MAJOR ISSUES AND DILEMMAS IN INTELLIGENCE GATHERING AND SHARING AS A COUNTERTERRORISM STRATEGY

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ABSTRACT

The central objective of this study was to identify major issues and dilemmas in intelligence gathering and sharing as a counterterrorism strategy. The research covered diverse categories of informants from various institutions and agencies cross cut by intelligence gathering and sharing in Kenya. These included: security officers from the national police service, members of civil society organizations working in areas of security and human rights, academicians and members of the public. Government officers, members of community policing department and former police reservists were also included. Exploratory research design was applied. Based on the design, a historical interrogation approach was applied to interrogate various facets of IG & S and terrorism in Kenya whereby they were chronologically documented, and the changes that have occurred over time analyzed. Data analysis was done through mixed analysis method. The study found out that diverse security reforms that have been implemented in the country since independence which have helped to improve IG & S. Major improvements were highlighted to have been streamlined in technology used, training and the information shared. Among the different forms of intelligence, human intelligence and signals intelligence were found to have played the greatest role in containing TT. The study concluded that the question of intelligence being effective or ineffective in curbing transnational terrorism is dependent on the reaction of all security agencies who receive it. The study recommended that the ability of terrorists to morph should be met with equal efforts by security forces changing their strategies in gathering and sharing information on terrorism from members of the public. All agencies should continuously go through retooling and capacity building on early warnings. Furthermore, there is need for interagency cooperation in sharing intelligence. Both domestic and foreign agencies involved in intelligence sharing should work together to boost their confidence with each other to enhance their readiness and commitment to share security intelligence.

Key terms: Intelligence Gathering & Sharing, Counterterrorism, Information Sharing, Transnational Terrorism

INTRODUCTION

Globally, relations between and among states have been characterized by both conflict and cooperation. One of the areas where states continue to experience major challenges is in dealing with transnational terrorism (TT). Terrorism is among the major security issues in the current international political order. According to Enders and Sandler (2012), terrorism refers to predetermined use or intimidation to use violence by persons or sub-national groups to intimidate more people than the immediate noncombatant victims, so as to achieve a certain social or political motive. There is however no consensus on definition of terrorism as it means different thing to different people in different geographical locations and times. Sometimes it's a matter of perception and ideological stand hence differences in definitions. This reflects the complexity and convolution of the matter from the onset. IG & S strategy therefore takes a pivotal role in curbing TT as it crosscuts other strategies employed which are economic deprivation, ideological change, legislative and political interventions among others.

Kenya has been a victim of transnational terrorism since the 1970s when the first terrorist attack (i.e. the attack at the OTC bus stop in Nairobi on March 1975) was experienced. However, according to Atellah (2019), the earliest transnational terrorist attack in the country was in December 1980 where the Palestine Liberation Organization attacked the Fairmont Norfolk Hotel in Nairobi. Since then, transnational terrorist attacks have been frequent in the country with Njoku et al (2018) indicating that Kenya experienced 15 incidents of terror attacks in 2010, which increased to 70 by 2012. Nyongesa (2017) adds that between 2012 and 2015, terror attacks significantly increased further with a change in targets which resulted to more devastating effects than before from some of the worst terror attacks experienced including the 1998 attack on the U. S. embassy in Nairobi, the 2013 Westgate mall attack in Nairobi, the 2014 Mpeketoni attack in Lamu and the 2015 Garissa

University attack thus evident that no country is immune to terrorism and as such, countries are under pressure to deal with the terrorism.

A major counterterrorism measure that is widely applied in most states in the fight against terrorism is the use of security intelligence service. Intelligence gathering involves any secret information, together with the activities involved in producing or procuring it, designed to ensure and or enhance national and global security (Martin, 2016). The fact that security problems that intelligence services address are transnational has created the necessity for cooperation among intelligence service agencies in different states with other intelligence services in the respective region and abroad to share intelligence. For instance, after the Norfolk hotel attack in Nairobi in 1980, activities of the intelligence service in the country were reinterpreted into international matter as opposed to a national matter. Consequently, collaboration with foreign countries like the United States of America and Israel were initiated where they offered assistance in intelligence services given that at the root of the terror attacks were the interests of the two countries (Agbala 2009). The Westgate mall attack in 2013 and the Garissa University attack in 2015 prompted the strengthening of intelligence sharing between Kenya and the U. S. including more funding by the U.S. to facilitate the same (Nkala, 2015). The collaboration continues to be expanded with different intelligence services in different states including the Central Intelligence Agency (CIA) of the U.S, M16 of the U.K., Mossad of Israel and Tanzanian Intelligence Security Service to help the country in detecting imminent terror threats to Kenya.

Intelligence sharing contributes significantly to other counterterrorism strategies where according to Nte (2011), it contributes significantly to both defensive and offensive strategies making it fundamental in collective strategies in the fight against transnational terrorism. Its main advantages include its strong ability in uncertainty reduction, provision of early warning as well as provide insight

to policy making in fighting terrorist attacks (Martin, 2016). Therefore, IG & S serves two purposes: informing policy and supporting police, military or covert operations directed towards enhancing state security (Nte, 2011).

To streamline their intelligence sharing developed states collaborate with other developed states and with the developing states too. This is manifested in various bilateral and multilateral intelligence sharing arrangements among them. For instance, the Five Eyes comprises a coalition of surveillance agencies from different countries including NSA (U.S); GCHQ (U.K); Australian Signals Directorate (ASD); Communications Security Establishment (CSE) from Canada; and Government Communications Security Bureau (GCSB) from New Zealand (Dailey, 2017). Another one is *the Club de Berne,* an IG & S alliance for the European Union (EU) member states. Moreover, EUROPOL – EU's law enforcement agency further facilitates IG & S among members of EU (Walsh, 2010). Another notable intelligence sharing arrangement is the Shanghai Cooperation Organization (SCO), an IG & S alliance comprising of Uzbekistan, Kazakhstan, Tajikistan, Kyrgyzstan, Russia and China (Albert, 2015).

