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INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**IMPACT OF INTERNATIONAL ARMS TRAFFICKING ON PEACE AND
SECURITY IN AFRICA: CASE OF SOMALIA AND KENYA.**

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INTERNATIONAL STUDIES.**

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DECLARATION

I, Mbugua Samantha Waithera hereby declare that, this research project is my original work and has not been presented for the award of a degree in any other University.

Signed..... Date.....

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This project has been submitted for examination with my approval as the University supervisor,

Signed..... Date.....

Prof. Maria Nzomo

DEDICATION

This research project is a special dedication to my Mentor, Joe Mbugua Maina and to my family whose unwavering love and support has brought me through in my endeavor to search for knowledge.

ACKNOWLEDGEMENT

I am greatly indebted in my heart to my university supervisor Prof. Maria Nzomo who steered me with candid discussions on my research .Her effortless generosity and insightful intellectual inputs were so instrumental to my research study.

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ABSTRACT

Africa is faced by various challenges such as maintaining peace and security. This can be evidenced by increase in the number of refugees in the last decade, increase in the number of internally displaced persons, intentional killing of civilians, torturing and using of child soldiers among others. Various efforts have been put in place in terms of treaties and protocols by the state actors to deal in challenges of security concerns. However, security concerns seem to worsen overtime especially with the misuse and rise of illegal arms. The rise of illegal arms possession is attributed to complex innovative trafficking. Therefore, this study seeks to examine the root causes of International Arms Trafficking (IAT) in Africa by looking at Kenya and Somalia as case studies, the study further examined the nature and trends of IAT, major impacts of IAT, the various mechanisms put in place to help combat the problem and the challenges and opportunities encountered in addressing the problem. The study also evaluated how successful the mechanisms put in place by the state and various international organizations and it identify the obstacles which act as setbacks. The study used realism theory in the course of analysis. Realism theory only recognizes states as the sole key actors of the international system. Hence, in reference to IAT this is carried out by non- state actors to undermine state sovereignty. As a result, states and non-state actors are often in an asymmetrical confrontation. The theory identified IAT as a unique challenge to the state system. The study relied on both secondary and primary data, these included telephone interviews and online questionnaires. The study established that the nature and trends of unlawful AT form part of the contributing factors driving the demand and supply of arms in Kenya and Somalia. With a constant supply of firearms to Africa, their usage becomes uncontrollable. In return, international proliferation of arms, which traces back to the world war, take root in various countries. Consequently, such weaponry in Kenya and Somalia, and other African countries poses threats to Africa's peace and security. The study also revealed that the proliferation of illicit firearms in Africa affects the national safety of developing countries and human security by giving rise to conflicts and insecurities within social settings; the impact of IAT on peace and security include: compromised human security, underdeveloped countries falling victims of violence because of anarchy and political instability, insecurity and poor health, massive debt and natural disasters that mar developing countries; Opportunities in managing illicit AT include establishing the sources of illegal arms such as unlicensed craft production and foreign flow of illicit weapons, tracking weapons and ammunition seizures and pricing and giving civic education to the people. The challenges encountered in managing illicit AT include: porous borders in that countries pay less attention to border control hence paving the way for continued smuggling of illegal goods, including drugs, humans, and firearms, high and low level forms of corruption in Kenya and Somalia, presence of refugees, poor condition of state security forces caused by a slow development of social and economic democracy, political instability and inadequate policy framework. This study therefore, makes the following recommendations: there is need to establish an arms control management system, exercising border control and monitoring and having a proper refugee's management system.

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LIST OF ACRONYMS AND ABBREVIATIONS

AT	Arms Trafficking
IAT	International Arms Trafficking
ND	Nairobi Declaration
NP	Nairobi Protocol
MAD	Mutually Assured Destruction
SALW	Small Arms and Light Weapons
WMD	Weapons of Mass Destruction
TNCs	Transnational Organized Crimes
SIPRI	Stockholm International Peace Research Institute
ATT	Arms Trade Treaty
UN	United Nations
RSTT	regional security complex theory
UNDP	United Nations Development Program
ICJ	International Court Of Justice
RECSA	regional center on small arms
AU	African union
ECOWAS	economic community of West African states
SARPCCO	Southern African Regional Police Chief's Cooperation Organization
SADC	Southern Africa development community
ECAS	Economic community of central African states
UNREC	United Nations Regional Center For Peace and Disarmament
PSSM	physical security stockpile and management
UNHCR	United Nations High Commission for Refugees
UNSC	United Nations Security Council

WCO	World Customs Organizations
AMISOM	Africa Mission in Somalia
KNFP	Kenya National Focal Point on Illicit Small Arms and Light Weapons
SENG	Somalia and Eritrea monitoring group
NGOS	Non-governmental organization
CARICOM	Caribbean community and common market

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Security lacks a standard meaning, be it on paper or in print, resulting to complexity since the theoretical definition of security is a matter that claims progressive debate due to the vagueness that accompanies its definition which makes it very difficult to mitigate leave alone adapts to the changing threat dynamics. The spearheading elements of human security according to the 1994 UNDP report are: development and human rights, in regards to ensuring protection and empowerment of individuals especially from nonmilitary threats and military threats too.¹ Arms are items that are used to cause injury to human body, the state, the international political structures and environment. In other words arms threaten all respective pillars of International Relations which include peace and security, development and human rights.

The illicit proliferation and misuse of arms ranging from small arms and light weapons (SALW) to weapons of mass destruction (WMD) has increasingly become a common emerging and reemerging subject in the security discourse. The major challenge of various actor involved in countering IAT in various faces across the globe, regionally and particularly in Africa has been the issue of unchecked misuse of arms which has been further exacerbated by the wave of globalization.² Lack of strict regulations of transportation, brokering and financing have been found to have a profound negative influence on peace and security in Africa.

¹ UNDP, Human Development Report (Oxford: Oxford University Press, 1994), p.23.

² Dahinden, Erwin, Julie Dahlitz, and Nadia Fischer, eds. *Small Arms and Light Weapons: Legal Aspects of National and International Regulations: a Contribution to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and Its Follow-Up Process*. Vol. 4. United Nations Publications, 2002.

In fact SALW as opposed to WMD, are termed as attractive tools to violence for many justifications, they are usually obtainable, inexpensive, portable, very dangerous and easy to use, concealable and they possess both military and noncombatant use. On the other hand WMD which include nuclear, biological, radiological and bacteriological or other weapons are weapons that can bring harm to a large number of people.

The conventional and narrow realist concept to security in the cold war which was rooted on states centric security with the military has been cited as the guarantor of security/ can be cited as being responsible to a large extent for the never ending demand for arm based on reliance.³

The history of the African continent has been shaped by a myriad of challenges in matters peace and security as well as its good share of successes. Africa's main global security concerns revolve around security complexes, armed conflicts especially due to unsuccessful post conflict demobilization; demilitarization and reintegration plans have led to several ex-fighters grouping to bordering nations to become involved in other insurgences.⁴

Historically, the increase and unlawful worldwide movement of weapons and explosives comprises a complicated mix of interconnected concerns. In spite of endeavors to control weapons, there are numerous ways for commercial criminals to evade restrictions and transport arms across international boundaries; this problem has arisen as especially pertinent for European Union security, notwithstanding the tough

³ Renner, Michael. "Arms control orphans." *Bulletin of the Atomic Scientists* 55, no. 1 (1999): 22-26.

⁴ Kraska, James. *Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea (Contemporary Military, Strategic, and Security Issues)*. Praeger, 2011.

weapons regulation measures.⁵

Currently, the black web is one possible avenue which accommodates various illegitimate online businesses that aid illicit proliferation of illegal weapons, explosives and proscribed digital information. Since 2016 dark web's role has increased in prominence after its connection to Munich killing, whereby a single wolf extremist utilized a firearm bought on the dark web.⁶

These terror occurrences propped up prevalent public fear on the dark web facilitating extremists and organized criminals looking for weapons. Nevertheless, in spite of the fears, extremely little is established regarding the size and scope of firearm business on the dark web. According to statistics, the United States appear to be the major familiar source for weapons sold on dark web with nearly 60% of firearms listings linked with stuff originating from the US.⁷

For weapons like SALW, in the 21st century is nothing if not an international mission, especially with the black market small AT. In particular SALW increase regional insecurity, such arms hang around when the conflicts end, hence allowing conflicts to reignite and extend to adjacent nations. For instance the spillovers of conflicts from Yemen have impacted on peace and stability of illicit flows of contraband weapons and undocumented individually across the Gulf.⁸

Somalia a nation characterized by political instability since the ouster of General Mohammed Siad Barre in 1991, has become the epicenter of conflict in the African

⁵ Duggan, Mark. "More guns, more crime." *Journal of political Economy* 109, no. 5 (2001): 1086-1114.

⁶ Gompert, David C., Michael Mandelbaum, Richard L. Garwin, and John H. Barton. "Nuclear weapons and world politics: alternatives for the future." (1977).

⁷ Meyer, Paul. "A Banner Year for Conventional Arms Control-the Arms Trade Treaty and the Small Arms Challenge." *Global Governance* 20 (2014): 203.

⁸ Salmoni, Barak A., Bryce Loidolt, and Madeleine Wells. *Regime and periphery in northern Yemen: the Huthi phenomenon*. Rand Corporation, 2010.

continent. As a consequence of the instability in Somalia, the country has become breeding ground for violent extremists , the most prominent of them all being Al Qaeda afflicted Al Shabaab who have now crossed to Kenya. The wave of piracy problems between Kenya and Somalia, the border issues where a maritime dispute between Somalia and Kenya made its way to the ICJ for determination, are further been complicated by the porous borders, corruption which acts as a channel for international arms transfer.⁹

As such tensions have in one way or the other involved the use of illicit weapons and their impacts on peace and security is ended with the plight of refugees that have crossed borders especially from Somalia to Kenya's Dadaab refugee camp.¹⁰

Regionally, the horn of Africa (HoA) is labeled as the most conflict ridden region in Africa characterized by prolonged periods of conflicts, proxy wars especially between Somalia and Somalia. The region has especially faced influx of SALW to the extent that child soldiers have participated in conflicts in Somalia, Sudan and Uganda.¹¹

According to the Arms Trade Treaty, which has been in existence for five years, despites its concerted efforts with countries in the globe, global arms trading are still on the rise. The ATT is an international agreement that initially sets out prohibition to discontinue the worldwide transfer of weapons, ammunicions and connected weapons among states to curb killings, crimes against humanity or war crimes.¹² Yearly an evaluation is done to examine the possible risk potential weapons transfers and their

⁹ Snow, Donald M., and Eugene Brown. *Instructor's Manual to Accompany The Contours of Power: An Introduction to Contemporary International Relations*. St. Martin's Press, 1996.

¹⁰ Coning, C. de. "Civil-Military Coordination in Peace Operations." (2017).

¹¹ Human Rights Watch Staff. *Human Rights Watch World Report 1999*. Human Rights Watch, 1998.

¹² Jongman, Albert J. *Political terrorism: A new guide to actors, authors, concepts, data bases, theories, and literature*. Routledge, 2017.

misuse can pose on international human rights.

Despite ATT obligation to control reckless trade of arms, many major state parties keep on trading arms to regimes that perpetrate grave abuses of human rights. According to SIPRI global arms trade in 2017 was at least \$95 billion. US constituted 36% of global military expenditure in 2018, Saudi Arabia, India, Egypt, Australia, Algeria accounts for five largest conventional arms importers while USA, Russia, France, Germany and china accounts for the largest exporters of conventional arms 2014-2018.¹³

The small arms assessment approximates that there exists over one billion firearms worldwide, whereby majority of them are in the hands of civilians.¹⁴

1.2 Problem Statement

Africa is marred by a myriad of challenges and still remains unstable this is because peace and security is elusive which has led to new challenges, making insecurity a continued, pressing issue for African countries. Among the many peace and security threats the continent faces, the trafficking and misuse of arms has persistently posed serious threats to human security as well as national, regional and global security, also causing civil and interstate wars that leads to extraordinary human suffering leading to loss of freedoms and elemental human rights in Africa.

The interrelatedness between IAT and the various international crimes especially terrorism makes it very difficult to address. Despite the many efforts put in place in terms of treaties and protocols by the state actors to deal in the challenge, the security concern seems to worsen overtime especially with the unchecked misuse of arms

¹³ Ibid

¹⁴ Kramer, Katherine. *Legal controls on small arms and light weapons in Southeast Asia*. Geneva: Small Arms Survey, 2001.

which has further been aggregated by the wave of globalization making it harder to monitor arms transfer. The fact that the trafficking of arms involves a complex, innovative, hard to comprehend channels of arms transfer makes it difficult to disrupt trafficking. Therefore this study assesses impact of international arms trafficking on peace and security in Kenya and Somalia.

1.3 Research questions

- i. What has been the nature and trends of IAT on peace and security in Africa?
- ii. What are the existing mechanisms and effects of AT on peace and security in Somalia and Kenya?
- iii. What are the opportunities and challenges encountered in managing illicit AT and insecurity in Somalia and Kenya?

1.4 Study objectives

This investigation mainly seeks to assess the impact of IAT on peace and security in Africa: case.

1.4.1 Specific objectives

- i. To investigate the nature and trends of IAT on peace and security in Africa
- ii. To analyze the existing mechanisms impacts of AT on peace and security in Somalia and Kenya
- iii. To evaluate the opportunities and challenges encountered in managing illicit AT and insecurity in Somalia and Kenya

1.5 Literature Review

This segment will review both theoretical literature and empirical literature on how IAT affect peace and security in Africa. This section will further provide a critical review and expound on the research gap by identifying the missing link in pre-existing literature that has already been undertaken. Lastly, the study will highlight

the gap that exists in both the theoretical and empirical literature review.

1.5.1 Theoretical literature

1.5.1.1 Regional Security Complex theory

Regional security complex theory (RSCT) is a paradigm of international relations that was proposed by Barry Buzan and Ole Wæver and advanced in their 2003 work *Regions and Powers: The Structure of Global Security*.¹⁵ It explains the condition that international security is supposed to be analyzed from a regional approach and the relations between and amongst state and non-state actors shows frequent, geographical congregated designs.

As stated by Buzan, a security complex is identified as a grouping of nations of which their major understanding of security and attendant concerns related to their national security are so interlinked in such a manner that it is practically impossible to conduct any analysis or conflict resolution of any state independent of the other.¹⁶ A security complex is appreciated as a sub-system of the bigger international system, has a sense of permanency and is characterized by distinct features: consists of an arrangement of units differentiated in nature, comprises of well-established patterns amity and enmity synonyms to the case of Kenya and Somalia, for instance Operation Linda Nchi on the other hand piracy, trafficking, Kenya Somalia maritime dispute ongoing at the ICJ.

RSCT framework of analysis helps to bring out security issues that are embedded in regions and that are in large global politics driven by ranging interest among states, especially since regional security complexes have various security dynamics that

¹⁵ Buzan, Barry, Barry G. Buzan, Ole Waever, Ole W'ver, and Ole Waever Barry Buzan. *Regions and powers: the structure of international security*. Vol. 91. Cambridge University Press, 2003.

¹⁶ Ibid

affects nation states both internally and externally for instance the fight against illicit trafficking of arms. Combating the illegal IAT in the international system hence needs a regional approach as advocated for by the RSCT that requires major focus to security actors instead of state.¹⁷

Security should be conceptualized as an inter-subject social phenomenon since it does not only entail material differences between actors but rather efforts should be channeled on how the actors comprehend such material facts. The illicit AT are a concern of the HoA and the nation states has the mandate to mitigate the continued spread of the weapons so as to promote human security within the region.

The international system following its inception in the 1648 peace of Westphalia is demarcated into several strata namely; international, regional and state national levels.¹⁸ However it is at regional level where immense interactions between and amongst states takes place and by extension it is the region that forms the interface between the state and the international system. Indeed it is not only geography that defines a region, but also the unique interactions within a given region that distinguishes it from another. It is also at the region level where threats travel faster owing to the fact that borders form the point of contact between states. These interactions can be characterized by patterns of amity as well as enmity given the historical, cultural, political and economic as well as security dynamics involved therein.

The engagement level amongst members of similar RSC is always great whereas

¹⁷ Buzan, Barry, Ole Wæver, and Jaap De Wilde. "A new framework for analysis." *Boulder, CO: LynneReinnerPublishers* (1998).

¹⁸ Richmond, Oliver P. *Peace formation and political order in conflict affected societies*. Oxford University Press, 2016.

between various RSCs members are minimal. The RSCs is composed by neighboring actors that are shielded from each other with obstacles like mountains, deserts and oceans. Different nations may similarly act like “insulators” between RSCs.¹⁹

RSCT postulates that the motivations and actions of actors in the field of global security are highly regional in nature. This implies that security concerns of an actor are mainly caused in their close vicinity. Each actor’s security in a region interrelates with the other actors’ security. Most security threats do not move well over distances, and concerns within the close vicinity of an actor hence are probably felt strongest. Because of the manner in which adjacency operates there is usually extreme interdependence of security in an RSC, however external interaction is much less active.²⁰

1.5.1.2 Globalization Theory

Globalization theory tries to explain the state of national security, terrorism and cross border movements. Payne posits that globalization is the shrinking of distances between and among continents, enhancing interconnectedness of essential pillars of human wellbeing that entails religion, commerce, infections, drugs, migration. Globalization involves an important and observable concealment of differences between nation’s internal and external undertakings and the dwindling of differences amongst nations.²¹

Vaughan-Williams (2010), posits that national security is not safeguarding a nation’s boundaries and preserving the military’s power as such, however it similarly involves

¹⁹ Buzan, Barry, Barry G. Buzan, Ole Waever, Ole W'ver, and Ole Waever Barry Buzan. *Regions and powers: the structure of international security*. Vol. 91. Cambridge University Press, 2003.

²⁰ Ibid

²¹ Payne, Geoff, ed. *Social divisions*. Macmillan International Higher Education, 2013.

safeguarding and upholding her infrastructure, plus the effectiveness of her foreign policies, investments, technology, economy, citizens' civil rights, trade and job creation, proper environmental conditions, proper policies and laws concerning immigrants, refugee and asylum seekers and, certainly, its national sovereignty. The 12 interconnected characteristics of these aspects plus human rights concerns like terrorism, human trafficking, globalization, and global poverty necessitate serious attention and examination from both the 21st Century researchers and administrations.²²

Currently, globalization is seen as the key element in the 21st century that entails numerous increase in trade, interconnectedness, mass human movement from one state to the other. Harris argues that it entails cross border connections that includes porous borders which increase human mobility, legal and illegal and this enhances a huge threat to the security of nations in the sense that whenever there is huge movement of persons, there is increased chances of illicit activities like transfer of arms that pose huge jeopardy to security systems in a region.²³

James asserts that globalization of AT and terrorism as well as notable geographical dispersion of terrorists elicit a difficult challenge in combatting terrorism, because a terrorist group from a single area of the globe may initiate an attack in different area of the globe, hence making it difficult to ascertain the perpetrators.²⁴

The increased interconnectivity in the international system is a source of the illicit international transfer of arms from one region to the other and this cause concerns to

²² Peoples, Columba, and Nick Vaughan-Williams. *Critical security studies: An introduction*. Routledge, 2014.

²³ Harris, Jerry. "To be or not to be: The nation-centric world order under globalization." *Science & Society* 69, no. 3 (2005): 329-340.

²⁴ Lutz, James, and Brenda Lutz. *Global terrorism*. Routledge, 2013.

Africa's peace and security. Globalization in the 21st century has unfolded faster beyond the measures that nation states have in place for responding to trafficking of arms.

Silberfein notes that ethnic clash, political marginalization and the subsequent insurgencies, prohibited drugs, environmental degradation, religious contretemps and socioeconomic segregation or sidelining are the major causes of unlawful AT. Silberfein further contends that insurgencies and related terror activities once instigated, may be increased by: (i) initiating operations in quite secure areas that are unreachable to the government, (ii) exploiting locally obtainable resources like minerals (for instance Sierra Leone's case) and illegal drugs (like opium in Afghanistan), (iii) developing a network that eases local resources' exchange for arms and other crucial services, and (iv) availability of easily crossed boundaries and reachable ports that ease interaction with the external world.²⁵ All these influence security by any means.

In Kenya just like in Somalia illicit trafficking of arms has increased in the last decade and this has made significant impact on peace and security and socio economic progress in the region. The trafficking of arms has exposed the two states to numerous attacks by the terrorists. The unstable Somalia has exposed Kenya to be a huge destination of the illegally trafficked arms and this enhances conflicts within communities that get access to these SALW. Otiso adds that being US's and Israel's ally in combatting global terrorism, Kenya has turned out to be terrorism target that

²⁵ Silberfein, M. *INSURRECTIONS. IN: THE GEOGRAPHICAL DIMENSIONS OF TERRORISM*. No. SP-1772,. 2003.

has been fueled by the illicit trafficking of arms.²⁶

1.5.2 Empirical Literature Review

1.5.2.1 Nature and Trends of AT on Peace and Security Africa

Prolonged conflicts, proxy conflicts and intercommunity conflict describe several areas in Africa where hostility keeps on accelerating structural poverty and impoverishment²⁷. The proliferation of arms and their trafficking has led to uncountable violence comprising death, sexual violence, displacements, traumatized people and lost hope for a modest livelihood. International pundits' estimates that not less than an average of 500,000 individuals die yearly and many more are exiled and ill-treated due to AT which further fuels armed conflict and violence.²⁸

Fresh conflicts are developing and progressively placing lives under huge risk. Besides orthodox violent clash, non-conventional fears are growing for instance the increase of vicious extremism units in Kenya and Somalia. This increase has been fueled by the loose arms movement as well as political and socioeconomic reasons.²⁹

The uncontrolled AT in Africa have had untold, unprecedented human cost. These includes injuries and deaths , statistics regarding deaths from conflict in Africa are inconsistent and scarce, however most fatalities verified in conflict challenged areas in the region are due to illegal international transfer of arms.³⁰ IDPs and persons in exile led to movement of people within and across borders fueled by necessity to evade injuries and fatalities from uninhibited arms.

²⁶ Otiso, Kefa. "Kenya in the crosshairs of global terrorism: fighting terrorism at the periphery." *Kenya Studies Review* 1, no. 1 (2009): 107-132.

²⁷ Kytömäki, Elli. "The Arms Trade Treaty and Human Security." *Cross-cutting Benefits of Accession and Implementation, The Royal Institute of International Affairs, London* (2015).

²⁸ Hillier, Debbie. "Africa's Missing Billions: International arms flows and the cost of conflict." (2007).

²⁹ Cilliers, Jakkie. "Future (im) perfect? Mapping conflict, violence and extremism in Africa." *Institute for Security Studies Papers* 2015, no. 287 (2015): 24-24.

³⁰ Southall, David P., and Bernadette AM O'Hare. "Empty arms: the effect of the arms trade on mothers and children." *Bmj* 325, no. 7378 (2002): 1457-1461.

Countries affected by violence such as Somalia, generally records the greatest IDPs' and refugees' numbers in Africa. Gender based violence risks heighten in conflict situations. It is estimated that 45.6% of women in Africa have faced gender based violence due to armed conflicts. Gender based violence being largely connected with armed individuals and insurgents, who utilize SAWL to displace, terrorize, humiliate and traumatize communities.³¹

According to Oxfam, African conflicts are always changing. This development is aggravated due to uninhibited arms' movement. Three major aspects that have categorized conflicts forms and trends in Africa over the last few years include evolving nature of clashes and insecurity. Most recent conflicts replicate interlinked sources and causes transnational actors' intricate networks thus increasing regionalization and internationalization. Spillover effects of conflicts also create wider radius of impacts far beyond borders.³² Most of African happen at sub-state level and are battled by uninhibited arms since they are primarily among non -state actors who are not legally authorized to acquire arms; hence they have a recourse to illegal means of acquiring arms.

In fact SALW are widely used by terrorist they are often labeled as weapons of choice for terrorist.³³ The only primary agreement by the United Nations (UN) addressing the SALW's issue is the program of operation to inhibit, get rid of the illegal SALW trade, in every of its aspect called the Program of action (POA). POA was adapted at UN conference in July 2001; its main aim being to reduce human suffering which it has barely achieved Regional Centre on SALWs.

³¹ Misol, Lisa. "Weapons and war crimes: The complicity of arms suppliers." *World Report* (2004).

³² Yanik, Lerna K. "Guns and human rights: Major powers, global arms transfers, and human rights violations." *Human Rights Quarterly* (2006): 357-388.

³³ Ibid.

Main hindrances to the effective control of SALW in a nut shell include the fact that Africa has more than 3 billion people nearly half the world living on less than \$2 per day thus sort to engaging in conflict, the many terrorist activities, lack of capacity of state to monitor its borders, lack of a common regional regulatory approach amongst the countries to tackle the menace as well as prolonged conflicts especially in Somalia, Sudan and the Democratic Republic of Congo and internal political strife. In fact regionally, the HoA is labeled as the most conflict-ridden region moreover the complex nature of proliferation of SALW cuts across the great lakes region and HoA which are pretty unstable especially with the ongoing armed conflicts characterized by a number of armed groups across sub Saharan Africa continue to attract illicit arm traffickers. The situation in the Horn is further worsened by weapons leaking from poorly secured arsenals of failing states as well as those under conflict.³⁴

Traditional SALW control efforts tended to focus on how weapons negatively impacted the state instead of human suffering on how people acquire weapons and misuse them.³⁵ The widespread and acquisition of SALW often leads to mass killings, mass displacement, environmental degradation as a result of effects of leftover weapons, sexual assaults and child soldiers. In Africa these weapons have led to the death and displacement several citizens across African region.³⁶ The weapons have been employed in deadly conflicts in Somalia, Sudan, Sierra Leone, Uganda, Rwanda and other nations.³⁷

Yanik notes that a sizeable number of arms transfers have been made to nations with

³⁴ Steger, Manfred B. *Globalization: A very short introduction*. Vol. 86. Oxford University Press, 2017.

