how the country will interact with non-state actors. Foreign policy is primarily concerned with the boundaries between the external environment outside of the nation state and the internal or domestic environment, with its variety of sub-national sources of influence.⁷¹

Usually foreign policies are designed to help protect a country's national interests, national security, ideological goals, and economic prosperity. This can occur as a result of peaceful cooperation with other nations, or through exploitation of opportunities. In general terms there are three determinants of foreign policies in any given state.⁷²

⁶⁹ John, V.A, *Classics of International Relations*, 3rd ed. (New Jersey: Prentice Hall, 1996), p 201.

⁷⁰ Pierre de Senarclens and Ali Kazancigil, *Regulating Globalization. Critical Approaches to Global Governance* (New York: UN University Press, 2007), p. 107.

⁷¹ Webber, M. and Smith, M. *Foreign policy in a transformed world*. (Harlow: Prentice-Hall, 2000), p11.

⁷² Ibid.

Kegley states that the geo-political location of a state is one of the external determinants on its foreign policy. It matters where on the globe a country is located. It matters whether the country has natural frontiers: that is whether it is protected by oceans, high mountains, or deserts. It matters who one's neighbors are and whether a given country is territorially large, populous, affluent, and well-governed.⁷³ For instance, Kenya's foreign policy in the region has been shaped by factors such as the presence of overlapping ethnic communities across borders and being a littoral state of the Indian Ocean which influences relations with landlocked neighbors.

The objectives of any state give direction to its foreign policies. Such objectives may vary greatly but all states seek to preserve themselves, maintain their independence and security. For instance, economic development has played a dominant role in shaping Kenya's foreign policy.⁷⁴ The need to pursue an open economic policy and the demand for foreign capital and investment flows and inter-alia Foreign Direct Investments (FDI) has highly influenced Kenya's approach to foreign policy.

The FDI not only provides the African countries with much needed capital for domestic investment, but also creates employment opportunities, helps transfer of managerial skills and technology, all of which contribute to economic development. Recognizing that FDI can contribute a lot to economic development, all governments of Africa including that of Kenya want to attract it. Indeed, the world market for such investment is highly competitive, and Kenya in particular, seeks such investment to accelerate her development efforts.⁷⁵ With liberal policy frameworks becoming common place and losing some of their traditional power to attract FDI, Kenya is paying more attention to the measures that actively facilitate it through its foreign policy relations. Otubanjo states that to attain its set goals and interests in foreign policy, any state

⁷³ Kegley, A. *World Politics*, 11th Ed Rev. London. (2008).

⁷⁴ Government of Kenya, *Kenya Foreign Policy*. Ministry of Foreign Affairs. (2009).

⁷⁵ Kinaro, E.O, *Determinants of Foreign Direct Investment in Kenya*. (2006) p. 67.

continues to seek effective strategies in its approach to foreign policy depending on its power, objectives and leadership. The objective to promote economic development mainly influences any state's approach to foreign policy while maintaining its traditional core principles and norms of non-alignment, non-interference in internal affairs of other states, good neighbourliness and peaceful settlement of disputes.⁷⁶

Foreign policies are designed by a set of state actors, supplemented by input from non-state actors, with the aim of achieving complex domestic and international agendas. It usually involves an elaborate series of steps and where domestic politics plays an important role.

Foreign policies are in most cases designed through coalitions of domestic and international actors and groups. When analyzing the head of government or in other words the executor of foreign policies, many motivating factors can be identified to explain the rationale behind decisions taken.⁷⁷

Some factors of influence include the leader's own personality and cognition, degree of rationality, domestic politics and international and domestic interest groups.⁷⁸ However out of all the factors mentioned, it is domestic political environment that shapes the entire framework of decision making in a country even in international context.

In studying Kenya's foreign policy, Okoth writes that Kenya had a foreign policy before 1963 but the policy makers were British. It was only after independence in 1963 that Kenya became a sovereign state and hence began to create and design its own international norms and principles.⁷⁹ However, Okoth's work is important because in order to understand Kenya's foreign relations in the post-independence period one has to trace its roots in the pre-independence time.

⁷⁶ Otubanjo, F. *Foreign Policy Analysis*. Unpublished Thesis. (1990), p. 27.

⁷⁷ Ibid, p. 27.

⁷⁸ Ibid, p. 27.

⁷⁹ Okoth, P. G "Historiography of Kenya's Foreign Policy", African Review Journal of Foreign Policy, volume 1 (1999).

Makinda argues that the determining factor in Kenya's foreign policy behaviour has been the drive towards attracting more foreign capital, maintenance of commercial links, ensuring the security of the borders and consolidation of domestic power base. This is true of smaller states like Kenya whose economies depend to a large extent on foreign investment and assistance. It is therefore true that Kenya's economic dependence on the Western states has influenced its foreign policy behaviour.⁸⁰ But it is equally evident that Kenya has extended favourable relations towards the Arab states for the sake of oil.

Okumu argues that Kenya's relations with the external world have been handled with a great deal of caution uncharacteristic of many African governments whose activities in the external affairs have been aggressive on issues concerning decolonization, non-alignment and liberation of African territories under the racists regimes during the first years of independence.⁸¹ He further posits that Kenya adopted an extremely moderate and indeed a cautious stance in handling her external affairs. She has effectively maintained a "low profile" on many African burning issues and elsewhere a style of diplomacy that is best described as quiet diplomacy.⁸²

Economic diplomacy is one of the pillars of Kenya's foreign policy that predominantly focuses on trade with other states. Among the other pillars, this one is the most integrated to vision 2030, which is the blue-print of catapulting Kenya into a middle-income state by the year 2030. That trade is a big component of this growth and development is trite knowledge. Economic diplomacy is a good example of how foreign policy is used to meet domestic policy objectives. Peace, Cultural, Environmental and Diaspora diplomacy are the other pillars of Kenya's foreign policy. In short, all the pillars look to the growth of the Kenyan economy.

⁸⁰ Makinda, S.M, "From Quiet Diplomacy to Cold War Politics", (Third World Quarterly, 1983), Vol. 5, pp. 303-304.

⁸¹ Cyprine Oduogo, *Kenya's Foreign Policy/Relations*. (Lecture Notes, 2012).

⁸² Ibid.

Ideological conflicts had a role in Kenya's foreign policy as shown by Howell. He asserts that Kenya's foreign policy rotated between the theory of realism, which he calls conservative, and the theory of idealism, which he calls radical. He saw two distinct foreign policies in Kenya; the policy of realism operated with respect to Kenya's objectives in Eastern Africa while continentally and internationally, Kenya was guided by idealism. In this approach, national variables were seen to affect Kenya's foreign policy in East Africa only, while systemic variables affected the country's posture on continental and international issues.⁸³

Adar⁸⁴ advanced a similar argument when he wrote on Kenya's foreign policy towards Somalia. He argues that continuity in Kenya's foreign policy could be clearly seen in its behaviour towards Somalia, a behaviour based on adherence to the doctrine of territorial integrity. National interest defined Kenya's foreign policy in this case. Adar's study shows that national security issues conditioned Kenya's foreign policy in the region. Kenya appeared vulnerable out of real threats from the republic of Somalia which claimed some parts the North-Eastern province of Kenya. While Adar's study shows how the province was critical to the survival of the new state, the study did not go further to explain how Kenya's foreign policy towards other countries outside Africa was aimed at pre-empting expansionist policies and the spread of irredentist interests. Kenya's foreign policy towards Israel was closely associated with the issue of territorial.

2.2 The Evolution of Kenya's Foreign Policy

Colonial administration was inaugurated in Kenya in 1890 and came to an end on 12th December, 1963. The colonial state was an overseas extension of metropolitan Britain, run by a small number of British administrators and thus did not lay a strong foundation

⁸³Howell, J. "Analysis of Kenya's Foreign Policy", (Journal of Modern African studies, 1968) Vol. 6 (1).

⁸⁴Adar G. K, The significance of the Legal Principle of Territorial Integrity as the Modal determinant of Relations: A case study of Kenya's foreign policy towards Somalia 1963-1983 (Lanham: University Press of America, 1994).

for the development of a modern African state. Its goals were to maintain law, and order, to foster obedience and loyalty to the colonial authorities and to defend and promote the political and economic interests of the British.

The norms and principles that were propagated at this time were to benefit British interests. Since foreign policy is a country's policy relating to external actors, it is only exercised by a sovereign state. Given this background, it is hard to discuss Kenya's foreign policy at this period. We can only talk of Kenya's foreign policy in the post-independence period.⁸⁵

Kenya, like other African countries that had just acquired independence, joined the international world as an independent African state and at this particular time its foreign policy was determined by traditional variables (i.e. national and systemic).⁸⁶

The broader guiding principles of Kenya's foreign policy were; vigilant safeguarding of national interests, maintenance of independence for people of Kenya, collaboration to foster and promote African unity, work for international peace and peaceful settlement of international disputes, respect for sovereignty and territorial integrity of other states in addition to the policy of good neighborliness.⁸⁷ It is in the spirit of these principles that Kenya joined regional and international organizations, contributed to peacekeeping operations and provided humanitarian support to other countries.

Kenya's foreign policy was based on the principle of positive nonalignment. According to *Sessional Paper Number 10 of 1965*,⁸⁸ the government asserted that the African socialism the country espoused must not rest for its success on a satellite relationship with any other country or group of countries. The government, therefore, made agreements with the major world powers and received economic and military assistance from them. Positive

⁸⁵ Katete D. Orwa, "Continuity and change: Kenya's foreign policy from Kenyatta to Moi." In Oyugi W. O., (Ed.), *Ibid.*, p. 302.

⁸⁶ *Ibid.*, p. 302.

⁸⁷ *Ibid.*, p. 299.

⁸⁸ African Socialism and its Application to Planning in Kenya. *Sessional Paper No.10, 1965.*

nonalignment was seen as a means of maintaining the country's political independence and also as an opportunity for economic development. This principle, however, did not mean that Kenya had to remain neutral on world issues. In early 1966, Jomo Kenyatta, the first president of Kenya, said: "We fully commit ourselves to support what we believe to be right and just in international affairs."⁸⁹

The fact that Kenya did not have a written foreign policy since independence until February 2015 when one was launched does not mean that Kenya did not have a foreign policy at all. There has been a misconception fuelled by our propensity to have policies in written form.⁹⁰ The view is at best inaccurate since the conduct of our international affairs was hinged on some basic principles which were unwritten.

The basis of post-independence Kenya's foreign policy is found in three documents, the 1960 Kenya National African Union (KANU)⁹¹ constitution and the 1961 and 1963 KANU manifestos.⁹² At independence the KANU government undertook to work with other African leaders to foster closer association of African states by promoting unity and action among the people of Africa. Her relations with other foreign governments would however be influenced by the division of the world into two antagonistic blocs, the government rejected this world system and instead adopted the principle of non-alignment in international affairs. At the moment Kenya's Foreign Policy rests upon four interlinked pillars, namely; Economic Diplomacy, Peace Diplomacy, Environmental Diplomacy and Diaspora Diplomacy.⁹³

Before independence, the British attempted to resolve the Northern Frontier conundrum. It involved the fate of the Somali people in Kenya, who after the partitioning

⁸⁹ Kenya African National Union (K A N U) manifesto, 1961 and also 1963

⁹⁰ Andrew Tyrus Maina, *Kenyan Foreign Policy: An Introduction* (2012).

⁹¹ The Kenya African National Union, better known as KANU, is a Kenyan political party that ruled for nearly 40 years after Kenya's independence from British colonial rule in 1963 until its electoral loss in 2002. It was known as Kenya African Union before being renamed in 1960.

⁹² Ochieng, William, *A Modern History of Kenya*, (Evans Brothers Limited, London, 1989), p. 220.

⁹³ Howell, J. "Analysis of Kenya's Foreign Policy", *Journal of Modern African studies*, Vol. 6 (1),1968..

of East Africa fell into British sphere of influence and were eager to join their kin to form one united Somalia. This meant that the land on which they settled also was to become part of Somalia.⁹⁴ The nationalist (especially those in KANU) were averse to such a proposition.

According to John Howell it would have meant a big blow to their nationalist credentials. It would have also encouraged other secessionist groups in the country as was thought at the time and encouraged the Kenya African Democratic Union (KADU)⁹⁵ wave of sectionalism as they were keen on regional power as opposed to a centralist form of Government.⁹⁶

Orwa found that in both Kenyatta and Moi's regimes the principles that guided the foreign policy were the same: territorial integrity, national security, good neighbourliness, independence and sovereignty, non-interference in the internal affairs of sovereign states and non-alignment. To this extent there was continuity. But continuity in foreign policy is assumed to be as a result of a long historical tradition.⁹⁷

Although it has been argued elsewhere that regime type/change does not matter in foreign policy, Orwa argues that this cannot be the case for a developing state such as Kenya. Having been independent for only four decades, the country could not be said to have established a tradition of continuity in foreign policy. Regime change in a developing country may mean a significant shift in foreign policy.⁹⁸ However, as much as Kenya may have had a change of government, the political elites have remained basically

⁹⁴ Ibid.

⁹⁵ The Kenya African Democratic Union (KADU) was a political party in Kenya. It was founded in 1960 when several leading politicians refused to join Jomo Kenyatta's Kenya African National Union (KANU). It was led by Ronald Ngala. KADU's aim was to defend the interests of the so-called KAMATUSA (an acronym for Kalenjin, Maasai, Turkana and Samburu ethnic groups), against the dominance of the larger Luo and Kikuyu that comprised the majority of KANU's membership.

⁹⁶ Ibid.

⁹⁷ Katete, D. Orwa, "Continuity and Change: Kenya's Foreign Policy from Kenyatta to Moi" in Oyugi, W. O., *Politics and Administration in East Africa* (Nairobi: East African Educational Publishers Ltd.), (1994) p. 161.

⁹⁸ Andrew Tyrus Maina, *Kenyan Foreign Policy: An Introduction* (2012).

the same. Most of them are products of the Kenya National African Union (KANU) party that ushered independence to this country in 1963.

Khadiagala and Terrence note that non-alignment provided some meaning to efforts to find a place for Africa outside the Cold War, but as a policy it was impossible to fully implement, essentially because of economic weakness and “alignment”. One foreign policy strategy was to play off the superpowers against each other, but it is arguable whether many states truly had the capability to do that. Most states, such as Kenya, simply became aligned to one or another superpower in terms of foreign aid and military assistance. Tanzania was outspokenly nonaligned" and "socialist," but in reality it was little of the sort.⁹⁹

Kenyatta died in 1978 still believing in the above policies. His successor Daniel Arap Moi then came to power as Kenya’s second president. The president declared that he would follow Kenyatta’s footsteps or *Nyayo*. He admired some of Kenyatta’s legacy which according to him included love, peace, unity, justice, freedom and non-interference in domestic affairs and integrity of other states. In terms of foreign policy therefore, Moi’s views came to be similar to those of Kenyatta. He for example became weary of policies that sought to adjust national boundaries. He thus condemned inter-African wars based on territorial claims.¹⁰⁰ Under Moi’s presidency, Kenya’s foreign policy formulation and implementation can be characterized as having been centralized.

This included interference in the handling of foreign policy issues by the ministry of foreign affairs and international cooperation. Moi's foreign policy did not provide a relatively open political environment for ministry of foreign affairs and other government

⁹⁹Khadiagala, G.M & Lyons, T. *African Foreign Policies Power and Process*. Westview Press A Member of the Perseus Books Group, 2014), p. 104.

¹⁰⁰ Katete, D. Orwa (1994), “Continuity and Change: Kenya’s Foreign Policy from Kenyatta to Moi” in Oyugi, W. O., (*Politics and Administration in East Africa* (Nairobi: East African Educational Publishers Ltd, 1994), p. 161.

departments who were directly or indirectly involved in the foreign policy formulation and implementation.

John Howell who is perhaps the first scholar to undertake a serious look at Kenya's foreign policy in 1963, however argues that two distinct policies have been guiding Kenya's actions in the international system. In global terms he argues that external policy has been characterized by a strong sense of morality and idealism, while in East African affairs, Kenya's policy has been governed by a rather more conservative and legitimist thinking. Economic development and protection of her borders have been a concern to the country. He notes that, Kenya's conservatism came to be reflected most forcibly in her display of determined nationalism towards Somalia. The border or territorial issues have also emerged between Kenya and Uganda in the past.¹⁰¹

The national elections held in 2002 ended president Moi's era. Mwai Kibaki coming to power was received with optimism and renewed hopes for a better economy that would improve people's lives. Under his presidency, the ruling coalition promised to focus its efforts on generating economic growth, combating corruption, improving education and rewriting its constitution. This change in leadership also led to the reorientation in Kenya's foreign policy.¹⁰² Kenya's foreign policy now looked at foreign issues with economic lenses than before. This has been marked by the new "look east policy" which is aimed at expanding the country's access to new markets, appropriate and affordable technologies, foreign direct investments and development assistance from China, India and other emerging global economic powers. There are many factors that influence foreign relations, in addition to the role of leadership; there is also the rapid change on the global environment in the 21st century. The rise of non-state actors, combine with many other new emerging issues.

¹⁰¹ Op Cit, Howell (1968) P.23

¹⁰² Braude W, *Regional Integration in Africa: Lessons from The East African Community*. Johannesburg: South African Institute of International Affairs, 2008).

President Kibaki embarked on several bilateral and multilateral initiatives that reopened doors to donor confidence in Kenyan's foreign policy formulation. Like for the Moi presidency, the introduction of multi-party system in Kenya was also as a result from external pressure from donor agencies whom he assigned for donor conditionality's in which the end results interfered with the internal policies of the country as a result a trickle effect to the foreign policy behavior during his reign.¹⁰³

According to the current foreign policy document, Kenya's foreign policy rests on three inter-linked pillars: environmental diplomacy, peace diplomacy and economic diplomacy. This marks a departure from the traditional emphasis on political issues into strategic concerns that address the current issues in international relations.¹⁰⁴ The orientation toward environmental issues emanates from recognition of Kenya's enormous stake in the management of its own resources, those of the region and the world as well as the recognition of the impact of contemporary environmental problems such as climate change, ozone depletion, ocean and air pollution and resource degradation.

Since 2002 the Kibaki administration had been keen on expanding the pool of international partners. China was one such available partner. With China's policy of not interfering or taking clear positions on human rights and status of its development. Thus the traditional western allies were either being jettisoned or their influence on the internal running of the government curbed. This point poignantly connects Kenya's foreign policy decision to the evolving nature and structure of the international system.¹⁰⁵ Kibaki's foreign policy shifted to the East. This, among many other similar initiatives by African heads of state, has sparked what many analyst must see as a throw-back to the competition between the U.S and USSR but only this time it is the Chinese (instead of the

¹⁰³ The Diplomatic Post, *Foreign Policy Review*. (2011).

¹⁰⁴ Braude W, *Regional Integration in Africa: Lessons from The East African Community*. Johannesburg: South African Institute of International Affairs, 2008), p. 114.

¹⁰⁵ Mbirimi I, *The New Economic Diplomacy – Decision making and Negotiations in International Economic Relations*. (Farnham (United Kingdom: Ashgate Publishing, 2003).

Russians), who though communist in political structure have embraced the capitalistic thirst for competition.

President Uhuru Kenyatta's clarion call in his inauguration speech on April 9, 2013 was summed up in one loaded phrase of mutual reciprocity. Notwithstanding his personal predicament at the International Criminal Court (ICC) in The Hague, President Kenyatta has made clear his intentions to steer Kenya to greater independence at the global diplomatic arena. He is both a study of renewed energy, vigour and focus in Kenya's foreign policy. President Kenyatta's delivery, deportment and elocution to his peers was the most intense and forceful performance by a Kenyan Head of State on foreign policy.¹⁰⁶ It is abundantly clear that Kenya's foreign policy will henceforth not be the same in substance, formulation, execution and conduct. It shall be driven, articulated and dispensed with vigour, and perhaps devoid of the hitherto subdued elocution of the traditional diplomatic discourse and norms.

Notwithstanding Kenya's hitherto traditional pro-western foreign policy posture, President Uhuru Kenyatta has left few doubts that Kenya seeks a drastic and dramatic new foreign policy engagement with its traditional allies; an intensive drive for regional and continental cooperation, and will not be held hostage by historical linkages and traditions, be they strategic, economic, military or cultural ties.¹⁰⁷ Foreign policy evolves according to emerging frontiers. The emergence of China and India as economic giants has presented new opportunities. Dealing with economic powerhouses such as China, India, South Korea and Malaysia is set to be one of the new issues in Kenya's foreign policy.

The forces of globalization have altered the environment and conduct of international relations. Globalization has cut unit costs and expanded markets. New

¹⁰⁶ Ibid.

¹⁰⁷ The Diplomatic Post, *Foreign Policy Review*. (2011).

anchors for Kenya's external relations will have to be identified to deal with the security threats generated by transnational criminal activities like money laundering, human and drug trafficking and international terrorism.

Terrorists have attacked Kenya several times, with the most notable ones occurring in August 7, 1998, November 28, 2002, September 21, 2013, April 2, 2015. As international terrorism evolves into one of the biggest threats to global security, foreign policy has to devise new approaches for harnessing global cooperation to deal with it.

The final authority therefore on foreign policy formulation, conduct and projection lies in the hands of the President. There have been in the past half a century of Kenya's Independence four presidents, namely the late Jomo Kenyatta, Daniel Arap Moi, Mwai Kibaki and currently, Uhuru Kenyatta.

2.3 Actors in Kenya's Foreign Policy

Foreign policy of a state is the output of that state into the global system.¹⁰⁸ It is a set of guides to choices being made about people, places, and things beyond the boundaries of the state. It includes all that a state chooses to do or not do outside its borders. It links the activities inside the state and the outside world. It puts the state into communication with the external world.¹⁰⁹ The external world is made up of many actors; individuals, organizations and other states. In this chapter, we discuss the external factors and actors that condition Kenya's foreign policy. Important actors are the international organizations (UN and OAU/AU). Factors include polarity and international terrorism. This chapter seeks to either prove or disapprove the hypothesis that systemic factors are marginal for Kenya's vital foreign policy.

¹⁰⁸ Bruce Russett and Harvey Starr, *World Politics; The Menu for Choice* (New York: Freeman and Company, 1989), pp. 162-163.

¹⁰⁹ *Ibid*, pp. 162-163.

The conduct of foreign policy in Kenya is a prerogative of the Head of State (President). The Foreign Ministry's responsibility is that of advice and execution in consultation with the President. Several individuals, institutions and organizations participate in the foreign policy formulation and decision-making. From this perspective, the Ministry of Foreign Affairs is only a facilitator, co-coordinator and a steward of the country's foreign policy; the various government agencies are complementary actors in the conduct of foreign policy.¹¹⁰ Actors in foreign policy are institutions, individuals or groups that influence behaviour in the states' relations. There are different actors in Kenya's foreign policy namely domestic and external actors. The domestic actors include: the executive, the legislature, the judiciary, and civil society. The external actors include: international law, international organizations and multilateral donors together with international public opinion. These actors do influence Kenya's' policy behavior. What is worth noting, however is that the degree of influence of each of these actors varies depending on which institution wields much power than the other and on the personalities that head them from time to time.¹¹¹

The foreign policy of a state is the combination of principles and norms, which guide or determine relations between that state and other states or bodies in the international system. The path each state decides to follow in world affairs depends on its capabilities, actual or potential, and its assessment of the external environment.

2.3.1 Domestic Actors

In Kenya, and elsewhere, the executive arm of the government is the chief actor in foreign policy making process and implementation. This arm of the government has the highest say when it comes to matters of foreign policy and what becomes foreign

¹¹⁰Cyprine Oduogo, *Kenya's Foreign Policy/Relations*. (Lecture Notes, 2012).

¹¹¹Ibid.

policy.¹¹²

The institutional actors in Kenya's foreign policy include the head of state or the presidency, parliament, ministry of foreign affairs, judiciary and other ministries like the Ministry of finance, defense, trade and commerce that are also presumed to be empowered to speak and act on issues of foreign relations that concern specific tasks of their ministries.¹¹³

In the formulation and conduct of foreign policy, the head of state is the top diplomat because he/she represents the state in the international conferences and summits. The head of state accredits diplomatic envoys, signs credentials given to the head of diplomatic missions, and authorizes a delegate to sign a treaty on his /her behalf. In many states, the formulation and implementation of foreign policy begins and ends with the head of state.¹¹⁴ The head of state appoints ambassadors who represent him/her in other states and all these envoys report directly to the head of state making him/her a central figure in the foreign policy formulation, conduct and implementation.

