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**Philip Kipkemboi Chemelil**  
Department of Humanities and  
Public Administration (HPA),  
Maasai Mara University,  
Narok, Kenya

## Deep state in Kenya: Insights on an amorphous impediment to common good, 1902-2022

**Philip Kipkemboi Chemelil**

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### Abstract

Historical evidence consistently shows that Kenyans since colonial period have yearned for economic and political emancipation. Although the country seems to have achieved substantial prosperity compared to its peers in East and Central Africa, its full potential has been frustrated by an amorphous entity commonly referred in Kenya as “Deep State”, “system”, “*sirkal*” or *siri kali* (deep secret), “monster”, “dragon”, “mafia” or “leviathan” that is ill bent to benefit some few individuals at the expense of the wider society through corruption and electoral fraud. The journey has been a painful struggle foiled by the machinations of a hidden hand. The paper takes the reader on a historical journey that confirms the existence of a shadowy entity that has all along frustrated Kenyans from giving themselves the desired political leadership and prosperity. The questions that were asked in this paper are, is the deep state real in Kenya and how can it be annihilated? The study discovered that “Deep State” is an amorphous fluid entity that morphs depending on prevailing circumstances and interests of those in political power, high ranks of the civil service, the judiciary, the police, businesspeople, and their clientele. The study divulged entities that can completely extinguish the Deep State in Kenya for the sake of the country’s political freedom and prosperity as pronounced by its freedom fighters at independence.

**Keywords:** Prosperity, Deep state, development, Kenya, amorphous, corruption

### Introduction

The Deep State in Kenya is traced back to colonial period with the introduction of capitalist mode of production. The settler community became so powerful to an extent of dictating policy by blackmailing the colonial administration (Heusler 1971) <sup>[11]</sup>. The colonial “Deep State” disappeared with the attainment of independence by the “Native” majority. It was at this point in 1963 that a new “Native Deep State” emerged. The outfit was vicious and characterized by its control over the country’s leadership through the public service, the police, judiciary, and businesspeople (Khamisi 2018) <sup>[11]</sup>. Most of the members of this amorphous outfit were children of betrayers (home guards) during the Mau Mau insurgency. They became so shrewd in pursuit of wealth and power at the expense of the general populace. In the recent past the term Deep State has become a household term for many Kenyans both in the urban and rural areas popularized by politicians competing for the 2022 general elections where it depicted images of a cabal entity that preserved real power that controlled politics and the economy of the country (See, Kimani 2006) <sup>[17]</sup>.

The entity boasted of clandestine networks within government, intelligence service, the judiciary, civil service and finance institutions among others. It is suspected to be a preserve of some few powerful individuals in business, politicians, the police, and even shadowy foreigners. In the United States it is a preserve of National Security architecture that includes the “Department of Defense, Department of State, Homeland Security, CIA, Justice and Treasury” (Lofgren 2014) <sup>[18]</sup>. As a global hegemony and much celebrated home of democracy, liberty and opportunity, it has not been spared of Deep State. “There is the visible government situated around the Mall in Washington and then there is another more shadowy...that is not explained in Civics 101 or observable to tourist at the White House or Capital” (Ibid). This is true of the description given to the Kenyan Deep State. Again the legitimate State according to him is theoretically controllable through elections but the Deep State one operates according to its own whims without any regards to who is in power either

**Corresponding Author:**  
**Philip Kipkemboi Chemelil**  
Department of Humanities and  
Public Administration (HPA),  
Maasai Mara University,  
Narok, Kenya