³⁵ Michael Renner. "Arms Control Orphans, *The Bulletin of the Atomic Scientists*, Vol.55, No. 1(January / February 1999), p.24.

³⁶ Biting the Bullet, International Action on Small Arms 2005 of - *Examining Implementation of the Program of Action*, International Action Network on Small Arms, July 2005, and p.251.

³⁷ Ibid.

poor human rights records such as Somalia whereby the minorities face repression.³⁸ Furthermore nations embroiled in conflicts or are at the verge of conflicts having also been recipients of arms despite the existence of arms embargoes by ATT prohibiting such transfers. Stohl asserts that illicit SALW aggregates humanitarian issues when used to obstruct effective delivery of humanitarian aid in spaces undergoing conflict for instance South Sudan and Somalia. In Somalia groups like Al Shabaab armed with these weapons extort agencies providing humanitarian aid³⁹.

1.5.2.2 Impacts of Illicit AT on Peace and Security

According to scholars like Matthew Miller, Jens Ludwig et. al AT like SALW are considered a cause of crime and anarchy thus a direct human security and development threat. The scholars further posit that AT have serious implication on particularly social, economic, physical and political wellbeing of human beings on global level.⁴⁰ Human security is the main casualty by SALW since the weapons kill one person every two minutes somewhere in the world both in states plagued by civil strife, transnational crimes which are drug related. According to one estimate, every year, 300,000 people are killed in violent conflicts and war with illegally trafficked SALW being the major instruments for cause of death and destruction. According Axworthy 200,000 die annually from gunshots through intentional violence, suicide and accidents, SALW are said to affect the developing countries than the developed countries. For example out of 50 armed conflicts that occurred between 1989-1995

³⁸ Yanik, Lerna K. "Guns and human rights: Major powers, global arms transfers, and human rights violations." *Human Rights Quarterly* (2006): 357-388.

³⁹ Stohl, Rachel. "Reality Check-The Danger of Small Arms Proliferation." *Geo. J. Int'l Aff.* 6 (2005): 71.

⁴⁰Axworthy, Hon. Lloyd. 1999. Address to UN Security Council, 24 September.

over 95% of them happened in developing nations and were battled using SALW.⁴¹

International trafficking of arms like SALW aggravates armed conflicts in war torn societies. The Human Rights Watch contended that every phase of the 1990 conflict in Rwanda of Tutsi incursion was further exacerbated by the SALW owned by the Hutu militia. In Kosovo there was another case of outbreak of armed violence because of availability of SALW. The Albanian regime collapsed in 1997 and in the following volatility, its major arsenals of SALW was pillaged most of them were acquired by the Kosovo Liberation Army. Proliferation of SALW affects women and children, food security, SALW have possessed pressure on health care systems, education, and hindered development, inhibit tourism and exacerbate human right abuses.⁴²

Regionally, the HoA is labeled as the most conflict-ridden region, due to prolonged periods of conflict, proxy wars especially in Somalia and Sudan and inters- communal strife as a result of governance deficit. The region is characterized by weak and failed states. The region has faced influx of illicit trafficking of arms to the extent that child soldiers have participated in conflicts in Somalia, Sudan and Uganda.⁴³ The anarchic nature of Somali, due to lack of a centralized authority has for years encouraged thriving of the non- state actors' role in the state , specifically the notoriously known Al Shabaab militia group and the inadequate management of firearms, breeding armed conflicts and Transnational Organized Crimes (TNCS) ranging from terrorism, drug

⁴¹ Hemenway, David. 1997. 'The Myth of Millions of Self Defense Gun Uses: An Explanation of Extreme Overestimates,' *Chance*, vol. 10, pp. 6-10.

⁴² Hepburn, Lisa, Matthew Miller, Deborah Azrael, and David Hemenway. 2004. 'The Effect of Nondiscretionary Concealed Weapon Carrying Laws on Homicide,' *Journal of Trauma*, vol.56, pp. 678-681.

⁴³Human Rights Watch/ African Rights Watch, (1997). *The Sears of Death children abducted by the Lord's Resistance Army in Uganda*, children's Right Project, (New York, Human Rights Watch/ African Rights Watch).

trafficking and piracy.⁴⁴

The HoA has been vulnerable due to inherent engagements and lingering insecurity for over one decade; the conflicts are internal and even large-scale. For instance Somalia a completely collapsed state, where terrorist can operate in a safe haven far beyond the reach of the rule of law. This state possesses a long unpatrolled coastline and many unmonitored airstrips, this facilitates illicit trafficking of arms and transnational organized crimes.⁴⁵ The HoA is the main reason why Kenya is so vulnerable to spillover conflicts and the transit route of illegal arms, which is especially complicated by the porous borders, its position also as a regional diplomatic and commercial Centre. The region is also what causes the smuggling and inflow of SALWs especially urban areas of Kenya, due to the link between fundamentalism and lack of central government in Somalia.

Therefore, Sako claims that for Africa to be able reduce the issue of high proliferation of SALW the quality of governance must be improved. Also fight for political supremacy in the HoA usually assumes fierce dimensions, emphasized with SALWs in the competition for power .Conflict often breaks out due to power manipulation to include or exclude resort to measure of violence and rebellion including using illicit SALW.⁴⁶

The Kenyan Experience

The illicit trafficking and proliferation of arms has made Kenya struggle with the issue of insecurity for a long time. The external and internal factors of the state have

⁴⁴The World Bank.(2013). "Shape of Violence Today." In International Politics: Enduring Concepts and Contemporary Issues, 11th Edition, edited by Robert Art and Robert Jervis, New York: Pearson.

⁴⁵ Robert, J. and Rotberg, (2005). Terrorism in the Horn of Africa. Brookings Institution press, p. 121

⁴⁶ AU, African Union Strategy on the Control of Illicit Proliferation, Circuit and Trafficking of SALW. <http://www. Peace au. Org. org/uplodslau-strategy -en.Pdf>.

caused this since the socio economic and political nature of Kenyan state is highly impacted as well. The socioeconomic and political set up of a state are what fuels the demand for illegal weapons in a country, the porous borders which are often labeled as the root causes of proliferation and unstable neighbors have also contributed to the misuse and proliferation of weapons. The use of illegally trafficked arms particularly in Kenya has been greatly felt among the pastoralists' communities, since pastoral conflicts over natural resources like water and grazing fields as both economic and personal interest to the communities have remained bloody overtime. Pastoral communities found in Kenya's North Rift, those in Upper Eastern and those in the Northern East have often clashed in inter-ethnic cattle rustling which is culturally embedded in societal fabric and which is commissioned by use of SALW, these areas suffer from high insecurity and violence.⁴⁷

The post-election chaos that happened following the 2007 general polls which led to the most severe humanitarian crisis due to mass killings, destruction of property, displacement in high numbers and the economy being on its knees, due to the crude weapons used and in some instances some communities used modern sophisticated automatic weapons to unleash terror to their perceived enemies.⁴⁸ The effects of the armed violence were further increased by the supply and spread of illicit trafficking of weapons. According to the commission of Inquiry into Post-Election Violence report, similarly dubbed the Waki Report points out that due to the unrest, a total of 1,133 lives were lost due to the increased demand for weapons especially in the Rift Valley

⁴⁷Muchai, A.(2005).Insecurity : A Case Study of Northern Kenya. 'In MichaHollestelle and Simons Simonse, eds. Security When the State Fails: Community Responses to Armed Violence, Vol.5. TheHague : Pax Christi

⁴⁸ Ibid.

and adjacent environs.⁴⁹

The concealed nature of illicit arms trade makes it impossible to track the arms or even measure illicit arms flow.⁵⁰ Illicit arms brokers' leads to arms smuggling, genocide, and crimes against humanity, terrorism and gross human rights violations.⁵¹ WMD which are nuclear, radiological, chemical or biological in nature can lead to major detriment to several people or cause lead to destruction of human made or natural structures or the biospheres. Nuclear deterrence in the 21st century is fallacy more countries have acquired nuclear weapons than before. In fact Bernard in 1959 posited that a credible nuclear deterrent must be always at the ready, yet never used.⁵²

1.5.2.3 Opportunities and Challenges encountered in management of illicit AT

Measures and interventions put in place to curb IAT range from UN program of operation to counter and eradication of illegal SAWLs' trade in every of its aspect. It similarly brought about the 2005 drafting of international tracing instruments and determinations to completely comprise SALW in the reporting of United Nations Register of Conventional Arms (UNROCA).⁵³ UNROCA was instituted to uphold openness in the trade of conventional arms though at this period, SALW were not concluded in UN level discussion on conventional arms.

The UN level ATT process launched in 2006 pointed out a change to a wider classification of conventional weapons. Though, resolute endeavors in ensuring that

⁴⁹CIPEV (Commission of Inquiry into Post Election Violence). (2008). Report of the Findings of the CIPEV. Nairobi : Government Printers.

⁵⁰ McDonald, Glenn, Anna Alvazzi del Frate, and Moshe Ben Hamo Yeger. "ARMS CONTROL 2.0." (2017).

⁵¹ Austin, Kathi. "Illicit arms brokers: aiding and abetting atrocities." *Brown J. World Aff.* 9 (2002): 203.

⁵² Greene, Owen. "Examining international responses to illicit arms trafficking." *Crime, law and social change* 33, no. 1-2 (2000): 151-190.

⁵³ Bromley, Mark. "End-Use Controls: Recent Technology Developments and Emerging Trends." *Sicherheit und Frieden (S+ F)/Security and Peace* 33, no. 2 (2015): 84-91.

SALW were encompassed in the reporting of ATT replicated to the level to which they continued be key to the global security agenda.⁵⁴ The adoption of the UNSC resolution 2117 in September 2013, focused exclusively on dealing with problems related to illicit trade in SALW.⁵⁵

From the mid-1990s the international community started paying a higher attention to SAWL, as to consider them as the most threatening conventional arms. The global tracing instrument implemented by the UNGA in December 2005 obligates every UN member nation to fulfill all approved criteria in the designing of SALW and related recording and to share material to fulfill tracing requirements.⁵⁶

According to Paul Meyer, the control of conventional weapons, where SALW fall under, has been seen as the poor cousin of global endeavors to inhibit the spread of WMD. At the global level, Meyer antiques what he perceived to be a late response by UN in appreciating the securing and human impact of illicit arms in its 1991 UNROCA.⁵⁷ Under UNROCA, states annually provides material regarding imports and exports of the major conventional weapons, however SALW are not encompassed by the seven UNROCA classifications till the expansion of the scope in 2003 to comprise man portable air defense systems.⁵⁸

The ATT on the other hand defines several commitments for state parties to fulfill to control international weapons transfer (comprising SALW transfer) and counter the trade of illegal arms. The ATT also sought to build on humanitarian arms control

⁵⁴ Shelley, Louise I. *Dark commerce: How a new illicit economy is threatening our future*. Princeton University Press, 2018.

⁵⁵ Ibid

⁵⁶ Karp, Aaron. *Estimating global civilian-held firearms numbers*. Ginebra, Suiza: Small Arms Survey, 2018.

⁵⁷ Meyer, Paul. "A Banner Year for Conventional Arms Control-the Arms Trade Treaty and the Small Arms Challenge." *Global Governance* 20 (2014): 203.

⁵⁸ Ibid

especially in timing to curb the SALW proliferation.⁵⁹

UN arms restrictions are obligatory by firmness implemented under the UN Charter by not less than 9 of the UNSC, SALW are comprised in the scope of the UN weapons restrictions. The UNSC in 2009 broadened the scope of arms restriction on North Korea to comprise every arm and weaponry system.⁶⁰

Lamb and Dye appreciate that while legitimate brokering of SALW as outlined in UNPOA is considered as an activity that can be regulated; the illicit brokering is a major concern of Africa especially due to the porous borders.⁶¹ Wood and Peleman also identify illicit brokering of SALW as one of the greatest impediments to control the flow of illicit SALW. Khadiagala argues in this regard the challenges from illicit brokering in Africa can be dealt in by enhancement of good governance, strong institutions. Also part of the AU strategy in line with vision 2063 on ‘Silencing the Guns’, envisaged ending all wars in the continent by 2020. This has not been feasible due to the challenges in governance deficit, corruption which have impeded achievement of this goal.⁶²

1.6 Literature gaps

Despite immense efforts by actors and non -state actors around challenges arising from IAT, there is still inadequate substantive input from civil society actors who from a peace and security perspective play a critical role since they form the interface between states and non- state actors. The reviewed literature has covered the nature

⁵⁹Erickson, Jennifer. *Dangerous trade: arms exports, human rights, and international reputation*. Columbia University Press, 2015.

⁶⁰ Ibid

⁶¹ Lamb, Guy, and Dominique Dye. "African Solutions to an International Problem: Arms Control and Disarmament in Africa." *Journal of International Affairs* 62, no. 2 (2009): 69-83.

⁶² Khadiagala, Gilbert M. *Silencing the Guns: Strengthening Governance to Prevent, Manage, and Resolve Conflict in Africa*. New York: International Peace Institute, 2015.

and trend of the illicit IAT from Africa and global perspective but has not well articulated on how it can advance Africa's peace and security. The effects of illicit IAT in the world and their aggravation of armed conflicts due to lack of proper mechanisms to mitigate their effects is what is heavily tackled in the literature, since misuse of illegal weapons is not a major focus to many states in Africa. In respect to this there exists some gaps that have not been covered conclusively, for instance the principle of uniting for peace by President Harry Truman has not been considered to be a possible solution to curbing illicit proliferation. Therefore this study seeks to come with approaches on how to strength the capacity of institutions in developing possible ways of curbing the influence of illegal weapons transfer on peace and security. Similarly the literature has not covered the issues around rethinking of state mechanisms, which ought to be less intimidating and more tactical by reinforcement of the capabilities of security agencies, designing mechanisms of reducing weapons comprising civil society players and the community and formulating institutional guiding framework towards disarmament, demobilization and re-integration.

1.7 Justification

For every academic research, the justification cannot be over emphasized. Consequently, the justification for this study was viewed from two levels. These levels are the academic and policy justification levels.

1.7.1 Academic Justification

The reviewed literature has covered the nature and trend of the illicit IAT from Africa and a global perspective but has not well articulated how it can advance peace and security in Africa. In respect to this there exists some gaps that have not been covered conclusively, for instance the principle of uniting for peace has not been considered to be a possible solution to curbing illicit proliferation. Therefore by identifying gaps in

knowledge this study seeks to come with approaches on how to strengthen the capacity of institutions in developing possible ways of curbing the influence of illegal weapons transfer on peace and security as well as capacity of security agents.

1.7.2 Policy Justification

Despite immense efforts by actors and non-state actors around challenges arising from IAT and effects to peace and security, there is still inadequate substantive input from civil society who from a peace and security perspective are key since they form the interface between states and non-state actors. Similarly, the literature has not covered the issues around rethinking of government approaches hence new knowledge generated shall be targeted at less intimidating and more tactical measures to strengthen the security agencies' capacities through policy harmonization, designing mechanisms of reducing arms comprising civil society groups and the public and developing institutional framework that guide disarmament, demobilization and re-integration.

1.8 Theoretical Framework

1.8.1 Realism Theory

The study employed Realism theory to explain the linkage on how IAT impacts peace and security globally. Security has been the main focus of realism school of thought in international relation and in practice. States are the major legal source of weapons production for the Non-state actors and other players in the system. The school has drawn heavily from thinking of Hans Morgenthau, Niccolo Machiavelli, Thucydides and E.H Carr. The main proposition of this theory is power politics and state interest as the overriding motivations of states in their engagement with each other in the international system as in the case of Kenya and Somalia.

The skeptical nature of states characterized by mutual distrust is what compels states to pursue acquisition of arms and to practice international trafficking more so of SALW, which are inexpensive and easily portable especially in the case of African states which is encouraged by the porous borders and upsurge of corruption, as an assurance of security and self- preservation as primary interests of every single state for their survival in an anarchic system. This explains why despite numerous measures put in place in the form of treaties, protocols and conventions in the mitigation of the proliferation of IAT, challenges, risks and threats are further posed by illicit arms use.

The essence of realism in a power politics and relative interest inclined system is states have traditionally been identified as the primary actors in international relations according to this theory, hence have possessed the monopoly of violence this in contemporary times has changed. Currently the global stretches of arms have also been facilitated by the emergence of local capacity for the production of those arms. Thus NSAS have eroded this monopoly of violence by increasing the demand for arms, in pursuit of their own interests. These factors include terrorists like the Alshabaab in Somalia, mafia groups, organized crime groups and insurgents amongst others have by all means acquired arms for various purposes such as political agitation, subversion of the state which explains the demand for arms internationally. The major challenge in dealing with non-state actors is that they don't ascribe to international law. Security dilemma that creates disequilibrium among states is a 'necessary evil' among states in a self- helps system for state preservation and

survival.⁶³

The founding fathers of realism are grounded by a pessimistic perception on human nature. Thomas Hobbes asserts human beings as flawed beings by nature, they are termed as evil and aggressive by nature and dominant by all means. They are uninformed, passionate beings that have an inherent desire to dominate others; the desire for power makes them irrational beings unable to carry out a cost-benefit analysis. Thus the state as the core entity in the global system has a primary responsibility to secure itself and live in an aggressive environment at locally and abroad where conflict is labeled as inevitable especially due to the lack of central authority to uphold security.⁶⁴ Security is a key concern for the government to guard against both external and more particularly internal threats against local uninformed irrational mass.

1.9 Study Hypotheses

To answer the above research questions adequately, this investigation will be based on three working hypotheses:

1. The more the increased the levels of IAT the more the insecurity in Africa.
2. There exists correlation between AT and security concerns in Somalia and Kenya.
3. Where there is effective management of policies and mechanisms for mitigating illicit AT peace and security is achievable.

1.10 Research Methodology

Research methodology is the strategy a researcher employs in investigating a specific phenomenon to obtain reliable and dependent answers to research questions or

⁶³Kegley, Jr. W.Charles(1995). Controversies in International Relations ‘theory : Realism and the Neoliberal Challenges . St. Martins Press Inc.

⁶⁴Lupher, M (2001). States and Globalization: Realism, Transnationalism, and chaos in the Early 21st Century.

problem. It simply an outline of the research that highlights what the researcher will carry out procedurally to the eventuality of data analysis. Research methodology seeks to find objective, dependable, valid, accurate and economic answers to research questions. Since research entails a systematic process, research methodology arranges the crucial conditions needed for adequate collecting and analyzing data. As a result, this section entails the research design, research site, target population, research site, data gathering and data analysis.

1.10.1 Research Design

According to Cooper a research design is a plan that the researcher adopts so as to answer questions accurately, according to the objectives, reliability and economically.⁶⁵ It's simply the blue print for carrying out research, since it's the procedure the researcher employs to achieve objectives of research. The study employed a mixed method that blends both qualitative and quantitative approaches for data collection and analysis. Qualitative research is important in determining the study since it uses a comparative analysis of Kenya and Somalia, which helps in effectively addressing of the research problem. Quantitative research on the other hand, which relied on printed materials, internet, published data makes it possible to understand IAT, the nature and trends in Kenya and Somalia.

1.10.2 Research Site

This study focused on Kenya and Somalia which falls within the HoA. The choice of the two states is informed by the upsurge of illicit IAT especially in Kenya and Somalia which is a peace and security threat.

⁶⁵Cooper , W. (2009). *Qualitative Evaluation and Research Methods*. London : Sage

1.10.3 Target and Sample Population

Data collection for this study involved choosing a sample that is representative of the entire population which will comprise of strategic actors such as those at the policy making and implementation levels. Purposive sampling will be used to identify the study units which included state actors such as ministry of interior, humanitarian agencies engaged with refugee's affairs, academicians, media, and think tanks from the institute of security studies. This accounted for 70 informants. Random sampling was used to pick specific groups where at least 10 people were interviewed randomly taking into consideration, gender, race, age and role played in containing illicit trafficking of arms.

Table 1.1 Target Population and the Sample Size

Target sample	Sample size
State agencies (Ministry of interior, foreign affairs)	15
Academicians	10
Think tanks(s)	5
Media	5
Refugees	25
Non state actors/ organizations (UNHCR)	10
TOTAL	70

1.10.4 Research Sample Size

According to Kothari, a complete list of units or items with the same interest from where the sample is obtained is what is termed as sampling frame.⁶⁶ The requirements needed to fulfill appropriate population coverage are representativeness, reliability and efficacy to avoid data duplication and save on time and resources. A small or a big

⁶⁶Kothari,C.(2004). Pretesting in questionnaire design: *The impact of respondent characteristics on error detection* .Journal of the Market Research Society. 36 (October), pp 295-300

sample size is not a good representation. Kothari asserts that 10% - 20% sample size of targeted population is effective enough. Thus the sample size can be chosen using size calculation to statically represent the areas threats are most eminent to which will help come up with representative fraction which ensures inclusion of gender and age.

1.10.5 Data Collection Methods

This study will use both qualitative and quantitative methods. For primary data, the use of online questionnaires and more specifically (telephone) interviews will be the main recourse. The telephone interviews will take between 20- 25 min taking into accounting factors like network problems in order for the researcher to be able to get ample data for analysis .Secondary data will be obtained from detailed review of journals, reports, books, online documentation on the study topic. For the questionnaires, both structured and open ended questions will be used they will be distributed to the respondents via online sources and collected within a week this will help in providing ample time to comprehend and present appropriate answers thus helping in gathering of relevant information on the impacts of international arms trafficking on peace and security in Africa.

1.10.6 Data Analysis and presentation

Following data collection, editing, coding, tabulation and analysis was done. The analysis of quantitative data was carried out using relevant software such as SPSS and Microsoft excel statistical packages. Qualitative data on the other hand was analyzed using content analysis by grouping the responses given in similar themes. Verbal reports was presented as direct quotations from the interviews conducted

1.10.8 Ethical Consideration

According to Denscombe what generally governs a person are his or her moral principles which are generally referred to as ethics.⁶⁷ Also the rights or wrongs of an individual serve as a description. With regards to ethical consideration, the researcher

⁶⁷Denscombe, J. (1998). *The Postgraduate Research Handbook*. New York: Palgrave

had in mind ethical problems that may affect the study population. Since the study relied heavily on questionnaires and interviews the researcher was obliged to seek respondent consent and ensure confidentiality when conducting interviews e.g. interviewees were not to disclose their names or official rank.

The research study also adheres to the existing conduct of research according to academic guidelines of non-plagiarism and by acknowledging the authors and sources of information materials by referencing which is cited throughout the research study.

1.10.9 Scope and Limitations to the Study

The research study will be conducted within the scope of Kenya and Somalia especially areas heavily impacted by illicit trafficking of arms focusing on the topic of study; Impact of international arms trafficking on peace and security in Kenya and Somalia. The study also has limitations especially since information from interviews was limited in scope as interviewees cited sensitivity of security information. The major limitation to the study was that world over matters of security is often considered secret and access to information is limited by security classified individuals. As a result data from interviewees was not detailed or exhaustive given the limitations. There it is acknowledged that data collected from decision makers and stakeholders linked to national security policy formulation would have also been limited in scope and depth because of limited access to relevant classified data.

1.11 Chapter Outline

Chapter one as an introductory chapter has laid the foundation of the investigation. It outlines the background to the study, the statement of the research problem and the objectives of the study. The main objective of this investigation is to assess the impacts of IAT on peace and security in Africa: case of Somalia and Kenya. The

chapter also discusses the research questions, literature review and looks at the theoretical framework adopted in the study. It set out the theoretical framework of the study highlighting the main theory best suited for the study.

Chapter two covers the nature and trends of IAT in Africa. The shortcomings that face Africa as a continent due to the easy retransfer of arms and its experience with regards to peace and security.

Chapter three analyzes and interrogates the effects / impacts of AT on peace and security in Somalia and Kenya, looking at key areas of human rights, development, peace and security. The chapter will also evaluate weaknesses of existing mechanisms in order to formulate better responses.

Chapter four evaluates the effectiveness of the interventions employed by various actors in the management of illicit AT in Somalia and Kenya in terms of policies and institutional frameworks. The chapter will also evaluates the weaknesses of existing mechanisms in order to come up with better responses to challenges in Kenya and Somalia.

Chapter five looks at data presentation and analysis. This entails looking at demographic characteristics of respondents while the analysis of data especially secondary data is done respectively according to objectives of the study. Further analysis of the objectives is captured in the questionnaires which aid in data interpretation.

Chapter six draws up the researcher's summary of the findings, conclusions and recommendations which shall also enable assessment of whether the research objectives have been achieved as well as whether the hypotheses have been validated

as part of the findings.

