

**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES (IDIS)**

**PROMOTING PEACE AND SECURITY IN AFRICA: IMPACT OF SMALL  
ARMS AND LIGHT WEAPONS IN KENYA**

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THE REQUIREMENTS FOR THE AWARD OF A MASTERS DEGREE IN  
INTERNATIONAL STUDIES.**

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## **DECLARATION**

This research project, is my original work and has not been presented for the award of a degree, to any other university.

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This research project has been submitted for examination with my approval as the University of Nairobi supervisor.

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## **DEDICATION**

It is with immense humility that I dedicate this thesis to my parents, my dad, the Late Mr. Anthony Njuguna Gakuo and my mum Rose Kirumba Njuguna for their sacrifices throughout my life and especially their love and unwavering support. Without them, I wouldn't be in a position to reach this milestone, amongst many others in life. Secondly, I dedicate this thesis to my siblings Nahashon and Mercy and to my Sister-in-law Jamie who have made this possible, through constant encouragement in the face of numerous challenges. I also wish to dedicate this thesis to special people who have formed my support system throughout the year especially, Mr. Geoffrey Kagunyi whose encouragement not to quit even when the going got tough, kept me on course to achieve this milestone. Last but not least, I dedicate this thesis to the victims who have borne the brunt of illicit SALW in Kenya and beyond through various unfortunate incidents such as acts of terror amongst others. May this study offer part of the remedies, towards realization of a lasting solution, to the dangers posed by illicit SALW, and may peace prevail throughout the African Continent and world at large.

## **ACKNOWLEDGEMENT**

First and foremost, I humbly acknowledge the Almighty God for his blessings, protection and graces throughout my life as well as in the course of this undertaking. In a special way, I wish to acknowledge my supervisor, Prof. Amb. Maria Nzomo, for her invaluable guidance, counsel, constructive critique of this undertaking and who has helped me not only shaped the direction of this thesis but has seen to it that, I emerge a better individual than I first undertook this undertaking. May God Bless her in her endeavours.

## ABSTRACT

In full appreciation of the multiplicity of challenges afflicting the African Continent, this study focusses on the promotion of peace and security in Africa, with an assessment of the impact of illicit SALW in Kenya. This study, is focused on the broad objective of promoting peace and security in Africa, with a special attention on analysis of the impact of illicit SALW in Kenya. The study is further informed by three specific objectives which include, evaluating the status of and impediments to peace and security on the African continent. Secondly, this study assesses the impact of illicit SALW in Kenya. Last but not least, this study identifies the strategies that can be adopted to address the impacts of illicit SALW in Kenya, and ultimately promote peace and security in Africa. This study, was also conducted with the aim of approving or disproving three hypotheses or assumptions which include an assessment that, extra-regional interests constitute an impediment to the realization of lasting peace and security on the continent. Secondly, this study aimed at proving or disproving the premise that, bad governance and weak policy implementation, have served to aid the proliferation of illicit SALW in Kenya. Last but not least, this study sought to prove that, better engagement between the state and civil society, can enhance strategies put in place to counter the proliferation of illicit SALW in Kenya. The Conflict Prevention Theory, forms the analytical tool for the conduct of this study, for purposes of assessing the impediments to peace and security in Africa. In terms of the research methodology, this study employed the mixed-method approach that incorporates both qualitative as well as quantitative methods of gathering data. Data was collected from Baringo, Garissa and West Pokot areas of Kenya, on the basis of those areas having suffered immensely from the impacts of illicit SALW. Collection of data was done using primary methods such as online questionnaires and (telephone) interviews, as well as through the extensive use secondary instruments such as books, academic journals, amongst other relevant academic sources that enriched the quality of this study. Finally, this study after analysis and presentation of findings, makes both academic and policy recommendations. In terms of academic recommendations, this study proposes in depth research into the drivers that underlie the demand for illicit SALW and loopholes that exist in policy that are exploited by entities involved in proliferation of illicit SALW. Among policy recommendations, this study also proposes enhanced interagency cooperation especially amongst the intelligence community, law enforcement and immigration officials to curb the flow of illicit SALW in Kenya, as well as mitigate their impacts.

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## **ABBREVIATIONS**

<b>AGA</b>	-	African Governance Architecture
<b>APRM</b>	-	African Peer Review Mechanism
<b>APSA</b>	-	African Peace and Security Architecture
<b>ATT</b>	-	Arms Trade Treaty
<b>AU</b>	-	African Union
<b>DDR</b>	-	Disarmament, Demobilization and Reintegration
<b>HOA</b>	-	Horn of Africa
<b>IGAD</b>	-	Intergovernmental Authority on Development
<b>NEPAD</b>	-	New Partnership for Africa's Development
<b>RECSA</b>	-	Regional Centre for Small Arms
<b>RECS</b>	-	Regional Economic Communities
<b>SALW</b>	-	Small Arms and Light Weapons
<b>UNIDIR</b>	-	United Nations Institute for Disarmament Research

## CHAPTER ONE

### INTRODUCTION AND BACKGROUND TO THE STUDY

#### 1.0 Background to the Study

Africa as a continent has experienced fluctuations in relation to peace and stability in the course of interactions, amongst its constituent nations as well as with actors beyond the continent. Elusive peace and the instability that afflicts a sizable part of the continent can be attributed to reasons such as poor governance, external interference by actors beyond the continent, who have self-seeking agendas as they interact with the continent, conflicts ranging from political to resource based amongst other explanations. Amongst the major drivers of instability and insecurity on the continent, is the unchecked and proliferation of illicit Small Arms and Light Weapons (SALW), which have end up threatening human, national, regional as well global security.

SALW, are appreciated as arms or armaments that are intended for use by individuals and are identified as having the characteristics of being concealable, easily portable, easy to maintain and service. According to the UN Panel of Government Experts on Small Arms in its 1997 report, small arms include revolvers, self-loading pistols, sub-machine guns, assault rifles and light machine guns. Light Weapons include heavy machine guns, rocket systems, portable anti-tank guns, as well as mortars of calibres below 100mm *inter alia*.<sup>1</sup>

Access to SALW, has been found to be both through official means such as purchases made by states for defence and national security purposes, as well as through unofficial channels by individuals and groups, for various intents which are mostly in

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<sup>1</sup> United Nations Institute for Disarmament Research, *The Scope and Implications of Tracing Mechanism of Small Arms and Light Weapons* (Geneva, Switzerland: UNIDIR, 2003) p.2

contravention of the provisions of the law. The challenge of illicit SALW, has continued to persist despite various interventions resorted to by a host of actors in the international system. These interventions, include policy action by actors both state and non-state, for instance, the conclusion of treaties, creation of institutions, intelligence sharing across states, amongst other measures.

Also, despite measures such as developing regulations to check issues of transportation, brokerage, as well as financing the transfer of illicit SALW, challenges that are attendant to the phenomena of globalization have served to erode gains made.<sup>2</sup> The problem of illicit SALW on the African continent is traced back to the Cold War period, when the continent served as a theatre for proxy wars pitting the two superpowers of the time, namely the U.S and the U.S.S.R.<sup>3</sup> It was during this period that, different factions within several states on the continent were supplied with SALW in large quantities, to advance the respective ideological agendas namely, capitalism fronted by the US and communism by the U.S.S.R, through insurgencies, coups and other unconstitutional activities. The aim was to undermine the legitimacy of state authority especially if it leaned towards a given ideological posture that was against a given bloc.

It is worth noting that, with the end of the Cold War, the paradigm of conflict transformed from interstate to intrastate in nature. The arms caches that had found their way into African states for instance, were deployed in a number of conflicts, insurgencies, coups amongst others that resulted in threats to peace and instability in several nations on the continent. The waning of Cold War, marked an emergence of

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<sup>2</sup> Dahinden, Erwin, Julie Dahlitz & Nadia Fischer (eds), *Small Arms and Light Weapons: Legal Aspects of National and International Regulations: A Contribution to the United Nations Conference on Illicit Trade in Small Arms and Light Weapons in all its Aspects and its Follow-Up Process*. (New York: United Nations, 2002) p. vi

<sup>3</sup> Levering, Ralph. B, *The Cold War: A Post-Cold War History* (2<sup>nd</sup> edn) (Arlington Heights, IL: Harlan Davidson Inc., 2005) pp.14-25

other actors especially non-state actors, challenging the monopoly of the state as the primary actor in the international system. This also coincided with the erosion of the state's monopoly on not only possessing the instruments of violence, but also in their usage.

The consequence of the emergence of new actors, served to enhance the demand for SALW by this new constituency, beyond that of state actors. Several factors have served to drive this demand and also inform the supply of SALW. The demand side, is driven by factors such as, a majority of warring factions, insurgents, terrorists, mercenaries that operate on the continent, tend to be poor and SALW being relatively cheap, form the weapons of choice. Civilians have also driven the demand for SALW, since a number of states on the continent, have perennially failed to assure citizens of their security, especially where they exists ungoverned spaces within some states.

On the supply side, state agents have been known to illegally supply non-state actors, with government SALW.<sup>4</sup> Secondly, government stockpiles are poorly secured and hence prone to being stolen, lost or sold illegally by corrupt state actors. Last but not least, in times of conflict, looting of state armouries and depots, has been known to take place as was the case of Libya at the height of the Arab Spring with the arms ending up in the hands of rouge elements.<sup>5</sup>

The challenge of illicit SALW, has also seen the continent through the African Union (AU), renew its focus towards addressing the proliferation of illicit SALW, with a rally towards 'Silencing the Guns' by the year 2020. In line with the AU vision of a peaceful

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<sup>4</sup> <https://www.dandc.eu/en/article/small-arms-and-light-weapons-cause-more-deaths-heavy-weaponry-developing-countries> accessed on 04/11/2020 at 1:00 pm

<sup>5</sup> Frykberg, Mel and Johnathan S. Landay "Terror influence in Libya May be Spreading outward, Egypt Seizes Weapons". Pittsburgh Post-Gazette, October 26,2012. p.4

and prosperous Africa, there exists complimentary initiatives at the international level such as the Arms Trade Treaty (ATT) and the UN Plan of Action tailored to address the challenge that is attendant to the proliferation of illicit SALW. These amongst others, seek to compliment regional mechanisms aimed at countering illicit SALW such as the AU's Bamako Declaration, RECSA for the HOA, the Kinshasa Convention for the Economic Community for Central African States (ECCAS), amongst other initiatives.<sup>6</sup>

The above initiatives were arrived at after full realization of the havoc that illicit SALW, have meted out around the continent in spaces such as the Democratic Republic of Congo, Central African Republic, Sierra Leone, Somalia, Liberia amongst others. The humanitarian crises that have ensued following the waging of conflicts across various parts of the continent, leading to huge refugee outflows, a huge loss of human life amongst other challenges, can all be attributed to the effects of the use of illicit SALW.

Persistence of instability and conflict in the Horn of Africa, has served to create fertile ground for the proliferation of illicit SALW. Virtually, every nation in the HOA a space classified as a security complex, has its own national security challenges which tend to permeate and overlap with that of its neighbours in the region. Some of the factors that enhance the proliferation of illicit SALW includes porous borders, presence of ungoverned spaces populated by criminal elements who have both legitimate and illegitimate grievances against the central authorities of a state, *inter alia*.

Extra-regional interests in the HOA, have also served to worsen the challenge of the proliferation of illicit SALW. Security interests of global powers converging in the

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<sup>6</sup> <https://www.un.org/africarenewal/magazine/december-2019-march-2020/silencing-guns-campaign-kicks-2020> accessed on 04/11/2020 at 12:20 pm

HOA, has created a potential for an upscale in the presence of arms and ammunition in this region. Presence of foreign military bases in nations such as Djibouti for instance *Camp Lemonier* set up by the US, is bound to see the spread of arms in the region in the form of military aid.<sup>7</sup> The persistent conflicts in nations such as Somalia and South Sudan, has created an environment where the demand for SALW has risen. In the case of Somalia, the presence of various actors jostling for the control of the state, from warlords leading respective clans, to terror elements mainly the Al Qaeda affiliated Al Shabab, has caused the insecurities of this nation to spill over into neighbouring states, especially Kenya.

Kenya has had its own security challenges, resulting from illicit SALW and their spread. The scourge of cattle rustling especially in the Karamojong Triangle and banditry in various parts of Rift Valley such as Baringo, West Pokot, and Turkana Counties, are but some of the cases where the negative effects of SALW, has been felt. Kenya, has also faced the impact of illicit SALW during terror attacks most notably the Garissa University attacks, Westgate Mall attacks as well as the Dusit complex attacks, all of which have served to amplify the dangers attendant to illicit SALW. Kenya, has been engaged in institution formation, particularly the Regional Centre for Small Arms (RECSA), in an effort towards developing a regional approach to the challenge of illicit SALW proliferation.

### **1.1 Statement of the Problem**

The African continent, has been faced by numerous challenges in relation to its peace and security, all which have served to foster instability and economic regression in various parts of the continent. Some of the most prominent challenges to peace and

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<sup>7</sup> <https://www.bbc.com/news/world/africa-33115502> accessed on 04/10/2020 at 1:23 pm



security in Africa include, unconstitutional changes of governments, terrorism, piracy, insurgencies, infectious diseases, unchecked immigration, porous borders, bad governance amongst others. This multiplicity of challenges, has ultimately posed a persistent threat to not only human, national and regional security, but global security as well. The proliferation of illicit SALW in particular, has persistently threatened peace and security in Africa, given the multiple challenges confronting the continent. This is in consideration of the dangers that illicit SALW pose to human security in particular, their role in exacerbation of conflict situations, destabilization of the investment climate, undermining of the central authority of a state in cases where terror and insurgent groups are equipped with the same (illicit SALW) *inter alia*. Despite the existence of several mechanisms to address the challenge of illicit SALW such as treaties, conventions, protocols as well as institutions such as RECSA, the problem has continued to worsen, due to its interlinkage to international organized crime amongst other threats. In assessing the impact of illicit SALW in Kenya, this study aims at identifying policy gaps through literature review and analysis of data collected especially around the areas of disarmament, brokerage and transfer of SALW. This is for purposes of enhancing proactive responses to potential negative impacts of illicit SALW as well as more efficient interventions, in order to promote peace and security in Africa.

## **1.2 Research Questions**

- i. What is the status of, and impediments to peace and security in Africa?
- ii. What is the impact of illicit Small Arms and Light Weapons in Kenya?
- iii. What strategies can be adopted towards countering the proliferation of illicit SALW in Kenya, and promotion of peace and security in Africa?

### **1.3 Research Objectives**

The broader objective of this study, is the promotion of peace and security in Africa, with a special focus on assessing the impacts of illicit SALW in Kenya. In addition, three specific objectives, further inform the basis of this study and they include as follows.

#### **1.3.1 Specific Objectives**

- i. To Evaluate the Status of and Impediments to Peace and security in Africa.
- ii. To Assess the Impact of illicit Small Arms and Light Weapons in Kenya.
- iii. To Identify strategies towards countering the proliferation of illicit SALW in Kenya and promotion of peace and security in Africa.

### **1.4 Justification of the Study**

#### **1.4.1 Policy Justification**

Following review of literature relevant to issues revolving around the management of illicit SALW, the gaps identified are aimed at influencing a transformation in the manner that challenges attendant to proliferation of illicit SALW and their impact, are addressed by policy makers. Consequently, new knowledge generated from this study addressing the proliferation of illicit SALW and their impacts, shall be targeted for consumption by members of the National Police Service, the Intelligence community, immigration department, think tanks and relevant national actors at the policy making sphere. Despite the existence of several mechanisms/ interventions in form of policies that have been drafted and protocols ratified to respond to the challenge of proliferation of SALW, the problem has continued to persist. The new knowledge generated from this study, seeks to reorient the way policies are crafted, and more so harmonization of policies, for development of a common approach, to issues such as disarmament, brokerage and transfer of illicit SALW and mitigation of their impact in society.

### **1.4.2 Academic Justification**

The question of illicit SALW and their impact in society, has attracted immense academic discourse over the years. This inquiry seeks to enrich the field of academia, as well as think tanks and research entities, by introducing new perspectives in the management of the proliferation of illicit SALW. By identifying the gaps in knowledge that exist concerning the challenges attendant to the proliferation of illicit SALW and especially their impact in Kenya, this inquiry seeks to trigger further research into the problem of illicit SALW and drivers of their proliferation. This is in the aim of generating new approaches targeted towards countering their proliferation, and overall promotion of peace and security in Africa.

## **1.5 Literature Review**

### **1.5.1 Theoretical Literature Review**

According to Lund, the prevalence of negative peace acts as an impediment to conflict prevention and an obstacle to the attainment of peace and security. Negative peace, is indicative of a situation where even though open hostilities are non-existent at the time, structural tensions persist and actors involved, adopt a posture where the potential for degradation of peace and security is possible.<sup>8</sup>

Ghali in his seminal work *An Agenda for Peace*, outlined the critical role played by preventive diplomacy as the most efficient tool in stemming the outbreak of violent conflict, which has in particular devastated the African continent in the post-cold War period.<sup>9</sup> Preventive diplomacy as a one of the underpinnings of the conflict prevention theory is anchored on the rationale that, dealing with threats to peace and security pre-

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<sup>8</sup> Lund, Michael S. (2001) 'Why Are Some Ethnic Disputes Settled Peacefully, While Others Become Violent? Comparing Slovakia, Macedonia, and Kosovo,' in Hayward Alker, *et al.* (eds.), *Journeys through Conflict: Narratives and Lessons*. Lanham, MD: Rowman and Littlefield. pp.120-243

<sup>9</sup> Ghali, Boutros-Boutros, (1992) *An Agenda for Peace: Preventive Diplomacy, Peace-making and Peacekeeping*. New York: United Nations. pp.1-40

emptively is a far much effective strategy, as opposed to firefighting. In this respect, the proliferation of illicit SALW can be addressed through early interventions such as deterrence, lest the arms fall into the wrong hands and end up being used to threaten peace and stability as has been noted.

Indeed, conflict prevention and the normative underpinnings attendant to it, has been adopted at the institutional level such for instance, at the World Bank and United Nations as a basis for policy making, due to its effectiveness especially in cost reduction and most importantly, saving of lives.<sup>10</sup> The Berghof foundation, approaches conflict prevention from four dimensions which include, identification of situations that could lead to violence, de-escalation of the manifestations of tensions, preventing tense situations from escalating to open conflict, and last but not least, eliminating sources of danger before they transform into violence such as the proliferation of illicit SALW.<sup>11</sup> To this end, normative as well as institutional platforms such as the Nairobi Protocol which culminated in the formation of the Regional Centre for Small Arms, play a huge role in addressing threats to peace and security, from a common premise.

However, Lund points out to the absence of a coordinated model of preventive diplomacy, which points to the lack of a standardized regime of international conflict prevention or governance system.<sup>12</sup> Such a shortfall in the existence of a standard operating procedure, has the potential to lead to escalation of conflicts, due to a poor response or intervention. Attendant to that, is the potential weakness of some early

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<sup>10</sup> Michael Lund, "Conflict Prevention: Theory in pursuit of policy and practice", in Jacob Bercovitch, Victor Kremenyuk, William Zartman (eds), *The SAGE Handbook of Conflict Resolution*, 2008, pp. 287-321.

<sup>11</sup> Berghof Foundation, *Berghof Glossary on Conflict Transformation: 20 notions for theory and practice*, March 2012, p. 17.

<sup>12</sup> Grossman, Marc., *Diplomacy Before and After Conflict*. *Institute for National Strategic Security* Vol.1 No.4. 2010. P.4

warning systems tailored to the detection of threats and response to them, such as the issue of proliferation of illicit SALW which ends up threatening peace and security.

## **1.5.2 Empirical Literature Review**

### **1.5.2.1 To Evaluate the Status of and Impediments to Peace and Security in**

#### **Africa**

Threats and impediments to security and peace on the African continent, are both multicausal and multifaceted. These range from political, economic as well as social challenges and they are both rooted in the continent's history, as well as in modern developments within and without the continent. According to Aning, some of the most pressing challenges to the continent in terms of its peace and security include, increasing and persistent fragmentation of political authority, across societies on the continent. Others include enhancement of the political influence of armed sub-state/national actors in various spaces such as terrorists, insurgents, rebels *inter alia*. Increasing vigilantism in response to the security vacuum prevalent in a number of states, presents a major obstacle to peace and security on the continent.<sup>13</sup>

According to Ballentine, there exists a linkage between predatory economic agenda and instability as well as insecurity, on the continent.<sup>14</sup> This has been found to be true in relation to the manner in which natural resources have been exploited and the actors at play in this exploitation. Ballentine identifies that, the nature of economic agenda of various actors, provides a template that enables one to appreciate their impact in sustenance, prolonging and transformation of conflicts. Indeed, the predatory economic agenda, has been identified as a challenge towards the peaceful resolution of conflicts.

