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INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**TRANSNATIONAL THREATS AND NATIONAL SECURITY IN
KENYA**

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**A RESEARCH PROJECT SUBMITTED IN PARTIAL
FULFILLMENT OF THE DEGREE OF MASTER OF ARTS IN
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DECLARATION

This research study is my original work and has not been presented for the award of a master's degree in this University or any other Institution of higher learning for examination.

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This project has been submitted for examination with my approval as the University Supervisor.

Signature Date.....

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ABSTRACT

Kenya in the 21st century continues to face a lot of challenges be it political, economic, technological or security. The purpose of this study is to look at the security challenges Kenya faces as a result of globalization trends and the transnational threats that affect Kenya's National security. The study will look at the nature and dynamics of these transnational threats. The most common transnational threats Kenya faces today includes; Terrorism, Drug Smuggling, Corruption, Small Arms and Light Weapons Proliferation. The study looked at the impact these threats have had in Kenya and what the government has been able to do in order to minimize the impacts of these transnational threats. The study found that Kenya's most common transnational threat of terrorism has greatly affected the way in which Kenyas' government responds to a threat to its national security. The study also found that the trends of globalization around the world are increasing the incidences of transnational threats in Kenya. The study also recommends a number of oppportunities Kenya can take into consideration in dealing with transnational threats and this includes security sector reforms, fighting corruption and ensuring fluidity between security agencies when it comes to addressing the issues of security in Kenya.

DEDICATION

I hereby dedicate this research project first to God, my family, colleagues and friends who have continuously been a source of encouragement and offered their endless support during the entire time I was writing this research project. I am forever grateful.

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ABBREVIATIONS

CIA	Central Intelligence Agency
COPRI	Copenhagen Peace Research Institute
DTOs	Drug Trafficking Organizations
EA	East Africa
EAC	East African Community
EACC	Ethics and Anti Corruption Commission
KDF	Kenya Defense Forces
KNCHR	Kenya National Commission on Human Rights
MNCs	Multinational Corporations
NGOs	Non Governmental Organizations
NATO	North Atlantic Treaty Organization
SALWs	Small Arms and Light Weapons
TCOs	Transnational Criminal Organizations
TOC	Transnational Organized Crime
TT	Transnational Threats
UNESCAP	United Nations Economic and Social Commission Asia and the Pacific
USA	United States of America
USNSS	United States National Security Strategy
UNDP	United Nations Development Programme
UNTOC	United Nations Convention Against Transnational Crime
UNODC	United Nations Office of Drugs and Crime

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CHAPTER ONE

INTRODUCTION

1.0 Background to the Study

The theoretical definition about security is a matter that claims progressive debate and there is no overall agreed upon explanation of what security means and its definition. Security is a vague and broad concept. Questions have been brought about concerning illustration of the meaning about security; what is enough security, security by whom and what is it that needs securing.

Security is about protecting the most basic values of actors and also securing them. They are different from community to community, person-to-person and state-to-state *et cetera*.

The definition of security as a concept depends on what context it is being defined in and in what particular context. In this regard, states in the context territorial integrity and sovereignty by way of the national constitution have been able to define national security.

The constitution of Kenya of the year two thousand and ten defines national security as: "The protection against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability, and other national interests." (Article 238 (1)).¹

In the 21st century, various countries are waging a different kind of war because the nature of the security threats has changed. Per R. Zackhauser,² "Wars do not

¹ "The Constitution of Kenya, 2010"

² Zackhauser, "The World of Transnational Threats" (2002)

spring from ideological and territorial disputes anymore but from how far globalization trends have spread and grown to challenge states.³

Currently, we are beginning to feel the impact that globalization as an emerging trend is bringing. Scholarly attempts at measuring globalization, recently, were anchored in Nye and Keohane's concepts. They identified three dimensions of globalization that is⁴ economic dimension; flow of goods over a long distance, services and capital. Political; this is government policies circulation internationally. Social; spread of images, information and ideas⁵

The concept of national security in Kenya has evolved and the security environment in which we dwell in remains uncertain, full of challenges and threats, which are transnational in nature with the ability to grow a lot worse.

The transnational threats is composed of terrorism, cyber-attacks, weapons proliferation, drug trafficking, people smuggling environmental destruction, and the spread of diseases. All these threats are irrespective of national border and all have risk factors within them.

In the past, national security was to do with territory rather than people. Currently, it is a lot different as national security entails political, social and economic security. Preservation of these securities is primary for the 21st century nation state like Kenya.

In a globalizing world, our borders become more porous. Kenyans are more vulnerable as a country because of globalization and the spread of transnational

³ Ibid

⁴ "R. Keohane, J Nye Jr. Globalization: *What's new? What's not? (And so what?)* Foreign Policy pp. 104–119(2000)"

⁵ "Dreher, and Sturm. 'The impact of globalization on the composition of government expenditures: evidence from panel data' Public Choice (2008)"

threats. There is a need to understand the dynamics of Transnational Threats (T.T) and how it relates to national security. In this consideration, the issue of national security ought to be understood and more specifically the national security of the Republic of Kenya.

1.1 Statement of the Problem

National Security administration is the primary obligation of the Kenya Government. The effective Coordination of the various security organs is central to the protection of the populace. Securing of the Kenya borders in this day and age of globalization is important. Emerging trends of globalization presents risks to the internal security of Kenya and there is a possibility that with the transnational crime along the border as a result of the porous borders is affecting the effective implementation of national security along the borders of Kenya.

Globalization has weakened the capacity of nation states to tackle security and military challenges on their own and has changed the balance between non-state actors and state actors.

Transnational threats such as drug trafficking, terrorism, people smuggling and illegal aliens and piracy from globalization has encouraged trans-border interactions and as a result, international organized crime in the form of human trafficking, proliferation of weapons, illegal goods smuggling and trans-border kidnapping.

In this regard, there is a need to understand these threats, their nature and effects that they have on the national security of Kenya. Despite the efforts by the Security

Institutions of Kenya to curb the threats, these threats don't seem to be reducing or rather have remained perennial and on the increase.

These crimes along the Kenyan borders also create an environment that threatens our national security.

1.2 Objectives of the Study

- i. To examine the dynamics and nature of transnational threats.
- ii. To look into the impact of transnational threats to Kenya's National Security
- iii. To inform policy that will quarantine Kenya from transnational threats.

1.3 Literature Review

This section will review literature that will cover a few areas. It will view the studies that give an overview of the National Security. It also views works of scholars in national security such as Barry Buzan, Edward Kolodziej and Arnold Wolfers. It will also examine existing literature on Globalization and Transnational Threats.

1.3.1 Security

Security is a complex and multidimensional concept that has co-existed since civilization came into place. It is an important prerequisite to the survival and existence of populace and the state. There is no concrete or solid definition of security to satisfy all the scholars. The security concept gained popularity after cold war in International relations. The era was a change from a bipolar world to unilateral world order. The phenomenon has brought globalization as the major factor in connecting and spurring

global trade and commerce. This globalization has brought a sense of uniformity in the areas of socio-economic and political life of man. This has also revamped the traditional understanding of nation-state and how threat is perceived.

According to Kolodziej, “the security of a state is considered a special form of politics and is primary among the issues of national interest.”⁶ Buzan reiterated the concept as not either power or peace but something in between.⁷

The concept of security, according to Buzan, “is the pursuit of freedom from threats”.⁸ Despite this definition, the content itself of this concept still remains unclear. Huysmans suggests “when we define the meaning of a category (security) then we are condensing it into one sentence.”⁹ The main aim of the definition is to “identify the subject of the research or to remove any doubt a reader could have concerning the content of the text.”

Security, Wolfers defines it as “value of which a nation can have more or less and which it can aspire to have in greater or lesser measure.” The concept of security can be “dangerously ambiguous”¹⁰ when used without additional specifications. Baldwin i.e. formulated a couple of questions – “security for which values, security for whom, how much security, from what threats, by what means, at what cost, in what time period.”¹¹

⁶ “Kolodziej, E. *Security and International Relations (Themes in International Relations)* Cambridge, UK: Cambridge University Press, 44. (2005).”

⁷ Buzan, 2009

⁸ “Buzan, B. *People, states and fear: An Agenda for security Analysis in the PostCold War Era*. Brighton: Weatsheaf. (1991)”

⁹ “Huysmans, J *Security! What Do You Mean? From Concept to Thick Signifier*, *European Journal of International Relations*. (1998)”

¹⁰ “Wolfers Arnold, ‘*National Security as an Ambiguous Symbol*’ (1952).”

¹¹ “Baldwin D ‘*The Concept of Security*’ in *Review of International Studies*, (1997)”

1.3.2 National Security

The security environment in which human beings live in is uncertain and dynamic, filled with lots of challenges and threats. These challenges are transnational in nature and have a potential to grow more deadly.¹² The concept national security according to Anifowose, cannot be discussed without looking into to the meaning of a state.

The concept of National Security is explained first by understanding the meaning of a state. As Anifowose puts it, “a state is the most inclusive organization which has formal institutions, for regulating the most significant contracted relationship of man within its scope.”¹³

Justice Oakes defined the state as “an entity that has a permanent population, defined territory, population is under the control of their own government, and that engage in formal relations with other entities.”¹⁴

National security has also been seen In terms of “survival of the state against military threats posed by other states”.¹⁵ However, the traditional definition after the cold war has seen the emergence of new threats, which are mainly internal, and trans-boundary in scope. Buzan argued that national security threats emanate from political, military and economic as well as societal. Buzan made military threats just one of the threats a state can face.¹⁶

¹² “Pandya, A and Laipson, E. ‘*Transnational Trends: Middle Eastern and Asian Views*’. Washington: Stimson center (2008)”

¹³ “Anifowose R. *State, Society and Nation*. In Remi Anifowose and Francis Enemuo (Eds), *Elements of Politics* (pp.85-105) Lagos: Sam Iroanus (1991).”