CHAPTER TWO

NATURE AND TRENDS OF INTERNATIONAL ARMS TRAFICKING ON PEACE AND SECURITY IN AFRICA

2.0 Introduction

This chapter mainly looked at the nature and trends of IAT on peace and security in Africa. It further analyzed the history of IAT, nature and trends of IAT in Africa, the factors driving the demand and supply of arms in Africa, global trends in AT and most importantly threats posed by IAT on peace and security.

The increased interconnectivity in the international system is a source of the illicit international transfer of arms from one region to the other and this cause threats to peace and security in Africa. Globalization in the 21st century has unfolded faster beyond the measures that nation states have in place for responding to trafficking of arms.⁶⁸ Raising questions such as what does peace and security really mean and how is the correlation with IAT going to be studied and addressed?

2.1 History of IAT

After the World War II approximately one third of the globe's genocide was registered in Africa, accompanied by sixty coups d'état and Africa's violent armed conflict. These accounted for more than 6.5 million deaths most of the victims were said to be killed by the so called SALW. Small arms are weapons that are intended for use by individuals for instance pistols, rifles, sub machine guns and assault while light weapons are designed for use by two or more persons and include mortars, grenade

⁶⁸Cragin, Kim, and Bruce Hoffman .Arms Trafficking and Colombia. Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation.

launchers, aircraft guns and anti-tanks.⁶⁹ On the other light weapons are weapons that can be carried by an individual soldier or mounted on light commercial vehicles these weapons include portable mortars, portable anti-aircrafts missiles, mines and automatic rifles.⁷⁰

Arms are defined as items that are used to cause injury to human body, the state, the international peace and security and the environment. After the World War II approximately one third of the globe's genocide was registered in Africa. Accompanied by sixty coups de tat and Africa's violent armed conflicts which accounted for more than 6.5million deaths where most of the victims were said to be killed by the so called SALWs.⁷¹

Michael Klare says that SALW are preferred tools of violence in most coups, transnational wars and human right abuses.⁷² Thus SALWs as opposed to WMD are attractive tools for violence for several reasons. They are easy to handle for non-military people because they do not require extensive training or operation skill, widely available, low in cost, portable, extremely lethal and simple to use, durable, easy to conceal and possess both military and civilian use. As the name light weapons presuppose, they are relatively light in weight hence can effectively be used by child soldiers. Child soldiers have played a significant role in exacerbating recent conflicts in Africa in the Horn and great lakes region.

⁶⁹ Small Arms Survey 2002: *Counting the Human Cost*. A project of the institute of International studies, Geneva, 2002 pp. 11-14.

⁷⁰ United Nations Institute for Disarmament research, *The Scope and Implications of Tracing Mechanism of Small Arms and Light Weapons* (Geneva: UNIDIR, 2003)p2.

⁷¹ Van Der Graaf, Henny J. "Proliferation of light weapons in Africa." *Policy Sciences* 30, no. 3 (1997): 133-141.

⁷² Boutwell, Jeffrey, and Michael Klare. 1998. 'Small Arms and Light Weapons: Controlling the Real Instruments of War,' *Arms Control Today*, August/September.

Great parts of the developing world are marred with these weapons of which the origin can be traced back to the permanent five of the UNSC, especially owing to the fact that international efforts to curb conventional weapons majorly focus on heavy weaponry and not SALW .despite the international community being fully aware of the fact that increased SALW proliferation constitutes a threat to international peace and security and contributes to gross violation of human rights. Boutros BoutrosGhali, former Secretary – General of the UN, emphasized on the need to devote more attention to the threat of proliferation of SALW especially in high tension regions such as Africa.⁷³

Main hindrances to the effective control of SALW in a nut shell include the fact that Africa has more than 3 billion people nearly half the world living on less than \$2 per day thus sort to engaging in conflict, the many terrorist activities, lack of capacity of state to monitor its borders, lack of a common regional regulatory approach amongst the countries to tackle the menace as well as prolonged conflicts especially in Somalia, the Democratic Republic of Congo and Sudan and internal political strife.⁷⁴

In fact regionally, the Horn of Africa is described as the most conflict-ridden region moreover the complex nature of SALW proliferation cuts across the great lakes region and horn of Africa which are pretty unstable especially with the ongoing armed conflicts characterized by a number of armed groups across sub Saharan Africa continue to attract illicit arm traffickers. The situation in the Horn is further worsened by weapons leaking from poorly secured arsenals of failing states as well as those

⁷³ Latham, Andrew, Taking the Lead? Light Weapons and International Security, International journal, Vol. 52, N0.2 (spring, 1977) p.337.

⁷⁴Faltas, Sami, Glenn McDonald and Camilla Waszink , Removing Small Arms from Society Small Ams Survey(2001) p.13.

under conflict.⁷⁵

Currently Non state actors have eroded the monopoly of violence by increasing the demand for arms, in pursuit of their own interests. These factors include terrorists, mafia groups, organized crime groups and insurgents amongst others have by all means acquired arms for various purposes such as political agitation, subversion of the state which explains the demand for SALW. The major challenge in dealing with non-state actors is that they don't ascribe to international law. Security dilemma that creates disequilibrium among states is a 'necessary evil' among states in a self- helps system for state preservation and survival.⁷⁶

When conflicts erupt, acts of threats, use of excessive force and destructive attacks occur.⁷⁷ In this context SALW enhances conflict and insecurity in Africa, leading to various ethnic, religious, inter and intra state conflicts where the warring actors utilize the SALWs to pursue their interest. During conflicts, the nature and identities of the participants as well as the driving factors such as resources, exclusions, unequal relations in conflicts varies from time to time. These factors in most instances promote the desires to secure the SALW in Africa. Conflicts are dynamic in nature, they tend to increase and decrease in the society. It is promoted by complex behavior and attitude in the society. In some cases, third parties do get involved in conflicts to help in the resolution process and as the conflict escalates for longer duration, they end up being absorbed in the conflict.⁷⁸

⁷⁵ G. Lopez and D. Cortright, 'Containing Iraq: Sanctions worked.' *Foreign Affairs* 83:4, July/Aug.2004.

⁷⁶Kegley, Jr. Charles (1995). *Controversies in International Relations 'theory: Realism and the Neoliberal Challenges*. St. Martin's Press Inc.

⁷⁷Galtung, Johan. "Theories of conflict.Definitions, dimensions, negations, formations." *Hawaii: University of Hawaii* (2009).

⁷⁸ Ibid

2.1.1 Nature and trends of IAT in Africa

Since the Second World War, the ubiquitous phenomena of SALW has turned out to be a major tool that fosters instability, anarchy and chaos at the state level, regional level and most evidently at the global level. According to peace researcher Michael Wallace in his analysis of conflicts in the period between 1820-1964, the percentages of conflicts that broke out as a result of being preceded by arms races was higher than those that were not preceded by them.⁷⁹ Coincidentally the 20th Century is considered the bloodiest in human history due to the amount of bloodshed, destruction and overall turmoil and chaos by the mere intensity and scale on which the wars occurred. Approximately 20 million people mostly civilians lost their lives in the Second World War. Relations amongst members of the community of nations were at all-time low in the aftermath of the just ended confrontations.⁸⁰

With the two World Wars so close in their happening and an ensuing tense period of the Cold War ironically known as the “long peace”, indeed no other period has been as dramatic as the 20th Century. It would have been expected that, the amount of loss in terms of human lives and property destroyed would have provided an ample lesson to the community of nations about the danger of War and the necessity for conditions of peace and order. However, true to history human irrationality proved better than discretion. Indeed rather than learn from the occurrences of the earlier part of the century, another potentially catastrophic phenomena was on the brink of unleashing untold and unimaginable suffering on mankind the illicit proliferation of SALW as a tool that aggravates war and the potentialities that would have emerged

⁷⁹ Dietrich Fischer, *Preventing War in the Nuclear Age*. (New Jersey: Rowan & Allanheld, Publishers, 1984) p 63

⁸⁰ Erskine Childers (ed) *Challenges to the United Nations: Building a Safer World* (LONDON: CATHOLIC INSTITUTE FOR INTERNATIONAL RELATIONS, 1994) p 135

from lack of mechanisms to mitigate effects of SALW.⁸¹

Nations of the World committed themselves relentlessly in the pursuit of peace, especially in the event where there should arise misunderstandings amongst them. This resulted in emergence of major rifts amongst states that coexisted peacefully before.⁸² The Charter of the UN in its purposes and principles sought to enshrine the aspirations of a new World.⁸³ During the cold war period small arms influx was witnessed in Kenya and Somalia. The situations got worse when all but one of Kenya's neighboring states were affected by strife in the 1980s resulting in unprecedented proliferation of SALW. The issue of AT in both countries has become internationalized since virtually all the weapons are imported from outside.

The death toll from SALW as compared to that of other weapon systems greatly exceeds the toll of atomic bombs that devastated Hiroshima and Nagasaki.⁸⁴ Hence in terms of carnage SALW could very well be described as WMD, especially since their unregulated, unrestricted and illicit manufacturing act as grounds for easy proliferation of weapons to terror organizations due to easy diffusion leading to widespread wreckage thus increasing virulence of conflicts, law and order distress.

⁸⁵In today's world the SALW are regarded as the weapons of choice for insurgent groups who are involved in violent struggle with the states or other groups. The misuse of these weapons by the organizations has resulted in disruptions in human

⁸¹ Duggan, Mark. 2001. 'More Guns, More Crime,' *Journal of Political Economy*, vol.109, pp1086-1114.

⁸² Robert Jackson & Georg Sorensen , *Introduction to International Relations: Theories and approaches* (3rdedn) (New York: OXFORD UNIVERSITY PRESS, 2007) p 144

⁸³Jeremy B. *Essay IV.: A Plan for an Universal and Perpetual Peace (1843)*, from *The Works of Jeremy Bentham* Vol. 2, edited by John Bowring (Edinburgh: William Tait, 1843)

⁸⁴ Annan, Kofi. 2006. 'Proliferation of illicit small arm leads to culture of violence and impunity,' UN News Service, 26June, 2006.

⁸⁵ Kumar, S. (2008). SMALL ARMS AND LIGHT WEAPONS: A GLOBAL THREAT TO HUMAN SECURITY AND DEVELOPMENT. *The Indian Journal of Political Science*, 69(4), pp. 787-800.

development, high insecurity levels, abuse of human rights and refugee crisis.⁸⁶

Due to the devastation that could have occurred during the cold war period due to the nuclear arms race and widespread proliferation of WMD because of the ideological rift that emerged revolving around the US and USSR which would have resulted in a Mutually Assured Destruction (MAD).⁸⁷ The real concern of the international community and individual states has always been nuclear weapons without much emphasis on SALW. The less concern with SALW made their spread wide and uncontrollable. Moreover in various parts of the world, it is the SALW and not nuclear weapons which masquerade a major hazard to governments and people. The dangers of proliferation include uncertainty as to who has the weapons, where when and how they would use them, unevenness in their distribution and the concerns of over their utility in instances of regional disputes.⁸⁸

Hence peace and security has been threatened primarily by the SALW on a large scale, as they are distinctly inexpensive, portable, concealable and easy to construct. For the longest time they are regarded as ‘property ‘of the state for maintenance of security by using them against antisocial and anti- national rudiments. However with the rise of non-state actors the weapons have been confiscated by rebel groups, mafias and anti- rudiments, thus states have failed to maintain an sustain their monopoly over especially the use of such weapons. The illicit sources produce the weapons

⁸⁶ Benerjee, Dipankar and Robert Muggah. 2002. Small Arms and Human Insecurity, Colombo: Regional Centre For Strategic Studies

⁸⁷Morgenthau, H., “*Politics among Nations: The Struggle for Power and Peace.*” (A.A. Knopf: New York, 1948).

⁸⁸ DAVID C. GOMPERT et al, *NUCLEAR WEAPONS AND WORLD POLITICS: ALTERNATIVES FOR THE FUTURE.* (New York: McGRAW HILL BOOK COMPANY,1977) p 235

domestically and use or in other words misuse them against human kind.⁸⁹

The widespread proliferation of these arms combined with their indiscriminate use renders them responsible for so much of the killings. On the supply side we observe that due to the end cold war large surpluses of light weapons were released from controls and had entered the international arms market. In 2001 the UN observed that more than 500 million SALW were in circulation around the globe, approximately one for every twelve people. The Small Arms Survey estimates that in 2003, about 640 million firearms were in circulation.⁹⁰ According to Shah since 1990, SALW were the weapons of choice in 46 out of 49 major conflicts, causing 4 million deaths including 90% civilians whereby in this figure 80% were women and children.⁹¹ This is far higher than the casualty count from conventional weapons of war like tanks and bomber jets. Khakee and Wulf assert that global civilian gun ownership is much greater than military or police arsenals. They further postulate that approximately 55% of the known global stockpiles are owned by civilians with 41% held by military and 3% by police.⁹²

The UN Institute for Disarmament 1994 identified nearly 300 companies in 52 countries which manufactured SALW and related equipment's. In 2001 as the Small Arms Survey estimates, 600 companies were in operation in 95 countries.⁹³ At present at least 1,134 companies belonging to 98 countries manufacture various categories of

⁸⁹ Anders, Holger. 2007. 'The UN Process on Small Arms: All Is Not Lost,' Arms Control Today, Vol. 37, No.37, No. 2, pp. 17-21

⁹⁰ Survey, Small Arms. 2004. Rights at Risk. Oxford: Oxford University Press.

⁹¹Shah, Anup.2006'Arms Trade, 'available at, <http://www.globalissues.org/geopolitics/armstrade/small> Arms. Asp, accessed on 28 March, 2007.

⁹²Khakee, Anna and Herbert Wulf. 2005. 'Following the Trail: Production, Arsenals and Transfers of Small Arms,' The HRG Review, pp. 26-30

⁹³ International, Amnesty. 2001. 'Proliferation: Global Growth in Small Arms,' Terror Trade Times, June.

SALW and ammunition.⁹⁴ In the post-cold war period of accelerated globalization number of arms manufacturer companies and new states have increased rapidly

2.2 Global trends in IAT

People's security around the world is interlinked, as is highlighted by today's global flows of goods, services, finances and people. During the cold war the U.S.S.R and the U.S emerged as the two superpowers in terms of the military strength thus possessed geopolitical influence.⁹⁵The Cold War otherwise known as the long peace, lasted a period of about 45 years saw several phenomena take place and shape that particular period in history and key among them was the Nuclear weapons arms race.

Upon discovery that the U.S possessed an atomic bomb, powers and especially the Soviet Union was not ready to sit back as the U.S rose in its global superiority under its watch. Hence on its part, the Soviet Union embarked on a nuclear weapons program to counterbalance the U.S

There arose an arms race, between the two powers in their quest to outdo each other in the pursuit of superiority created security dilemma. An arms race is described as open competition for arms between or amongst actors that is belied by the realization that the actors are in such competition and that it may be mutually stimulated. It would have been expected that, the amount of loss in terms of human lives and property destroyed would have provided an ample lesson to the community of nations about the danger of War and the necessity for conditions of peace and order. However, true to history human irrationality proved better than discretion.

⁹⁴Wallman, Joel. 2005. 'Weapons of Mass Destruction,' HRG Review.

⁹⁵Morgenthau, H., "*Politics Among Nations: The Struggle for Power and Peace.*" (A.A. Knopf: New York, 1948).

Indeed the possibility of war was never far especially during the Cold War, as shall be outlined later. According to peace researcher Michael Wallace in his analysis of conflicts in the period between 1820-1964, the percentages of conflicts that broke out as a result of being preceded by arms races was higher than those that were not preceded by them.⁹⁶

The cold war in particular, was watershed moment in reference to the proliferation of SALW on the continent and beyond. This is because , the African continent served as one of the theatres of super power confrontations especially the ideological difference between capitalist USA and communist USSR and proxy wars were the norm at that point. The cold war confrontation, saw the transfer of resources to different spaces across the globe particularly Africa, all in one effort to woo members of the international community to either side of the ideological divide. For instance, the Soviet Union supported elements in Ethiopia especially during the Ogaden war of 1977-1978 against Somalia, where it had earlier supported the latter.⁹⁷

The nuclear age was characterized, by mutual stimulation and had the effect of turning the globe into a potentially apocalyptic theatre of unimaginable destruction. Scholars of War have attributed the role of arms races as a factor that contributes to conflicts, either as a root cause or as a contributing factor.

Now the global theatre of war became more dangerous, leading military theorists to come up with the term Mutually Assured Destruction (MAD). The underlying

⁹⁶Dietrich Fischer, *Preventing War in the Nuclear Age*. (New Jersey: Rowan & Allanheld,. Publishers, 1984) p 63

⁹⁷Braathen Einar & Morten Boas et. Al, *Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa* (Hound mills, England: Macmillan Press, 2000) p.31.

reasoning was that, in the event of an open confrontation, the Superpowers had the ability of obliterating one another. In this respect, the Soviet Union outdid the U.S in the production of the ICBM.

Despite the real danger that existed with the presence of nuclear weapons and various instruments aimed at curbing proliferation being discussed and signed amongst states, development and testing of the same continued. On October 1961, the Soviet Union detonated the largest nuclear device ever in the history of mankind. With an energy payload that generated over 50 Megatons of energy, the Tsar Bomb is said to have possessed 10 times the explosive power of all explosive devices used in World War II.

Nuclear proliferation in the 21st century a multipolar world may create unimaginable rivalries and stress among states unlike during the cold war a bipolar world. WMD fall into various categories nuclear weapons, chemical weapons, and biological weapons among others.⁹⁸ Nuclear proliferation threatens international peace and security and presents high potentialities of an outbreak of nuclear war. Particularly since most states are acquiring nuclear arsenals especially those that are not state parties to the Non Proliferation Treaty. The skeptics on one hand contend that nuclear proliferation is more to be feared than welcomed. They base their arguments on the organizational theory as it applies on nuclear crises management with regards to constraints related to nuclear forces in technical and procedural constraints. On the other hand the optimistic arguments, relatively more acceptant of nuclear weapons

⁹⁸ Cooper, Neil. "Putting Disarmament Back in the Frame." *Review of International Studies* 32, no. 2 (2006), pp 353-376.

spread, have been partly based on realism and rational deterrence theory.⁹⁹

In today's world Potential adversaries of the US believe and act upon the conclusion that upgrading and diversifying their nuclear forces is vital to their defense posture and in prevailing is it on the battle field, at the negotiating table and or in future crises with the US. ¹⁰⁰Some these potential adversaries to the US just to mention a few include Russia- US political differences , N. Korea- US ally forces and China _US trade wars. The 2018 Nuclear Posture Review (NPR), nuclear armed potential adversaries have not followed the US in reducing the role and salience of nuclear forces.¹⁰¹ In recent years N. Korea, Russia and China have seemingly surveyed the geopolitical environment, to assess the prospects of a future armed conflict with the US and its allies. These countries fundamentally reject the premise that that nuclear forces are fading from geopolitical prominence neither are they declining in military utility despite prohibition on their use, testing and proliferation.¹⁰²

Alternatively 1960 and 1990 were the years when the number of countries producing SALW doubled. In the Eastern Europe in the 1990s there was a massive increase in production of SALW. Nonetheless a good proportion of apparent massive .increase from 12 manufacturers in 7 countries to 66 manufacturers in 15 countries which was attributed to the disintegration of the Soviet Union. Also countries in the African continent and Asia` have also seen a growth in SALW. The United Kingdom, France,

⁹⁹Muller ,Harald, and Carmen Wunderlich, eds. Norm Dynamic in Multilateral Arms Control: Interests, Conflicts, and Justice . University of Georgia Press, 2013,

¹⁰⁰Peters,Robert, Justin Anderson, and Harrison Menke. "Deterrence in the 21st Century: Intergratiing Nuclear and Conventional Force." Strategic Studies Quarterly 12, no.4(2018), pp 15-43.

¹⁰¹Saalman , Lora. Report . Carnegie Endowment for International Peace , 2011.

¹⁰²Heurlin, Bartel. "Nuclear Proliferation. " Cooperation and Conflict 2,no.3 (1967), pp208-223.

Australia, Belgium, Germany, Israel and South Africa established small arms and ammunition licensed production agreements with 45 other countries.¹⁰³ Therefore the production and manufacture of SALW occurs in various developed countries as well as developing ones including South Korea, India, Pakistan, Iran, Iraq and Turkey. Most these countries produce SALW not only to fulfill domestic requirement but also for export purpose.

The legal global small arms market is estimated at 4 billion dollars an year. The US, UK, China, Russia, Israel, Germany, Brazil, Ukraine and Poland were top ten supplier states to their clients Saudi Arabia, Israel, India, Israel, Taiwan and Afghanistan in 2005.¹⁰⁴ Since the end of cold war Russia and USA have discontinued the supply of arms to rebel groups in various states.

2.3 Factors Driving the Demand and Supply of International Arms in Africa

The problem of IAT generally consists of three independent variables: availability, misuse and demand.¹⁰⁵ These variables are what make arms to be available in conflict zones in the developing countries. It is also important to note that SALW remains to be in highest demand in post conflict situations, in armed violence and in carrying out transnational crimes in the developing countries.¹⁰⁶ SALW are used by all combatants, state militaries, insurgents, civilians, all criminal organizations around the world. Michael Klaire et al assert that SALW are preferred tools of violence in most coups,

¹⁰³ Ibid.

¹⁰⁴ Cukier, Wendy and Antoine Chapdelaine. 2001. 'Global Trade in Small Arms: Health Effects and Interventions,' Working Paper, international Physicians for the Prevention of Nuclear War.

¹⁰⁵ Atwood, David C., Anne-Kathrin Glatz, and Robert Muggah. *Demanding attention: addressing the dynamics of small arms demand*. Graduate Institute of International Studies-Small Arms Survey, 2006.

¹⁰⁶ Austin, Kathi. "Illicit arms brokers: aiding and abetting atrocities." *Brown J. World Aff.* 9 (2002): 203.

transnational wars and human rights abuses.¹⁰⁷

In fact since the mid-1990s formal negotiations at the UN about SALW control have majorly been dominated by supply aspects; with the major focus being on shrinking their high availability. On the other hand, the international community is equally urged to give equal attention to the demand side of the SALW trade. Especially given the number of SALW in circulation, plenty of such weapons are likely to be available for people who see them as desirable or essential. Such realities clearly indicates that, along with efforts to curb the supply, there is an equally essential need for programs aimed at lessening perceived need for SALW among civilians in the population.¹⁰⁸

The control of arms specifically SALW is essential in combating the easy availability, flow, trafficking and misuse of weapons.¹⁰⁹ The factors that enable arms to find their way into society include diversion, theft, and misuse by government military, arming of civilians or militias by governments and recurring conflicts. According to the UN, it has been approximated that roughly 40% of global arms are trafficked through diversion in illicit markets like the black markets through the black web, where unknown scope and size of arms is traded online. This kind of illicit trafficking has led to the eruption of regional conflicts since 1990.¹¹⁰ On the other hand poor monitoring of arms stockpiles transportation, storage and accounting leads to ease of threat by perpetrators.¹¹¹

¹⁰⁷ Ibid

¹⁰⁸ Zeccola, Paul. "Dividing disasters in Aceh, Indonesia: separatist conflict and tsunami, human rights and humanitarianism." *Disasters* 35, no. 2 (2011): 308-328.

¹⁰⁹ Greene, Owen, and Elizabeth Kirkham. "Preventing diversion of small arms and light weapons: strengthening border management under the UN programme of action." *London: Saferworld* (2010).

¹¹⁰ Ibid

¹¹¹ International action network on small arms, 'implications of illicit proliferation and misuse of SALW' In *Reviewing Action on Small Arms*, Chapter 8, 2006

Individuals issued with arms by the government misuse them for instance through “renting” which is against the law, since any person in possession of a weapon should be certified. However, human Rights Watch reported that the Indonesia security forces represented the largest source of weapons to rebel forces.¹¹² Governments at times provide arms to loyal groups to fight rebels/ insurgents/mafias that want to overthrow government of the day. For example in South Sudan, the Lou Nuer ethnic group received weapons from both Sudan Armed forces (South Sudan Defense Forces) and Sudan People’s Liberation Army at different times during civil war.¹¹³

Okoth in his enunciation of the goals of environmental regulations asserts that national safety is one of the most ubiquitous rationales for conflicts. Humans, communities are bound to fight over resources due to greed and desire to secure tangible wealth.¹¹⁴ The supply of weapons across borders is what easily spillovers conflict from one region to another. For example, in Somalia in 2011, arms smuggling fuelled terror activities by the Al Shabaab group which spilled over to Kenya leading to massive number of deaths by KDF soldiers kidnapping and refugee plights.

Moreover according to the UN, private arm brokers play a significant negative role in supplying weapons to areas of actual or potential conflict.¹¹⁵ Arms brokers include exporters, importers and transport agents they are used to arrange every aspect of an arms deal between the supplier and client who trade mostly in SALW and

¹¹² Ibid

¹¹³ United Nation, Report of the Panel of Experts on Small Arms, 1997

¹¹⁴ Ndambuki, Muthike. "The Impact of Illicit Arms on Security: Case Study of Cattle Rustling in Northern Kenya." PhD diss., University of Nairobi, 2016.