African countries have also engaged in various intelligence sharing arrangements including the 2010 establishment of African-Frontex Intelligence Community (AFIC) that facilitates the sharing of knowledge and IG & S pertaining to border security between African states and Frontex which is a European Agency (Frontex, 2016). There is also the Great Lakes Regions Intelligence Fusion Center that enabling intelligence sharing among several states including Kenya, Uganda, Tanzania, Rwanda, Burundi, Sudan, Zambia, Angola, Democratic Republic of Congo, and the Central African Republic (Addamah, 2012). In the East African (EA) region, the main EA regional bodies supporting counterterrorism in the region that entails enhancement of intelligence sharing include the International Conference on the Great Lakes Region (ICGLR), East African Community (EAC) and the

Intergovernmental Authority on Development (IGAD) (Rosand et al, 2009). The states also collaborate with international partners especially the U.S (in Kenya, Uganda, Tanzania and Rwanda) and France (in Burundi) to enhance their intelligence sharing in combating terrorism. Yet, despite the efforts, transnational terrorism has persistently remained a major threat in the different regions in Africa especially in West Africa where the attacks are mainly orchestrated by the *Boko Haram*, and in East Africa where the *Al-shabaab* has orchestrated most of the attacks. This raises the question, with all the intelligence sharing arrangements, why is transnational terrorism still persistent? Is there adequate sharing of intelligence between the states? Does the intelligence sharing work against some actors' strategic goals or interests? These questions are part of the core motivation for this research whose focus is on the Kenyan case.

In Kenya, the National Intelligence Service (NIS) is the main institution charged with the responsibility of intelligence gathering under Article 242 of Kenya's constitution. The Criminal Intelligence Unit of the CID also contributes greatly in intelligence gathering under its mandate as stipulated under the National Police service Act, 2011 (Directorate of Criminal Investigations, 2015). To enhance its intelligence in its efforts to curb transnational terrorism, Kenya has also engaged in various intelligence sharing partnerships with other states. In addition to being a member of the Great Lakes Region Intelligence Fusion Centre, Kenya has often partnered with U.S and Israel in sharing intelligence in efforts to curb transnational terrorism (Otiso, 2009). Kenya and the Dutch (Netherlands) Government also signed an agreement to partner in counterterrorism through intelligence sharing among other measures (Muraya, 2017).

In spite of the continuous streamlining of IG & S, transnational terrorism has persistently remained a major security threat in many countries including Kenya. There are instances that successful intelligence sharing thwarted transnational terrorist

attacks including the plot to attack an Israel aircraft (*El Al* airline) in 1976 that was prevented through effectively coordinated IG & S between Kenya and Israel (Mogire & Agade, 2011). However, several transnational terrorism attacks that have been successfully executed in Kenya resulting to huge losses in human life as well as properties are clear indication that, transnational terrorism remains a major threat to the country's security. This raises the issue on the effectiveness of IG&S and the need to interrogate the effectiveness of IG & S in the fight against transnational terrorism in the country. Curiously, do some actors have some priori information on the attacks before they happen yet withhold it and why? Does it have anything to do with the principles of IG & S? Interestingly when developing countries are hit, superpowers claim they had prior intelligence of the attack and due to the sensitivity of the matter, the sharing was restricted. If the sharing is shrouded in secrecy and state-centric interests, how effective is it?

In its nature, IG & S is underpinned by various principles. First is the principle of secrecy. Intelligence is one of the highly guarded state secret and states seek to keep their intelligence as much as possible (Wippl, 2012). Thus, whereas there are clear advantages of IG & S, states withhold information from their security strategic partners. This raises questions on free and adequate sharing of intelligence. Does IG & S destroy the very fundamental of security intelligence? The conundrum is, how can states effectively share intelligence whereas they tend to conceal it for their self-interest and survival? How can intelligence be shared while retaining its very fundamental of secrecy? This portrays the nature of IG & S arena as full of dilemmas.

Cooperation is another principle connected to the secrecy principle. The dilemma caused by the secrecy principle creates a mutual suspicion which affects inter-state cooperation in IG & S. Sandler and Arce (2003) use a game-theoretic model to demonstrate the benefits of cooperating using two states and a terrorist group, and shows "a

prisoner's dilemma" (from the game theory) in which countries find themselves in IG & S arrangements. In the model by Sandler and Arce (2003), the two states opts to prevent the terrorists without cooperating (each seeking to maximize its self-interest without caring what action the other one takes), despite the best alternative being the two states cooperating and preempting. In another scenario, Sandler and Arce (2005) demonstrate the very optimal option for two states to work together. They cite a scenario that includes IG & S. Two states infiltrating one same terrorist group is being redundant and aggravates chances of their discovery (Sandler & Arce, 2005). Thus, even where states have entered into bilateral or multilateral intelligence sharing arrangements, the tendency for an individual state to defect and prefer to conceal its information for its own interest is high. How can a state share out its intelligence in the fight against terror without exposing its own security? Yet, lack of sharing its intelligence undermines the fight against global terror. How do states then handle this conundrum in their use of IG & S to fight transnational terrorism? All these questions reflect the need for the very principles of IG & S to be interrogated as to whether they promote or undermine the effectiveness of its application by states worldwide in the fight against transnational terrorism.

States enter into agreements as a way of ensuring integrity of shared information. But in a world of mutual distrust and suspicion, are pacts strong enough to guarantee parties that IG & S safeguards their own security integrity? What implications does the distrust and suspicion in the process cause in the application of IG & S in the fight against terrorism? These were investigated in this research by interrogating the role of IG & S in curbing transnational terrorism in Kenya. Kenya has attracted a major global interest both as a trading and security partner as well as an investment hub. This coupled with its close proximity to Somali which is believed to be a major terrorist ground, makes Kenya a major target of transnational

terrorism. Thus, Kenya provides a critical context for examining the complexities of IG & S in curbing transnational terrorism.

There are several studies on terrorism but majority of them have mainly focused on terrorism and its effects as well as counterterrorism strategies but almost none of them have emphasized on investigating in details the application of IG & S in the fight against transnational terrorism. Studies like Demeke and Gebru (2014), Chome (2016), Van Metre (2016) and Ochieng' (2016) have been conducted on terrorism but they have scarcely investigated the effectiveness of IG & S amidst the complexities involved in its application in the fight against terrorism, to shed light on the areas that demand attention for streamlining IG & S.

