



NATIONAL DEFENCE UNIVERSITY-KENYA

**EFFECT OF PROLIFERATION OF ILLICIT SMALL ARMS AND LIGHT WEAPONS
ON KENYA'S NATIONAL SECURITY. A CASE STUDY OF WEST POKOT COUNTY.**

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DISCLAIMER

The information presented in this Research Project is generated from my own experience, Literature Review and field data and in no way does it represent the views of National Defence University-Kenya.

21STOCTOBER, 2023

Declaration

I, Josphat Njeru Nthiga hereby declare that this research project is my original work and has not been presented for a degree in any other University.

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Dedication

I dedicate this research project to my lovely wife Jesca, and children Liz Gakii, Precious Kathoni, Levi Mukiri, and Dylan Muriuki, and to my treasured parents Wilson Nthiga and Munyu Nthiga.

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Abstract

Unchecked proliferation of Small Arms and Light Weapons (SALWs) is a major threat to national, regional and international security. There are various causes for proliferation of illicit Small Arms and Light Weapons which include: diversion from national stockpiles of different countries as a result of civil wars, and circulated through arms trafficking to various parts of the world, those smuggled by arms manufacturers, illegal sale by security officers among others. Global, regional and national estimates of illicit arms outweigh the legal government arms held by the military and law enforcement agencies hence this explains insecurity in various parts of the world. In Kenya as a result of neighborhood with countries that experience internal political turmoil, proliferation of illicit Small Arms and Light Weapons has been very rampant. Pastoralist communities in the Arid and Semi-Arid areas of Northern Kenya are the most affected and this has resulted to perennial insecurity in that region with resultant underdevelopment and national insecurity. This study was therefore undertaken to determine the effect of proliferation of illicit Small Arms and Light Weapons on Kenya's national security in order to come up with policy recommendations that can be adopted to arrest the situation. The research was undertaken in four Sub Counties of West Pokot County that are most inflicted with illicit SALWs insecurity. Data was collected through interviews and questionnaires using sample sizes of thirty and one hundred and ten respondents respectively. A pragmatic research design was adopted with triangulation approach applied in data collection, presentation, and analysis. The study considered two theories; Social Identity Theory and Rational Choice Theory to establish the drivers of proliferation of illicit SALWs amongst civilians in spite of the government providing security to its citizens. The objectives of the study were; to examine the impact of proliferation of illicit Small Arms and Light Weapons (SALWs) on Kenya's National Security, to assess the effects of Alternative Dispute Resolution (ADR) instruments on illicit Small Arms and Light Weapons' proliferation control on National Security in West Pokot County, and to find out the security measures to counter illicit Small Arms and Light Weapons proliferation that have been adopted to enhance National Security in West Pokot County. From the research findings, it was established that proliferation of illicit SALWs had adversely affected national security. Alternative Dispute Resolution instruments applied by various stakeholders were found to have significantly contributed to alleviation of this national vice. However, the efforts undertaken by national security organs in alleviating proliferation through law enforcement approaches were reported to have been ineffective, though those that applied participatory soft enforcement strategies had some levels of success. Both the law enforcement, and Alternative Dispute Resolution approaches were hindered by constraints that if addressed could boost the fight against illicit SALWs proliferation in Kenya. Various policies were recommended to reduce proliferation of illicit SALWs in West Pokot County and these were; sustained security operations, supporting ADR efforts, strategic deployment of formed up police units accompanied by modern technological advancements, uniform implementation of government security directives, infrastructural developments, and regional cooperation.

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Acronyms

ADR- Alternative Dispute Resolution

ASTU- Anti-Stock Theft Unit

BPU- Border Police Unit

CSIC- County Security Intelligence Committee

DDR- Disarmament Disengagement and Reintegration

EAC- East African Community

FGM- Female Genital Mutilation

FUPs- Formed Up Police Units

GSU- General Service Unit

IGAD- Inter-Governmental Authority on Development

KNFP- Kenya National Focal Point

NDU- National Defence Unit

NGOs- Non-Governmental Organizations

NPR- National Police Reservist

NSC- National Steering Committee

PoA- Plan of Action

PCE- Pokot Council of Elders

RSIC- Regional Security Intelligence

RDU- Rapid Deployment Unit

SALWs- Small Arms and Light Weapons

SDG- Sustainable Development Goals

SCSIC- Sub-County Security Intelligence Committee

UAVs- Unmanned Aerial Vehicle

CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.0 Introduction

Proliferation of illicit Small Arms and Light Weapons (SALWs) has posed major security challenges in the world over the years. The security challenges posed by proliferation of illicit SALWs include: threats to civil stability of states since SALWs are used to trigger civil wars in various third world countries; they are also used in commission of organized crimes, terrorism, forceful displacement of population, cattle rustling, and commission of various criminal offences either by individuals or groups. Such offences include; homicide, robbery, theft, hijacking, kidnapping, banditry among other many kinds of offences. This therefore implies that proliferation of illicit SALWs is a major precursor for national, regional and global insecurity.

To avert the insecurity arising from proliferation of illicit SALWs in Kenya, which has consequently resulted to perpetual insecurity in the northern region of Kenya, a detailed investigation focusing on negative impacts of proliferation of SALWs, alternative dispute resolution instruments applied so far and practical counter-illicit SALWs proliferation measures that can be implemented in prevention and elimination of illicit SALWs instigated insecurity has been undertaken.

The introduction section of this research project thus contains the background of the study, statement of the problem, research questions and the objectives of the study, literature review, methodology, hypothesis, justification of the study, conceptual framework, methodology, definition of terms and the chapter outline.

1.1 Background of the Study

The Global Firearms Holdings estimates that there are about one billion firearms in the world. Out of these; Eight Hundred and Fifty-Seven Million (85%) are in civilian hands, One Hundred and Thirty-Three Million (13%) are military arsenals and Twenty-Three Million (2%) are held by law enforcement agencies. This high number of firearms globally in civilian hands and therefore contributing to global insecurity must have informed the United Nations General Assembly in 2015 to adopt Peace, Justice and Strong Institutions as one pillar of the Sustainable Development Goals (SDGs). The SDG number 16.4 envisages significantly reducing illicit arms flows and combating all forms of organized crime by the year 2030.¹

In the UN Programme of Action on small arms (PoA) Third Conference held in 2018, member states declared that they were committed to the full implementation of both PoA and the International Tracing Instrument (ITI) was essential for sustainable peace, reconciliation, security and promotion of sustainable development. The effort to attain this goal is however facing a lot of challenges arising from the secrecy, complexity and multifaceted nature in which illicit small arms trade is grounded.²

According to the Small Arms Survey conducted by Africa Union in 2018; African civilian actors who included private individuals, registered security businesses and non-state armed groups were in possession of more than forty (40) million small arms. These translate to approximately 80% of all small arms in the continent. In contrast, the continent's armed forces and law enforcement personnel hold less than eleven (11) million small arms.

¹ Nicolas Florquin, Sigrid Lipott & Francis Wairagu. Weapons Compass: Mapping Illicit Small Arms Flows in Africa. 2010. Geneva: Small Arms Survey.

² Ibid

Among the 40 million civilian-held firearms in Africa; 5,841,200 are officially registered, 16,043,800 are officially not registered while the state of the remainder remains unclear. This implies that over 50% of the Africa civilian-held firearms are not under governments control and monitoring and some are probably used for unlawful purposes. Western Africa has the highest number of civilian-held firearms (at 10,972,000 firearms), followed by Northern Africa (at 10,241,000 firearms) while Eastern Africa has 7, 802,000 civilian held firearms. It has also been proven that from the civilian-held firearms majority are military-origin rifles (more than 60%), followed by handguns (11%) and imitation firearms (4%). In the operation against Boko Haram, the weapons recovered by the Multinational Joint Task Force against Boko Haram included AK-, G3- and FAL- pattern rifles. These are firearms that were manufactured in 1980s in Belgium, the then West Germany and the then Soviet Union. Most of these were firearms smuggled from Libya to Cameroon, Niger and Nigeria due to civil strife.³

Proliferation of Small arms and Light Weapons (SALWs) globally is thus a major security challenge and this affects individuals and societies around the world. It also poses an enormous hurdle to attainment of sustainable global security, peace and development. SALWs are the main ingredient in fueling of civil wars, organized crimes and terrorist activities. They also drastically undermine high value capital intensive development programs and other humanitarian assistance programs due to fragile nature of states

³ Ibid

inflicted by SALWs proliferation.⁴ Reports show that thirty-eight per cent (38%) of global violent deaths are inflicted using firearms.⁵

In Africa, several countries have high rate of violent-deaths and these are mainly countries that have been at different stages of either armed conflicts or civil wars; Central African Republic, Lesotho, Botswana, South Africa, South Sudan, Mali, Namibia, Somalia, Chad, Eritrea, Ethiopia and Uganda experienced a death toll of more than twelve persons per every one hundred thousand people in their population in decreasing order in the year 2020 as a result of violent conflicts.⁶ In Nigeria, the direct conflict deaths increased by 27 per cent to 6300 deaths in 2019 whereas the other G5 Sahel region countries (Burkina Faso, Chad, Mali and Niger) recorded a combined total of 2900 fatalities representing a 76 per cent increase in 2019 as compared to 2018.⁷ This was attributed to escalation of armed conflicts. This implies that weapons' trafficking is the most important source of illicit arms in Africa. The weapons trafficked include not only legacy weapons being recycled from concluded conflicts but also weapons that were recently diverted from national stockpiles from past wars in Libya, Central Africa Republic, South Sudan, Somalia among other countries experiencing internal conflicts.

In Eastern Africa, the proliferation of SALWs can be attributed to unstable governments and hence civil wars. The defeat of Idi Amin in 1979 led to vandalism of military armories in Northern Uganda which led to proliferation of small arms in North Rift Kenya. Also,

⁴ Ogana Moreen. *Small Arms and Light Weapons. A Case Study of Kenya*. United States International University-Africa. Nairobi. 2013.

⁵ Gergely Hideg and Ann Alvazzi. *Still Not There: Global Violent Deaths Scenarios 2019-2030. Security Assessment in North Africa*. nbMedia, Geneva February, 2021. pp.4-7

⁶ Ibid

⁷ ibid

the overthrow of Mengistu Haile Mariam of Ethiopia contributed to increased small arms flows in Kenya. The instability of Somalia has made Somalia the transit point for weapons in East Africa. The civil strife in South Sudan over the years has also been a cause of proliferation of SALWs in the region. Firearms from government stockpiles during civil wars in South Sudan eventually end up in Kenya and Ethiopia which are regional allies to South Sudan.⁸ This shows cross-national trafficking of SALWs among neighboring communities hence the concept of social identity theory is hereby applicable.

Kenya as a state has struggled with insecurity for quite a lengthy duration. This insecurity is largely attributed to proliferation of SALWs.⁹ Both internal and external factors contribute to the firearms challenges facing the country. Domestically social, economic and political causes have contributed to the demand for and proliferation of small arms. Externally, long and continued political instability in South Sudan and other Horn of Africa states, exacerbated by long porous and poorly policed borders have contributed to the SALWs proliferation hence the national security challenge facing Kenya.¹⁰ The most affected areas of Kenya are the North Eastern, Upper Eastern and North Rift regions of Kenya. These are regions that border conflict prone countries i.e., Somalia, South Sudan, Ethiopia and Uganda. Internally, the porous international borders, inadequate internal national security, occasional inter-ethnic clashes, the advancement in cattle raiding to a more lethal gun biased commercialized practice are the key contributors to insecurity in

⁸ Joseph, K. Gikonyo. *Illicit Proliferation and Use of Small Arms and Light Weapons and Human Security in East Africa. A Case Study of Kenya*. University of Nairobi. Masters Degree Thesis, 2015.

⁹ 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*. 2012. Geneva, Small Arms Survey.

¹⁰ Ibid

North Rift.¹¹ The proliferation of SALWs has been responsible for most of persistent armed conflicts and combat deaths in North Rift hence the high insecurity levels in the region.¹² The prevalence rate of SALWs in West Pokot County still remains relatively high and this has contributed to conflicts and subsequent underdevelopment in the Kerio Valley Basin.¹³ The entry routes into West Pokot County are mainly: South Sudan- Lokichogio- Lodwar - West Pokot and Uganda- Kacheliba- Kapenguria.¹⁴

1.2 Statement of the Research Problem

The Northern region of Kenya which is majorly inhabited by pastoralist communities has struggled with insecurity for quite a long time and thus it has been classified as a high volatility region in Kenya's security classification. The insecurity is occasioned by inter-ethnic conflicts and cattle rustling amongst the pastoralist communities. Inter-ethnic conflicts occur as a result of communal competition for resources such as scarce pasture and water and also expansionist approach by some communities. On the other hand, the practice of cattle rustling has nowadays evolved and is practiced for commercial reasons and through community-oriented armed criminal networks that cross communal and international borders unlike in the past when it was practiced for restocking after a severe drought and for customary purposes and rarely caused violence and/or death. This has institutionalized illegal gun-running culture in the region.

¹¹ Kinanga, G. Anyoka. Impact of Small Arms and Light Weapons Proliferation on Security in Turkana County. Kenyatta University, MA Thesis. 2017.

¹² Joseph, K. Gikonyo. Illicit Proliferation and Use of Small Arms and Light Weapons and Human Security in East Africa. A Case Study of Kenya. University of Nairobi. Masters Degree Thesis.2015.

¹³ Hassan M, Nur, Prof. P.G, Okoth, Dr. Murumbi Wangamati. Strategies used in Curbing Illicit Small Arms Proliferation with A View to Enhancing Human Security in West Pokot County in Kenya. *International Journal of Recent Research in Social Sciences and Humanities. Paper Publications.* P35. www.paperpublications 8/9/22 1500hrs.

¹⁴ Githaga, M. Wairimu. Securing Peace in East Africa. Curbing Proliferation of Small Arms and Light Weapons in Kenya. University of Nairobi. M.A Thesis

The main cause of insecurity is attributed to unchecked rise in the number of illicit small arms and light weapons possessed by the civilians inhabiting the pastoral areas of Northern Kenya and also held by their neighbors from Eastern Uganda, South Sudan and Ethiopia. Various indicators portray the proliferation of small arms and light weapons and include; increased number of firearms recovered during amnesties and government sanctioned voluntary surrender of illegal firearms, number of firearms recovered during targeted forceful disarmaments, number of fatal and non-fatal injuries inflicted using civilian firearms, increased crime incidents such as cattle rustling and banditry, closure of institutions such as schools in conflict prone areas, mass displacement of civilians, constant inter-community tensions among other forms of human insecurity.

This insecurity caused by proliferation of illicit small arms and light weapons has intensively undermined national security in the region hence causing the area to appear like it has been neglected by the government even though a lot of effort has been put by the state and other stakeholders in addressing insecurity in West Pokot County. Indicators of national insecurity include: large contingents of Formed Up Police Units (FUPs) deployed in the area, increased numbers of fatalities and injuries, cattle rustling incidences, increased frequency and magnitude of inter-ethnic clashes, displacement of local population, dysfunctional social institutions etc. This research therefore aims at examining the effect of proliferation of illicit SALWs on national security with the objective of problematizing the recommendations to enhance wider national security.

1.3 Research Questions

- i. What is the impact of proliferation of illicit Small Arms and Light Weapons on Kenya's National Security?
- ii. What are the effects of Alternative Dispute Resolution Instruments targeting control of illicit Small Arms and Light Weapons' proliferation on National Security in West Pokot County?
- iii. What counter illicit Small Arms and Light Weapons' proliferation security measures have been adopted to enhance National Security in West Pokot County?

1.4 Objectives of the Study

1.4.1 General Objective

To establish the effect of proliferation of illicit Small Arms and Light Weapons (SALWs) on Kenya's National Security.

1.4.2 Specific Objectives

- i. To examine the impact of proliferation of illicit Small Arms and Light Weapons (SALWS) on Kenya's National Security.
- ii. To assess the effects of Alternative Dispute Resolution Instruments on illicit Small Arms and Light Weapons' proliferation control on National Security in West Pokot County.
- iii. To determine the security measures to counter illicit Small Arms and Light Weapons proliferation that have been adopted to enhance National Security in West Pokot County.

1.5 Literature Review

Literature review is defined as the systematic identification, location and analysis of secondary data sources that contain information related to the research problem being investigated. This helps the researcher to avoid unnecessary and unintentional duplication, form a framework within which research findings are to be interpreted and also demonstrate researcher's familiarity with the existing body of knowledge.¹⁵ This section looked at both the theoretical and empirical literature on effects of proliferation of illicit small arms and light weapons on national security.

1.5.1 Theoretical Literature Review

This section looked at theories that motivate either an individual, group of individuals or members of a community to collectively engage in an unlawful activity whether ignorantly or with full knowledge and hence compromise on the national security.

According to one major school of thought advanced by Karl Popper (1902-1994), a theory should come first, and then it's followed by research for a feasible research process. This is referred to as theory-then- research strategy. Popper argued that scientific knowledge advances most rapidly when scientists develop ideas and then attempt to refute them through empirical research (refutation). It is based on this school of thought that this research project adopted the theory- then- research strategy.¹⁶

In this section, literature relating to theories that explain proliferation of Small Arms and Light Weapons (SALWs) and specifically focus on SALWs proliferation amongst

¹⁵ Mugenda, M. Olive & Mugenda, G. Abel. Research Methods. Quantitative and Qualitative Approaches. Kenya: Acts Press, 1999.

¹⁶ Chava Frakfort & David Nachmias. Research Methods in the Social Sciences. (5th Edition). Great Britain. St. Martin's Press. Inc.1996.

communities living in Arid and Semi-Arid Lands (ASALs) and that support conflicts amongst communities and the motivations for communities to acquire illegitimate means to protect lives and property were examined. The identified and relevant theories in this case were:

1.5.1.1 Rational Choice Theory

The Rational Choice Theory originated during the late 18th Century with the work of Cesare Beccaria and Jeremy Bentham. This theory looks at the costs and benefits of conflicts. Rational choice theories of conflict start from the proposition that individuals will conduct civil war if the perceived benefits outweigh the cost of the rebellion. The idea is that people are rational agents and have choice also in settings of war. Violence is thus seen as a product of individual rational action, not collective resentment.¹⁷ This theory makes various assumptions. First the individual is a rational decision maker and second in rational choice theory, the individual is the objective utility maximizer.¹⁸ This theory argues that people set goals and preferences and calculates the possibility of achieving each of these goals by weighing costs and benefits and the utility of each outcome. In the end they chose the one with the highest expected utility hence the term rational choice. Paul Collier's theory of greed is also based on the rational choice concept; where rebel groups tend to justify their aggressive action on narratives of grievance for a particular cause whereas the actual cause of involvement in that conflict is not the loud discourse of grievance but the silent force of greed. Generally, the motivations for conflict are broken into two distinct extremes. On the

¹⁷ John Garnett. *Theories of Peace and Security. A Reader in Contemporary Strategic Thought.* Macmillan St. Martin's Press Inc. New York.1970.

¹⁸ Jolle Demmers. *Theories of Violent Conflict. An Introduction.* Routledge 2 Park square, Milton Park. 2012.

one hand, rebellions usually arise because rebels aspire to gain wealth by capturing resources extra-legally and this type of motivation is called greed. On the other hand, rebels aspire to rid their group, of an unjust regime: in this case the rebellion is grievance based.¹⁹ After various studies, Collier established that, greed rather than grievance drives civil war and is based on idea of an individual as a utility maximizer.

In the process of acquiring illegal firearms and ammunition, this theory is very relevant. Individuals make conscious decision to commit crime upon the analysis of the benefits that accrue to them as individuals from the outcome of the crime. In case of acquiring the illicit firearms, such benefits would include; personal and household security, security of own livestock, ability to raid from the neighboring communities hence more wealth and social prestige. The costs are; the actual cost of firearm acquisition, avoiding government dragnets and personal risks involved in cattle rustling. Individuals make rational decisions to either engage or not to engage in illicit firearms activities based on cost-benefit analysis. However, individual's behavior is to some extent shaped by the social dynamics in the particular community. One shortcoming with this theory is that whereas members of a community acquire firearms as individuals, they act as a society-group in the criminal activities that they commit using these illicit SALWs.

1.5.1.2 Social Identity Theory

This theory was founded by Henri Taifel (1919-82) following his experience as a Polish Jew in Europe during the rise of the Nazis, in the World War 11, the Holocaust and the post-war relocation of displaced Europeans which shaped his interest in prejudice,

¹⁹ Ibid

discrimination and inter-group conflict. Henri Taifel's principal argument was that collective activities such as inter-group violence cannot be caused by individual's drives, instincts or personality traits, but can only result from the individual's membership to social groups.²⁰ At the core of this theory is the individuals' approach to reducing uncertainty and effort to achieving a secure and positive sense of oneself through participation in groups. This human drive is the force behind the formation of in-groups and out-groups. The social categorization sets in motion an escalatory dynamics of group comparison, group competition and group hostility. The thinking that there is a connection between group formation and inter-group violence led to the introduction of the term "ethnocentrism" by Graham Sumner.²¹ Sumner's four progressive elements of ethnocentrism are; The social categorization principle which states that human beings have a fundamental universal need to categorize their social world i.e. human social groups are organized into discrete in-group and out-group categories; The inter-group positivity principle where individuals value their in-groups positively and maintain positive, collaborative and cooperative relationships with members of that in-group; The inter-group comparison principle where the in-group positivity is enhanced by social comparison with out-groups in which in-group attributes and outcomes are seen as more superior than those of out-groups and the out-group hostility principle. In this case the relationships between in-groups and out-groups are characterized by antagonism, conflict and mutual contempt.

²⁰ Ibid

²¹ Ibid

The principles of social categorization and inter-group positivity explain group attachments and need for positive self-esteem among humans. Comparison, hostility and a third concept of inter-group competition explain the shift to overt conflict.²²

The process of intergroup comparison produces a competitive dynamic in which groups try to enhance their status relative to other groups. The attempt to achieve a comparatively superior position for the in-group, on the basis of valued dimensions is the factor leading to discriminatory intergroup behavior. Social Identity theory holds that although economic inequality, grievances, resource deprivation or any other cause enables our understanding of inter-group tensions, they do not sufficiently explain the step to overt tensions. According to this theory, group hostility and aggression occurs only when the inferior group starts to view the superior group as important for purposes of social comparison, thus developing a positive relation to it. When comparison results in negative group evaluation, group members respond to this psychological discomfort in two ways, either getting assimilated to that group or to violence with that group.

This theory best explains why cattle rustling and other forms of armed conflicts are executed by ethnic groups and are targeted on particular ethnicities. Internally within an ethnic community there are no cattle rustling incidences against ethnic group members. Also, when individuals acquire illegal firearms, they do so as members of an ethnic group and the objective is to defend their ethnic community.

²² Ibid

1.5.2 Empirical Literature Review

1.5.2.1 Impact of Proliferation of Small Arms and Light Weapons on National Security

National security generally refers to the state of security of a nation-state. It can further be elaborated to include security of the national territory, protection of the live and property of the population, maintenance of its national sovereignty and exercise of the basis of society (economic, sociopolitical, cultural, ecological and social). The aspects of internationalization and globalization have brought higher level of unification of the entire world order compared to a system of individual sovereign states, thus future definition will accommodate these two aspects.²³ The national security of most nation-states around the world has been undermined due to global accumulation and flows of small arms. Proliferation of SALWs directly contributes to a worrying number of deaths and injuries around the world. They thus pose a grave threat to peace, stability and economic development of many countries. SALWs also hinder the success and safety of UN-mandated peace operations and humanitarian aid/assistance programs worldwide.²⁴

At continental level, various Africa countries continue to experience the impact of proliferation of SALWs. Among these effects include, political instabilities hence national insecurity in Democratic Republic of Congo, Central Africa Republic, Libya, Northern Nigeria, Mali, Chad, South Sudan, Somalia and quite a number of other security fragile

²³ Grizold, Anton. "The Concept of National Security in the Contemporary World." *International Journal on World Peace* 11, no. 3 (1994): 37–53. <http://www.jstor.org/stable/20751984>.

