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The proportion of political parties' composition of the parliamentary oversight provide a double-edged incentive for either a thorough scrutiny of the executive or a tepid supervision. Ruling parties that represent the majority in oversight committees may have little incentive or low motivation within its members to oversight the executive because of fear of rebuttal from top

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<sup>139</sup> Republic of Uganda, "Parliament of the Republic of Uganda," accessed April 9, 2020, <https://www.parliament.go.ug/page/committees-parliament>.

<sup>140</sup> United Republic of Tanzania, "Parliament of Tanzania," 2020, <https://www.bunge.go.tz/polis/committees/35>.

<sup>141</sup> Center for International Governance Innovation, "Security Sector Reform Monitor.," p. 6.

<sup>142</sup> Republic of Kenya, "The National Assembly of the Republic of Kenya," n.d.

<sup>143</sup> Adeba, "Oversight Mechanisms, Regime Security, and Intelligence Service Autonomy in South Sudan.," p. 3.

<sup>144</sup> *Ibid.*, p. 4.

political party organs and/or strict adherence to political party ideologies. In Burundi for instance, the Defence and Security Commission has suffered endemic problem of low motivation among some of its members that are drawn from the ruling party, the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) and even the opposition parties to oversight the national security sector.<sup>145</sup>

Intricate connection between political party politics and key national security organs in some of the EAC states may also hamper or facilitate effective parliamentary oversight of the security sector. In Burundi, Uganda and South Sudan there is a significant level of national security organs' close associations with the ruling party politics respectively. The Sudan People's Liberation Army (SPLA) in South Sudan has close connections with the national uniformed or militarized forces and the NSS.<sup>146</sup> Over the years, SPLA has maintained a close relationship with the ruling political party, the Sudan People's Liberation Movement (SPLM) and some of the military officers partake in the country's civil matters.<sup>147</sup> In Uganda, the national security establishment since the return of multiparty politics from around the mid-2000s has inclined towards the ruling party, National Resistance Movement (NRM).<sup>148</sup> In addition, Uganda's People Defence Force (UPDF) has 10 reserved parliamentary seats.<sup>149</sup> UPDF also has a slot in the parliamentary Defence and Internal Affairs committee.<sup>150</sup> A senior retired Ugandan intelligence officer pointed out that *'allocation of parliamentary membership slots to UPDF implies that parliamentary oversight of Uganda's national security is vulnerable to influence from the*

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<sup>145</sup> Center for International Governance Innovation, "Security Sector Reform Monitor.", p. 9.

<sup>146</sup> Kuol Deim Kuol, "Report Part Title: Confronting the Challenges of South Sudan's Security Sector: A Practitioner's Perspective," 2018, p. 41.

<sup>147</sup> Ibid., p. 41.

<sup>148</sup> Sabiti Makara, "Deepening Democracy through Multipartyism: The Bumpy Road to Uganda's 2011 Elections," *African Spectrum* 45, no. 2 (2020), p. 86.

<sup>149</sup> Republic of Uganda, The Constitution of the Republic of Uganda.

<sup>150</sup> Republic of Uganda, "Parliament of the Republic of Uganda."

*executive and the national security agencies*'.<sup>151</sup> In Burundi, the post-conflict state building has been characterized by nexuses of entanglements between the ruling party, CNDD-FDD's ex-combatants and rebel generals who occupy strategic positions in state institutions including in the national defense and security organs and holding sway in the ruling political party structures both at the national level and at the grassroots.<sup>152</sup>

The relationship between the national security organs and ruling parties which inarguably have controlling majorities in their parliaments have divergent impacts on parliamentary oversight of the security organs. For instance, in Burundi, some of the CNDD-FDD members of the Defence and Security Commission have decidedly refrained from security sector oversight for fear causing cracks in a party which they share with some of their counterparts in key positions in the national defense and security organs.<sup>153</sup> In political systems characterized by a disciplined partisan majority in parliament, parliamentary oversight role is likely to become a rubber stamping tool than a thorough scrutiny of the executive.<sup>154</sup>

All parliaments in EAC through relevant parliamentary committees perform some budgetary scrutiny and approval for the national intelligence agencies or the ministries under which such institutions fall. However, the constitutions and other national laws establishing such bodies in EAC do not specify the extent to which parliamentary scrutiny of national intelligence services budgets are undertaken. This is reflective of the general trends of parliamentary scrutiny and approval of budgets to national security organs globally where secrecy is indispensable. In respect to approval of the executive appointees to the national intelligences service, the laws of

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<sup>151</sup> Interview with a senior retired Ugandan intelligence agency, Nairobi, June 19, 2020.