¹¹⁵ Weiss, Taya. "A demand-side approach to fighting small arms proliferation." *African Security Studies* 12, no. 2 (2003): 5-16.

landmines.¹¹⁶ Arms brokerage is still fairly weakly regulated, the regional mechanisms being the best that exist, for instance Nairobi Protocol (NP), to which Sudan is a signatory to also require both registration of SALW brokers and the licensing of individual transactions.¹¹⁷

Illegal arms brokering is further enabled by corrupt government officials especially at point of entry and exit due to poor border control. Furthermore this makes it possible for some governments to use brokers to conceal their SALW exports. While legitimate brokering of SALW as envisaged in the UNPOA is considered to be an activity that can be regulated, it is the illicit brokering that is of major concern particularly in Africa.¹¹⁸ Wood and Peleman identify illicit brokering of SALW, as one of the greatest impediments to the control the flow of illicit SALW. Illicit brokering has been known to perpetrate the access of SALW by diverting them into illicit markets, led to a violation of arms embargoes as well enabling the access of arms to syndicates involved in transnational organized crime such as poachers, cattle rustlers amongst others.¹¹⁹

When analyzing the demand for SALW and understanding why these weapons are attractive tools for violence, they are inexpensive, widely durable, simple to use, available and extremely lethal. SALW regulations in terms of proliferation, manufacturing and marketing have been focal points of discussion for years. The demand side of SALW has only more recently moved into focus with the realization

¹¹⁶ Kizito, Sabala. "The Proliferation, Circulation and Use of Illegal Firearms in Urban Centers: Case of Nairobi, Kenya." *Small Arms in the Horn of Africa: Challenges, Issues and Perspectives* (2002): 36-41.

¹¹⁷ Sharamo, Roba, and Berouk Mesfin. "Regional security in the post-Cold War Horn of Africa." *Institute for Security Studies Monographs* 2011, no. 178 (2011): 436.

¹¹⁸ Lamb, Guy and Dominique Dye, African Solutions to An International Problem: Arms Control and disarmament in Africa *Journal of International Affairs*, Vol. 62, No. 2, p.72

¹¹⁹ Wood, Brian and Johan Peleman, *The Arms Fixers: Controlling the Brokers and Shipping Agents* (Oslo: PRIO/ NISAT/ BASIC, 1999) pp.1-3

that successful and sustainable disarmament addresses the increased cause for weapons acquisition.

Researchers assert that the demand for SALW is determined by a combination of motivations and means.¹²⁰ Motivations can either be political, economic, social and cultural reasons for needing to be armed and preferring different arms. The motivations for arming individuals or groups can be for self-defense purposes or collective defense. On the other hand means entails price and ease of obtaining various types of fire arms.¹²¹

Problems and weaknesses of governance and the security sector lead to increase in demand of arms by civilians. The factors that boost the demand include high levels of crime or violence in society, weak security forces unable to provide security for its citizens, lack of trust in security sector and the judiciary and gross violation of human rights. The most notable driver to demand for SALW whereby in more than half of the world is SALW are in hands of civilians due to weak security sectors.¹²²

The United Nations panel of experts report in 1997 noted that “when the state loses control over its security functions and fails to maintain the security of its citizens, the subsequent growth of armed violence, banditry and organized crimes increases the demand of weapons for self-defense by citizens seeking to protect themselves and their property from criminals”.¹²³

¹²⁰ Marsh, Nicholas. "Brothers came back with weapons: the effects of arms proliferation from Libya." *Prism* 6, no. 4 (2017): 78-97.

¹²¹ Ibid

¹²² Ibid

¹²³ Faltas, Sami, Camilla Waszink, Glenn Steven McDonald, and Glenn Steven McDonald. *Removing small arms from society: a review of weapons collection and destruction programmes*. Graduate Institute of International Studies-Small Arms Survey, 2001

2.4 Threats posed by the IAT on Peace and Security

History shows that the instruments created to combat proliferation did not prevent states from further acquiring the nuclear weapons in total disregard of the existing agreements. The shaping of perceptions and expectations through interactions lies at the heart of constructivist reasoning. And once states perceived that threats existed they went out of their way to acquire the weaponry. There emerged several implications of nuclear arms race by nations of the World. The political front, there emerged numerous intrastate proxy wars that the US and USSR had their hand in. The Korean war of 1950-53 is a good example. The two superpowers most of the times unwilling to go at each other openly, used other smaller states as a platform of getting at each other. This resulted in emergence of major rifts amongst states that coexisted peacefully before.¹²⁴

Depending on which side of the ideological divide a state supported, so did assistance such as strategic military aid flow from. The Vietnam War was also as a result of USA and USSR confrontations by the powers. The Cold war nuclear antagonisms played out in Africa for example such as in the Democratic Republic of Congo (DRC). In this country vastly blessed with minerals and natural resources such as Uranium a key ingredient of nuclear weapons has never known peace. This is because external actors especially the superpowers sought all means to secure the uranium in its soil at all costs including funding coup de tat.

On an economic front, the 'obsession' with the acquisition of nuclear power led nations around the globe to divert resources away from deserving areas. These included development in infrastructure necessary for the improvement of peoples'

¹²⁴ Robert Jackson & Georg Sorensen , *Introduction to International Relations: Theories and approaches* (3rdedn) (New York: OXFORD UNIVERSITY PRESS, 2007) p 144

livelihoods. These areas included agriculture, health, and education amongst other sectors. This led to the collapse of several economies as military projects especially nuclear ones don't come cheap. The best case is what led to the collapse of the Soviet Union. The Reagan administration to the Soviet Union on an endless chase for Nuclear superiority when the latter was yet to recover fully from the ashes of the Second world war. This drained the Soviet Union, which ended up diminishing its ability to control its satellite states and ultimately came its disintegration and collapse. The large military industries that it had embarked on building proved to be the very economic undoing of the Soviet Union.

On an environmental front, the continuous testing of the nuclear weapons proves to be damaging to both animal and plant life. Indeed the Manhattan project was said to have repercussions on the populace of the area that, the testing was conducted for the atomic weapons in the U.S.A. Also underground testing had its impacts such as fault displacements, aftershocks and earthquakes.¹²⁵

The aftermath of the bombing of Hiroshima and Nagasaki, was devastating as the radiation that followed the initial detonation of the bomb affected the nation of Japan long after the blast had settled. The problem of dumping nuclear waste also is an issue that has troubled nuclear states over the years. Nuclear waste known for being highly toxic and radioactive has troubled nations as to how the disposal of such could take place. Reports exist that, the nuclear states have often colluded with some third world nations to dump the latter in the territories of the latter in exchange for some financial rewards. This has mainly taken place in the coastal regions of the said third world regions, with negative impacts on the fragile ecosystem of the oceans, affecting

¹²⁵Jozef Goldblat and David Cox (eds), *Nuclear Weapons Tests: Prohibition or Limitation?* (OXFORD: OXFORD UNIVERSITY PRESS, 1988) pp 78-80

marine life such as fisheries which sustains the economic wellbeing of the people of those states.

All in all the United Nations, created an office for Disarmament affairs to regulate the proliferation of nuclear weapons amongst other weaponry. With the collapse of the Soviet Union, it was assumed that the proliferation of nuclear would reduce but that was not the case.. The United Nations during the cold war period had failed to fully achieve its security mandate due to the ideological differences of the five permanent members of the United Nations collective system.¹²⁶

Countries such as Israel, Iran, North Korea, India and Pakistan have emerged as nuclear states outside the traditional nuclear states that form the Permanent Five countries of the United Nations Security council. During the Cold War, they were categorized as traditional, *de facto*, Advanced threshold and potential nuclear weapon states, that includes nations that have abandoned their nuclear programs.¹²⁷

Some theorists of international relations, have posited that the reason war has not occurred today in the international system is because of the increase in the number of nuclear states. This may be true to some extent but another troubling reality has cropped up in the world today. This is the threat of terrorism on a global scale and its increase in the post-911 era. The greatest risk today, is the eventuality that may be witnessed as a result of nuclear weaponry falling into the wrong hands of terrorist elements that don't proscribe to any laws of war.

SALW similarly have socio- economic effects, environmental, political effects, and

¹²⁶Schwarzenberger, G., "*Power Politics: A Study of International Society.*" *A Modern Law Review*, Vol. 15, No.4, (1952) pp. 529-531: 530.

¹²⁷ Gary T. Gardner, *Nuclear Non-Proliferation.* (London: Lynne Rienner Publishers, 1994) p 93

there is also a close link between illicit SALW transfers with transnational threats. In fact SALW are widely used by terrorist they are often labeled as weapons of choice for terrorist.¹²⁸ The widespread proliferation of these arms combined with their indiscriminate use renders them responsible for so much of the killings. For the case of Somalia, Somalis have adapted gun culture many communities are affected by the destructive and devastating effects of the weapons. While in Kenya SALW are mostly used by communities in cattle rustling, where communities are left without any livestock for food. Furthermore SALW have exacerbated intra and inter community rivalry, internal displacement of persons and livestock, retrogressive development and increased poverty due to increased crime rate and insecurity.

2.5 Chapter summary

The chapter established that peace and security of states has been weakening overtime, especially since security has over time become an ambiguous sector, especially due to the vast number of non-military threats revolving around it, which came into light more specifically after the inception of the term human security. Some of these non – military threats include IAT, terrorism and other transnational threats. It is also established that the new conceptualization of security has broaden the security scope, bringing threats like arms misuse and proliferation be its WMD , conventional arms or SALW to the core of security analysis. Despite illicit international arms proliferation not been the greatest threat to peace and security in, the findings approved that the more the increased the level of IAT, the more the insecurity in Africa. Internationally arms misuse and proliferation have caused gross violation to fundamental human rights, armed conflicts, under-development and political indifferences among states. Arms misuse has been there for years what

¹²⁸ Ibid.

makes IAT to be an issue of great concern is the high demand for arms by countries and the advancement in technology.

CHAPTER THREE

EXISTING MECHANISMS AND IMPACT OF INTERNATIONAL ARMS TRAFICKING ON PEACE AND SECURITY IN SOMALIA AND KENYA

3.0 Introduction

The challenge of proliferation of arms across the global system has perpetually been a major concern for a host of actors affected or impacted by their unregulated use.¹²⁹The illegal AT and export into poor countries has caused devastating effects especially in the Africa and Asia. African countries are at different stages of development and experience different challenges, constraints and impediments. Government deficit and corruption been labeled one of the key challenges facing the Horn of Africa countries these include Somalia and Kenya. In fact nowhere has the impact of arms particularly SALWs been felt, than in African.¹³⁰ This impact has been particularly worse in the post-cold war period where remnants of arms in the hands of separatists, bandits, insurgents, rebels, terrorists as well as a plethora of other entities,

¹²⁹ Siangole, Isaiah Mngat. "The Role of Non-Governmental Organizations in Conflict Resolution: The Case of Pokot and Karamojong Cross Border Conflict." PhD diss., United States International University-Africa, 2020.

¹³⁰ Akuul, Timbee, and Benjamin Shaibume. "PROLIFERATION OF SMALL ARMS/LIGHT WEAPONS AND CONFLICTS IN NIGERIA: IMPLICATION FOR NATIONAL SECURITY." (2018).

have been used with devastating effect on human, state as well as regional security.

However to demonstrate that weapons trade negatively contributes to insecurity is rather daunting since these activities coincide with a myriad of challenges that mar poor countries these include TNCS, massive debt and natural disasters. The former UN Secretary General Kofi Annan asserted there cannot be peace without development and there cannot be development without peace and overall there cannot be human rights promotion without both. The above signifies the interlink age, the interconnectedness and correlation between the three pillars which most African leaders have not conceptualized.

3.1 Existing Mechanisms of IAT on Peace and Security in Somalia and Kenya

3.1.1 Regulatory Framework on IAT

The problem of AT is multidimensional this is the case because weapons are produced and traded both legally and illegally, hence complexity in identifying and tracking illegal arms. Furthermore, several arms are legally produced then directed to illegal market as a result illegal firearms are available in most violent conflicts and upsurge power of TNCS. One of the most essential multilateral treaties that control the global trade in conventional arms is the ATT. Moreover several global and regional mechanisms constitute legal regime on arms. The organized Crime convention has been very significant globally in tackling AT. The convention against illegally producing and trafficking arms is a supplementing protocol; it addresses illegal production and trafficking of arms from the criminal justice standpoint and became the initial lawful obligatory instrument on SALWs implemented globally.

3.1.2 African Union Initiatives on Mitigating IAT

Present programs steered by the AU are hugely grounded on the spirit of what is

called the Bamako Declaration, which the Organization of African Unity (OAU) adopted in 2000. From the time when the Pronouncement was made, the AU and its sub regional organizations have kept on seeking a lasting solution to illegal movement of SALWs and numerous programs have ensued.¹³¹

3.1.2.1 The 2013 Solemn Declaration

Among the AU's latest key policy realizations is the Africa Amnesty Month for the Surrender and Collection of Illicit Weapons. Initiated in September 2017, there will be an observation of this event in Africa in September every yearly. The amnesty is founded on the 2013 Solemn Declaration by presidents and the AU administration. Similarly referred to as Agenda 2063, this Declaration was designed to give a strategic outline for socio-economic change in Africa over the next 50 years. The leaders vowed not to leave the liability of conflict to the following generation and by 2020 stop all conflicts in Africa.

They similarly dedicated themselves to making sure that there is implementation of arms-control treaties, comprising those on conventional arms amongst other things. The AU Master Roadmap of seven Steps to make guns silent in Africa by the year 2020 evolved from this declaration.¹³² This program remarkably regenerates AU's role as the main coordinator of the endeavors by the RECs and RMs in dealing with the threat of illegal arms movement within the continent. Amongst the latest key policy realizations by the AU is the Africa Amnesty Month for the Surrender and Collection of Illegal Weapons. The blueprint aligns with the spirit of Goal, Target of the Agenda

¹³¹ Bankale, Oluwafisan. "Paving the Way to Silencing the Guns in Africa: Interventions, Challenges and Options in the Control of Small Arms and Light Weapon." (2016).

¹³² Okumu, Wafula, Andrews Atta-Asamoah, and Roba D. Sharamo. "Silencing the Guns in Africa by 2020: Achievements, opportunities and challenges." (2020).

2030 for Sustainable Development Goals that the UN summit adopted in 2015. Target of this goal requires the UN member states to substantially decrease illegal financing and flow of arms, reinforce determinations to salvage and take back stolen properties, and by 2030 counter every kind of organized crime.

The Africa Amnesty Month Declaration is a step in the correct track towards the realization of the goals of the blueprint guns' silencing. Though, guns' silencing that have for long devastated the continent in five years could be too ambitious. However, the declaration is a pure indication that the AU desires to deal with the issue straightaway. Similarly it is a sign of the assurance that Africa has already given worldwide. In April 2013, for instance, when the UN General Assembly adopted the ATT, a joint mechanism seeking to regulate the US\$70 billion conventional arms global trade in Africa unequivocally supported its implementation, with just three of the AU member states not participating in voting.

At Africa's sub-regional level, the dedication to regulate the circulation of illegal arms comes before the Bamako Declaration. In 1998 for instance, the Economic Community of West African States (ECOWAS) heads of state agreed on the suspension on the imports, exports and production of SALWs in West Africa. The suspension was later changed into a resolution in 2006. Consequently, much progress has been made in the five key African sub-regions.

3.1.2.2 Southern Africa Region

The implementation of arms-control mechanisms in southern Africa is under the coordination by the Southern African Regional Police Chiefs Cooperation

Organization (SARPCCO). This organization constitutes 15 member states of the Southern African Development Community (SADC).¹³³ Its key role is fostering regional collaboration as regards development of collaborative strategies on cross-border and associated crimes. In 2007, SARPCCO initiated the Regional Coordinating Committee, mandated to direct the SADC Firearms Protocol implementation. The committee has carried out far-reaching SALWs' marking in member states and raising awareness as regards brokering of arms.

3.1.2.3 West African Region

Article 18 of the ECOWAS Resolution requires the marking of arms and maintenance of a database of arms in state stockpiles, by the 15 member states, undertakings that several member states have been implementing. As pointed out by the ECOWAS SALW suspension aforementioned, the region is still among the most progressive in sub-Saharan Africa pertaining to adoption of mechanisms on SALWs. For example, as of March 2017, 13 of its member states had sanctioned the ATT.

3.1.2.4 Central Africa

In March 2017, following an extensive period during which it had no lawfully mandatory mechanism on SALWs, the Central African region eventually embraced the entry into force of the resolution for the regulation of SALWs, their ammo and every components that could be utilized for their production, repair and assembly (similarly referred to as the Kinshasa Convention on SALWs).¹³⁴ It took nearly seven years to come to realization since the first opening of convention for signature by

¹³³ BolakFunteh, Mark, and Ajibola Fatima Oladejo. "Assessing the Implementation of the Regional Policy on Trafficking in Small Arms and Light Weapons Control in West Africa." *Sumerianz Journal of Social Science* 2, no. 1 (2019): 1-12.

¹³⁴ Khan, Ishtiaq. "Conventional arms control in the post-cold war era and the successful campaign for an arms trade treaty." (2019).

members of the Economic Community of Central African States (ECCAS), Rwanda and state parties to the UN Standing Advisory Committee on the Security Questions in Central Africa. Articles 13 and 14 of the agreement are concerned broadly with the arms brokering, marking and tracing.

North Africa and the Sahel region

Numerous efforts are ongoing in the region. For instance, the UN Regional Centre for Peace and Disarmament (UNREC) has pointed out that unrecognized weapons and ammunition are a threat to people's safety and security, and that worldwide criminal networks, violent radical units and other non-state actors usually have easy access to these weapons that are utilized in human and drug trafficking as well as terrorism. Responsively, the UN, AU and ECOWAS, with the global partners' support, are looking for lasting intervention measures in the Sahel. A key issue has been the manner in which stockpiles of arms can be properly secured, in order for them not to reach the illegal market. There has been an implementation of measures to tackle physical security and stockpile management (PSSM) in the region, with the EU and UN Office for Disarmament Affairs providing financial aid. This program is concerned about firming up regional security in six states in the Sahel: Mali, Chad, Burkina Faso, Mauritania, Nigeria and Niger.

The progress hitherto realized in these regions is a pure sign of the unrelenting obligation indicated by regional organizations. As early as 2007, the UN had by this time begun to acknowledge Africa's programs. For example, the Group of Governmental Experts on illegal SALWs brokering acknowledged that Africa's regional determinations in the regions of marking and brokering of arms are key to aid

regulation of illegal arms circulation.

East Africa and the Horn

The Regional Centre on Small Arms (RECSA) in the GLR, the HoA and Bordering States carries out coordination efforts to tackle the illegal SALWs proliferation in this region. Instituted in 2005, RECSA is a transnational body consisting of member states.

Its mandate is building the capacity of the member states and monitoring the implementation of the NP for the Prevention, Control and Reduction of SALWs in the GLR and the HoA (NP) on SALWs. It supports, *“the establishment of best practice guidelines on stockpile management; harmonization of legislation at regional level, public awareness and advocacy campaign on the threats of SALW, and the obliteration of illegal SALW.”*

RECSA underscores the requirements of the UN’s International Tracing Instrument (ITI) that allows states to timely and reliably trace illegal SALWs through marking and tracing arms, alongside record-keeping. It has established best-practice procedures on the NP implementation. These encompass comprehensive guidelines for marking, tracing and record-keeping. In spite of the progress in the course of action, Africa is still overwhelmed by huge challenges, especially in terms of making sure that illegal arms supply is disrupted or ended.

3.2 Factors Hindering Mechanisms from Mitigating Armed Of IAT In Somalia and Kenya

It is evident that in Somalia and Kenya the lawful and illegal arms markets are detached by a very thin line. Various aspects allow arms to access the illegal supply

chain. To aid avert this, it is necessary to have greater transparency at three key stages; the production, brokering and client markets. Traffickers of arms utilize different processes to aid circulation of illegal arms, highlighted in the paragraphs below.

3.2.1 Falsification of end-user certificates

There are non-existence of globally agreed-upon or mandatory principles or guidelines pertaining to the issuing end-user documentations. Falsification may assume three forms: forged forms; false, deceptive or inadequate end-use information; and the unlawful deviation of approved deliveries. Presently, there are no established guidelines on the data that an end-user documentation ought to encompass, or whether it is the entitlement of the state of issuance of certificates or whether manufacturers or dealerships ought to be the ones to undertake issuance of the documentations. An additional challenge pertains to the transfers and re-transfers of components of arms. Numerous manufacturing nations do not enforce tough regulations on such transfers. Since the arms industry supply chain, as well as defense and security manufacturing agencies, proliferate with non-governmental actors, brokers and private transport agents, it is ever harder to carry out monitoring, assessment and authentication of end-user documentations and import or export authorizations. Such official papers are consequently certainly forged or reprocessed.

3.2.2 Exploiting the Grey Market Arms Transactions

This process entails one of four procedures: concealing the genuine owner using falsified papers; masquerading the military nature of the merchandises using falsified papers; fabricating statements of the supply firm to hide its exact identity; and masquerading weapons as ‘humanitarian aid’. Smaller arms and ammunition objects

may be trafficked in bags and cargo vessels. Though, with regards to smuggling fighter jets battle tanks, and other heavy artillery, the grey market turns out to be helpful. Most arms transactions in grey-market are led and dominated by large, genuine corporations. These corporations give both the cover and the means of transferring. The smuggling networks utilize authentic export-licensing procedures similar to a 'legitimate' arms-brokering establishment.

3.2.3 Porous Somali Kenya Border

The Kenya Somali border remains highly porous and this poses a great challenge to police force. These comprise boundaries situated in ungoverned areas, and which are consequently susceptible to bribery, conflict and political volatility. Unsound state capability similarly makes it harder to monitor cross-border weapons proliferation, which takes place insidiously. Armed units and rebels can cross borders with ease in conflict areas, and cross-border cargo of weapons and ammunition is largely up surging. Traffickers similarly utilize irregular sea routes in the concealing arms transportation, making it hard for law enforcement agencies to discover the movements. Terrorist and violent radical units, like al-Shabaab, similarly do their operations across borders through irregular routes and exploiting the badly secured border areas to smuggle arms.

3.3 Impact of IAT on National Security

Chapter 14, Constitution of Kenya 2010 identifies national security as every person's right to freedom and security. Also, national security is referred to as protection from internal and external threats. IAT are not just a serious internal security threat but also a great risk that leads to loss of freedoms and elemental human rights. The constitution of Kenya has also played a big part in the fight against terrorism, all in

the effort to ensure its citizens safety and to uphold national security. Article 238(1) of the Kenyan Constitution 2010 provides that national security is the protection against internal and external threats to Kenya sovereignty and territorial integrity, its people, their rights and freedoms, property, peace, stability and prosperity and other state's national interests; including peripheral and major interests.

Also articles 62 all through to article 66 of the constitution is about National Intelligence Security Act, broadens the powers of security officials to arrest and detain people who are affiliated with terrorist organizations. The bill further expands the powers of the National Intelligence Service to stop and detain terror suspects, search and seize their private property, and monitor their communications without a court warrant. The security bodies that are mandated in ensuring national security and eliminating any threats to security inclusive of terror acts include KDF, National Police and National Intelligence Service, under article 239 chapter 14 of the constitution.

It also paralyzes policing at all governmental levels due to the nature of the problem. The third world underdeveloped countries falling as victims most of the times, since most of these underdeveloped states are characterized by anarchy, political instability, which results to rising insecurities, conflicts, many terrorist attacks further aggravated by AT.¹³⁵ Simply stated, unless and until ubiquity, ready availability and continuing proliferation of SALW is recognized as a serious impediment to democratization, good governance and peace building.¹³⁶ The proliferation and illicit international movement of firearms and explosives worldwide involves a complex

¹³⁵ Adan, H. (2005). *Combating Transnational Terrorism in Kenya*. Master's thesis. Fort Leavenworth, Kansas. Pp. 25- 27.

¹³⁶ Latham, Andrew. "Taking the Lead?" *Light Weapons and International Security.* International Journal 52, no. 2(1997): pp 316-341.

mix of interrelated issues. Most armaments are used in inter-communal, intrastate and international conflict. Also the dark web provides a platform for global trade of unknown scale of weapons which have significant impact on internal security.¹³⁷

The anarchic nature of Somali, due to lack of a centralized authority has for years encouraged thriving of the role of non-state actors in the state, specifically the notoriously known Al Shabaab militia group and the inadequate management of firearms, breeding armed conflicts and Transnational Organized Crimes (TNCS) ranging from terrorism, drug trafficking and piracy.¹³⁸ Governance deficit, weak institutions and porous borders encouraging upsurge of insecurities not only in Somalia but also in the larger east African region. In effort to curb SALW in Kenya and Somalia the Nairobi Declaration (ND) put in measures to check on the Problem of Proliferation of illicit SALW in March 2000. The declaration links security and development and outlines steps governments need to take at national and regional levels to deal with SALW proliferation and misuse. Alongside the UN POA on SALW, agreed to in July 2001, the ND is an important regional instrument in the struggle to counter SALW effects.

The HOA has been threatened by deep-rooted conflicts and chronic insecurity for more than one decade; the conflicts are internal, transnational and even international. On the other hand, for instance Somalia a completely collapsed state, where terrorist operate in a safe haven far beyond the reach of the rule of law. This state possesses a long unpatrolled coastline and has many unmonitored airstrips; this facilitates illicit

¹³⁷ Neigh, Janet. "Reading from the Drop: Poetics of Identification and Yeats's "Leda and the Swan." *Journal of Modern Literature* 29, no.4(2006): pp 145-160.

