

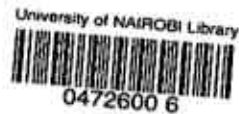


**IMPACT OF SMALL AND LIGHT WEAPONS ON
SECURITY: A CASE OF NAIROBI CITY**

BY: KEN RAMANI

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List of Abbreviations

DAC	Development Assistance Committee
GLR	Great Lakes Region
HoA	Horn of Africa
ICRC	International centre for Red Cross
NGO	Non-governmental organizations
NPT	Non-proliferation treaty
NRA	National Rifle Association
SALW	Small arms and light weapons
SIRC	Security Information and Research Center
UN	United Nations office
UNICEF	Unite nations Children's fund

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Declaration

I declare that this project is my original work and has not been presented for a degree in any university or college.



KEN RAMANI

This project has been submitted for examination with my approval as university supervisor.



KISEI MUTISYA
University of Nairobi

Acknowledgement

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Abstract

Small arms facilitate countless human rights abuses and violations of international humanitarian law around the globe. International human rights and humanitarian law establish the responsibility of governments (and rebel groups) to uphold basic standards in their own behavior. In addition, governments are responsible for protecting the rights of those living under their authority or control, and as such have a legal duty to take steps to prevent abuses by private actors and hold them accountable for violations.

In violation of such obligations, government agents—such as military forces, police, and government-sponsored militia—all too often use small arms to carry out atrocities and are rarely held accountable. In many other cases, governments fail to exercise control over private actors, allowing armed individuals and groups to commit small arms-aided abuses with impunity. Small arms-aided abuses by either governments or private actors occur in many different settings. Following are examples of abuses in wartime, post-conflict settings, and in countries not at war.

This study analyzed the impact of proliferation of SALW in Nairobi. This was achieved through structured research questions. Various literatures from authors and scholars were reviewed. The methodology applied qualitative methods. The data was obtained from secondary sources only.

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UNICEF	United Nations Children's fund

CHAPTER ONE

INTRODUCTION

1.0. Background of the study.

The proliferation of small arms and light weapons is one of the biggest challenges currently facing Kenya and the East African sub-region. The trafficking and wide availability of these weapons fuel instability and conflict and pose a threat not only to security, but also to sustainable development. The Kenyan government and civil society have begun to address the small arms problem during the past three years, creating institutional and political frameworks within which practical initiatives can be implemented. In March 2000, the ten countries of the Great Lakes and the Horn of Africa sub-regions adopted the Nairobi Declaration. By November 2000, an agenda for action and an implementation plan were put in place.

In recent years, the security situation in Kenya's urban centers, especially in Nairobi, has reached crisis proportions due to gun-related crimes. There has been a huge increase in the number of car-jackings, cases of bank and highway robberies, and robberies in residential and business premises. Related to this is an increase in deaths, thefts of livestock and the destruction of property in the aftermath of livestock raiding in arid and semi-arid areas. The situation is aggravated by the unchecked influx of illicit small arms and the use thereof by some members of the general population.

The massive influx of weapons into already stable regions, where they are sometimes sold for a pittance, justifies grave doubts about respect for humanitarian standards. Such proliferation sets in motion a vicious circle in which people arm themselves out

of fear for their safety, thus further destabilizing the situation, which is soon governed by the law of the jungle. At that point, all standards are ignored. The result: tension, unrest, violence, even armed conflict, all of which is extremely detrimental to any effort to foster respect for international humanitarian law.

International action to study, control and limit arms transfers that result in violations of international humanitarian law and in human rights abuses has become an aspect of concern from various humanitarian organisations. In the recent past, there has been a breach of security in Nairobi and various towns across the country. This has generally been attributed to illicit trafficking of small and light weapons from the neighbouring war torn countries like Sudan, Somalia, and Ethiopia.

1.1 Definitions of terms

“Light weapons”¹ includes the following portable weapons designed for use by several persons serving as a crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air defense weapons.

“Small arms” are weapons designed for personal use and includes light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles. **“Small arms”** also includes:

¹ As per The second ministerial review conference of the Nairobi declaration on the problem of the proliferation of illicit small arms and light weapons in the great lakes region and the horn of Africa (NAIROBI-KENYA, April 2004)

- **“Firearms”, means:**²
 - (a) Any portable barreled weapon that expels is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms and their replicas; or
 - (b) Any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine.
- **“Ammunition”, means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a small arm or light weapon, provided that those components are themselves subject to authorisation in the respective State Party; and**
- **“Other related materials”, meaning any components, parts or replacement parts of a small arm or light weapon, that are essential to its operation.**

1.2 Statement of the problem

To date, the small arms and light weapons issue area represents more a loose web of initiatives and proposals, some global, some regional, some state-sponsored, some NGO-driven, all tackle particular aspects of the problem. Perhaps this is the best way for the issue to be approached, given that it is not “one problem.” Nevertheless, there are still some policy dilemmas that bedevil efforts to implement effective measures, or to create synergies between different initiatives.

The first cause of concern is the persistent vagueness on the contours of the problem and appropriate “points of intervention.” Should the focus be on illicit transfers, on child soldiers, on a treaty instrument, on ammunition availability, or on some other

² Protocol for the GLR and HoA’ Article 1

measures?³ Discussions of the pros and cons of various options have relied on anecdotal evidence, and placed great emphasis on the “lessons” learned from particular (and possibly idiosyncratic) cases, such as the Mali, El Salvadoran, or Mozambican experiences.⁴

A more systematic examination of the entire “chain” of small arms and light weapons proliferation is needed, to examine and assess the various points of intervention from the first stage of weapons production; through the series of licit and possibly illicit transfers of weapons; to their acquisition and use in specific zones of conflicts; to post-conflict retention, retransfer or spillover to other conflict zones. It might be the case that certain points of intervention work in different contexts, or in different combinations (for example, gun buy-back programs may be ineffective under some circumstances, but useful under others), but today, we simply do not know.

A second, related problem is lack of consensus on the priority for addressing different aspects of the small arms and light weapons problems. Most policy-makers are searching for proposals that have relatively high profile and a political pay-off, but most also want to contribute to a broader process. Yet available knowledge does not tell us which “first steps” might serve as building blocks for a step-by-step approach, and within the wide range of measures that have been proposed, there is a tension between those that may be politically attractive (achievable in the short-term, easily mediatized, do not require significant resources or a broad consensus), and those that might actually deal with the problem “on the ground.”

In the first category fall measures such as:

³ Ed Laurence of the Monterey institute has been the most vocal proponent of the treaty instrument ; current G8 and UN Crime Commission Efforts focus on illicit transfers, which is also promoted by the federation of American Scientists

⁴ Based on post war analysis by Institute of Security Studies (ISS)

- Tackling the illicit trafficking in arms.
- Negotiating regional and/or supplier codes of conduct.

In the second category falls the less high profile or more politically difficult measures, such as:

- ◆ Improving export control and end-user policies and practices and harmonizing policies among major suppliers;
- ◆ Implementing practical post-conflict disarmament projects;
- Tracking (and perhaps slowing) the production and diffusion of new small arms and light weapons;
- Building “cultures of non-violence” through concerted development, humanitarian and security-building initiatives in zones of past or potential conflict.

As one observer has noted with respect to the current focus on illicit transfers: “controls on illicit weapons in a crime context will not be enough. After all, most illegal weapons were first traded legally.”⁵

A third issue concerns the role of NGOs, and the relationship between official and unofficial initiatives. Almost all of the possible control measures that have been proposed to deal with small arms and light weapons (including firearms control and licensing, export controls, post-conflict disarmament and reconciliation, and regional and supply-side measures), imply strengthening the role and resources of the States. Yet both the humanitarian and development communities regard strengthening the state apparatus, or cooperating with its “forceful” elements (armies, police forces), with some concern, since historically these groups have been responsible for

⁵ Carol Bellamy, Executive Director of the UN Children’s Fund (UNICEF), quoted in “Disarmament: G8 Urged to Curb Traffic in Small Arms,” *inter press service*, 6 may 1998.

squandering resources or oppressing or killing citizens. This will complicate efforts both to form an NGO coalition among these communities and to develop NGO support behind the initiatives that might be advanced by a core group of this State⁶.

In general, this also highlights the way in which promotion of representative institutions and “good governance” is inextricably tied to the light weapons debate.

