

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**COORDINATION BY SECURITY AGENCIES IN SECURING AFRICA: A CASE
STUDY OF KENYA**

EDWARD MAXIMILLIAN MAGARA

R50/5070/2017

**THESIS SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR
THE AWARD OF THE DEGREE OF MASTER OF ARTS IN INTERNATIONAL
STUDIES**

2018

DECLARATION

This Thesis is my original work and has not been submitted for an award of a degree in any other university.

Edward Maximillian Magara

Signature

Date.....

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

Signature

Date.....

Prof. Peter Kagwanja

DEDICATION

I dedicate this work to my late parents and sister who worked so hard to make me what I am today. To my father Thomas Aboki Ongosi Mayega whose candid grooming and advice I remember until today. To my mother Agnes Bonareri Ongosi with whom I had very little acquaintance as she passed on before I was able to register any viable recollection of her and I therefore have a very little image of. To my step-mother Clemencia Mong'ina Ongosi, who gracefully took care of me as a child into my adulthood. I still remember how she would tell me of her best wishes for me in life. How I wish they were there to see me in my robe for graduation! May they rest in peace. Last but not least to my sister, Jane Cecilian Masara (mrs), who took care of me at my infancy, feeding me on porridge as I was not able to benefit from my mother's milk. Thanks my dear sister, I still benefit from your wise counsel and this you can be sure of.

ACKNOWLEDGEMENT

I wish to make my humble acknowledgement to Maj. Gen. Phillip Kameru for giving me the opportunity to attend this programme at the National Defence College. I indeed would want to let him know that I learnt a lot and in the process added some important insight into my academic life. I wish him the best at the National Intelligence Service.

I would also wish to acknowledge the good work and inspiration from the entire staff of the National Defence College under the able stewardship of Ma. Gen. Ikenye as Acting Commandant until the arrival of Lt. Gen. Linus Ng'ondi, as the substantive commandant of the College. I can confess that the programme is quite intensive but despite all these, all went on well.

Last but not least, I would also wish to acknowledge the able guidance from my supervisor, Prof. Peter Kagwanja despite his ever busy schedule and his invaluable advice on how to construct a “thesis” of an academic content.

TABLE OF CONTENTS

DECLARATION.....	ii
ACKNOWLEDGEMENT	iv
ABSTRACT	x
LIST OF ABBREVIATIONS	xi
CHAPTER ONE.....	1
INTRODUCTION TO THE STUDY	1
1.0 Introduction	1
1.1 Background to the Study	2
1.2 A brief background history of Kenya.....	6
1.3 Statement of the Problem	9
1.4 Overall study objective.....	10
1.5 Specific objectives of the study.....	10
1.6 The study's Scope	10
1.7 Justification of the Study.....	11
1.8 Limitation to the study	11
1.9 Theoretical Framework.	12
1.10 Chapter Outline	24
CHAPTER TWO.....	25
LITERATURE REVIEW.....	25
2.0 Introduction to review of the literature	25
2.1 Sources of Conflict in Africa	27
2.2 The concept of security	27
2.2.1 Collective security.....	28
2.2.2 Main challenges to collective security	33
2.2.3 Security governance perspective.....	33
2.3 The United Nations Security Mechanism and Africa's Security	34
2.4 Application of critical thinking for threat assessment and intelligence analysis for security agencies	35
2.4.1 Definition of terms associated with critical thinking.....	36
2.4.2 Types of threats	37

2.4.3 Threat Risk Levels.....	37
2.4.4 Guidelines for threat assessment	38
2.4.5 Ingredients for conducting a good threat assessment	39
2.4.6 Factors in threat assessment	40
2.4.7 Variables in threat assessment.....	42
2.4.8 Manifestation and execution of a threat	43
2.5 Overview of Kenya’s governance system.....	44
2.6.1 The National Police Service reforms.....	47
2.6.2 A new National Police Service structure and brief history of policing in Kenya	47
2.6.3 The Kenya Police Force	48
2.6.4 The Administration Police Force.....	48
2.6.5 Complications in command, control and structure of the National Police Service	48
2.6.6 New Police Reforms	49
2.6.6.1 New police uniform	50
2.6.6.2 Integration within the community.....	50
2.6.6.3 New police Units.....	50
2.6.6.4 New regional command structure	51
2.6.6.5 Training of police officers and renaming of police colleges	52
2.6.6.6 The National Police College, Kigango Campus	52
2.6.6.7 The Administration Police Training College, Embakasi “A” Campus.....	52
2.6.6.8 The General Service Unit Training School – Embakasi	52
2.6.6.9 The Senior Staff Colleges	52
CHAPTER THREE	54
METHODOLOGY OF RESEARCH.....	54
3.0 Introduction	54
3.1 The research design.....	54
3.2 Research method	54
3.3 Sampling procedures	55
3.4 The Population and sample	55
3.5 Accessible Population	56
3.6 Sampling Technique.....	57

3.7 Sample Frame.....	57
3.8 The Case study method	57
3.9 Data collection techniques	58
3.10 Ethical considerations and trustworthiness of the study	58
3.11 Limitations of the study.....	60
CHAPTER FOUR.....	61
REGIONAL ORGANISATIONS AND AFRICA’S SECURITY.....	61
4.0 Introduction	61
4.2 The African Union	64
4.3 The African Union’s key decision-making and policy organs.....	65
4.4 AU conceptualization of security	66
4.5 The African Peace and Security Architecture	68
4.5.1 The Peace and Security Council	70
4.5.2 Performance of the PSC	73
4.5.3 The Continental Early Warning System.....	73
4.5.4 Assessment of the CEWS	75
4.5.5 The peace fund.....	75
4.5.6 The Panel of the wise.....	76
4.5.6.1 Assessment of the Panel of the Wise	78
4.5.7 The African Standby Force.....	79
4.5.7.1 Provisions of Article 13 on functions of the ASF.....	79
4.6 The AU’s regional military brigades.....	80
4.6.1 The Economic Community of West African States (ECOWAS) Standby Force (ESF);	80
4.6.2 The Economic Community of Central African States (ECCAS) Standby Force;	80
4.6.3 The Southern Africa Development Community (SADC) Standby Force;	80
4.6.4 The Eastern Africa Standby Force (EASF),	81
4.6.5 The North African Regional Capability (NARC) Standby Force,	81
4.7 Challenges facing the African Standby Force.....	82
4.8 The African Capacity for Immediate Response to Crises,	82
4.9 Africa Union Peace Support Operations on the continent	83

4.9.1 The African Union Mission in Burundi.....	84
4.9.2 The African Union Mission in (Darfur) Sudan	86
4.9.3 The African Union Mission in Somalia.....	88
4.9.4 The Regional Cooperation Initiative for the Elimination of The Lord’s Resistance Army	89
4.9.5 The African Union-led International Support Mission in the Central African Republic	89
4.9.6 The African Union Electoral and Security Assistance Mission to the Comoros.....	91
4.9.7 The Electoral and Security Assistance Mission	92
4.9.8 The African Union Mission for Support to the Elections in Comoros	92
4.9.9 The African Union-led international support mission in Mali,	93
4.10 African Union Police Strategic Support Group.....	94
4.10.1 The African Mechanism for Police Cooperation.....	94
4.11 African regional organisations and their contribution to the security of the continent.....	94
4.12 The East African Community and the Inter-Governmental Authority on Development’s Role in Resolving Conflict in the Eastern Africa Sub-region	101
4.13 The East African Community Security Architecture	102
4.14 The Inter-governmental Authority on Development.....	103
CHAPTER FIVE.....	107
KENYA’S NATIONAL SECURITY ARCHITECTURE	107
5.0 Introduction	107
5.1 The hierarchical structure,.....	108
5.1.1 Disclosure of Information by Members of the National Security Council.....	110
5.2 The multi-agency approach to Kenya’s security	120
5.2.1 The Ministry of Interior & Coordination of National Government.....	122
5.2.2 The State Department for Immigration	123
5.2.3 The Kenya Wildlife Service	124
5.3 Community policing.....	125
5.3.1 The concept of community policing and intelligence-led policing	125
5.3.2 A brief history of policing	125
5.3.3 The beginning of modern policing	127

5.3.4 Community policing and intelligence-led policing	128
5.3.5 Principles of community policing.....	130
5.3.6 Community Policing in Kenya	131
5.3.7 The National Task Force on Community Policing	132
5.3.8 Legal framework for community policing in Kenya	133
5.4 The “ <i>Nyumba Kumi</i> ” policing model	136
5.4.1 Characteristics of the “ <i>Nyumba Kumi</i> ” community policing model	138
5.4.2 Intelligence –led policing	139
CHAPTER SIX.....	144
SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS	144
6.0 Introduction	144
6.1 Key findings, conclusions and recommendations	144
6.2 At international level	145
6.3 At regional level	145
6.4 At sub-regional level	146
6.5 At national level	149
BIBLIOGRAPHY	152

ABSTRACT

Africa as a continent has never had kind words devoted to it since time immemorial. As a continent it has been looked at from the lens of a “dark” continent characterized with conflict and various aspects of civil strife and various types of governance malpractices. Literally everything negative is attributed to the continent and its people and this seems to sell almost at every stage, era and epoch. The continent has also been faced with many challenges however, with time the continental organisations, the OAU and its successor organisation the AU have tried to address these challenges. The OAU was not such successful due its institutional weaknesses but the AU having learnt the lesson has put in place mechanisms aimed at addressing the continents security challenges. The guiding theme for the AU is the principle of “indifference” that allows it to internally intervene in member states conflict situations in circumstances of grave violation of human rights such as genocide and other related acts. This heralds a departure from the OAU’s policy of non-interference in the internal affairs of member states that perhaps went a long way to help qualify Africa as a continent of conflict and crises. The AU has put in place an African Peace and Security Architecture that closely coordinates with the continent’s regional Economic Communities and Regional Mechanisms to address conflict and crisis situations without necessarily relying on external actors.

At sub-regional level, the sub-regional organisations have tried their best to address conflict situations as has been seen in such areas as West Africa where ECOWAS has intervened and resolved conflict situations and stemmed others from escalating or getting out of control.

At individual country level, Kenya has put in place a security machinery that to a great degree addresses insecurities and other conflict situations in the country and within the Eastern Africa region. Kenya was able on her own to confront the terrorism situation in the collapsed state of Somalia when the vice not only started to affect the country through terror attacks but also affecting the both the Horn of Africa region and the East African region as well as the international community through piracy in the Indian Ocean.

LIST OF ABBREVIATIONS

ACIRC	African Capacity for Immediate Response to Crises
AFISMA	African Union –led International Support Mission in Mali
AFRIPOL	African Mechanism for Police Cooperation
AU	African Union
AMIB	African Mission in Burundi
AMIS	African Mission in Sudan
AMISEC	African Union Mission for Support to the Elections in the Comoros
AMISOM	African Mission in Somalia
AMU	African Maghreb Union
APS	Administration police Service
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
AUCC	African Union Commission Chairman
AUPSC	African Union Peace and Security Council
BCOCC	Border Control and Operations Coordination Committee
CAAU	Constitutive Act of the African Union
CADSP	Common African Defence and Security Policy
CEN-SAD	Community of Sahel Saharan States

CEWS	Continental Early Warning System
CHRIPS	Centre for Human Rights and Policy Studies
CIPEV	Commission of Inquiry into Post-Election Violence...
CLB	Continental Logistics Base
CMCA	Commission for Mediation Conciliation and Arbitration
CNDD-FDD	Forces for the Defence of Democracy
COMESA	Common Market for Eastern and Southern Africa
CP	Community Policing
CSO	.Community Service Organisations
CSIC	County Security and Intelligence Committee
CSSDCA	Conference on Security Stability Development and Cooperation in Africa
CT	Critical Thinking
DCI	Directorate of Criminal Investigations
DIG-APS	Deputy Inspector-General of Police/Administration Police Service
DIG-KPS	Deputy Inspector-General of Police/Kenya police Service
DRC	Democratic Republic of Congo
EAC	East African Community
EASF	East African Standby Force
EASF-CM	East African Standby Force Regional Mechanism
ECCAS	Economic Community of Central African States

ECCAS-SF	Economic Community of Central African States-Standby Force
ECOMOG	Economic monitoring Group
ECOWAS	Economic Community of West African states
ECOWAS-SF	Economic Community of West African states-Standby force
EU	European Union
EU-AU	European Union-Africa Union
EU-TM	European Union Training Mission
FACA	Central Africa Armed Forces
GJLOS	Governance Justice Law and Order Sector
HoA	Horn of Africa
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
IGAD	Inter-Governmental Authority on Development
IGADD	Inter-Governmental Authority on drought and Development
IGO	Inter-Governmental Organisation
ILP	Intelligence-led policing
ITFPR	Independent Task Force on Reforms
JEM	Justice and Equality Movement
JSIS	Joint Security Intelligence Secretariat
JSOC	Joint Security Operations Centre
KDF	Kenya Defence Forces

KPS	Kenya Police Service
KWS	Kenya Wildlife Service
MAES	African Union Electoral and Security Assistance to the Comoros
MAES	African Union Electoral and Security Assistance to the Comoros
MENUB	UN Electoral Mission in Burundi
MICOPAX	Consolidation Mission in the Central African Republic
MINUSCA	Multi-dimensional Integrated Stabilization Mission in the Central African Republic
MAES	African Union Electoral and Security Assistance to the Comoros
MINUSMA	UN Multi-dimensional stabilization Mission in Mali
MISCA	International Support Mission in the Central African Republic
NARC-SF	North African Regional Capability Standby Force
NATO	North Atlantic Treaty Organisation
NIS	National Intelligence Service
OAU	Organisation of African Unity
OC	Operations Centre
OCS	Officer Commanding Police Station
NACADA	National Committee Against Drug Abuse
NEPAD	New Partnership for African Development
NGAO	National Government Administration officers
NGO	Non-Governmental Organisation

NPSC	National Police Service Commission
NPS	National Police Service
NSAC	National Security Advisory Committee
NSC	National Security Council
NSIS	National security intelligence Service
NTCP	National Taskforce on Community policing
OAU	Organisation of African Unity
OSCE	Organisation for Security and Cooperation in Europe
PoW	Panel of the Wise
PSC	Peace and Security Council
PSO	Peace Support Operations
PSOD	Peace Support Operations Division
PSSG	Police Support Strategic Group
RCI-LRA	Regional Cooperation Initiative for the elimination of the Lord's Resistance Army
RDC	Rapid deployment Capacity
REC	Regional Economic community
RLD	Logistics Base
RM	Regional Mechanism
RSIC	Regional Security and Intelligence Committee
RTF	Regional Task Force

RTP	Responsibility to Protect
SADC	Southern Africa Development Committee
SADC-SF	Southern Africa Development Committee-Standby Force
SADCC	Southern Africa Development coordination Conference
SAPSD	Southern Africa Protection Support Detachment
SCPS	Sub Committee on Protective Security
SCSIC	Sub-County Security and Intelligence Committee
SLM/A	Sudan Liberation Movement Army
USA	United States of America
UNAMID	United Nations Africa Union Mission in Darfur
UNAMIS	United Nations Africa Mission in Sudan
UNECA	United Nations Economic Commission for Africa
UNSC	United Nations Security Council
WSIC	Ward Security and Intelligence Committee

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.0 Introduction

The chapter gives the contextual data about coordination amongst security agencies and organizations in the quest to secure Africa and in particular takes into account the situation in Kenya as a case study. The chapter further states the problem statement and objectives. It defines the scope under which the study is conducted, its justification, significance and the theoretical framework employed in the study.

Kenya is a former colony of Britain which exerted its domination on it from 1884 to 1963 when it formally gained independence. During her independent life, Kenya has adopted two frameworks of governance worthy of note. When the country attained independence in 1963, the country embraced a near form of federal governance akin to federalism popularly then known by its Swahili language parlance “majimboism”. With the promulgation of the 2010 constitution, the country changed to a devolved system of governance that ushered in a form of governance also akin to federalism but as a unitary state. Proper coordination and management of security agencies predisposes a requirement for transparency and accountability amongst public officers and much more so those in the security agencies and other related and auxiliary departments in the performance of their duties.

1.1 Background to the Study

Africa as a continent has for long been associated with chaos and confusion at almost all levels of its peoples' lives. As one writer Hussein Solomon vividly puts it;

Africa's political and social landscape comprises of fragile governments, institutions, failed and failing states, ungoverned spaces, abject poverty amid great resources, wealth, holding of elections that do not necessarily lead to democracy and a legacy of incessant conflict, conflict in the region has become increasingly endemic.¹

A combination of economic disparities and democratic deficits have contributed to sustained conflict in some countries and in some situations, state failure and or collapse. With increasing globalization, any form of insecurity somewhere on the globe becomes a threat to security everywhere. Therefore, the endemic insecurity in Africa has integrated the continent into the international system's security architecture. However, on the other hand there is very little understanding of what Africa is to most people in Europe or the West (as it is popularly known) let alone the United States of America (USA) and these two areas happen to be the ones that have shaped most of Africa's past.

To a great number of these people, Africa is thought of as a single state and not a continent. They have very little understanding if any of Africa's composition or the countries that make it up. Some think it is a single state and not a continent. Some take it to be fraught with "a troubled and complex historical geography" beset with various difficulties and remains a dark continent.² Africa's modern boundaries do not inspire with its human landscape since they were drawn by and for the enrichment of the European colonial powers that were exploiting the

¹ Hussein Solomon, "African Solutions to Africa's Problems? Africa's Approaches to Peace, Security and Stability", *Scientia Militaria, South African Journal of Military Studies*, Vol. 43, No.1, (2015), p45, doi:10.5787/43-1-1109.

² Laurel J. H. "Introduction: The Imperative of Understanding Africa", in *Understanding Africa: A Geographical Approach*, Amy, R. Krakowka & Laurel J. Hummel (eds.), US Army War College, Center for Strategic Leadership, Carlisle, 2009, p1.

continent's resources and still continue to exploit its natural and human resources. The boundaries apart from enabling inter-state movement of people and goods as well as ideas, they also negatively influence inter and intra-state conflicts and at times provided reason for aggressive expansionist policies.³

Most of Africa's population is youthful with sub-Saharan states having preponderance towards high levels of population growth through to 2025 "with concomitant instability and political violence". Most populations in other parts of the world are urbanized but not so in Africa, even though the trend is moving towards urbanization with over-urbanisation being witnessed in sub-Saharan Africa where there are more people in urban centres than the economies or infrastructures can handle which provides a challenge for human security.

The other negative aspect on the continent is the prevalence of diseases and epidemics that contribute to hampering human and economic development, than as witnessed in other areas of the globe thus seriously degrading health levels of the continent's inhabitants. Healthcare for many of the inhabitants is either poor or simply non-existent with the needs outstretching what the available resources can offer. When it comes to environmental security, some relationships between human and natural processes inter-link to undermine human security. For example exploding populations, degraded soil from exploitation and over-use, inconsistent access to fresh water and fresh water sources coupled with climate change have combined to negatively impact on environmental security.

Another variable in this regard is the role of China in Africa with its policy of going out for resources from the continent. China is not interested in competing for resources in the open

³ Ibid.p1.

market but rather owning and operating them as it can be witnessed in its infrastructural projects such as the Standard Gauge Railway which it has helped Kenya construct and is now operating the same. China now operates along the same variables that characterize US National Security Strategy that is diplomacy, development and defense.

Armed and violent conflict has been part of the human scene since the beginning of written history⁴ and Africa has not been spared. The African continent has witnessed insecurity and other social injustices that spun the pre-colonial period right across the colonial period and into the present time. Several reasons account for this train of events. During the pre-colonial period, one can say it was the primitive kingdoms and chieftaincies unleashing terror on their neighborhoods for more land and resources for conquest and territorial expansion. In the colonial period, one can aver that colonial masters were interested in expanding their imperial interests. But with the advent of independence, instead of the leaders of the newly independent countries learning from the past and putting their act together, they advanced the narrative with new vigour and enthusiasm.

These conflicts have made it difficult for Africa to develop both its human and resource rich potential, making most of the continent's population wallow in poverty and hopelessness. Cold war and post-cold war intricacies have also played to exert both their influences and pressure on an already "bedridden" region. The scramble over resources and ideological differences has offered the main motivation behind the resurgence and continued conflict in the region. Philip Nyinguro, in his article titled "The Resource Dimension of Conflicts in Sub-Saharan Africa" acknowledges the view that at the heart of most conflicts in Africa is the issue

⁴ Carolyn Pumphrey. "Why Should we Study Armed Conflict in Africa?" in *Armed Conflict in Africa*, Maryland, Scarecrow Press, 2003, p1.

of resources and their role ...in instigating, sustaining, abetting conflict and even in affecting outcome”.⁵ This statement can be said to be true of most of the conflicts in Africa.

Africa is plagued by many insecurities and conflicts and this calls for solutions to the security challenges that confront the continent, and the various individual countries within it with Kenya providing the case study. Faced with many traditional and non-traditional security threats, Africa now experiences an emerging sub-regional, regional and international awareness that has made her re-look at how it can ensure security and peace on the continent and contribute towards realization of international security and peace. In an effort towards this, the African Union (AU) seems to have embraced a constructivist approach among other theoretical approaches for realization of the continent’s peace, security and stability effectively ushering in a new paradigm in her thinking about security and development.

This study will delve into the African Union’s (AU) quest for securing Africa and how it coordinates with the continent’s Regional Economic Communities to realise this objective with the country of Kenya in particular providing the case study. All these are variables that are independent and dependent on each other. The study therefore adopts an eclectic approach in studying this phenomenon and is informed by the main security theories of realism, institutionalism and constructivism as well as securitization.

The African landscape has been characterized by various types of conflicts including armed and violent ones for some time now. Some of the conflict spells span from the beginning of independence and even earlier. With establishment of the African Union in 2002, it was hoped

⁵ Phillip, O. Nyonguro. “The Resource Dimension of Conflict in sub-Saharan Africa”, in *Regional Development Dialogue*, VOL. 26 No.1 Spring, 2005, p40.

that the organisation will move the continent to a new level of coordination and cooperation in addressing Africa's problems including conflicts.⁶

1.2 A brief background history of Kenya

Kenya is a country that is found on the East African coast and covers a surface area that constitutes 582,646 square kilometres. As per the August 2009 population census, the country's total population was recorded as comprising 38,610,097 inhabitants⁷ even though the official figure has never been released with the same population being estimated at 41,609, 729 in the middle of 2011. On a linguistic and cultural basis, her people are divided into Bantu, Nilotic, Nilo-Hamitic...and Cushitic groups. Along the country's Indian Ocean coastal area, Persian and Arabic influence is reflected in Islamic culture with Kiswahili being the main language.⁸

Kenya as a country was colonized by Britain in 1884 and remained under British colonial rule until 1963 when it gained her independence. During colonial rule, the country went through a repressive system that exploited her people through the use of the police system that subjugated the people. With the gaining of independence, the government still used the inherited colonial police force to still repress dissent within the citizenry that resented it in equal measure.

After gaining independence from Britain in in 1963, the country adopted a multiparty constitution that allowed for a bicameral parliament. There was the upper house which was referred to as the Senate and the lower house which was called the National Assembly. However, in 1964 the dominant parties in parliament; the Kenya African National Union (KANU) together

⁶ P.O.Owuor, *Securing Peace in Africa; The Role of Institutional Frameworks and Coordination Mechanisms*, unpublished M.A Thesis, University of Nairobi, 2015.

⁷ *Africa South of the Sahara*, 41st ed. Routledge, London, 2012, p645.

⁸ *ibid*.

with the Kenya African Democratic Union (KADU) which was the opposition merged to form one unitary government. The political system is based on a predictable political environment that allows for the choosing of leaders through universal suffrage. Since independence the country has largely been peaceful with an elaborate security system in place which has ensured a peaceful environment save for some instances of insecurity like the 2007/2008 election violence that threatened to tear the country's social fabric apart.

Historically, Kenya's political system has been part of an electoral democracy where elections are regularly held after every five years from the time the country acquired independence in 1963. So far the country has been governed by four presidents including Uhuru Kenyatta the current president who was first elected in March 2013 for a five year term. He is currently on his second and final year term after having been re-elected in October 2018, after the Supreme Court of Kenya annulled his earlier re-election on grounds of irregularities during the voting exercise. He is son of the country's founding President popularly known as Mzee Jomo Kenyatta, who governed the country from independence in 1963 until 1978 when he died. Jomo Kenyatta was succeeded by Daniel Arap moi who governed from 1978 to the year 2002 when he was succeeded by Mwai Kibaki who governed the country until the year 2013.

This system of electoral democracy has been lauded for a long time by her regional neighbours, Africa and the international community. In an effort to provide a secure environment for her citizens, the government has put in place an elaborate security machinery that is also occasionally called upon by the African region and the international community to offer support for the United Nations Organisation (UN) peacekeeping operations and the African Union (AU).

However, despite all these arrangements, the country continues to experience incidents of insecurity which have in certain instances negated this internal and international image. This has led to questions of why the country experiences internal security challenges like those perpetrated by such terror groups as the Somalia based Al Shabaab and Al Qaeda.

The other security related challenges stem from threats from organized criminal gangs, illicit small arms and light weapons (SALW), cattle rustling, highway banditry, drug trafficking and human trafficking as among the most crucial threats. The central theme of the study is how coordination and management by security agencies can secure Africa with Kenya providing the main case study. Coordination is by itself a function of management and the public through its social contract with the government expects good and satisfactory services from government. Therefore proper coordination and management of information and other security activities amongst the security agencies in provision of security services is a necessary component in having a secure environment within the country.

A secure environment is then expected to enable citizens carry on with their activities without fear of any harm, physical or otherwise. The citizens will be able to carry on with socio-political, economic and cultural activities to realise their potential. From a secure internal environment the government will also by extension be respected internationally and be in a position to attract foreign investment as no investor is willing to place funds in an insecure environment.

1.3 Statement of the Problem

Africa as a continent faces many problems ranging from political, economic, social as well as environmental ones not to forget corruption and endemic conflict and violence that have afflicted the region over time. Africa has witnessed violence and other ills meted against her from across her borders as well as within making her no paragon of peace.⁹ The Organisation of African Unity (OAU) has been criticized for failure to intervene in crises in Africa, some of which caused many deaths, destruction of property and displacement of huge populations of people. This has contributed to the refugee crisis in the continent and other attendant insecurities and hence became unable to transform itself into an organisation that would promote peace and security in Africa.¹⁰

Any government's primary duty is first and foremost, the provision of security to its citizens and Kenya is no exception. In this respect, security agencies play a vivid role in providing security against threats to the country, be they internal or external. Coordination and management is therefore of key importance in the realization of this objective in today's ever metamorphosing security environment together with the related challenges. At this juncture, there is need to appreciate the fact that there can really never be absolute security and therefore no government is able to offer the same. Not even the most developed nations are or would be able to achieve this feat. The understanding here is that, there is no situation that can be described as a security panacea anywhere in the world.

⁹ Security Issues in Africa: The Imperial Legacy, Domestic Violence and the Military, *Africa Insight*, vol.21, no.3, 1991, p181.

¹⁰ Juliana Abena Appiah, *The African Union and the Quest For Peace In Africa: 2002-2012*, unpublished PhD Thesis University of Ghana, June 2014,p4.

In Kenya however, despite the relative calm experienced in the country and the elaborate security machinery that the government has put in place, the country still continues to experience incidents of insecurity. In certain situations this has made many people both within the country and outside, question the efficacy of the security system and its provision of services.

1.4 Overall study objective

The overall study objective was to provide an overview of the United Nations role in providing an enabling environment for international peace and security and how it relates with regional organisations in fulfilling the same, the AU included.

1.5 Specific objectives of the study

- i) provide an overview of the AU's efforts to offer security and peace on the African continent through the Africa Peace and Security Architecture,
- ii) appraise the continent's sub-regional organisations in addressing issues of security on the continent,
- iii) to appreciate the security regime for the East Africa region and more specifically IGAD's efforts in addressing conflicts and crisis situations in the sub-region,
- iv) evaluate Kenya's national security architecture and the security agencies approach towards provision of security and peace in the country,
- v) Conclusions and recommendations

1.6 The study's Scope

The study covers the UN's role in international security and peace, the AU's efforts to provide security and peace in Africa, the AU's security culture as well as the region's Regional Economic Communities' (RECs) roles in situations of insecurity and conflict in their respective

geographical areas. The study also evaluates Kenya as a case study and how security agencies in the country coordinate their mechanisms to ensure a peaceful and secure Kenya. Lastly the study also looks at how the country relates with the Horn of Africa and the East African Community states in combating threats to the region in a bid to provide a secure and peaceful environment.