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<sup>13</sup> Aning, Kwesi, (2007) Africa's Major Human and International Security Challenges, *International Peace Institute*.p.2

<sup>14</sup> Karen Ballentine, "Program on Economic Agendas in Civil Wars: Principal Research Findings and Policy Recommendations," *International Peace Academy*, New York, May 2004. pp.4-15

Standing, highlights the connection between organized crime and its linkage to prevalence of insecurity and instability on the continent. This is better appreciated from the perspective where, revenues from crimes such as human trafficking, drug trafficking, money laundering and the prevalence of migrant smuggling end up undermining the legitimacy of state authority, in the channels that they are used.<sup>15</sup> Indeed, the surge of actors witnessed who are involved in organized crime, and the centrality of the continent as a 'hub' for the conduct of various illegal activities, has led experts to arrive at the conclusion of the existence, of African Criminal Networks (ACN).<sup>16</sup> Cockayne notes that, these elements have developed tentacles that have spread their reach to spaces such as the European continent, where a sizable number of drug traffickers arrested, are from the African continent.<sup>17</sup> According to the United Nations Office on Drugs and Crime (UNDOC), drug trafficking has in particular been on the rise on the continent, where for instance there has been a 60% rise in opiate trafficking alongside other drugs.<sup>18</sup>

Florquin and Bergman on their part single out the proliferation of illicit SALW on the continent, as a major obstacle to peace and security. They in particular note with immense concern, the effect that illicit SALW have on national and regional security in pre-conflict, conflict and post-conflict situations.<sup>19</sup> Attendant to this challenge, is the difficulty in carrying out disarmament on the continent due to underlying challenges such as porosity of borders, corruption amongst others, on the continent.

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<sup>15</sup> Standing, Andre', "Re-conceptualizing Organized Crime," *African Security Review* 12, no. 2 (2003): p.103.

<sup>16</sup> Op. Cit. Aning, Kwesi, (2007) *Africa's Major Human and International Security Challenges*.p.4

<sup>17</sup> Cockayne, James, "Transnational Organized Crime: Multilateral Responses to a Rising Threat," *Coping with Crisis Working Paper Series*, International Peace Academy, New York, March 2007. pp.7-16

<sup>18</sup> United Nations Office on Drugs and Crime, *Transnational Organized Crime in West Africa*, New York, 2005, p. 15.

<sup>19</sup> Florquin, Nicolas and Eric G. Berman, eds., *Armed and Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region* (Geneva: Small Arms Survey, 2005) pp.24-78

Krause notes that, in situations where some states on the continent are complicit in supplying arms to nations in conflict and others acting as transit nations, it leads to a zero-sum outcome in relation to countering proliferation and mitigation of the effects of illicit SALW.<sup>20</sup> This is because, it is practically impossible to prevent diversion of arms to their intended destination and such arms end up threatening the peace and security of transit nations as well, even though not to the scale of nations where the arms are destined.

#### **1.5.2.2 To Assess the impact of illicit Small Arms and Light Weapons in Kenya**

Das appreciates that illicit SALW and their proliferation, has a direct linkage to underdevelopment in the affected areas. He identifies that, proliferation of illicit SALW in society instils fear amongst the populace, cuts off access to affected areas particularly for women and girls, denying them the opportunity for economic progression.<sup>21</sup> Also, abandoned and ill-disposed ammunition has been found to be immensely harmful to the environment.

According to Pavesi, the rate of gun ownership in Kenya is high amongst the population far higher than the small arms possessed by the military and police formations.<sup>22</sup> Personal safety and security have been cited as some of the major drivers of the demand for firearms, especially amongst pastoral communities in Kenya. Pastoral communities cite the absence of government security, as a rationale for the need to acquire arms for self-protection, against attacks from other pastoral communities eyeing their livestock.

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<sup>20</sup> Krause, Keith “Small Arms and Light Weapons: Towards Global Public Policy,” *Coping with Crisis* Working Paper Series, International Peace Academy, New York, March 2007. pp.6-25

<sup>21</sup> Das, Ashish Kr., Disarmament, Development & Programme of Action: Experiences & Challenges *The Indian Journal of Political Science*, Vol. 68, No. 4 (OCT. - DEC., 2007), pp.760-761

<sup>22</sup> Pavesi, Irene. 2013. *Analysis of Survey Data on Pastoralist Communities in Somaliland, Karamoja, Eastern Equatoria, and Kenya*. Unpublished background paper. Geneva: Small Arms Survey.p.2

This has seen a localized arms race, characterized by death and destruction of property which has also been worsened by cycles of retaliatory attacks.

Wepundi et.al establish that, a majority of these firearms are in the hands of pastoral communities especially those found in the North Rift, Upper Eastern, and the North Eastern part of Kenya.<sup>23</sup> Interestingly, these spaces border nations whose regions are populated by communities engaged in pastoral activities. These very territories, are plagued by cattle rustling and banditry, which has been prevalent across borders which are characterized by high porosity as a result of insufficient security. The attendant insecurity brought about by having a huge number of SALW in the wrong hands, has seen the economic regression of the aforementioned regions, in comparison to the rest of the country.

Bevan worryingly points out that, the Kenyan state especially through the police service, has been known to avail arms to communities especially in Northern Kenya, which goes against conventions in place to check against illicit proliferation.<sup>24</sup> Part of these transfers have been made through *ad hoc* sales, made by corrupt members of the police service as well as the Kenya Police Reservists formation. Ironically, members of the security services especially the police, have suffered attacks from bandits and cattle rustlers using illicit SALW, with the killing of 42 policemen in 2012 in Baragoi, particularly standing out.<sup>25</sup>

Also, transfers have been made through sanctioned moves by local authorities, to arm communities such as the Turkana community to enable them defend themselves from

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<sup>23</sup>Wepundi, Manasseh. 2012. *Political Conflict and Vulnerabilities: Firearms and Electoral Violence in Kenya*. Issue Brief No. 2. Geneva: Small Arms Survey. December.pp.3-13

<sup>24</sup> Bevan, James, (2008) Spotlight on Kenya's ammunition problem. *Small Arms Survey*.p.10

<sup>25</sup> Avant, Deborah et.al (eds) (2019) *Civil Action and the Dynamics of Violence*. New York: Oxford University Press. p.106



attacks by neighbours in adjacent nations, namely Ethiopia and South Sudan. This has been found to pose a danger not only to the immediate space where the arms are supplied, but also the consequences are felt far and wide. This is because the issuing entities, have little control on the eventual use of the arms once they are out of their hands.

The Nairobi Protocol, the norm that was institutionalized in the form of the Regional Centre for Small Arms highlights in its preamble, an interconnection between poverty amongst the population and the demand for SALW.<sup>26</sup> Indeed, proliferation of illicit SALW has not only led to increased political instability in the affected areas, but also to poverty due to the negative impact of firearms especially on economic development. In relation to the above, safeguarding human rights, observance of the rule of law and promotion of good governance, are pillars within the state that are adversely affected by proliferation of illicit SALW.

### **1.5.2.3 To Identify Strategies towards Countering the Proliferation of illicit SALW in Kenya and Promotion of Peace and Security in Africa.**

Lamb and Dye appreciate from an optimistic point that, at the turn of the 21<sup>st</sup> Century, several African nations, have not only successfully negotiated and concluded arms control agreements at the RECs level, but also at continental level.<sup>27</sup> These measures, alongside the signing of bilateral agreements aimed at joint collection and destruction of excess firearms, enhance the prospects of peace and security on the continent.

According to Safer World, the establishment of national focal points to compliment the functions of regional organizations in the countering the proliferation of illicit SALW,

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<sup>26</sup> Preamble to the Nairobi Declaration, [http://www.recsasec.org/publications/Nairobi\\_Declaration.pdf](http://www.recsasec.org/publications/Nairobi_Declaration.pdf). Accessed on 30/05/2020 at 3:15 pm

<sup>27</sup> Lamb, Guy and Dominique Dye, (2009) African Solutions to an International Problem: Arms Control and Disarmament in Africa. *Journal of International Affairs*, Vol. 62, No. 2,p.70

can be an important starting point.<sup>28</sup> National focal points, act as platforms for research and information dissemination, as well as building the capacity for a focused approach, to the problem of illicit SALW proliferation. When complimented by enhanced political will as well as availability of resources, these focal points provide a platform for timely intervention, in addressing the challenge of illicit SALW.

According to Krause, enhanced multilateralism beyond the scope of the UN, provides a vehicle whose momentum can be leveraged upon to marshal efforts towards addressing the challenge of illicit SALW. Initiatives such as those driven by organizations such as the Human Security Network (HSN), state led initiatives that focus on inter-ministerial meetings such as the collaboration between Switzerland and the UNDP to address the impact of illicit SALW on development, provide much needed optimism.<sup>29</sup>

The initiative by the African Union to securitize the problem of illicit SALW under the banner of ‘Silencing the Guns in Africa by 2020’, provides a much-needed boost in the fight against illicit SALW.<sup>30</sup> This continental-led initiative, comes against the backdrop of the realization by various actors, of the impact that illicit SALW have had on human, national as well as regional security and the danger that they pose to the attainment of a peaceful and prosperous Africa.

Alusala establishes that, positive developments on the continent namely the sharing of information by nations on the African continent on the manufacture of arms and ammunition, the end users as well as the number of such weapons, point to a positive

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<sup>28</sup> Safer World, (2011), Controlling Small Arms and Light Weapons in Kenya and Uganda: Progress so far.p.8

<sup>29</sup> Geneva Declaration on Armed Violence and Development, available at: [http://www.smallarmssurvey.org/files/portal/issueareas/measures/Measur\\_pdf/i\\_measur\\_pdf/o\\_%20measur/20060615\\_geneva\\_decl.pdf](http://www.smallarmssurvey.org/files/portal/issueareas/measures/Measur_pdf/i_measur_pdf/o_%20measur/20060615_geneva_decl.pdf). Accessed on 29/05/2020 at 4:38 pm.

<sup>30</sup> <https://www.un.org/africarenewal/magazine/december-2019-march-2020/silencing-guns-campaign-kicks-2020> accessed on 04/11/2020 at 12:20 pm

trajectory in the quest towards addressing challenges attendant to illicit SALW.<sup>31</sup> This is especially crucial, in enhancing the capacity to track and monitor the transfer of armaments in a transparent and legal manner. Indeed, the elimination of secrecy over the issue of arms manufacture and sales, is vital in containing potential arms races amongst members of the continent.

According to Oxfam International, despite the power vested in the UN Security Council under chapter VII of the UN Charter, sanctions and arms embargoes meted out have made little impact in countering illicit SALW.<sup>32</sup> In relation to that, Vines notes that sanctions have been used by members of the UN Security Council especially the Permanent Five to advance their national interests, rendering the instrument ineffective.<sup>33</sup> Hoge notes that, despite arms embargoes being placed against Sudan in 2007, arms transfers were being made to the nation in particular Darfur, where mass human rights atrocities were being carried out by the Al-Bashir regime, raising questions about the efficacy of such instruments.<sup>34</sup>

### **1.5.3 Gaps in the Literature**

Following literature review, some gaps emerge which the study seeks to address and contribute to the formulation of better policy interventions. It is apparent that, there lacks substantive input from civil society actors who for the longest period have stepped in, where the state for one reason or another has failed to do so in providing solutions to various challenges. Civil organizations form a critical interface for engagement between the individual, the society and the state and also by virtue of their

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<sup>31</sup> Alusala, Nelson, (2016) Lessons from SALW Control Initiatives in Africa. BICC/ Working Paper 4.

<sup>32</sup> Oxfam International, Amnesty International and International Action Network on Small Arms, 'UN arms embargoes: an overview of the last ten years', control arms briefing note (London: Amnesty International, 16 March 2006). pp.2-13

<sup>33</sup> Vines, Alex., Can UN Arms Embargoes in Africa Be Effective? *International Affairs* Vol. 83, No.6, Africa and Security (Nov., 2007), p.1108

<sup>34</sup> W. Hoge, 'Sudan flying arms to Darfur, panel reports', New York Times, 18 April 2007.

internationalization, contributions from this important constituency, can enhance generation of solutions aimed at addressing the challenge of illicit SALW in Kenya, the HOA region and beyond.

There also exists a gap in the nature of measures that are available, beyond sanctions meted against states, institutions/organizations as well as individuals who violate agreements tailored to address the proliferation of illicit SALW. This is critical since sanctions have proven to be inefficient when applied in isolation by various actors, as those whom these instruments have been targeted towards, have been known to either ignore them or found a way around them.

### **1.6 Theoretical Framework**

Threats to peace and security the world over, continue to persist in various forms and substance. As Gurr and Marshall note, longstanding agreements on matters such as arms control continually face the risk of collapse, and the destabilization of democratic rule in various spaces on the planet that takes place amidst other challenges to peace and security.<sup>35</sup> In appreciation of that, the conflict prevention theory emerges as the appropriate instrument to conduct analysis into the challenges confronting the African continent, as well as seeking to provide solutions focused on the enhancement of peace and security.

The conflict prevention theory, is premised on the conflict cycle developed by Michael Lund in 1996, in an attempt to aid in the understanding of the phases that characterize the shift from a peaceful situation, to a violent one and the interventions involved to enhance de-escalation. These phases include, durable peace, stable peace, unstable peace, crisis and war on the escalation dimension and on the conflict-management tools,

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<sup>35</sup> Gurr, Ted Robert, Marshall, Monty, G., and Khosla, Deepa. (2000) *Peace and Conflict 2001*. College Park, MD: University of Maryland Press.pp.12-23

peace-making, peacetime diplomacy, preventive diplomacy, crisis diplomacy, peace enforcement, peace keeping and ultimately, post-conflict peacebuilding on the de-escalation dimension.<sup>36</sup>

Lund, conceptualizes conflict prevention as intercessory or structural approaches adopted in the aim of ensuring that intrastate and interstate disputes and tensions, do not escalate into violence that warrants the use of armed force, to contain. Further still, the intercessory measures should ensure that the potential capabilities of parties to a given conflict for peaceful resolution, are strengthened. Also, and most importantly, the ultimate aim should be the progressive containment of the underlying problems, which give rise to disputes or act as catalysts of threats to peace and security, such as proliferation and use of illicit SALW.<sup>37</sup> Conflict prevention is appreciated as an interventionist as well as a management approach, which is premised on the assumption that, conflict within fragile societies is the result of the prevalence of problematic structural dynamics.<sup>38</sup>

The concept has also been synonymous with terms such as preventive diplomacy, as well as crisis diplomacy and has evolved to become an official policy of several institutions such as the UN, the G8, the EU as well as various states. Indeed, besides institutions and states, prominent figures such as former Secretary Generals of the UN in particular Boutros-Boutros Ghali and Koffi Annan, voiced the need to focus on conflict prevention as opposed to reactionary measures. Annan in particular, advocated for this approach informed by unfortunate events such as the Rwandan Genocide, the

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<sup>36</sup> Ott, Lisa and Ulrike Lühe, (2018) Conflict Prevention: Connecting policy and practice. *Swiss Peace Working Paper 2/2018*. Pp.6-11

<sup>37</sup> Lund, Michael S., (2002), *From Lessons to Action* in Fen Hampson and David Malone (eds) *From Reaction to Prevention: Opportunities for the UN system in the New Millennium*. Boulder, CO: Lynne Rienner. pp.13-42

<sup>38</sup> Ackerman Alice, "The Idea and Practice of Conflict Prevention," *Journal of Peace Research*, no.40 (May 2003), 339-347

crisis in Somalia as well as in Bosnia and international community's paralysis in responding effectively<sup>39</sup>.

The conflict prevention theory makes it possible to lay down the framework for early warning in pre-emption of conflicts, and putting in place measures for intervention. This is critical when appreciating the root causes of conflicts, in spaces such as Africa which are identified as, root, proximate, positive intervening and negative intervening<sup>40</sup>. The conflict prevention framework, suffices as an appropriate lens through which one can be able to appreciate the nature of threats to peace and security in Africa, transformation of conflicts catalysed by introduction of variables such as illicit SALW and ultimately, the relevant mechanisms or modalities of management such as Disarmament, Demobilization and Reintegration (DDR) programs.

### **1.7 Study Hypotheses**

- i) Extra-regional interests in Africa, act as an impediment to the attainment of lasting peace and security on the continent.
- ii) Bad governance and weak policy implementation, have served as enablers to the proliferation of illicit SALW and worsening of their impact, in Kenya.
- iii) State engagement with the citizenry and civil society collaboration, can enhance the strategies tailored by state actors, towards addressing the proliferation of illicit SALW in Kenya and promotion of peace and security in Africa.

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<sup>39</sup> Williams A., *Conflict Prevention in Practice: From Rhetoric to Reality* (Canberra: Australian Civil-Military Centre, 2012), 1.

<sup>40</sup> Krummenacher, Heinz (2006) 'Computer assisted early warning – the fast example', in Robert Trappell (ed.) *Programming for Peace: Computer Aided Methods for International Conflict Resolution and Prevention*. Dordrecht: Springer. P.105

## **1.8 Research Methodology**

Kumar identifies research methodology as a strategy employed by a researcher, for purposes of conducting an investigation into a particular phenomenon in order to obtain the critical answers to a given research problem.<sup>41</sup> Hence, research methodology endeavours to cover thematic areas such as research design, sample size and sampling procedure, the target population and sampling frame, methods of data collection, reliability and validity of the research instruments. Research methodology also addresses the ethical issues that are to be taken into account, ways of conducting data analysis and data presentation and the scope of the study, including limitations of the research.

### **1.8.1 Research Design**

A research design forms the blueprint that allows a researcher to generate viable solutions, to research questions that are raised. It also acts as a guide for the researcher in the various stages of the research process.<sup>42</sup> A research design is also the link that connects the conceptual research problem, to the actual research. It lays down the framework for gathering data that is relevant to the study, sets out the methods for data analysis as well as stipulating how the data will be useful in answering the research questions that need responses. Descriptive survey research design will be the tool of choice, in assessing the impact of illicit SALW in Kenya.

For triangulation purposes, this study will be carried out using a mixed method approach which incorporates both qualitative, and quantitative data collection and analysis procedures. Qualitative research is critical in determining the opinions,

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<sup>41</sup> Kumar, Ranjit. *Research Methodology: A Step-by-Step Guide for Beginners*. (New Delhi: SAGE Publishers, 2011) p. 94.

<sup>42</sup> Frankfort-Nachmias, C. and Nachmias, D. (1996), *Research Methods in the Social Sciences* (5<sup>th</sup> edn) New York: St. Martin's Press. pp.14-36

perceptions, ideas and values held by different actors on the best way to address the challenge of illicit SALW in Kenya. By use of quantitative research, it will be possible to measure the impact of illicit SALW in Kenya.

### **1.8.2 Data Collection Methods**

For purposes of data collection, this study will use both qualitative and quantitative methods. For primary data, the use of online questionnaires and telephone interviews will be the main recourse. As for secondary data, information will be obtained from detailed reviews of academic journals, reports, books, newspapers, and other relevant online documentation, on the topic of study. For the questionnaires, both structured and open-ended questions will be fielded and this will enhance the gathering of relevant responses on the impacts of illicit SALW, and best approaches to address the challenge of illicit SALW in Kenya.

### **1.8.3 Target and Sample Population**

Data collection for the purpose of this study, will involve the researcher choosing a sample that is representative of the entire population which will be comprise 'strategic actors' such as those at the policy making and implementation levels. Purposive sampling will be used to identify the study units which will include state actors such as those within the Ministry of Interior, members of humanitarian agencies and civil society actors operating in areas heavily impacted by illicit SALW, academicians, researchers, media agencies, think tanks such as the Institute for Security Studies, ENACT *inter alia*. This will account to a total of 16 informants. From the above study units, random sampling will be used to pick specific groups where at least 2 people will be interviewed randomly taking into consideration; gender, age, professional background and their nature of interaction with illicit SALW. This study aims at



working with a sample size of approximately 384 individuals who will form a representative of the larger sampling frame, from a population of about 3000.

**Table 1.1 Target Populations and the Sample Size**

<b>Target Sample</b>	<b>Size of Sample</b>
State Agencies e.g. Min. of Interior., Min. of Foreign Affairs)	<b>2</b>
Academicians	<b>4</b>
Think tanks (ISS, ENACT)	<b>2</b>
Media Professionals	<b>2</b>
Refugees	<b>2</b>
Non-state actors/ organizations (UNHCR)	<b>2</b>
<b>Total</b>	<b>14</b>

### 1.8.3.1 Sampling Procedure and Sample Size

This study aims at engaging a sample size of approximately 384 individuals who will form a representative of the larger sampling frame, from a population estimate of about 3000. For purposes of arriving at the sample size, this study employs the Fisher's formula.