Finally, there is the question of the collection and dissemination of reliable policy-relevant information. Groups such as Oxfam or Human Rights Watch, or individual researchers are doing some of the best analysis and operational research on this topic (concerning patterns of weapons diffusion, or post-conflict disarmament and demobilization efforts, or export control systems) ad hoc. Very little of this is disseminated widely and “leveraged” into useful information around which practical policy measures could be designed. This stands in contrast to other past arms control processes, which were advanced by a constant flow of research and reliable information that helped maintain the momentum of (and pressure on) political initiatives, or that helped to target problem areas that need to be addressed. The small arms and light weapons issue requires that some attention be paid to means by which the ongoing collection and dissemination of reliable, publicly available and non-governmental information can be ensured. Only then can we assess which policy options will actually help build security and reduce violence in the innumerable communities that are today under siege around the world.

⁶ As one analyst has noted, discussions on peace building and light weapons in developing countries are often deeply political. At recent international alert conference in Cape town, participants refused to discuss Light weapons control as technical solution to a technical problem, Choosing rather to see light weapons as a symptom, not the cause, of problems such as lack of democracy, inadequate rights to land, poor resource allocation and weak accountability. Summary of a comment offered at a workshop on small arms in Oslo, 17 February 1998. See Also Alejandro Bendana, “ Politics or Paternalism? The need for a social Transformation Framework in Global campaigns: A view from the South,” available at : <http://www.prepcom.org/low/pc2/pc2d24.htm>

Failure to address the above issues has led to dwindling confidence in the ability of the country's security machinery to guarantee security. The issue of small arms has not been the subject of serious in-depth analysis in Kenya, and is still regarded as the preserve of the state security organizations. Hence, NGOs and other sectors of civil society are not fully involved in security matters. The study focuses on the impact of this infiltration of small arms and light weapons in Nairobi.

1.3 Justification of the study

Kenya faces a serious threat from violent crimes associated with the illegal possession and use of firearms. The impact on the lives of the people and on investments is causing concern since a secure environment is critical for everyday activities as well as for investments and the growth of the tourist sector. It is estimated that there are more than 5,000 illegal firearms in Nairobi alone. With a population of 2.8 million people, this implies that one in every 560 Nairobians possesses an illegal firearm with an unknown quantity of ammunition. The continuing high rate of gun-related crime in Kenya is a grim testimony of the inability of the security agencies to effectively contain the situation. Despite donor support, the law enforcement in Kenya faces a serious threat from violent crimes associated with the illegal possession and use of firearms. The impact on the lives of the people and on investments is causing concern since a secure environment is critical for everyday activities as well as for investments and the growth of the tourist sector⁷.

One thing that the small arms and light weapons issue highlights is that how a policy problem is framed crucially affects what solutions are proposed. In the light weapons

⁷ See "Small arms in the Horn of Africa: Challenges, issues and perspectives" BICC brief 23, march 2002

area, at least seven different perspectives on the problem are being promoted. Different stakes and non-governmental groups are championing different (and possibly conflicting) initiatives, and at the very least, harnessing these efforts to achieve maximum synergies or even coordination is proving difficult.

1.4 Objectives of the study

The objective of this study was to:

- 1) To establish the root causes of SALW culture in Nairobi
- 2) Identify the channels and mechanisms of arms trafficking, including gun markets, trends, supply and demand for small arms.
- 3) Assess the impact of small arms and light weapons on city residents: humanitarian, economic, and social lives.
- 4) Establish the control measures relating to transfer of SALW and their effectiveness.
- 5) Make recommendations for combating, eradicating and preventing firearm penetration⁸ in Nairobi.

Surveys of this kind throw light on the impact of firearm-related activity on personal safety and security.

1.5 Scope of the study

This study was limited to the impact of proliferation of small arms and light weapons to the security standards in the city of Nairobi. However, the study focused on secondary aspects since most of the responsible persons contacted could only provide secondary piece of information relating to small arms and light weapons.

⁸ Firearm penetration is defined as the perceived role and impact of firearms on a community, and the experiences of individuals regarding firearm use and possession within that community

The study was limited to Nairobi since it is the capital city of Kenya and major impacts of small arms and light weapons are very much pronounced in the city of Nairobi. However, in the course of this research study it became apparent that it was not possible to include information on other towns in the country due to time factor and financial constraints.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

The weekly toll of lives lost to small arms and light weapons (SALW) currently stands at more than 10,000. In our streets and homes and on the world's more than three dozen battlefields, weapons from small handguns to automatic assault rifles were the de facto weapons of mass destruction of the last century and promise the same for the one just dawning. From the widely reported and publicly traumatic school killings in the United States, to the seemingly routine homicides of the world's large and troubled mega-cities, to the unreported and, by most of the world, unlamented bush killings of southern Sudan, the true magnitude of this humanitarian disaster can still only be guessed.

Though the numbers used to document the magnitude of the SALW problem are still uncertain, the consequences of the world's approximately 500 million small arms are not easily hidden. Most individual deaths by guns of varying shapes and sizes remain private tragedies unknown to the world at large, but their cumulative social effects are displayed in the ravages of war, in the millions of refugees and internally displaced who have fled their homes and communities to escape similar fates, in the emergency rooms of city hospitals, in the massive humanitarian relief operations worldwide that cannot keep up with the demand for their services, and in deferred and derailed economic development.

2.1 Theoretical framework

From a human security perspective, civilian possession of small arms and light weapons poses a threat to individuals' human rights. There is a strong correlation between levels of firearms ownership and death rates, and vulnerable parts of the population, such as the poor, children and women, are often victims of firearms, and this not only in conflict situations.

The International community did not treat the issue of small arms and light weapons with prominence until the Post-World War II period. This can be explained by the fact that most of the great powers were mainly concerned with addressing security issues caused by the nature of international wars. It is interesting to note that this issue was kept out from the arms control and disarmament agenda during the cold war period. The reasons for this can also be explained by the pre-occupation of the two superpowers with instruments of non-proliferation, arms control and disarmament dealing with nuclear weapons and those of mass destruction. Such instruments include the Non-Proliferation treaty (NPT), Biological and Toxic weapons conventions. Now we have many similar treaties banning the use of dangerous weapons and mass destruction in Humanitarian Law.

Important to note was also the issue of legitimizing conventional weapons in individual States for protection. They were not considered to be dangerous as those nuclear weapons of mass destruction. The civilians and military personnel therefore viewed several small arms and light weapons to be for legitimate use. For some time this view was held by many scholars and policy makers until the 1990's.

The post-cold war period brought with it a new dimension of internal armed conflicts of complex nature. Such conflicts needed a comprehensive and proactive approach. This factor together with others called for the re-evaluation of the cold war non-proliferation, arms control and disarmament regime. Small arms and light weapons, therefore, became a multilateral problem. This can further be explained by the fact that these internal armed conflicts occupied a higher profile than international wars of the cold war period. Thus giving a greater focus on the small arms and light weapons associated with the new conflicts.

The nature of peacemaking operations in conflict areas such as Haiti, Somalia, Rwanda, Angola, Mozambique, El Salvador, and Combatants also changed from that provided in the cold war period. However, the influx of small weapons to Combatant's threatened and still threatened the security of humanitarian personnel and peacemakers in conflict areas, like Sierra Leone and Somalia.

The proliferations of small arms and light weapons, therefore, can be attributed to the post-cold war period. The number of these weapons has increased tremendously, because of their low cost. Weak control mechanisms in most of these conflict countries continue to fuel the influx of these weapons. With the rise of international trade, it's concealing and sophisticated nature has been further complicated.

2.1.1 Realism school of security

Security has been mainly the focus of Realism school of thought in international relation and practice. The school has drawn heavily from the thinking of Thucydides, Hobbes, Machiavelli, and Rousseau. Realism goes back as far as 430 BC to the time

of Thucydides and his book 'The Peloponnesian War', through Machiavelli in the 16th and Rousseau in the 18th Century.

The essence of Realism is a system of power politics and state-interest. The French philosopher Jean-Jacques Rousseau states, using the analogy of a family that: "The most ancient of societies, and the only one that is natural, is the family: and even the children remain attached to the father only so long as they need him for their preservation...If they remain united they continue so no longer naturally, but voluntarily; and the family itself is then maintained only through convention... [Mans] first law is to provide self preservation, his first cares are those which he owes to himself"⁹. The 'founding fathers' of realism are grounded in a pessimistic conception of human nature. For Hobbes, human beings are seen to have a problematic nature. They are considered naturally evil and aggressive. Persons are seen as uninformed, passionate, undisciplined, and violent. Man is seen as violent in nature and lack the intelligence to carry out rational cost-benefit analysis. Man can only therefore find his fulfillment of his potential through the collective security provided by the state. The state compensates the human deficiency for survival both locally and internationally.

