DISARMING BELLIGERENT COMMUNITIES IN AFRICA: A CASE STUDY OF DISARMAMENT EFFORTS IN SAMBURU AND BARINGO COMMUNITIES OF KENYA

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DECLARATION

This research proposal is my original work and has not been presented to any other institution or university for the award of any degree.

Signed _____   **Date** _____

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This research proposal has been submitted for examination with my approval as the university supervisor.

Sign …………………………….   **Date** ……………………………………..

MARTIN NGURU …………………………………

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ACKNOWLEDGEMENT

DEDICATION

This project is dedicated to the memory of **Tom Maliachi Sitima**, my late father and mentor. Papa, I stand tall amongst my peers with an assured future because you lived and more importantly because you were my dad and did all within your ability to make me the man I am today.

I further dedicate this project to my **Mrs. Alice Sitima**, my mother. Thank you both for the encouragement and for believing in me.

LIST OF ABBREVIATION

DDR	Disarmament, Demobilization, and Reintegration
GSU	General Service Unit
IDDRS	Integrated Disarmament, Demobilization, and Reintegration Standards
ISS	Institute for Security Studies
SALW	Small Arms and Light Weapons
SLDF	Sabot Land Defence Force
UN	United Nations
UN	United Nations

ABSTRACT

The main objective of this study is to analyze disarming initiatives within the belligerent communities in Africa with special emphasis on the disarmament operations within the Samburu and Baringo Counties in Kenya.

Chapter one begins with introducing the paper. In this chapter the researcher discussed the background of the study, the significance of the study, what the researcher seeks to accomplish, the importance of the study and finally outlining the research methodology that was adopted in doing the thesis.

Chapter two the research amplifies the global character or perspective of the operations in particular disarmament operations in Columbia, Afghanistan and Africa in general.

Chapter three discusses in detail the evolution of disarmament operations in Kenya and inevitably the discussion spills over to how these operations have led to the recent conflicts faced by the current administration.

Chapter four communicates the challenges of SLAW that has presented not only as a challenge to the security of the state given the role played by the non- state actors.

Chapter five outlines the recommendations the Kenyan Government may adopt in carrying out disarmament operations in Kenya.

Contents

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Background of the Study

For a long time now, the nation of Kenya has had to contend with the challenge of illegal arms possession and use. This phenomenon has gone on for decades. While small arms possession in Kenya predates colonialism (especially in the pastoralist North and the hitherto Northern Eastern Province), urban gun challenges may be traced way back to the anti-colonial struggle in Kenya in the 1950s. As such, small arms are as much an apparent challenge as they have been a historical one.

The manifestation of the challenges of averse Small Arms and Light Weapons (SALW) has been such that they have presented not only a security challenge to the authority of the state, but also have presented a problem of law enforcement. Non-state actors who have come into possession of illegal SALWs and used them to perpetuate crime in both urban and rural areas Kenya. In many parts of Kenya – especially the northern regions - SALW have been commonly used to perpetuate conflicts. This has had adverse effects on both the economic development of the population, and also social-political factors in the country.

Although the Kenya Government has focused its disarmament initiatives in pastoralist areas of the country, possession of illegal arms are posing significant socio-economic, political and security risks nationally. For instance, the pastoralist areas of Kenya have remained under-developed owing to insecurity prevalent in those areas hence a perennial impediment to local and international investment. In the more agriculturally productive areas of the country, frequent inter-ethnic violence has become synonymous with every national election. For instance in the

year 2008 the violence that followed the national elections triggered a new demand for arms in these areas. Given the increasing fascination with the gun culture to communities in electoral violence-hit zones, if post-elections conflict phenomenon persists, such fighting will inevitably degenerate, leading to perpetual civil strife.

Worse still, urban violence ails Kenya's urban centers, with the worst-hit being the major towns of Nairobi, Kisumu and Mombasa. Fear of attack or violence has increased in urban areas resulting in the fortification of urban neighbor-hoods and self preservation strategies that are social class oriented hence the poor are marginalized are excluded.[1] Armed robberies, carjackings, kidnappings, and gang violence characterize urban in-security. Many of these crimes involve gun use, while police response has been a "shoot-to-kill" approach in armed crime situations.

Several factors explain the urge to arms in the pastoralist areas of Kenya. For instance, it is borne out of the failure on the part of Government to provide security and hence local communities arm themselves in an endeavour toward self-protection. Also a struggling livestock economy has resulted in poverty and unemployment. Where pastoralist communities' livelihoods, economy and existence is pegged on their livestock, these groups seek arms for protection of their stock, especially given the context of minimal government security presence and competitive conflicting inter-community relations characterized by livestock raids and competition for scarce water and pasture. Respondents interviewed made reference to poverty and unemployment as the root causes of self-armament in these areas.

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[1] National Steering Committee on Peace building and Conflict Management, National Policy on Peace building and Conflict Management, first draft, (Nairobi: Office of the President), p.8

Further, qualitative data indicates that the arms economy and its attendant profits to gun runners and agents fuel the proliferation of arms in the country. One of the feeders of arms ownership among local pastoralist communities is their systematic response to their perceived minority status and marginalization. These communities' lack of power in numbers means they cannot influence policies and political decisions at the national level, hence their search for autonomy and independence through arms. Such groups usually reassert their claims and rights through the use of the force through arms.

There is a strong feeling among frontier communities living along the international borders that local gun ownership unwittingly contributes to the protection of the country's territorial integrity by fending off raiders from other countries. Occasional fights with foreign security forces are hailed as patriotic. [2] Earlier research in the North Rift underscored similar security-based and economic reasons for armament.[3]

In urban areas, reasons for gun possession are different in perspective. An exploration of reasons for armament reveals that illicit gun possession in most urban areas has a criminal economic drive, as illegal gun owners use the guns in armed robberies, carjacking, and other crimes. Hence, some security experts have observed that "though many pastoralist households have small arms, the rate of crime and violent incidents is not high (as would be expected) in their

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[2] ISS (2004), Mapping of the Disarmament Effort in Karamojong Triangle, (Nairobi: Unpublished).

[3] Kiflemariam Gebre-Wold, Exploring the Relationship between Human Security, Demand for Arms, and Disarmament in the Horn of Africa, Online: http://ippnw.org/ResourceLibrary /Hels/GebreWold.pdf, p.4(Accessed on 1st July 2010)

community." But the same cannot be said of the implications of illicit arms possession in urban areas.[4] All violent robbery and carjacking incidents are executed by criminals with small arms.

Secondly, arms seem to have been most recently sought, and/or produced (for the case of home-made guns) for self-defence and/or offensive purposes in electoral violence prone areas of Rift Valley.

Although the acquisition of the firearms was a community effort, the ownership of the same was vested in individuals, rendering it difficult for the loose community leadership to effectively enforce control on their management (Ekuam, 2008).[5]

Numerous disarmament interventions have been undertaken in Kenya targeting Samburu and Baringo Counties over decades. Although there is lack of a systematic compilation of the history of disarmament in Kenya, the country could have undertaken well over 50 disarmament operations since independence. During the Moi presidency, it is said the President ordered over 20 disarmament operations among the Pokot people alone. Under the Kibaki administration/ presidency, there have been at least five (5) disarmament operations to date. While disarmament has been an almost constant process in pastoralist areas, there have also been various forms of disarmament that have been implemented in other parts of the country

1.2 Statement of the Problem

The persistence of rural and urban demand for illegal arms is indicative of inadequate Government disarmament measures and/or policies. Over 50 disarmament operations have been initiated in Northern Kenya, but they've not yielded results in the eradication of small arms in

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[4] ibid
[5] Ekuam (2008). An Overview of the status of small Arms and Light Weapons in Areas Affected by Post –Election Violence in Rift Valley Province, Nairobi: UNDP Kenya.

the country. This necessitates a re- orientation of the Government approach to this issue, which should be less coercive and more strategic; strengthening the capacity of law enforcement agencies; enhance arms reduction strategies that include civil society participation and designing institutional frameworks etc. some ways the government can approach disarmament.

This thesis explores the various ways in which the Kenyan Government has addressed the proliferation of illicit SALW in Samburu and Baringo, especially through disarmament. The thesis examines the factors that have prompted self-armament; how self-armament has been accentuated over the years; and the various interventions by Government to stem out the menace of illegal SALW. The thesis interrogates Kenya's diverse experiences with disarmament. The thesis also examines the challenges that have been encountered by the State in undertaking disarmament initiatives; as well as the lessons learnt and proposes practices, on the basis of which recommendations are made.

The argument of this thesis is that, where the voluntary call to disarmament was not achieved, security agencies adopt more coercive strategies. Not only are these strategies often at variance with their mandate toward voluntary cooperation from armed groups, but also, they have failed to address the underlying factors that encourage armed violence in the different parts of the country. As a result, despite the burgeoning scope and cost of disarmament, armed groups have proliferated and the security situation for the citizenry continues to be critical in the North Eastern part of the country. This thesis seeks to examine the growth and evolution of disarmament practices both in the context of the complex situation that exists in these areas.

1.3 Objectives of the Study

1.3.1 Overall Objective

To analyze the Government disarmament operations in Samburu and Baringo Counties.

1.3.2 Other Objectives

i.   To examine the current conflicts in Samburu and Baringo Counties of Kenya.

ii.   To establish the challenges facing disarmament initiatives in Samburu and Baringo Counties of Kenya.

1.4 Justification of the Study

1.4.1 Academic Justification

This study sought to establish whether disarming belligerent communities in Africa bore positive effects in enhancing stability and bringing security to different parts of the countries that the disarmament has been undertaken. The study findings thus contributes to the theory building in the sense that the gap concerning whether or not Disarmament, Demobilization, and Reintegration (DDR) programs improves stability and sustainable peace is narrowed down. Moreover, it contributes to theory building because it asserts the theoretical propositions under study. With the ever increasing threat of illegal firearms on the peace, stability and economic development of areas prone to illegal firearms, the study findings offers new theoretical proposition to improve the effectiveness of Government disarmament initiatives being planned. Thereby bringing new knowledge on better approaches in implementing disarmament initiatives in Africa and Kenya in Particular.

1.4.2 Policy Justification

To assess the impact of disarmament one has to consider the resources involved, the dynamic processes of production, redistribution and the different factors and actors in policy making and implementation. The ultimate objective of disarmament efforts should be to improve the welfare of people. Disarmament of civilians frees human potential that can contribute to achieving these objectives.[6] A growing network of researchers seeks to better understanding the environment in which disarmament occurs as well as the motivations and means of those who are to be disarmed and reintegrated. A more thorough understanding of what animates non-state armed groups, the leaders and followers, and the communities who are to receive them is critical for policy-makers and practitioners alike.

1.5 Literature Review

This study may provide information to policy developers to enable them to formulate, implement and evaluate relevant and viable policies relating to disarmament in Kenya. It provides information that the relevant Ministries and other stakeholders in Kenya can use to assess and improve implementation of disarmament strategies that is core towards achieving Vision 2030 in Kenya. The study may therefore provide insight into the policy making process.

The literature review will focus on current security conflicts in Kenya, disarmament Initiative and challenges facing disarmament initiatives.

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[6] United Nations Inter-Agency Working Group on Disarmament, Demobilization, and Reintegration. *Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards*. New York, NY: United Nations, 2011. *United Nations Organization Stabilization Mission in the Democratic Republic of Congo.*

As seen in our literature review, roles of Government in peace building through disarmament programs demonstrate both strengths and weaknesses depending on one's perspective. Some scholars feel that the government plays a very crucial role while others feel that Government score on implementation and disarmament programmes has been poor. This study therefore aims at propelling Government towards looking for appropriate approaches to disarmament. It assumes that Government has a significant if not most significant role in peace building through disarmament, but such roles are contented with numerous challenges. By studying Governments' role in disarmament operations in Kenya, this study aims to bridge the gap between disarmament initiatives in Kenya and how effective Government's role in achieving lasting peace through disarmament.

1.5.1 Disarmament operations in Kenya

Numerous disarmament interventions have been undertaken in Kenya over the decades. Although there is lack of a systematic compilation of the history of disarmament in Kenya, the country could have implemented well over 50 disarmament operations in the past 100 years. While disarmament has been an almost constant process in pastoralist areas, there have also been various forms of disarmament that have been implemented in other parts of the country.

In the years 1978-2002, it is said the President Moi ordered over 20 disarmament operations the in the Pokot territory alone between 2003-to-date, there have been at least five (5) disarmament operations to date.

1.5.1.1 Colonial Era

The earliest recorded Government driven disarmament initiative was code named *Operation Tennis*. It was undertaken in the context of the 1926 transfer of Uganda's Rudolf Province to Kenya and the subsequent British efforts to confine the Turkana and Karamojong areas within the newly created states. This included a call to surrender firearms in exchange for protection from the colonial Authority. But the operation was constrained by among other things the lack of cooperation from local communities. Given their nomadic lifestyles of the targeted communities (Mburu, 2001).[7]

In 1950, the second known pre-colonial disarmament exercise was carried on in Kolowa, East Baringo. The initiative is perhaps more remembered for its atrocious nature than for anything else: over 60 Pokots were killed while several families were relocated to Losiro, Uganda. The colonial administration literally closed the district and confiscated over 10,000 cattle.

A third colonial initiative that may not have been purely a disarmament drive but served the purpose was a counter-insurgency operation dubbed "*Operation Jock Stock*", which began in October 1952 with a view to contain the Mau Mau.

The initiative appeared to have been ill conceived, since it targeted political elites some of who knew little or nothing about the Mau Mau insurgency. Further, the colonial administration focused on "gunboat" diplomacy, publicly displaying its coercive muscle in Nairobi to assure European settlers of their security, rather than address root causes of the insurgency, which were related the clamour for land, independence. On the whole, "*Operation Jock Stock*" had counter-productive results. The Mau Mau, aware of the military muscle of the

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[7]Mburu, (2001). Firearms and Political Power: The Military Decline of the Turkana of Kenya 1900 – 2000", in Nordic Association of African Studies, Nordic Journal of African Studies, Vol. 10(2).

colonial Government reorganized and rearmed.[8] As such, insurgent violence spread, and the freedom fighters' numbers and weaponry increased tremendously. In 1961, colonial Uganda's Lieutenant Colonel Idi Amin of the King's African Rifles (then Ugandan Army), into Kenya, tortured and terrorized locals who refused to give up their arms. Even though 127 men were left to die, the operation failed to disarm the Turkana.

1.5.1.2 Post-Colonial Period

Between 1963 and 1968, the Government implemented a fierce counterinsurgency military operation in what was previously the Northern Frontier District (the NFD comprised the North Eastern Province and Upper Eastern Province) in the now Kenya. This operation aimed at defeating a Somali irredentist movement bent on seceding from Kenya to Somalia. This has since been christened the shifta war completely.

The operation aimed at completely defeating the irredentist movement who were considered "shiftas," meaning bandits. In order to be effective, firstly, the entire NFD was declared a prohibited zone. Secondly, security personnel were empowered to shoot and confiscate livestock owned by those suspected of subversion. Thirdly, detention camps were erected to hold those considered politically dangerous. With the January 1968 reestablishment of diplomatic relations between Kenya and Somalia, the insurgents lost support, and the Kenyan military mopped them up.[9]

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[8]Caroline Elkins, *Britain's Gulag: The Brutal End of Empire in Kenya*, (London: Pimlico, 2005), p.35-37
[9]Whittaker Hannah, *Pursuing Pastoralists: The Stigma of Shifta during the 'Shifta War' in Kenya, 1963-68*, Unpublished, Online: http://arts.monash.edu.au/publications/eras/edition-10/whittaker-article.pdf, (Accessed 14 July 2010), p. 2

Though successful, the operation was constrained by the desert and general difficult terrain in the NFD region, as well as largely uncooperative communities who felt victimized. Worse still, the operation was characterized by human rights violations which led to apathy among communities in NFD and planted seeds of impunity.

Further, in the post-Shifta War environment insecurity persisted in the NFD. Banditry, cattle rustling and small arms problems persisted for many years. Additionally, the state of emergency declared on the region only ended in 1991.[10] The attendant underdevelopment of the region still afflicts the region.

Another disarmament operation was the North Eastern and Upper Eastern Operations. The lingering aftermath of Somali irredentism and the subsequent Shifta War was the Government suspicion of Kenyan Somalis as agents of cross-border arms trade and perpetuation of varied forms of insecurity such as banditry and cattle rustling.