²⁴ Haug, Maria, Martin Langvandlien, Lora Lumpe, and Nicholas Marsh. "Introduction: A Transparent Agenda for Small Arms?" *Shining a Light on Small Arms Exports: The Record of State Transparency. Small Arms Survey*, 2002. pp.2-4. <http://www.jstor.org/stable/resrep10754.8>.

African states. Political instability also results in other detrimental impacts such as undermining development, weakening government ability to provide services, reduced economic activity, investment savings, and revenue collection, increase in armed crime and thus necessitating demand for humanitarian assistance.²⁵

Socially, more than two million people lost their lives in the Great Lakes region in the years between 1990 and 2000. Consequently over 10 million people were either internally displaced or sought refuge in another country in the same period.²⁶ The displaced populations live in pathetic conditions marked by lack of personal security, fragile food security, absence of basic health and education services. The displaced populations are also predisposed to Sexually Transmitted Infections such as HIV/AIDS. Child malnutrition and child mortality rates are also higher in these conflict-ridden areas. In Burundi for instance life expectancy is 42 years while enrollment at primary school level is 51%.²⁷ The economic impacts include declined trade and investments, fragmented goods and labor markets, disruption of subsistence agriculture, coercive competition for the extraction of natural resources and hence fueling more conflicts. The physical infrastructures mainly, transport, energy, public buildings, telecommunication, and housing deteriorate due to damage and lack of maintenance.²⁸

In North Rift Kenya, lack of security is as a consequence of prevalence of SALWs use which has fed a gun culture hence undermining entrepreneurial development and

²⁵ Caleb Ayuba & Gerald Akofor. Role of Small Arms and Light Weapons Proliferation in Human Conflicts. Institute of Conflict Resolution, Abuja.

²⁶ The World Bank. "Social and Economic Impact of Conflicts." Greater Great Lakes Regional Strategy for Demobilization and Reintegration. World Bank, 2002. <http://www.jstor.org/stable/resrep02479.6>.

²⁷ Ibid

²⁸ Ibid

investment. SALWs have also ignited low- intensity conflicts characterized by sporadic incidents of banditry, inter-ethnic clashes, and cattle rustling.²⁹ This has made the area too fragile hence inhibiting socio-economic development. The impacts of SALWs proliferation that have been identified and documented in West Pokot County include; high rates of firearms' inflicted deaths and injuries corresponding to the scale of raids, breakdown in law and order, reducing power of traditional institutions of governance, increased number of cattle raids thus increase in poverty, firearms infested areas rampant for ambushes to both locals and security officers among others.³⁰

1.5.2.2 Effect of Alternative Dispute Resolution Instruments against Proliferation of illicit SALWs on National Security

Having identified detrimental impact of SALWs proliferation on various aspects of national security, various interventions have been adopted at global, regional and state level to curb the proliferation of SALWs. At the frontline was the UN Small Arms Conference held on July, 9-20, 2000 in New York. The conference's priority was addressing the trafficking of small arms and light weapons in Africa and parts of Asia with emphasis on states that do not have means to produce firearms in large quantities but obtain them from major arms producing states.³¹ The European Union and its allied countries followed suit and finalized a Plan of Action (PoA) to prevent, combat, and eradicate the illicit trade in Small Arms and Light Weapons in all its aspects.³² The PoA recommended a strong

²⁹ 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. Geneva.2012.

³⁰ Mtutu, K. Agade. Pastoralist conflict, Governance and Small Arms in North Rift, North East Africa. Bradford University, 2005.

³¹ "UN Conference on Illicit Trade in Small Arms." *The American Journal of International Law* 95, no. 4 (2001): 901–3. <https://doi.org/10.2307/2674649>.

³² Ibid

commitment in International Humanitarian Law, and Human Rights Law, linking security and development, restrictive national legislation that proposes criminal action against the illegal possession of small arms, support regional and sub-regional moratoriums, transparency in legal arms transfers, and uniform standards for marking of weapons. China and the Arab states though were difficult players in these efforts and adamantly opposed issues of transparency and oversight and did not support creation of legally binding instruments to manage small arms.³³

This is one challenge in the implementation of the UN Protocol on small arms. At the Africa continent level, the instruments include; the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and trafficking of Small Arms and Light Weapons, (2,000). This was a ministerial conference which recommended national action, coordination of agencies working on small arms issues, destruction of excess stocks and confiscated weapons and bilateral arrangements for SALWs control along the borders. The declaration was also to enforce moratorium on the importation, exportation and manufacture of SALWs in Africa.³⁴ Later in January, 2006; African Union Common Position on an Arms Trade Treaty was adopted. In part 26 (h) and (i) of the Arms Trade Treaty the focus is on eradication of small arms and light weapons respectively. The Great Lakes region and the Horn of Africa region in the year 2,000 also through a ministerial committee established the Nairobi Declaration and Protocol to manage the illicit trade in small arms in the region and other related issues thereto.³⁵This research belabored

³³ Ibid

³⁴ Adetiba, Toyin Cotties. "Transnational Syndicates and Cross-Border Transfer of Small Arms and Light Weapons in West Africa: A Threat to Regional Security." *Journal of African Union Studies* 8, no. 1 (2019): 93–113. <https://www.jstor.org/stable/26890419>.

³⁵ Joseph, K. Gikonyo. *Illicit Proliferation and Use of Small Arms and Light Weapons and Human Security in East Africa. A Case Study of Kenya*. University of Nairobi. Masters Degree Thesis.2015.

to confirm whether these protocols are still enforced. However due to instability of some member states of Nairobi Protocol and Declaration, its impact on addressing SALWs proliferation could be negligible.

Eastern Africa Community member states in the year 2,000 agreed on the adoption of the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) Cattle Rustling protocol (also known as the Mifugo Protocol) which aimed at joint efforts to eradicate cross-border armed livestock theft activities.³⁶The Protocol was a response to increased cattle rustling which also resulted to increased deaths among cattle rustlers, security forces, and the affected population. Countries had previously responded through largely indiscriminate force and incentive oriented disarmament initiatives.³⁷ Indiscriminate use of force resulted to public outcry against security agencies while incentivized disarmament that involved exchange of livestock for firearms and ammunition achieved the opposite effects of giving civilians incentives to acquire more firearms.³⁸The signing of EAPCCO protocol on Prevention, Combating, and Eradication of Cattle Rustling in Eastern Africa by all member states of Eastern Africa was based on the realization that cattle rustling had metamorphosed into violent practice and was affecting all member states. There was therefore need to forge a common front in combating this emerging threat. Some key aspects of the protocol were: fast-tracking regional cooperation, joint operations, capacity building and exchange of information and also to promote peace, human security and development in the region.³⁹This study purposefully sought to confirm whether the

³⁶ Deo Gumba, Nelson Alusala and Andrew Kimani. Vanishing herds. Cattle rustling in East Africa and the Horn. *Research Paper. enact. Issue 10*. December 2019.1-19.

³⁷ Ibid

³⁸ Ibid

³⁹ Ibid

protocol works or it's just a paper policy. It is also important to note that only the legally binding interventions are documented. There is thus the need to look at those community to community, locally-based covenants, declarations or approaches that are non-gazetted and if improved upon can help ensure long lasting solution.

1.5.3 Counter- Illicit SALWs Proliferation measures to enhance National Security

The UN Small Arms Program of Action considered the following as strategic measures for reducing proliferation of SALWs in the world:

- a). Small Arms Identification and Tracing which focuses on building capacity for SALWs identification, tracing, collection and exchange of information, marking and recording keeping in conflict and post conflict situations.
- b). Border Controls which should entail: cooperation strengthening including exchange of relevant information to improve security at land, sea and air borders. Adequate coordination should be ensured between government agencies within countries addressing cross-border trafficking. Border communities should be involved in countering SALWs trafficking through establishment of standing government-community structures, also sustained regular training of border and customs officials in the detection of trafficked weapons including their parts and components.
- c). Security Promotion Programs focusing on: arms embargo monitoring, Disarmament Disengagement and Reintegration (DDR) and security sector reforms. These programs can only succeed only with national ownership and the whole of government approach.

d). Governments to strengthen counter terrorism programs.⁴⁰

Likewise, there is the African Union Strategy on the Control of Illicit Proliferation, Circulation and trafficking of Small Arms and Light Weapons. The objective of the strategy is to strengthen coordination and cooperation between and among all the implementing bodies with the objective of improving implementation at national, regional and continental levels.

The measure used universally to counter proliferation of SALWs is the DDR. Studies from Sierra Leone show that DDR programs are short-term and the collection of firearms has a timeframe therefore not all illicit SALWs are eradicated through DDR. Also, there are recommendations that DDR should be an on-going process in order to achieve long term effects.⁴¹ Efforts to tackle SALWs proliferation should focus on multilateralism with emphasis on state-to-state negotiation of use of international instruments. The effects of SALWs are felt at individual, regional and global levels and thus policy measures must operate at all levels of governance with measures to reduce weapons availability and misuse. There need to be a focus on supply side with an emphasis on marking and tracing illicit weapons and regulation of international arms brokering.⁴² The Government of Kenya has made several milestones in addressing the endemic challenge of SALWs; first, the government established the Kenya National Focal Point on Small Arms and Light Weapons (KNFP), an interagency directorate within the Ministry of Interior and Coordination of

⁴⁰ McDonald, Glenn. "Ways Forward: Conclusions of the Small Arms Symposia." *Small Arms Survey*, 2018. <http://www.jstor.org/stable/resrep20051>.

⁴¹ Ottoh Okinicha Ferdinand. Challenges of Proliferation of Small Arms and Light Weapons to Peace Building in Liberia and Sierra Leone. PhD Thesis. University of Lagos. 2010.

⁴² Keith Krause: Small Arms and Light Weapons. *Towards a Global Public Policy*, 2007. <http://www.jstor.org/stable/resrep09618> 26/08/2022

National Government. The KNFP has ensured an inclusive multi-disciplinary and multi-stakeholder approach to SALWs management. To achieve its mandate of coordinating all small arms issues in Kenya, the KNFP has applied various strategies, these include; stockpile management, capacity building amongst law enforcement agencies and other players in small arms, sensitization on dangers of SALWs and institutional capacity strengthening on mitigating small arms challenges.⁴³ However nowadays the voice of KNFP on matters of SALWs is too low especially in the North Rift where the armed conflict is a challenge. The National Steering Committee on Conflict Management and Peace building (NSC) has been more proactive in terms of collaborative engagements with government and civil society stakeholders. Other strategies that the government has applied in managing insecurity related to SALWs include National Police Reserve (NPR) approach. However, this has not performed due to communal attachment and political inclination of NPR members against the other community.⁴⁴ This study will therefore seek to establish feasible community based and government approaches to eradication of proliferation of SALWs in order to ensure a sustainable national security in Kenya.

1.5.4 Research Gaps

From the above review of theoretical and empirical literature, both theories are applicable in addressing the research problem. Rational choice theory is pertinent in explaining individual's contribution to criminal activities. Consequently, the individual based interventions should be part of the component in addressing the problem of proliferation of SALWs challenge. This is a missing link in policy since most interventions have been

⁴³ Manasseh Wepundi, Eliud Nthiga, Eliud Kabuu, Ryan Murray and Ann Alvazzi del Frate. Availability of Small Arms and Perceptions of Security in Kenya: *An Assessment. Small Arms Survey*, Geneva, 2012.

⁴⁴ Ibid

based on social interventions and have tended to focus only legal and/or international instruments thus justifying the relevance of social identity theory. Throughout the literature review, research on new approaches by inter-state governments in re-examining their traditional methods of addressing cattle rustling and illicit small arms is invisible.⁴⁵This therefore implies the existing policy interventions on SALWs are not informed by research. The last comprehensive survey on National Arms Mapping was done in 2003.⁴⁶Any interventions are thus not based on accurate data. Other research gaps identified include lack of broad-based reporting and cooperation framework for early warning and response maximizing on public participation in issues of illicit SALWs, and lack of institutional capacity to identify gun-runners, trafficking routes and black markets.⁴⁷

1.6 Hypothesis

H1: Proliferation of illicit SALWs has adversely affected the National Security of Kenya.

H0: Alternative Dispute Resolution efforts on Small Arms and Light Weapons proliferation control have not enhanced National Security in West Pokot County.

H1: Joint Counter-illicit Small Arms and Light Weapons proliferation measures can enhance National Security in West Pokot County.

⁴⁵ Deo Gumba, Nelson Alusala & Andrew Kimani. Vanishing Herds, Cattle Rustling in East Africa and the Horn, *Research Paper. Issue No. 10*. December, 2019.

⁴⁶ Manasseh Wepundi, et al Availability of Small Arms and Perceptions of Security in Kenya; An Assessment. Special Report. Geneva. Small Arms Survey.2012. p.35.

⁴⁷Kinanga, G. Anyoka. Impact of Small Arms and Light Weapons Proliferation on Security in Turkana County. Kenyatta University, MA Thesis, 2017.

1.7 Justification of the Study

1.7.1 Policy Justification

The Constitution of Kenya (2010) defines national security as the protection against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, prosperity, peace, stability and prosperity and other national interests.⁴⁸

One of the threats to national security is the entry of illicit SALWs into the country through illicit arms trafficking. As earlier outlined, there are many factors that have facilitated illicit SALWs proliferation in Africa in general and the Horn of African and Kenya specifically and these include; unstable governments and civil wars, complexity and secrecy in the arms trafficking business, lengthy porous and poorly policed borders between countries, demand by local communities for their livestock protection and to protect themselves from armed rival ethnic neighbor among others. The impacts associated with communities having firearms in civilian hands in most cases are disastrous and include; Inter-ethnic aggression and conflicts, lawlessness and a sense of insecurity amongst members of that community and their neighbors. This undermines development effort by the government and other like-minded stakeholders hence areas where proliferation of illicit SALWs is unchecked are characterized by poor infrastructural development, low standards of living, and poor socio-economic development indicators such as high illiteracy, poor health and hygiene, insurgency among others. This study aims at investigating these negative impacts and make recommendations on how proliferation of illicit SALWs can be addressed in Kenya to objectively foster national security. With this information the government will at policy level review its position on illicit SALWs and adopt an approach to revamp development

⁴⁸ The Constitution of Kenya. (2010). Nairobi, National Council for the Law Reporting.

in ASAL areas that have stagnated in underdevelopment and with insecurity. This may call for a regional approach to development since SALWs proliferation is a cross-border issue with neighboring countries and hence foster peace and development. With regional cooperation and collaboration regional members of organizations such as EAC, IGAD and regional NGOs will utilize these findings to create sustainable security, peace and development.

1.7.2 Academic Justification

The academia may utilize the findings to complement various other research studies that have been carried on the subject and thus add to the existing knowledge on the field of National Security. It will also create a nexus between research and policy by addressing research gaps and also policy implementation with the objective of addressing insecurity exacerbated by proliferation of illegal SALWs.

1.7.3 Justification to the Members of Public

The members of the public even though they are the main players are the most adversely affected by proliferation of illicit arms in their midst. The adverse effects include mass fatalities, non-fatal injuries resulting to incapacitation, loss of property and livelihood, mass displacement, apprehension, gunrunning culture which hinders modern youth civilization, poverty, hunger, suspicion among neighboring ethnic communities, unrealized socio- economic development and “perceived” neglect by the government. When the target population understands the negative effect the SALWs have brought to them and the expected better future when they shun these retrogressive cultural and now criminal practices of gunrunning and cattle rustling, they will enjoy peace, tranquility and security like other Kenyans and will be on trajectory to attaining socio-economic development. The

findings of this research may thus assist in shifting the mindset of the target community against the dreaded vice of dealing with illicit SALWs.

1.8 Conceptual Framework

1.8.1 Rational Choice Theory and Group Identity Theory

To understand the problem under investigation, two theories have been applied in this study i.e., Cesare Beccaria and Jeremy Bentham Rational Choice theory and Henri Taifel Social Identity Theory. The rational choice theory considers the individual as a rational actor. In this research where the researcher proposes to establish the effect of proliferation of illicit SALWs in Kenya, individual character is considered as the cause of the independent variable (proliferation of illicit SALWs). If individuals were not motivated through cost-benefit analysis, proliferation of illicit SALWs would probably be non-existent and therefore would have no effect on national security (dependent variable). The second theory of social identity is also very applicable in this study. Social identity is a key motivator of members of a certain society to maintain social cohesiveness and homogeneity. If a society is associated with pastoralism, definitely, community members will in majority be pastoralists. If community members engage in conflict with their neighbors, and decide to purchase firearms to gain dominance over their rival neighbor communities, and hence engage in unlawful activities, socio-cultural and environmental dynamics will cause individuals to abide by those social norms and act to the whims of the larger society. Hence in cases of insecurity occasioned by human factors that lead to commission or omission of crimes, both rational choice and social identity theories are applicable.

1.9 Research Methodology

This section contains the research design, scope of the study, research target population, and the sample, the sampling technique, data collection methods, data presentation and analysis, piloting and ethical considerations in undertaking the research.

1.9.1 Research Design

A research design refers to the arrangement of the conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure. It is the conceptual structure within which research is conducted: it constitutes the blueprint for the collection, measurement and analysis of data.⁴⁹ For this research, a pragmatic research design was applied in order to capture aspects of qualitative and quantitative of research. Triangulation approach was undertaken in data collection, presentation and analysis in order to increase confidence of the methodology and information obtained.

1.9.2 Scope of the Study

The study was carried out within the geographical boundaries of West Pokot County in Kenya. It was limited only to ways in which national security has been adversely affected by proliferation of illicit SALWs mainly; the socio-economic impact of SALWs proliferation on national security, how existing alternative dispute resolution instruments of peace and cooperation have impacted on the security in the county through soft administrative approach to illicit SALWs non-proliferation. The study also looked at measures that have been undertaken both proactively and reactionary by various national

⁴⁹ C, K. Kothari. (2nd Edition). Research Methodology: Methods & Techniques. New Delhi, New Age International (P) Publishers, 2003.

security stakeholders to address proliferation of SALWs in the target area of study. The study also examined individual and social factors in proliferation of SALWs to compare the strengths of Rational Choice Theory and Social Identity Theory in influencing behavior of the target population.

1.9.3 Research Target Population

The population of West Pokot County according to 2019 Kenya Population and Housing Census was 621,241 people. For this study five out of six Sub Counties in the County that are frequently affected by proliferation of illicit SALWs insecurity were considered. These were; Pokot Central (119,016 people); Pokot North including the newly created Kacheliba Sub County (134,485 people), Sook Ward in West Pokot Sub County (29,916 people) and Tapach Ward in Pokot South (26,237 people).⁵⁰ The target population for this study was therefore 309,654. The accessible population was drawn from the administrative areas that experience armed conflicts with neighboring communities mainly from Turkana and Elgeyo Marakwet Counties. These areas comprise approximately 30% of the geographical area in Pokot Central, 10% of Pokot North landmass, 20% of Tapach Ward mainly in Kameley along Marakwet East-Pokot South border and about 10% of Sook Division. From these areas, 20% of the population is assumed to be accessible for the study.⁵¹ The total accessible population was therefore as tabulated below:

⁵⁰ Kenya Population and Housing Census, 2019. *Countytalk.infotrakresearch.com 08/09/2022 1650hrs*

⁵¹ Mugenda & Mugenda. *Research Methods. Quantitative & Qualitative Approaches*. Nairobi, ACTS Press. 1999.

Table1. 1: Research Target Population

S/No.	Total Population	Approximate Population in Conflict prone zones	Accessible Population (20%)
Pokot Central Sub County	119,016	35,705 (30%)	7,141
Pokot North& Kacheliba	134,485	13,448 (10%)	2,689
Sook Division/Ward	29, 916	2992 (10%)	598
Tapach Ward	26,237	5,247 (20%)	1,049
Total	309,654	57,392	11,477

Source: Researcher, 2022

1.9.4 Research Sample and Sampling Technique

In determining sample size, budgetary and time constraints must be taken into consideration. ⁵²To obtain a representative sample for this research and also putting into consideration the confidential security classification of some data that was collected, the research sample was obtained through stratified random sampling as follows: a stratum each from local population, local NGOs, members of academia/ professional associations, religious leaders, community elders and Sub County Security Intelligence Committees (SCSICs).

⁵² C, K. Kothari. (2nd Edition). Research Methodology: Methods & Techniques. New Delhi, New Age International (P) Publishers, 2003.

By applying research sample computation tables, the appropriate size from an accessible population of 11,477 people at 95% confidence level and 5% margin of error was 370 persons. Since this research was more qualitative and just a few aspects were quantitative a lower sample size was required and this was subject to time and financial constraints while maintaining representativeness and reliability.⁵³ Another justification for a smaller sample was homogeneity of characteristics of the respondents and hence a larger sample would lead to information redundancy.⁵⁴ Most researchers recommend a sample size of between 15-30 for interviews and 30-60 for non-interactive data collection.⁵⁵ Based on the above justification, a sample size of thirty (30) was selected for interviews through interview guide tool. For the questionnaires the sample size was selected based on volatility, population and geographical size of the administrative unit under study. Pokot Central, Tapach, Pokot North and Sook thus follow in the outlined order and the sample size per each unit was sixty (60), twenty (20), fifteen (15) and fifteen (15) respectively. The sample size for data collection through questionnaires was therefore 110 respondents. The sample breakdown was obtained from the various strata as tabulated below:

⁵³ Ibid

⁵⁴ Chava Frakfort & David Nachmias. *Research Methods in the Social Sciences*. (5th Edition). Great Britain. St. Martin's Press. Inc. 1996.

⁵⁵ Baker, S. E., & Edwards, R. (2012). How many qualitative interviews is enough? National Center for Research Methods. Available at: <http://eprints.ncrm.ac.uk/2273/>.

Table1. 2: Stratified Sample Size

S/No.	Administrative Unit	Stratum	Sample Size	Sampling Method	Data Collection Tool
1.	Four Targeted Sub Counties	SCSICs	20	Purposeful	Interview Guide
2.	Entire County	Academia	10	Purposeful	Interview Guide
3.	Pokot Central	Village Elders	10	Random	Questionnaire “
		Religious Leaders	10	Random	“
		NGO Staff	10	Purposeful	“
		Local Popn.	30	Random	
4.	Pokot South (Tapach Ward)	Local Population, NGOs, village elders and religious leaders.	20	Random	Questionnaire
5.	West Pokot (Sook Division)	Local population, elders, NGOs religious leaders.	15	Random	Questionnaire
6.	Pokot North	Local Population, elders, NGOs, religious leaders.	15	Random	Questionnaire
Total			140		

Source: Researcher, 2022.

1.9.5 Data Collection Method

The data collection method was open-ended questionnaires which were administered on all the respondents of the samples drawn from the members of public, community elders, religious leaders and the peace-based NGOs. This created confidence amongst respondents since their anonymity was guaranteed and hence a higher response rate was expected. Interview guides were administered to the members of academia and professional bodies and the members of SCSIC in the four target Sub- counties. This enhanced more focus into confidential matters, getting expert opinions from the respondents and also ensured a high response rate. Research assistants were recruited and trained on how to administer the data collection instruments.