1.7 Justification of the Study

This study is expected to contribute a useful insight into understanding why Africa as a continent, continues to experience the levels of insecurity attendant to it which have hitherto hindered the continent's expected development. As a case study of Kenya as a country, the study is also expected to highlight the levels of security in the country and the kinds of threats that face it and how they are being addressed. The study will further try to delve into reasons why the country continues to experience incidences of insecurity despite the government's concerted efforts at revamping security agencies with relevant material, equipment and personnel. The study will suggest recommendations that may help in policy formulation aimed at addressing shortcomings that provide the environment for continued insecurity.

1.8 Limitation to the study

As a study on how a country ensures peace and security for her people, one needs to delve into the parametres of security organs and how they relate with the citizenry and other government departments as well as the international community. In some cases, the information needed to actualize the study is sensitive and needs to be sourced from government departments

that more often than not may not be willing to share the same on the pretext of sensitivity and citing national security as a reason.

The non-availability of certain information from some government agencies would most likely compromise the objectivity the data available. However, it is believed that largely open source data may go a long way to make up for the shortfalls.

1.9 Theoretical Framework.

The study adopts an eclectic approach in trying to understand the various aspects that come into play in defining Africa, and the security issues that afflict it as well as the mechanisms put in play to address the situation. A number of theories are explored to help understand the complex phenomena and they include realism, institutionalism (neo-liberal institutionalism), constructivism, regionalism and securitization as the main ones. Along the study other frameworks of analysis are explored as and when they are relevant to the study and issue in question.

The theory of realism is a theoretical approaches within the sub-discipline of international relations. It contains various strands one of which is neo-realism. The theory recognizes the state as a principal actor within the international system. It also recognizes other players like international institutions and international non-government organisations but downplays their role in the system.

Realism recognizes the international system as anarchic in nature as it does not have an over-arching authority to enforce norms and discipline. It depicts man as egocentric, flawed and selfish and only interested in his own personal gain and self-interest. The system is characterized

as self-help and it is that who is strong that gets his way as the main actors which are states are interested in chasing power and advancing their self-interest.

The state is seen as a unitary rational actor that is led by rational decision makers. This attribute has been elucidated by Thucydides whose writings are seen to have influenced ancient writing in the field of international relations in his book “The Peloponnesian War.”¹¹ According to Thucydides, rational decisions are made on behalf of the state by those acting in its name. In making decisions on behalf of the state they are assumed to weigh the risks against the gains that may accrue or result from the decisions.¹²

Realism stresses survival of the state through whatever means including the military to ensure its national security is guaranteed. This kind of philosophy was witnessed a lot during the cold war. To realists regional groupings are meant to respond thus making the state to external threats and this mindset shifts the focus of analysis to states as rational actors in what is perceived as an anarchical international system.¹³

Regionalism advances causes of regions and underpins the concerns for security, peace and development through economic and cultural ties and trade within geographical related regions. It is however, necessary to understand the different meanings assigned to the word “regionalism”. At international level it has been taken to refer to trans-national cooperation aimed at achieving a common goal for the participating entities.

¹¹ <https://www.britannica.com/event/Peloponnesian-War>.

¹² Karren Mingst, *Essentials of international Relations*, NY, WW. Norton and Co. p71.

¹³ Regionalism and Sub-regionalism: A theoretical framework with special reference to India, *African Journal of Political Science and International Relations*, Vol.8 (1) Feb. 2014, p14.

This can be for countries within the same geographical domain, historical background and economic features¹⁴ and intent on being interlinked as for example the current European Union. A region does not only have a geographical connotation but a political one as well.

In neorealism, Kenneth waltz¹⁵ posits that in the international system, the system focuses on relative distribution of power in such a manner that it orders the interacting units including states to respond in certain particular ways to the attendant stimuli. In this arrangement, whereas the writer maintains the classical tenets of traditional or classical realism, the departure comes at the level where it is no longer the issue of the inherent evil nature of man that determines the goings on in the international arena but the structures within the same arena that determine the behaviour of such entities as states.

The international system fits these actors into what Waltz calls a centralized anarchical system where transnational economic factors and actors such as globalization and transnational corporations undermine the authority of states at times subjugating such activities as foreign policy decision making processes. This theory provides less for statecraft and diplomacy as the international system is the overarching order. Here states are equal only in a formal legal sense but not in a substantive or material sense. This then is the situation Africa in general and Kenya in particular finds itself in. These entities have to behave in a certain manner based on conditions and situations beyond their control as created and ordered by the international system.

One of the limitations of realism is the inclination towards the use of force when addressing threats to security and evoking such strategies as the formation of alliances and counter-alliances, deterrence, armed intervention, power projections and power balance. Realists do these at the expense of the benefits of inter-governmental organisations which may be used in

¹⁴ Op.cit.Regionalism and Sub-regionalism: A theoretical framework with special reference to India, p10.

¹⁵ VN Khanna, *International Relations*, Vikas Publishing House PVT Ltd. India, 2014, pp22-25.

the realms of resolving conflicts such as when it comes to negotiations, mediation and resolution of conflicts through diplomatic and or other means.¹⁶ The emphasize on anarchy in the international system and characterizing formation of regional groupings as a response to external threats shifts the focus of analysis towards states in an international system that is portrayed as anarchical.¹⁷

Institutionalism

The word institutionalism from which “institutionalism theory’ is averred in this study is derived from the word “institution.” The Chambers 21st century Dictionary of English defines the word “institution” as “an organisation or public body founded for a special purpose...regarded ...a bureaucratic organisation...” the dictionary further goes to define “institutionalism” as “the characteristics or system of institutions or of life in institutions, belief in the merits of such a system.”¹⁸

Institutionalism has been an important approach with the field of political science for quite some time where it has concerned itself with description of constitutions, legal systems, government structures and their comparisons across various political systems and countries. During the 1960s, and 1970s, the behavioural revolution took upon itself to understand why individuals acted the way they did in real life. With this issue in mind rational choice theorists explained decisions made in politics on the basis of how individuals acted based on their own self-interest, that an individual will when faced with an issue or problem take that action which best suits himself or herself. Institutionalism is now employed to examine both interpersonal interactions as well as macro-global ones.

¹⁶ Op.cit.*Regionalism and Sub-regionalism: A Theoretical Framework with Special Reference to India*, p14.

¹⁷ Ibid.

¹⁸ Chambers 21st Century Dictionary, The living language,Edinburgh, Chambers, 1996.

The traditional institutional approach

Institutional theory more tends more towards addressing aspects of social structure and the processes, rules, norms through which these structures are established and operate by and enquires into how they come into being, how they interact and behave and how they possibly decline. As noted earlier in this study, the main features of this approach are normativism or presence of norms; legalism that deals with the place of law in governance; structuralism is about the structures in place in as far as the political system or systems are concerned; and holism that concerns itself with constitutions.

The shortcomings of this approach are said to come from its over-reliance on structures thus affording the individual little or no importance.

Neo-liberal institutionalism

Neo-liberal Institutionalism evolved from the deficiencies found within institutionalism theory. In field of political science and international relations, institutionalism has been applied to describe “constitutions, legal systems and government structures.”¹⁹ This theory is equally important when it comes to the study of how the African Union has tried and is still trying to secure the continent. This is because;

the African Union is composed of states and a numerous external and non-state players who contribute in diverse ways towards security and Peace in Africa. The Union collaborates with the United Nations, World Bank, European Union and other governments outside Africa, civil society groups and academia...with rules that serve dictate its relations with ...the actors mentioned above. In the effort to provide security and peace, the AU has established rules and procedures...embedded in the Constitutive

¹⁹ Op.cit.Juliana Abena Apiah, *The african Union And The Quest For Peace And Security In Africa,2002-2012*, unpublished PhD Thesis, University of Ghana, <https://ugspace.ug.edu.gh>,p7.

Act and the Peace and Security Protocol. These offer guidelines on peace and security issues within the African continent.²⁰

Neo-liberal institutionalists espouse the Neo-liberal institutionalism theory that explores the cooperation role of institutions in global politics. As an offshoot of liberalism theory, its origin is traceable back to the 19th century when man was eventually regarded as a rational animal with the capacity to take care of his own destiny through creation of a just and civil society.²¹ This kind of thinking emancipated man from the hitherto postulate that he is not inherently evil. Man can actually achieve peace through cooperation and can meet his needs through application of rational means.²²

Neo-liberal institutionalists believe that despite the anarchic nature of the international system, humanity can still address its problems through cooperation. That it is possible for people to come together and address their issues, and that institutions create order and predictability in the actions of individuals and government. They believe peace can be enhanced through formation of international institutions and non-governmental organisations that can be charged with the same at international level.

Neo-liberals share the basic tenets of liberalism; that cooperation is possible to cooperate in the anarchic international system only differing on how this comes about. According to classical liberals, cooperation results from the establishment of institutions that allow cooperation as opposed to coercion. Neo-liberal institutionalists believe cooperation comes about

²⁰ Op.cit. Juliana A.Apih, p16.

²¹ Rasul A.Minja, *Security Architecture in Sub-Saharan Africa and Collective Security Challenges: The EAC and SADC in Comparative Perspective*, unpublished Phd Thesis Universitat Duisberg, Essen, 2012, p33.

²² Op.cit. Karren Mingst, p67.

from the actors' continuous interactions with each other and the realization that it is in their self-interest to do so."²³

This theory seems to attract quite a number of limitations on whether it has anything new to offer, and if its claims can be sustained. Part of the criticisms against it is that it places too much emphasis on institutions to a level where it may lead to complacency that once the institutions have been formed, the same institutions will guarantee peace. The contrary in some situations has been proven to be the case as some do not actually guarantee peace.²⁴ The argument that institutions may provide a sense of continuity, stability and cooperation may appear plausible but the same may not be realised if the same actors are formed to advance certain interests inimical to the will of other partners. As has been observed by others;

neo-liberal institutionalism has failed to properly explain how certain state institutions handle problems areas within states, for example intra-state conflicts that that may work against cooperation in non-security areas like economic integration. The theory tends to focus more on inter-state cooperation and international institutions instead of issues of intra-state security.²⁵

The merits of New Institutionalism are that it insists on the centrality of institutions in the process of addressing issues, and that actors should frame themselves towards the institutional frameworks in place. The framework provides a basis and tool for determining institutional change and stresses the primacy of institutions as well as the importance of individual actors in the political process.

²³ Op.cit.Karren Mingst, p69.

²⁴ Rasul A. Minja, *Security Architecture in Sub-Saharan Africa and Collective security Challenges: The EAC and SADC in Comparative Perspective*, unpublished PhD Thesis, 20 December 2012, University of Duisburg, Essen, p36.

²⁵ Op.cit.Karren Mingst, p37.

However, the new institutionalism has its own weaknesses that tend to look at systems as inherently static when the international political arena the approach it is pegged on explaining is almost always metamorphosing.

Constructivism

The post-cold war international relations discourse provides approaches to comprehending the new international structure and the theory of constructivism is one of them. The coming to an end of the cold war was never foreseen by a number of main stream theorists who expected something akin to a major war or some change to the international system's anarchical nature. The demise of the cold war thrust constructivism into the centre stage debate of the world's major international relations theories despite other scholars such as Jeffrey T. Chekel seeing it as only "a method than anything else."²⁶

Constructivism as a theory is a relatively recent creation, first appearing in Nicolas Onuf's book, *World of our Making: Rules and Rule in Social Theory and International Relations*.²⁷ Constructivism attempts to provide a broadened analysis of world politics albeit with limitations witnessed in international relations main theories; that is the theories of realism and liberalism and its offshoot, neo-liberal institutionalism in the realm of cooperation among states. Regarded as an approach in international relations, constructivism;

places more emphasis on the social dimension of world politics...and claims that international relations is not a matter of rational action associated with material constraints or with institutional constraints at the national and international levels.²⁸

²⁶ Jeffrey T. Chekel https://www.sv.uio.no/arena/english/research/publications/arena-working-papers/2001-2010/2003/wp03_15.pdf.

²⁷ Nicolas Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations*.

²⁸ Martin Griffiths and Terry O'Callaghan, *International Relations; The Key Concepts*, Routledge (2006), p50.

Constructivists do not see state interaction as something that is akin to fixed national interests, rather if one wants to understand such interaction then they must be seen as patterns that shape and are shaped by identities over a considerable length of time. The framework takes into account international interactions that explore the influence of institutional structures and their relations with “state identity and interests.” International institutions have regulatory and constitutive norms that perform functions that set rules for conduct and assigning meaning to such conduct respectively. The regulative and constitutive rules of interaction within the international arena shape a state’s actions.

Every state has a corporate identity that helps it establish such basic goals as tenets on physical security, recognition by other states, stability and in so doing this depends on its social identities against other states in the international system. Depending how states see themselves in the international system, they then accordingly construct their national interests. For example just as realists maintain, constructivists accept that anarchy exists within the international system but further argue that on its own it may not mean much. They further observe that it is the social structures within it that matter and these may vary with the states interests oscillating between conflict and cooperation depending on the particular situation or issue at hand.

States define or construct their interests depending on the social situation or situations they find themselves in at any particular moment. Constructivism places more emphasis on social relationships within the international system’s, shared understandings, expectations and social knowledge found within international institutions.”²⁹ It espouses prevalence towards regional awareness and identity of regional entities from a normative view point.

²⁹ Op.cit,Martin Griffiths, p51.

Whereas the other systemic theories of international relations place emphasis on the international structure, constructivism focuses on the dynamics of social processes analysis and security cooperation. “It considers international relations to be socially constructed and focuses on the awareness and consciousness of the human being and his place in international relations”... with identity, norms and material structures playing an important role in shaping countries’ interests, their policies as well as the decisions that the political leaders make.³⁰ It places emphasis on the importance of ideas, beliefs, norms and their role in security cooperation³¹ hence shaping actors’ actions within the international system to perceive security from the lens of social construction that takes into account the non-material and ideational factors.

Constructivism considers the international system as existing within the human conscious and comes about through the inter-subjective awareness or common understanding amongst people, and is thus constructed by ideas and not material forces. To the constructivists therefore, the international system is created by people and does not result from some physical or material production but rather from some intellectual formation.³²

Constructivism theory sees any new change or idea that gets its way into the international system as having an impact or bearing on it, since the international system is by itself a product of ideas and thoughts. This would explain the logic behind Alexander Wendt’s famous phrase “anarchy is what states make of it” in *Anarchy is what states make of it: the social construction*

³⁰ Georg Sorensen, Robert H. Jackson, Robert Jackson, Introduction to International Relations: Theories and Approaches (2010), Oxford University Press, Oxford, p160.

³¹ Nicolas Onuf, “World of Our Making: Rules and Rule in Social Theory and International Relations,” as quoted in Rasul A. Minja, *Security Architecture in Sub-Saharan Africa and Collective Security Challenges: The EAC and SADC in Comparative Perspective*, unpublished PhD Thesis, Universitat Duisberg, Essen, 2012, p37.

³² Op.cit. p160 as quoted in Turkish Foreign Policy, (A holistic constructivist approach) unpublished Phd Thesis by Mag. Enes Bayrakli, May 2012.

of power politics.³³ Neo-realists place importance on the international system's material structure when constructivists concern themselves more with, normative and ideational factors to be as important as material ones in shaping the international system and the behavior of actors within it.

The sharing of ideas, beliefs and values affects the outcome of actions of the social and political actors in as far as interest, personal or otherwise is concerned. The argument here is that, constructivists do not necessarily consider ideas more important to power and interest or independent of them. But rather, they see them to have the effects exhibited resulting from the ideas that constitute them; that is from the respective actors' identities and their structure of shared knowledge. For example, the view by Africans that Africa is a marginalized continent is a result of a structure of shared knowledge amongst Africans about being marginalized. It is this view of shared knowledge that defines Africa's identity and interest.

In the security realm, constructivism explains how wars and conflicts impact on the society or state's security. Situations become inherent on the basis of the ideas that conceive them. Conflict can be socially constructed when the duo of identity and political elites meet. This happens when individual, group or national identity is exploited through fear, hatred, threat or victimization of others coupled with the elites intent on exploiting such conditions as unemployment, poverty, corruption and discrimination to manipulate and inflame situations.

Constructivism explains how extant structural factors and purposeful actors mix to provide conditions that provide the source for conflicts in societies and states.³⁴ This situation pertains a lot in African societies and countries and is majorly responsible for the many conflicts

³³ <https://www.jstor.org/stable/2706858>.

³⁴ Op.cit.Rasul A.Minja, p39.

that are witnessed on the continent. It represents a comprehensive understanding of conflict functions and provides a focus on early warning systems, an aspect that would be of use when it comes to monitoring conflicts and disasters. Inter-governmental organisations play a role in security issues, and this could help explain why sub-regional and regional organisations entertain the agenda of security and conflict in their curricula.

Neo-realists accuse constructivists of emphasizing international norms which are in most cases disregarded by the more powerful members of the international community. They further accuse them of failing to indicate how the phenomenon of security works, and how it is constructed. Much as constructivism as a theory fails to elucidate how actors relate at sub-regional or regional settings in the management of intra-state conflicts for example, the Centre for Peace and Conflict Research also called the Copenhagen School added on to the constructivist debate by widening the aspect of security to a societal one.

From the traditional understanding of threats as then thought to emanate only from the military, the school expanded the scope to include the other sectors such as the economic, political and ecological or environmental as new ones.³⁵ This expansion signifies a shift from state centred security to societal security and shifting the main centre of analysis from state security. This shift brought about the concept of “securitization” that saw security as something that was discussed.

³⁵ Barry Buzan, *People, States & Fear; An Agenda For International Security Studies In The Post-cold War Era*, (2nd edn.), London, Pearson Longman, 1991.

1.10 Chapter Outline

Chapter one - Introduction

Chapter two - Review of Literature,

Chapter Three - Methodology of the Research,

Chapter Four – Regional Organisations in Africa's Security

Chapter Five -.Kenya's National Security Architecture

Chapter six - Summary of Findings, Conclusions and Recommendations

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction to review of the literature

The chapter reviews existing literature on the subject matter of the study. It starts by placing the study in political science and more especially in international relations. The study explores the concept of security and the role of the UN as the world organ chiefly charged with the maintenance of international peace and security and its relationship with regional organisations in the area of security.

The study further explores the specific roles of sub-regional and regional organisations in security within their respective sub-regions and regions and how they complement the efforts of UN. The study reviews the current literature associated with international relations and diplomacy and expounds on a brief history of Kenya as a case study from pre-independence through post-independence and the current political and security situation. The chapter also reviews the country's system of governance from independence to date and the position of her security agencies in ensuring a secure environment for the citizenry.

A number of African countries continue to face many forms of inter and intra-state conflicts and wars of various intensities, with nearly all the regions of the continent having experienced such a phenomenon at one time or another while others are still going through it. The Great Lakes Region for instance continues to experience conflict and this has been relentlessly the case since the countries of the region attained their independence, and unfortunately this still continues to be the case with no end in sight. Other areas like the Horn of Africa (HoA) too continue to experience the same phenomenon, with the country of Somalia

being the epicentre leading to its eventual collapse as a state. Collapsed states have been described “as the extreme case of a failed state”³⁶ with Somalia being one such example.

The total collapse of the state has provided fertile ground for the breeding of terrorism, piracy and other criminal activities. Due to the lack of state authority in Somalia, the terrorist group Al-Shabaab has found a ready, lawless territory from which to operate. As a result, it has launched high profile attacks against the Africa Union mission soldiers in the country and against targets in the countries of Kenya and Uganda. The attacks have resulted in deaths and injuries to both soldiers and civilians.

In the North of Africa, the area’s countries have also not been spared incidents of conflict and insecurity. Libya, Tunisia and Egypt have suffered and still continue to experience instabilities associated with the “Arab Spring.” In Libya, insecurity has enabled the terrorist group, the Islamic State in Iraq and the Levant to establish a base to operate from. This situation continues to engender violence and conflict in the area making it difficult for citizens to live a normal life.

³⁶ Robert Rotberg, “The Failure and Collapse of Nation-States: Breakdown, Prevention and Repair, in Robert Rotberg (ed.), *When States Fail: Causes and Consequences*, (Princeton, NJ, Princeton University Press), p9, as quoted in, Afyare Abdi Elmi, *Understanding the Somalia Conflagration-Identity, Political Islam and Peacebuilding*, Oxford, Pambazuka Press, 2010, p7.

2.1 Sources of Conflict in Africa

The sources of conflict in Africa have been identified as; the fragile nature of states in the continent, endemic poverty, identity crises, economic inequalities, exclusionary governance systems that exclude others from political governance and other positions of authority. These conflicts have interfered with peace, prosperity and development in Africa. They have divided populations in the affected states and undermined interpersonal and social trust, destroyed institutions and values which regulate and coordinate collective action cooperation and for the wellbeing of the communities.³⁷

Attempts at resolving these conflicts have failed, with failure being attributed to lack of information regarding the nature and sources of these conflicts.³⁸ Creation of the AU and its promulgation in 2002, heralded the birth of an African security regime that would manage conflicts in the continent under the realm of providing “African solutions to African problems.”³⁹ For African security agencies and mechanisms to properly appreciate threats to the continent’s security and the wellbeing of its people, it is imperative that the agencies embrace the discipline of critical thinking in intelligence analysis and threat assessment.

2.2 The concept of security

The Chambers 21st Century Dictionary of English defines the word security as “the state of being secure...protection from physical harm...” and the word secure as “free from danger...trouble...worry... uncertainty or mistrust...risk...”⁴⁰ In this respect then, security can be taken to mean being “safe or free from danger and denotes the absence of threat to the

³⁷ Ephrem Rurangwa, *Securing Peace In Africa,: A case Study of the Role of Rwanda Defence Force in U.N. and A.U. Mission in Darfur (UNAMID)*, unpublished M.A Thesis, Institute of Diplomacy and International studies, University of Nairobi, 2014, p1.

³⁸ Ibid.p1.

³⁹ Ibid. p5.

⁴⁰ Chambers 21st Century Dictionary of English.

international system, its countries and individuals.⁴¹ The concept security has been a contested one amongst scholars of security studies for quite some time now.

For example the expanded security concept has evolved from what it was known to be ... as the bi-polar system which guided relations amongst states has restructured itself against changing environment, its threats, and requirements.⁴² This is more so because in today's world, the main threats to international security emanate from situations within states themselves as opposed to between states especially when one looks at the African experience.

2.2.1 Collective security

The collective security experience has a long history behind it. It “may be comprehended as a political, regional or world security arrangement, where states in the system accept the security of one member as concerning them all, and therefore commit to a joint response to the threat to peace.”⁴³ Collective security “is not only about military intervention.”⁴⁴ The main idea behind it was to have a system that ensures international peace and security, since wars had wreaked havoc on humanity as was seen in the first and second world wars and others before them. Hence the Treaties of Westphalia of 1648 and the one establishing the League of Nations were meant to address the issue. The attempt to avert wars proposed recognition of territorial integrity and sovereignty of independent states.

⁴¹ Nebiyu Dagne Tessema, *The United Nations Security Mechanism and Africa: challenges and The Way forward*, Scientiae Juridicae Doctor thesis, Golden Gate University of Law, San Francisco, <http://digitalcommons.law.ggu.edu/theses>, p1.

⁴² *Rethinking Global Security: An african Perspective?*, Heinrich Boll Foundation, Regional Office, East and Horn of Africa, Nairobi.

⁴³ Wikipedia, accessed on 13.10.2018 at 1050hrs.

⁴⁴ Damien Helly, *Africa, the EU and RTP: Towards pragmatic international Subsidiarity?* https://library.fes.de/ipg>05_a_helly_us accessed on 13.10.2018 at 1100hrs.

These treaties signed after the wars, were aimed at safeguarding international security and peace. The most vocal individuals who contributed to the concept included, Cardinal Richelieu of France who acted as the principal advisor to the king during King Louis III's reign. Cardinal Richelieu suggested a scheme for collective security in 1629 that, to some extent reflected on the treaty of Westphalia of 1648. The other proponent of collective security was the founder of the Bahai Faith whose writings during the 19th century reflected the collective security principle.⁴⁵

Definition of the "collective security" concept tends to be varied depending on the lens from which the interlocutor looks at it and how he or she would want to apply it. The concept grows out of liberal institutionalism theory, and posits a situation where actors within the international system form an alliance "for purposes of opposing aggression by any actor."⁴⁶ The idea of collective security also refers to a situation that delineates a defense collectivity where if a non-member country attacks one within the collectivity, it is construed by the collectivity as an attack against all the others and the aggressor must be opposed.

Collective security is some sort of social contract that dictates against a member state increasing its power to upset the unit's balance, hence allowing the status-quo to be maintained with the ultimate goal being stability and peace. With the coming to an end of the First World War, the League of Nations was formed but it did not include all nations and most of its members were not willing to bear the cost of collective actions to address issues of aggression whenever and wherever the same took place.

⁴⁵ <http://www.bahai.org/documents/the-universal-house-of-justice/promise-world-peace>, accessed on 13.10.2018 at 1030hrs.

⁴⁶ Joshua Goldstein & Jon Pevehouse, *International Relations*, Noida-India, Dorling Kindersely, 2011, p90.

However, with the creation of the UN in 1945 the organisation fathomed into promoting collective security as espoused in Chapter VII of the UN Charter. Resulting from this, there are many inter-governmental organisations that are engaged in collective action activities worldwide. Some of these are the Africa Union, the Organisation of American States, the Arab League, the Association of South-East Asia Nations and the European Union.

Some of these organs are meant to protect member states from attack by other states, and a good example emanates from the cold-war arrangement of the American-led North Atlantic treaty Organisation (NATO) and the Warsaw Pact. NATO was a North American –Western Europe alliance while the Warsaw Pact was a Soviet Union-Eastern Europe alliance. The objective behind this arrangement is that, either alliance was meant to protect its individual member states against attack from the other alliance.

With the UN's main objective being international peace and security, collective security is seen as one arrangement that allows the SC to take steps to address a threat or aggression caused by a state that endangers security and peace at international level. However, there is no consensus on what may be termed as threatening international security and peace thus providing no threshold upon which the UN can act. This leads to a lacuna that is occasionally exploited by states to disabuse the collective security notion under the UN system.

With all these issues in mind, what then should constitute a comprehensive collective security system? It is a question that one would pose. An effective collective security system should be one that can deter threats to international security and peace, and be able to intervene in the affairs of a member state in question.

Intervention has been “defined by ICISS (the International Commission on Intervention and State Sovereignty) as unauthorized action against leaders of a state or the state itself without their or, its consent for humanitarian or protective reasons. A good collective security system is seen to comprise of the following;

- a) The group wishing to invoke collective security should have formidable military power compared to the one or ones causing the threat. The overwhelming force or capability should be clear to the supposed aggressor or aggressors, and if not known by the supposed aggressor, then it should be made known to the aggressor. The knowledge so transpired should be to a level where the aggressor understands should the force or capability be applied, he stands to lose. Members of the collective security arrangement must have or project a uniform stand against the aggressor or perceived aggressor,
- b) Members of a collective security arrangement should refrain from taking unilateral action against the aggressor. Without the consent or authorization of other members, a member can take unilateral action if the action is due to self-defense. There should be no manipulation of the principle for the purpose of occasioning defence of the self-interest,
- c) The principle of genuine international solidarity also informs the basis for collective security. This is when the international community comes together to genuinely address a threat to its peace. In this situation, countries come together for the international community’s common good and sacrifice their national interest or interests to realize the common good in question which is under threat and hence finally apply the effort aimed at restoration of international justice.

The UN for similar reasons has intervened in many crisis situations to restore peace on the basis of the responsibility to protect those whose security situation is under severe challenge.

Such situations include crimes such as genocide, ethnic cleansing and other crimes against humanity, when it is clear the local government does not want or is incapable of intervening. The UN is under obligation to intervene in such situations.

Under Article 4 of the AU Constitutive Act, the AU has adopted “collective security” as a principle modeled along the UN “responsibility to protect” model that allows it to conduct an intervention in the internal matters of a member state in situations that provide room for grave violation of human rights like genocide and crimes against humanity.

For collective security to succeed, the members must adopt an inward looking policy, keeping their commitments to their group and avoid depending on the efforts of other members. The group must also agree on what constitutes aggression and how to confront it. For regional organisations, collective security means coming together with the aim of addressing threats to member states from non-members.

Collective security has in some situations been heralded as having been able to avert wars, therefore contributing to security as well as justice at international level. However, its positive contribution has been marred by the application of unilateral actions taken by powerful nations that more often defy the UN’s advice or simply never consult the world body when it comes to taking certain actions that can be construed inimical to world peace.