formally or informally. It is a theoretical puzzle that merits scholarly attention and debate (See Gastrow 2011) <sup>[7]</sup>. Just like in Kenya to an extent, it is coordinated by the Office of the President via the National Security Council (NSC). It was the NSC that warned the Chairman of the Independent Electoral and Boundaries Commission (IEBC) Wafula Chebukati and other Commissioners of the danger of anarchy that would occur if William Ruto won in 2022 General Elections. What the NSC was alluding to the Commission was that it should do anything within its power to ensure William Ruto is not declared a winner of the elections at all costs. The term “Deep State” in this context conjures up images of a cabal that is the real political power behind the curtains. It is made up of clandestine networks within government, intelligence agencies, financial institutions, and other entities (Orinde 2021) <sup>[23]</sup>. It is a group of people who yield immense power within government without who engage in the manipulation and control of policy, legislation, and constitution. The idiom originated in 1923 in Turkey where the military junta Mustafa Kemal Atatürk used it to execute clandestine actions that aimed at preserving governmental structures. The term Deep State was coined in 1974 by the Turkish Prime Minister Bulent Ecevit in describing the operations of “counter guerrilla” (Soyler 2015) <sup>[30]</sup>. This state of amorphism is also observed in the context where “despite being placed at the core of Turkish politics, Deep State remains intact even with regime changes (Ibid). In the run up to 2022 Kenya’s General Election the mention of the shadowy entity provoked a heated debate over its influence in the succession debate. This was after William Ruto then a presidential candidate alleged that the “Deep State” was ill bend to ensure that he doesn’t succeed President Uhuru Kenyatta even if he wins (Kanchory 2023) <sup>[15]</sup>.

### Methodology

The study utilized several sources of information to develop concepts, facts and conclusions surrounding the “Deep State” in Kenya. Extensive reading of books journals and personal reflections from individuals of interest was done. The individuals included people who worked at the senior positions of the Civil Service like Francis Kimemia, academics like professor Makau Mutua (Suny distinguished professor of law). Mau Mau veterans like Gitu wa Kahengeri former politicians like Joe Khamisi and sampling of comments made by readers on social media concerning the Kenyan politics and in particular Deep State. Other sources included editorial commentaries in newspapers, opinions, and interviews. Reports from organizations like the United Nations Office of Drugs and Crime (UNODC), Civil Society, human rights organizations, political rally speeches and You Tube recorded interviews. Colleagues researching and teaching political science and public policy within the Department of Humanities and Public Administration at Maasai Mara University were also interviewed. Opinions from political analysts and advisors to Kenya senior politicians were also sought. These included David Ndii who is the current advisor to the President on economic matters and Mutahi Ngunyi a former political advisor to President Uhuru Kenyatta.

### An Overview History of the Deep State in Kenya

Many analysts attribute the government of corruption to colonialism in Africa (Khamisi 2018) <sup>[11]</sup>. There are others

who blame it on the breakdown of African traditional hospitality of gift or token exchange through abuse (Heussler 1971) <sup>[11]</sup>. The story of Deep State in Kenya can be traced back to 1902 when Charles Eliots invited settlers. As settlers trooped in from several parts of the British Empire that included South Africa, Britain and dominions, they immediately became a political factor. In 1905 settlers began to demand an active role in government by arguing that any group of British people cannot be taxed without having some voice in the method of disbursing the money raised. They were granted their wishes through the 1905 Order in Council in which a Legislative Assembly was created (Coldman 1979) <sup>[3]</sup>.

They knew very well that for you to control policy and the state, you had to ensure you capture the legislature. They ensured that settlers were the majority in the Constituent Assembly to guarantee easy adoption and passing into law of their interests where they were given two nominated unofficial representation (Wasserman 1974) <sup>[35]</sup>. In 1919 through the legislative council ordinance, they were granted elective positions. Through agitation and lobbying, the white settlers were able to convince the colonial administration to formulate laws concerning land ownership. Earlier on in 1902 the Crown Lands Ordinance Act was passed that gave them a legislation that segregated Europeans from Asians. The settlers were also able to convince the colonial government to ensure there was legislation that guaranteed land ownership. The government obliged and in 1915 the Crown Ordinance increased agricultural land from 99 years to 999 years. Town plots remained at 99 years. The 1902 legislation was therefore overtaken by the 1915 one (Ibid).