1.9.6 Data Presentation and Analysis

A pragmatic paradigm was applied in this research and therefore both qualitative and quantitative data was collected in this study. Data was presented through tables, Likert charts, frequency diagrams, bar charts, pie charts and graphs and analyzed measures of dispersion and central tendency for quantitative data and content analysis to establish patterns, trends, and relationships for qualitative data.

1.9.7 Piloting

The purpose of piloting was to pretest the data collection instruments in order to ensure that some questions that probably were ambiguous hence likely to be misunderstood by the respondents were rephrased. Piloting also allowed factoring in suggestions, opinions, comments and deficiencies identified during pretesting that were useful for the study. A pilot study was undertaken one month before the actual study within West Pokot County

and was administered to five randomly selected respondents for the questionnaires. For the interview guide, interviews were conducted to five members of NDC Course- No. 25 drawn from Ministries Departments and Agencies that have membership in the National Security Council. All omissions, ambiguities identified or recommendations made were factored in the final data collection instruments in order to enhance reliability and validity.

1.9.8 Ethical considerations

For the success of this research, the researcher had to adhere to ethical issues. These includes; obtaining authority to conduct research from National Commission for Science Technology and Innovation and National Defence University (NDU). Research instruments were designed to ensure privacy of the respondents hence issues of anonymity were observed. The respondents were informed that the research was intended only for academic purposes and therefore their views will not be utilized for any other research or purpose whatsoever. Also, voluntary consent of the respondents in giving information was obtained by the researcher and finally the researcher's integrity not to alter the information obtained from the respondents to suit personal views was guaranteed.

1.9.9 Definition of Terms

Ammunition- means any cartridge, whether a blank, tracer, explosive, incendiary, gas diffusing, signaling or any other kind capable of being discharged from or used with a firearm.

Firearm- means a lethal barreled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any shot, bullet or missile.

Light Weapons- are weapons designed for use by two or three persons serving as a crew although some may be carried and used by a single person. They include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-aircraft missile systems, portable launchers of anti-tank missile and mortars of calibers less than 100mm.

National Security- is the protection against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity, and other national interests.

Proliferation- refers to rapid, unchecked, uncontrolled increase in numbers.

Small Arms- are weapons designed for individual person use and include, light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles. Small arms also include firearms, ammunition, and other related materials meaning any component, parts or replacement parts of a small arm or light weapon that are essential for its operation.

1.9.10 Chapters Outline

Chapter One: This is the introduction of the research project and contains; Background of the study, Statement of the Problem, Research Questions, Objectives of the Study, Literature Review, Hypothesis, Justification of the Study, Conceptual Framework, Methodology of the Research, piloting, data presentation and analysis, ethical considerations and definition of key terms.

Chapter Two: Impact of Proliferation of Small Arms and Light Weapons on National Security

Chapter Three: Effect of Alternative Dispute Resolution (ADR) Instruments against illicit Small Arms and Light Weapons Proliferation on National Security.

Chapter Four: Counter- Illicit Small Arms and Light Weapons Proliferation measures to Enhance National Security.

Chapter Five: Summary, Conclusions and Recommendations.

CHAPTER TWO

IMPACT OF PROLIFERATION OF ILLICIT SMALL ARMS AND LIGHT WEAPONS ON KENYA'S NATIONAL SECURITY

2.1 Introduction

This Chapter basically contains the analysis of the findings of the primary data collected from the field in line with the first research objective of the study. Under this objective, the aim was to examine the impact of proliferation of illicit Small Arms and Light Weapons (SALWs) on Kenya's National Security. Since this was the first chapter where data analysis was undertaken, analyses of background data of the respondents, and response rates were foundational in order to better analyze the findings of this research objective, and successive chapters hence formed part of this key chapter. The research findings were analyzed vis-à-vis an eclectic literature review in order to fully contextualize the findings.

2.2 Response Rate

Two data collection techniques were applied namely; interviewing and administration of written questionnaires. Interviews were conducted amongst Sub County Security Committees (SCSICs) and members of the academia/ professional bodies while questionnaires were administered amongst the members of public namely the local residents, religious leaders, village elders and NGO staff. The method of questionnaire administration was through drop and pick later for literate respondents but for the illiterates the research assistant interpreted the questionnaire subject and obtained oral responses while recording. The response rate for each set of data collection is as tabulated below:

Table 2. 1: Response Rate for the Interviews

S/No.	Target Respondents for Interviews	Expected No. of Respondents	Actual No. of respondents	Percentage Response
4	SCSICs @ 5 Members	20	14	70%
	Professionals/ Academia	10	7	70%
Total		30	21	70%

Source: Field Data, 2022.

For the interviews, only seven (7) members of the academia/ professional bodies were available mainly from Teachers Service Commission, Civil Service and County Government of West Pokot. For the security committees, the entire SCSICs for Pokot Central and Pokot South were interviewed (a total of 10 respondents), three (3) members of Pokot North SCSIC were interviewed and, one (1) National Government Administration Officer for Sook Division/Ward was interviewed. For the questionnaires, the response rate is as outlined below:

Table 2. 2: Response Rate for the Questionnaires

S/No.	Target	Sub	Target	Sample	Actual	Percentage
	County		Size		Response	Response
	Pokot Central		60		48	80%
	Pokot South		20		14	70%
	West Pokot		15		9	60%
	Pokot North		15		11	73.3%
	Total		110		82	74.5%

Source: Field Data, 2022

The response rate was therefore 70.0% for the interview guide tool of data collection and 74.5% for the questionnaires. The low response rate for the interviews is attributed to the researcher not being able to secure interviews with all SCSIC members for the Pokot North Sub County. Also, only one respondent was accessible for SCSIC in West Pokot (Sook Ward Security Committee). These response rates are adequate for making generalizations since researchers recommend 68.27% as the lower limit within which sample statistics can be generalized into population parameters.⁵⁶ Other researchers recommend a response rate of 60%+/-20% for academic research when questionnaires are administered to the general population and a response rate of 36%+/-13% when administered to the policy makers.⁵⁷ Most researchers do not anyway specify the optimum response rates and advice that so long as the responses are accurate and authentic any percentage of response is adequate for generalization.

⁵⁶ C, K. Kothari. Research Methodology. Methods & Techniques. 2003. 2nd Edition. New Age International (P) Ltd. Ansari Road. New Delhi.

⁵⁷ Yehuda Baruch. Response Rate in Academic Studies - A comparative Analysis. *Article in Human Relations*. 1999. University of Southampton.

Table 2. 3: Questionnaires Response Rate Stratification by Sub County

Sub County	Village Elders	Religious Leaders	NGOs Staff	Other Residents	Total
Pokot Central	7	3	3	35	48
Pokot South	2	3	1	8	14
West Pokot	1	2	2	4	9
Pokot North	1	2	1	7	11
Total	11	10	7	54	82

Source: Field Data, 2022

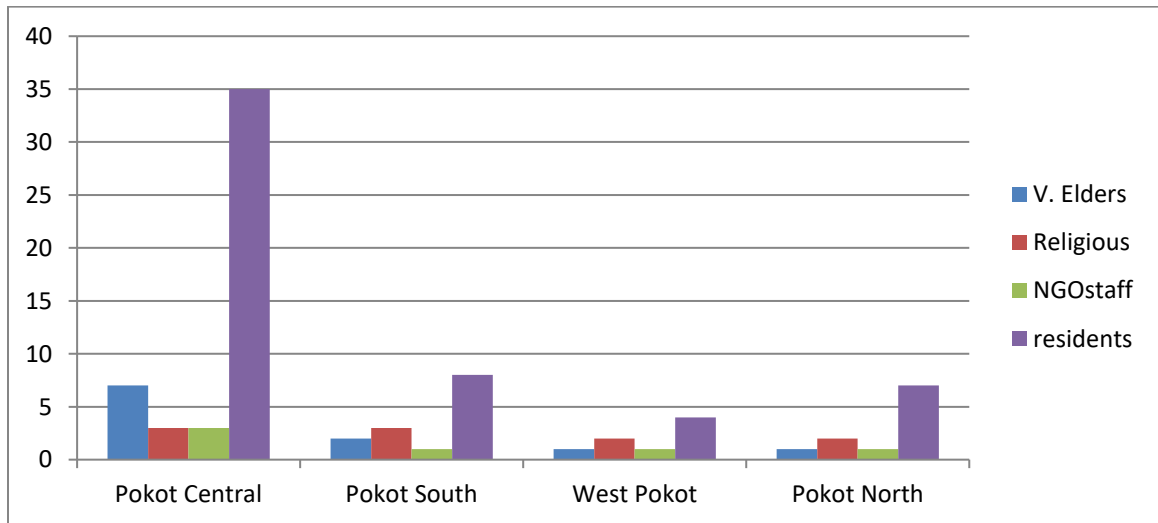


Figure 2. 1 Questionnaires Response Rate stratification by Sub County

Source: Field Data, 2022

2.3 Characteristics of the Questionnaire Respondents

2.3.1 Age Characteristics

Table 2. 4: Age Categorization of the Respondents

S/No.	Age Category	Frequency	Percentage
	18- 24 years	5	6.1%
	25- 30 years	26	31.7%
	31- 40 years	24	29.3%
	41-50 years	17	20.7%
	51-60 years	10	12.2%
	Total	82	100%

Source: Field Data, 2022

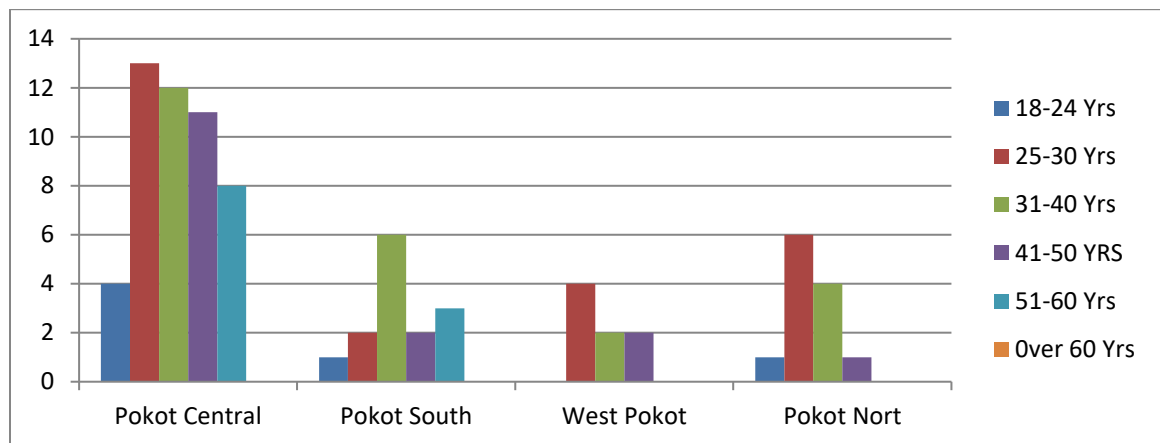


Figure 2. 2 : Age Distribution of Respondents by Sub County

Source: Field Data, 2022

2.3.2 Gender Characteristics of Respondents (Interview and Questionnaire)

For the entire sample approached for data collection, 72.0% were males and 28.0% were females. The high percentage of male respondents is attributed to inclusion of SCSICs in the study. In volatile security zones such as Pokot Central, Pokot North and Pokot South, only male heads of security departments have been deployed. However, due to a relatively significant number of females sampled from the local population, gender bias has been reduced in the study.

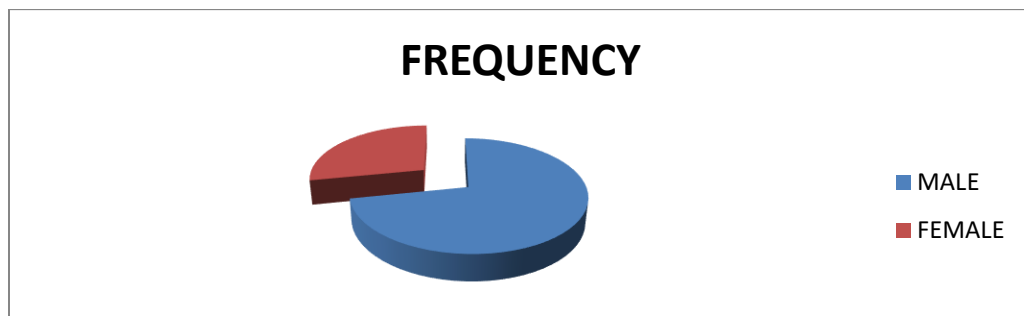


Figure 2. 3: Response Rate by Gender

Source: Field Data, 2022

2.3.3 Period of stay by the Respondents in the area of study

The researcher sought to determine the duration which the respondents had lived in the particular sub counties where the study was undertaken. This was to ensure that the respondents were really aware of the security situation in the area as a result of proliferation of SALWs and were either directly or indirectly affected by the insecurity. From the sample, only 7% had stayed in the area for less than three years, 28% had lived there for between 3-10 years, 27% for 11-20 years while the majority (39%) had lived in the area of study for over 20 years. Therefore, the sample obtained was credible for the study. This criterion however could not apply to the interviewees since most members of the SCSICs

who in operation areas are deployed for time spans dependent on one’s performance and then are transferred elsewhere. The members of professional bodies interviewed though originating from West Pokot County majorly do not reside in the areas affected by insecurity.

The responses regarding duration of residence obtained are as presented below:

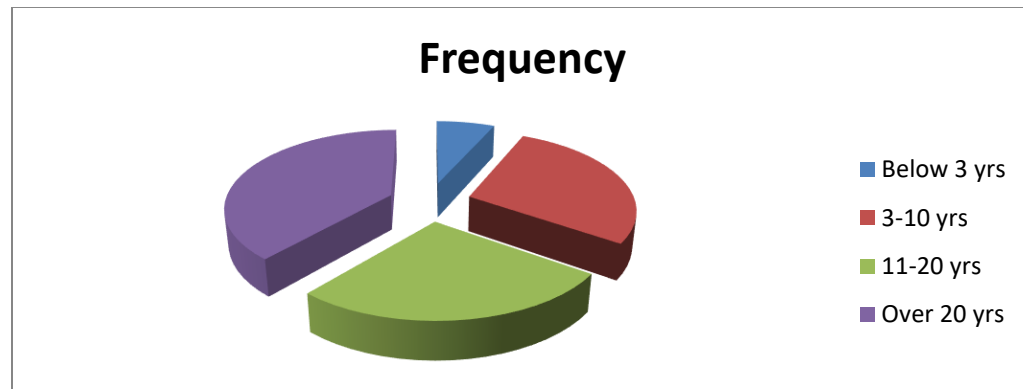


Figure 2. 4 : Duration of Residence of the respondents

Source: Field Data, 2022.

2.4 Crimes Caused by Proliferation of Illicit Small Arms and Light Weapons (SALWs) in West Pokot County.

2.4.1 Prevalence levels of illicit SALWs inflicted incidences (crimes) in West Pokot County

Respondents namely the village elders, peace-oriented NGOs personnel, religious leaders and local members of public residing in the areas of study were requested to enumerate the crimes that they suffered most from aggressions by armed communities. The option available was to enumerate all the crimes that affected their peace and security. The guide was **never** for crimes that are not witnessed at all, **low** for crimes witnessed once in six months, **average** for crimes witnessed once in three months and **high** for crimes that

occurred every month or at an even shorter time span. Their responses from Likert scale were as presented below:

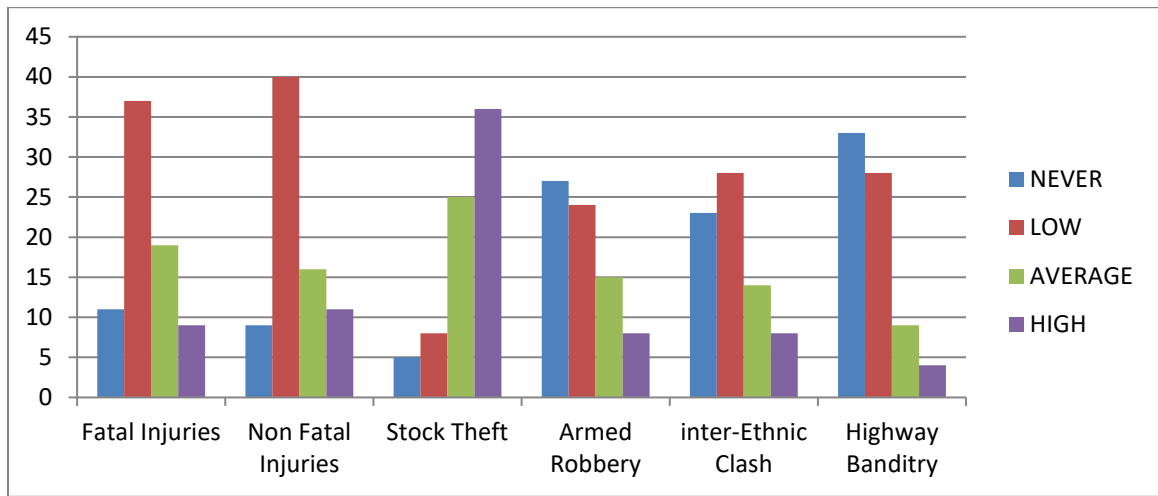


Figure 2. 5 : Frequency of illicit SALWs inflicted crimes

Source: Field Data, 2022

From the above data, the highest frequency crime is stock theft also referred to as cattle rustling. At second and third places in high frequency were the non-fatal injuries and fatal injuries respectively. For the average frequency crimes still stock theft had the highest score, followed by fatal injuries and non-fatal injuries respectively. For low frequency crimes, non-fatal injuries were the highest, followed by fatal injuries, highway banditry, armed robbery, and inter-ethnic clashes in decreasing frequency. The scores for never witnessed crimes in the order of non-occurrence were highway banditry, armed robberies and inter-ethnic clashes. This indicates that highway banditry and armed robberies are not common in the area despite possession on illicit SALWs by the residents. The SCSICs were not asked this question since crime data for each Sub County is documented. Likewise, the Academia/ professionals are not directly on ground so there was need to obtain data from the actual victims.

According to a research by *enact* (Enabling Africa's response to transnational organized crime) a NGO in collaboration with European Union it was observed that cattle rustling has become a widespread and lethal practice in East Africa and the Horn of Africa.⁵⁸Cattle rustling is in this context defined to as forceful raiding of livestock from one community by another using guns and leaving behind destruction of property and loss of lives.⁵⁹Therefore, the crimes perpetrated above to the Pokot ethnic group by neighboring communities as obtained from the primary data support the purpose behind proliferation of SALWs. The main objective why pastoral communities acquire SALWs is for cattle rustling; and in the process of cattle rustling results other criminal incidences such as deaths, bodily injuries, inter-ethnic retaliations leading to mass displacement, loss of property and obviously causing insecurity and underdevelopment. From the low frequency occurrence of highway banditry and armed robberies in this study, there is a clear indication that SALWs are not used to commit crimes internally and the few incidences are within urban centres and highways and committed by conventional criminals not who have no interest in cattle rustling.

2.4.2 Impact of illicit SALWs inflicted crimes on National Security

The responses given by the respondents through questionnaires when asked on the impacts of the crimes caused by people who possess illicit SALWs are as indicated in the figure below.

⁵⁸Deo Gumba, Nelson Alusala and Andrew Kimani. Vanishing herds. Cattle rustling in East Africa and the Horn. *Research Paper. enact. Issue 10*. December 2019

⁵⁹ Ibid

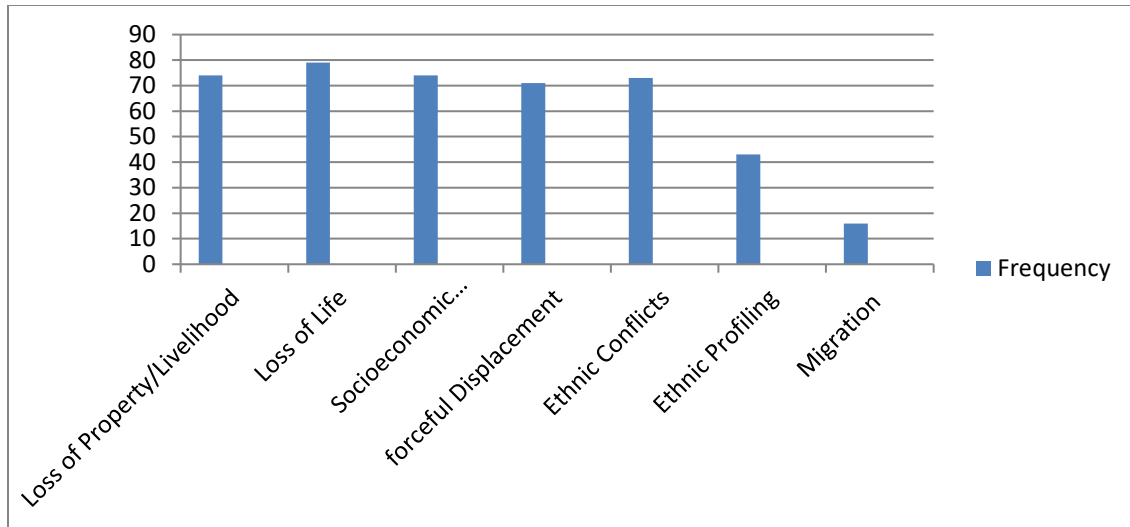


Figure 2. 6 : Impact of illicit SALWs on various sectors

Source: Field Data, 2022

From the responses, the impacts created by proliferation of illicit SALWs in decreasing order of magnitude were: loss of life, loss of property and livelihood, socio-economic underdevelopment, inter-ethnic conflicts, displacement of the population, ethnic profiling of the Pokot Community and lastly due to insecurity those that had financial ability migrate to urban centres where they are guaranteed of peace.

The SCSICs and the academia agreed on the following as the key impacts of proliferation of illicit SALWs in West Pokot County in decreasing order of impacts:

2.4.2.1: Impact on the Economic Sector: There was loss of livelihood of the residents of West Pokot County resulting from frequent raids of their livestock by armed bandits either from Marakwet or Turkana Community. In most cases the livestock stolen was never returned as a whole or after concerted interventions it was partly recovered. During cattle rustling, in most cases, there were fatal shootouts resulting to loss of members of community whether either the breadwinner or the dependents. Where there were non-fatal

injuries, the victims were left either totally or partially incapacitated and have to depend on others for their livelihoods. Residents also flee their homes whenever there is an imminent attack or after cattle rustling incidence from either side for fear of counter attack or a further attack as the case may be. This has caused people to adapt a temporary dwelling lifestyle without serious investments in their residences. Businesses and other sectors supporting livelihoods are disrupted occasionally whenever Pokots attack their neighbors or whenever Pokots are attacked. This has led to high poverty levels in the area. The economically stable members of the society have also migrated to more secure areas in urban centres thereby depriving the low socio-economic status households of access to casual labour and other opportunities available in such households.

2.4.2.2 Poor Infrastructural Development: Due to volatility in some conflict prone areas of West Pokot County, the population remains relatively low. This has made such areas get little consideration when allocating resources for development projects. Schools such as Chesegon Secondary school, Cheptulel Primary School, Turkwel Primary School etc. have been shut down several times due to insecurity. Such schools are under guard by armed police officers and this has not only undermined the students and teachers' populations but also education standards. The construction of Chesegon Technical Training Institute was abandoned by the contractor citing insecurity. The incomplete institute now hosts a platoon of Anti-Stock Police Unit (ASTU) that has been temporarily deployed to act as a buffer between the armed raiders from either the Marakwets or the Pokots. Other infrastructural developments such as communication networks, medical facilities, electricity supply, water supply, road networks etc. are still in poor state due to insecurity.

