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Col. D. K. C. Tarus
Welcome to the NDC Journal for Course 19-2016/17. This Journal marks an important milestone in the Participants’ journey during their 48 weeks study period in the College.

Course 19-2016/17 has 38 Participants drawn from Botswana, Burundi, Egypt, Malawi, Namibia, Nigeria, Rwanda, Tanzania, Zambia, Zimbabwe and Kenya. Through the Partnership between the College and University of Nairobi’s Institute of Diplomacy and International Studies, twenty two and fifteen Participants are pursuing Masters and Diploma Programmes in International Studies respectively. In addition, Participants will graduate with NDC Certificate on successful completion of the course.

The mission of the College is to prepare Senior Military Officers and equivalent Senior Civil Servants of the Republic of Kenya and their counterparts from selected friendly countries for higher responsibilities in the strategic direction and management of National Security and other related areas of policy.

The articles in this Journal vary in substance and content dwelling heavily on the contemporary issues namely; International Relations, Security and Development. It is my hope that readers will find the Journal interesting and academically stimulating.

I congratulate Participants of Course 19-2016/17 for their contributions to this Journal. I also wish to express my deepest appreciation to the Editorial Board and the Administrative Staff for their hard work and relentless support towards the successful production of the Journal.

L M Ngondi
Lieutenant General
Commandant
The Editorial Board is pleased to launch this Journal for Course 19-2016/17. The articles therein discuss contemporary issues that reflect national, regional and global strategic issues. The thematic areas include Security, International Relations, Society and Development.

I would like to compliment the Editorial Board, Participants, Faculty, Administrative Staff and the Publisher who ensured that the Journal was produced within the given time frame.

Finally I wish to thank the Commandant and the Faculty for their continued support and guidance during the period of the compilation of this Journal.

Č R IMANENE
Brigadier
Vision
To make NDC a Regional Centre of Excellence for policy and Strategic Studies towards the realization of a secure, stable, prosperous and peaceful society.

Mission
To prepare selected senior military officers and equivalent senior civil servants of the Republic of Kenya and their counterparts from selected friendly countries for higher responsibilities in the strategic direction and management of security and other related areas of policy.
CONFLICTS IN AFRICA

Brig. A. M. S. Mohammed - Egypt Air Defence Force

Introduction

According to the Dictionary of International Relations, the term conflict is defined as a social condition that arises when two or more actors pursue mutually exclusive or mutually incompatible goals, while the term conflict management describes any situation where conflict continues but where its worst excesses are avoided or mitigated.\(^1\) Makumi Mwagiru argues that a conflict arises when two or more parties have incompatible goals about something.\(^2\) The level of incompatibility defines the complexity of the conflict. Political conflicts are those between groups, and their major characteristic is a high level of organization. In Africa, such conflicts have increased with the role of the state. Despite various conflict management efforts, the continent is still plagued by conflicts. While it may not be possible to eradicate conflict altogether, it is necessary to evaluate the conflict management methods and develop early warning mechanisms as a way of mitigating conflict.

Causes of Conflict

There are many different causes of conflict, at whatever level. The causes are as diverse as the conflicts, and the parties to them. Conflicts in society can be interpersonal, family, industrial, communal, national or international. In political conflicts, particularly in the third world, the causes include illegitimacy of governments and regimes, and conflicts of constitutionalism as these regimes resist challenges to their legitimacy and authority.\(^3\) In international conflict, the causes of conflict (and even war) have been identified to include search for resources, territory and need for raw materials. Lack of fulfilment of needs is also a major source of conflict. Such needs include recognition, participation and dignity. The needs are at the heart and centre of all politics and therefore cannot be negotiated.

\(^3\) Ibid, p 4.
At national level, lack of fulfilment of needs leads to internal conflict. And since all international conflicts have domestic sources, the link between international and domestic conflict can be traced to lack of fulfilment of these needs.\(^4\) Causes of conflict are therefore a question of motives and reasons for conflict.

The causes of African conflicts are many and varied, both in their nature and level of destruction. While some conflicts may be traced to history, some are the consequences of the legacy of colonialism and the exigencies of the Cold War. Others emanate from bad governance, ethnicity, ecological disasters and greed among others. Ethnic conflicts are especially common on the continent and appear to be increasing. Many analysts associate the trend to the multi-ethnic composition of African states.\(^5\) However, other studies indicate that the relatively high prevalence of conflicts in Africa is not due to ethno-linguistic fragmentation of African countries, but rather due to high levels of poverty, weak or failed political institutions and economic dependency on natural resources.\(^6\)

**Dynamics of Conflicts in Africa**

The nature of conflicts in Africa has been changing with time. Armed conflicts were the order of the day during the colonial era and sadly continue to haunt post-independence Africa. While most of those conflicts in the pre-colonial era were ethnic or tribal/clan-based, mainly for expansionist purposes and for control of natural resources, they mostly decreased during the colonization period since the colonialists had the ability to control them. However, the pattern of conflicts then shifted to military coups in the 1960s, and then to protracted wars in the 1970s and 1980s.\(^7\)

In the realm of peace and security in Africa, the 1990s witnessed dramatic and profound changes throughout the continent. With the conclusion of the Cold War, some of the major tensions between East and West over the African battleground were markedly eased. Majority of the conflicts experienced were intra-state, mostly arising from political struggles to challenge the status quo, while some were inter-state in nature and arose over border disputes. Internal conflicts with deep historical roots flared in many countries on the continent.

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\(^6\) Ibid, p 13.

Ironically, while the international community paid less and less attention to African security affairs, the continent’s institutional and organizational capacity to manage its pervasive conflicts was not developing at the same pace as conflict escalations. To-date the situation has made little progress. Against such a backdrop, peace and peacemaking in Africa emerges as one of the critical issues of great importance in global politics. Widespread societal conflicts in Africa are often played out against the light of high poverty levels, illiteracy, and weak systems of governance. Undermined by unfavourable terms of trade, indebtedness and administrative failures, most African states have failed to respond adequately to the critical social needs of their citizens. In the most extreme cases, Africa’s insecurity has been reflected by the traumatic episodes of collapsed or collapsing states.8

The Conflict System Perspective

The idea of internationalization of conflict has revolutionized the analysis of post-Cold War internal conflicts in Africa. The concept of conflict systems has further consolidated this process. Conflict internationalization entails the realization that an internal conflict has linkages with other conflicts across borders, and its processes are informed by multiple actors and issues. Such a conflict shares some characteristics with other conflicts in the conflict system. Therefore, a conflict should be looked into in a wider, systemic perspective, which means examining it in the context of the conflict system to which it belongs.9 The interconnectedness of the conflicts in a conflict system is important especially in conflict management. This concept suggests that a conflict within a region, such as the Great Lakes, cannot be managed effectively on an ad hoc basis. Rather, systemic conflict management must trace the larger regional pattern of the conflict. It must identify and trace the cross-system causes of the conflict, and ultimately design a conflict management list of issues taking the systemic factors into account.

Conflict Management in Africa

Most of the conflict management in Africa has been done by the UN, the AU as a regional organization and occasionally by sub-regional organizations like ECOWAS and SADC. Usually it is expected that the AU will take local action before turning to the UN. Sometimes even sub-regional organizations take

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action with the blessing of the AU. But each of these organizations, whether at international, regional or sub-regional level, has peculiar challenges facing it, and which affect conflict management.

In accordance with the UN Charter, one of the purposes of the UN is to maintain international peace and security. The UN is therefore mandated to take effective collective measures for the prevention and removal of threats to peace, and for the suppression of acts of aggression or other breaches of peace. It is also mandated to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to breach of peace.  

This effectively means that the UN has the responsibility to manage conflict. Under Chapter VIII, the AU as a regional institution is mandated to take appropriate regional action relating to the maintenance of international peace and security, provided that such arrangements or activities are consistent with the Purposes and Principles of the United Nations. Under these provisions, the AU and international communities’ response to conflicts in Africa has been by negotiated peace processes. In most cases the peace processes include deploying regional or United Nations peacekeeping troops to separate the combatants while negotiations continue in order to find a lasting solution. However, quite often such deployment only acts as a temporary measure, because the underlying causes of the conflict are not addressed. In some cases, the peacekeepers deploy either too late or ill-equipped. Worse still, sometimes the African states do not have adequate capacity to intervene in a conflict, while the international communities’ response has been by ignoring the conflict until it is too late, as was the case in Somalia and Rwanda. Such a situation leads to escalation of conflict, resulting in massive loss of human life and destruction of property in the specific country, and in the region as a whole.

When conflict occurs in an African state, the AU attempts to manage the conflict first through the sub-regional organization in that specific part of the continent. If the sub-regional organizational is unable to deal with the conflict, the AU appeals to all its member states to jointly intervene. To this end, in 2003 the AU intervened in the Burundi conflict by establishing the African Union Mission in Burundi (AMIB). AMIB was the first peace operation of the AU and provided an early sign of the organization's willingness to intervene in conflicts on its own continent. This was an indication that Africa was anxious to experiment with “African solutions to African problems.”

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10 UN Charter, Department of Public Information, (UN New York, 1945), p 5.
11 Ibid, p 27.
Burundi therefore became a testing ground for local peacemaking and peacekeeping by the AU. However, the establishment of AMIB did not make an effective impact mainly due to lack of resources and general capacity. This is a common and major challenge for African countries in conflict management. The challenge prompted the United Nations to establish, in 2004, the United Nations Operation in Burundi, known by its French acronym ONUB. The mission, though also with challenges, eventually managed to supervise the implementation of the Arusha Peace and Reconciliation Agreement up to the holding of democratic elections in 2005.

The UN also faces serious challenges in conflict management. Under the UN Charter, the Security Council is the principal organ charged with the responsibility for maintenance of international peace and security. The Council has five permanent members (commonly referred to as P5) and ten non-permanent members. The P5 have veto power, thus any of them may veto a resolution, for example during deliberations to authorise commencement or extension of a peacekeeping operation. While such a practice reflects the realities of international politics, it has often hindered Security Council action. This has an adverse effect on international peace and security. During UN peacekeeping, success is based on the conventional wisdom that there must be strong consensual support or political will among the P5. But the practice is that divisions among the members

Neo-realists assume that, the UN is merely a venue for powerful states to achieve their goals in the international political arena. What happened in Libya, under NATO’s ‘Right to Protect’ theory, attests to this. In contrast, the powerful states have been reluctant to intervene in the situation in Somalia and Rwanda’s situation was even worse. Failure to take prompt action in Rwanda led to genocide. Neoliberals see the UN as merely an institutionalised bargaining forum and coordinating body. When the actions and will of the Security Council are influenced by interests, there is an adverse effect on the success of the peacekeeping operations and thus on the maintenance of international peace and security. Africa has the greatest number of conflicts and is the most affected when the UN is unable to assist in conflict management. This calls for home-grown solutions to Africa’s problems.

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Conclusion
Africa continues to experience a lot of conflicts, especially of internal nature. The causes of the conflicts are diverse, and include bad governance, ethnicity and greed among others. Ethnic conflicts are especially common in the continent and appear to be increasing. The idea of internationalization of conflict has revolutionized the analysis of post-Cold War internal conflicts in Africa. An internal conflict has linkages with other conflicts across borders, and its processes are informed by multiple actors and issues. Such a conflict shares some characteristics with other conflicts in the conflict system, thus it should be looked into in a wider, systemic perspective, which means examining it in the context of the conflict system to which it belongs. The interconnectedness of the conflicts in a conflict system is important especially in conflict management. Conflicts within a region cannot be managed effectively on an ad hoc basis. Rather, systemic conflict management must trace the larger regional pattern of the conflict. It must identify and trace the cross-system causes of the conflict, and ultimately design a conflict management list of issues taking the systemic factors into account.

The UN is seen merely as a venue for powerful states to achieve their goals in the international political arena. The actions of the Security Council are influenced by political interests, with an adverse effect on the success of the conflict management mechanisms and thus on the maintenance of international peace and security. This is a major disadvantage for conflict management in Africa, and an obvious and important challenge for the continent to use local ways and means to solve its own problems.

Recommendations
The following recommendations are made:

a. Conflict management mechanisms should always be designed taking into consideration the systemic nature of the conflict in order to address the relevant issues and actors.

b. The African Union should strengthen its conflict management methods with the aim of attaining (where possible) ‘African solutions to African problems’, without necessarily waiting for the UN or great powers.
c. The concept of Standby forces should be hastened in the respective sub-regions.

d. An elaborate early warning mechanism should be designed to ensure that conflicts are addressed before they get out of hand.

References


*UN Charter*, Department of Public Information, (UN New York, 1945).

Introduction

The United Nations (UN) definition of peacekeeping means the deployment of international military and civilian personnel to a conflict area with the consent of the parties to the conflict in order to stop or contain hostilities or supervise the carrying out of a peace agreement.1 The definition is an important point to refer to and as a fact; there is no unique single definition of peacekeeping that is existing at the moment. Peacekeeping will continue to stand as an important and only tool to manage conflicts which are increasingly put under the UN responsibility.

The three UN basic principles which guide the Peacekeeping operations are first, the consent of all the parties in the conflict second is the impartiality of the peacekeepers and third is the non-use of force except in self-defence and the defence of the mandate.2 Peacekeeping are the activities that enhance creating conditions for the lasting peace. At the international level, there is an overall knowledge and understanding that the peacekeepers do monitor and observe the peace process in the post conflict areas and may also assist the combatants in implementing Peace Agreement that has been undertaken.3

The United Nations notes that peacekeeping operations may assist in a number of forms which includes power sharing; measures of conflict building electoral support; strengthening of rule of law; and social and economic development.4 The peacekeeping operations are used by the international community to manage all crises which are perceived to pose international peace, security and stability.

The responsibility of the Department of Peacekeeping Operations (DPKO) is to provide strategic guidance and policy direction, while the Department of Field Support (DFS) provides logistics and administrative support.5

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2 Ibid
4 Ibid
Since the establishment of the peacekeeping operation in DRC, the situation has generally stabilized except in the Eastern DRC especially in areas centered on BENI where recurrent waves of conflict with human rights violations coupled with humanitarian crises and gender-based violence continues. The continued circles of violence and conflict in DRC have been contributed by the interference by the neighbouring countries, the illegal exploitation of resources, pervasive impunity, the continued presence of foreign and Congolese troops [Armed Forces of the Democratic Republic of Congo (FARDC)], intercommunal feuds, the weak capacity of the FARDC and National Police of Congo (NPC) to effectively protect the civilians, territory and ensure and maintain law and order.

The initial presence of the UN in the DRC was the deployment of the observers to observe and report on the compliance of the factions with the peace accords, before the passing of the Resolution 1291 on Protection of civilians. The initial deployment was authorised by the 1999 resolution 1258. But since 1999, about US$ 8.73 billion have been spent to fund the UN peacekeeping effort in DRC, and as of June 2010, the total strength of UN peacekeeping troops in DRC exceeds 20,000 peacekeepers.

The charter of the UN gives power and responsibility to the UNSC to take collective action for the maintenance of international peace and security. Therefore, the international community looks at the UNSC to authorise peacekeeping operations. The operations are established and implemented by the UN and with the troops serving under UN Operational Control. The UNSC authorizes regional organizations such as ECOWAS or coalitions of willing countries to undertake peacekeeping or peace-enforcement tasks where direct UN involvement is not considered appropriate or feasible.

Since UN operations are deployed with the consent of the parties to the conflict, it therefore requires a commitment by the parties to a positive and fruitful political process. The UN is provided with the necessary freedom of action, both politically and physically, to carry its mandated tasks due this acceptance.

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9 Alex J. Bellamy and Paul D. Williams, Broadening the Base of United Nations Troop- and Police-Contributing Countries, Providing for Peacekeeping No.1, New York: International Peace Institute, August 2012
The absence of such consent makes the peacekeeping operations risk and becomes a party to the conflict, drawn towards enforcement action and tend to be kept away from its fundamental role of keeping the peace.

The fact that the main parties have given their consent to the deployment of a UN peacekeeping operation does not necessarily imply or guarantee that there will also be consent at the local level, particularly if the main parties are internally divided or have weak command and structures.10

The UNSC and its method of operation have also been subject to questioning in recent years, in particular by troop-contributing countries to peacekeeping operations. Africa supplies about 12% of all peacekeeping troops. These include troops from Ghana, Zimbabwe, Zambia, Namibia, Egypt, and lesser numbers from Kenya, Nigeria, Senegal, Mali, Tunisia, Guinea Bissau, Algeria, Togo, Congo, Tanzania, South Africa, Malawi and Guinea.11

The closed-door manner of informal consultations of the whole PKO has led troop-contributing countries to demand more accountability from the Security Council in the realm of peacekeeping. The number of peacekeepers has remained fairly stable. There were 90,464 troops, police officers and military observers under UN command in January 2008, and 98,639 in December, 2011.

The UN’s primary focus has remained in the Middle East and Africa as the conflicts still exists. Although some missions have been significantly altered and renamed, most missions that were underway in early 2008 are still ongoing. The UN’s main asset in the sphere of peacekeeping has and is still being its political impartiality. A scholar Olara Otunnu argues that the effectiveness of peacekeepers is dependent not on their ability to impose their will by overwhelming force, but on the moral authority conveyed by their multilateral presence.12

Since 1989 there have been eight AU or sub-regional peacekeeping operations, including Liberia (1990-1993), Sierra Leone (1997-1999), Guinea-Bissau (1999), Côte d’Ivoire (2003-2004), Burundi (2003-2004 and 2007 to date), in Darfur (2004-2007), Comoros (2008) and Somalia (2007 to date). Of these eight operations, four have been succeeded and achieved in bringing peace by United Nations-led missions while one is currently being conducted as a hybrid UN/AU mission.13

11 Debay Tadesse, Conflict Prevention Programme, ISS Addis Ababa, 2009
12 Ibid
13 Deen, T., Africa: UN Peace Missions Falter in Africa, Portland, Inter Press Service, 2010
More than ten years have gone since the establishment of the UN Mission in DRC (MONUC) and now MONUSCO and this is a long period for a peacekeeping. The mission is considered to have taken relatively long to resolve and terminate the conflict. Among the lessons to be learnt from these missions is the crucial requirement to develop the capacity to support operations. These include many of the same capacity issues that challenge the UN and the AU, particularly the need to generate and deploy missions with appropriate capabilities within a time frame that meets the requirement. The examples of Darfur and the DRC provide ample illustration of the consequences of that lack of capacity.

Rieff posits that the DRC has for more than a decade suffered from some of the most intractable and violent conflicts in the African continent. The colonial rulers who stopped the integration of African societies in their tracks and introduced divisive politics along the lines of ethnicity and tribalism, initiated conflict in the region (did colonial rulers really stop integration of any African society or societies? Is there evidence of any process or processes of integration of any African society or societies that colonial rulers interfered with?). The Congo crisis is not limited to the country, but has progressively drawn in many other countries within and even beyond the immediate region. Regional organizations have also taken a stronger role in crisis response, particularly in Somalia and West Africa, but it is still to be seen whether these capacities are sufficiently robust to manage conflict or crisis. The Africa Standby Force (ASF), originally slated to be operational by 2010, has been delayed until 2015 when SADC deployed Force Intervention Brigade in the Eastern DRC. ECOWAS and SADC are so far ahead in developing their regional brigades. Should these brigades prove capable of independently launching responses to regional crises, this would significantly impact demand for extra-regional UN peacekeepers in Africa.