Determination:

The desired sample size will be determined using fisher's formula

$$n = \frac{z^2 qp}{d^2}$$

In substitution,  $n = \frac{1.96^2 0.5(1-0.5)}{0.05^2} = 384$

Where:

n = desires sample size, d= the degree of accuracy desired, here set at 0.05.

z- The standard normal deviation, set at 1.96.

p - The proportion in the target population estimated to have a particular characteristic

and q=1-p.

#### **1.8.4 Data Collection Procedures**

Relevant data in particular primary data, that will be collected through telephone interviews as well as online questionnaires which will provide responses to the key research questions. The questions tailored for the interviews and those in the questionnaires will be similar, where the latter will be administered through online tools such as emails. The researcher will allocate about 15 minutes for the telephone interviews to be able to elicit the necessary data for analysis. The telephone interviews will be recorded by means of note taking, for subsequent summary and interpretation. Questionnaires will be distributed to the respondents via email and collected after four days considering the diverse number of actors to be interviewed and provide them with ample time, to understand and respond to the pertinent questions raised.

#### **1.8.5 Reliability and Validity of the Research Instruments**

##### **1.8.5.1 Reliability**

The degree to which a given research instrument yields consistent results or data following repeated rehearsals, is appreciated as reliability.<sup>43</sup> The researcher will use the test- retest technique before the actual study by administering the questionnaires to relevant respondents.

##### **1.8.5.2 Validity**

Validity is the accuracy and meaningfulness that is obtained from results following interrogation of the phenomenon under study. For purposes of enhancing the validity of the research instruments to be employed, the researcher seeks to conduct a pilot study using the questionnaire and interview guides to be used. The researcher also aims to ensure that the questions in the instruments for data collection are in synchrony with

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<sup>43</sup> Mugenda, O.M., & Mugenda, A.G. *Research methods: Quantitative and qualitative approaches*. (Acts Press: Nairobi, 2003). pg. 95

the objectives under study and provide accurate and meaningful inferences, this will be through cross-checking and relevant consultations.

#### **1.8.6 Data Analysis and Presentation**

Following data collection, editing, coding, tabulation and analysis will be conducted and the analysis of quantitative data carried out using software such as SPSS and Microsoft Excel Statistical Packages. Qualitative data on the other hand, was be analysed through content analysis, and reports will be presented from the interviews conducted.

#### **1.8.7 Scope and Limitation of the Research**

The research study will be conducted within the scope of Kenya especially areas heavily impacted by illicit SALW, focusing on the topic of study; Promoting Peace and Security in Africa: Impact of illicit Small Arms and Light Weapons in Kenya. The study may have various limitations such as limited time to collect primary data from the respondents and actors who have interacted with issues addressed in the study. Another limitation includes difficulty in accessing data given the challenges attendant to the COVID-19 pandemic, especially the issue of movement restrictions and social distancing to prevent the spread of the disease (COVID-19).

#### **1.9 Chapter Outline**

Chapter one, consists of the introduction and background to the study, statement of the research problem and objectives of the research. It also incorporates the literature review as well as gaps identified in the review of the literature, justification of the study, theoretical framework upon which the study is anchored, the study hypotheses, the study methodology and finally, the chapter outline.

Chapter two, shall seek to evaluate the Status of impediments to Peace and Security in Africa. This will encompass looking at the causes of threat to peace and security in Africa from a historical perspective up to the present moment. This chapter, will also evaluate the weaknesses of existing response mechanisms to challenges identified and in turn identify where the gaps lie in terms of effective solutions to the challenges.

Chapter three, will seek to assess the impact of illicit Small Arms and Light Weapons in Kenya. This will also involve looking at the linkages between proliferation of illicit SALW and their role in the degradation of political, economic as well as societal security in Kenya. This will also look at the factors that enable the proliferation of illicit SALW, such as corruption, weak border control amongst others in order to identify proper approaches to address the challenge of illicit SALW.

Chapter four, will seek to identify opportunities towards countering the proliferation of illicit SALW in Kenya and the region. This will also involve looking at best practices from across the board, namely global, regional and national as well as institutional responses, for purposes of identifying the best possible interventions and solutions to the challenge of illicit SALW in Kenya and the region as well.

Chapter five, includes the presentation of data and analysis. It also constitutes appreciation of the sociodemographic characteristics of the respondents, analysis of data in reference to the objectives as captured in the questionnaire and interpretation of the data.

Chapter Six, summary of the findings, conclusions and recommendations. In terms of recommendations, this chapter incorporates both academic as well as policy, aimed at informing knowledge creation as well as influence policy formulation.

**CHAPTER TWO**  
**EVALUATING THE STATUS OF, AND IMPEDIMENTS TO PEACE AND**  
**SECURITY IN AFRICA**

**2.0 Chapter Introduction**

As earlier appreciated, the African continent has been plagued by numerous challenges related to the realization of sustainable peace and security, over the course of its history. Notably, the causes and drivers of the persistent instability on the continent, have both external as well as internal explanations which have led to underdevelopment, conflicts amongst other negative developments, resulting in the periodic regression of the continent. This chapter, seeks to evaluate the status of, and impediments to peace and security in Africa by interrogating the various causes and drivers.

**2.1 External impediments to peace and security in Africa.**

**2.1.1 Extra-regional interests on the African continent**

Olusegun Obasanjo, former two-time president of Nigeria appreciates that, there exists two dimensions that are critical in the appreciation of the drivers of conflict on the African continent. International/ external causes of instability and conflict on the continent, that are attributed to colonial legacies on the continent as well as foreign interference in governance and political transitions on the continent. In terms of internal causes, Obasanjo presents a three-dimensional approach to the understanding of the causes of conflicts on the continent that include, political, economic as well as social aspects all of which have impaired the continent's agency both internally, as well as externally.<sup>44</sup>

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<sup>44</sup> Obasanjo, Olusegun., On the State of Peace and Security in Africa: Challenges and Opportunities. *Prism*. Vol.5, No.2, 2015. p.11

Throughout the course of its history and in its interactions with the outside world, the African continent has attracted interests from various actors both state and non-state, all with different motives. The continent has for long served as a source of resources, both human and material, to the outside world. Trade, has been the most prominent medium of interaction, linking the continent with the rest of the world. Earlier in its history, the major ‘items’ of trade comprised slaves, gold and ivory.

The slave trade in particular, distorted the pre-existing social fabric across Africa especially in West Africa where between 10 and 50 million people, were uprooted and transported across the Atlantic to work in plantations in North America amongst other territories.<sup>45</sup> Slave trade was later abolished in 1807, but that did not diminish the interests of external actors on the continent.<sup>46</sup> The Berlin conference of 1884/5, was convened to deliberate on the modalities of how to partition the African continent, for purposes of extracting its vast resources to feed the industrial machinery particularly in Europe, during the Industrial revolution.<sup>47</sup>

The outcome of the conference, was the subdivision of the continent in manner that was to reflect the imperialistic interests of the powers of time, in total disregard of the prevailing order and system that had sustained coexistence on the continent. The drawing up of borders that cut across the same communities, did irreparable damage that constitutes part of the challenges that actors on the African continent continue to grapple with today, especially in regard to access to resources.

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<sup>45</sup> E. Wolf, *Europe and the People without History*, (London and Berkeley: University of California Press, 1982) 208–27.

<sup>46</sup> Fett, Sharla M., *Recaptured Africans: Surviving Ships, Detention, and Dislocation in the Final Years of the Slave Trade*. (Chapel Hill, NC: University of North Carolina Press, 2016) p.23

<sup>47</sup> Wesseling, H. L., *Divide and Rule: The Partition of Africa, 1880-1914* (London: Praeger, 1996) pp.120-125

Lack of the severance of ‘umbilical cords’ with colonial masters as well as challenges arising from differences between nations on the continent, based on the affiliation of having a shared colonial master, has served to create schisms within a continent that speaks of pursuing a common future, premised on the shared idea of peace and unity. A good example, is how differences on the aforementioned scenario play out in the elections for the post of the AU Commission chair. Apart from the need to adhere to regional balance amongst other considerations, the Anglophone and Francophone ‘divide’, plays out more often than not as was the case of the last AU elections in 2017, that saw Kenya’s Amina Mohammed amongst other candidates, lose to Chad’s Moussa Faki.<sup>48</sup>

The unfortunate tale of this schism is when there emerges intrastate divisions and conflict in on the basis of languages adopted from colonial masters. In Cameroon, the Anglophone and Francophone differences within the country, have escalated to the level of conflict where Francophone leaders in particular have been accused of marginalizing the Anglophone population, threatening national unity.<sup>49</sup>

External interference in the affairs of the continent in the shape of Cold War politics and just as a majority of the nations were emerging from the legacy of colonialism, laid the foundations for the plethora of instabilities affecting Africa, to date. Support for nations by the two opposing blocs especially in terms of ideology and provision of military assistance especially SALW, left the continent reeling from the effects of

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<sup>48</sup> <https://www.nation.co.ke/kenya/news/five-lessons-from-african-union-elections-355660> accessed on 01/07/2020 at 3:45pm

<sup>49</sup> [https://www.google.com/url?sa=t&source=web&rct=j&url=https://theconversation.com/cameroons-anglophone-crisis-threatens-national-unity-the-time-for-change-is-now-98248&ved=2ahUKEwjFnOHQL\\_qAhUDBGMBHf3UB1EQFjAJegQICAB&usg=AOvVaw0pmZpo1Mez36C2se7CtwCZ](https://www.google.com/url?sa=t&source=web&rct=j&url=https://theconversation.com/cameroons-anglophone-crisis-threatens-national-unity-the-time-for-change-is-now-98248&ved=2ahUKEwjFnOHQL_qAhUDBGMBHf3UB1EQFjAJegQICAB&usg=AOvVaw0pmZpo1Mez36C2se7CtwCZ) accessed on 30/06/2020 at 08:24 am

proliferation of SALW in spaces such as, the Horn of Africa as well as in Angola and Mozambique who have been devastated by landmines.<sup>50</sup>

In the face of diminishing global energy resources amongst other strategic natural resources, the continent has re-emerged as a theatre of competition amongst traditional partners of the continent particularly the West, and new entrants especially, China, India and Russia.<sup>51</sup> This renewed competition considered by analysts as a second scramble for the continent's resources, has seen the re-emergence of familiar patterns of instability, in the form of conflict. Resurgent violence in territories such as the D.R.C, the emergence of violent extremist groups in non-traditional spaces such as the border Tanzania and Mozambique, can be attributed to the renewed interest in the continent's resources.<sup>52</sup>

The presence and continued establishment of military installations in various parts of the continent, does not bode well for long-term peace and security on the continent. Installations such as Camp *Lemonier* in Djibouti, do not exist to serve the interests of the host nation but rather strategic interests of their owners.<sup>53</sup> They may also end up serving as platforms for the entry and proliferation of armaments, on a continent already grappling with illicit SALW.

Given the interconnectedness of the international system, the occurrence of a conflict in one region has in the shortest time been felt in spaces beyond the immediate area of conflict. A clear-cut example, is the Yemen conflict that has ravaged the Gulf region

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<sup>50</sup> <https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.armscontrol.org/2015-10/news-briefs/mozambique-declared-free-landmines&ved=2ahUKEwjc2cyS6b-qAhVE4OAKHREoAlgQFjAMEqQIBhAB&usq=AOvVaw13xuRFIGkqadld-KHEiXir> accessed on 20/06/2020 at 5:36 pm.

<sup>51</sup> Francis, David J. (ed), *Peace and Conflict in Africa*. (London: Zed Books, 2008) p.5

<sup>52</sup> Chikohomero, Ringisai., *Can SADC come to Mozambique's rescue?* <https://issafrica.org/iss-today/can-sadc-come-to-mozambiques-rescue> accessed on 01/07/2020 at 10:34 am

<sup>53</sup> <https://www.bbc.com/news/world/africa-33115502> accessed on 04/10/2020 at 1:23 pm



and has seen the flow of armaments, refugees and terror elements into spaces such as the Horn of Africa.<sup>54</sup> The flow of elements with ties to international terror networks such as the Islamic State fleeing intense offensives against them by actors such as the US and its allies into the HOA, bodes ill for a region that is already battling an existing terror group, namely *Al Shabab*.

## **2.2 Internal Impediments to Peace and Security in Africa**

Having appreciated the existence of external factors that pose an impediment to Africa's peace and security, it becomes imperative to appreciate the internal factors that present an obstacle to the attainment of continental stability. Indeed, the prevalence of structural weaknesses within Africa's security architecture has provided external actors a platform to interfere and intervene at times with wanton impunity into the affairs of the continent, in the name of humanitarian intervention. Since the end of the Cold War, no space has witnessed intra-state strife and instability such as the African continent, where the conflicts experienced have had numerous drivers, which are as diverse as the nations that constitute the members of the continent and they comprise amongst others political, economic as well as social drivers.

### **2.2.1 Political Impediments**

Bad governance has emerged as one of the central causes and drivers of instability and conflict on the continent. Attendant to bad governance, are vices such as corruption, disregard of the rule of law, human rights abuses, marginalization of segments of society amongst other evils that form the basis for both structural as well as violent conflict. Corruption in particular, has been singled out as an evil that is responsible for a host of challenges, that afflict a majority of states in Africa, especially when taking

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<sup>54</sup> Salmoni, Barak A., Bryce Loidolt, et. al, *Regime and Periphery in Northern Yemen: The Houthi Phenomenon* (Santa Monica: Rand, 2010) p.263

into account, the diversion of resources from the sectors where they should be used effectively for the benefit of the majority.

Corruption, has led to the marginalization of a huge segment of the population within a state, who in turn develop resentment towards the central authority of the state. The resultant feeling of 'social distance' by the marginalized, has been known to breed insurgencies as well as create a fertile ground for the proliferation of violent extremist groups. Violent extremism, has impacted negatively on various states in the Africa, in a manner that has affected all pillars of society from political, economic as well as social.

This challenge has its roots in the waning stages of the Cold War, when individuals made the journey to Afghanistan from the continent in particular, in the wake of Soviet invasion against the latter with the support of the US amongst other actors.<sup>55</sup> The returnees from the '*jihad*' in Afghanistan, brought the threat of violent extremism to the continent in earnest, especially in North and West Africa. Acts of terror have impacted negatively on societies and states across the continent, with groups ranging from international terror networks such as Al Qaeda and the Islamic State (IS), as well as those whose roots lie in the continent such as Boko Haram and Al Shabab, who continue posing threats to peace and security.

These criminal elements especially Al Qaeda and IS, have also exploited political instability in spaces such as Libya after Muamar Gadhafi's ouster at the height of the Arab Spring revolutions, and Somalia following its disintegration in 1991.<sup>56</sup> In such spaces where state authority is weak or non-existent, these elements have set up bases

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<sup>55</sup> Lee Griffith, *The War on Terrorism and the Terror of God* (Grand Rapids, MI: W.B Eerdmans, 2002) p.273

<sup>56</sup> Horace Campbell, *Global NATO and the Catastrophic Failure in Libya: Lessons for Africa in the Forging of African Unity*. (New York: Monthly Review Press, 2013) pp.47-50

of operation which they have used to plan and execute attacks within and beyond their host nations. The narrative advanced by violent extremists, has been one of mainly undermining the legitimacy of authority vested on governments legitimately elected, by fronting themselves as the better alternative in the delivery of public goods. The greatest impact that acts of terror have had, is psychological trauma on societies which have borne and continue to do so, the burden that comes with recovery from terror attacks and the fear of future attacks being visited upon such societies as well as deterrence of any form of investment by various actors in such spaces.

Compounding this challenge, is the ingredient that is a large unemployed youthful constituency, that currently populates the continent. The potential for misuse of this constituency for conflict labour, has been evident in several instances of insurgencies, revolutions and civil unrest and most worryingly recruitment into terror organizations, who tap into the desperation and disillusionment of the youth whose lives are wrecked by poverty in particular, amongst other factors.

Institutions, are crucial in enhancing development, promotion of good governance and most importantly, the prevention of conflict and their resolution. Africa, has a history of institutionalism dating back to the formation of the Organization of African Unity (OAU) in 1963, and most importantly, the Regional Economic Communities (RECs) that are today a critical component of the African Governance Architecture.

These institutions, have formed the points of convergence for multilateral approaches to affairs that form the collective interest of member states. These institutions, are anchored upon noble policy objectives tailored towards the attainment of the visions set by these institutions. Nationalistic approaches, have seen conflicts arise between nations such as Kenya and Tanzania on the management of the crisis, where despite the

two nations belonging to the same regional economic community, national rather than collective interests have seemed to be prioritized.

Despite that recognition, these institutions be they regional or sub-regional, have lacked the political goodwill to attain their intended goals, especially when considering that a majority of them have a peace and security agenda. Attendant to challenges of the absence of political goodwill, are issues of ideological differences between and amongst members of the same regional bloc, for instance the perennial differences between Kenya and Tanzania within the EAC dating back to the days of the first EAC, which collapsed after just ten years since its constitution in 1977. African leaders, have also openly defied African institutions, a case in point was when the late Burundian President Nkurunziza, dared the African Union to intervene in Burundi, following post-electoral violence in the country, that was characterized by state sanctioned human rights violations.<sup>57</sup>

Underfunding and dependency on external sources for resources from other states, regional blocs such as the EU as well as International Financial Institutions who are driven by self-interests above all else, has served to continuously undermine the growth and development of institutions in Africa. The external dependency particularly on former colonial powers is particularly worrying, as it points out to the fact that African nations have never completely severed their 'umbilical cords' with their former colonizers, which has played out against the continent.

For instance, the manner in which France operates particularly in Francophone Africa especially in matters security as well as development, is worrisome. The concern is evident when it comes to realization of the continent's potential to gain a foothold, in

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<sup>57</sup> Hatcher, Jessica., "*Burundi on the Precipice*". *New African*, Issue 558, 2016. P.10

the making of firm decisions in matters relevant to its survival including the management of its conflicts.

The resort to private military contractors as part of the responses to peace and security concerns on the continent, has raised questions over the legitimacy of such entities in international law. Despite the ratification of the 1977 Convention on the Elimination of Mercenarism in Africa by African states, the use of mercenaries in the intervention of conflicts on the continent, has persisted and is a worrying development<sup>58</sup>. There has been evidence of the use of mercenaries by former Liberian strongman Charles Taylor, against the RUF rebels in Sierra Leone which ran counter to the aspirations contained in the Convention on the Elimination of Mercenarism.<sup>59</sup> Most mercenaries that have been engaged in conflicts on the continent, have a trace whose origins points to South Africa.<sup>60</sup> Mercenaries, operate in a space that is not governed by the Law of Armed Conflict, making them capable of violation of human rights and undermine the future political stability in the spaces that they operate in, as their engagement lacks any form of accountability.<sup>61</sup>

The question of state sovereignty an ‘imported’ phenomena borrowed from the Westphalian order of 1648, has led to numerous conflicts over borders that have taken place amongst several nations on the continent, such as the Eritrea- Ethiopia border clash of 1998, Shifta War between Kenya and Somalia in 1963-67 *inter alia*.<sup>62</sup> The colonial legacy of splitting the continent into polities that reflected the western idea of

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<sup>58</sup> Paul D. Williams, “*From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture*”. *African Affairs*, Vol. 106, No. 423, 2007. p.640

<sup>59</sup> Anatole Ayissi and Robin-Edward Poulton (eds), *Bound to Cooperate: Conflict, Peace and People in Sierra Leone* (Geneva, Switzerland: United Nations Institute for Disarmament Research, 2000) p.16

<sup>60</sup> Francis M. Deng and I. William Zartman (eds), *Conflict Resolution in Africa* (Washington, DC: Brookings Institutions, 1991) pp.229-360

<sup>61</sup> Jake Lynch, “*Responsibility to Protect After Libya*”. *International Journal of Peace Studies*, Vol. 16, No. 2, 2011. p.7

<sup>62</sup> Beurden, J. van 1999. "Ethiopia Vs Eritrea: A Devastating War Between Former Friends" in *Searching for Peace in Africa*. Utrecht: European Platform on Conflict Prevention and Transformation

governance, has seen various actions in the direction of self-determination on the continent such as the long-running civil war that was witnessed in the Sudan, that culminated in the secession of South Sudan on July 9<sup>th</sup>, 2011.<sup>63</sup>

The African Union through its Border Governance Strategy, acknowledges that borders in Africa have inherent weaknesses in relation to their management, such as lack of capacity by states to govern them, absence of infrastructure, as well as absence of the state authorities at some of the borders. Also, contested legitimacy, marginalization and the weaknesses domiciled in the states' incapacity to fully exercise its authority, deals a huge blow to the endeavour of effective border governance.<sup>64</sup>

Border porosity and the attendant disputes, pose one of the major obstacles to the achievement enduring peace and security on the African continent, and is a huge driver of conflicts on the continent. Disputes over demarcation of borders and in some cases their militarization, continue to persist across several regions on the continent such as the Eleme triangle dispute, that sees Kenya, Ethiopia and South Sudan claim the same piece of territory, the dispute between Kenya and Somalia at the Indian Ocean, Kenya and Uganda over the Migingo Island in Lake Victoria as well as Sudan and Sudan over the fate of the Abiyei region amongst others.<sup>65</sup>

These are but a few examples of border challenges on the continent and they have more than anything served to internationalize conflicts, especially where they cut across territories that have a homogeneity in the form of the same community, or if those spaces form a point of convergence of interests of immediate as well as extra-regional

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<sup>63</sup> Andrew S. Natsios, *Sudan, South Sudan and Darfur: What Everyone Needs to Know* (New York: Oxford University Press, 2012) p.214

<sup>64</sup> African Union, *African Union Border Governance Strategy* (draft). Addis Ababa: 2017. P.9

<sup>65</sup> Edwards, Chris, "What and Where is the Eleme Triangle?" *New African*, Vol.76, Issue 10., 2004. P.17

actors. Studies have shown that forceful infusion of disparate actors especially communities in the same territory, is a direct cause of conflict.