2.4.2.3: Decline in Social Cultural Activities: As a result of people living in tension and suspicion, inter-community interaction has reduced hence intermarriages and cross-border festivities are declining. Families are disintegrating due to loss of loved one through illicit SALWs caused death or inflicted injuries, and in some cases where one spouse is from the aggressing community marriages have been dissolved. Traditional ceremonies such as circumcision have been postponed in West Pokot and Elgeyo- Marakwet counties since such rituals traditionally are never performed at war times.

2.4.2.4: Militarization of Political Leadership: To be elected or re-elected in political leadership, a leader has to support warriors and cattle rustlers with firearms and ammunition and also support the cattle rustling agenda. This has led to militarization of political leadership and some often do not support government efforts of peace and security. This has undermined the civil service, and led to apathy in government development projects.

2.4.2.5: Sense of Community Insecurity: The persistent insecurity in the area of study with consequences such as deaths, injuries, destruction of property and loss of livestock has caused the community to feel very insecure and neglected by the government. People live in fear and apprehension not guaranteed of when the enemy will strike and orchestrate the aforementioned effects. This has caused proliferation of more illicit SALWs in attempt to balance power with their also illicitly armed neighbors.

The impacts of proliferation of illicit SALWs given by the respondents for both the interviews and questionnaires are congruent. Questionnaires show that loss of life, loss of property and other socio-economic losses as the greatest impacts arising from proliferation of illicit SALWs in West Pokot County. The interviews point at economic sector as the

most impacted by the proliferation of SALWs. Economic impact arises from loss of life, serious and non-serious injuries, and loss of property and displacement of the population. Available data shows that the proliferation of illicit SALWs is a threat to national security since their presence encourages violent means of resolving disputes often ignoring peaceful security-building means.⁶⁰ Consequently, the impacts of illicit SALWs proliferation are: deaths and injuries, economic decline due to loss of income and property, decline in rule of law, human rights and good governance, instability, insecurity, breakdown of social structures, and likelihood of violence recurrence and escalation among other impacts.⁶¹ The uncontrolled proliferation of illicit SALWs has caused deaths, injuries, displacement of the citizens, and other devastating effect on humanity.⁶² Further, research shows that illicit SALWs cause destruction and decline of the infrastructure, lower agricultural productivity, affects family unit especially children leading to high school dropout rates in pastoralist communities engaged in protracted conflicts. This has caused children to get exposed to guns, making them to believe that weapons are essential instruments for protection and survival.⁶³ It is therefore easy to explain the impacts that illicit SALWs proliferation has caused in the area of study and also generalize them to national wide situation due to congruence observed from the data collection instruments and from previous documentation.

⁶⁰ Impacts of Small Arms and Light Weapons on Conflict, Security and Human Development. A Training Manual. Module 3. Saferworld. 2012.

⁶¹ Ibid

⁶² Afolabi C, Adeola. Effects of Small Arms and Light Weapons Proliferation on National Security. 2021. Kiakia Bits Ltd. Abuja.

⁶³ R. K, Gorea. Impact of Proliferation of Small Arms and Light Weapons in South East Asia. Medicine, Conflict and Survival. 2006. Routledge, Punjab, India.

2.4.3 Counter Reaction by the Community towards Armed Aggression

The feedback by the sample units in this study when asked how West Pokot residents react when attacked by the neighboring communities was that they hold ground as they await security agencies to respond (43%), counter-attack (39%) while only 17% flee the area to escape the enemy as represented below:

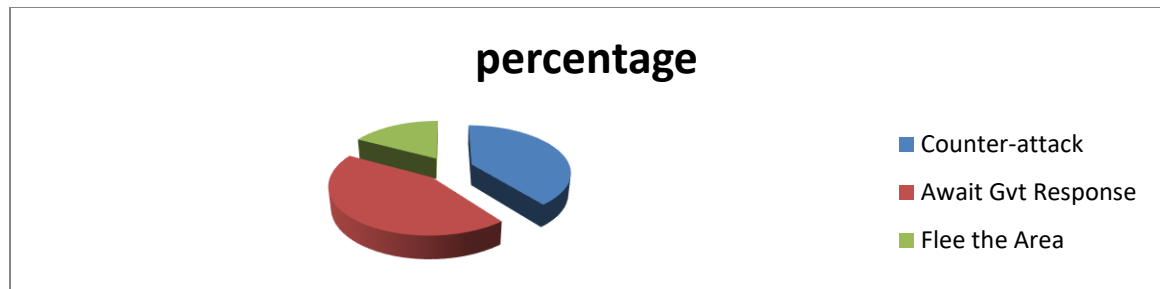


Figure 2. 7 : Residents Response to armed attacks by neighbors

Source: Field Data, 2022

The ability to counter-attack and withstand enemies until security enforcement agencies responded was a proof that civilians had illicit SALWs to counter the enemy. However, owing to the sensitivity of the issue, further responses were sought only from the security experts and the academia. The interview guide tried to confirm the above responses by determining the estimated number of firearms the SCSICs and the academia felt were in civilian hands in the County. This could be established through estimation of the number of firearms in every one hundred households. Pokot Central SCSIC that had a successful voluntary surrender of firearms exercise (2020-2021) was privileged to have had a real experience on situation in the area and thus their responses were deemed very dependable. A median of 4% in every one hundred households are believed to hold illicit SALWs according to the responses obtained. The responses were as represented in the line graph below:

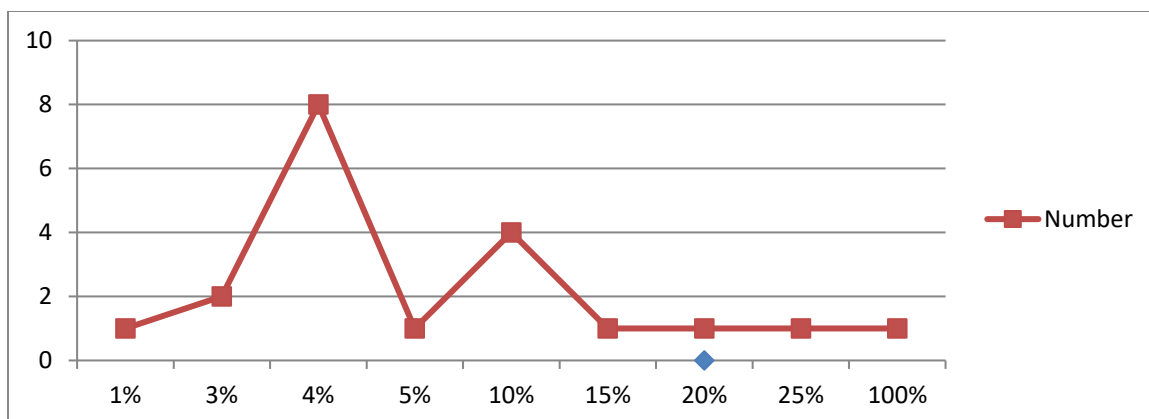


Figure 2. 8 : Estimated Numbers of Firearms per One Hundred Households

Source: Field Data, 2022

From Figure 2.7 above, only a paltry 17% flee the area whenever the area is attacked by the neighboring communities, 39% counter-attack while 43% hold ground protecting their families and livestock. This indicates that rival communities have over the long period of time that cattle rustling has been prevalent in the area of study, developed resilience capabilities against the antagonists. This explains the reasons justifying proliferation of illicit SALWs.

It is worthy to note that the Turkana, Pokot and Marakwets in Kenya mainly practice nomadic pastoralism characterized by risk-spreading and flexible mechanisms such as mobility, communal land ownership, large and diverse herd sizes and herd separation and splitting.⁶⁴ Livestock also plays multiple social, economic and religious roles in pastoral livelihoods such as regular source of food, cash income to meet basic needs, payment of dowry, compensation of the killed and injured during raids, symbol of wealth and prestige, store of wealth, and a source of security during drought, diseases and calamities. Since

⁶⁴ Mtutu, K. Agade. Pastoralist conflict, Governance and Small Arms in North Rift, North East Africa. Bradford University, 2005.

pastoralism is about livestock management, the conflicts in pastoralist communities are predominantly about livestock and its sustenance resources basically the land, pasture and water.⁶⁵ Social identity theory can be applied here to explain how cattle rustling and pastoralist conflicts hence acquisition of illicit SALWs are ethnic based. The assumption is that ethnic conflict and even wars do not result from irrational and spontaneous eruptions of mass anger, but is deliberately orchestrated and planned by elites and organizations to increase group cohesion and build a loyal support base.⁶⁶ Thus when an incidence of cattle rustling occurs including to an individual livestock owner, it is treated as an aggression to one community by an enemy community and is met with an ethnic community response. Therefore, proliferation of SALWs, cattle rustling, and inter-ethnic conflicts have all taken an ethnic dimension.

2.4.4 Mode of Operation of Armed Warriors

Through the questionnaires, it was gathered that for the illegally armed population, 58% acquired illicit SALWs individually for personal objective, 40% acquired firearms communally to serve societal interests and, 2% responded that they were not aware of the reason for acquisition.

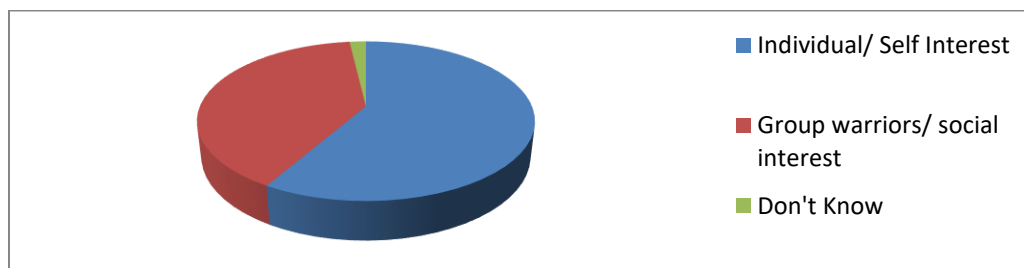


Figure 2. 9 : Modus Operandi for illicit SALWs acquisition by Pokot warriors

⁶⁵ Ibid

⁶⁶ Jolle Demmers. Theories of Violent Conflict. An Introduction. 2012. Routledge, 711 Third Avenue, New York.

Source: Field Data, 2022.

However, this was refuted by the experts who noted that 70.6% of the illicit SALWs acquisition was driven by both social and individual objectives to acquire illicit SALWs, 23.5% acquired illicit SALWs on pure community motivation and, only 5.9% acquired illicit SALWs for purely personal reasons. The respondents justified the community ownership of SALWs by noting that Pokots are neighbors to hostile and illicitly armed Turkana, Karamojong and Marakwet communities and therefore must find a way of defending themselves. They further noted that in pastoralist communities' communal rules override personal interests so that as individuals protect their lives, livestock and other property from hostile neighbors they do so as a community.

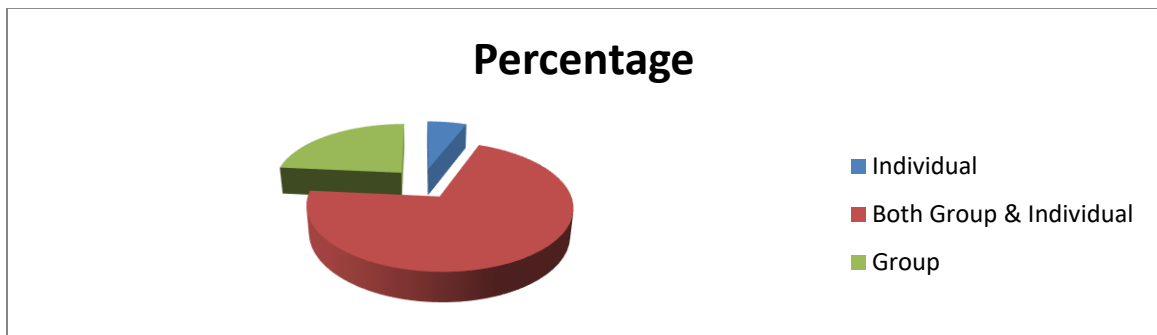


Figure 2. 10 : Means civilians use to possess illicit SALWs

Source: Field Data, 2022.

A study of cattle raid patterns observed that there are three types of cattle raids according to number of participants involved;⁶⁷There are highly organized raids that involve several hundreds of raiders from one community attacking a neighboring community and taking away masses of livestock, secondly there are “adakar” raids in which several dozens or

⁶⁷ Janpeter Schilling, Francis E, O Opiyo, and Jurgen Scheffran. Raiding Pastoral Livelihoods: Motives and Effects of Violent Conflicts in North-Western Kenya, 2012. *Pastoralism: Research, Policy and Practice*. <https://www.pastoralism Journal>

even up to hundreds of raiders from a nearby village come together to attack one village or *kraal* of a rivaling community and lastly, a handful of men usually not more than fifteen (15) target to raid small unprotected kraals or a group of animals which are usually accompanied by one pastoralist.⁶⁸ From both field data and secondary data it can therefore be established that conflicts and crime incidents orchestrated using SALWs are mainly carried out by one community against the enemy community in pastoralist communities. Issues of SALWs proliferation therefore can be linked to community-group dimensions.

2.4.5 Community justification for possession of illicit SALWs in West Pokot County

The local respondents in their various strata identified the below graphically represented factors as the main reasons why civilians acquire illegal SALWs despite heavy security personnel deployment in the area. Protection of livestock, protection of life for self and family and unreliable security agencies in descending order of priority were the main reasons that communities cited as causes for acquiring illicit SALWs. Other reasons advanced by the community were; protection of their land and other community resources from the neighboring communities who are also in possession of illicit SALWs, stock theft for commercial gains, availability of cheap weapons and ownership of weapons was a cultural practice.

⁶⁸ Ibid

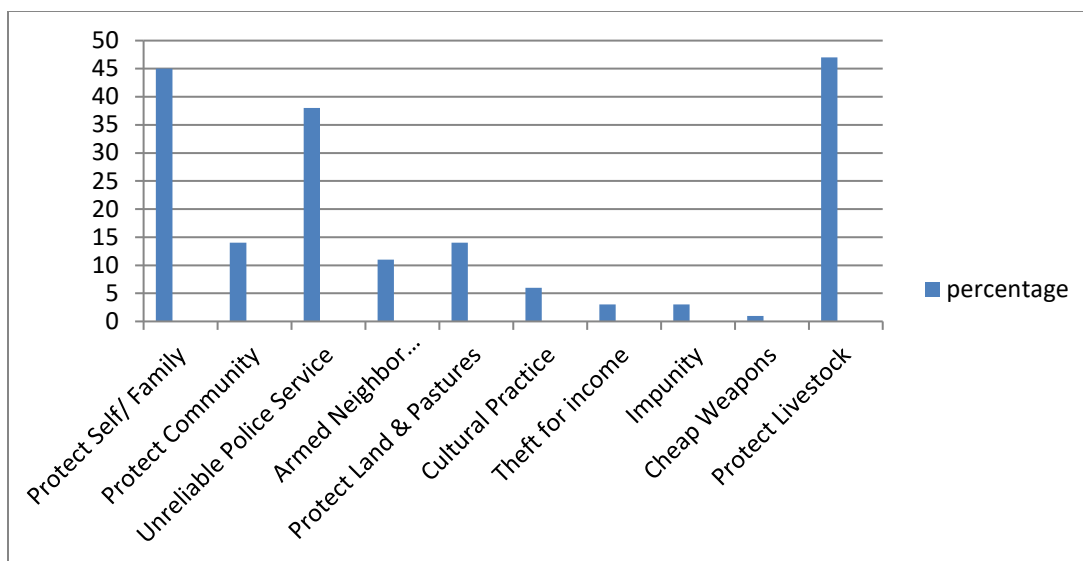


Figure 2. 11 : Reasons for possession of illicit SALWs by civilians

Source: Field Data, 2022.

Similarly, data was obtained from the professionals and SCSICs through an interview guide on the reasons they believed to be the causes for civilian acquisition of illicit SALWs despite heavy presence of Formed up Police Units in the county and all other neighboring counties. They indicated that protection of livestock and themselves from the neighboring communities was the primary reason the Pokot community acquires SALWs. They likewise acquired illicit SALWs to raid livestock from their neighbors, to protect themselves from hostile armed communities, to enlarge their territory and lastly possession of weapons was a cultural for the Pokot community. The rating of responses is as shown:

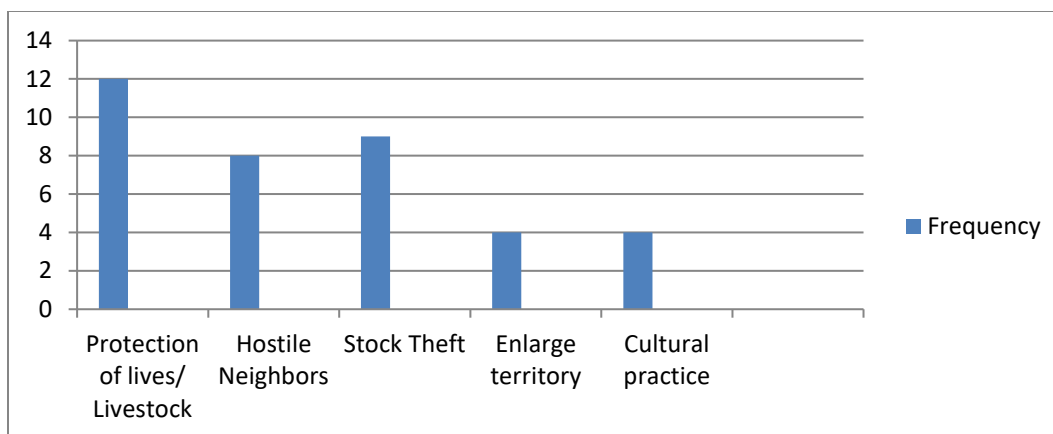


Figure 2. 12 : Professionals View on causes of proliferation of SALWs

Source: Field Data, 2022.

This indicates that protection of livestock, personal and property security from hostile equally armed neighbors is the driver for proliferation of SALWs in West Pokot County. National-wide research on availability of Small Arms in 2012 for households shown that protection of property, protection from other clans and from armed gangs were major causes for proliferation of SALWs. From Law Enforcers perspective, the same study observed that protection from armed gangs and criminals and protection of property were the main justifications for possession of illicit SALWs.⁶⁹

2.5 Summary of the Key Chapter Findings

This Chapter was primarily concerned with providing answers to the first specific objective of this study. It solely aimed at examining the impact of the proliferation of Small Arms and Light Weapons (SALWs) on National Security by taking a case study of West Pokot County. Since this is the first chapter where primary data has been presented and analyzed,

⁶⁹ Manasseh Wepundi, et al. Availability of Small Arms and Perceptions of Security in Kenya; An Assessment. Special Report. Geneva. Small Arms Survey.2012.

background information of the study has been analyzed in this chapter. The testing of the theory has also been undertaken in this chapter to determine whether the proliferation of illicit SALWs in West Pokot County can be explained by either the Rational Choice Theory or Social Identity Theory.

To start with, this study was conducted in West Pokot County and four out of six Sub Counties were identified for the study. These are the Sub Counties that according to trends reported incidences of cattle rustling and deaths, injuries, banditry and robberies conducted by criminals armed with SALWs. Kacheliba and Kipkomo Sub Counties were excluded since they didn't have these as strategic security challenges in their security and intelligence briefs. Kacheliba has been peaceful due to disarmament of Karamajong community of Uganda and deployment of Uganda People Defence Forces (UPDF) along Kenya-Uganda border. Kipkomo is centrally located right in the middle of West Pokot County and not currently susceptible to armed cattle rustling from neighboring communities.

However, the most affected Sub County was Pokot Central that borders Baringo, Turkana and Elgeyo- Marakwet Counties and experiences animosity between the Pokots living in the Sub County and the Turkanas and Marakwets living in Turkana and Elgeyo-Marakwet Counties respectively. For this reason, the main target area of study was Pokot Central hence a significant sample was picked from there. For Pokot South, West Pokot and Pokot North Sub Counties some wards are affected by proliferation of illicit SALWs and these are Tapach, Sook and Kasei wards of the three mentioned Sub Counties respectively. From these areas samples proportionate to the population were taken representing a random stratified sample.

From the data collection techniques, the response rate was 70% for the interviews and 74.5% for the questionnaires. Each technique of data collection was stratified to enhance richness of responses from different types of respondents. The strata involved SCSIC members and academia/ professionals for the interviews and, the village elders, religious leaders, NGO personnel and the ordinary local population for the questionnaires. The gender representation was 72% for males and 28% for females. This is quite a representative sample after considering that the effect of armed conflicts has caused lack of empowerment for women. Most of the respondents were aged between 25-50 years with majority having lived in respective areas of study for more than 15 years.

In order to determine the theoretical concept that can adequately explain proliferation of SALWs, the SCSICs and academia argued that in pastoralist communities, SALWs are acquired for community survival interest (94%) other than individual security interest which was rated at (6%). This justifies the concept in this study of national security as opposed to human security. In national security, the concern is with societal welfare whereas human security considers personal wellbeing. It also justifies the application of Social Identity Theory as a basis to explain the proliferation of SALWs in West Pokot County. The questionnaires' observations were that 58% of the population acquires SALWs individually while 40% acquire as members of a group. Cumulatively therefore acquisition of SALWs is community driven. The median rate of possession of illicit SALWs was at 4% of the target population. Generalizing this into a population of Pokot Central Sub County with a census population of 119,016, with an average household size of 5.0⁷⁰ this implies that more than 950 SALWs are illegally in civilian hands in the one

⁷⁰ <https://countytalkinfotrackresearch.com08/09/20221530hours>

Pokot Central Sub County. The respondents confirmed ownership of illicit SALWs when 39% indicated that they would counterattack when an armed aggression by a neighboring community was meted against them.

The justification for possession of illicit small arms and light weapons from both the interview guides and questionnaires were the protection of livestock, other property, life, and defend territory primarily from the neighboring communities that are hostile and also armed with illicit SALWs. Separately, the residents indicated that the government security agencies deployed in the area lacked capacity to protect them from inter-community armed aggression hence they have to acquire firearms to defend themselves. Security personnel and professionals on the contrary indicated the commercialization of cattle rustling had made the practice lucrative hence warriors were engaging in it for commercial benefits, though for them to succeed they had to be organized as community warriors.

The study established that the impacts of proliferation of illicit SALWs were both criminal in nature and had socio-economic implications. On the criminal element members pointed out that stock theft was the most prevalent crime occurring at high frequency where every month incidences of cattle rustling were reported. This was orchestrated by armed neighboring communities and this resulted in increased poverty to the residents since when livestock was stolen it's never recovered at all and where concerted efforts were made only partial recoveries succeeded. During cattle rustling also there were both fatal and non-fatal injuries and this has led to insecurity among the residents. In this Kerio-Valley County the right to life of residents is not guaranteed. As a result of cattle rustling and competition for grazing land, water and pastures, inter-ethnic conflicts persist in this area resulting to more

deaths and injuries for all the conflicting communities. However, intra-ethnic conflicts are rare and this explains why despite these communities being armed with illicit SALWs, cases of highway banditry and armed robberies are very minimal and only occur in urban centres and major highways.

The socio-economic impacts of proliferation of SALWs cited by the respondents in decreasing order of precedence were; economic losses, poor infrastructural development, low social development, poor political leadership and, a feeling of sense of inequality and discrimination of residents by the government.