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SOVEREIGNTY AND ITS IMPEDIMENT TO SECURITY IN AFRICA

Col. M. R. Ndirangu - Kenya Air Force

Introduction

Sovereignty as a concept has evolved over the years in terms of its legitimizing attributes. The concept has undergone a series of deconstruction and reconstruction processes, a fact that defies the notion that sovereignty, as a concept, is a fixed or permanent feature in terms of its norms and practices. This metamorphosing character of sovereignty has been hailed by those who advocate a responsible and accountable sovereignty, and lamented by those who are strictly wedded to the Westphalian concept of sovereignty. However, this evolutionary process does not necessarily diminish the fact that, since the advent of the Westphalian state, sovereignty has been used as a shield and sword to justify states’ policies and actions.

The discourse on the contested notion of sovereignty can be historically traced to the Westphalian state and the advent of a colonial state, in terms of the countries of the south, including African countries. Colonized and marginalized peoples of the world violently and peacefully contested the legitimacy of colonial states, with a view to establishing their own sovereign states. Indeed, liberation movements the world over contested the Westphalian sovereignty of a colonial state, a dream that they eventually realized by liberating their countries from the yoke of colonialism. In this way, they successfully contributed to the development of the right of self-determination, as a concept, in international law.

The paradox, though, is that, despite the rhetoric about the liberation doctrine that enshrines fundamental freedoms, human rights and the empowerment of the colonized peoples, the post-independence African states, and by definition the post-Westphalian states, have weirdly clung to the Westphalian sovereignty vis-à-vis the citizens with concomitant calamities and disasters.

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Thus, sovereignty as a concept and institution is central to the discourse on the legitimacy of states’ functions and their impact on the rights of its citizens. While the Hobbean social contract theories, in which state sovereignty was anchored, granted rudimentary elements of legitimacy to the state in the 21st century, the post-Westphalian state has to immerse itself in the sociology of rights in order for it to earn its legitimacy from its citizens and the international community. This human rights paradigm on sovereignty has transformed and reconstructed the concept of sovereignty to an extent that positivists, who glorify states’ functions and security in a presumed anarchic world, express their deep concerns about the eventual and unacceptable weakening of state sovereignty.

Most post-independence African states have continued to raise the flag of sovereignty to justify their pernicious actions against their citizens; a fact that has turned their citizens into hapless victims and hostages in their own countries and blemished their legitimacy claims. Almost all African countries continue to institutionalize state sovereignty that they inherited from colonial powers, rather than national sovereignty, which implies people’s sovereignty or what others dub as popular sovereignty. In this way, Africa as a region and a people has remained powerless, marginalized and somewhat irrelevant in terms of the centres of powers in the world because of the entrenched state sovereignty that has been failing to empower African peoples and, instead, reinforced and retrenched neo-colonialism.

Green observes that developing-country elites have often been bag carriers for the colonial powers, weakening their own role in building national identities. But global integration raises this to a new level. The danger is that elites across the developing world are becoming most at home shopping in Miami or mixing with the powerful in Washington, New York or London, and less willing or able to help build development in their own countries. Notwithstanding, Asia is strikingly and starkly different from Africa in that most of its states have merged state sovereignty with that of national sovereignty; hence, the empowerment of Asian peoples and their effective competition on the world stage in terms of economic fundamentals and political powers.

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It is thus argued in this policy brief that the weakening of the state sovereignty and the prominence and institutionalization of people’s sovereignty, in terms of governance fundamentals, will be a welcome development on the African political and socio-economic development scene.

**Sovereignty as an impediment to security in Africa**

The African initiative to create a right to intervene for regional organizations is both a solution to the limitations of the sovereignty as responsibility and a challenge to the Security Council that has the ‘primary responsibility’ for international peace and security. The AU definition tries to prevent ‘future Kosovos’ and ‘future Rwandas’. But it is also a challenge because, considering that the Security Council has failed to honor its responsibility, the Africans have decided to take things in their own hands. The African Union proposes an articulated project to provide an African alternative in order to bring peace to the continent. Beyond the limitations of the 2005 definition of the responsibility to protect. How does the African Union address the limitations of the 2005 definition of the responsibility to protect? The mechanism that has been put in place seems designed to avoid ‘future Rwandas’ rather than ‘future Kosovos.

Since Rwanda, the African states have tried to tackle the challenge of avoiding future gross violations of human rights. They are in fact answering one of the appeals of the UN Secretary-General Kofi Annan following the 1994 genocide: ‘if, in those dark days and hours leading up to the genocide, a coalition of states had been prepared to act in defence of the Tutsi population, but did not receive prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold?

In Africa today, more than a moral duty or a norm, the responsibility to protect has been transformed into a legal instrument by Economic Community of West African States, (in Economic Community of Central African States, the African Union and Southern African Development Community. With this legal basis, they are now building the mechanisms, both financial, logistical, and operational necessary for humanitarian interventions and peacekeeping

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6 VATTEL, E. D. (1958) _The Law of nations: or, Principles of the law of nature, applied to the conduct and affairs of nations and sovereigns_.


However, it is worth noting that African countries have been more reticent about the redefinition of sovereignty within the UN framework. However surprising at first sight, this is indeed logical considering that their aim was to avoid ‘future Rwandas’: in that case, the African Union will act without waiting for the UN Security Council to muster the political will to send troops.

Due to the interdependence of African countries today, no matter, especially concerning security and conflict management, can be exclusively contained within one country. The restrictions imposed on sovereignty, especially the increasing impact in recent decades of human right norms, have slowly brought a shift from a culture of sovereign impunity to one of national and international accountability. The difference in political legitimacy between the international and national level has been brought to the fore. The inconsistency between the two is clear: domestically, only a legitimate authority can be considered sovereign; internationally, legitimacy is either not an issue or is provided by the recognition of a state by its peers. This dichotomy, this wall between domestic and international legitimacy has started to crumble with the increasing importance of human rights norms, accountability and democracy. The legitimacy of sovereignty has changed ‘from efficacy to “the prior successful use of force”) to the active consent of the governed’ or ‘from sovereignty as control to sovereignty as responsibility’. Previously, a dictator who had seized power through a coup d’etat was recognized as head of state by its peers. This is still true today but is slowly changing in the African continent. However, ‘if sovereignty is seen as extending only over those to whom the sovereign power is democratically accountable, then this principle provides members of any group over which that sovereign power is claimed a right to democratic participation.

Sovereignty is no longer the recognition of a power over a people but the collective right of a people to participate in, and benefit from, an independent political community, participating as an equal in the community of nations. To put it another way, sovereignty becomes a human right. While this formulation is a bit extreme and is not reflected in current state practices, it is nevertheless symptomatic of the debates around sovereignty.

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11 SAMPFORD, C. (29 June 1999) *Democratic and global challenges to the concepts of ‘sovereignty’ and ‘intervention’*. Fifth Plenary Session of the 19th World Congress in Philosophy of Law and Social Philosophy. Pace University, New York.
Sovereignty as the responsibility to protect emerged because external sovereignty now needs to stand on the shoulders of a legitimate internal sovereignty. Sovereignty as responsibility to protect is the first step towards legitimate sovereignty. Making sovereignty legitimate means, making it transparent and accountable. In other words, it entails the democratization of sovereignty. The legitimacy of a sovereign state now lies in the individual seen as the natural and ultimate source of power.

Sovereignty as an Overriding Principle of African International Relations

While juridical sovereignty was the overriding principle of African international relations, African politicians were in practice not very respectful of the very norms they were promoting. The actions of the African states forty years after independence lead to question how deeply ingrained the norm of sovereignty actually is in Africa. Sovereignty seems to be a rather elastic notion in certain areas of Africa. First of all, domestic sovereignty has faltered in many African countries. Due to the weakness of many African states after independence, many mechanisms of shared sovereignty were put in place.

Contingency in sovereignty

Conditional and contingent sovereignty calls for a policy intervention on the basis of pre-set legal criteria, with respect to the behaviour of a state or sub-state. It out rightly rejects the notion of non-interference in another state's affairs, even when there are serious violations of human rights. The clause of the OAU Charter that strictly prohibited the noninterference in internal affairs of a member state clearly played into the hands of African dictators and political tyrants by committing atrocities, including genocide, crimes against humanity and war crimes. Indeed, the contingent or conditional sovereignty developed out of the conflict between humanitarian intervention principles and the norms of non-interference.

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This discourse on this conflict has generated a lot of views on both sides. Those who support the humanitarian intervention maintain that gross human rights violations should negate sovereignty defense that violators thereof usually invoke in order to avoid accountability for the crimes committed. This point is pertinent to the current discourse on the International Criminal Court’s (ICC) issuance of a warrant of arrest against the President of the Republic of the Sudan, Mr Omar Hassen Al Bashir. Those who oppose this indictment base their argument on, among other things, the absolute concept of sovereignty, which grants immunity against all crimes against the sitting President.

On the other hand, the advocates for indictment of the President of the Sudan invoke the conditional and contingent sovereignty in that the President forfeited his sovereign immunity by engaging in genocide, crimes against humanity and war crimes against his own citizens that he is constitutionally and under international and humanitarian laws mandated to protect. Besides, the Rome Statute does not exempt anybody from prosecution in terms of genocide, crimes against humanity and war crimes. The contingent or conditional sovereignty has also recently been invoked by the proponents of the war against terrorism. Indeed, the attack on 11 September 2001 against targets in the US has prompted interventionist the US’s foreign policies. These policies seek to link the collective action with the traditional concept of sovereignty with a view to justifying President Bush’s Pre-emptive Strikes Doctrine.17

The current US Administration maintains that those norms of sovereignty, with respect to non-intervention in another state’s affairs, are applicable in cases when such member states are harbouring terrorists, or are in the process of acquiring weapons of mass destruction. Instead, it argues, international norms should be reconceptualised with a view to forcing such states, and verifying that they are not engaging in such activities.18 Thus, failure by these states to produce compelling evidence warrants pre-emptive military strikes. In effect, this ‘Doctrine’ recommends that the norms that deal with state responsibility should supersede traditional sovereignty norms. Thus, this proposed reconstruction of sovereignty seeks to establish a normative shift from the traditional non-intervention to intervention.19

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Conclusion

Sovereignty as a concept or institution is continuously being reconstructed, reshaped and reconceptualised, with a clear shift from traditional sovereignty. This process of change creates new international norms in international relations systems, which is not necessarily a bad thing as long as these changes address conceptual, institutional and structural challenges in the international system.

The reconceptualisation of state sovereignty as a people’s sovereignty is a welcome development, especially in the context of African states which are, in effect, Euro-centric entities, since a vast majority of their citizens are not necessarily participating in the actual running of state affairs. Thus, the right of self-determination should inform this reconstruction in terms of political identity, and assist and help in resolving conflicts on the continent.

This perpetual reconstruction of sovereignty is critical and it certainly informs the discourse on implant Euro-centric states in Africa, and the call for the establishment of truly African states that promote their own history, cultures, languages, laws and socio-economic development models.

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KENYA’S ABILITY TO BE A REGIONAL STABILIZER IN EAST AFRICA: REAL OR IMAGINED?

Col E. O. Oguga - Kenya Navy

Introduction

The 7th August 1998 simultaneous terrorist attacks on the United States Embassies in Kenya and Tanzania reshaped security related strategy by the three affected States, namely Kenya, Tanzania and the United States of America against the then emerging and sophisticated approach in terrorism. This approach of threat in terrorism changed the global generally reactive policies on security of the past and brought in a new era of proactive prevention. It became prudent for states to become more vigilant and sensitive to the real possibilities of attack to protect their territories. Specifically for Kenya, a country that neighbours unstable jurisdictions, more alertness was critical to avoid a repeat of that magnitude of attacks as witnessed in the 1998 bombing of the US embassy in Nairobi.

Commonly, unstable regions and states are viewed cautiously as potential fertile ground for terrorists basing, training and resourcing. The African continent contains many of these regions/states most of which are found in the East African region, as situation that calls for a concerted effort to control the menace. The US President’s September 2002 National Security Strategy Paper (NSS), directed engagement with regional African powers that possess the potential to assist other African nations. The NSS specifically addressed Kenya as the country most capable of fulfilling this role in East Africa. This status and related cooperation agreement stand particularly in relation to counter terrorism.

Historical Background

From 1961 to 1963 East Africa was transformed from a colonial outpost of the British and Germany empires into a group of politically independent nations. Unfortunately, the East African countries faced many political, social and economic problems due to the colonial powers abrupt departures. The two most difficult problems were maintaining and strengthening internal unity and bringing about economic development to improve the standards of living.

For Kenya, through the early years after independence, the problems encountered at the time included nepotism (ethnicity), corruption, oppression and neo-colonialism. At one point, the northern frontier of the
Kenyan Republic threatened to secede. This notwithstanding, external threats then were a rare occurrence and the current terrorism focused on religious fundamentalism was non-existent. Going forward however, Kenya is one country in East African region that has suffered terrorist attacks the most due to its professional ability in countering terrorism.

**Current Threats to the Region**

Kenya and the majority of the East African Nations have stability problems due to ethnic differences, criminal activity, disease and depressed economies. In Kenya, poverty due to unemployment has led to a majority of individuals into desperation, a status that leaves the population vulnerable and a good bait for penetration by religious extremists. Meanwhile, premised from 1992, ethnic violence within Kenya occurs seasonally during the elections period, particularly in the Rift Valley and to some extent the Coastal regions of the country. These problems, combined with the fact that Kenya is an infant democracy compared to the more developed countries, can impact on a nation willing to assist thus rendering incapable of providing assistance or aid.

**Kenyan Opportunity**

Despite the problems Kenya faces, it remains the dominant political and economic power in East Africa. US-Kenyan relations are of strong cooperation on political, economic, and security issues. A stable democratic society in Kenya is the long-term goal for Kenya, East Africa, the U.S. and other allies to the region. Kenya receives considerable assistance from the U.S and other allied nations, to enable it provide a leadership role in East Africa and African continent as a whole.

Kenya’s military peace enforcement/peacekeeping (PE/PK) capability is one of the greatest asset that country provides to the East African region and the African continent. Kenya is a dominant member of the East African Community (EAC) and is the primary force and economic provider for the Community. Kenya has been at the forefront providing peacekeepers and enforcers to Sierra Leone, the Democratic Republic of the Congo, and other countries around the world. Kenya has provided these forces to other countries throughout their years of military and civilian rule to stabilize the East African region. Kenya qualifies for many different funds and receives considerable funding to maintain, train and improve its military. Financial support through Foreign Military Financing, Excess Defense Articles (EDA), International Military Education and Training (IMET), and combined military operations
such as Focus Relief continue to help Kenya become the stable state the region desperately needs. The US is also lobbying for Kenya to join the African Crisis Response Initiative (ACRI), which would provide additional funding, training and equipment to its experienced force.

Regional Engagement

As the primary Force provider to the East African Standby Force (EASF), Kenya is postured to reap the greatest benefits from U.S. Military to Military engagement. Based on the threats and opportunities facing Kenya and the East African region, it is critical to better explore adequate and efficient present and potential means and ways to conduct military engagement. While the overall NSS requires the employment of all aspects of the DIME (Diplomatic, Information, Military and Economic) the focus should be on how best to employ the military better on the Operational level with the specific intent of recommending a EUCOM regional engagement strategy that could be used to augment the current Theatre Security Cooperation Plan (TSCP) or the Theatre Engagement Plan (TEP).

Conclusion

Kenya is not only an economic big brother in the region but is a hub for a well-developed Human Resource base. Why is Kenya's democratic stability important? A strong democratic and prosperous Kenya can help meet two main policy objectives in Africa:

- to integrate Africa into the global economy through trade, investment, sustainable development strategies, transport, fair legal systems, respect for human rights, and good governance; and
- to deal with transnational threats that affect Africans, including drug trafficking, transnational crime, terrorism, environmental degradation and disease.
References


CONFLICTS IN THE GREAT LAKES REGION

Col. D. K. C. Tarus - Kenya Army

Introduction

The Great Lakes Region (GLR) is defined within the context of the regional entity known as the International Conference of the Great Lakes Region (ICGLR). The conference is an intergovernmental organization of the countries in the region that seeks to promote sustainable peace and development in the area. The twelve countries that comprise the area are Kenya, Tanzania, Zambia, Angola, the Democratic Republic of Congo (DRC), Burundi, Rwanda, Uganda, South Sudan, the Sudan, Central African Republic (CAR) and the Republic of Congo.¹ This region constitutes a complex network of social, political and economic interactions with significant implications for peace, security and governance and is interlinked in conflicts.² The GLR conflict system is characterized by genocide in Rwanda in 1994, the Lord’s Resistance Army (LRA) atrocities in Uganda and CAR, other armed groups in DRC and sporadic violence in Burundi and South Sudan.

For peace to prevail in the region, the root causes of the conflict and suffering need to be addressed conclusively. Despite various efforts by the United Nations (UN), African Union (AU), regional organizations and external actors, the conflicts persist with profound effects on the human security of communities and the stability of the region. The dimensions of conflicts and the emerging dynamics call for a continued collaborative analysis by regional stakeholders in order to inform the implementation of strategies towards sustainable peace in the region. The region is rich in resources and has great opportunities for economic development but has been caught up in endless cycles of violence. Millions have lost their lives as a direct result of these conflicts and many displaced as refugees and Internally Displaced Persons (IDPs). There have been gross human rights violations, sexual-based violence, extreme poverty and arms trafficking.

¹ Patrick Kanyangara, The International Conference on the Great Lakes Region as a peacebuilding instrument for civil society organizations, (2016), ACCORD.
Background to the Conflict

The GLR countries especially the DRC, Rwanda and Burundi partly differ in terms of their history, extent of effects of instability and levels of development, yet have similarities that may explain the interconnected and endemic violent conflicts. They have been struggling to establish a consensual electoral system in terms of democracy and governance and this would guarantee peaceful transfer of power. The intrinsic nature of conflicts in the region has accumulatively claimed millions of lives, caused refugees and internally displaced persons.

Transnational ethnic groups exploit the porous borders in the GLR to perpetuate violent conflicts. The conflicts have both the characteristics of interstate and intra state since the conflicts tend to expand geographically and the epicentre shifts from one location to another. The conflicts attracted the involvement and interest of Uganda, Burundi, DRC, Zimbabwe, Angola, Namibia, Chad and Sudan who supported parties to the conflict. The conflict also attracted international actors.

Causes of the Conflict

There are many causes of conflict in the GLR. The conflict is a complex web of inter-connected needs, interests and grievances that exist not only domestically but also internationally with countries that have been involved in influencing politics, economics and security to protect their own perceived interests in the region. The conflicts exhibited complexity in the nature, scope and magnitude of their causes. The main causes of the conflicts in the region are political, economic and social in nature. These factors played an important role as underlying, proximity or trigger causes.

a. **Bad Governance and Institutional Failure.** Leading up to the conflicts, the states failed to perform their fundamental functions of delivering services, securing law and order and defending the country’s interests. The wars occurred in an environment marked by the collusion of public and private mercantilist interests in a resource-rich but institutionally weak states. The GLR has experienced a difficult and unstable post-independence era, marked by rebellions and secessionist wars.³

b. **Democratization Issues.** The current socio-political dynamics indicates that generally, political leaders in the region have noticed that the application of universal democracy was correlated to violence and conflicts. They appear to define democracy in their own way, which is

then adapted to the structure, history and development of their societies and people. There is also a tendency to frequently change the constitution and remove aspects touching on office term limits clauses. This is to allow leaders another opportunity to stay in power, so as to sustain the relative security and peace their countries have been enjoying during their political mandate.

(c. **Ideological differences.** The ideological differences between the pro-socialist proponents against the pro-capitalists was the key cause of the DRC Eastern rebellion of 1964. The ideological disputes caused political chaos after independence. These events changed the region’s destiny, sowed the seeds of regional and ethnic hatred and instituted the long reign of dictatorial and autocratic regimes.