Demeke and Gebru (2014) assessed the role of IGAD in fighting terrorism. They revealed that IGAD was over relying on foreign help and hard power in fighting terrorism in the region. However, it did not examine the use IG & S by Kenya as member state of IGAD in the fight against terrorism. Chome (2016) explored the relationships between resilience and risk to clan violence and to violent extremism in northeastern Kenya. This study demonstrated the contribution of various factors to clan conflict and how this ends up promoting violent extremism. However the study provided no insight pertaining to the use of IG & S in combating violent extremism and terrorism.

Van Metre (2016) assessed community resilience to violent extremism in Kenya. The study described the various ways in which local violent extremism has been thwarted and countered through resilience but did not consider the role of IG & S in the process. Ochieng' (2016) explored security sector reforms and their implication in fighting terrorism in Kenya between 1998 and 2015. This study acknowledged the critical role played by intelligence in fighting terrorism and highlighted some of the reforms and challenges therein. However, the study does not explore international politics associated with IG & S and its implication on Kenya's fight against terrorism. Thus, it did not give

adequate insights regarding the use of IG & S in the country and how the specific issues undermining the effectiveness in IG & S should be addressed.

Therefore, there are scarce international and local studies assessing the use of IG & S in the fight against transnational terrorism. Journalists and politicians only express a perceived failure of IG & S through innuendos in aftermath of the attacks which lacks empirical grounds to guide any reforms. Thus, very scarce empirical evidence exists regarding application of IG & S in the fight against transnational terrorism in Kenya. Consequently, there is inadequate information to guide on necessary policy reforms, strategies and programmes of action to enhance the effectiveness of IG & S in curbing transnational terrorism in Kenya. These studies have not focused on IG & S in Kenya and more significantly. This observation is particularly relevant because Kenya has been a centre of terrorist attacks, Somme of these attacks happened when allegedly intelligence was in the hands of our strategic intelligence partners. That is why the politics of IG & S become critical. Research is thus necessary to interrogate in depth, the developments in use of IG & S over time in the fight against transnational terrorism in Kenya with a view to explore the international politics of IG & S and identify the issues affecting its effectiveness, so as to inform on the necessary improvements that are needed. In view of the above, this study focuses on the international politics of IG & S an interrogation on the role played by IG & S to curb transnational terrorism in the country.

LITERATURE REVIEW

Intelligence Gathering and Sharing in Fighting Transnational Terrorism

Although intelligence alone may not thwart a possible attack, it is fundamentally the primary step to identification and prevention of an attack (Flavius-Cristian & Andreea, 2013). There are two fundamental purposes served by intelligence gathering in the War on Terror: the primary one is informing policies and the secondary one is

supporting military and or police operations that aim at guarding the country against terrorists and preventing their proliferation (Nte, 2011). However, existing literature has made little efforts to connect the dots on how these shapes in particular, the intelligence operations framework in combating terrorism. This study will thus explore both the policy and logistics in intelligence pertaining to intelligence operations framework in combating terrorism. Literature broadly categorizes intelligence in the context of terrorism into two: strategic and tactical intelligence.

Strategic Intelligence: This pertains to the intelligence meant to inform long term plans (Lowenthal, 2016). Through meticulous analysis and usage of computers for producing understandable estimations alongside succinct evaluations, law enforcers locally can get a basic instrument that may be used effectively in identifying possible terrorist activities and targets in the society (Nisbett, 2010). This capacity to "predict" where and when terrorism attacks are likely to happen and the probable targets for the terrorists, by using intelligence, gives the local security agencies an upper hand in executing offensive and or defensive strategies to frustrate possible attacks (Hughbank & Githens, 2010).

Tactical Intelligence: This is the intelligence whose use is mainly limited to operational units (Hughbank & Githens, 2010). Collection of this intelligence calls for skilled and committed ground officers, able to think fast and trace the very simple patterns in culture and changes in behavior for those within their designated areas. Surprises and initiatives are only attained when there is effective tactical intelligence (Walsh, 2015). Every potential assessed source needs to be used to its maximum potential inclusive of the ones often ignored (Bruneau, 2008). This calls for the establishment of a centre clearing house for gathering and exploiting the gathered information, then dispatch the collected intelligence to the commandants in charge, to pass on to an incoming shift or within the shift as considered appropriate. The ground officers are

then required to relay the information obtained from their area of designation to their assigned intelligence collector within the required time. It is only in this manner that an intelligence system is able to operate at the requisite level for identifying and thwarting potential attacks (Hughbank & Githens, 2010). This will be investigated in this study to identify where there are failures that constitutes to the inability of intelligence to combat transnational terrorism.

The Securitization Theory

The Securitization Theory (ST) is believed to have been initiated by the Copenhagen School of International Relations (Buzan, Weaver, & de Wilde, 1998). This school has served a major role in expanding the conceptualizing security as well as provision of a frame for analyzing the securitization or de-securitization of an issue. It further widens the study on security through the inclusion of non-state actors. It represents a shift from old school security studies and focuses on non-state actors as well as non-military matters. Many regards "non-traditional security" (NTS) agenda as going past conflicts between states and geopolitics, hence the emphasis of the theory on non-military issues on security as well as incorporation of non-state actors together with the states (Emmers, 2004).

Security agenda according to the Copenhagen school is defined from five major areas where issues may be securitized: environment, political, society, economic or the military. To some scholars, NTS matters should be grounded on the insecurity's origin. For example, Zabyelina (2009) suggests that NTS agenda should include "terrorism, drug traffic, international crimes, shortage of water and food, economic crisis, environmental damage, hacker, illegal immigrants, ethnic conflicts, overgrowth of population" among others. Copenhagen's critical amendment in securitization theory asserts that "a successful process of securitization results in an issue being framed in such a way that 'special or emergency measures' are deemed acceptable and necessary to deal with the threat in question" (Buzan et al., 1998:27). In order not to confuse it

with other security matters, three levels are identified to securitize an issue: "(1) identification of existential threat; (2) emergency action; and (3) effects on inter-unit relations by breaking free of rules" (Buzan et al., 1998:6). Moreover, the Copenhagen School identifies two distinguishing requirements that an issue must fulfill for its securitization: it should first proof to be an existing threat and then, it should be such a threat that invokes the use of extraordinary/extralegal measures.