There is the issue of double standards pushed by international political and judicial organisations and lack of a world policing body. The UN is charged with spearheading the current collective security set up in the world. For example, in defending the countries of Kuwait and South Korea against aggression from Iraq and North Korea, the UN invoked the principle of collective security.

2.2.2 Main challenges to collective security

The main challenges to collective security are the increasing resort to unilateral action by the world's big powers, persistent double standards by the UN and other international organisations such as the International Criminal Court (ICC) and the lack of cohesion amongst members of the international community.

2.2.3 Security governance perspective

Within the current international structure system, there is no single monolithic theory which, on its own provides an all-round and adequate insight into the dynamics of security. This therefore calls for an eclectic perspective that accommodates insights from the many theories that attempt to give an explanation of the security dynamics in the international system whether at the international, regional, sub-regional and national levels. This inadequacy has made policy makers fall back to the security governance concept to address attendant security risks, be they international, regional or national in nature.

The concept of security governance refers to new approaches of security policy that are detached from traditional and international procedures to national and international security. As a result many scholars, policy makers and security practitioners have turned to the concept to help understand international politics.⁴⁷

In the traditional approach, security policy was an exclusive realm of states and mostly concerned with the military defence but in the new security governance approach it is performed through a multiplicity of actors whose aim is to create an international security environment that encompasses states, social groups and the individual as well. For this arena that involves the

⁴⁷ Christopher Daase and Cornelius Friesendorf, Security Governance and the problem of unintended consequences, in Christopher Daase and Cornelius Friesendorf, *Rethinking Security Governance and the problem of unintended consequences*, NY, Routledge, 2010, p18.

“pooling together of the strength and skills of states, international organisations and private actors, security governance provides effective and efficient means to cope with contemporary security challenges.”⁴⁸

The concept of security governance is expected to address the complex governance mechanisms with regard to a given issue area, and highlight the necessity for greater synchronization and collaboration amongst the key players in the security sector. This concept has been embraced by the government of Kenya in the face of a challenging insecurity climate, mainly championed by terror activities perpetrated by terrorist organisations chief among them being the Al Shabaab terror group. This framework provides a mechanism that allows for formulation and implementation of policies by a motley group of actors, notwithstanding the differences that may exist amongst these different actors. Security governance also helps analyse the different forms of interaction and how they impact on the security sector.

2.3 The United Nations Security Mechanism and Africa’s Security

The origin of the UN security mechanism can be traced to the collapse of its predecessor organ and mechanism, the League of Nations alongside the start of the Second World War. The UN Secretary General’s High Level Panel on Threats, Challenges and Change; intimates that the biggest security challenges the world faces currently go beyond the acts of states being involved in wars and rather extend to disease, environmental degradation, violence, terrorism and transnational organized crime.”⁴⁹

⁴⁸ Op.cit.Christopher Daase,p18.

⁴⁹ Op.cit. Christopher Daase,p10.

2.4 Application of critical thinking for threat assessment and intelligence analysis for security agencies

The current national and international security situation is more challenging than ever, hence the need to appreciate the threats that manifest themselves. As the new threats keep emerging, so does that need for a more concerted effort to address them also become necessary. These threats emerge from several fronts and can be man-made or otherwise and this makes the need to ascertain, assess them and determine their credibility necessary. There is the urgency to determine the seriousness of the harm to enable policy makers and law enforcement take necessary steps to mitigate them.

Critical thinking is defined as an intellectual process that examines assumptions, recognises hidden values, evaluates evidence, and appraises conclusions.”⁵⁰ It can be further defined as any mental activity distinguishable from “Idle dreaming,” or purposeful engagement

⁵⁰ Wayne M.Hall and Garry Citrenbaum, *Intelligence Analysis, How To Think In Complex Environments*, California, Princeton University Press, 2010, p93.

of the mind in an active way. The production of ideas is the realm of “creative thinking” and the evaluation of ideas in the realm of “critical thinking.”

2.4.1 Definition of terms associated with threat assessment

There are various terms associated with threats starting with the word threat itself. In this realm there is the threat itself, that which is threatened and is referred to as an asset, vulnerability, risk and assessment;

Threat; this is defined as a declaration of intention to punish or hurt, an intention to inflict pain or punishment, indication of looming danger or harm, one that is viewed as a source of possible harm or hazard or the condition of being in danger or at risk. It is also anything or that which can exploit a weakness intentionally or unintentionally, to cause injury or destroy an asset. This is what is protected against. This may be seen from such a perspective of security as national security⁵¹

Asset; in this context it means people, property and information; it is what that is protected,

Vulnerability; weakness or breaches in a security programme that can be exploited by a threat to gain unapproved access to a target,

Risk; the potential for loss, damage or destruction of an asset as resulting from a threat exploiting a vulnerability,

Assessment; estimation of a value or cost of something

Without understanding the above definitions as well as differences in the terms and the context in which they are used, it may not be possible to comprehend the risks posed. Inadequate

⁵¹ Richard Ullman, “Redefining Security”, in Christopher W. Hughes and Lai Yew Meng, (eds.), *Security Studies A Reader*, London, Routledge, 2011, pp13.

threat assessment then will certainly lead to sub-standard policy decisions and mitigation procedures.

2.4.2 Types of threats

Direct threat – this is a threat against a particular asset described in a straight forward and clear manner.

Indirect threat; it is vague and uncertain and implies possibility of violence occurring,

Veiled threat; implies but does not overtly threaten violence,

Conditional threat; this type of hazard warns of some form of violence being meted on the victim unless certain demands are met, for example as normally happens in extortion cases.

2.4.3 Threat Risk Levels

Low level threat risk level; at this risk level, there is minimum risk to victims and public safety. The language used is indirect and vague. The information is inconsistent and lacks detail. The context suggests that the person is likely to carry out the threat if the demands or conditions are not met.

Medium level risk threat; this can be carried out though it may appear to be unrealistic at the first instance. The words used suggest careful thought on how the act can be carried out. The threat has a general indication, refers to a specific place, time but provides no detailed plan. An example of such a threat would be like the threat the former United States of America president Ronald Reagan gave to Muammar Gaddafi, president of Libya in 1986 that if he does desist from engaging in acts of terrorism the United States would act against him.

This preceded the US bombing of Libya on accusations of President Gaddafi supporting international terrorism. This risk level has no indication on preparatory steps even though a careful analysis of the situation may indicate so. The statements attributed to the threat would clearly indicate that the threat is not empty. This can be seen in the threat of military action that Israel gave to Iraq on its nuclear programme that Israel adjudged as constituting a threat to its national security. Eventually Israel conducted a military strike against the nuclear reactor which in essence incapacitated Iraq's nuclear weapons acquisition capability.

High level risk threat is direct and specific, poses imminent danger, suggests concrete steps taken for example acquisition of weapons, and requires bringing in of law enforcement and police to beef up security.

2.4.4 Guidelines for threat assessment

The principle behind threat assessment is to establish the threat and try to reduce its effect. This would involve defining the scope and nature of what is to be assessed and in doing so, one has to consider the following three aspects or issues;

- a) Avoid academic and political debates on the issue in question. This has to be done through considering the subject broadly and focus on the intention of the perpetrators,
- b) Try to understand what the threat can cause or is meant to cause, and if it is being employed for strategic or tactical reasons that is to say if the reason behind it is to cause fear, incapacitation, economic loss or social disruption.
- c) The threats particular target; That is if it is directed against human beings, crops or animals and in this situation one has to consider the following;

- i. If non-human agents can be used to transmit the threats effects for example, in bioterrorism through crops which in effect amounts to agro-terrorism
- ii. That a threat can be evaluated exclusively in terms of its vulnerability, the hazard it presents or the likelihood of its being executed,
- iii. It is necessary to note that even the most dangerous or seemingly most dangerous threat poses no danger if there is no one willing to execute or carry it out.

2.4.5 Ingredients for conducting a good threat assessment

To conduct a good threat assessment, it is important to take into account the following; availability of officers with good analytical capacity, available information on the subject to be analysed, the capacity to free oneself from dangers of politicization and fixation, blurred assessments, identification of the potential perpetrator and source of the threat, assessment of the risk posed and intention of the attacker.

The objective of the attacker is not essentially on the value and vulnerability of the target or potential harm, but perception of the above attributes vis-à-vis the attack or potential attack. It is or would be important to try to alter the perception of vulnerability as held by the attacker or would-be attacker. Threat assessment must be structured and involve knowing the attacker's motivation to attack and why the attacker would want to use certain means to do so and not others.

It is significant to try to decipher the psychological vulnerability of the target. This would be conducted from inferring intention from the capability point of the attacker and vice versa. From a dialectical perspective, one would ask such questions as; from the intention of the attacker does the attacker have the capability to execute the attack and from the capability of

attack, does the attacker have the capability to execute the intention? For example, it would be suicidal to assume that because terrorists will always want to attack they will always use a certain particular *modus operandi*. Instead of such fixation, it would be important to ask oneself which method best suits the terrorist or what kind of methods the terrorist's ideology allows.

2.4.6 Factors in threat assessment

These factors can be classified into ideological, strategic and tactical. However, before considering them one has to look at the target population area, the kind of object or objects to be attacked and aspects of the attack. The other issue to be concerned with is the potential of the harm, the vulnerability of the target, the possible methods to be used, how the attack would or could be conducted for example if this may involve poisoning of food and water systems, the capability and motivation to conduct the attack.

Capability to conduct attacks

In whatever form of attack or attacks, the focus tends to be on training, financing and communication for purposes of achieving the said or expected aim or intention. In this situation, it is imperative to take into account all possible contexts. For example in conventional terrorism, it is always assumed the attacker will always have easy access to weapons but is this always the case? In bioterrorism, the focus should be on the weapons and the attacker or attackers' capability to acquire and use them. It may be necessary to bear in mind that with rapid advances in technology, the same phenomenon allows even the most naïve to acquire weapons which were only within and in the purview of the state.

For purposes of motivation of the attack, one has to look at the;

- a) ***Ideological motivational factors***; these factors relate to the political, social cultural and religious beliefs that a group subscribes to. These factors define what a group "is" for and

what it is “against”. These factors refer to the group’s attitudes and bearings, the ingredient of its doctrines, the subconscious set of beliefs and behavioural perceptions as observed through its cultural and extremist associations.

One needs to ask if the group achieves its goals in an ideologically consistent manner, if the group employs or would employ certain methods to achieve its certain results, or if the group considers its methods divine such those associated with the apocalypse in the Holy Bible when ISIS burnt alive Muath Safi Yousef al-Kasasbeh, a Jordanian pilot in January 2015 whose F-16 Jet fighter crashed in Syria during an intervention against the group.⁵² Would the group employ or deploy certain methods to enhance its status? These methods may for instance involve those employed or possessed by the state, for example delivery of nuclear weapons.

- b) ***Strategic motivational factors***; these are concerned with specific social, dogmatic or spiritual objectives the group wants to achieve for example occasioning mass casualties in an attack, interruption of such essential services such as transport, economic sabotage and blackmailing a government.
- c) ***Tactical motivational factors***; these are concerned with the method or methods the group may use to achieve its objectives. These may be associated with exploiting vulnerabilities within the security system.

The other areas to look at is the scope of assessment which should cover what needs to be protected, the sensitivity of that which needs to be protected and to what level and detail, data collection both overt and covert including application of such methods as research for intelligence analysis, analysis of policies and procedures and whether they are complied with or

⁵² <https://www.washingtonpost.com/news>, accessed on 18.10.2018 at 2115hrs.

not. This should assess missing gaps if any and if these are outdated and if so recommend appropriate remedies and remedial measures where necessary. There is need to conduct an analysis of the threat, vulnerabilities and associated risks. There is need to appraise the audience of the intended final recommendations and perspective of the assessment that is; whether internally or externally sourced.

In vulnerability analysis, one uses the information gathered to determine current exposures and levels of sufficiency of safeguards to help make appropriate recommendations. There is also need to test the confidentiality of personnel, their integrity and availability.

2.4.7 Variables in threat assessment

These variables involve threat inventory, threat assessment, target assessment and target vulnerability.

Threat inventory; this involves conducting an assessment on persons or groups that may cause threats. Such persons or groups may involve terrorists, domestic extremists, those with radicalized ideologies, criminals and criminal gangs, the various types of threats such as direct, indirect, veiled and conditional threats. If it is a group, it is essential to understand its beliefs, motives, trends, targets, methods and the aim or intention to be achieved.

Threat assessment; in assessing the threats, it is necessary to assess each according to the level of threat it poses. Some may make threats without posing any threat while others may pose threats without making any threat. In order to objectively do this, one need look at the history, capabilities, opportunities that may actualize the threat and the resolve of the group to commit the threat.

Target assessment; this can and may come from the threat inventory based on for example, past statements issued by a person or group under scrutiny and the nature of ideology of such person or group of persons.

Target vulnerability; in target vulnerability one assesses the target to determine levels of vulnerability. The main idea here is to make access to the target difficult.

2.4.8 Manifestation and execution of a threat

A threat manifests itself in a certain manner. It is therefore necessary to establish if it is a single handed threat or a group based threat. After determining its basis, the next step should be to assess it by looking at the:

- a) Organizational capabilities; that is if it is one that requires technical and tactical sophistication, then it is a group that is well coordinated and answers to a central command. If it is vertical and subscribes to secrecy, then it is ideologically disposed,
- b) Financial base; this should help in understanding how it procures its materials such as weapons, conducts its training, paying of members, employing of new recruits, setting up of front companies for disguise and operational purposes,
- c) Logistics; for transport, communications, setting up of safe houses to avoid detection,
- d) Knowledge and skill acquisition; for purposes and functions such as making bombs. This can be acquired locally within the purview or operating environment of the organisation or sourced externally depending on the need. This exercise can be accomplished from the internet, universities, resident scientists or technicians who have in the past worked in weapons factories or have knowledge in weapon systems. The other group would involve recruiting or getting services of such skills as microbiologists, physicists, mechanical engineers for aerosol deliveries of pathogens for example.

Knowing the types of threats such as the types of terrorist groups and what they subscribe to, helps to identify their behavioural traits and what they are most likely to do or engage in,

e) State sponsored agents and the attendant repercussions.

Inadequate threat assessment leads to sub-optimal policy decisions from policy makers on how to address such situations.

2.5 Overview of Kenya's governance system

The devolved system of governance enshrined in Kenya's new constitution of 2010 is not a new phenomenon to the country. When the country gained independence in 1963, the then independence constitution ushered in a system of governance that was based on a kind of regionalism popularly known then as "*majimbo*" which is a Swahili language word for regionalism. The constitution bestowed sovereign powers on parliament with a regional system of seven provincial assemblies meant to provide for power sharing. The administrative system was majorly based on districts that relatively reflected the country's ethnic composition.

As Ghai and McAuslan note in their book; *Public Law and Political Change in Kenya*, allocation of power between the centre and regions was provided in greater detail than in any other commonwealth constitution.⁵³ Shortly afterwards however, this arrangement was abolished when the opposition Kenya African Democratic Union (KADU) that had originally championed the policy of "*majimboism*" joined the ruling party, the Kenya African National Union (KANU) led by president Jomo Kenyatta. From then on the country was governed under one party rule until 1992 when pluralism was restored back through parliamentary legislation.

⁵³ Yash P.Ghai and J.P.McAuslan, *Public Law and Political Change In Kenya*, Nairobi, Oxford University Press,(1970),pp196-197.

With the restoration of multiparty politics, there were calls for constitutional review, a new constitution and good governance with civil society groups and donors taking a leading role. The Constitution of Kenya Review Commission, established by the Constitution of Kenya Review Act of 1997, instigated the process of drafting a fresh constitution but the draft constitution of 2005 was rejected after a referendum. The 2007 post-election violence accelerated the demands for a new constitution and finally, in 2010, a fresh constitution was adopted.

The fresh constitution provided for the de-concentration and decentralization of power.⁵⁴ With these provisions, it was hoped that the constitution would address ills that plagued the country. Some of these ills were identified as ethnic discrimination, various inequalities, corruption, insecurity, unemployment among others and allow for better if not improved public participation in governance and other policy making areas.

Before enactment of the 2010 Constitution, internal state security services were offered by a two tier based police system; the Kenya Police Force and the Administration Police Force (as they were then referred to). Both of these police organs were independently commanded and offered distinct security services. The Kenya Police Force addressed day to day matters of security concern such as detection of crime and prosecution of offenders with the Administration Police Force was attached to the then provincial administration and protection of government buildings and installations.

With the new constitution of 2010, the police units together with the intelligence service, the National security Intelligence Service (NSIS) underwent a reform process that culminated in their being given new titles. The National Security Intelligence Service (NSIS) was renamed the National Intelligence Service (NIS) and the two police units were brought under one command.

⁵⁴ *Centre for Human Rights Studies (CHRIPS) and Policy*, November 2014, p19

The overall unit created was called the National Police Service (NPS) under stewardship of the Inspector-General as the overall commander. The Kenya Police Force was renamed the Kenya Police Service (KPS) and the Administration Police Force was renamed the Administration Police Service (APS). With these changes, it was hoped these two key internal security agencies would be human security centred when providing security services to the public.

2.6 Security Sector Reforms

Security sector reform (SSR) is a term which refers to the “process of improving security services in an effective and accountable manner, under democratic civilian control frameworks that recognize the rule of law.”⁵⁵ SSR’s aims are accountability and effectiveness where accountability is about the security agencies respect for the rule of law and effectiveness is about improving security services delivery and justice for the overall wellbeing of the state and her people.

In Kenya, the first important step in reforming the security sector started in 2003 with the Governance, Justice, Law and Order Sector (GJLOS) programme which aimed to reform the police, the judiciary and the penal system.⁵⁶ GJLOS particularly argued that for policing services to be effective and accountable, the police service needed to be reformed. The police force in Kenya had been generally discredited by the greater public and hence lost legitimacy in its function of providing security to the citizenry as the greater percentage of the population did not trust members of the police force.

After the post-election violence that took place in the country in 2007/2008, the Commission of Inquiry on Post-Election Violence (CIPEV) set up by the government to

⁵⁵https://www.dcaf.ch/sites/default/files/imce/Women's%20Guide%20Curriculum/InclusiveSecurity_Curriculum_Series_SSR_MOD5.pdf, *What is security sector reform*, accessed on 01.11.2018 at 1030hrs.

⁵⁶ Op.cit.p20.

investigate the chaos and related violence, accused the police of not being neutral. Similarly an Independent Task Force on Police Reforms (ITFPR) chaired by a retired South African judge, Phillip Ransely recommended reforms for the organisation to improve its efficiency and effectiveness.

It is these recommendations that led to formation of the new National Police Service (NPS), together with a civilian-led Independent Policing Oversight Authority (IPOA) to check on excesses of police officers as they perform their duties and functions. On matters of welfare and recruitment of police officers, the Constitution has put in place a constitutional body called the National Police Service Commission (NPSC) led by a civilian.

2.6.1 The National Police Service reforms

In an effort to improve policing services in the country, the government introduced a new command and control structure for the National Police Service from National to County level.

2.6.2 A new National Police Service structure and brief history of policing in Kenya

On the 13th of September 2018 while at the Kenya School of Government in Nairobi, President Uhuru Kenyatta unveiled reforms affecting the structure of command and control of the National Police Service of Kenya (NPS) in a bid to simplify its command and control structure.⁵⁷ Under the 2010 Constitution, the country's security service was re-organised to reflect a new set up that was meant to be citizen friendly.

The organ most affected by the changes brought about by the Constitution was the police force that comprised of two arms; the Kenya Police Force (KPF) and the Administration Police Force (APF) whose command and control was under separate commands. The new 2010 constitution set-up a new police service which it named the National Police Service. The two

⁵⁷ The Daily Nation Newspaper of 14th September 2018, pp4-5

then former police forces were retained but brought under one command and this time under the Inspector-General of Police (IGP).

2.6.3 The Kenya Police Force

The Kenya Police Force (KPF) that was inherited by the country at independence was perceived to be repressive as was during the colonial era and therefore needed to be reformed to be in tandem with the changing times. It was renamed the Kenya Police Service (KPS) and charged with internal security functions and placed under the Deputy Inspector-General of Police (DIG).

2.6.4 The Administration Police Force

Just as the KPF then, the Administration Police Force (APF) which was paramilitary in nature was also perceived to be repressive against the citizenry and was mostly used by the establishment to silence dissent. It is the tag of repression that also led to a new look title for this arm of the police now christened the Administration Police Service (APS). The two sister arms of the NPS as opposed to being “forces” are now Services and are meant to offer policing services to the people. However, prior to the new look NPS reforms, the two sister services still operated under the banner of the independence inherited duties; the APS still performed the functions of border security and protection of government buildings. The KPS concentrated on addressing internal security and crime.

2.6.5 Complications in command, control and structure of the National Police Service

The new National Police Service Under the 2010 constitution’s command structure drove into immediate headwinds, as there emerged wrangles between the two arms when it came to performance of their duties. With the new national governance structure in the country, each unit was still represented at command level at all levels of the national government without clearly spelling out the duties and functions for each resulting into unnecessary vagueness.

The constant wrangling and tension between the two services resulted in a failure by the police to effectively offer services to the citizenry, thus hampering its core mandate of providing security. More often than not, response by the police to crime situations was lucklustre and haphazard to say the least. This situation led the government to re-organise the clogged structure with a view of making it easier for the police to offer services more efficiently and effectively. The re-organisation is meant to eliminate overlaps and duplication of duties, commands and structures and to accord with the National Police Service Act of 2011.

2.6.6 New Police Reforms

The new police reforms are meant to improve service delivery to the citizenry through a simplified command and control structure throughout the country. In the reforms, some units of the two police services have been integrated into one unit under the KPS as general duty officers. This brought together 39680 members of KPS and 24572 members of the APS, making a total of 64,252 officers as general duty officers under the DIG-KPS.

The reforms give specific duties to the respective DIGs of the KPS and the APS and the Director of Criminal Investigations (DCI). In the new reforms, the government has abolished certain positions and structures within the NPS and replaced them with a leaner structure that offers better command and control.

In the reforms, the DIG-KPS has been tasked with public safety and security while the DIG-APS has been given the task of protection of border security, issues of cattle rustling and banditry. The DCI is tasked with criminal investigations and matters of serious crime.

2.6.6.1 New police uniform

As a transformative break with the past, the NPS has introduced a new uniform for the new look police service and presented a joint initial training programme for all police officers as opposed to what happens currently where the two Services' members undergo separate training programmes in what used to be their respective colleges. The new police uniform is meant to offer enhanced visibility for police officers within the community.

2.6.6.2 Integration within the community

Until the new look police reforms, police officers and more especially those of the lower ranks mandatorily lived in the police lines or camps. In the new reforms, the requirement has been abolished and now the police officers will be facilitated with house allowance to enable them live amongst other members of the community. This way it is believed, they will integrate with other members of the community to enhance civil-police relations in fighting crime. This is along the same principle of community policing that has now been rolled out by the NPS in the country.

2.6.6.3 New police Units

In a bid to further address the country's current and emerging national security threats, the reforms apart from integrating some sections of the two police services saw establishment of new police units for ease of policing. This saw the rural borders policing unit within the APS get transformed into the Border Police Unit with 6000 police officer under the express direction and command of the DIG-APS.

In order to better safeguard the country's critical infrastructures and government buildings, the unit within the APS charged with safeguarding government buildings was reinforced from a personnel range of 4773 to 8280 and placed under tutelage of the DIG-APS.

For a long time and with almost unparalleled impunity, cattle rustlers in the country have wrecked untold havoc to livestock farmers and in the process contributed to inter-ethnic violence. To stem this vice, a new look anti-stock theft unit was formed that integrated units with similar functions in both police services and placed under the DIG-APS. This, it is hoped will contribute towards eliminating unnecessary overlaps and duplication of duties.

2.6.6.4 New regional command structure

In the face of the command and control structures created at regional level where the two police arms each had representation, this created duplication and overlaps that caused confusion when it came to executing orders. This led to unnecessary rivalries as the units performed the same functions, thus at times clashing and not knowing which order or orders to follow. To cure this, the government abolished the parallel command structures of the KPS and APS which were initially at Regional, County, Sub-county and police station or APS camp and collapsed them into four.

The new police command has been aligned with the national regional and county boundaries. The new structure merges the command structure into one at Regional level, cascaded downwards up to police station level, which is now also called a ward. The new structure provides for only one regional police commander, one county police commander and one sub-county police commander. The Officer In-charge of police Station (OCS) is now the ward commander. The hitherto administration police camps, posts and patrol bases were placed under the command of the OCS of the local ward area.

The abolished positions were the regional KPS and APS, the county KPS and APS, the sub-county KPS and APS commanders and replaced with a single National Police Service commander at each level and it does not matter to which arm he or she originally belonged to be

it KPS or APS. The idea behind this is that the police structure and command at this operational level has to be under one command for ease of operations.

2.6.6.5 Training of police officers and renaming of police colleges

In the new reforms, police officers will now undergo an initial joint training programme and those already serving from both services will have to undergo a refresher programme to orient them with the new structure. The training colleges that initially trained police recruits at initial level and officers in continuous programmes have been re-organised and renamed to offer training curricula to officers at various levels.

2.6.6.6 The National Police College, Kiganjo Campus

This is the college situated in Nyeri County, Central Region that used to offer initial police training to the Kenya Police Force and now the Kenya Police Service arm of the National Police Service. It has now been named the Kiganjo campus.

2.6.6.7 The Administration Police Training College, Embakasi “A” Campus

This college used to offer initial training to the Administration Police Force now the Administration Police Service recruits. It will still offer the same to those officers under the DIG-APS and has been renamed the National Police Service Embakasi “A” Campus.

2.6.6.8 The General Service Unit Training School – Embakasi

This is a training school for para-military police officers from the KPS. It has been renamed the General Service Unit National Police College, Embakasi “B” campus. It will continue to perform pretty much the same function.

2.6.6.9 The Senior Staff Colleges

These are training institutions for senior cadre police officers situated across the country. This followed renaming and re-assigning of the current police training institutions as follows;

- a) The National Police Service, Loresho Senior Staff College,
- b) The National Police Service Staff College, Emali campus,
- c) The General Service Unit National Police Service, Magadi Field campus,
- d) The National Police Service Border Police Training campus.

CHAPTER THREE

METHODOLOGY OF RESEARCH

3.0 Introduction

The section discusses the methodology of research that was employed in the study. The study adopted a case study approach which is best suited for studying individual cases. It included the research design, data collection techniques and tools, sampling frame and data analysis and presentation.

3.1 The research design

It is a logical methodical plan for guiding a study and stipulates the study objectives, procedure and the techniques adopted in the quest to achieve the objectives.⁵⁸

The study was carried out through the case study research design to interrogate the interplay between coordination by security agencies, mechanisms and information management in providing a secure environment for Africa with particular emphasis on Kenya. The research design was chosen because it is best suited when it comes to conducting in-depth and comprehensive studies of individual situations such as episodes, social groups or individual units among other situations.

3.2 Research method

The overall method adopted for the study was the Case Study method. For data generation, a questionnaire survey as well as interviews and use of secondary and primary sources was employed.

⁵⁸ O.R.Krishnaswami and M.Ranganatham,*Methodology of Research in the Social Sciences*, Mumbai, Himalaya Publishing House,2011,p108.

3.3 Sampling procedures

The study employed the census survey technique because when a researcher in the process of designing a field study where a decision on use of sampling has been arrived at, he or she has to decide whether to cover all the units involved or a small part of them. If all the units have to be studied, the sample type used here which amounts to a complete survey is the census survey, and where only a sample of the units is preferred then in such a situation the study involved is the sample survey which;

requires collection of first-hand information concerning the units of study from the field. The units of study may include the aspects that are covered by the study about which data is required or is available. The comprehensive sum of the units that relate to the study is the population or universe as the group to be studied. A member is referred to as an element and is the subject that is measured. The element is the unit that is studied. The sample is what constitutes a part of the population.⁵⁹

According to C.B. Peter in his book *A Guide to Academic Writing*, “a sample is a representative part of a population”⁶⁰ from whose study it is possible to know about a population without studying the entire population. Other writers define a sample as “a miniature representation of the entire group.”⁶¹

3.4 The Population and sample

A sample is part of the target population and is a smaller sub-group obtained from the accessible population. The study targeted some members of the African Union headquarters which the researcher had an opportunity to visit and have a discussion with its officials on the AU’s activities, more especially in addressing conflicts and other crisis situations on the African continent.