To avert competition, the settlers called upon the government not to grant licenses to Asians and Natives to plant coffee. In 1918 a legislation was passed empowering the District Commissioner to deny Natives and Asians from planting coffee. They argued that this was a precautionary measure to prevent the importation of coffee leaf disease into the country, but the real reason was to prevent Natives and Asians from demanding payment for their labour on European terms. By 1922, the settler interests were already delineated and safeguarded. In their clandestine moves, the Europeans settlers had demanded discrimination against Natives and Asians be written in law. The colonial office had successfully objected but gave in 1915 with the enactment of the Crown Lands Ordinance where what remained was consolidation. Their objectives or interest were achieved by bending government policy by compelling the government to provide agricultural credit, imposition of restrictions on Native cash crop farming, and exclusive tenure of the White Highlands through the Crown Lands Amendment Act of 1938 and the Kenya Highlands Order in Council in 1939. The law was actually manipulated to favour European farming community (Heussler 1971) <sup>[11]</sup>. As all these developments were being done the big question is where was the Native in the matrix?

The reality of the deep state in colonial administration in Africa was seen and described by Heussler (1971) <sup>[11]</sup> by indicating that “At the start of each colony’s association with England policy was important for there had to be a reason to move forward. At the end of the colonial time, similarly, there was a rationale for going away. In between, the landscape was dominated by a system not a policy”. By the use of the word system, the author was

referring to a group of people with power and influence taking policy formulations and arrogating it to themselves rather than following the laid down procedures and the English colonial interest. It can also be said that this group colluded with some settler personalities to influence policy at the detriment of other groups in the colony. This was obviously a merger of the settler personalities and some members of the civil service to form a “system” or “deep state” in colonial Kenya. Although most political science corpus argue that the concept of deep state began in Turkey historical evidence show that it is as old as when humans began to organize themselves politically (Wasserman 1974) <sup>[35]</sup>.

Evidence to show settler underground machinations had become a nuisance to the government. For instance, in 1923 the government adopted the Devonshire Pledge that strongly stated “Primarily Kenya is an African territory... the interest of the African natives must be paramount”. This policy was intended to undercut settler dominance in order to enhance the colonial structure and ties. Again in 1944 in order to contain African agitation and Settler extremism, Sir Phillip Mitchell, Governor of Kenya (1944 - 1952) declared Kenya Colony as a multi-racial state. He further argued that a new political community should be built with the principles of civilized men that the British should maintain the gradual lessening “for generations to come” (Rosberg and Nottingham 1966, 198-200; See Odhiambo 1972) <sup>[26, 20]</sup>. Further evidence of settler capture of the state was raised by Sir Geoffrey de Freitas the High Commissioners in Nairobi before he resigned that;

This is probably the only foreign country where British businessmen...bank managers and merchants ...are not the leaders of the British colony, one of the things I have tried to do here is give greater prestige and support to the business community. This has been made easier by the decline in the political power of the settlers (West 1965, 19-20) <sup>[36]</sup>.

During the entire period of colonial establishment and rule, the government and settlers always engaged in some kind of conflict. The settlers were looking for political control in order to influence policy while the government was not ready to cede some of its authority. No wonder from 1900-1930, the settlers were able to arm-twist the government to compromise. It agreed (government) to give economic concessions and participation as earlier indicated. Settler influence began to erode in the 1950s when the government began to support multi-racialism policy. The rise of Native nationalism triggered divisions among Europeans leading to some preferring liberal cooptive views while others blatantly refused. With the government’s determination and Native continued agitation escalating to armed movement, it dawned on them that this was a battle they had already lost (Coldman 1979) <sup>[3]</sup>.

During the Mau Mau movement, there were Africans (home guards, betrayers) who preferred colonial continuity by inheriting colonial political and economic structures at. They hijacked the Civil Service and used it to a mass wealth. No wonder any rich individual or families in Kenya apart from Asians and very few blacks must have either been a politician or a Civil Servant (Khamisi 2018) <sup>[11]</sup>. In this case Kenyan Asians are an exception because of their entrepreneurial tendencies and limited opportunities in the Civil Service and politics. Kenyan Asians were marginalized by post-colonial government especially in the

areas of land ownership. Again, the amorphous hand was revealing itself here by not wanting competition from Asians who had acquired wealth through inheritance from their Dukawala parents. Kenya was officially an authoritarian state pushed and propelled by plutocracy. This is vindicated by a Mau Mau veteran Gitu wa Kahengeri by asserting that “Development in this country has all along been frustrated because independence was handed over to people who did not fight for it. We will continue being frustrated”.