The securitization theory posits that when an issue poses an existing threat to a particular object of reference, it qualifies for securitization, which justifies extralegal measures to be applied. Consequently, the need to address it surpasses the ordinary political logic of balancing the threat and the strategy used to address it. This according to Buzan et al., (1998) permits an officer to handle the threat even by deviating from the normal rules that may be legally binding. In particular, when an issue is securitized, it shifts past any public debate and allows the application of emergency tactics including restraining citizen's rights and reallocation of resources. The particular state in this case also becomes an object of security reference. Other possible reference objects may entail the economy and the environment among others. Parties of interest could include elite civil servants, politicians, military personnel or the public at large. Moreover, the Copenhagen School asserts that "the whether the key decision-makers like politicians or the media, succeed in convincing a specific target group through a discursive 'speech act', that is speeches, declarations, articles, and concrete political measures (Anthony, Emmers & Acharya, 2006), that a certain danger posed an existential threat to a specific referent object" (Buzan et al., 1998).

Based on the principles put forward in the securitization theory, the theory is well suited to this research. This is because transnational terrorism as an issue fulfills the two requisite characteristics that Buzan et al (1998) highlight as the requisites for any issue to be securitized. To

begin with, terrorism being a proof of existing threat and the threat being of such nature that calls for extraordinary, if not extralegal measures to be taken. Given that transnational terrorism is a contemporary threat in most countries in the world, it then calls for state involvement in providing security to vulnerable citizens. No wonder Zabyelina (2009) recommends terrorism in general to be considered a "non-traditional security" matter.

Securitization of transnational terrorism therefore draws the issue of intelligence gathering and sharing in the debate. This is because the intelligence gathering practices directed towards combating transnational terrorism sometimes involve extraordinary measures which are perceived extralegal. For instance, intelligence gathering at times could entail trespassing certain right of individuals but which is necessary to combat the threat. This theory was applied in this study to assess whether the issue of transnational terrorism in Kenya has been successfully securitized. The theory was also used to help identify whether there are intelligence gathering methods that are used in the country that reflects the issue as being securitized, and how this has affected the overall fight against transnational terrorism. The theory therefore helped to analyze and understand the involvement of extraordinary measures in use of IG & S as a strategy in the fight against terrorism.

FINDINGS

Emerging Issues in Intelligence Gathering and Sharing in the Fight against Transnational Terrorism in Kenya: A Critical Appraisal

The purpose of this research was to interrogate in depth the application of intelligence gathering and sharing as a security strategy to fight terrorism. The context was Kenya but the focus was to understand its relation with other states in intelligence sharing in the fight against terrorism. The investigation was designed to understand how do states interact by sharing intelligence to fight terrorism while at the same time, sharing the very information could

expose their own national security systems and affect their interests? Transnational terrorism by its very nature have its roots and tendrils across borders. Therefore, collaborative efforts are necessary in the collection of intelligence within the wider frame of collective security to deal with it. The question of intelligence gathering and sharing becomes even more compelling because of the complexities involved in IG & S as reviewed in the previous chapter. This chapter therefore discusses the key findings and raises critical question that relate intelligence gathering and sharing as a counterterrorism strategy basing on what this research has found out. The dilemmas and issues emerging from the findings are first discussed, the theories applied reviewed and a new theory on intelligence sharing in the fight against terrorism is proposed based on the findings.

Dilemmas and Emerging Issues in IG & S

In this research, it was revealed that in quest to deal with terrorism, the importance of sharing intelligence between states cannot be overstated especially because of the transnational nature of terrorism. However, it emerged that while states engage in various intelligence sharing arrangements at bilateral or multilateral level, these arrangements do not lead to total sharing of information between the states. On the contrary, defections and withholding of intelligence are common in these intelligence sharing arrangements raising two questions that were probed in this study: what causes these defections and withholding of information? What are the implications of these defections and withholding of information on the fight against transnational terrorism? This section reviews some of the issues and dilemmas that emerged in the study as the reasons behind the defection and withholding of intelligence while they are supposed to share it in the efforts to curb transnational terrorism.

The dilemma of Terrorism Serving the Interest of the State

This study has found that states engagement in intelligence sharing arrangements is not necessarily

to serve the collective interest of all the states involved in the arrangement but rather to serve their self-interest. To this end, when a particular state considers that sharing certain information on terrorism will not serve its self-interest, the state will not share the information. When this happens, the state that would have benefited from the information and act to address will no longer act to abate the terrorism threat. This is further compounded by the subjective nature of the meaning of terrorism. This study has established that terrorism is a socio-historical construction whose meaning is subject to the one explaining it and as such, it varies from one context to the other and may change from time to time based on the subjective interest of the one explaining it.

The self-interest pursuit of states coupled with the subjective definition of terrorism creates a scenario whereby, when terrorists' activities are working to the benefit of the state, such as striking an enemy state, the state may withhold the information on the terrorists so that the terrorists will successfully strike their enemy state. Moreover, the shifting definition of terrorism with time and from context to context may sometime result to "loyal intelligence agents/sources" defecting to become "terrorists" eventually compromising the intelligence sharing process. This creates the notion of "your terrorist is my freedom fighter" and "yesterday's terrorists is today's beacon of justice". Case examples include Osama Bin Laden (the mastermind of 9/11 attack) who at one time was a strategic ally of the U.S (Chehade, 2007) as well as Nelson Mandela who Canada considered a terrorist alongside his African National Congress movement in South Africa during their armed resistance against Apartheid, but later was awarded honorary Canadian citizenship in 2001 (Freeman, 2013).