⁵⁹ Op.cit. O.R.Krishnaswami and M.Ranganatham, p118.

⁶⁰ C.B.peter, *A Guide to Academic Writing*, Eldoret, Zapf Chancery, 2011, p69.

⁶¹ Tejinder Singh, Dheeraj Shah, Piyush Gupta, *Principles of Thesis Writing*, Mumbai, Jaypee Brothers Medical Publishers, 2008, p28.

In Kenya, the study mostly targeted members of the country's main security agencies; the Kenya Defence Forces (KDF), the National Intelligence Service (NIS) and the National Police Service (NPS), as indicated in chapter fourteen on National Security in Kenya's Constitution, 2010 from Article 238 through to article 247. The study also targeted a select sample of officers from government departments taken to be part of the country's policing agencies as indicated elsewhere in this study.

The other policing agencies included the ministry of Interior and Coordination of National Government, the Ministry of Foreign Affairs, The State Department for Immigration, the National Registration of Persons office, the Kenya Wildlife Service, the Kenya Maritime Agency, the Kenya Airports Authority, the National Youth Service, the Kenya Fisheries Department, the Judiciary, the Kenya Forest Service, the Kenya Revenue Authority, the National Environment and Management Authority, the National Cohesion and Integration Commission, the Kenya Private Security Guards, the Kenya citizenry at large and the Private Security Regulation Authority.

3.5 Accessible Population

Due to the sensitive nature of the target population, the target population was restricted to a select few of members of the security agencies as well as technocrats within the relevant ministries. These members included those tasked with overseeing the various coordination and management systems put in place to realize the desired objectives.

3.6 Sampling Technique

Due to the small number of players envisaged within the population size, a census approach was preferred. This approach was chosen because it is easy to administer as all those picked both at managerial and lower levels had an equal opportunity to participate.

3.7 Sample Frame

The sample comprised of members of the key security agencies including those in the main management committees tasked with coordination and information management. The sample was chosen due to their experiential background and exposure in matters of security.

3.8 The Case study method

There are various definitions and understanding of what a case study method is or what it means. Some writers have defined it as “a comprehensive study of a person, group, episode, situation, process, programme, community, institution or any other special unit.”⁶² Other scholars describe it as an exhaustive, descriptive, and all-inclusive analysis of an entity whose purpose is an in-depth study aimed at gaining insight into larger cases. Its other purpose is to explain rather than predict a phenomenon.⁶³ P.V.Young delineates a case study to be an in-depth study of a social unit, whether that unit is a person, social institution, group, or community.⁶⁴

A case study is taken as a popular method of research that helps provide insight about a unit under study, together with the interactions between factors inform its present status or development. The method helps give insight on typical or extreme cases whose unique features the usual statistical method is not able to provide. A case study therefore, provides in-depth

⁶² Op.cit.O.R.Krisnaswami and M.Ranganatham,p53.

⁶³ Willy Yuko Oso and David Onen(eds.),*A General Guide to Writing Research Proposal;A handbook for Beginning Researchers*,Nairobi,Jomo Kenyatta Foundation,2009,p77.

⁶⁴ Pauline V. Young,Scientific Social Surveys and Research in C.B.Peter,*A Guide to Academic Writing*,Eldoret,Zapf Chancery,1994,p67.

information about the unit under study that may also provide an avenue or avenues, ideas or clues for further study and or research.

While other methods may only provide superficial details, a case study allows for “intensive analysis” of the phenomenon under study which may be overlooked by other methods of research or study. It uses smaller samples for in-depth analysis, it is multi-modal, concrete and contextual and “aims at studying everything about something as opposed to studying something about everything.” A case study method may be used to develop new concepts or test existing ones.

3.9 Data collection techniques

Data was collected from an array of primary and secondary sources and included official documents of the areas constituting the study at global, international, regional, sub-regional as well as national levels for the case study of Kenya as a country where it was appropriate. There will be questionnaires, formulated for specific target populations for purposes of primary data collection and shall be personally administered. This will ensure that the intended target population is addressed.

3.10 Ethical considerations and trustworthiness of the study

Trustworthiness or credibility of research is the ensuring that the research is truthful and credible. For this to take place, the following four-pronged criteria of credibility, transferability, dependability and confirmability of the whole process must be satisfied;⁶⁵

- i) In addressing credibility, it is significant to show that an accurate representation of the phenomenon under scrutiny is presented. Credibility is aimed at ensuring

⁶⁵ Andrew K.Shenton,*Strategies for ensuring trustworthiness in qualitative research projects*,<https://www.researchgate.net/publication>, accessed on 18.10.2018 at 1520hrs.

the study is about what was intended of it and shows the situation as is. This is done through triangulation by applying such methods as observation and individual interviews for data collection.

The use of different methods compensate for their weaknesses and hence complement each other. A wider sample may also help diversify data sources as individual experiences may be verified against others based on the contributions of others. The other method is the use of tactics that enable honesty and these involve allowing those who would not want to participate to decline. This will allow only those genuinely interested to do so and from them one may get genuine and honest information.

The other procedure may be from posing iterative questioning to uncover lies, or through frequent debriefing sessions, or peer scrutiny of the project;

- ii) to allow transferability or external validity it is necessary to provide enough detail of the content to enable him or her to compare the environment with that which is familiar and if the findings can be applied to the setting.
- iii) to try to meet the criteria of dependability and this is about reliability. It enables another researcher repeat the study and come to the same findings,
- iv) strive to achieve confirmability which is about objectivity which would show that the findings originate from the facts and not from one's own inclination.

The study was conducted within the main national security organs of the country and by extension those other auxiliary ministries, departments and agencies that offer security support and related services. The study involved the country's main national security organs that is; the Kenya Defense Forces, the National Intelligence Service and the National Police Service.

Alongside these main security organs which are delineated in the constitution, the study also explored linkages with other departments within the national and county governments, the citizenry and the private security sector.

The study further delved into the role of other ministries, departments and agencies that provide assistance to the main security agencies. Therefore the linkage with the ministries, departments and agencies that comprise the National Security Council for instance informed part of the study. The research data was collected by the researcher using questionnaires and views where appropriate.

3.11 Limitations of the study

Taking into account the sensitive nature of security related information; this study was faced with difficulties in accessing most of the relevant information that would have provided more insight. This largely happened when it came to classified information. The other limitation involved limited access imposed by statutes such as the Official Secrets Act which greatly impeded officers from freely disclosing information even when that information may be obvious for fear of punishment, victimization and other unnamed reprisals.

CHAPTER FOUR

REGIONAL ORGANISATIONS AND AFRICA'S SECURITY

4.0 Introduction

Many studies have been conducted on regional organisations and their role in the international system. There are many definitions and interpretations to the terms or words region, regionalism, regionalization and regional organisations and many researchers or scholars have not come to a common understanding of what they mean.⁶⁶ The origin of the English word region; as with many of the others, originates from the latin word “*regio*” that means direction or a point on the navigational instrument called the compass.

From a general perspective, a region refers to a particular geographical area within the definitional realm of the compass, and this can be anywhere within the universe. The same can also be within the earth's surface area which in essence, has been sub-divided into the five continents on the earth's planet. These five continents as regions have their own regions or sub-regions, depending on the nomenclature adopted and the sub-divisions can go on and on. Therefore there is the African continent as a geographical region alongside the others of Europe, Asia, the Americas and Australia- Oceania.

From a traditional point of view, regionalism refers to cooperation amongst states that are geographically closely delimited with interest in mutual gain in areas of concern. The UN Charter under Article 52 allows for formation of regional organisations by states to handle

⁶⁶ Frederik Soderbaum and Rodrigo Tavares,(eds.). *Regional Organisations in African Security*, NY.Routledge,2011.

matters of peace and security within their geographical areas,⁶⁷ as the United Nations organisation is the main supranational organisation to which almost all countries of the world belong.

The UN secretary-General's 1992 Agenda for Peace document; "while addressing the post-cold war set-up, set out a vision for securing world peace and security and highlighted the regional organisations role in conflict prevention and peace-making. The document stressed new collaboration with the UN and regional organisations in managing regional crises"⁶⁸

As the colonial phase was slowly drawing to a close with a number of African states gaining independence starting with Ghana in 1957, there emerged two main camps amongst African statesmen that deliberated on the kind of independent Africa desired. There was the Casablanca group under the leadership of President Kwameh Nkrumah of Ghana that supported immediate unification of the continent and the Monrovia group led Nigeria that preferred gradual unification.

While espousing the idea of a united Africa, President Nkrumah favoured a federation of African states or an African union government to spur Africa's economic, social and political emancipation."⁶⁹ President Nkrumah adjudged Africa as being too weak and therefore needed immediate unity to save the continent from its fragile political situation. On matters of defence, Nkrumah preferred creation of an African force to defend Africa. The other group that preferred

⁶⁷ Mark Malan, "The OAU and African Sub-regional Organisations; A closer look at the 'Peace pyramid', *Occasional Paper No. 36-January 1999*, p1.

⁶⁸ Sally Healy, "Peace Making in the Midst of War: An Assessment of IGAD's Contribution to Regional security," Working Paper No.19, *Regional and Global Access of Conflict*, Royal Institute of International Affairs, Nov. 2009 pp1-2.

⁶⁹ Sharkdam Wapmuk, "In Search of Greater Unity: African States and the Quest for an African Union Government," *Journal of Alternative Perspectives in the Social Sciences* (2009), Vol. 1 No. 3 645-671, <https://japps.org/uploads/6Wapmukarticle.pdf> p646 accessed on 31.08.2018 at 1240hrs.

gradual unification recommended sub-regional organisations as building blocks towards continental unity. A compromise between the two groups opposing ideas culminated in the creation of the Organisation of African Unity in 1963 in Addis Ababa, Ethiopia.

4.1 The Organisation of African Unity and the Africa Union

To better understand the AU's institutional role in ensuring security and peace in Africa, one has to look at its evolution and how it was finally established. To do this, one must understand how its predecessor body the Organisation of African Unity (OAU) was born and how Pan-Africanism influenced its goals and principles. The overview will help explain the ideology, principles, goals, objectives and the structures that the OAU established and adopted when it was founded in May 1963.⁷⁰

Pan-Africanism is difficult to define because it does not refer to a homogenous political ideology or a clearly distinct political philosophy.⁷¹ However, as a movement it was a political manifestation that was based on colour that advocated for the unity of Africans both in the diaspora and in the African continent and viewed Africans as belonging to the ancestral continent of Africa. The movement's proponents called on all Africans wherever they were to unite against colonialism, imperialism and discrimination. The intellectual and cultural manifestations of the movement emphasize preservation of African traditions and providing African solutions to African problems as well as "Africa for the Africans."⁷²

⁷⁰ Op.cit. Juliana Abena Apiah,P68.

⁷¹, Pan-Africanism-Origins and Development of Pan-africanism, Transnational Pan-Africanism, Pan-Africanism In The Early Twentieth Century accessed on24.07.2018 at 1910hrs.

⁷² Ibid.

4.2 The African Union

On 9th September 1999, the OAU African Heads of State and Government met in the Libyan town of Sirte and decided to transform the OAU into the AU. On 11th July 2000, during the 36th Ordinary Summit of the OAU in Lome, Togo, the dream of transforming the OAU into the AU and with it the Constitutive Act of the AU was finally put in place. The AU was officially launched in 2002 in Durban, South Africa to continue building on the work of the OAU. The transformation brought about important changes in the organisation's objectives. The most important theme of the new vision envisaged a fresh drive in the promotion of security, peace and stability for Africa's sustainable development.

The AU OAU is charged with the continent's integration, defence of its sovereignty, territorial integrity, peace, security and stability, good governance and protection of human rights.⁷³ Just as the OAU, the AU is also under obligation to uphold principles of the OAU which include non-interference in member states internal affairs, peaceful settlement of disputes, sovereignty, equality and independence of member states.

However, the Constitutive Act of the AU allows it to intervene in member states' internal affairs but only in situations where there is perpetration of war crimes, genocide, crimes against humanity and when a member country's legitimate order is threatened.⁷⁴ A member state may also call upon the AU to restore order, peace and security in its country when the same are at stake.

⁷³ Ulf Engel and Joao Gomes Porto. "The African Union's New Peace and Security architecture: Towards an Evolving Security Regime?" in Fredrik Soderbaum and Rodrigo Tavares, (eds.). *Regional Organisations in African Security*, NY. Routledge, 2011, p16.

⁷⁴ Op.cit. Juliana Abena Apiah p16.

The AU envisages a peaceful prosperous and integrated Africa under its own citizens.⁷⁵ In Article 3 of the Constitutive Act of the African Union and the Protocol to the Act 2003, the AU's objectives include;

- i. Achievement of greater unity for Africa and her people,
- ii. Integration of the continent in the political and socio-economic fields,
- iii. Security, peace and stability on the continent.

4.3 The African Union's key decision-making and policy organs

Structurally, the AU's key decision making and policy organs comprise the;

1. Assembly of Heads of State and Government,
2. Executive Council,
3. Permanent Representatives Committee,
4. Specialized Technical Committees,
5. Peace and Security Council,
6. African Union Commission.

The AU member states are grouped into five regional entities as was decided by the predecessor organisation, the OAU. These are the Northern Africa, Western Africa, Central Africa, Eastern Africa and Southern Africa areas. The continent's Regional Economic Communities follow these regional grouping and were formed before the launch of the AU with the particular objective of facilitating economic integration of the regions as per the dictates of the 1991 Abuja Treaty. The Abuja Treaty operationalized in 1994, was aimed at creating a Common Market for Africa with the building blocks being the RECs.

⁷⁵ *The African Union Handbook*, 2017, p10.

Contrary to regional groupings which are five in number, the AU recognises eight RECs⁷⁶ namely the;

- a) Arab Maghreb Union (AMU),
- b) Economic Community of West African States (ECOWAS)
- c) Community of Sahel-Saharan States (CEN-SAD),
- d) Economic Community of Central African States (ECCAS),
- e) East African Community (EAC),
- f) Common Market for Eastern and Southern Africa (COMESA),
- g) South African Development Community, (SADC)
- h) Inter-Governmental Authority on Development (IGAD)

4.4 AU conceptualization of security

Africa's political leaders deliberately chose to fashion the AU in the structural image of the UN and the European Union (EU), with the hope that the international community will contribute towards efforts to stabilize Africa. There was and there still is the strong anticipation that with peace, this will help in Africa's incorporation into not only the global economy⁷⁷ but the international security system as well. The OAU was established in 1963 to protect Africa's unity, independence and sovereignty. However, the end of the cold war ushered in changes which called for restructuring of the OAU, if it had to keep in tandem with the new international structure and its attendant developments.

⁷⁶ Op.cit.African Union Handbook,p13.

⁷⁷ Anthoni van Nieuwkerk, "Correlating African regional and security institution initiatives to the emerging global security agenda," in *Rethinking Global security: An African Perspective?* Heinrich Boll Foundation regional Office, East and Horn of Africa,Nairobi,2006,p222.

In 2002, the OAU was transformed into the AU at a summit in July 2002 in Durban, South Africa.⁷⁸ The main objective of the new organisation was to foster Africa's inter-state political and economic cooperation as well as integration of Africa's various independent entities. In doing this, the new organization adopted the New Partnership for Economic Development (NEPAD) which emphasizes that for there to be economic growth and human development, there must be a climate of peace and security.

The AU is now keen on managing conflicts in Africa with greater resolve and recognized that most of these conflicts result from the deficit of democracy and development. In doing this, the AU faces challenges in its quest to provide a peaceful and secure environment for the inhabitants of the African continent. Some of these challenges include having in place strong institutional structures, a stable and secure environment that ropes in credible international support, a strong relationship encompassing the UN, AU, regional and sub-regional economic communities as well as Inter-Governmental Organisations (IGO) and Community Service Organisations (CSO) alongside an assured funding support from the international community and other funding bodies.

The AU Peace and Security Council (PSC) now plays a more interested role in conflict resolution on the continent and addresses this through a modality that takes into account common defence and security and pursues measures against terrorism on the continent. The continent's seven regional economic communities have a primary responsibility of encouraging security, peace and stability on the continent as the PSC protocol entails. The Constitutive Act of the

⁷⁸ Op.cit.*The African Union Handbook* 2017 p10.

African Union recognises that conflicts on the continent impede development⁷⁹ and for the integration process in Africa to succeed, peace, stability and security are necessary prerequisites.

4.5 The African Peace and Security Architecture

Africa has for long suffered from high intensity conflict that has interfered with security and peace and in some situations contributed to stagnation in the continent's growth. As a result, African states through the AU have embraced new standards to manage their collaboration on issues to security, peace and development ⁸⁰ and put in place institutions to enhance the standards. Apart from the other structures and bodies that were created within the new AU to enhance governance, there was created the African Peace and Security Architecture (APSA) as a security regime within the AU's Peace and Security Council.

Security cultures are termed as configurations of thought that institute durable security preferences by framing concepts and adopting particular approaches to defending values and views of decision-makers about how to deal with security challenges through socialization.⁸¹ The origin of the AU's security culture can be traced to its founding documents as well as those of its predecessor the OAU and foreign policy statements of member states. These documents provide the norms and standards of what can be considered to be right or wrong hence constituting what is taken as proper behaviour.

The APSA is a key mechanism for promoting security, peace and stability on the African continent as stipulated under Article 3 of the AU Constitutive Act.”⁸² Security and peace are now

⁷⁹ Op.cit. Anthoni van Nieuwkerk, p224.

⁸⁰ Op.cit.Ulf Engel and Joao Gomes Porto,p14.

⁸¹ Hussein Solomon, "African Solutions to Africa's Problems? African Approaches to Peace, security and stability", *Scientia Militaria, South African Journal of Military Studies*, Vol.43,No.12015,pp45-76,doi:10.578/43-1-1109,p58.

⁸² The AU Handbook,2014,p28.

priority issues on the African continent and the international community with Africa being seen as relevant in global security policy.”⁸³

The security architecture is premised upon norms that originate their roots in the OAU Charter and the AU Constitutive Act. They address a wide array of issues related to security. The PSC Protocol further embraces preventive diplomacy, conflict prevention, early warning and peacemaking, peace building and promotion of democratic practices.⁸⁴ The APSA comprises of several elements that include;

- a) The Peace and Security Council as the main decision-making organ of the AU on peace and security supported by the African Union Commission,
- b) The Panel of the Wise that is a consultative body whose main duty is to provide advice,
- c) The Continental Early Warning System(CEWS) that observes and reports on developing crises,
- d) The African Standby Force (ASF) whose objective is to deploy peacekeeping or intervention forces.
- e) The Peace Fund whose objective is to provide funding for peacekeeping support operations.

In line with APSA, the diverse peace and security mechanisms work together with the various RECs’ peace and security structures and regional mechanisms that support regional

⁸³ Stephan Klingebiel, “Africa’s New Peace and Security Architecture, Converging the roles of external actors and African interests,” *Africa Security Review* 14(2) 2005.

⁸⁴ Moving Africa Forward:African Peace and Security Architecture (APSA).2010 Assessment Study as accessed from [au’org/root/au](http://au.org/root/au) as quoted in Juliana Abena Appiah, *The African Union and the Quest for Peace and security in Africa, 2002-2012*,unpublished PhD Thesis, university of Ghana,p126.

peace and security. Transformation of the OAU to the AU gave the organisation more authority and created a full-fledged bureau within the AU called the Commission which has more powerful than the former OAU Secretariat.

To prevent conflicts and wars and secure peace in Africa, an operational structure was set up with adoption of a pronouncement on a Common African Defence and Security Policy (CADSP) as a precursor to APSA. The Policy's main aim was to offer a collective response to internal and external threats to Africa. "The three legal documents; that is the Constitutive Act of the AU, the Protocol and the Declaration on (CADSP) are pillars on which the AU's peace and security architecture is built."⁸⁵

APSA's components comprise the Peace and Security Council (PSC), Panel of the Wise (PW), Continental early Warning System (CEWS), African Standby Force (ASF), and the Peace Fund (PF).

4.5.1 The Peace and Security Council

The Peace and Security Council (PSC) is the central organ of APSA and was established under provisions of article 5 (2) of the Constitutive Act (2000) of the AU. The protocol under which the PSC was established (the Protocol Establishing the Peace and Security Council) entered into force on the 26th of December 2003 and started its operation in March 2004. The PSC is taken as;

the main pillar of APSA and decision-making organ of the AU when it comes to management and resolution of conflicts. Its aim is to facilitate efficient response to conflict situations on the African continent. The PSC is the chief AU mechanism for promoting stability, peace and security in Africa.⁸⁶

⁸⁵ Op.cit.Juliana Abena Appiah,P127.

⁸⁶ Op.cit.*African Union Handbook*,2017,p55.

The PSC manages five divisions namely the Conflict Management Division which was formerly referred to as the mechanism unit of the predecessor organisation the OAU, the Peace Support Operations Division, the Defence and Security Division and the PSC secretariat. The mandate of APSA is the prevention of conflict and in doing this, it has to anticipate the same and prepare an early warning response aimed at preventing a full blown out situation.

In Article 3 of the Protocol establishing the AU's Peace and Security Council, the PSC's objectives are to:

- a) support peace, security and stability in Africa, and help create conducive conditions for sustainable development;
- b) prevent conflicts and where conflicts have occurred, the Peace and security Council puts in place mechanisms for resolution of the conflicts;
- c) implement peace-building and post-conflict reconstruction measures to prevent resurgence of violence;
- d) institute efforts to combat international terrorism;
- e) develop a common defense policy for the continent as required by Article 4(d) of the Constitutive Act of the AU;
- f) promote good governance, democratic practices and the rule of law, as part of efforts to prevent conflicts.⁸⁷

In Article 4 of the Protocol, the PSC is to observe principles enshrined in the AU Constitutive Act, the United Nations Charter and the Universal Declaration of Human Rights as

⁸⁷ www.peaceau.org/uploads/psc Protocol Relating to the Establishment of the Peace and Security Council of the African Union.

the principles enhance peace, security and stability not only for Africa but internationally. These principles are:

- a) pacific settlement of conflicts and disputes;
- b) respond early to crises to prevent them from getting out of control;
- c) respect for human rights and the rule of law;
- d) uphold independence and territorial integrity of member states;
- e) respect for borders inherited at independence;
- f) under Article 4 (h) of the Constitutive Act, the Union can intervene in the internal affairs of a member state in respect of grave circumstances of war crimes, genocide and crimes against humanity;
- g) under Article 4(j) of the Constitutive Act⁸⁸ of the AU, a member state has a right to request intervention from the Union to restore peace and security.

The membership of the PSC mirrors that of the UN Security Council. Just as the UN, it also comprises a total of fifteen members. Ten of the members are elected on the basis of regional representation for a two year term; five of the other members are elected for a three year term and can be re-elected but only once. Its main task is to encourage peace, security and stability on the African continent; address conflicts, put in place measures to combat international terrorism, and institute a common defense and security policy for the African Union.”⁸⁹ The PSC’s other task is to encourage the practice of good democratic processes, adherence to the rule of law and protection of human rights.

⁸⁸ Op.cit.Constitutive Act of the African Union.

⁸⁹ Op.cit.Ulf Engel and Joao Gomes Porto, p17.

As opposed to the UN Security Council, the AU structure does not allow a member state to veto a decision of another member state or member states. When making decisions such a process is conducted by the various permanent representatives from member countries.

In situations of crisis, making of such decisions is done by the respective ministers of foreign affairs, or if the gravity of the matter so demands, the Heads of State and Government may be called upon to do so. The Council can institute sanctions against a member state where a legally constituted government has been illegally overthrown or replaced. In situations of crisis, making decisions involves the respective representatives from the ministries of foreign affairs or if the gravity of the situation may so demand then the Heads of State and Government may be called upon to do so.

4.5.2 Performance of the PSC

Establishment of the PSC was one of the processes aimed at making the AU, a more effective mechanism after it was realised the OAU had failed to perform its functions properly. The Protocol that establishes the PSC then was meant to cure the shortcomings experienced under the OAU mechanism and serves as “a collective security and early warning system for efficient response to conflict situations in Africa.”⁹⁰

4.5.3 The Continental Early Warning System

Under Article 12 of the protocol establishing the PSC, the Continental Early Warning System (CEWS) was provided for “as an element of the African Peace and Security Architecture.”⁹¹ The early warning system of the AU as was the case with the OAU is tasked with identifying and gathering information on emerging conflict situations with a view of

⁹⁰ Joram Bukama Biswaro, *The Role of Regional Integration in Conflict Prevention, Management and Resolution in Africa: The Case of the African Union*, Brasilia, FUNAG, 2013, p292.

⁹¹ Op.cit. Ulf Engel and Joao Gomes Porto p64.

implementing “suitable measures for addressing conflicts before they spiral out of control. The OAU’s early warning role was conducted by the Centre for Conflict Management established as an effort to manage conflict through gathering information and providing early warning.”⁹²

To effectively perform this function, the PSC protocol requires monitoring units within the RECs sub-regional early warning systems to process relevant data from the various situation rooms”⁹³ The situation room is located in the Conflict Management Directorate and operates on a twenty four hour basis including weekends and public holidays.

The sub-regional early warning systems collect data, analyse it “using an early warning module...which covers political, military, social and humanitarian indicators”⁹⁴ on the continent. Based on the analysed data, the preferred course of action is recommended to the appropriate authorities and the Chairperson of the AU Commission utilizes the data and advises the PSC on threats and potential conflicts and the appropriate action to take; whether it be military, diplomatic or otherwise.

Article 12 of the PSC Protocol allows cooperation with international organisations such as the UN, IGOs, civil society, research centres to facilitate the CEWS. The PSC Protocol has a procedure that provides for a revolving “Trust Fund” aimed at providing a standing reserve for emergencies and unforeseen circumstances.

⁹² Op.cit.Ulf Engel and Joao Gomes Porto p64.

⁹³ Op.cit. Ulf Engel and Joao Gomes Porto,p18.

⁹⁴ Cilliers J.and Sturman . the right intervention:enforcement challenges for the African Union, African security Review,Vol.11,No.3,p101 as quoted in Juliana Abena Appiah, *The african Union and the Quest for Peace and security in Africa, 2002-2012*,unpublished PhD Thesis, university of Ghana,p136.

4.5.4 Assessment of the CEWS

The Early Warning System has made quite some reasonable progress and has been able to provide real-time information on conflict situations on the continent. The infrastructure in the “situation room” has been upgraded to include real-time monitoring software installed in the offices of the AU Commission Chairman, the Deputy, the Commissioner for Peace and the Director in-charge Peace and Security.⁹⁵

The challenge faced by the AU is that as an organisation, it does not have political officers within the various African capitals to report on real time issues hence the reliance on goodwill from African governments to report on situations of crisis. In such situations, it is only natural that sensitive information is not relayed especially when it adversely affects a government as some governments would suppress the same. Situations of this kind need be addressed if the reality on the ground about conflicts and more especially those instigated by governments or their agents are to be addressed.

The other challenge is on the inter-operability level amongst the various RECs. Not all the RECs are at the same level when it comes to implementation mechanisms “hence the need to streamline the processes within the sub-regions and the AUC to improve channels of information sharing.”⁹⁶

4.5.5 The peace fund

Most of the organs constituting the current AU are a continuity of the predecessor organisation the OAU. With the establishment of the OAU’s MCPMR, one of the operational

⁹⁵ Op.cit.Juliana Abena Appiah,p137.

⁹⁶ Op.cit. Juliana Abena Appiah p138.

components that was set up to complement its operations was the “special fund”⁹⁷ whose objective was to finance the Mechanism’s activities. The “special fund” was appropriated at six percent of the budget of the OAU member states contributions as well as other sources within Africa.

Closely mirroring the OAU’s “special fund” is the AU’s peace fund which was established under Article 21 of the PSC Protocol as a “peace fund.” to provide “funds for peace support missions.”⁹⁸ The Protocol requires that the funds are appropriated from the regular AU budget and member states’ contributions, international partners, private sector, individuals and other fund-raising activities.

4.5.6 The Panel of the wise

The Panel of the Wise was set up by Article 11(1) of the PSC Protocol and offers support services to the PSC and the Chairperson of the AUC in preventive diplomacy and mediation for peace, security and stability in Africa.”⁹⁹ Under Sub-article 2, membership of the Panel comprises five highly respected personalities with a notable past contribution in the areas of peace, security and development of the African continent.