As a result, there were disarmament operations in 1980 in Bulla Karatasi, Garissa and in Mandera's Malka Mari in 1981. The operations are remembered for the brutal nature of the execution since it is alleged that "hundreds were killed, maimed, tortured and raped by Security forces. The November 1980 Garissa operation, now known as the Bulla Karatasi Estate massacre, was triggered by the killing of six (6) Government officials. In retaliation, it is said that security forces burnt down the whole of Bulla Karatasi estate, with an alleged 3,000 killed,

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[10]Kathurima M'Inoti, "Beyond the 'Emergency' in the North Eastern Province: An Analysis of the Use and Abuse of Emergency Powers" in Nairobi Law Monthly, No. 41, February/March 1992

women raped and residents herded into a concentration camp at Garissa Primary School playground where they remained for three (3) days without food or water. [11]

The "Malka Mari operation" occurred in the context of reported banditry in the area. The military is said to have rounded up more than 200 herders at Malka Mari. Some were said to have been killed by use of boulders to break their skulls and shoulders, while others were dangled from trees with a rope tied around their testicles. The Malka Mari massacre marked the beginning of a series of disarmament operations in Mandera. There were others in Garse, Derakali, Dandu and Takaba areas.[12]

Perhaps the most forceful exercise in the history of North Eastern Province was the "Wajir disarmament operation" that has come to be known as the Wagalla Massacre (or Wajir Massacre). Briefly on 10th February 1984 security forces rounded up thousands of men (from the Degodia clan) and held them at the Wagalla airstrip, torturing them for days till survivors opted to escape five days later (on 14th February). One account holds that the men were shot at as they fled. There are varying estimations of how many died. While the initial government estimation was that 57 people died, the then Internal Security Ministry later in 2000 admitted that the figure was about 380. The then MP Elias Barre Shill contended that the Minister was trying to avoid critical questions on the "massacre", since more than one thousand people were alleged to have been killed.[13]

[11]Refugee Review Tribunal, *Somali Ethnic Group Treatment and Affirmative Action*, Online: www.mrt-rt.gov.au/ArticleDocuments/92/ken33956.pdf.aspx, (Accessed 3 August 2010) 2008,p.5

[12]Kerrow, Billow (2010), Wagalla Massacre: A Crime Against Humanity, in Daily Nation, 10 February 2010
[13]BBC News, *Kenya Admits Mistakes over 'Massacre'*, Online: http://news.bbc. co.uk/2/hi/africa/978922.stm (Accessed 3 August 2010)

The 1984 "*O p e r a t i o n   N y u n d o*" ("Swahili for "Hammer") was a joint Kenya-Uganda disarmament operation targeting the borderland communities (specifically the Pokot) along the Kenya/Uganda border. Operation Nyundo was extremely forceful, as the military used ground and air presence to coerce people to disarm. Military brutality towards civilians failed to enlist the cooperation from the community. It is alleged that locals were either shot or tortured. People were shot on sight, or tortured.But this exercise became a demonstration of the community resolve to stick to illegal arms unless their issues awaiting from insecurity are comprehensively addressed. Regrettably, the operation did not rid the region of illegal SALW.

Although there is scant information on disarmament efforts after 1984 to the period around the signing of the Nairobi Declaration of 2000. But there were disarmament operations in the 1990s too. The *N a i r o b i   D e c l a r a t i o n   o n   t h e   P r o b l e m   o f   t h e   P r o l i f e r a t i o n   o f   S m a l l   A r m s   a n d   L i g h t   W e a p o n s   i n   t h e   G r e a t   L a k e s   R e g i o n   a n d   t h e   H o r n   o f   A f r i c a* was signed by ten (10) Governments situated in the Horn of Africa and the Great Lakes Region in March 2000.

The signing of the Nairobi Declaration occurred in the wake of increasing international focus on SALW and its challenges. The signing of the declaration was strategic to Kenya, as a year later (in July and August 2001) the UN sent a team of disarmament experts on a fact-finding mission on the SALW problem in Kenya and the need for enduring solutions for disarmament. The experts concluded that small arms flows from neighbouring Somalia, Sudan, and Ethiopia had increased the availability of arms and greatly contributed to a deterioration of security in the

country.[79]In the post Nairobi Declaration, the Kenyan Government still pursued voluntary and forceful disarmament, but also introduced the practice of public destruction of SALW.[14]

Between 2001 and 2002 in the ebbing years of former President Moi's administration, an ultimatum was issued to communities to hand over their guns in exchange for amnesty. Following the voluntary surrender made possible by the Government amnesty, the Government embarked on a firearms destruction exercise. In the first phase, 1,000 weapons were destroyed at a public ceremony on 16 March, 2003. In the second phase, about 7,000 arms were destroyed while the military took charge of destroying landmines. Official Government estimations of weapons destroyed are 8,289 in 2003, 3,839 in 2005, 8,008 firearms and 50,000 rounds of ammunition in 2007.In the last four years, a total of 22,634 assorted illicit SALW have been destroyed.[15]

In the light of clashes between nomadic pastoralist and sedentary farming communities in Tana River District in October 2001, the Government implemented a disarmament operation involving the paramilitary General Service Unit (GSU) and regular police officers. The operation embraced both forceful and dialogical approaches, as the security officers sought to arrest perpetrators while civil society actors and elders implemented local peace initiatives geared towards "Conflict Resolution".

In the same year (2001) in September, the Government recovered over 250 firearms and 3,000 rounds of ammunition in North Eastern Province over a two month period. This was achieved

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[14]Kopel, B. D., P. Gallant & D. J. Eisen, (2010). Human Rights and Gun Confiscation, Online: http://www.davekopel.com/2a/Foreign/Human-Rights-and-Gun-Confiscation.pdf,

[15]ISS, (2010) Mapping of the Disarmament Effort in Karamojong Triangle, (Nairobi: Unpublished)

through elders' and security officers' efforts that encouraged voluntary surrender of arms in order to deal with challenges brought by banditry and inter-clan fighting.

Another initiative to counter the small arms threat was the 28th July,2001 Kenya-Somali border closure by then President Moi. However it was counterproductive as Somalis from Somalia threatened to hijack vehicles in Kenyan districts bordering Somalia (Lamu, Tana River, Garissa, Wajir and Mandera). Other cross-border initiatives to counter trafficking included regional stakeholder meetings that drew Government representatives from Ethiopia, Kenya and Uganda, as well as civil society representatives and local community representatives in January 2001 after the signing of the Nairobi Declaration. These consultations were combined with forceful and voluntary disarmament initiatives that netted over 1,000 arms by early January 2001.

1.5.1.3 Recent Disarmament Efforts

In 2005, The Government launched a disarmament program that first began with a voluntary "*Dumisha Amani*" (Maintain Peace) initiative before phasing in the forceful "*Operation Okota*" (collect) program. The first phase was from May 2005 to February 2006. *Operation Okota* began in April/May 2006 but provided for voluntary surrender as part of the strategy. This disarmament program also integrated development projects such as the restoration of infrastructure, and rehabilitation of water points. It also had a community sensitization and awareness raising component and endeavoured to bring various stakeholders on board.

The process recovered 2,433 arms and 5,260 rounds of ammunition, realized the reopening of 106 primary schools and 3 secondary schools; while 25 livestock markets were reopened and 42,833 people provided with medical care. These developments were a clear departing from past

strategy, a demonstration of the dividends from improved security drawing from the disarmament exercise.[16]

In 2010, the "Operation Dumisha Amani" II was launched. This operation was conducted in the context of Government estimation that Kenya's pastoralists have spent KES 1.1 billion (about US$13,750,000) to arm themselves over the years, based on the number of firearms recovered from them.The voluntary phase began in February, while the forceful phase started two months later in April 2010 and target the recovery of 50,000 arms .[17]

Dumisha Amani II is still ongoing and it integrates development (under the disarmament and development program). An issue of concern however, is that the Government hasn't made it clear what the timeframe for the operation is. The initiative is also largely intelligence based and has not considered stakeholder views. It is also feared that, like earlier initiatives, the operation will have short-term gains due to its failure to adequately address root causes of community armament.[18]

1.5.2 The challenges facing disarmament programs in Kenya

A diversity of challenges have plagued the disarmament interventions, which have been implemented in Kenya over the years these have ranged from cultural insensitivity, use of excessive force, poor coordination, inappropriate approaches, discriminatory and localized approaches, among others. Although today there are legislative frameworks for dealing with the problem of SALW and which can be used to support disarmament, the Government has in the

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[16]Ibid

[17]Daily Nation, 24 March 2010, "Pastoralists Spend Sh1.1 Billion on Arms" Pg. 25
[18]Ndung'u J.,(2010) *Analysis of Disarmament Approaches in Kenya and How to Make them Effective*, Paper Presented during RECSA Practical Disarmament Validation Workshop in Mombasa Kenya, 30th- 31st.

past lacked a clear framework policy or legislation on disarmament. It is only recently that the Government has developed a policy framework to deal with disarmament and development strategy.

In a Country Report to the Fourth UN BMS on the Status of Implementation of the UN PoA on Illicit Small Arms and Light Weapons and The Implementation of International Tracing Instrument 2010, the Government concedes to "the lack of a comprehensive legislative framework to address demand and supply factors" as one of the key factor in the proliferation of illicit SALW along other factors including conflicts in the neighbouring states, and poor infrastructural development. It also identifies post-election violence of 2007/08 as having contributed to the increase in illicit SALW especially in non-pastoral areas.

In what appears as a policy direction, the Government hopes to tackle internal factors that precipitated this situation by addressing issues related to governance, marginalization, under-development and retrogressive cultural practices through control measures by addressing supply and demand for sustainable peace and security. Following the disarmament trends in Kenya, the Government seems to be applying different approaches to disarm in urban and rural areas. In urban areas for instance, the police have been accused of using the unwritten policies such as "shoot to kill." While these approaches actually eliminate the criminals and in most cases lead to firearms recovery, they fail to comprehensively root out the problem of SALW in urban centres since they break the leads that would help the police get to the bottom of the criminal cartels. They also fail to address the root causes of the problem, including insecurity and unemployment among others. In the urban areas, disarmament has happened mainly when police encounter criminals during which incidents arms are recovered either after killing the criminals or through surrenders.

On the other hand, in rural areas, especially in pastoralist areas of the country, disarmament initiatives have been referred to as "operations," which have a military connotation, targeting communities believed to possess SALW. Unlike the urban centres approach that targets individuals, the rural approaches are often seen to target a whole community. The secrecy that surrounds disarmament operations has led to speculation and politicization of the process. In brief, the "policies" have lacked adequate consultation and community involvement as a bottom-line of successful disarmament.

Prior operations have been designed to forcibly collect arms from civilians but this has not reduced the proliferation and misuse of small arms in the targeted areas. This "policy" has never been productive other than collecting some thousands of arms, most of which have been reported not to be re-serviceable. Often, the disarmament exercise involves deployment of a combined force of security agencies with the motive of forcibly collecting arms, in some instances using military helicopters and heavy machine guns. The deployment is never long-term and thus leaves the security challenge intact, if not worse.

The Government has also been employing other strategies such as amnesty to entice local populations to peacefully surrender illegal arms. Recently, in pastoralist areas, the Government has started to use different approaches which appear a hybrid of "voluntary" and "forceful" disarmament. There has also been a move towards consultations with community leaders and civil society in the disarmament processes. These approaches seem to be bearing much fruit

compared to the earlier forceful disarmament exercises. Key among these approaches were "Operation Dumisha Amani I and II" or (Operation Restore Peace I and II).[19]

Some of the reasons why the "Dumisha Amani" I operation was relatively successful was because there was cooperation with local communities and civil society. The operation was also lauded since it involved provision of essential services and facilities, construction of roads and schools; presence of military and general cordial relationship with these communities.

From *O p e r a t i o n   D u m i s h a   A m a n i* II concept, the direction the Government seems to be taking is to link development to disarmament initiatives. For example, in the objective, Government plans to "… inject additional resources to be factored in the budgetary allocation of the Ministries that will be implementing the development and disarmament activities." The objective of *O p e r a t i o n   D u m i s h a   A m a n i* II is also in line with Government's Vision 2030 policy which aims at providing on enabling environment for development .[20]

Other than *O p e r a t i o n   D u m i s h a   A m a n i* I and II, disarmament in pastoral areas targeting the problem of small arms have been ad hoc involving deployment of security officers reactively to stem escalating violence, pursue attackers and recover stolen livestock's for a limited period of time. In most cases, such responses have temporarily restored law and order. As the concept states such strategies have been expensive and have meant that "… security personnel have to be mobilized from different districts, sometimes far away from

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[19] Ndung'u J.,(2010) *Analysis of Disarmament Approaches in Kenya and How to Make them Effective*, Paper Presented during RECSA Practical Disarmament Validation Workshop in Mombasa Kenya, 30th- 31st

[20] Ndung'u J., Analysis of Disarmament Approaches in Kenya and How to Make them Effective, Paper Presented during RECSA Practical Disarmament Validation Workshop in Mombasa Kenya, 30th-31st August 2010

the scene of the incident." This translates into logistical problems. Previous disarmament policies seem not to be part of a larger and long-term plan for addressing the root causes of armament and wider conflict management but periodic events especially following a rise in criminality in urban areas or cattle rustling in pastoralist areas.

So far, disarmament measures have never disaggregated between different types of approaches but have been wholesome. For instance, does it entail reducing a particular type of weapon, or completely eliminating all types of weaponry? This discussion is important since it is increasingly being reported that non-state actors possess more sophisticated hardware.

According to Small Arms Survey (2009), "small arms disarmament is a process involving collection and destruction of weapons, sometimes combined with erecting barriers against acquisition of new weapons. It can be incremental, partial, or comprehensive." It differs from control which "… refers to regulations establishing conditions on ownership, limiting acquisition of certain quantities or styles of weapons or ammunition, or restricting storage, transfer, and resale. Control does not aim to reduce weapons numbers, but rather to ensure greater safety of existing and future inventories." Based on this definition, the draft National Policy on SALW addresses both "control" and "disarmament".[21]

The Small Arms Survey further underscores that disarmament can mean the absolute elimination of an entire category of weapons… but in practice it is usually a process of incremental steps and partially attained accomplishments." It appears the Government has opted for disarmament as opposed to control. However, the sequencing of collection and destruction has been one of the concerns for communities being disarmed. They would rather destruction be done in the areas in

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[21] Small Arms Survey (2009), National Policy on SALW, government printer, Nairobi.

which collections are done; this is also seen as a way of confirming that the arms are not given to a rival community. The draft National Policy on SALW proposes that destruction should be done in the areas where arms are collected as much as possible.

Hence, disarmament efforts in Kenya have historically been plagued with challenges. Most post-colonial disarmament operations have disappointingly mirrored the colonizer's approaches and weaknesses. Research on community perceptions on disarmament revealed several challenges. Inadequate formal security was cited as a major challenge due to communities' loss of confidence in Government/formal security system. Pastoralist areas are expansive and resources needed to maintain security forces on the ground are inadequate. Yet, even where security officers are present, they are often accused of failing to support the community in recovery of livestock (after raids). In fact, several elders indicated that they had higher confidence in KPRs than Police or GSU. "Some of them are reluctant to come for our support telling us that they cannot risk their lives for cows and goats. They tell us to stop keeping livestock but this is our way of life."[22]

Disarmament is equally demeaned by the rearmament communities resort to after disarmament. 14% of the respondents cited the challenge of a post-disarmament arms race among communities as closely tied with the fear of attacks by rival communities. These are directly related. Most of the respondents indicated that they would rearm immediately after disarmament because they realized that attacks from other communities with arms were an imminent danger. For instance, in the aftermath of the current disarmament in the North Rift and Upper Eastern Regions, the Ajuran clan from North Eastern Province raided the Sakuye in Dabel, Moyale on 26th July 2010 with the full knowledge that the latter had surrendered their arms. Nine people were killed. After

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[22] Ibid

this attack, the Sakuye community members have not ruled out seeking arms from neighbouring Ethiopia and Somalia, "acquiring arms from across the border can happen in a matter of days," quipped one respondent.

Others were basically afraid that security officers would arrest or charge them with illegal possession of firearms. However, those who wanted to voluntarily surrender their arms took advantage of the Government amnesty. Hence, while the current phased approach that integrates development demonstrates adaptation, disarmament initiatives continue to be plagued by multiple challenges .[23]

1.5.2.1 Political challenges

Lifestyles and Identity-based Alliances

Disarmament efforts targeting pastoralist communities are confronted by the challenge of their nomadic way of life. Multiple disarmaments in the North Rift have been undermined by the migration of communities to neighbouring countries and/or regions, a fact that has informed the implementation of joint disarmament efforts. Further, nomadic communities share cultural and ethnic traits, making it possible for example, for the Pokots of Kenya to mingle freely with Ugandan Pokots when avoiding disarmament on the Kenyan side. The same pattern of behavior can be observed among Kenya's Turkana and Uganda's Karamojong. This is a major basis for the current joint disarmament efforts between Kenya and Uganda.

