

UNIVERSITY OF NAIROBI



DEPARTMENT OF DIPLOMACY AND INTERNATIONAL STUDIES

**STRATEGIES TO COMBAT DRUG TRAFFICKING IN AFRICA: CASE
STUDY OF KENYA**

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AWARD OF POST GRADUATE DIPLOMA IN STRATEGIC STUDIES**

2021

DECLARATION

I, **Wilfred Nyakundi Orina**, hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Signed



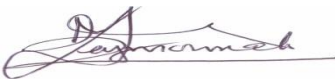
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This project has been submitted for examination with my approval as University Supervisor;

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DEDICATION

First, I dedicate this work to the Almighty God who has enabled me walk this journey successfully. This work is also devoted to my family.

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I wish to acknowledge my supervisor Dr Martin Ouma for his encouragement, supervision and professional guidance, which ensured that I stayed on course the whole time. I also want to thank the Leadership and Directing Staff fraternity of the Kenya Defence Staff College for the support and opportunity to learn and apply the knowledge, as well as the unending facilitation in the production of this project. Finally, I also acknowledge my colleagues, who through group works and discussions, I was able to refine my research skills.

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ABSTRACT

One of the major transnational crimes affecting the safety of the world is the drug trafficking menace. In Africa, the West African region and the Eastern Africa act as some of the major trafficking routes and markets. This study sought to assess strategies used to combat drug trafficking in Africa, using Kenya as a case study. The study was guided by the following objectives: To examine the prevalence of drug trafficking in Africa; to assess the effectiveness of strategies used to combat drug trafficking in Kenya; and to assess the relevance of a policy framework for the control of drug trafficking in Kenya. The justification of the study was based on both academic policy grounds. The study adopted a descriptive study design and focused on Nairobi and Mombasa counties as the main areas of study. The sample population encompassed Airport Police, Border Security Personnel, Kenya Coast Guard Services and Kenya Navy. Primary data was collected through semi-structured interview schedules while secondary data was collected from journal articles, books, websites, newspapers and magazines. The study found out that there are significant drug trafficking routes in Africa and a variety of drugs. Due to its strategic geographical location, Kenya is normally described as East Africa's region's economic powerhouse. The study also found that, out of the various strategies employed by Kenya in combating drug trafficking, some have succeeded while a number of them need to be bolstered. Lastly, the study found that there are a number of policy frameworks in place for control of drug trafficking in Kenya. From the findings, the study recommends national, regional and international mechanisms to improve the fight against drug trafficking in Kenya.

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ABBREVIATIONS

ATS:	Amphetamine Type Stimulants
DEA:	Drugs Enforcement Administration
DOD:	Department of Defense
EAC:	East African Community
ECOWAS:	Economic Community of West African States
INCB:	International Narcotics Control Board
INL:	International Narcotics and Law
INCSR:	International Narcotics Control Strategy Report
GDP:	Gross Domestic Product
NPS:	New Psychoactive Substances
UN:	United Nations
UNGASS:	United Nations General Assembly Special Session on Drugs
UNODC:	The United Nations Office on Drugs and Crime
WACI:	West African Coast Initiative

CHAPTER ONE: INTRODUCTION

1.0 Introduction

This chapter generally provides an outline and objectives of the study. It comprises of the background of the study, problem statement, the research questions and the research objectives. The chapter also covers the literature review, the study hypotheses, theoretical framework, the justification of the study, methodology and the study outline.

1.1 Background of the Study

Drug trafficking is a global issue and poses a major challenge. As of 2018, it was reported that 269,000,000 people around the world were drug users with about 35 million people suffering from drug related disorders. Accordingly, cannabis has been reported as the leading drug used by over 192 million people globally¹.

The movement of illicit items from one border to another is what is referred to as transnational drug trafficking. More often than not, there arises collaboration between willing buyers and sellers who come up with strategies to accomplish their missions.² Research has demonstrated that for the past two decades, legal markets and drug trade markets have shared a lot in common. Drug trafficking, like other forms of transnational organized crime, has threatened both political and socio-economic development. It has accelerated violence and corruption, hindered economic growth, undermined good government and the rule of law, posed potential public health risks and

¹United Nations Office on Drugs and Crime (UNODC) (2020). *UNODC World Drug Report 2020: Global drug use rising*. Retrieved from <https://www.unodc.org/unodc/press/releases/2020/June/media-advisory---global-launch-of-the-2020-world-drug-report.html>

² Pravettoni, Ricardo, "Intense Traffic. The Routes for Drug in Africa." Trans. Silvia Dotti. *Internazionale*. 84. 23 June 2010.

ruined the economic growth.³ Geopolitics have played a crucial role in explaining the position of Afghanistan as far as the production of opium poppy is concerned, and the use of Spain as a pathway to Europe or the development of the cocaine industry in Columbia.⁴ In the aforementioned cases, drug trafficking arose and stood out due to the combination of geographic, political, social and cultural factors. It is interesting to note that crucial positions in the global economy are rarely occupied by countries that benefit from the drug trafficking business.

Within the African continent, drug trafficking has grown to be a major issue. This may be attributed to various factors that include poor wages, corruption, unemployment and weak judicial systems. The above-mentioned factors also provide a conducive environment that enable countries to engage in other illegal businesses such as human trafficking, pharmaceuticals, cigarettes, arms, human beings, timber, and wildlife. Those involved in these illicit businesses take an opportunity of the above situations to hoodwink those in government and their security systems, making them to evade being prosecuted in the event they are arrested. This has happened for a while, despite the fact that drug trafficking has posed a serious threat to development in various countries across the world.⁵ The United Nations Office on Drugs and Crime (UNODC) has found it difficult to determine the exact figures of the profits and volume of sales that the African drug trafficking networks make, although they estimate that their earnings could range between \$1.8 and \$2.8 billion in the sale of cocaine in 2009. This occurred in a region whose more than 55 percent of the population live on less than one dollar per day, and whose GDP is estimated to be \$5 billion. The enormous profits that are accumulated from drug trafficking, especially from the sale of heroin and cocaine are enough to fund high-level

³Aning, Kwesi, "Organized Crime in West Africa: Options for EU Engagement," Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, 2009.

⁴ Mandel, Robert, *Dark Logic: Transnational Criminal Tactics and Global Security*. Stanford, CA: Stanford University Press, 2011.

⁵ Ibid

corruption, interfere with the legitimate market and sponsor armed groups. Eventually the drug use that come with this illicit trade, has led to such vices as the erosion of social capital, increased violence and the breakdown of communities and families.⁶

Most of the African countries experienced an increased level of drug trafficking in the period of mid 2000s. The traffickers used West Africa and on rare occasions, East and South Africa as transshipment points for smuggling cocaine from South America to Europe.⁷ On the other hand, East Africa was used as a shipment hub of heroin from Asia to Europe and other countries. Like other shipment hubs, African countries have provided conducive routes for trafficking of the local drugs, especially heroine and cocaine.⁸ It is estimated that at least 13 percent of cocaine that was shipped to Europe in 2009 was transported through Africa. It is however worth to note that this figure might be higher. Assessments reveal that up to one third of the illicit drugs that have been shipped to Europe in recent years have been transported via Africa. A report by UNODC estimates that “40 to 45 tons of heroin flowed into Africa in 2009 out of global flows of 460 to 480 tons,16 giving Africa a nine percent share in global heroin trafficking.”⁹

Most of the African countries have some characteristics in common that make them suffer the effects of drug trafficking. These characteristics involve limited border control, wanton corruption and weak judicial and law enforcement systems.¹⁰ Some of the specific characteristics that make drug traffickers prefer using African countries to other regions to accomplish their missions include the region’s infrastructure, especially the availability of air and sea ports, the availability of smuggling routes and networks that can be used to transport drugs, connections

⁶ Ibid.

⁷Pravettoni, Ricardo, “Intense Traffic. The Routes for Drug in Africa.” Trans. Silvia Dotti. *Internazionale*. 84. 23 June 2010.

⁸ Ibid.

⁹ Peter Gastrow, “Termites at Work: A Report on Transnational Organized Crime and State Erosion in Kenya,” International Peace Institute, 2011.

¹⁰ Ibid.

with facilitators and Africa's geographical position, particularly its strategic location on a trade route and along the coast.¹¹

Drug trafficking in the African countries has been on the rise, and it has not only posed a threat to the political elites but the economic and security sectors in all the African continents.¹² With the potential growth and persistence of drug trafficking in Africa, the transactions and illegal profits garnered from the act corrodes the governments and play a big role in contributing to political instability and weak economies. Tentatively, the increase in number of drugs, rapid urbanization and youth bulge in the continent has raised a concern about gang activities, violence and problematic drug use across the African continent.¹³

History has it that Africa has played a central role in aiding the illicit transnational drug trade. In recent years, however, Africa has become a locus for trafficking of drugs, especially cocaine.¹⁴ It has recently been estimated that every year, between 46 and 300 metric tons of cocaine from South America are transported to West Africa through Europe. The levels of cocaine that have been seized in the recent years are significantly higher as compared to those that were seized during the years between 1990 and early 2000s. In all these years, Africa's share never went beyond 1 metric ton per year.¹⁵ Several factors made Africa to emerge as a drug trafficking nexus. Some of them include; Europe's high demand for cocaine, structural shifts in worldwide drug trafficking patterns, the allure that comes with the operations for traffickers "of low levels of law enforcement capacity, international counter-narcotics pressure driving drug traffickers"

¹¹O'Regan, D and Peter Thompson, "Advancing Stability and Reconciliation in Guinea-Bissau: Lessons from Africa's First Narco-State,"Africa Center for Strategic Studies, Special Report No. 2, June 30, 2013.

¹² Mejia, Daniel and Carlos Estaban Posada, "Cocaine Production and Trafficking: What do We! Know?" *World Bank Working Paper WPS4618*, 2008

¹³ Ibid.

¹⁴ Mark Shaw, Tuesday Reitano, and Marcena Hunter, "Comprehensive Assessment of Drug Trafficking and Organized Crime in West and Central Africa,"African Union, January 2014.

¹⁵ Ibid.

away from “traditional trafficking routes and high levels of corruption in most of the African countries.”¹⁶

In Kenya, transnational organized crime has grown widely and infiltrated business and government hierarchies to the level that state machineries lack the capacity to deal with it effectively. Increased supplies of heroin from Iran and Pakistan, and cocaine from South America, have found easy transit through Kenya. Their major points of destination are normally North America and Europe. Currently, there is no current information that provides the accurate approximations of volumes. Due to this, the UNODC estimates of 30-50 tons of heroin trafficked into Kenya and other East African states annually has not been easy to verify. At least “ten major international drug trafficking networks, headed mainly by West Africans but also involving Kenyans, are responsible for the bulk of cocaine and heroin trafficked into and through the country.”¹⁷ These networks are comprised of ten to twenty members, a good number of whom have established strong associations with law enforcement members, agencies and the judiciary.

Current trends in the drug trafficking realm show that drug money is normally used to achieve influential political positions. The drug lords have instituted wide international connections to facilitate their worldwide reach, a thing that the Kenyan law-enforcement agencies have failed to stem, while powerful politicians have always been investigated for their role in drug trafficking. In this regard, a special police tasked with investigating team has, in most cases, failed to find enough evidence to arraign the suspects.

Unending allegations of the engrossment of government officials, police officers, and politicians

¹⁶ Ibid.

¹⁷ O’Regan, D and Peter Thompson, “Advancing Stability and Reconciliation in Guinea-Bissau: Lessons from Africa’s First Narco-State,” Africa Center for Strategic Studies, Special Report No. 2, June 30, 2013.

in narcotics trafficking without successful prosecutions or investigations, have contributed meaningfully to low public trust levels in the current strategies used to combat drug trafficking. It is upon this background that the study seeks to assess strategies to combat drug trafficking in Africa, case study of Kenya.