(d. **Leadership styles.** Regime evolution in Africa portrays cases of mismanagement, official pillaging, dictatorships, irresponsibility, vacillation and confrontation. Corruption, nepotism, exclusion, injustice and unequal distribution of national resources have become the primary indicators of the sort of governance found in the GLR. For many years, tyrannical and patriarchal leadership styles dominated political centers in this region.

(e. **Natural Resources.** The massive economic potential in the region has not been effectively harnessed to meet the needs of the people and to transform the region into an engine of economic integration and development. Instead, the natural resources ranging from various minerals and forest products in DRC, oil in South Sudan, grazing land in Darfur among others have been used to cause and or finance the conflicts in the region with dire consequences on the populations. The massive water reserves constitute an important asset for transport and hydropower generation. The DRC has the potential to generate hydro-electric power for the entire GLR and beyond.

(f. **External Actors/Influence.** Conflict is driven by the governments, rebel groups and external actors for control over the region’s vast natural resources and world’s largest strategic assorted mineral reserves. It could be argued that the region has experienced the worst case of the so-called ‘resource-curse’. Another distinguishing feature of recent conflicts in the DRC relative to post-independence conflicts is the heavy presence of Multi-National Corporations (MNCs) and other private operators that exploit

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the country’s natural resources. The conflicts have been an illustration of the negative side of globalization.

g. Inequitable Access to Land. Land use and land access are significant factors. In Rwanda for example, unequal access to land is one of the structural causes of poverty that was exploited by the organizers of the genocide. Limited access to land coupled with inequitable distribution and insecurity brought about by frequent population displacement and redistribution of land by the state, have been described as patterns of economic domination and exclusion that create deprivation and social tension and prepare the way for violence. Land claim and redistribution was one of the reasons for the failure of the Arusha Agreement of 1993, which was supposed to end a four-year war between the government and the Rwandan Patriotic Front (RPF) rebels, and perhaps even prevent the 1994 genocide.5

h. Ethnicity. Ethnicity played an important role in the conflicts at and after independence and it continues to be central to modern day conflicts. Ethnicity became politicized as a result of the combination of the divide-and-rule agenda of the colonial administration, which was exploited by members of the national elites seeking convenient means of mobilizing political support. The Belgians excluded some communities from the political decision making process and the control of economic resources. From then on, most of the conflicts that ended at the civil war (1990-1994) and the genocide have been related to the social and political disadvantage of the Hutu.6

i. Migration. Forced migration flows plays a crucial role in spreading conflict from one country to another. At one time or another, every single country in the region has received refugees from its neighbouring countries. Burundi has received Rwandan and DRC refugees and vice versa. As all these refugees fled conflicts with a strong ethnic background, it was very easy to see how these conflicts spread into the host countries, since there are similar ethnic groups and dynamics across borders. Once in the host country, refugees pose a threat to local stability by fueling competition over resources such as food, land and jobs. However, the GLR has experienced situations where refugees were able to trigger significantly more destabilizing dynamics by impacting directly on ethnic relations in

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their host countries, or by building a base for rebel group mobilization and operations.

j. **Proliferation of Small Arms.** Small arms and light weapons (SALW) have many uses beyond their primary function as weapons of war. As a consequence, the effects of their proliferation are widespread. The first cluster of effects is connected with conflict and insecurity and includes deaths and injuries and the indirect costs of SALW proliferation and use. Although the proliferation of SALW does not cause the conflicts that are evident around the world, they do contribute to the level of violence, and generally make the resolution of these conflicts more difficult. Armed conflicts in the region have witnessed child combatants using small arms. SALW are used both by government security forces and by guerrillas, militias, self-defence units and violent criminals engaged in conflicts against each other or against the state, or in violent criminal activities.

**Actors in the Conflict**

The major state actors in the GLR conflict include the countries of Angola got involved to rout rebels and secure their common border with DRC, Burundi was involved in the spill over of civil war by routing out the rebels and securing their border and Namibia joined the conflict in DRC under SADC. Uganda got involved to neutralize Western Nile Basin Front (WNBF) and the LRA who fled to DRC and CAR. Rwanda on the other hand got involved to neutralize Ex-FAR (in full) & Hutu Interahamwe who had fled to DRC and conducted attacks against Rwanda from the DRC, Zimbabwe and South Africa had political influence and strong investment and technical support in the DRC. France, Belgium and USA funded the mediation process and were accused of fueling the crisis and exploitation of natural resources in DRC.

The non-state actors are made of other armed groups which include the Democratic Forces for the Liberation of Rwanda (DFLR) which was made of Rwandan Hutu extremists accused of attacking civilians and child soldiers’ recruitment. The Maï-Maï Armed group was formed in 2006 by mineral businessmen in the DRC and accused of rape and attacking civilians including the UN peacekeepers. The Allied Democratic Forces (ADF) was Ugandan-led and was accused of abduction and had links with terrorist groups like Al-Shabaab (AS). The Lord’s Resistance Army (LRA) was accused of recruitment of child soldiers and indiscriminate killings of civilians while the March 23 Movement (M23) was a former rebel group that fought the government of DRC and took control of part of the country.
Conflict Management and Intervention

Regional and international organizations, mainly the UN, AU, EAC, SADC have been on the forefront in responding to the cycle of conflicts in the region. Regional peacekeeping strategies included policy formulation by participating nations and heads of state meeting to support stability, control of small arms, refugee flows and economic development. The external actors to the region have had geo-political interests and helped support and to install in power the autocratic regime of President Mobutu. The UN intervened by establishing MONUC which was later changed to MONUSCO in 2013 under chapter VII of the UN Mandate. MONUSCO’s military component was authorized to use force in pursuit of all the objectives and operated within the International Humanitarian Law. MONUSCO Force Intervention Brigade (FIB) was mandated to contribute to the objective of reducing the threat posed by armed groups on state authority and civilian security in eastern DRC and to make room for stabilization activities.

The AU since 1995 has continued to pursue solutions in the region though the regional mechanisms, ICGLR, Economic Community of Central African States (ECCAS) and EAC in close cooperation with the UN. They were reinforced by UN missions which continue to play important role in stabilizing the region.

ECCAS’s mandate was the joint promotion of peace, security and stability in the region. ECCAS’ priorities included the development of capacities to maintain peace, security and stability as essential prerequisites for economic and social development. The role of SADC in the conflict is evident when examined through the participation of some of its member countries. The actors were South Africa, Malawi and Tanzania who formed the FIB that defeated the M23 who had committed mass violation of human rights and displaced thousands of people into the neighboring counties.

The EAC facilitated the negotiations that led to the Arusha Peace and Reconciliation Agreement for Burundi in 2000. This was preceded by an earlier round of negotiations in Arusha facilitated by the late Mwalimu Julius Nyerere in 1998. The talks were continued under the leadership of the late President of South Africa, Nelson Mandela.
The International Conference on The Great Lakes Region (ICGLR)

In 2013, the ICGLR proposed an intervention force in eastern DRC. To avoid parallel force deployment in the DRC, the UN adopted and incorporated the initiative into MONUSCO as a Force Intervention Brigade (FIB). The ICGLR member states and six co-opted countries Botswana, Zimbabwe, Mozambique, Namibia, Ethiopia and Egypt, governments and civil society, private sector, youth, women, the AU and the UN in consolidation of the regional and national peace and reconciliation. In November 2004, the Declaration of Dar-es-Salaam laid down four priority lines of action i.e. peace and security, democracy and good governance, economic development and regional integration and humanitarian and social matters.\(^7\)

Peace, Security and Cooperation Framework for The Region

Recognizing the recurring cycles of conflict and violence in the eastern DRC, the 12 countries signed the Peace, Security and Cooperation Framework on 24 February 2013 in Ethiopia for the DRC and the Region. The DRC government committed itself to deepen security sector reform, consolidate state authority particularly in the eastern DRC, make progress in decentralization and further economic development, further the structural reform of public institutions and reconciliation.\(^8\) The rest of the member states pledged to respect the sovereignty of neighbouring countries, neither tolerate nor provide assistance to armed groups, strengthen regional cooperation and neither harbour or provide protection to any person accused of war crimes or crimes against humanity. The pacts and framework have led to some progress, especially in the monitoring of security at shared borders and disarming negative forces operating in the DRC. The states have also maintained regular and close cooperation to address the regional challenges. However, ongoing and worsening tensions and conflicts within the region point to the limited impact of the initiatives.

Effects and Challenges of the Conflicts

The effects of the conflict include loss of lives, injuries and maiming, displacements of IDPs and refugees, formation of vigilante groups, emergence of organized crimes like drug trafficking, human trafficking and money laundering, proliferation of small arms in the region, violation of human rights abuses like rape and torture. It has also resulted in disruption of the education system as the youths were recruited into conflict while teachers and children flee for their safety, drug and mineral trafficking, long term psychological effects and political instability in the region as rebels use their hiding places to plan new conflict.

The challenges in the conflict range from strained relationship between states required to cooperate in conflict resolution since majority of them are stake holders or actors in the conflict, lack of proper coordination in coordination intervention, porous borders between states and warlords operating with impunity.

Analysis

The conflict is informed by various issues, actors and processes. The colonial legacy of ‘divide and rule’ and the oppressive indirect rule that was practiced by colonial masters continues to exacerbate conflict to date. The root causes and dynamics of conflict in the region are multiple and complex. More than two million Hutus and Tutsis are located across the boundaries of Rwanda and Burundi. An eruption of ethnic conflict in one state has an effect in another state. It is very easy for politicians and other elites who have direct interests to manipulate and exploit these ethnic ties to create alliances, regardless of the boundaries of the three countries.

Inequitable access to state and natural resources, a lack of equal opportunities to access political power and the proliferation of small arms are just a few of the factors that perpetuate conflict in the region. These factors relate to structural problems of weak governance and economic mismanagement, such as an unaccountable security sector, debt burdens, unpopular macro-economic policies, the collapse of social services and poor terms of trade. The conflicts are motivated by ideology, ethnicity and political leaders’ interests. There is no commitment by the leaders directly involved conflict in the region to carry disarmament and reintegration, meaning that weapons remain in

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illegal hands. The difference between being a combatant and being a civilian is blurred.

There is low level of institutionalization of actors and flexibility in the patterns of alliances. The absence of manifested goals facilitated change of actor alliances and networks of some groups with no long-term strategy\textsuperscript{11}. Education infrastructure in the region is not equitably distributed. The high level of illiteracy creates lack of capacity and makes people easy prey for manipulation by political elites. The DRC has had a UN peace keeping mission for over twenty years yet peace is still elusive. Is it not time to ask the question as why peace is elusive in spite of this international presence? Is there the will to resolve the conflict among the international partners?

**Conclusion**

The GLR is classified as one of the most unstable regions in the world. The continuing conflicts in the eastern part of the DRC, the boiling political crisis preceding the forthcoming elections in the DRC, the shaky peace agreement in Burundi and the cross-border activities of the LRA in Uganda, north eastern DRC and South Sudan are the major destabilizing factors of the region. All these countries differ in terms of their history, extent of war and levels of development, but they have similarities that explain the interconnectivity in violent conflicts. The epicentre of the conflict has been rotating from Uganda to Rwanda in 1990 to the 1994 genocide, Burundi civil war in 1993, then to the DRC and CAR and South Sudan. The violence in the DRC is due to political crisis. Elections are due and hope that it will be held in a transparent and free atmosphere. Transnational ethnic groups and porous boundaries facilitate the ‘inter-contamination’ of violent conflict. The 1994 genocide increased cross-border ethnic affiliations resulting in significant number of armed refugees, who destabilized Rwanda and the eastern part of the DRC.

The availability of land, forest and mineral resources in the DRC resulted in enormous economic interests for neighbouring and other countries from the region, who benefitted from the illegal trade of minerals during civil wars. Similarly, massive displacements of people and refugee flows across borders spreading the effects of the conflicts within and across neighbouring countries. The main challenges facing regional peacebuilding have been identified as the inadequate participation of local actors and civil society in the peace process, failure to address historical injustices, issues of land distribution, negative ethnicity and lack of commitment to the implementation of peace agreements and institutional reforms. Currently the ICGLR and the AU and the Peace and

Security framework are working together to give the region peace.

**Recommendations**

The following recommendations are suggested to enable the creation of conditions for lasting peace in the GLR:

a. A new paradigm is needed is for sustainable regional peace and security. Home grown peace imperatives must prevail over geopolitical interests of foreign powers. Internal and regional intervention mechanism should identify critical actors and ascertain their relationship with the conflict in GLR. Peacebuilding approaches has to focus on regional cooperation and integration. Involving the civil society and local interest groups in the conflict transformation processes is also necessary.

b. Peaceful political change in the Great Lakes countries should be given priority in the national and regional security architecture and proper management of the political processes should adhere to the constitutions and democratic processes. The legal and political institutions should be strengthened to enhance good governance.

c. The root causes of the conflict mainly issues of land, historical injustices and resettlement of refugees should be addressed and those responsible for crimes against humanity, war crimes, and even genocide should be held accountable. Grassroots initiatives like introduction of court similar to Gacaca court should be used to address these injustices.

d. Need to focus on healing and reconciliation to restore harmonious relationships within all the communities and integrating the militia after disarming. Protection of the vulnerable and marginalized groups should be guaranteed.

e. Enhance the regulations and exploitation of the natural resources in DRC.

f. The African Standby Brigades need to be resourced, activated and operationalized to be able to intervene as a crisis response team.

h. Rwanda has already set pace for prosperity and peaceful coexistence of her people. In the Foreign Policy, they have considered sovereignty as key and securitized her borders especially with DRC accordingly. We encourage other countries to follow suit. The above initiatives can address hostility, insecurity and increase fair political transitions, resettlement of internally displaced persons and refugees, reparation for victims of civil war and focus on healing and reconciliation resulting in healthy relationships and peaceful situation.
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THE PRINCIPLE OF UTI POSSIDETIS AND COLONIAL BORDERS IN AFRICA

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Introduction

The OAU boundary resolution of July 1964 is at times equated with uti possidetis juris principle of international law, a doctrine applied to certain boundary situations in Latin America. In the African case this analogy would be false and misleading as the two situations were not the same. The expression uti possidetis juris (McEwen;1971) is derived from Roman law where it was associated with praetorian possessor interdicts. The purpose of the interdict was a prohibition by the praetor against interference with immovable property. This allowed a decision on who among the claimants to place possession on to enable him occupy the position of defendant in the vindicatio or action of ownership in Roman law.

In the above respect then it can be said that in Roman law, the idea of uti possidetis juris is equivalent to the award of interim possession as a preliminary prerequisite to the establishment of ownership to the property. As an import from Roman law, uti possidetis juris as applied in Latin America situations indicates the differences between this remedy in Roman law and its application in interstate situations and relations. In essence then this principle has mostly been applied to boundary situations in Latin America. The principle is associated with the creation of new states as a result of gaining independence from their colonial masters. The operational understanding of the expression is that “the boundaries of former colonies are deemed to constitute the boundaries of newly independent successor states. In the frontier dispute (Burkina Faso v. Mali (1986) the International Court of Justice confirmed that uti possidetis juris is a general principle that is connected with the phenomenon of obtaining independence and stability of new states being endangered by fratricidal struggles provoked by the changing of frontiers following withdrawal of the administering power.” ¹

With the collapse of the Spanish and Portuguese empires in South and Central America, the newly independent states proclaimed a principle of international law they called uti possidetis juris whose intent was stabilize national boundaries in their abstract and theoretical positions as at the time each of them gained independence. The critical dates for application of this principle were the years

¹Rebecca Wallace and Anne Holliday, Nutshell International Law, 2010,p44
1810 for Southern America and 1821 for Central American states. Therefore, this principle then as invoked and applied evoked a different interpretation and application as from the way it was applied in Roman law. In Latin America at this time there was no proper delimitation and demarcation of boundaries as some of the areas had not even been explored as was the case in Africa. This was more so because at this point in time and with only the exception of Brazil then a Portuguese colony, all the other Spanish colonies or areas comprised one way or the other part of the Spanish empire as an administrative unit. The limits of these administrative units were hardly known or established. This was evidenced in the Bolivia-Peru award of 1909 where the arbitrator failed to their relevant administrative positions and boundaries as the information available would not point to the same. The principle of uti possidetis juris was invoked by the newly independent countries to denote occupation of areas that they had not occupied but believed belonged to them. This was very different from the way it was employed in Roman law.

In similar vein, the Swiss Federal Council noted that adoption of the principle of uti possidetis juris by these countries was meant to eliminate boundary disputes among them amongst them as new republics with the further implication of ensuring no further part of South America could be declared res nurelles and therefore open to colonization by anybody as was espoused in the Monroe Doctrine of 1823.²

In Africa contrary to the Latin America situation, the principle meant supporting the same with effective occupation as defined in international law. This was averred by Britain in in 1887 at all the parties to the Berlin Act that divided that divided up Africa among the six colonial powers of Britain, France, Germany, Spain, Portugal...“that a claim of sovereignty in Africa can only be maintained by real occupation of the territory claimed”. This was key in the delimitation of the British and Germany colonies in Africa. Whereas in Africa the claim if uti possidetis juris was premised on effective occupation, in South America it was premised on an attempt at constructive sovereignty over at times unoccupied territory. In Africa many of the colonial boundaries were delimited and demarcated by independence and this would explain why most African countries inherited on the most part well established boundaries at independence with most of them willingly accepting the boundary situation as it was then. In this situation, the principle of uti possidetis juris was regarded and is still regarded as a convenient source of boundary genealogy.

²Op.cit. p29
Self-determination is the principle whereby the future of a colony or similar non-independent territory is determined in accordance with the wishes of its inhabitants....... And in the case of Western Sahara the International Court of Justice defined the principle of self-determination as … as the need to pay regard to the freely expressed will of peoples…”3 Within the United Nations Organization charter of 1945 Self-determination is provided for under article 1(2) as one of the principles of the organization. The sub-article provides thus “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”. What this means then is that if self-determination of a people or peoples is to strengthen universal peace it should be allowed or encouraged. The same is also addressed in Article 55 of the same charter that calls for “the creation of conditions of stability and wellbeing which are necessary for peaceful and friendly relations based on respect for the principle of equal rights and self-determination of peoples…”4 In the UN General Assembly resolution 1514 (XV) of 14th December 1960 which states that “all peoples have a right to self-determination” in accordance with the Declaration on the Granting of Independence to colonial Countries and Peoples. The International Covenant on Human Rights as adopted by the United Nations General Assembly on 16th December 1966, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights all proclaim in Article one paragraph one of their constitutive texts that all peoples have a right to self-determination. In as far as this situation is, the principle seems to express a legal obligation. However, the question that would be asked is how the right to self-determination should be exercised and whether the same can be exercised by a disaffected group within an independent state for sake’s sake. This would have been the thinking the Organization of African Unity (OAU) when it passed a resolution requiring all its member states to respect colonial boundaries as they existed at independence. The other question would be on what the expressions “self-determination” and “all peoples” mean. The other question is what would constitute a group of people within a state as to be allowed to self-determine their cause? Does the question of being a minority whether on the basis of culture, language, religion or creed constitute enough reason for such a group to for it to be allowed to break away or secede from the main population which they have been part of in constituting such a country or territory in question? Would this have been the intention of the UN when it passed the resolution in 1960? When passing the resolution, the UN indicated that any attempt aimed

3 Op.cit.p50
4 United Nations Organization
at partial or total disruption of the national unity and territorial integrity of a member country is incompatible with the purposes and principles of the UN. This provision is behind the thought espoused by the UN’s predecessor, the League of Nations when in 1921 it observed that “to concede to minorities either of language or religion or to any fractions of a population, the right of withdrawing from the community to which they belong because it is their wish or their good pleasure would be…..to …uphold a theory incompatible with the very idea of a state as a territory.” When a country becomes independent, the assumption is that its entire people desired that independence and this did not leave some with the will to eventually break away from the rest. This portrays self-determination as a process that ends at attainment of independence.