For Hobbes, the state needs elite [group] because it must survive in a hostile environment at home and abroad.¹⁰ Security in this sense is therefore a concern of the state that must guard against the two sources of threats; against the local uninformed-irrational mass and the international hostile powers. Graham and Nana says that "this is a world of no permanent friendship or enmities but of constantly changing alliances dictated by no other sentiments such as religion, ideology, dynastic bond than the

⁹ <http://www.ixyl.co.uk>

¹⁰ Graham, F. David and Poku, K. Nana [2000:11. Migration, Globalization mid Human Rutledge, New Fetter Lane, London.

reason of state.”¹¹ State’s power therefore becomes the focal point of interest to be spoken by realists. The central question here concerns the causes of war and the conditions of peace. This school of thought attributes the absence of a central authority to settle disputes as the essential feature of contemporary system. International relation is considered that of anarchy and a jungle. Security dilemma is thus as a result of the need for self-help system where one nation’s search for security leaves its current and potential adversaries insecure.”¹²

Unlike liberals and idealists, realists rather than historical circumstances and inadequacies take conflict as natural state of affair. Conflict is seen as inevitable and thus represented by a dichotomous struggle. The struggle here focuses on geographically based actors as the central actors in the anarchic world organized based on territorial sovereignty. Territorial sovereignty represented by the state becomes the guiding principle in pursuit of “national interests defined in terms of survival, security, power, and relative capabilities”¹³ Following this, the state is taken to be a rational actor in response to external and local forces. This perception to security has however been criticized by rationalist, idealists, liberalists, and critical theorists for not taking into account the interdependence, cooperation, inequalities and the security transformation that is characterized in the current globalization movement and especially the period after Cold War.

¹¹ Graham, I David and Poku, IC Nairn [2000]. *Miwation, Globalization and Human Security*. Routledge, New Feller Lane, London.

¹² Kegley, Jr. W. Charles [995:37]. *Controversies in International Relations ‘theory: Realism and the Neoliberal Challenge*. St. Martins Press Inc.

¹³ Kegley. Jr. W. Charles [1995:37]. *Controversies in international Relations Theory: Realism and the Neoliberal Challenge*. SL Martins Press Inc.

2.1.2 Liberalism and Idealism schools of security

Liberal thought to security was emphasized at the turn of 20th century and more importantly at the end of the First World War. This seemed to peak with the formation of the League of Nations in January 1918 by Woodrow Wilson, the then president of the United States of America when he delivered his “fourteen points speech.”¹⁴ This has coincided with the labeling of this theory as “wilsonian thinking.” in this, he argued that an association of nations must be formed to preserve and secure the peace in the after-war periods. Liberals argue that nation-states are not the only decisive actors in issues relating to war and peace. International organisations, NGOs, multinational corporations, finance institutions, etc effects world security and peace for they go beyond the state boundaries. Wilson’s great ideal however was affected “before World War Two with acts of aggression by Germans, Japanese and others.¹⁵ Post cold war period has also challenged UN as an international institution where unilateralism is creeping in. USA is emerging as a main determinant especially in the use of force against Iraq, and Afghanistan.

The tenet of Liberalism focuses on self-restraint, moderation, compromise, and peace. Many liberals “define security in terms that are broader than the geo-political emphasizing the potential for cooperation and relations among nations”.¹⁶ According to Hoffman, international politics is diametrically opposite with states of ‘troubled peace, at best, or the state of war.’¹⁷

¹⁴ <http://www.ixyl.co.uk>

¹⁵ <http://www.ixyl.co.uk>

¹⁶ Kegley, Jr. W. Charles [995:37]. *Controversies in International Relations ‘theory: Realism and the Neoliberal Challenge*. St. Martins Press Inc.

¹⁷ <http://www.ixyl.co.uk>

There are many branches of liberalism thought. However, Liberalism in general puts emphasis on prevention of global conflict and the preservation of peacetime values by individuals and states.

It is held that states and undemocratic leaders corrupt the world order when they continue to use out-dated policies. Immanuel Kant believes that every state should enter into a constitution and enter into a universal community.¹⁸ Human beings are taken to be law-abiding and thus the world without a central authority is possible has supported such propositions. One branch of liberal thought that of institutionalism, led to the formation of League of Nations in early 20th century. Institutionalism together with the other branch of Idealism believes that international order is constructed and sustained effectively by an international organisation. For idealists, War is unnatural, and peace is the normal condition.

People are good and rational and thus war is taken to be bad and irrational. Therefore, war is not caused by the will of the people, but by either misunderstanding, or by dictators who reject the will of the people. Cross-cultural interactions, including trade, international education, can promote peace by reducing misunderstandings that can cause war. This line of thinking goes with the proposition of perpetual peace and democratic peace. Democracy is taken that it will bring peace because people will use their reason to avoid the irrationality of war. It is also taken that democratic nations will cooperate to establish international law and international institutions like the League of Nations.

The Idealists branch is one of collective security amongst all of the nations who sign the agreement. if one nation is aggressive towards any other then all the members take

¹⁸ Ibid

actions against the offending nation. [he concept of collective security is based on the principle that peace is indivisible: a threat to peace anywhere is a threat to peace everywhere. In a collective security organization, states agree to respond to a threat to peace by uniting against the aggressor. United Nations Charter in 1945 and the formation of NATO follow this kind of approach.

2.1.3 Human Security Approach

Both academicians and policy makers have seen the concept of human security as one that is hard to define. Academicians have interpreted this concept as an expansive and a vague one. Some have seen it as a politically colored label that allows everything and anything to go as security. Policy makers on the other hand argue that they have been met by the confusion of what to consider as the major threat when it comes to prioritization in the light of limited resources.

In spite of the above, the concept of human-security has increased in usage, shaping and influencing foreign policies of different countries such as Norway, Canada, Japan and the new middle-level powers. The first major statements concerning human security appeared in 1994 under the United Nations Development program report. It came out that the concept of security had for too long been narrowed to meaning security of territory from external aggression or as a protection of national interests in Foreign policy as a global security order The late Economist Mahbub UI Haq played a key role in the development of human security approach and its inclusion in the UNDP report. He created the “Human Development Index (HDI) and was also a moving force behind the recent Humane Governance Index [HGI]”¹⁹

¹⁹ K.anti Raipai in the paper: Human Security: Concept and Measurement Kroc Institute Occasional Paper No. 19:01: 1 August 2000

The UNDP definition of human security includes seven categories; economic, food, health, community, environmental, political, and personal security. It is considered the broadest possible conceptualization of human security. This expansion to security places more emphasis on other non-state actors. At the base, security is seen as a concern of the ordinary citizen and not the territorial borders and frontiers. The proponents of human security are concerned with the welfare of ordinary people in their daily life and in their quest for individual security. The governments of Norway and Canada have so far pursued this notion, which is a move towards the individual as a point of reference in what is referred to as the Lysøen conference agreement. The two states agreed to base their foreign policies based on the values of human security.

Human security concept goes beyond the traditional central issues of statism and national security, which mostly focus on political high grounds, sacrificing individual liberties and interest for collective prosperity. Manub UI Haq as well has answered the question of who should be the referent object to security. He says that “security is not about states and nations but about individual people”²⁰ The argument here is on equating security of individuals and not security of states in the global security agenda. Haq is quoted by Bajpai as having put forward a normative direction by stating that “we need to fashion a new concept of human security that reflects on the lives of our people, not in the weapons of our countries”.²¹ Canada has followed this line by offering a definition of human security as “**freedom from pervasive threats to people’s rights, safety, or lives**”²² Lloyd Axworthy, by then the Canadian Minister for Foreign Affairs argued that a people-centered approach to security takes care of

²⁰ Kano Bajpai in the paper “Human Security: Concept and Measurement Kroc Institute Occasional Paper No. 19: UP: I August 2000

²¹ Ibid

²² Roland Paris in the paper titled “Human Security paradigm: Shift or Hot Air? Also reflected in International Security Vol. 2 Fall [2001] The President and Fellows of Harvard College and Massachusetts Institute of technology.

“security against economic privation, an acceptable quality of life, and a guarantee of fundamental human rights”.²³ This is an extension beyond the military defense of state interests and territory and thus a paradigm shift. The main concern of security thus becomes the concern of people rather than the government. However, he later conceded that security between states remain a necessary condition for the security of people, although post Cold War period has showed inadequacy of national security in guaranteeing individual security.

Generally, there has been an attempt to interpret human security as comprising of two aspects. First of “safety from chronic threats such as hunger, disease, repression and secondly, protection from sudden and hurtful disruption in the pattern of daily life, whether in homes, jobs or in communities.”²⁴ The focus on human security thus helps to unveil the lack of protection and security of large number of individuals, groups, and communities in the course of their daily life. With a widened concept of security, it follows that security of individuals will be evaluated not only in terms of insecurity caused by international terrorists but also the direct and indirect threats emerging from internal state policing.