<sup>152</sup> Tomas Van Acker, "Understanding Burundi's Predicament" (Brussels, Belgium, 2015), p. 7.

<sup>153</sup> Center for International Governance Innovation, "Security Sector Reform Monitor.", pp. 7-9.

<sup>154</sup> Vibeke Wang, "The Accountability Function of Parliament in New Democracies: Tanzanian Perspectives" (Bergen, 2005), p. 11.

Kenya, South Sudan and Burundi are explicit. Table 2 below summaries some of the pertinent parliamentary intelligence oversight issues in the EAC states.

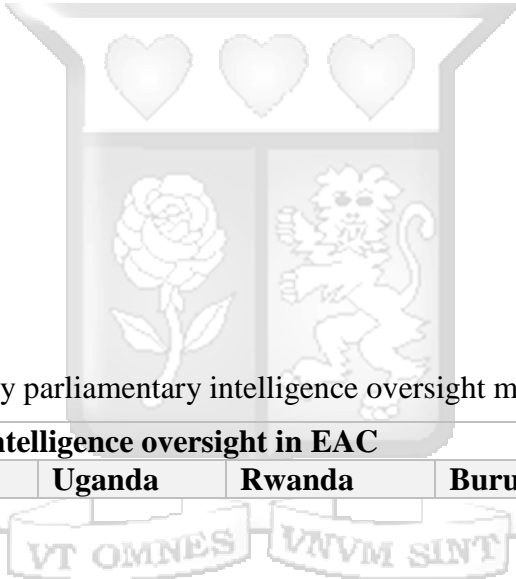


Table 2. Statutory parliamentary intelligence oversight mandates in EAC

<b>Issues of Parliamentary Intelligence oversight in EAC</b>					
<b>Kenya</b>	<b>Tanzania</b>	<b>Uganda</b>	<b>Rwanda</b>	<b>Burundi</b>	<b>South Sudan</b>

<ul style="list-style-type: none"> <li>- Internal administration of NIS including recruitment of staff and budget</li> <li>-Approval of Presidential DG nominees</li> <li>-Oversight of NIS functions in respect to the rule of law, human rights and fundamental freedoms</li> <li>-Budgetary scrutiny and approval</li> </ul>	<ul style="list-style-type: none"> <li>-Scrutinizes and approves budgets of the Ministry of Defence, National Service and Internal Affairs</li> </ul>	<ul style="list-style-type: none"> <li>-Enactment of laws establishing state intelligence services</li> <li>-Annual budgetary approval</li> </ul>	<ul style="list-style-type: none"> <li>-Senate votes on national defense and security laws</li> <li>-Chamber of Deputies oversee the organization of intelligence, immigration, emigration, the military and security laws</li> </ul>	<ul style="list-style-type: none"> <li>-Approving presidential appointees to the executive positions in the Corp of national defense and security</li> <li>-Oversight of governance and public administration</li> <li>-Scrutiny of specific issues on government action from time to time</li> </ul>	<ul style="list-style-type: none"> <li>-Approval of governmental plans, policies and programmes and appointees to state institutions</li> <li>-Scrutiny of annual report of NSS</li> </ul>
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**4.7.3 Judicial oversight intelligence oversight within the EAC States**

There are no specialized courts that handle issues of national security intelligence oversight across all the EAC states. However, all the six countries have constitutionally mandated all their national defense and security organs to comply with the provisions of their constitutions and other existing laws as well as respecting the rule of law, basic human rights and fundamental freedoms in addition to respecting societal diversities and democracy. These provisions are the principal statutory foundations for judicial oversight of national intelligence services across the EAC states.

The jurisdiction of the courts in national security intelligence oversight in the EAC include issuance of special warrants, adjudicating cases involving the agencies on matters of administration, constitution or civil cases. Kenya and South Sudan in their respective constitutions have provided for creation of specialized intelligence oversight boards whose membership is partly constituted by judicial officers.