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[23] Nguli, M., Small Arms and Light Weapons' Proliferation in Parts of Kenya, (Nairobi: PEACENET Kenya, May 2008)

Selective Disarmament

There are several levels of selectiveness in disarmament efforts. First, during previous Government operations disarmament was undertaken without simultaneous efforts across the border (in Uganda, Sudan and Ethiopia). This would encourage evasive community migratory patterns, slipping across the border to hibernate among allied communities till after the disarmament operation.

Second, in the Government's current disarmament in North Rift and upper Eastern regions, security forces left out neighbouring North Eastern Province. The implication of this has been that communities in the North Rift and Upper Eastern regions of Kenya have been weakened in the face of their rivals. As such, the Ajuran clan in North Eastern Province's Wajir District, attacked the Sakuye of Dabel Division, Moyale District in upper Eastern and killed up to nine people.

Policy weaknesses/Inappropriateness

Weak or Non-Existent Peace Building Initiatives

Disarmament programs target areas inhabited by groups that have long running rivalries and conflicts. Hence disarmament in this context is locally interpreted as depletion of a community's fighting prowess. Rival communities with long-standing grudges against their disarmed neighbour in turn consider the post-disarmament phase as payback opportunity. Such phased violence leads to a vicious cycle of attacks and counterattacks, which entrench a gun culture that makes the conflicts lethal. Yet state-based disarmament operations are devoid of alternative

dispute resolution approaches such as "Reconciliation". Worse still, disarmament operations are reactive to incidents of violent conflicts in targeted areas.

For instance, "*Operation Chunga Mpaka*" was implemented in the wake of serious clan-based violence in Mandera area. Further, government-led attempts to reconcile communities in electoral-violence hotspots in the Rift Valley were dubbed "operations" (that is, the "*Operation Rudi Nyumbani*" or "Operation-Go Back Home" resettlement program and the "*Operation Ujirani Mwema*" or "Operation Good Neighbourliness" reconciliation program), which gave them a militaristic rather than peace building character. Reconciliation remains a critical component in practical disarmament, given that in the absence of inter-group hostilities, demand for small arms diminishes (OCHA).[24]

Public Safety Concerns

The police "shoot-to-kill" approach to tackling armed robbery and carjacking incidents is problematic. Cases of stray bullets injuring, maiming innocent members of the public in a police gun battles with criminals are common. Where illicit arms owner cannot be isolated and apprehended, a coercive approach to dealing with these persons poses a threat to public safety.

Weak Legislative Framework

Existing legal framework is considered lenient to those found with illegal arms. For example, the Fire Arms Act of Kenya (revised 1972) regulates importation, licensing and usage of firearms. A person cannot own or purchase a gun without a "firearm certificate" issued by the Firearms

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[24] OCHA, Humanitarian Update, Vol. 21, 21-28 May 2008

Bureau. But the Act's provisions sanctions providing for fines are too weak to deter the illegal possession of firearms. Further, possession of illegal firearms is bail able since it is treated as a petty offence notwithstanding the gravity of crimes that may be committed thereunder. However, use of a firearm or its imitation for criminal intents attracts a minimum of seven (7) and maximum of fifteen (15) years imprisonment. Illegal possession of a firearm attracts a similar penalty.

But illegal sale, transfer, repair, or test of a firearm or ammunition attracts five (5) to ten (10) years imprisonment. Acknowledging these weaknesses, Kenya's National Assembly passed the "Prevention of Organized Crime Bill 2010", with amendments to the Firearms Act prescribing a life sentence to anyone found with an illegal firearm. This feat led the Internal Security Assistant Minister Orwa Ojode to order anyone with illegal guns to surrender them to the authorities before the President assents to the Bill. The Minister contended that the new law[25] will cut down the crime rate in the country by 70%. The President assented to the Bill on 13th September 2010.

Socio-Economic Challenges

Poverty

Poverty afflicts communities in SALW-infested areas. It also influences demand for arms. Where a significant proportion of the youth are unemployed, and crime and/ or a warrior culture thrives and promises dividends in terms of profits from SALW trafficking, cattle from raids (in pastoralist areas), and quick money and property (in the case of urban crime), disarmament efforts cannot eradicate small arms.

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[25]Wepundi, M. & Millicent O. (2010). *The Practice of Conflict Sensitivity in Kenya: Beyond the Concept*, (Nairobi: Kenya Conflict Sensitivity Consortium, 2010), p.11

Infrastructure

Pastoralist areas are characterized by poorly developed transport infrastructure. This has provided logistical challenges, given the cost implication of deploying security personnel to the affected areas. Further, underdevelopment of the pastoralist areas itself fuels arms proliferation, as marginalized groups resort to guns for self-protection, commercialized cattle rustling and a rewarding arms economy.

Geographical Impediments

The terrains security forces have to cover are often rugged, and often inaccessible. In the Mt. Elgon operation, SLDF elements receded to caves in the mountain. "We had to drop some bombs from the air to smoke them out," remarked one security source.Other times, security sources aren't successful as residents, given their knowledge of the environment, hide to avoid losing their arms. Further, it ought to be appreciated that Kenya has long porous borders in areas that are conflict-ridden.

The common thread running throughout the Kenya-Uganda; Kenya-Sudan; Kenya-Ethiopia and Kenya-Somalia border/areas-is its vastness and hence provides logistical challenges to effectively police and secure. As such, they are not only entry points of illicit arms, but through these invisible demarcations, inter-community conflicts are visited across countries. Cattle rustling incidents in all their dimensions (as conflicts, enterprises and culture), are also cross-national border in nature.

Human Rights Concerns

In the past disarmament operations often have targeted entire communities as opposed to zeroing in on armed and criminal elements within those communities. This has led to widespread claims of human rights violations including allegations of rape, torture, and unwarranted killings. For instance, Mt. Elgon's 2008 "Operation Okoa Maisha" (Operation Save Lives) was faced with numerous claims of torture of civilians by security forces.In the same year, there was "*O p e r a t i o n   C h u n g a   M p a k a*" (Guard the Border) in Mandera, in which there were claims of the torture of hundreds of people, and one person killed. "*O p e r a t i o n   O k o t a*" (Operation Collect) of 2006 was accused of indiscriminately harassing communities, "contributing to a perception that the disarmament is a form of community punishment (Saferworld).[26]

1.6 Theoretical Framework

In order to reach to these objectives, this paper presents a theoretical review of the most relevant academic work related to disarmament processes that worked and focused alternative perspectives of reintegration in which the communities and victims affected by violence were taken into account. For this purpose, the theoretical review was done by referring to the most recent work developed by Muggah,[27] H Weinstein J[28], and Pugel J[29]. Disarmament,

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[26]Saferworld, (2006).*Developing a Strategy to Respond to the Government of Kenya's Disarmament Programme*, Report of a Round-table Meeting Organised by Saferworld and The Great Lakes Parliamentary Forum on Peace, Nairobi.

[27]Robert M. (2009). "Security and Post-Conflict Reconstruction". In: Robert Muggah. *Security and Post-Conflict Reconstruction.Dealing with Fighters in the Aftermath of War.*Routledge Global Security Studies, New York.

[28]Macartan H. & Jeremy W., (2009). "Demobilization and Reintegration in Sierra Leone: Assessing Progress". *Security and Post-Conflict Reconstruction.*New York.

Demobilization and Reintegration (DDR) is a concept that has evolved over time. It first emerged as a necessity of creating certain activities and programs for the veterans of war to accommodate into civilian life after the war was over. In fact, in the late 1970s and early 1980s, DDR emerged as a set of activities "executed exclusively by and for military establishments and shaped by the geo-political imperatives of Cold War cooperation these interventions were ordinarily confined to bilateral partners and focused in the decommissioning and reform of formal military structures in lesser developed countries, including alternative employment schemes for retired officers and veteran pension schemes.

Colleta et al[30], Colleta et al[31], Anders[32] and Jennings[33] who, in addition to refer to previous theoretical framework, create their own concepts of Disarmament, Demobilization and Reintegration (DDR) and reintegration in a comprehensive way. In the same way, the documents produced by the United Nations, World Bank, and the Stockholm Initiative on Disarmament, Demobilization and Reintegration were used for the purposes of the theoretical framework.

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[29]James P., (2009). "Measuring Reintegration in Liberia: Assessing the Gap Between Outputs and Outcomes". In: Robert Muggah. *Security and Post-Conflict Reconstruction.Dealing with Fighters in the Aftermath of War.*Routledge Global Security Studies, New York

[30]Colletta Nat J., Markus Kostner and Ingo Wiederhofer, (1996).*The Transition from War to Peace in Sub-Saharan Africa. Washington: The World Bank.*

[31]Colletta Nat, Jens Samuelsson, HannesBerts, (2008). *Interim Stabilization: Balancing Security and Development in Post-Conflict Peace building*. Sweden, Ministry of Foreign Affairs.

[32]Anders Nilson, (2008). *Dangerous Liaison: Why Ex-Combatants Return to Violence Case from the Republic of Congo and Sierra Leone.* Sweden, Uppsala Universitet, EditaVastraAros; Anders Nilson, 2005."Reintegrating Ex-combatants in Post – Conflict Societies". Stockholm, SIDA.

[33]Jennings Kathleen M., (2008). "Unclear Ends, Unclear Means: Reintegration in Post-War Societies – The Case of Liberia. In: *Global Governance, 14, 2008.*

1.7 Hypothesess

- There is a significant influence of disarmament programs on peace and economic development in Kenya.

- The disarmament programs have enough support from the actors, both local and international.

1.8 Research Methodology

This study is an analysis of disarmament operations in Samburu and Baringo Counties in Kenya. The study is drawn largely from literature reviews and field interviews. Review of relevant literature on disarmament operations, current security conflicts and challenges facing disarmament programs were sourced from books, journals, articles, reports and government policy documents. The review of literature examined nature of security conflict, and the links between disarmament and reduction of current security conflicts generally and those that focused particularly on Kenya. Primary data will then be obtained from key informant interviews (KIIs) and community members. These site visits will be carried out as follows: meetings with key informant community leaders and elders and government representatives and analysis and validation of findings with research assistant.

Using purposive sampling procedure, all interviewees will be asked if they know anyone with similar knowledge and interests in disarmament in the area. Interviewees will then subsequently be contacted. The interviews will be conducted using open ended questions with expert key informants from the government and community elders in the study area. In the most affected areas, focus group interviews with up to 5 people at a time will be conducted. The interviewees

will comprise pastoralist communities who bear the brunt of security conflicts. The assumption is that the impact of violence is strongest and most direct among both these populations. Urban residents will also be included in the study in order to obtain a balanced understanding of the interventions to disarmament operations. In all places representation in terms of ethnicity, gender and age will also be considered.

By structuring the interviews chronologically, narratives will be obtained which give information on the perceptions and experiences of informants about issues related to disarmament operations, challenges facing disarmament programs. Information will also be sought concerning their livelihood activities, their views on current security conflicts, how they were affected and how they cope with and adapt to violent conflicts and evictions.

1.7.1 Research Design

A research design is a master plan specifying the methods and procedures for collecting and analysing the needed information. The research design used will be a descriptive research. This is because the primary purpose of a descriptive research is determining frequency of occurrence of a phenomenon. The research approach adopted will be qualitative where the researcher will take an active role as an observer and explore different settings, emotional reactions and attitudes of the informants. The design permits the researchers to adopt a holistic approach in the study of the chosen social institutions in an attempt to use indigenous structures to resolve conflicts. Second, it is easy to apply research tools like interviews which could be supplemented by focus group discussions, opinion censors and observations where applicable. Field research entails

study of communities/societies by allowing the researcher to take an active role in the activities by assuming the role of participants' observer.[34]

1.7.2 Population and Sampling Design

This study will be conducted in Samburu and Baringo Counties and will mainly pay close attention to the Samburu and Kalenjin communities as most conflicts in the region are experienced between the Samburu and Kalenjin communities.

1.7.3 Sampling Design and Sample Size

1.7.3.1 Sampling Frame

The relevant population will consist of the local communities. The sampling frame will include Samburu and Kalenjin communities.

1.7.3.2 Sampling Technique

The study will utilize non-probability sampling technique because the researcher requires maximum degree of insight into the problem under investigation and will therefore purposively select informants with relevant knowledge. There is no complete list of population but elders, youth, women and state security organs will be interviewed. This technique is appropriate for heterogeneous population like in this study. This will ensure that all the different segments in a population will be represented in the sample.

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[34]Royce, A. S, Bruce, C. S, and Miller M. S, *Approaches to Social Research*, (New York: Oxford, 1993) pp. 50-54

1.7.4 Methods and tools of data collection

Instrumentation will include use of interviews including key informant interviews (KII), in-depth interviews and focused group discussions (FGD) with the intention of eliciting information and opinions. To compliment this, the researcher will also play a keen role of observation to understand people's behaviour and institutional values, rituals, beliefs, symbols and emotions. Analysis of recorded information/documents will also be done in order to obtain information that informants gave thought to while compiling, and also information in their own words. Lastly, questionnaires will be used, especially among community members for information that can easily be described in writing.

1.7.5 Data analysis

The data collected will be analyzed mainly qualitatively. Discourse analysis will be used to analyze written, spoken or sign language. The objects of discourse analysis are variously defined in terms of coherent sequences of sentences, speeches, intonations and repetitions. Trend analysis will also be used where the researcher will analyze patterns of behavior and sequence of events narrated and identify common or repeated occurrence. Case studies of disarmament operations by community members will also be covered in the report.

1.8 Chapter Outline

The chapter covered various areas as follows; background of the study, statement of the problem, objectives of the study, justification of the study, policy justification, literature review, theoretical framework, hypotheses, research methodology. The research methodology comprises

of; research design, population and sampling design, sampling design and sample size, methods and tools of data collection, and data analysis.

CHAPTER TWO

GLOBAL PERSPECTIVE OF DISARMAMENT OPERATIONS

2.1 Introduction

This chapter shall review the pertinent available factors on disarmament operations. The first section focuses on disarmament on global perspectives, Africa perspectives and then narrow down to Kenya. The study will focused on successful and failed disarmament operations in different region as stated above starting from a globally scale to the Kenyan scenario.

2.2 Disarmament operations in global perspective

The nature of conflict and the weaponry used to fight it have changed dramatically in the last 100 years. Before the 20th century, few countries maintained large armies and their weapons – while certainly deadly – mostly limited damage to the immediate vicinity of battle. The majority of those killed and wounded in pre-20th century conflicts were active combatants. By contrast, 20th-century battles were often struggles that encompassed entire societies, and in the case of the two world wars, engulfed nearly the entire globe. World War I left an estimated 8.5 million soldiers dead and five to 10 million civilian casualties. In World War II, some 55 million died. Weapons with more and more indiscriminate destructive power – weapons of mass destruction – were developed and used, including chemical and biological weapons, and, for the first time, nuclear weapons, which were dropped on Hiroshima and Nagasaki, Japan in 1945.

The second half of the 20th century was dominated by the Cold War and its attendant "proxy wars," wars of national liberation, intrastate conflicts, genocides, and related humanitarian crises. Although experts vary on their estimates of the number of people who have died as a result of

these conflicts, there is general agreement that the number is upwards of 60 million and perhaps as much as 100 million people, many of them non-combatants. States engaged in an all out arms race, spending US $1,000 billion annually by the mid-1980s to build arsenals capable of inflicting massive destruction anywhere on the globe.

Then with the fall of the Berlin Wall in 1989, came a lessening of tensions between the two superpowers and military budgets began to fall. Unfortunately the shrinking of military budgets was a short-lived trend, coming to an end in the late 1990s; since then they have risen some 45 percent (as of 2009). The overwhelming majority of violent conflicts today are fought within States, their victims mostly civilians. Most conflicts are fought primarily with small arms and light weapons, which account for 60 to 90 percent of direct conflict deaths, some 250,000 each year.