The Secrecy Principle Dilemma

Findings revealed the dilemma in the principle of secrecy in IG & S which was found to manifest in the form of the tension in the intelligence gathering agent between sharing or maintaining the 'secret' which essentially is the intelligence. This results

from the context in which intelligence activities take place that is basically based on secrecy. From, the findings, intelligence gathered doubtlessly becomes valuable when accessed by those who need it most (to foil a terror attack or neutralize any other security threat for that matter). However, the state have its own sovereign interest that it seeks to protect which overlaps with the question, will the information retain or lose its value in safeguarding the state's interest after sharing? Since the state has no full guarantee that sharing the information with a partner state that may be in need of this information will not compromise its sovereign interest, the tension on whether to share or not lingers.

In this study, the results indicate that sharing is indeed the best choice in the question of defeating transnational terrorism. However, some scholars like Nathan (2012) hold a different opinion. According to Nathan (2012), maintaining intelligence as a secret is an intrinsic and necessary feature of any intelligence agency's mandate and functions. Best (2011) holds a similar opinion where he asserts that intelligence sharing lowers the value of the intelligence to the source state and increases its risk of being compromised. While their (Nathan, 2012; Best, 2011) concerns for the state interest are valid, the question then is, since terrorism is transnational and states come together in intelligence sharing agreements seeking to defeat it by intelligence sharing, what then becomes the criterion to trust a state enough to share intelligence with them? The paradox that still remains therefore is, states want to work together to curb terrorism but they still cannot freely share the very information that is meant to streamline the effectiveness of our collective efforts to defeat terrorism.

Mutual Suspicion within the Intelligence Community of States

Another conspicuous dilemma in the question of intelligence sharing as it emerges in this study is in the dilemma of trust versus mistrust between states. Due to this dilemma resulting from the secrecy principle as discussed above, states are often caught in mutual suspicion. The findings reveal that this mutual suspicion shapes the intelligence sharing practice from the very start of the agreement to share intelligence – whether bilateral or multilateral. The suspicion stems from the very fear that sharing the intelligence with another state could jeopardize the individual state's interest and as a result, states are reluctant to share some intelligence because they are suspicious of what the recipient state may do with the information. Again, the recipient states are sometimes hesitant to trust the state that wants to engage them in intelligence sharing, their question in this case been: what are they really after or do they have some hidden interests they are pursuing that are detrimental to us as a state?

This issue of mutual suspicion has also been highlighted by other scholars like Wippl (2012) who noted that states and their national intelligence agencies are often reluctant to share sensitive, classified information with many international organizations but they prefer to share on a more controllable, bilateral, case-by-case basis. The dilemma then is, if states remain suspicious of one another, can they still defeat a transnational security threat like terrorism whose perpetrators' network across nations is determined to wreak havoc across the globe? As Reveron (2008) notes, while zero suspicion may not be attainable, mutual trust and common policies is a necessity to effectively confront transnational security threats like terrorism.

The Sharing Dilemma between Powerful and Less Powerful States

Asymmetrical power relations between states also emerged as a major issue in intelligence sharing. Where a more powerful state is engaged in intelligence sharing agreement with a less powerful state, there is often tendency by the stronger state to compel the weaker state to share more intelligence to serve the interest of the stronger state while the latter withholds some intelligence from the former. This is primarily caused by the

question of ability to be entrusted with critical information where the stronger state doubts the capability of the weaker state to maintain the value of the information; handling it in such a manner that will not compromise the interest of the powerful state. The issue here is that the asymmetrical power relations in the intelligence sharing agreements sacrifices the interest of the weaker state to satisfy the interest of the stronger state. This then raises the question, if the very states that have what is considered as stronger mechanisms to confront terrorism are not committed to share information with the weaker states, how can terrorism be defeated globally since its tendrils as mentioned earlier traverse both weak and strong states?

This study asserts that power relation should not be a tool to undermine but to strengthen the effectiveness of intelligence sharing. However, some authors like Walsh (2010) hold a different view. Walsh (2010) indicates that in bilateral intelligence sharing, the powerful state should be in control of the less powerful state in the intelligence sharing activities to "minimize defection"; a system he calls 'hierarchy system.' This is however serves the interest of the powerful states and in real sense aggravates the asymmetry in intelligence sharing while purporting to reduce defection. Although Walsh (2010) acknowledges the necessity for oversight in the intelligence sharing, his perspective is a one-sided focus that only seeks to satisfy the stronger states interest as opposed to promoting cooperation that leads to mutual benefits.

The Dilemma of Intelligence Sharing versus Political and Economic Stability Interests
This study also finds that states are also confronted by the dilemma of whether to share intelligence or not due to their need to protect their political or economic stability interests. This results to a tendency by states to prefer operating at a bilateral level of sharing, often on the basis of personal trust with 'tried and tested' known contacts and colleagues from other countries. The primary concern in this case is the fear that in sharing the

intelligence to deal with a particular security problem at hand, the state may end up exposing its political or economic 'underbelly' that in turn may have negative consequences on the stability of their mainstream economic or political environment.

This dilemma has been highlighted by Scholars like McGill and Gray (2012) who revealed the damage that the *WikiLeaks* fiasco caused. The *WikiLeaks* fiasco was an unprecedented whistle-blowing on the U.S by *Wikileaks* (a Swedish organization) that leaked classified documents from U. S. foreign diplomats which were termed as "the diplomatic cables" on 28th November 2010 (Steinmetz, 2012). WikiLeaks—an online whistle-blowing organization based in Sweden—released documents from U.S. foreign diplomats, termed "the diplomatic cables," on November 28, 2010. As McGill and Gray (2012) indicates that the *WikiLeaks* releases resulted to far too many people having far too much access whose full damage to the U. S. foreign and economic policy is yet to be fully understood and as such, the U.S and its partners have been forced to employ greater digital monitoring of classified materials, to reduce access to classified information that jeopardizes their political and economic stability.

This research in a nutshell has revealed that there are various dilemmas in the international intelligence community. At the core of the dilemmas is that, whereas sharing in the gathering and applications of intelligence is necessary in the context of the character of transnational crimes such as terrorism, doing so may itself be dangerous as may compromise the individual states' interests. This challenges the sufficiency of the liberalism theory in international relations. The next section critics the liberalism theory in the light of the study findings.