Within East Africa, the idea of self-determination is harboured in Kenya by members of the Somali community who inhabit Kenya’s Northeastern part of the country and have expressed their intention of being united with the greater Somali population in Somalia. This occasioned a long and bloody insurgence against the government of Kenya. Most African countries chose to abide by the colonial boundaries and have continued to do so in most part save for a few situations that still continue to riddle the continent. Cases of self-determination still rife in the continent concern the case of and the previously administered Spanish territory of Sahara whose independence the UN is still grappling with. The other territory is Palestine in the Middle East which is yet to fully administer itself as it is entangled with Israel on the question of resolution on its status and the territory it should occupy.

When it comes to the question of self-determination legal opinion from the ICJ tends to indicate such a right does not arise in international law except under very limited circumstances. In the quest by the region of Quebec in Canada to secede from Canada where the question was whether Quebec would secede unilaterally, the court “held that self-determination could only arise in limited circumstances and that there is not a right existing under international law whereby entities within an existing state may secede unilaterally.”

6 Rebecca Wallace And Anne Holliday, *Nutshell International Law*, 2010, P53
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UKRAINIAN CRISIS IS A REVIVAL OF THE RIVALRY BETWEEN THE WEST AND EAST

Gp. Capt. W. Chikukwa - Zimbabwe Defence Forces

Introduction
The Ukrainian crisis which could be viewed as a revival of the long continuous competition for supremacy involves two nuclear powers, Russia and the United States of America (USA). The rivalry could be loosely translated as the West and East confrontation or the great divide between communism and capitalism or democracy and totalitarianism. It has its roots in the superpower rivalry dating back to the Russian Bolshevik Revolution of October 1917.\(^1\) Although the ideological divide has thawed, the competition for dominance of the world has continued.

The ascendance of the Bolsheviks to power under Lenin marked the genesis of rivalry. Rivalry involves both realistic issues of incompatible interests and psychological issues of ideology, distrust and stereotyping. The latter are critical in conflict escalation.\(^2\) Regardless of the ideological competition between Russia and USA, the two countries have been engaged in measured and cautious interactions in the areas of trade and development until the Obama administration imposed sanctions on Russia.

The East West Struggle
The period after 1945 is seen as one of ‘East-West’ struggle that was between competing coalitions organized around the USSR and the USA. However, the West led by the USA has gradually penetrated former Soviet Union republics such as Ukraine while the North Atlantic Treaty Organization (NATO) is now deployed on the fringes of Russia’s borders. The encroachment onto Russia’s borders would clearly be an issue of security concern and can cause a stand-off similar to the cold war scenario.

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Cold war referred to the standoff between the two superpowers where deterrence was determined by possession of mutually destructive nuclear weapons and this ushered the world into a period of bipolarity.  

Although NATO Secretary General Stoltenberg once stated that they were not in a cold war situation, there was acknowledgement that Russia and NATO were not in a cooperative environment.  

The reason of the uncooperative environment could be that NATO viewed Russia as violating the independence of its neighbors and had annexed Crimea, had troops in Moldova and Georgia, and was believed to be instigating instability in Eastern Ukraine. In response, NATO reacted to that behavior by bolstering collective defence of its member states.  

NATO, which is dominated by the USA, increased its response force and deployment of the lead elements could be done within as little as 48 hours. Of note, are similarities with the 2nd World War, where the US led the allied powers and continues to play that role in NATO given that it is the guarantor of peace in Europe.  

Sakwa postulates that the crisis in Ukraine reflected the continuation of what used to be called the East-West conflict. At the end of the cold war which was epitomized by the fall of the Berlin Wall in 1989, the USSR then crumbled in December 1991 and Russia presumed obligations and nuclear responsibility of the former USSR. Despite attempts by Russian President Gorbachev to transform the USSR based on the ideas of the new political thinking, no inclusive and equitable peace system was established. Instead, an inconclusive peace was imposed on Russia.  

In the East, the institutions of the cold war were undone and the central and eastern European countries joined the most successful multilateral security body, NATO. This was despite the fact that Gorbachev had apparently been promised that NATO would not advance to the East.

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4 Alexey Venedikto and LesyaRyabtsera, selectedLocale+en *Interview of NATO Secretary General Jens Stoltenberg with Alexey Venedikto and LesyaRyabtsera of EkhoMoskvy* at www.nats.int/cps/en/natohq/opinions-115877wm? (29 November 2014) downloaded 24/10/16 at 08:20 PM.  
5 Alexey Venedikto and LesyaRyabtsera selectedLocale+en *Interview of NATO Secretary General Jens Stoltenberg with Alexey Venedikto and LesyaRyabtsera of EkhoMoskvy* accessed at www.nats.int/cps/en/natohq/opinions-115877wm? (29 November 2014) downloaded 24/10/16 at 8:20 PM  
Russia’s view was that NATO and Europe in general will exercise restraint so as to avert unnecessary conflict. According to Windsor, NATO’s continued existence became justified by the need to manage the security threats provoked by its enlargement.9

This put Russia into a security dilemma which Graham referred to as measures that a country adopts to enhance its own security.10 Those measures triggered other countries to also undertake measures to increase their own security. This fateful geopolitical complexity where NATO exists to manage the risks created by its existence partly provoked the Ukrainian crisis.

The irregular termination of the cold war created a succession of encounters that is detrimental to peace. In his argument, Halloran posits that a protracted era of “cold peace” settled over Russo-Western relations, although punctuated by attempts by both sides to escape renewed confrontation.11 Sakwa argues that the situation in Ukraine had characteristics of the cold war without accepting the competitive rationale.12

At worst, the post-communist countries, encouraged by neo-conservatives in Washington and pundits in Central and Eastern Europe, to expose Russia as despotic, imperialist and an enemy of democracy. In this regard, NATO thus found a role, which was remarkably similar to what it had been set up to do and that is; to contain Russia. The impetus of containment has underlying tones of a greater Europe that could include a weakened Russia. On the contrary, Russia considers itself a major power and the center of an alternative, although not necessarily adversarial, but a civilization and geopolitical pole in world politics.13 Consequently, it is unthinkable that Russia would by security circumstances be compelled to be a part of a wider Europe and was not likely to accept being part of the NATO security community.

The loss of Ukraine was an embarrassment and threat to Russia which responded by annexing Crimea and supported a rebellion in the east of Ukraine where rebels demanded autonomy with Donetsk as the capital.14 The new pro-USA government in Kiev was unprepared for this Russian move hence could not reverse the annexure of Crimea despite the West’s protests and imposition of sanctions on Russia.

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9 P. Windsor, *Strategic Thinking: An Introduction and Farewell*, (Washington, USA, 2003), 12
Similarly, Russian’s support for an uprising in eastern Ukraine dealt a severe military blow to the Ukrainian army. Further, Ukraine’s reliance on Russian gas which is critical especially in the cold winters cajoled Russia to attempt to arm twist the new Kiev government not to join NATO. Even if the USA wanted NATO to defend Ukraine, most of Europe which has huge economic trade ties with Russia was concerned about the economic backlash on the economies of France, Germany and other EU countries who also relied on Russian gas. At Germany’s initiative which the USA expressed reservations, a ceasefire was agreed between the new Kiev government and the rebels in the east of Ukraine, although periodically violated.\textsuperscript{15}

The USA deployed 300 troops to help train the Ukrainian army thus further threatening Russia by the presence of US troops in the Russian vicinity. It would appear that the USA seizes every opportunity to consolidate its gains by exacerbating the Soviet Union disintegration, a situation they had vigorously pursued in the past.

Although there was peace after 2\textsuperscript{nd} World War, some of the cold war traits never relented as epitomized by the Cuban crisis. In the Cuban Crisis, the USA and Soviet Union confronted each other with the arsenals of mutual annihilation in hand.\textsuperscript{16} Cuba was conceived either as a satellite state of the Soviet Union, whose actions are an extension of Soviet policy, or simply the location of a dispute between the US and the USSR.\textsuperscript{17} The US maintained economic and other sanctions against Cuba long after the expiry of the Cold War strategic context and the embargo was lifted by President Obama late in 2016.

The issue has always been whether or not the Cold War ever ended? The Ukrainian crisis, therefore, did not come as a surprise. The USA never gave up in its bid to dismantle the Soviet Union. Russia could not come to accept the loss of Ukraine hence the annexure of Crimea and the support of the rebellion in Eastern Ukraine. The defence of Russia is gradually becoming untenable without Ukraine.

The hegemonic tendency of the superpower has not vanished as both USA and Russia are seen active with the West pursuing enlargement of Europe and NATO’s sphere of military influence while Russia strives to preserve a buffer for its borders.

\textsuperscript{16} R. Graham, \textit{Essence of Decision, Explaining the Cuban Missile Crisis}, Boston, (Little Brown, 1971), 34.
\textsuperscript{17} R. Sakwa, \textit{The Idea of Europe, Telos, Europe Conference}, L’Aquila, (Italy 2014).
This is a conflict that is difficult to resolve as it involves identity of the Ukrainians, the West’s values of democracy which are non-negotiable and are tantamount to zero-sum game for Russia.\(^\text{18}\) Russia is bound to lose more territory unless there is support from China. China’s relationship with Russia is lukewarm yet these are the two countries that can stand solidly behind each other to prevent the West’s expansionist policies.

Once a country such as Ukraine joins the EU whose peace is guaranteed by the USA, NATO, which has always maintained deterrence troops on European soil, has an obligation to defend such member countries. Europe remains under USA leadership as has always been the case during the cold war. Notwithstanding, Russia also maintains a functioning deterrence against NATO especially with troop concentrations in sensitive and strategic Baltic States namely Moldova, Georgia, Kaliningrad region and the Crimea.\(^\text{19}\) These deterrent deployments are reminiscent of the Cold War.

**Conclusion**

Although the formal Cold War ended in 1991 with the demise of the USSR, the West never stopped the pursuit of the enlargement of Europe, and Ukraine is its latest acquisition. The maintenance of NATO deployments in Europe as a protection and deterrence force focused its asymmetric and intelligence effort on Russia. The objective of the West could be to preside over the complete disintegration of its one and only erstwhile enemy, the Russian Federation.

Given the ever depleting space and encroachment by the West on Russia’s borders, and recently through subverting Ukraine to join the European Union, Russia’s narrowed options were the annexure of Crimea and sponsored rebellion in Eastern Ukraine. The Crisis created a stand-off between the nuclear powers a situation replica to the Cold War. Therefore, the Ukrainian crisis could be a revival of the long continuous rivalry between the West and East reminiscent of the Cold War.


UKRAINIAN CRISIS IS A REVIVAL OF THE RIVALRY BETWEEN THE WEST AND EAST

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THE PLACE OF DIPLOMACY IN THE INDEPENDENCE OF NAMIBIA

Col. E. T. Iikuyu – Namibian Defence Force

The conduct of diplomacy had originated in the ancient time. Greek States exchanged diplomatic missions far back in the fifth Century B.C. The same practice was exercised by the Romans who also concluded and maintained treaty relations with some of their neighbours with the active participation of diplomatic envoys. According to Sen\(^1\), the practice of diplomatic relations had been vogue for a long time. He further asserted that, in the course of their trade and commerce through the seventeenth and eighteens centuries, European nations were brought into contact with other nations in different parts of the globe and sent their envoys to negotiate treaties and set-up permanent diplomatic missions. Barston defined diplomacy as the art and practice of engaging in negotiations between diplomats of groups or states.\(^2\) It fundamentally refers to the method of interactions with other countries through diplomatic engagements on issues regarding peace-making, trade, war, security, economics, culture, environment, and human rights. According to Rathod, diplomacy is simply the art of conducting relations between states.\(^3\)

The events that follow the First World War had considerable impact on foreign policies and diplomatic relations of states. The breakup of the Ottoman Empire, liquidation of German colonies upon her defeat and the formation of the League of Nations were important developments in the diplomatic history of Namibia. Namibia (then known as South-West Africa), a former German colony, is situated towards the north west of South Africa. After World War I, which ended with the defeat of Germany, its colonies were shared among the winning allied powers.

Namibia became a Mandate Territory as a Class C as per article 22 of the Covenant of the League of Nations and was given to the Union of South Africato manage it because of its proximity.\(^4\)

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At that time it was agreed that territories placed under Class C mandate did not capability of managing itself as an independent state due to many factors including its sparse population, size and remoteness, and educated people to set up a government. Meanwhile, the mandate lapsed immediately after Second World War, but was subsequently replaced by United Nations (UN) trusteeships system as established by Articles 75 and 88 of the UN Charter of 1945.

The international trusteeship system is established by Article 75. This body will administer such territories as indicated by subsequent individual agreements. In the Namibian case, no agreement was entered into. Likewise, Article 88 establishes the Trusteeship Council to monitor the political development of indigenous people, their educational advancement as well as the economic and social progress of the inhabitants of each trust territory. It will also observe how the entrusted authority is administering within the parameters given by the UN General Assembly which also required an annual report. The Union of South Africa in contrast refused to recognise as well as abide by the provisions of the trusteeship agreement and therefore ignore to submit any report as requested by the UN.

The mandate given to South Africa was to prepare the people South West Africa to its independence. However, it refused totally to allow South-West Africa's transition to independence, and subsequently regarded it as its fifth province, in violation of the UN Charter. It claimed that its responsibility over the territory was owed exclusively to the defunct league and that the mandate terminated when it died. It further argued that the UN had no authority over the matter because they consider it as a domestic issue according to Article 2(7) of the UN Charter.

This had created diplomatic row between the UN Organisation and South Africa government. This stalemate had continued unabated over a long period eventually denying the Namibian people the right to take decisions about their political, social, economic, and educational affairs. In the meantime, repressive policies were introduced including sending the police and military units into the country.

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5 UN. United Nation Charter, 1945
6 ÜN. United Nation Charter, 1945. Article 75
7 ÜN. United Nation Charter, 1945, Article 88
8 Planck, M. The Origin of Trusteeship Concept in International Law: Introduction. (UN, 2005)
Based on these injustices, Namibians find their ways into the international community and raise their complaints at different forums. This culminated in the formation in 1960 of the South West Africa People’s Organisation (SWAPO), by Namibians to petition the UN the entire international community about illegal occupation and aggression of Namibian people by South Africa apartheid regime and to seek for independence. In 1968, SWAPO was later acknowledged as a rightful representative of the people of Namibian and given status as UN Observer.

As postulated by Barston, the potential for conflict exists whenever people have different needs, values, or interests\(^{11}\). The refusal of apartheid South Africa regime to hand Namibia over to its people could be linked to its richness in natural resources. Namibia is rich in diamond and uranium. Other mineral products are copper, diamonds, gold, lead and gold. Obliviously, defiant South Africa moved to extend the apartheid system to Namibia, such as moving communities from fertile and resource rich land and declared it an exclusive police zone. Indigenous Namibians were put into compacted homelands also known as “Bantustan”\(^ {12}\) separated according to their tribes. The South African regime moved to bring in whites and provided them with land to farm, to the dismay of indigenous. Thence introduced contract worker system, Bantu education and other discriminatory laws.

This increased hostility between the apartheid regime and the Namibia people and required mediation. Meanwhile, the South Africa apartheid regime relied on secret arrangements made by Great Britain, France and Japan, the three among the powerful UN member states which had agreed to support it to annex Namibia. Meanwhile, Namibians intensified the lobbying of the UN General Assembly, through individuals and independent states of Ethiopia and Liberia\(^ {13}\) who were UN member states that time, which unanimously accepted the third-party mediating role and started to engage South Africa on the issue.

According to the theory of relative deprivation, people take action, often in the form of violence, when their achievements and capabilities fail to meet their aspirations.\(^ {14}\) Based on that assumption, SWAPO launched a guerrilla war on 26\(^ {th}\) August 1966 inside Namibia and vigorously pursued guerrilla warfare while engaging in diplomatic campaign with the international community.

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\(^{13}\) Wiecher, M. *Namibia’s Long Walk to Freedom: The Role of Constitution Making in the Creation of Independent Namibia*. London, 1994, p 81

\(^{14}\) Ibid, Barston, p5
As postulated, by Saunders, the escalation of conflict may be followed by settlement or resolution, but in the case of Namibia it had escalated and became very destructive for 23 years (1966 – 1989). During the time of Namibia’s occupation, the UN and international community had carried out negotiations to try and convince the worrying parties to an amicable agreement. Negotiation is a process of communication in which the parties aim to send a message to the other side and influence each other. Henry Kissinger, the former United States (US) Secretary of State conducted shuttle diplomacy to Southern African Capitals to prevent a devastating race war. Meanwhile, South Africa prime minister John Vorster indicated that he will not be pressured by Kissinger by continuously reinforced his troops in Namibia.15

South Africa also internationalised the conflict when it fomented civil war in neighbouring states of Angola, Zambia Mozambique and Botswana, destroying their infrastructure and causing huge losses of life in the pretext of pursuing terrorists. At the same time, it provided weapons and logistical support to the dissident groups of National Unity for Total Independence of Angola (UNITA) in Angola and National Resistance Movement (RENAMO) in Mozambique, which terrorised civilians sabotaged the infrastructure over wide areas in those countries.16

Meanwhile, the frontline states of Angola, Botswana, Lesotho, Mozambique, Tanzania, Zambia, Zimbabwe provided SWAPO with both political, diplomatic and military support which encouraged it to intensified its armed struggle for independence. The Frontline States was an organization established to achieve majority rule in South Africa though campaigned for international sanctions against South Africa. It supported freedom fighters from Namibia, South Africa, and Zimbabwe. It dissolved after the revolution in Southern Africa. Leaders such as Julius Nyerere of Tanzania and Keneth Kaunda of Zambia played a crucial diplomatic role as they continuously invited the USA Assistant Secretary of State responsible for African Affairs to negotiate.

The escalation of conflict cannot continue indefinitely, however, it reached a stalemate stage where it was too destructive and costly to maintain financially. Apartheid SA armed troops and agents launched armed attack on civilians, while SWAPO Guerillas carried out sabotage on infrastructure such as bridges, electric and telephone pylons.

15 Christopher S. W. Namibia Achieves Independence After 75 Years of Pretoria’s Rule. (The New York Times Published: March 21, 1990)
This situation culminated in a stalemate where there is no absolute military victory for either side. On the other hand, the apartheid regime in South Africa faced multiple domestic challenges. The African National Congress (ANC) militants intensified war in the country and were determined to bring the apartheid regime to an end.

This was encouraged by the renewed support from all over the world and in particular from African countries within the Organisation of African Unity (OAU).

This friction had unavoidably caused heavy drain on resources of the country as it lost much of the backing it received from its former Western allies within the UN Security Council. In that situation very often the foreign policy has to be directed to secure support for itself from other members if the international community. This had meant open up diplomatic talks with SWAPO and ANC. As Zartman posits, parties resolve their conflict only when the pain of continuing the conflict exceeds that of maintaining the confrontation, the parties are in what is called a “mutually hurting stalemate,” or ripe moment, which often presents an ideal opportunity for negotiation and a potential settlement. Therefore, in 1988, both parties agreed to the implementation of UN resolution 435 that provided for the independence of Namibia on 21st March 1990. When an agreement is reached, it paved the way for peacebuilding efforts to repair damaged relationships with the long-term goal of reconciling former opponents.