While war still takes a huge toll globally, the number of conflicts and the number of casualties are down since the end of the Cold War. The Human Security Brief 2007 noted that between the end of the Cold War and 2006, the number of armed conflicts involving governments (as at least one of the warring parties) had decreased by more than 40 percent. The most severe conflicts and the number of genocides had declined even more dramatically – by some 80 percent. Also down were the number of conflicts between non-State actors (with no direct government involvement), which declined by one-third between 2002 and 2006. With a few exceptions (notably Iraq and Afghanistan), conflicts in the post-Cold War period have been fought in low income countries by small, poorly-trained armies.

Despite the downward trend in conflict, in 2008, the world's governments spent an estimated US $1,464 billion to arm themselves, a level of spending not seen since the fall of the Berlin Wall in

1989. [35] This figure amounts to $216 for each person in the world. The United States alone accounts for $607 billion or nearly 42 percent of the total. The economic drain associated with defence spending, particularly in a time of global economic crisis, is dramatic, and nowhere more so than in the developing world, where all too often governments spend limited revenues on military forces rather than on pressing social needs.

For many of the world's poor people, war and criminal violence are directly impeding their chances of development. By 2010, half of the world's poorest people could be living in States that are experiencing, or are at risk for, violent conflict, according to the United Kingdom's Department for International Development .[36]

More than 740,000 people die each year from armed violence, according to the report The Global Burden of Armed Violence. The majority of these deaths – 490,000 – occur outside traditional war zones. Armed violence affects all societies whether they are at war, post conflict, or experience crime or political violence. Such violence impedes human, social and economic development. It is difficult to know how many small arms (weapons designed for individual use, such as revolvers, self-loading pistols, rifles and machine guns) and light weapons (weapons designed for use by two or three persons serving as a crew) are in circulation globally.

Authoritative sources put the number at 875 million or more, but there are great problems in counting such weapons. According to the Small Arms Survey, more than 1,200 companies in at least 90 countries are involved in some aspect of small arms production. The bulk of the production occurs in just 30 countries, led by the United States, the Russian Federation and

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[35] OCHA, Humanitarian Update, Vol. 21, 21-28 May 2008

[36] Melissa Gillis, (2009) Disarmament; A Basic Guide; United Nations, New York.

China. The total authorized trade in small arms and light weapons was likely US $4 billion in 2003. No one knows the value of the illicit trade in such weapons. [37]

Why have small arms become so prevalent? There are a number of reasons: they are cheap, light and easy to handle, transport and conceal. The trade in small arms is not well regulated and is the least transparent of all weapons systems. Indeed, the Small Arms Survey noted in 2001, that "more is known about the number of nuclear warheads, stocks of chemical weapons and transfers of major conventional weapons than about small arms". Because of the lack of regulation, it is fairly easy for small arms to slip from the legal market to the illicit market. In fact, every arms embargo ever imposed by the United Nations Security Council has been violated by illicit arms traffic.[38]

Ammunition is a key component of the small arms issue, yet very little is known about global ammunition flows. In fact the Secretary-General's 2008 report to the Security Council on small arms acknowledges that more than 80 percent of the ammunition trade seems to remain outside of reliable export data. The Secretary-General's report points out that ammunition stockpiles are quickly depleted in situations of sustained use, such as violent conflict, and preventing their resupply in situations conflicting with the rule of law should be a matter of prime concern.

The Small Arms Survey 2007 notes that much of the ammunition circulating among non-State actors has been illicitly diverted from State security forces, demonstrating the urgent need to better secure ammunition stockpiles. Stockpiles also present a secondary danger to civilian

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[37] Nat Colletta, Jens Samuelsson, Hannes Berts, (2008). *Interim Stabilization: Balancing Security and Development in Post-Conflict Peacebuilding*. Sweden, Ministry of Foreign Affairs

[38] Kopel, B. D., P. Gallant & D. J. Eisen, (2010). Human Rights and Gun Confiscation, Online: http://www.davekopel.com/2a/Foreign/Human-Rights-and-Gun-Confiscation.pdf

populations when they are placed in densely populated areas. Warehouses holding ammunition have exploded recently in a number of countries causing thousands of casualties. [39]

Most conflicts today are fought primarily with small arms. The presence of such arms alone does not create conflict, but their accumulation and wide availability are catalysts, aggravating conflicts, and making them more lethal and longer lasting. The presence of small arms creates a downward spiral by increasing people's sense of insecurity, thus leading to a greater demand for weapons. According to the Small Arms Survey, the vast majority of direct conflict deaths (60 to 90 percent) are attributable to the use of small arms[40]. Increasingly these deaths are not only soldiers, but a large number of civilians – mostly women, children and the infirm – caught in harm's way or deliberately targeted as a tactic of war.

More human rights abuses are committed with small arms than any other weapon. The ripple effects of the prevalence of small arms are hard to overestimate. Armed conflict fueled by small arms is the main cause of people fleeing their homes and the most common cause of food insecurity. The International Monetary Fund has found that armed conflict and high levels of armed violence are serious impediments to economic growth. Women and girls are often gravely affected by small arms violence, but perhaps no one group is more directly affected than young males, who are overwhelmingly the most common users of small arms and also their most common victims.

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[39] Mkutu, A. K., "Small Arms and Light Weapons Survey among Pastoral Groups in the Kenya-Uganda Border Area" in *African Affairs*, 106 (422), (Oxford: OUP, 2006), p.55 - 56

[40] Ibid

The majority of deaths from armed violence each year occur outside war zones, a result of violent crimes. There were 490,000 homicides recorded in 2004, twice the number of people who died directly or indirectly in conflict. Sub-Saharan Africa and Latin America are most severely affected by non-conflict armed violence. Homicide rates in these regions are nearly three times as high as the global average (20 homicides per 100,000 people per year compared to a global average rate of 7.6 homicides per 100,000 people per year)[41].

The United Nations programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects: was adopted in 2001. It is politically- but not legally-binding and encourages all United Nations Member States to adopt a number of measures at the national, regional and global levels, in the areas of legislation, destruction of weapons that have been confiscated, seized or collected, as well as international cooperation and assistance to strengthen the ability of States in identifying and tracing illicit arms and light weapons. [42]

The International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons; was developed within the framework of the Programme of Action, and like the Programme, is politically- rather than legally-binding. It applies to all United Nations Member States. The Instrument commits States to undertake a number of measures to ensure the adequate marking of and record-keeping for small arms and light weapons and to strengthen cooperation in tracing illicit small arms and light weapons. States are also to ensure that they are capable of undertaking traces and responding to tracing requests in accordance with the requirements of the Instrument.

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[41] Musambayi,K.&C.Lionel,   Nairobi – a City Besieged: The Impact of Armed Violence on Poverty and Development, A Case Study for the Armed Violence and Poverty Initiative, (Bradford: Centre for International Cooperation and Security, 2005)

[42] United Nations, (2013) Disarmament Effort in Africa.

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition; The Firearms Protocol) entered into force in 2005. It is a legally-binding addition to the United Nations Convention against Transnational Organized Crime and applies to those States that have ratified it. The objective of the Firearms Protocol, which is the first legally-binding instrument on small arms adopted at the global level, is to promote, facilitate and strengthen cooperation among States in preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition. By ratifying the Firearms Protocol, States make a commitment to adopt a series of crime control provisions establishing criminal offences related to illegal manufacturing of or trafficking in firearms; the second set of provisions setting up a system of government authorisations or licensing, to ensure legitimate manufacturing of and trafficking in firearms; and the third set relating to the marking and tracing of firearms[43].

2.3 Disarmament operations: Colombia's Serial Search for Peace

During Colombia's 42-year internal armed conflict, each successive president has attempted some sort of military victory or, in the face of that impossibility, peace negotiations. While it is beyond the scope of this article to present an exhaustive review of these previous efforts, there are certain key features that warrant our attention and allow us to understand both the great challenges and the possibilities that the current paramilitary demobilization process poses. In the glossary of post-conflict reconstruction and peace building three terms are ubiquitous: disarmament, demobilization and reintegration.   As the United Nations Department of Peacekeeping Operations (UNDPKO) defines it, in the context of peace processes, disarmament

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[43] The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition; The Firearms Protocol 2010.

consists of the collection, control and elimination of small arms, ammunition, explosives, and light and heavy weapons from the combatants and, depending upon the circumstances, the civilian population.[44]

Demobilization is the process in which armed organizations (which may consist of government or opposition forces, or simply armed factions) decrease in size or are dismantled as one component of a broad transformation from a state of war to a state of peace. Generally, demobilization involves the concentration, quartering, disarming, management and licensing of former combatants, who may receive some form of compensation or other assistance to motivate them to lay down their weapons and re-enter civilian life. Finally, reinsertion or reintegration consists of those measures directed toward ex-combatants that seek to strengthen the capacity of these individuals and their families to achieve social and economic reintegration in society. The reinsertion programs may include economic assistance or some other form of monetary compensation, as well as technical or professional training or instruction in other productive activities.[45] As suggested, in its traditional formulation and implementation.

DDR was squarely located within a military or security framework. This focus failed to give sufficient consideration to the host communities, and to the need to consider local, cultural or gendered conceptions of what constitutes the rehabilitation and resocialization of ex-combatants. Beyond efforts to provide economic support to ex-combatants and other war-affected groups evenhandedly, the challenges of sustainable social reintegration can be met by linking DDR

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[44] Muggah, Robert and Keith Kraus. 'Closing the Gap Between Peace Operations and Post- Conflict Insecurity: Towards a Violence Reduction Agenda,' *International Peacekeeping*, 16 (2009): 136–150.

[45] Carlson, Kristopher and Mazurana, Dyan. From Combat to Community: Women and Girls in Sierra Leone. Women Waging Peace. Washington, D.C. January 2004

programmes with transitional justice and reconciliation measures but it was a successful program although there is still high level of drug trafficking who are armed.

In recent years, many national governments facing armed conflict have recognized the utility of DDR as a cornerstone for peace and as a complement to existing peace processes.[46] Beginning in August 2002, Colombia began to undertake the demobilization and reintegration of members of illegally armed groups as an effective complement to the Government's Democratic Security Policy (DSP), which seeks to bring an end to the organized violence which has been raging for almost 50 years. The combination of a military approach and an open door for demobilization has yielded the disarmament and demobilization of over 50,000 persons from illegal armed groups.[47] In effect, DDR has provided Colombia with a new and powerful tool to reduce protracted violence by providing a community-based reintegration process for illegal groups that chose to demobilize collectively, while essentially negotiating peace on an individual basis with members Colombia opted for confronting violence without violating the principles of democracy in a way which has yielded important results. So far more than 51,000 persons from illegal armed groups have demobilized, albeit while not yet having achieved a cessation of hostilities with all the terrorist groups which are threatening our democracy. More than 31,000 of abovementioned demobilizations were the result of peace talks held with illegal paramilitary groups between 2003 and 2006. The remaining 20,000 have been the result of individual demobilizations through which members of groups who have not entered dialogues with the government take it upon themselves to return to civilian life; this despite the lack of will on the

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[46] Mugumya, Geofrey. 'Applying Participatory Monitoring and Evaluation (PM&E) Approaches to Weapons Collection and Weapons for Development Programmes.' *Conference Report: Problems of Small Arms and Light Weapons of Human Security: Lessons Learned from Field Experiences*, 2002.

[47] Muggah, Robert and Keith Kraus. 'Closing the Gap Between Peace Operations and Post- Conflict Insecurity: Towards a Violence Reduction Agenda,' *International Peacekeeping*, 16 (2009): 136–150.

part of their leaders to work towards peace. More than 13,000 compatriots have already abandoned FARC narco-terrorist organization in this way and returned to society.[48]

The peace building process in Colombia has been accompanied by the Justice and Peace Law as an integral part of the reintegration process of demobilized persons. This regulation, product of an extensive and profound national and international debate, achieved a great balance between justice and peace; peace without impunity and justice without negation of peace and with the requirement of reparations. Its implementation has not been easy, but every day the Colombian government makes additional efforts to perfect it. On many occasions this effort has been carried out with the accompaniment of the international community which has lent us their experience and knowhow.

The CIDDR and the publication of the Contribution of Cartagena are clear demonstrations that mutual technical support in peace-related matters between countries with similar conditions of development and social order is an important cooperation tool. As a matter of fact, Colombia is currently implementing a technical cooperation strategy in DDR-related matters so as to fully commit itself to this means. Our strategy seeks to obtain concrete results whose impacts are real and measurable. The Colombians are seeking to effectively contribute to achieving the desire of all their peoples for lasting peace.

2.4 Disarmament operations: Afghanistan Case

The Afghan Disarmament, Demobilization and Reintegration Program (DDR) was established by the government of Afghanistan to disarm 90,000 former combatants and integrate them into

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[48] UNDP. "Strategic and Operational Framework of Reintegration Support for Ex-Combatants." 20 April 2004.

civilian life. Government has said that the mission was completed on July 2005, although only 50,000 soldiers have been captured and integrated into civilian life. There are still an estimated 40,000 soldiers who are loyal to General Muhamod Fahim. The first phase of the operation began July 1, 2003 and focused on Kunduz Province, Bamyan Province, and Khost Province.[49]

The government has estimated that as many as 1,870 illegally armed groups exist outside the mandate of the Afghanistan's New Beginnings Programme (ANBP), including tribal militias, community defence forces, warlord militias and criminal gangs, comprising some 129,000 militia members. The Disband Illegally Armed Groups (DIAG) programme, initiated in June 2005, has been designed to address this problem. It is likely that this will prove to be a very difficult process, as many of the groups being targeted are engaged in the profitable criminal economy and could come to resist the process with force[50].

On 7th July 2005 the Afghan government ended the disarmament and demobilization phase of the Disarmament Demobilization and Reintegration (DDR) as the last ex-militia member was disarmed at a ceremony in Kabul. By that time almost 63,000 former combatants had been disarmed and demobilized, with up to 53,000 having been assisted with reintegration.

The DDR program was created to provide ex-combatants with hands-on skills, including those related to farming, to facilitate their return and reintegration into civilian life. In addition to the assistance in DDR, the Japanese government has provided Afghanistan with a total of around US$2.35 billion of support since September 2001. This US$2.35 billion covers both humanitarian assistance and reconstruction assistance, including political process and

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[49]Afghanistanavailableathttp://www.pangea.org/unescopau/img/programas/desarme/mapa/afganistan08i.pdfAfghanistan.

[50] Giustozzi, A. 2008. Bureaucratic façade and political realities of disarmament and demobilization in Afghanistan. *Conflict, Security and Development* 8 (2): 169–192.

governance improvement, security improvement, and reconstruction.[51]As Afghanistan was traditionally an agricultural country, one of Japan's areas of focus for both DDR and aid has been agriculture and agricultural development. Japanese support has been implemented mostly through the Japan International Cooperation Agency (JICA) by sending experts to Afghanistan to instruct local inhabitants in a variety of fields, including agriculture.

In 2001, it was believed that "between 150,000 and 250,000 Afghans were integrated into organized military groups, and that they may be counted as combatants," although many combatants only fought temporarily.[52] "Many were conscripts or forced recruits, sent by the village elders to serve for just a few months."[53] This meant that security remained an important issue.

DDR is needed to transition from conflict to peace building because it disarms the combatants and reintegrates them into civil society. UNAMA and the Japanese government developed the political resolutions for DDR in Afghanistan. Afghanistan's New Beginnings Programme (ANBP) assumed responsibility for implementing the program. ANBP is an Afghan government organization established for the implementation of DDR, along with the Afghan Ministry of Defense (Uesugi et al. 2006).

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[51] MOFA .. *Japan's ODA:* Rolling plan for Afghanistan, 2010
[52] Sedra, *M. 2003.* New beginning or return to arms? The disarmament, demobilization and reintegration process in Afghanistan. In State reconstruction and international engagement in Afghanistan. Joint CSP/ZEF (Bonn) symposium, May 30–June 1, Bonn, Germany.
[53] Giustozzi, A. 2008. Bureaucratic façade and political realities of disarmament and demobilization in Afghanistan. *Conflict, Security and Development* 8 (2): 169–192.

The Japanese government provided the majority of the contribution to create ANBP, accounting for more than 65 percent of the total aid[54]shows the contribution of the donor countries towards DDR. DDR in Afghanistan was a political process both "because it was part of a wider programme of security reform, including the ministries of defence, interior and justice, but also because of the way it was conceived and implemented."[55]

In order to restore public safety and to rebuild the nation under a centralized power, the major objective of DDR in Afghanistan was to demobilize the Afghan Military Forces (AMF) that were scattered over the country.[56] The AMF was "a loose network of military units comprised of men who fought.