Liberalism: A Critique based on the Findings
While liberalism is a common theory in explaining inter-state relations, in the context of this research whose major focus was to interrogate the application and effectiveness of intelligence gathering and sharing between states in curbing

terrorism, the theory was limited. This is because within the context of intelligence sharing, the notion of liberalism is that inter-state sharing of intelligence as a practice happens on a super-state level in a globalised as opposed to state-centric world. Liberalists believe in cooperation among states hence informing on the need to establish intelligence sharing arrangements between intelligence gathering agencies of different states. Again, liberalism considers the state as the key actor for analysis while the issue of intelligence gathering and sharing and terrorism extends beyond the state to involve diverse non-state actors.

The transnational nature of terrorism and the complexities of intelligence sharing like the principle of secrecy and pursuit of self-interest by states in intelligence sharing cannot fit in the liberalists' arguments of peaceful human nature and the collaboration interest of (states) to achieve the common goal of collective security. Liberalism tends to defend the notion that democratic states are less vulnerable to war. However, on the contrary, there are democratic states whose tendency to war is very high when it comes to the fight against terrorism as opposed to the peaceful nature that they are expected to manifest from a liberalism perspective of international relations (Dune, 2009). The democratic peace notion that war leads to wastage of economic resources (Dune, 2009) does not apply where democratic states invest colossal volumes of economic resources in efforts to curb terrorism including major investments in IG & S. Thus, the fact that terrorism is a war-oriented phenomenon that states have to deal with negates the state centric assumption of liberalism since it cannot explain how terrorism and state actor are related.

Another major limitation of liberalism is in how it portrays each individual as absolutely free in the society in his/her habits and lifestyle, where they just choose any society to belong through acceptance to its obligations to feel comfortable, but remains free and independent (Michael, 1990).

This notion fails to take into account diverse motives or factors that may lead to an individual acting in a manner that the society would basically expect them to act as is the case with terrorism. Liberalism fails to explain the criteria on which the individual exercise their freedom of choice in their habits and lifestyle. This makes it insufficient in explaining an individual's behavior in the context of terrorism since it cannot explain the factors that could influence one to engage in terrorism. Moreover, in IG & S, the idea of a free individual cannot hold since as revealed in this study, it is the self-interest of the state that often gets priority. That means, individual's freedom may not apply in the question of IG & S since as revealed in this study, individuals rights may be infringed in IG & S in the interest of the state security.

Liberalist's argument on states desire for prosperity is also weak in explaining inter-states relationships in IG & S and terrorism. Liberalists argue that states in their desire for prosperity take into account financial and economic gains on top of political interests to maximize their elf-interest which they pursue through liberal values and democracy. This cannot adequately apply in the context of transnational terrorism whose interests are pursued through violence that is rationally calculated as opposed to democracy and liberal values. Again, the state interests in intelligence sharing are not necessarily sought through democratic and liberal values. In the light of the above reviewed limitations, the researcher proposes a theory in the next section to explain inter-state relations as far as the question of intelligence sharing between states in efforts to curb terrorism is concerned.

The Interlocking Triangles Theory of Intelligence Sharing

Based on the findings of this study, the researcher proposes an intelligence gathering and sharing theory to explain the maxim of intelligence gathering and sharing using interlocking triangles, hence the name "Interlocking Triangles Theory." In this theory, the researcher articulates that in any intelligence sharing agreement between states, no

matter the terms of the agreement, the volume and content of intelligence is limited to the level of trust between them and their individually perceived benefits of sharing the intelligence. The theory is illustrated in the figure below which is a portrait of intelligence sharing between state A and state B.
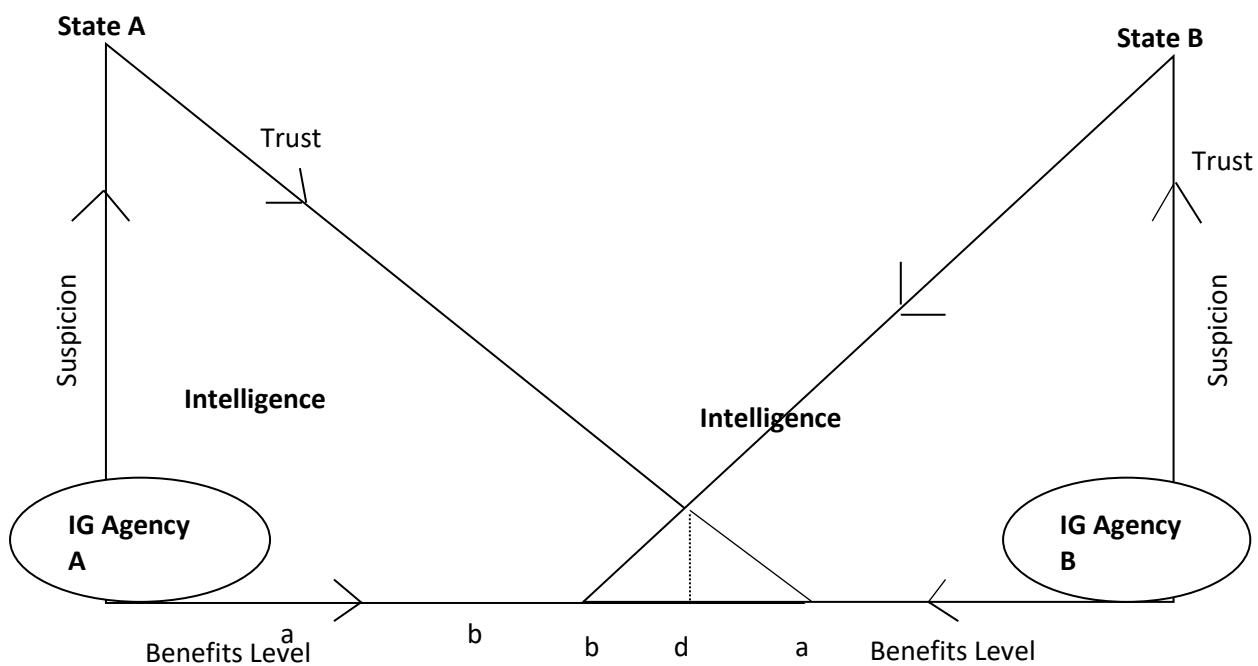
Figure 1: Intelligence gathering and sharing maxim triangles