1.2 Problem Statement

Drug trafficking has been described as a major threat in many African countries, and it works hand in hand with other illicit activities such as money laundering, terrorism, and human trafficking.¹⁸ The profits made from drug trafficking are mostly used as revenue for corrupting law enforcers and military officers, which diverts resources from efforts to resolve conflicts and buying the weapons that are used by armed gangs. The same profits are used in funding groups that take part in terror activities, weakening the rule of law, making conflicts more lethal and perpetuating crimes. The 2017 UN World Drug Report reveal that two-thirds of the cocaine smuggled between the European countries and South America is transported via West Africa, specifically Cape Verde, Togo, Mali, Nigeria, Guinea-Bissau, Ghana and Benin.¹⁹

In all African countries, Kenya has experienced the highest number of traffic in illicit drugs being transported from Afghanistan and Pakistan to the Western countries.²⁰ The prevalence of drug trafficking threatens the stability of security in Kenya as it infiltrates and weakens key government sectors. Through corruption, bribery and other gaps, drug traffickers have managed to find their way into Kenya. Therefore, there is need to develop effective strategies that will

¹⁸ Mandel, Robert, “*Dark Logic: Transnational Criminal Tactics and Global Security.*” Stanford, CA: Stanford University Press, 2011.

¹⁹ Ibid.

²⁰Mailey, R. “The Anatomy of the Resource Curse: Predatory Investment in Africa’s Extractive Industries,” Africa Center for Strategic Studies, Special Report No. 3, May 31, 2015.

help to combat drug trafficking in the country.²¹ It is for this reason that this study seeks to assess international strategies to combat drug trafficking in Africa with a focus on Kenya

1.3 Research Questions

1. What is the prevalence of drug trafficking in Africa?
2. How effective are strategies used to combat drug trafficking in Kenya?
3. How relevant are the policy frameworks for the control of drug trafficking in Kenya?

1.4 Objectives of the Study

1.4.1 General Objective

To assess international strategies to combat drug trafficking in Africa

1.4.2 Specific Objectives

1. To examine the prevalence of drug trafficking in Africa.
2. To assess the effectiveness of strategies used to combat drug trafficking in Kenya.
3. To investigate the relevance of the policy frameworks for the control of drug trafficking in Kenya.

1.5 Literature Review

This section presents the theoretical literature, empirical literature and the existing gaps. Theoretical literature was important in this study to help examine the key debates around the strategies to combat drug trafficking.

1.5.1 Theoretical Literature

There has been massive diversification of both illicit drugs and their markets as never before. In order to cope up with these challenges, the findings from the *World Drug Report* recommended that there is need for the international community to come to Africa's rescue.²² The world is

²¹ Ibid.

²² UNODC, *World Drug Report 2018*, 2018.

grappling with the potential expansion and supply of the drug markets, with the manufacture of cocaine and production of opium rising to the levels that have never been experienced. There has been an upsurge in the number of people who use methamphetamine and cocaine, making the markets for the two drugs to expand beyond their normal regions. There has been a successful campaign to close down popular online trading platforms for the illicit drugs, even though the platforms have continued to grow rapidly.²³

Game theory, in this case, can explain the rudimentary contact between state enforcement and drug traffickers. The goal of the drug trafficker is “to maximize his profits and minimize his risks by choosing trafficking patterns that minimize the resource investments needed to avoid interdiction. Often the most cost-effective tactic for drug traffickers is avoidance. For smaller quantities of drugs, traffickers conceal narcotics in the bodies or luggage of couriers. For larger amounts, traffickers conceal drugs within shipments of legitimate goods such as auto parts or in containers declared as rice, sugar, or some other substance that the drugs may resemble.”²⁴ Traffickers also utilize private ships and airplanes to reduce the risk of being caught. For example, “when moving drugs by air, traffickers may develop private airstrips or use military or commercial airports. When moving goods by sea, they may move drugs from larger to smaller vessels offshore, and then unload drugs at private residences along the coast. Similarly, to avoid detection traffickers may use pervious border crossings, secondary roads and/or traveling at night to minimize detection.”²⁵ Besides the costs of transportation, traffickers may encounter costs that must cover money laundering, intimidation, arms, bribes or local know-how in consumer and transit countries in order to cover their trails or access markets. The likelihood danger of imprisonment and arrest is also another risk to drug trafficking.

²³ Ibid.

²⁴ UNODC, *World Drug Report 2018*, 2018.

²⁵ Ibid.

On the other hand, “enforcement agencies aim to minimize their costs of fighting illegal traffickers while accomplishing some minimally acceptable level of interdiction and deterrence. They attempt to allocate the minimal amount of interdiction resources necessary to achieve the reputational and societal benefits of combatting drug trafficking, which demand for counternarcotics in civil society and the media can influence.”²⁶ The efficacy of outlawing efforts against prevalent trafficking activities can be augmented in a number of ways. Enforcement “agencies may invest in better and/or more boats, airplanes, or vehicles to cover open areas more thoroughly. They might attempt to improve their ability to monitor trafficking activities via improved radar, video, and other communications equipment. Training and equipment can also be provided at transportation hubs such as airports, bus or train stations, and major road points to detect and deter traffickers from using these methods of transit.”²⁷ Agencies also can carry out inquiries into trafficking goings-on such as conspiracy, extortion, bribery and money laundering, which can involve police force, cooperation with international agencies, or interrogations. At the same time, “efforts can be made to improve the quality of the court system so that offenders are effectively prosecuted, with the goal of increasing deterrence. Development assistance can support regulations and anticorruption efforts that make it more costly for traffickers to avoid interdiction and arrest. They can also increase demand for such efforts by supporting civil society and the media in speaking out against drug trafficking.”²⁸

One of the key goals of the efforts put towards enforcement is to escalate the cost of trafficking to a level that is too high for traffickers. This can be attained by “increasing the relative amount of illicit goods and proceeds seized, thus reducing profitability,” however, an “inadvertent consequence of a reduced supply of drugs might be higher prices in consumer countries, which

²⁶ UNODC, “*West Africa 2012 ATS Situation Report*,” June 2012.

²⁷ UNODC, *The Transatlantic Cocaine Market: Research Paper*, April 2011.

²⁸ UNODC, “The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism,” 2017.

then increases the profitability of drugs and creates incentive for more traffickers to enter the market. Conversely, more enforcement may lead to less efficient, more costly trafficking methods, which could decrease the profitability of drug trafficking.”²⁹ Demand-side efforts lack the same impact on prices – reducing demand can lower the drugs’ price and escalate the costs of for potential consumers. Therefore, the effort put by development actors to reduce demand in Africa, “combined with demand reduction efforts in the primary destination markets of Europe and the United States, play an important role in decreasing the profit incentives of drug trafficking and could potentially counteract the increased profits and drug prices resulting from successful interdiction efforts.”³⁰

Drug trafficking in Africa is prevalent due to “weak judicial institutions, corruption, low wages, and unemployment that characterize many countries in the region provide environments conducive to a variety of illicit economic activities, including trafficking in drugs, arms, cigarettes, pharmaceuticals, timber, wildlife, minerals, and human beings.”³¹ Criminal groups take advantage of the aforementioned to compromise government officials and security officers, which reduce the risk of prosecution. Until now, drug trafficking embodies a particularly malicious danger to development in many states.

Most of the profits accrued from the sales of these illicit drugs are pumped into the political system increases the government challenges that the country is recently facing, thus weakening the democratic cultures of individuals. These profits, together with the use of violence and intimidation are responsible for the governments’ deviation from the existing rules and regulations, and corroding of the public institutions, thus fostering inconsistent governance,

²⁹ Ibid.

³⁰ Peter Gastrow, “Termites at Work: A Report on Transnational Organized Crime and State Erosion in Kenya,” International Peace Institute, 2011.

³¹ UNODC, *The Transatlantic Cocaine Market: Research Paper*, April 2011.

inefficiencies and perverse incentives.³² The wicked networks in the government are associated with a secret ilk, taming out some officials who aren't aware of how they carry out their operations. This brings a lot of uncertainties and fear within the government officials. All these weaken service delivery in the government, giving room for cynicism to grow.³³

Political competition is also shaped by the drug money, favoring the capital and the selfish interests of the drug traffickers over the broader public and the formal state institutions.³⁴ It is important to examine factors that lead to the distribution of drug money within and across political parties. It is argued that “political competition will be less skewed where politicians from different parties have access to the revenues, as in Kenya, and more skewed where drug profits flow disproportionately to one political party, as in Mozambique.” Irregardless of whether these profits accrue to a single or several political parties, they shape the competition in the electorate by taming out individuals who do not subscribe to the trade.³⁵ After a long period of time, individuals who are affected by the effects of skewed electoral competition as a result of the biased system either push for reforms outside the system or abandon the political process, and the end result is to resort to violence.

In 2006, countries in the West, North Africa and Central Africa recorded 87 percent of the global pharmaceutical opioids that were seized across the world. In the same year, some “countries in Asia, which had had previously recorded more than half of the global seizures, reported just 7 percent.”³⁶ Africa and Asia were the leading continents in the growth of cocaine, reflecting the current spread of the drug, and how it is widely being consumed in the markets. Though the

³² Ibid.

³³ Ibid.

³⁴Pravettoni, Ricardo, “Intense Traffic. The Routes for Drug in Africa.” Trans. Silvia Dotti. *Internazionale*. 84. 23 June 2010.

³⁵ Ibid.

³⁶ UNODC, *World Drug Report 2018*, 2018.

quantity of cocaine seized in North America was considerably low, that which was seized in Asia had tripled from 2015 to 2016. In Africa, the quantity of cocaine that was seized in 2016 doubled with some parts in North America recording six times what was seized in Africa, amounting to 69 percent of the total cocaine that was seized in the region. This was contrary to other previous years, when Central and West Africa were considered the main countries that produced cocaine in large quantities.³⁷

It is the use of tramadol in Africa that has been considered responsible for the rise of use of pharmaceutical opioids. Tramadol is a drug used to treat severe or moderate pain, and it is often trafficked for non-medical use in Africa.³⁸ Several markets in North, Central and West Africa are the direct beneficiaries of tramadol, some of which is later smuggled to countries in the Middle East. The United Nations has continued to collaborate with the United Nations Office on Drugs and Crime (UNODC) to “assist countries in implementing the recommendations contained in the outcome document of the special session, in line with the international drug control conventions, human rights instruments and the 2030 Agenda for Sustainable Development.”³⁹

1.5.2 Empirical Literature

To help examine the knowledge gap, this section examines the literature around the three specific objectives that guide the study: to examine the prevalence of drug trafficking in Africa, to assess the effectiveness of strategies used to combat drug trafficking in Kenya and to investigate the relevance of the policy frameworks for the control of drug trafficking in Kenya.

1.5.2.1 Prevalence of drug trafficking

To fight drug trafficking, there are various efforts and strategies that have been adopted by various countries internationally. The United States of America has been in the forefront fighting

³⁷ Ibid.

³⁸ UNODC, *The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism*, 2017.

³⁹ Ibid.

drug trafficking across the globe. Organizations such as the Interpol has also engaged in the war against drug trafficking. To some extent, a lot has been achieved in controlling drug trafficking in the developed nations. However, the developing continents such as Africa still face a lot of challenges in managing drug trafficking even in the midst of successful strategies implemented in developed nations like the US.

In recent times, Colombia has produced the world's highest tons of cocaine, which rose by more than one third during the period between 2015 and 2016 to some 866 tons.⁴⁰ By 2016, the cumulative cultivation of coca bush in the whole world was done on 213,000 hectares, approximately 69 per cent, and all this was done in Colombia. The dramatic resurgence of the cultivation of coca bush in Colombia, which had reduced by half from 2000 to 2013, came up because of various factors which included "market dynamics, the strategies of trafficking organizations and expectations in some communities of receiving compensation for replacing coca bush cultivation, as well as a reduction in alternative development interventions and in eradication."⁴¹ Several records from North America reveal that the use of cocaine increased between 2013 and 2016. The United States recorded less than 5,000 deaths related to the use of cocaine in 2013, a figure that rose to more than 10,000 by 2016.⁴² Though most of these deaths are not exclusively attributed to the higher levels of cocaine consumption, the increase of the deaths is a strong indication of the high levels of the use of the harmful drug.

Legal business networks across the world have in the recent times been infiltrated by the transnational organized crimes. This has been achieved through conspiracies whose main agenda is to amass a lot of money.⁴³ As a result, police officers, the criminal justice systems and

⁴⁰ UNODC, "The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism," 2017.

⁴¹ Ibid.