In Rwanda, a public prosecutor who is authorized by the minister for justice is legally allowed to issue a warrant for communication interception to national defense and security organs upon request.<sup>155</sup> In Tanzania, legal provisions require communications service providers to comply with the law enforcement agencies but do not specify whether or not, judicial warrants are preconditions for such compliance.<sup>156</sup> In Uganda, a designated judge can issue a warrant for communication interception to the DG of ESO and ISO or to any other chief of the national security organs or their nominees.<sup>157</sup> In Burundi, there are a raft of laws regulating public communication. However, in 2018 the government of Burundi established public law No. 1/09 of May 11, 2018 which permitted the national security agencies to intercept communication subject to a warrant issued by a public prosecutor.<sup>158</sup>

Unlike all the other countries in EAC, South Sudan NSS has police powers of arrest so long as it has reasonable belief that a subject is about to commit a crime, has committed or committing such acts.<sup>159</sup> However, NSS is legally required to seek for a warrant from a high court judge when it reasonably believes that such warrant would facilitate its work.<sup>160</sup> Similarly, in Kenya, NIS Act 2012 legally requires the DG to apply for a warrant from a judge of the high court if there is a reasonable belief that such would facilitate the work of the agency.<sup>161</sup>

All the six EAC countries have had different historical trajectories and are at different stages in inculcating the culture of accountability of the government bureaucracy. There are

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<sup>155</sup> Republic of Rwanda, “N° 60/2013 of 22/08/2013 Law Regulating the Interception of Communications,” Pub. L. No. N° 60/2013 of 22/08/2013 (2010).

<sup>156</sup> Republic of Tanzania, “The Electronic and Postal Communications (Online) Regulations 2018,” Pub. L. No. Government Notice No. 33 (2018).

<sup>157</sup> Republic of Uganda, “Regulation of Interception of Communication Act, 2010,” Pub. L. No. Supplement no. 7 (2010).

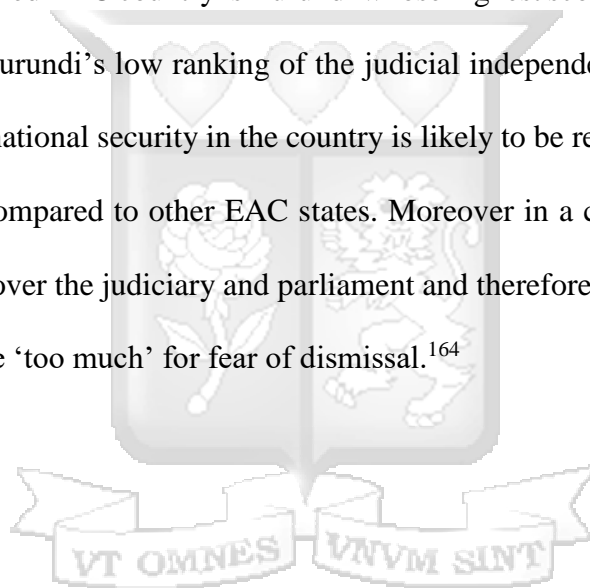
<sup>158</sup> Collaboration on International ICT Policy for East and Southern Africa (CIPESA), “A New Interception Law and Blocked Websites: The Deteriorating State of Internet Freedom in Burundi,” 2018.

<sup>159</sup> Republic of South Sudan, National Security Service Act, 2014.

<sup>160</sup> Republic of South Sudan.

<sup>161</sup> Republic of Kenya, The National Intelligence Service Act, 2012.

variances in the actual powers and the constitutionally spelled judicial oversight powers over the national intelligence services in the EAC. Executive influence on matters of national security overly affects judicial oversight of the national security agencies. In the World Bank's judicial independence ranking on a scale of 1 to 7 with 1 representing heavy influence and 7 entirely independent, the five EAC states have had fairly ranked independence of the judiciary with the exception of South Sudan.<sup>162</sup> With fairly good score on judicial independence, prospects of judicial oversight of national security organs within the region could stand better chances of impartiality over time. The lowest ranked EAC country is Burundi whose highest score between 2007 and 2017 was 2.26 in 2017.<sup>163</sup> If Burundi's low ranking of the judicial independence is anything to go by, judicial oversight of the national security in the country is likely to be relatively more constrained by executive influence compared to other EAC states. Moreover in a country like South Sudan, the executive hold sway over the judiciary and parliament and therefore, the two oversight bodies cannot push the executive 'too much' for fear of dismissal.<sup>164</sup>