The concept of the AU Panel of the Wise evolved from the OAU’s role in the area of mediation of conflicts where it mostly, “used ad hoc mechanisms and established a few mechanisms to carry out its conflict management resolution functions... Articles VII (4) and XIX of the OAU Charter set up the Commission for Mediation, Conciliation and Arbitration

⁹⁷ www.funag.gov.br, Joram Mukama Biswaro, *The Role Of Regional Integration In Conflict Prevention, Management, And Resolution In Africa The Case Of The African Union*, Brasil, 2013.

⁹⁸ Op.cit. Juliana Abena Appiah, p65.

⁹⁹ Ibid, *The African Union Handbook*, 2017, p61.

(CMCA) whose role was limited to interstate conflicts.”¹⁰⁰ The Commission was under a President and two Vice Presidents.

Under Article XIX of the OAU Charter, the CMCA’s objective was to settle disputes amongst member states amicably. The Commission was conceived as a mechanism and bequeathed the role of conducting peaceful settlement of disputes amongst the member states. Its membership comprised twenty one members elected for five years, and they had each to possess a professional qualification. No member state was allowed to have more than one member on the panel. It operated under a protocol that also provided guidelines on how the interstate conflicts would be addressed, the role/s of member states and those of the Commission.

The Commission only arbitrated on conflicts jointly referred to it by both parties and not only one of the parties unless the one party making the reference accepted “the jurisdiction of the Commission, or the OAU Assembly or Council of Ministers.”¹⁰¹

Unlike the OAU’s CMCA, the Chairperson of the AU Commission selects members of the AUs Panel of the Wise through concerned member states under the value of regional representation. They are not supposed to hold active positions of a political nature in their respective countries. This is supposed to free them from any political bias and hence give them the independence they need when making decisions in their capacities. The selected members are eventually appointed by the AU Assembly for three years and may be extended for three more years.

¹⁰⁰ https://www.researchgate.net/publication/Martin_A_Ewi_The_African_Union_Panel_of_the_Wise_An_Assessment_of_its_Role_and_significance_as_a_Mechanism_for_Conflict_Resolution_and_Mediation_in_Africa; Book Chapter in “*inside the african Peace and security Architecture (APSA)*”, Prepared for the Swedish Defence Research Agency, Division of Defence Analysis (January 2009) p4.

¹⁰¹ Op.cit. <https://www.researchgate.net/publication/p5>.

According to the document on Modalities for the Functioning of the Panel of the Wise,¹⁰² the Panel holds meetings three times in a year at the minimum but may also hold more meetings if the need so demands. Normally, the meetings are at the AU headquarters but can also be outside the headquarters if necessary. For more effectiveness of the Panel of the Wise, the PSC protocol recommends cascading down to the RECs the Panel's structures for purposes of addressing conflict situations within their geographical areas of operation.

The Panel in consultation with the PSC or chairperson of the AUC pronounces itself on matters of security, peace and stability on the continent. It may also do the same on its own motion but before undertaking any field action it must inform the PSC or the Chairperson of the AUC. The panel facilitates collaboration between the PSC and parties in dispute, carries out detailed fact finding missions in areas of possible conflict, shuttle diplomacy between parties in conflict, adoption of confidence building measures, reconciliation endeavours, and helps parties address issues related to execution of peace agreements where these arise.¹⁰³

4.5.6.1 Assessment of the Panel of the Wise

The Panel of the Wise has equally made quite some progress albeit challenges as well. The Panel in its mandate has made its voice heard in many crisis situations on the African continent. This has been witnessed in such countries as Kenya, Somalia, Sudan and Mali to mention just a few. One of its main challenges revolves around its partiality when it comes to making decisions on certain issues. This is more so taking into account how its membership is constituted. The selection modality of its members requires that they are vetted by member states

¹⁰² AU Modalities for the Functioning of the Panel of the Wise as adopted by the Peace and security Council at its 100th Meeting Held on the 27th of November, 2007, IV (3).

¹⁰³ Op.cit. Ulf Engel and Joao Gomes Porto, p19.

taking into account governance issues associated with African governments, there is a big likelihood that only regime friendly people are picked.

The other challenge regards its financial capability. Just as the parent organisation the Africa Union, the PSC's financial provisions are not properly provided for. To supplement the shortfall it has to get funding from elsewhere. This means that in some cases, in the course of performing its duties the organisation may not be in apposition to exercise its own partiality. The other challenge is that the Panel is inadequately staffed thus operating on skeletal staff that is not in a position to deal with the numerous security challenges that bedevil the African continent.

4.5.7 The African Standby Force

With regard to the African Standby Force (ASF), the question to ask is what its role is within APSA and if it is an appropriate conflict response mechanism. The African Standby Force (ASF) was established under Article 13 sub-articles 1 and 2 of the PSC Protocol “¹⁰⁴for peace support missions within the African continent and is under the AUC Chairperson who appoints the commanders.¹⁰⁵ The ASF is a mix of civilian and military units in their countries of origin to be deployed when circumstances so demand.

4.5.7.1 Provisions of Article 13 on functions of the ASF

Under provisions of Article 13 the ASF performs the following functions;

- a) observes and monitors missions,
- b) peace support missions,
- c) intervention in a member state where a conflict situation is grave or a member state requests,

¹⁰⁴ Op.cit. AU Handbook,p65.

¹⁰⁵ Op.cit.Ulf Engel and Joao Gomes Porto,p20.

- d) preventing a dispute or conflict from getting out of control,
- e) peace building, post conflict management, and humanitarian assistance,
- f) any function authorized by the AU Assembly or PSC.

In a bid to be ready to execute the ASF's mandate, by August 2016 the ASF was composed of Planning Elements in regional headquarters of the five regions, a Continental Logistics Base (CLB) in Douala, Cameroon and five Regional Logistics Depots (RLDs). From 1st January 2017, the RECs/ RMs are to on standby mode on a six month alphabetical rotational on a continuous basis.

4.6 The AU's regional military brigades

The African Standby Force (ASF) is represented by five different brigades on the basis of the regional economic communities that constitute Africa's main sub-regions.

4.6.1 The Economic Community of West African States (ECOWAS) Standby Force (ESF);

This group comprises the countries of Benin, Burkina Faso, Cape Verde, Cote D'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo,

4.6.2 The Economic Community of Central African States (ECCAS) Standby Force;

The countries that are found in this group include, Angola,(which is also a member of the SADC community) Burundi, Cameroon, the Central African Republic, Chad, The Republic of Congo, the Democratic Republic of the Congo (DRC-which is also found in the SADC block), Equatorial Guinea, Gabon and Sao Tome and Principe.

4.6.3 The Southern Africa Development Community (SADC) Standby Force;

Whose membership includes Angola (which is also a member of the ECCAS community), Botswana, the Democratic Republic of Congo (DRC-which also shares

membership with ECCAS), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe,

4.6.4 The Eastern Africa Standby Force (EASF),

This group includes Burundi (which is also a member of the ECCAS Regional Economic Community), Comoros, Djibouti, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, Sudan, Uganda and South Sudan which has observer status since the month of April 2015.

4.6.5 The North African Regional Capability (NARC) Standby Force,

The group comprises Algeria, Egypt, Libya, Mauritania, Saharawi Republic and Mauritania.

In a bid to operationalize the ASF, EASF, ECCAS, ECOWAS and SADC have established command posts as well as taking part in continuous field exercises to enable them have a readiness capability. In a related development, the AU held a command-post training exercise codenamed “Exercise Njiwa” in the Ethiopian capital of Addis Ababa, in 2012. The word “Njiwa” is a Swahili language word that translates into the bird “dove” in English. The dove bird is always associated with peace hence the philosophy of peace for Africa with the AU’s principle objective in Africa being ensuring peace, security and stability for her people.

The AU conducted a field exercise code-named “Amani” Africa II in the month of November 2015 in South Africa in the South African Army’s Combat Training Centre in Lohalia.” (Amani is a Swahili language word which means “peace” in English hence “Amani Africa” means “peace in Africa” further echoing the central theme and “Raison d’etre” of the AU as being the quest for peace in Africa.

As a further mechanism of coordination, the North African Regional Capability NARC) and the East African Standby Force Coordination Mechanism (EASFCOM) have “liaison offices at the

AU headquarters in Addis Ababa with the other brigades working through their various RECs and liaison offices.”

4.7 Challenges facing the African Standby Force

The ASF faces financial, logistical, technical and organizational challenges in its bid to carry out its mandate.

4.8 The African Capacity for Immediate Response to Crises,

The African Capacity for Immediate Response to Crises (ACIRC) was set up in May 2013 via the Assembly of the AU’s 21st Ordinary Session, 26-27 May 2013 (Assembly/AU/Dec.489 (XXI) while waiting to fully operationalize the African Standby Force.

The decision to establish ACIRC was pursuant to “the report of the Chairperson of the Commission on establishing an immediate response capacity to crises that was “submitted to the 6th Ordinary meeting of the Specialized Technical Committee on Defence, Security and safety (SDCDSS) in Addis Ababa, Ethiopia on 30th April 2013 and the challenges encountered in operationalizing the African Standby Force (ASF) and its Rapid Deployment Capacity (RDC).¹⁰⁶” The reason behind formation of ACIRC was to provide the AU with a force of military, police, equipment and resources to respond to emerging conflict situations.

The endeavour is aimed at “bringing about African solutions to Africa’s problems.” To show readiness, the ACIRC members conducted a command-post exercise code-named “Exercise Utulivu.” The word “Utulivu” is also a Swahili language word that means “calm or tranquility” in English and this further still underscores the AU’s theme of tranquility for the African continent.

¹⁰⁶ [www.au.int/Assembly/AU/Dec.489\(XXI\),p1](http://www.au.int/Assembly/AU/Dec.489(XXI),p1).

4.9 Africa Union Peace Support Operations on the continent

The AU deployed its first Peace Support Operations (PSO), the African Union Mission in Burundi (AMIB) in 2003¹⁰⁷ and since then, it has provided similar missions in Somalia (AMISOM), Sudan (AMIS-UNAMID), Comoros Islands (MAES). The African Standby Force (ASF) provides for a Peace Support Operations Division (PSOD), in the AUC Department of Peace and Security that executes all PSC decisions on deployment of PSOs.¹⁰⁸

The AU has deployed a total of nine Peace Support Operations on the continent since the year 2003 and these include the missions in Burundi, Sudan, Comoros, and Somalia where at least a total number of fifteen thousand soldiers were involved demonstrating a big departure from its predecessor organisation, the OAU.¹⁰⁹

Other peace support operations missions have been in the Central African Republic, Mali, and the Regional Cooperation Initiative for the Elimination of The Lord's Resistance Army (RCI-LRA) whose Regional Task Force Headquarters is in Yambio, South Sudan. The others are The African Union-led International Support Mission in the Central African Republic (MISCA) and the African Union-led International Support Mission in Mali (AFISMA).

Apart from the above missions, the AU in its quest to ensure security, peace and stability on the continent has incorporated other security related bodies into the PSC. These are the African Union Police Strategic Support Group (PSSG) and the African Mechanism for Police Cooperation (AFRIPOL).

¹⁰⁷ Emma Svensson, *The African Union's Operations in the Comoros: MAES and Open Democracy*. [HTTPS://www.operationspaix.netz>DOCUMENT-](https://www.operationspaix.netz>DOCUMENT-) accessed on 1.10.2018 at 1300hrs.

¹⁰⁸ AU Handbook, 2017, p67.

¹⁰⁹ Paul D. Williams, *The African Union's Peace Operations: A Comparative Analysis in Regional Organisations in African Security*, Fredrik Soderbaum and Rodrigo Tavares, Routledge, New York, 2011.

4.9.1 The African Union Mission in Burundi

Burundi has been riddled with conflicts since its independence in 1962. As rightly observed by Joram Mukama Biswaro in his book, *“The Role of Regional Integration in Conflict Prevention, Management and Resolution in Africa”*;

At independence in 1962, the Tutsi regimes in Burundi discriminated against the majority Hutu community in the areas of education, positions in the civil service and the military. This preponderance led to situations of resentment and eventual sporadic rebellions from the Hutu.

“The African Union’s peace operation in Burundi in 2003 was one year before the official formation of the PSC. This feat was occasioned by the UN Security Council’s refusal to deploy civilian observers in Burundi following the October 1993 coup that sparked the civil war.¹¹⁰ This “African Union Mission in Burundi (AMIB) was authorized in 2003 by the OAU’s Mechanism for Conflict Prevention, Management and Resolution, as the creation of the PSC was awaited.”¹¹¹

The mission’s function was to oversee the ceasefire implementation in Burundi. It also assisted the Joint Ceasefire Commission and technical committees to establish the new National Defence Force, the Police Force, provide safe passage for people, delivery of humanitarian assistance and enable disarmament, demobilization and re-integration.¹¹²

¹¹⁰ Ahmedou Oud-Abdullah, *Burundi on the Brink, 1993-1995* (Washington, DC: US Institute of Peace, 2000) as quoted by Paul D. Williams, *The African Union’s Peace Operations: A Comparative Analysis*, in *Regional Organisations in African Security*, Fredrik Soderbaum and Rodrigo Tavares, Routledge, New York, 2011, p30.

¹¹¹ The Africa Union Handbook 2017, p71.

¹¹² Ibid, p71.

From June 2004, AMIB was succeeded by UN missions¹¹³ the current being the UN Electoral Mission in Burundi (MENUB) that commenced its functions on the 1st of January 2015 concluding its mandate on the 18th of November 2015.

Due to the UN's reluctance to deploy troops in Burundi and in a bid to mediate the crisis in the country, Nelson Mandela, former president of South Africa succeeded Julius Nyerere, former president of Tanzania as mediator. Mandela helped to bring together the warring parties and negotiate the Arusha Agreement that was brokered on the 28th of August 2000 albeit with the absence of the parties; the Forces for the Defence of Democracy (CNDD-FDD) led by Pierre Nkurunziza and the National Liberation Front (FNL) led by Agathon Rwasa. Due to the absence of these important players within the Burundi conflict, the Arusha agreement witnessed only a small reduction in hostilities and violence.

In an effort to bring back the peace process, Mandela called for deployment of South African troops to protect important personalities especially from the Hutu community who felt the Burundi military which was dominantly Tutsi was not in a position to guarantee their security. Without seeking any UN Security Council mandate to deploy troops in Burundi, a deployment of about 750 South African troops under the auspices of a VIP protection force dubbed the South African Protection Support Detachment (SAPSD) but with no express instructions to intervene in the civil war was deployed.¹¹⁴

The UN Security Council however, despite signaling its reluctance to deploy troops in Burundi recognised the deployment shortly after it was effected. Notwithstanding all these peace related efforts, the situation in Burundi continued to worsen and this led to the signing of another

¹¹³ Op.cit.Paul D.Williams, p31.

¹¹⁴ Op.cit.,Paul D.Williams, p31.

ceasefire on the 2nd of December 2002 between the government of Burundi and the Forces for the Defence of Democracy's (CNDD-FDD) of Pierre Nkurunzisa. The agreement provided for an AU mission to monitor the cease-fire, guarantee the warring parties halt bringing into the country arms, freeing of political prisoners, and withdrawal of foreign troops.”¹¹⁵

4.9.2 The African Union Mission in (Darfur) Sudan

The peace mission covers the conflict area of Darfur, Sudan. Causes of the conflict extend to the 17th century when Arabs set up a sultanate amongst the indigenous people of Fur, Masalit and Zaghawa.¹¹⁶ However, changing climatological conditions that brought about drought in the region led to friction between the pastoralists and the agrarian communities. Social and economic marginalisation of people of the Darfur area by the regime provided a ground for the rebellion that started in February 2003.¹¹⁷

In the early part of 2003, the Sudan Liberation Movement Army (SLM/A) and the Justice and Equity Movement (JEM) attacked government targets in the Darfur area of Sudan. This prompted the government of Sudan assisted with local militia popularly referred to as *janjawiid* to militarily move against them resulting into government troops committing atrocities in the region that left many people dead and led to the displacement of many others. Incrementally the war in this area led to commission of atrocities characterized as war crimes and crimes against humanity.¹¹⁸

As a response to the atrocities and with the government of Sudan not keen about any external intervention to the crisis, the AU had to intervene. It established the African Mission in

¹¹⁵ Op.cit., Paul D. Williams, p31.

¹¹⁶ Collier, P. and Hoeffler, A. On the incidence of civil war in Africa. *Journal of Conflict Resolution*, 46(1):2002, 13–28

¹¹⁷ Ali, A.A.G. 2004. “On the Challenges of Economic Development in Post-conflict Sudan”. *Arab Planning Institute* (Kuwait) Working Paper 51.

¹¹⁸ Op.cit., Paul D. Williams, p31.

Sudan (AMIS) in July 2004 to monitor the Humanitarian Ceasefire Agreement in Sudan, and in August the same year deployed the first contingent of 150 Rwandan troops, to protect the ceasefire monitors.¹¹⁹ Due to international concerns over the suffering experienced by people in Darfur and the AU being urged to do more about it, the AU systematically expanded AMIS' troop levels.

In October 2004, the AU increased the number of AMIS personnel to 3,320 and by 2007 the number of troops had risen to 7000 troops with Rwanda and Nigeria contributing more of the troops. In the meantime, the government of Sudan was not keen about any UN troops on its soil leaving the AU to provide the role and hence the deployment of AMIS in Sudan. This was actualized by the Ceasefire Agreement in N'djamena, Chad between the government of Sudan and the rebel movements; the SLM/A and the JEM on the 8th of April 2004.

“The AU Mission in Sudan (AMIS) was deployed vide PSC/AHG/Comm. (X) of 25th May 2004 to monitor the 2004 Humanitarian Ceasefire Agreement and in October the same year, under resolution PSC/PR. Comm.(XVII) OF 20th October 2004 transformed AMIS into a full peace keeping mission.”¹²⁰ The new AMIS mission's mandate was to contribute to security, a secure environment for humanitarian assistance and protect the civilian population in Darfur,

The other requirement was to monitor the parties' compliance with the 2004 Ceasefire Agreement, the 2006 Darfur Peace Agreement, assist in confidence building and work towards improving the political environment in Darfur. In December 2007, AMIS was merged with the UN Mission in Sudan (UNAMIS) to form the joint AU-UN Mission in Darfur (UNAMID).

¹¹⁹ W O'Neill & V Cassis, “Protecting Two Million Internally Displaced: The Successes and Shortcomings of the African Union in Darfur,” *Brookings Institution/University of Bern Project on Internal Displacement Occasional Paper*, November 2005, p 16.

¹²⁰ Op.cit.AU Handbook 2017,p71.

Under the UNSC Resolution 2296 of June 2016, UNAMID's mandate was extended to the 30th of June 2017.

4.9.3 The African Union Mission in Somalia

The African Union Mission in Somalia (AMISOM) was set up by the AU on the 19th of January 2007 under UN Security Council Resolution 1744 of 2007, for a mandate period of six months which has in the meantime been extended several times. The most recent was on the 30th of July 2018 when the UNSC unanimously adopted Resolution 2431 (2018) to extend the mandate of AMISOM in Somalia up to 31st May 2019. The extension authorized the AU to provide a minimum of 1040 civilian police personnel and set up strategic objectives that will include gradual hand-over of security responsibilities to the government of Somalia and progress on the political and security front by the month of December 2021.¹²¹

AMISOM's areas of operation in Somalia cover six sectors. In these areas, AMISOM is tasked among other matters to address the threat posed by the terror group Al Shabaab and other armed groups in the country. AMISOM is also tasked with helping the Government of Somalia establish dialogue and reconciliation in the country after years of collapsed state and government and related institutions. The other objective of the mission is humanitarian assistance and creation of an enabling environment for stabilization of the country.¹²²

¹²¹ <https://www.un.org/sc13439.doc.htm> accessed on 30.09.2018 at 0930hrs.

¹²² Ibid,p68.

¹²² <https://www.peaceau.org>psc.com.lra.pdf>. Accessed on 30.09.2018 at 1040hrs.

4.9.4 The Regional Cooperation Initiative for the Elimination of The Lord's Resistance Army

In addressing atrocities committed by the rebel movement the Lord's Resistance Army (LRA) in Uganda, the PSC set up the Regional Cooperative Initiative for the Elimination of the LRA (RCI-LRA) in November 2011 under the Communique PSC/PR/COMM.(CCCXXI).¹²³ The Initiative has its headquarters' in Nzara, South Sudan, Obo in the Central African Republic and Dungu in the DRC.

The membership comprises countries affected by the LRA'S terror and other criminal activities. These countries are the Central African Republic, the Democratic Republic of the Congo (DRC), South Sudan and Uganda. The main objective of the RCI-LRA is to eliminate the LRA and create an environment that will enable stabilization, recovery and rehabilitation of the affected areas.

Components of the RCI-LRA are the Joint Coordination Mechanism (JCM) that comprise the affected countries' Ministers in-charge of defence. This component is chaired by the AU Commissioner for Peace and Security. The other components are the JCM Secretariat and the Regional Task Force (RTF).

4.9.5 The African Union-led International Support Mission in the Central African Republic

The African Union-led International Support Mission in the Central African Republic (MISCA) was established by the PSC on the 19th of July 2013 vide a Communique, PSC/PR.COMM.2 (CCCLXXX) and endorsed by the UNSC under Resolution number 2127 of

5th December 2013 and authorised deployment of MISCA for an initial period of 12 months.¹²⁴ This mission was a successor initiative to an earlier one that culminated in the “handover of authority from the ECCAS Peace and Consolidation Mission in the Central African Republic (MICOPAX) to the African Union-led International Support Mission in the Central African Republic (MISCA).”¹²⁵ The mission was tasked with consolidating peace in the Central African Republic.

Under the UN Security Council Resolution number 2127, MISCA’s mandate was to protect civilians, restore security and public order to enable stabilization efforts of the country, restore the central government’s authority, reform and restructure the defence and security sector and assist in providing humanitarian assistance to those in need. Along MISCA’s trajectory, the mission underwent further changes and in 2014 when the UNSC under Resolution 2149 of 10th April 2014 set up the UN Multi-dimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) to take over MISCA’s duties from 15th September 2014.

After a number of extensions for MINUSCA’s mandate, the UNSC adopted resolution number 2387 that extended MINUSCA’s mandate to the 15th of November 2018 and restructured the Mission’s mandate to comprise peacekeeping tasks that include protection of civilians, peace and reconciliation processes and provision of humanitarian assistance. The Resolution also called on MINUSCA to work towards redeployment of the Central African Armed Forces (FACA) that were trained by the European Training Mission (EUTM) as part of the EU-AU Africa partnership for deployment in Central African Republic.¹²⁶

¹²⁴ Op.cit.Au Handbook,p70.

¹²⁵ <https://www.peaceau.org/Transfer> of Authority from MICOPAX to MISCA, Accessed on 30.09.2018 at 1330hrs.

¹²⁶ <https://www.diplomatie.gouv.fr/article>

4.9.6 The African Union Electoral and Security Assistance Mission to the Comoros

The Comoros is an archipelago of islands found to the south east of Africa. “The country’s history is one of instability with many coups d’etat and incessant struggles among the group islands. Initially the Comoros islands were four in number; the Grande Comore (Njazidja), Moheli (Mwali), Anjouan (Nziwani) and Mayotte. In the mid-19th Century, the island of Mayotte came under French control with the other sister islands following some fifty years later. In 1947, the Comoros were bestowed the position of an overseas territory and in 1961 became self-governing.¹²⁷ Later on a referendum was conducted in territory and three of the islands; that is the Grand Comore, Moheli and Anjouan gained independence in 1975 with the Island of Mayotte opting to remain under administration of the French government.

Most of the decision making process for the islands has been concentrated within Grand Comore, an aspect the other islands resent and more especially the island of Anjouan. In 1997, Anjouan and Moheli declared independence which was not recognised by the Comoros government or the international community. To keep the islands together, the OAU brokered peace amongst the islands in a bid to keep them together. Each island was given its own president, a parliament and local government under the OAU brokered “Antananarivo Agreement” and a four year rotating presidency effectively established the Comoros as a federation.

¹²⁷ Emma Svensson, the African Union’s Operations in the Comoros: MAES and Open Democracy.[HTTPS://www.operationspaix.netz>DOCUMENT-](https://www.operationspaix.netz>DOCUMENT-) accessed on 1.10.2018 at 1300hrs.

4.9.7 The Electoral and Security Assistance Mission

The African Union Electoral and Security Assistance Mission to the Comoros (MAES) “was set up by the PSC Communique PSC/MIN/Comm.1(LXXVII) of 9th May 2007. The communique authorised deployment of the Mission following elections of the Island Governors in Comoros.”¹²⁸ This communiqué followed the 77th meeting of the PSC held at ministerial level following a request by the Comorian government to the PSC, to facilitate elections in the autonomous islands and finalize modalities for the AU Electoral and Security Assistance Mission to The Comoros (MAES).¹²⁹

The Mission’s mandate was to secure smooth running of the elections and help the government restore its authority on the country. With further upheaval in the country, the Mission’s mandate was extended in October 2007 for six months.

The AU has also conducted an intervention dubbed “Operation Democracy” on the Comoros Island of Anjouan as it is at times known. This intervention heralded a new way of conducting Peace Support Operations (PSOs) as it was the first time the AU had conducted a peace enforcement mission.

4.9.8 The African Union Mission for Support to the Elections in Comoros

“The African Union Mission for Support to the Elections in Comoros (AMISEC) was established by the PSC vide the PSC Communique PSC/PR/Comm.1(XLVII) of 21st March 2006. This came after a request by the Comoros President to facilitate the 2006 elections.”¹³⁰

¹²⁸ Op.cit.African Union Handbook 2017, p70.

¹²⁹ <https://www.peaceau.org/uploads/communique:Communique on the situation in the Comoros-AU Peace and Security>, accessed on 10.10.2018 at 1130hrs.

¹³⁰ Op.cit.The African Union Handbook,2017 p71.

4.9.9 The African Union-led international support mission in Mali,

This African Union International Support Mission in Mali (AFISMA) was a joint operation between the AU and the Economic Community of West African States. It was established under the PSC Communique; PSC/AHG/COMM/2(CCCLIII) of 25th January 2013 and mandated by the UNSC resolution 2085 of 20th December 2012. Its mandate was to provide support to the government of Mali to help it restore its authority, support the country preserve its national unity and territorial integrity as well as protect civilians.

The mission's other mandate was to address the threat posed by terrorist groups targeting the country from within or without, support implementation of the transition road map and support Mali transform her defence and security sectors. In the July 2013, under the UNSC Resolution number 2100 of 20th April, 2013, the Mission's authority was re-assigned to the UN Multi-dimensional Integrated Stabilization Mission in Mali (MINUSMA).

On 28th June 2018, the UNSC under Resolution 2423 extended the mandate of MINUSMA for one more year up to 30th June 2019 to aid in implementation of the 2015 Agreement on Peace and Reconciliation in Mali. The UNSC requested MINUSMA to also focus on political tasks. The resolution further tasks MINUSMA to focus on other priority tasks to include;

- a) assistance in political and institutional reforms in the country,
- b) support for defence, security, reconciliation and justice,

- c) restoration of state authority and protection of civilians, human rights and humanitarian assistance..¹³¹

4.10 African Union Police Strategic Support Group

This was set up in 2013 with the objective of providing technical advice and support to the PSC, the AUC and member states on issues related to international policing on operations authorised by the PSC. The bureaucracy comprises two levels; that is the African chiefs of police and associated technical experts.

4.10.1 The African Mechanism for Police Cooperation

This is an AU independent mechanism for police cooperation and was formed in June 2014.

Its main objective is to provide a framework through which Africa's various police units can cooperate at the strategic, operational and tactical levels to address various aspect of crime on the continent. It operates on the principles of respect for democratic rule, respect for the rule of law, human rights, good governance, neutrality, observance of police ethics and integrity.¹³²

4.11 African regional organisations and their contribution to the security of the continent

In Africa however, there already existed the idea of regional arrangements. For instance, the first EAC was created in 1967 and lasted till its break-up in 1977 when the leaders failed to agree on distribution of the community's resources. Following closely in toe was the Economic Community of West African States which was formed in May 1975.¹³³ In 1976, the OAU

¹³¹ www.un.org/sc13400.doc.htm, Security Council Extends Mandate of United Nations Multidimensional Integrated Stabilization Mission in Mali, Adopting resolution 2423(2018), accessed on 02.10.2018 at 1200hrs.

¹³² <https://www.google.com/search?q=The+African+Mechanism+for+Police+Cooperation&og=The+African+Mechanism+for+Police+Cooperation&ags=chrome..69i57.21011i0j7&sourceid=chrome&ie=UTF-8>, accessed on 02.11.2018.