The Namibian conflict is a testimony that the key to successful conflict resolution lies in the ripe moment of the conflict. Barston asserted that parties resolve their conflict easily when the time is ripe. During this time, the parties find themselves in an uncomfortable and costly predicament. At that point parties are ready to accept proposals that usually had been put forward for so long and that only now appear attractive. It is therefore sufficed to say that Namibia’s independence was achieved after a protracted diplomatic effort by the international community.

19 Ibid, Christopher, p34
20 Ibid, Barston
South Africa, which had Africa’s largest economy, had ruled Namibia for 75 years (1915–1990) and left behind an extensive legacy. Therefore, it is significant that Namibia remained economically very closely intertwined with South Africa. Since independence, South Africa and Namibia are enjoying warm and fraternal relations that are characterised by regular and increasing interaction at all spheres of political, economic, social, security and environment.

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The Trade Facilitation Agreement is the first multilateral trade agreement concluded by the World Trade Organization (WTO) members since the formation of the organization in 1995. It was part of the four Singapore issues which emerged during the first WTO Ministerial Conference held in Singapore in 1996, the others being trade and competition, trade and investment and transparency in government procurement. At that time, developing countries were opposed to the introduction of new issues for negotiations given that they were still grappling with the implementation of the various agreements concluded under the Uruguay round of negotiations. Developed countries however were of the view that it was time to embark on new negotiations to remove the remaining barriers, particularly the non-tariff trade barriers. A compromise was reached between these two opposing views and the Ministerial Conference directed the Council of Trade in Goods to undertake exploratory and analytical work on the simplification of trade procedures with a view to assessing the scope for WTO rules.

The Doha Development Round of negotiations which was launched in 2001 in Doha did not include negotiations on the Singapore issues though intense discussions continued leading to the inclusion of trade facilitation as part of the Doha Round of negotiations in 2004. This round of negotiations was supposed to be a development round and aimed at levelling the playing field so that developing countries products could compete with those of developed countries in the international market.

The round therefore included issues of interest to developing countries such as agriculture, non-agricultural market access, rules, particularly those relating to the anti-dumping and subsidies agreement, biological diversity and

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3 ibid

traditional knowledge to mention but a few. The negotiations were supposed to be undertaken under the principle of single undertaking meaning that “nothing is agreed until everything is agreed” and that the final outcome of the negotiations would form a single package. While progress on most of the issues under discussions has been slow, in 2013 during the WTO Ministerial Conference held in Bali, Indonesia, an agreement was reached on trade facilitation.

In a surprise move, WTO member states decided to break from the principle of single undertaking which had guided the negotiations from the beginning. This paved the way for the Trade facilitation Agreement to move to the next phase of adoption and implementation thereby upsetting the delicate balance that had existed between developing and developed countries issues. As at the time of writing this article, the number of countries that had ratified the agreement had reached one hundred and eight (108) countries thereby moving closer to the hundred and ten (110) ratifications required for the agreement to enter into force. The first pace of ratifications is astonishing given that developing countries were opposed to launching of negotiations when the issue was first brought on the table in Singapore in 1996 and fought hard against its inclusion until 2004 when it was finally introduced into the wider Doha Development Round negotiations. It is instructive to note that negotiations on other issues of interest to developing countries such as agriculture, non-agricultural market access are still in a limbo with no clear way forward on how to advance them.

The early adoption of the Trade Facilitation Agreement is likely to have far reaching implications for negotiations in WTO and the Doha round in particular. During the last WTO Ministerial Conference held in Nairobi, Kenya in 2015, member states could not agree to reaffirm the Doha round. Developed countries indicated that it was time to move to new issues and approaches to negotiations while developing countries indicated that they would like to see the remaining issues in Doha round concluded before new issues could be introduced.

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6 ibid


While it is not clear what new issues were being proposed, the European Union (EU) statement before the ministerial conference could shed some light on what some of those issues could be. These could include issues such as investment, e-commerce and digital trade, and regulatory issues affecting goods and services behind the borders.9

The failure therefore to reaffirm Doha round was more of a strategic move by developed countries than a sign of the end of the Doha round. Developed countries, are likely to exploit the stalemate to introduce new issues before agreeing to the continuation of negotiations on the remaining issues. Once these new issues are introduced, some progress is likely to be made on a few issues of interest to developing countries so as to keep them interested in the negotiations. However, once meaningful progress has been made on the new issues, the same tactics employed in the Trade Facilitation Agreement are likely to be engaged to move them into a binding agreement. The benefits therefore to developing countries in the current and future negotiations at WTO are likely to be minimal and once again developing countries may find themselves taking on binding obligations which favour developed countries without achieving meaningful progress on issues critical to them.

Another implication of the agreement for developing countries relates to the agreement itself. The agreement main objective is to facilitate cross border trade and has binding provisions on expedited movement, release and clearance of goods, including those in transit, simplification and harmonization of customs procedures in respect of activities, practices and formalities involved in collection, presentation, communication and processing data and other requirements for cross-border movement of goods.10 It also contains Special and Differential Treatment (SDT) provisions that allow developing and least-developed countries (LDCs) to determine whether they are ready to implement the provisions of the agreement including those provisions that would require technical assistance and capacity building to implement.11

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11 ibid
The agreement has been touted to be beneficial to developing countries. The WTO in its World Trade Report of 2015 indicated that full implementation of the agreement would reduce global trade costs by an average of 14.3 per cent with African countries and least-developed countries (LDCs) expected to experience the biggest average reduction.\(^{12}\) Other benefits include; export gains resulting from improved ease of movement of goods of between US$ 750 billion and well over US$ 1 trillion dollars per annum, depending on the implementation time-frame and coverage; export diversification gains with micro, small and medium-sized firms expected to increase their export shares more than large firms; attraction of foreign direct investment; improvement in revenue collection; and reduction in the incidence of corruption.\(^{13}\) Similar assessments have been made by other international organizations.

The Organization for Economic Cooperation and Development (OECD) estimates that the agreement would result in a reduction in trade costs of 14.1% for low income countries, 15.1% for lower middle income countries and 12.9% for upper middle income countries if implemented in full while limited implementation would result in trade reduction costs of 11.7%, 12.6% and 12.1% for lower income countries, lower middle income countries and upper middle income countries respectively.\(^{14}\) The United Nations Conference on Trade and Development (UNCTAD) is also upbeat on the benefits of the agreement as it contends that trade facilitation reforms tend to improve a country’s trade competitiveness, enhance revenue collection and can help advance development goals such as strengthening of governance and formalization of the informal sector.\(^{15}\) Furthermore, since many trade facilitation-related challenges and solutions are regional, the implementation of such solutions can boost regional integration. The World Bank Group suggests that full implementation of the agreement would result in global welfare gains of around $210 billion per year, with the benefits flowing disproportionately to developing countries.\(^{16}\)


From the above analysis, it would appear that there is general consensus that implementation of the agreement would result in huge benefits to developing countries. However, there are also cautionary voices from other quarters regarding the potential benefits to developing countries. Sujeevan Perera is of the view that for developing countries to benefit from trade facilitation, they would need to improve their export competitiveness so as to avoid challenges in their industrialisation efforts which are likely to arise as a result of increased competition from imports.17

Furthermore, the benefits accruing from trade facilitation are likely to go to large developing countries such as China, Brazil, India, and Mexico which already possess a substantial manufacturing base while poor developing countries, particularly those in Africa are likely to experience challenges in their industrialization efforts. This is more so given that Africa’s share of global exports is 2.4 percent, with Sub-Saharan Africa accounting for just 1.7 percent of the exports.18 Moreover, there is a great dependency on imports which are not adequately balanced by corresponding exports with the share of imports being twice the share of exports.19

The implementation of the trade facilitation agreement therefore before addressing the challenges in manufacturing in Africa is likely to worsen the situation and may lead to reinforcing of the current scenario where most African countries export mainly raw materials and import finished products from industrialized countries. Improvement in movements of goods is also likely to result in concentration of industries in a small number of countries which have low production costs. This would worsen industrialization challenges of developing countries as it would be difficult to attract foreign direct investments thereby compromising their ability to grow and reduce poverty. Poor countries may also experience balance of payment problems as a result of reduced exports thereby negatively affecting debt servicing and sustainability. The benefits being touted by intergovernmental organizations may therefore not materialize for a large number of countries as some countries may end up being worse off.

19 Op.cit, Evita Schmieg
There are also enormous cost implications associated with the implementation of the agreement that would require significant investments. Developing countries would have to undertake legislative, policy and infrastructural changes to be able to comply with the provisions of the agreement. This would in turn call for considerable amount of resources to undertake legislative and regulatory work depending on the country’s legislative structures and procedures. In addition, trade facilitation measures would entail operationalisation of legislation on electronic signatures and other procedural/administrative matters, development of new units such as post-clearance teams, risk management teams and central enquiry points to mention but a few.

New equipment and infrastructure would also be required to incorporate existing or new ICT systems and online support for documentation, data gathering, traceability, and risk and stock management. Furthermore, there will be need to address coordination and cooperation challenges among various authorities. While such coordination is expected to result in significant reductions in time and costs for traders by aligning customs administration/procedures and ensuring compliance with documentary requirements such as licenses and certificates, it may also require creating formal and informal procedures, practices and mechanisms which are likely to be costly.

These legislative and institutional changes would have to be augmented with corresponding investments in infrastructure. This may lead some countries to prioritise improving their customs systems and development of port infrastructure over other pressing national programmes such as health, education and food security. On the other hand, failure to abide by the agreement may result in a member state being taken to the WTO Dispute Settlement Mechanism (DSM) for legal action which is likely to be very costly to the member concerned.

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21 Op.cit, Sujeevan Perera
22 ibid
24 ibid
Last but not least, the agreement is likely to reduce the policy space for developing countries to put in place and apply customs procedural or regulatory regimes that would allow for more calibrated or strategically sequenced market opening as and when needed by domestic development priorities. This is likely to enhance the ability of developed countries to increase their market access in developing countries thereby rendering future negotiations at WTO particularly on market access less effective. Furthermore, developed countries are likely to play a bigger role in shaping and influencing domestic customs procedures and policy-making through technical support for those member states that may require it to implement the agreement.

In conclusion, while it is true that the Trade Facilitation Agreement will result in increased flow of goods, the benefits will not accrue equally to all countries. Poor developing countries which do not possess a substantial manufacturing base may find the new environment challenging especially with regard to their efforts to industrialize. Furthermore, the technical support being offered to implement the agreement will not be any different from the technical support which a number of these countries already receive in other areas. In this regard, unless the structural problems which exist in poor countries which make manufacturing uncompetitive are addressed, the agreement is likely to deepen the reliance on imports, therefore undermining the potential to industrialize which is critical if these countries are to grow and reduce poverty.

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Introduction

Over the years, people have moved from their original homes to new places where they have settled and called home. This movement has been motivated by many factors which range from fear of persecution to looking for greener economic pastures. In addition to this, globalization has made movement much easier and information today is readily available such that making a choice on where to go is much easier.

People who move and settle in another country permanently are referred to as Diaspora. They make the place where they settled their permanent homes and have no intention of moving back to resettle in their countries of origin. The outstanding feature about them is that although they are well settled and some become successful in their fields of specialization, business or profession, they do not abandon their identity especially in culture and religion. They practise them precisely the way they are done in their country of origin. Above this, they are constantly in touch with their countries of origin and some even get involved in political processes of their original countries especially through voting in general elections. They also remit part of their earnings abroad to support a wide range of courses including family support, investments and for charity. A good example to illustrate this is Israel in their involuntary dispersion after going through catastrophe. They have settled and prospered in almost all cities in America and Europe. But despite the heavy influence of the western culture, they practise their own religiously. They attend the synagogues and observe all religious feasts. The attachment to their motherland is deep rooted and they demonstrate it in all spheres of their existence. This is perhaps best illustrated by Robin Cohen who says that “the key feature of many Diasporas is the idealization of the real or putative ancestral home and a collective commitment to its maintenance, restoration, safety and prosperity even to its creation.”

Different entities define diaspora differently as illustrated by the following two perspectives. The U.S State Department asserts that Diaspora consists of people who share the following features:

- Dispersion, across social cultural boundaries and at least one political boundary.

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1 Robin Cohen; *Global Diaspora*. Routledge 2008) 104
• A collective memory and myths about the homeland.
• They commit themselves to the homeland through varied actions.
• They nurse the idea of return, but without any firm commitment.²

In the African context, the African Union defines Diaspora as people originating from African but residing outside the continent, their citizenship and nationality notwithstanding and who are willing to participate in the development of the continent and to advancing the goals of the Union. (African Union 2005).

From these definitions, the U.S state Department looks at diaspora from a historical, sociological and anthropological point of view. To them, a diaspora comes about as a result of dispersion. Looked as from this point of view, diaspora connects directly to the issue of global migration or movement of persons only that diaspora is caused by aggressive or violent pushed factors. On the other hand, the African Union’s definition of diaspora does not anchor African diaspora on dispersion; it talks of people of African descent residing abroad. It also links diaspora to development of the continent which poses a pertinent question. Does it mean that Africans living abroad but do not participate to the development of the continent are not part of diaspora? This definition by the A.U can only be understood from the narrow perspective of remittances send to their home countries. This is best explained by the statement from the A.U that saying that “the African Union considers its diaspora as a sixth regional economic community.”³

The issue of identity is important to diaspora. As stated above, many if not all of the Jewish diaspora was forcefully ejected from their domicile and dispersed to diverse destinations around the world. Though settled, they live in memory of where they came from. The nation state plays a critical role in how well it accommodates the diaspora. Those that are receptive end up assimilating them while those that are not make the idea of one day returning to the homeland alive. Paul Gilroy posits that contrasting forms of political action have emerged to make the dispersed people start considering how the effects of spatial dislocation render origin problematic, and take cognisance of the fact that they and their circumstances have changed considerably and that they are no longer what they once were and cannot therefore go back to their cultural history. It may not be typical but obsession with origin is itself an expression of particularly and peculiarly modernist intellectual habits.⁴

² Sonia Plaza and Dilip Ratha. Harnessing Diaspora Resources for Africa. World Bank) 3
⁴ Paul Gilroy. Edinburg University Press. Diaspora )211
The link between the diaspora and the economic development of the countries they came from is in remittance. Remittances have grown over time to a point that they constitute a vital part of revenue or money generated from abroad and injected into the economy. They have made an impact not only in sustaining and maintaining families but also in stabilizing local currencies. Remittances come directly from the income of the diaspora. But countries of origin should now look into ways not only of how they can tap into the income but on how they can tap on the wealth of the diaspora through the development of a stable capital market. Diaspora should be encouraged to invest in capital instruments like shares and bonds. As Aaron Terrazes say: “When they function properly, financial markets efficiently mobilize savings for investment, and there is a general consensus that financial market development and economic growth influence each other positively. Effective capital markets set the stage for innovation and private sector expansion, which in turn further the growing of these markets. Importantly, financial market development is pro – poor in that it disproportionately boosts the income of the poor.”

At the local level, the Kenyan Government has developed a diaspora policy whose main aim is to mainstream the diaspora “into the national development agenda in line with the aspirations and goals of vision 2030 development blue print. The Kenyan vision 2030 recognises the diaspora contributions as an important component to the growth of our economy and in the achievement of the overarching of a globally competitive and prosperous Kenya by the year 2030.”

Does Africa have a diaspora? The answer to this depends on which perspective one is looking at the issue. To some, diaspora has to be associated with forceful dispersion. Indeed, some trace it to the dispersion of the Jewish people and their connection to their motherland even though they have no intention of returning back. They are capable of influencing the social, economic and political events in their country of origin. The closest it got for Africa was through the trans-Atlantic slave trade experience where African people were forcefully shipped to the Americas and other places in the world. The disqualification comes from the fact that they did not preserve and maintain their African culture and traditions unlike the Jewish for instance who remain Jews and observe all traditions of the Jewish people wherever they settled and maintain links with Israel.

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5 Aaron Terrazas: *Diaspora Investment in Developing and Emerging country Capital Markets: Pattern and Prospects.* Migration Policy institute 2010

The African Americans did not and do not maintain any links with the African continent. On the other hand, the African Union considers all Africans living abroad and willing to contribute to the economic development of the continent as diaspora. It does not take into account the aspect of forced dispersion. That notwithstanding, African people maintain strong links with their countries of origin and contribute substantially to their economic development mainly through remittances. African people living abroad therefore exhibit some characteristics of diaspora. Perhaps these calls for further studies and redefining of who really constitute the diaspora.

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LIMITS OF REGIONAL INTEGRATION IN EAST AFRICA:
A CASE STUDY OF KENYA

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Introduction
Ernst Haas, perhaps the most prominent integration scholar of the time, defined integration as follows:

‘the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new center, whose institutions possess or demand jurisdiction over pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones.’

Haas shared his view on the process nature of integration with other prominent integration theorists of the time, such as Leon Lindberg and Karl Deutsch. Integration thus seems to be a process in which states engage themselves in cooperation with other states, which will bring them all the time closer together.

These definitions of integration emphasis dominantly the political dimension of integration, but integration can also have many other dimensions like economic, security and environmental.

Leon Lindberg defines integration as closer cooperation of states in the political field or evolution of a collective decision making system among states over time.

Furthermore, when states co-operate and agree to remove such restrictions like tariff barriers, they create opportunities also for other economic sectors to initiate cooperation or activities that increase levels of integration. In many cases, the political integration process creates a new framework for human activity, which also benefits also non-state actors. For this reason William Wallace makes a distinction between ‘formal’ and ‘informal’ integration. Formal integration according to Wallace is an outcome of deliberate political actions and includes, for example, the establishment of institutions, policies or legislation. Informal integration, on the other hand, refers to a process that has effective consequences without formal, authoritative intervention Formal integration does not necessarily always precede informal integration; in some situations, cooperation of non-state actors can also create pressures for deepening the formal integration process.
Regional Integration

The challenges of Globalization in the modern arena of international relations have brought upon states the inevitable demand for integration to cater for the needs of their citizens.

In the contemporary world, most states in the developing world lacks resources with which to exploit and obtain means to provide the ever increasing needs of the people. Aid in the contemporary world comes with all manner of conditionalities and is usually not meant, as many poor states have found out, to benefit the recipient states but to make them more dependent on the donor.

This state of affairs requires states to enter into regional groupings of one form or another in an effort to maximize their social-economic, security and political welfare of their citizens through maximizing the benefits of comparative advantage.

Various scholars have defined regional integration differently but with some convergence. Regional integration according to Van Kleffens “is a voluntary association of sovereign states within a certain area or having common interests in that area for a common purpose which should be of a friendly nature in relation to that area”.1

The United Nations defines regional integration as “organisations of a permanent nature in a certain geographical region or area where several countries by proximity, community interests, culture, linguistic, historical and other affinities makes themselves jointly responsible for peaceful settlement of any dispute amongst them and to the maintenance of order and safety in their regions and for the safeguarding of their interest and the development of their economic and cultural relations”.2

The European Union, a great advocate and beneficiary of regional integration defines it as “the process of overcoming barriers that divide neighbouring countries, by common accord, and of jointly managing shared resources and assets”. Essentially, it is a process by which groups of countries liberalise trade, creating a common market for goods, people, capital and services.3

In Africa, the contemporary concept of regional Integration was echoed right after independence by African nationalist Kwame Nkrumah of Ghana.

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According to Nkrumah, the newly born African states were too politically vulnerable, economically and poor to serve the needs of her people after the difficult struggle for independence.\(^4\)

**East Africa**

Historically regional integration is not a new phenomenon in the East African Region. The first attempt at integration was introduced by the British colonial powers in 1917 and was first targeted at Kenya and Uganda\(^5\). This was however not for the benefit of the local communities but for the ease of administration, mobilization of cheap and free labor and the more importantly the task of harnessing the local resources and their transportation to Britain. It can actually be interpreted to mean it was to facilitate colonialism by the British in East Africa.