2.2 Empirical literature

2.2.1 Regional destabilization

Concern with the spillover effects of internal conflicts has been prominent in Central America, Southern Africa, and the Sahel, and has served to underline that solution to the small arms and light weapons problem must extend beyond national borders. It is

²³ Lloyd Axworthy in “Canada and Human Security” page 184

²⁴ Roland Paris in the paper titled “Human Security paradigm: Shift or Hot Air? Also reflected in International Security Vol. 2 Fall [2001] The President and Fellows of Harvard College and Massachusetts Institute of technology.

not difficult to chart the patterns of regional diffusion and circulation. In the Central American case, one of the key impetuses behind the peace effort by Costa Rican President Oscar Arias was the corrosive effect regional wars were having on Costa Rican security, including the spillover of small arms and light weapons. The problem has not been contained, however, and now states further a field such as Colombia are concerned. According to Oxfam, "Many of the guns used in Colombia's conflict, in which more than 100,000 people have died so far, come directly from the vast black market in Nicaragua, El Salvador, and Panama, and came originally from the US military aid to Nicaragua's contras."²⁵

In Southern Africa, the failure to destroy the more than 180,000 arms collected in Mozambique (they were instead transferred to government authorities) resulted in a steady flow of these weapons to criminal groups in South Africa. Similar problems are now plaguing Zambia.²⁶ In the case of the peace-building effort in West Africa, it was quickly grasped that without efforts to manage their shared frontiers, all the state in the region could be destabilized by weapons flows from (for example) the Liberian civil conflict.²⁷ Most efforts to cope with this problem, however, have been purely regional and ad hoc, and have not been well embedded in existing regional confidence or security-building processes.

²⁵ Details at: http://www.oxfam.org.uk/campaign/peace/conflict/html/arms_trade_facts.html. For an overview, see "Small Arms and Light Weapons," chapter 3 in Bonn International Center for Conversion, *Conversion Summary 1997* (Oxford: Oxford University Press, 1997), 143-146.

²⁶ Fléau des . *Homes Leg rev. 3*; "Zambia to Curb Illegal Firearms along Border." *N/n/ma*, IS. May 1998.

²⁷ As was noted in the Communiqué of the conference on disarmament, development, and conflict prevention in West Africa, Bamako, 25-29 November 1996. Cited in Rohin-Edxxard Poulton and Ibrahim ag Yousseuf,

2.2.2 Regulation, not abolition

Despite the growing hard evidence that increased use and abuse of small arms and light weapons correlate to availability (Cukier 2001, p. 3), and despite the tragic fact that the victims of SALW outnumber the victims of landmines by a factor of 20,²⁸ there are no plans for, nor is there any possibility of, a landmines-type ban. Armed forces and police of the world overuse them as a primary weapon, and there is no foreseeable possibility of claiming, as campaigners did successfully in the case of landmines, that small arms and light weapons are of no military or police utility. Civilians too use firearms the world over, for sport hunting and security (whether successfully or not), and, not infrequently and however perversely, to define status and assert masculinity. The SALW agenda, therefore, is regulation rather than abolition, but now there are no universal laws or standards by which to regulate their possession and use, and so protect individuals, families, and communities from abuse at the point of a gun.

The latter failing is, however, increasingly subject to challenge. The central objective that animates international efforts to address the small arms problem is to establish, and in some cases recover, social, political, and legal protections from small arms abuse. This objective has equal relevance in the global south and north. It applies equally to situations of regional political conflict and social and political disintegration and to more localized, often urban, areas of social disintegration and high crime rates. In both contexts, small arms abuse is exacerbated by the lack of effective control and enforcement capacity, by the presence of high levels of socially generated demand for small arms, and by their ready availability. Moreover, the

²⁸ In south Africa, Most estimates of landmines deaths put the figure at around 25,000 per year, or about 500 per week, compared with an estimated 10,000 deaths per week due to small arms.

absence of local control is in turn exacerbated by the absence of international norms and standards.

The SALW challenge is to transform the general objective of recovering social and legal protection from small arms abuse into specific, mutually reinforcing, concrete policies and programs of action at local and global levels. The need to address the small arms problem effectively is part of the broader obligation of governments and the international community to protect the vulnerable and to pursue human security – to protect the rights and safety of people. There are really three avenues by which the international community, collectively and through individual state action, seeks to protect vulnerable populations from SALW abuse: by increasing control, reducing demand, and improving compliance (Canadian policy refers to a corresponding, three-fold approach to the small arms problem: arms control, peace building, crime prevention). And the success of the July 2001 UN Conference on small arms will depend on its making discernable advances in international norms and commitments on control, demand, and compliance.

2.2.3 Increasing controls

While there are few universal norms or standards by which to regulate possession and use of small arms and light weapons, a variety of measures do exist at national and international levels to define and restrict the kinds of small arms that may be legally owned, who may own such legal arms, and the conditions under which they may be used. Indeed, there are many existing national and international restrictions on possession and use of small arms relevant to individuals and states both, and the point of reminding ourselves of existing restrictions is that despite the absence of universal

standards, regulations are the norm and efforts to harmonize and increase the effectiveness of such regulations do not represent, the NRA (the US National Rifle Association) notwithstanding, new assaults on sovereignty or personal freedoms.

2.2.4 Restricting civilian possession

Most states have put in place restrictions on individual possession, have defined categories of prohibited firearms, have restricted the purposes of lawful firearms ownership, and have defined limited conditions under which legal arms may be used. In Canada, for example, all gun owners require licenses and all firearms must be registered (by 2003). The law generally prohibits the possession of handguns and other firearms not reasonably suited for hunting, pest control, target shooting, and gun collection. There are specific limits or conditions pertaining to legal gun ownership and use, such as the successful completion of a safety course, compliance with age requirements, and determination of eligibility to hold a license (*The Firearms Act* 1995).

The UK has similarly stringent regulations on acquisition, possession, and use, and even in the United States, where gun laws are much more permissive,²⁹ the Violent Crime Control and Law Enforcement Act of 1994 includes provisions that ban the future manufacture and sale of certain assault weapon models and their copycats, as

²⁹ In the United States, there are no federal requirements for a person to have a license or permit to own a firearm. The owner can allow other persons to possess or use his/her firearm, unless they are in one of the prohibited persons categories (i.e., juveniles, felons, persons convicted of a specific set of crimes, persons who are mentally defective or committed to a mental institution, persons subject to a court order, unlawful drug users, persons who have been dishonorably discharged from the Armed Forces, illegal aliens, anyone who has renounced US citizenship). There are no training requirements and no federal regulations on storage; state regulations vary. Finally, there are variations in state laws that allow individuals to carry concealed weapons. See The Violent Crime Control and Law Enforcement Act of 1994: http://www.usinfo.state.gov/usa/infousa/laws/majorlaw/h3355_en.htm, The Brady Law site: <http://www.handguncontrol.org/stateleg/brady.asp>, and the site of the Coalition for Gun Control: <http://www.ploughshares.ca/content/WORKING%20PAPERS/www.guncontrol.ca>.

well as ammunition magazines with more than 10 rounds. The law strengthens federal licensing standards for firearms dealers and prohibits the sale or transfer of a firearm to, or possession of certain firearms by, juveniles, and the *Brady Law* established a national five-business-day waiting period and requires local law enforcement to conduct background checks on handgun purchasers (although the waiting period applies only to handgun sales through licensed dealers). Reasons for lawful firearm ownership include sports, hunting, and, notably, self-defense.

Other notable restrictions on ownership of otherwise legal arms relate to age³⁰ and training, as well as criminal records.³¹ Moreover, while such restrictions are common, the UN Conference is unlikely to make any progress towards making them normative. The revised draft Program of Action (A/Conf.192/PC/L.4/Rev.1) debated in the Third PrepCom does call on all states "to put in place adequate laws, regulations and administrative procedures to exercise effective control over the legal manufacture, stockpiling, transfer and possession of small arms and light weapons within their jurisdiction" (II.4). In other words, the Conference may well affirm the principle that all states regulate SALW acquisition and possession, but without spelling out any details or common standards by which they should be regulated.

2.2.5 Restricting civilian use

The purposes for which civilians may use small arms are also widely restricted. The most obvious legitimate civilian use of small arms is for sporting activities and hunting. In some instances, personal gun ownership is linked to personal security

³⁰ "An individual who is less than eighteen years old and who is otherwise eligible to hold a licence is not eligible to hold a licence except as provided in law sections

³¹ In Canada, "[a] person is not eligible to hold a licence if it is desirable, in the interests of the safety of that or any other person, that the person not possess a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, ammunition or prohibited ammunition.

concerns and is legal, but in Canada, for instance, firearms use for protection of person or property is only permitted in exceptional cases, where there is immediate evidence of risk and police are unable to provide the necessary level of protection. In many countries of the south, there are communities well out of the reach of the central government and without formal police patrols, leading to the routine arming of civilians for personal and community security. In the good times, when the rains come and basic food and shelter needs are met, these can be stable arrangements and governments faced with such situations will be reluctant to support universal prohibitions on civilian ownership of military-style and police weapons. However, when resources such as pasturelands and water are scarce, the weaponization of local conflict can have devastating results (where the presence of arms further undermines rather than advances security).