In the foreign policy making process also, the government of the day has the exclusive authority to manage the foreign affairs of the state subject to the laws made by and the control of the parliament and needs the criticism of parliament as much or as little as it thinks fit. What this means is that, the conduct of foreign policy in Kenya is exclusively the responsibility of the Executive which is answerable to parliament.¹¹⁵

Parliament plays a major role in the foreign policy. Some of the key functions of parliament, with regard to foreign policy, involve proposing, deliberating and deciding about public policy. Foreign policy is an externalized public policy.¹¹⁶ The effectiveness of the public policy, the only thing that differentiates them is the territory.

¹¹² Cyprine Oduogo, *Kenya's Foreign Policy/Relations*. (Lecture Notes, 2012).

¹¹³ The Diplomatic Post, *Kenya's New Foreign Policy* (2013).

¹¹⁴ Ibid.

¹¹⁵ Cyprine Oduogo, *Kenya's Foreign Policy/Relations*. (Lecture Notes, 2012).

¹¹⁶ The Diplomatic Post, *Kenya's New Foreign Policy* (2013).

Parliament however can only seek explanations from the governments about what it is doing and why. In addition, parliament as a representative organ of the people can only urge and recommend to the executive to meet certain obligations in its foreign policy making, but the executive is not under any compulsion to respect such recommendations.¹¹⁷ This means that parliament formulates policies and establishes committees/structures. This includes the foreign relations committee that oversees the implementation of foreign policy.

A part from the members of the executive arm of the government, the judiciary and legislature also play a part in the foreign policy in one way or another. The foreign policy decisions such as ratification of important treaties are sanctioned by the parliament, which is the representative of the people.¹¹⁸ In this way, legislators can be seen as actors in the sense that they determine whether or not a given foreign policy is to be pursued.

Judiciary interprets inter-state agreements as well as legislations dealing with foreign relations. This helps the policy makers to understand the implications of a course of action about to be followed, hence leading to the making of informed decisions.¹¹⁹ A legal decision by the judiciary is binding and it acts as an advisory body for both the executive and parliament in the foreign policy decision making process.

The minister for foreign affairs acts as a spokesperson of the state on matters pertaining to external relations and in this case he/she handles foreign relations making him/her an important actor in foreign policy. His/her ministry is mandated with the responsibility of dealing with matters related to the actions of states and non-state actors in the international system. The ministry co-ordinates the work of ambassadors and heads of missions, it obtains also information which is used in foreign policy decision

¹¹⁷ Cyprine Oduogo, *Kenya's Foreign Policy/Relations*. (Lecture Notes, 2012).

¹¹⁸ The Diplomatic Post, *Kenya's New Foreign Policy* (2013).

¹¹⁹ Ibid.

making.¹²⁰ It is the foreign ministry that controls diplomatic mission in foreign countries and this makes it an important actor in Kenya's foreign policy.

Kenya has now shifted its foreign policy orientation and the new strategy rests on four interlinked pillars of economic diplomacy, peace diplomacy, environmental diplomacy and Diaspora diplomacy.¹²¹

2.3.2 Foreign Actors

The institution of diplomacy has indeed shown remarkable resilience and an ability to adapt to change rather than withering away as some observers have suggested. Although it has changed shape to accommodate new actors, concerns and technology, the basic element of diplomacy remains the same, namely the resolution of international conflicts in a peaceful manner by means of communication, negotiation and information-gathering.¹²²

Actors in diplomacy are those entities which have the capacity to maintain meaningful relations amongst themselves. In international law, an actor must possess the legal personality, which basically means that it has the capacity to act and transact.¹²³ The foreign actors in regard to Kenya's foreign policy comprise states, international individuals, and international organisations, regional and sub-regional bodies. Though states are the principle actors, inter-state governmental organisations, inter-state non-governmental organisations and international organisations of a universal character are also becoming major actors in Kenya's foreign policy. The United Nations Organisation is an example of an international organisation of a universal character, while inter-state organizations are such organisations like the African Union (AU), the Organisation of

¹²⁰ The Diplomatic Post, *Kenya's New Foreign Policy* (2013).

¹²¹ Ministry of Foreign Affairs (2014) Kenya.

¹²² Alexandru Burian, "Introduction in Diplomatic Practice and International Procedure", (Cartier juridic Publishing House, Chisinau, (2000), p. 14.

¹²³ Kappeler, D. *Diplomacy; Concept, actors, organs, process and rules*, Institute of Diplomacy and International Studies, University of Nairobi, Nairobi, 2010), p. 15.

American States (OAS) and the Association of the South East Asian Nations (ASEAN).

The inter-state non-governmental organisations whose activities transcend the borders of more than one state, like the Committee of the Red Cross (ICRC) also play a role in Kenya's foreign policy.

At the regional level, Kenya's foreign policy borrows a lot from the AU, the predecessor of the Organisation of African Unity (OAU), which was established in 1963 with the of promoting the unity and solidarity of African States; co-ordinating and intensifying their co-operation and efforts to achieve a better life for the peoples of Africa; defending their sovereignty, territorial integrity and independence; eradicating all forms of colonialism from Africa; promoting international co-operation, giving due regard to the Charter of the United Nations and the Universal Declaration of Human Rights; and co-ordinating and harmonising members' political, diplomatic, economic, educational, cultural, health, welfare, scientific, technical and defence policies".¹²⁴

At the sub-regional level, revival of the East African Community (EAC)¹²⁵ with a potential market of 143.5 million people¹²⁶ will contribute towards building a competitive market and a conducive environment for the flow of investment to the region. Kenya is also a member of other regional inter-state organizations like the Common Market for Eastern and Southern Africa (COMESA)¹²⁷ and Inter-governmental Authority on Development (IGAD)¹²⁸ in Eastern Africa. Though the capacity for these organizations to

¹²⁴African Union Charter, Article II http://www.au.int/en/sites/default/files/OAU_Charter_1963_0.pdf. Accessed on 10/10.2014, 2230 Hrs.

¹²⁵ The East African Community (EAC) is an intergovernmental organization comprising five countries in the African Great Lakes region in eastern Africa: Burundi, Kenya, Rwanda, Tanzania and Uganda. Uhuru Kenyatta is currently the President of the Republic of Kenya, is the EAC's current chairman. The organisation was originally founded in 1967, collapsed in 1977, and was officially revived on 7 July 2000.

¹²⁶ East African Community, <http://www.eac.int/> accessed 10.05.15

¹²⁷ The Common Market for Eastern and Southern Africa is a free trade area with twenty member states stretching from Libya to Swaziland. COMESA was formed in December 1994, replacing a Preferential Trade Area which had existed since 1981. Nine of the member states formed a free trade area in 2000 (Djibouti, Egypt, Kenya, Madagascar, Malawi, Mauritius, Sudan, Zambia and Zimbabwe), with Rwanda and Burundi joining the FTA in 2004, the Comoros and Libya in 2006, and Seychelles in 2009. COMESA is one of the pillars of the African Economic Community.

¹²⁸ The Intergovernmental Authority on Development (IGAD) is an eight-country trade bloc in Eastern

act and make their decisions to bear on their members is limited “such organizations nevertheless bring some influence to bear on the conduct of their members’ domestic and external affairs”¹²⁹

The Kenyans in the diaspora are also emerging as formidable actors in Kenya’s foreign policy and in recognition of this, the Ministry of Foreign Affairs has formulated a Diaspora Policy and by focusing on Kenyans in the Diaspora, the Kenya government intends to tap into its potential to facilitate the country’s political, economic and cultural regeneration and development. Kenya is also a signatory to the AU’s Constitutive Act (2001), which promotes the participation of African professionals within the continent and in the Diaspora and Kenya’s Diaspora diplomacy, will seek to advance this agenda.¹³⁰

Kenya also recognizes ECOSOC as a useful channel for advancing the cultural, economic and social role of the wider African Diaspora. Recognizing that the Diaspora has emerged as a potentially important resource for the realization of the country’s national development goals, Kenya will creatively explore the various ways and frameworks of effectively promoting, utilizing and enhancing the contribution of this important resource.¹³¹

Kenya supports multilateralism through the United Nations and has always preferred a multilateral approach in confronting problems on the international stage. Kenya fully subscribes to the charters of the United Nations and the African Union and seeks to work with like-minded states in the promotion of a new international political and economic order.

Africa. It includes governments from the Horn of Africa, Nile Valley, and the African Great Lakes. Its headquarters are in Djibouti City.

¹²⁹ Kappeler, D (2010), p.19.

¹³⁰ Ministry of Foreign Affairs: Foreign Policy Framework, (*Nairobi*, 2009).

¹³¹ Ibid.

2.4 Future Prospects of Kenya's Foreign Policy

President Uhuru Kenyatta launched the new Kenya Foreign Policy, as well as the Diaspora Policy on 20th January, 2015. The new foreign policy document focuses more on regional partnership, trade and peace with priority being the East Africa Community. The policy says that EAC is Kenya's most important foreign policy vehicle and her major trading and investment bloc. "Kenya continues to embrace bilateralism in pursuing its foreign policy objectives through bilateral trade, political and cultural agreements with other countries," it says.¹³²

Diplomacy can be appreciated within the epistemology of the classical framework, or it may encompass the methodologies of the behavioral revolution. Whatever the case however, its study from these perspectives, has demonstrated a missing link. This missing link is centred on the implementation of foreign policy. The implementation of foreign policy is best achieved where there is an effective and efficient management of the diplomatic service, and of foreign policy. Where the administration of these does not exist, or is weak, there will be corresponding difficulties of the implementation of foreign policy.¹³³ Since the end of foreign policy creation is implementation, this missing link has far reaching effects on the foreign policy of the country, since a foreign policy that is not implemented is in effect a non-foreign policy. It is for this reason that the Ministry of Foreign Affairs must be properly staffed with senior and seasoned diplomats who can hold their own in the field of international relations. Ideally Kenya's Ministry of Foreign Affairs is actively involved in Kenya's foreign relations matters and it must therefore re-design its training programmes and have ownership of the institute of diplomacy. It must have a succession programme carefully crafted to avoid current shortage of experienced senior officer cadre and be able to

¹³² The Nairobian, Oliver Matheng. Nairobi ((July 8, 2014).

¹³³ Mwangi, Makumi *The Missing Link in the Study of Diplomacy: The Management of the Diplomatic Service and Foreign Policy*. The Journal of Language, Technology & Entrepreneurship in Africa, Vol. 2. No.1., ISSN 1998-1279, (2010), p 231.

channel out replacements for retiring diplomats. It must also retain the talent of retired seasoned diplomats and create a think-tank to advise both the President and the ministry on key foreign policy directions. Linkages must be established with government ministries and agencies, the public and private sectors, institutions of higher learning, and the public at large. Information is power, and our diplomats need to be well informed promptly and timely to be able to deliver effectively.

Kenya has shown willingness to be part of the African revival by participating in the African Peer Review Mechanism (APRM) which aims to improve the quality of governance in the continent¹³⁴. The country was among the first four African states along with Ghana, Rwanda and Mauritius, to accede to the Mechanism in March, 2004 in Abuja Nigeria, which is a mutually agreed instrument voluntarily, acceded to by the Member State of the African Union (AU) as an African self-monitoring mechanism. Kenya has also through the Inter- Governmental Authority on Development (IGAD) been an active participant in promoting peace and stability in the region.¹³⁵

Kenya has long been cast as a reluctant regional actor. Those who view it as having a strong economy, but lacking political leverage in its region have questioned its regional influence.¹³⁶ Critics have argued that Kenya takes its cue from its neighbors and adopts regional engagement strategies that are a passive object of the geo-strategic interests of others.¹³⁷ A radical departure from Kenya's conservative approach to regional relations was the incursion into Somalia to wage war against Al-Shabaab; the biggest military venture that Kenya had undertaken since independence which indicates that Kenya has changed its foreign policy to a more pro-active approach in dealing with

¹³⁴African Peer Review Mechanism, Country Report, 2006.

¹³⁵ ISS, Report 2004

¹³⁶ Elmi, Afyare Abdi and Barise Abdullahi. The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies. Institute for Security Studies, (2006) Volume 15, pp. 32-54.

¹³⁷ Geib, Robin. *Armed Violence in Fragile States. Low-intensity Conflicts, Spillover Conflicts and Sporadic law Enforcement Operations by Third Parties*. International Review of the Red cross. (2009) Vol. 873.

foreign matters in the region.¹³⁸

2.5 Chapter Summary

The Presidency, Cabinet, Parliament, county governments, offices of retired heads of state or government and other statesmen and the National Security Advisory Council are listed as key players in implementing the foreign policy.

The executive also has the discretion to act on foreign policy decisions, implementation and evaluation process, being believed to be a rational actor, and sometimes can act rationally, or irrationally therefore changing or influencing otherwise the behavior Kenya's foreign policy might take. The proper management of foreign policy and of the diplomatic service are central to the success or failure of the implementation of foreign policy.

Foreign policy plus the administration of the diplomatic service and of the policy itself give rise to the implementation of foreign policy. This means that the traditional context of dividing foreign affairs into the "policy" and "administrative" aspects needs review. If not, the implementation of foreign policy will continue being held hostage to the turf wars between policy makers and administrators.

Finally in applying Realism to the analysis of key players in Kenya's foreign policy (state actors, non-state actors - international organizations or institutions, non-governmental organizations, and multi-national corporations), the study reveals that those actors who assume that states act rationally recognize that domestic political considerations, in this case the executive and or something parliament, almost always have a much higher influence a state's foreign policy and intelligence system.

¹³⁸ Mulugeta, Kidist.. *The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD*. Friedrich-Ebert-Stiftung. (2009) Addis Ababa. (www.fes-ethiopia.org) Accessed: May.20-2014.

CHAPTER THREE: CLANDESTINE DIPLOMACY AND INFLUENCE ON KENYA'S FOREIGN POLICY

3.1 Diplomacy and Foreign Policy

Diplomacy and foreign policy are central features of international politics. They capture our imagination and their conduct affects our lives through their impact on war, peace, the global economy, human rights, international law, global institutions, and the norms that govern relations between states.

The concepts of the management of the diplomatic service and of foreign policy are important for the sound implementation of foreign policy. Managing the diplomatic service properly requires that officials be used efficiently¹³⁹. In this way they, can give policy makers sound information on which to base their decisions. Managing foreign policy entails treating it as something that is dynamic, and which should be constantly nurtured for it to deliver foreign policy goods for the country. Foreign policy is hence not a dead letter existing only in documents. Indeed it should infuse all aspects, and relationships of the diplomatic service.

According to Mwangi, there have been useful and important contributions to the understanding of the foreign policy. However, while there have been significant contributions on the content of foreign policy, the central issue of its management have not been addressed. And neither in the intellectual history of states' foreign policy have there been discourses on the management of the foreign (that is diplomatic) service. This paucity of research on the twin issues of the management of foreign policy and of the Foreign Service, reflect the contemporary uni-dimensional aspect of the literature on and approach to studying foreign policy.¹⁴⁰ It is not just only management but the actual

¹³⁹ Nye, Jr., Joseph. *Soft Power: The Means to Success in World Politics* (New York Public Affairs, 2004).

¹⁴⁰ Mwangi, Makumi *The Missing Link in the Study of Diplomacy: The Management of the Diplomatic Service and Foreign Policy*. The Journal of Language, Technology & Entrepreneurship in Africa, Vol. 2. No.1., ISSN 1998-1279, (2010), p 231.

implementation of goals or objectives set out in the foreign policy.

Lasswell's classic creation of his fourfold foreign policy instruments already distinguished the political (propaganda), diplomatic, economic and military instruments and discussed the different value outcomes and the institutions of society sharing them.¹⁴¹ Other scholars such as the political economist Baldwin pointed out that the techniques of power need to be further studied to better understand their function.¹⁴²

Further breaking up the instruments of foreign policy into elements, Bachrach discussed the ascending scale of foreign policy instruments as also useful. In his foreign policy taxonomy, they formed five main groups, namely, Military Action, Political Intervention, Negative Sanctions, Positive Sanctions and Diplomacy.¹⁴³ The ascending scale also indicates the seriousness of the country's decision makers and separates hard power (Military Action) from all the other soft power instruments. As the previously listed literature shows, the behavior influence attempt line of power literature has been facing difficulties in terms of objective measurements.

Diplomacy as a tool for upholding the aims of state's foreign policy abroad is often seen as an elegant term for propaganda. According to Berridge it is "a late-twentieth-century term for propaganda conducted by diplomats; not to be confused with open or parliamentary diplomacy".¹⁴⁴ One of contemporary understandings of diplomacy is based on this definition.

According to Mark Leonard "public diplomacy is about building relationships, understanding the needs of other countries, cultures and peoples; communicating our points of view; correcting misperceptions; looking for areas where we can find common

¹⁴¹ Lasswell, Harold "Politics: Who Gets What, When, How?" (Meridian Books, 1958).

¹⁴² Baldwin, David A. "Economic Statecraft". (Princeton University Press, 1985).

¹⁴³ Berridge, G. R.; James A. A Dictionary of Diplomacy. 2nd edition. (London: Palgrave Macmillan, 2003), p. 334.

¹⁴⁴ Ibid, p. 239.

cause.”¹⁴⁵ He also speaks about the image and reputation of a country as about public goods that can create positive or negative environment for individual activities. Therefore diplomacy relates very closely to the foreign policy of state. In this way it becomes more than just a means on how to put through national interests or how to guarantee national security. This is well stated in Morgenthau’s 2nd rule, among his four fundamental rules of diplomacy, when he says that the “objectives of foreign policy must be defined in terms of the national interest and must be supported with adequate power”.¹⁴⁶

Alakeson states that, the identity of state, its values, interests and activities are also covetable status on the international scene. All these categories should be incorporated in the concept of state’s foreign policy and its priorities. States have their interests, strategic, geopolitical, economic, or commercial.¹⁴⁷ In addition, they want to have a certain position in the international community, to gain some diplomatic influence. But, the costs of asserting its own interests only through traditional resources (military, economic power) are very high.

Foreign Policy is the use of political influence in order to induce other states to exercise their law-making power in a manner desired by the states concerned: it is an interaction between forces originating outside the country’s borders and those working within them. Foreign policy of a state is concerned with the behaviour of a state towards other states. It refers to the ways in which the central governments of sovereign states relate to each other and to the global system in order to achieve various goals or objectives.¹⁴⁸

The goals of a country’s foreign policy are increasingly influenced by domestic

¹⁴⁵ Leonard, M.; Stead, C.; Smewing, C. *Public Diplomacy*. (London: The Foreign Policy Centre, 2002).

¹⁴⁶ Hans Morgenthau. *Politics Among Nations, The struggle for Power and Peace*, (Six Edition, Kalyan publishers, New Delhiv, 2001), p. 440.

¹⁴⁷ Alakeson, Leonard. *Going Public. Diplomacy for the Information Society*. (London: The Foreign Policy Centre, 2000).

¹⁴⁸ Rana K. and Jovan Kurbalija, *Foreign Ministries: Managing Diplomatic Networks and Optimizing Value*, (Malta and Geneva: Diplo Foundation, 2007).

and external diplomatic forces, thus, the objectives of a country's foreign policy undergo frequent changes. With the changing global political and economic landscape, the proliferation of media and communication technologies, the emergence of new actors in global affairs, and most of all, the complex confluence of these facets, the credibility and effectiveness of standard communication practices in diplomacy is under challenge.¹⁴⁹ Managing the information flow within the diplomatic family in such contexts is the realm of diplomacy, particularly in the new world of globalization and communication.

Melissen observes that diplomacy today struggles to reflect the diversity and pluralism of the globalized age. It is almost impossible to examine any problem in contemporary international relations effectively without considering the diplomatic challenges which it poses, the innovations in diplomatic practice which it calls forth, and the contribution which diplomacy can make to easing the problem in such a way as to contribute to a more peaceful, just, and orderly world.¹⁵⁰

According to Hocking and David, fundamental questions regarding the purposes of diplomacy, who is or should be involved in it and what forms and practices it should assume to deal with new policy challenges need to be urgently be addressed. This applies to international organizations as well as the institutions of national diplomacy and offers a fundamentally different perspective from that based on the familiar claim that diplomacy is irrelevant to contemporary global needs. Rather, diplomacy has a central role but needs to adapt to the demands of a rapidly changing environment.¹⁵¹

Against this background, a central assumption is that diplomacy as a set of processes continues to be of central importance to the global policy milieu and that these processes need to be constantly re-evaluated. Furthermore, it is recognized that the on-

¹⁴⁹ Ross, C. *Independent Diplomat: Dispatches from an Unaccountable Elite*, (London: Hurst, 2007), p. 19.

¹⁵⁰ Melissen, J. *The New Public Diplomacy: Soft Power in International Relations*. (Houndmills, Basingstoke: Palgrave, 2005), p. 43.

¹⁵¹ Hocking B. and David S. *Foreign Ministries in the European Union: Integrating Diplomats* (revised edn), Basingstoke: Palgrave, 2005.

going debate by ministries of foreign affairs (MFA) around the world about the machinery of diplomacy needs to be seen in this light. Too often, internal debates within MFA regarding their organizational forms and procedures are about their place in the structures of government and their organizational survival within them and fail to address broader issues relating to the changing purposes of diplomacy.¹⁵²

Alakeson notes that, two contextual features of integrative diplomacy help to determine the nature of diplomatic communication in the 21st century. First, the growth of rival centres of authority and legitimacy to the state and the associated need to develop links with a range of actors (stakeholders) outside government in developing and implementing international policy.¹⁵³

A first step is to recognize that the debate on the present and future condition of diplomacy embraces quite different assumptions concerning its character in the early 21st century. Unless we disentangle these and the assumptions underpinning them, we face an uphill task in making sense of what we are seeking to explore.¹⁵⁴ As a result, it can also be said that most key agencies of diplomacy both at national and international levels will find it impossible to articulate strategies for managing their foreign policy environments.

Mwagiru argues that, diplomacy can be appreciated within the epistemology of the classical framework, or it may encompass the methodologies of the behavioral revolution. Whatever the case however, its study from these perspectives, has demonstrated a missing link. This missing link is centered on the implementation of foreign policy. The implementation of foreign policy is best achieved where there is an effective and efficient management of the diplomatic service, and of foreign policy. Where the administration of these does not exist, or is weak, there will be corresponding

¹⁵² Alakeson, Leonard: *Going Public. Diplomacy for the Information Society*. (London: The Foreign Policy Centre, 2000), p. 119.

¹⁵³ *Ibid*, p 123.

¹⁵⁴ Hudson L. *The Enabling State: collaborating for success*, (London, Foreign and Commonwealth Office, 2009).

difficulties of the implementation of foreign policy.¹⁵⁵ Therefore according to Mwangi, end of foreign policy creation is implementation and failure to implement has far reaching effects on the foreign policy of the country, since a foreign policy that is not implemented is in effect a non-foreign policy.

3.2 Diplomacy and Intelligence

Diplomacy is often said to be the world's second-oldest profession. For those of an unkindly turn of mind, it is said to be very much akin to the first. In Roget's Thesaurus it is listed alongside such terms and phrases as "cunning," "chicanery," "sharp practice," "trickery" and "back-stairs influence." And then, of course, there is the oft-misunderstood and misquoted comment of an 18th century English diplomat to the effect that "an ambassador is an honest man sent to lie abroad for his country."¹⁵⁶ In his *Guide to Diplomatic Practice*, first published in 1917, Ernest Satow stated that "Diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent status."¹⁵⁷

Historically, the art of diplomacy and the art of spying were closely associated. Sheldon posits that intelligence activities are as much a part of statecraft as traditional or overt diplomacy, secrecy, and propaganda; and that societies changed their intelligence practices as their needs changed, from times of war to times of peace.¹⁵⁸ Diplomats, in essence, were spies. This changed with further specialization of government departments beginning in the 19th century. While there is a separation between the diplomatic and the intelligence profession, the two remain close. Intelligence is used in diplomacy, both in

¹⁵⁵ Mwangi, Makumi *The Missing Link in the Study of Diplomacy: The Management of the Diplomatic Service and Foreign Policy*. The Journal of Language, Technology & Entrepreneurship in Africa, Vol. 2. No.1., ISSN 1998-1279, (2010), p 231.