¹³⁸The World Bank.(2013). "Shape of Violence Today." In *International Politics: Enduring Concepts and Contemporary Issues*, 11th Edition, edited by Robert Art and Robert Jervis, New York: Pearson.

proliferation of SALW and transnational organized crimes to for instance Kenya.¹³⁹ Somalia is the main reason why Kenya is so vulnerable to spillover conflicts and the transit route of SALW, which is especially complicated by the porous borders, its position also as a regional diplomatic and commercial Centre. Somalia in the HOA is also what causes the smuggling and inflow of SALWs especially in urban areas of Kenya, as a result of link between fundamentalism and lack of central government in Somalia.

The illicit proliferation of SALW has made Kenya struggle with the issue of insecurity for a long time the situation has further been worsened by the unstable Somalia. The external and internal factors of the state have caused this since the socio economic and political nature of Kenyan state is highly impacted as well. The socioeconomic and political set up of a state is what fuels the demand for SALW in a country, the porous borders between Kenya and Somalia are also often labeled as the root causes of proliferation because of the unstable neighbors who have also contributed to the misuse and proliferation of weapons.

The post-election violence that occurred after the 2007 general election which led to the most severe humanitarian crisis due mass killings, destruction of property , displacement in high numbers and the economy being on its knees, due to the crude weapons used and in some instances some communities used modern sophisticated automatic weapons to unleash terror to their perceived enemies.¹⁴⁰ The effects of the armed violence were further increased by the supply and spread of SALW. According to the commission of Inquiry into Post-Election Violence report, also dubbed the

¹³⁹ Robert, J. and Rotberg, (2005). Terrorism in the Horn of Africa. Brookings Institution press, p. 121

¹⁴⁰ Ibid.

Waki Report points out that due to the unrest, a total of 1,133 lives were lost due to the increased demand for SALW especially in the Rift Valley and adjacent environs.¹⁴¹

3.4 Impact of IAT on Human Security

Proliferation of illicit SALW has proven to be a persistent threat to not only national security but to human security as well in the past decade. The concept of human security emerged as a result of the shift in realities and dynamics within the domain of international relations particularly at the end of the Cold War. It is appreciated as safety from chronic threats such as hunger, disease as well as repression and protection from hurtful as well as sudden disruptions in the patterns of daily life.¹⁴² As opposed to national security which is mainly outward looking and focuses on threats, human security is appreciated as being inward looking, prevention oriented, comprehensive, context-specific as well as being people centered.¹⁴³ Human security which has its roots in the 1994 United Nations Development Programme's report also focuses on the causes and drivers of conflict and instability, within societal settings. This paradigm shift was fronted by intellectuals such as Barry Buzan amongst others, who are also known as wideners.

A case in point is the linkage between illicit SALW and Transnational Organized Crime (TOC) such as terrorism, poaching, and drug trafficking, amongst others all which have impacted negatively on human security. For instance, the conflict in Somalia has been waged at inter-clan level, as well as between several factions and

¹⁴¹CIPEV (Commission of Inquiry into Post Election Violence). (2008). Report of the Findings of the CIPEV. Nairobi : Government Printers.

¹⁴² United Nations Development Programme, *Human Development Report, 1994* (New York: Oxford University Press, 1994), 23.

¹⁴³ Holshek, Christopher and Cedric de Coning, *Civil Military Coordination in Peace Operations* (USA: Peace Operations Training Institute, 2017) p.15

the State in Somalia and has been conducted predominantly using illicit SALW. The conflict has exacerbated the humanitarian situation that has included impacts from drought and famine resulting in a spike in refugees who have spread throughout the region. According to the United Nations High Commissioner for Refugees (UNHCR), upwards of 763,936 as at March 2020, had fled Somalia alone and found asylum in the region as well as in spaces such as Yemen.¹⁴⁴ Somalia having been an ungovernable space in particular, has provided a space for rouge elements such as terrorists to operate, as well as creating a space for the transit of illicit SALW within and beyond the region.

According to scholars like Matthew Miller, Jens Ludwig et. al SALW is considered a source of crime and anarchy thus a direct threat to peace, security and development. The scholars further posit that SALW have serious implication on particularly social, economic, physical and political wellbeing of human beings on global level.¹⁴⁵ Peace and security is the main casualty by SALW since the weapons kill one person every two minutes somewhere in the world both in states plagued by civil strife, transnational crimes which are drug related. According to one estimate, every year, 300,000 people are killed in violent conflicts and war with SALW being the major instruments for cause of death and destruction. According Axworthy 200,000 die annually from gunshots through intentional violence, suicide and accidents, SALW are said to affect the developing countries than the developed countries. For example out of 50 armed conflicts that occurred between 1989-1995 more than 95% of them took place in developing countries and were fought using SALW.¹⁴⁶

¹⁴⁴ <https://data2.unhcr.org/en/situations/> accessed on 04/11/2020 at 11:42 am

¹⁴⁵ Axworthy, Hon. Lloyd. 1999. Address to UN Security Council, 24 September.

¹⁴⁶ Hemenway, David. 1997. 'The Myth of Millions of Self Defense Gun Uses: An Explanation of Extreme Overestimates,' *Chance*, vol. 10, pp. 6-10.

SALW aggravate armed conflicts in war torn societies. The Human Rights Watch argued that all phases of the 1990 Rwanda conflict of Tutsi invasion was further exacerbated by the SALW owned by the Hutu militia. In Kosovo there was another case of outbreak of armed violence because of availability of SALW. The government of Albania collapsed in 1997 and in the subsequent instability, its significant arsenals of SALW was pillaged most of them were acquired by the Kosovo Liberation Army. Proliferation of SALW affects women and children, food security, SALW have possessed pressure on health care systems, education, and hindered development, inhibit tourism and exacerbate human right abuses.¹⁴⁷

Most scholars are skeptical about the validity of the concept; they argue that the concept is too wide thus making it vague.¹⁴⁸ The concept in a political sense means “national security”, since the idea of security is based on the analogy between a human being and a nation.¹⁴⁹ In comparison to Japan and USA, USA pays very little attention to discussions on human security, while Japan on the other hand, and link their foreign policies to human security. Japan has even made efforts to set up a fund for human security. This is the case because no state other than the superpower can maintain national security independently. Therefore, national security of states is maintained through alliances.¹⁵⁰

Human security has not at all gained grounds in states like USA and especially following events of, post 9-11 in the US. Also with the increased interest shown by

¹⁴⁷ Hepburn, Lisa, Matthew Miller, Deborah Azrael, and David Hemenway. 2004. ‘The Effect of Nondiscretionary Concealed Weapon Carrying Laws on Homicide,’ *Journal of Trauma*, vol.56, pp. 678-681.

¹⁴⁸ Ronald Paris, “Human Security: Paradigm Shift or Hot Air?” *International Security*, vol.26, no.2, 2001, pp.87-102.

¹⁴⁹Hideaski Shinoda, *Re-examining Sovereignty: From Classical Theory to the Global Age* (London: Macmillan, 1977), Chapter 8.

¹⁵⁰ Waisova, Sarka.” *Human Security- the Contemporary Paradigm?* Perspectives, no.2(2003):pp 58-72

states in military affairs and acquisition of nuclear power, human security has been seen as an unclear notion. This has affected Japan, because since 9/11 despite its emphasis on human security. The threat from Iraq and Afghanistan as Us' allies is big hence Japan also needs to arm themselves militarily.¹⁵¹

Furthermore Benita Ferro-Waldner states that, security can be best attained through development and development through security.¹⁵² He further posits that the threat posed by the proliferation of illicit AT on human security cannot be understated as; insecurity denies both state and non-state actors the capacity for self-actualization and delivery of public goods especially on the part of state actors. At the global level, a majority of the countries that produce arms are nations that are relatively developed than the countries where the arms are the target markets and this happens to be those in the least developed countries.

During the 1990's, the Permanent Five (P5) members of the UN Security Council, were the major producers of conventional weapons yet they form the main organ of the UN tasked with maintenance of international peace and security. This presented a conflict of interest as it is yet the same organ that has the power to issue sanctions and embargoes on matters to do with arms transfers, despite the same arms posing a threat to international peace and security.¹⁵³

Yanik asserts that, a sizable number of arms transfers have been made to nations with poor human rights records such as the repression of minorities.¹⁵⁴ Further still, nations

¹⁵¹ Kaldor, Mary. "Human Security in Complex Operations." PRISM 2, no.2(2011): pp 3-14.

¹⁵² Ferrero-Waldner, B., "Protecting Europe's Security," Speech to conference on "Protecting Europe: Policies for Enhancing Security in the European Union," Brussels, Belgium, May 30, 2006.

¹⁵³ Southall, David P. and Bernadette A. M. O'Hare *The Effect of The Arms Trade on Mothers and Children* British Medical Journal, Vol. 325, No. 7378 (Dec. 21 - 28, 2002), pp. 1457-1461

¹⁵⁴ Yanik, Lerna K., *Guns and Human Rights: Major Powers, Global Arms Transfers, and Human Rights Violations*. Human Rights Quarterly, Vol. 28, No. 2 (May, 2006), pp. 357-388

embroiled in conflict or on the verge of conflict, have been recipients of arms despite the existence of arms embargoes prohibiting such transfers.¹⁵⁵ Nations such as Rwanda before the 1994 Genocide and Iraq during the nations' conflict with Iran were beneficiaries of arms transfers. Subsequently, a correlation between arms transfers and human rights violations especially in fragile states can be established.

Marsh aptly points out that, the conflict in Libya following the ouster of Muamar Qadhafi in the wake of the Arab Spring spelled the worst case of illicit SALW proliferation not only in the African region, but beyond as well.¹⁵⁶ To underscore this, arms looted from stockpiles left unguarded in the wake of the Arab spring chaos in Libya, found their way to spaces such as Sinai, Gaza, Mali and Syria and fell into the hands of insurgents and terrorist elements.

Illicit SALW exacerbate humanitarian crises when they are used to obstruct the delivery of humanitarian aid in spaces undergoing conflict, for instance in the Democratic Republic of Congo and Somalia.¹⁵⁷ Armed with these illicit weapons, groups such as *Al Shabab*, have been known to extort agencies providing humanitarian aid in Somalia or in some instances kidnapping aid workers and holding them for ransom.

In spaces such as the HOA, SALW have been used to perpetrate the worst of atrocities in the region.¹⁵⁸ Part of the reason as to why civilians have an unceasing

¹⁵⁵ Misol, Lisa, Weapons and War Crimes: The Complicity of Arms Suppliers, in Human Rights Watch, World Report 2004 (2004).

¹⁵⁶ MARSH, NICHOLAS., *Brothers Came Back with Weapons: The Effects of Arms Proliferation from Libya*. PRISM, Vol. 6, No. 4, (2017), pp. 78-97

¹⁵⁷ Stohl, Rachel., *Reality Check: The Danger of Small Arms Proliferation* Georgetown Journal of International Affairs, Vol. 6, No. 2 (Summer/Fall 2005), pp.71-77

¹⁵⁸ Warner, Lesley Anne in, Sharamo Roba and Berouk Mesfin, *Regional Security in*

demand for SALW in the region, is besides their ease in accessibility, individuals do not feel the presence of the states' security agents. It is for the latter reason, individuals right across the HOA region feel the need and urgency for self-protection, basing their rationale on what some segments especially those engaged in cattle rustling that, uneven disarmament could leave one party exposed to attacks by another hence the need to arm themselves.

Conflicts over pasture and other resources for such as water for instance, drives actors to have an affinity for SALW to enable them gain leverage in terms of access to vital resources. The use of SALW particularly in Kenya has been greatly felt among the pastoralists' communities, since pastoral conflicts over natural resources like water and grazing fields as both economic and personal interest to the communities have remained bloody overtime. Pastoral communities found in Kenya's North Rift, those in Upper Eastern and those in the Northern East have often clashed in inter-ethnic cattle rustling which is culturally embedded in societal fabric and which is commissioned by use of SALW, these areas suffer from high insecurity and violence.¹⁵⁹ Retaliatory attacks that are bound to happen in banditry and cattle rustling incidents result in maiming as well as loss of life and destruction of property. Attendant to that, is the psychological trauma on the part of survivors especially women and children who continue to bear the brunt of conflict.

There is also a close link between illicit SALW transfers with transnational threats. In

the post-Cold War Horn of Africa (ISS Monograph 178) p. 199

¹⁵⁹Muchai, A.(2005).Insecurity : A Case Study of Northern Kenya. 'In MichaHollestelle and Simons Simons, eds. Security When the State Fails: Community Responses to Armed Violence, Vol.5. TheHague : Pax Christi

fact SALW are widely used by terrorist they are often labeled as weapons of choice for terrorist.¹⁶⁰ The only primary agreement by the United Nations addressing the issue of SALW is the POA to prevent, combat and eradicate the illicit trade in SALW, in all its aspects known as the POA. POA was adapted at UN conference in July 2001, its main aim being to reduce human suffering which it has barely achieved. Regional Centre on SALWs.

Traditional SALW control efforts tended to focus on how weapons negatively impacted the state instead of human suffering on how people acquire weapons and misuse them. ¹⁶¹The widespread and acquisition of SALW often leads to mass killings, mass displacement, environmental degradation as a result of effects of leftover weapons, sexual assaults and child soldiers. In Africa these weapons have killed and displaced many citizens across the continent.¹⁶² The weapons have been used in deadly conflicts in Sudan, Uganda, Sierra Leone, Rwanda, Somalia and other countries.¹⁶³

The proliferation of SALW involves a wide range of factors that cannot be confined to a particular state. Hence the international community should emphasize on concerted effort and policies that reduce and abolish the illicit trafficking of weapons, while actualizing gun safety programs for children. Such initiatives go a long way in assisting in disarmament efforts in relation to SALW.

¹⁶⁰ Ibid.

¹⁶¹ Michael Renner. "Arms Control Orphans, *The Bulletin of the Atomic Scientists*, Vol.55, No. 1(January / February 1999), p.24.

¹⁶² Biting the Bullet, International Action on Small Arms 2005 of - *Examining Implementation of the Program of Action*, International Action Network on Small Arms, July 2005, and p.251.

¹⁶³ Ibid.

3.5 Recommendations on mitigating on IAT in Africa

Evidently the AU acknowledges the importance of practical measures to control illegal arms. It has established ambitious programs, however their implementation has been impeded by capacity and resource limitations. To tackle these challenges, the AU and the RECs/RMs ought to establish a practical framework to monitor and evaluate its Vision 2020 blueprint. This will help in measuring the progress. The results of silencing the guns program will be key in establishing proper, evidence-based programs for impending programming. It would similarly be reinforced by the involvement of civil society groups, which are well placed to offer regional and thematic capacity. The following recommendations are aimed at helping the AU realize its goals:

Evidence-based policy research

There is a colossal amount of studies on proliferation of arms in the African continent. This investigation, however, has a limitation: most of it gives focus on the problem itself and gives a wide berth to the human aspect. That is, there is a wrong assumption that exposing the manner in which weapons are smuggled allows for effectively responding to the issue. This does not do much in identifying why people smuggle arms, how they utilize the proceeds of trafficking and other alternatives of livelihoods that individuals may exploit to deter them from trafficking weapons.

Capacity building on PSSM

There ought to be a risk assessment on the state of arms stockpiles and overall arms management measures, comprising emergency methods to lessen the risks of them exploding.

Enforcement of arms embargoes.

Conforming to both the letter and the spirit of weapons' restrictions is key to decrease the circulation of illegal arms in Africa. The investigation recommends that research and training on every authorization aspect is provided at the three key policy making levels in Africa: At the regional level: This would aim practitioners, policymakers and academia and civil- society groups in the RECs. Main concern may be put on those RECs that have nations under arms restrictions. As indicated in an investigation by the Institute for Security Studies, several African states are have limited information, technical capacity and the ability of implementing UN arms restrictions. 51 A regional approach, whereby the RECs and RMs are capacitated, hence would offer one of the most effective means of backing the UN's, AU's and individual states' efforts.

At national levels: Here, the training will target mainly states that are under arms restrictions. The aim will be to provide them with the proficiencies required in the implementation of current arms restrictions.

Institutional collaboration

A major partner that is able to substantially contribute to the AU's determinations to identify illegal trafficking of arms is the World Customs Organization (WCO) which acknowledges the severe threats to security and safety that the proliferation of SALWs and substances of mass destructions, comprising explosives and illegal of dual-use items, pose not just threat to people's security and safety, but similarly to economic progress, political stability and social unity of nations worldwide.

Furthermore, WCO's mandate of preventing terrorism, commercial fraud, counterfeiting, global organized crime and piracy has a direct impact on dealing with

AT, due to the similarity in the mode of operation by those involved in such crimes. The Customs Enforcement Network was established to assist the worldwide customs enforcement community in gathering data and information pertaining to seizures and crimes, which comprises photos needed to analyze illegal trafficking in the different areas of the competence of WCO.

The WCO may aid the AU with Africa-centric analysis in order to develop an insight of the big image and proper countermeasures. The WCO may similarly assist to monitor and evaluate to ascertain the effectiveness of the countermeasures, and to give direction of new emerging trends.

Combating violent extremism

The description of violent extremism by former UN secretary-general Ban Ki-moon is an ‘arc of upheaval and distress’ captures the state of instability as a result of terrorism. Easy access to arms contributes to the dangerous nature of terrorist activities. Hitherto, the AU has been actively seeking a solution, establishing mechanisms that comprise research, policy and advocacy, alongside capacity building for sub-regional organizations. Even though this is creditable, to limit arms demand, the approach ought to be alongside practical steps that tackle the pointed out causes, like unsound state capacity, the marginalization of certain groups, bad service delivery, rampant poverty and the absence of coordination between the national and regional level.

3.6 Chapter Summary

The problem of AT is multidimensional this is the case because arms are produced and traded both legally and illegally, hence making it extremely hard to identify and track illegal arms. The evolvments of these networks in shadows of globalization and exploitation of legitimate, international channels, systems and infrastructure have further aggravated the problem. Despite the existence of several global and regional mechanisms forming part of legal regime on arms, they have not successfully put a hold on IAT. Illicit trafficking exacerbates humanitarian crises especially when SALW are used to obstruct the delivery of humanitarian aid in spaces undergoing conflict. The chapter established that there is a correlation between arms trafficking and security concerns in Kenya and Somalia.

CHAPTER FOUR

CHALLENGES AND OPPORTUNITIES ENCOUNTERED IN MANAGING ILLICIT AT AND INSECURITY IN SOMALIA AND KENYA

4.1 Introduction

IAT are not just a serious internal security threat but also a great risk that leads to loss of freedoms and elemental human rights. It also paralyzes policing at all governmental levels due to the nature of the problem. This chapter explores the opportunities and challenges that the two East African countries, Kenya and Somalia, encounter while managing illicit arms and insecurity. The chapter looks at two broad subtopics, the opportunities that the countries have and how they can utilize them effectively to fight the vice, and the challenges the same face in the fight against AT. Both countries have struggled with insecurity, as stated in the earlier chapters, with

the major challenge of curbing it being the availability of illicit arms such as small and light weapons that people possess without the right documentation. There are both external and internal factors that contribute to firearms-related challenges facing the regions, and the countries can also explore internal and external factors as opportunities to manage the flow of illicit arms. Some of the evident challenges in the fight against AT include long and continued political instability, armed conflicts, and porous borders. Despite the challenges, the countries can utilize opportunities such as governmental policies to fight illicit arms, manning of territorial borders, and international policies on arms control to reduce the number of illicit arms circulations.

The increase of SALW majorly emanates from fights against imperialism and the cold war. Lately, civil wars in Ethiopia, Uganda, Sudan and Somalia have resulted in the rise in illicit use and proliferation of SALW. The threat of SALW proliferation confronts human security in all its dimensions since the effects of these weapons cuts across the day to day social, economic, and political security, which is created by their misuse. The weapons are not only used to aggravate on-going armed conflicts, but they're also utilized in wars over natural resources and cattle rustling and have led to rising violent crimes in Nairobi. Furthermore, with the problem of expansive and porous borders, weak government surveillance systems, and weak national security structures, SALW is difficult to regulate or establish since they circulate across the region from one skirmish to the next. They sieve beyond militaries and law enforcement agency to criminal groups, private security firms, vigilante squads to people. In fact, in Kenya, the Pokot and Turkana have utilized SALWs to raid and violently restock herds, increase herding areas as well as gain access to pasture and

water.¹⁶⁴

4.2 Challenges in Managing Illicit AT and Insecurity

Kenya and Somalia are members of the Eastern Africa region, an area that is conflict-prone and home of various rebel groups. The region faces threats of emerging new conflicts remaining high due to political unrest and instability in the area. Somalia is among the most insecure African nations, and its boundaries lie in different other conflicts–torn states. Kenya, on the other hand, experienced internal conflicts in 2008 after the 2007 general elections with the origins of the violence still not addressed. Due to such instabilities, the two Eastern Africa countries face a threat of being in a ferocious sphere of underdevelopment. The underdevelopment is a result of weak governance, the inadequate rule of law since there are notable cases of injustice, and high levels of inequality.¹⁶⁵ Governments in both countries make attempts to develop policies focusing on fostering sustainable development, policies that eventually fall due to poor governance, and high levels of corruption. The above factors combined, they lower the likelihoods for political, economic, and social progress, hence failing to avoid skirmishes in the region. However, such challenges do not affect the Eastern Africa region alone but the whole Africa continent. It is through such an environment where illicit activities flourish, such as illicit AT, and the same environment pose different challenges in managing such illicit trafficking.

4.2.1 Challenges in African Society leading to trafficking of illicit arms

As a continent, Africa experiences numerous challenges that contribute to the proliferation of illicit AT across countries. Illegal international arms transfers and

¹⁶⁴ Schilling, J., Opiyo, F.E. & Scheffran, J. Raiding pastoral livelihoods: motives and effects of violent conflict in north-western Kenya, December 2012.

¹⁶⁵ Julius, F., and K. Dachi. "A Pictorial Description of the "Conqueror of Modern Empire" in East Africa." *Huria: Journal of the Open University of Tanzania* 20, no. 1 (2015): 133-141.

trafficking stand as the primary security issue in sub-Saharan Africa.¹⁶⁶The continent continues to experience higher percentages of armed conflicts even as open hostilities affect most African countries. Light weapons financed by cash and natural resources do not directly cause African conflicts but make them more lethal. Continuous African wars stand as a significant challenge facing Africa that paves the way for more illicit arms smuggling.

Nations and producers need somewhere to toss out of the caches of weapons massively made excessive because of the post-Cold War events. Political progresses and technological novelties still perceive Africa as an appealing market for such arsenals.¹⁶⁷ The arms market still offers several prospects to those who own properties except hard cash to buy arms across Africa. Individuals can engage in the exchanging of natural resources like diamonds and other valuable items in exchange for illicit weapons. Poor African governments and insurgents unable to acquire arms have the opportunity to use additional material resources to obtain such components illegally.

Additionally, Africa suffers from the challenge of wide transnational criminal networks and violent extremist groups.¹⁶⁸The clandestine nature of AT makes it inherently difficult for anyone outside of these networks to discern the actors involved. It has become hard for African governments to identify traffickers and track illicit brokers involved even as the effects of trafficking take root in the continent. There are several challenges in line with the primary ones mentioned below.

Poor Condition of State Security Forces

¹⁶⁶ McCullum, Hugh, Mbugua Njoroge, Noel Stott, and Dauda S. Garuba. "Small Arms: The World's favourite weapons of mass destruction." *NewsRescue*, January 1 (2012).

¹⁶⁷ Nganga, Frankonero. *Efforts of Proliferation of Small Arms in Sub-Sahara Africa*. ARMY WAR COLL CARLISLE BARRACKS PA, 2008.

¹⁶⁸ Alusala, Nelson. "Africa and arms control."

Security forces are entrusted with the responsibility of providing security to the locals in each African country. They play a significant role in ensuring that people maintain law and order in all regions and assist in justice acquisition through launching investigation used as evidence in court cases for lawbreakers. They are also responsible for curbing illegal business such as the illegal arms trade, exposing black markets, and arresting the perpetrators involved in the scams, an issue that affects Africa at Large. However, in managing illicit AT, the said security officers pose one of the major challenges. In Congo, inadequate resource made it difficult for security forces to curb the rise of proliferation of illicit arms.¹⁶⁹ Today in the two countries, Kenya and Somalia, firearms circulate from one conflict to another without any prohibition in terms of controls by state security forces. Eventually, the illegal arms get possessed by warlords and criminals who prolong such conflicts hence encouraging armed violence and crime. If the officers play their role effectively in eradicating lawlessness, such advanced impacts could not be realized. The slowed development of social and economic democracy and stability resulting from the said conflicts makes it a challenge to fight against the illegal arms trade.

Additionally, state security has the mandate of lowering the number of SALWs trade that start from street thefts and car-jacking and eventually grow to significant crimes. Reducing such amounts of crime can positively lead to ending the predicament of violence. However, it is unfortunate that some of the security officers take part in hiring their firearms to the petty theft practitioners, not knowing that they are training them to become gangs and big players in the trafficking of firearms when they grow their gangs. Even though several nations in the region don't have sound structures of

¹⁶⁹ Collier, Paul. *The Plundered Planet: Why We Must, and How We Can, Manage Nature for Global Prosperity*. Oxford: Oxford University Press, 2010

governance and are grappling to make their borders, they have attended to the issue of arms. The challenge, therefore, comes in when those who are supposed to address the issue are players in the illegal business. Corruption also plays a significant role in this syndicate, where security forces uncontrolled urge for money makes them compromise their professionalism and discipline to allow petty crime to happen. Therefore, the poor condition of the respective security forces in the two countries causes the impossibility to provide countrywide security for its people.¹⁷⁰ When people feel that the officers mandated to offer them security are reluctant and they are vulnerable to both small and significant attacks, they opt to place their individual security hence possess arms illegally.