### Post Colonial Deep State

As argued above, Deep State in Kenya can be traced back to colonialism. The main agenda of the Deep State has historically proved to be access to corrupt dealings that can be epitomized as economic crimes under its machinations. Corruption runs deep and complex and can best be described as a multifaceted monster (Atemi 2023) <sup>[1]</sup>. When the British colonialists left, the new “Native” government under the germination of the colonial Deep State initiated the establishment of its foundation by dividing the country into ethnic fissures. The strategy bore fruit immediately and rapidly after acquiring huge chunks of land and property entrenching itself in the corridors of power to become the notorious Deep State under scrutiny in this study. This group majorly comprised of some people close to the President that included senior public officials, cabinet ministers, business people, judges, family members, senior police and military commanders, members of parliament and local government officials (Khamisi 2018) <sup>[11]</sup>.

Before the hidden hand appeared during the Kenyatta regime, Kenya had a remarkable economic growth rate of 7% and 10% in real and nominal terms. It was common for the government to meet revenue targets that were increasing at an average of 20 percent annually and the country was achieving near 100 percent Primary School enrollment in 1970 (Kimani 2006; Orinde 2021) <sup>[17, 23]</sup>. With this trajectory it can be concluded that the country was moving towards elimination of poverty, disease and ignorance in the spirit of the Sessional Paper No. 10 of 1965 that laid guidelines for the establishment of a middle-class economy. The upward trajectory suddenly plummeted beginning in 1970 where growth rate changed from an average of 10% in the 1960s to as low as 4.5% in mid 1970s. Inflation surged to as high as 16% the highest since Kenya attained independence in a period of five years forcing the country to de-value the shilling four times. Senior Civil Servants developed interest in private companies that constantly did business with the government (Kimani 2006; Khamisi 2018; Gastrow 2011) <sup>[17, 11, 7]</sup>.

The reason for all these was that the Deep State was busy sabotaging the Public Service and the economy by ensuring pilferages in government and taking advantage of their networks and close proximity to the Presidency, public coffers and other resources. In mid-1970’s President Kenyatta’s age had advanced and sickly. He found comfort in the company of his own people the Kikuyu of Kiambu. This group became so powerful to the extent of controlling all sectors of the state and was referred to as the “Kiambu Mafia”. They took advantage of the Presidents old age to personalize state power, accumulated wealth and resources while erecting safety networks around them by laying a solid foundation through negative ethnicity and corruption. The two were a sure way of ensuring a tight grip on power



by excluding other people from accessing the smoke-filled power backrooms where Deep State planning and machinations took place (Ochieng and Kimani 1980). Subsequent leaders pursued power and wealth courtesy of Deep State privileged status to gain rather than for national common good.

Lee Njiru, Information Officer in Kenyatta's Presidential Press Unit (PPU) and late Moi's Secretary in his autobiography, described this group of Deep State individuals as "he (Moi) was more in the company of wolves and hyenas than he was in the company of his loving family" (Njiru, 2022). The Deep State was even quick to take advantage of Kenyatta's advanced age. Kenyatta himself knew this where in 1977 the American ambassador informed him that the embassy had received a note appointing a Mr. Kireini as the new Kenyan ambassador to the US. Mr. Kenyatta asked "who, why" "You appointed him". he was told. "No, I didn't, sometimes people do things I don't know about". He canceled the appointment and instead appointed Mr. John Mbugua as Kenya's Ambassador - designated to Washington (Ibid). What can be concluded here is that the Deep State had permeated all sectors of government including appointment of individuals to advance their interest in foreign missions (See Khamisi 2018) <sup>[11]</sup>.