¹⁵⁶ Roget's Thesaurus. *It is listed alongside such terms and phrases as "cunning," "chicanery," "sharp practice," "trickery" and "back-stairs influence* (1911).

¹⁵⁷ Freeman, C. *Diplomats Dictionary*, National Defence University Press, (Washington D.C, 1993), p. 97.

¹⁵⁸ Sheldon, M. S. *Intelligence Activities in Ancient Rome: Trust in the Gods, but Verify*, (Routledge, New York, 2005), p. 3.

terms of strategy and tactics, to gain advantages.¹⁵⁹ The Vienna Convention on Diplomatic Relations has drawn a line on what is acceptable information gathering and what is unacceptable in diplomatic relations has been drawn more clearly.

According to Negroponte, diplomats are "overt intelligence collectors," and the "end-product" of diplomatic reporting and clandestine intelligence-gathering "can be the same,"¹⁶⁰ Negroponte cited the example of the George W. Bush administration, which rushed to war in Iraq "too quickly," and as the U.S. ambassador to the United Nations at the time, Negroponte didn't have enough time to make diplomacy work.¹⁶¹ Intelligence can be a powerful tool for diplomacy. It adds an element of objectivity to a government's public appeals, legitimizing its decisions by evidence rather than by ideology or instinct.

Loch Johnson proposes that intelligence can become "politicized" in this process, but that in democratic regimes it will be most often countered by the influence of professional integrity.¹⁶² Standing against this proposition is the United States' and the United Kingdom's misuse of intelligence to justify the 2003 American-led invasion of Iraq. This example has been used more than any other to highlight the problematic relationship between intelligence and diplomacy.

Intelligence is used for public diplomacy when it is publicly presented to support a policy decision. Public diplomacy is combined with intelligence when the government seeks to harness the political power of an intelligence assessment to justify some policy or action to the public. Thus, the use of intelligence in public diplomacy can be

¹⁵⁹Michael, H. *Diplomacy and Intelligence: Diplomacy & Statecraft* 9, no. 2 (1998): pp 1-22.

¹⁶⁰ John Negroponte, is former director of national intelligence and deputy secretary of state, says on the week's episode of conversation with Nicholas Kravel television programme. Negroponte, spent 37 years in the Foreign Service and seven years as a political appointee, has served as ambassador to Honduras, Mexico, the Philippines and Iraq. In 2005, he became the first director of national intelligence - a post created by Bush to oversee the intelligence community because of the "WMD fiasco" in Iraq, in Negroponte's words.

¹⁶¹ Ibid.

¹⁶² Loch, Johnson, "Sketches for a Theory of Strategic Intelligence," in Peter Gill, Stephen Marrin, and Mark Phythian (eds.), *Intelligence Theory: Key Questions and Debates* (London: Routledge, 2009): p. 46.

conceptualized as falling after the “dissemination” stage of the intelligence cycle.¹⁶³ The central objective of this strategy is to change public opinion.

Herman, a diplomacy and intelligence scholar at Oxford further argues that “... some distancing between intelligence and diplomacy is desirable, at least to the extent that the association between them (and the targeting of foreign diplomats and premises) should be kept within reasonable limits, and not expanded to a renewed Cold War scale.”¹⁶⁴

Herman further describes intelligence as a discrete institution of the twentieth-century government. It combines the skills of covert collection with expertise on certain subjects. Its differentiation from legitimate diplomacy is on the whole clear: intelligence provides information by special methods, diplomacy uses it. Nevertheless, there are numerous operational overlaps. Intelligence's overseas liaisons interact with diplomacy and foreign policy. Embassies act as intelligence bases and are targets for local intelligence attacks.¹⁶⁵ The British Foreign and Commonwealth Office plays a leading part in intelligence assessment. Some distancing between diplomacy and covert intelligence is desirable, but Western intelligence is less of a rival to diplomacy than has sometimes been portrayed.¹⁶⁶

British Foreign Secretary Hague¹⁶⁷ spoke about the role of secret intelligence in foreign policy in a speech on 16 November 2011. According to Hague, intelligence does not replace the need for diplomacy, and can never be a substitute for it. Hague states that Britain's national interest is served best when diplomacy is informed by intelligence, and intelligence is balanced by diplomatic assessments, and this means that intelligence is

¹⁶³ Abiodun, Williams, “*Public Diplomacy in an Age of Faith*,” (New York, NY: Palgrave Macmillan, 2009), p. 233.

¹⁶⁴ Michael, H. *Diplomacy and Intelligence*. (1998), pp 3-5.

¹⁶⁵ *Ibid*, pp. 3-5.

¹⁶⁶ *Ibid*, pp. 14-19.

¹⁶⁷ William Jefferson Hague FRSL MP, is a British Conservative politician who was the First Secretary of State and Leader of the House of Commons since 2014. He previously served as Secretary of State for Foreign and Commonwealth Affairs from 2010 until 2014.

weighed and assessed alongside all other sources of information available including diplomatic reporting and the insights of other government departments; judged in the context of the Government's overall strategy and objectives; and brought together to make careful decisions which are considered in the National Security Council.¹⁶⁸

According to Hague, intelligence throws up some of the most difficult ethical and legal questions he encountered as Foreign Secretary and which he had to address accordingly. Some of them relate to the past use of intelligence in reaching and justifying decisions in foreign policy - the most controversial instance of this, example being the Iraq War.¹⁶⁹

Intelligence services form an important but controversial part of the modern state, as governments collect, process and use information. Therefore 'intelligence' in government usually has a more restricted meaning than just information and information services. It has particular associations with international relations, defence, national security and secrecy, and with specialized institutions labelled 'intelligence'. Collecting and using 'intelligence' in this same sense has always been equally important in peacetime. Rulers from the earliest times tapped the knowledge of merchants and other travellers, and specialist collectors or 'intelligencers' appeared under Elizabeth I in peace as well as war.¹⁷⁰ In fact Diplomacy evolved in Renaissance Italy for information gathering as well as for negotiation: 'one of the chief functions of the resident ambassador came to be to keep a continuous stream of foreign political news flowing to his home government.'¹⁷¹

The diplomatic system which became institutionalized in Europe in the sixteenth and seventeenth centuries was largely a response to nation states' need for information.

¹⁶⁸ Hague, William. *Securing our future*. (Foreign and Commonwealth Office, London, 2011).

¹⁶⁹ Ibid.

¹⁷⁰ Mattingly, G. *Renaissance Diplomacy* (London: Cape, 1955), p. 67.

¹⁷¹ Ibid, p. 67.

States have always also had their systems for handling and recording the 'intelligence' thus collected. For foreign affairs they developed their chanceries in fits and starts, with variable results. Until about the middle of the seventeenth century, none of the three great Western powers [England, France and Spain] possessed diplomatic archives as orderly and usable as those of the Florentines and Venetians two hundred years before. England had one of these fits of enthusiasm for information handling after the Restoration. "The most important function vested in the Secretaries of State in the seventeenth century was the management of "the intelligence". The term denoted not only the provision of extraordinary information concerning enemy countries or domestic plotters, but also a regular, settled supply of every kind of news from abroad.¹⁷² An example is the modern British Cabinet, which has its origins in the 'Intelligence Committee' of the Privy Council which existed briefly after 1660. The present-day *London Gazette* was founded in the same period to disseminate home and overseas news of every kind for government; this staid document now has some claim to be a precursor of the present-day British Joint Intelligence Committee's weekly summary of foreign intelligence, the so-called *Red Book*.

Gaddis states that, then as now, secret intelligence was never clearly separated from other kinds of government information. Before the emergence of private newspapers and press freedom, governments tended to see all information as their property, secret to some extent; the distinction between information 'in the public domain' and 'classified' official information is a modern one. Diplomats themselves made little distinction between overt and covert methods.¹⁷³ By 1600 most embassies used secret agents, and in the century that followed ambassadors were regarded as licensed spies.

¹⁷² Ibid, p. 67.

¹⁷³ Gaddis, J.L. *The United States and End of Cold War* (New York, Oxford University Press, 1992) p. 100.

Modern collection is the descendant of ancient 'secret intelligence' or 'clandestine intelligence': something more covert than normal 'intelligence' or information. Berridge notes that secret intelligence of this sort has always been given special protection. Agents have always had their identities concealed. Cipher breaking in its early years was regarded as a black art, part of the occult; and even in more rational centuries its product was handled with special care. Modern 'covert intelligence' inherits this long history of concealment.¹⁷⁴ As noted by Sheldon, even in Ancient Rome, Spies, or clandestine agents, were mentioned even less frequently than scouts, but we must consider the possibility that this was because the clandestine nature of their work resulted in the absence of documented evidence.¹⁷⁵ The Romans handled intelligence broadly in accordance with the four basic steps of the modern "intelligence cycle" as it is defined today: direction, collection, processing or analysis, and dissemination.

Trevor-Roper notes that there are three reasons for its modern secrecy. One is when intelligence is useful because the target does not know that it has been collected; secrecy is the basis of its value, or gives it added value. Thus advance knowledge of the enemy's plans may open up the possibility of a surprise ambush, but only if he does not know that you know, irrespective of how you know.¹⁷⁶

The same applies where intelligence's value is in countering the enemy's surprise, as when intelligence enables a terrorist attack to be itself ambushed.¹⁷⁷ In all these situations the secret is the fact that one knows, not how one knows. But these are comparatively rare in peacetime. Usually there is no penalty, and even some advantage, in

¹⁷⁴ Ibid, p. 100,

¹⁷⁵ Op. cit., Sheldon, M.. P. 20

¹⁷⁶Trevor-Roper, H. *The Philby Affair - Espionage, Treason, and Secret Services* (London: Kimber, 1968), p. 66.

¹⁷⁷ Cilluffo, Frank J., Ronald A. Marks, and George C. Salmoiraghi. "The Use and Limits of U.S. Intelligence." (The Washington Quarterly, 2002), Vol. 25, no. 1: p 61.

being known to know something; British diplomacy benefits from the general impression of being well informed.

Even where items of intelligence need protection on account of their content, the need is usually a short-term one. Thus most clandestine diplomacy springs not from content but from the methods used to collect it. Hence a second reason for covert status in peacetime may be doubts over collection's legality and propriety. Foreign espionage usually violates its target's domestic law and or foreign policy, as may bugging and computer hacking.¹⁷⁸

Petersen observes that users of intelligence have little time for reading lengthy assessments, and they tend to acquire information informally over time as they encounter intelligence counterparts in meetings, briefings, and casual contacts. Thus a general knowledge of the Intelligence Community's conclusions about an issue is slowly accumulated, ready for use when a crisis occurs.¹⁷⁹

Diplomacy is internationally recognized and it is a decision taking and executive function. On the other hand, intelligence is not recognized in the same capacity as diplomacy and its function is provision of information and forecasts for others to act upon. For intelligence, information and understanding are the ends themselves, whereas for diplomacy they are adjuncts to policy and action.¹⁸⁰

It is therefore safe to conclude that in order to provide timely reports, intelligence professionals collect, analyze, and synthesize relevant information from various resources, seeking the most current data possible. This data is then presented to the policy maker so as to offer sufficient background to evaluate current policy and action

¹⁷⁸ Shulsky, Abram N. and Gary J. Schmitt. *Silent Warfare: Understanding the World of Intelligence*, 3rd ed. Washington, D.C.: (Potomac Books, Inc, 2002).

¹⁷⁹ Martin, P. "What We Should Demand from Intelligence." *National Security Studies Quarterly* 5 (spring, 1999): pp. 107–113.

¹⁸⁰ Stein, Janice Gross. "Building Politics into Psychology: The Misperception of Threat." *Political Psychology*, 9, no. 2, (1998) pp. 248–249.

alternatives with regards to clandestine diplomacy and foreign policy influence.

Although a country may be safe, it may not have the tools to defend itself adequately against threats from abroad. Over the years, most countries have developed a security and intelligence community mainly focused on combating domestic threats. By neglecting the importance of foreign threats, such countries have forsaken the idea of creating a service tasked with the collection of secret intelligence abroad. Mwangi asserts that having a foreign intelligence service helps a country to protect its national interests abroad.¹⁸¹

In today's world where economic interdependence and international competition prevail, Kenya needs to adequately forecast the economic intentions of foreign states and understand economic trends. Economic and trade intelligence is essential for governments and private businesses to become or remain competitive in the current global economy¹⁸². Kenya needs economic intelligence to feed its decision-makers with 'valuable economic intelligence unavailable through other means and value-added analysis on issues deemed important. This would include intelligence on macroeconomic policies and significant upcoming decisions of major economic actors, for example, in the area of monetary or fiscal policy.¹⁸³

Intelligence support to peacekeeping operations is complex and involves different levels of information requirements. In order to create a secure environment for the operation, the troops need strategic intelligence to be aware of the global context¹⁸⁴. They need operational intelligence on the intentions and capabilities of the belligerents as well as on the terrain, the climate, the infrastructures, and others. Finally, they need tactical

¹⁸¹Mwangi, "The Unrealized Potential of Cultural Diplomacy: Best Practices and What Could Be, If Only..." (Heldref Publications, 2009) Vol. 39. No. 4.

¹⁸²Cilluffo, Frank J., Ronald A. Marks, and George C. Salmoiraghi. "The Use and Limits of U.S. Intelligence." (The Washington Quarterly, 2002) Vol. 25, no. 1: p. 61.

¹⁸³ Katete D. Orwa, "Continuity and change: Kenya's foreign policy from Kenyatta to Moi." In Oyugi W. O., (2009.), Ibid., p. 302.

¹⁸⁴ Op Cit, Trevor, p. 66.

intelligence on the conflict or peace situation within the local context.

3.3 The Foreign Policy in Perspective

Kenya's foreign policy is anchored on five interlinked pillars of diplomacy: economic; peace; environmental; cultural and 'diaspora'. The economic diplomacy pillar aims to achieve robust economic engagement in order to secure Kenya's social economic development and prosperity that will ensure our nation becomes a middle income and industrialized economy by the year 2030.

According to Warner's definition, four elements merit scrutiny: secrecy, state activity, understanding, influencing and foreign entities. There was a general consensus that secrecy of action or clandestinity is an important component of intelligence because it can provide a comparative advantage for the nation conducting intelligence. However, intelligence is not just about secrets, states also need to keep secrets, and thus someone in the state must be good at keeping them. Under state activity, Warner looks at how different nation-states conduct intelligence. Intelligence for national policy makers is different from intelligence for other decision makers operating in competitive environments. That is so because intelligence for states can mean life or death and explains why intelligence predates the nation-state, when sovereign powers decided to go to war with one another for control of territory and populations and to execute traitors who divulged their secrets.¹⁸⁵

Kisiangani notes that Kenya has long been cast as a reluctant regional actor. Those who view it as having a strong economy, but lacking political leverage in its region have questioned its regional influence. Critics argue that Kenya takes its cue from its neighbours and adopts regional engagement strategies that are a passive object of the geo-

¹⁸⁵Gregory F. Treverton, Seth G. Jones, Steven Boraz, Phillip Lipsy, Toward a Theory of Intelligence, Workshop Report, National Security Research Division, RAND Corporation conference proceedings series, (June 2005), p.234

strategic interests of others.¹⁸⁶

Kenya has sought to advance its interests not by defining the regional political agenda, but by taking the regional environment as a given and then making pragmatic, but cautious, efforts to ensure it is economic and security interests.¹⁸⁷ Currently Kenya has maintained a number of diplomatic missions and has bilateral relations with all her neighbours, having signed bilateral trade and economic co-operation agreements with different countries.

Kenya's foreign policy is shaped by the desire to attract economic assistance that does not come with a heavy burden. This has been an attractive aspect in its relations with other countries. Towards Israel, external actors and factors do not play a major role in influencing Kenya's foreign policy. Within the UN, Kenya's foreign policy is guided by the UN principles. Here, Kenya finds an opportunity to participate in diplomatic events and to be part of the international community that seeks to end conflicts in the world.¹⁸⁸ A state's foreign policy is shaped by the internal dynamics of individual and group decision making and by the states and societies within which the decision makers operate.

A discussion of Kenya's foreign policy towards the world is an inquiry into Kenya's foreign policy process, determinants, objectives and outcomes.¹⁸⁹ As in other studies of African foreign policies, in studying Kenya's foreign policy, one would be seeking to shed light on actors, contexts, and outcomes. In all cases foreign policy makers attempt to reconcile domestic interests with external circumstances, taking account of the available means, resources and institutions for doing so.

¹⁸⁶ Kisiangani, Emmanuel. *Kenya's Regional Relations: Between Principle and Practice*. (Policy Briefing, 2014), p. 34.

¹⁸⁷ Ibid, p 67.

¹⁸⁸ Goldstein, S. J. *International Relations*, 6th ed. (New Delhi: Dorling Kindersley, 2005), p. 169.

¹⁸⁹ Hazlewood Arthur. *The Economy of Kenya. The Kenyatta Era* (New York: Oxford University Press, 1979), p. 1.

Like history of independent Kenya, the study of Kenya's foreign policy has been approached from three main perspectives. One perspective views it as a continuing and expanding continuum, reflecting institutions and ideas that trace their origins to the colonial period. It is argued in this genre that African nationalism was merely concerned with eliminating the colonial barriers to its rise within the structure monopolistic exchange, 'rather than with changing the structure itself. This school of thought accuses Kenya of developing without an African ideology.

The attainment of Kenya's independence on 12 December 1963 marked the culmination of 68 years of anti-colonial struggle waged by the Kenyans to free themselves from British domination, oppression and exploitation. But the attainment of independence also marked the beginning of the process of nation-building. By nation-building was understood the elimination of poverty, disease and ignorance and the emergence of a relatively egalitarian and participatory society. In his address to the nation during the Independence Ceremony, President Kenyatta confronted the challenge of independence in a language which he was to echo and re-echo throughout his presidency.

Kenya's foreign policy has been subjected to various interpretations. One view portrays Kenya as a country which pursues two types of foreign policy: one is perceived as radical and applied to international issues; the other is conservative, aimed at creating stable conditions in East Africa where Kenya has vested interests. Despite this, Kenya's initial inclinations in foreign policy were generated by forces that had their origins in the first few decades of the twentieth century.¹⁹⁰ At independence, like in all other areas, President Kenyatta exercised a controlling voice over major foreign policy decisions.

In eastern Africa, Kenya is considered an economic power house and it is the leading diplomatic and economic centre where most corporate branches are located. This

¹⁹⁰ Kaplan, I. *et. al.*, *Kenya a Country Study, Foreign Area Studies*, (the American University, 1975) p. 23

enables Kenya to act to advance foreign and national elite interests, a role which produces ‘dependence and regional inequality’. The conclusion reached is that Kenya is a dependent, neo-colonial state whose foreign policy is basically an extension of the policies of the imperialist capitalist states and their multinational corporations.¹⁹¹

Makinda has been even more forthright. Denying Okumu’s thesis that secessionist threats to the newly independent state of Kenya shaped the country’s foreign policy, he asserts that ‘indeed, from the beginning, Kenya’s foreign policy was shaped by the need to attract more foreign capital, maintain commercial links with neighbouring states, ensure the security of its borders and consolidate the domestic power base’.¹⁹² It is important to note that both Makinda and Okumu provide some of the key factors at that time.

Makinda goes further to say that this policy only entrenched dependence on ‘foreign investment’ which, in turn, called for the perpetuation of Kenya’s dependence on the ‘East African market’. Dependence on the East African market and foreign investment was to facilitate and maintain Kenya’s regional dominance. Probably, though Makinda does not clarify the point, this regional dominance also depended on a military arrangement with the British and an alliance with Ethiopia.

The basis of post-independence Kenya’s foreign policy is found in three documents, the 1960 Kenya African National Union (KANU) constitution and the 1961 and 1963 KANU Manifestos. In the constitution, four of the stated aims relate to foreign policy. There is a commitment by the nationalists to ‘vigilantly safeguard national interest’ and work with the other nationalist democratic movements in Africa and other continents to eradicate imperialism, colonialism, racialism and all other forms of national or racial or foreign oppression.

¹⁹¹ Makinda J, *Kenya foreign policy and international relations: Kenya and the world*, (Softkenya, 2002).

¹⁹² Hazlewood, Arthur. *The Economy of Kenya. The Kenyatta Era* (New York: Oxford University Press, 1979), p. 1.

Looking back, Kenya's past government(s) may have applied clandestine diplomacy; a case is noted during Kenyatta's time when the bullet-ridden body of Josiah Mwangi Kariuki was found in Ngong forest on March 1975. Having started off as a business associate of Kenyatta's relatives as well as Kenyatta's secretary, Kariuki had emerged into the political limelight in the late sixties. His popularity heightened dramatically towards the beginning of the seventies. Since the death of Tom Mboya, no other politician was able to mobilize as much support across ethnic boundaries as Kariuki. It was by virtue of championing the cause of the common man that he was able to emerge as a bridge builder. In agitating for the improvement of living standards of the masses, Kariuki leveled incisive criticisms against eminent policies. Based on observation, many suggest that the East and West governments were playing clandestine diplomacy games, and that the two may have just been collateral damage.

3.4 Clandestine diplomacy and Kenya's Foreign Policy

Kenya's foreign policy has been essentially a matter of deliberate actions by elites who have chosen to participate in external realms. After independence, most African country's foreign policies sought to resolve the choice between national and continental identity, supernationalism and differentiation and integration. Continental identity, supernationalism and integration in various forms proceeded from the desire to unite disparate geographical units, to pool resources in concerted action, and to increase the leverage of the continent as a whole in the global and regional affairs of African states.¹⁹³

Intelligence support to peacekeeping operations is complex and involves different levels of information requirements. In order to create a secure environment for the operation, the troops need strategic intelligence to be aware of the global context. They need operational intelligence on the intentions and capabilities of the belligerents as well

¹⁹³ Khadiagala, G.M. & Lyons T., *African Foreign Policies; Power and Process*, (Lynne Rienner Publishers, London, 2001), pp. 1-4.

as on the terrain, the climate, the infrastructures, etc. Finally, they need tactical intelligence on the conflict or peace situation within the local context.

Kenya's initial inclinations in foreign policy were generated by forces that had their origins in the first few decades of the twentieth century. These included, the creation of common organs in several fields to serve the needs of the three East African countries under the British rule (Kenya, Tanzania and Uganda), the assignment by European administrative decision of an inhospitable and poor but large bloc of Somali-populated land to Kenya instead of adjacent Somalia, the establishment of sizeable European settler and Asian immigrant communities in the country; and the domination of the economy by agricultural exports, most of which were still produced by large, settler-owned farms even after independence.¹⁹⁴

The assignment of the large bloc of the Somali populated land to Kenya led to the Shifta War in its north-eastern region. With this threat on its horizon, Kenya made the above principles pivotal to its regional relations. Concerns over territorial integrity and secessionism also made Kenya a leading supporter of the OAU's principle of the non-violation of territorial borders inherited at independence.

As to whether clandestine diplomacy or Intelligence informed Kenya's foreign policy at independence, it is imperative to understand the type of intelligence set up inherited from the British administration. Cordifield, while writing about the organization of Intelligence from 1940 to 1952, states that "although the Colonial Office gave guidance on the organization of intelligence, it was always made clear that it was the responsibility of each Colonial administration to maintain an intelligence system adequate to keep itself informed of all likely threats to public order and stability and of political

¹⁹⁴ Op Cit, Kaplan, I. *et al.*, p. 23.

developments whether potentially subversive or not¹⁹⁵. Thus from this early beginning, the aim of the colonial intelligence was to counter threat from internal groups like the Mau Mau, which the British administration termed a secret society. In fact security and political intelligence from its earliest days was considered to be within the overall responsibility of the Commissioner of Police, and he was responsible for collecting and sifting intelligence, which emanated from the local police formations and the administration.¹⁹⁶ This arrangement remained after independence and although special Branch was made autonomous through a presidential charter, the main focus of intelligence collection remained internal and played no role in shaping Kenya's foreign policy.