CHAPTER THREE

EFFECTS OF ALTERNATIVE DISPUTE RESOLUTION (ADR) INSTRUMENTS AGAINST PROLIFERATION OF ILLICIT SMALL ARMS AND LIGHT WEAPONS ON KENYA'S NATIONAL SECURITY

3.1 Introduction

Alternative Dispute Resolution (ADR) refers to all the decision-making processes other than litigation including but not limited to negotiation, enquiry, mediation, conciliation, expert determination, and arbitration among others.⁷¹ ADR is recognized in both international and national legal systems as a method of conflict management. The United Nations Charter, in Chapter VI on Pacific Settlement of Disputes, Article 33 states that the parties to a dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their own choice⁷². The Constitution of Kenya also in Article 159 Section (2) (c) states that in exercising judicial authority, the courts and tribunals shall promote alternative forms of dispute resolution including reconciliation, mediation, arbitration, and traditional dispute resolution mechanisms, provided these traditional dispute resolution mechanisms do not contravene the bill of rights, are not

⁷¹Kariuki Muigua. Alternative Dispute Resolution and Article 159 of the Constitution of Kenya .2018. retrieved from <https://kmco.co.ke> on 27/12/2022 at 1524hrs

⁷²Laws of Kenya: The Constitution of Kenya, 2010. National Council for Law Reporting, Nairobi.

repugnant to justice or result in outcomes that are repugnant to justice or morality and are not inconsistent with the constitution or any other written law.⁷³

Various mechanisms are applied in Alternative Dispute Resolution (ADR) and some are:

3.1.1 Negotiation

This is an informal process and one of the most fundamental methods of conflict resolution.⁷⁴ It offers the parties to the conflict maximum control of the process and it involves the meeting of the parties to identify and discuss the issues at hand so as to arrive at a mutually agreed upon solution without the intervention of a third party. The process involves two or more people who may either have equal or unequal powers, meeting to discuss shared and/ or opposed interests in relation to a particular area of mutual concern. The concern in negotiation is on common interests while avoiding overemphasis on the causes of dispute in order to create options that satisfy both mutual and individual interests.⁷⁵

3.1.2 Mediation

Mediation is a voluntary, informal, consensual, highly confidential, and non-binding dispute resolution process in which a neutral third party helps the conflicting parties to reach a negotiated solution. In this case an acceptable, impartial and neutral third party who has no authoritative decision-making power assists the disputing parties in voluntarily reaching their own mutually accepted settlement of the issue in dispute.⁷⁶The underlying

⁷³ Todd B, C and Albert A, V. Alternative Dispute Resolution. Why it doesn't work and Why it does. 1994. Harvard Business Review. Retrieved from <https://hbr.org/1994/05>

⁷⁴ Ibid

⁷⁵ Ibid

⁷⁶Ibid

point in the mediation process is that it arises when the parties to a conflict have tried negotiations but have reached a deadlock.⁷⁷

3.1.3 Conciliation

In this process a neutral third party restores damaged relationship between disputing parties by bringing them together, clarifying perceptions, and pointing out the misconceptions. This reduces tensions and opens up channels of communication and this facilitates continued negotiation. Unlike the mediation process, the conciliator may not be totally neutral to the interests of the parties.

3.1.4 Arbitration

This process is subject to statutory controls in that formal disputes are determined by a private tribunal of the parties' choice. Arbitration arises where a neutral third party is appointed by the parties to the conflict or by an appointing authority to determine the dispute and give a final and binding award.

3.1.5 Adjudication

This is defined as a dispute settlement mechanism where an impartial third-party makes a fair, rapid and inexpensive decision on a given dispute. The decision of adjudication is binding unless the matter is challenged either through arbitration or litigation.

Other mechanisms applied in ADR include; neutral evaluation of the disputed issue by an expert, settlement conferences, convening to identify the issues and individuals involved

⁷⁷Ibid

in issues that are uncertain, fact-finding, declarations and resolutions.⁷⁸ The benefits of ADR are that they are less costly, less time consuming and have less delays, less formal, are more flexible than court proceedings, are less adversarial and are aimed at achieving a ‘win-win’ solution to the parties in dispute.⁷⁹

The respondents noted that there are various stakeholders involved in peace efforts and adopt various Alternative Dispute Resolution approaches. The identified peace stakeholders were: the elders, County Government, Non-Governmental Organizations, Ministry of Education, Churches, security agencies, experts in peace issues, political leaders, women and youth. From the responses on the roles performed by stakeholders in ADR peace efforts, they were grouped into three categories namely; Pokot Council of Elders, Non-Governmental Organizations where also religious and civil society organizations were classified, and National Steering Committee on Peace building and Conflict Management.

This Chapter therefore looks at the role of Pokot Council of Elders, Non-Governmental Organizations, and the National Steering Committee on Peace and Conflict Resolution (NSC) in applying various Alternative Dispute Resolution (ADR) mechanisms towards reducing proliferation of illicit Small Arms and Light Weapons in West Pokot County and the effect on Kenya’s national security. Since most of the data collected in this chapter was qualitative in nature, most of the analysis in the chapter is content analysis.

⁷⁸ Todd B, C and Albert A, V. Alternative Dispute Resolution. Why it doesn’t work and why it does. 1994. Havard Business Review. Retrieved from <https://hbr.org/1994/05>

⁷⁹ Ibid

3.2 Role of Pokot Council of Elders in addressing proliferation of illicit Small Arms and Light Weapons (SALWs) in West Pokot County.

The respondents were asked to give their views on the roles that Pokot Council of Elders (PCE) performed in reducing the proliferation of SALWs in West Pokot County. All respondents were of the opinion that PCE performed clear roles towards peace and security in the county and the relative peace in West Pokot County were greatly attributed to their involvement. The roles played by PCE in addressing issues of illicit SALWs proliferation as enumerated by the respondents include;

3.2.1 Settlement of Community Disputes

As earlier explained, cattle rustling occurs inter-communally and rarely amongst members of the same ethnic community. This is attributed to the discipline instilled within communities by the Councils of Elders. The PCE has remained as a symbol of Pokot ethnic group unity and has been instrumental in solving disputes arising within members of the community. Their role in dispute resolution through their “courts” is revered since their pronouncements are very punitive, and the consequences of non-compliance to these pronouncements are even worse.

Their instrumental role in intra-community peace mediation has enhanced reduction of proliferation of SALWs especially in the interior parts of West Pokot County where threats of armed attack by the neighbouring ethnic communities is minimal. Residents have therefore found no importance of possessing illicit firearms since the PCE has prevailed on use of firearms against fellow Pokot community members. It is therefore not beneficial to possess an illicit firearm in the peaceful areas of West Pokot County since there is no opportunity to use it and when utilized against a fellow colleague, even before the criminal

justice system comes in, the PCE will have undertaken a sacred ritual, traditionally known as *lapai* that would force the entire clan of the aggressor to compensate several folds the aggrieved person. This will leave the entire clan to live in poverty since all their property especially cattle could be repossessed. The entire community is in support of this and thus there is no room for one to forfeit this communal obligation.

As a measure to enhance compliance to community norms, the PCE administers a ritual to youths on attaining marriage age referred to as *Savana* where locals are inducted on community norms and how to obey them. This has drastically reduced intra-community conflicts. The Pokot Council of Elders have a communal responsibility of resolving conflicts that are internal and amongst the Pokot ethnic community and this has led to a sustainable peace internally.

In cases that occur amongst the Pokots, Marakwets and Turkanas, the PCE works in collaboration with the Council of Elders from the respective communities in resolving the issue. This however depends on the status of relationships existing amongst the various communities. It however remains questionable as to why the Councils of Elders in the respective Kerio Valley conflicting communities have not been able to apply their enormous influence to dialogue on, negotiate and mediate on a long-lasting peace agreement. This can be explained by selfish community interests that come to play during the negotiation process. When one community perceives themselves as more powerful or of a higher status in terms of inter-community relations, power plays hinder negotiation processes.⁸⁰

⁸⁰ Salim, Omar et al. *Voices of the People: Impediments to Peace and Community Resilience in Kenya's North Rift Region*. National Cohesion and Integration Commission and Interpeace. 2021. Regal Press. Nairobi.

3.2.2 Convene Peace Meetings

The elders are members of Local Peace Committees that exist in conflict habituated communities. The PCE have both explicit and implicit mandate of calling for peace meetings amongst members of their community. Explicitly is through their own informal traditional fora where they convene their members either as clans, villages or a whole community to deliberate on community issues. Respondents indicated that the PCE has used this forum often to prevail upon youths to desist from cattle raid activities, to advocate for child education, and to issue warnings to those who breach community peace.

Implicitly, as members of Local Peace Committees, the elders work hand in hand with the National Government Administration Officers (NGAO) and the Security and Intelligence Committee Organs in delivering peace to the community. The peace and tranquility achieved by SCSICs and the CSIC in West Pokot County can to a great extent be attributed to ADR approach that has been facilitated by working closely with PCE. Security agencies have applied this soft approach by organizing public meetings and letting the elders oversee the community deliberations and this has created a sense of ownership and responsibility for compliance.

Inter-County peace forums led either by County Governments, NGOs or the National Steering Committee on Peace (NSC) had capitalized on elders in setting the respective resolutions. The role of PCE in local and inter-communal peace meetings therefore cannot be overlooked.

3.2.3 Supporting Amnesties and Voluntary Surrender of illicit Firearms

In the last few years particularly from 2012-2022, security situation in the Kerio Valley Basin has been too volatile. The government has issued amnesty on surrender of firearms in some cases and in other cases issued directives on voluntary surrender of firearms. This is according to the information received from respondents for both the questionnaires and the interviews. The PCE was crucial to this effort that was tasked to the national security agencies.

In the voluntary surrender of firearms operation carried out in West Pokot County in 2020-2022, over 390 serviceable firearms were surrendered to the government in Pokot Central Sub County alone. The SCSIC Pokot Central attributed the success to assistance that local peace elders gave to the exercise. The elders volunteered to sensitize the community on the need to surrender illicit SALWs and follow up on the voluntary surrender exercise. They also assisted in providing intelligence to security agencies on those who failed to surrender illicit firearms. According to respondents, they lost faith in the exercise when they realized that their counterparts from Elgeyo Marakwet and Turkana Counties did not surrender back their illicit firearms in equitable scale. The PCE has been imploring their fellow Councils of Elders from neighboring counties to take control in fast-tracking voluntary surrender of illicit SALWs for sustainable peace in Kerio Valley Basin.

3.3 Role of Non- Governmental Organizations in addressing Proliferation of illicit Small Arms and Light Weapons in West Pokot County

The questionnaires sought to establish how the NGOs were contributing to reduction in the proliferation of illicit SALWs in West Pokot County. A majority at 94% acknowledged the positive role played by NGOs in peace building activities while only 6% responded that

they did not feel the presence of NGOs in the area of study. The NGOs identified included: World Vision, Kenya Red Cross Society, I-Rep Foundation, Action Aid, Northern Rangelands Trust (NRT), Tegla Lorupe Foundation, Finnish Church Aid, Declare Kenya, Social Ministry Research Network Centre (SOMINEREC), SIKOM Network for Development, Catholic Peace and Justice, Food and Agriculture Organization, World Food Program (WFP), Field Child Aid, I-REP, Danish International Development Agency (DANIDA), Smart Agriculture, Action Against Hunger and the Interdenominational Forum. The NGOs that were sampled were the World Vision, Interdenominational Forum, NRT, SOMINEREC, I-REP, and Tegla Lorupe Foundation.

The roles of NGOs in reducing proliferation of illicit SALWs in West Pokot County as informed by the respondents either personnel working for the NGO or members of public with knowledge about the operations of particular NGOs were:

3.3.1 Advocacy on Peace

The NGOs in collaboration with other stakeholders have been in the frontline advocating for peaceful co-existence amongst the Pokots, Samburus, Turkana, Marakwets, Tugens and the Karamajong ethnic communities. NGOs undertake this role through local media stations, social media or directly reaching out to its clients during their routine engagements.

The NRT which has a wide coverage area has been very instrumental in West Pokot through among other programs, its European Union funded *Ustahamilivu* (Resilience) Program which focuses on building drought resilience and drought risk management to communities living in lower and drier regions of West Pokot County. This project is geared towards ensuring that the community has enough food and nutritional requirements,

adequate pastures for the livestock and hence enhanced peace and conflicts. One key reason why cattle rustling has been recurring in West Pokot and neighboring counties is that during droughts people lose most of their livestock due to lack of water and pasture and when it rains, they attack neighboring communities and raid from them for restocking purposes. To execute this objective such communities, find the justification for possession of illicit SALWs. The *ustahimilivu* program addresses insecurity through irrigation projects focused on enhancing cultivation of drought tolerant early maturing crops, fodder, and installation of livestock watering points. The community is sensitized to concentrate on boosting their livelihoods hence need to live in peace.

There has been a peace and security advocacy component by most NGOs working in West Pokot County. The I-Rep for instance has been advocating for peace through sensitization against Female Genital Mutilation and Child marriage in the remote areas of the county where the practice is prevalent. These retrogressive practices are accomplished through payment of hefty cattle dowry hence the perpetual culture of cattle rustling accomplished through illicit SALWs. All these efforts are indirect peace enablers advocating for an educated society where no youth will be motivated to possess a gun.

There also have been efforts by NGOs such as World Vision and DANIDA in complementing the effort of Kerio Valley Development authority to provide alternative livelihoods to the residents of West Pokot County and enhance their knowledge that there is life beyond pastoralism. One such effort has been focusing on apiculture. Beekeeping through provision of the improved top bar bee hive has increased the socio-economic status of the residents of the ASAL areas in Pokot Central, Pokot North and West Pokot. If this venture could receive a greater support for large scale production, value addition and

market accessibility, the livelihoods of residents of areas currently experiencing armed cattle rustling would improve tremendously and the retrogressing cattle rustling would prove too unbeneficial and risky and would be shunned by many.

Provision of schools and advocating for “education for all” would increase literacy levels and boost security. The establishment of border peace schools with mixed boarding facilities at Katikomor and Moi Masol Primary schools has been lauded by the respondents as one approach that has enhanced intercommunity integration and hence fostered peace. NGOs have played a greater role in supporting construction of classrooms in many primary schools and also supporting in paying schools fees for many children. Additionally, they have been rendering welfare support such as food, clothing and cash transfer to poor households. This way they encourage high school enrollment for children and also get opportunity to sensitize the community on the negative effects of illicit SALWs in a community.

3.3.2 Facilitation of Peace Committees and Meetings

The Finnish Church Aid, World Vision, Interdenominational Forum, Catholic Peace and Justice among others consistently organize public *barazas*, stakeholders’ meetings, consultation fora, and seminars to discuss on issues of reducing insecurity in the area. In liaison with National Administration, Security organs, Pokot Council of Elders, Religious leaders, County Government of West Pokot, and opinion leaders, the NGOs have severally facilitated forums to address insecurity both within the county and in the neighborhood. In such forums they have pledged support for both community and government efforts aimed at reducing proliferation of SALWs. The support is aimed at facilitating dialogue,

conciliation, negotiation, mediation, and traditional dispute resolution mechanisms aimed at sustainable peace.

3.3.3 Peace Caravans and Marathons

These events are organized to promote peaceful coexistence of the conflicting communities. Most cited include the Tegla Loroupe Peace Races held at Turkwel and Kapenguria in 2018 and 2021 respectively. The Marathons brought together warriors from West Pokot, Samburu, Turkana, Elgeyo Marakwet Counties as well as neighboring areas of Karamoja in Uganda and South Sudan⁸¹ specifically amongst other participants and the themes have revolved around “building bridges and inspiring talents for peace and development.” Peace marathons have enabled the warriors from conflicting communities to realize that they can co-exist and gain more from co-existence than from conflicts.

Peace caravans have also been employed by NGO stakeholders to sensitize communities on peace initiatives. Such caravan traversed from Turkwel with stopovers in Nasolot, Sarmach, Lami Nyeusi, Orwa, and Sigor in July 2022. The caravan was organized by Social Ministry Research Network Centre (SOMINEREC) an NGO working in the area and brought together Turkana and Pokot communities.

⁸¹ <https://www.teglapeace.org/project> retrieved on 05/01/2023 at 1909hrs.

3.4 National Steering Committee on Peace Building and Conflict Management Alternative Dispute Resolution (ADR) Interventions on Proliferation of Illicit SALWs in West Pokot County

The National Steering Committee on Peace Building and Conflict Management (NSC) is a multi-agency peace architecture that was established in 2001 and was formed on the realization of the need to incorporate traditional justice resolution mechanisms into the formal legal-judicial systems in conflict mitigation.⁸²The NSC is mandated with the coordination of all peace related activities in Kenya and also doubles up as Kenya's Conflict Early Warning and Response Unit (CEWERU) for the implementation of Conflict Early Warning and Response Mechanism (CEWARN) Protocol acceded to by IGAD member states.⁸³When Kenya was drafting a National Policy on Peace-building and Conflict Management in 2011, it was acknowledged that violent conflicts are complicated by easy access to illegal SALWs, the proliferation of which is felt in gun-related crimes, particularly in urban centres and in pastoral conflicts.⁸⁴NSC comprises government departments, Civil Society Organizations (CSOs), Non-Governmental Organizations (NGOs) and development partners. The NSC has adapted the peace committee model from up to the lower levels of administrative units. The committees bring together traditional dispute resolution mechanisms involving traditional elders, women, and religious leaders on one hand and the formal mechanisms for dispute resolution by the government security agencies and NGOs initiatives on the other hand.

⁸² <https://www.nscpeace.go.ke>

⁸³ Ibid

⁸⁴ Ibid

The study wished to determine the initiatives that have been undertaken by the NSC and its various stakeholders aimed at reducing proliferation of SALWs amongst the residents of West Pokot, Elgeyo- Marakwet, Baringo and Turkana Counties in Kenya and with the Karamoja of Eastern Uganda. The study also sought to determine the impacts of those interventions on proliferation of illicit SALWs. The opinions of the respondents are as outlined below:

3.4.1 Peace Declarations and Resolutions

Under the stewardship of the NSC Secretariat, various declarations have been made in an attempt to attain a long-lasting peace in Kerio Valley Basin and also between the pastoralist communities inhabiting the areas along the Kenya-Uganda. Some of the key declarations include;

3.4.1.1 Kolowa Declaration

This was arrived at following a Dialogue, Negotiation and Mediation amongst the stakeholders of peace and security in the large North Rift Region. The declaration was that all stakeholders should make all necessary efforts to reduce armed inter-ethnic aggression particularly raiding of cattle and other armed attacks by warriors from their respective communities. The elders of each community undertook to prevail upon their warriors to cease from cattle rustling activities and any culprit will be required to make a retribution equivalent to four times plus one of the livestock stolen. The Four plus One (4+1) means that for any one livestock (goat, sheep, donkey, camel or cow) stolen, the culprit will pay four equivalent animals to the to the victim plus one extra animal to symbolize the head of the raided animal. This was based on that the raided animals have four limbs and

compensation should be equivalent to the number of limbs of the livestock stolen plus one for the head of the livestock raided.

The declaration also committed the elders of one community to hand over “footprints” of the stolen livestock to the elders of the community for which they believe the livestock has been taken who would then sign track and recover the stolen animals.

3.4.1.2 Kainuk Accord

This accord was agreed upon at RCEA Church Kainuk in a meeting chaired by the Regional Commissioner Rift Valley, and attended by; RSIC Rift Valley, CSICs Turkana and West Pokot Counties, SCSICs for Pokot North, Pokot Central, and Turkana South, Commanders of Formed Up Police Units, political leaders, all the area chiefs and assistant chiefs, NGOs and religious leaders and members of public in May 2022. This was in reaction to a spate of armed highway banditry along Kainuk-Lokichar highway stretch, increased cases of cattle raids between Pokots and the Turkana communities and increased firearms inflicted deaths.

In the accord it was agreed that both communities should form grazing committees that will organize on how to negotiate for grazing land and water from the neighboring community during the times of drought, security officers to evacuate all livestock illegally grazing in South Turkana National Reserve whose owners were alleged to be involved in banditries, killings and stock theft witnessed in the area, Kenya Wildlife Service and Kenya Forest Service not to allow any livestock more so from Tiaty Sub County entry into the Game Reserve and strengthening of peace building structures along the West Pokot/Turkana border. The accord also witnessed the sharing of areas of immediate jurisdiction in their areas of operation amongst the FUPs deployed in the area namely RDU, GSU and

ASTU and also the general duty police command. The respondents believed that this kind of engagement is fruitful as a means of enhancing inter-community peace and security.

3.4.1.4 Tot Resolution

The Tot Resolution of 2021, made various interventions in an effort to restore peace within the Kerio Valley Basin. Organized by NSC and attended by various stakeholders including RSIC Rift Valley, political leaders, CSICs, SCSICs, Councils of Elders, Religious leaders, NGOs and members of public from Baringo, West Pokot, Elgeyo-Marakwet, and Turkana Counties the meeting considered the views of respective community stakeholders before a final resolution was arrived at. It was resolved that the National Police Reservists (NPR) were part of the insecurity that was being witnessed in the area and were therefore degazetted with immediate effect and orders issued for all NPRs to surrender all firearms, ammunitions and other government stores issued to them. An order for voluntary surrender of firearms was also issued that all cattle raiders would be treated as armed criminals and be brutally dealt with by law enforcement officers. It was resolved that grazing committees should be formed to monitor livestock movement trends and if one community was experiencing drought, the grazing committee should politely through traditional community established channels of leadership request for pastures from the neighboring communities. The pasture committees to keep a record of numbers of livestock from the other community in order to avoid stock theft after the expiry of the agreed upon grazing period.

3.4.1.5 Moruitit-Nabilatuk Declaration

This declaration covered the Karamoja, Turkana and Pokot ethnic communities even though proponents especially from Kenya were advocating for inclusion of the Marakwet

community. However, the NSCs from Kenya and Uganda insisted that this was a Kenya/ Uganda Peace agreement that was not relevant to the Marakwet community who do not share a boundary with Uganda. The declaration was named after the place where the declaration was conceived and nurtured in Uganda. It was declared that for any incident of cattle rustling, the compensation would be equivalent to two plus one (2+1) of the number of livestock raided. For instance, if ten heads of cattle were raided by the Karamoja from the Pokot Community, the Pokots would be compensated by the Karamoja twenty cows plus one extra cow to be slaughtered by the elders and sign tracking team. All the signatory communities to the declaration and the respective government's representatives committed themselves to full implementation of the declaration.

3.4.2 Community Policing Initiatives

All the SCSICs and professionals interviewed appreciated the role that Community Policing plays in reducing crime in general and proliferation of illicit SALWs in West Pokot County particularly. From the questionnaires, only 14% of the respondents acknowledged that community policing was an ADR approach. The national government security organs thus need to partner with other stakeholders such as the County Governments and NGOs in sensitizing members of public on how they can utilize community policing to improve security. From responses obtained from the interviews however, it is clear that security agencies particularly the Formed-Up Police Units (FUPs) have relied on community policing to get crucial leads that have resulted recovering stolen livestock, avoiding enemy ambushes, and recovering illegal firearms thus reducing proliferation of illicit SALWs.