¹⁴ “Klinghoffer v. Achille Lauro Ed Altri-Gestione Motonave Achille Lauro in Amministrazione Straordinaria, 937_44 (1991)”

¹⁵ “Buzan, Buzan. ‘*What Is National Security in The Age of Globalization?*’ LSE(2007). Globalpolicy.org. <https://www.globalpolicy.org/globalization/defining-globalization/27662.html> (accessed October 13, 2017).”

¹⁶ “Barry Buzan, ‘*People, States, and Fear; An Agenda for International Security Studies in the Post-Cold*

Laswell approaches the issues national security from the point of external coercion. He defines it as “the distinctive meaning of national security means freedom from foreign dictation.”¹⁷

Wolfers while recognizing the need to separate the subjectiveness of the conceptual idea from objectivity, talks of threats to acquired values “An ambiguous symbol meaning different things to different people. National Security when objective, means the absence of threats against acquired or rather obtained values and subjectively, the absence of fear that values could come under attack.”¹⁸

Jablonsky sees national Security, as “part of a government’s policy whose primary objective is to create beoth national and international conditions that are primary to the protection of key national values against potential enemies and or threats.”

Jablonsky further says that national security is defined in terms of the “respective elements of the power base of a state.” It is given different priorities within different states depending on the national interests of a state.¹⁹

Other scholars on its changing dimension have challenged the realism school, which, is the prominent theory to defining the state centric idea of security. Traditionalists, adherents to realist thought school, define security as a “freedom from any objective military threat to the state survival in the anarchic international system.”²⁰

Traditionally the concept concerning security has been associated with defense, military security, and balance of power in terms of military capability. In this sense,

War Era ECPR Press 1983 (2007)”

¹⁷ “Harold D. Lasswell. “*National Security and Individual freedom* by New York McGraw Hill. (1950)”

¹⁸ “Arnold Wolfers ‘*National Security as an Ambiguous Symbol.*’ Political Science Quarterly (1952)”

¹⁹ “Jablonsky, D. ‘*Army war college guide to strategy.*’ National power. Cerami, J.R, Holcomb, J.F, Jr. U.S. (2001)”

²⁰ “Vladimir S ‘*Meaning of Security and theory of Securitization*’ Belgrade Centre for Security Policy. pp 2. 2010.”

Smith affirms, “The basic assumption of the traditional view on security is fundamentally correlated by military dimension of state interaction”.²¹ In this regard, the state is the important actor in International relations. The state is the only entity that can ensure the security of its citizens both domestically and internationally.

This notion is being challenged because of the emergence of non-traditional security threat perception, for example; societal, environmental, cultural and economic in a interdependent world and a world that is globalizing. Non-traditional threats are potential threats to the individual within the state. These dimensions of the concept of security brings in a number of non-state actors i.e. NGOs, MNCs and Terror Groups into the concept of security and loosen the realist conceptualization of security in the growth of interdependence among states. According to Rothschild, the concept of International security actor has extended in many directions since the early 90s, from individuals to groups, nations, international systems, local governments and NGOs.²²

Another debate on the concept of Security is by Copenhâgen School. This concept is associated with Copenhagen Peace Research Institute (COPRI), created by the Danish Parliament. The proponents include Buzan and Ole W. This school places emphasis on the social aspects of security. The Copenhagen school places much focus on the way in which issues of security interact with domestic politics. It will operate with a security concept considered socially constructed and buildable. This school has as object of study security and its effects on the life of the individual. Before the Copenhagen school, traditional schools approached security from a military perspective.

²¹ “Smith-Windsor and Brooke A ‘*Terrorism, Individual Security, and the Role of the Military: A Reply to Liotta*’ Security Dialogue 33(3): 489–494. (2002.)”

²² “Rothschild E ‘*What Is Security?*’ (1995)”

UNDP developed the “Human security” concept. It brought attention to the individual as a reference and giving it a multi-dimensional approach that encompass elements of economic development, human rights and laying emphasis on food security, health and political security.²³

1.2 Globalization

Globalization is becoming a major influencer in the new international security agenda.²⁴ The processes of globalization develop without a collective directing influence of the world and thus it intensifies many past challenges of international security and engenders new challenges and risks. Globalization has changed the nature of crime and need for national security.

The termination of cold war period occurred during the beginning of globalization as countries became more interdependent with each other. Most African countries were attaining their independence and there was urgent need for investors in the country to boost economic growth and development.

Globalization is a multidimensional phenomenon: Information technology is growing faster and spreading widely. Trade is expanding all over the globe, as is the movement of private capital and investments. In whole aspects of our lives, interdependence is growing. These developments open tangible possibilities to gain financial success spread political freedom and promote peace. However, they are also bringing about powerful forces of social fragmentation, planting the seeds of conflict and violence and creating dangerous vulnerabilities.

²³ “Ball N. and Fayemi K. ‘*Security Sector Governance in Africa: A Handbook.*’ Centre for Democracy & Development, Lagos, (2004)”

²⁴ “Igor Ivanov. *International Security in the Era of Globalization.* The Telegraph, (2003)”

Economic disasters go beyond the state borders and are creating global challenges i.e. the 2007 global financial crisis. All these are aspects of globalization all have important security implications²⁵

Sheila argues, “Globalization can be described as a process by which the people of the world are unified into a single society and function together. This process is a combination of technological, economic, socio-cultural and political forces”²⁶

UN Economic Social Commission for Asia and the Pacific (UNESCAP) reported as follows;

*“Globalization is a widely-used term that can be defined differently in a number of ways. When used in an economic context, it refers to the reduction and removal of barriers to trade, capital, services and labor. Globalization is not a new phenomenon. It began towards the end of the 19th century, but its spread slowed during the period of the beginning of First World War until towards the end of the twentieth century. This slowdown can be attributed to the inward-looking policies pursued by many countries in order to protect their respective industries. However, the pace of globalization picked up rapidly during the tail end of the twentieth century.”*²⁷

According to Payne, “globalization refers to shrinking distances in continents with a wider geographical sense of vulnerability, and a worldwide interconnectedness of important aspects of human life”. This includes war, religion, trade, diseases and drugs. As a result, “Globalization implies a huge yet evident blurring over distinctions among the internal yet exterior phenomenon over nations and the weakening concerning differences among countries”²⁸

²⁵ “Robert O. Keohane and Joseph Nye, *‘Introduction’ Governance in a Globalizing World*, Washington, D.C.: Brookings Institution Press, (2000)”

“Robert Gilpin, *The Challenge of Global Capitalism*, Princeton, N.J.: Princeton University Press, (2000)”

²⁶ “Sheila L Croucher *Globalization and Belonging: The Politics of Identity a Changing World*”

²⁷ “UNESCO *‘The Social Dimension Of Globalization’* (2004)”

²⁸ “Payne, R. J. *‘Global Issues 4th Edition’*, Illinois State University, Pearson, (2012)”

Cerny on the other hand suggests “globalization redefines the relationship between territoriality and authority, shifting authority from the level of the state to supranational and subnational units”²⁹

Shangquan observes that in the recent past there has been an impact on the growth and the cost of Communication across borders³⁰. The cost of communication has become cheap, fast and more reliable. With applications, such as ‘What’s App’, it has enabled us to send messages, pictures videos and other documents across borders. In the old days, it would have very difficult to do this. It used to feel as if the other person you communicating with lived on another planet. The ease of commuting thousands of kilometers in a single day has made it easier to interact with our fellow human beings.

Much regarding the literature concerning globalization has put on more emphasis concerning financial implications as a substitute than security³¹.

As Paul and Ripsman put it, “some globalization scholars in the commercial liberal tradition argue that states are unwilling and unable to fight large-scale wars due to the deepening of economic interactions among states and multinational corporations”³²

Further, Political definitions of globalization lay emphasis on the actions states hold instituted in accordance with modern world economic environment. In particular, the decline of the welfare providing and income redistribution components of the state³³.

Social definitions of globalization focus on the social impact. This is both the local level

²⁹ “Philip G. Cerny, *Paradoxes of the Competition State: The Dynamics of Political Globalization*,’ Government and Opposition 32. Especially 270-1 (1997)”

³⁰ “Shangquan, G. *Economic Globalization: Trend, Risks, and Risk Prevention*. CDP, Background. Paper No.1, ST/ESA/2000/CDP/1. (2000). Available Online: http://www.un.org/en/development/desa/policy/cdp/cdp_background_papers/bp2000_1.pdf”

³¹ “Examples of non-security bias in the US literature on globalization include Mittelman (1994)”

³² “Paul and Norrin M. Ripsman ‘*Under Pressure? Globalisation and the National Security*’ State Millennium - Journal of International Studies.”

³³ “Hülsemeyer, ‘Introduction,’ p. 3; and Cerny, ‘Globalisation and the Changing Logic of Collective Action.’”

and the international level, of the distribution of gains and losses that financial globalization constitutes.

As Ogola puts it “Globalization has encouraged trans-border interactions and as a result process transnational organized crime in forms of drug and human trafficking, laundering of money cannot be ruled out in Kenya. Kenya has also suffered terrorist attacks in the 1980s, the late 1990s and more recently in 2013 in the heart of Nairobi. The transnational nature of these phenomenon, affects not only one country but also many countries owing to their spillover effect. Kenya therefore must put in place strategies to counter such spill-overs”

The speedy upward thrust among missile proliferation, cyber-attacks, ethnic violence, global crime, and during trafficking are occurred by way of globalization.³⁴ Buzan simplifies the security implication of globalization when he put it that, “globalization as an economic activity now dominates international relations, replacing war as the driving force behind both the state and world politics. In either view, the key point about globalization is that much of this activity and its consequences transcend the territorial framing of the state”.³⁵

According to John and David “Globalization has given rise to skill revolution that enhances capabilities of such groups as drug smugglers, political terrorists and ethnic insurgents to carry out their agenda more effectively than ever before.”³⁶

The risk posed by means of environmental degradation, transnational crime, terrorism and drugs has been intensified exactly due to the fact of globalization. The

³⁴ “Davis, E.L.’ *Globalization Security Implications.*’ *RAND Issues Paper.* (2003).”