⁴² UNODC, *World Drug Report 2018*, 2018.

⁴³ Mailey, R. "The Anatomy of the Resource Curse: Predatory Investment in Africa's Extractive Industries," Africa Center for Strategic Studies, Special Report No. 3, May 31, 2015.

government officials worldwide have been corrupted. Research has revealed that among all the transnational crimes that have been identified, the most profitable is drug trafficking.⁴⁴ Colombia, Peru and Bolivia are the three countries in the world that produce cocaine in large quantities at 45%, 35-40% and 15-20% respectively. After production, it is then smuggled into at least 174 countries in the world.⁴⁵ More than 440 metric tons of cocaine was consumed in the world, over the period of 1998 to 2006.⁴⁶

On the other hand, terrorist groups in Africa have taken advantage of the revenue loopholes that are created as a result of controlling the trade routes for drugs.⁴⁷ These groups include the Movement of Oneness and Jihad that operate in West Africa, trafficking cocaine and cannabis in the Sahel, and the Al Qaeda that ply the Islamic Maghreb and its breakaway. Tentatively, Boko Haram has been associated with the smuggling of heroin and cocaine across the West Africa. There is a wide variation in trafficking routes across West Africa. While other traffickers reach the United States through the Atlantic Bound, others pass through Mali, Morocco, Mauritania and Algeria to the Southern Europe. In all these cases, Guinea-Bissau has been the major transshipment center.⁴⁸ Because of the links that exists between security leaders, senior political leaders and the traffickers, the cartels from South America have for long time used Guinea-Bissau as their transshipment point to smuggle large quantities of cocaine to Europe.

The so-called “southern route” goes all the way from Pakistan and Afghanistan through Iran, onto the other side of the Indian Ocean to East Africa “on its way to consumer markets in Europe and North America.”⁴⁹ Some containers go as far as South Africa to Mozambique

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ UNODC, *World Drug Report 2011*, 2011

⁴⁷ UNODC, *World Drug Report 2012*, 2012

⁴⁸ Ibid.

⁴⁹Pravettoni, Ricardo, “Intense Traffic. The Routes for Drug in Africa.” Trans. Silvia Dotti. *Internazionale*. 84. 23 June 2010.

towards the East African hubs. This convoluted route hides in the southern Africa's effective communication and physical infrastructure, which makes it possible for the drug trafficking networks to go on unnoticed without being detected. This "gives them access to distribution systems through East Africa. In 2014, the multinational naval partnership that patrols the Gulf of Aden and Indian Ocean seized a ton of heroin from a dhow in Kenyan waters. That single haul was roughly the same amount of the entire heroin captured by 11 East African governments between 1990 and 2009."⁵⁰

With an increase in inter-government counter-narcotics collaboration, criminal groups have started morphing into different shapes.⁵¹ Many have shifted from "rigid hierarchical structures that are easily detected, to looser ones that are nimbler, enable members to communicate more rapidly, and deliver goods more effectively. Crime syndicates are also modifying their tactics, such as using low-level runners to collect cash before letting the customer know by text message where to collect their drugs."⁵² Such innovations, complemented with more horizontal organizational structures, are responsible for the proliferation of criminal groups and activities. The European Union has been described as "an important hub in the African narcotics trade." In 2017, about 5,000 organized crime units were operational, a figure that was much higher than other groups like human trafficking, excise fraud, property crime and other illegal businesses.⁵³

In the mid-2000s, Kenya witnessed a significant upsurge in drug trafficking. For example, cocaine traffickers started to increasingly use East Africa as their major transshipment hotspots for transporting South American cocaine to wider markets, especially Europe.⁵⁴ In the heroin

⁵⁰ Ibid.

⁵¹ Peter Gastrow, "Termites at Work: A Report on Transnational Organized Crime and State Erosion in Kenya," International Peace Institute, 2011.

⁵² Ibid.

⁵³ O'Regan, D and Peter Thompson, "Advancing Stability and Reconciliation in Guinea-Bissau: Lessons from Africa's First Narco-State," Africa Center for Strategic Studies, Special Report No. 2, June 30, 2013.

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trade, drug dealers started using Kenya as a center for trafficking heroin from the Asian bloc to Europe and other continents. Like other trafficking hubs, local drug use has gone up along the Kenyan transit networks, making Africa a notorious destination for heroin and cocaine flows.”⁵⁵

1.5.2 Effectiveness of Strategies Used to Combat Drug Trafficking

Globally, interlocking strategies have been adopted to combat drug trafficking. The United States, Europe and all other continents have implemented domestic, regional and international interlocking strategies to curb drug trafficking. Organizations like Interpol have also engaged in the war against drug trafficking and to some extent, a lot has been achieved in controlling drug trafficking in the developed nations. However, in the developing continents such as Africa still a lot needs to be done even in the midst of successful strategies in place.

The “United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances” has for a long time been instrumental to governments as far as dealing with these challenges is concerned.⁵⁶ Among other measures that have been employed by the unit are seizure of the products, joint legal assistance, anti-money laundering measures and extradition. The international setting of criminal networks has made makes it a challenge for any individual country to investigate and know the whole narcotics network.⁵⁷ Drug trafficking and corruption have a reciprocally reinforcing connection. Reports by the UN Offices for Drugs and Crime (UNODC) indicate that “the wealth and power of some drug trafficking enterprises can exceed that of local governments, enabling the traffickers to buy protection from law enforcement, compromise justice institutions, and corrupt security sector professionals.”

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⁵⁶ Mark Shaw, Tuesday Reitano, and Marcena Hunter, “Comprehensive Assessment of Drug Trafficking and Organized Crime in West and Central Africa,” African Union, January 2014.

⁵⁷Ibid.

West African leaders, recognizing this looming challenge, in 2009, instituted the West African Coast Initiative (WACI).⁵⁸ This transnational unity is made up of the four most susceptible states in the “Economic Community of West African States (ECOWAS),” which are Sierra Leone, Liberia, Guinea-Bissau and Côte d’Ivoire, Guinea, together with the Interpol, the UN departments of and Peacekeeping Operations and Political Affairs, and the UN Office for West Africa.⁵⁹ WACI employs “a multisector approach to strengthen law enforcement and justice institutions and manage transnational crime units in each of the four countries for interagency coordination, cross-border collaboration, and joint action. Thanks in part to these efforts, large seizures of cocaine in the region began to drop (an estimated 18 tons of cocaine moved through the region in 2010, compared to 47 tons in 2007, according to UNDOC)”⁶⁰. The UNDOC made a report on the sustained drop in the influence of Latin American criminal networks prevalent in the West African market of narcotics.⁶¹The interruptions in the networks’ operations have compelled traffickers to come up with new tactics and routes, with local consortia taking over a good number of aspects of the illicit trade. With WACI in place, however, stakeholders now have a way to research and acclimatize to new trends. Due to the success of the WACI model, it is now being replicated in Eastern and Southern Africa.⁶²

Although it is deemed fruitful, interdiction will continue to be difficult. However, it provides a useful lesson that “it takes a network to defeat another network.”⁶³ It is important for government

⁵⁸ Chalk, Peter, “*The South American Drug Trade: Scope, Dimensions, Impact and Response*,” Santa Monica,” CA: RAND Corporation, 2011.

⁵⁹ Ibid.

⁶⁰Cann, Jack and Christopher Ploszaj,“Combating the Trans-South Atlantic Drug Trade” *IDA Research Notes*, 13-15, March 2010.

⁶¹ Africa Center for Strategic Studies, “Illicit Financial Flows to and from Africa: A Conversation with Raymond Baker,” interview, July 28, 2015.

⁶² Ibid.

⁶³ André Standing, “Criminality in Africa’s Fishing Industry: A Threat to Human Security,” Africa Center for Strategic Studies, Africa Security Brief No. 33, June 6, 2017.

agencies at the national level to work together with international and regional coordination. On the same note, both the regional and worldwide strategies must be flexible in dealing with the dynamic tactics of the illicit drug networks. Lastly, revamping trust in government entities should be given special attention.⁶⁴ This is because “when security institutions are corrupt and lack the confidence of citizens, they become prone to abuse by crime syndicates working in league with unethical officials.”

The Gambian bust was necessitated by legal assistance provided by the British forensic professionals under the convention terms. The experts from Britain combined forces with their Gambian colleagues to trace the transactions, thus gaining more knowledge more about the network as it advanced.⁶⁵ Indictments that stemmed from a successive operation in 2013 carried out in partnership with U.S. Drug Enforcement Agency likewise produced valuable leads into the collaboration between Colombian drug cartels and significant officials in the Guinea-Bissau navy led by its “former chief Rear Admiral José Américo Bubo Na Tchuto.”⁶⁶

A research carried out in Kenya by the International Peace Institute reveal how the drug barons have tried to subvert and penetrate the state institutions using corrupt means, effectively “hollowing them out.” It issued a stark warning: “Governments that lack the capacity to counter such penetration, or that acquiesce in it, face the threat of state institutions becoming dysfunctional and the very foundations of the state being undermined.”⁶⁷

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Mandel, Robert, *Dark Logic: Transnational Criminal Tactics and Global Security*. Stanford, CA: Stanford University Press, 2011.

⁶⁷ Le Sage, Andre, “Nonstate Security Threats in Africa: Challenges for U.S. Engagement,” *PRISM* 2, no. 1: 57-78, December 2010.

This threat is further emphasized by an incident that took place on March 25, 2011, which involved one of the major drug seizures in Kenya's history.⁶⁸ The Kenyan security agencies reported that a ship that was coming from Pakistan loaded with approximately three tons of heroin had made a 10-day parking in Mombasa, during which international and local drug traffickers used speedboats to procure narcotics from the ship but they were caught in the process.⁶⁹ From the police reports, those who bought the drugs included Somali-based pirates, a sought-after Nigerian drug trafficker and Mombasa-based businessman. A few days later when the announcement of the 200 kilogram of narcotics seizure, local security agencies reduced the figure to 102 kilograms. There were tense speculations that the 98 kg difference was because of corruption and fraud, even though some security agencies argued that the discrepancy was due to the material that had been used on the drug wraps.⁷⁰ From classified reports, one very powerful and heavily connected politician was the one responsible for the shipment. On its part, the police were not happy and complained that the suspect was protected by some officials in the internal security ministry. Such a move was undermining their investigations.⁷¹

This case reveals a number of aspects that underpin the counter-narcotics challenge. The globally-connectedness nature of criminal inroads makes it very hard for any state to nab narcotic networks in its jurisdiction.⁷² Besides, these networks' capacity to infiltrate political systems and create enabling surroundings prompted by corruption often generates "inside help" in preventing detection. Such gaps in security explain why smugglers in West African countries are attracted to East Africa as a one of the major shipment arenas into Europe.

⁶⁸Fisman, Raymond and Edward Miguel, *"Economic Gangsters: Corruption, Violence, and the Poverty of Nations,"* Princeton, NJ: Princeton University Press, 2008.

⁶⁹ Ibid.

⁷⁰Dininio, Phyllis and Brooke Stearns Lawson, "Narcotics and Development Assistance in Kenya Field Assessment," Prepared by Management Systems International for USAID, December 2011.

⁷¹Ibid.

⁷² Cockayne, James and Phil Williams, "The Invisible Tide: Towards an International Strategy to Deal with Drug Trafficking Through West Africa," International Peace Institute, October 2009.

Effectiveness of strategies used to combat international drug trafficking are also affected by corruption.⁷³ While corruption takes place at different levels of government institutions and can make use of the existing laws and regulations to thrive, it can vary from one corrupt official to another. Corruption, in most cases, involves principal-agent transactions – where drug barons play the roles of principals with corrupt government officials as their agents, using their offices in uncouth ways at the expense of their selfish interests. Like what happened in Guinea-Bissau, “the extent of the corruption and implication of government officials can go so deep as to be considered infiltration.” In this case, the involvement of government officials in drug trafficking has become so high that they, themselves, are considered drug barons.⁷⁴

The most pernicious manifestation of drug trafficking is represented by infiltration, even as “the interests of illicit power structures dominate more broadly across state policies rather than just in specific transactions.” It was discovered by assessment groups that drug trafficking in Kenya was associated with people in high government positions, especially in the parliament, and those in the ministry of transport in Ghana. The Vice President of Sierra Leone, Sam Sumana, who has been associated with several illegal activities, was named in the 2009 cocaine saga but he was not arrested. Two army officers in senior positions and Gambia’s former police boss - Ensa Badjie were found guilty of drug trafficking.⁷⁵

Another major threat that hinders governments from ruling in a democratic manner arises from the services or even gifts that the drug barons offer the local population.⁷⁶ This tactic has been

⁷³Aning, Kwesi, “Organized Crime in West Africa: Options for EU Engagement,” Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, 2009.