Way before independence, the Kenya government stressed its adherence to a policy of nonalignment, that is, of not linking its attitudes to the foreign policy or philosophy of any major world power. All policies were to be based upon an objective analysis of the particular issue with due consideration for Kenyan interests. The promotion of peace through negotiation, conciliation and mediation and recognition of all states were also stressed as cornerstones' of foreign policy. However, in spite of this commitment, between 1963 and 1968, the struggle in Kenya merged with the broader anti-communist crusade of the US and the CIA activities in East Africa, which were extensive but remain classified. The US provided covert assistance; financial, intelligence and organizational support to help defeat Odinga and the leftists, whom they saw as irredeemably associated with communism and therefore a legitimate target.¹⁹⁷

During this period, the British also took an anti-communist view, and concentrated their advice and support on Kenyatta, who had given them effective

¹⁹⁵ Cordfield, F.D., *Colony and Protectorate of Kenya: The Origins and Growth of Mau Mau – An Historical Survey* (Sessional Paper No. 5, 1960) p. 30.

¹⁹⁶ Ibid, p. 30.

¹⁹⁷ Hornsby, C., *Kenya: A History since Independence*, (Publisher: I.B.Tauris & Co Ltd, 2011) p.145.

command of the army and relied on them for military and intelligence support, which left them in unrivalled position to influence the establishment. The Israelis were also involved in covert contest with the Chinese security services inside Kenya. Israel had built military links with the Kenyans in early 1960s, and assisted Kenya's government by disclosing information on China's operations. In 1965, based on Israeli or American intelligence, Kenya closed the Nairobi offices of the New China News Agency, and expelled several Chinese diplomats for spying in 1967.¹⁹⁸ Kenya's intelligence operations remained targeted towards the Communists (the Russians, East Germans and the Chinese) till after the end of the cold war in mid 1990s.

President Daniel Moi succeeded President Kenyatta after his death and followed a similar, but slightly varied, approach, especially towards the region. His regional relations were shaped by the destabilising effect of several civil wars in Kenya's neighbouring countries and their spill over effect on the region. Some regard his time in office 'as Kenya's diplomatic golden age', due to his peace-brokering efforts in East Africa and the Great Lakes regions.¹⁹⁹ Towards the late 1980s and early 1990s, however, he faced increasing challenges following the end of the Cold War and his diminishing strategic importance to the West. His engagement became increasingly erratic, especially towards some Western capitals keen on his departure from office. Moi's successor, President Mwai Kibaki, made little impact on the resolution of conflict in the region. He was however more prominent in cultivating Kenya's economic diplomacy. He espoused policies that did little to ruffle feathers regionally and internationally.

President Uhuru Kenyatta emphasises a regional and Afro-centric approach in Kenya's foreign policy.²⁰⁰ In his inauguration speech he stated that Kenya's future

¹⁹⁸ Ibid, p. 145.

¹⁹⁹ Onyango-Obbo C, '*Great Lakes crisis : The end of Western 'spheres of influence', death and fall of Africa's big men*' (2013).

²⁰⁰ Capital FM News, '*President Kenyatta's inauguration speech*' (2013),

depended not only on its national unity, but also on deepening bonds with brothers and sisters in East Africa and Africa as a whole.

Shulsky, Abram and Gary cite that members of the Intelligence Community work as advisors who provide expert analysis of relevant information. However, while information is anything that can be known, intelligence is a refined subset that responds to specific policy requirements and stated needs.²⁰¹ Thus it can be concluded that the intelligence analyst turns information into intelligence by connecting data to issues of national security, thereby giving it value. Of all the functions of intelligence, covert action is the only one with the exclusive purpose of implementing foreign policy and of doing it secretly without the knowledge either of the citizens or the people of the foreign country concerned.

Unlike Tanzania and Uganda, which have a history of supporting liberation movements on the continent, Kenya has traditionally eschewed robust regional engagement, focusing instead on domestic concerns and generally favoring multilateral, soft-power approaches to regional security challenges. As noted, Kenya's 2011 incursion into Somalia and ongoing participation in AMISOM marks an unprecedented use of Kenya's hard power for the protection of its security and economic interests. The country's shift toward a more outward-looking regional posture comes as it seeks to deepen economic engagement with fellow members of the East African Community; strengthen trade ties with China, India and other emerging markets; consolidate its status as a regional leader in manufacturing, communications and services; and capitalize on recent oil finds in the Turkana Basin by the Anglo-Irish firm Tullow Oil.

The decision for Kenya to intervene in Somalia on some accounts was a very lengthy and strategic decision and the government had coordinated the preparation for the

<http://www.capitalfm.co.ke/eblog/2013/04/09/president-kenyattas-inauguration-speech>.

²⁰¹ Shulsky, Abram N. and Gary J. Schmitt. *Silent Warfare: Understanding the World of Intelligence*, (3rd ed. Washington, D.C.: Potomac Books, Inc, 2002).

intervention for months prior to the actual invasion into Somalia in October 2011 and the intelligence services played big role. It also coincides with fallout from the International Criminal Court (ICC) cases against the president and the deputy president (Kenyatta and Ruto) which have complicated diplomacy with the United States, Britain and other Western partners. However these are unlikely to fundamentally disrupt traditional security and economic relations.

In 1998, a new act of Parliament in Kenya established the National Security Intelligence Service (NSIS) to replace the former Directorate of Security Intelligence which at the time was still colloquially known as "Special Branch".²⁰² The NSIS has since been under scrutiny and has on numerous occasions been accused of tampering with information in favour of the sitting government. In 2010 for example, the service was accused of changing the draft of the proposed Kenya constitution while at the government's printer. It was alleged that two words "National Security" were added to clause 24(1) (d). The addition meant that the agency or government could suspend fundamental rights at any time for the sake or on grounds of national security.²⁰³ The NSIS has since the enactment of the new constitution been replaced with National Intelligence Service (NIS) through an Act of Parliament, the NIS Act of 2012.

3.5 Chapter Summary

The literature reviewed observes that apart from purely its content, the largest challenge for foreign policy lies in its implementation. The proper articulation of foreign policy and of the diplomatic service is central to the success or failure of the implementation of foreign policy. Foreign policy plus the administration of the diplomatic service and of the policy itself give rise to the implementation of foreign policy. This means that the

²⁰² Njau, Mutegi "New intelligence Body Will be Service Oriented". (Daily Nation, Nairobi, Kenya, 1999).

²⁰³ Juma Kwayera, Proposed NIS bill to reverse freedom gains, Saturday, August 18th 2012, available at http://www.standardmedia.co.ke/?articleID=2000064293&story_title=proposed-nis-bill-to-reverse-freedom-gain&pageNo=1 accessed at 14:15 on 15th Jan 2015.

traditional context of dividing foreign affairs into the “policy” and “administrative” aspects needs review. If not, the implementation of foreign policy will continue being held hostage to the turf wars between policy makers and administrators.

The literature reviewed also notes that in the Kenyan context, the lack of twinning the study of the content and implementation of foreign policy with that of the administration of the diplomatic service and the foreign policy itself is the major missing link in the study of clandestine diplomacy.

The reviewed material illustrated that Kenya’s regional diplomacy has been characterised by a strong sense of pragmatism. The regional diplomacies of Kenya’s different heads of state varied more in terms of form than substance. The overriding concern has been to develop and maintain friendly relations with other regional entities, and foster co-operation with the rest of the international community. While this has ensured that the country forged beneficial regional relations, to critics it has not helped develop the country’s political and military leverage in line with its economic abilities.

In using realism theory to further interrogate the role clandestine diplomacy and influence on Kenya’s foreign policy, the chapter discovers that the scope and ambition of a Country’s foreign policy is driven first and foremost by its place in international system and specifically by its relative materials power, and this is probably why they are realists. The chapter further observes that the impact of such power capabilities on Kenya’s foreign policy is usually very indirect and complex - same as clandestine diplomacy is.

CHAPTER FOUR: KENYA'S STRATEGIC DIRECTION TO DIPLOMACY AND FOREIGN POLICY

4.0 Introduction

This chapter presents analysis of the data on the relationship between clandestine diplomacy and Kenya's Foreign policy. The study succeeded in getting the response of a total of 50 respondents from the targeted study population.

The chapter discusses the findings of the study based on the four objectives which were examining the role of the key players in Kenya's foreign policy, analysing the role of clandestine diplomacy on Kenya's foreign policy and assessing the influence of intelligence community on Kenya's foreign policy as well as critically examine Kenya's strategic direction to diplomacy and foreign policy. The chapter is divided into three sections defined by the findings relevant to each research objective.

4.1 Analysis of Participants

4.1.1 Response rate

The main purpose of the study was to establish the relationship between clandestine diplomacy and Kenya's foreign policy. The target population for this study included key stakeholders from the Ministry of Foreign Affairs, National Intelligence Service, the Ministry of Defence, Kenya Police Service, Diplomats, Special Envoys, Ambassadors, Parliament (Defence and Foreign Relations Committee) and Cabinet Secretaries. The tools that were sent-out to the 50 key respondents who were initially targeted are shown in figure 2.

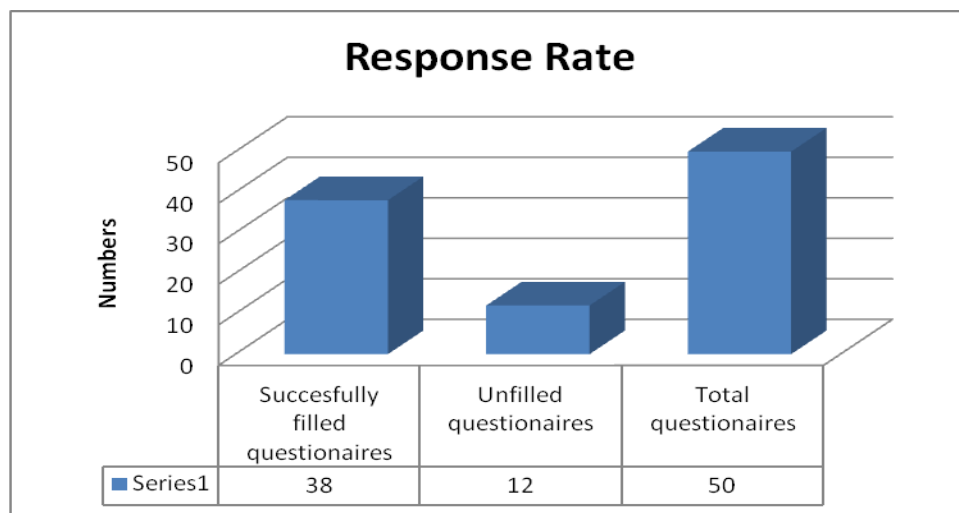


Figure 2: Response rate

Figure 2 shows the total participant response rate. Out of a total of the initial 50 (100%) targeted, 38 (76%) successfully filled the questionnaire while 12 (24%) were unsuccessful. Therefore the response rate was (76%) which was considered adequate for further data analysis. This response rate was possible as a result of actively pursuing the participants, proper orientation of the participants to the study, due to the availability plus accessibility of many respondents at the time of the study, the ability of the researcher to effectively apply proper research technique in the study and finally because of proper guidance from the supervisor.

4.1.2 Key Actors in Kenya's Foreign Policy

The 1963 constitution established foreign policy as an executive function under the office of the president²⁰⁴ the incumbent president thus bears overall responsibility for the function. In August 2010, however, Kenya adopted a new constitution which maintains the presidential system but establishes additional checks and balances on executive power: their implementation, along with other changes, will take place progressively

²⁰⁴ Hanson S, 'Understanding Kenya's Politics', CFR (Council on Foreign Relations), New York, 2008, http://www.cfr.org/publication/15322/understanding_kenyas_politics.html.

through the passage of further legislative measures over coming years.²⁰⁵ Parliament has made positive strides in its own oversight role a function entrenched in the new constitution and the national assembly will now review executive budgets, appointments and decisions relating to foreign policy.²⁰⁶ The ministry of foreign affairs (MFA), coordinates foreign policy under the direction of the president, in consultation with other government ministries and agencies in an advisory capacity, as complementary participants in the coordinated implementation of foreign policy.²⁰⁷ Some of the other government agencies approached to contribute in the study included National Intelligence Service, the Ministry of Defence, Kenya Police Service, Diplomatic community; Envoys and Ambassadors, Parliament and the members of the Cabinet. All these according to Hanson play a key role in defining Kenya's foreign policy and implementation. The outline of the departments which participated in the study is as shown in the figure 3.

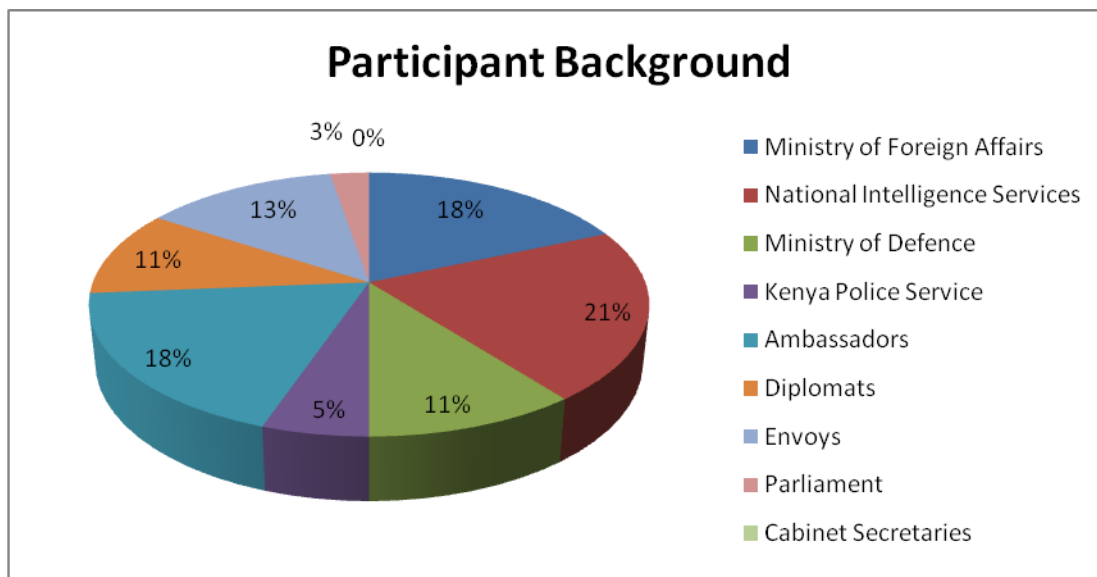


Figure 3: Participants background

²⁰⁵ Op. Cit, Kenyuru A, p. 11; see also Were M *et al.*, 'Trade Policy in Kenya', in Adam *et al.* (eds), Kenya Policies for Prosperity. Oxford: Oxford University Press, 2010.

²⁰⁶ Hanson S, 'Understanding Kenya's Politics', CFR (Council on Foreign Relations), New York, 2008, http://www.cfr.org/publication/15322/understanding_kenyas_politics.html.

²⁰⁷ Amolo T, *Some Thoughts on Economic Diplomacy and Its impact on Economic Relations*, 27 May 2009, <http://www.titiic.co.za>

4.1.3 Professional Specialization

When foreign policy decision makers have clear and applicable capabilities and thus instrument choices for decision making, they will not be limited to the diplomacy choices in developing of foreign policy²⁰⁸. By focusing on professional capabilities is important to provide more answers to countries' foreign policy choices. Learning if a country is high in soft power capabilities, and then studying the rate of which she is actually using it will provide a unique insight into foreign relations. Documents of diplomacy help in decision making processes for critical matters for the foreign missions. The documents kept in the archives helps back track an issue in details to inform appropriate decision making concerning a specific issue of concern. For example, Launay²⁰⁹ attempted and succeeded in explaining the main back channel diplomatic dealings from the French revolution to the First World War. The explanation went beyond the official history, and was based on the analysis of diplomatic documents which was determined by the professional background of those in charge of developing foreign policy. The professional background of those who participated in the study is as shown in the figure 5 below.

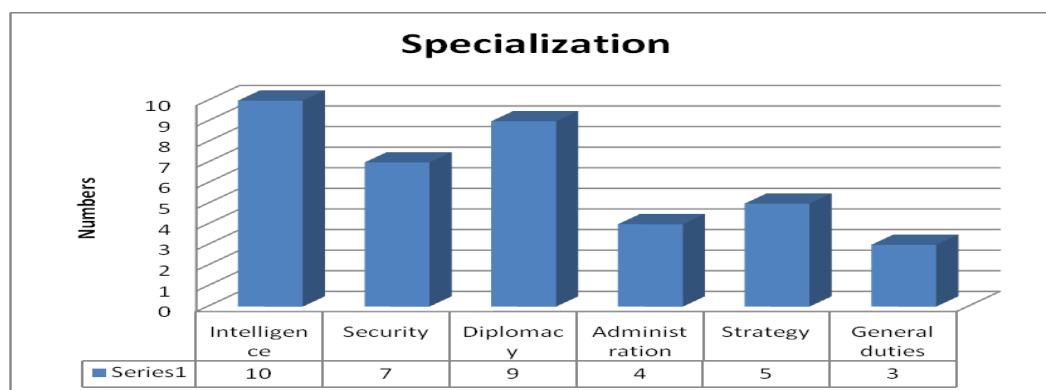


Figure 4: Professional specialization of participants

²⁰⁸ Kegley, A. *World Politics*, (11th Ed Rev. London, 2008).

²⁰⁹ Launay, F. *Foreign Policy Analysis*. (Unpublished Thesis, 1990).

4.2 Understanding of Key Concepts

4.2.1 Respondents views of diplomacy

In the practice of diplomacy, the administrative side is very much critical since diplomacy is also about maintaining high values and exemplary conduct. Langhorne stressed that diplomacy should be understood as being both the international negotiation and the statecraft or the art of conducting state affairs.²¹⁰ Satow on his part emphasized the importance of good understanding of the principles and concepts of diplomacy in tracking applied intelligence and tact to the conduct of official relations between sovereign states.²¹¹ This means that diplomacy was the pursuit of state interests. It implied that some level of discretion was necessary to the practice of diplomacy. Satow accepted the need for keeping high levels of knowledge and skills of diplomacy as the main prerequisite of confidence coupled with an ethical dimension of the art of diplomacy. This will enable proper use of the diplomatic documents which could be kept either to maintain the contents of the negotiations; knowledge that negotiations are taking place; or the identity of the negotiators and this forms the basis for continuity of the diplomatic mission in pursuit of interests. The level of understanding as revealed from the study is as shown in the figure 5 below.

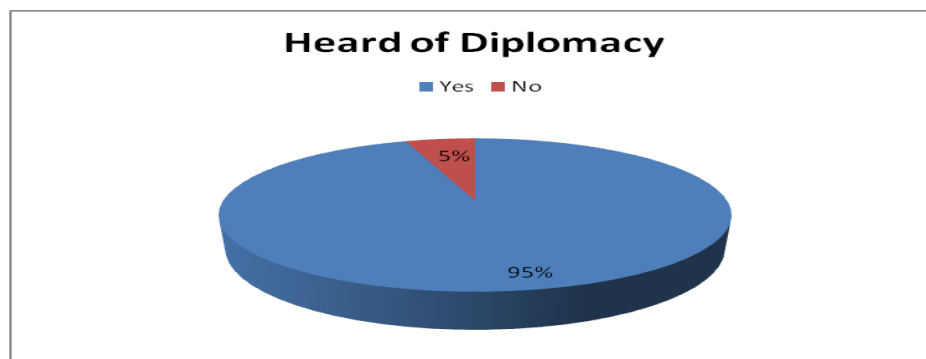


Figure 5: Awareness of Diplomacy

²¹⁰ Langhorne, A. and Kerry, F. *Foreign policy challenges facing America*. (2008) Retrieved February 8, 2010 from www.reuters.com/

²¹¹ Satow, M. and M. Smith. *Foreign policy in a transformed world*. (Harlow: Prentice-Hall, 2000).

The study observed that most of these findings (definitions) were close to Barton, who referred to diplomacy as the art and practice of conducting negotiations between representative of groups or states. Diplomacy is also concerned with the management of relations between States and between States and other actors.²¹² Therefore in Kenya's perspective, this study found that diplomacy is mainly concerned with advising, shaping and implementing the foreign policy.

In the Kenyan context, the study observed that when it comes to diplomacy, diplomats provide that critical link, whether in managing relationships with foreign leaders, ensuring the safety and well-being of their state of interest abroad, or promoting commercial, cultural, and educational exchanges. The study also notes that diplomacy is studied in terms of the complex and wide-ranging means for official communication and in the context of the many types of intergovernmental organizations and their links with a growing transnational environment of international non-governmental organizations.

It can be said that diplomacy is the management of relations between sovereign states and other international actors. Diplomacy in other words is the means by which states through their formal and other representatives as well as other actors articulate, co-ordinate and secure particular or wider interests using persuasion, lobbying and at times employing threats or actual force. Sometimes a government may need to manage its international relations by applying different forms of pressure. How successful this pressure proves depends on the national, economic and military power the nation usually has. The majority were however familiar with the concept of intelligence and diplomacy. One respondent defined diplomacy as - *the work of maintaining good relations between the governments of different countries or skill in dealing with other nations without causing bad feelings.*

²¹² Barston, R.P, *Modern Diplomacy*. (Publisher, Pearson Longman, 2006).

The majority also strongly agreed that intelligence had a very active role to play in diplomacy. One respondent indicated that, *intelligence is critical in guiding diplomatic affairs, especially when it comes to articulating issues; to sustain one's position as a country, so as to build one's status*. Relationship between states is built on reciprocity or mutual exchange and to do that a state will require understanding one's partners (other states), so that they both mutually negotiate, for example in order for Kenya to succeed in East Africa, it must need to have a clear understanding of its partners (surrounding states), the Somali war is another good example on the importance of intelligence in diplomatic engagements.

4.2.2 Respondents views of intelligence

As Kent pointed out intelligence is simultaneously knowledge, an activity, and an organization. Intelligence was the knowledge that highly placed civilians and military men must have to safeguard the nation. As revealed in this study regarding the understanding of Intelligence is knowledge, not just facts or data. Similarly, Intelligence as an activity, the collection of data that is processed into information that can be used by intelligence analysts to assess the validity and import of the new information and use it, in conjunction with background data, to develop intelligence products that describe the strategic environment and provide estimates of the future. As an organization, intelligence is the organization that does the activity and produces the knowledge.²¹³

The study revealed that most of the current intelligence advancements, developments and problems, whether they relate to predicting surprise attack, the politicization of intelligence, or questions of ethics and privacy, are old conundrums. Equally, many of the suggested solutions are ideas that have been tried before. However, it is hard to escape the feeling that closer attention to obvious lessons from the past would

²¹³ Kent, R.. "*Ideas of Intelligence: Divergent National Concepts and Institutions*," (Harvard International Review, Autumn, 2002).

have assisted humanity in avoiding or mitigating some of the more obvious pitfalls of the last decade. Indeed, one of the greatest challenges for intelligence studies is to connect intelligence history and current policy.

The respondents were probed further on their definition and understanding of intelligence, according to the study, intelligence may be sorted into three primary missions: the collection and interpretation (“analysis”) of information; the protection of government secrets against hostile intelligence services and other threats (“counterintelligence”); others defined intelligence, *as information that has been analyzed and refined so that it is useful to policymakers in making decisions specifically, decisions about potential threats to the national security.*

Some defined intelligence as the collecting and processing of that information about foreign countries and their agents which is needed by a government for its foreign policy and for national security. Some of these findings were in agreement with Kendall, who argued that the function of intelligence was to help policy makers influence the course of events, and saw nothing wrong with a closer relationship between intelligence and policy.²¹⁴

Intelligence is used in diplomacy, both in terms of strategy and tactics, to gain advantages.²¹⁵ The study therefore observed that intelligence functions in Kenya are helping the policymakers influence the course of events by helping them understand the operative factors on which national security can have an impact. Perhaps a CIA operations officer using the pseudonym R.A. Random offered the best definition in 1958 when he proposed that, intelligence is the official, secret collection and processing of information on foreign countries to aid in formulating and implementing foreign policy,

²¹⁴Op Cit, Kent P. 23

²¹⁵Herman, M. *Diplomacy and Intelligence: Diplomacy & Statecraft* 9, no. 2 (1998): pp. 1-22. [GenPostwar/Policy/90s].

and the conduct of covert activities abroad to facilitate the implementation of foreign policy.²¹⁶

Although this last definition is still focused on foreign policy and foreign states, the advantage is that it highlights the fact that intelligence involves official, that is, government activities to gather information that other groups are attempting to conceal or prevent the government from obtaining. While foreign policy and strategy are not synonymous, the two terms could be interchanged in the definition above without harming the meaning. The collection, analysis, and dissemination of secret information to strategists provides them a key tool needed to develop sound courses of action by identifying critical strengths and vulnerabilities of other players, important trends and factors driving the strategic situation, and projections of reactions to proposed courses of action.