³⁵ “Buzan, B. ‘*What Is National Security In The Age Of Globalization?*’ London School of Economics and Political Science (LSE). (2007).”

³⁶ “Arquilla, John and David Ronfeldt, 1996. ‘*The Advent of Netwar.*’ Santa Monica, CA:RAND”

National Security Solutions to these threats when it comes to enforcement have become increasingly ineffective be it by way of national or unilateral means.³⁷

Globalization theorists i.e. Spybey, recommends that the countrywide security regime has become febble beneath the influence of strong world social forces.

These forces have presented themselves in a lot of forms including the absence of interstate wars that are major, military expenditures decline, and the proliferation of nontraditional security challenges in the areas of transnational terrorism, the rise of transnational actors, the environment and drug trafficking.

Moreover, globalization theorists Mandel, Mathews and Klare argue “because these new challenges are global in nature and require collective action, traditional state-centered approaches to security planning are not properly suited to deal with such pressures.”³⁸

The scholars therefore contend that states respond to threats by changing the structure of their national security institutions and by pursuing cooperative national and international security.

1.3 Transnational Threats

The term “transnational” means a phenomenon that cuts across borders nationally and often is not directly controlled by national governments.

The enormous end result about globalization is its complication regarding the idea of threat. Agents regarding threat can be a state and non-state actors or individuals. Fights

³⁷ “Matthew, Richard and George Shambaugh,. ‘*Sex, Drugs and Heavy Metal: Transnational Threats and National Vulnerabilities*’, Security Dialogue 29(2): 163-175. (1998)”

³⁸ “Mandel Robert ‘*The Changing Face of National Security*’ Westport, CT: Greenwood. 1994”

today are between irregular sub state groups, local groups and individuals.³⁹ Security threats differ amongst nations and major threats to powerful nations like the USA and its allies, may be, how to defeat terrorism and promote their socio-economic interests in a globalizing world.⁴⁰

The current aspects of globalization encompass the marriage between a variety of transnational threats from infectious diseases, global crime, cyber-attacks, ethnic violence, weapons proliferation; SALWSs, environmental degradation and trafficking of drugs

The transnational threats can at times be uncertain. Debate surrounds the question of their seriousness and whether or not they actually endanger Kenya's National Security. Other transnational threats such as informational systems and technology have become central features of globalization. They have become important to many civilian systems i.e. Transport, Banking and Communication.

A lot of transnational threats are interrelated. Although they are politically motivated, insurgent groups and terrorist often provide armed protection to narcotics dealers in exchange for money or arms.

Conversely, organized criminal groups and drug traffickers commit terrorist acts that target government agencies and personnel who attempt to bring them to justice. These activities also rely on clandestine networks that operate across the frontiers of several states.

³⁹ "Buzan, Barry; Ole Weaver & Jaap De Wilde, 1997b. Security: A new Security Study for Analysis. Boulder, CO: Lynne Rienner."

⁴⁰ "Aliyu, B.M. *The Search For National Security In Nigeria: Challenges And Prospects Public Lecture Organized By The Obafemi Awolowe Institute Of Government And Public Police. The Agip Reck Hall, Muson Lagos. (2012)*"

Additionally, these operations violate international laws. As a result, while their motivations may not cross, many of the actions of international criminal narcotics networks and terrorist groups frequently do. The point is that these non-state actors are covert networks that operate fluidly across the borders of several states to disrupt public order, undermine the rule of law and disrupt good governance.

1.4 Justification of Study

Currently, we cannot deny the fact that globalization has played a role in enhancing transnational threats. The many dimensions of globalization require a new way of looking at security in the future. In the 21st century globalizing world, it is the responsibility of the Kenya government to provide security to the people as pointed out in the Constitution of Kenya 2010.

As a country, Kenya has faced or rather confronted by a myriad of security challenges during the period after independence. One of the major events that shaped to Kenya's national security policy was the 1998 bombing of the American embassy.

The study aims fulfill an extensive contribution to gaining familiarity with the dynamics of transnational threats. In a way, scholars and policy makers will make use of this information to inform future policy formulation with regards to national security and by extension advancing Kenya's economic interests in the age of globalization.

There exist a large number of literatures on national security and globalization. There are scholarly writings written and published by security experts and specialists that bring the two together. The two requires some input especially the need to understand transnational threats as a result of a changing globalized world.

In the study of security there is still exist ideological wars to this day. There are competing schools of thought fighting. These are the constructionist, liberalist and realist programs of research. All attempt to look at security from different angles.

Globalization literature has come from better and stronger bias towards financial and social aspects and processes of globalization. The globalization literature will help this study in getting a view of the transnational threats that are present in a globalizing if not globalized world.

1.5 Theoretical Framework

The dominant theoretical tradition in international relations has historically been realism. The proponents of realism begin from the premise that in the international stage, states are the key actors. State leaders are actors who conduct themselves rationally and their primary interest is maximizing on security and or power.⁴¹

The state is the key primary actor and the unit of analysis because it is the only entity with a claim of sovereignty, power monopoly that is legitimate, individuals and a territory. The state has the power of legitimate force to secure its territory against other states and international actors.

Robert Gilpin and Robeèrt Waltz assert “that states are the basic actors in the international system” by arguing, “The behavior of other actors is conditioned and delimited by state power and state decisions”⁴²

⁴¹ “Paul Viotti and Mark Kauppi, ‘*International Relations Theory*’ 5th ed., Boston: Pearson Longman pp. 39-41. (2012)”

⁴² “Kenneth Waltz. *Theory of International Politics*. New York:McGraw. (1979)”

The state is a rational actor and thus their goals are consistent. In realism as a theory of international relations, states are seen to obtain strategies to attain their goals. States change their strategies when external constraints and opportunities are upon it by doing a cost benefit analysis of every alternative and decide on that which will maximize their advantage.

The choice of realism theory in International Relations is based on the view that transnational threats and national security can be seen through different lenses in the international system.

The balance of power is important for each and every state and these states continually worry about their survival as a result. The international system that is full of power politics drives the states to behave the way they do with regards to the balance of power. This has gone on for many years.

This study is based on a realist approach to International System. Realism is characterized by self-interest and anarchy.

States live with each other in a context of international anarchy; this means there is no central authority to police states. On its own, each individual state has to survive. As a result, states by definition are self-help agents.

National security is important in the mind of a realist. Every other military or political concerns are ways in which the politics of the world is controlled.

Realists are of the opinion that the international system is chaotic and guided by self-interest defined by way of power. This theory maintains that moral principles cannot be applied when states act. Realism gained popularity in the cold war era between

Russian and US. Relationships between states and their security were viewed through the lenses of deterrence and balance of power.

Fast forward to the post-cold war era, the selfish nature of realism in a globalizing world is not what states believe. Collective security has taken precedence and Alliances like NATO show that states have preferred collective security systems.⁴³

The culmination of cold war opened up the process of globalization making states more interdependent and expanding its democracies. As Andrew Moravcsik puts it, “states are and always have been in a transnational and domestic society, that creates incentives for social, economic and cultural interaction across borders.”⁴⁴

However, state survival and defending the its national interest takes precedence.

1.6 Research Hypotheses

To achieve the desired objective, the following hypothesis aided the study;

- i. The trends of globalization around the world are increasing the incidences of transnational threats in Kenya
- ii. The weakness of a state tends to cause transnational threats.
- iii. Trans-national threats impact on effective security management in Kenya.
- iv. The higher the level of globalization and transnational threats the lower the state of national security.

⁴³ “Baylis J., Smith S., and Owens P., *The Globalization of World Politics, An Introduction to International relations*’ 5th Ed,(Oxford: Oxford University press, p.96 (2011) .”

⁴⁴ “Andrew Moravcsik, *Liberal Theories of International Relations: A Primer,*’ Princeton: Princeton University, p.10 (2010)”

1.7 Scope and study the limitations of this study

This study will be limited to popular trans-national threats present in Kenya This includes trafficking in arms and weapons (SALWs), terrorism, Drug Smuggling, People Smuggling and Organized Crime

This study chooses to look into these trans-national threats and how it impacts the national security of Kenya. The study will rely mainly on secondary data as majority of security reports and personnel are classified and also primary data from past interviews.

1.8 Methodology

Methodology refers to the process of planning, inquiring, analyzing and breaking down data for guidance in decision-making⁴⁵.

The study will utilize qualitative research method relying mainly on data obtained from secondary sources.

First, Primary data will be obtained from an oral interview with the Kiambu County Security Boss Mr. Adan, The researcher will able to get insight into the security situation in Kenya in relation to transnational threats like terrorism and drug trafficking.

Second, primary data will also be obtained by way of a telephone interview with the Administration Police Commander for Makadara. Mr. John Macharia. The questions that will guide the interview and discussion were on the areas of national security and transnational threats. What are some of the common transnational threats Kenyas faces? What has been Kenyas response to these threats? And what is the nature and impact of these common threats?

⁴⁵ “Cooper R and Schindler ‘*Business research Methods*’ New Delhi. Tata McGraw Hill (2003)”

Third, the Information from government publications available to the public these are records of organizations and government agencies for example annual report, treaty (MOUs), constitution, government document will be used in giving a summary of the impact of transnational threats on Kenya's security. The National Archives will provide data from the yester years on security.