As a result of the Kenyatta regime abetting ethnicity in the Civil Service and politics, the behavior continued during Moi's reign. Senior Civil Servants together with politicians were now able to monopolize state authority on behalf of the Deep State's network. The tribal factor in Kenyan society created by colonialism and later by Kenyatta regime in most cases emerged when a perpetrator of corruption is defended and protected by their "tribe". The Deep State superbly used tribal sentiments and divisions to become extremely difficult to deal with. This situation can best be seen in Mexico where the government for a long time found it difficult to defeat the Deep State because of its drug dealings nature. The cartels around the drug industry are operationalized by shadowy and known individuals in government who infiltrate official positions, the secret service and the police making it near impossible to defeat (See Heidenheimer 2011) <sup>[10]</sup>.

In 1999, Moi bowed to pressure from Bretton Wood institutions and the West for asking him to deal with cartels (Deep State in the country). These institutions went on to recommend people to be appointed to lead the Civil Service and key parastatals in anticipation that the team will root out clientelism and patronage in the Kenyan government mosaic. He appointed the "Dream Team" headed by Dr. Richard Leakey who proceeded to sack 25,000 Civil Servants and secured 250 million pounds from the IMF and World Bank. He was actually implementing the Bretton Wood's institutions demands for war against corruption and creation of a lean Public Service under the Structural Adjustment Programmes (SAPs) agenda for developing countries (Kimani 2006; See ICJ 2005) <sup>[17]</sup>. Richard Leakey's ambitious reforms rubbed the Deep State the wrong way. It ensured the reforms were frustrated and blocked culminating to his sacking in 2001.

Since the advent of multi-party politics in Kenya, the same few wealthy and influential individuals and families continued to control politics, the media and economic power (Gachire 2023) <sup>[5]</sup>. The above are instruments that these players know that once you have a hold on, you are able to

manipulate the populace so easily. They ensure control of industries, the banks, the media, foreign policy formulation, Judiciary and the outcome of general elections. They viciously protect wealth, land, and property they acquired over the years. No wonder Kenya's presidential elections are so noxious and take the path of life and death. The multi-party crusaders convinced Kenyans that the main problem was the constitution. Consequently the citizenry thought the making of a constitution developed by universal suffrage would liberate them not knowing that the problem was the "Deep State" (See Gastrow 2011; Onyango-Obbo 2023) <sup>[7, 22]</sup>.

### Operations of the Deep State

Sometimes or in most cases, the president is not aware of the machinations of a Deep State. For example in 2008 contested presidential elections; President Kibaki was sworn at night in State House. When asked by journalists about it he said "I was told that, I had won the election" (Kahura 2022) <sup>[14]</sup>. The question then is who were these people who "told him?" The journey to understand Deep State membership begins with the above question. The Deep State has been able to frustrate the state by holding it hostage shrinking its capacity that could have otherwise ensured justice and equity to the citizenry. The nation was shocked when President Uhuru Kenyatta revealed that he could not do anything to end corruption describing it as "endemic" driven and sustained by individuals too powerful to an extent of indispensability (Green 2023) <sup>[9]</sup>.

Oburu Odinga the brother to the 2022 presidential candidate is quoted saying "We have always lost the election because the Deep State did not want us to win. This time we have the Deep State. We are sure of victory" (Orinde 2021) <sup>[23]</sup>. His overflow of enthusiasm was informed by his brother's friendly relationship with the then President Uhuru Kenyatta. From the above assertions, it is elaborate that a "Deep State" exists in Kenya. Additionally, it is clear that Kenya's democratic processes are always under the manipulation of a Deep State. What voters attempt to say through the ballot box doesn't matter but what Deep State want.

### Deep State in the Judiciary

Investigations into the funny activities taking place at the Kenyan judiciary began to attract serious attention in 1998 when the government appointed Justice Richard Kwach to scrutinize judicial rectitude where systematic practice of petty and grand corruption was disclosed. "Inducing court officials to lose or misplace files, delay trials, judgments, and rulings... there was actual payment of money to judges and magistrates to influence their decisions (Kwach 2003). Earlier in 2002, a panel of Commonwealth judges had written a report revealing a widespread bribery of judges and magistrates in Kenya. The President suspended the Chief Justice on allegations of corruption, unethical conduct and other offences at the highest levels" (Ringera Report 2003). It is imperative to note that common folks cannot influence members of the judiciary at the "highest" levels as indicated above. These were powerful or moneyed individuals with robust networks within and out of government. Members of the Deep State.