This definition also addresses the use of covert activities in support of foreign policy; bringing forward the concept that intelligence is more than an informer of strategy and may also serve as a means for carrying out a strategy. Both these roles of intelligence - as a source of information used in the development of strategies and as a tool to be used in implementing those strategies - work best if intelligence is fully integrated in the strategy team.²¹⁷

4.2.3 Combining Diplomacy and Intelligence Concepts

Intelligence and diplomacy share an objective: seeking knowledge and understanding of foreign countries. But they have evolved as different separate institutions with rather different perceptual lenses. Only the department of defense retains institutional links with

²¹⁶Random, R.A, "Intelligence as a Science," *Studies in Intelligence*, Spring 1958, p. 76, quoted in Michael Warner, "Wanted: A Definition of 'Intelligence': Understanding Our Craft," *Studies in Intelligence*, Vol. 46, No. 3, (2002).

²¹⁷ John Aclin, "*Intelligence as a Tool of Strategy*," Chapter 19 in *The U.S. Army War College Guide to National Security Issues Volume I: Theory of War and Strategy*, ed. J. Boone Bartholomees, Jr., Strategic Studies Institute, U.S. Army War College, Carlisle, PA, (2010), pp. 263-277.

both of them.²¹⁸ For intelligence, information and understanding including presentation of results to users are sought as ends in themselves; for diplomacy they are adjuncts to policy and action.²¹⁹ Intelligence and diplomacy differ in most of their methods and even in the use of human sources they operate under different conditions and constraints.

The information outputs of intelligence and diplomacy are often complementary though intelligence includes coverage and expertise on matters such as warning, military forces, war, limited conflict and terrorism in which diplomacy is not geared to specialize. In general terms, top-level foreign policy formulation leans on intelligence rather than purely diplomatic assessment when the subjects have national security content. Despite their common functions of information gathering and building up knowledge, the principle relationship between intelligence and diplomacy is of producer and customer.

Diplomacy uses intelligence not only for strategy but also for tactics as well as in the specialized area of its defensive security. But this primary producer-customer relationship is accompanied by a variety of subsidiary interactions, influences and overlaps. Intelligence as a national institution and international system has some weight in its own right but is by no means insulated. Diplomacy uses national intelligence capabilities as an element in power and influence, a card in the negotiating hand; sometimes on the other hand it needs to negotiate to meet intelligence needs. Diplomatic and intelligence with foreign countries interact usually reinforcing but sometimes modifying each other.²²⁰ Given the expansion of intelligence in the last half-century relative to diplomacy, two questions arise over the alignment of the two institutions. One is whether there should be greater separation between them. Diplomacy provides intelligence cover and facilities and does an intelligence target hence need defensive

²¹⁸ Peter Gill & M. Phythian. *Intelligence in an Insecure World*, (Cambridge: Polity Press, 2006), p. 33

²¹⁹ Ibid, p. 33.

²²⁰ Michael H., *Intelligence Power in Peace and War*, 5th edition, (Cambridge: Cambridge University Press, 1996), p 49.

intelligence support. Arguably some distancing between intelligence and diplomacy is desirable at least to the extent that the association between them and diplomats should be kept within reasonable limits and not expanded to a renewed cold war scale.²²¹

The other question is how far intelligence should be seen as diplomacy's rival: the anti-diplomacy. It is part of the regimes and government systems it serves and gets its character from them.

The definitions of intelligence according to the participants appear to be leaning very close to Lowenthal, who stated that, the term intelligence can have at least three meanings. It can be seen as a process, that is, the means by which governments request, collect, analyze and disseminate certain types of required information, and the rubric by which covert operations are planned and executed. Intelligence also comprises the products of these gathering, analysis and covert operations. Finally, intelligence can refer to the organization, that is, those agencies that carry out its functions.²²²

The study found that most participants were referring to National Intelligence Service (NIS) in their definition of the Kenyan context of intelligence, since the NIS is both the main national domestic and foreign intelligence agency of Kenya. Therefore most respondents were familiar with the subject of intelligence and diplomacy, as these subjects have now become open. When considering interconnecting intelligence and diplomacy in Kenya, it is observed that they both exist in a state of continuing adaptation.

This is one of main fascinations of these concepts whilst, simultaneously, the source of confusion in mapping their changing landscapes. In combining both concepts, according to the participants' feedback, the study found that the definitions of the concepts of diplomacy and intelligence had a thin line between them and that it was

²²¹Davies, P, "*Ideas of Intelligence: Divergent National Concepts and Institutions,*" (Harvard International Review, Autumn 2002).

²²²Lowenthal, M. M. *Intelligence: From Secrets to Policy*, 2nd edition (Washington: CQ Press, 2003).

sometimes blurred, hence to locate this dividing line between intelligence gathering and diplomacy; is of course a matter of judgment.

Diplomats are agents of the State. In theory, they act on instruction. Until the advent of modern communications, their instructions necessarily had to be general and they required a nearly innate understanding of the national interest of the country they represented.

In international diplomacy Foreign Service officers encounter many problems in trying to ferret out useful information. They have always faced the problem of getting close enough to key host-country officials (diplomats, ambassadors) and other major players in the political, cultural, and economic arenas to learn what is going on behind the scenes. In the current era of instant Internet communications on social web sites, they also face an expanding universe of players whose actions are less predictable. They have to expand their reporting not only to capture sensitive discussions and otherwise hidden activities and decisions among political elites but also to analyze cultural and social trends among women, educated and unemployed youth, disenfranchised social and religious minorities, and dissident groups

The study revealed that while there is a separation between the diplomatic and the intelligence profession, the two concepts remain very close, and in fact it is safe to assume that intelligence is used in diplomacy, both in terms of strategy and tactics, to gain advantages. This finding is in agreement with Morgenthau²²³, who stated that when it comes to evaluating the actual and potential powers of a nation, the diplomatic missions takes on the aspects of a high-class and sub rosa spy organization. In its function of gathering information, especially secret information upon which the foreign policies of

²²³Morgenthau, H. *Politics among Nations, The struggle for Power and Peace*, (Six Edition, Kalyan publishers, New Delhiv, 2001), p 568.

one's own nation could be founded, it is at the root of modern diplomacy. The diplomat is also an information-gatherer and analyst.

Ideally, foreign policy decisions should be based on intelligence analysis, but this is not always the case. Intelligence estimates can be disregarded in favor of ideological or political agendas.

4.2.4 Clandestine diplomacy in practice

The study noted that from the perspective of respondents; clandestine diplomacy has been described as the kind of diplomacy carried on by the government without the knowledge or consent of the people and behind closed doors.

One participant stated that; *today, the diplomacy has a component of clandestine in it, according to the definition of national security that includes foreign relations. Many participants loosely noted that, clandestine diplomacy was the management of international relations behind closed door secret negotiations and without the knowledge or consent of the people.* This seemed to be in line with Nicolson argument that the influence of public opinion in diplomacy has rendered open diplomacy cautious and slow-moving which also restrained the freedom of action of the government in negotiations.²²⁴

Harold also explored the issue of democratic diplomacy. He discussed the fact that secret diplomacy was being challenged by democratic diplomacy which was influenced by public opinion.²²⁵ Harold helps in understanding the influence of public opinion in a democratic political system, and its negative consequences in the practice of diplomacy.

The study gave an illustration of clandestine diplomacy in the case of Somali government that was once based in Nairobi and this involved all the national security

²²⁴ Ibid, p 568.

²²⁵ Harold, *Building a Theory of Intelligence Systems*, in *Mapping the State of Research on Intelligence*, (ed.) G. Treverton, (New York: Cambridge University Press, 2009).

organs through the coordination of National Security Council, especially in decision making and most of them relied heavily on clandestine diplomacy for directions.

The study also found some contrasting views, with one stating that; *clandestine diplomacy does not exist, because diplomacy is diplomacy*. According to them; *there is nothing clandestine about diplomacy*. One respondent insisted that clandestine diplomacy truly speaking was unobservable.

The study therefore revealed that the concept of clandestine diplomacy was still a little unspecific to many respondents much as most seemed to be in general agreement, there was still a loose definition and varied understanding(s) of this term, its use and application. From the study it was clear that the concept of clandestine diplomacy is and still remains unclear. For instance, one respondent brought a totally new angle by stating that clandestine diplomacy is the *“manipulation of events in foreign lands on behalf of a nation’s interests, through the use of propaganda, political activities, economic disruption, and paramilitary operations (collectively known in the US as “covert action” or “special activities”)*.

The study therefore revealed that the concept of clandestine diplomacy seems difficult to fully comprehend, as it covers a broad range of practice and behaviour, therefore there seems not to be a substantive definition. Over time, diplomats have embraced secrecy. In fact, it is not clear that one had to put the word “secret” or “clandestine” in front of “diplomacy;” it was implied. Diplomacy is much in evidence in negotiating international trade agreements and yet it remains more secret than before. From this point of view, the study found close acceptance to Herbert argument about Diplomatic Investigations, in which he pointed that diplomatic investigations were

tailored towards the necessity of realism in diplomacy.²²⁶ The study also focused on the traditional theory of diplomacy where the state was central to any diplomatic analysis.

The traditional role of diplomacy was believed to maintain the international order, and realism serves that purpose. The study established criticism of secret diplomacy an attempt to explain that the old diplomatic methods were not merely a game of intrigues but rather a creative art that could be adapted to the new requirements of modern democracies.

Diplomacy is a mechanism, one among many used in furtherance of the national interest and in protection of the national security. While styles of diplomacy may differ by national cultures, personal idiosyncrasies, and historical memories, they all have a common purpose. As long as there are states and they hold differing assessments of their national interests, there will be diplomacy.

Historically, the art of diplomacy and the art of spying were closely associated. Sheldon posits that intelligence activities are as much a part of statecraft as traditional or overt diplomacy, secrecy, and propaganda; and that societies changed their intelligence practices as their needs changed, from times of war to times of peace.²²⁷

The findings of the study are in alignment with Negroponte, who stated that diplomats are "overt intelligence collectors," and the "end-product" of diplomatic reporting and clandestine intelligence-gathering "can be the same,"²²⁸

Diplomats are seen as both consumers and producers of intelligence. Their work complements that of intelligence collectors and analysts, but sometimes that relationship becomes antagonistic because of divergent views on how to best pursue a States'

²²⁶ Sheldon, M. S. *Intelligence Activities in Ancient Rome: Trust in the Gods, but Verify*, (Routledge, New York, 2005), p.3.

²²⁷ *Ibid*, p.3.

²²⁸ John Negroponte, is former director of national intelligence and deputy secretary of state, says on the week's episode of conversation with Nicholas Kravel television programme (2006).

interests. However, despite the finding from the study of the usefulness of secret diplomacy, the study also acknowledges the opposing view from the early modern diplomatists, Russell, in *Freedom or Secrecy*, who explored the issue of secrecy in democratic states. He argued that the more the government becomes secretive, the less society remains free. This meant that diminishing the people's access to information about their government was to diminish the people's participation in government.²²⁹

4.2.5 Foreign Policy in practice

The study established a definition for foreign policy in practice according to respondents; *as a way a nation interacts with other nations*. Few participants defined foreign policy as, *the sum total of a country's intention towards other states and no-state actors in the international system*. These definitions were similar to Scot's statement that important distinction needs to be drawn, between intelligence services acting as diplomatic conduits, and intelligence services acting as quasi-independent foreign policy maker.²³⁰

The study further found that foreign policy formulation is a process of serious decision making; States take actions because people in governments or people in power who are key decision takers choose these forms of actions. The decision makers choose certain actions to take them forward. Decision making is a steering process in which adjustments are made as a result of feedback from the outside world. Decisions are carried out by actions taken to change the world, and then information from the world is monitored to evaluate the effects of these actions.

The study in addition found that virtually all states maintain a diplomatic corps, or foreign service, of diplomats working in embassies in foreign capitals, as well as diplomats who remain at home to help coordinate foreign policy. States appoint

²²⁹ Op Cit, Scott, L. p. 170.

²³⁰ Ibid, p. 170.

ambassadors as their official representatives to other states and to international organizations and diplomatic activities are organized through a foreign ministry or the equivalent.

The study revealed that since independence, Kenya has had no written foreign policy until the President Uhuru Kenyatta launched one on 20th January, 2015. This does not mean that Kenya did not have a foreign policy at all, but it adopted it on some basic principles which were unwritten. Kenya's foreign policy entails much more than meets the eye. Its study involves knowledge that cuts across disciplines and is time consuming, but an understanding thereof provides insights into reasons that drive Kenya to do the things she does in the international arena.

The majority of respondents (87%) noted that Kenya had recently (year - 2015) taken a new direction with regards to its foreign policy, with a strong bias towards economic diplomacy. The respondents stated that; *Kenyan's new foreign policy focuses on trade and trade apposite matters*. This was an attempt to show Kenya's competitive advantage in production of certain products such as horticultural goods and the robust tourism sector.

The study found economic diplomacy as a good example of how foreign policy is used to meet domestic policy objectives, but behind the scene these economic diplomacy is usually being driven and kept alive by clandestine diplomacy. In launching Kenya's foreign policy, the president noted that economic diplomacy would form a critical part of the country's development push as the country searches for a robust and sustained economic growth as envisaged in Vision 2030.²³¹

²³¹ The Presidency: Official website of the President (20.01.2015) <http://www.president.go.ke/president-launches-kenya-foreign-and-diaspora-policies/>

The Government of Kenya states that the objective of any state is to give direction to its foreign policies. Such objectives may vary greatly but all states seek to preserve themselves, maintain their independence, and security. For instance, economic development has played a dominant role in shaping Kenya's foreign policy.²³²

Kenya's initial inclinations in foreign policy were generated by forces that had their origins in the first few decades of the twentieth century. Notably these forces included: the creation of common organs in several fields to serve the needs of the three East African countries under British rule - Kenya, Tanganyika (later Tanzania), and Uganda; the assignment by European administrative decision of an inhospitable and poor but large bloc of Somali-populated land to Kenya instead of to adjacent Somalia; the establishment of sizable European settler and Asian immigrant communities in the country; and the domination of the economy by agricultural exports, most of which were still produced by large, settler owned farms even after independence.

Based on the participant feedback, the study revealed that since President Kibaki's government, Kenya's foreign policy has tilted heavily to international economics. Whereas in President Moi's Government, the foreign policy was heavily employed to defend the KANU regime, President Kibaki's foreign policy was one marked with a lot of development aspiration. Meanwhile the study observes that President Kenyatta's government seems to have taken up fully from the Kibaki administration in drumming support for the economic policy.

One participant pointed that; *Kenya's foreign policy seems to have shifted to African states*. Deduced from the fact that; President Kenyatta had already made key visits to some African states in a deliberate move to open new relations, Kenya now has new diplomatic missions in Africa, for instance in Algeria. The head of state has visited

²³² Government of Kenya. *Kenya Foreign Policy*. (Ministry of Foreign Affairs, 2009).

Nigeria, Ghana, South Sudan, Ethiopia, Uganda and South Africa among other countries.

The President has already managed to get some investors from Nigeria to start a cement factory in *Kitui* county at a cost of more than Sh20 billion. There is a paradigm shift in how Kenya looks at Africa.

The strategic direction to diplomacy and foreign policy in Kenya today is driven strongly from an economic angle. The current foreign policy objectives are informed by Kenya's common desire for a peaceful, united and prosperous country as embodied in Kenya's National Anthem, the Constitution and Kenya Vision 2030. Through the foreign policy objectives, Kenya seeks to promote and safeguard national, regional and international peace and security and protect Kenya's sovereignty and territorial integrity.

The government commits itself to further continue supporting the work of regional, international and multilateral organizations in finding lasting solutions to conflict and terrorism activities for a free and secure world.

The study points out that the leading assumption is that foreign policy is "more important" than other policy areas because it concerns national interests, rather than special interests, and more fundamental values. A second assumption builds upon the first: since foreign policy questions evoke a different political response, it is assumed that political institutions function differently when they confront foreign policy issues. In addition, of course, different institutions are also involved, in that some governmental agencies are concerned exclusively or substantially with foreign policy.

Policymakers since the end of World War II have relied on intelligence when they needed information on foreign policy issues. Policymakers need information to make decisions and traditionally have relied heavily and specifically on the intelligence

community for that information.²³³

An important institution that makes contribution to this foreign policy is intelligence service agencies. In the case of Kenya the NIS plays a key role in shaping Kenya's foreign policy, even though this role is usually silent and through the use of various methods that may include application of clandestine diplomacy. This can be proven by the fact that relationship between states is built on reciprocity or mutual exchange. For a country to do this, there is need to understand its partners and then to negotiate. For instance, for Kenya to succeed in East Africa, it must have a clear understanding of the regional partners.

Kenya is a leading diplomatic and economic centre in eastern Africa and most corporate branches are located in the country. This enables Kenya to act to advance foreign and national elite interests, a role which produces 'dependence and regional inequality'. It is important to keep firmly in mind the distinction between making and implementing foreign policy, making policy is deciding what to do.

The study notes that foreign policy involves a set of actions by the forces working within state's borders and intended towards forces existing outside the country's borders. It is a set of tools employed by the state to influence exercise of law making power by other states as well as actions of non-state actors outside the purview of its jurisdiction. It comprises of formulation and implementation of a set of ideas that govern the behavior of state actors while interacting with other states to defend and enhance its interests.

In addition, the study observes that foreign policy is a well-rounded comprehensive plan based on knowledge and experience for conducting the business of government with rest of the world. It is aimed at promoting and protecting the interests of the nations. This calls for a clear understanding of what those interests are and how far it

²³³ Government of Kenya. *Kenya Foreign Policy*. (Ministry of Foreign Affairs, 2009).

is hoped to go with the means that are available at a state's disposal. A good foreign policy tries to maintain contacts and develop good relations with all other states in order to enhance economic and technological co-operation with them with a view to promoting its own interests. A foreign policy also protects dignity and sentiments of the people of Kenyan origin throughout the world.

4.3 Role of the Key Players in Kenya's Foreign Policy

According to the study three principle governmental institutions that make foreign policy can be identified as the presidency, parliament and the foreign affairs ministry. According to the study, several executive departments and agencies advise the president and parliament on foreign policy and play their own roles in implementing these policies. These include: The Office of the President, the Ministry of Defence, the Chief of Staff, the National Intelligence Service, the National Security Council and the Ministry of Interior & Coordination of National Government. This was obtained by asking the respondents which department was more crucial in undertaking the foreign policy formulation. The findings are as recorded in the figure 6.

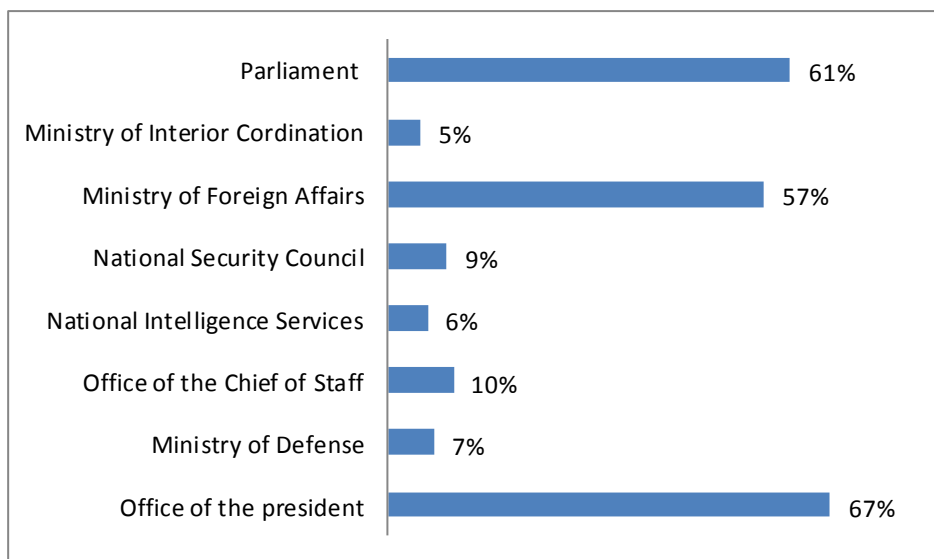


Figure 6: Key Players in Foreign Policy Formulation

The study points that, if these findings are anything to go by, it can be said that to be in line with the need for consistency and continuity of a foreign policy, it has to gain legitimacy with domestic audience, such as, citizens of a country. This is achieved by relentless pursuit of perceived national interest through a country's foreign policy.

These national interests are needs, aims or desires conveyed to policymakers by the citizens of a country. Such aims, needs and desires vary enormously from State to State and time to time. State conducts its international relations for attainment of national interests, which are general and continuing ends. State seeks to achieve or protect national interest in relations with other states.

National Interests are divided into two categories; *vital or core interests* and *less than vital or secondary interests*. Vital interests are most important from the point of view of country's foreign policy. The state is most unwilling to make any compromise with vital interests and is sure to wage war in its defence. There are common determinants that can be applied to any state to assess its foreign policy. These determinants are of two types: internal and external. In this context, Kenya's foreign policy must project and protect its "national interests" in a hostile international environment and be able to know the points of convergence and divergence with the interests of any other country.²³⁴

Foreign policy is formulated through a chain of factors that contribute and shape its agenda. A constant interaction among many institutions results in prioritizing issues in the foreign policy, even though in a country like Kenya, a powerful leadership always plays key role in decision-making with regard to external affairs.

²³⁴Munene, M, Reflections on Kenya's national and security interests (Journal of Language, Technology & Entrepreneurship in Africa Vol. 3 No. 1 2, 2011) P. 2
<http://www.ajol.info/index.php/jolte/article/viewFile/66726/54611> Accessed on 20.04.15

The ruling elite play important role in formulation of foreign policy goals and priorities. Their perceptions of domestic and foreign milieu and challenges persisting therein have important place in determining the course of country's external relations. Prominent standpoints from the respondents argue that when it comes to Kenya, there is usually presidential dominance in foreign policy decision making.

In creating a political system where power would be divided between a legislature, an executive and a judiciary, the framers of the Kenyan Constitution, 2010 not only ensured that there would be a system of checks and balances, but also created an invitation to struggle over the making of Kenya's foreign policy. The respondents argue that for practical reason and necessity, in Kenya today, *foreign policy decision making is better located in the office of the president.*

Diplomacy is the relationship between states and the influence that one state will have over another will depend on the individual or the personal attributes of the head of state. The head of state or the President's leadership style will determine the type of diplomacy a state practices. The diplomacy will influence the kind of foreign policy in a country like Kenya. Diplomats provide much of the information that goes into making foreign policies, and these diplomats are usually directed by the head of state, as the key driver in foreign policy formation, but the diplomat's main role is to carry out rather than create policies. Nonetheless, foreign ministry bureaucrats often make foreign relations so routine that top leaders and political appointees can come and go without greatly altering the country's relations. The national interest is served, the bureaucrats believe, by the stability of overall national goals and positions in international affairs.

In order to now be able to assess these arguments and make an informed judgment with regards to the question of the president's role in foreign policy decision making, it is important to define what is meant here when the term "foreign policy" is used. Its usage

here means a set of goals outlining how the country will interact with other countries economically, politically, socially and militarily, and to a lesser extent, how the country will interact with non-state actors.

The study observes that whilst there is an abundance of institutions and agencies within the Kenya government that (have the potential to) influence Kenya's foreign policy, when focusing on the actual foreign policy *decision* making, the president is, for the most part, the dominant actor. Obviously, he does not act in a vacuum and is subject to certain constraints. But due to several factors such as precedent, clever interpretation and invocation of the president's role as set out in the Constitution, and sometimes a lack of legislation will to effectively constrain the president in his actions, the president effectively becomes the dominant authority in Kenya's foreign policy decision making as he plays an active role, followed by other players in hierarchy as the deputy president, Foreign Affairs cabinet secretary, the cabinet secretary in charge of East African Cooperation, the legislature, the judiciary and others.