⁷⁴ Ibid.

⁷⁵ UNODC, *World Drug Report 2012*, 2012

⁷⁶ Peter Gastrow, “Termites at Work: A Report on Transnational Organized Crime and State Erosion in Kenya,” International Peace Institute, 2011.

used by the drug traffickers when they have consumer markets or crops to protect in a certain territory, though the tactic may be used by them to ease transit operations. It is argued that “gifts or services can increase the popular acceptance of illicit trafficking and thereby undermine good governance and rule of law.” In Ghana and Kenya, for instance, most of the politicians that are associated with drug trafficking give community members cash during visits and even take part in community development programs, in what can be described as “maintaining the support of their constituents” several observers hold the view that Erick Amoateng, who is a Member of Parliament in Ghana – but currently in the U.S jail for drug trafficking – would easily win a re-election with a landslide if he vied after being released from jail. In most parts of Africa, several politicians have made it a routine to dish out money, goods and services to members of the communities especially during the electioneering period. Because this practice has generally been accepted and normalized, it has become difficult for the issue of drug money to be addressed.⁷⁷

1.5.3 Policy Framework for the Control of Drug Trafficking

Several nations in the world have devised strategies to deal with the drug trafficking menace by coming up with tough measures against the organizations that take place in the act. However, the drug trafficking industry has continued to thrive, devising mechanisms to combat reactions of the respective governments, even taking the lives of innocent individuals.⁷⁸ In Mexico, for instance, the president came up with measures that aimed at declaring war against the drug barons in 2006, an act that saw many of the traffickers interdicted. After declaration of the war, more than 40,000 Mexicans have been killed, and yet the industry continues to thrive with corpse messages.⁷⁹

⁷⁷ Ibid.

⁷⁸O’Regan, D and Peter Thompson, “Advancing Stability and Reconciliation in Guinea-Bissau: Lessons from Africa’s First Narco-State,”Africa Center for Strategic Studies, Special Report No. 2, June 30, 2013.

⁷⁹ Ibid.

Studies conducted by the “International Narcotics Control Board” indicate that there is a massive rise as far as the use of the drugs across the world is concerned.

The number of cocaine consumers in the African market was approximated to be between 940,000 to 4.42 million in the year 2009. Reports by a Narcotic expert on a radio program revealed that “two secret laboratories that manufacture dangerous drugs were secretly dismantled in Nigeria in 2012 and there was a similar laboratory destroyed in Gambia.”⁸⁰ The same experts also suspect that there’s a presence of a Methamphetamines lab in Ghana. The U.S. policy frameworks on the increasing drug trafficking in the African continent remain in the developmental stages. Several countries in Africa have weak judicial systems and insufficient law enforcement networks, thus hindering their efforts to effectively carry out their roles as far as drug trafficking in the region is concerned.⁸¹ The European operational cooperation has for a long time collaborated with the U.S. to assist African governments in their efforts to detect the illicit drugs, increase the rate at which the drugs are being seized, and increase drug trafficking monitoring. The major problem facing the policy makers is “how to develop a strategy and find the resources to both stem the rising flow of drug trafficking through Africa—particularly West Africa—in the short term, through such means as effective interdiction operations, and simultaneously address the underlying, long-term law enforcement capacity weaknesses that make the region vulnerable to drug trafficking.”⁸²

Many government agencies in the United States are currently devising mechanisms to accomplish such missions; increasing the number of staff, finding means of acquiring enough finance and devoting some resources in order to deal with the ever-increasing drug trafficking in

⁸⁰ Ibid.

⁸¹ Mejia, Daniel and Carlos EstabanPosada, “Cocaine Production and Trafficking: What do We! Know?” *World Bank Working Paper WPS4618*, 2008

⁸² Ibid.

the region.⁸³ These efforts, among many others, include coming up with one United States Drugs Enforcement Administration (DEA) office in Ghana and the potential of establishing such more offices in other countries in future especially in Nairobi, Kenya. The narcotic assistance in African state departments is slowly increasing, rising to \$1.6 million in the financial year 2009 up from \$0.5 million in the financial year 2006. In the 2010 financial year, The Obama Administration requested \$7.5 million to enable African countries carry out such purposes with ease.⁸⁴ Although such levels of financing are way below what other regions get, there is hope for a greater policy attention as far as programming, international cooperation and strategy development to dealing with the illicit drug trafficking in West Africa and other parts of the continent are concerned.⁸⁵

As of August 2009, there was no public interagency that had been established to specifically combat drug trafficking in Africa. Several internal U.S. agency strategy documents are however being developed or are at their formative stages.⁸⁶ An example of such a strategy is the “State Department’s International Narcotics and Law Enforcement Affairs Bureau (INL).” The main goal that INL sought to achieve in August 2009 was to provide African countries some assistance for the investigating, targeting and bringing to book the narcotics barons. Tentatively, the agency has carried out several country assessments in West Africa since 2008. It is however worth to note that INL carries out these assessments in collaboration with other U.S. government agencies, including the Department of Treasury, DEA and the Department of Defense (DOD).

⁸³ Mark Shaw, Tuesday Reitano, and Marcena Hunter, “Comprehensive Assessment of Drug Trafficking and Organized Crime in West and Central Africa,” African Union, January 2014.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Mandel, Robert, *Dark Logic: Transnational Criminal Tactics and Global Security*. Stanford, CA: Stanford University Press, 2011.

The reason that makes the individual countries to carry out such assessments is to keep the multi-agency counter narcotics departments abreast of any developments in their respective regions.⁸⁷

Another indicator that shows the United States' ever-increasing support to fighting drug trafficking in Africa is "the inclusion of seven African countries in the 2009 International Narcotics Control Strategy Report (INCSR), released by the State Department but consisting of interagency agreement on the years' top foreign counter narcotics priorities."⁸⁸ The INCSR is a yearly report authorized by Congress to give a country-by-country scrutiny of given drug manufacturing or transit states, which includes a description of the ongoing drug situation and regulatory efforts to boost conditions. West Africa was identified by the 2008 INCSR report as "an emerging hub for cocaine trafficking from South America to Europe." New African entrants in the 2009 INCSR include Togo, Guinea, Kenya, Guinea-Bissau, Sierra-Leone and Senegal.⁸⁹ Another counter narcotics mechanism that is on the rise in Africa is the DOD. It is a requirement by the FY2009 National Defense Authorization Act, P.L. 110-417 that the State Department, in collaboration with DOD, submit to the Congress, not later than June 30, 2009, "a comprehensive strategy ... with regard to counter-narcotics efforts in Africa, with an emphasis on West Africa and the Maghreb."⁹⁰

Just like most other parts in Africa, the strategies to combat drug trafficking in Kenya have not been effective. This is due to the high levels of corruption and impunity among high government officials.⁹¹ While a number of politicians and government officials have been implicated in drug trafficking syndicates, none has ever been prosecuted in the court of law. This is due to the loopholes in the justice system among other inefficiencies.

⁸⁷ Ibid

⁸⁸ UNODC, *World Drug Report 2012*, 2012

⁸⁹ Ibid.

⁹⁰ Ibid.

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1.6 Gaps in Literature

From the above literature, this study has established that the prevalence of drug trafficking in Africa has not been adequately addressed by other scholars. It is also emerging that the effectiveness of the strategies used to combat drug trafficking in Kenya is also not very clear in the literature. This study will therefore not only address those two areas but will also investigate the relevance of the policy frameworks for the control of drug trafficking in Kenya which is also an area missing in the literature.

1.7 Research Hypotheses

H₁ Strategies to combat drug trafficking in Kenya are of significance importance

H₀ The policy frameworks for the control of drug trafficking in Kenya is not effective.

1.7 Justification of the Study

The justification of this study is based on both academic and policy grounds. Academically, the study will fill the existing gaps in the field of strategic security, especially where counter-drug trafficking strategies are involved. While a number of studies have been conducted in the strategic security field, only a few of them evaluate the existing strategies that are used to fight drug trafficking in Kenya. Therefore, this study will fill these gaps. The study findings will also enrich the literature on strategic studies.

In terms of policy, the study will recommend a policy framework that can be used in combatting international drug trafficking. The study recommendations will provide a basis upon which drug-trafficking strategies in Kenya can be sculptured and implemented.

1.8 Theoretical Framework

Structuralism

This study has been hinged on the structuralism theory. The theorists of structuralism can be divided into two broader parts. The first part discusses the arguments of Thucydides and Morgenthau, who hold the view that “power-politics is the main law for human behavior.”⁹² Thucydides argues that among several other reasons, the major cause of insecurity and war is the fear that comes with the feeling of being insecure. Tentatively, Morgenthau makes an argument that “the states’ wishes to achieve and promote power had its roots in the nature of human kind; in other words, war and insecurity was the result of the forces that are inherent in human nature.”⁹³

The second part of the theory was fronted by Waltz, and just like in the first part, he holds the view that security and power are the major goals that the foreign policy needs to acquire. This second part can further be sub-divided into two smaller groups; the concepts of power and security, which can either be defensive or offensive. Whereas the defensive concept dwells so much on security more than power, the offensive realists hold the view that “power is more important than security, even if achieving it will threaten the security of state.” Waltz came up with three images that are seen important as far as analyzing the causes of insecurity or war are concerned: (i) the anarchical environment in which all states co-exist without any central government authority, (ii) the nature of states, (iii) the human nature.⁹⁴

This theory is suitable to the current study because it explores how insecurity is perceived at an international level. Drug trafficking involves international syndicates whose activities in one

⁹² Burchill, Scott. & Linklater, Andrew (1996). “Theories of international relations.” Palgrave Macmillan.

⁹³ Morgenthau, Hans (1972). Politics among nations: The struggle for power and peace. New York, Knopf.

⁹⁴ Waltz, Kenneth (1959). Man, the state and war. Columbia University Press.

country transcends borders and affect people in another country. Putting it within the tenets of structuralism, drug trafficking causes fear among many people and its activities are entrenched into political activities. From Morgenthau's lenses, insecurity in most African countries stems from the forces inherent in human nature. In this context, these forces include the greed for wealth and control over power that makes people get involved in drug trafficking; the desire to use drugs among the populace; and the need to remain relevant among politicians, making them compromised. From Waltz's perspective, understanding the human nature and the desire to produce or consume drugs makes one to understand the anarchical environment caused by the drug syndicates. Through this, states can come up with international strategies that can be used to combat drug trafficking.

1.9 Research Methodology

This section outlines the methodology that was applied in this study.

1.9.1 Research Design

A research design is described as “the process of creating an empirical test to support or refute claim.”⁹⁵ Here, the researcher adopted a descriptive survey design which involved recording, describing, interpreting and analyzing the existing conditions. This design was useful as it allowed the researcher to make use of large samples, describe the features of a large population and makes the results to be significant statistically. When investigating multiple variables, several questions can be asked on certain topics, making the analysis to be considerably flexible.⁹⁶ The design gave the researcher room to make use of various methods of collecting data like interviews and questionnaires. It also made use of homogenous questions where the reliability of the items was determined.

⁹⁵ Creswell, John. *Research Design: Qualitative, Quantitative and Mixed Methods*. SAGE, 2013.

⁹⁶ Ibid.

1.9.2 Study Site

The research site of this study was Kenya with focus to Nairobi and Mombasa Counties. These areas were chosen since they have major exit and entry routes that connect Kenya and the rest of the world. Similarly, recent evaluation of crimes by type within Mombasa and Nairobi City counties reveal that drug trafficking tops the list.