The absence of a common normative approach especially in issues of conflict management, has constantly impaired successful response to peace and security challenges in Africa. A clear-cut example that suffices, are the various responses by different nations during the 1994 Rwandan genocide. Whereas some nations such as Belgium chose to deescalate the situation by halting its weapons transfers to the nation, others such as South Africa, France and Egypt, stepped up their arms supplies to the Hutu regime, in the heat of conflict.<sup>66</sup>

### **2.2.2 Economic Impediments**

Resource scarcity as well as abundance of the same, has been causative factor of conflicts on the continent, and especially if the resources happen to be shared by two or more nations. The Nile river for instance, shared by approximately 13 nations both riparian as well as those downstream, has been at the heart of friction amongst the nations involved, especially between Egypt as the last territory the waters of the river pass through before entry into the Mediterranean and the other countries where the river cuts through.

The most recent dispute over the usage of the waters, is the friction over the decision by Ethiopia to build the Grand Ethiopian Renaissance Dam (GERD) on the Blue Nile tributary, an endeavour that has heightened tensions between Ethiopia on one side and Sudan and Egypt on the other. Egypt in particular, has threatened military action on several occasions in the event that Ethiopia does not reconsider its decision to halt the

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<sup>66</sup> Human Rights Watch, *Arming Rwanda*, New York/Washington DC, 1994. pp.2-10

construction where the former feels that creation of the dam will compromise its water security.<sup>67</sup>

Economic underdevelopment coupled with conflict, has given rise to disillusionment especially amongst the youthful population that is the majority on the continent. Unregulated exploitation and extraction of the continents' vast resources, has seen the dwindling of resources with the major beneficiaries being the mother/ headquarter countries of the Multinational Corporations involved in the extraction process, where a majority of the profits are repatriated.

Multinational Corporations (MNCs) have acted as agents of their home countries and as entities of extraction, shipping off resources from the continent with little benefit for the spaces where they extract those resources. These entities which control vast reserves of capital as well as having advanced technologies, have brought unfair competition to emergent industries within the continent and this has seen a sizable number of industries within the continent fail to take off.<sup>68</sup> By under-declaring their profits as well exploiting the tax holidays amongst other favourable conditions offered by host nations, a sizable number of MNCs have offered a raw deal to their hosts. This is a sad trend that has been witnessed on the continent with state officials being complicit rather than blindsided, in the conclusion of agreements with MNCs.

This exploitation by MNCs of the resources of several states, has in part been responsible for the flow of migrants from the continent who go in search of better economic opportunities in places such as Europe, North America amongst other spaces, leading to a loss of skills through brain drain amongst other ways. These individuals in

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<sup>67</sup> Pasquini, Elaine, *Activists: Ethiopia's New Dam will Imperil Egypt's Access to Water*. Washington Report on Middle East Affairs. Vol, 39, Issue 3, 2020. p.61

<sup>68</sup> Scott D. Taylor, *Globalization and the Cultures of Business in Africa: From Patrimonialism to Profit* (Bloomington, IN: Indiana University Press, 2012) pp17-23



turn, have ended up being subjected to conmanship by agents who front themselves as having the capacity to see them reach their destinations, against the risk of arrest, repatriation, death in high seas, abduction by human traffickers and terrorists as well enslavement, as has happened in Libya.<sup>69</sup>

Chronic diseases, have served to weaken or stall the economic development of the continent through diversion of scarce resources that would have been channelled towards improvement of peoples' welfare, to addressing challenges attendant to diseases especially chronic and terminal illnesses.

### **2.2.3 Social Impediments**

Religious as well as ethnic schisms, have served as a powder keg that has been exploited by both outsiders with interests in the continent, as well as insiders mainly politicians for their own selfish agenda, who have created and manipulated the schisms. The conflicts in spaces such as Central Africa Republic that pit 'Christian' and 'Islamist' factions against each other, have a religious dimension to them. In nations where freedom of worship is constrained, the tendency for conflict and tension becomes evident and especially if persecution of religious minority is rife.

Eritrea under the regime of Isais Afewerki has been in the spotlight of various organizations focused on the protection of human rights, which have cited the persecution of religious minorities in the Horn of Africa nation, alongside other cases of human rights violations.<sup>70</sup> This has seen Eritrea contribute to a huge number of migrants fleeing the continent, to spaces such as Europe who as appreciated earlier, have suffered in the hands of agents in the promise of facilitation of their passage into

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<sup>69</sup> Agence France-Presse, "African Migrants Seeking Europe Sold as 'Slaves' for \$200." *Manila Bulletin*, April, 12, 2017.

<sup>70</sup> Abbay, Alemseged, *The Historical Orbit of Eritrea's Agony. Journal of Global South Studies*. Vol.4, Issue 1, 2017. p.50

‘greener pastures’, where they end up losing their lives in the Mediterranean Sea *en masse*. The migrant crisis experienced in Europe, can be explained in part from the perspective of the collapse of the arrangement between Gaddafi and Italy on the management of the flow of individuals from Africa to Europe through Libya, following his ouster and killing in 2011.<sup>71</sup>

Even though unchecked nationalism poses political challenges to stability, it has also a social dimension which presents a threat, to continental peace and security. The spates of xenophobic attacks in South Africa are informed by inward looking nationalistic rationale, as well as populism exploited by politicians for political mileage.<sup>72</sup> This has the potential to trigger retaliatory action, that may become enhanced across the continent, especially against South African nationals residing in other parts of the continent.

Threats from tropical diseases have progressively degraded not just political and economic stability, but social stability as well, on a continent where the disease burden is most heavily experienced. Diseases such as Ebola, Malaria, HIV/ AIDS and most recently the Corona Virus, have wreaked havoc not only on economies but have posed an immense risk to human development, especially the erosion of social capital namely, health and education. For instance, Malaria has been found to kill approximately 1 million people in Africa especially children, where a child is lost every 30 seconds.<sup>73</sup> This has a negative social effect as well as an economic, especially when it affects population growth on the continent and given that healthy and vibrant population is vital for not only social progress, but economic growth and political stability as well.

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<sup>71</sup> Biemann, U. & Holmes, B., eds. (200) *The Maghreb Connection: Movements of Life across North Africa*. (Barcelona, Spain: Actar 2006).

<sup>72</sup> Burger, Johan., “*Xenophobia: South Africa’s Face of Shame*”. *New African*. Issue 598, 2019. P.56

<sup>73</sup> Op.Cit Kwesi Aning, *Confronting Complex Threats?* P.6

### **2.3 Conclusion**

Impediments to peace and stability on the continent have been found to have both external as well as internal underpinnings. Extra-regional interests as well as external interference in the form of geopolitical as well economic interests in the continent's resources, has been identified as presenting an immense obstacle towards lasting peace, stability and sustainable development, on the continent. Internal impediments to peace and security on the continent, have been appreciated as having political, economic as well as social dimensions. This comprises issues such as bad governance, conflict, differences in ideology amongst others, all which have impacted negatively on the capacity of the continent to fully integrate, in a manner that can strengthen its bargaining capacity and agency in the international system.

Conflicts, have also served to highlight the fragility of state compliance to institutionalism, as well as the persistent dependency on extra-regional actors, all which have rendered the continent vulnerable in terms of its peace and security. With such weakness, the continent has remained susceptible to exploitation by external actors all seeking to pursue their own interests, rather than have a mutually beneficial engagement with the continent.

## **CHAPTER THREE**

### **ASSESSING THE IMPACT OF ILLICIT SMALL ARMS AND LIGHT WEAPONS IN KENYA**

#### **3.0 Introduction**

The impediments to peace and security on the African continent as earlier appreciated, are diverse and they come attendant with several dimensions in relation to their impacts, which comprise political, economic as well as social. The spread of illicit SALW within the continent, has proven to be a great impediment to the attainment of a peaceful and prosperous Africa, with regions such as the Horn of Africa, remaining immensely fragile. Illicit proliferation of SALW, has been catalysed by several dynamics which include, the prevalence of conflicts especially in the immediate region, poor governance, of which the latter, is characterized by weaknesses such as border porosity *inter alia*.

Kenya, is located within the Horn of Africa Security Complex that is typified by patterns of amity as well as enmity, the latter indicative of the persistence of conflict. The nation has been impacted immensely, by the interaction of the two dimensions in a manner that has had serious ramifications on its peace and stability. It is noteworthy that, arms and ammunition acquired legitimately by state agencies, are vital to ensuring the Kenya's national security. This chapter, aims to assess the impact of illicit SALW in Kenya and in the same length attempt to analyse the weaknesses that act as drivers of their proliferation.

#### **3.1 Economic Regression and Underdevelopment**

The presence of illicit SALW in the hands of rogue elements, has served to deter investment and overall economic development, in the regions that are affected by their proliferation. Attendant to that, is the threat posed by undocumented SALW in the

hands of unlicensed individuals, towards national security and the state's capacity to perform its functions. Part of the challenge, is exacerbated by diminished or minimal presence of state authority, in areas of the nation that have historically faced marginalization. In such spaces such as the North Rift, the North Eastern part of the nation amongst others due to minimal state presence, criminal elements have reigned terror, to the detriment of economic development of those regions, which have only seen a lease of life with the advent of devolution.

According to Kamenju et.al, the prevalence of illicit SALW particularly in the North Rift, has been responsible for the unending insecurity in that part of the nation. Attendant to that is the emergence of a gun culture, that has served as an impediment to entrepreneurial growth and economic development and led to a wave of sexual violence, that has been documented during the commission of criminal acts.<sup>74</sup> The net effect, has been the triggering of a localized arms race especially amongst the pastoral communities, for purposes of deterrence against potential attacks, as well as retaliation for attacks suffered.

Criminal activities such as cattle rustling widely practiced amongst pastoral communities, have acquired an economic dimension to them, in the areas practiced. This has led to an upsurge in the theft of cattle amongst pastoral communities, such as the Pokot, Turkana, Marakwet amongst others, which has all been conducted using illicit SALW, to satisfy the demand for meat that is ever increasing. The trail of death and destruction of property in the affected areas, displacement of people and the ever-

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<sup>74</sup> Kamenju, Jacob Alex Nderitu, Mwachofi Singo, and Francis Wairagu (2003) *Terrorized Citizens: Profiling Proliferation of Small Arms and Insecurity in the North Rift Region of Kenya*. Nairobi: Security Research and Information Center. pp.71-79.

present potential for retaliatory attacks, has served as a huge deterrence to economic growth and development in such hotspots.

The resulting conflict-laden environment, has impacted negatively on food production in such areas, leading to food insecurity. This is because, constant displacement, has affected the capacity of farmers to focus on food production. Attendant to that, is the absence of infrastructure in such areas, which in part is as a result of the perennial instability, worsened by the usage of illicit SALW to conduct hostilities amongst various belligerents.

Economic regression, has in particular led to the economic disenfranchisement of the most vulnerable in society. The resultant pattern of poverty, has created a vicious cycle where individuals caught in the poverty trap coupled with desperation, are willing to pursue every means possible to get out of the poverty cycle, and hence the resort to crime and its increase in society. Poverty on its part, has been identified as one amongst many push factors towards radicalization, violent extremism and conflict, especially when taking into account the vast pool of unemployed youths in the country, who tend to be exploited for conflict labour by various actors.<sup>75</sup>

Kenya's economy, has always been affected in very negative dimensions, by the frequent travel advisories issued by various nations to their citizens, against traveling to Kenya.<sup>76</sup> This is particularly so, in the wake of actual terror attacks or in the case of potential terror strikes, based on intelligence reports of domestic as well as those shared by Kenya's allies. The tourism industry which is a critical pillar of the nation's

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<sup>75</sup> James A. Piazza, *Rooted in Poverty? Terrorism, Poor Economic Development, and Social Cleavages*, *Terrorism and Political Violence*, Vol. 18, Issue 1. Pp.159-177

<sup>76</sup> John Kazungu, *Terror Alerts Seen as Fuel for Terrorism in Kenya: Western Travels Warnings Gut Tourism Jobs, Creating Tinderbox of Desperation*. *International New York Times*. February 25, 2015.p.5

economy, forms one of the primary targets for the terrorist agenda, who aim at sabotaging the economy of the nation, and it is SALW that form their instruments of choice, when it comes to carrying out kidnappings or attacks as was the case of the Westgate Mall attacks.<sup>77</sup>

The aim is to portray the nation, as a risky destination for business and leisure travel to domestic as well as foreign entities, where the investments of the latter, form a particular target. Indeed, it is on the basis of economic sabotage in addition to the threat posed to national security and Kenya's territorial integrity by terrorism, that the decision to deploy the military into Somalia was arrived at. *Operation Linda Nchi* launched in October 2011, was aimed at dealing with the threat of terror from within Somalia's territory under a UN peace enforcement mandate, as part of the larger regional and international effort in the stabilization of Somalia.<sup>78</sup>

Acts of terror, have also seen an expansion in the insurance sector, particularly cover for political terrorism. This has roped in institutions and firms seeking for cover, in the event that they incur losses following terror attacks, and this forms an additional cost for running of the institutions and firms. The security sector, has also seen an immense allocation of funds towards it in the annual budgets, given the increase in various forms of crimes, which are primarily carried out using illicit SALW.

### **3.2 Political Instability**

Illicit SALW, have had immense political ramifications especially when they pose threats to not only national security, but to human security as well. Internal

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<sup>77</sup> Wilson Muna, The Cost of Terrorism in Kenya. *Journal of Social, Political, and Economic Studies*. Vol, 42, Issue,4. 2016.p 289

<sup>78</sup> Your questions: Kenya's campaign against Al-Shabab', Voice of America, 8 Nov. 2011, <<http://www.voanews.com/english/news/africa/Your-Questions-Kenyas-Campaign-Against-al-Shabab-133487408.html>>.

displacements of people and refugees flows for one, alter the political stability of any environment that such individuals find themselves in, especially the resultant friction with the host community. As people flee conflict especially within and without Kenya's boundaries, rouge elements tend to move along with them under the guise that they are part of asylum seekers, and this sees the movement of illicit arms, alongside terror elements.

It has been documented that, refugees have often acted as couriers of illicit SALW as they enter Kenya, where they have been found to sell the arms to gunrunners in the nation's capital and other destinations within the nation, through various channels.<sup>79</sup> Kakuma and Dadaab refugee camps, have been identified as points of trans-shipment of illicit SALW, especially by Somali and Sudanese refugees who as identified above, later ship them to other points in the country.<sup>80</sup> Undocumented arms in the hands of individuals especially unlicensed holders, pose the risk of sparking or exacerbating political instability, and electioneering periods, provide one of the environments where illicit SALW tend to be misused.

Kenya, has in the past threatened the closure of refugee camps in the country particularly the Dadaab refugee camp. This was based on reports citing the camp as being a space where Al Shabab elements have been reported as having been harboured or hosted and used the space for recuperating, planning attacks amongst other ills such as the kidnapping of aid workers as happened in 2011.<sup>81</sup> This sparked a tense moment for the Tripartite Agreement that had been entered into between Kenya, Somalia and

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<sup>79</sup> Sabala K. Proliferation, circulation and use of illegal centres: case of Nairobi, Kenya. BICC brief 23. Bonn: Bonn International Centre for Conversion; 2002. pp.2-11

<sup>80</sup> Robert Mugaah (ed), No Refuge: The Crisis of Refugee Militarization (New York: Zed Books, 2006) p.4

<sup>81</sup> Harun Maruf and Dan Joseph, *Inside Al-Shabaab: The Secret History of Al-Qaeda's Most Powerful Ally*. (Bloomington, IN: Indiana University Press, 2018) p.214



the United Nations High Commissioner for Refugees (UNHCR) which threatened to collapse, following Kenya's threat to close up the camp.

The combination of proliferation of illicit SALW and emergence of groups taking advantage of an administrative lacuna, has in the past laid the grounds for the rise of insurgent groups such as the Sabaot Land Defence Force (SLDF). Initially, this group had emerged in the Mt. Elgon region of Kenya, as an entity that sought to champion for equitable redistribution of land in the area. However, the acquisition of SALW by the insurgent group in a space where the Central government was not particularly focused on, saw the group not only present a threat to the security of the communities in that territory, but national security as well. It took a combined effort of the nation's security forces including the Kenya Defence Forces to crush the emerging insurgency, though the operation was tainted by allegations of human rights violations by the security agencies.<sup>82</sup>

### **3.3 Proliferation of Organized Criminal Networks**

It is critical to appreciate the fact that, a sizable component of the illicit SALW that are currently undocumented in Kenya, have their origins traced to the numerous conflicts that are ongoing in various spots in the neighbouring countries. From the complex emergency currently taking place within Somalia, the crisis in South Sudan, the insecurity within the Karamoja Triangle, that ropes in Kenya, South Sudan and Uganda amongst others, has seen the spill over effects of these crises, aid the flow of illicit SALW into Kenya with devastating effects on various dimensions.<sup>83</sup>

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<sup>82</sup> Muthoni, Wanyeki L., *Denial and Dismissal*. New Environmentalist. No.423, June 2009. .27

<sup>83</sup> James Bevan, *Armed Violence and the Failure of Disarmament in Uganda's Most Deprived Region*. *Small Arms Survey* (2008). p.20

The presence of illicit SALW especially in the hands of undocumented individuals, has led to the emergence as well as proliferation, of organized criminal networks and groupings. The existence and growth of organized criminal networks, has served to not only undermine and threaten Kenya's national security, but also her human security as well. One of the most recognisable examples of the impact of illicit SALW in Kenya, is the prevalence of cattle rustling and banditry amongst the pastoral communities, especially in the Rift Valley.

It becomes critical to appreciate the fact that, cattle raiding has been traditionally practiced across a host of societies not only amongst pastoral communities in Kenya, but also in the region as well as a 'cultural' activity. During that period, crude weapons were predominantly used to carry out the activity, which varied from the use of spears, machetes, bows, arrows amongst others, with the 'prize' being used for dowry payment, barter trade amongst other purposes. However, the acquisition of SALW in the conventional sense by individuals within the communities that have practiced cattle raiding, transformed the activity into a criminal enterprise, which has seen the infiltration of numerous actors, into the activity.<sup>84</sup>

Dylan Hendrickson et.al, appreciates the above transformation of cattle raiding, a cultural activity, to cattle rustling, a criminal activity, as the shift from 'redistributive raiding' to 'predatory raiding'.<sup>85</sup> It is this shift, that has attracted criminal elements armed with illicit SALW, to the cattle rustling criminal world, in order to cash in on an 'industry' that is ever expanding, roping not only criminals, but in some cases security

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<sup>84</sup> Michael L. Fleisher, "'War is good for thieving!'" The symbiosis of crime and warfare among the Kuria of Tanzania', *Africa* 72, 1 (2002), pp. 131-49.

<sup>85</sup> Clemens Greiner, Guns, Land, and Votes: Cattle Rustling and The Politics of Boundary (Re)Making in Northern Kenya *African Affairs*, Vol. 112, No. 447 (April 2013), p.220

agents as well political actors, who are accused of either funding or abetting the illegal activity.

Poaching has emerged amongst other transnational crimes, as a major security concern especially given the targeting of endangered species. Kenya, has in particular been confronted by this scourge, that has particularly targeted the rich vein of revenue generating pillar of tourism, especially wildlife tourism. Poaching, has progressively risen to the fourth most widely practiced international crime after drug trafficking, human, and money laundering. The challenge in confronting this menace, has not only been compounded by its practice through well-organized transnational networks, but the utilization of sophisticated armaments, some of which are highly advanced especially when compared to those in hands, of legitimate state authorities.