Political/State Instability

Another challenge the two countries face in managing illicit AT and insecurity is political instability experienced within their territories. Somalia, for example, has suffered the longest span of instability since 1990's when Siad Barre was ousted by the local militia. This later led to unending conflicting political leaders contributing to the Al-Shabaab militia, which has posed high insecurity concerns in the country.¹⁷¹ Weak political governance structures influence small arms proliferation and insecurity.¹⁷² Although external observer may see the subject as played from the political class, instability affects local communities where some engage in inter-community wrangles like the witness of the case in Kenya involving wars between two communities or tribes. The main reason is unsound governance, whereas amongst

¹⁷⁰ Finlay, Brian. *Beyond Boundaries in Eastern Africa: Bringing the Security/Development Divide with International Security Assistance*. DIANE Publishing, 2011.

¹⁷¹ Khadiagala, Gilbert M. *Silencing the Guns: Strengthening Governance to Prevent, Manage, and Resolve Conflict in Africa*. New York: International Peace Institute, 2015

¹⁷² Ombaka, Dick M. "Explaining Kenya's insecurity: The weak state, corruption, banditry and terrorism." *International Journal of Liberal Arts and Social Science* 3, no. 3 (2015): 11-26.

the secondary reasons are failing conventional governance establishments, decreasing cattle numbers, the necessity of bride price payment, and unemployment.

Other factors that can trigger the trend include intercommunity conflicts such as cattle rustling, which is considered a cultural issue amidst the pastoralist groups in Eastern Africa. When such conflicts go unmaintained, the communities look for weapons while seeking to overpower their rivals in future encounters or for revenge purposes. Some of the pastoral communities in Kenya have ended up innovating ways of manufacturing homemade guns, which they use to protect their animals, although they pose a danger to people, especially those who trespass the area.

Additionally, traffickers utilize the constant volatility in Somalia as a gateway for illegal arms into Eastern African. Through the country, such illegal staff reaches Kenya, which is the immediate neighbouring country. Since there is a pathway to the two countries, it poses a challenge for example, for Kenyan authorities to control the flow of such arms into its territories. United Nations monitoring Group notes that there is a significant shipment of arms to Somalia through Aden and the Gulf. Due to the instabilities experienced in these countries, there are weak border controls; hence facilitation of weapon flows from one country to another. As discussed earlier, the secondary causes of state instability, like inter-tribe conflicts, facilitate the movement of the illicit arms as they provide a ready market for the black-market products. In conflict prone nations, arms find their way using secret military operations, which are secret transfers by unethical state officials to separatist or rebels doing their operations in another nation.

Poor Policy Framework

It is vital to note that there are notable frameworks in the African countries on the control of illicit AT, which the governments seek to address the illegality due to its adverse impact in the region. However, the framework is not detailed for effective execution with some vital components missing and providing gaps for firearms and weapon traffickers to utilize such weaknesses. For instance, POA initiated by Burkina Faso could not be successfully be implemented by the commission due insufficient funding hence the need for international corporation and assistance by all stakeholders.¹⁷³In Somalia, the absence of proper structures such as institutions of governance or administration in the country undermined the consolidation of peace and security.

4.2.2 Root Causes of huge amount of Arm trafficking in Africa; Kenya and Somalia

The trade of illegal SALWs is impervious, shapeless, and dynamic IN AFRICA and globally. It is also a global enterprise whereby illegal weapons transit route is Africa from nearly all significant arms-producing nations worldwide. Review of SALWs places the illegal arms trade value at US\$1 billion dollars, or 10-20% of the global trade. The obscurity of this business makes it hard to validate these evaluations, however what is apparent is that in Africa, the illegal SALWs trade is counter-developmental on several levels. What ensues is a glimpse of the origins, trade, costs, and what ought to be undertaken.

Just a few African nations are able to manufacture weapons and ammunitionss, with South Africa being at the top of the list. The South African industry's small arms component consists of below ten manufacturers, and their production is immaterial

¹⁷³ Alusala, Nelson. "Africa and arms control." 2006

with respect to worldwide SALWs trade.¹⁷⁴ Also, since states firmly monitor and normalize African producers, a few African-produced arms and ammos find their way into the illicit market.

Through theft, small come from government forces looted from state armories, bought from corrupt soldiers and unrevealed compromises from private owners. In the same scenario, peacekeepers are occasionally relieved of their small arms, ending up in rebel arsenals. For example, the Guinean peacekeepers' ambush in January 2000 caught Sierra Leonean insurgents over 550 arms, comprising machine guns, assault rifles, rocket-propelled grenades, and ammos weighing two tons. Insurgents and other armed units are other significant sources of illegal SALWs. As per the UN researchers, Somali soldiers, a state utilized in this investigation, frequently purchase components and sell arms to one another on the local black market. In Africa, with specific focus on Kenya and Somalia countries, the following are the major root causes of illicit arm trafficking in the region.

Lenient smuggling prevention laws

One cause of the proliferation of SALW in Africa lies in the laws' leniency to prevent the smuggling of goods. Many of the current regulations in place lack the capacity to provide sufficient deterrents against illegal AT. Political authorities have the mandate to strengthen legislation on exportation, importation, and transit of arms.¹⁷⁵ However, the process does not end at just having strong laws against smuggling but extends to ensuring proper execution of such laws to end the illicit AT menace that threatens African countries' peace and security. The rules should also cover the purchase or

¹⁷⁴ Schroeder, Matt, and Guy Lamb. "The illicit arms trade in Africa." *African analyst* 3, no. 1 (2006): 69-78.

¹⁷⁵ Seniors, J., and C. Poitevin. "Managing Land borders and the trafficking of small arms and light weapons." *GRIP*. <http://www.poa-iss.org/KIT/2010-GRIP-Report-EN.pdf> (2010).

possession of firearms to ensure individuals found with unauthorized or illegal possession face the law to the latter serving as an example to others with the intent for illicit acquisitions of the weapons.

Additionally, differences in legislation with neighbouring countries add to the challenge of one country's laws rendering another country's legislation void. Lack of legislation harmonization among neighbouring African countries and even regionally contributes to the challenge of small-scale AT fosters the phenomenon of illegal AT and proliferation in the continent. States should find a way to implement complementary measures and laws essential for them to control crossing points at borders that often result in transnational trafficking.

Lack of transnational synchronization

Lack of synchronization between neighbouring countries at the shared borders also stands out as a significant contributor, giving rise to Africa's continued illegal AT. Usually, patrols on both sides of the border for neighbouring states take place at the same time. This implies that at certain times, there are no patrols at the borders.¹⁷⁶ Hence, no surveillance happens at that time, leaving the borders open and vulnerable for any criminal activity. Illegal arms traffickers work on calculated execution of their crimes, ensuring they remain undetected from the authorities. They often equip themselves with devices helpful for them to communicate with their contacts. They understand the border terrain, patrol schedule and even know a country's surveillance system's weakness. They exploit such weaknesses taking full advantage of the empty

¹⁷⁶ Ombaka, Dick M. "Explaining Kenya's insecurity: The weak state, corruption, banditry and terrorism." *International Journal of Liberal Arts and Social Science* 3, no. 3 (2015): 11-26.

timeline created by the absence and lack of coordination during patrols. Operation methods vary in different countries. A lack of border synchronization amongst patrol teams leaves respective countries open and vulnerable to smuggling activities.

Change of smuggling strategy

Another cause of illegal AT that nationals face in dealing is the change in criminals' smuggling strategy. Today, smugglers transport illegal weaponry into their targeted countries in different ways. Smugglers use a diverse transportation system that remains undetectable to unsuspecting authorities or personnel. Some use fuel tankers; others transport them inside animal carcasses, charcoal bags, travel bags, among other means from one region to another. For instance, one can smuggle and illegally transport Ak-47s with other items considering they weigh less, hence become undetectable to unsuspecting individuals. While the authorities and border control personnel focus on the traditional illegal arms smuggling strategies, the criminals evolve and use other means that pose minimal fear of detection.

The inadequate physical presence of law enforcement officers

As noted above, the police force is key in the trafficking and increase of illegal firearms in a given country. Insecurity cases are high, especially in areas along the border prone to smuggling and other criminal activities.¹⁷⁷ Such sites experience the inadequate presence of law enforcement officers. The police force working in the small arms and conflict hotspot areas fear their lives, coupled with the workforce's insufficiency and necessary equipment. They also face challenges of their measures to curb the trafficking menace blowing back at them. The police, therefore, opt to supply local communities with weapons to protect themselves from rival groups. When

¹⁷⁷ Wepundi, Manasseh, Eliud Nthiga, Eliud Kabuu, Ryan Murray, and A. Alvazzi del Frate. *Availability of small arms and perceptions of security in Kenya: an assessment*. Geneva: Small Arms Survey, 2012.

police illegally arm citizens, controlling the flow of such firearms is difficult, especially when such weapons fall into the wrong hands. Citizens in possession of such weapons engage in criminal activities and violence, fighting for scarce resources and security threats. In return, the country suffers increased internal insecurity, lack of peace amongst members of one community, a persistent violation of human rights, and a continued insurgence of weaponry among the people.

4.3 Measures taken to curb illicit arm trafficking

Kenya and Somalia have experienced the impacts of availability and misuse of small arms for a long period. Throughout this period, there are measures which different groups put in place to help fight arms misuse. Such policies give an opportunity for the respective government and other support groups to utilize and help reduce trafficking of the firearms. Cases such as post-election violence in Kenya and the continued Al-Shabaab terrorism acts in Somalia prompted different initiatives to curb arms use. Formation of bodies such as the Kenya National Focal Point on SALWs (KNFP) coordinated from the office of the President and ministry of internal security give the government an opportunity to empower the body and curb trafficking within the country.¹⁷⁸

The influx of the easily portable (SALW) and competition over natural resources have directly fuelled violence and exacerbated instability that has plagued the country for years; for instance, the Sudanese conflict has lasted 24 years. The greater part of this region thrusts itself towards the Middle East, especially Yemen, and hence the heart of Arabia and the Persian Gulf, most of these conflicts spill overs to Kenya, which is

¹⁷⁸ Wepundi, Manasseh, Eliud Nthiga, Eliud Kabuu, Ryan Murray, and A. Alvazzi del Frate. *Availability of small arms and perceptions of security in Kenya: an assessment*. Geneva: Small Arms Survey, 2012.

geo-strategically placed near this region.¹⁷⁹ The HOA and Great Lakes sub-regions are regions of the globe that are badly affected by SALW, which aggravate and extend armed wars and lead to unprecedented human insecurity. Recognizing the magnitude and intensity of the problem, the Great Lakes and HOA countries signed the in effort to curb SALW in Kenya and Somalia, the ND put in measures to check on the issue of increase of illicit SALW in March 2000. The pronouncement connects security and development and highlights steps states ought to take at nationally and regionally to tackle SALW increase and misuse. Alongside the UN POA on SALW, approved in July 2001, the ND is a critical regional mechanism in efforts to combat the effects of SALWs.

4.3.1 Disarmament

The government has done civic education to its people on the disadvantages of having illegal weapons and, thereafter, call for people to voluntarily grant the officers all illegal arms for destruction. Kenya has succeeded partly in this approach, especially in the northern communities who have possession of weapons like guns for security purposes. Through consecutive calls, the government has made strides in burning such illegal and homemade guns, which people from the communities give out voluntarily to the government within the set period. Authorities therefore, can call for all residents to return any illegal firearm to the nearest government facility within a set period. Those found with illegal weapons after the probation period can then be arrested and prosecuted. In the age of technology and where most of the firearms contain serial numbers, it is easy to track and collect different weapons from the wrong hands. It is a responsibility that the government can explore in a move to

¹⁷⁹Schmid, A. and Jongman, A. (1998). *Political Terrorism: A New Guide to Actors, Authors, Concepts, Databases, Theories and Literature* (Amsterdam: North Holland Publishing Company).

manage trafficking of illicit arms within its borders.

Main hindrances to the effective control of IAT in sub-Saharan Africa, in a nutshell, include the fact that Africa has more than 3 billion people, nearly half the world living on less than \$2 per day thus sort to engaging in conflict, the many terrorist activities, lack capacity of the state to monitor its borders, lack of a common regional regulatory approach amongst the countries to tackle the menace as well as prolonged conflicts especially in Somalia, the DRC and Sudan and internal political strife.¹⁸⁰

For example, Kenya conducts routine disarmament operations in regions with high numbers of illegal weapons such as Mt Elgon, some parts of Rift Valley, and Pokot. In 2010, the Kenya Police conducted repossessed 128 rifles, 60 pistols, 10 toy pistols, and 36,458 rounds of Ammunition in the usual operations of the police. The same police force also repossessed 1,064 arms and 3,078 rounds of Ammos in an operation to disarm. Over the past 100 years, Kenya has conducted over 50 disarmament initiatives, with 20 disarmament operations among the Pokot alone during President Moi's tenure.

4.3.2 Cross-border synchronization

Interstate Corporation plays a central role in eradicating illegal arms trade and transportation across borders. Countries can cooperate through sharing essential information, having a formal risk analysis to curb the same challenge, and even having joint patrols and discussed previously in this paper¹⁸¹. Cross-border Corporation aids in promoting knowledge of the problem and improving inter-

¹⁸⁰ Faltas, Sami, Glenn McDonald and Camilla Waszink , Removing Small Arms from Society Small Ams Survey(2001) p.13.

¹⁸¹ Seniors, J., and C. Poitevin. "Managing Land borders and the trafficking of small arms and light weapons." *GRIP*. <http://www.poa-iss.org/KIT/2010-GRIP-Report-EN.pdf> (2010).

operational coordination. Countries can undertake corporations on several levels. The first one is the bilateral level, which involves setting up bi-national committees to discuss security-related issues such as border security and transnational crime. Such committees have the mandate to come up with measures, policies, and procedures to curb issues that threaten both countries' peace and security.

The second collaboration level is the regional level. African countries have several local organizations meant to deal with issues that affect the specified regions. Therefore, countries within one area can develop initiatives relating to border management and international illicit AT. Such regional forums create avenues for discussions and exchange of ideas and opportunities essential in harmonizing national arms legislation relating to the possession, export, and purchase of weaponry. Such committees strive to foster collaboration between involved parties hence enhancing efforts to fight against the illicit trafficking of SALW.

For example, in March 2017, the Central African region enforced the Kinshasa Convention on SALW, whose duty lay in the control of SALWs, their Ammos, and every part and component potential for use in the manufacture, repair, and assembly of illegal weapons. Guiding articles of the convention, precisely Articles 13 and 14 of tackle brokering, marking, and tracing firearms. The RECSA in the GLR, the HOA and bordering nations instituted in 2005, directs efforts to tackle increase of illegal SALW in East Africa and the Horn. These conventions play a significant role in ensuring nations that share borders coordinate towards ending illegal arms trade in Africa as a whole.

4.4 Opportunities that the two countries can explore to curb Illicit arm trafficking

At Africa's sub regional level, the efforts to regulate the flow of illegal arms comes before the Bamako Declaration. In 1998 for instance, the ECOWAS heads of state agreed on the suspension on the imports, exports and production of SALWs in West Africa. The suspension was later changed into a resolution in 2006. Consequently, much progress has been made in the five key African sub-regions.

An investigation on arms-control programs in Africa has ascertained that SALW, as discussed in the following paragraphs, projects a regional mechanism to realize a broader and more significant effect than those intended to tackle it nationally. The focus for this is that porosity of Africa's borders makes it reasonably easy for illegal smugglers to transport weapons across borders, hence challenging for a state to deal with the problem individually. Regional programs are likely to have more generous information sharing, coordination, and collaboration among partaking states to get the brief explanations that follow such programs in the Africa's five sub-regions. Therefore, the established viable opportunities that the two countries, Kenya and Somalia, can utilize are as discussed below.

4.4.1 Establishing Sources of Illicit Arms

The definition of illicit arms can help in the curb of possession and movement of the SALWs. Illegal SALWs that are manufactured, held, transferred, or utilized in the breach of national or international law.¹⁸² Through the meaning, there are different forms of illicit arms flow that include cross-border trafficking, black market purchases and legal holdings that are redirected from legal owners. Additionally, the sources of

¹⁸² Schroeder, Matt. "Captured and counted: illicit weapons in Mexico and the Philippines." *Small Arms Survey 2013* (2013): 282-317.

these weapons are associated with illegal production, such as unlicensed craft production. In Kenya, for example, one can question the source of shotguns possessed by street thieves who threaten people in petty theft of handbags and handbags. There is a possibility of licensed gun owners who rent the arms to such small gangs at a fee, explaining a source that the government can explore and stop the vice. In the case of countries experiencing terrorist attacks like the case of Al-Shabaab in Somalia, there should be a strong and continuous supply of firearms from within or without, or illegal manufacturing that supplies the terror group with such guns and other forms of ammunition.¹⁸³

A case example in Kenya is cattle rustling, which involves taking or arranging, sorting out, endeavoring, helping, or waging the stealing of domesticated animals by any individual from any group were dangerous weapons and savagery supplements robbery. The instance makes it one of the forms of insecurity, especially in communities where it is practiced. Insecurity in society is among the significant problems that pastoralists worldwide currently face. Although the incidences of civil wars have decreased in recent years, the legacy of violence still takes place worldwide, more so in Africa, the Balkans, Middle East, and Caucasia. One of the resulting main effects of cattle rustling is the decrease in livestock levels for pastoralists. In Northern Kenya, since 1999, the drought seasons have been on a steady rise, reducing the availability and amount of pasture. As a result, pastoralists have been forced to move more often, making the incidence of crashes more likely. There have also been reports of the proliferation of armed youths and warlords' emergence around the Northern Kenya border area. The endless loop of steers'

¹⁸³ Schroeder, Matt, and Benjamin King. "Surveying the battlefield: illicit arms in Afghanistan, Iraq and Somalia." *Small arms survey* (2012): 313-355.

attack/counter-strike has prompted perilously low levels of domesticated animals.

4.4.2 Domestic Arms Flows and Trade

Domestic arms use solely for the authorities licensed for either public protection or self-protection, as stipulated by the law. Top government officials, security officers, and licensed business people are allowed to possess firearms, for example, for legal stipulated security reasons. However, domestic arms flows and trade leaks in where the state weapons are sold to non-state groups. Different cases in both Kenya and Somalia have established that guns from state organizations or designed for specific forces are found with the wrong people. There is also the factor of black-market trading and battlefield seizures where the African Union Mission in Somalia (AMISOM).¹⁸⁴ Forces remit their weapons to such traders. In Somalia, there has been a separation between non-state and state forces in South Central emphasises, causing a dilemma to FGS. From the separation, the country has experienced a diverted supply of state arms to non-FGS groups.

Availability of the right information concerning domestic arms flow and trade can help the government through the relevant authorities put effective measures on curbing this trade. For example, dealers of arms keep on facilitating uncontrolled arms being traded in areas of Mogadishu. Surveys reveal that illegal arms traded in markets comprise government supplies, some of which are thought to have been leaked intentionally.¹⁸⁵ Al-Shabaab terror group also uses government weapons that are illicitly smuggled in Mogadishu markets through attacks on civilian and government targets. The same cases are in Kenya, where gangs use government weapons either sold through black markets or acquired through slippery ways. The relevant

¹⁸⁴ Aglionby, John 'Resurgent al-Shabaab Puts African Union Force on Back Foot.' Financial Times. 10 March 2016.

¹⁸⁵ Carlson, Khristopher. *Measuring Illicit Arms Flows: Somalia*. Small Arms Survey, 2016.

authorities can utilize such a survey to close the gaps that illegal traders use. Instilling discipline in forces that adhere to a command is easy and a measure that can ensure no weapon goes to the wrong hands. Through intelligence, black markets can be vandalized since people involved in such businesses are known.

4.4.3 Foreign Flows of Illicit Weapons

Another source of illicit arms is the foreign supply, where international smugglers sell weapons to potential groups such as Al-Shabaab and other rebel groups. Reports from the UN-mandated Somalia and Eritrea Monitoring Group (SEMG) indicate that Al-Shabaab could increase its efforts to purchase more sophisticated weaponry to counter escalating AMISOM and government efforts to defeat and contain it.¹⁸⁶ The report from SEMG reveals witnesses' accounts from the militia group supply lines that originate from countries such as Yemen in which weapons such as machine guns, pistols, and others for Somalia coast. Through the establishment of such ways, the country has an opportunity to secure its coastal lines and prevent foreign countries from taking advantage of Somalia's situation and smuggle weapons and arms to the country). Puntland is the main gateway for arms and ammos from Yemen—received by sea and air—and evidence has confirmed their retransfer to Mogadishu and other destinations in South Central.¹⁸⁷ The country can utilize international policies such as the UN councils on ammunition and report countries that have flouted UN notification requirements on the delivery of weapons.

4.4.4 Measuring Illicit Arms Flow

Another opportunity the relevant authorities have in controlling the trafficking of

¹⁸⁶ UN, SC. *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council Resolution 2060 (2012): Somalia*. S/2013/413. Disponível em: http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_413.pdf. (consultado a 02/09/2014), 2013.

¹⁸⁷ United Nations. "Report of the monitoring group on Somalia and Eritrea pursuant to security council resolution 2111 (2013): Somalia, S/2014/726." (2014).

illicit arms in both countries is through measuring the flow of the weapons. Although it is a challenge in all contexts, amassing of weapon seizures data and tracking of arms pricing in illegal markets can help in establishing the contemporary and evolving dynamics of illicit weapons proliferation. The two components are affected by the rate of the black market and the illegal sale of such weapons.

Seizures

The government can employ tracking weapons and ammunition seizures data in the two East African countries to acquire critical information towards understanding illicit domestic and international flows of weapons. The specific information, such as the current patterns and trends, can be attained through disaggregated weapons by weapon model, type, and circumstances of seizures. In terror affected country such as Somalia, the government can utilize its principle reporting mechanism or urgency. The SEMG is the major reporting instrument to the UNSC on national and global conformity with the arms restriction on Somalia. The body reports on the arm seizures and weapon diversions. It goes further to give reports on players, comprising political and business elites involved in the business of weapons trafficking. Furthermore, the team reports on the transport routes, types, and quantities of trafficked and mode of packaging.¹⁸⁸ Such details provide an opportunity for a willing government to fight such ammunition trafficking. The reporting body has detailed, and significant information since SEMG indicates present evidence of illegal movements coming from Iran, Libya, North Korea, and Sudan.

Prices

Another way to trace the real-time transformations in the illegal market and security

¹⁸⁸ Chopra, Jarat. "Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia." (2014).

dynamics is through regular monitoring of the pricing of illicit weapons and ammunition. When controls are high, illegal arms are expensive, with their costs placed high while the cost is relatively low in areas where such weapons are easily trafficked. The relevant authorities, therefore, have an opportunity to determine when in the right course in the control of illegal ammunition and when the traffickers have created other unidentified loopholes in smuggling the arms within the country. For example, a sudden drop in prices of weapons in the black market can show an upscaled threat of conflict or a weakening security environment.¹⁸⁹ On the other hand, a sharp increase can indicate that there is a high demand resulting from self-protection purposes. In an environment where authorities are keen on fighting the vice, awareness of uncommon price changes should stimulate a timely investigation of the sources of the noted transformations.

4.4.5 Manning of the Borders and Arms Entry Points

The two countries, Kenya and Somalia, have potential coastal lines that facilitate the shipment of different products into their territories. Despite the strategic location for major trade and transit points for several Central and Eastern African nations, the ports are used as key points for illegal trade. Officers are compromised and allow different forms of black marked products to sneak into the country. However, with the right policies, such points can be manned to prevent illegal products from finding their way into the two countries. Other entry points include the unmarked border areas where countries involved in the smuggling business utilize the targeted countries. However, the ministry of defence in each country has the mandate to secure the country's border. Since the major concern is on the porous parts of both countries'

¹⁸⁹ Geneva Small Arms Survey. *Small Arms Survey 2013*. Cambridge University Press, 2013.

borders.¹⁹⁰ The government can take the initiative to close such areas and ensure they reduce the number of arms trafficked through the loopholes. There are different surveys and intelligence which can reveal the vulnerable areas; relevant authorities need to utilize such information to manage the traffic of illicit arms.

4.4.6 Confidence Building

The reason behind local citizens engaging in illegal AT lies in the lack of confidence in their government to protect them, let alone provide the basic needs of survival. Most government officials in African countries get close contact with their citizens during political campaigns to lure their people into voting them back into office. They make attractive promises during such periods instilling times confidence in the people. However, once elections end, the politicians coil back into their offices, embezzle money, barely step back into the residents and villages of the people who voted for them. Such repeated actions make the people lose faith in the people they voted and confided in for protection and provision.