Secondary data will be sourced mainly from scholarly publications i.e. commentaries, criticisms, Literature review articles, trade journals, scholarly journals and newspapers (The Standard, The East African, Business Daily et al).

1.9 Chapter Outline

Chapter one gives a general introduction to the project, background information, statement of the problem, scope, objectives, literature review, justification, hypothesis, theoretical framework, and methodology in relation to transnational threats and national security.

Chapter two discusses the common transnational threats; transnational organized crime, and Drug trafficking this chapter looks at some of the major transnational threats in East Africa and their impact.

Chapter three discusses migrant smuggling, Illegal Arms, Terrorism and corruption in relation to national security.

Chapter Four will examines the impact of these transnational threats and Kenya's response to these threats in relation to Kenya's National Security.

Chapter Five will contain the summary of the findings and recommendations.

CHAPTER TWO

TRANSNATIONAL THREATS AND NATIONAL SECURITY

2.1 Introduction

This chapter will seek to explain transnational threats and national security. This chapter will explore the main human-based transnational threats, Transnational Crime Organizations (TCOs), drug trafficking and terrorism which have evolved to take advantage of the changing and globalized world, and how these changes impact on national security of the state.

Ohlson in his book “The New is Not yet Born: Conflict and Conflict Resolution in South African Context”. He argues, “A definition of security, ought to capture two central dimensions, both equally important for in individuals and collectives. These are freedom from danger, meaning protection from physical and direct violence, freedom from fear, meaning a sense of safety and relative well-being in political, legal socio-economic and cultural terms; i.e. a measure of protection from structural violence.”⁴⁶

Similarly, Mwangi defines security as a condition where groups, communities, individuals and state being free from threat to psychological, physical, political and social wellbeing and have enough resources to face threats.⁴⁷

Threats as conceptualized in risk assessment, refers to the likelihood that a specific type of attack will be initiated against a specific target.⁴⁸

⁴⁶ “Thomas Ohlson and Stephen J Stedman ‘*The New Is Not Yet Born: Conflict Resolution In Southern Africa*’ The Brookings Institution, Washington, D.C. (1994)”

⁴⁷ “Makumi Mwangi ‘*African Regional Security in the Age of Globalization*’ Heinrich Boll Foundation Nairobi (2004)”

2.2 Transnational Organized crime

It is a major threat to national and international security. This has adverse effects on human rights, economic development and democratic institutions. It is a unique phenomenon that changes depending on external factors such as tech and geopolitical changes.

There is a challenge in defining organized and transnational organized crime. A scholar by the name Albanese, he points out eleven elements of organized criminal organizations: “extensive planning, hierarchy, profit through crime, use of force or threat, corruption, monopoly over particular markets, restricted membership, non-ideological, specialization, code of secrecy and public demand for services.”⁴⁹ Simply put, TOC is an extension of organized crime. Williams on the other hand refers to transnational organized crime as “Criminal business that in one way or another cross national borders.”

The border crossing can involve the perpetrators, illegal goods, illegal migrants (Women and Children being trafficked illegally).⁵⁰ Organized and transnational organized crime in its very essence transcends political border. One can argue that the only truly global industry is that of crime. Naim, points out the “five wars of globalization; the trade in arms, illicit drugs, intellectual property, in people and money laundering.”⁵¹

⁴⁸ “Tamasi, G. and Demichela, M. ‘Risk assessment techniques for civil aviation security’, Reliability engineering and system safety, 96, 892-899, (2011).”

⁴⁹ “Albanese Jay S ‘North American Organized Crime’ Global Crime (2004)

⁵⁰ “Williams Phil ‘Transnational Organized Crime and the State’ Thomas J. Biersteker and Rodney B. Hall ‘The Emergence of Private Authority in Global Governance’ Cambridge University Press (2002)”

⁵¹ “Naím, Moisés ‘Five Wars of Globalization’ Foreign Policy (2003).

For governments, the trans nationalization of crime is proving to be a real challenge. The challenge arises in how different states perceive the problem differently and as a result, they may not be willing to work together and often bound by judicial systems and legacies.

There is also the issue of resources as not all states have the same logistical and financial capabilities when it comes to addressing the threat. Developing states like Kenya and Uganda face different challenges when dealing with organized and transnational organized crime. The more the disorganization of the political environment, the more a country is susceptible to crime and corruption.

The international community created a multi-layered regime to deal with organized crime from a security, political and economic perspective i.e. money laundering. The United Nations Convention Against Transnational Crime (UNTOC)-The Palermo Convention of the year 2000 is one of the most relevant legal documents that conceptualize Transnational Organized Crime (TOCs). Although the document lacks the precise definition and the kinds of crime that constitute transnational threats, the intention was to allow for a broader application of the organized crime convention to the emerging and ever changing global issues.

The convention defines “Organized criminal group” in article 2 (a). when simply put,

“A group of three or more persons that was not randomly formed, existing for a period of time, acting in concert with the aim of committing at least one crime punishable

by at least four years' incarceration, in order to obtain, directly or indirectly, a financial or other material benefit.”

Under the convention, the organized crime groups are attributed by the extent of offences they commit and the profit nature of their kind of work.

UNTOC looks at “transnational” a term cast widely. This means offences across two or more states where they are planned in one state and controlled in another. These criminal acts committed in one state affect another state.

Therefore, the implied definition of TOC includes “all profit-motivated criminal activities with international implications. This broad definition takes into consideration the global complexity of the issue and allows cooperation in a wide range of concerns.”⁵²

According to Betti, “The objective of the convention going past the actual terms is to facilitate cooperation and collaboration across states, the biggest obstacle to effectively combating organized and transnational crime.”⁵³

“Organized crime threatens human security and peace, violates basic human rights and undermines economic, social, cultural and civil development of societies all around the world.”⁵⁴

TOC shows itself through many ways. Trafficking in drugs, firearms and counterfeit goods. The fact that huge sums of money are involved means that legitimate regimes and economies are compromised because of corruption and bribery.

⁵² “Zsoka, Williams. ‘United Nations Office on Drugs and Organized Crime’. N.p., n.d. Web. 14 June (2017)”

⁵³ “Betti, Stefano. ‘New Prospects for Interstate Cooperation in Criminal Matters: The Palermo Convention’ International Criminal Law Review (2003)”

⁵⁴ Ibid.

In the past and even today, individuals have lost their lives at the hands of people in organized crime. They succumbed to drug related issues; gunshot wounds because of illegal arms and lost their lives as a result of the evil motives and methods of migrant smugglers and human traffickers.⁵⁵

Globally, it has become more diversified and reach macro levels in the economy; illegal goods from to Europe are sourced from Africa and marketed in Asian countries like China.

TOC can infiltrate government institutions and agencies. This has the potential to fuel corruption and hinder social and economic development.

Those who operate outside the law are being enabled by TOC and as a result, undermine the institutions and agencies of governments.⁵⁶

With its transnational nature, organized crime means that criminal networks forge bonds across borders. At the same time, they overcome cultural and language differences in their criminal dealings. The nature of organized crime means that it is not stagnant. Organized crime adapts as new crime emerges, new technology and new relationships. The networks have become more sophisticated and desire to reach the ends of the globe. It transcends borders.

2.3 Transnational Drug Trafficking

The increase in economic interdependence among states and the rapid growth of communications and transport systems, the broad increase in international trade and the

⁵⁵ “Kevin Town ‘*Transnational Organized Crime: Let's Put Them out of Business*’ *Transnational Organized Crime: The Globalized Illegal Economy*. (2017)”

⁵⁶ Ibid

growth of global financial markets have changed the context in which transnational crime takes place. These crimes have taken advantage of globalism.

Drug trafficking is a global shared phenomenon that brings threats to every country and poses grave challenges to the society in Europe, U.S and drug-producing countries, which have become consumers of their product.⁵⁷ Today, there are over 230million users of illicit drugs according to the United Nations Office of Drugs and Crime (UNDOC)⁵⁸ and the production is increasing by the day in order to satisfy this large number of illegal drug abusers.

The United Nations Office of Drugs and Crime explains “that drug trafficking is a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws. Drug trafficking operates throughout the world, and involves many actors, including transnational criminal organizations.”⁵⁹

Drug trafficking continues to have a devastating impact on the developing world, both socially and economically.⁶⁰ The illicit trade in drugs has a direct impact on economic, human and political security and the impact varies from one state to another.⁶¹

⁵⁷ “Williams Phil. ‘*Transnational Criminal Organisations and International Security*’ Survival: Global Politics and Strategy (1994)”

⁵⁸ “United Nations, World Drug Report; Boister, *The United Nations Office on Drugs and Crime’s (UNODC) yearly ‘World Drug Report’* see Haken Jeremy, *Transnational Crime In The Developing World, Global Financial Integrity*, February (2011/ 2012)”

⁵⁹ “United Nations Office of Drugs and Crime. ‘*Drug Trafficking.*’ Available Online: <https://www.unodc.org/unodc/en/drug-trafficking/> (2014b)”

⁶⁰ “Sproule D and St-Denis, Paul, ‘*The UN Drug Trafficking Convention: An Ambitious Step*’, The Canadian Yearbook of International Law, Volume 27, page 264 (1989)”

⁶¹ “Swanstrom Niklas. ‘*The Narcotics Trade: A Threat to Security?* National and Transnational Implications’. *Global Crime*, Volume 8 Number 1(2007)”

According to Rollins, Wyler and Seth, the recognition that drug trafficking is linked to other serious criminal activity, including terrorism”⁶² and “money laundering”⁶³ has raised concern in the international community that trafficking has the potential to destabilize society.