In the US as well, many states "are currently adopting laws permitting the carrying of concealed handguns for self-protection."³² A surprising number of Americans, apparently by virtue of culture and mythology, seem particularly drawn to the idea that an armed citizenry deters crime. By 1995 over half of all American states had passed laws permitting the carrying of concealed weapons. By contrast, in 1995 fewer than 50 people in all of Canada were issued permits to carry handguns for self-protection (Gabor 1997). In certain extreme instances, the international community

³² In the United States, most gun laws are enacted at the state or local levels, resulting in varying degrees of restriction on firearm ownership, use, and handling. However, "[o]ne emerging trend has been the adoption of Carrying Concealed Weapons/Firearms Laws (CCWs) by an increasing number of states. These laws fall into two broad categories: 'May issue' and 'Shall issue'. 'May issue' laws are discretionary, leaving to local law enforcement the decision of whether to grant an individual a permit to carry a concealed gun.... 'Shall issue' laws are non-discretionary, requiring officials to authorize carriage of a gun unless the applicant fails to meet some basic conditions..." (Gabor 1997, p. 18). "American households are more likely to own at least one firearm and they are far more likely to do so for self-protection" (Gabor 1997, p. 28).

has come to view civilian use of SALW as legitimate self-defense against a tyrannous state, even in violation of the laws of such a state.

Again, the international community is still far from any consensus regarding appropriate limits on private gun use, and the 2001 Conference is likely to affirm the need for regulation but is unlikely to comment on the minimum extent or nature of such controls. The 2001 Conference draft Program of Action, as it was debated, did propose one universal standard with the suggestion, strenuously objected to by the United States and others, that states, "seriously consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes" (L4.Rev.1 – II.20). The proposal enjoys widespread support among governments and NGOs, and it remains to be seen to what lengths the United States will go to block the idea.

2.2.6 The social impacts of light weapons availability and proliferation.

Christopher Louise (1995) examined the social effects of the proliferation of light weapons on societies around the world. He identified the factors and circumstances that fuel the growing trade and widespread use of small arms, and explored the social consequences of the increasing availability of such weapons. The number of countries experiencing major armed conflicts has escalated sharply in recent years. A distinctive feature of contemporary warfare is the extent to which the parties involved rely on light as opposed to heavy weaponry. The majority of conflicts in the world today are conflicts within states, involving "irregular" as well as "regular" armed forces, and in

these types of conflicts major weapons systems are of less significance than light weapons. Yet the international community has remained relatively indifferent to the control of small arms and light weapons, concentrating instead on restraining the proliferation of weapons of mass destruction.

He further adds that a particularly disturbing aspect of today's wars is the extent to which civilians are involved — as both victims and combatants. The reasons for this are varied and complex but, as this paper reveals, the situation has been fuelled by the rapid proliferation of increasingly deadly light weapons and the extreme ease with which people around the world can acquire them. In several developing countries, an AK-47 can be purchased for just a few dollars. In the United States, spare parts shops and mail-order magazines sell the components necessary to convert semi-automatic weapons into military-style fully automatic weapons, Christopher Louise (1995).

The changed nature of contemporary warfare has contributed to a rethinking of traditional concepts of security. Ever since the collapse of communism, analysts, strategists, and academics working in the field of international relations have been engaged in an intense dialogue concerning the shape and nature of the post-Cold War world. Within this dialogue, the arms trade and its consequences are crucial for understanding the formation of environments that determine levels of security. More than ever before, the trade and use of light weapons have become associated with rising levels of violence and disintegrative trends, often involving ethnic conflict and crime, which threaten the fabrics of societies worldwide. In areas where violence is pervasive, the proliferation of light weapons and small arms accelerates societal dysfunction, political anarchy and the undermining of state authority.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Population of the study

The population of study was all residents of Nairobi. The city consists of six administrative constituencies namely Embakasi, Langata, Kamukunji, Starehe, Kasarani, Westlands and central business district.

3.2 Sampling methodology

The analysis relied on secondary data from police records, media reports, newsletters, conference reports, policy papers, official documents, reports, journals, periodicals, and published books. Despite limitations, such as lack of accurate data and access to some records, the study was able to come up with interesting insights into the trend and dynamics of the flow, circulation and use of small arms and light weapons in Nairobi.

The sample groups were selected in order to gather a range of opinions based on both the respondents' experiences and the environment in which the interview is conducted. The data utilized in this study was weighted to reflect the demographic reality of Nairobi, based on the results of the most recent population census (1999). The weighted sample was adjusted to reflect the gender and the age of the population so that results are representative of attitudes and experiences of Kenyans in Nairobi.

The methodology for this study was content analysis. In this manner, the information on crimes related to small arms and light weapons was rigorously dissected in a systematic method for analysis.

3.3 Methods of data collection for analysis

The study used a qualitative approach to data collection. Information was coded and decoded then categorized according to the major objectives of the study. Interesting and personal experiences, which revealed some insights into the problem, were also recorded. The results were then tabulated using bar charts, Pie charts and cross tabulations. Descriptive statistics and frequency counts will be generated.

CHAPTER FOUR

DATA ANALYSIS AND PRESENTATION OF FINDINGS

4.1. Introduction

This chapter presents the findings from the data gathered from the secondary sources as earlier detailed. To show the relationship amongst various variables, the data is presented in the form of tables, charts, frequencies and percentages where applicable. The purpose of this research was to analyze descriptive, historical, and interpretive data from selected secondary sources. The focus of the research was to the trends in terms of SALW proliferation and recovery efforts by the police, and the impact it had on the society.

The research was conducted in two stages. In stage, one, the researcher, in accordance to the research design plan, visited the office of the police Commissioner and collected multiple types of data. The multiple database included examination of written documents that were stored at Headquarters. The research objectives guided the interviews. Stage two of the research included an analysis and interpretation of the data obtained by the researcher. The data were analyzed and interpreted using the content analysis method. The researcher developed a set of categorized themes from the interviews and the data. This stage also included a description and interpretation of the findings that emerged from the categorized data. These findings are presented along with a discussion of the overall themes that were observed.

4.2. Quantitative analysis

4.2.1. Analysis of trend in arms surrender and recovery (2000-2004)

Two thousand three hundred and ninety four firearms were recovered across the country between 2000 and 2004. The findings of Table 4.1 show the distribution of the number of firearms recovered across the eight provinces for the four-year period ending December 2004. The findings show that Nairobi province had the highest number of firearms recovered by the police. This is more than twice the number of firearms recovered in Rift Valley and Eastern provinces. Nyanza and Western Provinces had the least number of firearms recovered. The police to attribute the high rate of arms recovery in Nairobi to intensive crackdown and raids to recover firearms that are illegally possessed by the citizens. The findings of Table 4.1 concur with the findings of Muchai & Jefferson (2002) that Nairobi province had the highest count of the misuse of firearms (33.0%). The province is quite populous as it is the capital city of Kenya with many officers deployed to fight crime.