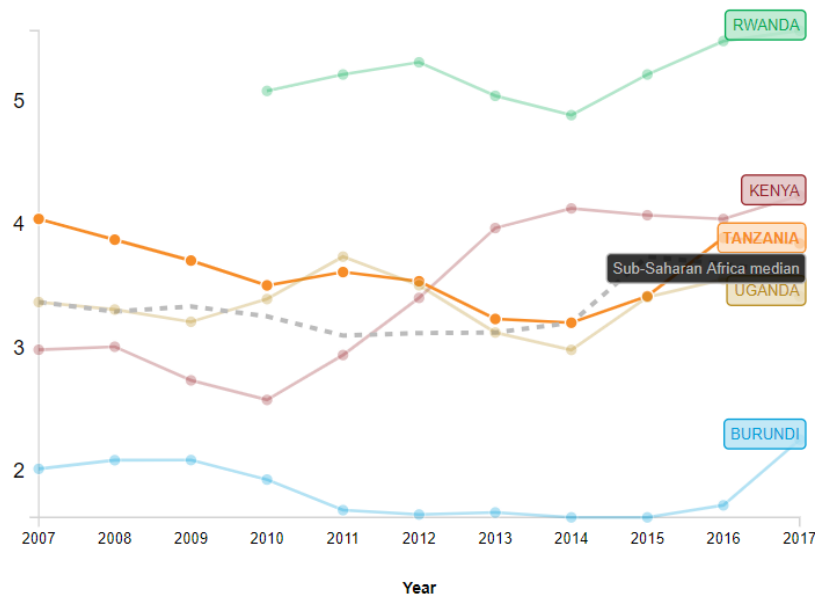
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<sup>162</sup> World Bank, "Judicial Independence," n.d.

<sup>163</sup> World Bank.

<sup>164</sup> Øystein H. Rolandsen, "Another Civil War in South Sudan: The Failure of Guerrilla Government?," *Journal of Eastern African Studies* 9, no. 1 (2015), p. 166.

Figure 2. Judicial independence perception index of the EAC States between 2007 and 2017, Adapted from the World Bank; <https://tdata360.worldbank.org/>



#### 4.8 Conclusions

Based on the analysis of various national laws and policy documents on intelligence governance, the study has established that the executive control, parliamentary and judicial oversight of intelligence is common in all the EAC countries. However, provisions of such oversight mechanisms are marked with subtle or explicit differences across different states. National political dynamics and the culture of secrecy of the intelligence determine the extent to which constitutionally mandated intelligence oversight bodies approach and engage in the actual oversight processes. It is explicitly evident that constitutional guarantee for intelligence oversight across the EAC is a work in progress as some countries are in their formative stages of SSRs especially the states which are emerging from conflicts.

The trend towards opening up national intelligence services for scrutiny within the region follows a distinct pattern commensurate with shifts from colonization, Cold War, political liberalization of the early 1990s, the 9/11 terrorist attack on the US and subsequent war on terror and the post conflict national SSRs. However, despite various constitutional provisions for

intelligence oversight across the EAC, all the six countries are implementing the legal provisions at different paces. Kenya and Tanzania established their formative statutory intelligence oversight from the mid-1990s onwards. In Rwanda, Burundi, Uganda and South Sudan, part of national security oversight reforms have been aimed at restructuring the intelligence agencies.