1.9.3 Target Population

Target population refers to that part of a population the research is interested in and which upon completing the study, the findings will be generalized upon. From that, the researcher can draw the sample population, which is the actual group that takes part in the study.⁹⁷ Scientific research aims at a given population whereby interviews and questionnaires are distributed acquire the required or desired data for analysis. This study targeted Airport Police, Border Security Personnel, Kenya Coast Guard Services and Kenya Navy in the aforementioned counties. The researcher expected these respondents to have reliable information on drug trafficking.

1.9.4 Data Collection Methods

The researcher acquired authorization letter and other necessary authorization from the university that aided him in data collection. Armed with the documents, the researcher headed to the field to start the process of collecting data from the target population (See Appendix II). The respondents were randomly selected from various stations which were visited. Being involving, the researcher involved a research assistant in the data collection process. The researcher made follow up to see into it that before collecting the questionnaires, they were filled accordingly. The researcher used semi-structured interview schedules to collect data.

⁹⁷ Ibid.

1.9.5 Data analysis

Data was analyzed using document and content analysis mechanisms. Through this mechanism, the researcher started by cleaning the qualitative data to ensure that the information at hand was complete and in order. The researcher then sorted the data before developing it into themes. To overcome bias and ensure that the themes developed were not lacking, the researcher took the data to three independent qualitative data analysis experts who helped code the data and propose themes.

1.9.6 Data presentation

Data has been presented through narrative descriptions and verbatim. This is a qualitative design method that allows the researcher to develop narratives out of the collected data. In most cases, the researcher presented the data in verbatim form, which means that the responses from the respondents were presented as they were.

1.9.7 Ethical consideration

The research was carried out within the stipulated ethical parameters. While the respondents were willingly urged to respond to the questionnaires, the researcher protected their interests. The researcher did not force the respondents to take part in the exercise. Besides, the purpose of the study was shared with them, and the information they gave was treated with a lot of confidentiality. The researcher sought their consent before having them take part in the study.

1.9.8 Limitations of the Study

The study suffered from the unwillingness of some security officers to offer information due to trust issues. However, this was mitigated by giving them an assurance that the details they shared would mainly be used for purposes of academics. While some officers doubted the authenticity of the research purpose, others perceived it as a trap. Face-to-face interviews were affected due

to COVID-19 pandemic, which restricted movement and physical interaction. However, telephone interviews were also used to collect data.

1.10 Chapter Outline

Chapter one starts by introducing the research topic, which encompasses the background to the study, the problem statement, research questions, and research objectives. The chapter further discusses the relevant literature underlying the research problem. The chapter also highlights the literature review, research hypotheses, justification, and the theoretical framework before finalizing with the research methodology.

Chapter 2 will present prevalence of drug trafficking in Africa with a focus on Kenya.

Chapter 3 will discuss the effectiveness of strategies used to combat drug trafficking in Kenya.

Chapter 4 will highlight policy frameworks to combat drug trafficking in Kenya.

Chapter 5 will conclude the study and offer recommendations on what can be done to combat drug trafficking in Kenya.

CHAPTER TWO

PREVALENCE OF DRUG TRAFFICKING IN AFRICA

2.1 Introduction

This chapter presents the prevalence of drug trafficking in Africa but with a focus on Kenya. It encompasses the drug trafficking routes and the common types of drugs that are trafficked in Kenya.

2.2 Drug Trafficking Routes

Several illegal activities have taken place in Kenya, country that has been described as “East Africa’s region’s economic powerhouse.”⁹⁸ The thriving economic development in Kenya has partly been considered as one of the reasons why there is a rise in criminal activities in the country. Criminal activities in a country are often powered by improved infrastructure, both for financial and transport transactions – and because of the fact that Kenya is not far away from the Horn and Central Africa, which are considered to be very active as far as criminal activities are concerned.⁹⁹ Several routes in Kenya have been used by drug traffickers to accomplish their missions. A side from the corridor that leads Kenya from Somalia and across the north of Kenya, the country’s center provides a channel through which goods are moved from the Coast to the interior. Motor vehicles, sugar, rice, electronics and sometimes fire arms are some of the goods that are smuggled into the interior via the East-West corridor. The environmental agencies on the other hand prohibit the movement of goods to Mombasa through the opposite direction of the interior. The East-West corridor is also used by drug traffickers to smuggle heroin to Uganda

⁹⁸Dimova, M. “A new agenda for policing: Understanding the heroin trade in eastern Africa,” <https://ecpr.eu/Filestore/PaperProposal/9e9dd3da-27fa-42cb-96c6-0bc8b5639c99.pdf>.

⁹⁹ Ibid.

through Malaba and Busia.¹⁰⁰ In the southern direction, heroin is trafficked across the borders of Tanzania in both directions, especially in areas between the coast and Tsavo National Park. Kenya has two main hubs through which heroin are smuggled. The first hub is the port of Mombasa, which is argued to be “the largest and busiest seaport in East and central Africa, and a strait through which goods travelling to and from a combined regional population of 200 million people in Kenya, Uganda, Burundi, South Sudan and beyond must flow.”¹⁰¹ In 2015 alone, a study by UNODC reveals that one million containers of heroin were smuggled through the Mombasa hub, and it is said that the volume of freight transiting the port is growing in a significant manner.¹⁰² Concurrently, corruption at the port is on the rise, and there is a limitation in terms of the scanning capabilities. The Mombasa hub has only one scanner, which is only able to screen some small section of the freight cargo, despite the communication from the officials, who claim that 100% of the goods exported are scanned. Major loopholes are created by this lacuna and traffickers are able to exploit with abandon.¹⁰³

It is incredible to note that the country’s successful heroine traffickers have their homes in Mombasa, the leading hub in cocaine and heroin imports. Even though the amount of drugs that are smuggled through the Mombasa port cannot be quantified because of lack of documents, what is seized at the sea would imply that “a large amount of heroin arrives at nearby destinations by dhow, often to be repackaged and transported onwards from Mombasa, and also at Nairobi.”¹⁰⁴ The drug consignments reach the country through the South and North of Mombasa along the coast. An ‘unidentified’ port in Lamu is also an epicenter for the illicit drug business in Mombasa. Other ungazetted ports where drug trafficking takes place include Mombasa, Kilifi,

¹⁰⁰UNDOC, World Drug Report 2015, as described in M Dimova, ‘The first dragon to slay’: Unpacking Kenya’s war on drugs, *Review of African Political Economy*, 43:148, 27 June 2016, 231.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³Schuberth, M. The impact of drug trafficking on informal security actors in Kenya, *Africa Spectrum*, 2014, 49, 3, 55–81,

¹⁰⁴ Ibid.

Shimoni, Vanga and Malindi. Though these ports are often assigned to customs officers, the Kenya Maritime Authority affirms that “These ports are not subject to international conventions and many unlicensed boats land there and are never monitored.”¹⁰⁵

There is a presence of private jetties along the coast, mostly in Malindi, which aid the traffickers in smuggling the drugs into the country.¹⁰⁶ The drugs are also smuggled into the coast through small airstrips that are located in Ukunda, Voi, Kijipwa, Lamu and LungaLunga. To make matters worse, the Kenyan coastline, which is approximately 1,420km in length, is not guarded by any officials. Secondly, Kenya’s capital city, Nairobi, which is described as “the locus of Kenya’s political power and densest node of economic activity in the country,” is also a major drug trafficking hub. Several prominent heroin traders started their career in Nairobi, since the county offered facilities for money laundering and besides, they were able to support the political actors with the profits they accumulated from the trade. Of significance is the fact that Nairobi has a dry port, and it lies at the center of many regional land transport and train routes.¹⁰⁷

2.3 Heroin Trafficking in Kenya

Heroin trafficking through a group of adjacent countries in Kenya, known as the “southern route”, has been growing steadily since when it first came into use in the 1980s, with the significance growth taking place from 2009.¹⁰⁸ Expert analysis proffer that a good percentage of the heroin that is being circulated across the world emanates from Afghanistan. It is through the southern route that heroin is trafficked from Afghanistan to Pakistan; which is then transported through the Indian Ocean to East African states, with Europe being the final destination. The

¹⁰⁵ Ibid.

¹⁰⁶ Kahuthia-Gathu, R., Trends and patterns of emerging drugs in Kenya, November 2013, NACADA Kenya National Police Report 2015, Kenya National Police Service, 2015, 6.

¹⁰⁷ Ibid.

¹⁰⁸ UNODC, World drug report: Global overview of drug demand and supply (Book 2), 2017, https://www.unodc.org/wdr2017/field/Booklet_2_HEALTH.pdf.

UNODC reported a significant decline in heroin confiscations “along the Balkan route between 2008 and 2010 in its 2013 *Transnational Organized Crime in East Africa: A threat assessment* report. In 2015, the UNODC World Drug Report, first used the term ‘southern route’ and noted Kenya as a key player.”¹⁰⁹ In its 2017 report, the UNODC World Drug Report noted that Tanzania and Kenya were among the most regularly cited transit nations of narcotics that emanated from Afghanistan’.

There are two types of heroin that finds its way through East Africa and Kenya specifically: “brown sugar’ – also known as ‘heroin number 3’ (a paste that can be smoked) and white sugar’, or heroin number 4 (a refined salt for injecting).”¹¹⁰ In the recent past, there has been a noteworthy change in confiscations of the latter, which, experts argue, denote the expansion in local East African production of advanced heroin. Thenon-medicalabuse of pharmaceutical opioids, for example tramadolused as a recreational substance, is also a growing phenomenon on the continent.

2.4 Cocaine and Cannabis Trafficking in Kenya

The World Drug Report notes thatthe “largest seizures of pharmaceutical opioids in 2015were reported in Africa, most notably in West and Central Africa”.¹¹¹On the African continent, cocaine mostly flows through the West African corridor which has been a key shipment point between Europe and Latin America since the early 2000s. East Africa’s significance in the worldwide cocaine business has augmented since 2010. This is widely believed to be the result

¹⁰⁹ Ibid.

¹¹⁰UNODC, East Africa threat assessment 2013, 25, [https:// www.unodc.org/documents/data-and-analysis/Studies/TOC_East_Africa_2013.pdf](https://www.unodc.org/documents/data-and-analysis/Studies/TOC_East_Africa_2013.pdf).

¹¹¹European Monitoring Centre for Drugs and Drug Addiction, EU Drugs market report 2016: In-depth analysis, 96, <http://www.emcdda.europa.eu/system/files/publications/2373/TD0216072ENN.PDF>.

of growing prioritization in international and domestic law enforcement of the banned drug trade in West Africa, which, from the official reports, has witnessed growing numbers of confiscations.¹¹² Kenya, when compared to West Africa, is not seriously monitored and it has a wide and unpatrolled coastline, which makes it perfect for narcotics vendors to stay off the radar.

The “UNODC’s 2013” East Africa risk analysis report mentioned the increasing presence of cocaine in the Dar es Salaam and Mombasa ports, trafficked from South Africa, Nigeria, and a number of countries in the Middle East.¹¹³ Rising rates of cocaine apprehensions are also believed to be related with the growing rates of production. The World Drug Report 2017 notes that following a long-term decline, “coca bush cultivation increased by 30 per cent during the period 2013–2015, mainly as a result of increased cultivation in Colombia.” The same report also highlights a global growth in demand, mostly in markets from East Asia.¹¹⁴

Cocaine, among the worldwide narcotics, is one of the most prevalent drug types trafficked in Nairobi. In 2017, the European Monitoring Centre for Drugs and Drug Addiction published a report that noted that cocaine traffickers have taken advantage of the existing trafficking networks, for example, cannabis routes in Algeria and Morocco, and heroin networks in Kenya.¹¹⁵ In 2015, the Kenyan National Police reported that in Kenya, “domestic seizures of cocaine are negligible and bear no relation to the actual cocaine flows,” which suggested that the definite amount of cocaine passing through the country may be higher than what the statistics suggest.

¹¹² Ibid.

¹¹³ Dimova, M. ‘The first dragon to slay’: Unpacking Kenya’s war on drugs, *Review of African Political Economy*, 43:148, 2016, 227–242

¹¹⁴ Ibid.