3.5 Successful Alternative Dispute Resolution Approaches in West Pokot County

The research respondents agreed that the following ADR approaches had succeeded in reducing proliferation of illicit SALWs in West Pokot County:

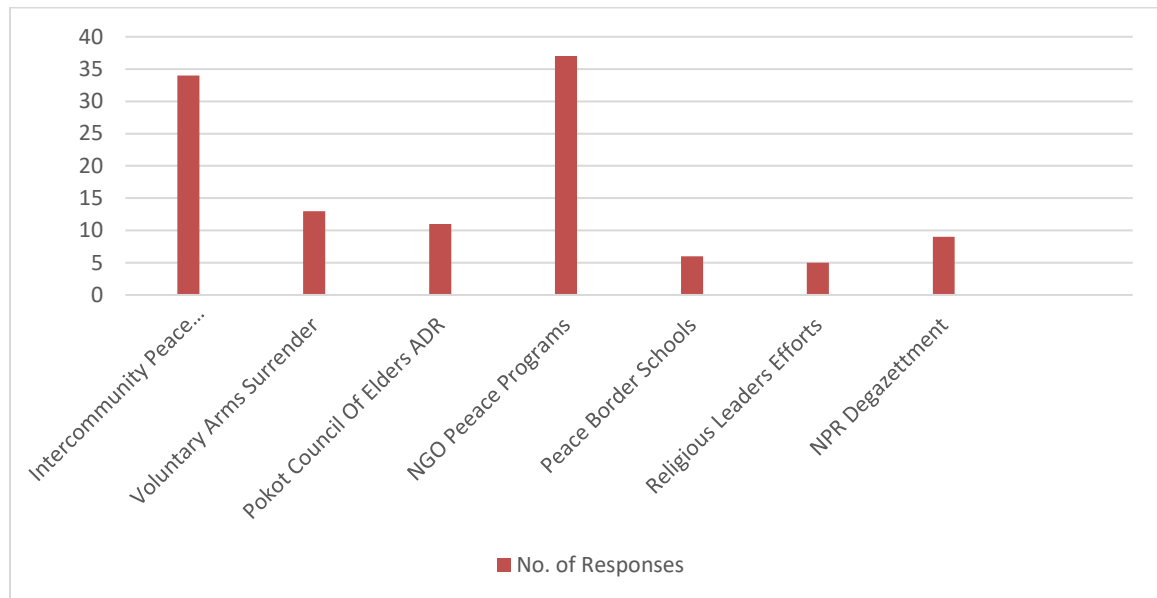


Figure 3.1: ADR Success Perceptions

Source: Field Data, 2022.

The research respondents were of the opinion that various Inter-Community Peace engagements were the best way to resolve the issues of proliferation of SALWs amongst the residents of West Pokot County and the neighbouring communities. These inter-community engagements included peace meetings, peace caravans, peace races, consultative fora, inter-county cultural fora among others.

These engagements provide the forum for members of the conflicting communities to engage through dialogue, conciliation, negotiations, and mediation on issues that breach peace. The meetings are organized by the respective community leaderships, political leaderships particularly the county government and members of parliament, NGOs, local

National Government Administration and the NSC. These meetings have been quick to convene hence helping resolve conflicts rapidly without unnecessary delays. They have also enabled trust building internally and externally amongst various peace stakeholders. The role of NGO in alternative dispute resolution was highly recognized by the respondents. NGOs are directly involved through their advocacy for peace efforts, support families in conflict inflicted areas through cash transfer system, livestock off-take programs, organizing for fora consultations on peace amongst various communities and stakeholders, providing humanitarian support to victims of armed conflict among other assistance efforts. Indirectly NGOs support community empowerment programs such as building of schools, household food rations, school fees and bursaries, prevention of female genital mutilation, child pregnancies, early/child marriage all of which are aimed at emancipation from effects of retrogressive cultural practices. Other programs such as irrigation projects, support for youth and women business ventures to attain alternative livelihoods are all aimed at softly getting the locals to appreciate the benefits of peace and resultant socio-economic development hence gradually shun armed conflicts.

The exercise on voluntary surrender of illicit SALWs was acknowledged by the stakeholders as one of the factors that had initially restored peace in West Pokot County. A remarkable achievement was made through sensitization on the strength of a community that was peaceful and free from illicit SALWs. There was also a dialogue with local leadership and local security agencies guaranteeing the residents of their security if they surrendered their illicit SALWs. Credible intelligence was also availed by the members of public on some residents who remained adamant to surrender the illegal firearms after which chiefs were involved to engage such people in further dialogue promising them of

non-punitive measures if they surrendered the firearms. As a show of commitment to ADR approach to voluntary removal of illicit SALWs from civilians without force, security agencies relied on intelligence-led policing to recover illicit firearms without use of excessive force as this exercise targeted individuals, case by case and had community support.

The rehabilitation of previously dangerous cattle rustlers into dependable reformed warriors was termed as a step in the right direction towards reducing proliferation of SALWs. The reformed warriors' program by Peace Corp of the National Police Service and the Tegla Loroupe foundation was seen as a sustainable solution of eradicating armed cattle raids and inter-community conflicts. The program involved reaching out to popular cattle rustlers through informal means and negotiating with them on the life they would wish to live if they could be provided the alternative livelihood and in reciprocation, they disengage from practicing armed cattle rustling. Among the incentives provided to the reformed warriors were free motorcycles to start *bodaboda* businesses, cash to start businesses, and support for their families through child education among other incentives. The warriors would undergo a reformation program to enhance their reintegration with the community. They would also be of great help towards enhancing local security through reaching out to non-reformed warriors and providing crucial intelligence to the security agencies. Respondents noted that this was an approach that if sustained and rightfully targeted would significantly reduce illicit SALWs proliferation.

Though the response was quite low on the support for the disarming and disbanding of the National Police Reservists (NPR) especially to the members of public, the SCICs and the academia were supportive of the exercise and noted that NPRs were unethical in their

conduct and were actually exacerbating inter-community conflict and should be abolished in the conflict area to allow the impartial government security agencies deal with illicit SALWs holders. The respondents also indicated that Peace Border Schools which had mixed enrollment and boarding facilities were a source of integration for the conflicting communities hence enhancing peace. Supported by various agencies from the National Government, County Governments and various NGOs, the Peace Border Schools such as Moi Masol, Katikomor and Kanyerus admit pupils from across the conflicting communities due to their strategic location at hostile borderlines. Hence, these schools contribute to national security through enabling access to education in the remote volatile areas where illiteracy levels are very high. The inter-community school enrollment also guarantees peace since no community can attack the other in a place where their children are schooling. This has ensured the once volatile Turkana-Baringo-West Pokot border in Amolem and Masol are peaceful due to integration through the Peace School which also has had a multiplier effect enabling cross-boundary residence and small-scale businesses.

Also, the role of religious leaders was acknowledged as a success factor in containing the proliferation of illicit SALWs. The religious leaders pray for peace, preach peace, facilitate dialogues and mediation in times of conflict, they sponsor institutions such as schools that facilitate national development hence enabling national security and are also directly involved in National Steering Committee on Peace Building and Conflict Management through membership where they facilitate Dialogue, Negotiations and Mediation amongst the various peace actors. Sometimes churches sponsor youth education hence removing them from criminal activities.

3.6 Challenges to Effective Alternative Dispute Resolution in West Pokot County

The respondents identified the following as key challenges that hindered the attainment of the full effect of Alternative Dispute Resolution in reducing proliferation of illicit Small Arms and Light Weapons in West Pokot County and consequently inability to attain the optimal level of national security:

3.6.1 Declining Role of Pokot Council of Elders

The traditional role of elders in many parts of the North Rift as a source of authority cannot be underscored. The elders have great influence over their communities and are believed to possess supernatural powers.⁸⁵Due to their wide powers, knowledge, respect and wisdom, the elders function as “courts” with powers to interpret evidence, impose judgments, and manage the process of reconciliation.⁸⁶Through performing traditional rituals, the elders identify potential raid zones and bless the youthful warriors for the task. They also punish community members who failed to adhere to their traditional guidelines. This trend has nowadays changed and the respondents noted the diminishing role of Pokot Council of Elders in prevailing over the errant warriors. The youths are downplaying the advice and instructions of the elders regarding themselves as self-motivated and are increasingly planning and executing their own raids either against their neighboring communities or against fellow community members. This is motivated by politicians and shrewd businessmen who exploit ethnic rivalries existing between communities and use

⁸⁵ Salim Omar et al. *Voices of the People: Impediments to Peace and Community Resilience in Kenya's North Rift Region*. National Cohesion and Integration Commission and Interpeace. 2021. Regal Press. Nairobi.

⁸⁶ Ibid

this to mobilize youths by paying them and providing them covertly with arms for such raids.⁸⁷

3.6.2 Negative Ethnicity

Pastoralist communities possess greater affiliations to their respective ethnicities. This increases the potential for inter-community conflicts. In these communities, children are brought up with deep rooted hate toward the other community from the very onset and this makes them to believe their community has more entitlements. For instance, a crying child in Kainuk within Turkana South would be warned by the mother as quoted “keep quite or else the Pokots will come for you” according to one village elder respondent from Pokot Central. Likewise, the Pokots would warn their children by invoking the name of Turkanas. This perpetuates ethnic profiling amongst different communities hence the unending conflicts.

3.6.3 Lack of adequate funding for Peace Building and Conflict Management

The SCSICs indicated that a key challenge to enhancing full actualization of Peace Building and Conflict Resolution was lack of finances. ADR efforts on peace are achieved through frequent engagements and follow-ups on implementation. With inadequate government funding the security agencies cannot facilitate the peace activities that require stakeholders’ participation. As such, peace meetings have been held ad hoc only when there are insecurity incidents. The NGOs also lack financial capacity to engage in full time peace building activities. Major peace declarations, accords and agreements have failed to

⁸⁷ Ibid

take off due to inadequate financial support hence stakeholders blame the government for lack of commitment to the peace process.

3.6.4 Inter- County Disparities in NPR Disarmament and Voluntary Arms

Surrender

The respondents indicated their support for the government approach to reducing conflicts in West Pokot County through recalling back the firearms previously issued to NPR and ordering for voluntary surrender of firearms by the residents as in the figure 3.1 above. The initial support for the above initiatives was high as it was considered that by withdrawing all government firearms that were being deployed unlawfully by the NPR and removing illicit arms from civilians, hostilities would cease.

However, respondents noted that the exercise was not conducted as initially planned, since as all NPR in West Pokot were disarmed, those in neighboring counties still possess firearms and this had exposed the respondents to greater aggression from their neighbors. Also, respondents noted that the response from their community in voluntarily surrendering illicit firearms was overboard whereas from the neighboring communities the response was very low hence the exercise didn't receive goodwill from their rivals. These disparities in enforcement of efforts hindered the process of reducing illicit SALWs in the wrong hands and still predisposes communities to acquire more arms in a competition for supremacy.

3.6.5 Political Interference

This was cited as one challenge that had hindered effective alternative dispute resolution. Political interference hereby includes; mobilization of key stakeholders to skip peace engagement fora, disagreeing with peace resolutions or failure to implement peace

resolutions agreed upon. Political interference also includes supporting violence through hate speech, supplying of illicit ammunition and firearms to the warriors, and inciting their constituents about contested county boundaries. Respondents noted that lack of one political voice towards conflict management was a key hindrance to ADR peace efforts.

3.6.6 Underdevelopment

According to National Cohesion and Integration Commission (NCIC) the major conflict corridors in West Pokot are Akulo, Amaler, Chesegon, Kamelei, Masol, Ombolion, Turkwel, Orwa-Sarmach, Alakas, Karita, Kanyerus and Kapsangar.⁸⁸ One characteristic of these areas is that they have poor infrastructural development in terms of poor security roads network, poor terrain, communication network inaccessibility, and other social amenities such as schools, health centres, water access among others. The underdevelopment in these areas predisposes the residents to cattle rustling tendencies with full knowledge that the local security apparatus cannot easily gain access to them.

3.7 Summary of the Key Chapter Findings

In this chapter the effect of Alternative Dispute Resolution as a mechanism for reducing proliferation of illicit SAWs in West Pokot County hence promoting national security was studied. Most of this Chapter consisted of qualitative data and therefore most of analysis included content analysis. Alternative Dispute Resolution (ADR) refers to all the decision-making processes other than litigation including but not limited to negotiation, enquiry,

⁸⁸ Salim Omar et al. *Voices of the People: Impediments to Peace and Community Resilience in Kenya's North Rift Region*. National Cohesion and Integration Commission and Interpeace. 2021. Regal Press. Nairobi.

mediation, conciliation, expert determination, and arbitration among others. The roles of Pokot Council of Elders, Non-Governmental Organizations, and National Steering Committee n Peace Building and Conflict Management on their different ADR approaches were considered and their effects on reduction of proliferation of illicit SALWs in West Pokot County were established.

The role of Pokot Council of Elders in ADR strategies to reduce proliferation of illicit SALWs was appreciated by all the respondents. They noted that through the efforts of PCE through traditional rituals, the illicit ownership of SALWs had reduced in the relatively peaceful areas of the county due to their intervention. The PCEs assist in dispute resolution both intra-community and inter-community and as noted by respondents, they have advocated for peaceful co-existence. The elders are also in the frontline in convening both internal and external meeting either independently or in collaboration with other stakeholders to advocate for peace. The PCEs also supported voluntary surrender of illegal firearms and ammunition, and the disarming of National Police Reservists exercises hence contributing to reduction in proliferation of illicit SALWs thus contributing to national security.

The failure to attain a significant reduction in possession of illicit SALWs in West Pokot County can be attributed to the hegemonic relations amongst the Pokot community and the Marakwet and Turkana communities and their contribution to peace efforts is based on observation of the rival communities' efforts also towards peace.

From the questionnaires, 94% of the respondents acknowledged the positive contribution of non-governmental organizations in undertaking peace activities aimed at promoting peace hence indirectly leading to reduced proliferation of illicit SALWs in West Pokot

County. The other 6% of questionnaire respondents indicated that they did not feel the impact of the NGOs in the county. For the interviews a low figure of 60% recognized the role of NGOs in efforts aimed at reducing proliferation of illicit SALWs in West Pokot County while 40% did not appreciate such efforts. This low figure on NGO role in reducing proliferation of illicit SALWs especially from the security agencies and professions indicates the need for NGOs to scale up their efforts for their impact to be realized.

Nevertheless, NGOs perform key role towards peace and most notably, support to other stakeholders in their peace realization efforts. Such efforts in support of ADR include; facilitation of peace meetings, consultation forums, workshops, seminars and other engagements where various stakeholders converge to dialogue negotiate and mediate on conflicts either within the county or inter-county. The support ranges from booking venues, lunches for peace committees, and towards the implementation of peace declarations and resolutions arrived at thereon. The Finnish Aid, NRT, and World Vision are the most involved in such efforts.

Non-Governmental Organizations also perform advocacy roles through various instruments such as social media, local radio stations, routine stakeholders' meetings, and their various advocacy programs. The most advocacy agenda targets youth and such programs include; Anti-Female Genital Mutilation campaigns, eradication of child pregnancy and early marriages, education for development among many other campaigns. When FGM and consequently child marriages are reduced, the young men who undertake the risky cattle rustling venture to acquire cattle for hefty dowries will lack the motivation for acquisition of illicit firearms, hence proliferation will drastically reduce. They will also

be incorporated into the education programs and desist from cattle rustling which is practiced majorly by the illiterate warriors.

Other NGO programs that have affected the proliferation of illicit SALWs include the livelihood support programs such as beekeeping, pasture management, irrigation projects, livestock off take programs, and cash transfer. These create the resilience of the community towards the effect of drought and if they can be sustained, the lifestyles of locals would change and hence the residents would not find benefits in cattle rustling and possessing illicit SALWs. Some NGOs have also in the past organized peace races and caravans that have brought together youth and other community members from conflicting communities namely; the Pokots, Samburu, Marakwets, Karamoja and Turkanas. Such events enhance talent development and provide opportunities for protagonists to appreciate the need for co-existence, the demerits of conflict and the need to put down illicit arms.

Finally, the National Steering Committee for Peace building and Conflict Management (NSC) brings onto a negotiating table the various peace stakeholder namely; government agencies, county governments, councils of elders, NGOs, youth and women to deliberate on national security. The most successful ADR instrument is a collaborative approach where NSC brings together all stakeholders involved in a conflict and set agenda for reconciliation and possible restitution to the offended parties. This has been in form of Declarations, Accords or Resolutions that are binding to all the parties though not statutory. The agreements steered by NSC that have popular support from respondents were; the Kolowa Declaration, Tot Resolutions, Kainuk Accord and the Muruitit-Nabilatuk Declaration. Their impacts include forceful surrender of stolen livestock; compensations for damages caused, and forced surrender of illicit SALWs. These approaches support a

great level of the prevailing relative peace. The only shortcoming is the failure to honor the implementation of these agreements by some communities hence creating distrust.

NSC has also through local security architecture-initiated community-based policing, an initiative that has been applied in rallying the community especially the youth to shun retrogressive cultural practices such as cattle rustling and embrace law and order. The formed-up police units deployed in West Pokot County have applied this approach in getting real time intelligence on planned cattle raids and disrupt such plans, to recover stolen livestock and to recover illicit SALWs from suspected bandits.

Respondents are therefore satisfied with Alternative Peace Resolution mechanisms applied by various stakeholders in West Pokot County and view them as local solutions to their own problems. The challenges to this approach are numerous and these include: undermined role of Council of Elders for political expediency, inadequate facilitation of the NSC to peace building and conflict management efforts, inadequately resourced peace-based NGOs, infrastructural underdevelopment, lack of coordination of intercounty peace efforts, political interference, and ethnicity in inter-community peace building efforts.

CHAPTER FOUR

SECURITY MEASURES TO COUNTER PROLIFERATION OF ILLICIT SMALL ARMS AND LIGHT WEAPONS AND ENHANCE KENYA'S NATIONAL SECURITY

4.1 Introduction

This Chapter was concerned with measures undertaken by the Government of Kenya through various security agencies in its effort to reduce proliferation of illicit SALWs, and hence enhance national security. Governments provide security through military, intelligence, law enforcement, and performance of administrative functions that enhance national security. With the exception of the utility of military source of national power, the security measures undertaken by other security organs and systems were looked at in the light of how they have been applied in West Pokot County. This was analyzed based on existing literature in the context of the effectiveness of various enforcement instruments applied by governments worldwide in addressing illicit SALWs proliferation.

4.2 Effectiveness of Government Security Programs in addressing Proliferation of illicit SALWs in West Pokot County

This assessment was done through questionnaire method where the respondents were requested to rank in a range of 1-5 for the various programs the government employed in the area of study to reduce proliferation of illicit SALWs in West Pokot County. The need for ranking every program was twofold; one to assess overall success rate of each individual intervention or program, and secondly to determine the public perception

towards different measures adopted by the government. The responses were analyzed and presented as in the following bar graph.

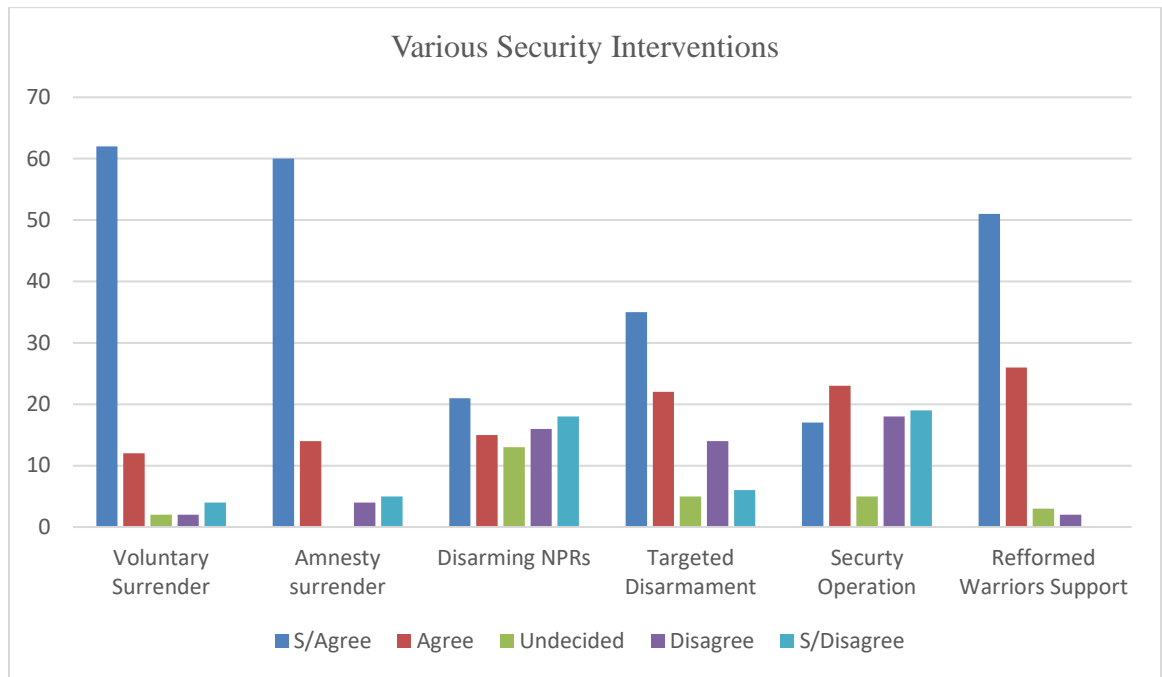


Figure 4.1: Approval of security programs to reduce SALWs proliferation
Source: Field Data, 2022.

From the security measures executed by the security agencies in the last five years in West Pokot County, three programs had an impressive public approval rating, and just very minimal levels of disapproval. These were the government program for the reformed warriors’ disengagement and reintegration, Government Amnesty on surrender of illicit SALWs, and program on voluntary surrender of illicit SALWs. The programs that received public rejection were; security operation in the area to mob up illicit SALWs, degazetting and disarming of the National Police Reservists (NPR), and a disarmament security operation in targeted areas. This is in decreasing order of importance. There was therefore

an indication of public approval of efforts that are locally driven and promote public ownership and participation over those that are of law enforcement nature.

4.3 Hindrances to Effectiveness of Government Security Programs in Countering Proliferation of illicit SALWs in West Pokot County

Despite the respondents expressing confidence in three approaches of alleviating proliferation of illicit SALWs, proliferation of the illegal arms and light weapons still occurs and the consequences to national security are devastating. Respondents were thus tasked to explain why proliferation of illicit SALWs is still rampant yet the government had introduced alternatives that were suitable for them. Various hindrances to effectiveness of government security programs were explained, and these included:

4.3.1 The Reformed Warriors' Program

The reformed warriors' program was associated with economic benefits either as financial payment or in-kind assistance. The in-kind were new motorcycles to start a *boda-boda* business. Due to these incentives in an area characterized by high-poverty rates, the respondents felt that the process of selecting 'reformed warriors' was not objective, was biased and thus had ended up leaving some dangerous bandits and picking for reintegration people who had no impact on proliferation of illicit SALWs and subsequently cattle rustling. Another issue with the reformed warriors' program was lack of full integration. After not being fully engaged in reformation program which was not sustainable due to limited funding, some warriors relapsed and went back to cattle rustling and hence acquired another illicit firearm(s). Still there were some respondents who indicated that some of the reformed warriors who had fully been reintegrated were not fully utilized by security agencies in intelligence collection, reaching out to more bandits with an objective to reform

them, or even in assisting security officers in tracking suspected illicit SALWs and cattle rustling syndicates

4.3.2 Lack of Sustained Fight Against Proliferation of Illicit Saws

There was lack of sustained fight against proliferation of illicit SALWs: Respondents noted that despite many incidences of cattle rustling and deaths orchestrated using illicit SALWs, the government had failed to sustain the fight against illicit SALWs proliferation with the exercise being only undertaken under extreme public pressure or national outcry when insecurity incidences with national-wide implications occur. The profiling of illicit SALWs smugglers, traffickers, and other dealers had not been properly done in order to prevent, deter, intercept, and interdict proliferation of illicit SALWs. Whenever disarmament was declared, it was conducted within a short timeframe and due to porous borders, the targeted culprits run to neighboring countries such as Uganda where they also have nationality. However, with proper profiling and well planned and sustained disarmament efforts such culprits could be netted, or for fear of government machinery they could reform from banditry and abandon involvement in illegal arms activities.