2.3.1 Drug Trafficking in East Africa

In the recent past, there has been a positive growth towards sustainable economic and human development in Eastern Africa. The members of the EAC have captured high levels of growth and regional cooperation. However, new developments have raised new threats to ongoing growth and development and these new threats include drug trafficking.

In the period 1995-2006 seizures of illegal drugs in the region covered by UNODC in East Africa do not reflect the extent of trafficking, growing abuse and availability in the region. The region is attractive to international drug traffickers as they exploit ineffective border controls; limited regional and cross border cooperation as well as poor justice systems.

Drug trafficking in East Africa, however, has increased over the last ten years. Drug traffickers prefer the region as a transit point for drugs from Afghanistan, Europe and United States of America (USA). The region is being exploited because of the weak

⁶² “Rollins J, Wyler L and Rosen S, ‘*International Terrorism and Transnational Crime: Security Threats*’, U.S. Policy, and Considerations for Congress’, Congressional Research Service, January 5, (2010)”

⁶³ “Schroeder R. ‘*Money Laundering: A Global Threat and The International Community’s Response*’, FBI Law Enforcement Bulletin, Vol. 70, Issue 5, May (2001)”

maritime border controls. Under investment in naval facilities is being exploited by drug traffickers, as this is a weakness of most of the EA countries.

The UNODC 2013 drug report provides details on how Kenya and Tanzania are becoming major transit points for drugs as number of drugs as number of drug users also increase. In the report, Kenya is confirmed as a transit point for heroin trafficked to Europe and the US.⁶⁴ The report says that the majority of the drugs seized in Kenya and Tanzania were at sea borders or ports or on the open sea. The increased opiates trafficked from Afghan to Africa.”

According to Patrick, Kenya belong to the category of “weak but functioning states” the environments in which Drug Trafficking Organizations (DTOs) prefer to carry out their operations.⁶⁵ Indeed, a unique combination of suitable factors makes Kenya particularly attractive for drug traffickers. Corruption within the criminal justice and political systems, weak law enforcement capacities, efficient financial services like M-Pesa; good communications infrastructure; and relatively reliable transportation facilities.⁶⁶

2.3.2 The Impact of Drug trafficking

According to Buxton and Mandel, “institutional decay and violations of the rule of law through formal security providers in weak states are cause and effect not only of the emergence of informal security actors, but also the emergence of drug trafficking

⁶⁴ “<http://www.theeastafrican.co.ke/news/Drug-traffickers-turn-East-Africa-into-hub/2558-2039324-tvu8lw/index.html>”

⁶⁵ Ibid

⁶⁶ “Gastrow Peter ‘*Termites at Work: A Report on Transnational Organized Crime and State Erosion in Kenya*’: Comprehensive Research Findings, New York: International Peace Institute.”

organizations.⁶⁷ Further, fragile states lack the institutional and financial capacity to control their borders or to manage transnational criminal activities in their borders, specifically the underdeveloped and unoccupied regions.”⁶⁸

Drug trafficking organizations turn to weak states in terms of the rule of law in anticipation to get into the state political system and its institutions.⁶⁹ Csete and Sánchez argue that “collapsed or failed states with a high degree of political instability present a more challenging environment for drug traffickers than weak states with stable leaders who are susceptible to corruption.”⁷⁰

Patrick points out that “drug trafficking requires a certain degree of expertise in terms of financial services and infrastructure, which is more likely to be found in “weak but functioning states” for example Kenya than in more fragile contexts.”⁷¹

2.4 TOC threat to National and International Security

According to Celina Realuyo “In the 21st century security environment (global), a country like the USA faces a complex set of threats to its national security, emanating from state and non state actors.” These threats endanger the primary responsibilities of nation-state to its populace: to guarantee their security and the nations territory, promote economic prosperity and ensuring their government represents their will. Illicit networks

⁶⁷ “Mandel, Robert ‘*Dark Logic: Transnational Criminal Tactics and Global Security*’, Stanford, CA: Stanford University Press. (2011)”

⁶⁸ “Buxton, Julia. ‘*The Political Economy of Narcotics*’ Production Consumption and Global Markets, London and New York: Zed Books (2006)”

⁶⁹ “Jordan C David ‘*Drug Politics: Dirty Money and Democracies*’, Norman, OK: University of Oklahoma Press (1999)”

⁷⁰ “Csete, Joanne and Constanza Sánchez ‘*Telling the Story of Drugs in West Africa: The Newest Front in a Losing War*’, Swansea: Global Drug Policy Observatory. (2013)”

⁷¹ “Mutahi, Patrick ‘*Between Illegality and Legality*’ insecurity Crime and Gangs in Nairobi Informal Settlements, in: SA Crime Quarterly 37. 11-18 (2011)”

that include terrorists, criminals and proliferators, have presented unprecedented asymmetrical threats to U.S interests at home and abroad. As Celina continues to point out, attacks perpetrated by al Qaeda (September 11, 2001) are just one such example of threats from non-state actors.”⁷²

“Transnational organized crime (TOC) refers to the self-perpetuating associations of persons who operate transnationally for the purpose of obtaining power, commercial gains, influence, in part by illegal ways. They, at the same time safeguard their activities through a pattern of violence and coercion. They also safeguard their illegal activities through a transnational organizational structure and the exploitation of communication mechanisms”⁷³

There is not a single structure that exists under which transnational organized crime functions or operates; they vary from networks to cells and may evolve to other structures.⁷⁴

International Peace Institute argues, “In practical world states and international organizations have been slow to recognize Transnational Organized Crime as a strategic threat.”⁷⁵

Scholars consider Transnational Organized Crime as a threat to national and international security. It is not merely a domestic issue. Aas argues that Transnational Organized Crime is more pervasive and complex than before and new challenges to national security are being created.⁷⁶

⁷² “Celina B. Realuyo “*The future evolution of transnational Criminal organizations and the Threat to U.S National Security*” (2015)”

⁷³ “The White House ‘*National Security Strategy of the United States*’. May (2010)”

⁷⁴ Ibid

⁷⁵ “International Peace Institute. *Transnational Organized Crime: Task Forces on Strengthening Multilateral Security Capacity*. International Peace Institute. (2009)”

⁷⁶ “Aas K F *Globalization & Crime*. SAGE Publications. (2007)”

William is of the idea that Transnational Organized Crime “as a national and international threat has become more complex and subtle than more traditional military challenges”. He illustrates an example of drug trafficking, stating that —drug trafficking is much more serious than many issues that have traditionally been seen as a threat to security.”⁷⁷

Cockayne is of the view that the globalization of communications, transportation and finance has benefited not only illicit business, but also professional and well-organized criminals, giving them opportunity to organize transnationally and the threat is increasingly global.⁷⁸

Wáng points out that no country that has the capability to prevent and contain different kinds of transnational crime. As a result, transnational crime has become a severe challenge for the whole world in the 21st century.⁷⁹

According to US National Security Strategy (NSS), “Combating transnational criminal and trafficking networks requires a multidimensional strategy that safeguards the citizens, breaks the financial strength of terrorist and criminal networks, defeats transnational criminal organizations, strengthens the rule of law, disrupts illicit trafficking networks, fights corruption, strengthen judicial systems, and improves transparency. While these are major challenges, the United States has been able to devise and execute a collective strategy with other nations facing the same threats.”⁸⁰

⁷⁷ “Williams, P. *Transnational Criminal Organizations and International Security*. Survival, 96–113. (1994).

⁷⁸ “Cockayne J ‘*Transnational Organized Crime: Multilateral Responses to a Rising Threat*’. New York: International Peace Academy (2007)”

⁷⁹ “Wang P. and Wang J. ‘*Transnational Crime: Its Containment through International Cooperation*.’ Asian Social Science. (ASS) (2009)”

⁸⁰ Ibid

Realuyo points out the critical enablers of Transnational Organized Crime and to combat these organizations behind it, there is a need to understand their operations, motivations, vulnerabilities and strengths. Driven by greed, these organizations resemble legitimate commercial enterprises seeking to meet the market demand and supply.

TCO/TOC have certain important enablers to keep their work and achieve their objectives:

- I. *“Leadership.”*
- II. *“Illicit activities.”*
- III. *“Logistics and supply chains.”*
- IV. *“Personnel.”*
- V. *“Financing.”*
- VI. *“Weapons.”*
- VII. *“Technology and communications.”*
- VIII. *“Operating environment/corruption.”*⁸¹

Governments around the world ought to understand these important enablers, motivations & vulnerabilities of TCOs to better detect, disrupt and prevent them from undermining the security of the citizens.⁸²

⁸¹ “Celina Realuyo ‘*The future evolution of transnational criminal organizations and the threat to U.S National Security*’ William J. Perry Center for Hemispheric Defense Studies. Perry Center Occasional Paper (2015)”

⁸² Ibid

CHAPTER THREE

MIGRANT SMUGGLING, ILLEGAL ARMS, TERRORISM AND CORRUPTION

3.1 Introduction

Transnational threats have evolved at a pace and in a way that puts them at an advantage against both strong and weak developing states. Most states seem like giants compared against transnational threats, big and capable due to their command of resources and monopoly on the legitimate use of force within its borders.

3.2 Smuggling of Migrants

“*Smuggling of migrants Protocol*” supplementing the United Nations Convention against Transnational Organized crime defines smuggling of migrants as the;

*"Procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident." (Article 3, Smuggling of Migrants Protocol).*⁸³

3.2.1 Migrant smuggling in East Africa

Migrant smuggling emanates mainly from the horn of Africa and occurs through land, sea and air routes. The migrants are driven out of their countries by poverty and conflict, climate change and developmental changes in their countries of origin. The EAC is pivotal for migrant smuggling and human trafficking. According to the Danish Refugee Council (DRC) in Kenya, affects about 80 per cent of migrants from the region.⁸⁴

⁸³ “United Nations Office on Drugs and Crime, *Smuggling of Migrants Protocol* (2000)”

⁸⁴ “Martn, I. and S. Bonfant ‘*Migraton and asylum challenges in Eastern Africa*’ mixed migration flows require dual policy approaches. Migraton Policy Centre. DOI: 10.2870/701596. (2015)

3.2.2 Smuggling as a security threat (Organized crime)

Human trafficking has no physical boundaries in a globalized world. The criminals involved are highly organized with international networks. Majority of illegal aliens use organized criminal networks to get to the destination of their choice. The same applies to those seeking employment in developed countries like the USA and Europe. Human smugglers help immigrants to cross borders illegally by way logistical support and personal company (Guides) i.e. at the US Mexico border.