¹¹⁵ UNODC, World drug report: Global overview of drug demand and supply (Book 2), 2017, https://www.unodc.org/wdr2017/field/Booklet_2_HEALTH.pdf

In the case of cannabis, Africa is now considered as one of the global top exporters of this narcotic. Cultivation of cannabis is mostly done in North Africa, with Morocco being a significant exporter. However, a UNODC report of 2007 shows the crucial role of Kenya, in terms of the significant scale of cultivation and seizures.¹¹⁶ Global cannabis production, as per by the 2007 UNODC report, was approximated to be 42 000 tons, and a good percentage of it, 25% came from Africa. Besides, the continent is also considered to be the second largest in terms of cannabis confiscations after North America. From the 2017 World Drug Report, the African continent makes up 18% of the worldwide seizures for 2015. The most prominent seizures were witnessed in Nigeria (126 metric tonnes), Tanzania (150 metric tonnes), and South Africa (292 metric tonnes).¹¹⁷

Although Kenya and other East African countries are mainly transit countries for detrimental drugs, like cocaine and heroin, towards other markets, “drug transit countries breed their own consumers predominantly due to the fact that local intermediaries are paid in merchandise rather than cash and look to turn their share into financial gain by selling to local populations.”¹¹⁸

Kenya, a country that one can easily describe as “as a market where there is multipolar competition,” the drug barons are either linked to political interests or they have been seen campaigning for elective positions.¹¹⁹ Here, there is insignificant competition among many players, since no group dominates in the competition.¹²⁰ The last few years have seen local gangs mushroom in Mombasa. These gangs are paid to offer protection to the drug traffickers.

¹¹⁶Dimova, M. A new agenda for policing: Understanding the heroin trade in eastern Africa, <https://ecpr.eu/Filestore/PaperProposal/9e9dd3da-27fa-42cb-96c6-0bc8b5639c99.pdf>.

¹¹⁷ Ibid.

¹¹⁸UNDOC, World Drug Report 2015, as described in M Dimova, ‘The first dragon to slay’: Unpacking Kenya’s war on drugs, *Review of African Political Economy*, 43:148, 27 June 2016, 231.

¹¹⁹ Ibid.

¹²⁰ Ibid.

Concurrently, the people who organize and benefit from the profits made from drug trafficking have started lynching the drug users by anti-crime vigilante groups.¹²¹

2.5 Summary of Key Findings

In a nutshell, this chapter has explored the prevalence of drug trafficking in Africa with a focus on Kenya. The chapter has found out that Kenya is notorious for cocaine, heroin and cannabis trafficking. The drug trafficking routes in Kenya include the East-West corridor and the corridor that leads Kenya from Somalia and across the north of Kenya.

¹²¹ Ibid.

CHAPTER THREE: EFFECTIVENESS OF STRATEGIES USED IN COMBATING RUG TRAFFICKING IN KENYA

3.0 Introduction

The persistent illicit drug cultivation, manufacture, trafficking and abuse of drugs and other controlled substances pose a serious threat to national security. It is a threat that jeopardizes Kenya's collective commitment and national efforts to deliver on the 2030 development agenda. From the findings, the following strategies are used to combat drug trafficking in Kenya: developing special units and enhancing police capacity, international cooperation and collaboration between countries, overcoming corruption, cross-border and regional cooperation mechanisms, and legislative, policy advice and capacity building

3.1 Developing Special Units and Enhancing Police Capacity

As a transit country, Kenya is facing enormous strain on both financial and human resources required to address the world drug problem. To this end, one respondent stated that "Kenya has put in place special units and continue to build their capacity in addressing illicit drug trafficking. Further, at national level we have introduced the National Drug Control System Software that will automate and improve the timely exchange of information on controlled substances. With respect to the vulnerability of the vast coastline which is a major entry point for narcotic drugs, we have established the Coast Guard Unit and set up specialized units under the Container Control Programme to entrench sustainable enforcement at entry points."

The available training, state of the correctional facilities, small police-citizen ratio, the judiciary back logs, and the condition of the police force all contributes to the current violence and crime, which, when combined with the dearth of comprehensive and standardized laws for East Africa, makes it easy to get away with a good number of illegal narcotics related activities. Besides,

most areas where crime takes place are not isolated, for their level of interconnectedness is high. For example, trading of animal parts and wildlife poaching linked to transnational trafficking, corruption, tax evasion, organized crime networks and money laundering. As one of the above-mentioned issues becomes more predominant, so the whole cycle upsurges in damage and dynamism.

3.2 International Cooperation and Collaboration Between Countries and Intelligence Sharing

The study observed that “The war on drugs comes at a great cost and Kenya faces serious challenges in trafficking of illicit small arms, human trafficking as well as drug trafficking. These crimes go hand in hand with money laundering that is used to finance terrorist activities which continue to be a threat to our national security. We therefore call on the international community to pay attention to the correlation between illicit drug trafficking, money laundering and terrorism. Further, there is need to address issues regarding proceeds of drug-related crimes.”

In line with the Political Declaration and Plan of Action of 2009 and the UNGASS Outcome Document of 2016, Kenya calls for increased technical assistance to enhance national strategies in addressing the global narcotics challenge in all its forms and manifestations. Kenya is convinced that the overall objective of international war on narcotics should be to eradicate the easy obtainability and use of illegal drugs and psychotropic substances that pose obvious health risks and undermine national security.

As stated by one of the respondents, “We believe that the three International Conventions on drug control provide sufficient safeguards that allow access to such drugs and substances for medical and scientific purposes. Kenya, therefore, does not support imposing of legalization and de-criminalization of access to controlled substances for recreational purposes, as this will undermine national efforts to counter drug-related problems. Further, we believe it is important

for each State to be allowed flexibility in addressing drug problems, taking into account national legislation and cultural considerations.”

From the findings, it is important for states to work together in fighting organized crime and trafficking, both in Africa and globally. The natures of these challenges are typically transnational, which needs the East African countries collaborate to address them. A key goal would be “to find effective ways to pursue development and security together, as it has increasingly been demonstrated that security and the rule of law are central to effective development. In this context, technical cooperation, inter-agency work, advocacy and partnership building are essential.” The UNODC Regional Programme "Promoting the Rule of Law and Human Security in Eastern Africa, 2009-2012” is aimed at giving support to the efforts shown by the member countries in the East African region, thereby helping them to respond to developing threats in human security and boost good governance. Similarly, enhanced security measures that are broad-based and based on noticeably “upgraded signals intelligence (SIGINT), human intelligence (HUMINT) and open sources intelligence (OSINT)” have proved to be fruitful in controlling the transnational organized crimes and drug trafficking activities. This effort has been aided through the efforts placed in the sharing of information with overseas associates and closer collaboration among law enforcement, intelligence, and other relevant agencies within the domestic environment.

As one respondent stated, “A prerequisite for developing an integrated response to dealing with the challenges of organized crime is access to comprehensive data and information on the nature and extent of operations – both domestically and regionally. UNODC should assist countries to build, maintain and use of an intelligence position on illicit trafficking and organized crime, per country and for the region as a whole. Data collection and data admittance will need to be done on a region-wide basis, on general and specialized topics, disaggregated for population groups

and gender. The region is encouraged to use one framework for data collection so that information sharing and analysis is facilitated.”

UNODC should also develop national capacity to precisely evaluate and assess the scale and scope of organized crime by conducting threat assessments, which will support them to come up with efficacious counter measure strategies that will be adopted both in Kenya and across the East African region. From this, the regions national governments players will have a good chance to institute practical intelligence-based strategies.

3.3 Overcoming Corruption

It was observed that “The second issue which underpins the growing crime and violence, and makes the need for a targeted intervention by the international community absolutely critical is the connection between crime and corruption. The weak states, lack of resources low level of economic opportunity and lack of political will to address crime makes the Eastern Africa region a breeding ground for corruption. Whether illicit trafficking and organized crime are already on the rise or not, sooner or later they will be a serious threat to the people and societies in Eastern Africa. Just as increased economic development is needed, increasing the level of proper law enforcement and justice must be an urgent priority for Kenya and the countries in the region. Governments of all the Eastern Africa countries have a role to play and need to focus on this area. A Government is the only actor which can, on a legitimate basis, address state security, organize the protection of civilians and uphold laws. Taking action to ensure overall peace and security is first and foremost the responsibility of Governments. Furthermore, it is important for countries worldwide to address transnational crime and trafficking in a holistic global approach. Leaving some regions unaddressed is an invitation for criminal groups and individuals to move their activities there.”

3.4 Legislative, Policy Advice and Capacity Building

Policies and legislations are key in the war against drug trafficking as well as giving support to Member States in attiring a functional worldwide legal administration against terrorism that follows the rule of law principles. As one of the respondents stated, “UNODC should provide assistance to countries of the region to align their domestic legislation with the international conventions addressing illicit drug trafficking, transnational organized crime and terrorism. Specific legislative assistance is needed in the areas of the protection of victims and witnesses, combating drug trafficking. Further assistance should also be given to assist countries in drafting national laws on extradition and mutual legal assistance in criminal matters, so as to strengthen sub-regional, regional and international cooperation, in particular in the area of counter-terrorism and organized crime.”

In terms of capacity building, some of the respondents felt that there is need for capacity building of national institutions. “UNODC should support national institutions to build capacity in all sectors of judiciary, police, investigation, prosecution and imprisonment. UNODC should develop, train and support the use of specialized units (pilot teams) to create good practices in a combined police, justice and imprisonment approach. In order to reinforce the work of the specialized unit and have impact at the community level, UNODC should simultaneously work with the national authorities to develop awareness raising, development and livelihood programs that will support the communities in which the specialized units are active. The areas and topics will vary per country according to need, and in this way lessons learned, best practices, and centers of excellence in countries will develop, and can be shared across the region at a later stage. Furthermore, UNODC should encourage increased attention to be paid to corruption and integrity of actors in all sectors.”

One of the respondents stated that “in addressing the world drug problem, Kenya recognizes and pays attention to the following key issues: -The need to enhance the capabilities of law enforcement and judicial system as well as improve on their close collaboration in combating drug-related issues; Enhanced international cooperation and partnership in combating the world drug problem given that it is a common and shared responsibility; The Government of Kenya has ratified the three international conventions on drug control and taken necessary measures to ensure that they are domesticated to provide a national framework for effective drug control. These measures have enabled Kenya to join the rest of the world in addressing the world drug problem at national, regional and international level.”

3.5 Cross-border and Regional Cooperation Mechanisms

Another strategy that Kenya has adopted to fight drug trafficking is by ensuring that countries come up with an integrated tactic to law enforcement that is bent towards ensuring efficient cooperation and coordination between agencies and utilizes state investment well in agency resources. As one respondent stated, “Assistance is required to broker and bring about this change domestically, and to extend the same cooperation to information exchange and operational support between agencies and between countries across the region and wider. UNODC should assist in building the capacity of judicial practitioners and central authorities to request and grant international cooperation in criminal matters, including extradition, mutual legal assistance and confiscation, which is an essential requirement in addressing drug trafficking and other transnational crimes at the regional level. The Office should also enhance capacity for police to police cooperation and FIU to FIU exchange of information. UNODC should seek to assist in establishing a network of witness protection authorities in East Africa in order to facilitate the exchange of experiences and to cooperate for the temporary and long term

protection and relocation of victims and witnesses. Besides, it should also foster cross-border collaboration and improved border security through the establishment of dedicated airport and seaport specialist response units, the application of risk assessment and targeting procedures, the sharing and networking of intelligence among strategic ports and airports, which will improve intelligence collection and data sharing among the regions to facilitate the work of law enforcement agencies in Kenya and Africa in general.”

Currently, the police are conducting the complex and time-consuming chore of reforming their practices and structures significantly in line with a number of recommendations developed in the “government-appointed National Task Force on Police Reforms” report of 2009. These transformations purpose to restore the effectiveness, credibility and integrity of the Kenya Police. If conducted well, it will take some time for positive outcome to be witnessed. Besides, the Kenya Police “are still compromised as a result of widespread corruption and a lack of public confidence in them. Trust levels, although improving, remain low.”¹²² The police changes must take be effective and it would not be wise to come up with another police taskforce to look into the transnational organized crime. In order to attain success, a short- and medium-term plan should not depend on the police. The initiative should ensure public confidence and boost the belief that the authorities have the capacity and the will to deal with crime and handle the powerful figures involved in it. It is crucial to remember the warning put across by the former UNODC executive director that “East Africa is becoming a free economic zone for all sorts of trafficking—drugs, migrants, guns, hazardous wastes, and natural resources.” Therefore, the Kenyan government should think of taking quick steps to come up with a capacity that is independent from the police to conduct thorough investigations into “complex organized crime and corruption cases” effectively.