¹³³ <https://www.uneca.org/oria/pages/ecowas-economic-community-west-african-states>

decided to sub-divide the continent into five regions as currently magnified by the five sub-regional organisations in Africa, popularly known as regional economic communities (RECs).

These regions are the Arab Maghreb Union (AMU/UMA), The Economic Community of West African states (ECOWAS), the East African Community (EAC), the South African Development Community (SADC), and the Economic Community of Central African States (ECCAS). Along these RECs, there exists also what one can call extra sub-regional organisations such as the Intergovernmental authority on Development (IGAD) found in the East of Africa, the Community of Sahel-Saharan States (CENSAD), and the Common Market for Eastern and Southern Africa (COMESA) all of which have memberships that straddle across sub-regions.¹³⁴

The decision to sub-divide Africa resulted from the Lagos Plan of Action of 1980 whose goal among others was to create regional, sub-regional organisations and institutions in Africa whose ultimate aim would be formation of an African Economic Community. On its part, the OAU took into cognizance the prevalence of conflicts in Africa that hindered economic development. Despite the OAU Charter providing for a Commission on Mediation, Conciliation and Arbitration of Conflicts with the mandate of acting as the organisation's peace and security organ, the organ was never operationalized. In recognition of conflicts on the African continent and their devastating effect on stability and socio-economic, the OAU put in place measures to address to both mitigate and address the situation. In 1992, the Heads of State and Government met in Dakar, Senegal where they re-affirmed the importance of security and development.

The same sentiment had earlier on been elucidated on in a meeting held in Kampala from the 19th to the 22nd of 1991 dubbed the Conference on Security, Stability, Development and

¹³⁴ <https://www.un.org/en/africa/osaa/peace/recs.shtml>. Accessed on 31.08.2018 at 1425hrs.

Cooperation in Africa (CSSDCA).¹³⁵ Amongst issues deliberated was a proposal on resolution of conflicts before the situation gets out of hand. It is this proposal that set up the OAU's Mechanism for Conflict Prevention, Management and Resolution of Conflicts (MCPMR) that was adopted in the 1993 meeting of Heads of State and Government in Cairo, Egypt.

With the MCPMR it was however, soon realised that addressing the spectre of conflict in Africa was not adequate enough. This was more so because the OAU clause on non-interference in member states' internal affairs made it difficult to intervene in situations of grave insecurity in a part or parts of the continent involving a member or member states.

With formation of the AU, the OAU's principle of non-interference was replaced with non-indifference through Article 4 (h) of the Constitutive Act of the AU which allowed member states to interfere in the internal affairs of another member state in circumstances of grave insecurity. The AU, just as the UN recognised the importance and comparative advantage of regional and sub-regional organisations in responding to and resolving conflicts within their geographical areas. This is due to the proximity of these organisations to the conflict or conflict areas and hence the understanding or likelihood of understanding of the situation better than far-flung organisations that may not even understand the social, economic or even cultural set up of the belligerents. Article 16 of the AU's Peace and Security Council anchors the principle of such an arrangement within its structure.

At the formation of the regional organisations, the security import was hardly part of their principle concern until the realization that there would hardly be any development without security and peace. Insecurity in various areas in Africa impeded the organisations core

¹³⁵ www.dirco.gov.za/africa/cssdca accessed on 31.08.2018 at 1600hrs

philosophy of social and economic development. For example, the ECOWAS was formed in 1975 to primarily foster economic integration amongst member states but due to the many civil wars that ravaged the region within its geographical area, it was soon recognised that the idea of economic integration would not be realised. From then on, the organisation (ECOWAS) changed its approach and included the idea of addressing security related matters in the sub-region through signing a defence protocol that included member states.

ECOWAS formed its armed wing, the Economic Monitoring Group (ECOMOG) whose first engagement was intervention in the Liberian civil war. Formation of ECOWAS security mechanism was necessitated by the many civil wars that raged the West African sub-region. The mechanism included a mediation and Security Council, as well as an early warning system that specifically constituted the mechanism for conflict prevention, management, resolution, peace keeping and security that was signed on the 10th of December 1999 in Lome, the capital of Togo.

As mentioned elsewhere in this study, the UN charter at chapter VII allows for formation of regional and sub-regional organisations and putting in place measures aimed at peacefully resolving conflicts within their areas of geographical location. This act by itself serves as a measure of initial action and response before other measures are put in place.

Conflicts in Africa have been and are still brutal and violent, bringing into focus the African states capacity to “provide security and stability for their citizens.”¹³⁶ The question then is on the role of conflict management actors and in particular the continent’s various sub-regional organisations. These conflicts have spanned and still span the greater part of the African

¹³⁶ Fredrik Soderbaum and Rodrigo Tavares, Problematising Regional Organizations in African security, in *Regional Organizations in African security*, Routledge, New York, 2011, p1.

continent with almost no region spared. There are still inter and intra-state conflicts ravaging the continent.

The United Nations Organisation (UN) is the only internationally accepted rules based system charged with the maintaining international peace and security. The organisation discourages a plural or unilateral based approach to address instances of insecurity and conflict. In this respect, the UN Charter provides for formation of regional organisations as an alternative to its multilateralism.¹³⁷ These regional organisations help propagate the UN's agenda within their respective regions and are taken to be better placed to understand the happenings within their areas of jurisdiction in a much deeper way than the UN or other far flung groups.

The main regional organisation in Africa is the African Union (AU) which replaced the continent's founder organisation, the Organisation of African Unity (OAU). In turn in Africa, there have been established many sub-regional organisations across the various geographical sub-regions of the continent. These sub-regional organisations include the East African Community (EAC), the Inter-Governmental Authority and Development (IGAD), the Economic Community of Central African States (ECCAS). The Economic Community of West African States (ECOWAS), the African Maghreb Region (AMU), the South African Development Community (SADC).

The above organisations also popularly referred to as Regional Economic Communities (RECs) were initially established to address issues of economic development within their areas of operation in the continent. However, with time there was the realization that with the kind of insecurity in Africa, it was becoming increasingly difficult to realise their mandate. It therefore

¹³⁷ Ibid, p5.

became imperative to relook at their mandate with the view of including a security component in their terms of reference. This is much more so because, Africa has for long been deviled with long and high intensity conflicts that continue to interfere with the continent's security.

The insecure and uncertain environment has occasioned near stagnation or collapse of economies and social life as has been witnessed in countries like the Democratic Republic of the Congo (DRC), the Central African Republic and the now collapsed state of Somalia. Due to this state of insecurity on the continent, African states collectively set up the OAU as a pan-African organisation to address Africa's issues.

The OAU later transited into the AU in the year 2000. Regional organisations like the AU help propagate the UN's agenda within their respective geographical areas. In Africa regional organisations include the African Maghreb Union (AMU), Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), the East African Community (EAC), the Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD). Within the Horn of Africa region the Intergovernmental Authority on Development has been accepted as a regional organisation since it also addresses matters of economic integration and security within its geographical area of specification.

Sub-regional organisations that have incorporated security mandates within their structures have done so from the realization that peace, security and stability are both vital and a prerequisite to socio-economic development within their regions. For example the vision of the EAC Treaty at Article 123 sub-articles 2 and 3 (b) (d) envisages a framework of "Cooperation in Political Matters" and recognises the need for the community to delineate and implement mutual

foreign and security policies, strengthen the Community's security and that of partner states in all ways, preserve peace, security and strengthen cooperation among partner states and within the Community ¹³⁸ since the eventual idea behind re-establishment of the Community is to form a political federation.

Therefore cooperation in security and defence matters is part of the integration process with the main EAC members of Kenya, Uganda and Tanzania signing a related memorandum of understanding in 1998.

“Most regional and sub-regional organisations face similar security threats, a situation which calls for measures that require a collaborative and coordinated response when combating them.”¹³⁹ In Africa, most security concerns for the states come from within them as opposed to between them much as there is always the possibility for inter-state conflicts. As much as the foregoing is true, most African states today also face security threats that are regional or sub-regional in nature. This underscores the philosophy the UN's recognition of regional actors in terms of regions and sub-regions as being best placed to address issues of conflict within their particular areas.¹⁴⁰

Initially in Africa, sub-regional organisations were formed to advance each particular region's economic agenda and interest. However, with time it was realised that the sub-regions capacity to focus on the original mandate of encouraging economic prosperity in their areas would be inhibited by insecurity.¹⁴¹ The recognition of this harsh reality came about following

¹³⁸https://www.eala.org/uploads/The_Treaty_for_the_Establishment_of_the_East_African_Community_2006_1999.pdf Article 123 accessed on 31.08.2018 at 1030hrs.

¹³⁹ Op.cit.Minja Rasul Ahmed, p1.

¹⁴⁰ Article 52 of the Charter of the United Nations.

¹⁴¹ Op.cit Minja Rasul Ahmed, p2.

incessant instability and conflict witnessed on the African continent that made the international community lose interest in dealing with a region that was not only such conflict prone but whose conflicts seemed endless.

The sub-regions have provided ground for addressing these conflicts and have set up security departments within their structures to manage and resolve conflicts. For instance, the East African Community (EAC) has within its structure the Protocol on Peace and Security.¹⁴² Articles 4-18 of the Protocol address matters of conflict management and resolution... and other security related issues all the way up to dispute settlement. The security organs so adopted tend to give the particular regions security communities of their own.

4.12 The East African Community and the Inter-Governmental Authority on Development's role in resolving conflict in the Eastern Africa sub-region

The East African Community (EAC) is made up of the countries of Kenya, Uganda, Tanzania, Burundi, Rwanda and the latest entrant the republic of South Sudan. The Community has developed a Peace and Security Protocol whose aim is to provide a road map on how to ensure peace and security within its geographical region as its main objective. The Protocol addresses the areas of conflict management and resolution.

The other areas include genocide, terrorism, suppression of piracy, peace support operations, crises response, disaster management, refugees, illicit small arms and light weapons, transnational and border crimes. The other areas are combating cattle rustling, exchange, detention, custody and rehabilitation of prisoners and offenders and relationship with regional and international organisations in as far as the protocol is concerned.

¹⁴² <https://www.eacgermany.org/wp-content/uploads/2015/03/EAC-PROTOCOL-ON-PEACE-AND-SECURITY.PDF>
accessed on 29.08.2018 at 1601hrs.

4.13 The East African Community Security Architecture

The two issues of peace and security concern the organisation and may define the kind of community that is finally established and how successful it becomes. The EAC system reflects the AU structure and also seeks to set up a Peace and Security Council, a panel of the wise, early warning system, peace fund and a Standby Force¹⁴³

This institutional framework is dependent on endorsement of the EAC Protocol on defence and the EAC Protocol on Peace and security. Article 2 of the Protocol requires member states to; Co-operate on peace and security together with international and regional organisations to promote peace and security in the region¹⁴⁴

Article 3 (1) of the Protocol gives objectives of the community as: advancement of peace and security in the East African region. To do this, the Community has under sub-article 1 to;

- 2(b) co-ordinate in peace and security matters within the Community;
- (c) peacefully address conflicts and disputes amongst partner states;
- (d) implement the United Nation's, Africa Union and other international conventions and treaties on arms control and disarmament;
- (e) develop peace keeping capacities, participation of partner states in international and regional peace support missions;
- (f) enhance disaster management capabilities and international humanitarian assistance;
- (g) address the issue of refugees;
- (h) combat terrorism and piracy;

¹⁴³ The East African Community, Abubakar Zein, "Which Way? Peace and Security in the Community," the Integrator Magazine, Issue of August, 2017.

¹⁴⁴ <https://www.eacgermany.org/uploads>2015/03E...EAC Protocol on Peace and Security>, accessed on 19.10.2018 at 1750hrs.

(J) implement the East African Community Plan on Regional Peace and Security.

In Article 4, the Partner States of the EAC undertake to develop a conflict prevention, management and resolution mechanism whose main aim will be to peacefully resolve disputes and conflicts within and between member states or with foreign countries. The Community is also intent on offering mediation services in disputes or conflicts within and between member states but only after consultation with the UNSC and the AUPSC.

With regard to implementation of the Protocol's requirement, some interventions have been undertaken both at the EAC headquarters in Arusha, Tanzania and amongst Partner States as operationalization of the Protocol's infrastructure is awaited. Components of the Early Warning System are being developed with the "situation room" only partly operational with monitors on the ground. This has made the Community unable to effectively respond to distress situations.

In cooperation for the region's member states military and other security components, some progress has been made in the area of developing joint command and control structures as well as sharing of intelligence information. With regard to efforts aimed at combating piracy, a combined anti-piracy task force is operational in the Indian Ocean.

4.14 The Inter-governmental Authority on Development

The Inter-governmental Authority on Development (IGAD) was formed in line with the UN's encouragement towards formation of regional and sub-regional organisations to address among other issues matters of conflict within their areas of geographical set up, the OAU

through its 1980 Lagos Plan of Action for The Economic Development of Africa, 1980-2000.¹⁴⁵

IGAD was initially formed as the Inter-governmental Authority on Drought and Development (IGADD) as the OAU did not appear well placed;

to spearhead regional political or economic harmonization since the Economic Commission of West African States (ECOWAS) and the South African Coordination Conference (SADCC) had already been established by the 1980s. By this time, Africa's sub-regional organisations had been recognised as necessary building blocks for economic integration. During the 1980s, the United Nations Economic Commission for Africa (UNECA) worked to support regional economic communities and establish others where none existed...and the Horn of Africa lacked such a sub-regional organisation.¹⁴⁶

It is from the above realization that the sub-regional organisation of IGADD was formed. Initially the sub-region had undergone a scourge of drought which ravaged the countries of Ethiopia and Somalia in 1984 that occasioned unparalleled famine that affected millions of the two countries' populations. There was therefore, urgent need for an organisation that would coordinate this problem of drought and famine. In response to this, in 1986 the countries of the Horn of Africa region; that is Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda met to establish IGADD. Currently Somalia's membership of the organisation is almost non-functional as a result of her near non-functionality in the international system due to its collapsed nature.

The IGAD's ambition is to attain peace, prosperity and regional integration amongst its members within the larger Horn of Africa (HoA) region.¹⁴⁷ The member countries include of Kenya, Somalia, Ethiopia, Sudan, Djibouti, Eritrea, Uganda and South Sudan.

¹⁴⁵ <file:///C:/Users/hp/Downloads/Lagos-Plan-of-Action.pdf>, accessed on 8th September 2018 at 1230hrs.

¹⁴⁶ Sally Healy, *Peace Making in the Midst of War: An Assessment of IGAD's Contribution to Regional security*, Working Paper No.19, Regional and Global Access of Conflict, Royal Institute of International Affairs, Nov. 2009 pp2-3.

¹⁴⁷ Op.cit. Sally Healy, p1.

The organisation's intended objective is the prevention, management and resolution of violent conflict whose image has ravaged the region for a long time now. Notable among these conflicts is the protracted state collapse in Somalia, the continued civil war in the Darfur region of Sudan, the continued state fragility in the republic of South Sudan, the uneasy relationship between Ethiopia and Eritrea even though the two protagonists have made overtures to bring it to an end.

The other objectives are the border dispute between Djibouti and Eritrea, the sporadic insecurity in Uganda and the current Al-Shabaab inspired terrorist activities in the region that have majorly affected Somalia and Kenya. IGAD's efforts to improve security in the Horn of Africa region are premised on an international consensus that regional organisations need to subsidize the management of conflict and the maintenance of peace and world order.¹⁴⁸

This is concretized by the UN Secretary General's 1992 "Agenda for Peace..."¹⁴⁹ vision of securing peace and security in the post-cold war era. The vision cemented a new collaboration with the UN and regional organisations in regional crises. In this regard, regional and sub-regional bodies are the port of call when problems and conflicts arise within their areas of geographical representation.

The above thought has seen a rise in the establishment of regional organisations to address conflict issues within their respective areas. The philosophy behind this thinking is premised on the understanding that regional organisations, being close to the areas of crisis or conflict are assumed to understand the dynamics better than far flung organisations like the UN or other regional bodies. This has been in all parts of the globe Africa being no exception.

¹⁴⁸ Op.cit.Sally Healy p1.

¹⁴⁹ An Agenda for Peace Preventive diplomacy, peace-making and peace-keeping, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992.

The concept of regionalism resonates well with African states need to address problems on the continent without interference from outside, hence the clarion call of “solving African problems with African solutions in mind.”¹⁵⁰ In other parts of the world such as Europe, regionalism is built on the concept of strong “nation states that have strong governments, are capable of protecting their borders, exercising sovereignty over their territories, are able to apply legitimate force over their citizens and provide security to all.”¹⁵¹

¹⁵⁰ Op.cit.Hussein Solomon, pp45-76.

¹⁵¹ Gordon A.Craig,Alexander L.George; *Force and Statecraft: Diplomatic Problems of Our Time*,NY,1995, pp289-290

CHAPTER FIVE

KENYA'S NATIONAL SECURITY ARCHITECTURE

5.0 Introduction

Article 238 of the Constitution of Kenya under Chapter fourteen elucidates on National Security and enumerates the country's main security organs, defines the principles of national security as the protection against threats to the country's territorial integrity, sovereignty and her people as well as rights, freedoms, property, peace, stability, prosperity and other national interests.¹⁵²

To safeguard the security of the country, the government has adopted a security architecture and culture that involves a multi-agency approach in addressing national security concerns and other disasters. Apart from the main national security organs enunciated in the constitution, that is the KDF, the NIS and the NPS, the government has expanded policing agencies to include other sectors of the society including the private sector and private citizens.

Article 241 establishes the Kenya Defence Forces (KDF), Article 242 establishes the National Intelligence Service (NIS) charged with security intelligence and counter-intelligence in accordance with the Constitution of Kenya, 2010. Article 243 establishes the National Police Service (NPS) headed by the Inspector-General of Police. The National Police Service is made up of two sister services that is; the Kenya Police Service and the Administration Police Service¹⁵³ which were initially two separate entities each with its independent command.

The Government has put in place a number of mechanisms at national, regional, county, sub-county and ward levels to respond to security concerns in an efficient and effective manner and involves all stakeholders whenever these jointly exist in an administrative area. These mechanisms include the;

- i. National Security Council (NSC),
- ii. National security Advisory Council (NSAC),
- iii. Sub-committee on Protective Security (SCPS),

¹⁵² Constitution of Kenya, 2010.

¹⁵³ The Constitution of Kenya, 2010.

- iv. Joint Security Intelligence Secretariat (JSIS),
- v. Joint Security Operations Centre (JSOC),
- vi. Regional Security and Intelligence Committee (RSIC)
- vii. County Intelligence and Security Committee (CSIC),
- viii. Sub-County Security and Intelligence Committee (SCSIC),
- ix. Ward Security and Intelligence Committee (WSIC).

5.1 The hierarchical structure,

As with most other countries in the world, this national security architecture starts in hierarchical order with the;

- a) **National Security Council** which is provided for in Article 240 of the Constitution of Kenya, 2010 and operationalized by the National Security Council Act (No.12) of 2010.¹⁵⁴ Its membership comprises;
 - i. The President who acts as its chairman,
 - ii. The Deputy President who acts as the chairman in the absence of the President,
 - iii. The Cabinet Secretary defence,
 - iv. The Cabinet Secretary, ministry of foreign affairs,
 - v. The Cabinet Secretary in-charge of internal security,
 - vi. the Attorney-General,
 - vii. The chief of Kenya's Defence Forces,
 - viii. The Director-General, National Intelligence Service,
 - ix. The Inspector-General, National Police Service,

¹⁵⁴ Republic of Kenya, The National Security Council Act, 2012.

- x. Co-optee/s from other government department depending on the issue in question.

The National Security Council;

- i. Controls other national security organs,
- ii. Is responsible for policy formulation and stipulates guidelines on all national security matters,
- iii. Integrates security related domestic, foreign and military policies for the national security organs,
- iv. Assesses risks that may face the country.

Further, the NSC;

- i. Provides parliament with an annual report on the country's state of security,
- ii. May deploy national forces for regional and international peace support efforts or other related operations outside the country,
- iii. may approve the deployment of foreign forces in the country.

This function is in tandem with the AU's requirement that a member country can request deployment of an AU mission in the respective country in situations of grave concern such as genocide and other crimes against humanity.

- i. The NSC deliberates on issues referred to it by the National Security Advisory Committee,
- ii. Is responsible for issuance of government statements on matters of security and
- iii. Provides funding for all other official security organs in the country.

Due to the importance of the NSC and ramifications of its decisions on national security, the government has put in place measures against disclosure of information by members to unauthorized persons much as the Constitution provides a right to information under Article 35

5.1.1 Disclosure of information by members of the National Security Council

(1) Members of the Council are prohibited from disclosing official information to any unauthorized person without the written consent of the Council. Access to information under Article 35(1) and (3) of the Constitution of Kenya 2010 is limited;

- i) with regard to classified information in the custody of the Council when the information concerns preservation of national security,
- ii) where disclosure may prejudice investigations or security operations and is limited
- iii) If it will prejudice national security.

(2) “classified information” is one given a security classification which may prejudice national security if disclosed to unauthorized people.

Categories of classified information under the National Security Council Act¹⁵⁵ include;

- (a) “top secret” whose disclosure may damage the country’s interests,
- (b) “secret” is information when disclosed without authority will seriously injure the country’s interests;
- (c) “confidential” this is information whose unauthorized disclosure is prejudicial to the interests of the State; and
- (d) “restricted” when disclosed without authority has an undesirable effect on the country’s interests.

¹⁵⁵ Republic of Kenya, The National Security Council Act, 2012.

(5) The limitation here is meant to;

a) be in tandem with Article 24 of the Constitution,

i) protect national security,

ii) necessitate achievement of the mandate of the National Security Council,

iii) be non-discriminatory and

b) **National Security Advisory Committee** is the next organ in the hierarchy. Though not provided for by law, the Committee is answerable to the NSC. It has membership, functions and sub-committees. Its membership comprises the;

i. The Head of Public Service and Secretary to the Cabinet who is its chairman,

ii. Attorney-General,

iii. The Principal Secretary, Ministry of Interior and Coordination of National Government,

iv. The Principal Secretary, ministry of finance,

v. The Principal secretary, foreign affairs,

vi. The Principal Secretary, defence,

vii. The Permanent secretary, information and communication,

viii. The permanent Secretary, State Department of Immigration and national registration of persons,

ix. The Chief of Defence Forces,

x. The Inspector-General of Police,

xi. The Director, National Counter-terrorism Centre,

- xii. The Director-General NIS,
- xiii. Co-optee/s from other government departments depending on the issue in question.

The **NSAC** is charged with;

- i. Monitoring and giving advance warning on threats to national security to the Cabinet and President as required by law,
- ii. Preparing the agenda and coordinates affairs of the NSC
- iii. Constantly reviewing threats to national security and addressing security issues that are referred to it from the NSC and the JSIS,
- iv. Preparing national security contingency plans,
- v. Strengthening national efforts against terrorism and other forms of organised crime,
- vi. Reviewing measures on economic threats, opportunities and challenges,
- vii. Reviewing the effectiveness of security agencies,
- viii. Constantly review protective security measures in the country in constant liaison with the Sub-committee on Protective Security
- ix. passing the Council's decisions to relevant government departments and agencies,
- x. supervising implementation of decisions of the Council.

c) The Sub-Committee on Protective Security

The Sub-Committee on protective Security (SCPS) assists NSAC in the performance of its duties in as far as matters of protective security are concerned. Protective security is defined as a system of defensive measures instituted at all levels of command to achieve and maintain

security.”¹⁵⁶ The Australian Intelligence Organisation defines protective security as advice which “helps government, owners of critical infrastructure decide on how to protect their information, and assets.”¹⁵⁷ Protective security therefore provides security advice to government personnel for increased capacity and awareness across government, the business community and the general public against threats to their security.

The membership of the Sub-committee comprises;

- i. The Chairman NSAC who acts as its Secretary,
- ii. The Director of Operations at the National Police Service,
- iii. A representative from the NIS who acts as its Secretary,
- iv. The Administration Police Service officer in-charge of the security of government buildings and other critical infrastructure.

The sub-committee is charged with;

- i. Constantly reviewing and recommending necessary protective security measures for security of government buildings and other critical infrastructure,
- ii. Providing advice to the minister in-charge of international security on the security and safety of public strategic key installations and other critical infrastructure,
- iii. Making recommendations on breaches of security in government offices and other government establishments,
- iv. Making sure that government security rules and regulations are strictly adhered to in order to avoid breaches of security.

d) The Joint Security and Intelligence Secretariat

¹⁵⁶ [www.thefreedictionary.com>prot...](http://www.thefreedictionary.com/protective-security)

¹⁵⁷ [https://www.asio.gov.au>protective-sec...](https://www.asio.gov.au/protective-security)

This is a committee that is also multi-agency in nature and composition and comprises of membership from all the national security organs as well as co-opted government departments on need basis. Its membership comprises representatives from the;

- i. NIS who acts as chairman of the Secretariat,
- ii. National Police Service,
- iii. Directorate of Criminal Investigations,
- iv. Ministry of Interior and coordination of National Government,
- v. Ministry of Foreign Affairs,
- vi. Directorate of Military Intelligence,
- vii. State Department for Immigration,
- viii. Kenya Wildlife Service,
- ix. Joint Security Intelligence Secretariat,
- x. Other co-optees depending on the issue in question.

The **JSIS** is tasked with;

- i. Preparing reports and the agenda for the National Security Advisory Committee,
- ii. Collating and deliberating on operational reports from security agencies and communication centres,
- iii. Preparing material on evolving socio-economic issues and disasters facing the country and coordinate with the National Disaster Management Centre on the same,
- iv. Taking part in joint border security meetings with neighbouring countries and
- v. Closely follow up the implementation of decisions deliberated upon by NSAC.

e) The Joint Security Operations Centre

The Joint Security Operations Centre helps the JSIS perform its functions and its membership comprises representatives from the;

- i. Ministry of Interior and Coordination of National Government
- ii. Kenya Defence Forces,
- iii. National Intelligence Service,
- iv. National Police Service.

The Centre's functions are;

- i. To receive and collate urgent information of operational nature as well as emergency reports that have a bearing on national security,
- ii. After having analysed the information, to inform the relevant agencies on what kind of action to undertake, the kind coordination mechanism or mechanisms necessary,

- iii. Liaise with the National Crime Research Centre on the evolving patterns and trends with regard to events threatening national security,
- iv. Liaise with the National Operations Centres (in Nairobi and Mombasa) on disaster emergencies and response,
- v. Make a follow-up on information received from the counties on matters of security and disaster management.

f) The Regional Security Intelligence Committee

With the new structure of devolved governance, the old provincial administration structure was replaced by a regional administration structure where the provincial governors were replaced by regional coordinators. Membership of the Committee comprises the;

- i. Regional Coordinator who acts as the Chairman,
- ii. Regional Police Commander,
- iii. Regional Criminal Investigation Coordinator,
- iv. KDF representative where applicable,
- v. NIS regional Coordinator who acts as Secretary to the Committee,
- vi. Other co-optees where necessary depending on the issue in question.

Its functions are to;

- i. Coordinate and direct security , intelligence and disaster management plans in the County,
- ii. Develop security contingency plans as well as review security situations in the County,

- iii. Coordinate activities against terrorism , drug trafficking, human trafficking and other forms of organised crime within the County and liaise with neighbouring Counties on the same,
- iv. Act accordingly on briefs and directions from NSAC,
- v. Act on reports from the sub-county committees,
- vi. Liaise with ministries and government departments on intelligence and security matters,
- vii. Surveil activities of individuals whose actions may threaten public order, peace and security of the County and
- viii. Monitor and coordinate management of evolving crises, disasters and matters of economic, political and security concern.

g) The County Security and Intelligence Committee

As the title suggests, this is a committee that is found within each of the country's forty seven counties as established by the new devolved structure of governance. Its membership comprises the;

- i. County Coordinator who is the Chairman,
- ii. County police Commander,
- iii. Representative from the military where applicable,
- iv. County Criminal Investigations Coordinator,
- v. County Intelligence Coordinator who is the Committee's Secretary,
- vi. Co-optees where appropriate.

Functions of the Committee include;

- i. Reviewing and managing the security situation within the County as well as designing the County's security contingency plans,
- ii. Liaising with relevant government departments in the County on issues of intelligence and security,
- iii. Addressing issues of ethnic, religious, tribal and racial tensions,
- iv. Addressing matters related to terrorism, drug trafficking, human trafficking, illicit small arms and light weapons, money laundering, organised crime and related criminal activities,
- v. Handling matters related to the destruction of the environment, aliens and refugees and related foreigners,
- vi. Closely monitoring elements whose activities pose a danger to the security and tranquility of the County.

h) The Sub-County Security and Intelligence Committee

This Committee comprises the;

- i. Sub-County Coordinator who doubles up as the Chairman,
- ii. Sub-County Police Commander who acts as the Chairman in the absence of the Sub-County Coordinator,
- iii. Sub-County Intelligence Coordinator who is the Committee's Secretary,
- iv. Any Co-optee where necessary.