The most pronounced form of intelligence oversight mechanism within the EAC is the executive control. The executive control of the intelligence across the EAC generally straddles matters of intelligence policies, internal administration including the appointment of the senior intelligence officers and budgetary allocation, tasking and consumption of the intelligence products as well as structuring of the IC. Some of these executive control roles are clearly stipulated or implied in the constitutions and other national laws establishing the IC in the region. Statutorily mandated or relevant parliamentary oversight committees or commissions in the EAC scrutinize general or specific aspects of intelligence services work some of which include approval or presidential appointees to executive positions in the intelligence services, budgetary oversight, policy legislation and approval of intelligence services activities. In actual practice, parliamentary intelligence oversight across EAC states tend to be largely focused on budgetary approval. One of the overarching reasons for lesser parliamentary involvement on issues of intelligence policies, strategies and operations is the endemic fear of national security being compromised incase parliamentarians who get privileged information decide to leak it. Parliamentary committees in charge of intelligence are also broad based as they focus on the general national security and defense issues thus many have not cultivated sufficient expertise on specific matters of national security in relation to national security intelligence.

## **CHAPTER FIVE**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Introduction**

The purpose of this study was to comparatively analyze intelligence oversight mechanisms within the EAC countries. The introductory chapter provided the background of the study and the methodology. Chapter two examined the universal intelligence oversight mechanisms and practices universally and some of the attendant issues. Chapter three explored the evolution and forms of intelligence services in the EAC states and lastly it explored similarities and differences in intelligence oversight mechanisms in the EAC states. Chapter four examined post independent intelligence oversight mechanisms in EAC emphasis the impacts which the advent of colonialism to independence; the collapse of political pluralism; the return of multiparty politics in the 1990s; the post-Cold war national security intelligence within the EAC and the post 9/11 had on the evolution of intelligence services development and oversight in the region. Chapter five presents the study findings and recommendations.

The study looked into the emergence and evolution of intelligence oversight in EAC countries. In order to answer the research questions. It examined the emergence of colonially decreed police force intelligence in Africa through to the periods of decolonization and subsequently during and post the Cold War. In these contexts, the study looked at the post-Cold War and the dynamic national security threats which emerged thereafter catapulting matters of intelligence oversight into public discourse.

#### **5.2 Study Findings**

The key finding is that all the EAC States have established statutory bases for intelligence oversight mechanisms corresponding to some of the global practices in intelligence accountability. Within the region, constitutional intelligence oversight mandate lies with the executive,

parliament, the judiciary and formal independent bodies like the national audit institutions. Some countries including Kenya and South Sudan have also created legal basis for the establishment of intelligence oversight boards to open up the national intelligence agencies for formal and informal scrutiny by the larger public although.

Emergence of intelligence oversight mechanisms in EAC reflects the general global trends which have seen increased parliamentary legislation and introduction of formal intelligence oversight mechanisms in the aftermath of Cold War, political liberalization particularly in the Global South in the 1990s and emergence of new nontraditional national security threats. In some of the EAC states, intelligence oversight mechanisms are fairly new developments coming in the post conflict state building and therefore remains at the formative stages.

The nexus between party politics and the executive influence on matters of national security bear significant impact on parliamentary oversight of intelligence agencies in EAC. Most of the parliamentary committees with a role on intelligence oversight are dominated or led by parties which from the government in all the EAC states and this could interfere with oversight if a regime in power incline towards regime survival. Furthermore, some EAC countries are at the formative stages of post-conflict state building and currently in the process of implementing their SSRs.

The executive wields significant influence on issues of intelligence control in all the EAC states. Preeminence of the executive on intelligence control is premised on the needs for secrecy by the intelligence organizations. Therefore, intelligence oversight by the judiciary and parliaments is largely limited to matters including issuances of warrants and approval of budgets respectively. In the EAC like elsewhere in the world, parliamentary and judicial oversight of

intelligence is approached with a general caution to avoid unwarranted leakage of classified national security issues.

The study established that the EAC parliamentary committees perform intelligence oversight work in the shadows of the executive or parties forming the government which portend a potential hurdle on independence of such committees in executing their oversight roles on the secret government entities. The six countries have also established legal requirements for intelligence collection particularly electronic surveillance and searches. However, the actualization of such legal provisions by the ICs within EAC is difficult to ascertain for lack of any publicly available reports to show the nature and extent of compliance. Noteworthy, executive influence on the judiciary portends a significant determiner on the nature and outcome of judicial intelligence oversight in the region. In some EAC countries there is lack of clear legal pronouncements on the role of judiciary on intelligence oversight other than the issuance of warrant for use of special powers which include communication interception.