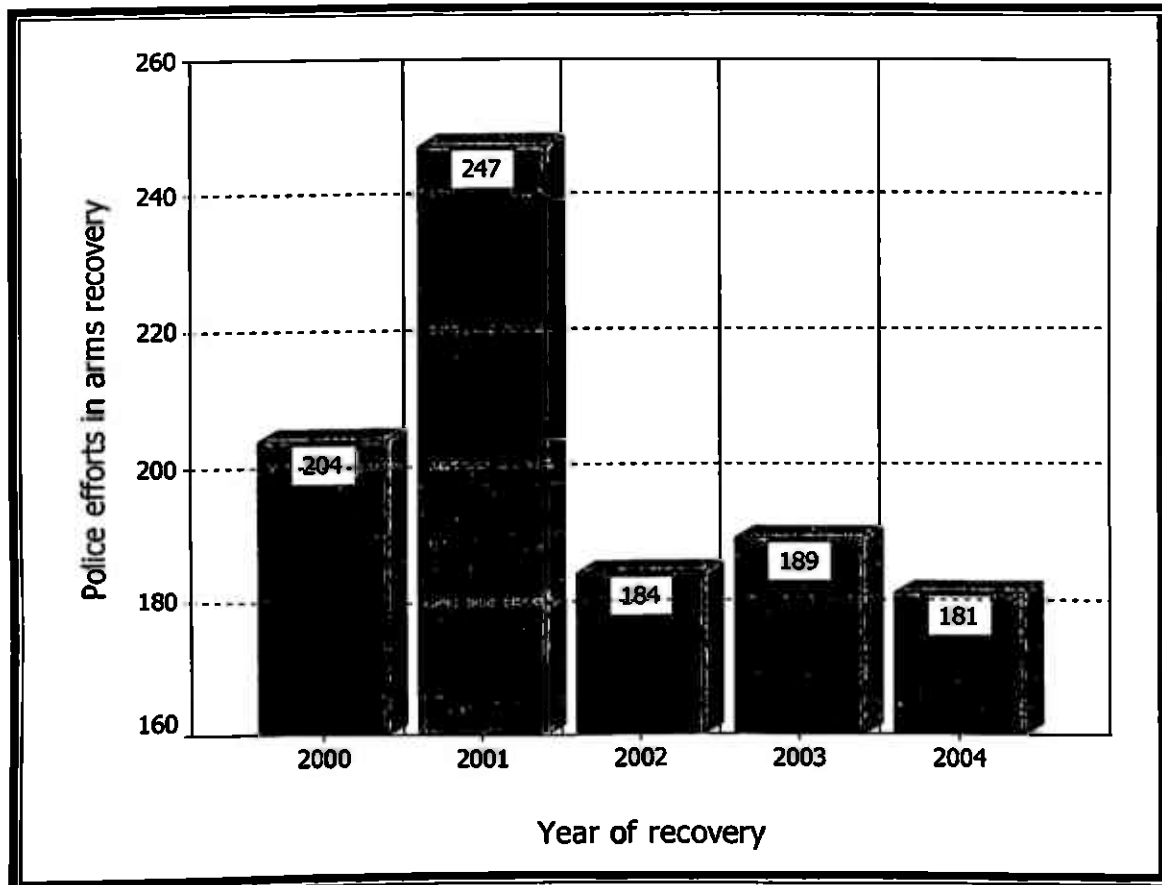
Table 4.1: Police efforts in arms recovery

	Total number of arms recovered					
	2000	2001	2002	2003	2004	Total
Nairobi	204	247	184	189	181	1005
Coast	28	39	31	40	30	168
N/Eastern	39	50	22	16	16	143
Nyanza	9	10	12	11	14	56
Eastern	91	63	82	41	56	333
Central	43	40	28	35	62	208
Western	17	15	15	23	8	78
R/valley	107	62	76	83	75	403
	538	526	450	438	442	2394

Source: Commissioner of police (2005)

The findings of Figure 4.1 further show the trend in arms recovery in Nairobi province for the same period. The chart shows that there had been a decline in the number of arms recovered by the police from 247 in 2001 to 181 in 2004; which represents a 27% decline over a three-year period.

Figure 4.1: Trend of arms recovery in Nairobi (2000-2004)



Source: Commissioner of police (2005)

The findings of Table 4.2 show that Northeastern province had the highest number of arms surrendered, with majority of them surrendered in the year 2001. On the other hand, Nairobi province had only one case of firearm surrender over a period of four years. This shows that despite the province leading in illegal firearms possession statistics, there is very little will to surrender the arms back to the government by the users.

Table 4.2: Trend of firearms surrender by provinces (2000-2004)

Total number of arms surrendered						
Region	2000	2001	2002	2003	2004	Total
Nairobi	1	0	0	0	0	1
Coast	6	11	2	2	4	25
N/Eastern	13	48	13	10	27	111
Nyanza	1	0	0	0	0	1
Eastern	1	4	3	0	1	9
Central	0	0	0	0	0	0
Western	0	0	0	0	2	2
R/valley	1	11	2	2	1	17
Total	23	74	20	14	35	

Source: Commissioner of police (2005)

4.2.2. Analysis of trend in ammunition surrender and recovery (2000-2004)

The findings of Table 4.2 show the distribution of the number of ammunitions recovered by the police across the eight provinces for the four-year period ending December 2004. The findings show that Rift Valley, Nairobi, and Eastern provinces had the highest number of ammunitions recovered.

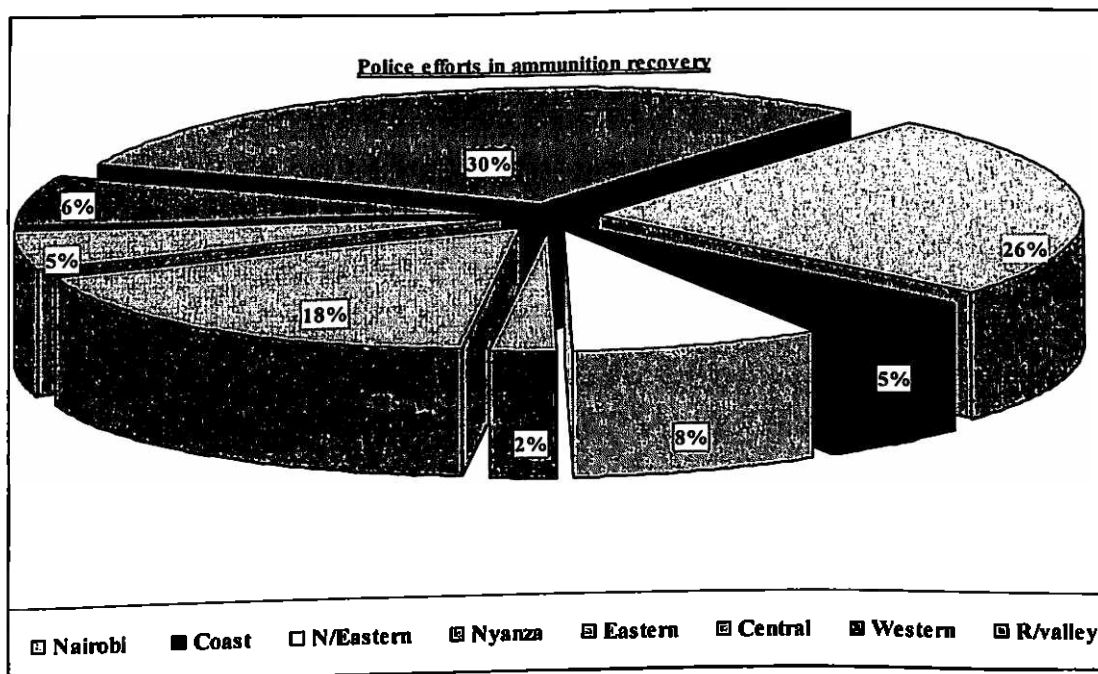
Table 4.3: Police efforts in ammunition recovery (2000-2004).

Total number of ammunitions recovered						
	2000	2001	2002	2003	2004	Total
Nairobi	1663	2471	1853	1434	1275	8,696
Coast	281	508	474	252	316	1,831
N/Eastern	914	604	786	318	245	2,867
Nyanza	210	92	199	116	153	770
Eastern	2244	1682	957	547	859	6,289
Central	479	279	535	174	408	1,875
Western	955	215	286	423	353	2,232
R/valley	2031	2669	1943	1862	1664	10,169
Total	8777	8520	7033	5126	5273	

Source: Commissioner of police (2005)

The findings of Figure 4.2 show that out of the total number of ammunitions recovered, Rift Valley province accounted for 30%, Nairobi province accounted for 26% and Eastern province accounted for 18%. The rest of the provinces were split as Western (6%), Central (5%), Nyanza (2%), North Eastern (8%), and Coast (5%). The high rate of recovery in the three provinces was attributed to the commitment by the Kenya police to intensify on investigations. Perhaps more motivated police officers, investigations and surveillance led to subsequent arrests of suspects and recovery of ammunitions cache. The report in the media that some police were involved in gunrunning was a shocking blow to the police. They had to react by arresting as many suspects as possible, firstly to show the public that they were committed to rooting out the problems of illegal firearms in Kenya, and secondly to demonstrate their commitment to the principle that the police force would not spare anyone, including the police officers , involved in crime.