The figure illustrates the flow of intelligence based on three critical aspects that determine the volume and nature of the intelligence shared between two states (A and B) in an intelligence sharing agreement. This is captured in the form of two opposite right-angled triangles that interlocks to form a third small triangle. It is this small triangle that reflects the extent of intelligence sharing that takes place between the two states in their efforts to collectively curb terrorism. The three sides of each of the right-angled triangles indicate the three critical aspects that influence intelligence sharing. That is, the base represents the level of benefits a state expects to obtain by engaging in intelligence sharing with another state, the height represents the extent that the state is suspicious of the other state, while the hypotenuse represents the extent that the state trusts the other state. The arrowhead on each side indicates the direction of increase for the respective aspect it represents.

The theory as illustrated in Figure 1 postulate that if any of the states (A or B) in intelligence sharing arrangement has any suspicion on sharing intelligence with the partner state concerning a terrorist activity, then it will withhold information from the partner state even when it poses a major threat to the partner state. That is, if state A is suspicious of B, it will withhold the information to itself. The same case applies to state B when it is suspicious of state A where if it is suspicious, it will withhold the information to itself. As a result, the terrorist activity that the information would have helped to prevent will go on unabated.

At the maximum level of suspicion, the level of trust and the level of expected benefits are at minimum, hence there will be no sharing of intelligence. When suspicion decreases, it means the level of trust begins to increase as well as the level of the expected benefits. This is explained by the direction of the arrowheads indicating the direction of increase for each aspect in the diagrammatic

representation of the theory in Figure 6.1. However, since the trust of A on B does not automatically result to B trusting A, the first question that this theory attempts to answer in explaining intelligence sharing is: when does intelligence sharing between two states begin in the midst of the trust versus suspicion constraint?

The theory asserts that the opening code to unlock the sharing of intelligence is "perceived benefits". This "perceived benefits code" has different parts where each state possesses its own part. That is, each state has its individual benefits that it expects to obtain from sharing intelligence with the other state. When state A perceives that it will reap certain benefits in sharing intelligence with B, it will be willing to exchange intelligence with B. Similarly, when B perceives that it will obtain particular benefits by sharing intelligence with A, state B will be willing to share intelligence with A. This is indicated by the direction of the arrowhead on the base of the triangles. This means that when state A is willing to share intelligence with state B, it does not automatically mean that B will be willing to share with A. Rather, it only means that state A has certain self-interests or benefits that it has already considered and carefully calculated that it will gain by sharing with B hence its willingness to share. State B on the other hand has its own self-interests too that it has to consider and carefully calculate to establish that by sharing with A, it will indeed achieve its expected benefits before it agrees to share with A. This means that it does not matter whatever kind of terrorist activity the intelligence may pertain to and the implications of withholding it from the other state. So long as the state does not perceive that it will obtain a certain level of expected benefits by sharing intelligence with the partner state, it will not engage in intelligence sharing no matter how much the other state is willing to engage it in intelligence sharing. If state A raises its suspicion of state B and shares less and state B's suspicion is static to state A, then state A is assured to reap more benefits from B. This may explain the un-equal(asymmetrical) relations between powerful states and less powerful states where the former benefits more. As a result, proliferation of terrorism in either of the countries will continue despite one of the states having intelligence on the terrorism activities because the information is not shared.

Therefore, for the "perceived benefits code" to work (unlock the intelligence sharing), at least the two states must come together and combine their individual parts of the code that matches one another to unlock intelligence sharing between them. That is, the expected benefits of A must be equal to the expected benefits of B. This is point d on the base of the triangles. At this point, the states also have mutual trust in each other (the intersection point c) to share intelligence. At this point cd, the benefits that state A expects to obtain from sharing intelligence with state B is equal to the benefits that state B expects to obtain from sharing intelligence with state A. The phrase "equal" in this theory means that the benefits that A perceives to obtain by sharing may not necessarily be perfectly the same as the benefits that B perceives to obtain, but they significantly match in terms of the interests they serve in each of the state. At the same time, the phrase also means the perceived benefits of sharing may be perfectly the same. It is at this point of mutual perceived benefits of sharing intelligence and mutual trust that real willingness and readiness to share intelligence between states in an intelligence sharing agreement begins. This means that though on the face of it, the agreement will be to share intelligence to curb terrorism, each state will engage in the sharing agreement with its particular benefits that it expects to achieve.

Once the sharing code of mutual benefits has been unlocked and intelligence sharing begins to flow between the states, the next fundamental question that this theory explains is, how far does the sharing extend and or last? In other words, what is the scope on intelligence sharing between the states that have perceived mutual benefits in sharing intelligence? In this theory, the researcher asserts that this is determined by how much more trust

each of the state will have on the other and the maximum benefits each of them is seeking to attain. As mentioned earlier in this theory, the trust of state A on B does not automatically mean that B trusts A. This is primarily because of the dilemma of the secrecy principle in security intelligence activities as captured by Walsh (2010) in his book "The International Politics of Intelligence Sharing". Walsh (2010) conceptualizes the dilemma as a two-way predicament whereby, the state possessing the intelligence have no guarantee that once it shares the intelligence, the other state will adequately secure it not to harm its self-interest. On the other hand, the states that will receive the intelligence have no guarantee that the intelligence it will receive is authentic.