2.5 Disarmament operations in Africa

The proliferation of UN peacekeeping operations coincides with an increase in UN-led programs to disarm and disband warring parties, as well as reintegrate ex-combatants into civilian life. "Disarmament, Demobilization, and Reintegration," or DDR programs as they are known to practitioners, have featured in post-conflict reconstruction from Afghanistan to Haiti. But the bulk of DDR interventions twenty-four since 1992 have occurred in Africa. The failure of early DDR programs in Somalia and Liberia, partly attributed to their vague mandates, prompted a shift in recent years toward more focused interventions, now codified in a new set of policy

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[54] MOFA (Ministry of Foreign Affairs of Japan). 2006. *Evaluation of Japan's peacebuilding assistance policy—a case study: Afghanistan*.

[55] Giustozzi, A. 2006. Interview with employee of the NGO JADA by the author. January 14. Tokyo, Japan.

[56] Uesugi, Y., H. Shinoda, R. Seya, and T. Yamane. 2006. The disarmament, demobilization and reintegration (DDR) program in Afghanistan: Its overview and overall examinations. In *HiPeC Research Report Series No. 1*. Hiroshima: Hiroshima University Partnership for Peacebuilding and Social Capacity.

uidelines developed in 2005.[57] Newer DDR programs in Sierra Leone, Ivory Coast, and the Democratic Republic of Congo have disarmed hundreds of thousands of combatants, but experts say these programs remain poorly funded, and a lack of research has prevented practitioners from developing better reintegration programs.

Recently, the Government of the Republic of South Sudan, through the National DDR Commission, has been conducting consultations in preparation for the launch of the new phase of this DDR programmed. The agreement and collaboration of the main stakeholders, including Government of the Republic of South Sudan, civil societies, and other partners, on the modalities of implementation will be crucial to the success of the new programmed.

2.6 Conclusion

To assess the impact of disarmament one has to consider the resources involved, the dynamic processes of production, redistribution and the different factors and actors in policy making and implementation. The ultimate objective of disarmament efforts should be to improve the welfare of people. Disarmament of civilians frees human potential that can contribute to achieving these objectives.[58] A growing network of researchers seeks to better understanding the environment in which disarmament occurs as well as the motivations and means of those who are to be disarmed and reintegrated. A more thorough understanding of what animates non-state armed groups, the

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[57] UN, Disarmament, Demobilization and Reintegration of Ex- Combatants in a Peacekeeping Environment. Principles and Guidelines. New York: Lessons Learned Unit, Department of Peacekeeping Operations, United Nations (1999),

[58] United Nations Inter-Agency Working Group on Disarmament, Demobilization, and Reintegration. *Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards*. New York, NY: United Nations, 2011. *United Nations Organization Stabilization Mission in the Democratic Republic of Congo.*

leaders and followers, and the communities who are to receive them is critical for policy-makers

and practitioners alike.

CHAPTER THREE

DISARMAMENT OPERATIONS IN KENYA.

3.1 Introduction

The previous chapter examined the global perspective of disarmament operations. The chapter further discusses the various disarmament operations globally and regionally. This starts by reviewing the security situation in Kenya and then focusses on the challenges facing disarmament operations in Kenya.

3.2 History of security conflict in Kenya

The small arms challenge analysis in Kenya should naturally acknowledge its deep history that predates the colonial era as well as the Cold War period. In the pre-colonial times, pastoralists in eastern Africa enjoyed the freedom of "openly carrying firearms they had for many decades obtained from Ethiopian gunrunners and Arab and Swahili slave traders, poachers and merchants from the East African coast." Before the 1855 European partition of Africa, there were gun markets in Maji in south-western Ethiopia where ammunition were used as local currency. In the first half of 1888, the East African coast had been a conduit of as many as 37,441 assorted firearms.[59]

The Turkana exchanged ivory for guns with European traders as far back as 1920. While arms possession spread to other communities over time, the first real disarmament exercise dubbed "Operation Tennis" in 1920s only targeted the Turkana and Karamojong and was implemented

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[59] Nene Mburu, The Proliferation of Guns and Rustling in Karamoja and Turkana Districts: The Case for Appropriate Disarmament Strategies, p.4-5, Online: www. peacestudiesjournal.org.uk/dl/Guns.pdf (Accessed 30th June 2010)

by the colonial administration. The weaknesses of this operation have haunted subsequent post-colonial efforts – it was poorly coordinated and discriminatory. The targeting of the Turkana to the exclusion of others simply weakened them in the face of rival groups. The colonial disarmament operation "created an opportune power vacuum that was exploited by their pastoral neighbors.[60]

A second definitive effort to combat illicit arms was legislative – the 1954 Firearms Act. This development occurred in the context of the growing anti-colonial struggle epitomised by the Mau Mau rebellion. Indeed, it is the 1954 Firearms Act that was the basis for the administration's hanging of Dedan Kimathi, the leader of the Mau Mau. In this time, over 660 arms were stolen or captured from British troops, heralding the beginning of the modern-day illicit arms problem.[61]

Instructively, the Mau Mau insurgency accounts for the initial circulation of illicit small arms in Nairobi. As such, arms have circulated in the city for over 50 years and have become more widespread since the 1990s given the upsurge of civil wars in the Horn of Africa.[62] The collapse of states has been a major way in which legitimate arms fall into the hands of civilians, for their perceived protection. For instance, after the collapse of Idi Amin's regime in 1979, the Ugandan Karamojong looted an entire armoury from the abandoned Moroto Barracks. Also, in Ethiopia, it

[60] Nene Mburu, "Firearms and Political Power: The Military Decline of the Turkana of Kenya 1900 – 2000", in Nordic Association of African Studies, *Nordic Journal of African Studies,* Vol. 10(2), p.153, (Helsinki: 2001)

[61] Kamenju, Jan, "Combating Illicit Arms and Landmines: A Historical Perspective", in Kamenju, Jan & G. Pontian Okoth, *Power Play and Policy in Kenya: An Interdisciplinary Discourse*, (Nairobi: Oakland Books, 2006), 240

[62] Katumanga Musambayi & Cliffe Lionel, *Nairobi – a City Besieged: The Impact of Armed Violence on Poverty and Development, A Case Study for the Armed Violence and Poverty Initiative*, (Bradford: Centre for International Cooperation and Security, 2005), p.5

was said that the fall of Mengistu's regime in 1991 precipitated the loss of firearms overnight. The collapse of the state in Somalia at the same time was another arms bonanza[63].

Some of these arms have been trafficked all the way to Nairobi through routes in North Rift, Upper Eastern and North Eastern province. This reality, as well as the fact that borderline Kenyan pastoralist regions are underdeveloped, semi-arid and marginalized has led to a gun-culture rooted in communities' quest for security of their lives and property (mainly livestock). A number of respondents were interviewed by the study team to gain an understanding about their perceptions regarding the causes of insecurity in both the rural and urban areas, and the extent to which the insecurity was associated with the prevalence of illicit SALW, which leads to gun-related violence. While the majority of those interviewed said the most insecurity was experienced in pastoralist areas (citing cattle rustling), a significant number of the respondents cited increased incidents of armed robbery followed by carjacking and lastly kidnappings as some of the most common manifestations of armed violence associated with illicit SALW. The box below presents a summary of demand and supply factors as espoused by Mr. James Ndung'u in a presentation during a validation workshop on the Regional Study on Practical Disarmament in Ethiopia, Kenya, Sudan and Uganda that took place on 30th to 31st August, 2010 in Mombasa, Kenya.

The demand factors fuelling arms proliferation include; insecurity dilemmas facing communities, inter-ethnic conflicts, pastoral conflicts over resources, access to grazing zones, agro-pastoralist conflicts, cultural aspects related to gun ownership, and emergence of organized crime e.g. in Kenya armed militia like SLDF. The supply factors fuelling arms proliferation include; a history

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[63] Adan, M and Pkalya, R, *Closed to Progress: An Assessment of the Socio-economic Impact of Conflict on Pastoral and Semi-Pastoral Economies in Kenya and Uganda* (Nairobi: Practical Action, 2005)*,* p.47-48

of conflicts in the Horn of Africa region e.g. Somalia, Uganda, Sudan, Ethiopia; exposure to weapons through ivory trade in East Africa, the two world wars, remnants of the cold war supplies, collapse of military regimes in Africa, liberalisation of international markets has facilitated arms availability, weaker international transfers control. It also includes porous borders (weak border control mechanisms), poor management of stockpiles (safety, record keeping, marking and tracing, and disposal of obsolete and / or excess stocks), multi-territorial nature of the ethnic groups living in the frontier areas.[64]

Kenya's political history is replete with a plethora of organised criminal groups, ranging from vigilante groups to organised militias. There are as many factors to explain not only the emergence of organised criminal groups, but also their manifestations, as there are groups. The factors that led to their emergence range from, among others, the desire to combat rising crime in poor urban neighbourhoods (such as the *T a l i b a n* which started in the late 1990s in Kariobangi.[65]

The *M u n g i k i* which provides similar services in Mathare North, of protection of land ownership, or the desire to ensure fair land distribution. Some of these groups metamorphosed into organised criminal minded groups, which began to exact extra-economic exertions in forms of extortions and protection money, to more extreme cases such as the Mungiki which spread fast to control public passenger service vehicles' (matatu) termini in many parts of the country (especially Nairobi, Central and parts of Rift Valley provinces). In many parts of the country where these gangs emerged, they were instrumentalized for unleashing violence intended to

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[64] Ndung'u J., *An Analysis of Disarmament Approaches in Kenya and how to make them Effective.* A presentation made during a validation workshop on the Regional Study on Practical Disarmament in Ethiopia, Kenya, Sudan and Uganda, August 30-31, 2010 Mombasa, Kenya
[65] Wairagu, Francis, Jan Kamenju & Singo Mwachofi, Private Security in Kenya, (Nairobi: SRIC, 2004). p.22

achieve political objectives, including becoming very key in influencing electoral processes and outcomes. The diversity in composition, driving force, origin and operations of the various militia groups demands a summary on a few of them to paint a picture of their dynamics.

The Kikuyu word " *m u n g i k i*" means "multitude" or "we are the public". Some analyses observe that the term "mungiki" is etymologically derived from the archaic Kikuyu word "irindi" (crowds), to claim its rightful place in the pantheon of radical movements. The *M u n g i k i* began in 1980 as a quasi-political and traditional fundamentalist religious sect that drew inspiration from, and parallels with, the anti-colonial *M a u   M a u* freedom fighters. Mungiki drew its initial support from thousands of people displaced by ethnic clashes, and was a reaction to a repressive state of the 1980s and 1990s. The movement believed that the Mau Mau mission was incomplete and it therefore had to realize it.[66]

In its formative years, the Mungiki had the aim of sensitizing people against the Government which they implicated for ethnic clashes that led to displacement of mostly Kikuyu residents in Rift Valley. The gang therefore, according to one of its founders (Ndura Waruinge) operated as a defence force against the predominantly Kalenjin militias that attacked Kikuyu settlements.[67]

Over time Mungiki mutated into a lethal gang that posed national security challenges. It grew its economic base through extorting money from public transporters at bus termini and

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[66] Kagwanja P.M, "Facing Mount Kenya or Facing Mecca? The Mungiki, Ethnic Violence and the Politics of the Moi Succession in Kenya, 1987 – 2002," in *African Affairs*, (London: Royal African Society, 2003), *102,* p.29

[67] Kilonzo S. M., *Terror, Religion or Socialism? The Faces of Mungiki Sect in the Kenyan Public Space*, (Yaounde: CODESRIA, 2008), p.3

businessmen, among others. Estimations put the gang's income at Kshs. 90 million (approximately US$1million) a day by January 2007.[68]

It evolved a political ideology of African socialism, with a view to addressing economic inequality. But the gang was infiltrated and instrumentalized by President Moi, when he felt he was losing power. [69] This combination of factors (its religious revivalism, economic extortion, and political instrumentation) grew its power. Given its tight hold on its membership (executing deserters) and its use of force to wring money from its target groups, the group increasingly posed security challenges.[70] It was banned in March 2002 after being linked to several killings in Nairobi. It has however grown to claim a membership of over two million largely poor and disenchanted followers.[71] It is the *M u n g i k i* militia's financial and coercive power that has attracted most concern. In August 2002, they threatened the public with violence if they voted against *M u n g i k i ' s* preferred presidential candidate. This was after they had poured onto Nairobi streets to support the candidate. Years on, they have executed a series of clandestine killings in Nairobi and later in Central province prior to the police response of extra-judicial killings of the sect's members.[72]

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[68] Ibid 52

[69] Peter Mwangi Kagwanja, Op. Cit. & Susan M. Kilonzo, Op. Cit., p. 12-13

[70] Mueller, Susan (2008) 'The Political Economy of Kenya's Crisis' in *Journal of Eastern African Studies* Vol.2 No.2 pp.185-210

[71] Saferacess, *The Mungiki: Cult, Street Gang or Political Force?*, Online: http://www.saferaccess.org/documents/The%20Mungiki%20-%20Cult%20Street%20Gang%20or%20 Political%20Force.pdf (Accessed 20th July 2010)

[72] Philip Alson, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Mission to Kenya*, Advance Unedited Version, 26 May 2009, p.8-9. In the report, the special rapporteur implicates the Mungiki for murders inasmuch as the police are equally accused of extrajudicial killings of Mungiki members

Still, the gang remained forceful. During the 2008 post-election violence, they were believed to have participated in the orgy of violence in parts of the Rift Valley. Around the same time (March 2008), they organized a major demonstration in Nairobi that paralyzed transport in the city and its environs. In 2009, Mungiki was fiercely fought in Central Kenya's Kirinyaga, where community resistance concretised into vigilante-organised onslaughts on Mungiki members. This violence was in the form of arrests of suspected gang members, trial and execution at a spot codenamed "the Hague" in Kirinyaga. Mungiki retaliations only heightened the lynching of its members. At the height of this vicious violence, "Mungiki hunts were elevated to a communal sport.[73]

While the Kirinyaga communal resistance stemmed the Mungiki's spread to that part of Central Kenya, police responses through extra-judicial killings (using police squads such as the *K a n g a   S q u a d*) seem to have eliminated most of its key leaders. But the group still has a large membership. Currently, *M u n g i k i* is slowly being transformed into a political outfit with a strong political backing but with no clear political agenda. It is even speculated that the gang is sponsoring its members for higher studies in socialist-leaning countries in Latin America with aims of acquiring power.[74]

Political attempts to dialogue with the sect were still-born. However, the group has variously resorted to mainstream religion for recourse. Earlier in September 2000, they changed to the Muslim faith (led by Ndura Waruinge and Mohammed Njenga) but were later disowned "for playing around with Islam". More recently, its key leaders (such as Ndura Waruinge and Maina

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[73] Kenya National Accord Monitor, *Mungiki Sect's Viciousness Meets a Match in Vigilante Groups*, (Nairobi: South Consulting, 1-7 June 2009), p.1

[74] *"Rag-tag" Militia Groups that Control Kenya*, Online: http://muthumbi.blogspot. com/2008/04/rag-tug-militia-groups-that-control.html (Accessed on 21st July 2011)

Njenga) and some followers have converted to Christianity and allege to have reformed. The Mungiki have been perhaps the most elaborately organised of criminal groups in Kenya. Through its history, the group has had a political wing – the Kenya National Youth Alliance (KNYA). The centralized leadership had Maina Njenga as the overall leader. But while the leader was once arrested for gun possession and alleged murder, the gang has been known to wield crude weapons such as machetes.[75]

Sabaot Land Defence Force (SLDF) is the most lethal militia group in Kenya's recent history. Perhaps the first alleged insurgency group in western Kenya was the banned February Eighteen Resistance Army (FERA), a 1990's military wing of the February Eighteen Movement (FEM) supposedly organized to oppose the Moi Government. This movement had essentially political objectives, and was quashed using intelligence information and police arrests as opposed to military action. It had commanders, with the top leadership believed to be David Chemaima Sichei (who is believed to be hiding in Uganda) and Wycliffe Matakwei, who was killed by the military.