The Ringera Committee was mandated to investigate rot in the judiciary for it to implement government's policy known as "radical surgery". The Committee recommended the

removal of “five out of nine Court of Appeal judges, 18 out of 36 High Court judges and 82 out of 254 magistrates” (ICJ 2005). The Committee implicated the above judges and magistrates as corrupt and have participated in subverting justice. The ICJ went further to confirm that indeed the Kenyan judiciary was marred by “Corruption in the administration of justice posing a serious impediment to the rule of law ...” (for common good) (Ibid). The Kenyan Public at the time believed that the Deep State cartels were busy corrupting judges by giving money to enable them get away with their wrong deeds against the economy and the people. (See, Heideheimer and Johnson 2011) <sup>[10]</sup>. The problem with the Kenyan judiciary since independence was its subordinate nature to the Executive (the home of cartels/ Deep State) that had powers to appoint judges and decide the amount of funding that should be allocated to it by influencing Parliament. This is the reason President William Ruto had to actualize the Judiciary Fund (See Republic of Kenya 2016).

As discussed earlier, one can be tempted to ask about the end game of the Deep State ambitions. Evidence is revealing that this amorphous entity has several avenues of disposing of their loot as the end game (fortification). Khamisi (2018) <sup>[11]</sup> says the Deep State has several channels including snatching off public land, raiding of public coffers, building of luxury mansions and hotels at the coast and tourist areas, buying of expensive personal items and banking of the loot in overseas accounts that are also famous as tax havens. Kenyan presidents have attempted to annihilate the Deep State in vain. President Jomo Kenyatta once described it as an “enemy” while Daniel Moi created institutions that failed. Mwai Kibaki is recorded to have said he was going to ‘slay the dragon’ while Uhuru Kenyatta referred to it a “the foremost danger facing the country” (Ibid; See Kimani 2006) <sup>[17]</sup>. All these leaders referred to it as “corruption”, but a keen observer is able to diagnose that corruption is an end product of machinations that are always done by people in smoky back rooms. Who are these people? The Deep State. The Kenyan populace has been conditioned by the same Deep State into believing that corruption is a societal problem that needs everyone to fight it. They are known of traversing the country using their agents in political arena to shout at rallies about corruption and how they (politicians) are going to deal with it if elected. The populace with their naivety will never understand that these are proxies of the hidden hand.

#### **According to Khamisi (2018) <sup>[11]</sup>**

Over the years, corruption cartels using mafia - like techniques of making money have infiltrated government departments responsible for financial management, bought off key officials used them to sway tenders and contracts and colluded to form “shell” companies and inflate costs. They short circuited tender processes and fast-tracked payments before anyone could figure out what was going on. Moreover, many of the tenders issued through state departments were single sourced in complete violation of the procurement regulations thus shutting out genuine bids. The results were poorly executed project, late deliveries, and non-completion dilemmas.

The clandestine activity of the Deep State has projected Kenya into international limelight in terms of corruption. For instance, in 2016 transparency international (TI) in its annual corruption index ranked Kenya at position 145 out of

176 in terms of the most corrupt countries worldwide (Transparency International 2016). This is a clear indication on how ruthless and thorough this evil network is. Price Water Coopers (PWC) in the same year rated Kenya as one of the most corrupt countries in the world only better than South Africa and France (Price Water Coopers, 2017). Furthermore, 83% of its citizens live below the poverty line. People are still dying of preventable disease because health care is unreachable. The irony is the country boast of super rich individuals who have stashed billions of dollars in overseas accounts (Khamisi 2018) <sup>[11]</sup>.