The study found out that as relates to foreign policy, the chief driver thereof is the executive. The executive is deemed to be the responsible arm of government that conducts foreign relations with other states. However its power is checked by the other branches of government and thus to attain the objectives it enunciates in its foreign policy, there must be some sort of internal diplomacy. This brings into sharp focus the role of the judiciary, if any, in foreign policy execution. Respondents stated that currently, the decisions of courts do have an impact on the execution of Kenya's foreign policy.

The study further found that the Kenyan Parliament does play a limited role in foreign policy formulation and implementation. But with the new constitutional dispensation speculation is rife that parliament will have a more enhanced role to play in foreign policy formulation and implementation. To enhance parliament's role the

committee on defence and foreign relations should study important foreign policy issues with the help of inputs from experts and officials, and submit their conclusions and recommendations to the House for its consideration. Also important is that all Members of Parliament should undergo training on Kenya's foreign policy so as to be well versed on Kenya's national interests, etiquette and diplomacy.

In the formulation and implementation of Kenya's foreign policy, one needs to think carefully about the role of each institution vis-à-vis the country's foreign policy. For instance the National Security Council (NSC) as established in the Kenyan Constitution is charged with the duty of integrating the domestic, foreign and military policies relating to national security.²³⁵ In order to enable the Council perform this noble task, the cabinet secretary for Foreign Affairs is a member of the Council. Therefore to fully understand Kenya's implementation process, it would be prudent to examine institutions such as these to get a fuller picture.

Ross stated that the goals of a country's foreign policy are increasingly influenced by domestic and external diplomatic forces, thus, the objectives of a country's foreign policy undergo frequent changes. With the changing global political and economic landscape, the proliferation of media and communication technologies, the emergence of new actors in global affairs, and most of all, the complex confluence of these facets, the credibility and effectiveness of standard communication practices in diplomacy is under challenge.²³⁶

Foreign policy is not the exclusive preserve of the executive branch, though most of it originates there. Parliament is an important participant. The Senate has its special constitutional responsibilities with respect to treaties and nominations. Most foreign policy requires money for its implementation, and a good deal of it requires legislative

²³⁵The Kenya Constitution of Kenya, 2010 Article 240 (6) (a).

²³⁶Ross, C. *Independent Diplomat: Dispatches from an Unaccountable Elite*, (London: Hurst.2007)

authority. Both of these requirements involve the National Assembly as well as the Senate. Finally, parliament is a bridge between the executive branch and the people. It is a sounding board for public opinion and a forum for debate.

The proper role of parliament in making foreign policy has been controversial from the beginning. Parliamentary involvement has varied over time depending on several factors, among others, the relative importance of foreign policy in Kenya, whether a policy was contentious or had general public support, and the strength and skills of the president as a political leader. Informal ties are forged between elements of the executive bureaucracy and parliamentary staff or committees in order to further or impede a particular proposal. Regardless of such ties, the executive branch has often resisted what it regards as parliament's interference with its foreign policy prerogatives. But it is a misguided president who ignores parliament's political clout.

Besides parliament, the public is an important participant in making foreign policy. There are, in fact, several publics, some more important in this respect than others. There is, first, the media, both print and electronic, such as, newspapers, magazines, radio, and television. The media is important because it is one of the principal means by which the government and the public communicate with each other. Second, there is the foreign policy community, such as, academia, think tanks, and organizations of various kinds with international interests. Third and finally, there is the public at large.

The public may get involved in issues touching on a country's foreign policy often without their knowledge. This is best demonstrated by the 2014 ban on the sale and export of *miraa* (khat) to the United Kingdom. Kenyan traders reacted negatively to the ban and instructed their lawyers to petition the UK government to make arrangements for consignees to pay them for products supplied. Three MPs from Meru County petitioned the National Assembly to discuss a motion that would compel the government to acquire

British-owned land in the country. The hullabaloo caused by the ban demonstrates that it is the duty of the government to articulate interests of its nationals abroad through economic diplomacy. The public participates in making policy indirectly but no less powerfully.

Out of this vast and usually disorganized array of interests, presidential, bureaucratic, congressional, academic, economic, and ethnic, a policy eventually emerges. Secret intelligence is usually a crucial input into this policy, but only the president, the senate, and selected members of parliament (and parliamentary staff) know what the intelligence is. Others may know parts of it, based on leaks of selected material to selected recipients. But most people have to take on faith that an important underpinning of the policy is what the president and a few other policy makers say it is.

Although a great many people are involved, directly or indirectly, in making policy, its implementation is the exclusive prerogative of the executive branch. This means that the president is at the center of both making and implementing policy. This dual role tends to blur the distinction between the two functions, especially in the mind of the president, with particular consequences in the use of covert action.

In order to implement policy the president has many tools: traditional diplomacy, bilateral diplomacy with respect to a specific country, and multilateral diplomacy carried out through the United Nations or one of the regional organizations of which Kenya is a member. There are the various informational, educational, and cultural programs of the Kenya today. There is economic and trade policy. With respect to many countries, there is economic assistance or the multilateral programs of the international financial institutions such as the World Bank, the International Monetary Fund, and regional development banks. There is a wide range of military tools, ranging from friendly (military assistance and training) to hostile (blockades, warfare).

There is also the covert action and of all the functions of intelligence, covert action is the only one with the exclusive purpose of implementing foreign policy and of doing it secretly without the knowledge either of the Kenyan people or the people of the foreign country concerned. This raises two problems relevant to the democratic control of secret activities. One concern ends (the purpose of the covert action); the other concern means (the form of the covert action takes).

In conclusion, it is important to keep in mind that all national leaders, their foreign policy teams, and other policymakers emphasize the relative importance of some pieces over others and their interrelationships depending on their interpretive grid and their ideological allegiances.

4.4 The Role of Clandestine diplomacy on Kenya's Foreign Policy

The study establishes that diplomacy has a component of clandestine in it, according to the definition of national security that includes foreign relations.

The Kenyan constitution, just like many other countries have done, establishes the National Intelligence Service (NIS), an indication that the intelligence has a huge role to play in the world over. The level of awakening informs the perception of intelligence. The mandate of national security has been redefined so it is in every sector, in all the social security. The new generation found a transformed organization, so the NIS has a more crucial role to play. Nation Security Council (NSC) exercises a supervisory control over NIS, being one of the national security organs.

One participant observed that a country's foreign relations cannot effectively steer foreign policy or engage in foreign relations without understanding and helping determine how its espionage operations should be managed and addressed, both at home and abroad.

Another participant pointed out that espionage is shaping current foreign policy and foreign relations more generally. How a Country goes about understanding the current

situations in sensitive areas of the world, as well as managing both the success and risks of espionage, becomes increasingly important everyday as efforts to protect the national security of the country and to ensure friendly ties with its country counterparts continue.

A look back in history shows the role of clandestine diplomacy on foreign policy and according to Nakashima, in the 19th century, spies continued to have an important impact on US foreign relations. Clandestine diplomatic activities ranged from President Thomas Jefferson authorizing a covert attempt to overthrow one of the Barbary Pirate states in North Africa to President James Madison influencing Spain to relinquish territory in Florida to US spies obtaining a copy of a treaty between the Ottoman Empire and France. During the Civil War, spymasters infiltrated both the Union and the Confederacy, passing on counterintelligence and conducting sabotage missions, which could range from organizing antiwar protests to setting fires in cities. On the international scene, the Union and Confederacy both used spies abroad to spread propaganda in favor of their sides within foreign countries in hopes that they would win over more allies overseas.²³⁷

Lowenthal argues that the term intelligence can have at least three meanings. It can be seen as a process, that is, the means by which governments request, collect, analyze and disseminate certain types of required information, and the rubric by which covert operations are planned and executed. Intelligence can also comprise the products of these gathering, analysis and covert operations. Intelligence can refer to the organization - agencies that carry out its functions.²³⁸ Therefore the study found that with the important exception of covert action, clandestine intelligence is used in making policy. Collection provides the raw data. Counterintelligence protects collections sources and methods from penetration by hostile services. Analysis organizes the data in a usable form. It then becomes one of the factors to be taken into account by the policy makers.

²³⁷ Nakashima, E. "Confidential report lists U.S. weapons system designs compromised by Chinese cyber spies." (The Washington Post, 2013), p. 27.

²³⁸ Lowenthal, M.M. *Intelligence: From Secrets to Policy, 2nd edition* (Washington: CQ Press, 2003). p. 13.

In this case the core policy makers include, the most important, by far, is the president. Others include the relevant officials of the executive branch – always the national security adviser, the secretary of state and his or her principal subordinates; in addition, depending on the subject matter, the cabinet secretary of foreign affairs, defense and officials from the Defense Department and the Joint Chiefs of Staff, or perhaps the secretary of the treasury, or commerce, or agriculture.

The proper use of clandestine diplomacy in policy making is to inform or enlighten the process. The more the policy maker knows about the problem he or she is dealing with, the more likely it is that an intelligent and workable policy will result. Intelligence helps the policy maker avoid mistakes. It serves as an antidote to preconception, prejudice, and ideological rigidity.

Kenya's clandestine diplomacy was illustrated during Operation Entebbe – on June 27th 1976, where Air France Flight 139 was hijacked by terrorists belonging to Popular Front for the Liberation of Palestine – External Operations (PFLP – EO) after takeoff from a stopover in Athens. The plane was flown to Benghazi in Libya to refuel before being flown to Entebbe, Uganda from where the terrorist organization demanded the release of 13 members held by West Germany, Kenya, France and Switzerland, and an additional 40 held by Israel. What is often glossed over is what it cost Kenya to help the Israelis execute the rescue plan. It cost more than fuel and space at the Nairobi Airport, now known as the JKIA after the man who allowed the C-130 Hercules Israeli planes known as Kamaf or Rhinoceros and the Boeings to use the facility.²³⁹

The commander of the unit, Ehud Barak, successfully negotiated with the Kenyatta government to use the Nairobi Airport. This firsthand experience tells the lengths Kenya went through for Israel, even shutting down the airport gate. The airport

²³⁹ Owaahh, *Badassery, Features and Rants, Diplomatic Fiasco: The High Price Kenya Paid for the Entebbe Raid* (2014) <http://owaahh.com/diplomatic-fiasco-the-high-price-kenya-paid-for-the-entebbe-raid/>

lounge was turned into a makeshift field hospital complete with an operating table, anesthetic equipment and oxygen canisters. The entire area was heavily guarded by GSU and Kenyan regular army troops, a clear sign that Kenya knew about it and even prepared for the worst.²⁴⁰

The Kenyan government naturally downplayed its role in the events; Kenya and Israel officially denied any collaboration, with the President calling for the National Assembly to condemn the actions of the Israeli government. Kenya, in full knowledge of Amin's right to declare war, secretly issued a call to Israel's foremost ally, the US, for help. *"Washington promptly responded by putting a navy C-3 patrol plane at Kenya's service to provide military reconnaissance on the Uganda border. Washington ordered the frigate USS Beary to head for the Kenyan port of Mombasa."* Kenyan forces remained on high alert, in case Amin was daft enough to make good his threats.²⁴¹

Another illustration of clandestine diplomacy activity was noted in 1980, when the Jewish-owned Norfolk hotel was attacked by the Palestine Liberation Organization (PLO), on New Year's Eve in 1980. Responsibility for the attack was claimed by an Arab group that said it was seeking retaliation for Kenya's allowing Israeli troops to refuel in Nairobi during the raid on Entebbe Airport in Uganda four years earlier to rescue hostages from a hijacked aircraft.

According to reports about that incident, international security agencies in conjunction with the Kenya Police had a prime suspect within hours. He was identified as 34-year-old Qaddura Mohammed Abdel al-Hamid of Morocco, and he was said to have checked into the Norfolk Hotel in Nairobi in the last week of 1980. Al-Hamid was found to have paid for his room up until New Year's Day, but slipped away on the afternoon of

²⁴⁰Dunstan, S. *Israel's lightning strike: the raid on Entebbe 1976*, Raid Series, Vol 2 of Raid (Oxford, England, 2009).

²⁴¹William, S. *Uri Dan, 90 minutes at Entebbe*, (Bantam Books, 1976).

31 December. He had boarded a plane for Saudi Arabia by the time the guests at the Norfolk assembled for a New Year's Eve dinner.²⁴²

The other assassination that has been linked to intelligence was that of Pio Gama Pinto in 1965 and over the years, a number of theories have been put forward to explain the assassination. Some have suggested that Pinto was killed by members of President Kenyatta's inner circle, while others speculated that Pinto was assassinated by neo-colonialist forces because he was viewed as an avowed Communist with links to the Mozambican liberation movement. A declassified cable from the US Department of State captures the breadth of the conspiracy theories that were being circulated in the period following Pinto's assassination.²⁴³

“Other rumours centre around resentment against Pinto as an Asian and speculate that he was killed because he was a major recipient of communist largesse who may have been holding out on money received, or tried to blackmail a high official, or was killed by the Chicoms [Chinese Communists] because he was moving closer to the Soviets or by Kikuyu who feared he was a threat to Kikuyu dominance.”²⁴⁴

Thirty five years after the Pinto trial, an investigation by the Daily Nation concluded that Kisilu, Thuo and a third man who disappeared, were peripheral players in the murder. The Daily Nation asserted that Kisilu in fact did not kill Pinto, but was instead set up by the Directorate of Security Intelligence. According to the Daily Nation, the plan to assassinate Pinto began three years earlier. A memo by the Kenya Intelligence Committee dated 13 December 1962 had labeled Pinto as a “man to be watched very closely.”²⁴⁵ This was further reinforced by The Truth Justice & Reconciliation Commission (TJRC) which concluded that the assassination of Pinto was motivated by ideological differences that were at the heart of the global Cold War but also mirrored in

²⁴² Torchia, Christopher. *Kenya mall attack echoes 1980 hotel bombing*. (Associated Press, 2013).

²⁴³ Truth Justice & Reconciliation Commission, Final Report. Volume I (2013) Pp12

²⁴⁴ Ibid, pp. 13.

²⁴⁵), Ibid, pp. 14.

domestic Kenyan politics.²⁴⁶

The study found that because there are hundreds of ways to pursue clandestine diplomacy within foreign relations, there are also hundreds of possible solutions. A solution can push foreign policy with regards to espionage activities abroad as much as it could turn inward to espionage activities at home. It may focus extensively on providing resources to specific regions or to national security efforts more generally. What any solution should accomplish, however, is to recognize the amount of resources, including human capital, that is being used in place of other means, and determine how much would be appropriate for any given region of interest and from there how those resources would be allocated. Strong solutions should improve the intelligence gathered toward furthering Kenya's goals and use that intelligence in order to justify foreign policy.

Perhaps most importantly of all, solutions should help improve national security and foster improved foreign relations, not hinder them. Any proposed solution must grapple with the resource question, the role of clandestine diplomacy versus other foreign policy interventions, what intelligence already tells us, and the potential consequences it has on national security and foreign relations.

4.5 The Influence of Intelligence Community on Kenya's Foreign Policy

The academic study of intelligence in universities is now a more mainstream subject. Most scholars are conscious that recent events have prompted academics in departments of history, politics and international relations to contemplate teaching intelligence for the first time. Therefore we have also sought to provide substantial suggestions for additional reading, together with possible seminar and essay questions.

Much of the foreign policy that is connected with espionage activities is hidden from public view and therefore not likely to be coded into public legislation. Instead, the

²⁴⁶ Op Cit (TJRC), pp. 29.

Kenyan parliament generally provides broader guidelines and the organizational support to maintain strong foreign policy and foreign relations approaches that maintain a strong network for achieving confidential information abroad and a strong network for maintaining confidential information at home.

According to Kent's approach it preserves the independence of analysts by separating the intelligence community from the overt pressure or organizational and interpersonal incentives that can shape intelligence to conform current policy or the personal and political biases of policy makers. Yet, by creating a strong barrier against politicization, Kent's prescriptions can separate intelligence too completely from policy makers, leading to other problems. For instance, policy makers are "inbox driven". They only have the time and energy to deal with their areas of responsibility or issues of immediate importance. Thus, weighty research papers offering reviews of broad issue areas or regions are likely to be ignored by policy makers. Those who are not responsible for the issues or regions covered will not read the paper, while those with a professional interest in the topic will seek more detailed analyses.

Similarly, in-depth reports are likely to be ignored by most policy makers who have no responsibility for the issue surveyed. Without a good understanding of the issues that preoccupy specific policy makers, high-quality finished intelligence might be viewed as useless by intelligence consumers because it covers the wrong topics, arrives too late to be of use, lacks the proper level of detail, or addresses the wrong facet of the problem at hand. In fact, without some sort of collaboration between analysts and policy makers, the arrival of timely, relevant, and useful finished intelligence would depend on luck.

Organizational pathologies also can emerge if intelligence managers and analysts become too detached from the needs of policy makers. Analysis can take on a life of its

own as the personal or bureaucratic agendas of intelligence professionals begin to take precedence over the needs of their consumers.

The fact that very little is documented regarding the influence of Intelligence Community on Kenya's foreign policy does not mean that there is no such influence. As gathered from the respondents; *intelligence has a direct influence on Kenya's foreign policy*. During the launch of Kenya's foreign policy on 20th January 2015, Amina Mohamed, the Cabinet Secretary in charge of Foreign Affairs observed that Kenya will continue to consolidate and strengthen its foreign relations and diplomatic engagements with other countries as well as international and multilateral organizations at the regional, continental and international level.²⁴⁷ The country can only achieve this with the support of the intelligence community by ensuring that actionable intelligence, relevant to the protection and promotion of national security and national interest is availed to the top diplomats who are charged with implementing the foreign policy.

4.6 Strategic Direction to Diplomacy and Foreign Policy in Kenya

The study observes that at the moment Kenya's foreign policy seems geared towards enhancing relations with other African nations. This is based on the fact that so far President Kenyatta's most important part of foreign relations for his government is to develop the "economic diplomacy" with regional partners as well as expand trade in Africa, as expressed in a statement by the president that;

"My priority is to see deepening of relations with our East African Community partners and also with our neighbours in Ethiopia and South Sudan where I see our potential as a country. It will be a key area of focus for my government...."²⁴⁸

The study further observes that President Uhuru Kenyatta's (9 April 2013) inauguration speech implied the basis of his foreign policy when he mentioned regional security, free

²⁴⁷The Presidency: *Official website of the President* (20.01.2015) <http://www.president.go.ke/president-launches-kenya-foreign-and-diaspora-policies/>

²⁴⁸The Presidency: *Official website of the President* (20.01.2015) <http://www.president.go.ke/president-launches-kenya-foreign-and-diaspora-policies/>

movement of goods and people, reliance, the strengthening of regional bodies and, most importantly, the equality of nations.

Similarly, Kenyatta's Jubilee Manifesto also had hinted at what the foreign policy the party would follow - it gave a smattering of what the coalition had in mind. In the president's manifesto, the coalition reiterated its position that largely saw Kenya as a leader in the East African region and beyond while also asserting the sovereignty manta and alienating western countries. The focus of foreign policy in any respect does not appear to be new. It is largely made of patches from the past regimes that the Jubilee Coalition seems to ably represent. Thus, despite the rhetoric against western countries within the same manifesto, the coalition asserts that it will engage the traditional economic powers, including the United States, the United Kingdom and other European countries, and emerging players such as China, Brazil, India and Russia.

Therefore it is safe to say that President Uhuru Kenyatta is recalibrating Kenya's foreign policy to reflect an assertive new Africa-centered approach as the central plank of Nairobi's regional and global policy. Certainly, Kenya's new "look inwards" policy as opposed to the traditional "look west" policy, or the emerging "look east policy" now in vogue.

4.7 Chapter Summary

The study notes that in any state based on a constitution, there are certain basic values that are held in esteem. Among these is the separation of powers and checks and balances. Thus, in such states one often encounters three branches of government namely the executive, legislature and judiciary. Each branch with a specific task and given power to check the powers of the other two, and therefore Kenya's foreign policy is no exception.

Kenya's foreign policy entails much more than meets the eye. Its study involves knowledge that cuts across disciplines and is time consuming, but an understanding

thereof provides insights into reasons that drive Kenya to do the things she does in the international arena. It is important to note that there are many institutions that form part of the foreign policy bureaucracy – including Kenya Defence Forces, which often play silent and invisible roles.

While Kenya needs the clearest information to make effective foreign policy decisions, it must determine the most reasonable ways for receiving this information while maintaining its relations with others and not sacrificing its own national security.

The relationships that the Kenya carries with other countries hinge on the success of this balancing act.

In the end, the study notes that when it comes to Kenya's foreign policy strategic direction – events so far appeared to signal a search for foreign policy orientation that is anchored in sub-regionalism and pan-Africanism, with Kenyatta's government pledging to strengthen its ties with EAC member states – Uganda, Tanzania, Rwanda and Burundi as well as South Sudan, Ethiopia and Somalia, which are likely to become EAC members in the future.

CHAPTER FIVE: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Summary of Findings

The study was guided by four objectives which sought to explain the relationship between clandestine diplomacy and Kenya's foreign policy.

The findings of the study were discussed in the previous chapter in line with the four objectives which were; examining the role of the key players in Kenya's foreign policy, analyzing the role of clandestine diplomacy on Kenya's foreign policy and assessing the influence of intelligence community on Kenya's foreign policy as well as critically examining Kenya's strategic direction to diplomacy and foreign policy.

5.1.1 Key Players in Foreign Policy and their Roles

The study established that, in the formulation and implementation of Kenya's foreign policy many institutions work hand in hand in interrelated working framework that enhances comprehensive approaches in dealing with international relations. The study also outlined the major institutions and the roles they play in regard to foreign policy.

According to the study, there are three principle governmental actors or institutions that make foreign policy which are; the presidency, parliament and the foreign ministry.

5.1.1.1 The Presidency

The study established that as Commander in Chief, the President of Kenya has an unusual amount of influence in foreign policy making. According to the study, several executive departments and agencies advise the president and parliament on foreign policy and play their own roles in implementing these policies. These include: The Office of the President, the Ministry of Defence, The Head of Public Service & Chief of Staff, the National Intelligence Service, the National Security Council and the Ministry of Interior

& Coordination of National Government.

5.1.1.2 The Parliament

The study established that parliament makes foreign policy through its power to declare war, its role in making policy and funding programs, and the role in ratifying treaties. The study also established that some important parliamentary committees deal with foreign policy as; the parliament's Foreign Relations Committee, the Foreign and International Affairs Committee and the Committee of National Defence.

5.1.1.3 The Ministry of Foreign Affairs

The Ministry of Foreign Affairs coordinates all interest groups in foreign affairs issues, ranging from businesses and foreign missions, immigration department to ethnic interest groups and organized labour organizations that seek to shape the Kenya's defence, diplomatic, and trade policies. The Ministry also through the media plays important roles in informing the public and seeking to shape public perceptions of the world. The study also established that through the Ministry, Kenya conducts foreign policy by maintaining friendly relations with the governments of other countries. As the study found out, the Ministry also works closely with the intelligence service because such cooperation involves politics and trade-offs, to provide essential information to the president on any suspicious diplomacy. The study also established that the Ministry of Foreign Affairs links up with international organizations such as the UN to accomplish its foreign policy aims which range from international treaties and development agenda set from the international front.

5.1.2 Role of Clandestine diplomacy on Foreign Policy

As derived from the definition of diplomacy as the 'process of dialogue and negotiation by which states in a system conduct their relations and pursue their purposes by means short of war, the study sought to establish how clandestine diplomacy influences foreign

policy. As established in the literature review, Covert actions have been exercised to influence foreign countries majorly by powerful nations.

The study established that powerful nations have applied clandestine diplomacy especially in foreign activities involving absolute high risk of international relations such as in economic warfare; preventive direct action, including sabotage, anti-sabotage, demolition and evacuation measures; subversion against hostile states, including assistance to underground resistance movements, guerrillas and refugee liberation groups, and support of indigenous anti-Communist elements in threatened countries of the free world.

The study found out that countries like the United States undertake clandestine diplomacy in actions targeting to influence political, economic, or military conditions abroad, where it is intended that the role of the government will not be apparent or acknowledged publicly, but does not include traditional counter-intelligence, diplomatic military or law enforcement activities.