The study also established that despite providing for the establishment of complaint boards in South Sudan through the NSS Act 2015 and Kenya's NIS Act 2012, the two countries are yet to establish such boards. Kenya is currently in the process of creating the NIS complaints board as per its NIS Act 2012. The six countries have also mandated their supreme audit institutions with powers to audit utilization of resources which are allocated to the intelligence institutions. Financial audit reports by supreme audit institutions are often shared with the executive and parliament. In Rwanda, the President can limit the extent of external audit of the NISS. In Kenya, external audit of the NIS has been routinized and the reports of such audits are sent to the executive and subsequently to relevant committees of parliament in charge of intelligence oversight.

Lastly, the extent of involvement of the executive in day to day management of the intelligence services bears certain similarities and subtle differences. All the national intelligence services in EAC have presidential appointees who are in charge of various administrative and operational issues. However, in Tanzania, TISS DG controls day to day operations of the agency but subject to occasional consultation with the minister in charge, particularly on issues touching on intelligence operational policies. In Kenya, the DG of NIS oversees day to day operations of the agency and he or she is answerable to the executive and the NSC but also regularly account for the agency's activities at the NISC. In Uganda while the general duties of the ISO and ESO lies with their respective directors, the President in consultation with NSC can make decisions on internal matters which are affecting the agencies. In Burundi, the President and the NSC has powers to oversee day to day operations of its intelligence, specifically on matters including policies and strategies, human resource administration and intelligence budgets. In Rwanda, the Secretary General in charge of NISS oversee day to day management, administration and operational matters but the President has powers of overall supervision of NISS. The directors of various directorates of NISS work under the directive of Secretary General. Similarly, South Sudan also has elements of the executive's involvement in day to day management of the NSS under whom is DG in charge of respective divisions of the national intelligence agency.

This study findings verify the research problem which arises from national intelligence services oversight dilemma which arises from secrecy and the needs for accountability. National intelligence oversight laws and policies while bearing some commonalities in EAC states, there are remarkable differences in the actual intelligence oversight practices in the region. Some of the notable sources of differences are attributed to the character of national politics on accountability of the national security organs in different EAC states, the culture of the national intelligence

services in respective EAC states. For instance, in South Sudan unlike all other EAC states, the NSS operates more on a military doctrine.

### **5.3 Recommendations**

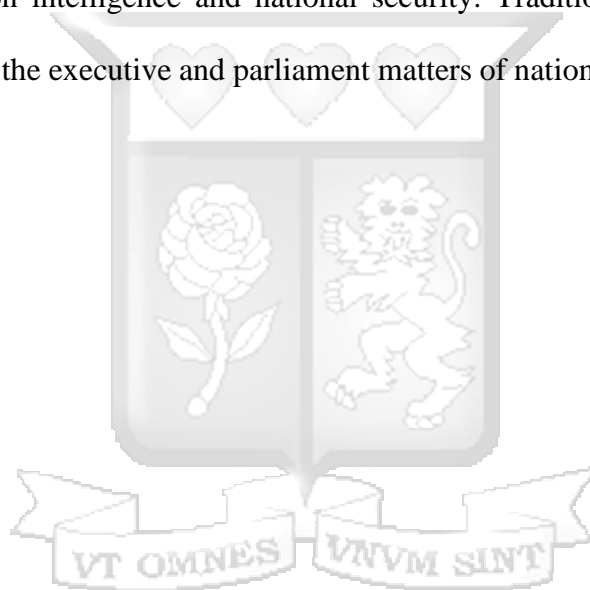
EAC states have made significant steps towards democratization of the national security sector since the end of Cold War. The end of Cold War dawned with new nontraditional national security threats which meant that countries had to restructure their national security organs to not only counter the traditional external military threats, but also emergent nontraditional military threats. SSRs which included opening up the national security organs for scrutiny has meant that multiple actors are now constitutionally mandated to play an oversight role on the efficacy and legality of the expanding intelligence activities. Parliamentary legislation on intelligence matters have brought new impetuses in driving intelligence operations to promote and protect national security matters and to check politicization of intelligence.