The SLDF was formed with a mixture of political and economic objectives. The political being the militia's determination of Mt. Elgon's elected leaders, while the economic objectives centrally involved fair land distribution in the Chepyuk settlement scheme. The militia had arms believed to have been acquired from Uganda through the Chepkube and Lwakhakha border points. It is also conceivable that since the region borders the Trans Nzoia region which in turn is affected by the greater Pokot conflict dynamics, firearms from Pokot region could easily find

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[75] Sheikh Mohamed Sheikh in 2000, in Daily Nation, 21st December 2000

their way to Mt. Elgon.[76] The result of SLDF growth in power (through arms and atrocious assertion of its authority) was the emergence of rival militias that sought arms to counter or rival the SLDF. Such groups included the Moor Land Defence Force (MLDF) and the Political Revenge Movement.[77]

The SLDF had grown in such power that the police and administration police were unable to contain and dismantle it. An October 2007 joint police, administration police and General Service Unit (GSU) force was equally unable to contain the SLDF. But a March 2008 military-led security operation – the Operation *O k o a   M a i s h a (*Save Lives) – eventually crushed the militia (with surviving members arrested or scattered)[78]. The military intervention was however criticized as having used excessive force, with accusations of human rights violations.[79] Within the first month of the Operation Okoa Maisha, two of the SLDF commanders had been killed and over 1,735 suspected members arrested, out of whom 1,324 were interrogated and released, 374 were arraigned in court and charged with various crimes, while 37 remained in police custody. Further, 41 AK47 assault rifles and over 1,000 rounds of ammunition had been recovered.[80]

Of note is the fact that, in the aftermath of Kenya's post-election violence, gun runners were believed to have trafficked arms from Uganda through Mt. Elgon (Lwakhakha) to Eldoret. This

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[76] Wachira, Kiragu, Barrack Muluka and Manasseh Wepundi, *Mt. Elgon Conflict: A Rapid Assessment of the Underpinning Socio-economic, Governance and Security Factors*, (Nairobi:UNDP, 2008), p.40

[77] ibid

[78] ibid
[79] Kenya National Commission of Human Rights, *The Mountain of Terror – a Report of Investigations of Torture by the Military at Mt. Elgon*, (Nairobi: KNCHR, 2008)

[80] Robert Romborah Simiyu, *Militianisation of Resource Conflicts: The Case of Land-based Conflict in the Mount Elgon Region of Western Kenya*, ISS: Pretoria, Monograph 152, 2008, p.41

heightened fears of a resurgence of deadlier violence in electoral violence-prone central Rift Valley. For instance, a PeaceNet study on SALW noted that the availability of SALWs played a significant role in post-election violence. Weapons are sourced from Uganda, Southern Sudan, and parts of south Ethiopia. The major weapons trafficking corridors are from Kolowa market (East Pokot District) to Eldoret (Uasin Gishu District) and parts of Nakuru District; from Kitale (Trans Nzoia West District) to Eldoret; and from Nairobi to Kauru (Molo) and finally to Eldoret). A reduction of cattle rustling in West Pokot around this period was linked to the lucrative arms trafficking trade due to heightened demand in the central Rift.[81]

There are several other organized gangs that are of concern, given that they are armed. The nature of their armament is mainly crude weaponry but some of them have the potential to acquire small arms. In Nyanza's Kisii region, there are the *C h i n k o r o r o* and *A m a c h u m a* – vigilante groups that were formed to combat local crime and witchcraft, but which have been used politically to intimidate opponents. The Chinkororo have been the most active, and were originally formed to defend the Abagusii from cattle raiding. In the flare up of electorally triggered violence in 2008, the *C h i n k o r o r o* emerged to defend their ethnic group in land-based clashes along the Borabu-Sotik border. There is also the *B a g h d a d   B o y s* in Luo Nyanza (especially in Kisumu). This group has essentially been most active during elections and goes back into hibernation right after. The gang was formed in 1990 by a group of 15 young men disenchanted with the state. It quickly developed a network of followers under one command, but its cells increasingly grew in autonomy. This led

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[81] OCHA, *Humanitarian Update*, Vol. 21, 21-28 May 2008, p.1

to fragmentation into multiple gangs like Coptic, Wazalendo, Kanu Youth, Darfur Boys, Kosovo and Aluta Continua.[82]

Its founder is currently a chairperson of a District Peace Committee in one of the Kisumu districts. This is after an intervention by a civil society organization to reform members of the Baghdad Boys. But for so long as the outfit is electorally-activated, an assessment of the success of efforts to rehabilitate the gang's members should be tied to the peacefulness of elections in the area and/or dissociation from manipulative politics.

In Kuria Nyanza, there are the *Sungu Sungu* militias. The Sungu Sungu are clan-based militias organized to combat inter-clan cattle rustling among the Kuria, and is a warrior group that is active in conflicts among the Kuria clans (as well as conflicts with the neighbouring Maasai and Kipsigis of Trans Mara). They are viewed by their respective clans as protectors, but can be politically manipulated and have a potential to access firearms from across the Tanzanian border.

There have been a number of other gangs that have served political and criminal ends in various parts of the country. In Nairobi there have been the *Jeshi la Mzee (Kamjesh)*, *Kosovo Boys*, *Taliban*, *Jeshi la Embakasi*, *Jeshi la King'ole*, *Geri ya Urush*, *Brotherhood* and *Ghetto Boys*. In Western province, there was the *Angola-Msumbiji* (in addition to SLDF and FERA).

In Coast there were *Kaya Bombo Youth*, and the still existent *Republican Council* that is linked to calls for secession of Coast province.

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[82] Joseph Owuondo, *Youth Movements and Political Violence in Kisumu Kenya, Kisumu: CIAGKenya, 2010, p.7*

The Republican Council, which is also loosely known as the *M u l u n g u n i p a F o r e s t   G r o u p*, is known for having attempted to conduct military training for youth in Mulungunipa Forest, but this was thwarted by the police. They are equally suspected of having been behind the 1997 Likoni clashes. Most of these gangs are only armed with crude weapons but have spread fear and terror in their respective neighbourhoods during their existence. Most of the groups systematically went under after being banned by the Government in 1992.

Kenya Police Reserves were established in 1948 to augment the activities of the regular police countrywide. Although they are recruited, armed and managed under Section IV of the police regulations contained in the Police Act, the Kenyan Government has had a mixed policy towards the Kenya police reservists. Nearly 2000 of the KPRs are in North Rift and the North Eastern Province tackling insurgents and cattle rustlers from neighboring countries.[83]

In 2003, the Government committed to disarming all the 5,000 police reservists countrywide, since it could no longer entrust the security of its people to non-uniformed officers and armed civilians[84]. This commitment was restated seven years later ahead of the 2010 Government disarmament exercise in the North Rift and Upper Eastern. Many reservists were demobilized in April 2010 with a Government commitment to re-establish the unit after thorough vetting and with a requirement for them to report to their area chiefs. This move was based on many years' criticism of the reservists as contributing to insecurity when they should have been enhancing

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[83] Mkutu, A. Kennedy, "Small Arms and Light Weapons among Pastoral Groups in the Kenya-Uganda Border Area" in *African Affairs*, 106 (422), (Oxford: OUP, 2006), p.55- 56

[84] Minister Chris Murungaru, Daily Nation, 2nd May 2003, Online, ttp://allafrica.com/stories/200305020288.html (Accessed 20th June 2010)

law and order in their respective stations. The reservists have previously been implicated in engagement in banditry and trafficking of small arms.[85]

They have been known to hire out their guns or actually participating in banditry or cattle rustling[86]. People have also been known to use unscrupulous means to be recruited as KPRs (through nepotism and corruption), and later use guns issued to them for personal purposes and settling scores with their enemies[87]. On the private security companies (PSCs), although the figures could be higher, there are over 2000 local PSCs with a work force of 48,000 personnel while over 195,000 people are indirectly dependent on the industry for income (as at 2004).[88] The proliferation of PSCs in the country has been driven by rising insecurity coupled with the Government's inability to guarantee every person and enterprise security.[89]

The companies provide security oriented unarmed services to businesses, offices, property owners and embassies. They are therefore not a major concern when it comes to small arms ownership, since the Government hasn't ceded much ground to them in relation to gun ownership. They are however a concern in the sense that there is no regulatory framework

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[85] Small Arms Survey, *Small Arms Survey 2004: Rights at Risk*, (Oxford: OUP, 2004), p.233

[86] Mkutu, A. Kennedy, Op. Cit.

[87] Kamenju, Jan, Mwachofi Singo & Francis Wairagu, *Terrorized Citizens: Profiling Small Arms and Insecurity in the North Rift Region of Kenya*, (Nairobi: SRIC, 2003), p.65

[88] Wairagu, Francis, Jan Kamenju,& Mwachofi Singo, *Private Security in Kenya*, (Nairobi: SRIC, 2004), p.1 & 45

[89] Ibid., p. 3. See also Mkutu, A. Kennedy & Kizito Sabala, "Private Security Companies in Kenya and Dilemmas for Security" in *Journal of Contemporary African Studies*, Vol. 25, Issue 3, (London: Routledge, September 2007), p.391 - 416

governing them. Hence, establishing a security company is "no different from setting up a kiosk, a boutique or butchery".[90]

Further, they are essentially profit-oriented and do not automatically contribute to peace building[91]. The private security industry is however stratified, mutating into varying forms of civilian efforts to combat insecurity. At the top end are the well-equipped (with transport and communication equipment) PSCs for high-end users, while middle class users form neighbourhood watch committees and hire private guards. Low-end users opt for cruder initiatives, especially the use of vigilante groups that often metamorphose into lethal organized gangs that prey on residents. These have more recently raised concern as they are possibly armed with more sophisticated weapons. Legal SALW that are illegally used) are available and used in various forms of crimes in areas outside the arid and semi-arid pastoralist regions. While old trends about illicit arms possession and use in urban areas have largely related to violent crime (e.g. armed robbery and carjacking), recent trends have pointed to an increasing likelihood of arms use in conflicts of a political nature (specifically electoral violence). There is recorded use of small arms in electoral violence as early as January 1998, when pastoralist groups attacked a perceived migrant community in Ol Moran, Laikipia. Over 50 people died and another 1000 fled the area after the initial attacks.[92]

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[90] Wairagu, Francis et al, Op. Cit. p.3

[91] Mkutu, A. Kennedy & Sabala, Kizito, Op. Cit.

[92] Edge Kanyongolo & Jon Lunn, *Kenya Post-Election Political Violence*, (Nairobi: Article 19, 1998), p.5

3.3 Challenges facing disarmament operations

A diversity of challenges have plagued the disarmament interventions, which have been implemented in Kenya over the years, ranging from cultural insensitivity, excessive force, poor coordination, half-baked approaches and discriminatory and localized perspectives, among others. Although there are legislative frameworks for dealing with the problem of SALW and which can be used to support disarmament, the Government has lacked a policy or legislation on disarmament exercises it has been undertaking since colonial time. It is only recently that the Government has undertaken to develop such a policy framework under the disarmament and development strategy.

In a *Country Report to the Fourth UN BMS on the Status of Implementation of the UN PoA on Illicit Small Arms and Light Weapons and The Implementation of International Tracing Instrument 2010*, the Government acknowledges "… lack of a comprehensive legislative framework to address demand and supply factors" as key factor in the proliferation of illicit SALW along other factors including conflicts in the neighbouring states, and poor infrastructural development. It also identifies post-election violence as having contributed to the increase in illicit SALW especially in non-pastoral areas.

In what appears as a policy direction, the Government hopes to tackle internal causal factors by addressing issues related to governance, marginalization, under-development and negative cultural practices through control measures by addressing supply and demand for sustainable peace and security. Following the disarmament trend in Kenya, the Government seems to be

applying different approaches to disarm in urban and rural areas. In urban areas, the police have been accused of using unwritten policies such as "shoot to kill." While these approaches actually eliminate the criminals and in most cases lead to firearms recovery, they fail to comprehensively root out the problem of SALW in urban centres since they break the leads that would help the police get to the bottom of the cartels. They also fail to address the root causes of the problem, including insecurity and unemployment among others. In the urban areas, disarmament has happened mainly when police encounter criminals during which incidents arms are recovered either after killing the criminals or through surrenders.

In rural areas, especially in pastoralist areas, disarmament initiatives have been referred to as "operations," which have a military connotation, targeting communities believed to possess SALW. Unlike the urban approach that targets individuals, the rural approaches are often seen to target a whole community. The secrecy that surrounds disarmament operations has led to speculation and politicization of the process. In brief, the "policies" have lacked adequate consultation and community involvement as a bottom-line of successful disarmament.

Prior operations have been designed to forcibly collect arms from civilians but this has not reduced the proliferation and misuse of small arms in the target areas. This "policy" has never been productive other than collecting some thousands of arms, most of which have been reported not to be re-serviceable. Often, the disarmament exercise involves deployment of a combined force of security agencies with the motive of forcibly collecting arms, in some instances using military helicopters and machine guns. The deployment is never long-term and thus leaves the security challenge intact, if not worse.

The Government has also been employing other strategies such as amnesties to entice civilians to peacefully surrender illegal arms. Recently, in pastoralist areas, the Government has started to use different approaches which are mainly a hybrid of voluntary and forceful disarmament. There has also been a move towards consultation and/or involvement of community leaders and civil society in the disarmament processes but reportedly not at the design stage. These approaches seem to be bearing much fruit compared to earlier forceful disarmament exercises. Key among these approaches were Operation Dumisha Amani I and II (Operation Restore Peace I and II).

Some of the reasons why the Dumisha Amani I operation was relatively successful was because there was cooperation with communities and civil society. The operation was also lauded since it involved provision of services and facilities, construction of roads and schools, presence of military and cordial relationship with the communities.

From *O p e r a t i o n   D u m i s h a   A m a n i* II concept, the direction the Government seems to be taking is to link development with disarmament. For example, in the objective, Government plans to "… inject additional resources to be factored in the budgetary allocation of the Ministries that will be implementing the development and disarmament activities." The objective of *O p e r a t i o n   D u m i s h a   A m a n i* II is also in line with Government's Vision 2030 policy which aims at providing enabling environment for development.

Other than *O p e r a t i o n   D u m i s h a   A m a n i* I and II, disarmament in pastoral areas targeting the problem of small arms have been ad hoc involving deployment of security officers reactively to stem escalating violence, pursue attackers and recover livestock's

for a limited period of time. In most cases, such responses have temporarily restored law and order. As the concept states such strategies have been expensive and have meant that "… security personnel have to be mobilized from different districts, sometimes far away from the scene of the incident." This translates into logistical problems. Previous disarmament policies seem not to be part of a larger and long-term plan for addressing the root causes of armament and wider conflict management but periodic events especially following a rise in criminality in urban areas or cattle rustling in pastoralist areas [93].

So far, disarmament measures have never disaggregated between different types of approaches but have been wholesome. For instance, does it entail reducing a particular type of weapon, or completely eliminating all types of weaponry? This discussion is important since it is increasingly being reported that non-state actors possess more sophisticated military-style arms.

According to Small Arms Survey (2009), "small arms disarmament is a process involving collection and destruction of weapons, sometimes combined with erecting barriers against acquisition of new weapons. It can be incremental, partial, or comprehensive." It differs from control which "… refers to regulations establishing conditions on ownership, limiting acquisition of certain quantities or styles of weapons or ammunition, or restricting storage, transfer, and resale. Control does not aim to reduce weapons numbers, but rather to ensure greater safety of existing and future inventories." Based on this definition, the draft National Policy on SALW addresses both control and disarmament.[94]

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[93] Ibid
[94] Small Arms Survey (2009), National Policy on SALW, government printer, Nairobi.

The Small Arms Survey further underscores that disarmament can mean the absolute elimination of an entire category of weapons… but in practice it is usually a process of incremental steps and partially attained accomplishments." It appears the Government has opted for disarmament as opposed to control. However, the sequencing of collection and destruction has been one of the concerns for communities being disarmed. They would rather destruction be done in the areas in which collections are done; this is also seen as a way of confirming that the arms are not given to a rival community. The draft National Policy on SALW proposes that destruction should be done in the areas where arms are collected as much as possible.

Hence, disarmament efforts in Kenya have historically been plagued by challenges. Most post-colonial disarmament operations have disappointingly mirrored the colonizer's approaches and weaknesses. Research on community perceptions on disarmament revealed several challenges. Inadequate formal security was cited as a major challenge due to communities' loss of confidence in government security. Pastoralist areas are expansive and resources needed to maintain security forces on the ground are inadequate. Yet, even where security officers are present, they are accused of failing to support the community in recovery of livestock (after raids). In fact several elders indicated that they had higher confidence in KPRs than Police or GSU. "Some of them are reluctant to come for our support telling us that they cannot risk their lives for cows and goats. They tell us to stop keeping livestock but this is our way of life.