This applies to the external borders at airports as much as to internal borders, which may be crossed at unmanned points, in the countryside or at official state checkpoints, in which case the people being smuggled are hidden in vehicles and in huge containers.⁸⁵

“Most frequently the motivating factor for trafficking in persons and migrant smuggling, as many people desire to move closer to areas that present them with increased opportunities.”⁸⁶

3.3 Illicit Arms Trafficking (Small Arms and Light Weapons)

Over the years, Kenya has had the challenge of insecurity because of the proliferation of illegal weapons that are smuggled in from many of the border

⁸⁵ Mocerquadale et al, ‘*Globalization and Human rights: Human Rights’ Quartely, Vol 21.* (1999)”

⁸⁶ “UNDOC “Organized crime in East Africa” 2013
“https://www.unodc.org/documents/easternafrika/regional-ministerial-meeting/Organised_Crime_and_Trafficking_in_Eastern_Africa_Discussion_Paper.pdf”

countries.⁸⁷ Several factors have contributed to the challenges Kenya faces of which they are economic, social and political have contributed to the demand for these weapons.⁸⁸

Currently, Kenya continues to grapple with political issues and armed conflicts in the pastoralist areas of the northeastern Kenya. These issues have played a part in the problem of illegal arms partly because of the open, vast and porous borders

According to Muchai, “the small arms effect and their availability and misuse have been felt all over Kenya. The pastoralist communities with very limited police presence are greatly affected. This is more widespread in the North Eastern, North Rift and Eastern areas, which are believed to suffer excessively from high levels of illicit firearms and insecurity.”⁸⁹

3.3.1 Security Impact SALWs

The rapid increase of Small Arms Light Weapons (SALW) is mostly responsible for humanitarian laws violation. According to Red Cross, “the proliferation of weapons in the hands of undisciplined and new actors has outpaced efforts to ensure compliance with the basic rules of warfare resulting in Violence and horrific images which threaten to immunize the public and decision makers to violation of humanitarian law”.⁹⁰

“*Small Arms and Human Rights: The need for global action*” Human Rights Watch observes that “the uncontrolled widespread and proliferation and misuse of small

⁸⁷ “Wepundi et al. *Availability of Small Arms and Perceptions of security in Kenya: An Assessment*”

⁸⁸ Ibid

⁸⁹ “Muchai, Augusta. ‘*Insecurity: A Case Study of Northern Kenya.*’ In Micha Hollestelle and Simon Simonse, eds. *Security When the State Fails: Community Responses to Armed Violence*, Vol. 5. The Hague: Pax Christi, pp. 113–29. (2005)”

⁹⁰ “International Committee of the Red Cross (ICRC). ‘*Arms Availability and the Situation of Civilians in Armed Conflict.*’ (1999)”

arms represents a human rights crisis globally by facilitating several human rights abuses and violation of international humanitarian law.”

In wartime and post conflict settings, small arms were used in abusing the individual human rights by governments and other actors. These included deliberate targeting of civilians and non-combatants where civilians. Where security is weak, former combatants have not been brought to book for their past actions, a scenario where there is total disregard for the law greatly endangers civilians.

Red cross further point out “Small arms give power without being used. The coercive power of these weapons, when exploited by government agents, can enable human rights abuses such as intimidation, torture and rape.”⁹¹

3.3.2 Small Arms and Conflict

Michael T Klare points out that the epidemic of ethnic sectarian and criminal violence is as a result of the large quantities of small arms circulated worldwide.⁹² “In as much as weapons do not cause conflicts, their ease of availability and proliferation inflame the degree of violence by increasing the lethality, duration of hostilities and encouraging violent rather than peaceful resolution.”⁹³

Hartung elucidates, “Guns don’t kill people, but societies awash in guns are far more likely to resolve their differences violently, in ways that can quickly spiral out of control. Once this happens, the international community can neither stop the killing nor

⁹¹ “Human rights Watch. ‘*Playing With Fire: Weapons Proliferation, Political Violence, and Human Rights in Kenya.*’ Human Rights Watch, New York May (2002)”

⁹² “Michael T. ‘*Light Weapons & Civil Conflict: Controlling the Tools of Violence.*’ Lanham MD, (1999)”

⁹³ “United Nations Development Programme (UNDP). ‘*UNDP’s Role in Small Arms Reductions: A Primer.*’ <http://www.undp.org/erd/smallarms/undp.html> (2002)”

heal societal wounds inflicted by militias, warlords, criminal gangs or repressive governments.”⁹⁴

Small arms are used by groups and countries in armed conflict because of a number of advantages these weapons have; they can be easily concealed, they are cheap, they can last a lifetime i.e. AK 47 rifle and can be used by the police, the military and civilians.⁹⁵

The ease of access to light weapons changed how the nature of conflict is seen. It began with traditional hostilities between nation-states. They then evolved into hostilities within the state and with different actors. Criminal gangs and religious groups are some of the actors.⁹⁶

The use of small arms has gone past the direct consequences and impact of single bullet. The risk of armed confrontation has led civilians to change the way they carry themselves so as to tame the impact of these weapons on their families.⁹⁷

In a conflict, these weapons act as a catalyst in all situations of hostilities. The people who are often the victims are the women and children whose environment is threatened. Additionally, SALW have contributed to a violence culture by way of gun glorification and dependency.

⁹⁴ “William D. Hartung. ‘*The New Business of War: Small Arms and the Proliferation of Conflict.*’ Available at http://www.cceia.org/media/488_hartung.pdf p. 83”

⁹⁵ “Jeffrey B. and Michael K. ‘*Small Arms and Light Weapons: Controlling the Real Instruments of War*’ Arms Control Today Vol. 28:15-23 August-September (1998)”

⁹⁶ “George Musser and Sasha Nemecek, “Waging a New Kind of War,” Scientific American, June (2000).”

⁹⁷ “Muggah, and Eric Berman. *Humanitarianism Under Threat: The Humanitarian Impacts of Small Arms and Light Weapons.* Special Report commissioned by the UN Inter-Agency Standing Committee. Geneva/New York: Small Arms Survey/IASC. (2001)”

3.3.3 Small arms spread and international security

Hans Morgenthau on ‘*traditional security*’, “security has the state, as its primary object of security and external military threats constitutes the major threat to national security. Security is a condition of the state, to be achieved by the state, through the instrumentality of military power.”⁹⁸

Because of the focus on the military as a way of securing brought about the rush for arms and a result, more insecurity. Hence, what is known as security dilemma⁹⁹ Security dilemma is when the actions of one state, causes another state to react in the same manner and in the process reduce their own security.

The end of the cold war saw the consideration of individuals and global systems as alternative referents of security.

In the 21st century, it is no longer important for states to give the military threats and state threats priority, as this is not sustainable. In traditional security the individual’s security was put under political witticism in the security of the nation.¹⁰⁰

It is only the individual who is the absolutely necessary unit where the idea of security can be applied.¹⁰¹

Ken and Wheeler are of the assertion that, “it is from the human values that the term ‘security’ gets its meaning, and a security policy gets its legitimacy and power to

⁹⁸ “Hans Morgenthau. ‘*Another Great Debate: The National Interest of the United States.*’ American Political Science Review Vol. 46 No. 4 (1952)”

⁹⁹ “Robert JR. ‘*Coopération Under the Security Dilemma.*’ World Politics. Vol. 30 No. 2 pp. 167-214
Barry R. Posen ‘*The Security Dilemma and Ethnic Conflict.*’ in Survival Vol. 35 No. 1 (1993)”

¹⁰⁰ “Emma Rotschild. ‘*What is Security?*’ Daedélus. Vol. 124, No. 3 (1995)”

¹⁰¹ “Barry Buzan. ‘*People, State and Fear: The National Security Problem in International Relations*’ Chapel Hill, NC, University of North Carolina Press, p.35 (1991)”

mobilize resources. Consequently, the individual forms the ultimate ground and rationale for securing anything (the subject). Individuals should not be treated as a means but rather ends, whereas states should be treated, as means not ends.”¹⁰²

The 2004 human development report by the says “human security has two principal aspects: safety from chronic threats such as hunger, repression and protection from sudden and hurtful disruptions in the pattern of every day life.”¹⁰³

Because of this the focus of human security approach is the human cost of the over availability of these small arms. The security of individuals can be violated the most by small arms.¹⁰⁴

African experts on illicit arms;

“The proliferation and illicit trade in SALW have great effects on human security particularly women, children, vulnerable groups, and also on infrastructure. Further, the misuse of arms promotes a violence culture and destabilizes societies. They create a propitious environment for criminal and illegal activities. Violence by way of small arms undermines good governance, hinders economic development jeopardizes fundamental human rights. It worsens armed conflicts, the displacement of innocent populations and threatens international humanitarian law.”¹⁰⁵

¹⁰² “Kèn Booth and Nicholas Wheeler ‘Contending philosophies about security in Europe’ in Colin McInnes (ed.) Security and Strategy in the New Europe. London and New York, Route lèdge, p. 4. (1992)”

¹⁰³ “United Nations Development Programme. *Human Development Report of 1994: New dimensions of human security*. Oxford University Press, New York, p.24 (1994)”

¹⁰⁴ “*The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa* (Nairobi, 15 March 2000); *Report of the Meeting of African Experts on Illicit Proliferation, Circulation, and Trafficking of Small Arms and Light Weapons*, 17-19 May, 2000 Addis Ababa Ethiopia; *Report of the UN Conference on the Illicit Trade in small Arms and Light Weapons in all its Aspects* (July 2001); Sidney Bearman, Strategic Survey 1990-1991. Brassey’s for IISS London. (1992)”

¹⁰⁵ “Organization of African Unity (OAU). ‘*Report of the Meeting of Experts.*’ First Continental Meeting of African Experts on Small Arms and Light Weapons, 17-19 May (2000).”