Most worryingly, the proceeds of poaching activities, have been known to fund violent extremist activities such as those of Al-Shabaab, an Al Qaeda affiliated entity that has wreaked havoc in Kenya and beyond. This, has severely dented the quest for the nation to achieve its national economic goals for instance vision 2030, as well as acting as a spoiler towards the establishment, of an investor friendly environment.<sup>86</sup>

According to Eavis, competition for resources and explosion of low-intensity conflicts in spaces such as the arid parts of Kenya, has been as a consequence of the large number of illicit SALW. This has emerged as an intervening variable, that has seen conflict act as a vent, given the pressure on land and other vital natural resources, that are indispensable in the sustenance of life amongst the pastoral communities.<sup>87</sup>

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<sup>86</sup> Johan Bergenas, *Killing Animals Buying Arms: Setting the Stage for Collaborative Solutions to Poaching & Wildlife Crime*. Stimson Center (2014) p.7

<sup>87</sup> Eavis, Paul. (2002)., 'SALW in the Horn of Africa and the Great Lakes Region: Challenges and Ways Forward.' *Brown Journal of World Affairs*, Vol.9, No.1 pp.252-253

Internal displacement, has been cited as the most direct consequence of the proliferation and misuse of, illicit SALW in conflict prone hotspots such as central Rift Valley and in the Northern parts of Kenya. According to Pkayla et. al, as at 2003, illicit SALW were responsible for the displacement of more than 160,000 people.<sup>88</sup>

### **3.4 Exposure of Institutional, and Agency Weaknesses**

The proliferation of illicit SALW in Kenya, has in particular served to expose the gaps in the state's institutions in addressing the various challenges, attendant to the proliferation of illicit SALW. Examples of the areas where gaps have been identified in terms of responding to the challenge of illicit SALW include marking, tracing, brokerage and disarmament. It is notable that, despite the presence of instruments such as the Kenya National Focal Point on Illicit SALW, instituted in 2003 and aimed at implementing the UN Programme of Action (PoA) to coordinate issues such as disarmament, the challenge of illicit SALW continues to persist.

Disarmament exercises such as Operations Dumisha Amani I & II of 2005 and 2010 respectively amongst members of the Pokot, Borana, Somali and Turkana communities by an interagency security framework, did little to address the challenge of illicit SALW.<sup>89</sup> As a notable concern that has been identified as an impediment to countering illicit proliferation of SALW, arms and ammunition traceable to Kenyan security agencies, have been found to be in the possession of unauthorised individuals, who are not sanctioned to be in possession of such.

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<sup>88</sup> Pkayla, Ruto, Mohamud Adan, and Isabella Masinde. (2003), *Conflict in Northern Kenya: A Focus on the Internally Displaced Conflict Victims in Northern Kenya*. Nairobi: Intermediate Technology Development Group.

<sup>89</sup> Wepundi, Manasseh. 2011. *An Analysis of Disarmament Experiences in Kenya*. Nairobi: Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States). pp.27-28

Some elements within the police service driven by greed, have been found to have sold ammunition to Turkana warriors and thus impairing the fight against the illicit proliferation SALW especially in the north Rift region. Corrupt individuals within the service who comprise a small component, have continuously eroded public confidence in the institution, especially its capacity to objectively enforce the law.<sup>90</sup>

Also, the irregular transfer of ammunition by the Kenyan police to Kenya Police Reservists (KPR) even though sanctioned by law, has often brought about challenges, especially those related to end user certification and aspects to do with traceability of the same. Indeed, just like Turkana warriors, members of the KPR have played the dual role of supplier as well as recipient of illicit SALW, including some sourced beyond the Kenyan state.

### **3.5 Militarization of Society**

The presence of illicit arms in large quantities amongst civilians, is a huge concern, given the reports that indicate that civilian arms possession, far exceeds those in service with the nation's disciplined forces. According to a 2012 study that was carried out on behalf of the Kenya National Focal Point on Small Arms and Light Weapons, between 530,000 and 680,000 were approximated to be in the possession of civilians and the figure could be higher as at present.<sup>91</sup>

According to Berman, approximately 90-95% of pastoral communities in Northern Kenya, possess guns.<sup>92</sup> This has been abetted by the perception of a vacuum in state

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<sup>90</sup>James Bevan, Kenya's Illicit Ammunition Problem in Turkana North District *Small Arms Survey* (2008). pp.63-67

<sup>91</sup> Manasseh Wepundi, Eliud Nthiga, Eliud Kabuu, Ryan Murray, and Anna Alvazzi del Frate, *Availability of Small Arms and Perceptions of Security in Kenya: An Assessment*, Small Arms Survey and the Kenya National Focal Point on Small Arms and Light Weapons, June 2012, <http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR16-Kenya.pdf>.

<sup>92</sup> Muggah R, Berman E. *Humanitarianism Under Humanitarian Impacts of Small Arms and Light Weapons*. Graduate Institute of International of International Studies, 2001. pp.10-22

authority by communities in the aforementioned region, who have long been considered at the periphery of state attention. The consequence, has seen communities attempt to find ways of enhancing their own security, especially on the part of pastoral communities, who have often raided each other for cattle. Increasingly, SALW have formed the instruments of engagement as well emerging as part of the trophies to be 'won' during raids.

Also, these communities have relied on SALW for protection against attacks by pastoral communities, from neighbouring countries. SALW, have also been found to have a heavy presence, in areas where tribal as well as ethnic clashes have been prevalent, and this has been catalysed by the following variables. The ease of availability of illicit SALW, given the conflict burden experienced in the HOA, weakness in government capacity to monitor the flow of arms across borders and amongst communities, as well as a decline in the prices of arms, which has ensured that access to illicit SALW, is no longer an obstacle to those entities, in demand of them.<sup>93</sup> Indeed, evidence points to a worrying direction where previously recorded patterns of conflict and levels of violence within communities that engage in pastoral activities within East Africa, were in the past well-regulated and to an extent manageable, have recently seen an escalation, due to the acquisition of military grade weaponry.<sup>94</sup>

### **3.6 Endangerment of Public Health**

Firearm injuries have been declared a global public health hazard, due to not only the severity and risk posed to human life, but also due to the financial burden, attached to

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<sup>93</sup> Thusi T. Assessing small arms control initiatives Nairobi declaration. *African Security Review*. 2003: 12(2): 17-26

<sup>94</sup> Keith Krause, Small Arms and the Human Cost of Armed Violence. *International Peace Institute* (2007). p.4

treating firearms related injuries.<sup>95</sup> In Nairobi Kenya's capital, the use of firearms in the conduct of crime especially in slum areas, as well as gunshot wounds suffered when law enforcement agents have been involved in the restoration of law and order, has left those on the receiving end in dire straits. This is in consideration of the fact that, most of the casualties of firearm injuries, are individuals struggling to make ends meet. Having suffered gunshot wounds especially in the hands of criminals, such individuals lack the means to access proper medical attention from health facilities. This is in consideration of the fact that insurance, which is particularly beyond the reach of a majority Kenyans and many individuals in the event they don't succumb to the injuries, end up living a life of suffering, with their injuries.

### **3.7 Conclusion**

The proliferation of illicit SALW, has been appreciated as having diverse as well as multi-faceted challenges to Kenya's stability and security and this includes political, economic as well as social dimensions. Indeed, illicit SALW and the impacts they have had in Kenya, have been as a result bad governance in the past and poor implementation of existing laws and policies aimed at regulating the conduct of individuals, especially those entrusted with the nation's security. In particular, the role of security agencies in proliferation of SALW into the hands of individuals whether by legal or other irregular means, bodes ill for the nation's efforts and quest in tackling the impacts of illicit SALW, in various spheres of Kenya's society, as well as stemming their flow.

It is also evident that, Kenya is not immune to the instabilities and disputes across the region as well as beyond. Instability within neighbouring states, has had a spill over effect in relation to Kenya's peace and stability. Refugee inflows, transboundary crimes

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<sup>95</sup> Florian Hugenberg, Walter Odhiambo Anjango, Angela Mwita and Dedan Opondo, Firearm Injuries in Nairobi, Kenya: Who Pays the Price? *Journal of Public Health Policy*, Vol. 28, No. 4, p. 410.

such as cattle rustling and terrorism amongst others, have served to drive both demand as well as supply of illicit SALW, both within and without Kenya.

Effectiveness of institutions such as the RECSA, and functioning of entities such as Kenya National Focal Point on Small Arms and Light Weapons, has been fraught with challenges in terms of gaps in dealing with disarmament, tracing and addressing brokering of illicit SALW in the HOA and the Great Lakes Region. The militarization of society in particular, bodes ill for peace and stability of the nation, and especially during electioneering periods where intense jostling and agitation is witnessed and the potential to transform into conflict, emerges as a possibility. This, has also provided an opportune moment, for the misuse of youths especially as conflict labour, and illicit SALW can be play a role in wreaking havoc to the nation's stability, as was the case during the 2007/8 post-election violence.



## CHAPTER FOUR

### TO IDENTIFY STRATEGIES TOWARDS COUNTERING THE PROLIFERATION OF ILLICIT SALW IN KENYA AND PROMOTION OF PEACE AND SECURITY IN AFRICA.

#### 4.0 Introduction

It is now apparent that, the status of peace and security in Africa, is evidently fragile and one that is characterized by persistent conflict. These conflicts are taking place in varied forms, which range from resource-based conflict, violent extremism, insurgencies, political instability *inter alia*. Also, the impact of illicit SALW especially in Kenya, has been appreciated by carrying out of analyses from political, economic and social perspectives amongst others. This chapter, seeks to identify the strategies that can be adopted towards countering the proliferation of illicit SALW in Kenya, and addressing their impacts, with the overall purpose of promoting peace and security in Africa.

#### 4.1 Promotion of Good Governance

Consensus points towards the fact that, persistent threats to peace and security on the African continent, are to a large extent rooted in bad governance, a weakness affecting a sizable number of nations on the continent. Bad governance, has been identified as the catalyst to a majority of the challenges experienced by African states and it is characterized by corruption, marginalization, absence of transparency and accountability in leadership, abuse of authority, amongst others.<sup>96</sup> Fortunately, there have been initiatives at both the continental level as well as at regional level, that offer insight into the possibility of attaining a peaceful and prosperous Africa.

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<sup>96</sup> Dele Olowu and Soumana Sako (eds), *Better Governance and Public Policy: Capacity Building for Democratic Renewal in Africa* (West Hartford, CT: Kumarian Press, 2002) pp.40-50

The African Peer Review Mechanism (APRM), has emerged as one of the central institutions on the African continent, tailored towards enhancing good governance amongst its members. The APRM, is a voluntary organization that operates on the basis of a self-monitoring mechanism where the member states, set targets and objectives to be achieved on matters political, as well as socio-economic reforms. A panel of experts drawn from member countries, undertake a periodical review of the extent to which the targets set by member states, have been achieved and then make recommendations.<sup>97</sup>

The APRM, is an institution focused on instilling good values and norms especially along the lines of accountability, among its member states as well as on the areas that the thematic points that the organization focuses on. Good governance in particular, forms the major focal point of the APRM as failure in governance, has been identified as the primary weakness upon which a plethora of what impairs the continents' capacity to develop, is premised. The APRM, is the major instrument of the New Partnership for Africa's Development (NEPAD), an entity that is tailored towards enhancing economic development, alongside good governance on the continent.<sup>98</sup>

The APRM functions through conducting systematic examinations, as well as country assessments of the attainment of set targets by use of a set of indicators, established by NEPAD. Where members fall short of achieving their set objectives, the periodic review team engages those members in problem solving, as well as value sharing through constructive peer dialogue since punitive measures, cannot be resorted to as the organization, is a voluntary mechanism.<sup>99</sup> The major thematic areas that the APRM

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<sup>97</sup> H.H.S., Viswanathan, New Opportunities, New Strategies. *Indian Foreign Affairs Journal*. Vol.7, Issue, 2. 2012.p 7

<sup>98</sup> Michele Olivier, Civil Society and Democratization in Africa with Specific Reference to the African Peer Review Mechanism. *Strategic Review for Southern Africa*. Vol, 33., No.2. 2011.p 106

<sup>99</sup> Ngwenya., T. 2007, "The African Peer Review Mechanism: APRM and democratic governance". *Critical Dialogue: Public Participation in Review* 3(1):53

focuses on comprise, democracy and political governance, economic governance and management, socio-economic development and last but not least, corporate governance.<sup>100</sup>

Through the adoption of the APRM framework, a departure was marked in the way good governance was to be enhanced on the continent. This is where, a shift on the reliance on states to uphold normative principles alone for purposes of adhering to objectives set, was supported by embarking on a trajectory on the how actual implementation of set objectives, was carried through by the country review team.<sup>101</sup>

Despite the good intentions of the APRM, some challenges confront the organization, affecting its capacity to expand its reach and membership across non-members. One of the challenges lies in the voluntary manner of engagement within the institution. The implication is that, even if the members fall short severally in attaining their objectives, whether by design or total non-commitment to the goals of the organization, there exists no way to exert ‘pressure’ on members or sanction them in any way.<sup>102</sup>

In terms of drawing more members to the organization, the APRM has faced criticism from non-members who have questioned the commitment and sincerity of some of its members. Indeed, some non-members have termed the institution as an entity used by ‘despots’ to prop up a good image, in order to attract donor funding. Such allegations have led to more scrutiny about the ‘behaviour’, of some country leaders who have membership in the organization, who for instance have been at the forefront of extending presidential term limits to suit their agenda, constricting the democratic

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<sup>100</sup> G. Adar, K. Juma, Katabara N. Miti, “*The State of Africa 2010/11: Parameters and Legacies of Governance and Issue Areas*”. Africa Institute of South Africa, 2010) pp. 94-95

<sup>101</sup> Muna Ndulo and Nicolas Van de Walle (eds) “*Problems, Promises and Paradoxes of Aid: Africa’s*” (UK: Cambridge Scholars, 2014) p. 183

<sup>102</sup> Nathan Andrews et.al, (eds) “*Africa Yesterday, Today and Tomorrow: Exploring the Multi-dimensional Discourses on Development*”. (UK: Cambridge Scholars Publishers, 2013) p. 179

space, amongst other actions that go against the aspirations of the organization.<sup>103</sup> Also, challenges such as enhancing political will/ commitment to the values of the organization which afflicts numerous institutions and initiatives on the continent, affects the organization as well.

However, there are positives that can be drawn from the APRM framework which can be translated into gains, that can be used to promote peace and security on the continent. Through its Three R's strategy of restoration, reinvigoration and renewal, the APRM has embarked on a path towards instilling confidence in the organization. This includes measures such as, increasing the number of countries that are reviewed per year, ensuring that the reviewing process is cheaper and faster, as well as engaging in an active campaign, to attract non-members to accede to the organization.<sup>104</sup>

#### **4.1.1 Pursuing Strategic and Mutually Beneficial Partnerships**

The continent throughout its history and especially its independent history, has engaged numerous actors in its intra-African as well as extra Continental relations, all of which have impacted mostly in negative ways, on the continent's prospects for peace and security. Most of the continent's engagements with external actors, have been one-sided in that, outsiders have reaped more from the continent, than they have benefited it.

For a majority part of the engagements that Africa has gotten into, the continent's resources have been exploited with impunity and more often than not, with the collusion of the continent's leadership, to the detriment of the larger population of the continent. This has served to entrench underdevelopment, where persistent conflict has become attendant and characteristic of regions on the continent, where an abundance of

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<sup>103</sup> Bond, Patrick 2009, "*Removing Neo-Colonialisms APRM Mask: A Critique of the African Peer Review Mechanism*". *Review of African Political Economy* 122:) 595-619)

<sup>104</sup> Steven Gruzd & Yarik Turianskyi, *The African Peer Review Mechanism at 15: Achievements and Aspirations*. South African Institute of International Affairs. Policy Briefing 170.2018. p.2

resources exists, as well as a deficit in leadership that is interlinked with vested external interests.

There exists an opportunity to forge mutually beneficial partnerships across nations, especially through institutions such as UN agencies, RECSA amongst others, in order to improve the capacity of African nations to deal with the challenge of illicit SALW. Besides institutions such as RECSA, there also exists organizations at the international level that are dedicated to monitoring the flow of SALW, which can be leveraged upon and coupled with technology, can enhance the management of the challenge of illicit SALW. These entities include, the UN Panel of Experts or monitoring groups, that have been relied upon by the UNSC to monitor sanctions imposed on non-state actors, regions within states as well as states, especially those that violate arms embargoes.

Other entities such as the Small Arms Survey, the Stockholm International Peace Research Institute amongst others, possess vital databases as well as tools such as the Trend Indicator Value (TIV), which monitor the volume of the flows of arms between nations and regions. Such instruments can be tapped into by states and institutions on the African continent, to monitor and regulate the flow of illicit SALW.<sup>105</sup>

#### **4.2 Strengthening Institutional Mechanisms**

In relation to advancement of peace and security in Africa, the AU lay the foundation for conflict prevention on the African Continent, through the Peace and Security Council (PSC). One of the most important structures that emerged from the PSC, is the African Peace and Security Architecture (APSA). Kimani states that, the concept of a peace and security architecture, relates to a framework that comprises of norms, capacities, structures, and procedures that are tailored to fulfil the following objectives.

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<sup>105</sup> Pieter D. Wezeman, (2018) International arms flows: monitoring, sources and obstacles. *Clingendael Institute*. pp.6-9

These include, prevention of conflict and aversion of war, as well as mediation for the restoration of peace, in the spaces where conflict occurs.<sup>106</sup>

The functions of APSA as outlined above, form an integral component for the success of the framework, in its quest towards prevention of conflicts and promotion of peace and security on the continent. APSA, is premised on five pillars which include, the AU Peace Fund, the African Standby Force, the Continental Early Warning System, the Panel of the Wise and the Peace and Security Council. For efficiency in the functioning of the APSA framework, proper coordination of the various functions and roles that the above pillars are expected to perform, is critical.<sup>107</sup>

It is important to appreciate that the predecessor of the African Union, the Organization of African Unity (O.A.U), also had a framework in place to deal with matters of conflict, that was referred to as, the Mechanism for Conflict Prevention, Management and Resolution.<sup>108</sup> This entity when contrasted with APSA, faced immense obstacles that saw it fail to address numerous problems that dated back to the post independent phase on the continent, up to the period when the O.A.U was replaced by the A.U. Two challenges, stand out as part of the reasons that led to the failure of the O.A.U Mechanism, in comparison to APSA.

First, the APSA framework possesses a diverse and well-structured approach to challenges on the continent that range from a mediation entity, a fund where resources are pooled for purposes of pre-emptive responses to threats with regards to peace and security on the continent. This is supported by an early warning system, which the

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<sup>106</sup> Akinpelu O. Olutayo and Adebusi I. Adeniran (eds) *“Regional Economic Communities: Exploring the Process of Socio-Economic Integration in Africa”* (Dakar: CODESRIA, 2015) p.37

<sup>107</sup> Ibid. p 39

<sup>108</sup> Astrid Espegren, "The Organisation of African Unity and Conflict Management, Still a Toothless Bulldog?" *The NUPI Report*, no.247, July 1999 (Oslo: Norwegian Institute of International Affairs (NUPI)): 26.

O.A.U mechanism lacked. Secondly, the functions of APSA are anchored on a proper theoretical framework as well as on Regional Economic Communities (RECs) as opposed to the O.AU mechanism.<sup>109</sup>

#### **4.2.1 Regional Integration Approaches**

Regional Economic Communities (RECs) as sub-units of the larger entity that is the African Union and as envisioned in the Abuja Treaty of 1991, form vital platforms not only for enhancing development within sub regional levels, but crucially, the advancement of continental peace and security.<sup>110</sup> The regional security complex theory identifies that, security threats travel fastest within regions and better engagement at the regional economic communities, provides a unique platform for the promotion of peace and security in Africa.<sup>111</sup>

By focusing on enhancement of development at the regional level, opportunities for growth and development and the overall improvement of the living standards of the peoples of the region, abound. RECs, provide a timely and cost-effective platform for addressing various challenges at the regional level, as they are tailored to appreciate the challenges that are prevalent in a given region such as the HOA, as well as reduce dependency on the continental body where prioritization of issues to address, may relegate a region's concerns, over another's.