Disarmament is equally demeaned by the rearmament communities resort to after disarmament. Respondents (14%) cited the challenge of a post-disarmament arms race among communities as closely tied with the fear of attacks by rival communities. These are directly related. Most of the respondents indicated that they would rearm immediately after disarmament because they realized that attacks from other communities with arms were imminent and real. For instance, in

the aftermath of the current disarmament in North Rift and upper Eastern, the Ajuran clan from North Eastern Province raided the Sakuye in Dabel, Moyale on 26th July 2010 with the full knowledge that the latter had surrendered their arms. Nine people were killed. After this attack, the Sakuye community members have not ruled out seeking arms from neighbouring Ethiopia and Somalia, "acquiring arms from across the border can happen in a matter of days," quipped one respondent.

Others were basically afraid that security officers would arrest or charge them with illegal possession of firearms. However, those who wanted to voluntarily surrender their arms took advantage of the government amnesty offer. Hence, while the current phased approach that integrates development demonstrates adaptation, disarmament initiatives continue to be plagued by multiple challenges.

Disarmament efforts targeting pastoralist communities are confronted by the challenge of their nomadic existence. Multiple disarmaments in the North Rift have been undermined by the migration of communities to neighbouring countries and/or regions, a fact that has informed the implementation of joint disarmament efforts. Further, nomadic communities share cultural and ethnic traits, making it possible for the Pokot of Kenya to mingle with Ugandan Pokots when avoiding disarmament on the Kenyan side. The same can be observed among Kenya's Turkana and Uganda's Karamojong. This is a major basis for the current joint disarmament efforts between Kenya and Uganda.

There are several levels of selectiveness in disarmament efforts. First, during previous government operations disarmament was undertaken without similar simultaneous efforts across the border (in Uganda, Sudan and Ethiopia). This would encourage evasive community

migratory patterns, slipping across the border to hibernate among allied communities till after the disarmament operation.

Second, in the Government's current disarmament in North Rift and upper Eastern regions, security forces left out neighbouring North Eastern Province. The implication of this has been that communities in North Rift and upper Eastern have been weakened in the face of their rivals. As such, the Ajuran clan in North Eastern Province's Wajir district, attacked the Sakuye of Dabel Division, Moyale District in upper Eastern and killed up to nine people.

Disarmament programs target areas inhabited by groups that have long running rivalries and conflicts. Hence disarmament in this context is locally interpreted as depletion of a community's fighting and/or military capabilities. Rival communities with long-standing grudges against their disarmed neighbour in turn consider the post-disarmament phase as payback opportunity. Such phased violence leads to a vicious cycle of attacks and counterattacks, which entrench a gun culture that makes the conflicts lethal. Yet state-based disarmament operations are devoid of reconciliation efforts. Worse still, disarmament operations are reactive to incidents of violent conflicts in targeted areas.

For instance, *Operation Chunga Mpaka* was implemented in the wake of serious clan-based violence in Mandera. Further, government-led attempts to reconcile communities in electoral-violence hotspots in Rift Valley were dubbed "operations" (that is, the *Operation Rudi Nyumbani (*Operation Go Back Home resettlement program) and the *Operation Ujirani Mwema (*Operation Good Neighbourliness reconciliation program), which gave them a militaristic rather than

peacebuilding connotation. Reconciliation remains a critical component in practical disarmament, given that in the absence of inter-group hostilities, demand for small arms reduces.

The police shoot-to-kill approach to tackling armed robbery and carjacking incidents is problematic. Cases of stray bullets injuring and/or killing innocent members of the public in a police gun battle with criminals are common. Where illicit arms owner cannot be isolated and apprehended, a coercive approach to dealing with these persons poses a threat to public safety.

Kenya's legal provisions are considered lenient for those found with illegal arms. The Fire Arms Act of Kenya (revised 1972) regulates importation, licensing and usage of firearms. A person cannot own or purchase a gun without a firearm certificate issued by the firearms bureau. But the Act's provisions and fines are too weak to deter the illegal possession of firearms[95]. Possession of illegal firearms is bailable since it is treated as a petty case notwithstanding the gravity of crimes that may be committed. However, use of a firearm or its imitation for criminal intents attracts a minimum of seven and maximum of fifteen years imprisonment. Illegal possession of a firearm attracts a similar penalty.

But illegal sale, transfer, repair, or test of a firearm or ammunition attracts five to ten years imprisonment. Acknowledging these weaknesses, Kenya's National Assembly passed the Prevention of Organised Crime Bill 2010, with amendments to the Firearms Act prescribing a life sentence for anyone found with an illegal firearm. This feat led the Internal Security Assistant Minister Orwa Ojode to order anyone with illegal guns to surrender them to the Government before the President assents to the Bill. The Minister said that the new law would

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[95] The Fire Arms Act of Kenya, 2010

cut down the crime rate in the country by 70%. The President assented to the bill on 13th September 2010.[96]

Poverty afflicts communities in SALW-infested areas. It also influences demand for arms. Where a significant proportion of the youth are unemployed, and crime and/ or a warrior culture (*m o r a n i s m*) promises dividends in terms of profits from SALW trafficking, cattle from raids (in pastoralist areas), and quick money and property (in the case of urban crime), disarmament efforts cannot eradicate small arms.

Pastoralist areas are characterized by poorly developed transport infrastructure. This has provided logistical challenges, given the cost implications of deploying and transporting security personnel on the ground. Further, underdevelopment of the pastoralist areas itself fuels arms proliferation, as marginalized groups resort to guns for self-protection, commercialized cattle rustling and a rewarding arms economy.

The terrains security forces have to cover are often tough, and often inaccessible. In the Mt. Elgon operation, SLDF elements receded to caves in the mountain. "We had to drop some bombs from the air to smoke them out," remarked one security source[97]. Other times, security sources aren't successful as community members, given their intricate knowledge of their environment, hide to avoid losing their arms. Further, Kenya has long porous borders in areas that are conflict-ridden.

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[96] Wepundi, M. & Millicent O. (2010). *The Practice of Conflict Sensitivity in Kenya: Beyond the Concept*, (Nairobi: Kenya Conflict Sensitivity Consortium, 2010), p.11

[97] Small Arms Survey (2009), National Policy on SALW, government printer, Nairobi.

The Kenya-Uganda, Kenya-Sudan, Kenya-Ethiopia and Kenya-Somalia border areas provide logistical challenges to effectively police and secure. As such, they are not only entry points of illicit arms, but through these invisible demarcations, inter-community conflicts are visited across countries. Cattle rustling incidents in all their dimensions (as conflicts, enterprises and culture), are also cross-border in nature.

In the past disarmament operations often have targeted entire communities as opposed to zeroing in on armed and criminal elements. This has led to widespread claims of human rights violations including allegations of rape, torture, and even killings. For instance, Mt. Elgon's 2008 Operation Okoa Maisha (Operation Save Lives) was faced with numerous claims of torture of civilians by security forces. In the same year, there was *Operation Chunga Mpaka* (Guard the Border) in Mandera, in which there were claims of torture of hundreds of people, and one person killed. *Operation Okota* (Operation Collect) of 2006 was accused of indiscriminately harassing communities, "contributing to a perception that the disarmament is a form of community punishment.[98]

3.4 Disarmament operations in Kenya

Numerous disarmament interventions have been undertaken in Kenya over decades. Although there is lack of a systematic compilation of the history of disarmament in Kenya, the country could have implemented well over 50 disarmament operations in the past 100 years. While disarmament has been an almost constant process in pastoralist areas, there have also been various forms of disarmament that have been implemented in other parts of the country.

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[98] Saferworld, (2006). *Developing a Strategy to Respond to the Government of Kenya's Disarmament Programme*, Report of a Round-table Meeting Organised by Saferworld and The Great Lakes Parliamentary Forum on Peace, Nairobi.

During the Moi regime, it is said the President ordered over 20 disarmament operations among the Pokot alone. Under the Kibaki administration, there have been at least five disarmament operations to date. The earliest recorded disarmament drive was dubbed *Operation Tennis*. It happened in the context of the 1926 transfer of Uganda's Rudolf Province to Kenya and the subsequent British efforts to confine the Turkana and Karamojong within the newly created states. This included a call to surrender firearms in exchange for protection from the colonial power. But the operation was constrained by uncooperativeness of community members. The *Operation Tennis* disarmament campaign was unsuccessful due to poor coordination and the itinerant lifestyle of the pastoralists (who relocated away from the reach of colonial patrols). [99]

In 1950, the second known pre-colonial disarmament exercise was implemented in Kolowa, East Baringo. The initiative is perhaps more remembered for its atrocious nature than for anything else: over 60 Pokots were killed while several families were excommunicated to Losiro, Uganda. The colonial administration closed the district and confiscated over 10,000 cattle. A third colonial initiative that wasn't primarily a disarmament drive but served the purpose was a counter-insurgency operation dubbed *Operation Jock Stock*, which began in October 1952 to dismantle the Mau Mau freedom fighters.

The initiative was ill conceived, since it targeted political elites some of whom had no idea about the insurgency. Further, the colonial administration focused on gunboat diplomacy, publicly displaying its military muscle in Nairobi to assure European settlers of security, rather than addressing the root causes of the insurgency, which were related to the indigenous Kenyans'

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[99] Mburu, (2001). Firearms and Political Power: The Military Decline of the Turkana of Kenya 1900 – 2000", in Nordic Association of African Studies, Nordic Journal of African Studies, Vol. 10(2).

clamour for ancestral land, regaining independence and the ouster of European settlers. *O p e r a t i o n   J o c k   S t o c k* yielded counter-productive results. The Mau Mau, aware of the military capabilities of the colonialist, reorganized and rearmed.[100] As such, insurgent violence spread, and the freedom fighters' numbers and weaponry increased. In 1961, colonial Uganda's Lieutenant Colonel Idi Amin of the King's African Rifles (then Ugandan Army), crossed over to Kenya and tortured and terrorized citizens who refused to give up their weapons. Although 127 men were castrated and left to die, the operation failed to disarm the Turkana.[101]

In the post-colonial era of between 1963 and 1968, the Kenyatta Government implemented a fierce counterinsurgency military operation in what was previously the Northern Frontier District (the NFD consisted the North Eastern Province and upper Eastern Province). This operation aimed at defeating a Somali irredentist movement bent on seceding from Kenya to Somalia, and it is historicized as the *S h i f t a* War.

The operation aimed at defeating the irredentist movement who were considered "shiftas," meaning bandits. In order to be effective, firstly, the entire NFD was declared a prohibited zone. Secondly, security personnel were empowered to shoot and confiscate livestock owned by those suspected of subversion. Thirdly, detention camps were erected to hold those considered politically dangerous.With the January 1968 reestablishment of diplomatic relations between

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[100] Caroline Elkins, *Britain's Gulag: The Brutal End of Empire in Kenya*, (London: Pimlico, 2005), p.35-37

[101] Kathurima M'Inoti, "Beyond the 'Emergency' in the North Eastern Province: An Analysis of the Use and Abuse of Emergency Powers" in Nairobi Law Monthly, No. 41, February/March 1992

Kenya and Somalia, the insurgents lost much needed support, and the Kenyan military mopped them up.[102]

The operation was constrained by the difficult terrain in the NFD, as well as largely uncooperative communities who felt victimized. Worse still, considering that there were human rights violations, this contributed to apathy among communities in NFD and planted seeds of impunity. Further, in the post-Shifta War environment insecurity persisted in the NFD. Banditry, cattle rustling and small arms problems persisted for years. Additionally, the state of emergency declared on the region only ended in 1991.[103]The attendant underdevelopment of the region still dogs the region to-date. Another disarmament operation was the North Eastern and Upper Eastern Operations. The lingering aftermath of Somali irredentism and the subsequent Shifta War was the Government suspicion of Kenyan Somalis as agents of cross-border arms smuggling and perpetuation of different forms of insecurity such as banditry and cattle rustling.

As a result, there were disarmament operations in 1980 in Bulla Karatasi, Garissa and in Mandera's Malka Mari in 1981. The operations are remembered for having been brutal since "hundreds were killed, maimed, tortured and raped by those expected to protect them. The November 1980 Garissa operation, now known as the Bulla Karatasi Estate massacre, was triggered by the killing of six government officials. In retaliation, security forces burnt down the whole of Bulla Karatasi estate, with an alleged 3,000 killed, women raped and residents herded

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[102] Whittaker Hannah, Pursuing Pastoralists: The Stigma of Shifta during the 'Shifta War' in Kenya, 1963-68, Unpublished, Online: http://arts.monash.edu.au/publications/eras/edition-10/whittaker-article.pdf, (Accessed 14 July 2010), p. 2

[103] Kathurima M'Inoti, "Beyond the 'Emergency' in the North Eastern Province: An Analysis of the Use and Abuse of Emergency Powers" in Nairobi Law Monthly, No. 41, February/March 1992

into a concentration camp at Garissa Primary School playground where they remained for three days without food or water. [104]

The Malka Mari operation occurred in the context of reported bandits in the area. The military is said to have rounded up more than 200 herders at Malka Mari. Some were said to have been killed by use of boulders to break their skulls and shoulders, while others were dangled from trees with a rope tied around their testicles. The Malka Mari massacre marked the beginning of a series of disarmament operations in Mandera. There were others in Garse, Derakali, Dandu and Takaba areas.[105] Perhaps the most forceful exercise in the history of North Eastern Province was the Wajir disarmament operation that has come to be known as the Wagalla Massacre (or Wajir Massacre). On 10th February 1984 security forces rounded up thousands of men (from the Degodia clan) and held them at the Wagalla airstrip, torturing them for days till survivors opted to escape five days later (on 14th February). One account holds that the men were shot at as they fled. There are varying estimations of how many died. While the initial government position was that 57 people died, then Internal Security Minister, William Ruto later in 2000 admitted that the figure was 380. Then MP Elias Barre Shill countered that the Minister was trying to avoid crucial questions, since more than one thousand people were killed. [106]

The 1984 Operation Nyundo (Swahili for "Hammer") was a joint Kenya-Uganda disarmament operation targeting the borderland communities (specifically the Pokot). Operation Nyundo was extremely forceful, as the military used ground and air presence to coerce people to disarm.

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[104] Refugee Review Tribunal, *Somali Ethnic Group Treatment and Affirmative Action*, Online: www.mrt-rt.gov.au/ArticleDocuments/92/ken33956.pdf.aspx, (Accessed 3 August 2010) 2008,p.5

[105] Kerrow, Billow (2010), Wagalla Massacre: A Crime Against Humanity, in Daily Nation, 10 February 2010
[106] BBC News, Kenya Admits Mistakes over 'Massacre', Online: http://news.bbc. co.uk/2/hi/africa/978922.stm (Accessed 3 August 2010)

Military brutality towards civilians failed to yield community cooperation. People were shot on sight, or tortured. But this exercise became a demonstration of the community resolve to stick to arms unless their issues are comprehensively addressed. The operation did not rid the region of illegal SALW.

There is scant information on disarmament efforts right after 1984 to the period around the signing of the Nairobi Declaration in 2000. But there were disarmament operations in the 1990s too. The *Nairobi Declaration on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa* was signed by ten governments in the Horn of Africa and the Great Lakes Region in March 2000.

The signing of the Nairobi Declaration occurred in the context of increasing international focus on SALW and its challenges. The signing of the declaration was strategic to Kenya, as a year later (in July and August 2001) the UN sent a team of disarmament experts on a fact-finding mission on the SALW problem in Kenya and the need for durable solutions for disarmament. The experts concluded that small arms flows from neighbouring Somalia, Sudan, and Ethiopia had increased the availability of arms and greatly contributed to a deterioration of security in the country.[79]In the period after the signing of the Nairobi Declaration, the Government still pursued voluntary and forceful disarmament, but also introduced the practice of public destruction of SALW. [107]

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[107] Kopel, B. D., P. Gallant & D. J. Eisen, (2010). Human Rights and Gun Confiscation, Online: http://www.davekopel.com/2a/Foreign/Human-Rights-and-Gun-Confiscation.pdf,

Between 2001 and 2002 in the ebbing years of former President Moi's administration, an ultimatum was issued to communities to hand over their guns in exchange for amnesty. Following the voluntary surrender made possible by the government amnesty, the Government embarked on a firearms destruction exercise. In the first phase, 1,000 weapons were destroyed at a public ceremony on 16 March 2003. In the second phase, about 7,000 arms were destroyed while the military took charge of destroying landmines. Official government estimations of weapons destroyed are 8,289 in 2003, 3,839 in 2005, 8,008 firearms and 50,000 rounds of ammunition in 2007. In the last four years, a total of 22,634 assorted illicit SALW have been destroyed.[108]

In the light of clashes between nomadic pastoralist and sedentary farming communities in Tana River district in October 2001, the Government implemented a disarmament operation involving the paramilitary General Service Unit (GSU) and regular police officers. The operation embraced both forceful and dialogical approaches, as the security officers sought to arrest perpetrators while civil society actors and elders implemented local peace initiatives.