#### **How to Defeat the Deep State in Kenya**

Kenyans have been socialized to believe that the Deep State really exists, and it is indispensable, powerful, and amorphous (Gachire 2023) <sup>[5]</sup>. They are not to blame keeping in mind the discussion and evidence above. Any rational human being will believe in the grand narrative. But a keen look at the history of Deep State machinations in Kenya, one will discover that there are instances that the ‘hidden hand’ has had its share of defeats and embarrassments. Good examples include the silencing of the “Settler Mafia” by the Colonial Government in 1923 with the adoption of the Devonshire Pledge and the 1950’s government’s support of Multi-Racial Policy (See Odhiambo 1972) <sup>[20]</sup>. The second defeat came in 1978 when Kenyatta’s close associates and members of the Deep State were not able to bar Moi from assuming power and the 2022 general elections where members of the Deep State as alleged by Oburu Odinga (Presidential candidates’ brother) that the “system” would help them this time was not able to make Raila Odinga the President (Kanchory 2023; Gatitu 2021; Lofgren 2014) <sup>[15, 8, 18]</sup>.

#### **Perception Setting**

Oburu’s sentiments were vehemently opposed by William Ruto arguing that he was ready to spoil for a fight with the much-feared Deep State. He said in a political rally “I am with God and with the people... bring on the fight, we are ready for you” (*The Standard* 2020). The play victim of the Deep State conspiracy can be of great help to such a politician where he played it perfectly as it helped him trigger a collective culture’s cowboy-hero imagery that strengthened his supporter’s psyche in an unconscious portrayal of assaults on him as insidious. He repeated the same sentiments in a presidential debate by arguing that the Deep State does not exist and if it exists, it is powerless when the people of Kenya make a decision in mass. “Don’t be fooled by the System and Deep State stories, they don’t exist On August 9 (2022) you will know” (Kahura, 2022) <sup>[14]</sup>. Moi’s confidants and followers believed he was in control of the Deep State. This was a result of his magician like maneuvers in Kenyan politics that ensured he stayed in power for twenty-four years. This myth was quashed in the year 2002 when he called the then his presidential candidate who lost to Mwai Kibaki and instructed him to write a concession speech. Uhuru Kenyatta read the concession speech at Serena Hotel to the dismay of his followers who privately in their minds asked, “what happened to the Deep State?” This is the same questions that lingered in the minds of Raila Odinga’s followers in 2022 when William Ruto was declared the President despite the former having the support of “State machinery and the Deep State”. What we learn from these three incidences is that the Deep State

becomes extremely incapacitated when an overwhelming majority of Kenyans decide through the ballot (Ibid). The same can happen when Civil Servants stand firm in defending the truth and the constitution. This conclusion was arrived at in reference to what happened to the Independent Electrical and Boundaries Commissions (IEBC) Chairman and other two Commissioners by asserting that William Ruto had attained 50% +1 votes as a requirement in the constitution of Kenya 2010. Four other Commissioners opposed the Chairman's announcements because they feared the Deep State indication that the declaration of William Ruto as the President elect would compromise national security. Earlier on the National Security Council had visited IEBC offices to inform the Commission that announcement of William Ruto as the President was tantamount to declaring anarchy in the country. In Kenya the Public Service is a powerful wing used by the Deep State because of its mastery of how things are done. A newly elected President can upon appointing his Cabinet and get to their offices, the Deep State ensures that they are taught how the "system" works. As argued earlier, the Deep State is not an innocent system, its main engine is "treachery, machination and self - pursuit". In an agreement with the title of this study, Orinde, (2020) argues that the deep state is an opaque segment of the public service that is instinctively ready to prevent the will of the people from being fully realized in public law, policy and democracy. Both President Ruto and his Deputy Rigathi Gachagua, in their 2022 campaign manifesto, promised to end state capture and manipulation of public procurement systems to suit politically connected "tenderpreneurs" and powerful Civil Servants arguing that they promote cronyism and theft of public resources. They also argued that the Deep State in Kenya is so entrenched and once in office if elected they will form a Commission of Inquiry to investigate the 'cancer' of State capture in Kenya. That the amorphous individuals are actually some members of the Cabinet, senior Public Servants, security chiefs and their relatives and some well-connected individuals working clandestinely. Shockingly, since assuming office they have gone mum on the matter (Onyango-Obbo 2023) [22]. The question is, what happened? are they the new captives of the Deep State? Only time will tell. If time will confirm the above fears, then Kenya is doomed to live with the "Deep State" menace for some time to come.