Functions of the Committee

- i. Manage the security situation within the Sub-county,

- ii. Properly assess and appreciate reports with regard to the true security situation in the sub-county,
- iii. Take part in the County Disaster Management Committee activities,
- iv. Liaise with neighbouring Sub-counties with similar cross-cutting issues.

i) Ward Security and Intelligence Committee

The membership is supposed to comprise representatives from the;

- i. National Government In-charge who will act as the Chairman,
- ii. National Intelligence Service to act as Secretary,
- iii. National Police Service who, in this case is the local Officer In-charge of Police station (OCS),
- iv. Directorate of Criminal Investigations.

Functions of the Ward Committee include;

- i. Policing the ward security situation,
- ii. Surveilling local criminal elements intent on committing crime and disturbing the peace,
- iii. Liaising with neighbouring wards on cross-cutting issues.

However, despite the importance of this Committee in Kenya's security architecture chain, the same has not been actualized. There is need to actualize it as this is where the concept of community policing is integrated otherwise the true benefits to policing and hence crime prevention at basic level may not be realised.

The architecture described above represents the true picture of Kenya's internal security formation and how the security agencies coordinate to make the country safe. This multi-agency approach is adopted to help harness the government's strengths while addressing the weaknesses and gaps with the ultimate objective being a secure and safe environment for socio-economic development of the country.

5.2 The multi-agency approach to Kenya's security

Kenya as a country has been faced by, a myriad security related challenges that have affected the realm of socio-economic development amongst other areas of her social fabric. With the deteriorating security situation in the country, Kenya's president (Uhuru Kenyatta) asked the country's security agencies to drop the "silo mentality" where each unit operates alone and independent of other units if the security of the country has to be assured. The president while addressing Course 19 of 2016-2017 at the country's National Defence College in Karen, Nairobi observed that the silo mentality approach had failed especially in the face of threats posed by extremism and terrorism around the globe.

The president called for adoption of a multi-agency approach to security giving such examples as "Operation Linda Boni" which had shown that when different agencies come together the task becomes lighter.

The government of Kenya adopted a multi-agency approach to security issues in the country where all security organs and agencies coalesce together to chart out a multi-pronged response.

Some of these approaches involve "community policing" and the "Nyumba Kumi" strategy.

The government recognizes the following organisations as the agencies responsible for policing in Kenya and these are the;

- i) Ministry Of Interior and Coordination of Government; The National Government and Administration Officers(NGAO),
- ii) State Department for Immigration,
- iii) National Registration of Persons office,
- iv) Kenya Defense Forces,
- v) National Intelligence Service,
- vi) National Police Service,
- vii) The Kenya Wildlife Service,
- viii) Kenya Maritime Agency,
- ix) Kenya Airports Authority,
- x) National Youth Service,
- xi) The Kenya Fisheries Department,
- xii) Judiciary,
- xiii) Kenya Forest Service,
- xiv) Kenya Revenue Authority,
- xv) National Environment and Management Authority,
- xvi) The National Cohesion and Integration Commission
- xvii) The Kenya Private Security Guards,
- xviii) Kenya citizenry at large,
- xix) Private Security Regulation Authority

5.2.1 The Ministry of Interior & Coordination of National Government

The Ministry of Interior and Coordination of National Government is a ministry within the Presidency, and is the key ministry responsible for addressing the country's national security matters. Other matters it is charged with include coordination of national government activities, internal security, printing of Government documents that include official security and security related documents. The other duties are supervision of Immigration and Registration of Persons, Prison Services, acts as lead agency for the campaign against drug and substance abuse that have a big bearing on insecurity in the country.

The Ministry coordinates the state's official activities and offers reception services to Government's ministries. With these diverse functions, the ministry comprises five main departments, namely coordination of national government functions and services, overseeing the National Police Service - the Kenya Police Service and the Administration Police Service, Government Press services, and the National Agency for the Campaign Against Drug Abuse (NACADA).

The Ministry's functions have also changed with its operations restructured to address emerging issues. Even with the new constitution, the ministry still remains decentralized to the grassroots level. The ministry currently is presently spread across the eight administrative regions with their forty seven counties, sub-counties and the lower administrative units under them.

The main institutions housed within the ministry and which largely handle matters related or associated with the security and wellbeing of the country include, the Immigration Department, the National Registration Bureau, Civil Registration Department, IPRS,

Government Press, NACADA, Kenya Police Service, Administration Police Service, the Directorate of Criminal Investigations (DCI).

Some of the other security related functions include, management of boundaries including, Border Control Management, Citizenship and Immigration Policy, Civilian Oversight over Police through the National Police Service Commission (NPSC), Criminal Investigation Department, Disasters and Emergency Response, Drug and Narcotic Substance Control, Government Printer, Internal Security Affairs, Internal State functions, Kenya Police Service, Kenya Prison Services, Management of Boundaries, Management of Correctional Services, Management of Refugee Policy,

The others are the National Cohesion and Reconciliation Commission, National Government Coordination of Counties, National Peace Building and Conflict Management, Policy on Training of Security Personnel, Registration of Births and Deaths Services, Registration of Persons Services, Security of Airstrips and Roads, Institutions charged with the management of small arms and light weapons National Disaster Operations Centre. All these departments come into play on a need basis when there is an issue that requires a multi-agency approach.

5.2.2 The State Department for Immigration

In a bid to ensure security for the citizens, the government of Kenya made amendments to immigration laws and formulated new regulations and policies in 2017 to help address citizenship related issues and challenges as a response to the country's national security concerns. Key among these was the amendment to the Kenya Citizenship and Immigration Act

(2011), the Kenya Citizenship and Immigration Regulations 2012, the East African Common Market Protocol 2010, the East African One Stop Border post Act 2016.

In 2014, the government amended the Kenya Citizenship and Immigration Act under section 75 of the Security Laws (Amendment) Act by adding sections 5a-5d to establish Border Control and Operations Coordination Committee (BCOCC) to enhance border efficiency and inter-agency coordination on border management.¹⁵⁸ Instability, radicalization and armed conflicts in Kenya's neighbours have created an uncertain security environment for immigration issues in the country and it is hoped the new developments with the immigration law may help address the challenges that the country faces. The new immigration manual is expected to address the area of human trafficking, terrorism and document fraud along Kenya's borders and border points.

5.2.3 The Kenya Wildlife Service

The Kenya Wildlife Service (KWS) is a government department established under section 3 of The Wildlife (Conservation and Management) Act, chapter 376 Laws of Kenya. Section 3(1) of the Act allows for establishment of a uniformed and disciplined service called the Kenya Wildlife Service (KWS). Under section 3B, the Service is managed by a Board of Trustees of the Service whose membership consists of among others as indicated in Section 3B (e) the Commissioner of Police (who is now under the new constitution 2010 designated as the Inspector General of Police-IGP), the Principal Secretary responsible for Finance provided for under section 3B (c), Section 3B (g) a representative from the Principal Secretary for Internal Security.

¹⁵⁸ <https://www.trademarka.com>

According to the new Constitution 2010, the Ministry of Internal Security and Coordination of National Government is the ministry charged with matters of internal security. The other membership to the Board comes from the Director of Forests, Section 3B (f) whose membership is also a disciplined organisation and offers back-up services to the National Police Service in times of insecurity and possible situations of insecurity.

In situations of insecurity in the country, the KWS is one of the disciplined services that provide officers to the NPS for command and control by the IGP to address such situations.

5.3 Community policing

5.3.1 The concept of community policing and intelligence-led policing

This is a strategy that promotes collaborative efforts between the police and the public with the aim of identifying, preventing and solving problems related with crime, the fear of crime as well as social disorder in order to improve life for every person within the community in question. It is a police public partnership effort aimed at reducing crime and disorder in the community.¹⁵⁹

5.3.2 A brief history of policing

“Policing came about from the society’s wish to govern the conduct of individuals and set up rules and devised punishments for those that would not adhere to the rules. The earliest attempt by society to have rules that control human behaviour dates back to around “2300 B.C.

¹⁵⁹ *Preventing Terrorism and Countering Violent Extremism and radicalization that Leads to Terrorism: A Community Policing Approach*, Organisation for Security and Cooperation in Europe, <https://www.osce.org/odhihr>, p13

when Sumerian rulers organized their concept of offences against society”¹⁶⁰ with such rules having undergone many modifications depending on the situation.

The beginning of just laws and social control is said to have started when the Roman Empire crumbled. The Germanic invaders conquered the old Roman territory of Britain introduced their laws and customs, intermarried with the people they conquered, producing a race of hardy Anglo-Saxons.¹⁶¹

The Anglo-Saxons lived and organised their farms in small villages that policed themselves and, called upon every male to join police services in groups of ten families in a process of “home rule” then known as “tithing.” In 1066, a ruler by the name William the Conqueror conquered England and replaced the system with fifty five military localities called “shires” with each locality headed by someone called a “reeve” from where the title shire-reeve derived. It is the word “Shire-reeve” that has been corrupted to provide the origin of the word “Sheriff” that is used in popular police circles as in the U.S. and in England.

The law enforcement services were with time divided into two sections that involved a day and night watch, where members of the community would act as watchers in turns and alert the community whenever crime was committed. As the situation progressed those with money could hire cronies to do their turns, and these cronies hardly fulfilled the mission neither would they enforce against the wealthy. This system proved ineffective as crime escalated in the city of London due to poverty and unemployment resulting from the impact of the industrial revolution.

With the high rate in crime, parliament in a bid to address the situation set up commissions of inquiry between 1780 and 1820. In 1829, Sir Robert Peel who was Britain’s Home Secretary at the time and is regarded as the father of modern British policing “suggested

¹⁶⁰ Linda S. Miller, Karren M. Hess, Christine H. Orthmann, *Community Policing: Partnerships for Problem Solving*, (6th edn.), Ohio: Cengage Learning, 2011; p5.

¹⁶¹ Ibid, p5.

that London appoint civilians to serve as police officers paid by the community.” This led to passing of the Metropolitan Police Act in 1829 heralding the beginning of modern policing.

5.3.3 The beginning of modern policing

“Modern” policing as it is currently understood started with the formation of the London Metropolitan Police, which was founded by one Sir Robert Peel in 1829.”¹⁶² Sir Robert Peel set the following principles as the pillars upon which the modern police force had to operate;

- a) A police officer’s duty is to prevent crime,
- b) Police power is based on the public’s approval and the ability of the police to solicit respect from it,
- c) For the public to respect and approve of the police, the public has to willingly cooperate with the police,
- d) The police must seek the favour of the public through constant impartial service to the law and not through the gallery of public opinion,
- e) The police must work at maintaining the public’s relationship that recognises the reality of the duo’s efforts to complement each other,
- f) That the test of the purpose of the police is a crime-free environment and not the mere visible and physical presence of the police in addressing such situations.

The tenets proposed by Sir Robert Peel in more ways than one, inform Article 244 of the Constitution of Kenya, 2010. In effect, principle (e) above among the others informs sub-article (e) of the Constitution that requires the National Police Service to “foster and promote

¹⁶² Op.cit. Linda S.M.Karren M.H.,Christine H.O., p6.

relationships with the broader society.”¹⁶³ This is one of the principles that inform the logic behind the concept of community policing as one of the coordinating mechanisms of Kenya’s security architecture.

5.3.4 Community policing and intelligence-led policing

“The complex responsibilities of departments embracing the community policing strategy are challenging. Changes in technology and society continually present new encounters to police officers, requiring them to be knowledgeable in a wide variety of areas...It is a philosophy, a belief that by working together the police and the community can accomplish what neither can achieve alone.” ¹⁶⁴ In this realm of complexities, community policing is one philosophy that can contribute to addressing this challenge. Its main concepts revolve around collaboration with the community or communities in policing.

The concept of community policing has many meanings, with many scholars not agreeing on what its exact meaning is. It is a new policing approach that can be “referred to as a re-emergence, renewal or revitalization of a...philosophical, organizational and operational approach to urban policing developed ...in metropolitan London...”¹⁶⁵

Community policing which is at times referred to as community oriented policing, community based policing, or problem-oriented policing is presented as a system of policing that characterizes a modern or contemporary policing model.¹⁶⁶ The general principle behind this approach is the partnership between the police and the community it serves in identifying and

¹⁶³ Republic of Kenya, The Constitution of Kenya 2010.

¹⁶⁴ Ibid. p. xix.

¹⁶⁵ Nick Larsen, *The Canadian Criminal Justice System; An Issues Approach to the Administration of Justice*, Toronto, 1995, p. 28.

¹⁶⁶ Ibid.

addressing local crime and related disorder problems within the area of the particular police's jurisdiction.

According to the Kenya National Police Service Community Policing Information Booklet, "the 21st Century Policing principles are built on the realization that the police are no longer the sole guardians of law and order in society."¹⁶⁷ The Kenya National Police Service further defines community policing as an approach to policing that identifies voluntary involvement of the local community in the preservation of peace and which agrees with the philosophy that the police have to be receptive to the communities' needs, the main idea being combined identification of problems, solving them, and respecting the different responsibilities for both teams in crime prevention and maintenance of order."¹⁶⁸

Community policing is a security pro-active process aimed at maintaining law and order and community unity.¹⁶⁹ It is a policing attitude which promotes administrative philosophies that back orderly exploitation of collaborations between communities and government policing organizations. This model also applies and uses problem solving skills that pro-actively address environments that give rise to public security issues like crime, fear of crime and social disorder.

In Kenya, the model is found in article 244(e) of Kenya's Constitution (2010) that obliges the National Police Service to encourage good relationships with the wider Kenyan community¹⁷⁰ and is operationalized in the National Police Service Act 2011.¹⁷¹ In community policing circumstances, the policing agencies together with citizens as well as private security agencies

¹⁶⁷The Kenya National Police Service, "Building Safer Communities Together" Community Policing Information Booklet, 2017, p1.

¹⁶⁸ Ibid. p9.

¹⁶⁹ www.communitypolicing.go.ke accessed on 3rd August 2018 at 0740hrs.

¹⁷⁰ Republic of Kenya, The Constitution of Kenya 2010.

¹⁷¹ The National Police Service Act 2011.

comprise the multi-agency and multi-faceted approach to security whose main aim is to alleviate conditions that give rise to insecurity. Through this model the community is able to undertake policing of its own environment hence the concept of community policing.¹⁷²

5.3.5 Principles of community policing

In jurisdictions that operate under democratically accepted norms, community policing encompasses the following principles;

- i. The police operate under the ambit of ensuring peace, order and civility and to facilitate security and absence from fear of crime for the public. This helps foster the principle as espoused by Sir Robert Peel, the founder of the concept “that the police are the public and the public are the police....”¹⁷³ In this principle, the police officer provides a peaceful environment as opposed to traditional or professional policing whose main objective is to enforce the law, control crime and apprehend criminals.
- ii. The police recognize that their legal authority and mandate emanates from legally elected democratic institutions that have delegated the same authority to them. Therefore, in essence it is the public that approves of police activities and the police should operate within the law,
- iii. The police recognize that they are service oriented organisations because their main purpose is to protect the public from crime and disorder related problems, hence their now being referred to as “police services” and not “police forces,”
- iv. The policing model employs a community consultative process to identify policing priorities in the area for addressing crime and disorder issues,

¹⁷² Ibid.

¹⁷³ Op.cit.Nick Larsen, p31.

- v. The strategy to address crime results from understanding the underlying causes of crime and disorder,
- vi. There is or should be maintained a clear balance between pro-active and reactive measures and tactics in preventing or responding to crime and disorder,
- vii. The model employs a pro-active approach to policing where the police instead of responding randomly conduct a crime analysis to help anticipate and identify crime using available information and that provided by other sources,
- viii. Identification of crimes and crime spots with the help of the community and using a police and local community consultative process to address crime and disorder within the community and the fear of victimization for those who report about crime,
- ix. Embracing an interagency or multi-agency approach to developing partnerships with other agencies and groups for complementarity purposes. This allows for a cooperative approach based on comparative advantage with agencies that may respond to certain situations better than or on behalf of the police before the latter are engaged,
- x. It allows the police to put in place crime prevention strategies that focus on reduction of potential offenders or recidivists motivations to engage or re-engage in crime,
- xi. Emphasis on information management systems that take into account confidentiality and respect for official physical sources,

5.3.6 Community Policing in Kenya

Community policing is a philosophy founded on the development of partnerships with the communities the police serve to jointly address issues related to security and social disorder. “The partnerships are focused on provision of police services that combine traditional law

enforcement, crime prevention and problem solving.”¹⁷⁴ Community policing in Kenya is under the control and direction of the National Police Service and is anchored in part XI sections 96-100 of the National Police Service Act No. 19 of 2014.¹⁷⁵ Section 96 deals with the objects of community policing, section 97 the Role the County Policing Authority in community policing, section 98 the setting up of area community policing committees and other arrangements, section 99 is on functions of community policing committees and other arrangements and section 100 addresses structural matters.

5.3.7 The National Task Force on Community Policing

The National Taskforce on Community Policing (NTCP) was set up by the Cabinet Secretary for Interior and Coordination of National Government via Gazette notice no. 14485 of 8th November 2011 to oversee implementation of the “*Nyumba Kumi*” initiative. The “*Nyumba Kumi*” initiative is also referred to as “Usalama Kwa Wote” which is a Swahili language expression that translates to “safety for all.” The terms of reference for the Task Force are;

- i. To synchronize the review on the programme on police reforms and evaluate the progress made in the operationalisation of community policing.
- ii. Scrutinize and assess the community policing arrangements... to align them to the national security model,
- iii. Re-define community policing in the framework of the “*Nyumba Kumi*” initiative and enable operationalisation of a framework with clear roles and duties for the community, police, administrative officers at the national government level as well as

¹⁷⁴ The Kenya National Police Service, “Building Safer Communities Together” *Community Policing Information Booklet*, 2017, p11.

¹⁷⁵ The National Police Service Act No. 19 of 2014.

other stakeholders for embedment of public involvement and accountability in policing,

- iv. Study best practices in policing in different settings and harmonize the process of developing a National Policy on Community policing,
- v. Coordinate a countrywide civic education and awareness crusade on community policing and the “*Nyumba Kumi*” (*Usalama Kwa Wote*) model to rally public backing and involvement in community policing...
- vi. Coordinate development of a national crime prevention plan based on the “*Nyumba Kumi*” model of community policing,
- vii. Recommend on any other measures for strengthening community policing as an approach to enhance national security,

5.3.8 Legal framework for community policing in Kenya

The legal framework for community policing in Kenya is found article 244 of the constitution of Kenya (2010) and in the National Police Service Act (2011) sections 96-100 and section 126 on the role of the Cabinet Secretary for Interior and Coordination of National Government.

Section 96 (1) (a-f) states that “The (National Police) Service in a bid to achieve the intention of Article 244 (e) of the Constitution (of Kenya) nurture and encourage interactions with the wider society” and this effectively requires coordination with communities through such initiatives as community policing to-

- (a) institute and uphold partnerships amongst the community and the Service;
- (b) refine the execution of police at community, national, county and local levels;

- (c) anchor transparency and accountability of the police to the community;
- (d) encourage problem identification, documentation and problem-solving by the police and the community.

Section 97 requires that a County Policing Authority in community policing is to;

- (1) create structures to implement community policing countywide in so far as it is appropriate,
- (2) (a) implement community policing guidelines,
 - (b) facilitate training of participants of community policing,
 - (c) collect reports community policing structures,
 - (d) Prepare county community security information for the Cabinet secretary.

Section 98 on the creation of area community policing committees and structures requires that;

- (1) a police officer in-charge of an area shall consult with participants to institute area community policing committees and other connected administrative arrangements,
- (2) the community policing committee comprise agents of local community policing fora,
- (3) in a situation where there is the Officer in-charge of Police Station, members of the area community policing body are to comprise the OCS and the members elected by the community for that purpose.

Section 99 is on roles of community policing committees and other arrangements and requires a community policing committee or structures to execute the roles aimed at achieving the results envisioned in section 96 of the NPSA and article 244 of the constitution.

Section 100 is about procedural matters and requires;

- (1) participants of every community to elect a chairperson and a vice chairperson from among themselves,
- (2) the chairperson to be a civilian and the vice chairperson a police officer,
- (3) the committee to define its own formula and keep minutes of its records,
- (4) the committee to co-opt other participants, experts and community leaders whenever it may deem it necessary but this shall be only in an advisory capacity,
- (5) members of the community policing forums are expected to render their services voluntarily without expecting any reward,
- (6) the quorum for meetings should be majority of the members,
- (7) the chairperson of the committee shall preside over meetings and when absent then the vice chairperson takes over and if both are not present then members of the committee will elect one of their on to preside.

Section 126 on the Role of the Cabinet Secretary states at sub-section 1 is to;

- (d) facilitate the public's involvement in the activities of the police,
- (e) aid the functioning of the county policing authorities,
- (f) receive reports from the county policing authorities.

“the police play an important role in providing.”¹⁷⁶ For a long time in Kenya, the community the police provided security for hardly developed a mutual engagement. This was more due to the relationship that existed between the police and the communities during the

¹⁷⁶ Mohamed B.Muhummed,*National Security and Community Policing; A Case Study of Kenya*, unpublished MA Thesis, University of Nairobi,2012,p1.

colonial era when the then police force was created majorly to subjugate the public and indeed did so. The then colonial police force was created to suppress any discontent against the colonial authorities. This state of affairs spilled over at independence and thereafter creating levels of mistrust between the two which has been difficult to overcome.

From independence, policing in Kenya was more associated with the model of law enforcement that gave priority to crime control from a reactive perspective as opposed to employing pro-active policies hence the need to adopt different strategies. This saw introduction of the model in the year 2005.

Due to the mistrust for police from the community, the government of Kenya saw it prudent to engender community policing within its security machinery. In Kenya, the practice seeks to extend the model to other government agencies and more especially the ones that are associated with policing tasks, non-governmental organisations, the civil society and other realms of the private sector with the overall goal of improving public safety and security.

5.4 The “*Nyumba Kumi*” policing model

Kenya has also incorporated a “policing” policy popularly known as “*Nyumba Kumi*” as a strategy to anchor community policing at household level or any other generic cluster. This household can be an area where people live such as a block of houses, an estate, a residential court, a gated community, a street, a *manyatta*, a market centre, a village, a *bulld* or any such other cluster where people reside.¹⁷⁷ The words “*Nyumba Kumi*” are words in the Swahili language which is one of Kenya’s official languages and is spoken by the Swahili people who inhabit the Coastal region of Kenya. The expression means “ten houses” and therefore refers to a

¹⁷⁷ www.kenyapolice.go.ke.

cluster of ten households put together. It means then the bringing together of a cluster of ten houses and their members or occupants for ease of administration.

The concept brings Kenyans together in clusters demarcated by physical locations, and shared goals and ideals such as a safe, and secure neighbourhood. The objectives of the “*Nyumba Kumi*” policing strategy are to eliminate fear of crime and social disorder via joint problem solving and prevention of crime. They are specifically expected to;

- i. Institute an active collaboration between government policing organizations and the public for safer, security and crime free environments,
- ii. Enhance democratic policing accountability and transparency,
- iii. Mutually solve problems,
- iv. Guarantee enjoyment of fundamental rights and freedoms,
- v. Build confidence and mutual trust among participants,
- vi. Prevent crime, violence and reduce public fear of crime,

“*Nyumba kumi*” as a policing model should not allow within its midst the following practices;¹⁷⁸

- i. Vigilantism or any vigilante group as such groups are proscribed or outlawed by the law,
- ii. Levying of any fee for services rendered since the activity is by itself non-commercial in nature or any form of employment. Its services are engendered to be free and voluntary,
- iii. Allowing advancement of activities of a political nature,
- iv. Allowing itself to act or be seen to act as or offer services as a parallel security system.

Its purpose is to complement existing security structures and strategies,

¹⁷⁸ Op.cit. [www.kenyapolice .go.ke](http://www.kenyapolice.go.ke).

- v. Engaging in activities of coercion and extortion since its focus is on consensually addressing and solving problems aimed at preventing crime,
- vi. It does not seek to replace the village elders system of addressing local issues in the first instance. This is more so because Kenya has had a long tradition and system of village elders who handle issues at village level. The “*Nyumba Kumi*” initiative is not aimed at replacing them but rather seeks a collaborate approach and mechanism where necessary and applicable to partner with the elders to prevent or lessen crime,
- vii. The activities of the model should not seek or be seen to seek to replace “local peace committees” where these are available but instead seek to collaborate with them for purposes for enhancing peace in the affected conflict areas,
- viii. Spying or be seen to be spying on neighbours and locals but rather as a way of sharing information with relevant government agencies for the benefit of the welfare and security of the concerning community policing cluster.

As a concept, “*Nyumba Kumi*” whose Swahili translation means “ten households” does not in this case literary refer to ten households. For purposes of community policing, it should be understood as a basic level form or kind of security arrangement that can be described as “*usalama wa msingi*,” another Swahili language expression which when translated into the English language refers to “basic security or safety” that forms the foundation of Kenya’s national security.¹⁷⁹

5.4.1 Characteristics of the “*Nyumba Kumi*” community policing model

The model conforms to the following characteristics;

¹⁷⁹ Op.cit. [www.kenyapolice .go.ke](http://www.kenyapolice.go.ke).

- i. Each of the clusters that comprise it have a written constitution to address its various needs and issues. These clusters should be voluntary and not fixed or limited by external forces but rather brought about by the shared the goals of the community or members,
- ii. The scope of the cluster and concept cuts across the various interests of society in terms of creed, politics, religion, culture, ethnicity, race, gender and or any other sectarian link or affiliation,
- iii. It is to be founded on a common welfare and social order

5.4.2 Intelligence –led policing

In order to understand what Intelligence-led Policing (ILP) means and entails, it may be necessary to conceptualize what the word intelligence means and under what context it is employed in this study. Intelligence-led policing has been defined as a model built around evaluation and management of risk¹⁸⁰ where intelligence directs operations instead of the operations directing intelligence.

The Organisation for Security and Cooperation in Europe (OSCE) takes, Intelligence-led policing as a method to policing that is based on the collection, analysis and dissemination of police intelligence to apprise and direct the disposition of police resources. This contrasts with police approaches that rely on individual officers' on unlawful or suspect behaviour to influence police interventions.¹⁸¹

With the advancement of technology, it is necessary for law enforcement agencies to keep up with the developments. It is encouraging to note that many law enforcement agencies are

¹⁸⁰ Willem de Lint, *Intelligence in Policing and Security: Reflections on Scholarship*. Vol.16, No.1, March 2006, p1-6

¹⁸¹ *Preventing Terrorism and Countering Violent Extremism and radicalization that Leads to Terrorism: A Community Policing Approach*, Organisation for Security and Cooperation in Europe, <https://www.osce.org/odhihr>, p14

now trying to keep in pace with contemporary criminals through intelligence-led policing.¹⁸² Resources and opportunities available to criminals have now increased tremendously making the criminals access capabilities hitherto there before beyond their reach. In this regard, managing crime in the current era must embrace policing strategies that are in tandem with the changing times, tactics and strategies of criminals.

Intelligence-led policing is interpreted as a method of policing that embraces a pro-active framework which focuses on analysis and criminal intelligence to combat crime.¹⁸³ Tactically, intelligence can be used to reduce crime, in investigations and can direct decision makers towards potential solutions to problems, making appropriate policies, strategically determine long term issues related to crime in a pro-active manner instead of reacting to situations as they happen.

In the realm of intelligence-led policing, intelligence guides operations and decisions. In such situations, information is gathered from informants and offenders, evaluation of existing crime and criminal records, the community and other sources as well as covert surveillance. Based on the foregoing activity or activities, decisions on objective policing guidelines and tactics are formulated. In the intelligence-led model, there is a bottoms-up relationship where policy makers make decisions which are then reverberated downwards as tactical or strategic tasks which closely follows the intelligence cycle process in intelligence collection. The intelligence cycle consists of five stages

¹⁸² <https://www.lawteacher.net>, Merits of intelligence-led policing, accessed on 12.09.2018 at 1000hrs

¹⁸³ Op.cit. <https://www.lawteacher.net>, Merits of intelligence-led policing, accessed on 12.09.2018 at 1000hrs.