In the same year (2001) in September, the Government recovered over 250 firearms and 3,000 rounds of ammunition in North Eastern Province over a two month period. This was achieved through elders' and security officers' efforts that encouraged voluntary surrender of arms in order to deal with challenges of banditry and inter-clan fighting.

Another initiative to counter the small arms threat was the 28th July 2001 Kenya-Somali border closure by then President Moi. However it proved counterproductive as Somalis from Somalia threatened to hijack vehicles in Kenyan districts bordering Somalia (Lamu, Tana River, Garissa,

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[108] ISS, (2010) Mapping of the Disarmament Effort in Karamojong Triangle, (Nairobi: Unpublished)

Wajir and Mandera). Other cross-border initiatives to counter trafficking included regional stakeholder meetings that drew government representatives from Ethiopia, Kenya and Uganda, as well as civil society representatives and community representatives and elders in January 2001 after the signing of the Nairobi Declaration. These consultations were combined with forceful and voluntary disarmament initiatives that netted over 1,000 arms by early January 2001.

In 2005, The Government launched a disarmament program that first began with a voluntary *D u m i s h a   A m a n i* (Maintain Peace) process before phasing in the forceful Operation Okota (collect) program. The first phase was from May 2005 to February 2006. Operation Okota began in April/May 2006 but allowed voluntary surrender as part of the exercise. This disarmament program also integrated development projects such as the restoration of infrastructure, and rehabilitation of water points. It also had a community sensitization and awareness raising component and endeavored to bring various stakeholders on board.

The process recovered 2,433 arms and 5,260 rounds of ammunition, saw the reopening of 106 primary schools and 3 secondary schools; while 25 livestock markets were reopened and 42,833 people provided with medical care. These developments were demonstrable peace dividends from improved security drawing from the disarmament exercise.[109]

In 2010, the Operation Dumisha Amani II was launched. This operation was conducted in the context of government estimation that Kenya's pastoralists have spent KES 1.1 billion (about US$13,750,000) to arm themselves over the years, based on the number of firearms recovered

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[109] Ibid

from them. The voluntary phase began in February, while the forceful phase started two months later in April 2010 and targeted recovering 50,000 arms.[110]

Dumisha Amani II equally integrates development (under the disarmament and development program), and is still on-going. An issue of concern is that the Government hasn't made it clear what the timeframe for the operation is. The initiative is also largely intelligence based and has not integrated community views. It is also feared that, like many other prior initiatives, the operation will have short-term gains due to its failure to adequately address root causes of community armament.[111]

3.5 Conclusion

Improving the effectiveness of disarmament operations can have a significant, positive impact on states security situation. In order to design and implement disarmament operations that contribute effectively to security and development goals, approaches need to be grounded in an informed understanding of specific political, socio-economic and security framing conditions.

The ability to develop a nuanced and sophisticated understanding of 'what the market will bear' in distinct, challenging environments is therefore essential. This volume is intended to contribute to that important goal.[112]

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[110] Daily Nation, 24 March 2010, "Pastoralists Spend Sh1.1 Billion on Arms"
[111] Ndung'u J.,(2010) *Analysis of Disarmament Approaches in Kenya and How to Make them Effective*, Paper Presented during RECSA Practical Disarmament Validation Workshop in Mombasa Kenya, 30th-31.
[112] Berdal, Mats. 'Disarmament and Demobilization after Civil Wars'. Adelphi Paper 303. London, Oxford University Press on behalf of the International Institute for Strategic Studies, 1996.

Disarmament operations and security sector reform (SSR) are acknowledged pillars of the international community's commitment to peace building and sustainable development. While a growing community of experts and academics have emerged to support and promote both activities, the policy and programming linkages between disarmament and SSR remain under-developed. This is partly because both sets of initiatives are frequently pursued autonomously, independent of one another. Opportunities to build on synergies and strengthen positive outcomes in both sets of activities are therefore often missed.

Disarmament is an urgent priority in Samburu and Baringo Counties in Kenya. With an estimated 11,000 small arms still circulating in the Samburu and Baringo Counties, their availability remains a very real threat to sustained security and stability in Kenya. The wide availability of military-style assault rifles particularly in the hands of pastoralists and the undisciplined citizens is a menace. There is high concentration of arms and ammunitions in homes in both Samburu and Baringo Counties. Though some suspicion persists, there appears to be considerable willingness among the civilians in the region to dispose of their weapons.

CHAPTER FOUR

PRESENTATION ANALYSIS

4.1 Introduction

Baringo and Samburu Counties have contended with the challenges of illicit arms possession and usage for decades. Small arms possession in Baringo and Samburu Counties predates colonialism. As such, small arms are as much a present challenge as they have been a historical one.

The manifestation of the challenges of arms has been such that they have presented not only a security challenge to the authority of the state but also have presented a problem of law enforcement. Non-state actors who have come into possession of illicit arms have mainly used them to perpetuate crime and criminality in Baringo and Samburu Counties. In many parts of Baringo and Samburu Counties SALW have been widely used to perpetuate conflicts. This has had adverse negative effects on not only the economic wellbeing of the population, but also social, cultural, and political factors in Baringo and Samburu Counties.

Although the Kenya Government has focused most of its disarmament operations in pastoralist areas, arms are increasingly posing significant socio-economic, political and security risks countrywide. For instance, Baringo and Samburu Counties in Kenya have remained under-developed, and insecurity remains a disincentive for local and international investment. In the more agriculturally productive areas of Baringo and Samburu Counties, recurrent inter-ethnic violence has grown more lethal with every election cycle, while the 2008 post-election violence triggered new demand for guns in the region. Given the increasing allure of the gun to

communities in electoral violence-hit zones, if the post-polls conflict phenomenon persists, such fighting can get more complicated, with the possibility of cancerous civil strife being imaginable.

Other emerging scenarios in Baringo and Samburu Counties are the increased county fragmentation resulting in fortification of neighbourhoods where the poor and marginalized are excluded. Armed robberies, carjacking, kidnappings, and gang violence are also on the rise in the two counties. Many of these crimes involve gun use, while police response has been a shoot-to-kill approach to armed criminals.

Several factors explain armament in the Baringo and Samburu Counties: government failure to provide sufficient security and hence local community armament for self-protection, and a struggling livestock economy resulting in a marginalized region characterized by poverty and unemployment. Where Baringo and Samburu Counties communities' livelihoods, economy and existence is pegged on their livestock, these groups seek arms for protection, especially given the context of minimal government security presence and competitive and/or conflicting inter-community relations characterised by livestock raids and competition for scarce water and pasture. Respondents interviewed made reference to poverty and unemployment as root causes of self-armament in Baringo and Samburu Counties.

According to a group of persons interviewed the arms economy and its attendant profits to gun runners and agents fuel the proliferation of arms in Baringo and Samburu County. One of the feeders of arms ownership among local communities in Baringo and Samburu County is their systematic response to their perceived minority status and marginalization. These communities' lack of power in numbers means they cannot influence policies and political decisions, hence

their search for autonomy and independence through arms. Such groups usually reassert their claims and rights through the use of the force of arms.

There is a strong feeling among communities from Baringo and Samburu County that local gun ownership unwittingly contributes to the protection of the country's territorial integrity by fending off raiders from other countries. Occasional fights with foreign security forces are hailed as patriotic.

An exploration of other reasons for armament of communities in Baringo and Samburu County reveals that illicit gun possession has a criminal economic drive, as illegal gun owners use the guns in armed robberies and other crimes. This is a recent development as although many households in Baringo and Samburu County have small arms, the rate of crime and violent incidents are not high in their community.

In addition, arms have been most recently sought, and/or produced (for the case of home-made guns) for self-defence and/or offensive purposes in electoral violence prone areas of Baringo and Samburu County. New arms trafficking routes in Baringo and Samburu County show arms destinations in Baringo and Samburu County. Rival groups in Baringo and Samburu County actively buy firearms. Although the acquisition of the firearms is a community effort, the ownership of the same is vested in individuals, rendering it difficult for community leadership to enforce control on their use by individuals. It is however also revealed that some elders sometimes hired out the weapons to highway robbers on main roads in Baringo and Samburu County.

Numerous disarmament interventions have been undertaken in Baringo and Samburu County over decades. Although there is lack of a systematic approach of disarmament interventions in

Baringo and Samburu County, several disarmament interventions have been carried in the region. The disarmament has been an almost constant process in Baringo and Samburu County.

4.2 Disarmament operations infrastructure in Kenya

The illicit arms in Kenya are concentrated in northern Kenya which includes Baringo and Samburu County. The highest arms estimate in that area is over 170,000 while the lowest is 50,000.[113] It is an equally appreciated fact that illicit (and More recent analysis of the 2008 post-election violence points to the possibility of a heightened eagerness in sedentary communities in parts of central Rift Valley (extending from Uasin Gishu to Molo and Kuresoi areas) to possess guns. This was especially magnified when the UN Monitoring Group on Somalia claimed in its draft report for February/March 2008 that two containers with illegal arms had been smuggled into the country during the post-election violence.[114]

Another major concern is the discovery of a big cache of arms in Narok in the possession of a suspected gun runner, Mr. Munir Ishmael. The cache was, according to Police Commissioner Matthew Iteere, "the largest ever consignment of weapons found in civilian hands in Kenyan history.[115] It included 100,000 bullets and six guns. The bullets were believed to have been manufactured by the Eldoret Bullet Factory. This discovery pointed to the possibility of a huge

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[113] Adan, Mohamoud & Pkalya, Ruto, *Closed to Progress: An Assessment of the Socioeconomic Impact of Conflict on Pastoral and Semi-Pastoral Economies in Kenya and Uganda* (Nairobi: Practical Action, 2005), p.51, the authors approximate arms in Turkana, West Pokot, Wajir, Samburu, Marsabit, East Baringo, Tana River, Moyale, Trans Nzoia, and Marakwet alone to be 172,995. Further, then Internal Security Minister John Michuki is quoted as estimating the number of small arms in the North Rift to be 50,000. See Patrick Beja and Cyrus Ombati, *State Still Has Long Way to Go in Disarmament*, East African Standard, 29 August 2005

[114] Kenya National Dialogue and Reconciliation Monitoring Project, *Agenda Item 1: Immediate Action to Stop Violence and Restore Fundamental Rights and Liberties*, (Nairobi: South Consulting), January 2009, p.7

[115] Daily Nation, 9th December 2009, p.1

arms trafficking business that potentially targets the region (and could be supporting civil wars and other forms of instability in neighbouring countries).

Another cache of arms was found in Kenya's territorial waters in the Indian Ocean in Mombasa. That discovery pointed more to the extent of the piracy war and Kenya's vulnerability to the spill-over effects of such an effort. The arms were believed to have been abandoned by pirates fearing arrest. These developments should heighten interest in establishing arms trafficking routes. SALW are clandestinely trafficked via various routes to Nairobi (which is the main urban destination), and parts of electoral violence-prone Rift Valley. An analysis of SALW trafficking routes to these areas needs to be categorized into arms sourced from Ethiopia and Somalia, those from Uganda and Sudan, and those internally sourced. As a matter of fact, a UN small arms fact-finding mission to Kenya in August 2001 concluded that small arms flows from neighbouring Somalia (which borders the North Eastern Province), Sudan and Ethiopia had increased the availability of arms and greatly contributed to a deterioration of security in the country.[116]

4.3 Conclusion

The illicit arms in Kenya are concentrated in northern Kenya which includes Baringo and Samburu County. The highest arms estimate in that area is over 170,000 while the lowest is 50,000[117]. This poses serious challenges towards effective disarmament operations by the security

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[116] See http://www.irinnews.org/Report.aspx?ReportId=26962 Accessed on 1st September 2010

[117] Adan, Mohamoud & Pkalya, Ruto, *Closed to Progress: An Assessment of the Socioeconomic Impact of Conflict on Pastoral and Semi-Pastoral Economies in Kenya and Uganda* (Nairobi: Practical Action, 2005), p.51, the authors approximate arms in Turkana, West Pokot, Wajir, Samburu, Marsabit, East Baringo, Tana River, Moyale, Trans Nzoia, and Marakwet alone to be 172,995. Further, then Internal Security Minister John Michuki is quoted as estimating the number of small arms in the North Rift to be 50,000. See Patrick Beja and Cyrus Ombati, *State Still Has Long Way to Go in Disarmament*, East African Standard, 29 August 2005

agencies as the civilians with the arms reiterate when pursued by the police. One such example is the failed Baragoi security operation where 41 police officers died while pursuing stolen animals in Baringo County. There has been many disarmament drives in the region which have not borne fruits up to date.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

This chapter present summary of findings, conclusions based on the findings and recommendations there-to.

5.1 Summary of findings

In improving the effectiveness of disarmament operations practice can have a significant, positive impact on states overall security. In order to design and implement disarmament operations that contribute effectively to security and development goals, approaches need to be grounded in an informed understanding of specific political, socio-economic and security framing conditions. The ability to develop a nuanced and sophisticated understanding of 'what the market will bear' in distinct, challenging environments is therefore essential. This volume is intended to contribute to that important goal.[118]

Disarmament operations and security sector reform (SSR) are acknowledged pillars of the international community's commitment to peace building and sustainable development. While a growing community of experts and academics have emerged to support and promote both activities, the policy and programming linkages between disarmament and SSR remain under-developed. This is partly because both sets of initiatives are frequently pursued autonomously, independent of one another. Opportunities to build on synergies and strengthen positive outcomes in both sets of activities are therefore often missed.

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5.2 Conclusions

Improving the effectiveness of disarmament operations can have a significant, positive impact on states security situation. In order to design and implement disarmament operations that contribute effectively to security and development goals, approaches need to be grounded in an informed understanding of specific political, socio-economic and security framing conditions.

The ability to develop a nuanced and sophisticated understanding of 'what the market will bear' in distinct, challenging environments is therefore essential. This volume is intended to contribute to that important goal.[119]

The coordination and harmonisation of disarmament operations with measures for the build-up of an efficient and responsible security system, with compensation projects for disadvantaged and vulnerable persons, with programmes for reconstruction and development, is so important. It

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[119] Berdal, Mats. 'Disarmament and Demobilization after Civil Wars'. Adelphi Paper 303. London, Oxford University Press on behalf of the International Institute for Strategic Studies, 1996.

is the task of disarmament operations to contribute to minimizing the effects of the compromises and trade-offs, and to not losing track of the longer-term aims.

Geography also presents a major obstacle to the effectiveness of disarmament operations. Dense forests, high mountain ranges, and a lack of transportation infrastructure create an environment where people with arms can disappear and hide with relative ease. Additionally, the geographic area of focus of disarmament operations is vast in the Baringo and Samburu Counties in Kenya.

5.3 Recommendations

i.   The government should draw the actors to strategize and guide the disarmament operations from the civil society, corporate and the government. The actors should create a critical advocacy on the multiple socioeconomic needs of local communities in Baringo and Samburu Counties, and underscore the need to address these as a sustainable approach to addressing conflicts and the small arms problem.

ii.   The government together with the local community should initiate foundations meant to rehabilitate and reintegrate the warriors involved in conflicts in the region to enable reforming warriors to engage in constructive livelihood production activities, sports as well as taking a front role in peacemaking processes through warrior to warrior peace-building activities.

iii.   The international and national civil society actors should partner to design a peace and development-oriented disarmament pilot project in Baringo and Samburu Counties. This intervention should be aimed at building on the peace-building experience of the Pastoralist communities. This initiative should be coupled with training and awareness

creation on peace and development; support for traditional dispute resolution and peace-building methods; development of a framework for arms collection, storage and destruction; and provision of alternative livelihoods, long term employment and income generation projects.

iv. The Government should integrate faith-based approaches to reconcile and disarm communities on opposing fronts through awareness raising campaigns against small arms in Baringo and Samburu Counties.

v. Institutional structures such as the Kenya National Focal Point on SALW and the National Steering Committee on Peace-building and Conflict Management at the national level, and the District Peace Committees (or Peace and Development Committees, or even Cross-Border Peace and Reconciliation Committees in some areas) at the local level need to be strengthened, and their synergies enhanced.

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