The study conceptually found an overlap between diplomacy and covert actions in situations where relations between the actors are in part antagonistic such as in the fight against terror in modern world. There is also an overlap between conducting clandestine diplomacy and gathering intelligence. The study however draws a distinction between intelligence services acting as diplomatic conduits, and intelligence services acting as quasi-independent foreign policy makers.

The study established that clandestine diplomacy applies when a government uses intelligence services to conduct negotiations with a foreign country which is distinct from where intelligence services have their own agendas and priorities. The study established that the value of clandestine diplomacy is that it is more readily deniable, particularly where the adversary is engaged in armed attacks and or terrorist activities.

The study relates the role of intelligence services to the promotion of the cause of dialogue and reconciliation, both national and international. Depending upon the political assumptions and values, the study concluded that this role is intrinsically worthwhile where the intelligence service is used as an instrument of a political will to engage in dialogue.

5.1.3 The influence of Intelligence Community on Kenya's Foreign Policy

The study found out that intelligence analysis seeks to provide necessary information in a timely manner to help policymakers from the president and those working under him to make better decisions.

The study however, proposes that the information and judgments must be pertinent to what policymakers need to know but not skewed to support a particular policy outcome. In reality, this is important especially as a means deemed most effective in informing the president and other senior policymakers to make changes with the preferences and working style of each new administration.

The study also relates intelligence analysis to the role they play to enhance particular stream of information from their country with deep immersion in the country's political system, economy, and modern history necessary to produce deep, insightful analytic information as regards foreign relations.

The study advises that the intelligence community seek to solve security constraints that make it extremely difficult for them to build the kind of analytic depth required.

The study established that the intelligence service obtains necessary information about other countries through government's embassies in those countries. Since a larger share of information necessary for making foreign policy decisions is usually kept secret by other countries, and official diplomatic missions cannot have easy access to that information, governments usually use other ways to solve this problem by deploying their

intelligence officers in foreign countries.

The study also found out that another intelligence services help in obtaining information through other intelligence bodies in foreign countries. This is due to inability of conventional channels like foreign ministries, for obtaining information necessary to a country's foreign policy making; intelligence bodies enter foreign policymaking process in order to use their unique capacities and abilities to help the governments to formulate more accurate and optimal policies.

5.2 Conclusion

The study applied Realism Theory in evaluating the complex relationship between clandestine diplomacy and Kenya's foreign policy. Thus far this theory of international relations has remained relevant in satisfying the answers to questions about causes and effects of war, where due to the state of anarchy in the international arena of politics, states pursue self-interest and try to acquire power to secure their interests and ensure their survival.

The study established that developing and carrying out foreign policies is based on realities, limits and potentials at hand, forging alliance with other countries, establishing regional and international institutions and participating in competitions. Realists, though complying with rules and regulations of foreign diplomacy, limit politics to the domain of realities, thus overlooking ideals and moral values. Thus realists see states with very different religions, ideologies, or economic systems as quite similar in their actions with regard to national power. Thus, realists assume that International Relations (IR) can be best (although not exclusively) explained by the choices of states operating as autonomous actors rationally pursuing their own foreign policy interests in an international system of sovereign states without a central authority.

Therefore realism provides a fertile ground for developing theories of foreign policy behaviour by moving beyond structuralist theories that focus only on recurring patterns and by incorporating domestic and individual level factors into the analysis. Furthermore, neoclassical realism is more suitable for developing micro-foundations for realist theorizing, because it explicitly focuses on the individual political leader in analyzing foreign policy choices of states.

The study found this theory relevant to the topic of research as it tried to explain the outcomes of state interactions, in international politics. The realism theory sought to explain what states try to achieve in the external realm and when they try to achieve it. In order to understand why realism theory is best fit for this study, on the relationship between clandestine diplomacy and Kenya's foreign policy, it is essential to appreciate what foreign policy is. Majority (94%) of the participants defined it as; a way a nation interacts with other nations. Few participants defined foreign policy as, the sum total of a country's intention towards other states and non state actors in the international system.

The study therefore concludes that Realism is therefore relative to the observer. Critics who describe a work of art as realistic may imagine that they are referring to an objective trait, which is independent of their outlook and their taste. The study observes that when it comes to foreign policy analysis, the realist tradition seems to be the most entrenched and developed, this is either due to its historical pre-eminence, or to its intellectual appeal. This is as a result of the fact that this theory greatly emphasizes the role of national power, the character of states and their relationship with the domestic environment, overlooking any systemic factors or sources of explanations; reductionist explanations, such as, explanations that are in the characteristics of the units of analysis, are often used, and normative and moral precepts on statesmanship and leadership are not rare. Thus foreign policy analysis becomes the art of best adapting to a systemic

imperatives and hints, through a process of perceptions' assessments and cost-benefit calculations; the result of this simple interaction among the independent variable (system's structure) and the dependent one (states' behaviour) can be either an autonomy-seeking attitude (defensive realism) or an influencing-seeking one (offensive realism) or in a quasi-perennial balance-of-power realm.

Foreign policy choices are made by actual political leaders (president) and elites, and so it is their perceptions of relative power that matter, not simply relative quantities of physical resources or forces in being. This means that over the short to medium term countries' foreign policies may not necessarily track objective material power trends closely or continuously.

This study concludes that inattention to role and position of intelligence is considered one of the main reasons for faulty understanding of policymaking trends in a country's foreign policy apparatus. Some of the most important developments in international system as well as historical turning points in foreign policies of most countries, especially superpowers, have been influenced by the role played by intelligence organizations.

The study also concludes that developing countries like Kenya need correct understanding of the role of intelligence services and their capacities for the growth and promotion of the country's national interests to achieve an all-out development. Intelligence organizations are considered tools to implement a country's domestic policies, the most important of which is their function in carrying out secret police missions to suppress domestic dissent.

The study however concludes that there is need for the intelligence services to be involved in formulating foreign policy. The study also found out that politicians and political analysts are unaware of the role of intelligence organizations in making foreign

policy decisions and think these two areas of decision-making are totally independent.

Clandestine diplomacy presupposes a willingness to talk to an adversary, even if talking may not lead to negotiation. The discussions and findings of this study reflect how far covert action can be used as a tool for enhancing foreign policy formulation and implementation. Many issues from the operational to the ethical apply equally to all states. One achievement of this study is that much more has become known of intelligence activities and operations in a rare field of foreign policy and foreign relations. Either the sophistication with which covert action is kept secret will need to expand to foreign countries. The problems of learning about covert action (and clandestine diplomacy) will nevertheless persist, as the need to evaluate and judge them will undoubtedly keep growing.

5.3 Recommendations

The study makes the following recommendations to the government in enhancing foreign policy formulation using clandestine diplomacy.

5.3.1 Building and Rebuilding Critical Relationships

The president, drawing on the principal policy advisers, and working closely with the Ministry of Foreign Affairs should work with other members of the intelligence community, the bipartisan leadership of parliament, and members of both the foreign missions to stream line the policy formulation processes for Kenya's foreign relations. The cooperation should also be extended to make reforms in the intelligence community a major national security priority and a tool for foreign relations policy formulations. A steering group ought to be established to coordinate reforms.

5.3.2 Enhance Intelligence Sharing with Foreign Nations

Intelligence sharing is an important tool that can enable others, be they friendly governments or U.N agencies, to be more effective actors and partners. Such sharing of

intelligence ought to be maintained and even expanded so long as Kenya derives clear benefits and security is not compromised. Foreign policy ought to take precedence over law enforcement overseas. The presidency should recognize that foreign policy problems complicate ongoing intelligence and diplomatic efforts and should be well coordinated. The complex subject of relations between intelligence and foreign agencies is a good approach for additional review and reform of both the Ministry of Foreign Affairs and the operations of NIS staff in foreign stations.

5.3.3 Strengthen Policy Planning Division

The Ministry of Foreign Affairs must strengthen its Policy Planning Division both by allocating more manpower and financial resources and by ensuring that the Division focuses on medium and long-term policy planning in the field of foreign affairs by developing viable policy options for the consideration of policy makers including the NIS and the functions of its agents. In so doing, the Policy Planning Division must seek the inputs of the various think tanks in a systematic, regular and sustained manner. Of course, it is equally important that the conclusions and recommendations of the Policy Planning Division must receive the careful consideration of policy makers.

5.3.4 Enhance the Role of Parliament in Foreign Policy

The study recommends that Parliament plays an active role in foreign affairs in a systematic manner by ensuring the Standing Committees on Foreign Affairs of the two Houses are pro-active. These Committees should study important foreign policy issues with the help of inputs from experts and officials, and submit their conclusions and recommendations to the full House for its consideration. The views of these Committees and the debates on foreign policy issues in Parliament would provide the policy makers a valuable and independent input representing the voice of the people.

5.3.5 Stream line the Foreign Missions into Various Departments

It is essential that important issues and projects relating to the foreign economic relations are handled by specific departments as with each key national concern such as security, labour and foreign investments. This should be linked up with Ministries in their proper political and strategic perspective. This objective can be achieved by establishing a senior level coordinating body in the Ministry of Foreign Affairs, including the representatives of each Ministry. This body should meet and consider periodically important foreign policy issues and projects so that the working of the country relating to foreign relations remains within the framework of the political and strategic compulsions.

5.3.6 Encourage policymakers to better articulate intelligence issues

Taking the time to think through the analytic question they want answered will benefit policymakers. Requests that do not assume the form of analytical questions too often fail to motivate intelligence community analysts to think through the implications of their data, debate the relative significant of different factors, and make explicit their levels of confidence in their responses. This requires policy makers to generate specific tasks and queries requiring briefs from the intelligence community. And as Prof. Trevor Ng'ulia argued (**Annex 4 – Press Reports: Spies lead the way in Big Powers' second scramble for Africa**) the spy games will continue being part of how governments are run and as long as states have interests that must be protected and promoted, they will need spies.

5.4 Areas for Further Research

The continued increase in international terrorism and the globalization of the same presents a challenge not only to Kenya but the world as a whole, hence there is need to conduct a study focusing on the influence of foreign policy on the war on terror.

This thesis investigated Kenya's foreign policy and how it relates with clandestine diplomacy and there is need to study the behaviour of Kenya's foreign policy in response

to international terrorism. This thesis recommends further research into understanding how a balance between trade and commerce and anti-terrorism measures could be arrived at so as to ensure a win-win situation with friendly nations.

There is a need to investigate further and ascertain if international terrorism activities in Kenya are as a result of a poorly formulated and implemented foreign policy, the politics of international relations or Kenya itself as a source of international terrorism.

BIBLIOGRAPHY

Books

- Abiodun, W., *“Public Diplomacy in an Age of Faith,”* (New York, NY: Palgrave Macmillan, 2009).
- Adar G. K. , *The significance of the Legal Principle of Territorial Integrity as the Modal determinant of Relations: A case study of Kenya’s foreign policy towards Somalia 1963-1983* (Lanham: University Press of America, 1994).
- Alakeson, Leonard. *Going Public. Diplomacy for the Information Society.* (London: The Foreign Policy Centre, 2000).
- Alexandru Burian, *“Introduction in Diplomatic Practice and International Procedure”*, (Cartier juridic Publishing House, Chisinau, (2000).
- Andrew Tyrus Maina, *Kenyan Foreign Policy: An Introduction* (2012).
- Baldwin, David A. *“Economic Statecraft”*. (Princeton University Press, 1985).
- Barston, R.P, *Modern Diplomacy.* (Publisher, Pearson Longman, 2006).
- Baylis J, *et al.*, *The Globalization of World Politics, An Introduction to International relations, Fifth Edition*, (Oxford University Press, Oxford, 2011),
- Berridge, G. R.; James A. *A Dictionary of Diplomacy. 2nd edition.* (London: Palgrave Macmillan, 2003),
- Bruce Russet and Harvey Starr, *World Politics; The Menu for Choice* (New York: Freeman and Company, 1989).
- Cecil A. *National Interest, Security Policy and intelligence.* (International Intelligence Network. New York, 2012).
- Cilluffo, Frank J., Ronald A. Marks, and George C. Salmoiraghi. *“The Use and Limits of U.S. Intelligence.”* (The Washington Quarterly, 2002) Vol. 25, no. 1: p. 61.
- Cordfield, F.D., *Colony and Protectorate of Kenya: The Origins and Growth of Mau Mau An Historical Survey* (Sessional Paper No. 5, 1960).
- Dunstan, S. *Israel’s lightning strike: the raid on Entebbe 1976*, Raid Series, Vol 2 of Raid (Oxford, England, 2009).
- Freeman, C. *Diplomats Dictionary, National Defence University Press*, (Washington D.C, 1993).
- Gaddis, J.L. *The United States and End of Cold War* (New York, Oxford University Press, 1992).

- Goldstein, S. J. *International Relations*, 6th ed. (New Delhi: Dorling Kindersley, 2005).
- Gregory F. Treverton, Seth G. Jones, Steven Boraz, Phillip Lipsky, *Toward a Theory of Intelligence*, Workshop Report, National Security Research Division, RAND Corporation conference proceedings series, (June 2005).
- Green, R. *The 48 Laws of Power*. (London: Profile Books Ltd., 1998).
- Hague, William. *Securing our future*. (Foreign and Commonwealth Office, London, 2011).
- Hans-Georg, W. *Intelligence and Foreign Policy*. (London, 2003).
- Harold, *Building a Theory of Intelligence Systems*, in *Mapping the State of Research on Intelligence*, (ed.) G. Treverton, (New York: Cambridge University Press, 2009).
- Hazelwood Arthur. *The Economy of Kenya. The Kenyatta Era* (New York: Oxford University Press, 1979).
- Henderson, C.W, *International Relations, Conflict and Cooperation at the Turn of the 21st Century*. (University of South Carolina, 1998).
- Hocking B. and David S. *Foreign Ministries in the European Union: Integrating Diplomats* (revised edn), (Basingstoke: Palgrave, 2005).
- Hornsby, C. *Kenya: A History since Independence*, (Publisher: I.B.Tauris & Co Ltd, 2011).
- Jervis, R. *Intelligence, Civil-Intelligence Relations, and Democracy, in Reforming Intelligence; Obstacles to Democratic Control and Effectiveness*, ed Thomas C Bruneau and Steven C Boraz (Austin: University of Texas Press, 2007),
- John,V.A, *Classics of International Relations*, 3rd ed. (New Jersey: Prentice Hall, 1996),
- Kaplan, I. *et al. Kenya a Country Study; Foreign area Studies*, (The American University, 1975)
- Kappeler, D. *Diplomacy; Concept, actors, organs, process and rules, Institute of Diplomacy and International Studies*, University of Nairobi, Nairobi (2010).
- Katete D. Orwa, “*Continuity and change: Kenya’s foreign policy from Kenyatta to Moi.*” In Oyugi W. O. (2009.)
- Kegley, A. *World Politics*, (11th Ed Rev. London, 2008).
- Kent, R. “*Ideas of Intelligence: Divergent National Concepts and Institutions.*” (Harvard International Review, 2002).
- Kinano, E.O. *Determinants of Foreign Direct Investment in Kenya*. (2006)

- Khadiagala, G.M. & Lyons T., *African Foreign Policies; Power and Process*, (Lynne Rienner Publishers, London, 2001).
- Kisiangani, Emmanuel. *Kenya's Regional Relations: Between Principle and Practice*. (Policy Briefing, 2014).
- Klieman, A. *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy*. (Boulder, CO: Westview Press, 1988).
- Lasswell, Harold "*Politics: Who Gets What, When, How?*" (Meridian Books, 1958).
- Leonard, M.; Stead, C.; Smewing, C. *Public Diplomacy*. (London: The Foreign Policy Centre, 2002).
- Loch, Johnson, "*Sketches for a Theory of Strategic Intelligence*," in Peter Gill, Stephen Marrin, and Mark Phythian (eds.), *Intelligence Theory: Key Questions and Debates* (London: Routledge, 2009).
- Lowenthal, M. M. *Intelligence: From Secrets to Policy*, 2nd edition (Washington: CQ Press, 2003).
- Macharia M., *African Review of Foreign Policy*. (A publication of United States International University, Africa, Nairobi, 1999).
- Makinda J, *Kenya foreign policy and international relations: Kenya and the world*, (Softkenya, 2002).
- Mattingly, G., *Renaissance Diplomacy* (London: Cape Town, 1955).
- Michael H., *Intelligence Power in Peace and War*, 5th edition, (Cambridge: Cambridge University Press, 1996),
- Ministry of Foreign Affairs: Foreign Policy Framework, (*Nairobi*, 2009).
- Morgenthau, H. *Politics among Nations, The struggle for Power and Peace*, (Six Edition, Kalyan publishers, New Delhiv, 2001).
- Mbirimi I, *The New Economic Diplomacy – Decision making and Negotiations in International Economic Relations*. (Farnham (United Kingdom: Ashgate Publishing, 2003).
- Melissen, J. *The New Public Diplomacy: Soft Power in International Relations*. (Houndmills, Basingstoke: Palgrave, 2005).
- Mugenda, O.M and Mugenda, A.G; *Research Methods*; (ACTS press; Nairobi, 2003).
- Nye, Jr., Joseph. "*Soft Power: The Means to Success in World Politics*" (New York Public Affairs, 2004).
- Ochieng, William, *A Modern History of Kenya*, (Evans Brothers Limited, London, 1989).

- Patricia and Nandhini Rangarajan *A Playbook for Research Methods: Integrating Conceptual Frameworks and Project Management*. (Stillwater, OK: New Forums Press, 2013).
- Peter Gill & M. Pythian. *Intelligence in an Insecure World*, (Cambridge: Polity Press, 2006)
- Pierre de Senarclens and Ali Kazancigil, *Regulating Globalization. Critical Approaches to Global Governance* (New York: UN University Press, 2007).
- Pillar, Paul. *Intelligence, Policy and the War in Iraq*. Foreign Affairs (2006).
- Pigman, G. *Contemporary Diplomacy*. Cambridge, (UK-Malden, MA: Polity Press, 2010)
- Rana K. and Jovan Kurbalija. *Foreign Ministries: Managing Diplomatic Networks and Optimizing Value*, (Malta and Geneva: DiploFoundation, 2007).
- Roget's Thesaurus. *It is listed alongside such terms and phrases as "cunning," "chicanery," "sharp practice," "trickery" and "back-stairs influence* (1911).
- Ross, C. *Independent Diplomat: Dispatches from Unaccountable Elite* (London: Hurst 2007).
- Satow, M. and M. Smith. *Foreign policy in a transformed world*. (Harlow: Prentice-Hall, 2000).
- Sheldon, M. S, *Spies of the Bible: Espionage in Israel from the Exodus to the Bar Kokhba Revolt*, (London: MBI Publishing Co., 2007).
- Sherman, K. *Strategic Intelligence for American World Policy*, (Princeton, NJ: Princeton University Press, 1949)
- Shulsky, Abram N. and Gary J. Schmitt. *Silent Warfare: Understanding the World of Intelligence*, 3rd ed. Washington, D.C.: (Potomac Books, Inc, 2002).
- Trevor-Roper, H. *The Philby Affair - Espionage, Treason, and Secret Services* (London: Kimber, 1968).
- Vasquez A. John, 1996, *Classics of International Relations*, 3rd ed. (New Jersey: Prentice Hall).
- Verrier, A. *Through the Looking Glass British Foreign Policy in an Age of Illution*. (London, 1993)
- Webber, M. and Smith, M. *Foreign policy in a transformed world*. (Harlow: Prentice Hall, 2000)
- William, S. *Uri Dan, 90 minutes at Entebbe*, (Bantam Books, 1976).

Journals/Articles/Reports

African Peer Review Mechanism: Country Report, (2006).

African Socialism and its Application to Planning in Kenya. Sessional Paper No.10, 1965.

Braude W, *Regional Integration in Africa: Lessons from The East African Community*. Johannesburg: South African Institute of International Affairs, (2008).

Cilluffo, Frank J., Ronald A. Marks, and George C. Salmoiraghi. "The Use and Limits of U.S. Intelligence." (The Washington Quarterly, 2002), Vol. 25, no. 1

Davies, P. "Ideas of Intelligence: Divergent National Concepts and Institutions," (Harvard International Review, Autumn 2002).

Elijah Onyancha Kinaro. *Determinants of Foreign Direct Investment in Kenya* (2006).

Elmi, Afyare Abdi and Barise Abdullahi. The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies. Institute for Security Studies, (2006) Volume 15,

Fidler D. *Disease and globalized anarchy: Theoretical perspectives on the pursuit of global health*. (Social Theory & Medicine, 2003).

Geib, Robin. *Armed Violence in Fragile States. Low-intensity Conflicts, Spillover Conflicts and Sporadic law Enforcement Operations by Third Parties*. International Review of the Red cross. (2009) Vol. 873.

Government of Kenya, *Kenya Foreign Policy*. Ministry of Foreign Affairs. (2009).

Gregory F. Treverton, Seth G. Jones, Steven Boraz, Phillip Lipsky. *Toward a Theory of Intelligence*, Workshop Report, National Security Research Division, RAND Corporation conference proceedings series, (2005).

Howell, J. "Analysis of Kenya's Foreign Policy", (Journal of Modern African studies, 1968) Vol. 6 (1).

Hudson, L. *The Enabling State: collaborating for success*, (London, Foreign and Commonwealth Office, 2009).

Ian, W. *Refocusing Concepts on Security: The Convergence of Military and Non-Military Tasks*, Land Warfare Studies Centre, Working Paper No. 111 (2000).

International Security Studies [ISS], Report (2004).

John Aclin, "Intelligence as a Tool of Strategy," Chapter 19 in The U.S. Army War College Guide to National Security Issues Volume I: Theory of War and Strategy, ed. J.Boone Bartholomees, Jr., Strategic Studies Institute, U.S. Army War College, Carlisle, PA, (2010)

Kenya African National Union (K A N U) manifesto, 1961 and also 1963.

- Kisiangani, Emmanuel. *Kenya's Regional Relations: Between Principle and Practice*. Policy Briefing (2014).
- Makinda, S.M, "From Quiet Diplomacy to Cold War Politics", (Third World Quarterly, 1983), Vol. 5
- Martin, P "What We Should Demand from Intelligence." National Security Studies Quarterly 5 (1999)
- Michael, H. *Diplomacy and Intelligence: Diplomacy & Statecraft* 9, no. 2 (1998) [GenPostwar/Policy/90s].
- Mwagiru, M. *The Missing Link in the Study of Diplomacy: The Management of the Diplomatic Service and Foreign Policy*. The Journal of Language, Technology & Entrepreneurship in Africa, Vol. 2. No.1.
- Mwagiru, M. "The Unrealized Potential of Cultural Diplomacy: Best Practices and What Could Be, If Only..." (Heldref Publications, 2009) Vol. 39. No. 4.
- Nakashima, E. "Confidential report lists U.S. weapons system designs compromised by Chinese cyber spies." The Washington Post (2013).
- Njau, Mutegi "New intelligence Body Will be Service Oriented". Daily Nation (Nairobi, Kenya, 1999).
- Okoth, P. G "Historiography of Kenya's Foreign Policy", African Review Journal of Foreign Policy, volume 1 (1999).
- Onyango-Obbo C, 'Great Lakes crisis : The end of Western 'spheres of influence', death and fall of Africa's big men' (2013).
- Permanent Mission to the Republic of Kenya to the United Nations office in Geneva.
- Paul, P. *Intelligence, Policy and the War in Iraq*. Foreign Affairs, (2006),
- Random, R.A, "Intelligence as a Science," *Studies in Intelligence*, Spring 1958, p. 76, quoted in Michael Warner, "Wanted: A Definition of 'Intelligence': Understanding Our Craft," *Studies in Intelligence*, Vol. 46, No. 3, (2002).
- Scott, L. *Secret Intelligence, Covert Action and Clandestine diplomacy, Intelligence and National Security*, Volume 19, Issue 2, Routledge, Taylor & Francis Group (2004).
- Stein, Janice Gross. "Building Politics into Psychology: The Misperception of Threat." Political Psychology, 9, no. 2, (1998).
- The ABC of Diplomacy (Swiss Federal Department of Foreign Affairs (FDFA), Bern, 2008).

The Diplomatic Post, *Foreign Policy Review* (2011).