¹²² Ibid.

3.6 Summary of the Findings

This chapter has looked at the effectiveness of strategies used to combat drug trafficking in Kenya. For strategies to be effective, Kenya has put in place special units and continue to build their capacity in addressing illicit drug trafficking. Kenya has also ensured that it is part of the international cooperation and collaboration between countries and intelligence sharing. The country also needs to overcome corruption to ensure proper working of the strategies to combat drug trafficking. Other factors to be considered include legislative, policy and advice capacity building and cross-border and regional cooperation mechanisms.

CHAPTER FOUR

POLICY FRAMEWORK FOR THE CONTROL OF DRUG TRAFFICKING IN KENYA

4.0 Introduction

The following policy framework for the control of drug trafficking in Kenya has been drawn from the study findings. They include the national (National Alcohol and Drug Abuse Policy), regional (East African Regional Policy), and international (UNODC Legal Framework for Legal Trafficking) policy frameworks. There are a number of existing policies that Kenya has instituted, either as a country or as a member of the Regional Economic Blocs it belongs or the inter-governmental organizations, which aim at controlling drug trafficking in Kenya. The Kenyan constitution of 2010 states that all international law principles which have been ratified by the international law will be adopted effectively. Specifically, Kenya has adopted all the East African Regional Policy Frameworks on Drug Trafficking and the three main UN conventions on narcotic drugs and psychotropic substances.

4.1 The National Alcohol and Drug Abuse Policy

This policy was ratified by the “Ministry of Interior and Coordination” in 2018. This policy prescribes “an optimal mix of three categories of prevention interventions: universal, selective and indicated.” Universal Interventions refer to “those that target all the members of a given population, Selective interventions are aimed at a group within the general population that is determined to be at high risk for substance use and Indicated Interventions are targeted at Individuals who are already using substances but have not developed a substance use disorder.”¹²³

¹²³ Ministry of Interior and Coordination of National Government. National Alcohol and Drug Abuse Policy, 2018.

4.1.1 Policy Pillar 1: A Framework for Evidence-Based Approach to Demand Reduction.

The Government of Kenya strives “To increase access to evidence-based policy actions to protect human life in particular children, youth and other vulnerable persons; To integrate alcohol drug abuse education into the school curriculum for elementary, primary, secondary, tertiary and university levels; To promote the implementation of evidence-based programs that seek to modify key risk and protective factors in various settings; namely in schools, workplace, family and at community levels. To raise public awareness on harmful substances by use of internet and social media, mobile apps recreational activities and peer to peer engagement and screening to create awareness on ADA; To strengthen the capacity of stakeholders to adapt and implement evidence-based prevention measures; To promote the establishment of community-based coalitions that will implement prevention programs that will be effective in helping to address the social and environmental determinants of substance use”¹²⁴

4.1.2 Policy Pillar 2: Framework for Supply Suppression

To prevent and counter drug related crime and illicit production, the Government of Kenya strives “To promote multi-disciplinary efforts at national and county levels to prevent and address drug use, trafficking and related crimes; To use of alternative measures to incarceration, treatment and rehabilitation to address petty drug offences; To monitor current trends in drug trafficking and related crimes and share experiences; To foster socio-economic development and inclusiveness through integration into lawful enforcement efforts into policies and programmes; Enhance programmes through sharing of information and best practices; Review and implement national legislation to counter drug trafficking; Strengthen the law enforcement system and community policing for effective control of alcohol and drug abuse; Enhance cooperation at

¹²⁴ Ibid.

international, regional and national levels to effectively reduce the cultivation and trafficking of illicit drugs such as cannabis plant, opium poppy and coca bush.”¹²⁵

In order to address any links with corruption, money laundering, and other forms of organized crime, the government “fosters to design and implement evidence-based strategies to effectively respond to the increasing link between drug trafficking, corruption and other forms of organized crime; promote effective measures to address drug-related crime, corruption and obstruction of justice; Enhance national capacity to prevent and counter money-laundering and illicit financial flows from drug trafficking and related crimes.”¹²⁶

Sustainable Alternative Development Programmes include: Introducing substitute development programmes to target the production and cultivation of scheduled crops used to manufacture illicit products; Support and encourage substitute development programmes to ensure in maintainable economic development through participation of communities and stakeholders; To include communities in the design and execution of alternative development programmes; Enhance the capability of law enforcement agencies in fighting illicit cultivation; Involve partners and “agricultural agencies in the provision of alternative development programmes to affected communities.”

4.1.3 Policy Pillar 4: Cross-Cutting Issues, Emerging Trends, Realities and Threats In Management Of Alcohol And Drug Abuse

The Kenyan government fosters to initiate: “Proportionate and effective policies and responses to criminal justice proceedings and reform; Promote proportionate sentencing of drug related offences in accordance with relevant and applicable law with alternative to incarceration for petty drug offences; Provide for the efficient and speedy conclusion of drug related cases and the destruction of exhibits after conclusion of the case; Provide effective measure for the

¹²⁵ Ibid.

¹²⁶ Ibid.

identification, tracking, freezing and seizing of proceeds derived from offences relating to the possession of production, trafficking in narcotic drugs and psychotropic substance, except as is reasonable exempted by law including property, equipment or other instrumentalities used in or destined for use in such offences for the purpose of eventual confiscation including forfeiture.”¹²⁷

To address new psychoactive substances (NPS), precursors and the non-medical use and misuse of pharmaceuticals, the government: “Increase awareness on the adverse risks and effects of new psychoactive substances (NPS), Amphetamine Type Stimulants (ATS), precursors and pre-precursors for health and safety; Enhance the capacity of law enforcement agencies to detect and identify ATS, NPS, and precursors, and promote cross-border cooperation; Strengthen collaboration among agencies including chemical and pharmaceutical industries and other private entities for effective monitoring, evaluation and reporting on scheduled substances; Put in place regulatory measures within national legislative and administrative systems to address and manage the emergence substances and provide mechanism for information sharing; Strengthen the capacity of government personnel to control the use of precursor chemicals and to make the requisite returns to the International Narcotics Control Board (INCB).”¹²⁸

The government also use Information Communication and Technology platforms to: “Enhance law enforcement agencies’ capacity to prevent and counter the use of ICT, to facilitate criminal activities including drug trafficking, money laundering and terrorism; Develop and implement measures, in accordance with national legislation, prevention strategies, programmes and measures to protect children and youth from the potential risk associated with the illicit sale and

¹²⁷ The Kenya Gazette, The National Authority Against Alcohol And Drug Abuse Act, 2018.

¹²⁸ Ibid.

purchase; Use ICT to facilitate access to current information of access of ADA and reporting.”

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4.2 East African Regional Policy

The control of drug trafficking in Kenya is also guided by the East African Regional Policy of 2019. This policy recognizes the complexity and the magnitude of new trends of drug trafficking within the East African region and resultant security, economic, social and health impact. The policy give attention to “supply reduction and proposes to restore the balance between health and other social consequences of drug use while not neglecting Law enforcement approaches.”¹³⁰

The EAC Secretariat shall “Provide a platform to increase accountability among partner states on efforts to control reduce access and consumption to Alcohol, drugs and other substances.”

Partner States shall: “Enact, enhance and or amend legislation and strengthen the enforcement of legal frameworks to respond to changing environments and new technologies targeting production, packaging and distribution; Establish systems, infrastructure and capacity to effectively detect substances in foods and beverages to prevent access to ADOs through edible products; Establish or / and strengthen regulatory systems to monitor the supply of licit and illicit drugs; Strengthen capacity of law enforcement agencies at entry points to detect illicit drugs / products; Strength capacity of law enforcement and regulatory agencies to enforce implementation of legal and policy frame works on production and distribution of illicit drugs especially at the community level; Strength capacity of law enforcement and regulatory agencies to reduce illicit drug use, trafficking and associated crimes in accordance with human rights principals and the rule of law; Strengthen capacity of leaders to enforce adherence to stipulated

¹²⁹ Ministry of Interior and Coordination of National Government. National Alcohol and Drug Abuse Policy, 2018.

¹³⁰ East African Community. East African Community Regional Policy on Prevention, Management and Control of Alcohol, Drugs and Other Substance Use, 2019.

standards for alcohol and drug production, packaging and distribution in the region; Regulate the distribution of alcoholic products including drinking hours and age limitation in the region.”¹³¹

Demand for drugs, alcohol, and other substances is determined by a number of factors and thus, its decrease will need complex interventions. Partner States shall: “(i) Establish educational programs to improve access to knowledge about alcohol and drug use and related dangers to influence adoption of positive behavior among target audiences, (ii) Establish/ strengthen mechanisms for detection of alcohol and psychoactive substances in schools, recreation areas and other places where young people usually congregate,” (iii) “Strengthen system to support the implementation of existing regulatory policies and laws on the use of Alcohol, Drugs and Other Substances; Institute and strengthen legal and policy frameworks to deter the establishment of ADOs in and or around social and educational institutions eg schools,” (iv) “Establish / strengthen community structures including networks to support implementation of initiatives aimed at preventing use and supply of AODs, (v) Regulate advertising, promotion and sponsorship of Alcohol products and other Substances including betting and gambling, casinos; Control consumption, sales and distribution of Alcohol, drugs and Other substances,” (vi) “Sensitize and capacity build stakeholders including policy makers, Law enforcers, community and religious leaders to provide an enabling environment for service delivery in the region, and (vii) Institute deterrent taxation and pricing policies on licit Alcohol.”¹³²

To ensure proper coordination of the execution of the guidelines, strategies and policies on management, control and prevention of substance, drug and alcohol use in the EAC member states, the members states strive to put in place “a comprehensive framework to enhance coordination of all institutions involved prevention, management and control of alcohol, drug

¹³¹ Ibid.

¹³² Ministry of Interior and Coordination of National Government. National Alcohol and Drug Abuse Policy, 2018.

and substance use.”¹³³ The East Africa Community Partner States “have a lot in common in terms of political, economic, and social fabrics. The implication of this close social fabric is an increased cross border activity through formal and informal trade, among other interactions. This implies that not only legally approved goods are traded across the borders but some illicit substances including alcohol and other drugs that can easily be shifted from one country to another.”¹³⁴

It is noted that there is insufficient coordination and absence of a wide-ranging harmonized frameworks to control the circulation of illicit substances and drugs and within the EAC member states. Therefore, there is “need for coordinated efforts among the EAC Partner States to share best practices, provide platforms for planning, implementation, support and reporting on joint cross border programmes on alcohol, drug and substance use in the region.”¹³⁵

To achieve this objective, member states shall: “Promote programmatic research and best practices to inform evidence-based interventions and innovations; Establish and or Strengthen Knowledge management and experience sharing platforms on alcohol, drug and substance use; Develop a comprehensive and integrated M&E and Learning framework for periodic assessment and monitoring of the policy implementation status; Institute a sustainable resource mobilization mechanisms and efficient allocation and utilization of resources in the implementation of Alcohol, drug and substance use initiatives.”¹³⁶

To achieve this objective EAC Secretariat shall: “Institute resource tracking mechanisms and provide technical assistance to partner states to undertake resource tracking in line with country fiduciary mechanisms (financial management, budgeting and audit procedures); Establish a

¹³³ Ibid.

¹³⁴ UNODC. Organized Crime and Trafficking in Eastern Africa, 2009.

¹³⁵ Ibid.