The first attempt dates back to pre-colonial era and the EAC was born out of the British dream of an East African federation for their economic interests. This was upgraded to the East African High Commission from 1948 to 1961, which provided a Customs Union and a common external tariff, currency and postage and also dealt with common services in transport and communications, research and education. The British then established the East African Common Services Organisation from 1961-1967. Kenya, Uganda and Tanzania formed the EAC in 1967 in Arusha to strengthen the ties between them through a common market, a common customs and tariff and a range of public services such as railways, airways, ports and harbours\(^6\). The EAC also established corporations that cut across borders and its citizens moved and worked across the region. Other areas of common interest included education. Tanganyika was infact very keen to join this federation, with its leader reportedly ready to delay the independence of Tanganyika, so that the region could attain independence with the other states as one federation\(^7\).

The objectives of the integration though was a little bit different then as the colonialists wanted to obtain maximum benefits from it, and not the people of the East African Region

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\(^6\) https://www.tzaffairs.org/1984/07/farewell-to-the-east-african-community/

\(^7\) http://www.kznhass-history.net/files/seminars/Mngomezulu2013.pdf
The second attempt at integration of the EA region was done in 1967 by the three sister states of Uganda, Kenya and Tanzania. Prior to its collapse in 1977, the EA Community had become one of the oldest and most advanced Economic Communities in the world. The 1967 attempt was successful and the community was officially established by the three countries of Kenya, Tanzania and Uganda.\(^8\)

In the theory of regional integration, the East African Community of 1967-77 was already a Monetary Union, with a Currency Board, and a parity currency. With each country with its own currency, but converting at par: One Uganda Shillings equaled One Kenya Shilling and equaled One Tanzanian Shilling. Other areas of commonality included education, transport and communication.\(^9\)

The EAC was a success story, and at the time of its dissolution, several countries had applied to join the economic bloc. However the breakup came sooner than was expected.\(^10\)

The contemporary concept of regional integration was echoed right after independence by African nationalist Kwame Nkrumah of Ghana. According to Nkrumah, the newly born African states were too weak, poor and politically vulnerable to serve the needs of her people after the difficult struggle for independence.\(^11\)

Nkrumah’s vision was that of a vibrant Africa free from competing ethnic interests. Further Nkrumah and group saw the advantages of an African Union that included the unity and solidarity of African states. The OAU spirit intended that all African states and their people enjoy human rights, improved living standards and resolution of disputes among members.

Others including Mwalimu Julius Nyerere of Tanzania were of a different view to the approach of integration. This group believes that while continental unity was politically desirable, it was not practically implementable at once.\(^12\)

This group believed that a step by step integration was the most desirable beginning with regional economic groupings and then other forms of cooperation to follow. This forms included the areas of communication, education and cultural exchanges.

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\(^11\) [www.eac.int/treaty/index.](www.eac.int/treaty/index.)

Economically, the East African community made a lot of sense but failed to survive politically because political conflicts, national sovereignty and ideological divergence of partners could not be reconciled. Finally the agreed upon organization was a watered down version which came out as rhetoric charter for the organization of African unity adopted in 1963 in Addis Ababa Ethiopia. All heads of states and signatories to the African Union charter recognized the need to work together for the benefit of their people.

In order to develop and achieve the aspirations of the continent at the time, it was agreed that industrialization through import substitution should be the policy then and this later came to be the basis of the Lagos plan of action. The Lagos Plan of action was an initiative of the OAU agreed upon by the African heads of state in April 1980. This plan was strongly supported by the United Nations Economic Commission for Africa in an attempt to realize the aspirations of the African leaders at the time. They therefore decided to divide the continent into regional groupings in order to push the African integration agendas separately but aiming to achieve a political union in future. This was the Mwalimu Julius Nyerere formula for African Integration. On his part Nyerere together with Jomo Kenyatta of Kenya and Milton Obote of Uganda went ahead and formed the East African Community in 1965.

Formation of the East African community started on a wrong footing right from the beginning. The sister states of Uganda and Tanzania looked at Kenya suspiciously from day one. They believed that Kenya will stand to benefit more than the others in case the integration graduated into a political federation. Due to this fears they at first settled on a weaker economic and trade agreement to begin with. However, disparities in economic and ideological systems of the three sister states meant that the gap on development continued to widen steadily confirming the earlier suspicions.

Kenya adopted a capitalist market based liberal system instantly attracting direct foreign investment and release of local synergies leading to fast economic development all round. Tanzania adopted socialist system leading to fears of nationalization and apathy among the local population leading to (resulting in) slow growth, stagnation and ever increasing poverty. Doubtful stand by Uganda and persistent bickering among its politicians and the powerful kabakas led to further doubts about the stability of this sister state. All this encouraged potential investors in the region to invest in Kenya.

Kenya had another advantage in form of a relatively superior infrastructure and industrial base left by the colonialists and this further attracted more foreign investments compared to her sister states of Uganda and Tanzania. 

Various reasons have been advanced for the actual collapse of the old East African Community. These have ranged from political differences especially between Uganda and Tanzania to perceived imbalances in the distribution of the integration benefits pitting Kenya against her sister states. 

First the actual collapse of the old EAC was occasioned by different levels of economic development, which saw Kenya taking take a lion’s share of the EACs benefits, with the rest of the partner states only importing from Kenya. 

This primus inter pares sense made Kenyan officials question the relevance of the EA Railways and Harbors being headquartered in Dar es Salaam, while the EA telecommunication were to be based in Kampala.

The Kampala agreement was another breaking factor as the three states sought to evenly redistribute the benefits of the commission through redistribution of the location of industries from their concentration in Nairobi Kenya to the less developed and disadvantaged Tanganyika. 

This was in total disregard of the economics of industrial location and factors such as transport, availability of raw materials, labour and not to mention the capital which was mostly foreign. 

Further, Each of the three partner state was trying to protect her turf. 

Secondly there was no political will because, after the three countries became independent, the leaders got busy with consolidating power within their own turfs. 

Third, one of the weaknesses was that the community was politically driven and some of its key decisions depended on the whims of the leaders at the time.

Then as it were, the three states enjoyed different levels of benefits from the cooperation in the form of economic development, with Kenya taking most of the benefits while the other partner states were merely net importers from it. This perceived trade dominance remains a sticking issue to date and constantly threatens the new and expanded EAC. 

Then the 1971 coup by Amin was the serious blow and as expected, Tanzania refused to recognize his government and gave Obote asylum. The consequence was that all future EAC meetings could not take place under the existing arrangements.


16 http://www.theeastafrican.co.ke/news/What-killed-the-first-EAC-marriage-/2558-
Finally however, and to the future benefit of the East African Community, the three countries signed a Mediation Agreement for the Division of Assets and Liabilities of the Community in 1984, where Kenya, Uganda and the united Republic of Tanzania agreed to explore areas of cooperation, and to work out concrete arrangements for a more sustainable cooperation.

Subsequent engagements resulted in the revival of the community through the 1999 EAC treaty, first with only Uganda, Tanzania and Kenya but later the republic of Rwanda and Burundi joining the community in June 2007. The headquarters for the new block was Arusha. The treaty for the creation of the East African Community was ratified on 30th November 1999 and entered into force on July 2000. Foundations were also laid down with an envisaged welcome to the block soon of the Republic of South Sudan.

The East African region has rapidly developed into one of the world’s new emerging regional economic blocs. EAC has finally emerged as a huge and prosperous regional body with enormous potential for investment and a vital bridge to development. The regions combined population totals 130 million people with a combined GDP of $745 million. (Excluding the Republic of south Sudan which had not yet joined by then) The regional body is already working on the establishment of the EA Federation by 2015.¹⁷

The East African community was re-launched with an aim to (of) achieving faster and stable development for all the partner states and fast track economic, social and political integration.

On 30th November 2013 at Munyonyo, Kampala, Uganda, the Heads of State of the East African Community (EAC) partner states signed the EAC Monetary Union (EAMU) Protocol. The Protocol is the third pillar of the EAC integration process. The signing follows the ratification of the protocols for a Customs Union (2005) and the Common Market (2010). The Monetary Union Protocol itself has since been ratified by all partner states. The (EAMU) Protocol covers the entire financial sector, including; banking, insurance, capital markets and the pension sector. The monetary union lays down a roadmap for the introduction and full operation of Monetary Union by 2024.¹⁸

¹⁷Ambition and Reality of the East African Community in a Globalized World ©Konrad AdenauerStiftung.
¹⁸http://www.eac.int/treaty/index.php?option=com_content&view=article&id=70&Itemid=163
Challenges to the Second East African Community

The biggest challenge in the way of integration of the East African Community, like other African regional blocks is the overlapping of memberships to the various regional organizations. This poses a challenge to harmonization, coordination and the State loyalty to a particular block as perceived by the other partners. The case of Tanzania is particularly glaring. This sister and partner state has historically and culturally been part and parcel of the East African community but in the recent past it has been drifting further into the Southern African regional organization of SAADC (Southern African Association of Development Community) and even becoming a full member. This development can be traced to two incidences that have more to do with history and fuelled by events in the recent past. The first was the unfortunate breakup of the 1967 east African community which left the partners bitter and feeling aggrieved and betrayed. The second had to do with the historical position of Tanzania and the definition of southern African region. Tanzania’s relationship with the southern Africa arises from her central role in the regions liberation struggle against apartheid. The struggle dates back to the early 1960s when frontline states nominated Tanzania as chairman and her subsequent role in the training and hosting of the African National Congress and FRELIMO. Tanzania’s relationship with the southern African region was strengthened further by the Linkage to Zambia through TAZARA. Tanzania’s link to the southern African states in the 1960s can also be traced to her close and cordial relationship with Mozambique when Dar-es-salaam became the headquarters of the Mozambican liberation movement, FRELIMO.

President Nyerere remained a key architect and an ardent supporter of the continent’s liberation struggles. In addition, the Tanzanian government allowed these organizations to use Radio Tanzania to broadcast messages to their respective countries.

All this strongly points to the drifting of the country towards her historic partners. However, the drift should not be taken to be entirely negative for while Tanzania’s loyalty towards east Africa could be termed as divided and shaky, she can also be a critical link between the EAC and SAADC. Imports from the EU into the region are dominated by machinery and mechanical appliances and equipment and parts, vehicles and pharmaceutical products.

http://www.meaca.go.ug/index.php/component/content/article.html?id=
However, some EAC members notably Tanzania feels as though Kenya is deriving undue benefits from this arrangement to the disadvantage of the others. Burundi on the other hand is using her disagreement with the European Union over her commitment to democracy and using this to delay the signing of EPAs to the detriment of Kenya. Bujumbura has been wanting the signing to be tied to the sanctions EU imposed on the country last year following the political crisis caused by President Pierre Nkurunziza’s running for a controversial third term. All this is not auguring well for the EAC.20

Being a single customs territory, however, the other EAC members – Tanzania, Uganda, Burundi and South Sudan must also sign the pact to make it enforceable.

Kenya was desperate to have the agreement signed to safeguard unlimited duty free access of its exports to Europe after Tanzania and Uganda said the deal initialed in October 2014 needed to be renegotiated following Britain’s exit from the bloc.

Tanzania’s refusal to sign a new trade deal between the East African Community (EAC) and the European Union (EU) has generated anxiety in East Africa. Tanzania cited the economic and constitutional uncertainties arising from British voters’ in BREXIT to leave the EU arguing that, with the exit of its core market from the EU.

Kenya feels short-changed by Tanzania’s last-minute decision, but maintains that it is probably an opportunity to get things right. It is important that the EAC member states take time to reflect afresh on the Economic Partnership Agreement negotiations so as to come out with a better deal.21

Tanzania’s has been a reluctant partner all along in the negotiation process, which started in 2007 and Brexit was merely a scapegoat to quit the negotiations, which its past regimes have approached half-heartedly with the most outspoken being Mkapa viewing the negotiations as potential measures of killing Tanzania’s – and by extension the EAC’s infant industries.

Tanzania’s has legitimate concerns and should be taken seriously. The massive trade imbalance means that due to the low value of the EACs export to the EU, the foreign exchange earned is unlikely to improve the trade imbalance between the two regions, which is currently overwhelming. In the long run the EU exports have the potential to not only undermine the manufacturing industries across the EAC region, but may also lead to the dumping of EU agricultural products in the region.22

20 https://groups.google.com/forum/#!topic/wanabidii/0I3E76uA85w
EAC agricultural products are unlikely to compete favorably given the heavy European government subsidies, coupled with highly modernized European agricultural technology. This could result in untold harm for EAC farmers and the agricultural sector, which is the backbone of EAC member states’ economies. It could also derail the manufacturing industries across the region, which depends on agricultural produce.

The Economic Partnership Agreement sounds like a raw deal for Tanzania and the EAC compared with a China–led industrialization program that seeks to establish and nurture agro-processing and mineral industries. In contrast with the Economic Partnership Agreement, the China-brokered industrialization program could lead to value addition on EAC exports, making them more competitive.

Construction of the Serengeti Maara ecosystem and the Tanzanias Super Highway through the Serengeti National park would destroy the Mara-Serengeti ecosystem and would be hazardous to animals. The Serengeti ecosystem extends from Tanzania to Kenya and includes areas within and without the Serengeti National Park and Masai Mara Reserve. The area along the Kenya-Tanzania border is particularly important.

Tanzania’s appeal to block the case against the construction of a “super highway” across the Serengeti National Park was dismissed on Thursday 15 March by the East African Court of Justice.

Tanzania has a genuine need to provide a highway running from Lake Victoria to Tanzania’s coast. The Frankfurt Zoological Society, which has its headquarters in the Centre of the Serengeti concurs on this.

Observers to the Kenya Tanzania relationship over the maara Serengeti animal and tourist circuit points to a more deeply rooted mistrust by Tanzania believing that Kenya benefits more from this parks while the bulk of it lies in Tanzanians territory. Tanzania is said to claim ownership of the wild beasts that forms part of the 8th wonders of the world and has attempted to prevent their migration to the maara in Kenya. First attempt was through burning a large corridor of grass to confuse and prevent their migration and the second attempt is now the proposed tarmac right across the Serengeti.

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The mistrust comes as a result of Kenya’s well developed infrastructure into her side of the Maara with good roads, an airstrip and tourist class hotels that attracts tourist into the park particularly during this time of wild beast migration.

Closely related to the Maara Serengeti problem is the failure to agree on how the two countries Tourism vans access each country’s market. Kenya decided to bar the vans from accessing the JKIA as stipulated in the 1985 bilateral agreement. Therow has elicited mistrust, suspicion and delicate relationship between the two countries in an already sour relation between the two East African Community neighbours and trade partners.

Kenya and her neighbor signed bilateral agreement in 1985 that barred both Kenyan and Tanzanian touristvans from accessing game parks and international airports. While Tanzania implemented the agreement fully, Kenya partially relaxed the rules to allow Tanzanian vans to access her international airports. However, when Kenya decided to fully implement the agreement, Tanzaniacame out with guns blazing accusing Kenya of being the 'bad brother'. This prompted Tanzania’s Tourism Minister Lazaro Nyalandu to fly in to meet his Kenyan counterpart. Kenya's East African Affairs, Commerce and Tourism Cabinet Secretary Phyllis Kandie told Weekend Business dial it is Tanzania that has been dragging its feet in resolving the dispute long after the five F\JC member states came up with a single tourism visa for the region.26

“A meeting to review issues on tourism came up in Bujumbura in 2013 involving Kenya, Uganda and Tanzania. The EAC secretariat asked the three countries to review their bilateral agreements. Kenya and Uganda did but Tanzania asked for more time to consult. However, Kenya and Tanzania agreed to implement the 1985 bilateral agreement fully but review it after six months,” said Ms Kandie. But six months later no review was done prompting Kenya to implement the agreement to the letter. Kenya will have no option but to implement the 1985 agreement that will see Tanzania’s touristvans barred from entering JKIA. Further Tanzania is yet to implement the Common Market Protocol that allows free movement of goods, persons, services and capital that would have prevented the current spat between the two countries. While some analysts following the standoff argue that the Kenyan move was against the spirit of the East African Community (EAC), Kenya’s business community sees it differently. “As a country, we have lost heavily in the tourism sector. We used to have the Maasai Mara Serengeti Tsavo triangle but with Tanzania’s attitude, we lost. Kenyashould politely stand firm and bar vans.”27

27 Tour Vans Disputes-50125_The Standard on Sunday_41_91183
Kenya Association of Tour Operators (KATO) Chief Executive Officer Fred Kaigua said the problem lies with Kenya that has not been implementing the agreement unlike Tanzania which started early. This hurt Kenyan Operators.” This gave the Tanzanian tour operators a leeway to continue accessing our airport and national parks. Tanzania started implementing the agreement after 2009 but Kenya started last year,” said Mr Kaigua. Kaigua said Kenya has been allowing tourist vans from Tanzania to access the airport as well the national parks, a situation that had led to unfair competition in the industry28.

**LAPSSET Corridor**

To further counter Tanzania, Kenya launched its new railway in a ceremony attended by Rwanda, Uganda, and Southern Sudan, a group called “the coalition of the willing.” In this landmark gathering, the members agreed that trade through their countries would flow through Kenya’s port of Mombasa.29 Tanzania’s protest over its sidelining by EAC partner states Uganda, Kenya and Rwanda under the banner of the Coalition of the Willing (CoW) will feature prominently during the Heads of State Summit in Kampala this week. Kenya also has plans for a massive deepwater port in Lamu, connecting Southern Sudan and Ethiopia to the Indian Ocean.30

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24/10/2016

THE QUEST FOR THE REFORM OF THE UNITED NATIONS SECURITY COUNCIL

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Introduction

The 71st United Nations General Assembly also commemorated the 70 anniversary of the UN. It also marked the adieu of Mr. Ban Ki-moon’s tenure as the Secretary-General of the organisation and the appointment of Mr. Antonio Guiterrez as the new Secretary General. In a lead up to these events, a buzz of excitement amongst member states and the civil society at large revolved around the issue of United Nations reforms and more specifically on the hitherto thorny and elusive question of the reform of the UN Security Council.

The debates on UN reforms are as old as the United Nation itself and have tended to be cyclical. There are periods when the member states have been energized and engaged on reform debates sometimes for years, followed by long periods of absolute apathy and lethargy on matters of reform, to be followed by sudden bouts of enthusiastic debates that eventually taper off into disinterest, until another upswing moment arrives. The current enthusiasm in reforms is understandably informed by the change over in leadership at the head of the organisation and the euphoria of celebrating seven decades of the supreme multilateral organisation in the world. The calls for UN reforms and particularly of the Security Council’s structure and its’ operations have been a subject of discussion for over fifty years. The main argument for reforms are hinged on the constant that permanent membership on the Council no longer reflects the realities of the present international setting, that the current structure of the UNSC is an outdated model of world politics dating from after World War Two. The council members inevitably remain unconvinced on this viewpoint.

Background

The World Summit Outcome document committed members of the United Nations to expeditious reforms of the UN Security Council. Since then very little progress has been registered. The history of UN reforms dates back to its very birth, when the current veto wielding powers insisted on the powers of the veto to be bestowed upon them as the bargain chip for their joining up into the world body. Having then secured this powerful compromise, the five:
China, France, United Kingdom, USA and Russia have ever since thwarted, as it is to be expected any attempt to take away this immense power and privilege. Indeed not only have they resisted any attempts to abolish the veto, they have collectively resisted any effort to limit the use of that instrument of power.