Confidence building revolves around local authorities instilling faith in local communities on their promise to protect the people. Building confidence in people leads to enhance collaboration in rooting out the illegal AT problem. To achieve the installation of faith, governments and state authorities should increase contact and communication between different local actors. Constant communication paints the picture of an open government that values its people. The second step involves executing a fight against corruption, a national disaster, taking root in African countries. The stage shows determination among state authorities and commitment towards bettering the lives of local communities. Once state authorities instil

¹⁹⁰ Wepundi, Manasseh, Eliud Nthiga, Eliud Kabuu, Ryan Murray, and A. Alvazzi del Frate. *Availability of small arms and perceptions of security in Kenya: an assessment*. Geneva: Small Arms Survey, 2012.

confidence in the people, then the path to fight the illegal AT by stopping illegal arms flow among local communities begins.

4.4.7 Utilization of Advanced Technology

Utilizing advanced technology plays a significant role in helping governments trace and implement real-time illegal AT changes locally and internationally. With new technology rising daily, technology has become an indispensable factor in fighting illicit weaponry trafficking. States can utilize technology to cement border management through information gathering and sharing. Countries can collaborate and share information about individuals, goods, communication patterns, risk analysis, and operations detection relating to AT. Technological barriers pose a significant challenge in managing the borders against smuggling activities. Criminals engaged in illegal activity use advanced technological devices to communicate amongst themselves and execute their operations. State authorities in Africa, on the other hand, use physical checking to validate the movement of items in and out of the country. The disparity puts the criminals in an advantaged position to commit crimes and easily smuggle illegal items without detection.

Governments should adopt technological measures such as the use of databases and other standards relevant to border management. Governments ought to invest advanced X-ray machines, weighbridges for vehicles, information technology, communication equipment for national databases, and the internet to up the weaponry procurement process. The states should follow a phased strategy and a technology training process to equip border patrols and staff with the necessary skills and equipment to detect illegal activity. Technology innovation and manufacturing at critical transshipment points and financial centres provide additional national and

international efforts ensuring that the arms don't reach the hands of the world's most dangerous criminals or terrorists. However, this opportunity requires the appropriate technology and training to meet the specific needs of different states. The technology and training should be tailored to meet each state's particular needs, guaranteeing a proper and improved capacity for relevant individuals to control and monitor border activities effectively.

4.4.8 Support from International Organizations

All nations, sub-regions, and regions are prone to the dangers posed by illegal arms trade and illicit proliferation of arms. With the current globalization trend worldwide, effects in one part have a tremendous impact and far-reaching implications across the global community. Therefore, constant trafficking and circulation of illegal firearms in Africa affect the specific country and lead to international events.¹⁹¹ A localized event with the use of unlawful arms may have far-reaching consequences on other nations.

International organizations dealing with peace and security matters often raise awareness of the overwhelming effect that the increase of illegal arms has on the livelihoods of individuals globally. Such an effect spreads even to countries, not in conflict. Such organizations often stand in an advantaged position regarding information and resources in the fight against illegal arms trading. Therefore, African countries can explore the opportunity and seek help from such an organization in curbing the threat of arms trade across borders. For instance, the United

¹⁹¹ Finlay, Brian. *Beyond Boundaries in Eastern Africa: Bringing the Security/Development Divide with International Security Assistance*. DIANE Publishing, 2011.

Nations has global efforts and measures to fight the proliferation of SALW.¹⁹² Caribbean Community and Common Market (CARICOM) have implemented mechanisms to tackle the increase of SALW amongst member states and take global action on the same in other parts of the globe.

Such organizations provide training, operational tools, techniques, and any necessary support against illicit AT. The organizations can also strengthen any willing state's legal and administrative framework essential in combating and preventing the flow of illegal weapons across borders. Since the illicit trade of arms and trafficking has a global effect, nations must address the challenge holistically to achieve peace and security in all countries.

4.4 Chapter Summary

Combating the illegal proliferation and trafficking of international arms is essential in promoting peace and security in the international system hence the need for adopting a regional mechanism as advocated for by the Regional Security approach that requires more focus on security players other than nations.

Security should be conceptualized as an inter-subject social phenomenon since it does not only entail material differences between actors, but rather efforts should be channelled on how the actors comprehend such material facts. The illicit spread of SALW is a concern of the Horn of Africa, especially Kenya and Somalia, and other states as well have the mandate to mitigate the continued spread of the weapons so as to promote human security within the region. Hence, it accurate assert that where

¹⁹² Wolfe, Raymond O. "The UN role and efforts in combating the proliferation of small arms and light weapons: A Jamaican CARICOM perspective." *UN Chronicle* 48, no. 4 (2011): 23-25.

there is effective management of policies and mechanisms in mitigation of illicit arms trafficking, peace and security prevails.

CHAPTER FIVE

DATA PRESENTATION AND ANALYSIS

5.1 Introduction

This part discusses the primary and secondary data obtained from an analysis of

primary data obtained from respondents and secondary data sources. This section entails a thematic presentation of the primary data using percentages and pie charts demonstrating the nature, trends, and impact of illegal IAT in Africa. The field data has been collected, analyzed, and presented to answer the research questions. The section also offers secondary data through a theoretical presentation of the proliferation and impact of IAT in Kenya and Somalia. The data presentation utilizes a historical approach chronicled in secondary sources detailing the effect of firearms' illegal use. The researcher obtained the secondary data analyzed and presented to answer the research questions and objectives in this investigation. This chapter primarily utilizes secondary data to underscore data presented by other secondary sources on the same research question.

5.2 Description of the Sample

The sample used in this study included 70 respondents who were sent questionnaires online through email to record their views. An extra telephone interview was conducted to some respondents classified as 'special' in the data collection process. The 'think tanks' group for example had extra telephone interview in areas that needed more clarification. The respondents represented people from 6 related fields with vast information about illicit AT; strategic agencies, academicians, think tanks, media, refugees, and non-governmental organizations. Strategic agencies, such as interior security and foreign affairs, same as refugees and NGOs (UNHCR), represented the directly involved people who have vast information about firearms flow. In contrast, the other group represents those who are indirectly affected by illicit firearms. However, the group of think tanks was exclusive, and their research influenced their response.

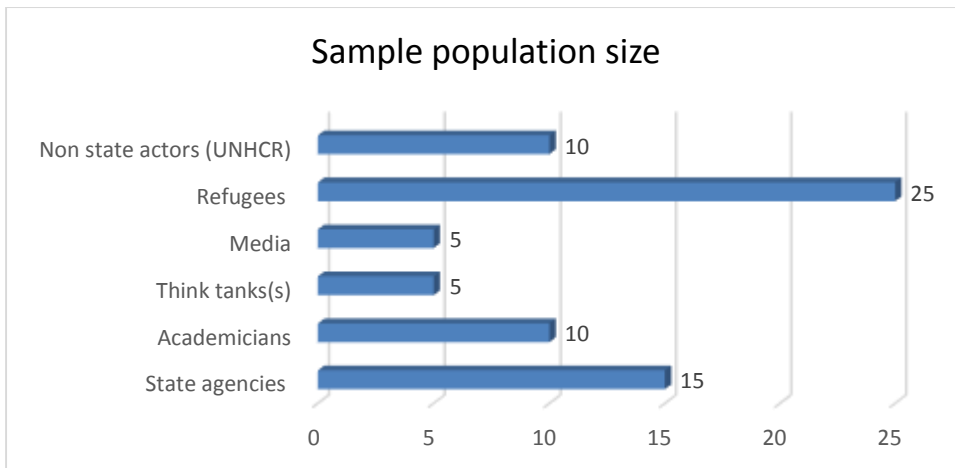


Figure 5.1: Sample population Size

5.3 Demographic characteristics

This section highlights some of the sample population's demographic characteristics, especially for the respondents who took part in online questionnaires and telephone interviews. Some of the demographics considered include age, gender, and employment period, especially for state employees.

5.3.1 Distribution of respondents by gender

The data collected demonstrates a fair balance between the male and female respondents at 60 and 40 percent, respectively, as shown in the pie chart below. Gender stood out as an essential characteristic in the study because society holds painting the female gender as less interested or knowledgeable on weaponry issues. Therefore, the data obtained from the field represents opinions from both genders.

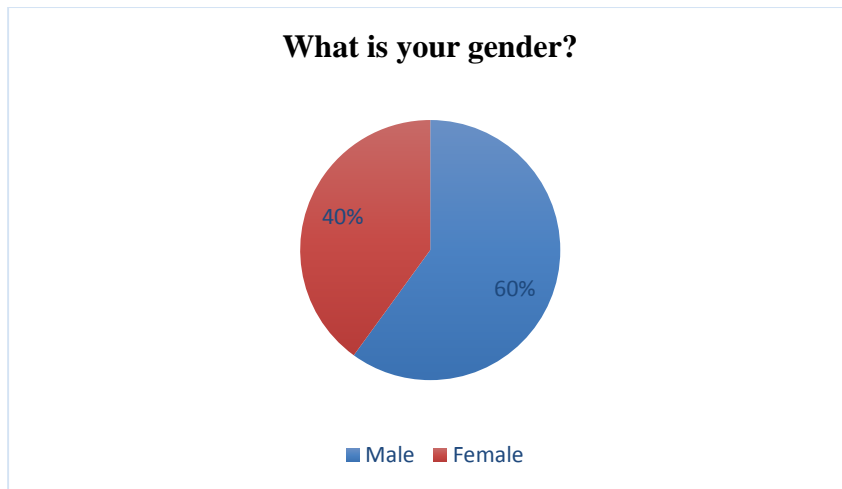


Figure 5.2: Percentage of Respondents In Terms Of Gender

5.3.2 Distribution by Age

Table 5.1 represents the respondents' distribution by age with an age range between 25 to 60 years. The distribution by age cohorts represents a fair distribution of respondents by age to capture most age groups' opinions.

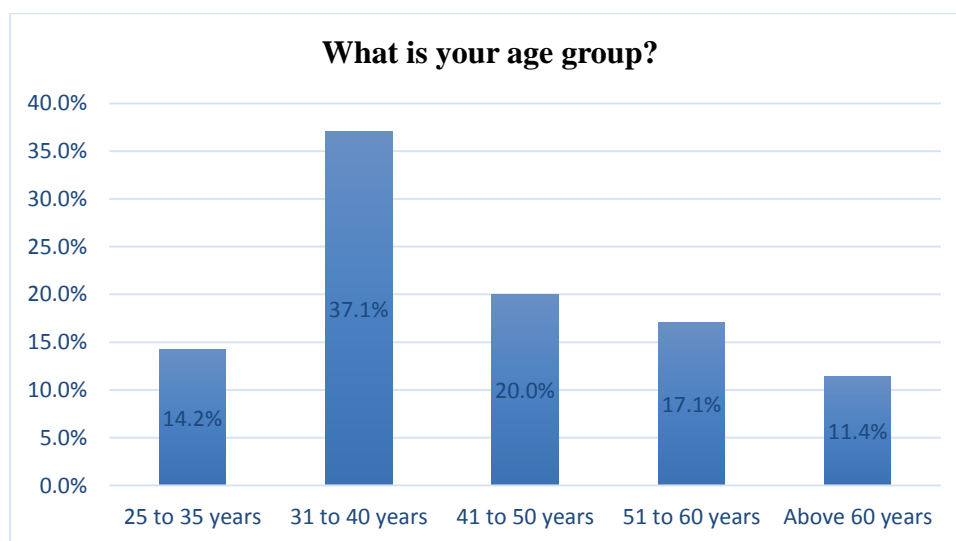


Figure 5.3: Distribution of respondents by age

Those between 25 and 30 years took 14.2% representation, 31 and 40 years' age group 37.1%. The age groups 41 to 50 years, 51 to 60 years, and above 60 years took 20%, 17.1, and 11.4%, respectively. The different age groups participate and react differently to the issue of weaponry and trafficking.

5.3.2 Distribution of respondents by occupational period

Table 5.2 below illustrates a distribution of respondents in line with the age group, especially for state employees working within the Ministry of interior and foreign affairs, with their respective population.

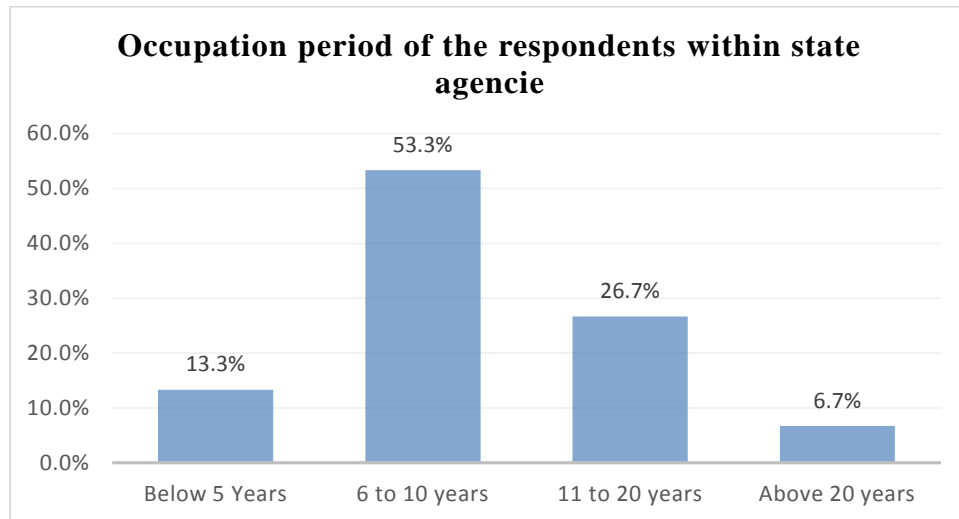


Figure 5.4: Respondents by occupational period

The distribution considers only 15 respondents working at state agencies. The occupation period of respondents within state agencies depicts the experience and knowledge of AT or weaponry procurement in the respective countries.

5.4 Nature and trends of IAT

Based on the first objective in this study that seeks to look into nature and trends, most respondents, 59% to be specific, strongly agreed and while 24% agreed that the insurgence of illegal AT in Africa rises every day.

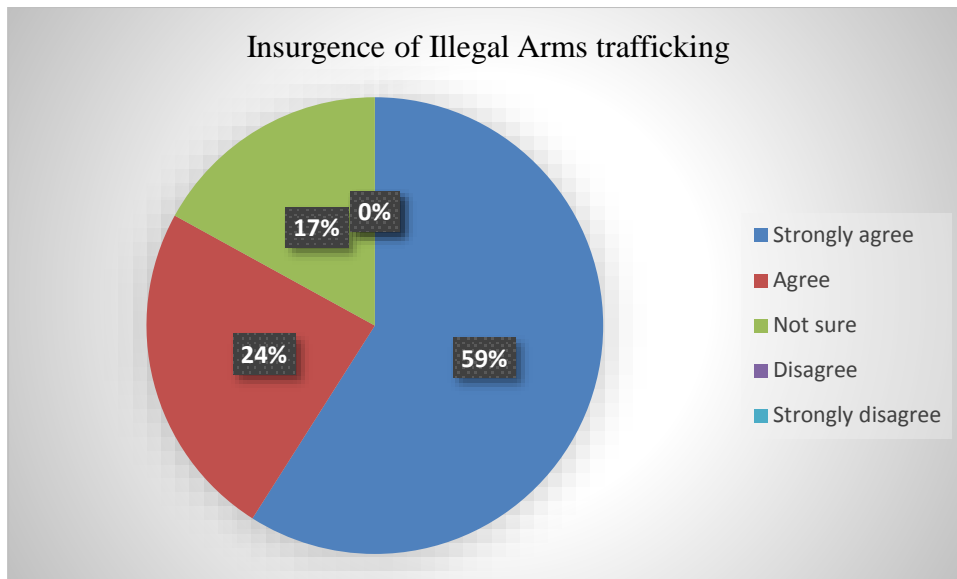


Figure 5.5: Insurgence of illegal AT on peace and security.

However, most respondents blame the government and state agencies for failing to accord illegal AT the necessary attention. Other respondents blame the lack of security in African countries; the trend of constant conflicts even on ethnic lines gives rise to the need to traffic more weapons for personal protection. The secondary data sources detail the history of illegal international arms, its proliferation in Africa, the global dominance of components, the threats emerging from the presence of such firearms, and the factors that drive that demand and supply of international arms in Africa. The secondary data traces IAT to the Second World War stemming from the weapons acquired and used during the war. During the war, coups engaged in the use of firearms in conflicts. Information obtained from the data sources states that low living standards in Africa give rise to disputes and terrorist activities that increased the spread of arms into African countries. Being a conflict-ridden continent, Africa has a high preference for conflicts, hence armed groups' growth in various countries. Terrorists, mafia groups, organized crime groups, and insurgents have acquired arms for multiple purposes, such as political agitation and subversion of the state,

explaining the demand for firearms in the continent. The presence of conflicts gives rise to threats that call for excessive force and destructive actions in conflict resolutions. During such occasions, the absorption of illegal firearms becomes high.

The secondary data further argues that the proliferation of African countries' conflicts stems from the two world wars' effects. The influx of IAT in Kenya and Somalia rose during the cold war. The importation of weapons into the two countries has led to the widespread and lack of control of the arms. As conflicts between countries increase, tension and rifts between states grew hence the acquiring of international firearms. Data shows that lack of an inventory of whom, and when the arms are used, uneven distribution of the guns leads to a constant supply of the weapons in Africa. Non-state actors also play a role in the proliferation of AT. As much as governments strive to control the use of firearms in their respective, non-state actors change weapons acquisition and usage trends. With the rise of non-state actors such as rebel groups, mafias have confiscated the weapons and anti-rudiments.

Thus, states have failed to maintain and sustain their monopoly over, especially using such weapons. The post-cold war period accelerated the globalization of arms manufacturing companies. The end of the two world wars led to seizure in the large supply of weapons. Such arms found their way into the international arms market. Today, research shows that global civilian gun ownership is much greater than military or police ammunition.

Some secondary sources elude the international dominance and proliferation of arms to an arms race to pursue superpowers' superiority. The cold war confrontation resulted in the transfer of weaponry resources to different places worldwide,

particularly Africa. Superpowers spread weapons to African countries to woo the states into support in case of an eruption of war, hence the nuclear proliferation in the African continent. The process created unimaginable rivalries in possession of WMD fall into various categories of atomic weapons, chemical weapons, and biological weapons, among others. A continued trend in nuclear proliferation consequently threatens the peace of states in Africa. Another trend behind the increasing dominance of expansion stems from an increase in the massive production of weapons in both developed and developing countries.

The secondary sources also detail the various factors that drive the demand and supply of international arms in Africa. Despite countries living in post-conflict eras, the need for components is still on the rise for the conduction of armed violence and other transnational conflicts. SALW stands out as the most preferred violence tool by most coups engaging in international wars and human rights abuses. Diversion, theft, and misuse of weapons by government military, arming of civilians, or militias majorly pave the way to the presence of firearms in society to conduct recurring conflicts. Additionally, people given arms by the government use them wrongly, for instance, through "renting," which is against the law. The supply of weapons across borders is what easily spillovers conflict from one region to another.

Private arm brokers are adversely key in supplying arms to places of real or possible conflict. Weapons are attractive tools for violence, inexpensive, widely durable, simple to use, available, and extremely lethal. Therefore, the potential for conflict or the presence of actual conflict gives rise to the misuse, demand, and availability of weaponry in African countries. Peace and security have been threatened primarily by the SALW on a large scale, as they are distinctly inexpensive, portable, concealable

and easy to construct. For the longest time they are regarded as 'property' of the state for maintenance of security by using them against antisocial and anti-national rudiments.

Therefore, this study establishes the trends of conflicts since weaponry usage in the first world is central in the proliferation and spread of weapons into the African continent. The demand for firearms for use in conflicts and abuse of human rights or violence contributes to continuous IAT. The study further demonstrates that superpowers' fight over superiority drives countries to seek support from African countries. For adequate support, the superpowers supply the African states with armed weapons hence increasing the presence of firearms. In cases of conflicts, the presence of such arms threatens Africa's peace and security. The free flow of goods and services among international students also opens an avenue for exchanging weapons between developed and African states. The presence of arms in the arms of terrorist groups or individuals paves the way for the misuse, increasing conflicts, and insecurities that consequently threaten the state's peace.

5.5 Impact of International Arms Trafficking

In line with the second objective, the study seeks to point the bearing of international arms and trafficking on peace and security in Kenya and Somalia, focusing on national safety and human security. Data obtained from respondents presents an argument that the presence of illegal firearms in the hands of criminals or unlicensed citizens reduces security levels in the country.

Figure 5.4 shows the extent to which international arms an trafficking reduce security levels

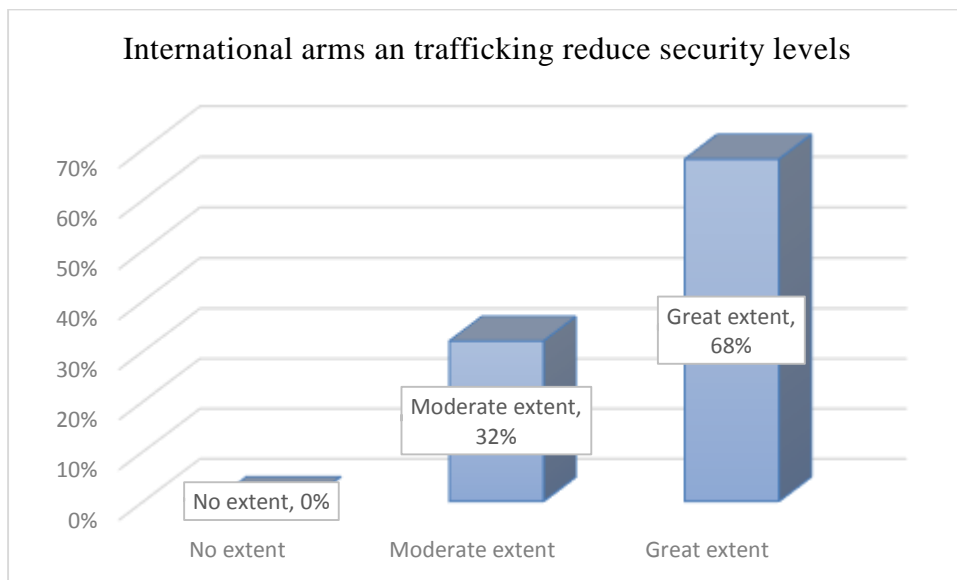


Figure 5.6: International Arms Trafficking on peace and security

68% of the respondents agree to a great extent that corruption and porous borders lead to the proliferation of illegal firearms in African counties, hence endangering national security and ordinary citizens' security. Some respondents argue that the nation's security forces pose a threat to human security since they use the weapons at their disposal to endanger the lives of the people they ought to protect.

Information derived from the secondary sources states that AT adds to African countries' challenges coupled with governance deficits and high corruption cases. Developing countries have a challenge of political and state instability where conflicts and civil wars dominate. The introduction of illegal arms from the international market worsens this situation, as found in examining this objective. Through the black market's availability, conflicting entities can access weapons from international suppliers smuggled into the countries used in the case study. Data obtained states that, In fact, nowhere has the impact of arms, particularly SALWs, been felt than on the

African continent¹⁹³. As explained in this session, such weapons and small arms from the international market worsens Kenya and Somalia's situation.

One of the significant impacts found out is that such small arms and weak weapons affect national security adversely. Both Kenya and Somalia have had threats and attacks from the Al-Shabaab militia, which is a rebel group within the Eastern Africa Region. The groups, as sources reveal, get most of their weapons from the international market. Due to the presence of unsecured ports in Somalia such as Dele, countries like Yemen are able to smuggle weapons through the sea into the war-torn country. Data obtained also reveal that due to Somalia's political tension and instability, there are many loopholes that traffickers use to have illicit arms. With the presence of such weapons, rebel groups become more powerful since they can fight security forces. It is through such weapons that the Al-Qaida aligned group has made to ambush and attack different forces offering national security. For example, Kenya has experienced several attacks from the rebel group, with the recent deadly attack being on Dusit- 2 Hotel. Therefore, IAT have weakened national security by strengthening rebel groups within the region.

Moreover, data obtained from the chapter reveal that such IAT interfere with Human security. In any form of attack, whether from a terrorist group, from a gang, or from a petty thief acts, it is the human being around that environment who are at risk. A number of people have been reported dead or severely injured due to attacks by people who had wrong possession of weapons. As the chapter explains, IAT has interfered with human security since such arms are targeted to specific people, either the police during the war with the terror groups or to individuals during terror attacks.

¹⁹³ See chapter three

The two countries have had many lawlessness cases due to the victim's ability to possess a readily available firearm in the black market. People providing human security sometimes cannot counter such insecurity since perpetrators have a more powerful gun than those they possess.

In Kenya, for example, and as noted in this objective, security guards at malls and other places do not have guns while gangs organize to steal from such malls using powerful weapons. Therefore, data obtained from the objective reveal that IAT interferes directly with human security.

In summary, IAT affects third-world countries' security details as it facilitates cases of insecurity from both terrorist groups and gangs who undertake robbery. Such trafficking is, therefore, a threat to national peace. Peace is a development component since a country cannot develop without peace, explaining the slowed development in Somalia and partly in Kenya. International trafficking empowers the wrong groups such as Al-Shabaab, which threaten a country's national security like the cases of Somalia and Kenya, where forces are on the watch to prevent terror attacks. Such arms in the wrong hands also affect the safety or cause insecurity to the local person.