4.3.3 Uncoordinated Voluntary Surrender of Illicit SALWs

Uncoordinated Voluntary Surrender of illicit SALWs: When the directive was issued by the Ministry of Interior and Coordination of National Government for CSICs to take back firearms, ammunition, and uniforms from NPRs in their respective counties and consider their appointment as NPRs revoked, some CSICs took the issue with a lot of urgency and optimized this as a window of opportunity to mob up illicit SALWs from civilians. Among the CSICs that achieved were West Pokot County in liaison with Pokot Council of Elders, political leadership including county government, Civil Society Organizations among

others. Respondents noted that despite the goodwill from their side, they discovered that their rivals from the neighboring counties were not cooperating and had retained their NPRs with their weapons. Such inequalities breed mistrust both in the government and the neighboring communities and may result to fragile communities acquiring more arms than originally held. Under the voluntary surrender of firearms some argued that the acquisition of a firearm is expensive and community members had spent quite some good amount of money to acquire the firearm. They felt that the government should compensate them a commensurate amount of money in order for them to surrender their firearms. Others felt that surrendering firearms when they were not assured of safety would put them at risk when their neighboring enemies who had not surrendered their firearms attacked.

4.3.4 Peace Building and Conflict Resolutions

There was also a feeling of insecurity in that peace building and conflict resolutions had not been universally accepted by all conflicting communities and also had not been taken to far flung areas where most insecurity is experienced. With the feeling that the NPS had not provided adequate security to deter cattle rustling, respondents noted that personal and community own protection was still necessary.

4.4 Performance of Law Enforcement Agencies in Countering Proliferation of illicit SALWs in West Pokot County

West Pokot County just like other volatile regions of Northern Kenya has a relatively high establishment of law enforcement personnel compared to peaceful areas of the country. Through the restructuring of the National Police Service which was undertaken in 2018-2019, the general duty police officers were assigned public safety duties while the Administration Police Service (APS) and the General Service Unit (GSU) of the Kenya

Police Service were assigned the role of protective security. The prevention of illicit entry of illicit SALWs entry into the country, reducing cattle rustling and banditry performed using illicit SALWs all fall under the purview of protective security. Therefore, the Formed-Up Police Units (FUPs) of the National Police Service have a mandate to ensure the management of these crimes in order to secure the nation. The FUPs are; Rapid Deployment Unit (RDU), Border Police Unit (BPU) Ant-Stock Theft Prevention Unit (ASTU), and the General Service Unit (GSU). These units should collaborate amongst themselves, with other NPS units, general public and other security stakeholders to ensure peace and security of the nation. However, this assignment of protective security duties to FUPs does not in any way prevent active participation of other police formations in counter-illicit SALWs operations.

For this study, respondents were asked to state whether they were contented with the existing deployment of the Formed-Up Police Units in West Pokot County (Noting that there was by then no RDU and BPU deployments in West Pokot County). The responses were that 66.7% felt that the deployment was NOT WELL done, 27.7% appreciated that the deployment was WELL done, and the remaining 4.6% were UNDECIDED. It is therefore a public view that deployment of FUPs in West Pokot County is **not well** done. With the response that deployment of FUPs was **not well**, respondents were asked to explain why deployment was inadequate and their recommendations to improve the same in order to achieve the objective of security. The key issue noted is that some strategic areas that are prone to cattle rustling, major cut-lines where stolen livestock passes through, and those areas where the stolen livestock is harbored due to inaccessibility lack deployment

of security agencies. The deployment does not address the foundational need of prevention but is reactive after incidents occur.

Respondents also noted that the ASTU which is primarily tasked with preventing livestock thefts was inadequate in terms of personnel strength to cover all the strategic areas. Border Police Units tasked with among other duties intercepting cross-border movement of illicit SALWs were missing in Kenya-Uganda border, hence proliferation of SAWLs was not assigned to any particular FUP and was undertaken as a reactionary operation. Respondents also noted that they didn't experience the role of law enforcement agencies in the time of peace. Respondents suggested that during peace times there is an opportune moment when anti-crime sensitization should be taking place, hence a need for proactive approach to maintenance of peace and security.

4.5 Other strategies for Adoption by National Security Agencies in Countering Proliferation of illicit SALWs in West Pokot County

4.5.1 Increase Security Intelligence Collection

Intelligence refers to a set of missions carried out by a nation's secret agencies. It involves the gathering, analyzing, and disseminating information to policy makers.⁸⁹ The main purpose of security intelligence is to provide information to policy-makers that may help illuminate their decision actions.⁹⁰ Intelligence is different from information in that; whereas information refers to knowledge in raw form, intelligence is information that is capable of being understood, information with added value, and that has been evaluated in

⁸⁹ Lock, Johnson. The Oxford Handbook of National Security Intelligence. 2010. Oxford University Press Inc. New York. Retrieved <https://www.defence.lk>. At 4.07pm on 17/01/2023

⁹⁰ Ibid

context of its source and reliability.⁹¹ Accurate, timely, and comprehensive information usually leads to effective decisions/ choices by the government officials. In Kenya, National intelligence Service (NIS) is constitutionally the organ responsible for security intelligence as provided under Article 242 (2)(a) of the Constitution of Kenya⁹².

For this study; both the respondents for the questionnaires and for the interviews indicated that limited security intelligence was a major challenge in the fight against proliferation of illicit SALWs in West Pokot County. Security intelligence would enhance security through various aspects which include: identifying sources of illicit SALWs, the dealers (traffickers and sellers), mode of transportation, specific routes and points of delivery. It could also assist in profiling the warriors who own illegal firearms within the county, and also on planning by bandits on cattle rustling. This would enable interruption of illicit SALWs business, enhance recoveries, arrests and prosecutions and in case of stock theft thwart the plans of the cattle rustlers. Respondents noted that such intelligence was not available currently due to limited number of intelligence officers deployed who have no covert capabilities to access all this information. This would be more effective if all the NIS personnel in the conflicting counties could be capable of accessing all accurate and real-time intelligence within their jurisdictions and networking with each other in providing security briefs for action.

⁹¹ UNODC. Criminal Intelligence Manual for Front-line Law Enforcement. 2010. United Nations, New York.

⁹²

4.5.2 Border Patrol and Security

Even with many organizations involved in the fight against proliferation of SALWs in East Africa such as East African Community, inter-Governmental Authority on Development, the Nairobi Protocol among others, proliferation of illicit SALWs in West Pokot County has not been curtailed. The lack of government control and instability in the region has enabled the illicit trade on SALWs and spread of weapons.⁹³SALWs trafficking is easy in the northern Kenya since the borders are porous, there is little government control and the neighboring countries are fragile mainly Somali, Ethiopia (due to Tigris conflict), and South Sudan.⁹⁴Kenya borders 867km with Ethiopia, 684km with Somalia, 933km with Uganda, and 317km with South Sudan most of which are porous and thus serve as points of entry for illicit SALWs ⁹⁵.

The Kenya-Uganda border on the stretch covering the entire West Pokot County a distance of more than 150 Kilometres is not secured while on the Ugandan side, Uganda People Defence Forces (UPDF) and Uganda Revenue Authority (URA) are strategically deployed to secure their borders. There is therefore inflow to Kenya of unregulated goods including SALWs from Uganda without any security check and easily dodge law enforcement officers who are stationed a far distance from Kenya-Uganda border. Security stakeholders in this study indicated the need to police the expansive borderline and recommended deployment of Border Police Unit forces at specified points. Such a security arrangement would reduce inflow of firearms into the country and also check on bandits who transport stolen livestock beyond the international borders. Border Police Unit can likewise assist in

⁹³Col. Frankonero Nganga, Kenya Army. Effects of Proliferation of Small Arms in Sub-Saharan Africa.2008. U.S. Army War College, Carlisle Barracks, PA 17013-5050

⁹⁴ Ibid

⁹⁵ <https://www.kra.go.ke> retrieved on 17/01/2023 at 1850hrs

tracking illicit SALWs dealers hence deter trafficking of illicit SALWs across international borders. With this arrangement other FUPs can concentrate on a serious disarmament operation.

4.5.3 Use of Technology

The land terrain in most of Kerio-valley basin and its environments is very not conducive for both vehicle and foot mobility. This has made the operations of security officers in the volatile region very cumbersome. The terrain is mountainous, some areas are covered with huge forest cover such as Embobut forest, there are valleys, seasonal streams, bushy vegetation, rivers, rocky grounds etc. With a poor road and telecommunication network, National Police Service personnel deployed in the area find policing some parts of the county very difficult. In quite a number of incidences, bandits attack security officers in these terrains due to their comparative advantage in these terrains.

Respondents noted that the techniques used by security personnel in the harsh terrains, with bandits advancing themselves in weaponry were inferior and there was a need to equip security officers with modern technology and superior equipment. Law enforcement personnel deployed in these areas should be equipped with technologies that can aid them in combating proliferation of illicit SALWs. A surveillance technique employing unmanned aerial vehicles (UAVs) such as surveillance drones which have ability for getting images of still objects, video recordings or live videos of targets is essential for such terrains. These can be used to gather information and intelligence that can assist in decision-making. The advantage of UAVs is that they can fly at lower altitudes, can access potentially dangerous areas that would be risky for human mobility, are faster and act as fast responders, and are less expensive to operate. Drones can also be equipped with

various attachments depending on the task and these payloads can be operated by a single officer from a safe distance⁹⁶ Such drones can be fitted with cameras with high zoom capabilities, thermal sensors, spotlights for night vision etc. This can help get bandits from their hideouts. This can also enhance high precision response to any reported incidence, with clear knowledge on their numbers, types of weapons, number of weapons, number of stolen livestock in their possession, and their defence positions. This is a clear way for Intelligence, Surveillance and Reconnaissance to enhance security operations.

Other technological advancements that may include investigative devices by the Directorate of Criminal Investigations (DCI) so as to track all illicit businesses either manually or electronically. Focus on contraband goods businesses is one approach that detectives can manage to curb illicit businesses in SALWs hence break the crime syndicate. The DCI should have the technological ability to monitor communication related to illicit SALWs trade, and that relating to livestock trade so as to accurately target the actual culprits. Additionally, all FUPs camps should be supplied with Armored Personnel Carriers so that they can easily but securely patrol all areas of cattle rustling to assure citizens of their security.

4.5.4 Infrastructural development

Even though infrastructural development is not a function of security organs per se, it is the function of governments both national and county governments to ensure infrastructural development in order to enhance national security. For this study, respondents in both the interviews and the questionnaires while responding to the question on the security

⁹⁶ <https://www.flynow/blog/drones> retrieved at 07.35pm on 17/01/2023.

measures that can be undertaken by governments to reduce proliferation of illicit SALWs thus improve national security noted that apart from the issues discussed above, infrastructural development of the area would boost security.

Infrastructural development in this case entails; opening up security roads to enable free movement of the publics in all parts of the county and also enhance security agencies to respond rapidly in case of distress calls. Security roads would also allow police patrols in areas that are considered bandit hide-outs and hence reduce insecurity. Governments should also make all the necessary efforts to ensure communication networks are accessible even in the remotest areas to allow communication, security intelligence, crime reporting among other benefits of mobile communication. Other infrastructural developments include starting schools in remote areas to improve on literacy, access to piped water for both livestock and human consumption in conflict prone zones to reduce conflicts that occur at watering points, and access to electricity to open up more areas for trade and other development opportunities.

4.5 Summary of key Chapter findings

This Chapter was specific to measures so far undertaken by national security organs their efforts to curb proliferation of illicit SALWs in West Pokot County. Respondents were of the opinion that various interventions by the government were bound to succeed and in increasing order of approval, these approaches were: reformed warriors' program, amnesty on the surrender of firearms, and voluntary surrender of firearms. The most disapproved government interventions by respondents were; targeted disarmament operation, disarming of National Police Reservists, and a security operation to mob up illicit arms in increasing order of disapproval.

The respondents indicated that had the three above mentioned most approved programs been taken seriously, they could have drastically reduced proliferation of illicit SALWs in West Pokot County. The challenges that hindered the success of these operations were that the reformed warriors' program was inadequately funded, there was inadequate reintegration of reformed warriors hence some have relapsed, there was a biased selection of "bandits" targeted to be reformed hence many dangerous criminals were left out. Respondents also noted that the fight against illicit SALWs proliferation in West Pokot has never been given a strategic focus and only undertaken in the short-term and in reactionary basis. There was also a concern that disarmament of NPRs was not well coordinated across the three conflicting counties and this was a precursor for counties that felt disadvantaged to acquire their own illegal arms. Lastly, there was a feeling by the respondents that under the prevailing state of insecurity in Kerio valley basin, each community has to be armed in order to counter the other.

On the deployment of formed up police units, 66.7% expressed dissatisfaction on the current deployment while 27.7% were pleased with the deployment. The remaining 4.6% were not decided. There is therefore need to look at geostrategic placement of FUPs, increase their numbers and ensure proper equipping in order for them to properly police the area. Other strategies suggested for adoption by the national security organs to reduce proliferation of illicit SALWs include; increased security intelligence collection, dissemination, and action, border patrol and security along the Kenya-Uganda borderline, use of technologies such as drones, communication interceptors, APCs for personnel physical protection, and infrastructural investments in security roads, communication

networks, water installations, schools, hospitals, and other social amenities in order to both enhance security and national development.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter contains the summary of the key findings from the field data, conclusion, and the recommendations. The rationale of the study was from the outset to understand the extent of proliferation of illicit SALWs in West Pokot County, the impact of proliferation of illicit SALWs on national security, and the formal and informal interventions that have so far been undertaken by security stakeholders to reduce such proliferation. This was to enhance proffering sustainable policy recommendations that can be adopted in order to address this strategic security issue.

The insecurity in Kerio-Valley basin has been perennial, always recurring in the form of inter-ethnic conflicts, and cattle rustling. Inter-ethnic conflict occurs as a result of competition for scarce pastures and water due to droughts, and the expansionist culture of some communities in effort to dominate large grazing fields. Cattle rustling was traditionally practiced as a cultural practice by youths to acquire livestock to pay dowries and was less lethal. However, the practice has metamorphosed, and is nowadays executed through community-based networks that traverse community and international borders, and involves use of lethal weapons, mass theft of livestock and in most cases, there are fatal effects to both the cattle rustlers and citizens of the raided community.

As a result of this insecurity, there has been immense proliferation of illicit SALWs amongst the inhabitants of West Pokot County which has further exacerbated insecurity hence undermining the nation security of the country as a whole. Proliferation of illicit SALWs has affected national security in various ways which include; increased numbers

of fatalities and injuries to civilians, cattle raiders, and security officers, increased cattle rustling incidences, increased frequency and magnitude of inter-ethnic clashes, displacement of local population, and dysfunctional social institutions among other indicators of insecurity. The government of Kenya has undertaken various measures to alleviate proliferation of illicit SALWs in the mentioned areas but still the problem persists. It is on this background that this study was undertaken. West Pokot County was selected for the case study as it is one area that has adversely been affected by proliferation of illicit SALWs.

The general objective of the study was to establish the effect of proliferation of Small Arms and Light Weapons on Kenya's National Security. The specific objectives aimed first at examining the impact of proliferation of Small Arms and Light Weapons, secondly to assess the effects of Alternative Dispute Resolution Instruments applied in controlling proliferation of illicit Small Arms and Light Weapons, and thirdly to find out the counter-illicit Small Arms and Light Weapons' proliferation measures that have been adopted by the government to enhance Kenya's national security. Two theories were examined in explaining the drivers of proliferation illicit SALWs in West Pokot County namely; the Social Identity Theory by Henri Taifel and the Rational Choice Theory by Cesare Beccaria and Jeremy Bentham.

The study applied a pragmatic research design in order to capture the research aspects of both the qualitative and quantitative data. A triangulation approach was used in the study for data collection, data presentation, and data analysis. This was to create confidence in methodology and results of the study. The samples for the study were obtained from four sub counties that are directly affected by proliferation of illicit SALWs insecurity namely;

Pokot North, Pokot South, Pokot Central, and Sook Division of West Pokot Sub County. The target population was based on 2019 National Population and Housing Census of specific administrative units that were identified based on their vulnerability to crimes arising as a result of proliferation of illicit SALWs. After considering the scientifically recommended sample, financial constraints, time available for research, and the nature of research being undertaken, a sample of one hundred and forty (140) respondents was settled upon. The sample was stratified into various categories namely; the local population, elders, religious leaders, NGOs personnel, academia/ professionals, and the SCSICs of the identified Sub Counties.

The method of data collection was questionnaires for the strata consisting of one hundred and ten (110) respondents obtained through stratified random sampling technique and drawn from the local population, religious leaders, NGOs, and the elders. The numbers from Sub Counties were determined on a pro-rata basis depending on the cluster population. The other method of data collection was through interviews which were administered to members of respective SCSICs and professionals and/ or academia. In this case, a sample size of thirty (30) was obtained through purposeful sampling. Research assistants were identified, trained, and deployed to collect the data from the respondents for both the interviews and the questionnaires. The response rate was 70% for the interview data collection method and 74.5% for the questionnaires.

A pragmatic paradigm was applied in data presentation and analysis comprising of presentation through tables, Likert charts, bar charts, pie charts and graphs and analyzed through measures of dispersion and central tendency for quantitative data and content analysis to establish patterns, trends, and relationships for qualitative data. This allowed

for evaluation of data in light of the research questions to determine whether the study met the objectives or not, draw conclusions and make recommendations.

5.2 Summary of Key Findings

The first objective of the study sought to examine the impact of proliferation of illicit Small Arms and Light Weapons (SALWs) on Kenya's National Security. Under this objective, the suitable theory to explain the study as indicated in the Theoretical Framework was evaluated. From the findings, it was established that the theoretical concept that can adequately explain proliferation of SALWs in West Pokot County is the Social Identity Theory. This was after the respondents of the interviews i.e., the SCSICs and academia argued that in pastoralist communities, SALWs are acquired for community survival interest with a score of 94% while those who said that acquisition of illicit SALWs was for individual security interest constituted 6%. This also justified the concept in this study of national security as opposed to human security where the former is concerned with group/societal welfare as opposed to the latter that considers personal wellbeing. The questionnaires' observations were that 58% of the population acquired SALWs individually while 40% acquired as members of a group. Cumulatively therefore acquisition of SALWs is community driven.

The median rate of possession of illicit SALWs was at 4% of the households from the target population. If this percentage was generalized into the population of Pokot Central Sub County which was hardest hit by insecurity arising from proliferation of illicit SALWs, then using a census population (2019) of 119,016, with an average household size of 5.0 this implies that more than 950 SALWs are illegally in civilian hands in a single Sub County. The respondents confirmed an ownership of even a higher number of illicit

SALWs when 39% of them indicated that they would counterattack when attacked by armed warriors from the neighboring communities.

The justification for possession of illicit small arms and light weapons for all categories of respondents were that illicit SALWs help in protection of livestock, other property, protect life, and defend territory primarily from the neighboring communities that are hostile, and also armed with illicit SALWs. Separately, the residents indicated that the government security agencies deployed in the area lacked capacity to protect citizens from inter-community armed aggression hence locals acquired firearms to defend themselves. Security personnel and professionals on the contrary opinion, indicated that the commercialization of cattle rustling had made the practice lucrative hence warriors were engaging in it for commercial benefits, though for them to succeed they had to be organized as community warriors.

The study established that the impacts of proliferation of illicit SALWs were criminal in nature, and also had socio-economic implications. On the criminal element; respondents ranked livestock theft as the most prevalent and devastating crime occurring at high frequency whereby every month several incidences of cattle rustling were reported. During the cattle raids, respondents indicated that the residents were inflicted with non-fatal injuries some that left the victims permanently disabled, thus relying on others for medication and livelihood. This was the second most prevalent criminal incidence orchestrated using illicit SALWs. The third criminal impact of these attacks was that many deaths have occurred in the area inflicted through illicit SALWs. Respondents noted that this is responded to through armed retaliation hence orchestrating inter-ethnic clashes and animosity. Other criminal impacts of proliferation of illicit SALWs in West Pokot County

were armed robberies, and highway banditry at a lower scale than the other criminal impacts highlighted above.

The socio-economic impacts of proliferation of illicit SALWs cited by the respondents in decreasing order of precedence were; loss of life, economic losses, poor infrastructural development, low social development, poor political leadership and, a feeling of sense of inequality and discrimination of residents by the government. Firearms inflicted deaths were the cited social impacts that left families widowed, orphaned, mourning their loved ones, with sorrow, sense of revenge, and still resulted to higher levels of poverty. This was more so where all or a large portion of livestock were raided. Also, as a result of insecurity both social and infrastructural developments had lagged behind in this area leading to human insecurity aspects.

In the second objective, the study sought to determine the effect of Alternative Dispute Resolution (ADR) measures that had been adopted in reducing proliferation of illicit SALWs in West Pokot County. To achieve this, the roles of Pokot Council of Elders, Non-Governmental Organizations, and National Steering Committee on Peace Building and Conflict Management (NSC) in their different ADR approaches were considered and their effects on reduction of proliferation of illicit SALWs in West Pokot County established.

The role of Pokot Council of Elders (PCE) in ADR strategies to reduce proliferation of illicit SALWs was appreciated by all the respondents. Respondents noted that through the efforts of PCE mainly through traditional rituals, the illicit ownership of SALWs had reduced in the relatively peaceful areas of the county. The PCEs assist in dispute resolution both intra-community and inter-community and as noted by respondents, they had advocated for peaceful co-existence. The elders were also in the frontline in convening

both internal and external meetings either independently or in collaboration with other stakeholders to advocate for peace. The PCEs also supported voluntary surrender of illegal firearms and ammunition, and the disarming of National Police Reservists exercise hence their role was vital to reduction in proliferation of illicit SALWs thus contributing to national security.

The failure to attain a significant reduction in possession of illicit SALWs in West Pokot County was attributed to the hegemonic relations amongst the elders from the conflicting communities i.e., Pokot community, the Marakwet community, and Turkana communities and their contribution to peace efforts was based on observation of the rival communities' reciprocal efforts towards peace.

From the questionnaires, 94% of the respondents acknowledged the positive contribution of Non-Governmental Organizations (NGOs) in undertaking peace activities aimed at promoting peace hence indirectly leading to reduced proliferation of illicit SALWs in West Pokot County. The other 6% of questionnaire respondents indicated that they did not feel the impact of the NGOs in the county. For the interviews a low figure of 60% recognized the role of NGOs in efforts aimed at reducing proliferation of illicit SALWs in West Pokot County while 40% did not appreciate such efforts. This low figure on NGOs role in reducing proliferation of illicit SALWs especially from the perspective of security agencies and professions indicates the need for NGOs to scale up their efforts for their impact to be realized.

Nevertheless, NGOs performed key role towards peace and most notably, supporting other stakeholders in their peace realization efforts. Such efforts in support of ADR included; facilitation of peace meetings, consultation forums, workshops, seminars and other

engagements where various stakeholders converge to dialogue negotiate and mediate on conflicts either within the county or inter-county. The support ranges from booking expenses for meeting venues, lunches for peace committees, and towards the implementation of peace declarations and resolutions arrived at thereon. The Finnish Aid, NRT, and World Vision were the most involved in such efforts.