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<sup>109</sup> Mammo Muchie, Phindile Lukhele-Olorunju and Oghenerobor Akpor, "*The African Union Ten Years After: Solving African Problems with Pan-Africanism and the African Renaissance*". (South Africa: Africa Institute of South Africa, 2013) p.106

<sup>110</sup> Aatmik Gupta, Economic Integration in Africa: Past, Present and Future. *Africa Policy Journal*. Vol, 1. 2016.p.89

<sup>111</sup> Robert E. Kelly, Security Theory in the "New Regionalism" *International Studies Review*, Vol. 9, No. 2.2007. pp.206-210

## **4.2.2 Ensuring of Implementation of Existing Continental Agenda and Policy**

### **Programs**

One of the greatest challenges across the continent, has been summoning political to implement policies by the leadership on the continent. The agenda portfolio on the continent, is well structured with numerous programmes already agreed upon, and ratified by states. Some of these agenda include, Agenda 2063, Vision 2020 “Silencing the Guns”, Vision 2050 on the blue economy alongside a host of other policies or programs, that are envisioned to drive the continent towards a peaceful and prosperous future. These initiatives, are aimed at coming up with solutions tailored to address challenges on the African continent, underscoring the norm of ‘developing African solutions, to African problems.’<sup>112</sup>

Vision 2020 dubbed the ‘silencing the guns’ agenda, is an important focal point in terms of enhancing strategies aimed at responding to the challenges that impede the realization, of a peaceful and prosperous Africa. This is because, illicit SALW as appreciated, have been at the heart of driving instability, enhancing conflict escalation, amongst other security challenges across the continent. This policy programme, was aimed at ending conflicts on the continent, which range from terrorism, cattle rustling, maritime piracy amongst others and especially those carried out using SALW, by the year 2020.<sup>113</sup>

In the quest towards enhancing conflict prevention, the presence of nations within the continent that are facing instability such as Somalia ,the Sahel Region and Libya in the post-Gaddafi era, bodes ill for prospects of attaining a peaceful and prosperous

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<sup>112</sup> Paul D. Williams, Keeping the Peace in Africa: Why “Africa” Solutions are not Enough. *Ethics and International Affairs*. Vol 22, Issue 3. 2008.p.309

<sup>113</sup> Institute for Security Studies, *Peace and Security Council Report*  
<https://issafrica.org/pscreport/addis-insights/silencing-the-guns-to-end-all-wars-in-africa-by-2020>  
accessed on 16/09/2020 at 3:34 pm



Africa.<sup>114</sup> This is because as earlier noted, unstable nations provide a space for actors bent on fomenting insecurity and set up a base of operations, for instance elements such as terrorists and insurgents, who thrive on instability. Also, conflict goes hand in hand with driving up the demand for illicit SALW, as well as conflict labour in the form of child soldiers such as in North Uganda, amongst other spaces.<sup>115</sup>

By enhancing commitment towards implementation of set agenda and policy programmes, actors on the African continent, such as states, non-state actors and civil society, can enhance the implementation of strategies set, for purposes of achieving peace and stability on the continent. Attendant to the success of achieving policy programs set by continental actors, is the focus on cooperation across spheres such as intelligence sharing amongst various actors especially those in law enforcement, through entities such as the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO).

EAPCCO, is a grouping of police chiefs within the East African region, which provides a platform of engagement between heads of security on a diverse number of security issues, such as the challenge of cattle rustling amongst others.<sup>116</sup> The AU Peace Fund one of the pillars of APSA, provides a clear-cut example of the continents focus on preparedness towards resolving to various challenges to peace in Africa, as well putting in place measure for prompt response to future challenges. Through such initiatives where funds and resources are set aside in an advance fund, better response to challenges on the African continent, can be attained.

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<sup>114</sup> Christopher S. Chivvis and Jeffrey Martini, *Libya after Qaddafi: Lessons and Implications for the Future* (Santa Monica, CA: Rand, 2014) pp.7-35

<sup>115</sup> Adam Branch, *Displacing Human Rights: War and Intervention Uganda* (New York: Oxford University Press,2011) pp.45-90

<sup>116</sup> Augusta Muchai, A Unique Protocol on Cattle Rustling in Eastern Africa. ISS Today, Feb 11, 2008. <https://issafrica.org/iss-today/a-unique-protocol-on-cattle-rustling-in-eastern-africa> accessed on 14/09/2020 at 10:34 am

### **4.3 Enhancing Civil Society Engagement**

Civil society, is a collectivization of actors who primarily operate as non-state actors and they function in a space that is nevertheless, complementary to the roles performed by the state.<sup>117</sup> They comprise of individuals, and non-state institutions including religious organizations, who provide legal, medical, technical skills and training, humanitarian action, conflict resolution amongst other services, to members of society and communities where they are based.

Their capacity to operate in a diverse number of spaces especially slum areas, marginalized territories as well as far flung spaces of a nation's territory, provides them with a unique platform to establish linkages with the communities, where they provide services. Additionally, civil society actors have some leverage over state actors when it comes to establishing trust within the communities where they operate. Indeed, their conflict resolution capabilities, are in some instances considered 'friendlier' or taking a far softer approach, compared to state mechanisms which are sometimes accompanied by sanctions and ultimatums, and only serve to heighten mistrust between the state and the society.

It is this unique capacity and leverage possessed by civil society, that state actors can tap into for various advantages that can be gained. For one, in cases where the state is facing challenges such as the proliferation of illicit SALW, civil society actors can act as a go between the communities and the state. This, is for the purpose of providing a softer approach to disarmament exercises, especially in spaces where the state has attempted to do so in the past, and the problem of illicit SALW has remained unresolved.

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<sup>117</sup> Tom Keating and Andy Wright (eds), *Building Sustainable Peace*. (New York: United Nations University, 2004) pp. 93-119

The state and civil society, have also have had some friction-laden relationship, especially where the state has in the past embarked on a campaign of cracking down on civil society organizations. Queries by the state, especially sources of the funding of some civil society organizations and general suspicion that some organizations act against the national interest of the state, lies at the root of some of the concerns that the state has over some entities.<sup>118</sup> For instance, some civil society organizations in Kenya, have faced claims that they are ‘collaborators’ with terror elements, are used by transnational crime entities for money laundering, amongst other claims that have seen the state crack down upon them.

#### **4.4 Integration of Technology in the Marking and Tracing of Illicit SALW**

Technology, has played an immense role in making human life easier and enhancing efficiency in production, as well as in the delivery of various services. Virtually, all facets of humanity have been impacted both positively, as well as negatively by technology depending on its management by various actors. In relation to border security which forms one of the major points of contact amongst states, technology has a major impact that it can play in enhancing border security. Borders have for some time, played as a point where insecurities can be transmitted from one space to another, or one state to another.

The HOA in particular, provides an appropriate focal point in the analyses of border insecurity and its effects, due to a multiplicity of factors that characterize this space. For one, the HOA is a region where a number of countries that are facing several challenges in terms of peace and security, for instance Somalia, South Sudan, parts of

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<sup>118</sup> Mohamed Yusuf, “Kenya De-lists 500 NGOs in Crackdown”. <https://www.voanews.com/cdn.ampproject.org/v/s/www.voanews.com/africa/kenya-de-lists-500-ngos-crackdown> accessed on 21/09/2020 at 1:08 pm

Kenya, parts of Northern Uganda amongst others. The outcome of low intensity conflict, civil war, insurgency and other forms of security challenges in the HOA, has seen refugee outflows to countries around and beyond the region, a demand and flow of illicit SALW across the region, proliferation of criminal entities such as Al Shabab in Somalia and beyond *inter alia*.<sup>119</sup>

Technology, can be leveraged upon to deal with specific issues such as tracking of the movement of people and goods, and especially illicit SALW within nations, and across borders. The adoption of technology by both states and institutions such as RECSA, can enhance the capacity to effectively mark, trace and record the number of arms in possession of various actors within a given space. Indeed, frameworks such as the National Focal points, can also leverage on technology to enhance their functions in engaging with diverse actors, in responding to challenges attendant to illicit SALW.

In relation to addressing the challenge of illicit brokerage of SALW, technology has an immense role to play especially in terms of reinforcing efforts at tracking the movement of arms within, and without the boundaries of African states. The dangers of illicit brokerage are well known in as there have been incidences recorded where, arms have been diverted from legitimate destinations, violations of arms embargoes, and illicit brokerage has facilitated the entry of arms into spaces where conflict is ongoing. Illicit brokerage, has also been known to facilitate the access of SALW to transnational organized syndicates.<sup>120</sup>

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<sup>119</sup> T Lyons, The international context of internal war: Ethiopia/ Eritrea, in EJ Keller and Donald Rothchild (eds), *Africa in the international order: rethinking state sovereignty and regional security*, (Boulder, Co.: Lynne Rienner Publisher, 1996) p.85

<sup>120</sup> Brian Wood and Johan Peleman, *The Arms Fixers: Controlling the Brokers and Shipping* (Oslo: Agents PRIO/ NISAT/ BASIC, 1999) pp.1-3

## **4.5 Conclusion**

The strategies designed to respond to the spread of illicit SALW and the overall promotion of Africa's peace and security, are as diverse as the challenges that prevalent on the continent. Having acknowledged the plurality of challenges affecting the continent, it is possible to appreciate that, strategies tailored to addressing those challenges especially homegrown solutions, are unique to the challenges, that impair the continent's stability. Institutions have emerged as a critical platform not only for the convergence of common goals and interests, but also as an avenue for the creation and perpetuation of norms and values that can enhance attainment of peace and security on the continent, through collective action.

Positive engagement with civil society, a constituency that in some spheres enjoys comparative advantage over state actors, can complement the efforts of state authorities, in addressing challenges such as ineffective disarmament. Civil society in their capacity and close contact with communities and societies whom they serve, also provide a platform for information gathering at the societal level based on the trust that they enjoy, share them with state intelligence agencies, and enhance their capacity in dealing with threats to national security.

Institutions such as the AU, can foster good governance especially through their capacity to establish and pursue values, that foment the promotion of good governance amongst member states. Indeed, governance has been identified as the centre of gravity of Africa's prosperity and enhancement of institutional approaches such as adoption of the APRM model, can trigger the process towards attainment of good governance.

Finally, technology has the capacity to act as a platform for enhancing the capacity of human resource, in marking and tracing movement of illicit SALW. Indeed, through

technology, proper record keeping can be achieved to ensure that, only legitimate actors are in possession of SALW, as well as enhance the capacity of tracking diversion of arms into the hands of the wrong actors and prompt action to respond to that challenge, can be undertaken.

## CHAPTER FIVE

### DATA PRESENTATION AND ANALYSIS

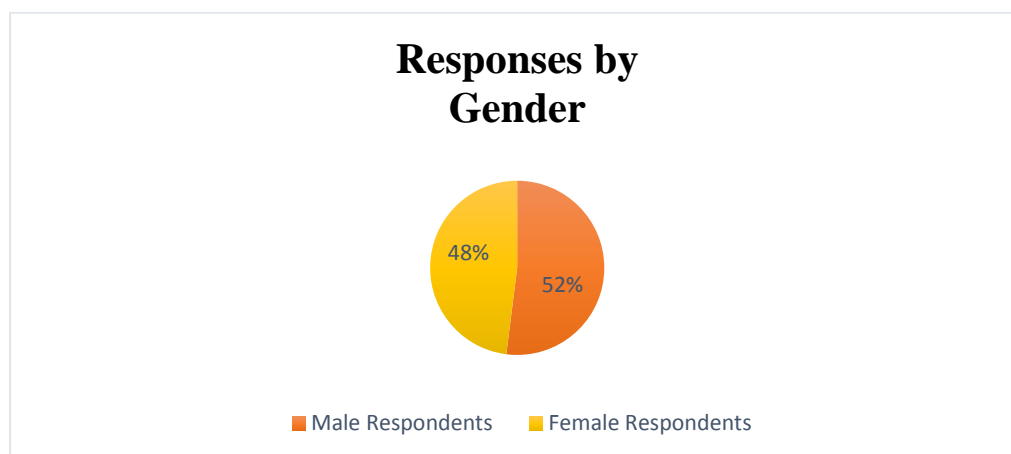
#### 5.0 Introduction

This chapter, comprises the presentation of data collected during the course of conducting this research and subsequent analysis of the same. This data was collected from individuals whose diversity ranges from backgrounds such as the academia, civil society, researchers both independent and working under think tanks as well as individuals who have been impacted by illicit SALW.

#### 5.2 Socio-Demographic Characteristics of the Respondents

Socio-demographic characteristics of the respondents such as gender, age and level of academic studies are covered in this subsection. This cuts across individuals surveyed from the different regions where the study was carried out, and presentation of the demographics, takes the form of fig 1 presented below.

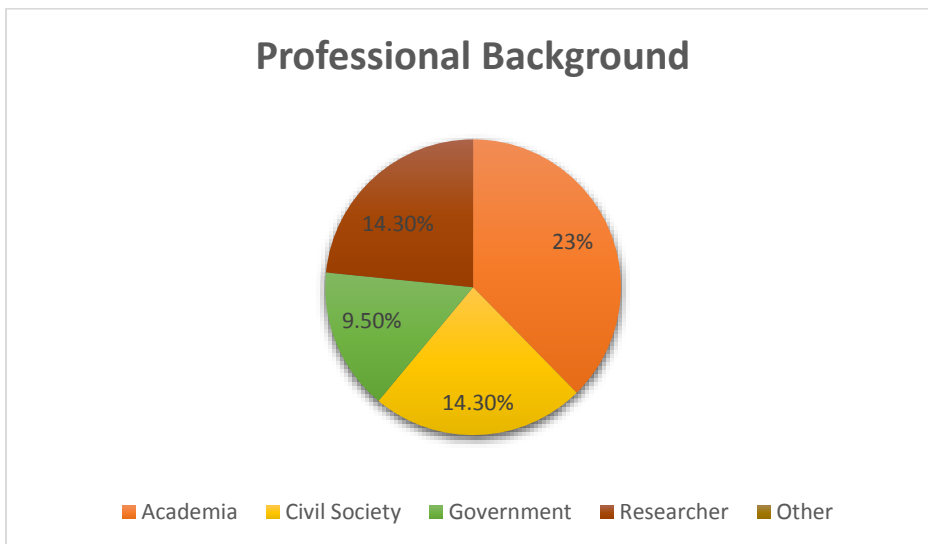
##### 5.2.1 Gender of the Respondents



**Fig.5.2.1 Gender of the Respondents**

The respondents interviewed were primarily in two broad categories in the aspect of gender, mainly male and female. Male respondents formed 52% of the sample surveyed, while 48% were female respondents.

## 5.2.2 Professional Background of the Respondents

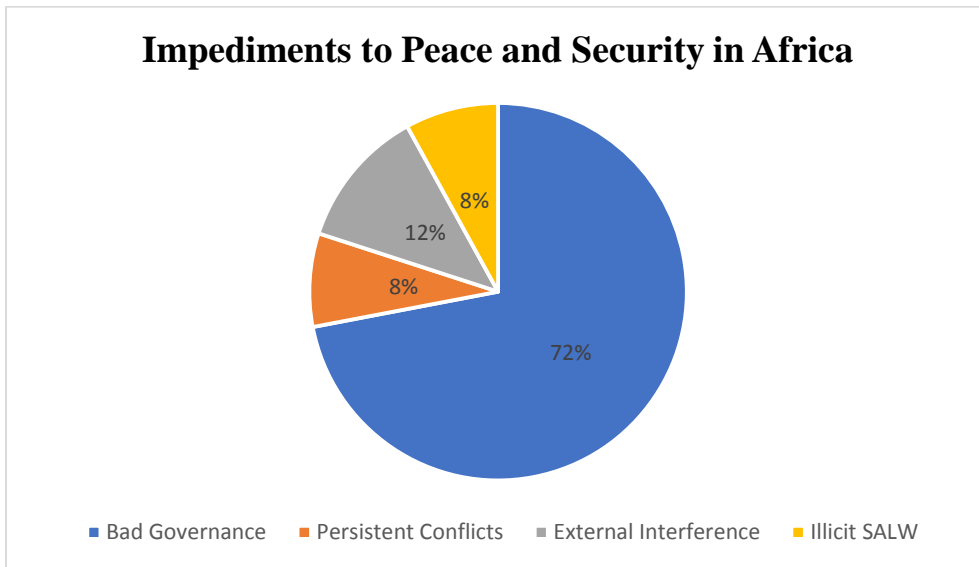


**Fig. 5.2.2 Professional Background of the Respondents**

Fig 5.2.2, represents the professional demographic of respondents interviewed who fell under four major categories, namely academia, civil society, government and researchers. In terms of the spread, 23% of the respondents were from the academia, researchers and civil society each formed 14.3% of the respondents, and 9.5% of the respondents, were from the government. The other component comprising of respondents from diverse professional backgrounds outside the aforementioned, were equally distributed at 38.9%.



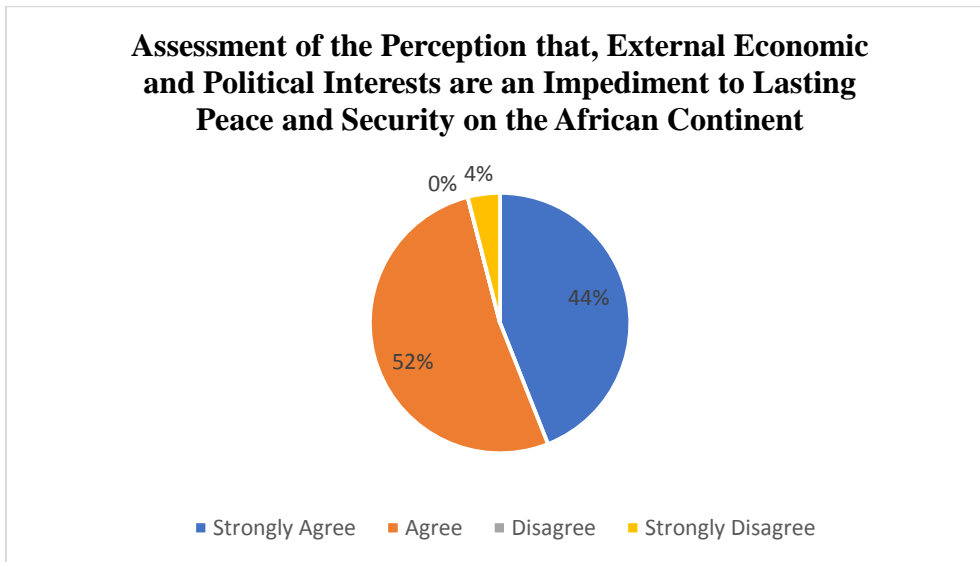
### 5.3 Evaluating the Status of and Impediments to Peace and Security in Africa



**Fig 5.3 Impediments to Peace and Security in Africa**

The following responses, emerged from a survey on what constitutes some of the major impediments to peace and security on the African continent. Bad governance, achieved a consensus of 72% as one of the greatest impediments to peace and security in Africa. 12% of the respondents, agreed that external interference in the affairs of the continent either directly by states or through proxy entities such as Multinational Corporations, was an obstacle to lasting peace and security in Africa. With regards to the impact of illicit SALW and persistent conflicts, the feedback tied the responses at 8% each.

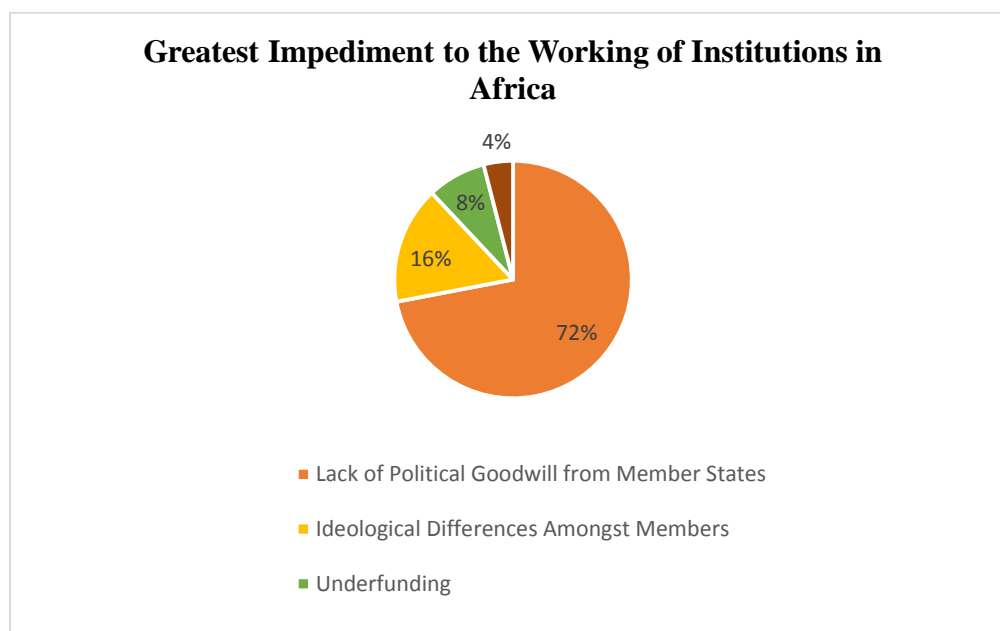
### 5.3.1 External Economic and Political Interests are an Impediment to Lasting Peace and Security on the African Continent



**Fig 5.3.1 Assessment of the Perception that, External Economic and Political Interests are an Impediment to Lasting Peace and Security on the African Continent**

According to the respondents interviewed on their perception regarding the question that external economic and political interests on the African continent, are an impediment to lasting peace and security, the following were the findings. 52% of the respondents, agreed that they are an impediment, while 44% and 4% strongly agreed and strongly disagreed respectively.