The focus on human security means placing attention to the law and human right violations and the impact small arms have the safety of the public and the prospects for human development.¹⁰⁶

3.4 International terrorism

For many years, scholars have attempted to define terrorism but the conceptual problems have made it difficult to find a totally acceptable definition.

Walters Laquéur defines terrorism as “the threat of use of violence or a strategy to achieve certain targets. It aims to induce fear in the victim that is ruthless with no conformity to human rights and laws.... Publicity is an essential factor in the terrorist strategy.”¹⁰⁷

Bruce Hoffman on the other hand defines terrorism as “inescapable political in motives and aims, threatens violence, crafted to have far reaching psychological effects beyond the immediate victim, carried out by an organization with a clear chain of command and perpetrated by a subnational group or non-state entity.”¹⁰⁸

Further, the League of Nations in 1937 defined terrorism as acts “all criminal acts directed against a state and intended or calculated to create a state of terror in the minds of individuals or the general public.”¹⁰⁹

¹⁰⁶ “Don Hubert. ‘*Small Arms Demand and Human Security*’ Ploughshares Briefing 01/5 at <http://www.ploughshares.ca/CONTENT/BRIEFINGS/brf015.html> 31 Michael T. Klare. *Light Weapons & Civil Conflict: Controlling the Tools of Violence*. Lanham MD, (1999)”

¹⁰⁷ “Simon, Jeffrey D. ‘*The Terrorist Trap*’. Bloomington: Indiana University Press. (1994)”

¹⁰⁸ “Schmid, Alex and Jongman Albert ‘*Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature*. Amsterdam: North Holland, Transaction Books, p. 28. (1988)”

¹⁰⁹ “League Convention. *Convention for the Prevention and Punishment of Terrorism*. Article 1(2) (1937)”

The U.S Department of Defense definition of terrorism is “the calculated use of unlawful threat of violence to instill fear; intended to coerce societies and governments in the pursuit of goals that are generally ideological and religious.”¹¹⁰

3.4.1 Terrorism in Kenya

Kenya has been a victim of terrorism and recognizes it as an external transnational threat to national security. The National Intelligence Service (NIS) has pointed out terrorism as the single biggest and primary threat to Kenya’s national security and its economic, social and political development.

The bombing 1980 bombing of the Norfolk Hotel in retaliation for Kenya’s support to Israel in the Entebbe raid, bombing of the U.S Embassy in Nairobi in 1998 and the 2013 Westgate terror attack are some of the events that highlight terrorism as a transnational threat to Kenya’s Security.¹¹¹

In the 2008 there was increasing concern that Al Qaeda was conducting training in Somalia close to Kenya and in 2010, after border raids by the Somali-based Islamist al Shabab militia group, the then internal minister of Security, George Saitoti alluded to the kidnapping of Tourists and Aid workers in Kenya as the reason for the invasion of Somalia.

With its somewhat peaceful post-independence period, Kenya has made itself into a regional economic hub. Nonetheless, a serious threat to Kenya’s prosperity would have

¹¹⁰ “Joint Chiefs of Staff DOD. *Department of Defense Dictionary of Military and Associated Terms*. Washington, D.C.: DOD (2008)”

¹¹¹ Francis Omondi. *The determinants of Kenya’s National Security Policy Since Independence*. The University of Nairobi (2014)

to be countered. Consequently, Kenya invaded Somalia to secure its eastern border and to create a buffer zone inside Somalia.¹¹²

International terrorism remains a primary transnational security threat to Kenya national security. However, for the last two years it is difficult to argue that the terrorism threats are worse than it has been in recent years. Kenya Defense Forces (KDF) have armed, trained and organized proxy forces to fight al Shabaab on the border since 2009 despite no great effect. According to UN's envoy to Somalia, the troops in Somalia had weakened al Qaeda-affiliated terrorist groups.¹¹³

Kenya's current strategy, is the establishment of institutions locally and giving them capacity to coordinate with other international agencies in countering terrorism. The exchange of information will help in curbing this transnational threat of terrorism. However, it is still up for debate on whether this strategy has worked. There seems to be a lot of minor attacks especially on the northeastern border towns with Somalia and hence to generalize on the effectiveness of this strategy would be premature.

3.5 Corruption and states security

State institutions plagued by corruption are ineffective in fighting transnational threats to national security like terrorism. Corruption in institutions is of great concern because they are the beacons of the rule of law and the security of the state.¹¹⁴

In 2015, the president of the Republic of Kenya declared corruption a national security threat and presented a number of measurements to fight the graft that is endemic

¹¹² “Branch Daniel. ‘Why Kenya Invaded Somalia’ Foreign Affairs Today”

“<https://www.foreignaffairs.com/articles/africa/2011-11-15/why-kenya-invaded-somalia> (assessed September 26, 2017).”

¹¹³ Ibid

¹¹⁴ OECD, *Terrorism, Corruption and the Criminal Exploitation of Natural Resources*. (2016)

in East Africa's largest economy.¹¹⁵ He further pointed out that the bribe accepted by an official could lead to successful terror attacks that kill Kenyans. It can let a criminal off the hook for them to return and harm Kenyans.¹¹⁶

3.5.1 Corruption

Kenya's constitution addresses the issue of national security and defines it as protection from both internal and external threats.

The corruption that exists in Kenya today dates back to the colonial period.¹¹⁷ EACC observed in its 2006 plan that colonialism planted the seeds of corruption. Independence was just a phase as it did not change anything of the colonial state corruption and simply moved in with the new state.

The roots of corruption woven into the societal fabric as a result the two security institutions ought to be discussed (The Police and Kenya Defense Forces).

3.5.2 The Kenya Police

According to Ngunjiri, The "Police is not only the most corrupt state institution in the way it is perceived by the public but is also said to have a number of corrupt individuals whose main qualifications for joining the service was because of a bribe".

¹¹⁵ "Tom Odula. 'Kenya president declares corruption national security threat' <http://www.washingtontimes.com/news/2015/nov/23/kenya-president-declares-corruption-national-security/> (assessed, September 28 2017)"

¹¹⁶ Ibid

¹¹⁷ "Wrong, M. 'Everyone is corrupt in Kenya, even grandmothers: Is East Africa's economic powerhouse becoming the continent's newest lootocracy?' Foreign Policy. (2014) www.foreignpolicy.com/taxonomy/term/4803. (Assessed September 28 2017)"

This bribery takes place within a service that is meant to be the first port of call for the citizenry on matters to do with their security.¹¹⁸

A survey done by transparency international in 2011 revealed “ninety percent of Kenyans did not trust police and considered the security services either corrupt or extremely corrupt.”¹¹⁹

Because of corruption, the police become soft targets for terror groups. The few who accept these bribes put the lives of the people they are sworn to protect in danger and at the same time expose themselves to the enemy.

¹¹⁸ “Ngunjiri, I ‘*Corruption and entrepreneurship in Kenya*’ The Journal of Language, Technology and Entrepreneurship in Africa (2010)”

¹¹⁹ “Wagner, D ‘*Kenya, corruption and terrorism*’ (2014). Retrieved on 26th November 2014 from: http://www.huffingtonpost.com/daniel-wagner/kenya-corruption-and-terr_b_5505869.html”

CHAPTER FOUR

THE IMPACT OF TRANSNATIONAL THREATS ON NATIONAL SECURITY AND KENYAS RESPONSE

4.1 Introduction

The threat that is brought about by transnational threats such transnational organized crime, terrorism and corruption have the ability to go across borders. These threats have had different impacts in different countries. This study focused on the common threats faced by Kenya with regards to its national security.

Developing countries in Africa like Kenya are threatened directly by the powerful transnational forces. This happens through ways that seem harmless at the face value but have the ability to cripple states. Corruption and bribery are some of the subtle ways in which state institutions like the judiciary, the police and the military have been subverted.

Kenya has been greatly affected by these transnational threats and the challenge of these threats continues to this day.

4.2 The Impact of Transnational Threats

4.2.1 Arms Trafficking

The study established that in a region where countries overtime have experienced violent and civil wars like the DRC, Kenya still remains a regional economic and political hub. Despite this, porous borders and corruption make it a good choice for individuals who smuggle arms across the African continent.

Peter Gastro, found that “there were more than ten seizures reported on the Garissa - Nairobi highway en route from Somalia to Nairobi. Arms traffickers have a well planned out smuggling system that links Somalia with the UN refugee camp in Daadab and Nairobi”¹²⁰

Small criminal networks of few individuals are seen to be responsible for the majority of the illegal arms in Kenya and through Kenya to other east African countries. Illegal arms trade takes place in areas that tend to be remote and sparsely populated.

The movement of the small weapons has brought about a new perspective in activities such as cattle rustling. Cattle rustling are a transnational threats Kenya faces and has had an impact on the security of individuals who keep cattle.

Historically, rustling was defined by use of traditional weapons by pastoralist communities to take livestock without causing any chaos. This has however changed because new weapons smuggled through Kenya’s porous borders. There are now arms races between pastoralists communities of the north and communities from eastern Kenya.