The first stage in the intelligence cycle process is intelligence collection. This stage involves collecting information through both overt and covert sources on areas and persons of interest to the policing agency.

The second stage involves recording and evaluating the information and appropriately storing it for analysis or sharing it internally and if necessary with external parties of interest on a need basis. The information is evaluated to establish its reliability, accuracy and that of the sources.

The third stage involves interpreting the information into usable and viable intelligence for use by the parties concerned.

The fourth stage is about production of the information and profiling it accordingly through application of various analytical techniques to produce such products as problem profiles, target profiles as well as tactical and strategic assessments. This is intended to help managers or policy makers make appropriate decisions and policies, guide investigators and practitioners in their day-to-day roles and activities.

The fifth stage of the intelligence cycle process involves dissemination of the analysed information that has been turned into the final product that is known as security intelligence. During this stage the information is disseminated on a “need to know” basis. It is only those who need to be given the information that are brought into the process. This information is disseminate or presented in either oral or documentary form otherwise its security may be jeopardised and indeed the investigations or related activities. The last stage is the review stage where the information is regularly reviewed for accuracy and currency to help inform on whether to retain it or not or improve on it depending on the changing environment or otherwise.

Due to the evolving nature of crime, which now traverses and involves international crime and criminal networks, most intelligence networks have embraced standardized information management and dissemination procedures. These allow the same internally and externally through different arrays of jurisdiction with a view to adopting a collective approach towards management and prevention of crime.

Intelligence-led policing strategies engage in promotion of the use of covert methods for intelligence gathering. These methods generate information that may corroborate existing information or even lead to new avenues hitherto unknown to practitioners', both in the intelligence and policing organisations.

Financial intelligence helps provide information on criminals' lifestyle status and criminal associations. This information when well analysed and utilized can provide information of interest or help detect patterns and trends and fill intelligence gaps that may allow crime to thrive.

The other positive aspect of intelligence-led policing is that unlike community policing, intelligence-led policing does not rely on public involvement to define tactical and strategic policies¹⁸⁴ in analyzing crime and the criminal element. The principle of police presence gives impetus to community policing and therefore resonates well with the community as opposed to intelligence-led policing which is more often a covert act and the community is not necessarily aware of.

Due to the above shortcoming, intelligence-led policing should share its information with the private sector more especially the sector that is frequently targeted by criminals. This is

¹⁸⁴ Op.cit <https://www.lawteacher.net>, Merits of intelligence-led policing accessed on 12.09.2018 at 1000hrs.

because the main function and purpose of intelligence-led policing is to prevent crime. Through the model of intelligence-led policing, the public can also be encouraged to confidentially share information of a criminal nature with the police and other law enforcement agencies and authorities. This may or can help the community feel it is involved in “policing their neighbourhood.”

CHAPTER SIX

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

6.0 Introduction

The chapter provides a summary of key findings, conclusions and recommendations.

6.1 Key findings, conclusions and recommendations

In this section the study has adopted the mode of looking at the findings, giving a conclusions and proffering recommendations as the situation may demand. The study adopts this approach at international, regional, sub-regional and national levels.

The general study objective was to appraise the role of security agencies in providing a secure environment for the African continent with the country of Kenya providing the case study. In doing this, the global security architecture espoused by the UN as the supranational organisation charged with the maintenance of international peace and security was analysed at a broad level. Closely evaluated too was the AU's security architecture and how the organisation relates with the international security architecture as well as with the regions regional economic communities and regional mechanisms charged with addressing conflict and other crisis situations on the continent.

The study also delved into the sub-regional set upon the African continent and the mechanisms the RECs have put in place to address conflict situations on the continent. Since the study was more oriented to the country of Kenya providing a case study, the study gravitated towards the security situation in both the Horn of Africa and the east African region. The study analysed IGAD's effort as a regional security mechanism at addressing conflict situations in the

region as well as the EAC's security architecture within the East African community area. Finally the study analysed Kenya's security architecture since it is the one that provided the thesis for study. The study analysed Kenya's security machinery in detail and how it is configured to provide security for the country.

6.2 At international level

The international community is not such overly interested in investing in Africa's conflicts and conflict resolution mechanisms and this therefore means that Africa's regional mechanisms will have to shoulder the weight. The good news for Africa is that in the recent past, Africa has risen to the occasion to address conflict situations on the continent and many cases abound. The instances may not all have been successful as such but a step has been taken. The lesson learnt from the atrocities committed in 1994 during the genocide in Rwanda provide the grimmest experience for the continent.

6.3 At regional level

Africa is identified a continent bedeviled with many peace and security challenges. Conflicts on the continent are multi-faceted, deeply entrenched and in some situations seem to defy both logic and explanation. As a result of this, there is a likelihood of these conflicts continuing to afflict the continent for some time to come. Examples of some of these conflicts include those found in the Great Lakes Region that involve the countries of Burundi, the Democratic Republic of Congo, Rwanda and Burundi and the Horn of Africa region.

Funding constraints for the AU's activities ends up compromising the organisation's activities. This has seriously affected peace and security activities within the continent and where this takes place it tends to be at the whim of the donors. The other constricting shortcoming for the AU is that in peace support missions such as peace-keeping, the organisation has no

permanent contingent and has to rely on member states to contribute troops and support them for an initial period. Experience has shown that member states hardly fulfill this requirement as more often than not they are not in a position to do so due to budgetary constraints within their economies.

On the Panel of the Wise, there may be need to expand membership from the current five members to accommodate more members and in this case may be five or even fifteen taking into account the spontaneity of conflicts in Africa.

When it comes to mediating crises, the Panel of the Wise solely comprising African statesmen and women may be rejected as was witnessed during the 2007 Kenya election crisis when Raila Odinga insisted on international mediators much as the AU had offered Ghanaian President to mediate. From this it is not until international mediators led by Koffi Annan stepped that the issue was addressed.

6.4 At sub-regional level

However, despite this grim finding at regional level, Africa's regional mechanisms led by perhaps the most successful of all in this area, the ECOWAS have stepped in to address and right conflict situations on the continent. This was witnessed by ECOWAS entry into the Liberian and sierra Leonean crises and its most recent stemming of a potential conflict situation in Gambia when the then president Yahya Jammeh who had lost an election wanted to cling to power against the wishes of the electorate.

Due to pressure from the international community, the elections loser President left office and fled Gambia into exile when the ECOWAS community also added to the pressure and gave him an ultimatum to cede power failure to which he would face military consequences. And

indeed when ECOWAS assembled a military contingent against him, he left office. This is a classic example where Africa, through its regional mechanism has addressed a conflict situations on the continent without the express support of the international community that it so much depended on in the past.

The other latest example is the AMISOM mission in Somalia where the African Union as a priori intervened in the Somalia crisis as a regional entity only to be joined later by the international community and in this case the UN. Other instances have been in Sudan in the Darfur region, in the Democratic Republic of the Congo, in Burundi, in the Comoros, in Madagascar, in the Central African Republic. This shows Africa is ready to address her own problems through the clarion call of African solutions to African problems” and this has been the case as they have in many situations addressed such situations. The most successful case is no doubt exhibited by the ECOWAS mechanism alongside its monitoring section ECOMOG which has successfully intervened in many conflicts in the West African region starting with Liberia and restored sanity in the process. The recent case was the Gambia case where the President after losing in the election attempted to remain in power against the wishes of the electorate. ECOWAS stepped in to harness a military contingent to eject him from power but he managed to relinquish and leave the country before ECOWAS moved in. This shows a resolve an African regional mechanism to successfully address a potential conflict situation in the region.

There may be need for the AU to borrow a leaf from ECOWAS which has a pool of eminent persons dubbed a “Council of Elders” from whom it chooses candidates. In the ECOWAS situation, the Executive Secretary of ECOWAS compiles a list of eminent persons from various groups within the society who include political, religious, traditional leaders and

women leaders in this pool. These persons are expected to use their good offices, exposure and experience to act as facilitators, mediators and conciliators in conflict and crisis situations.

The other recommendation is also that the Panel of the wise should be involved more in a wider variety of situations, coordination with RECs, international level where necessary. Membership of the group should not be political otherwise their independence may be compromised.

The study found out that within the East African sub-region one of the major handicaps facing operationalization of the EAC security architecture is the failure by partner states to agree on the mode of the architecture. There is still the OAU mentality of exclusive state sovereignty in place where intervention in the internal affairs of a partner State needs permission of the State otherwise a situation of impotence ensues. This goes against the AU's policy of indifference and the Responsibility to Protect (RTP) principle espoused by both the UN and the AU.

This would be why provisions of the EAC treaty; that is Article 146 on suspension of a member state, Article 147 on expulsion of a member or Article 148 on exceptions to the rule on consensus in decision-making have no procedure for their implementation. The other approach would be on a shared approach at both Partner State and Community levels on certain shared common values and goals.

In this kind of scenario, the study recommends that perhaps each Partner State may need bring to the table its own understanding of what security is and when there is deemed to be security within the Community. This approach should bind all partner States at all levels as the protocol envisages. There should be an integrated approach to threats to peace and security and this should encompass the expanded understanding of security that traverses the economic,

societal, environmental, human, political, military, health, food security sectors and should also address issues of inequality within and between partner states.

6.5 At national level

The multi-agency approach towards addressing security challenges in the country seems to bear fruit. There before, the country's security agencies operated on a more or less structured "silo mentality" where each agency operated more or less on its own with somewhat silent supremacy competitions in place. In the new dispensation, all security agencies pool their expertise and strengths together for the common good. If it is an internal security matter, all the arms of the National Police Service as well as the national Intelligence service come together to address the matter. They all share information including security intelligence. In a situation that requires the military to provide its input, the organisation too injects its expertise, experiences and knowledge. This proves the adage "two hands are better than one" and in Kenya's experience it is not only more hands being better than one but "more hands being better than one."

The government has implemented radical police reforms that have witnessed the command and control structure relatively collapsed to streamline the overlaps that brought about duplicity in police functions. Some of the units' functions which were hitherto parallel were merged for efficiency and effectiveness. For example prior to the reforms, both the KPS and the APS performed anti-cattle rustling functions but in the new reform procedure the two units that performed the function were merged and placed under the direct command of DIG-APS.

The study also found out that there is no proper coordination between the police service and the private security sector despite the latter just as the police service also performing a crime

prevention role. There is the need for the police to closely work together with the private security sector in an effort to reduce crime in the country. The two are both in the business of crime prevention which gives them a commonality and the logic to establish partnerships.

It is also clear that the police on their own may be capable of but are not able to lessen crime without the assistance of the public. In some situations it was realised that some sections of the police view private security as competitors rather than a sector that complements crime prevention efforts in the country. However, there has been a growing sophistication in the electronic security monitoring and surveillance systems worldwide including intruder detector systems that are produced by the private industry which the police rely on for their day-to-day professional work.

More often than not, due to the systems sophistication, it is the private sector that installs, monitors and services these systems for the police and other security agencies including even the military. It is an acknowledged fact that no security agency worldwide or if the case may be, very few of them is able to design and manufacture this level and kind of sophistication. This therefore means that much as there may be no professionalism on the part of the private security sector, one cannot infer any iota of inferiority on the part of private security actors.

By mere fact that security agencies including the police use the private sector to install the gadgets in police and other security related agencies' premises, the former cannot help but recognise the junior agency partnership relationship.¹⁸⁵ What this in essence means is that the national security agencies have no alternative but to recognise the crucial importance of the

¹⁸⁵ Mark Golsby, "Police and Private Security Working Together in a Cooperative Approach to Crime Prevention and Public Safety," Paper presented at the *Conference of Partnerships in Crime Prevention*, convened jointly by the Australian Institute of Criminology and the National Campaign Against Violence and Crime held in Hobart, 25-27 February, 1998, pp63-64.

private security sector in crime prevention and management and the need to perhaps forge a related partnership and relationship.

The study also found out that within the national security architecture, the National Security Advisory committee (NSAC) is not expressly provided for by law despite the importance of the function which it performs. There would therefore be need to anchor it in law to avoid a lacuna that may be used for litigation purposes the Kenyan society being such litigious as has been witnessed locally.

There may also be need to introduce critical thinking skills for threat assessment and intelligence analysis in the country's security sector curricula to enable the actors appreciate the insight offered by the module. This happens a lot in Western societies where critical thinking is a necessary module in universities and security sector organisations such as the intelligence agencies where students are thought the importance of appreciating various societal and individual environments. This helps one make the right decisions even under extreme circumstances and also understand why people including those in authority make the kind of decisions they make at times with tragic consequences.

BIBLIOGRAPHY

Abbot, Kenneth W. Snidal, Duncan. "Why States Act Through Formal International Organisations": *The Journal of Conflict Resolution*, Vol.42, No.1, (1998), Sage Publications.

Africa South of the Sahara, 41st ed. (London, Routledge, 2012).

Africa Union Handbook, (2017).

African Union Peace and Security Council, "Communique" (PSC/PR.Comm.[XXVIII], Addis Ababa, Ethiopia: African Union, April 28, 2005), paragraph 3. In Paul D. Williams, *The African Union's Peace Operations: A Comparative Analysis*, in *Regional Organisations in African Security*, Fredrik Soderbaum and Rodrigo Tavares, (New York, Routledge, 2011).

Ali, A.A.G. "On the Challenges of Economic Development in Post-conflict Sudan". *Arab Planning Institute* (Kuwait) (2004), Working Paper 51.

Amate, C.O.C. *Inside the OAU: Pan-Africanism in practice*, London, Macmillan, 1986.

Appiah, J.A., *The African Union and the Quest For Peace In Africa: 2002-2012*, unpublished PhD thesis, University of Ghana, (June 2014).

AU Modalities for the Functioning of the Panel of the Wise as adopted by the Peace and Security Council at its 100th Meeting Held on the 27th of November, 2007.

Bahai Faith on Collective Security, <http://www.bahai.org/documents/the-universal-house-of-justice/promise-world-peace>.

Berman, Eric and Sams, Katie. *Peace Keeping in Africa: Capabilities and culpabilities*, ISS and UNIDIR, Pretoria, South Africa, (2000).

Biswaro, J.B. *The Role of Regional Integration in Conflict Prevention, Management and Resolution in Africa: The Case of the African Union*, (Brasilia, FUNAG, 2013).

Buzan, B. *People, States & Fear: An Agenda For International Security Studies In The Post-cold War Era*, (2nd Edn.), (London, Pearson Longman, 1991).

Chambers 21st Century Dictionary, The living language, Edinburgh, Chambers, (1996).

Collier, P. and Hoeffler, A. "On the incidence of civil war in Africa." *Journal of Conflict Resolution*, 46(1), 2002.

Craig, G.A. George Alexander L. (eds), *Force and Statecraft*, (New York, Oxford University Press, 1995).

Cilliers J. and Sturman. "The right intervention: enforcement challenges for the African Union," *African security Review*, Vol.11, No.3, p101 as quoted in Juliana Abena Appiah, *The african Union and the Quest for Peace and security in Africa, 2002-2012*, unpublished PhD Thesis, university of Ghana.

Daase,C.and Friesendorf,C., “Security Governance and the problem of unintended consequences”,in Christopher Daase and Cornelius Friesendorf, *Rethinking Security Governance and the problem of unintended consequences*, (NY,Routledge,2010).

Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA).www.dirco.gov.za/africa/cssdca.

Daily Nation Newspaper of 14th September 2018.

de Lint,Willem. “Intelligence in Policing and Security:”*Reflections on Scholarship*. Vol.16,No.1, (March,2006).

<https://www.lawteacher.net>, Merits of intelligence-led policing.

EAC Protocol on Peace and Security <https://www.eacgermany.org/uploads/2015/03E...>

Elmi,A.A.*Understanding the Somalia Conflagration:Identity,Political Islam and Peacebuilding*, (Oxford, Pambazuka Press,2010).

Engel U. and Porto, J.G.”The African Union’s New Peace and Security architecture: Towards an Evolving Security Regime?” in Frederik Soderbaum and Rodrigo Tavares,(eds.). *Regional Organisations in African Security*,NY.Routledge,2011.

Establishment of ACIRC,www.au.int,Assembly/AU/Dec.489(XXI).

Ewi,M.A. “The African Union Panel of the Wise:An Assessment of its Role and significance as a Mechanism for Conflict Resolution and Mediation in Africa” in *Inside the African Peace and Security Architecture* (APSA), Prepared for the Swedish Defence Research Agency, Division of Defence Analysis(January 2009) <https://www.researchgate.net/publication>:

Ghai,Y.P.and McAuslan,J.P.*Public Law and Political Change In Kenya*, (Nairobi,Oxford University Press,1970).

Golsby,M. Police and Private Security Working Together in a Cooperative Approach to Crime Prevention and Public Safety,Paper presented at the *Conference of Partnerships in Crime Prevention*,convened jointly by the Australian Institute of Criminology and the National Campaign Against Violence,Crime held in Hobart, 25-27, (February,1998).

Hummel,L.J.“Introduction:The Imperative of Understanding Africa,” in *Understanding Africa: A Geographical Approach*,Amy,R,Krakowka & Laurel J. Hummel (eds) US Army War College.

Griffiths,M. O’Callaghan,T. *International Relations;The Key Concepts*, (London,Routledge 2006).

Helly,D. *Africa,the EU and RTP:Towards Pragmatic International Subsidiarity?* https://library.fes.de/ipg/05_a_helly_us.

Healy,S. “Peace Making in the Midst of War: An Assessment of IGAD’s Contribution to Regional security”, Working Paper No.19,Regional and Global Access of Conflict, *Royal Institute of International Affairs*, (Nov. 2009).

- Hughes, C.Meng, L. Y.(eds.),*Security Studies:A Reader*, (London,Routledge,2011).
- Afshar H.(ed.),*Women and Politics in the Third World*, (London,Routledge,2005).
- Kent,Vanessa.Malan,Mark. ‘The African standby force: progress and prospects,’ *African Security Review*,12, 3 (2003).
- Klingebl, S. “Africa’s New Peace and Security Architecture, Converging the Roles of External Actors and African Interests,” *Africa Security Review* 14(2) (2005).
- Khanna,V.N. *International Relations*, (Vikas Publishing House PVT Ltd. India 2014).
- Krishnaswami,O.R.and Ranganatham,M.*Methodology of Research in the Social Sciences*, (Mumbai, Himalaya Publishing House,2011).
- Lagos-Plan-of-Action file:///C:/Users/hp/Downloads/.pdf.
- Larsen,N. *The Canadian Criminal Justice System; An Issues Approach to the Administration of Justice*, (Toronto,1995).
- Levitt,J.L.“The Peace and security Council of the African Union:The known Unknowns.” *Transnational Law and Contemporary Problems*,13/109 Summer 2003.110 as quoted in Hussein Solomon,African Solutions to Africa’s Problems? African Approaches to Peace, security and stability, *Scientia Militaria, South African Journal of Military Studies*, Vol.43,No.12015,pp45-76,doi:10.578/43-1-1109.
- Protocol Relating to the Establishment of the Peace and Security Council of the African Union [www.peaceau.org>uploads>psc](http://www.peaceau.org/uploads>psc) .
- Malan,M. “The OAU and African Sub-regional Organisations; A closer look at the ‘Peace pyramid,” *Ocassional Paper No. 36-January* (1999).
- Miller,L.S. Hess K.M. & Orthmann C.H. (eds.),*Community Policing:Partnerships for Problem Solving*, (Ohio,Cengage Learning,2012).
- Mingst, K. *Essentials of international Relations*, (NY, WW Norton and co).
- Minja,R.A. *Security Architecture in Sub-Saharan Africa and Collective security Challenges: The EAC and SADC in Comparative Perspective*,unpublished PhD Thesis,20th.December 2012, University of Duisburg,Essen.
- Moving Africa Forward: African Peace and Security Architecture (APSA).2010 Assessment Study, in Juliana Abena Appiah, *The african Union and the Quest for Peace and security in Africa, 2002-2012*,unpublished PhD Thesis, university of Ghana.(2014).
- Muhummed,M.B. *National Security and Community Policing; A Case Study of Kenya*, unpublished MA Thesis, University of Nairobi.
- Nugroho, Ganjar. Constructivism and International Relations Theories, *global and strategis*, Th.II No. 1, January-June (2008).

O'Neill, W. & Cassis, V. *Protecting Two Million Internally Displaced: The Successes and Shortcomings of the African Union in Darfur*, Brookings Institution/University of Bern Project on Internal Displacement Occasional Paper, November, (2005).

Oso, W.Y. and Onen D., (eds.), *A General Guide to Writing Research Proposal; A handbook for Beginning Researchers*, (Nairobi, Jomo Kenyatta Foundation, 2009).

Pumphrey, C. "Why Should we Study Armed Conflict in Africa?" in *Armed Conflict in Africa*, (Maryland, scarecrow press, 2003).

Nyinguro, P.O. "The Resource Dimension of Conflict in sub-Saharan Africa," in *Regional Development Dialogue*, VOL. 26 No.1 Spring 2005.

Okoth, G.P. & Ogot, B.A. "Conflict in Contemporary Africa," (Nairobi, Jomo Kenyatta Foundation, 2008).

Olonisakin, F. Okech A. (eds), *Women and Security Governance in Africa*, (Nairobi, Pambazuka Press, 2011).

Oud-A, A. "Burundi on the Brink, 1993-1995," Washington, DC: US Institute of Peace, 2000 as quoted by Paul D. Williams, *The African Union's Peace Operations: A Comparative Analysis*, in *Regional Organisations in African Security*, Fredrik Soderbaum and Rodrigo Tavares, (Routledge, New York, 2011).

Onuf, N. *World of Our Making: Rules and Rule in Social Theory and International Relations*

Owuor, P.O. *Securing Peace in Africa; The Role of Institutional Frameworks and Coordination Mechanisms*, unpublished M.A Thesis, University of Nairobi, 2015.

Pan-Africanism-Origins and Development of Pan-africanism, Transnational Pan-Africanism, Pan-Africanism In The Early Twentieth Century
<http://Science.jrank.org/pages/7943/pan-Africanism.html>

"Paradise is a bazaar? Greed, creed, and governance in civil war, 1989 – 99." *Journal of Peace Research*, 39(4): 395–416.

Peter, C.B. *A Guide to Academic Writing*, (Eldoret, Zapf Chancery, 1994).

"Regionalism and Sub-regionalism: A theoretical framework with special reference to India," *African Journal of Political Science and International Relations*, Vol.8 (1), (2014).

"Preventing Terrorism and Countering Violent Extremism and radicalization that Leads to Terrorism: A Community Policing Approach," *Organisation for Security and Cooperation in Europe*, "<https://www.osce.org/odhihr>.

"*Rethinking Global Security: An African Perspective?*" Heinrich Boll Foundation, Regional Office, East and Horn of Africa, Nairobi

Rotberg, R. "The Failure and Collapse of Nation-States: Breakdown, Prevention and Repair, in Robert Rotberg (ed.), *When States Fail: Causes and Consequences*, Princeton, (NJ, Princeton University Press).

“Security Issues in Africa: The Imperial Legacy, Domestic Violence and the Military,” *Africa Insight*, vol.21,No.3,1991.

Rurangwa,E. *Securing Peace In Africa,: A case Study of the Role of Rwanda Defence Force in U.N. and A.U. Mission in Darfur (UNAMID)*, unpublished M.A Thesis, Institute of Diplomacy and International studies, University of Nairobi,2014.

Sesay A. ‘Regional and sub-regional conflict management efforts’, in S. Akinrinade and A. Sesay (eds), *Africa in the Post-Cold War International System*,London,(1998).

Shenton,A.K.,*Strategies for ensuring trustworthiness in qualitative research projects*,<https://www.researchgate.net/publication>.

Singh,Tejinder.Shah,Dheeraj.Gupta,Piyush. *Principles of Thesis Writing*,(Mumbai,Jaypee Brothers Medical Publishers,2008).

Soderbaum,Fr.and Tavares,R. Problematizing Regional Organizations in African security, in *Regional Organizations in African Security* (Fredrik Soderbaum and Rodrigo Tavares,eds), (Routledge,New York,2011).

Solomon,H., “African Solutions to Africa’s problems?Africa’s approaches to Peace,Security and Stability,” *Scientia Militaria, South African Journal of Military studies*, Vol.43,No.12015,doi:10.5787/43-1-1109

Sorbo,G., and Vale P., (eds), *Out of Conflict: From war to peace in Africa*,(Nordiska Afrikainstitutet, Uppsala, Sweden, 1997).

Sorensen,Georg.,Jackson,R.H.,Jackson,R. *Introduction to International Relations: Theories and Approaches*, (Oxford, Oxford University Press, 2010).

<https://www.britannica.com/event/Peloponnesian-War>.

Svensson,E.*The African Union’s Operations in the Comoros: MAES and Open Democracy*.<https://www.operationspaix.netz/DOCUMENT>.

The African Union Handbook, 2017.

Tessema,N. D., “The United Nations Security Mechanism and Africa: challenges and The Way Forward,” *Scientiae Juridicae Doctor Thesis*, Golden Gate University of Law, San Francisco, <http://digitalcommons.law.ggu.edu/theses>.

van Nieuwkerk. “Correlating African regional and security institution initiatives to the emerging global security agenda,” in *Rethinking Global security: An African Perspective?* Heinrich Boll Foundation regional Office, East and Horn of Africa,Nairobi,2006.

Vogt,M.A., “Cooperation between the UN and the OAU in the management of African conflicts,” in Mark Malan (ed.), *Whither Peacekeeping in Africa? ISS Monograph Series No. 36* (ISS, Pretoria, South Africa, 1999).

Wapmuk, S. In Search of Greater Unity: African States and the Quest for an African Union Government, *Journal of Alternative Perspectives in the Social Sciences* (2009), Vol. 1 No. 3645-671, <https://japps.org/uploads/6Wapmukarticle.pdf>.

Williams, P.D. *The African Union's Peace Operations: A Comparative Analysis*

Young, P.V., Scientific Social Surveys and Research in C.B. Peter, *A Guide to Academic Writing*, Eldoret, Zapf Chancery, 1994.

Extension of AMISOM mandate, <https://www.un.org/sc13439.doc.htm>.

<https://www.peaceau.org>, Transfer of Authority from MICOPAX to MISCA.

<https://www.peaceau.org/uploads/communique>: Communique on the situation in the Comoros-AU Peace and Security.

www.un.org/sc13400.doc.htm, Security Council Extends Mandate of United Nations Multidimensional Integrated Stabilization Mission in Mali, Adopting resolution 2423 (2018).

<https://www.uneca.org/oria/pages/ecowas-economic-community-west-african-states>.

https://www.au.int/sites/default/files/decisions/9591-council_on_23_feb_1_march_1976_council_ministers_26_ordinary_session.pdf,

<https://www.un.org/en/africa/osaa/peace/recs.shtml>.

https://www.eala.org/uploads/The_Treaty_for_the_Establishment_of_the_East_African_Community_2006_1999.pdf Article 123.

https://www.dcaf.ch/sites/default/files/imce/Women's%20Guide%20Curriculum/InclusiveSecurity_Curriculum_Series_SSR_MOD5.pdf, *What is security sector reform*, accessed on 01.11.2018 at 1030hrs

Zein, Abubakar. *The East African Community, Which Way? Peace and Security in the Community*, issue 26 March 2017.

An Agenda for Peace Preventive Diplomacy, Peace-making and Peace-keeping Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992.

Constitution of Kenya, 2010.

The National Security Council Act, 2012.

Official Secrets Act CAP 187 Laws of Kenya.

www.thefreedictionary.com/protective-security...

<https://www.asio.gov.au/protective-security>...

The Kenya National Police Service, “*Building Safer Communities Together*” Community Policing Information Booklet, 2017.

www.communitypolicing.go.ke

The National Police Service Act 2011.

www.kenyapolice.go.ke.

The Presidential Service Communications Unit, H.E President Uhuru Kenyatta's speech to the 73rd United Nations General Assembly meeting in New York, as quoted by the Star Newspaper of 19th October, 2018. www.the-star.co.ke.

African Union, Resource Mobilization for the OAU/AU Peace Fund. Background paper presented to the Third African Peace and Security Agenda Brainstorming Retreat, Cape Town, 1–5 May 2004.

African Union Commission, Talking Points on Burundi: 'Document presented to the *Second Ordinary Session of the Peace and Security Council*, in Addis Ababa, 25 March 2004, PSC/PR/Comm/II.

Report of the First Meeting of African Ministers of Defence and Security on the Establishment of the African Standby Force and the Common African Defence and Security Policy MIN/Def.&Sec/RPt (1) January 2004.