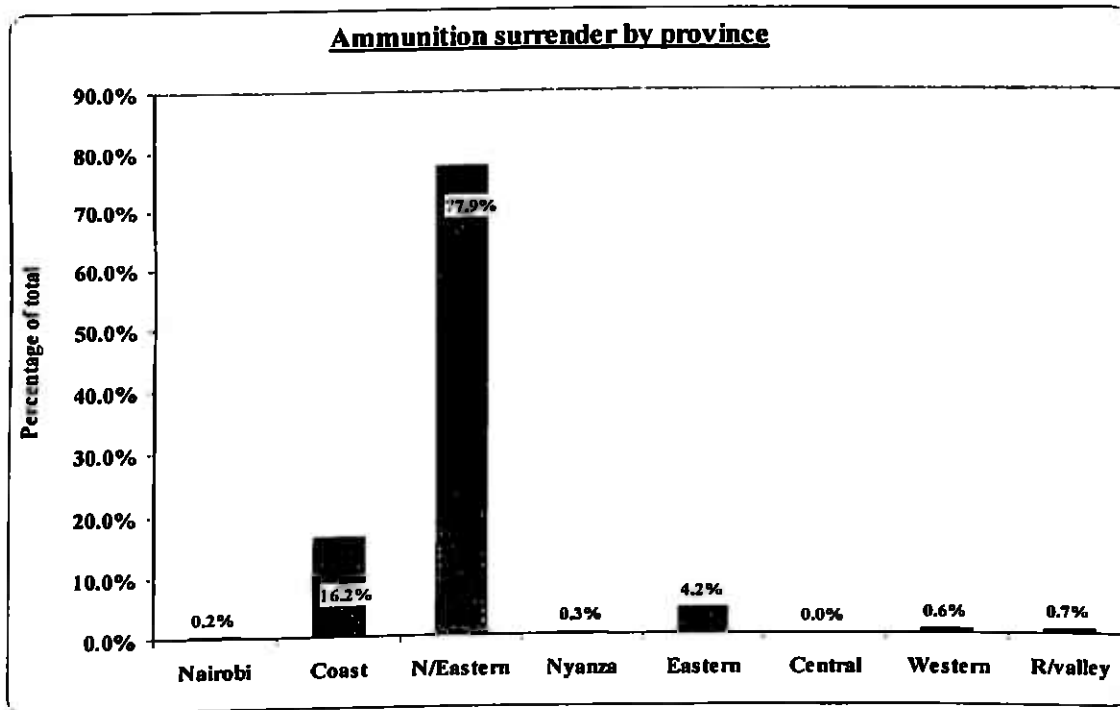
Figure 4.2: Police efforts in ammunition recovery



Source: Commissioner of police (2005)

The findings of Figure 4.3 show that majority of the ammunition (77.9%) was surrendered from North Eastern province. This was attributed to the amnesty that the government had issued for citizens to surrender ammunition by they had acquired illegally in year 2004. The findings further show that Nairobi province accounts for only 0.2% of the ammunition surrendered within the four-year period. Others were distributed as follows: Coast (16.2%), Nyanza (0.3%), Eastern (4.2%), Central (0%), Western (0.6%), and Rift Valley (0.7%). This shows that even though civilians continue to possess the ammunitions, very few of them are willing to surrender them back to the police despite the frequent issues of amnesty to surrender.

Figure 4.3: Analysis of ammunition surrender by province



Source: Commissioner of police (2005)

4.2.2. Impact of proliferation of SALW in Nairobi

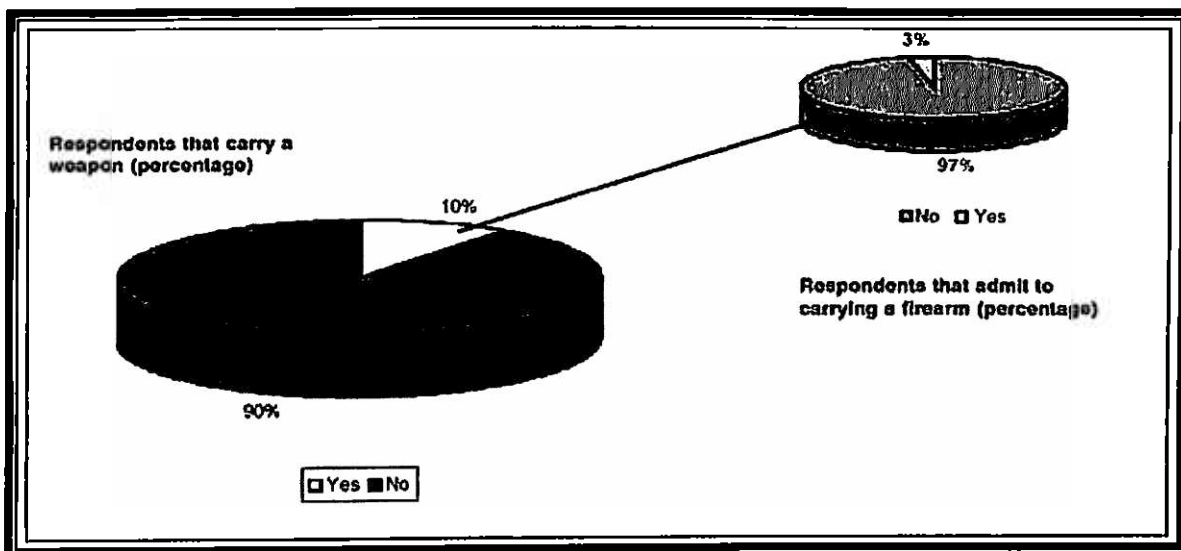
To identify the extent to which the carrying of weapons is entrenched within a community, the survey carried out by the Institute of security studies (ISS) in 2002 looked at willingness to carry a weapon (firearm, knife, stick, club, or other). The desire to carry a weapon for self-defence or status can indicate the extent to which insecurity pervades a community. This part of the survey was administered to all three-sample groups.

In Nairobi, it was found that one in ten people (10%) felt the need to carry some form of weapon. A much higher percentage of males carry weapons than females. It was found that 14% of males indicated that they carried a weapon compared to only 5% of females. Gender appears to be a much more important determinant of a willingness to carry a weapon than age. The highest incidence of carrying a weapon was found in the over-60 age group, which may indicate a slightly greater sense of insecurity among the older members of the community. The difference is, however, not significant enough to assert conclusively that this is the case.

When respondents were asked if they carried a firearm, a relatively low number answered 'yes' (62 out of 1828, or 3%, compared to 10% who indicated that they carried a weapon of some description) see Figure 4.4. Under-reporting on the extent of firearm ownership is likely, and the extent to which the respondents truthfully answered the questions about carrying a firearm is difficult to determine. It can be said that the proportion of people in Nairobi that carry a firearm is located within a minimum of 3% and a maximum of 10% of the people in the city. The specific

proportion would range according to a number of variables, such as social attitudes to firearms and other types of weapons available.

Figure 4.4: Extent of carrying firearms and other weapons



Source: ISS (2002)

When the incidence of carrying a firearm is analyzed by gender, males exhibit a greater readiness to carry a weapon. Four per cent of males questioned indicated that they carried a firearm compared with only 2% of females. However, as with weapons in general, age does not appear to be a significant determinant of whether or not someone in Nairobi would carry a firearm, with no clear correlation emerging between any particular age range and the incidence of carrying a firearm (See Table 4.4).

Table 4.4: Minimum proportion of respondents that admit to carrying a firearm by gender

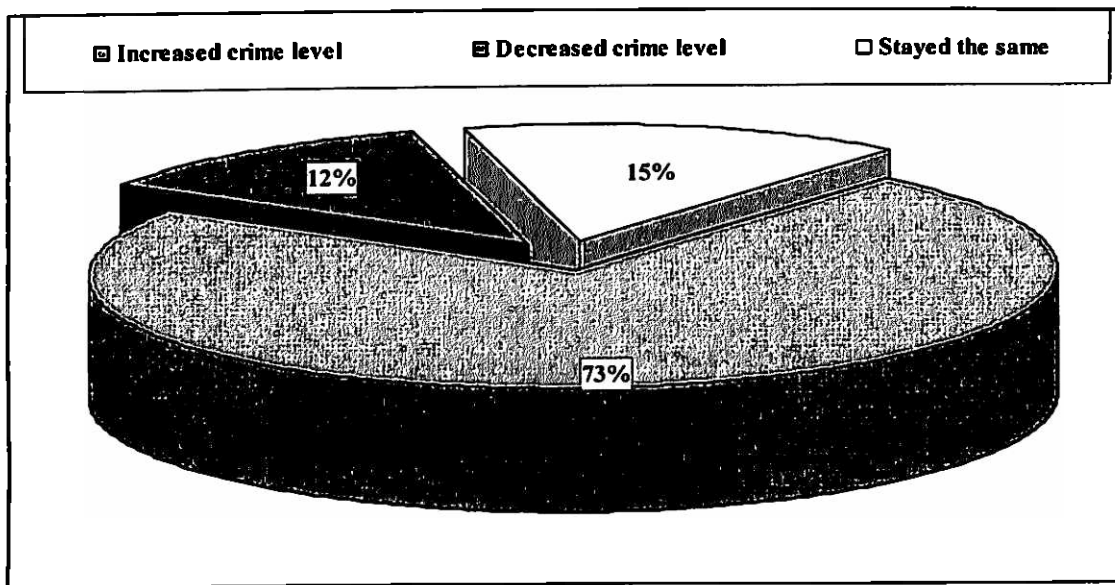
Carry a firearm	Male	Female
Yes	4%	2%
No	96%	98%

Source: ISS (2002)

Change in the level of crime

According to the survey performed by ISS in 2002 in Nairobi, majority of people in Nairobi believed that the level of crime is worsening. Seventy-three per cent believed that the level of crime in Nairobi had increased, while 15% were of the opinion that the level of crime remained unchanged. The remaining 12% believed that crime situation was getting better (Figure 4.5).