The five powers, USA, UK, France, China and the USSR demands for the right to veto powers as a condition to join the UN already set the stage for calls for a more balanced structure right at the beginnings of the world body. Others had already started questioning this anomaly within the UN, where power would be concentrated within the Security Council. These powers included the right to veto any resolution. The Council was deliberately conceived as a limited body ostensibly to make it more capable of working effectively in times of international crisis. The problem of Ineffectiveness had been the weakness identified with the predecessor of the UN, League of Nations mainly because of its large size and therefore unwieldy when it came to decision making. Through the leaner Security Council, it was anticipated that the problems that had bedeviled the League of Nations would be avoided.

Thus from its naissance, the Council was faced with challenges and as the pressure from other members for a more fair share of the governance of the premiere world body mounted, a modest reform initiative took place in 1965, when the UN Security Council increased its membership in the non-permanent category from eleven to fifteen members. This addition of new seats did not in essence change fundamentally the power configuration in the Council, as the original P5 retained the veto powers while the new members were not entitled to the same privileges and prerogatives of the five.

The UN Security Council according to article 39 of the UN charter, is the body entrusted to maintain or restore international peace and security, however the great powers continue to play out international power politics, as they have always done since the end of World War Two. ¹

The most vocal calls for reforms came from the general membership of the UN, excluding the P5 council members. By 1963, most African and Asian countries had shed off the yoke of colonialisation, and UN membership more than doubled from 51 nations to 114 nations. However this did not change substantially the power structure at the UN and the P-5 remained the only veto powers.²

The cold war brought its own dynamics to the conduct of international relations. As a result of the prevailing political climate during that period, it became impossible to marshal the necessary political will to attempt any reforms until the fall of the Berlin Wall. Once the Cold War had ended, and there was increasing cooperation between the P-5 countries, a new appetite for reforms emerged.

**Reform Initiatives**

**Intergovernmental Negotiations**
The General Assembly of the United Nations on September 15, 2008, unanimously decided to commence intergovernmental negotiations on reforms. The intergovernmental negotiations would be based on proposals by Member States, in good faith with mutual respect and in an open, inclusive and transparent manner on the question of equitable representation and increase in the membership of the Security Council and other matters related to the Council.

The Open-Ended Working Group (OEWG) on UN Security Council Reforms, building on progress achieved during the 61st and 62nd Sessions of the General Assembly, continued to address the framework and modalities in order to prepare and facilitate the intergovernmental negotiations. The unanimous decision by the General Assembly to start intergovernmental negotiations after a period of over 15 years of discussions, represented a bright move forward. The UN Member States hence agreed to move the process to the next level. However, deep divisions still existed within them as Member States prepared to go into intergovernmental negotiations on Security Council Reforms, the original positions among major interest groups had not changed significantly. This is despite all Members and Groups having expressed their disposition to be flexible and generally recognizing that Security Council reforms will necessarily require compromise.

**Dynamics of The Reform Process and The African Union.**
The Summit of the AU gave directions to the Permanent Representatives to the United Nations on the way forward on Security Council Reforms in light of the intergovernmental negotiations, especially on the role of the Committee of Ten (C-10) on Security Council Reforms. The modalities for consultations between the C-10 Permanent Representatives in New York and the African Union Summit needed to be clarified. This was even more necessary after the African Group at its meeting on November 14, 2008, decided to establish a Task Force to strategize and prepare for the forthcoming intergovernmental
negotiations. The Task Force was to consist of representatives from each of the five regions of Africa.

As the intergovernmental negotiations approached, some members thought there might be a need to revisit the Ezulwini Consensus and Sirte Declaration. There were Groups that view the African Common Position as too rigid thus giving little room for flexibility in negotiations. Their thinking was that there was need to establish alternatives to the African Common position to meet and match emerging propositions from other groups that were willing to show flexibility during the negotiations.

The USA position was already in contradiction to the African Union and other Group positions. The USA held the position that consideration for membership to the Security Council should be for individual States and not Regional Groups.

To complicate matters there were members of the Group who were also members of other Regional Groups. There was thus urgent need for consolidation of the African position and for the Group to ensure that in the event that a Member State of the African Union was eventually elected to the Security Council, that it is representative of Africa and Africa’s position. For instance, Egypt, which is also interested in the Security Council seat, is as also a member of the Arab Group and the Organization of Islamic Conference. Both Groups have expressed interest in future representation on an expanded Security Council.

The Various Major Positions on UNSC Reform
It is important to note that even as member states went into intergovernmental negotiations on Security Council reforms, the original positions among major interest groups had not changed an inch. The positions of the different groups were as follows:

1. The African Group
Increase Security Council membership from 15 to 26 seats, to be distributed as follows:-

A. 2 permanent seats and 2 non-permanent seats for Africa.
B. 2 permanent seats and 1 non-permanent seat for Asia.
C. 1 non-permanent seat for East Europe.
D. 1 permanent seat and 1 non-permanent for Latin America and Caribbean States (GRULAC).
E. 1 permanent seat for Western European and Other States (WEOG).
2. **Group Of Four (G.4)**

Members: India, Brazil, Japan and Germany

Increase membership from 15 to 25 seats, by adding 6 permanent and 4 non-permanent seats.

The 6 new permanent seats (without right of veto) to be distributed as follows:-

- A. 2 seats for Africa
- B. 2 seats for Asia
- C. 1 seat for GRULAC
- D. 1 seat for WEOG.

The 4 new non-permanent seats to be distributed as follows:-

- E. 1 seat for Africa
- F. 1 seat from Asia
- G. 1 seat for GRULAC
- H. 1 seat for East Europe

3. **Uniting For Consensus (UFC)**

Lead Members: Italy, Pakistan and Mexico

Increase membership from 15 to 25 members. This group envisages expansion of non-permanent seats only and retaining the original 5 permanent members.

The distribution of 20 non-permanent members would be as follows:-

- A. 6 for Africa
- B. 5 for Asia
- C. 4 for GRULAC
- D. 3 for WEOG
- E. 2 for East Europe

Each of the above 5 geographical groups would decide regionally on re-election or rotation of its members on the seats allotted to the Group. Arrangements would also address fair regional representation.

4. **Small Five States (S-5)**

Members: Costa Rica, Jordan, Liechtenstein, Singapore, Switzerland

Reform of the Security Council should focus on reforming the working methods of the Council with a view to enhance the accountability, transparency and inclusiveness of its work, which will strengthen its legitimacy and effectiveness. The S5 proposes the following measures:
b. Mechanism to assess the extent to which the Security Council decisions have been implemented.
c. The subsidiary bodies of the Security Council should include in their work, on a case-by-case basis, non-members with strong interest and relevant expertise in those bodies.
d. A permanent member of the Council using its veto should explain the reason for doing so.
e. The Council should keep all Member States fully and promptly informed of all developments regarding its Missions.
f. To facilitate integration of newly elected members of the Council, the Secretariat should prepare and disseminate a detailed brief on the procedures practices and work of the Council.

This group has since dissolved itself after trying to move the reform process forward by incremental degrees.

5. Organization Of Islamic Conference (OIC)

The OIC had also demanded representation on a future expansion of the Security Council.

According to OIC, any reform proposal which does not include adequate representation of the Muslim Ummah in any category of membership in an expanded Security Council will not be acceptable to the Muslim world.

6. United Kingdom and France

a. Supported the candidacies of Germany, Brazil, India and Japan for permanent membership as well as for permanent representation for Africa.
b. The establishment of a new category of seats, with a longer term than those of elected members and those terms to be renewable at the end of an initial phase.

7. U.S.A.

a. Supported a very ‘modest’ expansion of the Security Council and this would involve an additional 1 permanent seat which would go to Japan.
b. Consideration for Membership to the Security Council should be for individual states and not for regions. (This position was already on a collision course with regional positions such as A.U.)
c. The basis for consideration for new members should include criteria such as democracy, human rights record, respect for the rule of law. (This conditionality was strongly opposed by many).

8. China
a. Supported greater participation by small and developing countries on an enlarged Security Council.
b. Will not support any proposal that does not include Africa’s position on Security Council reforms.

9. Russia
- Supported a “limited” expansion.
- Does not support a hurried process and calls for continued negotiations in order to achieve the “widest” possible consensus. It is not enough to have a $2/3$ majority support for reform.

10. Arab Group
The Arab Group had also indicated that their region had to be represented in any future Security Council expansion.

Current Situation.

Eight years after the much heralded start of the Intergovernmental negotiations in the UN General Assembly on security council reforms, there has been little to show in terms of concrete reforms. On 27 July 2016 the UN General Assembly held its annual plenary meeting on agenda item No.121, entitled “Question of equitable representation on and increase in the membership of the security council and other matters related to the security council” The oral decision of the Chair was a procedural one, it prolonged the debate into the 71 session of the General Assembly. Members are expected to deliberate and identify “areas of convergence between the positions and proposals of member states”

The long drawn out debates and the complexities that have emerged during the IGN have only served to reaffirm the assertion of many that: “The emergence of the security council as the fulcrum of action in the UN reflects not only the large number of crisis affecting many parts of the world but also the fact that a few powerful countries act largely in concert thus accentuating the dominant and undemocratic character of this part of the UN machinery”³

Attempts to reinvigorate the UN Security Council reform debate through the General Assembly membership of the UN, which is the only legal avenue for decision making on any UN reform issues, would appear to be a victim of the very process. In as long as the matter of reforms is approached from a strong, statist, defensive posture and a zero-sum game mindset, it is doubtful if any significant steps forward will be achieved during the current session of the UN.

Conclusion

As the debate progresses, albeit at a glacial pace, it is increasingly apparent that the P-5 cannot continue to prevent the will of the majority member states of the UN who are convinced that reforms at the Council are overdue. There is widespread agreement within the UN membership that just as other organs and fora have over time adapted to new global realities, so must the supreme organs of international governance embrace change for the better if the concept of multilateralism has to remain relevant. A new multilateralism is required. One which takes cognizance of a new international order, of new and emerging powers, of new global threats and opportunities, of a new global citizenry whose perception of their common and interdependent interests need to be reflected as a convergance of their states individual interests. In an increasingly globalized world, states must find the courage and resolve to undertake fundamental but necessary changes to the way international discourse is conducted. Indeed currently the discourse between states revolves around interconnectedness. This interconnection should propel states to transcend narrow, fearful statist prisms into a unification of ideas and commensurate collective action. Governments have a duty to their ever increasingly unitary populace, in restoring faith in the simple things that they yearn for most-peace and security and the enjoyment of fundamental freedoms. These cannot be guaranteed in a balkanized, polarized international system.
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Part 2

Security
THE THREAT OF HOME GROWN TERRORISM IN KENYA, THE CASE OF A THREAT FROM WITHIN

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Kenya experienced the first incident of international Terrorism in 1980 when a group sympathetic to the Palestine Liberation Organization (PLO) bombed part of the Norfolk Hotel in Nairobi, killing at least 16 people and injuring others. The protracted conflict in Somalia characterized by the absence of an effective central government, dysfunctional institutions and vast ungoverned spaces allowed Al-Qaeda and its affiliates, notably Harakat Al-Shabaab Al-Mujahidin (Al-Shabaab) to thrive.

Al-Shabaab extended its extensive networks in Kenya for radicalization, fundraising and recruitment of youth. The 2011 intervention by the Kenya Defence Forces (KDF) in Somalia to create a buffer against a spill over of insecurity marked the expansion of insurgency’s attacks in Kenya with escalated attacks targeting public gatherings particularly in Nairobi, coastal and North-eastern regions of the country.

The article focuses on the phenomenon of home-grown terrorism in Kenya and the possible containment, countering and remedies.

The Concept of Home Grown Terrorism

The European Union definition of terrorism is one of the broadest definitions of terrorism. The EU concept provides that terrorist offences are certain criminal offences that comprise of serious offences against persons and property which: “given their nature or context, may seriously damage a country or an international organization, committed with the aim of: seriously intimidating a population; or unduly compelling a Government or international organization to perform or abstain from performing any act; or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization.”

Home grown terrorism is a concept that accommodates the notion that terrorists might be more closely classified if they are placed along a “terrorist spectrum.”

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1 European Union of the Framework Decision on Combating Terrorism (2002), Art 1
2 Raffi Khatchadourian, “Azzam the American,” The New Yorker, January 22, 2007
This may range from lone wolf individuals who wish to perpetrate an attack, to groups who are a “self-recruited, self-trained, and self-executing” “group of guys” with few, if any, connections to an international conspiracy; to those who may be groups living in a particular country who have trained with and maintained connections to the al Qaeda transnational network, and finally to “sleeper cells” planted by al Qaeda in a particular country who are bent on conducting a medium- or long-term terrorist mission.³

According to scholars such as Egerton and Wilner, violent jihadism is not limited to one country or region. Indeed, the emerging trends suggest there is a widening political and geographical sphere threatened by home-grown terrorism.⁴ Home grown terrorism has been evident in different states in Europe such as the 2006 liquid-bomb plot targeting transatlantic aircraft flying from London to Canada and the US involving a number of British-born individuals and at least three converts to Islam. The 2007 car bombing at Glasgow International Airport (along with two foiled car bombing attempts in London) involved four British doctors.

In Africa, ‘home-grown’ terrorist groups inspired by either al-Qaeda or ISIS have wreaked havoc across the four corners of the continent: West, North, Sahel and Eastern Africa. In West Africa for instance, suicide bombers and gunmen linked to Nigeria’s Boko Haram extremist group killed thousands of people, mainly civilians, in Nigeria, Cameroon and Chad in the last ten years. In East Africa, the Al-Shabaab in Somalia significantly threatened security in Kenya, Uganda, Burundi, Ethiopia, Djibouti and Somalia.⁵ For instance, in early April 2015, Al-Shabaab gunmen killed 148 people, mainly students, at the Garissa University College in Northern Kenya. In Tunisia and Mali, attacks by ISIS-inspired groups have crippled the tourist’s industry. On June 26 2015, an armed gunman shot and killed 38 people, 30 of them British citizens, at a tourist resort at Port El-Kantaoui, Tunisia. Earlier on, a terrorist attack on March 18, 2015 in the Bardo National Museum in Tunis killed twenty-two people, including twenty foreigners visiting the museum. Furthermore, the downing of a Russian Airbus A321 over Egypt’s Sinai desert on October 31, 2015 was linked to ISIS, an assault that killed all 224 passengers on board, including 17 children.⁶

³ "Protecting America from Terrorist Attack," Speech by FBI Director Robert Mueller at City Club of Cleveland, Friday, June 23, 2006.
Home Grown Terrorism in Kenya

The growth of radicalization in Kenya in recent years has manifested itself in the spread of extreme Islamism mainly perpetrated by the Wahhabism which is a movement that seek to purify the Islamic religion of any innovations or practices that deviate from the seventh-century teaching of the prophet Muhammad and his companions.\(^7\) This has resulted to the emergence of extremists and terrorist groups influenced by these ideologies and not directly involved with the main terror networks. The development has further been influenced by the confluence of a number of socio-economic factors that have contributed to the growth of domestic radical groups.\(^8\) ‘Home-grown’ extremism has emerged and the current wave of radicalization into extreme violence in Kenya may be associated to individuals and groups that are inspired by religion and socio-economic factors. Among other most critical factors that facilitate radicalization is the rampant rapidly spreading immorality in Kenya and the region.\(^9\)

Involvement of Kenyan nationals as terrorists is not new in Kenya. Kenyan citizens were for instance, involved in the 1998 U.S. Embassy bombings in Nairobi and Dar-es-Salaam. These coordinated bombings killed about 224 people and were the first suicide bombings by an East Africa al-Qaeda cell. Similarly, in al-Qaeda’s 2002 coordinated attacks on the Israeli-owned Paradise Hotel in Kikambala and Arkia plane at the Mombasa airport, at least one Kenyan was involved.\(^10\) In September 2013, Al-Shabaab fighters attacked Westgate shopping mall in the Westlands area of Nairobi killing 67 people.\(^11\) In 2015, another attack in Garissa University killed 148 people.\(^12\)

The phenomenon of home-grown terrorism is an aspect that has not been adequately internalized in counter-terrorism policies and frameworks by the Kenyan government. This has led the government to target wrong social groups thereby missing the crucial development namely, the internationalization of Al-Shabaab and the growing presence of a home-grown Kenyan terrorist threats.

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\(^7\) Blanchard, Christopher M., *“The Islamic Traditions of Wahhabism & Salafiya”* CRS Report for Congress (Received Through CRS Web) January 25, 2006


\(^11\) Byers, Alex J. Responsibility to Protect or Trojan Horse? 2005 *The Crisis in Darfur and Humanitarian Intervention after Iraq*, Ethics & International Affairs, Vol.19, No.2 (2005), pp.31-53

\(^12\) Africa Union, *Incident Analysis: Terrorism Attack Garissa University*, Kenya, 2 April 2015, Algiers
It is important to understand that even when the Somali-based terror networks will become pacified, terror threats in Kenya will remain. More notably, the group being Somali-based has non-Somali members and recruitment has transcended religious and ethnic groups. Al Shabaab is increasingly taking on a regional dynamic and agenda, trying to project themselves as Al Qaeda’s primary African operation.\textsuperscript{13}

In the last four years, the home-grown terror network has built a formidable and secretive support infrastructure in Kenya. A tiny, but highly radicalized, close-knit and secretive Salafi Jihadi fringe looks up to Al-Shabaab as a source of emulation (marja’iyah), supports its jihad, funnels money and recruits and is the primary agent of radicalization. Even without the physical threat posed by Al-Shabaab, Kenya would have to contend with this small but dangerous, home-grown threat.\textsuperscript{14}

There are hundreds of Kenyans who have been in Somalia since 2007, who have been trained and have had exposure to battlefield conditions and acquired deadly technical capacity to carry out insidious terrorist missions within the country. The government should therefore expect to see a radicalized home grown individuals among them willing and able to carry out the kind of complex attacks that Shabaab is now capable of. What the returning militants find in Kenya is a large pool of potential recruits among them a large number of vulnerable youths in the coastal region, the North Eastern and Nairobi. There is a mass of young people in Kenya who, because of their economic and social circumstances, are a resource for terrorists that is not Somalia-based that can be manipulated and used.\textsuperscript{15} Indeed, a small number of Al Qaeda or Al Shabaab, and now ISIS followers are able to mobilize a much larger group.

**Al-Hijra as Kenya’s Home Grown Terror Network**

The Muslim Youth Centre (MYC) founded in Eastleigh in 2008 led by Ahmad Iman Ali, also known as Abdul Fatah of Kismayu, clandestinely embedded Al-Hijra terror group among its seemingly welfare group operations. Ali a Kenyan jihadist, professes his total submission and obedience to al-Shabaab leader Ahmed Abdi Godane since 2009 and fled into Somalia.


The MYC took advantage of the growing dissatisfaction and radicalization in certain sectors of the community to build a significant presence in Nairobi and in the coastal city of Mombasa. This means that the group actually pre-dates al-Shabaab as a formal organisation. After initial denials, the group confirmed its association with al-Shabaab. Security officials and analysts state that the MYC ‘is out to create sectarian violence in Kenya’. The MYC in a post on its website on 14 January 2012 the group vowed to carry out “attacks against Kenya’s ‘kuffars’ (infidels) for our al-Shabaab brothers until the country withdraws its troops from Somalia”.

In 2011, the United Nations Monitoring Group on Eritrea and Somalia cited MYC for recruiting, fundraising, training and supporting a jihadist movement on behalf of al-Shabaab in Kenya. Since its inception, the MYC has developed a strong network of members and sympathisers in Kenya. In 2011 the UN warned the group intends to conduct large-scale attacks in Kenya, and possibly elsewhere in East Africa. Since the 2011 UN report, the MYC has been very active trying to garner support for al-Shabaab using a two-pronged strategy of publishing threatening messages to spreading fear among the public, and igniting religious strife in Kenya.