Cattle rustling has led to the death of many members of these communities and become a large-scale operation involving theft of cattle and leaving behind death, devastation and destruction. In 2005, there was one of the worst cases of cattle rustling that left behind seventy-six villagers dead.¹²¹

¹²⁰ “Library of Congress, Federal Research Division, ‘*Nations Hospitable to Organized Crime and Terrorism*’ (Washington, DC, October 2003), p. 14, available at www.loc.gov/rr/frd/pdf-files/nats_hospitable.pdf”

¹²¹ “*Hunt for Child Killers in Kenya*,’ BBC News, July 14, 2005, available at <http://news.bbc.co.uk/2/hi/africa/4678211.stm>”

Eavis points out that low intensity disputes or hostilities have been provoked by the small arms. They are characterized by clashes and banditry activities. The implication of this is poverty, death, resources competition because of the movement to more secure areas and the result is increased strain on resources and land.¹²²

The prevalence of small arms use has brought about the fascination and dependency on guns and a result, gun culture is created. This has now undermined development and investments and at the same time aided cases of sexual violence.¹²³

4.2.2 Drug Trafficking

In its 2014 annual report, the UNODC Maritime Crime talked about an alarming spike in illicit drug trafficking throughout the Indian Ocean area. Report further points out the surge in rates of drugs being trafficked in the region.¹²⁴

Kenya has been pointed out in the UNDOC report on '*Drug trafficking to and from East Africa*' points Kenya as a country struggling with keeping off drug cartels.¹²⁵

Koli Kouame in 1998 described Kenya as a 'port of call' for drug traffickers. Ever since, various reports have portrayed Kenya as a major transit route for illegal drugs trafficking

In a 2017 report, the United States State Department mentions Kenya as a 'key transit country for a variety of illicit drugs, including cocaine and heroin, with an

¹²² "Eavis, Paul. '*SALW in the Horn of Africa and the Great Lakes Region: Challenges and Ways Forward.*' Brown Journal of World Affairs. Vol. 9, Providence: Brown University. (2002)"

¹²³ "Kamenju, Jacob, Alex Nderitu, Mwachofi Singo, and Francis Wairagu. '*Terrorized Citizens: Profiling Proliferation of Small Arms and Insecurity in the North Rift Region of Kenya.*' Nairobi: Security Research and Information Centre. (2003)"

¹²⁴ UNDOC '*Annual Report.*' Maritime Crime Programme. (2014).

¹²⁵ UNDOC '*Drug trafficking to and from East Africa*'

increasing domestic user population.’ Heroin usage by Kenyans has caused serious social problems with an estimated two hundred thousand addicts countrywide.¹²⁶

In a 2008 United Nations “*Report on the Monitoring Group on Somalia Pursuant to Security Council Resolution 1853*” indicated that militia groups in Somalia gained profits because of the drugs that were smuggled to Kenya.

The port town in Kismayo in Somalia up until recently was controlled by terror group Al Shabaab. They got their product through Kismayo port and it was a source of finances for the group¹²⁷

According to the CIA intelligence report, Kenya has already sealed one of Al Shabaab's financial sources by closing the Hawalas and bus companies.

4.3 Terrorism

As earlier mentioned in the literature review of this study, terrorism is a repeated violent action that is used by non-state actors, groups for different reasons like politics and crime. The victims in most cases are not the usual targets..¹²⁸

Despite the Kenya government efforts to curb terrorism, terror activities and incidences seem to be changing and escalating as time goes by. The study identified the lack of preparedness; poor inter agency coordination, strategy formulation, inadequate capacity and lack of information as some of the major reasons for the constant threat of terrorism.

¹²⁶ “Mugumu Munene, ‘Drug Barons Getting ‘Real Dirty’ Daily Nation, May 8, 2010, available at <http://allafrica.com/stories/201005080003.html> “

¹²⁷ “United Nations, Report on the Monitoring Group on Somalia Pursuant to Security Council Resolution 1853 (2008), UN Doc. S/2010/91, March 10, 2010, p. 11 and p. 48, available at <http://reliefweb.int/rw/rwb.nsf/db900SID/MUMA-83N2WN?OpenDocument>“

¹²⁸ “United Nations Office on Drugs and Crime, n.d. Definitions of terrorism. Available from: http://web.archive.org/web/20070129121539/http://www.unodc.org/unodc/terrorism_definitions.html.”

4.4 Kenya's Response to Transnational Threats

In late two thousand and eleven, the increased and frequent terror attacks prompted Kenya to respond to this threat by deploying troops in the “*Operation Linda Nchi*”. The final straw that led Kenya to invade Somalia in search of the militants was the kidnapping of a French Citizen at her home and Two French aid workers at a refugee camp.

The Ministry of Defense, invoked 51st article of the UN charter and that is “the right to self-defense and as well as the army’s constitutional responsibility in defending and protecting the territorial integrity of the country”¹²⁹

The purpose of the operation for Kenya was to “create a zone that would reduce The effectiveness of Al Shabaab and to restore transnational federal government authority in order to achieve enduring peace in Somalia”¹³⁰

Because of Kenya’s decision to go after the terror group, Kenya has become a target for the group.

There have been major incidences such as the Garissa University attack, the Westgate attacks in 2014 and the Mpeketoni attacks. The nature of the threat of terrorism for example, has become significant enough that it is having the impacts this study has highlighted earlier in the review of existing literature.

¹²⁹ “See Press Release MOSD/12/33/61, Operation Linda Nchi Update, 23 October 2011. <http://graphics8.nytimes.com/packages/pdf/world/operation-linda-nchiday-eight.pdf>”

¹³⁰ “See Press Release MOSD/12/33/61, Operation Linda Nchi Update, 23 October 2011. Online <http://graphics8.nytimes.com/packages/pdf/world/operation-linda-nchiday-eight.pdf>, accessed 28 September 2017.”

4.4.1 Usalama Platform

Alluding to the conceptualization and implementation by the state in two thousand and fourteen, president of Kenya mentioned “plans to establish a central command and control Centre, which we have sought for so long, are now advanced; our agencies, and the public will seamlessly share more information when it becomes operational”¹³¹

4.5 Conclusion

The challenge for Kenya remains to be that of insecurity. The transnational threats of Terrorism, drug trafficking, arms and people smuggling.

The 2011 world development report sought “answers to the question of how countries can escape from insecurity and achieve institutional resilience.”

The framework put forth by the report focuses on some key points that can be applied in Kenya when it comes to addressing the issues that impact on security.¹³²

The first priority in the report is the, “the need to restore confidence before embarking on a wider institutional transformation. Second priority emphasized in the report is one of transforming institutions that provide citizens with security, justice and jobs.”

¹³¹ “President Uhuru Kenyatta’s speech at the launch of the Rapid Results Initiative (RRI) at the Kenyatta International Conference Centre, 6 February 2014. Online <http://www.president.go.ke/speech-by-h-e-presidentuhuru-kenyatta-at-the-launch-of-rapidresults-initiative-rri/>, accessed 28 September 2017.”

¹³² “World Bank, World Development Report 2011: Conflict, Security and Development (Washington, DC, 2011), chap. 3, pp. 99-117, available at <http://wdr2011.worldbank.org/fulltext>”

CHAPTER FIVE

SUMMARY AND RECOMMENDATIONS

5.1 Summary

Values, alliances and institutions that make up the changing global order are being thrown into disarray by a certain tension. The 21st century is being defined by “security threats unconstrained by borders from economic instability, terrorism, drug smuggling, illicit arms, nuclear proliferation to conflict and corruption and bribery.”

The spread of terrorism, economic transactions, the increase in drug trafficking the potential proliferation of weapons, the criminalization of state institutions represents an interrelated network of transnational threats challenges to societies and states national security in Africa. It serves as a potential catalyst for conflict between states and their neighboring or surrounding countries.

Transnational threats have the ability to undermine the weak institutions of the state like the Kenya Police, Administration Police, National Intelligence Service and the judiciary. The weakness of these institutions exposes the state to challenges from internal and external extremists.

After 9/11, Kenya became a major partner on global war on terror. This is in a bid to address the issue of the major transnational threat states face in the 21st century.

There has been an increase in the total number of displaced persons and widespread destruction of property as a result of insecurity. A KNCHR report estimates that between 2010 and 2014, a total of 180,300 persons were displaced. Property worth millions destroyed following terrorist attacks in Lamu, Nairobi, Garissa, Mandera and Wajir with 3965 herds of livestock either killed or stolen.

5.2 Recommendations

Our state needs to deal with the issues that the state institutions have been having. In this regard, the primary focus in the response to insecurity should be focused on dealing with the issues of corruption in state institutions.

This will allow the state institutions to be strengthened while sealing gaps in state responses to transnational threats especially terrorism and arms trafficking.

Despite the presence of the legal framework in dealing with the present form of insecurity in Kenya, use of important documents i.e. Organized Crime Act, Prevention Of Terrorism Act and defense. They are limited in many cases.

The adherence to laws put in place in the fight against insecurity is important in order to prevent incidences of confusion and miscommunication witnessed in the Westgate shopping mall terror attack.

In addressing or responding to the transnational threats on our national security, there is a need to shift from focusing on al shabaab related insecurity threats to other transnational threats such as corruption and organized crime.

Kenyas national security policy should have a wider scope so as to touch on emerging transnational threats such as cyber terrorism. The policy ought to bring on board IT experts and businessmen. The policy should also incorporate all government agencies. This will create awareness of the national security and the threats faced. This awareness by government agencies results in synergy and mutual cooperation in addressing incidences of insecurity.

In dealing with transnational threats, the security agencies should be resourced and financed adequately so that they can deliver on stalled security sector reforms as per their respective roles and mandates in accordance to the constitution of Kenya.

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