Despite the gradual shift towards openness in national intelligence accountability, several challenges that different oversight mechanisms have had to contend with in the region include politicization of intelligence, partisan party politics in parliaments, post conflict state building instabilities and inadequate oversight resources. Additionally, parliamentary intelligence oversight committees in most of the EAC mainly operate outside the secrecy loop and therefore limited in contributing towards intelligence policies or reforms of the agencies in promoting and protecting national security. The study recommends the following;

- Study on specific cases would be feasible to understand national dynamics of intelligence oversight in the EAC states
- EAC national parliaments should consider forming specialized parliamentary committees with specific roles on intelligence oversight, because matters affecting intelligence agencies are often diverse, fluid and complex and requires building sufficient institutional

memory which would better be attained by having dedicated oversight committees in the legislatures

- The EAC states should also consider establishing external oversight bodies whose membership should be nominated or selected on the basis of an appointee's previous experience and skills on national security, defense or intelligence matters.
- EAC states may also need to consider creating specialized courts to handle issues of national security intelligence as this would help such court systems to develop expertise on issues touching on intelligence and national security. Traditionally, many courts have tended to defer to the executive and parliament matters of national security whenever they arise



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## APPENDICES

### Appendix I: Participant Information Guide

Research proposal on ‘Comparative Analysis of  
Intelligence Oversight Mechanisms in EAC States’

**Dear Sir/Madam,**

#### **Request for Research Interview**

My name is **Isaiah Otieno Omburo**, I am a post-graduate student at **Strathmore University** currently pursuing a **Master of Arts Degree in Diplomacy, Intelligence and Security (MDIS)**. I am carrying out a research on the topic “**Comparative Analysis of Intelligence Oversight Mechanisms in EAC States**” as part of the University requirement for this course.

I am kindly seeking for your participation in this study interview given your experience on issues accountability and oversight in public governance. Information provided shall strictly be used for academic purposes only and treated with utmost confidentiality. The information provided would be indispensable in enriching the study literature.

Your participation is entirely optional, and you can withdraw from the study at any time without giving any reasons.

My contact details are as follows:

Institutional Affiliation: Strathmore University

Thank you in advance for your kind cooperation and assistance.

Sincerely,

Isaiah. O. Omburo.

## **Appendix II: Data collection Instruments**

### **PART I: Questions to Guide the interview and discussions with serving and ex members of the relevant parliamentary oversight committees on issues of intelligence and national security issues**

- i. Has parliament operationalized intelligence oversight as stipulated by the Constitution 2010 and the National Intelligence Service (NIS) Act 2012)?
- ii. Could you explain the major areas of focus for parliament on issues of intelligence oversight?
- iii. How would you describe the current parliamentary intelligence oversight practices?
- iv. Kindly share with me your assessment of the weaknesses and strengths of current parliamentary intelligence oversight practices in Kenya?
- v. Would you comment on whether or not; parliamentary oversight over intelligence is a continuous process or intermittent? If intermittent? Why?
- vi. What policy areas are of major interest to parliament in regards to issues of national security intelligence?
- vii. Would you comment on whether or not; prevailing political circumstances in the country at any given time affect parliamentary intelligence oversight?
- viii. Going forward, is there any further parliamentary intelligence oversight reforms you would wish to see? What kind of reforms would they be?

## **PART II: Questions to Guide Interview and Discussions with the Executive and Senior Management at NIS**

- i. NSIS Act 1998, NIS Act 2012 and the Constitution of Kenya 2010 lays statutory foundation for executive, parliamentary, judicial and independent intelligence oversight in Kenya. What are the benefits of intelligence oversight both internally and externally?
- ii. What is the nature of the synergy between different institutions of intelligence oversight in Kenya today?
- iii. Would you comment on the degree of operationalization of these statutorily required intelligence oversight regimes since 1998 to date?
- iv. What are the current internal intelligence oversight practices which the organization has established?
- v. Are there any challenges with internal intelligence oversight? If yes? What are some of the improvements you'd wish to see?
- vi. What contributions do external oversight by constitutional commissions and/or boards add to efficacy and legality of intelligence in informing national security policy formulation and implementation?
- vii. What national security dilemmas are posed to intelligence especially by parliaments and the judicial oversight bodies?
- viii. What would be some of the best ways to improve external oversight of intelligence particularly by parliament and the judiciary?