Non-Governmental Organizations also performed advocacy roles through various instruments such as social media, local radio stations, routine stakeholders' meetings, and their various advocacy programs. The most advocacy agenda targeted the youth, and such programs included; Anti-Female Genital Mutilation campaigns, eradication of child pregnancies and early marriages, education for development among many other campaigns. It was explained that when FGM and consequently child marriages are reduced, the young men who undertake the risky cattle rustling venture to acquire cattle for hefty dowries would lack the motivation for acquisition of illicit firearms, hence proliferation would drastically reduce. Such warriors would consequently be incorporated into education programs and desist from cattle rustling which was practiced majorly by the illiterate warriors.

Other NGO programs that have reduced proliferation of illicit SALWs include the livelihood support programs such as beekeeping, pasture management, irrigation projects, livestock off take programs, and cash transfer. These create the resilience of the community towards the effect of drought and if they could be sustained, the lifestyles of locals would change and hence the residents would not find benefits in cattle rustling and possessing illicit SALWs. Some NGOs had also in the past organized peace races and caravans that brought together youth and other community members from conflicting communities

namely; the Pokots, Samburu, Marakwets, Karamoja and Turkanas. Such events enhance talent development, and provide opportunities for protagonists to appreciate the need for co-existence, the demerits of conflict and the need to put down illicit arms.

Finally, the National Steering Committee for Peace building and Conflict Management (NSC) was recognized for bringing onto a negotiating table the various peace stakeholder namely; government agencies, county governments, political leaders, councils of elders, NGOs, youth and women to deliberate on national security. The most successful ADR instrument was a collaborative approach where NSC brought together all stakeholders involved in a conflict and set agenda for reconciliation and possible restitution to the offended parties. This was in form of Declarations, Accords or Resolutions that were binding to all the parties though non-statutory in nature. The agreements steered by NSC that had popular support from respondents were; the Kolowa Declaration, Tot Resolution, Kainuk Accord and the Muruitit-Nabilatuk Declaration. Their impacts included forceful surrender of stolen livestock; compensations for damages caused, and forced surrender of illicit SALWs. These approaches were hailed for supporting a great level of the past, and the prevailing relative peace. The only shortcoming was the failure to honor the implementation of these agreements by some communities hence creating distrust.

NSC had also through local security architecture-initiated community-based policing, an initiative that was applied in rallying the community especially the youth to shun retrogressive cultural practices such as cattle rustling and called for residents to embrace law and order. It was acknowledged that the formed-up police units deployed in West Pokot County have applied this approach in getting real time intelligence on planned cattle raids and disrupt such plans, to recover stolen livestock and, illicit SALWs from suspected

bandits. Over 390 illicit SALWs were recovered in 2020/2021 in Pokot Central Sub County through this approach.

Respondents were therefore satisfied with Alternative Peace Resolution mechanisms applied by various stakeholders in West Pokot County and viewed them as local solutions to their problems. The challenges to this approach according to respondents were: undermined role of Council of Elders for political expediency, inadequate facilitation of the NSC to peace building and conflict management efforts, inadequately resourced peace-based NGOs, infrastructural underdevelopment, lack of coordination of inter-county peace efforts, political interference, and ethnicity in inter-community peace building efforts.

The last objective was designed to find out the security measures that the national security organs had undertaken in their efforts to curb proliferation of illicit SALWs in West Pokot County. Respondents agreed that some interventions by the government had succeeded in reducing proliferation of illicit SALWs in West Pokot County. The approaches that were highly approved by respondents in increasing order of acceptance were: reformed warriors' program, amnesty on the surrender of illegal firearms, and voluntary surrender of illegal firearms. The most disapproved government interventions according to respondents were; targeted disarmament operation, disarming of National Police Reservists, and a security operation to mob up illicit arms in increasing order of disapproval.

The respondents indicated that had the three above mentioned most approved programs been taken seriously, they could have drastically reduced proliferation of illicit SALWs in West Pokot County. However, according to respondents various challenges hindered the success of these operations and these included: the reformed warriors' program was inadequately funded, there was inadequate reintegration of reformed warriors hence some

relapsed to cattle rustling thereafter, there was a biased selection of “bandits” targeted to be reformed hence many dangerous criminals were left out. Respondents also noted that the fight against illicit SALWs proliferation in West Pokot County had never been given a strategic focus by the government and only undertaken in the short-term and on reactionary basis. There was also a concern that disarmament of NPRs was not well coordinated across the three conflicting counties and this was a precursor for counties that felt disadvantaged to acquire their own illegal arms. Lastly, there was a feeling by the respondents that under the prevailing state of insecurity in Kerio valley basin, each community has to be armed in order to counter the other.

On the deployment of formed up police units, 66.7% expressed dissatisfaction on the current deployment while 27.7% were pleased with the deployment. The remaining 4.6% were not decided. Other strategies suggested for adoption by the national security organs to reduce proliferation of illicit SALWs included; increased security intelligence collection, dissemination, and action, border patrol and security along the Kenya-Uganda borderline, use of technologies such as drones, communication interceptors, Armored Personnel Carriers for personnel physical protection, and infrastructural investments in security roads, communication networks, water installations, schools, hospitals, and other social amenities in order to both enhance security and national development.

5.3 Conclusion

The purpose of this study was to establish the effect of proliferation of illicit Small Arms and Light Weapons on Kenya’s National Security. West Pokot County was selected for the case study on the justification that just like other counties in Kerio-Valley basin that were affected by insecurity arising from proliferation of illicit SALWs, West Pokot was not an

exception hence had perennially suffered from insecurity that also led to underdevelopment in the county. From the study, it can conclusively be established that proliferation of illicit Small Arms and Light Weapons was more communally driven than individually driven. Still for the individually driven the percentage is significant to orchestrate national insecurity and therefore cannot be underrated.

The first research question to be answered from the study was: What is the impact of proliferation of illicit Small Arms and Light Weapons on Kenya's National Security? This was exhaustively answered in that the study established that proliferation of illicit SALWs had some many negative impacts on national security. These impacts were criminal in nature and also impacted on socio-economic development. These impacts were massive losses of lives following armed aggression and cattle raids, injuries inflicted by illicit SALWs that impacted on individual and community health and livelihood, loss of property more so livestock through cattle rustling incidences that were very frequent, inter-ethnic tensions and clashes, highway banditry hence disrupting transport services, and armed robberies.

The socio-economic impacts of these were poverty as a result of loss of lives, injuries and property. Due to insecurity, infrastructural development especially in conflict-habituated zones has been undermined hence other aspects of human development such as health, education, electricity supply; road networks, water connectivity etc. have not been prioritized. Other impacts of insecurity on socio-economic development are; forceful displacement of the population, inter-ethnic conflicts, ethnic profiling, and emigration of residents from conflict zones to urban areas as squatters. All these adversely affect the

quality of life of the residents. Therefore, the Alternate Hypothesis H1 that proliferation of illicit SALWs has adversely affected National Security of Kenya is true.

The second research question was to determine the effects of Alternative Dispute Resolution Instruments targeting control of illicit Small Arms and Light Weapons' proliferation on National Security in West Pokot County, with a null hypothesis that ADR had no effect in addressing proliferation of illicit SALWs. However, the findings established that save for few challenges already mentioned, the ADR instrument had immensely contributed to reducing proliferation of illicit SALWs in West Pokot County. This was attained through various ADR mechanisms employed by elders, NGOs including religious organizations, National Steering Committee on Peace Building and Conflict Management, County Government of West Pokot among other peace and security stakeholders. The null hypothesis (H0) was therefore disproved.

The last objective of the study established that government had instituted various measures to curb proliferation of illicit SALWs in West Pokot County. Some were soft approaches whereas others were the conventional law enforcement approaches. The soft approaches included: Reformed Warriors Program, Amnesty on surrender of illicit SALWs, Voluntary surrender of illicit SALWs Program, Degazettment of National Police Reservists, Targeted Disarmament, and Security Operation to mob up illicit SALWs. High success rate was reported for reformed warriors' programs, amnesty on surrender of illicit SALWs, and voluntary surrender of illicit SALWs. The other three approaches were disapproved as being not participatory therefore unsustainable. The key challenges here were ineffective inter-county coordination, and lack of resources to sustain the effort.

On the law enforcement approach, it was established that the Formed-up Police Units (FUPs) were not strategically deployed in the area of study and were therefore not capable of alleviating proliferation of illicit SALWs. Other challenges in law enforcement approach include; lack of border police personnel to interdict illicit SALWs trafficking along Kenya-Uganda border, poorly kitted national security organs to combat bandits who are highly equipped with modern technology weapons, and failure to use technology in Intelligence, Surveillance, and Reconnaissance (ISR), and lack of consistency and capabilities by national security organs in carrying out counter-illicit SALWs security operations.

In conclusion, the general objective of the study was achieved.

5.4 Recommendations

5.4.1 Policy Recommendations

From the findings of this study, it can be generalized that there are numerous illicit SALWs in civilian hands, and with the proliferation of illicit SALWs ongoing, more civilians will acquire firearms hence insecurity and its negative impact in the area of study will increase. There is therefore a need to formulate strategies that will specifically alleviate proliferation of illicit SALWs in Kenya in order to enhance National Security.

Since the largest driver of illicit SALWs acquisition is the community and a lower percentage through individual initiatives, approaches to reducing proliferation of illicit SALWs should be focused on community interventions. At the same time interventions benefiting individuals especially the youth should be undertaken. Consequently, national security organs should engage the community through soft approach in their efforts to win

the war against proliferation of illicit SALWs while at the same time applying the criminal justice system to isolate the individual criminal elements.

Alternative Dispute Resolutions approach should be supported, strengthened, and facilitated by both the county and national governments, and other peace and security actors. This should focus on capacity building of actors on conflict management, financial facilitation to NSC, CSICs, and SCSICs so that they can engage in more ADR, and facilitating implementation of various local peace declarations and accords. Donors should also financially support as a priority program through Non-Governmental Organizations that support peace activities, alternative livelihood and community resilience.

The Pokot Council of Elders should be supported by both the executive (through NSC), and local political leadership in their peace and security efforts. This should be facilitated at intra-county and inter-counties levels so that traditional dispute resolution approaches can be strengthened. This will ensure that they implement and follow up on all previously agreed upon declarations, agreements and accords to enhance sustainable peace and security.

The Government directives on security issues should be implemented uniformly across the affected counties in Kenya. Partial implementations and double standards breed mistrust. The ministry of Interior and National Administration should issue an amnesty for voluntary surrender of all firearms in Kerio-Valley counties lasting three months of which security organs should ensure full implementation for compliance.

The deployment of Formed-Up Police Units should be evaluated to enhance strategic deployment. Appropriate Border Police Unit Companies should be placed at Kenya-Uganda border due to their competence on border security management, while other units

should be strengthened and stationed in areas most prone to cattle rustling and where they can collaborate with those also strategically located from other neighboring counties so as to give a multiplier effect. They should likewise be well kitted and tooled with modern technology equipment such as drones, Armored Personnel Carriers, troop carriers etc. in order to enhance their intelligence, surveillance, reconnaissance (ISR), as well as operational capabilities.

Infrastructural and other development projects should be initiated and implemented in the entire conflict zone in the Kerio-Valley Basin through a big push strategy. These projects should incorporate a needs assessment and participatory rural development process to make them citizen driven thus acceptable. These include; opening security feeder roads, initiation of large-scale irrigation projects through Turkwel dam and other rivers in the counties, commercialization of beekeeping, upgrading livestock breeds to improve household incomes, building basic education institutions in remote areas, and engaging neighboring communities in joint commercial activities.

5.4.2 Recommendation for Further Research

From the research findings, it was established very clearly that interventions against proliferation of illicit Small Arms and Light Weapons (SALWS) that involve community participation such as Alternative Dispute Resolution are more successful than conventional law enforcement approaches. I therefore recommend that a study be undertaken to establish how the government can leverage on Alternative Dispute Resolution approaches to reduce proliferation of illicit SALWs in Kenya.

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Appendix 1: Questionnaire

Mr. Josphat N. Nthiga

National Defence University (NDU) - Kenya.

P.O Box 24,381-00502

KAREN- NAIROBI, KENYA.

The Respondent

Dear Sir/ Madam,

RE: DATA COLLECTION FOR UNIVERSITY RESEARCH:

The above subject refers.

I am the above-named National Government Security Officer currently undertaking Master of Arts in National Security and Strategy at National Defence University- Kenya. My research study is on **Effect of Proliferation of Small Arms and Light Weapons on Kenya's National Security. A Case Study of West Pokot County.**

I humbly request to engage you in obtaining the vital information that I hold that you are very competent to provide. The information you provide will be treated confidentially and will ONLY be used for this academic research. I therefore request that you be very open and genuine as you provide this critical information.

The Questionnaire will be filled by either ticking appropriately in options provided or answering appropriately in the space given as the case may be.

Thank You in Advance.

Mr. Josphat N. Nthiga

Email: njeru.nthiga@yahoo.com

Tel. Contact: 0713529338

PART ONE

Background Information of the Respondent

1. Name (Optional).....
2. Gender [i] male [ii] Female
3. Age category [i] 18-24 years
[ii] 25-30 years
[iii] 31-40 years
[iv] 41-50 years
[v] 51-60 years
[vi] More than 60 years
4. Classification of the respondent [i] Village Elder [ii] Religious Leader
[iii] NGO Staff [iv] Local Resident
5. Residential Details
[i] Sub County.....
[ii] Ward.....
[iii] Location.....
6. For how long have you been a resident of area stated above?
[i] Below 3 years
[ii] 3-10 years
[iii] 11-20 years
[iv] More than 20 years

PART TWO: EFFECT OF PROLIFERATION OF ILLICIT SMALL ARMS AND LIGHT WEAPONS ON NATIONAL SECURITY

7. The following crime incidences are common in this area; kindly give your opinion on the frequency in which you feel they occur: Tick depending on the rate you think each crime occurs following the key given.

	Never witnessed	Low Frequency	Average Frequency	High Frequency
Firearm inflicted murders				
Firearm inflicted injuries				
Cattle rustling/ stock theft				
Armed robberies				
Inter-Ethnic Clashes				
Highway Banditry				

Key: Low Frequency- At least once in Six months

Average Frequency- At least once in Three Months

High Frequency- Every month or even a smaller interval

8. What are the reactions of the members of community to these crime incidents when they occur? Tick all possible options.

- [i] Counter attack to revenge against the aggression
- [ii] Flee the area to avert further losses
- [iii] Allow Response by the security Organs

9. What are the impacts of these firearm inflicted crimes stated above on the national security of the area? Tick all appropriate options.

- [i] Destruction of property, hence leading to poverty
- [ii] Loss of live
- [iii] Undermine social-economic growth and development
- [iv] Displacement of population leading to collapse of social institutions
- [v] Increase in inter-community conflicts, clashes and tensions
- [vi] Profiling of the community as hostile hence scaring investments
- Other (state).....

.....

10. The crimes covered in section (7) above in this area are committed by armed warriors amongst the neighboring communities. In your opinion, how do these armed warriors operate? Tick appropriately.

[i] Armed warriors are individuals grouped to commit crime as criminals

[ii] Armed warriors are a group of community youth to ensure community security

11. In your view, what is the greatest justification for civilians to be armed despite heavy presence of security officers in this area: Give at most three reasons?

[i].....
[ii].....
[iii].....

PART THREE

EFFECT OF ALTERNATIVE DISPUTE RESOLUTION INSTRUMENTS AGAINST PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS ON NATIONAL SECURITY

12. What roles do Pokot Council of Elders play in ensuring reduction in proliferation of SALWs in West Pokot County?

[i].....
[ii].....
[iii].....
[iv].....

13. What roles do the NGOs play in ensuring reduction of proliferation of SALWs in West Pokot County?

[i].....
.....
[ii].....
.....
[iii].....
.....
[iv].....
.....

14. Kindly list the Non- Governmental Organization operating in this area that has greatly contributed to reduced proliferation of SALWs, its activities/ projects and the impact on National Security.

S/No.	Name of the NGO in Full	Impact Activity/ Project Initiated	Impact on National Security
1.			
2.			
3.			
4.			

15. Various stakeholders (NGOs, Religious Groups, Academia, Community Elders, Community representatives of Youth, Women and Disabled, Security personnel and NGAO and County Governments) have participated in formulating and implementing locally acceptable interventions between the Pokots, Turkana, Marakwet or the Uganda (Karamoja) ethnic groups led by the National Steering Committee (NSC) on Peace. Kindly name such interventions and their impact.

S/No.	NSC Community Based Intervention	Recommendations/ Agreement Framework

16. In your opinion what are the interventions that have been successful in reducing armed conflicts amongst communities targeted in this study?

- [i].....
- [ii].....
- [iii].....

17. For the ADR interventions that had low success rate, what do you think are the challenges that can be addressed to make them efficient?

- [i].....
- [ii].....
- [iii].....

18. What other ADR interventions can the stakeholders’ involved in promoting National Security consider to address the insecurity resulting from illicit SALWs proliferation?

-
-
-

PART FOUR: COUNTER- ILLICIT SMALL ARMS AND LIGHT WEAPONSS PROLIFERATION MEASURES TO ENHANCE NATIONAL SECURITY

19. The following measures have been undertaken by National Security Organs in reducing proliferation of Small Arms and Light Weapons in West Pokot County and have been successful. Kindly what’s your opinion regarding each measure. Tick appropriately in each case.

S/No.	Strongly Agree	Agree	Not Decided	Disagree	Strongly Disagree
Voluntary Surrender of Firearms and Ammunition					
Amnesty on surrender of illegal Firearms					
Disarming NPRs					
Targeted Disarmament					
Security Operation to mob out illicit SALWs					
Reformed Warriors Reintegration Programme					

20. What factors hinder the success of the measures outlined above?

- [i].....
- [ii].....

[iii].....

[iv].....

21. What other formal measures in your opinion can the Government(s) undertake to eradicate proliferation of illicit SALWs in West Pokot County?

[i].....

[ii].....

[iii].....

[iv].....

Appendix 2: Interview Guide

Mr. Josphat N. Nthiga

National Defence University (NDU) - Kenya.

P.O Box 24,381-00502

KAREN- NAIROBI, KENYA.

The Respondent

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Thank You in Advance.

MR. Josphat N. Nthiga

Email: njeru.nthiga@yahoo.com

Tel. Contact: 0713529338

PART ONE

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- 3. Age category [i] 18-24 years
[ii] 25-30 years
[iii] 31-40 years
[iv] 41-50 years
[v] 51-60 years
[vi] More than 60 years
- 4. Classification of the respondent [i] National Government Administration Officer
[ii] Police Officer Member of Professional Bodies Other (Specify).....
- 5. If you are a Member of Professional Body, kindly state the organization.....
- 6. Residential Details
[i] Sub County.....
[ii] Ward.....
[iii] Location.....
- 7. For how long have you been a resident of area stated above?
[i] Below 3 years
[ii] 3-10 years
[iii] 11-20 years
[iv] More than 20 years

PART TWO: EFFECT OF PROLIFERATION OF ILLICIT SMALL ARMS AND LIGHT WEAPONS (SALWs) ON NATIONAL SECURITY

- 8. The insecurity in West Pokot County specifically in Pokot Central, Pokot North and parts of both Pokot South and West is attributed to illegal Small Arms and Light Weapons that are under civilian possession. Kindly state the reasons why you believe motivate civilians to acquire firearms. State in order of importance please.
[i].....
[ii].....
[iii].....

9. Are the reasons cited above motivated by individual interests or community interests? Briefly explain.

.....

10. What is your estimation of the prevalence rate of illicit Small Arms Light Weapons in your area (Estimate the number per one hundred households).....

.....

11. Kindly give your comment on the impact of proliferation of SALWs on the following sectors of development.

S/No.	Sector	Impact of SALWs Proliferation	Remarks (If any)
i.	Economic Growth		
ii.	Infrastructural Development		
iii.	Social Cultural Activities		
iv.	Political stability		
v.	Community Security		

PART THREE: EFFECT OF ALTERNATIVE DISPUTE RESOLUTION INSTRUMENTS AGAINST PROLIFERATION OF SALWs ON NATIONAL SECURITY

12. The menace of proliferation of Small Arms and Light Weapons has been addressed through various approaches which focus on alternative dispute resolution. These include various intercommunity peace agreements. Give the main approaches to peace that have been formulated in West Pokot County.

- [i].....
- [ii].....
- [iii].....
- [iv].....

13. Kindly name the key stakeholders in such peace efforts

- [i].....
- [ii].....
- [iii].....
- [iv].....
- [v].....
- [vi].....

14. Kindly give any success story for at least one initiative of the peace agreement mentioned in part 12 above:

.....
.....
.....
.....
.....
.....
.....

15. What are challenges to alternative dispute resolution mechanisms in addressing proliferation of SALWs in West Pokot County?

- [i].....
- [ii].....

16. What other community-centered ways do you propose in addressing SALWs proliferation:

- [i].....
- [ii].....

PART FOUR: COUNTER- ILLICIT SALW_s PROLIFERATION MEASURES TO ENHANCE NATIONAL SECURITY

17. Various Formed up Police Units are deployed in West Pokot County. Is their deployment suitable to address the SALW_s proliferation hence enhancing national security? Tick appropriately.

Yes No

18. If No in (17) above, how would you wish the Formed up Police Units to be deployed? Briefly explain.

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19. What legal mechanisms has the Government of Kenya applied in its effort to reduce proliferation of SALW_s in West Pokot County that the National Police Service has undertaken in the last five years?

[i].....
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[ii].....
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[iii].....
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[iv].....
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20. What do you think have been the government's shortcomings in addressing the issue of proliferation of SALW_s in West Pokot County?

[i].....
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[ii].....
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[iii].....
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[iv].....
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21. What security measures in your opinion would you recommend to the Government of Kenya to carry out in order to enhance national security in West Pokot County?

[i].....

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[ii].....

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[iii].....


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[iv].....

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Appendix 3: Research License


REPUBLIC OF KENYA


NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY & INNOVATION

Ref No: **847574** Date of Issue: **13/December/2022**


RESEARCH LICENSE




This is to Certify that Mr. Josphat Njeru Nthiga of National Defence College Kenya, has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Kajiado, Kisumu, Lamu, Mombasa, Nairobi, Westpokot on the topic: **EFFECT OF PROLIFERATION OF ILLICIT SMALL ARMS AND LIGHT WEAPONS ON KENYA'S NATIONAL SECURITY. A CASE STUDY OF WEST POKOT COUNTY.** for the period ending : **13/December/2023.**

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Appendix 4: NDU Research Authorization

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When replying please quote:

Ref: NDC/A/141

RESTRICTED



National Defence College
Warai North Road
P.O Box 24381
Karen - Nairobi
Kenya

10 November 2022

TO WHOM IT MAY CONCERN


FACILITATION FOR MR JOSPHAT NJERU NTHIGA ADMN No. ND601/0031/2022

The above Senior Officer is a course participant at the National Defence College and has been admitted for Masters of Arts in National Security and Strategy, under the National Defence University- Kenya Programme.

As part of academic requirements, Mr Josphat Njeru NTHIGA is required to undertake a research project in partial fulfillment of MA degree programme he is enrolled in. His approved research topic is **“Effect of Proliferation of Illicit Small Arms and Light Weapons on National Security. A case Study of West Pokot County”**.

The purpose of this letter is to kindly request your office to facilitate the Officer as he conducts his research project.

Submitted for your kind consideration and facilitation.


Mr F M MABEYA
Head of Programme
for Commandant