The interlocking triangles theory asserts that once the two states unlock the intelligence sharing code by identifying mutual benefits of sharing (i.e point d) and trusts each other enough (point c) to share intelligence with them, each of them will seek to obtain as much intelligence as they can to gain the maximum benefits they seek to achieve. As a result, each of them will increase their trust hoping that by sharing further, they will attain their maximum expected benefits. Trust may increase for one reason or the other such as improved diplomatic relations between the two states. Thus, as its trust increases, it shares more to gain more benefits until it obtains its maximum expected benefits. That is, maximum benefits at a for state A and maximum benefits at b for state B. Once the trust for the state has increased to the point of engaging in a level of sharing that it attains its maximum desired benefits, it will not share beyond that point. Therefore, the intelligence sharing scope in the diagrammatic representation of the theory is limited to the area from the points of mutual benefits (d) and mutual trust (c), to the points of maximum trust and maximum level of benefits for each state (a and b). In this regard, the intelligence sharing scope between state A and state B will only be the area of triangle abc (equivalent to the sum area of triangles cda + cdb). The scope of intelligence sharing (area

of triangle abc) may entail the totality of the shared information and or the shared collection methods. That is, the states may independently collect intelligence but share information with each other. They may also share in the collection of intelligence but not share the information they obtain or they may share both the collection mechanisms and the information as well.

The large area outside triangle abc represents the big portion of intelligence that each state individually possess which they will not share with each other. This implies that even among intelligence sharing arrangements between states, terrorism activities will still not be easily curbed because the tendency of the states to withhold information still remains high.

CONCLUSION AND RECOMMENDATIONS

The study revealed that the nature of intelligence sharing arrangements between states is largely defined by state-centric interests that determine their commitment to or defection from sharing information with each other. It also illustrates the complexity and dynamism of TT globally. However, it has earlier been established that terrorists also study state centric interests especially for powerful states and with that knowledge in mind, they attack the interest of these states in other smaller less powerful states. Does this explain why US interests (Embassies) in Kenya and Tanzania were attacked? Are these issues then contributing to the increase in transnational terrorism coupled with the complexities in intelligence gathering and sharing? In the midst of these complexities, what measures are then needed to streamline intelligence gathering and sharing in its use to manage transnational terrorism in the country?

The study concluded that Kenya's bilateral and multilateral intelligence sharing partnerships with other states have been instrumental in minimizing the number of terrorism attacks in the country. The researcher concludes that terrorists only manage to successfully execute their attacks sometimes due to lack of effective cooperation among some of the

states involved. It is inferred that the question of intelligence being effective or ineffective in the fight against transnational terrorism is dependent on the willingness of the different states in intelligence sharing agreements to share information. It is concluded that even in IG & S agreements between Kenya and different countries, there is tendency by some agencies to withhold some information on the ground of protecting national security interest, which eventually ends up jeopardizing the very national security interest it was meant to protect.

The study concluded that although IG & S in the country has improved, more needs to be done especially to streamline it further so that it can be more effective in fighting against terrorism by addressing the various underlying issues undermining its effectiveness. The researcher concludes that the effectiveness of IG & S is undermined by lack of commitment by states in intelligence sharing arrangements to share all information that is important in dealing with suspected terrorist activities. Moreover, poor exchange of information among agents and law enforcers and the agents being put under pressure to comply with many legal frameworks is also a major hindrance as well as inadequacy of the technology used. Sharing of incomplete and ambiguous information is also concluded to be a major constraint in the application of IG&S in the fight against TT. This is where intelligence provided prior to an attack is sometimes not sufficient for the security agencies to take effective actions to thwart the attack. Furthermore, the intelligence shared prior to an attack sometimes lacks adequate precision for security agents to take effective actions to foil the attack.

Intelligence gathering and sharing is a major strategy in the war on terror in Kenya. Nevertheless, several challenges and various complexities were found to undermine the effectiveness of IG & S in curbing transnational terrorism. In this regard, the study taking into account the informants' opinions proposes the following recommendations:

The gaps in tactical intelligence gathering should be addressed by ensuring that the collection of human intelligence is done by skilled and committed ground officers, well equipped and trained to think fast and trace the very simple patterns in culture and changes in behavior for those within their designated areas. This would ensure that the security agents are well furnished to carry out surprises with precision.

No state is fully self-sufficient in all areas – policies and resources (finance, human and technology) to curb TT. Therefore, bilateral and multilateral IG & S arrangements between Kenya and other states should make allocation of more funds and human resources part of their emphasis to capacity build intelligence services in terms of technology and training.

The state should also work hard towards denying an aboard to terrorists. Stringent measures need to be taken to seal possible loopholes detected in the structures and system of IG & S that grants terrorists access to security information. Additionally, propaganda is the oxygen for terrorists and therefore, security agencies should counter it by acting fast to ensure that terrorists do not successfully use it to sway the view of the populace.

There was a concern regarding the large number of radicalised youth in Nairobi, Mombasa and Mandera. To deal with this, it is suggested that the state should reduce opportunities and police spaces where possible radicalisation may be taking place. As a way to reduce the number of youth to be recruited into extremist activities the state should endeavour to create more employment and engage the youth in income generating activities

The government should also consider creating more economic empowerment opportunities for the youth who are graduating from colleges and polytechnics. The government should liaise with colleges and polytechnics to provide job opportunities to those who complete their courses, and give easily accessible incentives to venture into self-employment.

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

Suggestions for Further Studies

On the basis of limitations of this study, more studies should be conducted focusing on the following:

Studies should be conducted to interrogate the effectiveness of specific IG & S partnerships between Kenya and other countries in the fight against terrorism. This may help to shed more light on the particular IG & S arrangements that are productive in curbing transnational terrorism in the country and highlight the specific areas in those arrangements that need to be streamlined to enhance their effectiveness.

Studies should be conducted to assess the effectiveness of anti-terrorism legislation in the country in order to identify the areas in the regulatory framework that needs enhancement for effective curbing of transnational terrorism.

Studies should also be conducted to assess the effectiveness of other strategies applied in curbing transnational terrorism apart from IG & S. For instance, effectiveness of the use of military power and use of diplomacy in the war on terror should be assessed. This will help to give more comprehensive insights on the right mix of strategies that should be adopted and how to streamline them in curbing transnational terrorism.

Studies should also be conducted to assess the viability and applicability of the proposed theory – "Interlocking Triangles" to define IG & S between symmetrical and asymmetrical states.

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