5.6 Opportunities and Challenges Encountered in Managing Illicit Arms Trafficking and Insecurity in Somalia and Kenya

Data presented in the third objective revealed that there some opportunities that the respective governments and other relevant authorities can utilize to manage illicit AT in the two countries.

The respondents were asked to state whether they agree whether Kenya and Somalia experience severe challenges in Fighting illegal Arms Trafficking

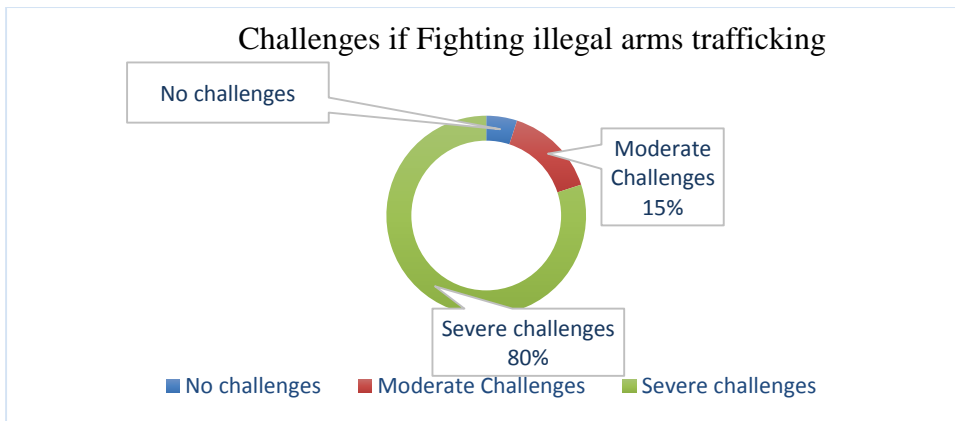


Figure 5.7: Challenges in fighting illegal Arms Trafficking

80% of respondents working at state agencies and academicians agree that both countries experience severe challenges in fighting illegal AT. They argued that if the two countries can effectively utilize the available opportunities, they can reduce illegal arms by making it difficult for traffickers to smuggle them, comprising SALWs. One respondent agreed that both external and internal factors lead to arms-related problems that the regions face. The countries can also explore internal and external factors as opportunities to manage the flow of illicit arms. As explained by the data obtained on how relevant authorities can establish whether it is in the right course in the fight against such illegal weapons, there are ways. From the challenge side, the two governments, with the help of external bodies such as the UN, can examine and address them effectively hence managing the trafficking chains.

Data obtained from this objective reveal that one of the opportunities the two regions can explore is establishing such illicit arms sources. Collaborating sources agree that there are two primary sources of the arms: domestic and foreign flows. In domestic sources, illegal arms emanate from arms obtained after an ambush of security forces. Those sold to the black market by rogue officers and home-made firearms manufacturers locally, like in Mandera and Turkana cases. There are effective ways

through which such arms could be recovered from the faulty components, as stated by different sources such as asking those in the possession illegally to return them within a specified period then hunting them. Since the two countries have intelligence and can establish domestic manufacturers, it is easy to curb them completely. Another mentioned strategy in managing domestic flows is ensuring discipline and professionalism of security forces to ensure that they do not rent their firearms to rogue gangs such as carjackers.

The worst challenge pointed out in this objective, which also affects the African region at large is untrusted Security Forces. Security forces are entrusted with the responsibility of providing security to the locals in each African country. They play a significant role in ensuring that people maintain law and order in all regions and assist in justice acquisition through launching investigation used as evidence in court cases for lawbreakers. They are also responsible for curbing illegal business such as the illegal arms trade, exposing black markets, and arresting the perpetrators involved in the scams, an issue that affects Africa at Large. However, in managing illicit AT, the said security officers pose one of the major challenges. Today in the two countries, Kenya and Somalia, firearms circulate from one conflict to another without the expected controls by state security forces.

As stated, where the weapons flow from, the other area is from foreign countries, as vividly discussed in chapter 3. Reports from the UN-mandated SEMG indicate that Al-Shabaab could scale up its endeavors to purchase high-tech weapons to thwart escalating AMISON and government determination to defeat and contain it¹⁹⁴. Through such revelation, the sources reveal that AMISON members can avoid foreign

¹⁹⁴ See chapter 4

flows of arms and prevent the move that could strengthen their enemies. One of the strategies given is securing that coastal lines ensure that foreign countries do not access Somalia with illegal stuff such as illicit arms. Moreover, as stated in the objective, Somalia can utilize international policies such as the UN councils on ammunition and report countries that have defied UN notification requirements on weapons delivery. Therefore, such relevant authorities must use such information to curb the flow of illegal arms from the foreign market.

The chapter also provides another method to manage illicit AT, measuring the illegal flow of arms. As explained by different sources, the strategy includes tracking some of the components associated with the unlawful discharge of arms to establish whether the region has the best system in fighting their trafficking. Two approaches mentioned in his strategy include seizures and monitoring the illegal prices of the arm. From the objective, it is evident that bodies that research and report profoundly on the current patterns and trends can be attained through disaggregated weapons by weapon model, type, and seizures circumstances. In terror affected country such as Somalia, the government can utilize its principle reporting mechanism or urgency. The price concept can enable the relevant authorities to establish whether they have left open areas for arms smuggling. As indicated in this part, a sudden drop in a weapon's prices in the black market can indicate an increased risk of conflict or a weakening security environment. Therefore, the government has an opportunity to ensure that they close all loopholes that traffickers use to make the prices high hence not accessible to many, threatening both national and human security.

Other opportunities listed that the two countries have in managing illegal AT include disarmament and collecting porous borders and other arms entry points. The

disarmament approach has worked with many communities who only use the firearms to protect their livestock and has done well in Kenya, where substantive amounts of home-made guns have been burned down. Through an appeal from the government, illegal weapon owners can be asked to submit them to authorities without any legal action against them through a probation period, followed by the door – to – door hunt of those with illegal arms. On the other hand, most arms' entry points are known since smugglers utilize unmarked border points. Through the collaboration of different forces, the two countries have an opportunity to manning their borders and ensuring that there is no firearm smuggled into their territory.

Despite the mentioned opportunities that the two countries can utilize, several challenges came out from the study, which hinders illicit AT management. The major challenge is the porous borders where traffickers use to smuggle arms into the countries. Due to the political instability in Somalia, for example, there is no enough staff to fight the terrorist and man its borders, especially its coastal lines. Much of the effort is directed into securing cities captured by Al-Shabaab. While in war, smugglers utilize the situation and smuggle firearms into the country with the terrorist group's ready market. People leaving along the borders and officers operating some of the entry points have become corrupt and aid in the trafficking of the illicit arms as reported from the sources. Such a challenge becomes hard to address since those responsible for breaking the flow chain are used in the smuggling business.

The last issue that is presented from this objective is the refugee factor. Kenya, for example, hosts many of the refugees from Somalia and Sudan. However, as the sources reveal, it is hard to differentiate between the good and bad refugees since it does not have criminal records of the people who come in as refugees. Severalty,

there have been reports of terrorist attacks that have been planned from the significant refugee camps that are in Kenya. Due to the overcrowding in such areas, tracing such people during their illegal actions is difficult. Others utilize the opportunity of the privileges given by the host country to illegal traffic arms.

Additionally, refugees' hardship in their camps after being displaced from lucrative jobs makes them enter into the illegal trade. Most refugees move to new countries with no source of livelihood in terms of food or shelter. They opt to trade in illicit firearms in exchange for food. With the absence of income sources and lack of job opportunities, they opt to peddle firearms illegally.

5.7 Conclusion

This chapter presents and analyses data presented from the three objectives of the study. From the first objective, data collected traces illicit AT after WWII. Different entities have been used in the trafficking business from this period, as discussed in the chapter. From the second objective, it is established that international illicit arms flow affects both national and human security adversely since arms from the black market end up in the wrong arms. In the third objective, data revealed both opportunities and challenges that the two countries face while fighting illicit AT. Among the options include establishing the sources of illegal arms and measuring their flow. However, challenges are encountered, such as porous borders, political/state instability, corruption, and the refugee factor.

CHAPTER SIX

SUMMARY, CONCLUSION, AND RECOMMENDATION

6.1 Introduction

This chapter examined the impact of IAT on peace and security in Africa, with a case study focus on Kenya and Somalia. The specific focus was to investigate the nature and trends of IAT on peace and security in Africa coupled with analyzing the impact of the AT on peace and security, especially in Somalia and Kenya. The study also aimed to evaluate the opportunities and challenges that authorities encounter in managing illicit AT and curbing insecurity in Kenya and Somalia. This chapter presents a summary of the key findings of the study. The research also highlights the study's conclusions in relation to the three objectives, research questions, and study hypothesis detailed in chapter one of this research paper. Additionally, this section also details the recommendations essential in curbing the two African countries' illicit AT problems.

6.2 Summary of the key findings

This study's findings demonstrate that IAT poses a significant danger to the African continent's peace and security. The reason being, the acquisition, misuse, and demand of these firearms demand an illegal approach to provide availability and usage, which puts the lives of civilians and the whole country at risk. The nature and trends of unlawful AT form part of the contributing factors driving the demand and supply of arms in Africa. With a constant supply of firearms to Africa, their usage becomes uncontrollable. In return, international dominance and proliferation of arms, which traces back to the world war, take root in various countries. Consequently, such weaponry in Kenya and Somalia, and other African countries poses threats to Africa's peace and security. The study also reveals that the proliferation of illicit firearms in

Africa affects the national safety of third world developing countries and human security by giving rise to conflicts and insecurities within social settings. The study also found out that certain factors within a country often add up to the challenges encountered in curbing the illegal AT issues such as porous borders, corruption, the refugee factor, and flawed policies.

6.2.1 Nature and Trends of International Arms Trafficking

This study established the nature and trends surrounding illegal AT to Africa and their consequent effect on peace and security. The presence of SALWs in Africa traces back to the world war, which paves the way for transportation of weaponry from western superpowers to African countries in search of support during conflicts. Significant parts of the developing world are marred with weapons whose proliferation constitutes a threat to international peace and security and contributes to gross violations of human rights. Countering the presence and impact of such weapons in high-tension regions such as Africa has turned out challenging because of the low economic and living standards in African countries.

Additionally, the HoA is described as the most conflict-ridden region. The complex nature of SALW proliferation cuts across Africa's major unstable areas fueled by the ongoing armed conflicts characterized by several armed groups across sub-Saharan Africa continues to attract illicit arms traffickers. Non-state actors have eroded the monopoly of violence by increasing the demand for arms to pursue their interests hence increasing the demand for SALW. SALW enhances Africa's conflict, and insecurity, especially when clashes erupt, acts of threats, excessive force, and destructive attacks occur. In the end, ethnic, religious, inter, and intrastate conflicts arise, driving warring actors to utilize SALWs to pursue their interest.

However, the study demonstrates that the proliferation of Arms in Africa results from the need for states to protect themselves from any sources of conflicts from rival countries due to rifts developed during the world wars. The dangers of proliferation include uncertainty about who has the weapons, where and how they would use them, unevenness in their distribution, and the concerns of over their utility in instances of regional disputes. Hence, peace and security have been threatened primarily by the SALW on a large scale, as they are distinctly inexpensive, portable, concealable, and easy to construct. The widespread proliferation of these arms, combined with their indiscriminate use, renders them responsible for so many killings.

On top of that, the study also illustrates that people's security is interlinked due to the global flows of goods, services, finances, and people. Therefore, the circulation of firearms has become easy across the globe. The production and manufacture of SALW have also increased in various developed countries as well as developing ones. Some of the factors that drive the supply and proliferation of international firearms in Africa include demand, misuse, and availability. The continued trafficking of illicit firearms creates threats from an economic perspective. The 'obsession' with the acquisition of nuclear power led nations worldwide to divert resources away from deserving areas. The environmental danger of SAWL stems from the continuous testing of atomic weapons, which proves damaging to both animal and plant life.

6.2.2 Impact of International Arms Trafficking on Peace and Security

This study underscored the impact of the illegal arms trade, especially in Africa, with a significant focus on national and human security. The effect has been significantly worse in the post-cold war period where remnants of arms in the hands of separatists,

bandits, insurgents, rebels, terrorists, and a plethora of other entities, have been used with devastating effect on human, state as well as regional security. Trading in arms negatively contributes to insecurity and poor health because these trade activities coexist with many challenges, such as massive debt and natural disasters that mar developing countries. The study found out that SALW trafficking leads to underdeveloped countries falling victims of violence because of anarchy and political instability, resulting in rising insecurities, conflicts, and many terrorist attacks further aggravated by AT. The illegal trafficking problem also affects human security, focusing on the causes and drivers of conflict and instability within societal settings.

6.2.3 Opportunities and Challenges Encountered in Managing Illicit Arms Trafficking

This study details the various opportunities and challenges encountered in managing illicit arms and insecurity. Some of the possibilities include establishing sources of illegal firearms. The sources of these weapons are associated with illegal production, such as unlicensed craft production. Some licensed gun owners rent the arms to such small gangs at a fee, making it a source, which the government can explore and stop the vice. The second source is foreign flows of illicit weapons whereby the foreign supply where international smugglers sell the guns to potential groups and domestic arms flows and trade that uses is solely for the authorities licensed for either public protection or self-protection as stipulated by the law. Other opportunities include seizures by the government that can employ tracking weapons and ammunition seizures data in the two East African countries to acquire critical information towards understanding illicit domestic and international flows of firearms.

The research also demonstrates that another way to trace the real-time changes in the

illegal market and security dynamics is through regular monitoring of illicit weapons and ammunition pricing. The government can also take the opportunity of giving civic education to its people on the disadvantages of having illegal weapons and, after that, call for people to grant the officers all illegal arms for destruction voluntarily.

The study also underscores the various challenges of the illicit trafficking of arms that include porous borders in that countries pay less attention to border control hence paving the way for continued smuggling of illegal goods, including drugs, humans, and firearms. However, border controls stand out as a significant aspect of combating the uncontrolled proliferation of SALWs; widespread corruption in African countries in those both high and low-level forms of corruption facilitate the possibility of illicit trade conduction. Another challenge is the refugee factor. The massive flow of refugees from one country to another, especially during conflict periods, stands out as the primary strategy for moving illegal weapons across borders. The poor condition of state security forces caused by a slowed development of social and economic democracy and stability resulting from the said conflicts makes it a challenge to fight against the illegal arms trade. Political instability is another challenge since weak political governance structures influence small arms proliferation and insecurity. Inadequate policy framework causes a lack of effective execution with some vital components missing and gaps for firearms and weapon traffickers to utilize such weaknesses.

6.3 Conclusions

The main conclusions presented in this study examined the outcomes of the study's hypothesis, objectives, and research questions, as stipulated in chapter one.

The first hypothesis states:

H1: The more they increased the levels of IAT, the more the insecurity in Africa

The study's findings affirm that a proliferation of internationally trafficked arms in Africa consequently increases insecurity levels in the continent. This is because an increase in the presence of IAT into Africa threatens national security as well as the human security of the affected countries. Africa comprises of third world developing countries often prone to rising insecurities, conflicts, many terrorist attacks. Being a high-tension area, AT has become rampant. Individuals and criminal groups in possession of such weapons raise the nation's insecurity by perpetrating crime against the state or citizens. Individuals conducting the illegal AT process sell those weapons to individuals planning to commit the crime, some rent out to unlicensed gun owners, and others supply them to criminal groups that end up using the ammunitions for criminal offenses sizeable small scale. The continued presence of illegal firearms in a country makes the state insecure since its people's safety becomes threatened. The study also reveals that increase IAT levels pose a danger to human security, which is more people-centered. Illegal arms stand out as a significant driver of conflict and instability within societal settings. Hence, this discourse answers the first and second research questions focusing on the nature, trends, and effects of AT on peace and security in Somalia and Kenya.

The second hypothesis affirms that:

H2: There is a correlation between AT and security concerns in Somalia and Kenya.

This study affirms that there exists a correlation between AT and security concerns in Somalia and Kenya. Both countries experience political instability that gives rise to ethnic conflicts such as post-election violence cases stemming from the fight overpower. For instance, Somalia has become the epicenter of conflict in the African

continent. The country has become a breeding ground for violent extremists, the most prominent of them all being Al Qaeda afflicted Al Shabaab, who have now crossed to Kenya. Another similarity between the two countries includes the wave of piracy problems. The states experience border issues where a maritime dispute between Somalia and Kenya made its way to the ICJ for determination. The porous borders have further complicated it. Corruption acts as a channel for international arms transfer.

Additionally, the tensions in the two countries necessitate the use of illicit firearms, which gives rise to security concerns due to its impact on the two nations' peace and security. The plight of refugees crossing borders, mainly from Somalia to Kenya's Dadaab refugee camp, also increases security concerns. The refugee problem experienced in both countries opens up avenues for the unauthorized supply of illegal firearms to individuals and criminal groups, raising security concerns in both countries.

The third hypothesis declares that:

H3: Where is there effective management of policies and mechanisms for mitigating illicit AT peace and security is achievable

This research agrees with the third hypothesis that effective policy management and mechanisms, then mitigation of illicit AT and achievement of peace and security, becomes possible. One of the significant challenges to the achievement of peace and security in Africa is low policies and regulatory measures against the illicit arms trade. The study notes that there are notable frameworks in the two Eastern Africa countries on controlling illegal AT. The governments seek to address the illegality due to its adverse impact in the region. However, the framework is not detailed for effective execution with some vital components missing and providing gaps for

firearms and weapon traffickers to utilize such weaknesses.

African governments need to find a way to effectively execute the various measures essential in curbing the illicit AT in the respective countries. The research notes that lack of proper border management makes the country boundaries porous, paving the way for easy illegal arms trade and perpetration of transnational crimes. Despite Africa being a high tension and conflict-oriented continent, African countries can analyze the existing opportunities to curb IAT, manage the options, and achieve peace and security in Africa. This research answers various research questions, including the challenges encountered in managing the illicit arms trade, the existing mechanisms to mitigate the issue.

6.4 Recommendations

The research focuses on finding the nature, trends, impact, opportunities, and challenges resulting from illicit AT in Africa. Several recommendations surfaced from the study's key findings that can significantly help African countries instill peace and security in their states by curbing the problem of IAT. The recommendations are presented below.

6.4.1 Improved parliamentary oversight

Widespread corruption cases among African countries and institutions came up as one of the challenges against getting rid of the illicit arms trade. Therefore, governments should improve oversight over arms procurement and transfer. In African countries, arms procurement happens in secrecy, bringing about a lack of accountability. An absence of accountability leads to corruption. Through the legislative arm of parliament, governments should put in place suitable and robust measures and structures to oversee the arms procurement to foster transparency and public

accountability. The parliament will be responsible for scrutinizing weapons procurement by providing essential checks and balances for the dealings of secure public goods. Such oversight monitors and reviews executive actions that involve public funds; therefore, budgetary allocation for the acquisition of weaponry passes through the parliament for justification for such budget allocation.

6.4.2 Establishment of arms control management system

There exist frameworks to control illicit AT, which the governments seek to address the illegality. However, the frameworks lack details essential for effective execution, opening up gaps for firearms and weapons traffickers. To curb the problem, states should have a management system for arms control. The management system should include the necessary guidelines on what needs power, how to execute the command. The policies should cover brokering issues, prevention of arms diversion to the wrong people, record keeping, and constant reports of any arms transfer. A proper establishment of a control mechanism helps keep states updated on arms' movement within the country's territory. However, an appropriate control system requires the necessary resources and personnel to aid the flow of uncontrolled arms.

6.4.3 Exercising border control and monitoring

African countries face a more significant challenge in curbing illicit AT, majorly resulting from porous borders. Countries with efficient border controls strive towards reducing the illegal trafficking of SALWs. Border management entails the control and monitoring borders to detect and screen any undesirable goods that might pose a risk to the country's security. However, exercising proper border management requires having competent officials to perform a wide range of tasks relating to internal and external security. States should create an organizational model that distinguishes between custom agents, border guards, and their respective functions that foster

accountability.

6.4.4 Having a proper refugees management system

There is a need for African governments to execute appropriate border management to curb the refugee factor contributing to IAT. Refugees moving across borders often engage in military activities, making them the second supply lines for SALWs in Africa. Refugees also use illegal firearms as an occupation for their daily income. The refugees use the same routes they use to move into a new country, to traffic weapons. Criminals also use the refugee camps as trafficking centers for cross border movement and circulation of firearms. Most criminal organizations form their illegal arms networks in refugee camps. They use the bases as distribution networks for brokers, storage, and transportation of firearms across various parts of the host country. The reason behind criminal groups utilizing refugee camps lies in their poor policing and remoteness. States should have measures to investigate individuals coming in as refugees. Such investigations aid in catching and prosecuting trafficking gangs that exploit refugees and immigrants for illegal reasons. A constant investigation in refugee camps helps root out individuals and criminal organizations that masquerade refugees while conducting trafficking.

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APPENDICES

APPENDIX 1: FIELD RESEARCH QUESTIONNAIRE

Dear Respondent,

My name is Samantha Waithera Mbugua , a masters student at the institute of Diplomacy and International Studies (IDIS), University of Nairobi. My research topic is to establish the impact of international arms trafficking on peace and security in in Somalia and Kenya. I kindly request you to participate in this study. The information you will give will be treated with confidentiality and will be used for academic purpose only.

Kindly answer all the questions.

1. Sex: Male Female
2. Age: 25 to 30 years 31 to 40 years
51 to 60 years above 60 years
3. Employment/occupational period
Below 5 years 6 to 10 years
11 to 20 years above 20 years

THE NATURE AND TRENDS OF INTERNATIONAL ARMS TRAFFICKING ON PEACE AND SECURITY IN AFRICA

4. To what extent do you agree that there is an insurgence of illegal nature and trends of international arms trafficking on peace and security in Africa

Strongly Agree Agree Not sure

Disagree Strongly Disagree

5. The insurgence of illegal weapons has increased over the years, what are some

14. List some of the factors that compromise the effectiveness of the mechanisms for controlling illegal arms?

THE OPPORTUNITIES AND CHALLENGES ENCOUNTERED IN MANAGING ILLICIT ARMS TRAFFICKING AND INSECURITY IN SOMALIA AND KENYA

15. To what level does Kenya and Somalia experience challenges in managing illicit arms trafficking and insecurity?

No challenges [] Moderate challenges [] Severe challenges []

16. As much as there are mechanisms for managing illicit arms, what are some of the opportunities for managing illicit arms trafficking and insecurity in Somalia and Kenya?

17. The progress of the existing mechanisms is limited by various obstacles, in your opinion what are some of the challenges encountered in managing illicit arms trafficking and insecurity in Somalia and Kenya?

18. The security forces are responsible for enforcing laws to discourage illegal trafficking. How do the security forces pose a challenge in managing illicit arms trafficking and insecurity?

19. In your view, how can you rate the following policies for addressing illegal arms trafficking?

a) Foreign policy

Very effective [] somewhat effective []

Not very effective [] Not effective []

b) Domestic policy

Very effective [] somewhat effective []

Not very effective [] Not effective []

C) Policies on economic empowerment of society

Very effective [] somewhat effective []

Not very effective [] Not effective []

APPENDIX II: INTERVIEW GUIDE

Dear Respondent,






My name is Samantha Waithera Mbugua , a masters student at the institute of Diplomacy and International Studies (IDIS), University of Nairobi. My research topic is to establish the impact of international arms trafficking on peace and security in in Somalia and Kenya. I kindly request you to participate in this study. The information you will give will be treated with confidentiality and would be used for academic purpose only.

1. In your opinion, is there is an insurgence of illegal nature and trends of international arms trafficking on peace and security in Africa
2. In your view, list some of the factors/ reasons that have led to insurgence of illegal arms in Africa?
3. What are some of the groups/actors responsible for the insurgence of illegal arms in Africa?
4. In your opinion, what are some of the factors driving the rise in demand for illegal arms?
5. What role does has it played in controlling proliferation of illegal weapons?
6. What role does the superpower (developed countries) play on proliferation of illegal arms in Africa.
7. In your opinion, do you feel the existing mechanism are effective on enhancing peace and security?
8. If Yes, Explain.
9. Citing examples, what are some of the existing mechanisms for controlling arms trafficking?
10. What are some of the existing challenges to existing mechanisms for

controlling arms trafficking?

11. Explain how these mechanisms for controlling arms trafficking impact on peace and security.
12. Highlight some of the factors that compromise the effectiveness of the mechanisms for controlling illegal arms.
13. What are some of the opportunities for managing illicit arms trafficking and insecurity in Somalia and Kenya?
14. In your opinion what are some of the challenges encountered in managing illicit arms trafficking and insecurity in Somalia and Kenya?
15. How do the security forces pose a challenge in managing illicit arms trafficking and insecurity?

APPENDIX III: NACOSTI PERMIT

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APPENDIX IV: Plagiarism

International Arms Trafficking on peace and security

ORIGINALITY REPORT

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Appendix VI: Proposed Budget

Breakdown

Activity	Approximate Cost (Ksh)
NACOSTI License	1000
Typing and photocopy services ,Stationery (Questionnaires and other) and a Gateway laptop	47,000
Transport and lunch (visits to ministry and government agencies)	5000
Approvals (where necessary)	4000
Miscellaneous	5000
Total	Kshs 62,000

Note: the costs could increase as the project is underway, however, since it is a self-funded endeavor, a review of the same will be considered.