### 5.3.2 Greatest Impediments to the working of Institutions in Africa

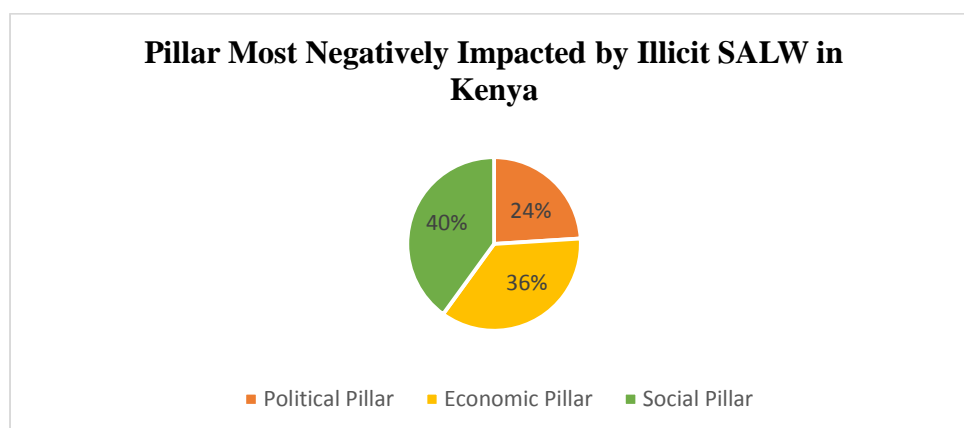


**Fig 5.3.2 Greatest Impediment to the working of Institutions in Africa**

In terms of establishing the greatest impediment to the working of institutions in Africa, the following were the findings. 72% of the respondents, acknowledged that the lack of political goodwill towards institutions by member states, formed the greatest impediment to the capacity of institutions to function effectively. 16% of the respondents, cited ideological differences amongst member states on the African continent, formed a substantial basis for creating a handicap in the functioning of institutions in Africa. In terms of underfunding of institutions, 8% of the respondents cited lack of sufficient resources to institutions, impaired their capacity to function effectively. Last but not least, 4% of the respondents, identified the overlapping membership of states in multiple institutions in Africa, as having a negative effect on the capacity of those institutions to properly deliver on their mandate.

## 5.4 Impact of SALW in Kenya

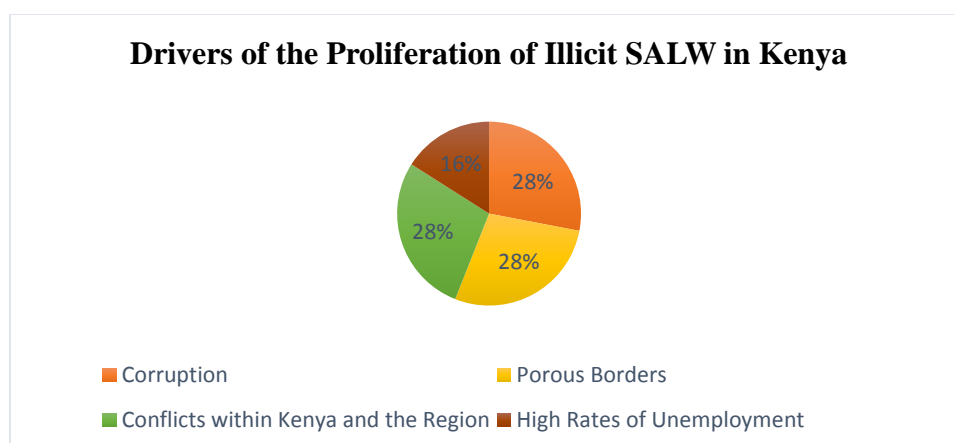
### 5.4.1 Pillars Most Negatively Affected by illicit SALW in Kenya.



**Fig 5.4 Pillars Most Negatively Affected by illicit SALW in Kenya.**

Three major pillars were identified as having the potential of being most negatively impacted by proliferation of illicit SALW, and according to respondents, the following was the feedback. 40% agreed that the social pillar, that comprises societal security and social harmony, was most at risk of being negatively by illicit SALW. 36% of the respondents agreed that it was the economic pillar that was at most risk of being impacted negatively by proliferation of illicit SALW while 24% identified the political pillar the most likely to be adversely affected.

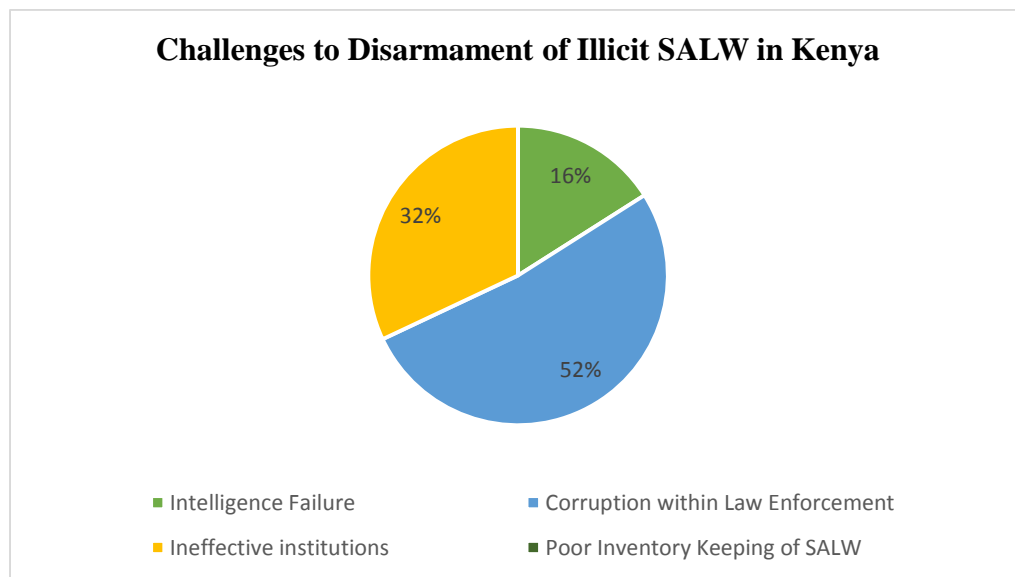
### 5.4.2 Drivers of the Proliferation of Illicit SALW in Kenya



**Fig 5.4.1 Drivers of the Proliferation of Illicit SALW in Kenya**

Some of the major drivers of proliferation of illicit SALW in Kenya, were identified and they include corruption, porous borders, conflicts within Kenya and in the region and last but not least high rates of unemployment especially amongst the youths. In reference to the first three drivers, there was a 28% agreement in each of the factors by respondents, while unemployment, comprised a 16% return, in terms of the total responses.

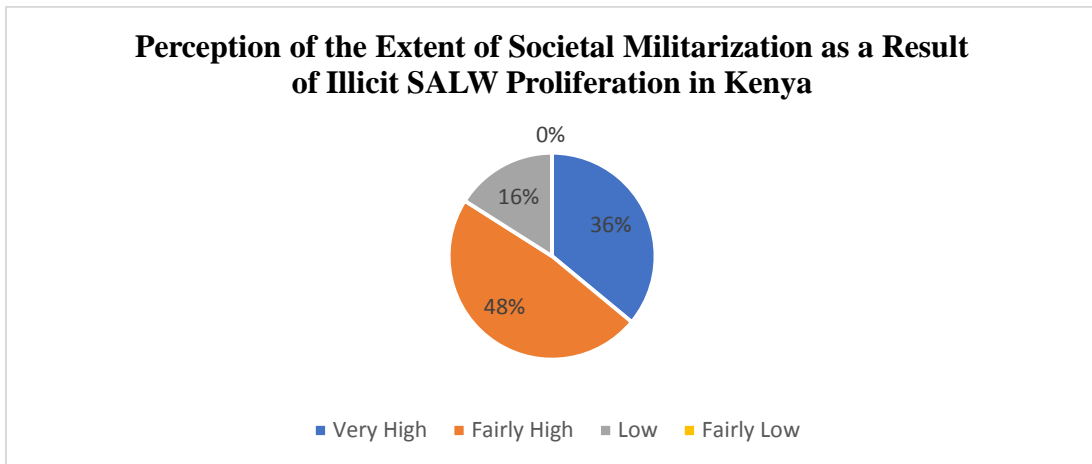
### 5.4.3 Challenges to Disarmament of SALW in Kenya



**Fig 5.4.2 Challenges to Disarmament of illicit SALW in Kenya**

Disarmament, was identified as one of the areas where a major weakness exists in relation to addressing the challenge of illicit SALW in Kenya. 52% of the respondents agreed that, corruption especially within law enforcement agencies, was a major challenge to ensuring that disarmament was effective. Ineffectiveness within institutions such as the RECSA and the Kenya National Focal Point on Small Arms, was cited as a challenge to effective disarmament by 32% of the respondents.

#### 5.4.4 Perception of the Extent of Societal Militarization as a Result of Illicit SALW Proliferation in Kenya

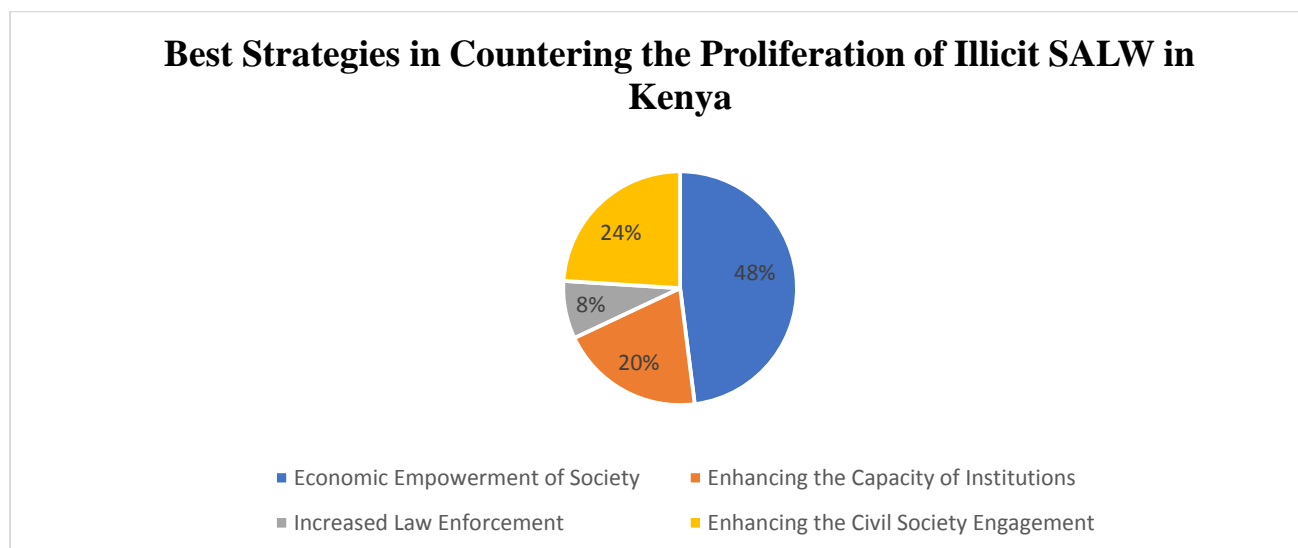


**Fig 5.4.3 Perception of the Extent of Societal Militarization as a Result of Illicit SALW Proliferation in Kenya**

The risk of societal militarization posed by illicit SALW in Kenya especially the acknowledgement that arms in civilian possession far exceed those in possession of all disciplined forces in Kenya combined, was a major point of inquiry and the responses were as follows. 48% percent of the respondents agreed that, illicit SALW have a fairly high potential of societal militarization. 36% of the respondents, agreed that illicit SALW have a very risk of societal militarization while 16%, agreed there was a low risk.

## 5.5 Identifying strategies towards countering the proliferation of illicit SALW in Kenya and promotion of peace and security in Africa.

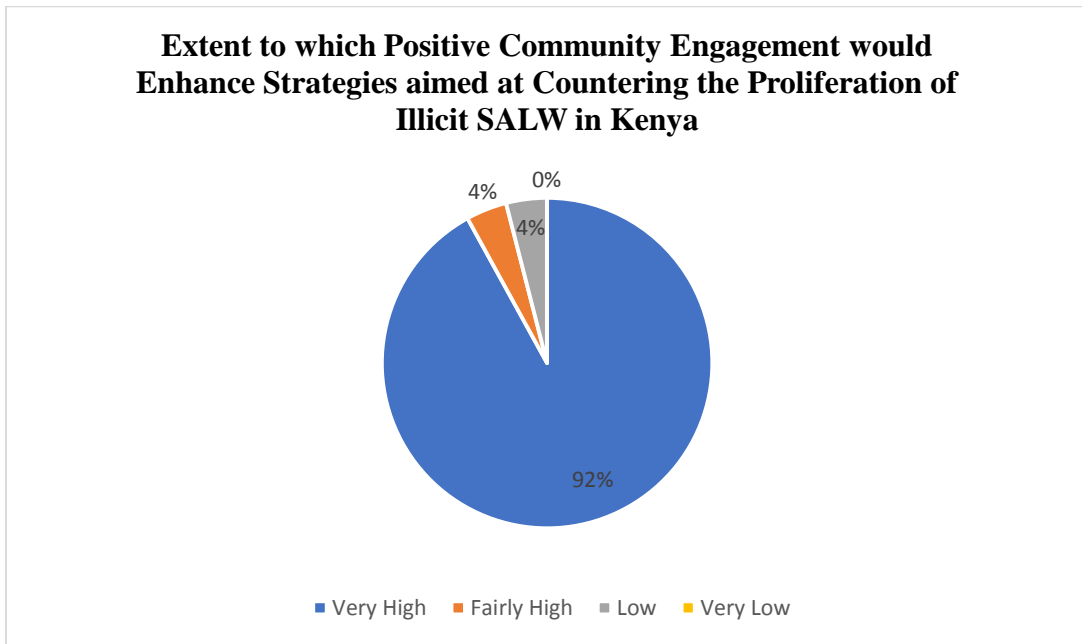
### 5.5.1 Best Strategies in Countering the Proliferation of Illicit SALW in Kenya



**Fig 5.5.1 Best Strategies in Countering the Proliferation of Illicit SALW in Kenya**

In terms of strategies aimed at countering the proliferation of illicit SALW in Kenya, 48% of the respondents agreed that, economic empowerment of the society would be best strategy. 24% concurred that, enhanced civil society engagement, would enhance counter-proliferation strategies. 20% of the respondents agreed that enhancing the capacity of institutions would play a pivotal role in enhancing the effectiveness of strategies aimed at countering the proliferation of illicit SALW. Lastly, only 8% agreed that increasing law enforcement, would be an effective policy undertaking, in enhancing strategies laid out to address the challenge of illicit SALW.

### 5.5.2 Extent to Which Positive Community Engagement Would Enhance Strategies aimed at Countering the Proliferation of Illicit SALW in Kenya

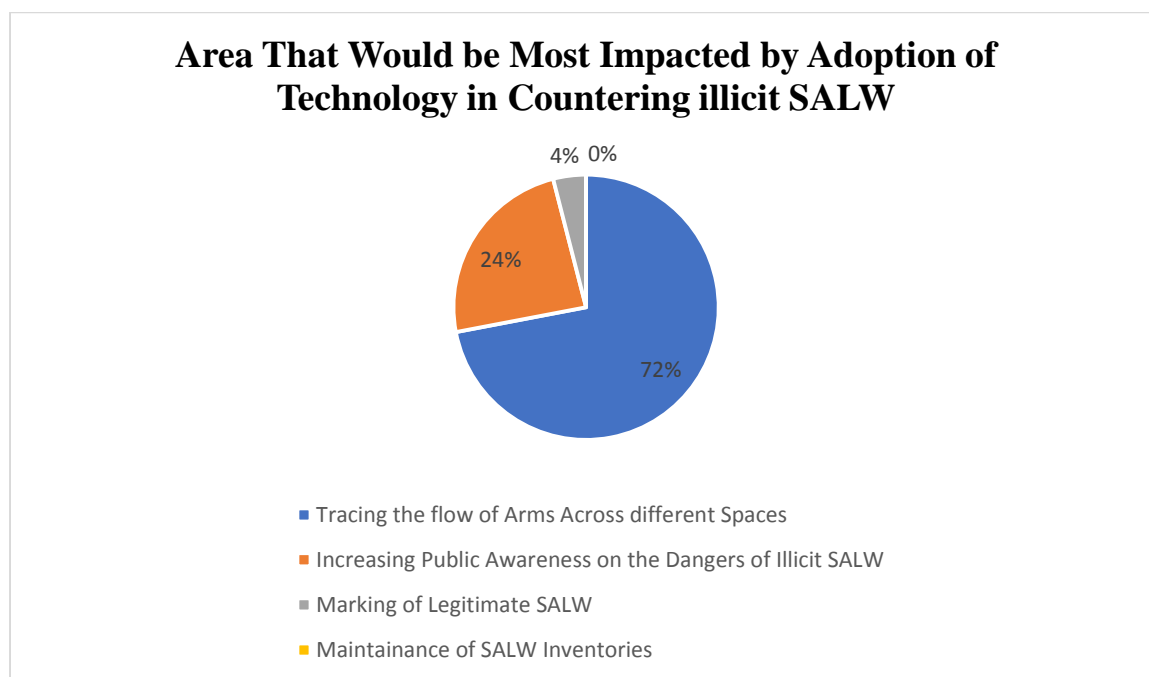


**Fig 5.5.2 Extent to Which Positive Community Engagement Would Enhance Strategies aimed at Countering the Proliferation of Illicit SALW in Kenya**

In an assessment of the extent to which positive community engagement would enhance the strategies aimed at countering the proliferation of illicit SALW in Kenya, the following were the responses. 92% agreed that positive community engagement by different actors both state and non-state actors, would strongly enhance the outcome of strategies aimed at countering the proliferation of illicit SALW. In terms of having a fairly high as well as a low effect, the responses tied at 4% respectively.



### 5.5.3 Area That Would be Most Impacted by Adoption of Technology in countering illicit SALW.



### 5.5.3: Area That Would be Most Impacted by Adoption of Technology in Countering illicit SALW

The adoption of technology in addressing the challenge of illicit SALW and their proliferation, the following were the respondents' feedback. 72% appreciated that technology, would be most effective in tracing the flow of arms across different spaces, both within and across Kenya's national boundaries. In relation to increasing public awareness on the dangers of illicit SALW, 24% of the respondents agreed that, technology would have an important role to play. 4% of the respondents, agreed that adoption of technology, would prove vital in marking of legitimate SALW such as those in the hands of licensed civilians as well as those in the inventories of disciplined forces. This is critical in ensuring that end user certification is guaranteed as well as preventing their diversion into the wrong hands such as criminal elements.

## **5.6 Conclusion**

Following presentation of data and analysis, it becomes possible for the interpretation of the findings made. This is especially critical where the data collected was in line with the set objectives and the analysis carried respective to the objectives that this study sought to interrogate. Also, the findings reinforce the purpose set out in the first chapter of this study and that is proving or disproving the validity of the hypotheses which have also been tested throughout the other chapters. Finally, this chapter purposes through the findings made, to influence the recommendations both academic and policy, to be made in the subsequent chapter.

## **CHAPTER SIX**

### **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

#### **6.0 Introduction**

This chapter, seeks make a summary of the study undertaken including an assessment as to whether the hypotheses proposed at the beginning of the study have been proved or disproved. Also, this chapter seeks to draw conclusions made following the conduct of this study especially those from the interrogation of specific objectives. Finally, recommendations are to be made especially to the academia as well as policy makers, for purposes of enriching the efforts and strategies tailored towards addressing the challenge of illicit SALW in Kenya and overall promotion of peace and security in Africa.

#### **6.1 Summary of the Study**

This study is comprised of five chapters whose summary is as follows. In Chapter one of this study, is the proposal which lays down the foundation for the conduct of the study. In addition to the preliminary pages that consist of the declaration, dedication, acknowledgement and the abstract, chapter one contains the introduction to the study which speaks to the status of and impediments to peace and security in Africa. Alongside the aforementioned, is the statement of the problem which places the challenge of illicit SALW within the proper context of assessing the impediments to peace and security in Africa.