¹³⁶ East African Community. East African Community Regional Policy on Prevention, Management and Control of Alcohol, Drugs and Other Substance Use, 2019.

regional comprehensive and integrated framework / platform to coordinate cross border monitoring of the movement of illicit alcohol, drugs and other substances; Strengthen Knowledge Management and experience sharing platforms on alcohol, drug and substance use in the region; Develop a comprehensive and integrated M&E and Learning framework for periodic assessment and monitoring of the policy implementation status for the region.”¹³⁷

4.3 UNODC Legal Framework for Drug Trafficking

Kenya’s fight against drug trafficking is also hinged on UNDOC legal framework for drug trafficking, which Kenya has ratified. The three major international drug control treaties, “the Single Convention on Narcotic Drugs of 1961 (as amended in 1972), the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, are mutually supportive and complementary.”¹³⁸

An important purpose of the first two treaties is to “codify internationally applicable control measures in order to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, and to prevent their diversion into illicit channels.”¹³⁹ They also include “general provisions on illicit drug trafficking and drug abuse. The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances extends the control regime to precursors, and focuses on establishing measures to combat illicit drug trafficking and related money-laundering, as well as strengthening the framework of international cooperation in criminal matters, including extradition and mutual legal assistance.”¹⁴⁰

¹³⁷ Ibid.

¹³⁸ UNODC, *The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism*, 2017.

¹³⁹ UNODC, *World Drug Report 2018*, 2018.

¹⁴⁰ Ibid.

4.4 Summary of Findings

From this chapter, Kenya's policy on combating drug trafficking is based on three frameworks, that is, the National Alcohol and Drug Abuse Policy, the East African Regional Policy, and UNODC Legal Framework for Legal Trafficking. These national, regional, and international policy frameworks help guide the Kenyan legal, security, health and other departments to combat drug trafficking by suppressing the usage and supply of these drugs.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter covers the summary of the findings, conclusions and recommendations of this study on the strategies to combat drug trafficking in Africa; case study of Kenya. The conclusions and recommendations have been drawn from the findings of the study.

5.1 Summary of the Findings

This study assessed the strategies to combat drug trafficking in Africa, focusing on Kenya as a case study. The main objectives of the study were to: examine the prevalence of drug trafficking in Africa; assess the effectiveness of strategies used to combat drug trafficking in Kenya; and develop a policy framework for the control of drug trafficking in Kenya. The study used both primary and secondary data collection methods to gather information.

Based on objective one of this study which was to examine the prevalence of drug trafficking in Africa, this study has established that there are significant drug trafficking routes in Africa and a variety of drugs. Due to its strategic geographical location, Kenya is normally described as East Africa's region's economic powerhouse." Several routes in Kenya have been used by drug traffickers to accomplish their missions. A side from the corridor that leads Kenya from Somalia and across the north of Kenya, the country's center provides a channel through which goods are moved from the Coast to the interior. Motor vehicles, sugar, rice, electronics and sometimes fire arms are some of the goods that are smuggled into the interior via the East-West corridor. The environmental agencies on the other hand prohibit the movement of goods to Mombasa through the opposite direction of the interior. The East-West corridor is also used by drug traffickers to smuggle heroin to Uganda through Malaba and Busia. In the southern direction, heroin is trafficked across the borders of Tanzania in both directions, especially in areas between the coast

and Tsavo National Park. Kenya has two main hubs through which heroin are smuggled. The first hub is the port of Mombasa, which is argued to be “the largest and busiest seaport in East and central Africa, and a strait through which goods travelling to and from a combined regional population of 200 million people in Kenya, Uganda, Burundi, South Sudan and beyond must flow. The prevalent drugs trafficked in Kenya include heroin, cannabis, and cocaine.

Based on objective two of this study which was to assess the effectiveness of strategies used to combat drug trafficking in Kenya, this study has established that there are varied levels of success concerning the effectiveness of strategies used in combating drug trafficking in Kenya. These strategies include developing special units and enhancing police capacity; international cooperation and collaboration between countries and intelligence sharing; overcoming corruption; legislative, policy advice and capacity building; and cross-border and regional cooperation mechanisms. Out of these mechanisms, some have succeeded while some are still lacking.

Based on objective three of this study which was to investigate the relevance of the policy framework for the control of drug trafficking in Kenya, this study has established that there are a number of policy frameworks in place for control of drug trafficking in Kenya. Starting with the National Alcohol and Drug Abuse Policy, this principle ratified by the Ministry of Interior and Coordination of National Government in 2018 and it prescribes an optimal mix of three categories of prevention interventions. Second, there is the East African Regional Policy of 2019, which recognizes the complexity and the magnitude of new trends of drug trafficking within the East African region and resultant security, economic, social and health impact and proposes supply reduction mechanisms through maintaining the balance between health and other social consequences of drug in observance of law enforcement approaches. Lastly, there is the UNODC Legal Framework for Drug Trafficking, which Kenya has ratified. The three main international

drug control treaties, “the Single Convention on Narcotic Drugs of 1961 (as amended in 1972), the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, are mutually supportive and complementary”.

5.2 Conclusions

Form the study, it can be deduced that due to its geostrategic location, Kenya is one of the most notorious countries with a high prevalence of drug trafficking. The country has highly developed and entrenched routes that are used by international drug traffickers, which makes it vulnerable to transnational criminal activities. The study also concludes that Kenya has tried to develop special units and ensured international cooperation and collaboration and intelligence sharing but the country still lacks when it comes to enhancing police capacity and overcoming corruption, which might be the reasons as to why it still has significant levels of drug trafficking. Therefore, there is need to bolster drug trafficking mechanisms to ensure that there is a significant reduction in drug trafficking incidences.

5.3 Recommendations

The recommendations have been classified under national, regional and international recommendations.

5.3.1 National Recommendations

First of all, Kenya should establish an independent, specialized serious crime unit. A task team should be “appointed to consider and report on the desirability of establishing a carefully vetted and highly specialized unit with a mandate to investigate and prepare for prosecution cases relating to serious and sophisticated organized crime in Kenya. The unit should: consist of specially selected persons with the highest degree of integrity and skills; have a multi-disciplinary skill composition, including detectives, prosecutors, forensic experts, accountants,

electronic device experts, undercover experts, analysts, etc.; be equipped with the most modern and effective equipment available and be trained to utilize the best international practices; operate in line with a legislative mandate, which also sets out its powers, jurisdiction, and accountability; operate outside the Kenya Police with a significant degree of autonomy and be accountable to an authority to be determined; focus only on the most complex cases and most powerful or sophisticated criminal networks, while the Kenya Police continue to address general organized crime.”¹⁴¹

The advantages of establishing such an independent specialized unit include: “generating public support and confidence in the criminal justice system at a time when the police and judiciary are undergoing longer-term, fundamental institutional reforms; increasing the risk for sophisticated international criminal networks operating in Kenya and stemming the gains they have made in penetrating government and political structures; prosecuting powerful crime figures in Kenya, thereby rolling back the long reign of impunity that many have enjoyed; injecting international financial support and expertise from development partners; improving international cooperation with similar specialized units elsewhere and with other law enforcement agencies; improving Kenya’s standing as an important partner to counter transnational organized crime globally.”¹⁴²

Second, Kenya should enhance research, analysis, and information dissemination on organized crime in Kenya and East Africa at large. Experts on transnational organized crime have emphasized “the importance of information, both in the form of intelligence for successful investigations and information to equip policymakers and the public to understand and counter organized crime more effectively. Some go as far as claiming that the key to the successful countering of transnational organized crime lies in three things: information, information, and

¹⁴¹ UNODC, *The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism*, 2017.

¹⁴² *Ibid.*

information.”¹⁴³ The Kenyan public and its representatives “should have regular access to reliable information to enable them to develop an appreciation of the threats that organized crime and corruption pose, and so that a realistic debate can take place about effective countermeasures.”¹⁴⁴ Decision makers who are not properly “informed about the phenomenon of organized crime are unlikely to make appropriate policy decisions to counter it, and a public that has scant information available will not understand the threat that organized crime holds for citizens and the country as a whole. While the Kenyan media has played an admirable role in reporting on incidents and providing investigative pieces, a more sustained initiative that results in coordinating, analyzing, and publishing credible information is required.”¹⁴⁵

Third, Kenya should also carry out a major overhaul of company registration systems to enhance accuracy, transparency, and public access. Financial crimes, “including money laundering, are facilitated by company and property records that are not accessible to the public, contain false information, enable front men to conceal the real shareholders or owners, or that can be taken and controlled by senior officials other than the ones duly authorized to do so.”¹⁴⁶ The Charterhouse Bank saga provides an example of how major financial criminal activities are difficult to unravel in the absence of a clear and well-functioning company registration system.

5.3.2 Regional Recommendation

First, the East African Community (Burundi, Kenya, Rwanda, Tanzania, and Uganda) should significantly “enhance police cooperation in the region. Eastern African Police Chiefs Cooperation Organization (EAPCCO) is “an intergovernmental organization representing the law-enforcement agencies of the following eleven member states: Burundi, Djibouti, Eritrea,

¹⁴³ André Standing, “Criminality in Africa’s Fishing Industry: A Threat to Human Security,” Africa Center for Strategic Studies, Africa Security Brief No. 33, June 6, 2017.

¹⁴⁴ *Ibid.*

¹⁴⁵ Peter Gastrow, “Termites at Work: A Report on Transnational Organized Crime and State Erosion in Kenya,” International Peace Institute, 2011.

¹⁴⁶ Africa Center for Strategic Studies, “Illicit Financial Flows to and from Africa: A Conversation with Raymond Baker,” interview, July 28, 2015.

Ethiopia, Kenya, Rwanda, Seychelles, Somalia, Sudan, Tanzania, and Uganda.”¹⁴⁷ These countries “cover the Horn and East Africa, a large and very complex part of the world in which some member states are deeply antagonistic towards each other. For example, Eritrea, Sudan, and Ethiopia are traditional foes, and they find it politically impossible to extradite persons to their neighboring countries.”¹⁴⁸ This makes police cooperation across the region very difficult. Deep divisions among some of the EAPCCO member states have put a break, but not a stop, on more effective regional police cooperation. Agreements developed by EAPCCO to promote law-enforcement cooperation in the region have seldom been signed by all member states.

5.3.3 International Recommendation

Kenya, alongside her counterparts in the EAC should develop an East African “WACI.” East African governments “should work with UN agencies and international partners to learn from the interagency West Africa Coast Initiative (WACI) and develop an East African Community Initiative for the East African region that meets the needs and suits the conditions of that region. The UNODC is currently implementing major programs in eastern and western Africa that, among other objectives, aim to address transnational organized crime.”¹⁴⁹ In eastern Africa, the UNODC Regional Programme, “Promoting the Rule of Law and Human Security in Eastern Africa (2009-12),” is designed to cover thirteen countries. The purpose is “to support the efforts of the member states in the Eastern Africa region to respond to evolving security threats and to promote the rule of law and human security. The program identified three sub-programs as strategic priorities in the region - countering illicit trafficking, organized crime, and terrorism,

¹⁴⁷ Peter Gastrow, “Termites at Work: A Report on Transnational Organized Crime and State Erosion in Kenya,” International Peace Institute, 2011.

¹⁴⁸ Ibid.

¹⁴⁹ UNODC, *The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism*, 2017.

fighting corruption and promoting justice and integrity, improving health and human development.”¹⁵⁰

5.4 Areas for Further Research

The current study examined the strategies to combat drug trafficking in Africa, focusing on Kenya as a case study. While the study focused on Nairobi and Mombasa counties due to their notorious nature, there is need for future studies to examine other upcoming regions in terms of drug trafficking. Future studies should also use other research designs such as longitudinal research design, which is important in studying long-term trends.

¹⁵⁰ Ibid.

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Appendix 1: Research Consent Form

My name is Wilfred Orina, a student at the University of Nairobi and Defence Staff College (Karen, Kenya), undertaking a course in Strategic Studies. I am conducting a research Project entitled “Assessment of Strategies to Combat Drug Trafficking in Africa: Case Study of Kenya.”

The findings of this research will be used for academic and policy purposes. The purpose of this form is to request you to take part in the study. This is a voluntary process that will only take a few minutes. You can pull out of the study any time you feel like. Your confidentiality and anonymity is assured.

Declaration of Consent

Having read through the instructions, I willingly accept to take part in this study.

Signature:

Date:

Appendix II: Interview Guide

1. What are some of the strategies that are used to combat drug trafficking in Kenya?
2. How effective are these strategies?
3. How does international cooperation help to fight drug trafficking in Kenya?
4. How effective is intelligence sharing help in combating drug trafficking?
5. How does corruption affect drug trafficking in Kenya?
6. In what ways does capacity building help in the fight against drug trafficking in Kenya?
7. How does cross-border and regional cooperation mechanisms?