## **PART III: Questions to Guide Interview and Discussions with the Executive (Relevant Ministries in Charge of National Security)**

- i. Has the National Intelligence Service Council been established? If does exist? What oversight roles does it undertake on the national intelligence service?
- ii. Are there any challenges facing the council in undertaking its oversight duties on intelligence?
- iii. Is the executive under any obligation to furnish parliamentary intelligence oversight committee with information whenever the latter requires such information?
- iv. Is the National Service Complaints Board operational? If it does? What oversight roles does it perform on the on the national intelligence service.
- v. The board is vested with powers commensurate with the High Court under some circumstances, does this mean that the board may compel the national intelligence service to produce sensitive and classified matters touching on national security or operational matters? How does the board determine sensitivity of information it requests from the Service?
- vi. Would you comment on whether or not, the executive should have powers to task the intelligence service to carry out certain operations that are of utmost importance in protecting national interests under exceptional circumstances without informing parliament or judiciary

#### **PART IV: Questions to Guide Discussions with the Judiciary on Matters of Intelligence Oversight**

- i. What role does the judiciary play in intelligence oversight?
- ii. Would you say that the judiciary is sufficiently independent to oversight as sensitive and closed government agency as national security intelligence?

- iii. Kindly share with me some of the achievements and challenges that the judiciary face in oversight of national security intelligence?
- iv. Is there sufficient compliance between the intelligence service and the judiciary on matters of intelligence oversight?
- v. Would you have additional comments or suggestions for improvements required on judicial oversight of national security intelligence?



## Appendix III: Letter of Research Approval



**Strathmore**  
UNIVERSITY

2<sup>nd</sup> April 2020

Mr Otieno, Isaiah  
isaiah.omburo@strathmore.edu

Mr Otieno,

**RE: Comparative Analysis of Intelligence Oversight Mechanisms in EAC States**


This is to inform you that SU-IERC has reviewed and **approved** your above research proposal. Your application approval number is **SU-IERC0740/20**. The approval period is **2<sup>nd</sup> April 2020 to 1<sup>st</sup> April 2021**.

This approval is subject to compliance with the following requirements:

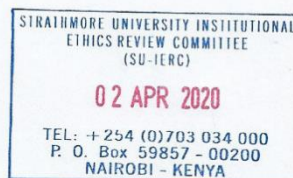
- i. Only approved documents including (informed consents, study instruments, MTA) will be used
- ii. All changes including (amendments, deviations, and violations) are submitted for review and approval by SU-IERC.
- iii. Death and life threatening problems and serious adverse events or unexpected adverse events whether related or unrelated to the study must be reported to SU-IERC within 72 hours of notification
- iv. Any changes, anticipated or otherwise that may increase the risks or affected safety or welfare of study participants and others or affect the integrity of the research must be reported to SU-IERC within 72 hours
- v. Clearance for export of biological specimens must be obtained from relevant institutions.
- vi. Submission of a request for renewal of approval at least 60 days prior to expiry of the approval period. Attach a comprehensive progress report to support the renewal.
- vii. Submission of an executive summary report within 90 days upon completion of the study to SU-IERC.

Prior to commencing your study, you will be expected to obtain a research license from National Commission for Science, Technology and Innovation (NACOSTI) <https://oris.nacosti.go.ke> and also obtain other clearances needed.

Yours sincerely,

  
for: Dr Virginia Gichuru,  
Secretary; SU-IERC

Cc: Prof Fred Were,  
Chairperson; SU-IERC



# Appendix IV: Research Permit



THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

The Grant of Research Licenses is Guided by the Science, Technology and Innovation (Research Licensing) Regulations, 2014

**CONDITIONS**

1. The License is valid for the proposed research, location and specified period
2. The Licensee any rights thereunder are non-transferable
3. The Licensee shall inform the relevant County Director of Education, County Commissioner and County Governor before commencement of the research
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies
5. The Licensee does not give authority to transfer research materials
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 Mobile: 0713 788 787 / 0735 404 245  
 E-mail: [dg@nacosti.go.ke](mailto:dg@nacosti.go.ke) / [registry@nacosti.go.ke](mailto:registry@nacosti.go.ke)  
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