Contained in this chapter as well, are the objectives of the study which comprise of the general objective as well as specific objectives. Literature review is undertaken in this chapter in line or in thematic reference to the specific objectives of the study. Consequently, gaps are identified in the literature which the study aimed to fill at the end of interrogation variables that have been interacted with. The theoretical framework

on which the study was to be anchored upon, is also contained in this chapter in addition to the hypotheses and methodology applied in the study in order to arrive at the intended findings. Finally, the chapter outline is found at the tail end of this chapter which provides a brief succession of chapters contained in the study.

Chapter two of this study, is drawn from the first specific objective contained in chapter one that evaluates the status of and impediments to peace and security in Africa. This chapter outlines the status of peace and security in Africa and outlines the impediments to peace and security in Africa which consist of both internal and external impediments.

Chapter three of this study, interrogates the impact of illicit SALW in Kenya. Within this chapter, there key areas are identified as most affected by illicit SALW and they include political as well as economic impacts. In terms of political impacts, political instability and compromise of national and human security, are identified as some of the major political impacts. As for economic impacts, illicit SALW have been linked to the economic regression of the areas where they are mostly used in clashes especially in activities such as cattle rustling and banditry. Also, illicit SALW have been cited as a catalyst for militarization of society as well as led to the proliferation of transnational organized crime networks.

In chapter four of this study, the strategies towards countering the proliferation of illicit SALW and overall promotion of peace and security in Africa, are discussed. This chapter looks at institutional mechanisms and the manner in which they can be strengthened in order to effectively address the challenge of illicit SALW. Promotion of good governance and pursuit of strategic and mutually beneficial partnerships, are proposed as strategies that serve to address a host of challenges faced on the African continent. Enhanced civil society engagement, emerges as one of the focal points for

strengthening of strategies towards countering the proliferation of illicit SALW. Finally, the adoption and integration of technology in addressing the challenges attendant to the proliferation of illicit SALW especially in the areas of marking and tracing of arms, is identified as a gamechanger.

Chapter five, looks at data analysis and presentation of findings made as a result of the analysis. This comprises appreciating the socio-demographic composition of the respondents in terms of gender, and professional background in order to ensure that different facets are addressed as well as eliminate any form of bias. The analysis is the result of responses from questions raised through questionnaires which are in thematic reference to the objectives of this study. The resultant findings, are crucial in the shaping of recommendations, both academic as well as policy, in order to enhance the provision of solutions the attendant challenges related to illicit SALW and their impacts.

## **6.2 Conclusions**

The challenges to peace and security that afflict the African continent, have their roots in both the internal as well as external environment. Interference into the affairs of the continent from external actors, especially states and institutions especially for geostrategic rationales has for one emerged as a factor that has derailed efforts towards attainment of lasting peace and security. Political, economic as well as social challenges such as, prevalent conflict, ideological differences even at intra-state level, poor governance amongst others, form part of the internal challenges within the continent, that have consistently impaired the capacity for the attainment of peace and security. The above combination of challenges, has affected the capacity of the continent to fully integrate as well as ensure its agency holds any meaning, in the international system.

Conflicts in particular, have served to expose the fragility of institutions and compliance to them by members especially states, who have either used the former for strategic cover or have totally watered down their importance. Dependency on external entities such as states as well as actors such as the Bretton Woods institutions, has served to weaken the capacity of the continent to independently deal with its own challenges. Rather than leading to a scenario where engagements between the continent and external actors are mutually beneficial, the continent has always been dealt a band hand and it is acknowledgeable that, the continent's leadership, has been complicit in its exploitation.

As a particular challenge, the proliferation of illicit SALW on the continent, has been identified as having diverse negative repercussions in relation to peace and security on the African continent. Kenya in particular, which finds itself in the HOA security complex, has been severely impacted by the illicit SALW. The number of arms in the hands of civilians, has led to a militarization of society, exposed the weaknesses inherent within institutions, brought about economic regression amongst other challenges.

Interactions especially amongst pastoral communities, both within Kenya's territory as well as at the border points, have often been friction-laden, with illicit SALW increasingly replacing traditional crude weapons, being at the heart of clashes witnessed in spaces such as the Karamoja Triangle. Security agencies, have also been found as being complicit in the diversion of SALW into the hands of entities such as pastoral communities amongst others and thereby compromising national security as well as human security.

Kenya, like any other like actor in the international system, is not insulated from forces and dynamics in its external environment. Spill overs from conflicts within the HOA, have impacted negatively on Kenya's national security especially the movement of refugees across borders who have been known to move with illicit SALW. Long porous borders that Kenya shares with its neighbours and who are facing their own security challenges for instance Somalia, does not bode well for the nation's security, since threats are known to travel fastest in the shortest of distances.

The multifaceted nature of crimes witnessed in the HOA region that Kenya finds itself in, has been found to drive the demand for illicit SALW. These include poaching, cattle rustling, violent extremism, piracy amongst others, coupled by weak institutions as well as ungoverned spaces, has created a cocktail of factors that have rendered states vulnerable to a diverse nature of challenges. The effectiveness of institutions tailored to address the challenge of illicit SALW proliferation such as RECSA as well as the Kenya National Focal Points on SALW has been characterized by challenges of various dimensions. Gaps continue to persist in terms of addressing aspects such as disarmament, tracing as well as brokerage of illicit SALW in a region that sees the intersection of the Great Lakes Region and the Horn of Africa.

As earlier appreciated, diversion of legitimate SALW into the hands of undocumented actors, has served to increase the risk of not only crime but also the potential for conflict has been heightened as well. This is in full appreciation of a large pool of unemployed youths who have been misused as conflict labour especially by political actors as well as other entities to either intimidate or settle scores. The 2007/8 post-election period in Kenya, served as a clear indicator where an environment characterized by political tension, as well as a large pool of unemployed youths, who have access to weaponry can be misused to wreak havoc.

Besides challenges to political stability illicit SALW, have impacted negatively on different pillars of Kenya's society ranging from economic underdevelopment as well as degradation of social cohesion. In terms of economic degradation, areas afflicted by the proliferation of illicit SALW, have acted as deterrent to would be investors, impaired the capacity of the state to deliver vital services as well as set up infrastructure amongst others.

Frequent travel advisories issued by foreign governments, loss of business for instance the diversion of the oil pipeline that was expected to pass through Kenya from Uganda to Tanzania due to claims of persistent conflict along the intended route, are some of the challenges to the Kenyan economy. Interestingly, illicit SALW have been found to pose a great threat to public health given the maiming's and deaths reported in slum areas especially amongst people with little or no means to access treatment or even insurance to cover for the injuries suffered from illicit SALW.

In terms of strategies aimed at countering the proliferation of illicit SALW and their impacts in Kenya and beyond, there exists several that can be adopted for purposes of rising up to the challenge of illicit SALW. First and foremost, is the strengthening of institutions that exists on the African continent especially in relation to their capacity. It has been acknowledged that, institutions have faced challenges ranging from underfunding, ideological differences and most importantly, lack of political will from member states to address the emergent challenges. However, the role of institutions as platforms for the perpetuation of norms and values, provide a unique opportunity that can be built upon as sources as well as reference points for solutions towards the multiple challenges, experienced on the continent.



The APRM emerges as one of the more prominent institutions where good governance has formed a key agenda and critical steps have been taken to ensure accountability to commitments made by member states. This can be replicated across the continent as a template where other states can join in on the APRM initiative, to foment good governance on the African continent. Despite expected challenges with the way institutions function, the APRM is a good pointer towards better prospects towards enhancement of good governance on the African continent.

Regional Economic Communities (RECs), have been identified as critical cogs in the wheel towards the attainment of not just economic progress on the continent, but more crucially, as the basis for the attainment of enduring peace and security on the continent. Serving as building blocks for the larger entity that is the AU and as envisioned in the Abuja Treaty, they offer the best platforms for development of unique solutions towards challenges of peace and security, at the sub regional level. It is to be understood that by working through regional organizations, states lower the transaction costs of engaging with other like actors, as well as ensuring that through collective action, the prospects of resorting to conflict reduce drastically.

The importance of civil society cannot be gainsaid especially when they are approached as being complimentary the functioning of state authorities. Understandably, the relationship between civil society and state authorities in some spaces, has been one characterized by antagonism and suspicion especially on the part of the state. This should not be the case as states and civil society, all enjoy comparative advantages in the spaces that they operate in and this can be tapped into, for the mutual benefit of all involved. The state provides the space for civil society to operate as well as sets the rules of engagement to be pursued, while civil society on its part has a unique connection with the citizenry and communities where they operate especially where the

state has a limited footprint. With that appreciation, the two entities can work together in spaces such as information sharing for the betterment of society not just within states but at continental level as well.

Finally, adoption of technology has been found to be a critical platform for revitalizing development on the continent but most importantly, as a component that can be leveraged upon to provide solutions to a host of challenges affecting the continent. In particular, when it comes to addressing the challenge of illicit SALW, technology has emerged as vital platform especially in addressing challenges such as tracing the movement arms specifically to prevent diversion, better record keeping, as well as complimenting the human resource capacity available, to address the challenge of illicit SALW.

## **6.3 Recommendations**

### **6.3.1 Academic Recommendations**

- In depth research is recommended especially by the academia, on the drivers and loopholes that underlie the demand and proliferation of illicit SALW. This is with the aim of generating more knowledge into the gaps within policy, that various entities exploit in the proliferation of illicit SALW, as well as enhance better approaches for adoption by immigration officials in the management of Kenya's entry points, to curb gun smuggling amongst other crimes.
- Enhanced collaboration is required between the academia and agencies such as the APRM, in order to enhance the capacity to consolidate the best practices learnt from the execution of functions of such agencies as the APRM. It is also vital for the academia to undertake enhance in-depth research on the factors behind institutional weaknesses, in order to generate informed solutions, to improve the efficiency of institutions in Africa.

- In appreciation of the challenges encountered in the conducting disarmament exercises, enhanced inquiry by the academia is recommended, especially on theoretical underpinnings that inform arms control strategies and disarmament in particular. This is for the purpose of developing better and effective approaches, to disarmament as well as arms control without compromising the security of actors involved and in the same measure, address challenges of brokerage of illicit SALW.
- Enhanced collaboration is recommended amongst research institutions such as the Institute for Security Studies, the African Capacity Building Foundation and the academia across the continent, in order to identify better mechanisms, aimed at increasing the efficiency of RECs, in order to ensure that they promote peace and security on the African continent.

### **6.3.2 Policy Recommendations**

- In recognition of the scale and level technological uptake in Kenya especially the internet and digital platforms, policy makers within the Ministry of Interior and Coordination of National Government as well as the Ministry of Information and Communication can tap into ICT platforms to enhance community awareness on the dangers of illicit SALW. The timely flow of information between members of the public and states authorities, can as well enhance the capacity of the latter, in tracing of illicit SALW.
- Increased and timely funding of institutions such as the African Union and RECs especially by member states, is vital in enhancing the capacity of these institutions to perform their functions, and respond promptly to issues that pose threats to peace and security at both regional and sub regional level.

- Adoption of a better framework to enhance a harmonious relationship between state authorities and civil society actors, is critical if the comparative advantages of both entities are to be maximized. A good working relationship between state actors and civil society actors is vital, especially in ensuring a balance between national security and human security needs.
- Enhancement of interagency cooperation especially amongst law enforcement, immigration and the intelligence community, is critical in ensuring that proliferation of illicit arms particularly from outside Kenya's borders, is curbed as well as addressing issues of brokerage and diversion of legitimate arms into the hands of criminal elements, especially those involved in transnational organized crime.
- The Kenya National Assembly, needs to develop laws that aim towards enhanced jail terms and hefty fines for the crime of corruption. By raising the bar of integrity and accountability as well as dealing effectively with corruption, such measures can act as proper deterrents for would be perpetrators of graft, that has made the nation vulnerable to different forms of criminal sabotage.
- Replication and strengthening of well thought out and structured frameworks such as that between the AU and UN through UNECA, is crucial in ensuring that partnerships that the continent enters into with external actors, are mutually beneficial for all involved, rather than exploitative. This is especially important at a time when there is a renascent interest on the African continent, especially by external actors in the form of different summits initiated by powers such as India, Japan and China.
- Strengthening of Regional Integration in Africa and particularly the RECs by member states, is vital in order to enhance creation of more opportunities for

the ever-expanding youthful population. This is in acknowledgement of the risks posed by ignoring the plight of this constituency which has often been misused for conflict labour, and by constructively engaging them will help build the momentum towards a peaceful and prosperous Africa.

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## APPENDICES

### APPENDIX I: QUESTIONNAIRE

*My name is Robinson Gakuo Njuguna, a Master of International Studies Student at the University of Nairobi, carrying out a study on The Promotion of Peace and Security in Africa: Impact of illicit SALW in Kenya. The responses from this study will only be used for academic purposes towards this study and will be treated with utmost confidentiality.*

#### **PART A: General information**

1. Name (Optional) -----
2. Gender -Male [  ] Female [  ]
3. Age Below 20 years [  ] 21-30years [  ] 31-40 years [  ] 41-50 years [  ] 51-60 years [  ]
4. Highest level of education? PhD [  ] Masters [  ] First degree [  ] Diploma [  ]  
College certificate [  ] “A” level [  ] “O” level [  ]
5. Professional Background Researcher [  ] Civil Society [  ] Government [  ]  
Academia [  ]

#### **PART B: Questions**

6. In your opinion, what forms the greatest impediment to the achievement of lasting peace and security on the African continent.  
  
Bad Governance [  ] Persistent Conflicts [  ]  
  
External Interference in the Affairs of African States [  ] Illicit SALW [  ]

7. How would you perceive the role of civil society, in addressing the challenge of illicit (Small Arms and Light Weapons) SALW in Kenya.

Very Important [ ] Fairly Important [ ] Important [ ] Less important [ ]

8. What would you identify as the greatest impact of good governance, on peace and security on the African continent?

a) Political Stability [ ] Economic Development [ ] Social Cohesion

9. In your assessment, how would you assess the performance of the National Focal points on Small Arms and Light Weapons and institutions such as RECSA, in addressing the challenge of illicit SALW?

Highly Effective [ ] Fairly Effective [ ] Effective [ ] Not Effective [ ]

10. What do you perceive as the greatest driver, of the proliferation of illicit SALW in Kenya?

Corruption [ ] Porous Borders [ ]

Conflicts within Kenya and in the region [ ] High Rate of Unemployment [ ]

11. In your perspective, what would you identify as the biggest obstacle to disarmament of illicit SALW in Kenya?

Poor Inventory Keeping [ ] Intelligence failure [ ] Corruption on the part of law enforcement authorities [ ] Ineffective institutions

12. In your assessment, what is the correlation between proliferation of illicit SALW and the increase in transnational organized crime?

Very High [ ] Fairly High [ ] Low [ ] Fairly [ ]

13. To what extent has the proliferation of illicit SALW, led to a militarization of the Kenyan society.

Very High [ ]      Fairly High [ ]      Low [ ]      Very Low [ ]

14. Which pillar in your assessment, has been most impacted by illicit SALW in Kenya?

Political [ ]      Economic [ ]      Social [ ]

15. Which of the following strategies do you appreciate as being the best solution to addressing the challenge of illicit SALW

Economic empowerment of societies [ ]      Enhancing the capacity of institutions [ ]

Increased law enforcement [ ]      Increased Civil Society engagement [ ]

16. What can be done to enhance the working relationship between state authorities and civil society, for better responses to the challenge of illicit SALW?

Briefly explain.-----  
-----  
-----

17. Which area do you perceive the adoption of technology would have the most impact, in countering illicit SALW?

Tracing the flow of arms across different spaces [ ]

Marking of legitimate SALW [ ]

Increasing Public Awareness on the dangers of illicit SALW [ ]

Maintenance of SALW inventories [ ]



18. To what extent do you perceive community engagement, would enhance strategies aimed at countering the proliferation of illicit SALW.

Very High [ ]

Fairly High [ ]

Low [ ]

Very Low [ ]

19. Which do you perceive as the greatest weakness to the working of institutions in Africa?

Underfunding [ ]

Lack of political goodwill from member states [ ]

Overlapping membership by states [ ]

Ideological differences amongst members [ ]

20. Would you say external political and economic interests, are an impediment to lasting peace and security on the African continent?

Strongly Agree [ ]

Agree [ ]

Strongly Disagree [ ]

Disagree [ ]

21. What would you recommend as the best strategy, to address the challenge of illicit SALW in Kenya? -----

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## APPENDIX II: BUDGET PLAN FOR DATA COLLECTION AND ANALYSIS

	ITEM	EXPENDITURE
1.	Travel	Kshs 5,000
2.	Data Analysis and Coding	Kshs 6,000
3.	Accommodation	Kshs 4,000
4.	Research and Data Collection Assistant Fee.	Kshs 5,000
	<b>TOTAL</b>	<b>Kshs 20,000</b>

## APPENDIX III: WORK PLAN

	MAY 2020	JUNE 2020	JULY 2020	AUG 2020	SEP 2020	OCT 2020	NOV 2020	DEC 2020
LITERATURE REVIEW								
DESIGNING RESEARCH INSTRUMENTS eg Questionnaires								
1 <sup>st</sup> Proposal Defense								
Piloting of the Study/ testing instruments								
Data Collection and Analysis								
Project Writing								
Final Defense								
Graduation								

# APPENDIX IV: LETTER FROM THE UNIVERSITY



**UNIVERSITY OF NAIROBI**  
College of Humanities and Social Sciences  
**Institute of Diplomacy and International Studies**

Tel : (02) 318262  
Telefax : 254-2-245566  
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Telex : 22095 Varsity Ke Nairobi, Kenya  
E-mail : director-idis@uonbi.ac.ke

P.O. Box 30197  
Nairobi  
Kenya

September 29, 2020

TO WHOM IT MAY CONCERN

RE: NJUGUNA ROBINSON GAKUO – R50/12098/2018

This is to confirm that the above-mentioned person is a bona fide student at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi pursuing a **Master of Arts Degree in International Studies**. She is working on a research project titled, **“PROMOTING PEACE AND SECURITY IN AFRICA: IMPACT OF SMALL ARMS AND LIGHT WEAPONS IN KENYA”**.

The research project is a requirement for students undertaking Masters programme at the University of Nairobi, whose results will inform policy and learning.






Any assistance given to him to facilitate data collection for his research project will be highly appreciated.

Thank you in advance for your consideration.



**Professor Maria Nzomo,**  
Director, IDIS  
&  
Professor of International Relations and Governance

## APPENDIX V: RESEARCH LICENSE FROM NACOSTI

 REPUBLIC OF KENYA	 NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
RefNo: 220798	Date of Issue: 17/November/2020
<b>RESEARCH LICENSE</b>	
	
<p>This is to Certify that Mr. ROBINSON GAKUO NJUGUNA of University of Nairobi, has been licensed to conduct research in Baringo on the topic: <b>PROMOTING PEACE AND SECURITY IN AFRICA: IMPACT OF SMALL ARMS AND LIGHT WEAPONS IN KENYA</b> for the period ending : 17/November/2021.</p>	
License No. BAHAMAS ABS/P/20/7715	
220798 Applicant Identification Number	 Director General NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
	Verification QR Code 
<p>NOTE: This is a computer generated License. To verify the authenticity of this document, Scan the QR Code using QR scanner application.</p>	

## APPENDIX VI: PLAGIARISM REPORT

### Research Project MA Thesis

#### ORIGINALITY REPORT

<b>11</b> %	<b>9</b> %	<b>7</b> %	<b>4</b> %
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

#### PRIMARY SOURCES

<b>1</b>	<a href="http://www.doria.fi">www.doria.fi</a> Internet Source	<b>1</b> %
<b>2</b>	<a href="http://erepository.uonbi.ac.ke:8080">erepository.uonbi.ac.ke:8080</a> Internet Source	<b>&lt;1</b> %
<b>3</b>	<a href="http://fissilematerialsworkinggroup.org">fissilematerialsworkinggroup.org</a> Internet Source	<b>&lt;1</b> %
<b>4</b>	<a href="http://erepository.uonbi.ac.ke">erepository.uonbi.ac.ke</a> Internet Source	<b>&lt;1</b> %
<b>5</b>	THOKOZANI THUSI. "ASSESSING SMALL ARMS CONTROL INITIATIVES IN EAST AFRICA", African Security Review, 2003 Publication	<b>&lt;1</b> %
<b>6</b>	<a href="http://pdfs.semanticscholar.org">pdfs.semanticscholar.org</a> Internet Source	<b>&lt;1</b> %
<b>7</b>	"The Palgrave Handbook of Peacebuilding in Africa", Springer Science and Business Media LLC, 2018 Publication	<b>&lt;1</b> %

[mafiadoc.com](http://mafiadoc.com)