The Diplomatic Post. *Kenya's New Foreign Policy* (2013).

The Kenya Constitution of Kenya, 2010 Article 240 (6) (a).

Truth, Justice & Reconciliation Commission - Final Report (2013)-Vol. 1.

Walt, S.M. *Beyond bin Laden: Reshaping U.S. Foreign Policy, International Security*, (2001), V. 26, No. 3.

Willmoore, K. "The Function of Intelligence," *World Politics*, Vol. 1, No. 6 (1949).

Zlotnick, J. *National Intelligence*. Industrial College of the Armed Forces. Vol. 16, No. 2, (Washington, DC, 1964).

Internet Sources

- Andrew Tyrus Maina. *Kenyan Foreign Policy: An Introduction* (2012).
<https://theforeignpolicyanalyst.wordpress.com/2012/10/28/kenyan-foreign-policy-an-introduction/>
- Amolo T, *Some Thoughts on Economic Diplomacy and Its impact on Economic Relations*, (27 May 2009), <http://www.titiic.co.za> Accessed on 11.12.2014
- African Union Charter, Article
http://www.au.int/en/sites/default/files/OAU_Charter_1963_0.pdf. Accessed on 10/10/2014, 2230
- Capital FM News, 'President Kenyatta's inauguration speech',
<http://www.capitalfm.co.ke/eblog/2013/04/09/president-kenyattas-inauguration-speech>.
- David Fidler. *Navigating the Global Health Terrain: Mapping Global Health Diplomacy* Indiana University Maurer School of Law (2003), dfidler@indiana.edu.
- East African Community, <http://www.eac.int/> accessed 10.05.15
- Hanson S, '*Understanding Kenya's Politics*', CFR (Council on Foreign Relations), New York, 2008, http://www.cfr.org/publication/15322/understanding_kenyas_politics.html.
- Juma Kwayera, Proposed NIS bill to reverse freedom gains, Saturday, August 18th 2012, available at http://www.standardmedia.co.ke/?articleID=2000064293&story_title=proposed-nis-bill-to-reverse-freedom-gain&pageNo=1 accessed at 14:15 on 15th Jan 2015.
- Langhorne, A. and Kerry. *Foreign policy challenges facing America*. (2008) Retrieved February 8, 2010 from www.reuters.com/
- Munene, M, Reflections on Kenya's national and security interests (Journal of Language, Technology & Entrepreneurship in Africa Vol. 3 No. 1 2, 2011) P. 2
<http://www.ajol.info/index.php/jolte/article/viewFile/66726/54611> Accessed on 20.04.15
- Mulugeta, Kidist. *The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD*. Friedrish-Ebert-Stiftung. (2009) Addis Ababa. (www.fes-ethiopia.org) Accessed: May.20-2014.
- Torchia, Christopher. *Kenya mall attack echoes 1980 hotel bombing*. Associated Press (2013).
- The Presidency: Official website of the President (20.01.2015)
<http://www.president.go.ke/president-launches-kenya-foreign-and-diaspora-policies/>

Unpublished Works

Cyprine Oduogo. *Kenya's Foreign Policy/Relations*. Lecture Notes (2012).

Launay, F. *Foreign Policy Analysis*. Unpublished Thesis (1990).

Ndeda, A.J Mildred, *Secret Servants: A History of Intelligence and Espionage in Kenya, 1887–1999*, Report Submitted to the National Security and Intelligence Service of Kenya on 30th January 2006,

Otubanjo, F. *Foreign Policy Analysis*. Unpublished Thesis (1990).

ANNEXES

Annex 1: Letter of Data Collection

Telephone: 254-2-884036

Fax: 254-2-884036

E-Mail: info@ndc.go.ke

When replying please quote

Ref: NDC /G/217



National Defence College

71 Warai North Road

P.O Box 24381

Karen – Nairobi

9th January 2015

TO WHOM IT MAY CONCERN

THESIS RESEARCH

MR JAVANSON K ARITHI

The above mentioned Senior Officer is a student at the National Defence College (NDC) and is enrolled for a Master of Arts Degree in International Studies with the University of Nairobi.

He is currently undertaking a research on a thesis entitled: *Clandestine Diplomacy and Kenya's Foreign Policy*.

Any assistance rendered to the Senior Officer in facilitating his research will be highly appreciated.

Yours faithfully,



C ORINA
Lieutenant Colonel
for Commandant

Annex 2: Consent Form

Serial No.....

I am a Masters student from National Defence College / University of Nairobi; currently undertaking an academic research study and it is a requirement that I collect field data for my academic research work.

I am interested in establishing the relationship between clandestine diplomacy and Kenya's foreign policy. You have been selected to be part of this research. This study aims to contribute to scholarly literature on effective policy making and intelligence services in Kenya. Kindly take your time to fill this questionnaire. Confidentiality is guaranteed, the data sought will only be used only for academic purpose.

Your consent is welcome and is assured that all your details and all the information you provide will be treated with utmost privacy and confidentiality and will be strictly used for the purpose of this study. Your cooperation and support is most appreciated. Thank you.

Sign.....

Date.....

Annex 3: Questionnaire

Introduction

The questionnaire is for academic purposes only and intends to establish the relationship between clandestine diplomacy and Kenya's foreign policy. Please answer the questionnaire by writing a brief statement or ticking in the boxes provided as applicable.

PART 1: Socio-demographics

1. Gender? Male Female

2. Age? below 30 years 30-39 years 40-49years 50-59 years 60-69 years

3. Occupation specialization?.....

4. How long have you worked for this organization?.....

5. Office department?.....

6. Education level? Secondary Tertiary College Undergraduate
 Postgraduate Other (specify)

7. Ever heard of diplomacy, and what do you understand by it?.....
Yes No

PART 2: Relationship between Clandestine diplomacy and Kenya's Foreign Policy

For each of the statements below, please indicate the extent of your agreement or disagreement by placing a tick in the appropriate box or discuss accordingly. The response scale is as indicated below:

1 = strongly agree, 2 = Agree, 3 = undecided or Neutral, 4 = Disagree and 5 = strongly disagree respectively.

No.	Questions	Response Scale				
		Strongly agree	Agree	Undecided or Neutral	Disagree	Strongly disagree
		1	2	3	4	5
8.	That intelligence has a role to play in diplomacy?					
9.	That intelligence informs the direction of diplomacy in Kenya, today more than ever before?					
10.	Ever heard of clandestine diplomacy, and what does it mean to you?					
11.	To what extent do you agree that intelligence has been utilized in Kenya for policy formation?					
12.	To what extent do you agree that diplomacy has a direct influence on a Country's foreign policy?					
13.	To what extent do you agree that clandestine diplomacy has been utilized in Kenya for foreign policy formation?					
14.	That clandestine diplomacy needs to be more open in the World of today?					

15.	Ever experienced or seen firsthand any form of clandestine diplomacy in your line of duty?					
16.	Who are the key players in Kenya's foreign policy?					
17.	Who are the key players in clandestine diplomacy?					
18.	What is the precise role of clandestine diplomacy on Kenya's foreign policy?					
19.	What is the influence of intelligence community on Kenya's foreign policy?					
20.	What is Kenya's new strategic direction to diplomacy and foreign policy?					
21.	To what extent do you agree that the (president) ruling styles in Kenya, have heard an influence on the foreign policy?					
22.	Comments					

THANK YOU FOR PARTICIPATING

Annex 4: Press Reports

Kenya National Intelligence Service cancels recruitment

Kenya National Intelligence Service cancels recruitment By STANDARD REPORTER
Updated Friday, March 7th 2014 at 00:00 GMT +3 Share this story:

National Intelligence Service cancels recruitment By STANDARD REPORTER
NAIROBI, KENYA: The recruitment of new National Intelligence Services officers has been cancelled, according to a paid up advertisement appearing in Friday newspapers. The Service first advertised for the positions of graduate trainees on February 7. It said that a dynamic organisation in the public sector “wishes to recruit trainees” for the cadres of Diploma Trainees and Graduate Trainees. It is not yet clear what led to the revocation. The Diploma Trainee applicants were supposed to be between the age of 20 and 30 years, and have a Kenya Certificate of Secondary Education examination mean grade of C. In addition, they were required to be holders of a college diploma “earned over at least 18 months of study in a recognised institution”. The Graduate Trainees, on the other hand, had their age requirement extended by a year as compared to those of diploma holders. The last time the Service recruited new officers was in mid-2012. The said officers graduated about two weeks ago after an “intense” training programme. The National Intelligence Service, previously known as the National Security Intelligence Service, has its origins in "Special Branch" a department of the national police that was created in 1952 under the British administration. The body, which is divided into seven divisions, is mandated with detecting and identifying any potential threat to Kenya and advising the President and Government of any security threat to Kenya. It also vets people that may hold positions that require security clearance. The Service has in the past been accused of “sleeping” on the job, a claim that was bitterly refuted by its boss Michael Gichangi especially in the wake of the Westgate Terror attack. A bill is to be tabled in the House that seeks to give the Service more teeth to carry arms and arrest suspected criminals.

Spies lead the way in Big Powers' second scramble for Africa

The Nation Newspaper, Friday, March 6, 2015

Spies lead the way in Big Powers' second scramble for Africa by Trevor Ngulia

In Summary

- A South African assessment of its security apparatus revealed that more than 140 foreign spies operate in the country and had gained access to the presidency and government ministries.
- Foreign spies also collect sensitive information by stealing it from laptop computers, gaining access to insufficiently locked-up facilities, senior officials in sensitive institutions and unencrypted information conveyed through landline or mobile phones.
- Another means of collecting sensitive information is through smart phones, tablets, laptops, pens and pennants given out as presents. Mossad agents have even used dirty tricks like threatening the South African government with cyber attacks against country's banking and financial sectors.
- In an encounter that lasted 40 minutes, Mr Kibaki was sullen and challenged Mr William Bellamy to share specific information that guided his government's decision. Mr Kibaki said he could only act against Mr Murungaru if he was handed specific evidence.

In this intensified fight for the continent's resources, we are witnessing a dramatic growth of China's economic role, a resurgence of French influence and the rapid expansion of western military presence, writes **TREVOR NG'ULIA**

The release last month by Al Jazeera of secret documents, leaked from numerous intelligence agencies, offered rare insights into the intricate spy world.

These leaks have increased our knowledge of how we are spied upon, what spies look for and who amongst us works for them.

But what is most interesting about these latest leaked cables is the portrayal of Africa as the 21st century theatre of espionage. It is for this reason that The Guardian newspaper quoted a serving foreign intelligence officer calling Africa "the El Dorado of espionage."

Spying, they say, is a profession that is as old as prostitution. Intelligence historians have traced its origin to Biblical times when God spoke to Moses and told him to send men to spy out the land of Canaan.

The instructions given to the 12 spies by Moses were very specific: "Go up this way into the south, and go up to the mountains and see what the land is like: whether the people who dwell in it are strong or weak, few or many; whether the land they dwell in is good or bad; whether the cities they inhabit are like camps or strongholds; whether the land is rich or poor; and whether there are forests there or not.

Be of good courage. And bring some of the fruit of the land."

ESPIONAGE IS BORN

From this point on, espionage was born and has become an intricate mind game of deceit, intrigue and a thrilling collection and exchange of information.

A second step in the intelligence cycle that includes planning, processing, production and dissemination entails gathering information through means like surveillance and cultivation of human contacts.

In the past, we were transfixed to James Hadley Chase thriller novels and action packed James Bond movies. We imagined that captivating spy scenes portrayed in these novels and movies could only take place in Europe and North America.

However, the leaked spy cables have pointed to Africa as a focus of international spying during the second scramble for the continent. In the scramble for Africa's resources, we are witnessing a dramatic growth of China's economic role, a resurgence of French influence and the rapid expansion of western military presence and activities. Additionally, western spies are monitoring extremist groups that threaten western interests, Chinese economic activities and political figures who play key roles in determining relations with foreign interests.

The Al Jazeera leaked cables show that Pretoria is not just the capital of South Africa but also of global espionage. There are 78 foreign spies actively snooping around in Pretoria. This is understandable since Pretoria has the highest number of foreign embassies in Africa. These spies work under the cover of the 120 diplomatic representations as well as in hundreds of companies and Non-Governmental Organisations.

140 FOREIGN SPIES

A South African assessment of its security apparatus revealed that more than 140 foreign spies operate in the country and had gained access to the presidency and government ministries. They were also suspected of breaking into nuclear power plants, stealing military documents and hacking state computers. A plausible explanation for South Africa's centrality in the continent's spy games is its status as a regional powerhouse and communications hub. The most active spies are American (CIA), French, and British (MI6), Israel's Mossad and Russia's FSB as are the Dutch and Danes who work closely with the CIA and MI6. Indians and Senegalese are also spying on South Africa.

The Al Jazeera spy files depict an Israel that is working assiduously to encircle and isolate Sudan from the outside and to fuel insurrection inside Sudan.

Israelis are also said to be interested in Africa's mineral wealth, particularly diamonds which they want to acquire and process. The files reveal that Israel, which is the world's second largest processor of diamonds, is involved in training militias in Africa.

Since most of these violent groups are heavily involved in trafficking of blood diamonds, it is a shocking revelation that Israel supports them. Foreign spies do not operate alone. They have local accomplices, particularly officials holding key government positions and operatives in local spy agencies. A poorly managed and undisciplined spy agency can cause more harm than good to national interests.

TAKE ADVANTAGE

For instance, it is suspected that technologically sophisticated criminals with links to state intelligence could have carried out the break-in at the Pelindaba Nuclear Research Centre in 2007. Foreign spying agencies usually take advantage of intelligence services fractured along ethnic lines. Agencies that are mismanaged create extremely vengeful spies with tremendous axes to grind to embarrass the agency and spill its secrets. A local spy with a wounded ego is more dangerous than a foreign one in our midst.

Foreign spies also collect sensitive information by stealing it from laptop computers, gaining access to insufficiently locked-up facilities, senior officials in sensitive institutions and unencrypted information conveyed through landline or mobile phones.

Foreign diplomats have used their privileged status to access places and individuals with sensitive information. Some governments have also been lax in properly screening foreigners applying for or assigning them to sensitive jobs.

Both Wikileaks and spy cables reveal a motley of tricks used in spycraft. In South Africa, Mossad uses sexual blackmail or entrapment by employing prostitutes and photographing them with sources for potential blackmail leverage. It also sends male agents abroad to seduce embassy secretaries and airline stewardesses to provide valuable information about diplomats, airports and other places or people of interest. Mossad has also penetrated numerous sources within security agencies and used nationals in intelligence activities.

USE THREATS

Another means of collecting sensitive information is through smart phones, tablets, laptops, pens and pennants given out as presents. Mossad agents have even used dirty tricks like threatening the South African government with cyber attacks against country's banking and financial sectors.

Spy cables revealed how a Mossad spy carried out counter-surveillance by altering driving speed on a highway; pulling over and waiting next to the road for approximately four minutes for no specific reason; changing access routes to his house every time he used his vehicle; cutting his rubbish bags in such a manner that it could not be lifted from the dustbin without spilling the contents; utilising the Jewish community in its covert collection activities; regularly contacting security agents; having contacts within key government departments such as Foreign Affairs and Interior; and using cellular phone for communication. Leaked US diplomatic cable revealed how foreign spying agencies usually have key government figures as their confidants and key sources of sensitive information. According to a cable from the American embassy in Pretoria, a close ally of President Jacob Zuma and head of the South African secret service was such a source.

In a number of cables from the American Embassy in Nairobi, a powerful civil servant with access to Cabinet secrets was heavily relied upon to supply information during the Kibaki regime.

Foreign governments also embed in key government institutions people who act as conduits of information. In June 2005, the CIA used a senior official of a US-funded

Parliamentary strengthening project to collect information on a motion in Parliament Mr Paul Muite had filed to censure the US for attempting to arm-twist Kenya into signing an agreement.

Western spying agencies, particularly American and British, frequently use food and alcohol to entice high-ranking officials, representatives of civil societies and the media to pour out national and state secrets. Another common practice of collecting information is through invitations of high-ranking governments and other identified sources of information to western capitals for official visits to meet with senior officials to discuss “mutual concerns.”

CONDUITS OF FUNDS

They also use “research” and “development agencies” as conduits of funds and organisers of events that bring together scholars, civil society, media and government officials to share “findings.” Some of these “seminars” and “workshops” are held in western cities, where participants are dined, wined and encouraged to exchange information “under Chatham House Rule.”

The spying methods are always evolving and being modified for effective extraction of information. For instance, in the old days it was fashionable to use messengers, filing clerks, drivers, bodyguards and cleaners to collect information. But nowadays spies use “stove piping” to access information from all levels of government, including the presidency. The main targets include the intelligence chief, the military intelligence head, the police chief, the internal security minister, the foreign affairs minister, the presidential gatekeeper, and others.

In one of the cables from the Nairobi Embassy, the American Ambassador met President Mwai Kibaki in October 2005 to convey his government’s decision to ban Mr. Chris Murungaru, then Transport Minister, from travelling to the US.

KIBAKI-BELLAMY FACE-OFF

In an encounter that lasted 40 minutes, Mr Kibaki was sullen and challenged Mr William Bellamy to share specific information that guided his government’s decision. Mr Kibaki said he could only act against Mr Murungaru if he was handed specific evidence.

The irony of this conversation was that Mr Kibaki was asking the ambassador to share with him information which Americans had obtained from Kenyans. But Mr Bellamy refused to share it since it was from “sensitive sources, or persons who would not want their identities revealed.” He insisted that privacy rules precluded him from providing specifics on why Mr Murungaru was being banned from travelling to the US. Mr Kibaki insisted that unless Americans provided him with more specific information and hard data on Mr Murungaru, he could not take the necessary decisions.

On his way out of Mr Kibaki’s office, Mr Bellamy bumped into two senior state officials who were lingering outside during the tête-à-tête. On being debriefed on what had transpired, both “appeared disappointed at the President’s indecisiveness.” One of them confided in Mr Bellamy that Mr Kibaki had plenty of evidence but was just refusing to act.

The spy games will continue being part of how governments are run. So long as states have interests that must be protected and promoted, they will need spies.

The intelligence leaked by Mr Julian Assange and Mr Edward Snowden on the US spying on friendly countries like Germany clearly means that even friendly states are not as chummy as they appear.

The complicity of locals, particularly well-placed individuals in government, means that enemies are also within. The negative impact of spying can be minimised by use of counter-intelligence to identify, circumvent and neutralise foreign spies.

Prof Ng'ulia is a security expert. tngulia@mail.com

Kenyan intelligence service changes name, boosts capacity

Text of report by Cyrus Ombati entitled "300 new spies will soon be in your midst" published by Kenyan privately-owned daily newspaper The Standard website on 8 September, subheadings as published. The national spy agency now has more eyes and ears on the ground after boosting its intelligence gathering capacity in time for the introduction of county governments. More than 300 new spies have joined the National Security Intelligence Service (NSIS) and are undergoing training at the National Intelligence Academy.

It is believed NSIS is being strengthened to cope with expanded roles under the new constitution.

The recruitment of the undercover agents was done a few months ago to help the spy agency in achieving its mandate.

With the promulgation of the new laws, the agency's name changes to National Intelligence Service (NIS) and it is tasked with security intelligence gathering and counter intelligence roles.

"There is nothing sinister because they will be there to serve Kenyans," said an official at the Office of the President who asked for anonymity. The advertisement for vacancies in the agency was published in the print media in May 2010.

Insiders said the recruitment was done in anticipation of the new constitutional dispensation in the country. NSIS officers are some of the best-paid government personnel.

Office of the President, under which NSIS falls wants to ensure deployment of the personnel, is done in all regions, once the new constitution is operational.

Currently, there is an intelligence officer in each of the 278 districts across the country. Overstretched Some sources argued that with the recent increase of the number of districts in the country, the operations of the agency have been overstretched. "No one wants to be caught off-guard when the constitution starts to work," added the source.

NSIS collects internal and external intelligence for analysis and action. The new constitution has changed the name of the agency to National Intelligence Service (NIS). Article 242 of the constitution says NIS will be responsible for security intelligence and counter intelligence to enhance national security.

It will also perform other functions prescribed by the national legislation.

In 1998, a new Act of Parliament in Kenya established the National Security Intelligence Service (NSIS) to replace the former Directorate of Security Intelligence, which was commonly known as the 'Special Branch, the dreaded wing of government.

It was part of the Kenya Police Department and was used to crack down on political activists fighting for reforms.

The NSIS brief, like many intelligence organisations, is to gather and exploit secret information.

Threats

It identifies conditions that threaten Kenya's political, economic and social stability. It subsequently develops opportunities and strategies to neutralize such threats.

The Current NSIS Director General Maj-Gen Michael Gichangi took over from retired Brig Wilson Boinett.

Boinett was appointed by former President Moi to head NSIS.

Kenya's spy agency is divided into seven sections including Information Technology, Internal Intelligence, External Intelligence, Analysis & Production, Operation and the National Intelligence Academy and administration.

The NSIS was recently in the news after Attorney-General Amos Wako sensationally claimed its agents approached him to make illegal changes to the draft of the proposed constitution before it was printed.

In the new constitution the NIS is considered a critical security organ, listed alongside the Kenya National Defence Forces, the National Police Service.

The primary object of the national security organs and security system is to promote and guarantee national security in accordance with principles of national interest and prosperity.

Security organs

Under the new constitution, parliament is expected to enact laws to provide for the functions organisation and administration of the national security organs.

It was not immediately clear if any bills relating to the NIS were being drafted to help the institution conform to the new constitutional order.

Previously, the agency was called Special Branch, and it was a dreaded arm of the police. Its officers could arrest and drag suspects to court.

But the NSIS has been professionalised, with its officials being civilian agents who collect information and share it with other government security organs.

But of late, the agency is regarded to have either lost its ability to be on top of events as they unfold, or its briefings are being ignored.

A lot of questions were raised about the effectiveness of the agency after the post-election violence erupted in 2008, following a disputed presidential election.

Source: The Standard website, Nairobi, in English 8 Sep 10 , BBC Mon AF1 AFEau 080910/vk

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Kenya: MPs exchange blows over controversial security bill

Nairobi, Kenya (PANA) - Kenyan parliamentarians scuffled and fought each other during a chaotic session Thursday, to debate the controversial security bill, which opposition parliamentarians said was aiming to entrench dictatorial rule by security forces. The MPs left the debating Chambers with wounds, among them, Simba Arati, an opposition member representing a Nairobi low income neighbourhood, who rushed to hospital with a sore thumb, severely bit during a scuffle in the House.

Senator Johnstone Muthama and the leader of the Minority in Senate Moses Wetangula, sustained injuries in the fight. Opposition MPs first caused chaos in the Chamber, tearing the order paper, insisting they were not privy to amendments proposed to the National Security Bill, which aims to entrench the powers of the National Intelligence Service (NIS).

The Bill proposes to grant powers to the NIS, the national spy agency, to arrest, storm any buildings and search property with only the written authority of its Director-General.

The Bill has been criticized for proposing unlimited powers to the security forces to detain suspects for over a year without trial and asks suspects of terrorism to share with the state all the evidence, witnesses and nature of their defence in court ahead of trial.

It also proposes powers to the NIS to tap telephone communication without any hindrances and bars journalists from publishing pictures of the victims of terrorist attacks without Police approval. Eight foreign diplomats accredited to Kenya called for the amendments to the Security Bill on Thursday, saying the Bill should respect international law, even though Kenyan security forces were right to seek for stronger measures to deal with terrorism.

“Over the past two years, Kenya has faced extraordinary security challenges. As international partners and long-time friends, we stand with Kenya in the fight to defeat al-Shabaab and terrorism. In light of al-Shabaab’s attacks and ongoing threats, we welcome the effort by the Government of Kenya to revise and update the country’s security legislation,” the diplomats said in a joint statement.

The diplomats called on parliament to review carefully the bill, now before the National Assembly, and to consult broadly to build consensus. “It is important that the legislation, while strengthening security, respects human rights and international obligations. Protecting Kenya’s Constitution and upholding civil liberties and democracy are among the most effective ways to bolster security,” the ambassadors said.

The foreign diplomats, representing the US, the United Kingdom, Australia, Germany, Denmark, France, Sweden and Canada, asked Kenya to continue implementing broader reforms to strengthen its security services. 18 December 2014 13:44:22

-END-