The Deep State over the years has perfected the art of capturing the judiciary. "In fact, respect for the law has been the most defiled victim of corruption and to restore that will take something more than just coddling bandits that are masters of frustrating the law" (Mshindi 2023) [19]. What the author was alluding here is that resolute Presidency is required to ensure the cartel's influence over the judiciary is curtailed. A towering example on how cartels can suppress and manipulate the justice system through bribery is further illustrated by Mshindi by saying "Kamlesh Patni, the man accused of masterminding the country's biggest - white collar heist in the name of Goldenberg that snared the high and mighty at Treasury and the Central Bank, demonstrated how money can be used to lock out justice for years".

### The President

The Presidency is required to deal with the Deep State by use of a Presidential decree or executive order because no system has successfully dealt with it or possibly completely

eradicated it because the Kenyan experiences have shown that you cannot reason with it. This suggestion resonates well with what China and Rwanda did to do away with cartels that were also fashioned as Deep State. In both countries, leadership from the front in rallying the country in administering extreme punishment to the corrupt irrespective of their standing in society were inculcated (Heidenheimer 2011; See, Green 2023) [10, 9].

The above argument is vindicated by what the President did in Western Kenya over the revival of Mumias Sugar and other sugar factories owned by the Public. "He vowed to dismantle cartels causing confusion in the sugar sub-sector" (Shilitsa and Lusigi 2023) [29]. He further declared that there are individuals within the judiciary working with powerful corrupt individuals to facilitate theft and sabotage of public good. He vowed that business will no longer be as usual in Kenya.

### The Power of the Masses

In 2002 elections Mwai Kibaki defeated Uhuru Kenyatta garnering 62% though he is believed to have won by even a larger margin. Although Uhuru Kenyatta and his running mate Musalia Mudavadi were defeated, they still believed Moi would have his magic to reverse the defeat. As they were campaigning at the back of their minds, they believed Moi was in charge of the Deep State and they were arranging their win. Kahura (2022) [14] observes that; When the results were announced, what shocked them (Uhuru and his supporters) is not that they had walloped but the deep state had allowed them to be announced as losers. Where the deep state was that Moi was reputed to have commanded? Why did the master himself allow this to happen? Maybe something had gone wrong somewhere.

This excerpt confirms the arguments that the people can defeat the Deep State. When the vote is overwhelming against candidates supported by the Deep State, it has no choice but to give up. So what we can deduce here is that the power of the people is so powerful to an extent of annihilating the ruthless Deep State.

### Conclusion

From the above discussions, analysis and reflections, it is apparent that the Deep State exists in Kenya. Its germination stage can be tracked back to the establishment of colonial rule where settlers took advantage of colonial desperation for white investors to blackmail it. There have been arguments and counter arguments on the existence of the faceless entity in the country but historical analysis, commentaries, opinions and informant accounts have shown that it does exist. The outfit has caused immeasurable damage to the people of Kenya in terms of economy and political developments. It was also affirmed that the entity is faceless, ruthless and ill bent to amass wealth and power at the expense of the general populace. At independence, the Deep State that had been destroyed by the colonial Governor re-emerged in the form of black Kenyans who were scions of Mau Mau betrayers who had taken their children to school. The state at that time needed learned Africans who could run the Civil Service and other key sectors of the State. Mau Mau fighters were locked out by this requirement because majority of them were not schooled.

The individuals in powerful positions of the civil service in collaboration with politicians close to the President formed a web of cartelism to enrich themselves by acquiring business,

tenders, land, buildings, infrastructure projects, strategic influential positions for their cronies, and direct theft of other national and international resources like wildlife products and precious minerals. Many countries including Kenya have not been able to defeat it because of its nature of infiltrating official positions in government, industry, the public service and the underworld. Those who work in government and politicians but are not privy to the operations of the Deep State strongly believe in its power and indispensability. Over the years since independence, heads of state have not been able to slay the dragon. Just like the colonial period, it is believed that the Deep State can be diminished by a Head of State with political will and resolute. Historical trail of the Deep State in this study was able to confirm that electoral fraud in Kenya can be a thing of the past if the voters come out and vote in mass supported by firm and transparent electoral managers.

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