Figure 4.5: Perception of changes in the level of crime



Source: ISS (2002)

Respondents from the individual and household samples were asked how frequently they believed firearms are used to commit crime. The perception among 70% of the respondents was that crime was frequently committed with firearms, indicating a possible relationship between the use of firearms and worsening of crime situation³³.

Who commits crime in Nairobi?

When questioned as to who is responsible for crime within their community, people from the community or those from outside their community, 52% of respondents believed that both people inside and outside the community are responsible, while

³³ Muchai A. & Clare J. (2002) Kenya crime survey 2001; Nairobi: SIRC

21% believed that outsiders³⁴ are responsible and 27% said it is insiders³⁵.

A residential area could be a formal low-income suburb, formal middle-income suburb, formal upper income suburb, informal settlement (slum), inner city, or industrial area. Men and women have a slightly different perception of who causes crime. A significantly higher percentage of males than females believe that both insiders and outsiders cause crime in their community (57% of males compared with 45% of females). In both gender groups, more people believed that insiders were the cause of crime: 25% of males and 29% of females believed that insiders were causing crime compared with 18% of males and 26% of females who believed that outsiders were the main cause of crime³⁶.

Government action to make Nairobi safer

In a survey conducted by Muchai & Angus (2002), responses to how the government should improve safety may reflect broader concerns about the effectiveness of government. Good governance and tackling corruption constituted 40% of the responses given and 32% of responses indicated poverty reduction and improving the economy as being important factors in improving safety. While improved policing made up 17% of responses, few people considered changing legislation and implementing appropriate crime reduction strategies to be important (4% and 6% respectively). These results suggest that there is a general perception of the ineffectiveness of the state in addressing issues of crime and safety. The implication is that actions like changing legislation and implementing crime prevention strategies

³⁴ 'Outsiders' are defined as people living outside the immediate residential area or in a different type of area.

³⁵ 'Insiders' are defined as people living in similar residential areas or houses.

³⁶ ISS (2002): Attitudes to firearms and crime in Nairobi: Results of a city survey

are not likely to have the desired impact because the organs of the state are failing to govern efficiently and to address underlying causes of crime. The role of policing within the broader structures of government may be discounted for similar reasons. Police position as a part of the machinery of state means that they are perceived either as part of the problem or as handicapped and unable to function effectively (Table 4.5)³⁷.

Table 4.5: Government action required improving safety in Nairobi (multiple responses)

Action	Percentage
Good governance/tackling corruption	40%
Reduction of poverty/Improve the	31%
Economy	17%
Improved policing	6%
Appropriate crime reduction strategy	4%
Change legislation	2%
Others	0%

Source: Muchai & Angus (2002)

³⁷ ISS (2002): Attitudes to firearms and crime in Nairobi: Results of a city survey

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1. Summary of findings

The purpose of the study was to establish the impact of SALW in Nairobi. The findings established that two thousand three hundred and ninety four firearms were recovered across the country between 2000 and 2004. The findings also established that Nairobi province had the highest number of firearms recovered by the police. This is more than twice the number of firearms recovered in Rift Valley and Eastern provinces. Nyanza and Western Provinces had the least number of firearms recovered. The police to attribute the high rate of arms recovery in Nairobi to intensive crackdown and raids to recover firearms that are illegally possessed by the citizens. The findings also revealed that majority of the ammunition (77.9%) were surrendered from North Eastern province.

Although this survey does not claim to provide a comprehensive picture of the level of firearm penetration in Nairobi, it does provide some important indications on the problem of proliferation in the city. Different aspects of the problem reveal areas where policy interventions and action can reduce the incidence of firearm proliferation. The survey also raises interesting questions for future research. The insecurity that comes with increased crime has a direct impact upon demand for firearms and other weapons. The results show that there is a strong correlation between victimization (i.e. being a victim of robbery) and willingness to own a firearm. Although no casual link can be made between victimization and firearm

ownership, the findings do suggest that crime influences people's attitudes towards weapons in general and firearms in particular.

There are also interesting gender distinctions revealed by the survey. These need to be taken into account when formulating future policy and action. More males than females (14% compared to 5%) showed a willingness to carry a firearm. Gender distinctions were also evident when dealing with the question of firearm availability and accessibility. More males (18% as opposed to 8%) than females said that they have access to firearms. The ISS (2002) survey revealed both opportunities and challenges regarding possible courses of action to reduce firearm penetration in Nairobi. Although a high percentage of respondents (35%) believed there was nothing they can do to improve safety in Nairobi, still a relatively high percentage (18%) stated that co-operation with police can provide a better solution. More males than females indicated this to be the solution.

5.2. Conclusions

The study's most disturbing conclusion is that crime seems to be on the increase in Nairobi. The majority of citizens (70%) are of the opinion that crime is increasing. In relation to this, a large number of people (84%) also believe that the number of firearms has increased in Nairobi. Ninety per cent of the business community in Nairobi is of the opinion that firearms are commonly used when committing crime in the city. This suggests a problematic level of crime and firearm penetration.

The proliferation of small arms has a devastating effect on the civilian population. It affects the delivery of essential services and destroys the prospects of establishing

solid and sustainable economic development. The International community and relevant humanitarian players need to identify more effective ways of controlling the flow of these weapons.

States should take it upon themselves to observe and fulfill the obligations of humanitarian and human rights instruments they are party to. They should also ensure that appropriate national legislations and administrative controls are enacted to control this problem, in their respective areas of jurisdiction. There should be specific regulations designed to control the imports, export, and transfer of arms. They should address the root causes of the problem. It means that reasons for the acquisitions of these weapons need to be identified and explained. As earlier indicated, poverty, hunger, self-defense explain why people acquire guns. Other reasons include lack of access to justice, uneven allocation, and distribution of resources, and the general insecurity in a country. All these issues should be addressed with a view of creating an environment in which people will live in peace. To achieve this, a comprehensive international monitoring and tracing mechanism should also be established to track and control illicit trade of small arms. There should be a comprehensive and proactive approach designed to deal with the root causes of small arms proliferation and their usage. This approach requires full participation of both humanitarian actors and local people in dealing with the problem. While at the same time identifying solutions to them there should be a framework of policy options that will assist in addressing issues of small arms effectively. Such policies should be both long term and medium with key players harmonizing and implementing them.

5.3. Recommendations

5.3.1. To the government/policy makers

The major obstacle to firearms control and crime reduction in Nairobi seems to be the perceived failure of authorities to tackle these problems. The majority of respondents (47%) believed that police services have become less efficient in recent years. This would suggest that there is a need to improve service on the part of the police. Suggested action might include collaborative forms of policing where the police and community are equal stakeholders in solving crime and increasing safety. This might decrease the appeal of firearms as a form of protection and help in relieving overstretched police resources. The majority of respondents in the ISS survey believed that action to solve the problem of firearms and crime was beyond their control. This will hinder attempts aimed at designing community-based strategies to solve the problem. However, it is suggested that public awareness campaigns, public education projects about the negative effects of firearms ownership and proliferation, as well as weapons collection programmes can contribute in solving the problem.

5.3.2. For further research

The survey also identifies areas that may benefit from additional research. These include the following:

- Since the survey questions did not differentiate between licit and illicit firearms in relation to access, future work on the extent of firearm penetration could focus on the relationship between these two forms of acquisition and ownership. This might shed light on the most important aspects of control that need to be prioritised (i.e. border control or gun ownership legislation).

- The survey showed clear differences between males and female attitudes towards various aspects of the problem of firearms penetration. Future work could be done to look at the reasons behind these differences as they might help in formulating gender specific action where appropriate.
- The lack of sufficient evidence to suggest a casual relationship between victimisation and receptiveness to firearm ownership needs further study. Answers to questions of causality might suggest, *inter alia*, that government action should focus more on crime prevention strategies as a means to limit resort to firearm ownership as a guarantee of security.
- The perceptions of people regarding the possible role of government in solving the problem of firearms and their own role in solving the problem need further study. Is the negative attitude towards government's capacity to control crime and gun proliferation reflective of a general disillusionment with government? Related to this is the question as to why the majority of people in Nairobi feel that individual action cannot improve safety.

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