The MYC, which re-branded itself as al-Hijra (named for the journey of Mohammed and his followers from Mecca to Medina to escape an assassination plot) in 2012, has been linked to several of the small-scale terrorist attacks that have hit the country. According to the UN Monitoring Group on Somalia, most of the operatives who conspired in the attack were Kenyan and close to MYC (al-Hijra) leaders. MYC attacks have been restricted to low-level grenade and rifle attacks against Kenyan security forces, as well as softer targets like transports hubs, bars, and nightclubs frequented by locals in Nairobi and coastal tourist hub of Mombasa. Examples can be seen in March 2012 when suspected MYC followers staged grenade attacks against a church and restaurant in Nairobi; this was followed by the multiple grenade attack in June targeting Euro 2012 spectators at the Jericho bar, in Nairobi.

19 Ibid
According to Bryden, till recently al-Hijra was a group that appeared to be fumbling and amateurish, operationally. However, he observes that a core of committed fighters has emerged and they have been learning.22 The Kenyan authorities have been monitoring al-Hijra’s activities in Kenya, including online postings, and working with security officials in Tanzania to neutralise any possible terrorist threat. Authorities acknowledged being aware of most of the information contained in the UN report long before it was published and released, and that the report provides some additional insights about the individuals and the groups the authorities were analysing. Kenyan investigations have resulted in the arrest and prosecution of several people, and a crackdown against al-Hijra, assisted by the United States, has weakened the group. According to a United Nations report released on 17 July 2013, long before the Westgate siege, “Al-Hijra members were plagued by unexplained killings, disappearances, continuous ‘catch and release’ arrest raids and operational disruptions.”23 However much more need to be done as recruitments still continues.

Conclusion

The paper discussed the threat of home-grown terrorism in Kenya. Indeed, the course of terrorism over the next few decades cannot be predicted, just as the actual evolution of terrorism over the last 30 years was unpredicted, meaning terrorism is changing even so more rapidly than most of the counter-terrorism strategies can be implemented. It is important to understand that Al-Hijra and Kenya’s home-grown al Shabaab, and other domestic terrorist groups, are networks that are growing more sophisticated and dangerous. It is important to develop ‘home grown’ concepts on terrorism and violent extremism informed by local realities. The home-grown networks are evolving, devising new procedures and new attack strategies, scouting new targets, recruiting new adherents and ensuring that they receive training and indoctrination, while extending its contacts and building the regional network. Most of all, these home-grown terrorists are more aware of the structure and systems of communities and government apparatus, making them more proactive, hydra-headed, amorphous and with multiple identities.

23 Ibid
There is therefore, need for the Kenyan government to develop ‘home grown’ concepts on terrorism and violent extremism informed by local realities, increased public participation, awareness creation and building of local capacities both at tactical and technical levels to mitigate the threats.

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INTELLIGENCE-LED POLICING IN THE CONTEMPORARY WORLD

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Introduction

The contemporary world has so advanced technologically in recent times that it has brought about many changes globally. Globalization and its attendant aspects such as high speed communication, greater inter-connectedness and inter-relations have reached levels that have given the world a completely new face. The society has had to respond to these trends in equal measure to remain relevant globally, and to engage meaningfully with the rest of the world.

Criminal activity has not been left behind and has adopted just as sophisticated and advanced measures as other actors in the global environment. To combat these emerging criminal trends, governments have to rally more resources and set effective programmes. One contemporary method that has been advocated for sometime now for combating crime is Intelligence-led policing (ILP). The method is a tool for sharing information among agencies charged with enforcing law and other stakeholders, both in the domestic and external arena for the purpose of identifying threats and developing proactive action to stop the threats from reaching fruition.

ILP has been given several definitions and there is no universally accepted definition, but the major components of most of the definitions are similar. The Police Foundation, USA (2007), defines ILP for agencies involved in law enforcement as an integrated analysis model which combines and uses the information collected by both crime analysis units and intelligence units within law enforcement. Combining analysis of crime and criminal intelligence, gives an outline of both the “what” picture in the happenings within the criminal environment, provided specifically by crime analysis, and the “why” picture provided through criminal intelligence.

Generally speaking therefore, ILP involves collecting information on crime, including prevailing conditions that may lead to criminal activity and analyzing the same, so as to get an actionable intelligence product that can be used by law enforcement to develop effective tactical responses to threats. The product may also be instrumental for planning strategies to deal with emerging threats.1

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Historical Background

Early forms of ILP may be traced to early 1970s in the USA, with the announcement by the National Advisory Commission on Criminal Justice, Standards and Goals (NACCJSG) that every law enforcement agency should create a system for gathering and analyzing data aimed at curtailing public disorder and organized crime, at the same time protecting individual privacy.

In the 1980s, Regional Information Sharing Systems (RISS) Centers, were introduced throughout the nation with the aim of collection and storage of data on criminals. The idea did not really take off. In 1993, the UK developed more modern forms of the Intelligence-led policing concept, following reports by the Audit Commission made in response to perceptions that there was too much emphasis on reaction to crime by the police, leading to failure to stop repeat offenders.

In 1997, Her Majesty’s Inspectorate of Constabulary expressly called for the use of intelligence and surveillance against recidivist offenders, to combat crime more effectively. Some police forces quickly heeded the call, in particular the Kent Constabulary, but the idea was not implemented by all the police forces.

ILP gained momentum after 9/11 terrorist attacks that occurred in the US. The post 9/11 environment in the US, dubbed the “era of Homeland Security” for American policing, increased demands for building global partnerships and closer working relationships with local agencies to increase capacity of states to effectively fight crime such as terrorism. Before 9/11 attacks, most government departments did not share information with each other and worked independently even when within the same state.

The concept gained further credence after investigations on bombings of the rail systems in Madrid and London enabled the arrests of suspects of the bombing in Canada, Britain, and Florida, suggesting that the key to identifying suspects and successfully preventing further attacks would be by collecting intelligence from a wider range of sources. ILP is now widely advocated in Britain and North America, and is actively used in other countries including Canada, New Zealand and Israel.

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[7] Ibid.
Problem Statement

Robert Jervis argues that intelligence is vital for States to survive, as it provides information on their adversaries relating to their modus operandi, their demeanor and the environment in which they operate, which is instrumental in the effective evaluation of both the offenders and the situation, leading to identification of the root cause of the issue, with more effective crime resolution. In the absence of intelligence, a State would thrash out blindly and allow threats to grow without taking appropriate counter measures. The complex nature of terrorism has particularly made ILP important as terrorism is a very challenging threat that transcends borders, thus requiring high levels of collaboration with all relevant stakeholders and agencies. It also requires constant vigilance by all involved agencies.

Africa, Kenya included, is not an exception to this critical requirement, especially because its main challenges which include porous borders, internal conflicts, failed states, lax financial systems, poverty, corruption, and socio-cultural diversities render it favourable for terrorist operations. The United Nations Office on Drugs and Crime (UNODC) regional office for Eastern Africa recently launched a project referred to as “Sub-programme III Terrorism Prevention”, to support police reforms within Kenya. One of the projects of the programme is to support intelligence-led policing.

The programme was launched in light of previous terrorist attacks within Nairobi, Garissa, and Mandera, where the significant loss of lives prompted the Kenya Government and the UNOC to reaffirm the need for urgent capacity building of agencies charged with law enforcement to prevent such attacks and provide a secure environment for Kenyans. The overall goal of the project, which is part of a broader criminal justice program in the eastern region of Africa that aims to empower the police forces in thirteen countries, is to develop a solid and efficient police sector in Kenya. The project will also target institutional, legal and policy reforms in the service.

In 2003, the UK Intelligence introduced a process containing twenty eight recommendations for major changes to policing. The most significant part of the plan was the adoption of a new method of collecting and processing information, known as the intelligence cycle. In this process, the required information should be gathered and must be analyzed by trained analysts for it to be considered intelligence and to used in ILP.

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8 Robert Jervis, *Intelligence, Civil-Intelligence Relations, and Democracy, in Reforming Intelligence; Obstacles to Democratic Control and Effectiveness*, ed Thomas C Bruneau and Steven C Boraz (Austin: University of Texas Press, 2007) p vii.

The intelligence is then submitted to decision-makers at the executive level, who set priorities for enforcement and prevention, then pass the priorities down for operational and tactical tasking. The process is philosophically similar to other crime combating philosophies like Problem-Oriented Policing and Community Policing. Problem-oriented policing however is bottom-up, placing street-level police officers at the forefront of problem identification and resolution.

Community policing on the flipside, encourages the general community to provide information to the security forces. The Information provided by community policing may however focus on the perspective and needs of the community and this may not necessarily be in perfect accord with fight against crime. Community input is however, a valuable information source for ILP since enforcement agencies can use the additional information for analysis and use if relevant.

**Benefits of ILP**

ILP supports an Agency’s operations to enable it to focus resources in the most effective manner, thus achieving the greatest crime reduction outcomes. It does this by enabling an agency to bring out the big picture of a situation, which is brought out by the regular briefings given both by intelligence officers and crime analysts. Similarly, the integrated model provides a realistic analysis that examines both crime patterns and individual actor’s behaviour, enabling a better focus on the crime thus facilitating the development of more effective approaches to the prevention of crime and its control.

ILP also gives an operational commander increased enforcement options as integrated analysis by the crime analysts and intelligence analysts can suggest a wide range of tactics.

Another important benefit of ILP is the more effective communication achieved among concerned agencies as the integrated model incorporates in its structure a single central communication point to be used by all concerned agencies for interagency communication and coordination. The model focuses on prolific and serious offenders, and this leads to prevention of crime rather than reacting to crime. Should the crime occur, the model will enable better response.

There is availability of analytical and executive training, across all the members of the agencies. This is because training needs will be easily identified as the operations are being monitored constantly and in a wholesome manner, and there is input from both strategic meetings as well as the tactical tasking meetings. Sound decisions are expected to be made since there is availability of
sufficient, complete, and reliable data that can support the quality of products that influence decision-making. This is expected to lead to overall reduction of crime.

**Challenges to the implementation of ILP.**

The mode of operation of ILP lays emphasis on wholesome information and intelligence sharing both horizontally and vertically within the agencies and among the various agencies concerned. The policing environment however is accustomed to rewarding individual effort in combating crime. ILP seeks to take advantage of all players and make use of the wholesome information collected. This will require a paradigm shift among the police agents concerned from the usual individual effort to a team based approach to policing. Paradigm shifts are always a challenge to implement.

There is need for a clear definition of what will be used for evaluation as short term success. Police agencies are accustomed to using arrest numbers to rate success, therefore in this new approach which is preventive rather than reactive and geared towards long term success rather than short term success, there will be need to define what constitutes success in the short term in order to keep the law enforcers motivated. It is expected that there will be challenges to the adoptability of the concept, whose interpretation appears to be relatively fluid. To achieve the goal of preventing crime in the long run, activities will focus on obtaining relevant information. It may be difficult for this concept to be embraced by the policing agencies.

The word ‘intelligence’ within the context of policing is viewed negatively because of abuses of police intelligence activity in earlier days. Similarly, the public may view intelligence as susceptible to actions such as political interference, violation of civil liberties, and as a potential for abuse of police power. Surveillance, which is expected to be utilised in this model, is often viewed as intrusive and for the most part unnecessarily excessive. It is also quite expensive to set up and sustain. It might therefore receive criticism from the public and its approval may be resisted by policy makers who may not understand the overall benefits of the concept. There is need to ensure understanding that ILP is actually a management strategy used to determine priorities and police activity.

Similarly, many agencies lack the capacity for effective ILP. There is lack of the appropriate structures to operate the functions of ILP. Considering that there are many functions within the ILP concept, agencies may also lack adequately trained personnel especially for the analytical units. This is likely to be experienced most in the smaller agencies.
Recommendations

Communication: To achieve institutionalization of the process, it is essential that the tenets of ILP be consistently communicated throughout the concerned agencies to enable understanding of the benefits of this approach.

Training: ILP requires new approaches that many agency officers may lack proficient in. Officers therefore need to be well trained to ensure that they can perform their duties proficiently. Those to be trained should include law enforcement officers and executives, intelligence supervisors, intelligence officers, and intelligence analysts.

Coordination: Being a multi agency approach, it is important for proper coordination among the participating units to ensure all functions are well coordinated for effective achievement of ILP.

Formulation of appropriate Policies: This is a new approach to policing and may face resistance in various quarters. It is important therefore that policies and regulations are formulated to support the operations and to operationalize the activities legally. This is important for confidence building among the players. Policies will also assist the players to understand their responsibilities well and their various roles in the integrated multi agency approach.

Technical Assistance: The process needs to be supported effectively from the policy level to operational level with budgetary support, proper technical equipment for operations and for communication, and adequate staffing. In addition there is need to give adequate training to all the officers who will be deployed in the ILP operations and the support teams to ensure effective operationalisation of the concept.

Conclusion

ILP is an integrated and collaborative enterprise that aims at achieving effective policing by employing improved intelligence operations, community policing and other problem solving approaches, which have been used with positive results for many years. ILP is a new policing concept being advocated to combat crime more effectively, through sharing of information among security agencies and other stakeholders, and analysis of the available information to enable a more proactive approach in combating crime.
As a new approach, effective implementation requires formulation or re-evaluation of proper policies and protocols to direct and guide the process. It is also important to ensure all the agents involved in the implementation of ILP are properly trained to perform their assigned roles. To achieve effective decision making and overall criminal prevention and control, Intelligence must be incorporated into the planning process, to reflect community problems and issues,\(^{10}\) and in the analysis, so that together with criminal analysis, a wholesome intelligence product is obtained for long term criminal prevention.

ILP will be effective if information sharing is made a policy, not an informal practice, there is effective communication on its implementation to all stakeholders and proper data management and maintenance. Being a new concept, the officers involved need to be properly briefed on their roles and responsibilities. Above all, members of the integrated unit should be inducted to view each other as a team, and to support each other to win as a team.

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THE IMPACT OF GLOBALIZATION ON NATIONAL SECURITY OF AFRICA

Col. R. G. Mwaisaka - Tanzania Peoples Defence Forces

Introduction

According to Akindele\(^1\) Globalization is the process of the interactions of economic, political, social and cultural across national/international boundaries. Globalization fundamentally connected the societies, states, Sub Region, Region in terms of political and socio-economic within the World. Tandon\(^2\) looks globalization as the means or tool removing all State barriers and create free movement among the capitals and this is accelerated by information and technology.

National Security

John\(^3\) defines security as the policy enacted by government to ensure the survival and safety of the nation state, including but not limited to the exercise of diplomatic and military power in both peace and war. National Security involves the steps taken by state actors to protect the states from real or potential threats. It is that aspect of government policy which create enabling atmosphere necessary for the protection and promotion of vital national interest and values against known or potential enemies. Consequently, National security should be concerned with interests of a state.

Security is commonly used as the protection from all types of threats. This usage is tied on the defense and security forces. The cold war period gave the highest currency to the conventional security doctrine that rested on the assumption that only a strong military can effectively deter attacks and threats of force. On the contrary, John\(^4\) conceives security through arms and military personnel. He posits that security is the „relative freedom from harmful threat.

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\(^4\) Ibid p8
In the post-cold war period, the concept of security has attracted a new thinking by contemporary scholars who condemned the militaristic thought of security insisting on the concepts of rehabilitation, transformation and expansion.

Booth observed that one of the themes of new thinking is the idea that security policy should have political accommodation as a primary aim, the adverse effects of identifying security almost exclusively with military strength was evident throughout the cold war. This approach can be described as strategic reductionism that thinks of security in a technical and mechanistic military way. Security as a concept should be applied in its broadest sense to include economic security, food security, social security, environmental security, the quality of life security and technological security.5

Challenges to National Security

The security challenges cuts across borders and the impact is felt at all levels of endeavors. Political corruption, economic greed, Illiteracy and ignorance, ethnic and religious insensitivity and conflicts, lack of qualitative education, disregard of rules and regulations, lack of free and fair elections, and lack of commitment to democracy, lack of efforts to eradicate or reduce hunger, poverty, overpopulation, excessive inflation, refugees, diseases such as HIV/AIDS and Ebola, and the proliferation of nuclear weapons, are sources of national, regional, and global insecurity. National, regional, and international terrorism are interconnected in the end game of international diplomacy.6

National, regional, and global insecurity also affect both the national economy and national development. In many cases, the gross inequality, the lack of access and quality health and education still remain daunting challenges to many nations who are dealing with global economic crisis. Illiteracy, a condition where individuals cannot read and write, is a serious national and global security problem.

A Theoretical Framework for Examining Globalization and Security

Traditionally, the idea of security has been articulated in neo-realist terms, where the primary analysis is the sovereign state whose territorial integrity and internal cohesion must be protected. A rather different –though not wholly

6Ibid, p4
unrelated– conceptualization of security that is directed to the individual or society can be known as “human security.”

The idea of human security is aimed more directly around the protection of people, the scope of their freedom in community, their access to market and social opportunities, and whether their society is in a state of peace or conflict.

These areas of concern illustrate that globalization is connected to the concept of human security against wide variety of global processes, including for example: the depletion of nonrenewable resources; drug trafficking and human trafficking.

**Perspectives on Globalization and National Security in Africa**

Dare, an African writer, states from the oilfields of the Niger Delta in Nigeria, to the diamond and copper fields of Sierra Leone, Angola and Liberia, to the rich mineral deposits of the Great Lakes region, to the mountain range plains and tourist havens of East African countries, the continent of Africa seems undoubtedly blessed. From these blessings, however, much sorrow, want and deprivation has flowed. He puts the blame squarely on leadership, and the role of multinational corporations (MNCs).

Details of conflict diamonds in Sierra Leone, which have helped perpetuate several years of civil conflict and resulted in the loss of several thousands of lives is in part two of this chapter, but what needs mentioning here is the direct role of a network of interlinked companies in elements of that conflict. To safeguard their economic interests, these corporations procured weapons and provided training in areas of conflict, using private security organizations. In the process, they became accomplices with rebels and governments officials, whichever was expedient, to buy diamonds the proceeds of which went to prosecute the war. Clearly, where minerals and oil abound, MNCs find the lure irresistible.

Because of problems of corrupt leadership, the fragile nature of African countries and the ease with which MNCs are able to peddle influence, Africa is caught between a rock and a hard place. Another aspect of war economies and illicit trade, such as the barter trade in timber and other agricultural products that are exchanged for arms also needs mention. For example, Charles Taylor of

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Liberia, as warlord between 1989 and 1997, supplied a third of France’s tropical hard wood requirements through French companies. Duffield opined that “a high level of complicity among MNCs, offshore banking facilities and superpowers governments has assisted in the development of war economies” and that there is a “growing symbiotic relationship between zones of stability and instability within the global political economy.”

Some western analysts of African conflicts such as Francis have argued that the role played by precious minerals in African conflicts is not new, and that the exploitation of war economies is as old as warfare itself. To him, the struggle for the control of strategic resources has been a common feature for most of the wars of contemporary world politics as such, diamond or oil, as a currency of war is nothing new. His argues that the wars in the former Zaire and Angola in the 1960s and 1970s were about the domestic and international exploitation of strategic minerals, although, with an East-West ideological underpinning. He sees these issues now becoming prominent because of the security vacuum created by the absence of superpower rivalry. Warlords, rogue states, arms and drugs traffickers, and MNCs exploiting the economic opportunities of globalization have filled this vacuum and seen the emergence of a global informal economy that is inextricably linked with the globalization of legal trade.

A common theme that runs through the perspectives discussed is that an increasingly liberalized, interconnected world at the end of the Cold War has changed conflict dynamics in Africa substantially. This is not to ignore other internal dynamics that have nourished contemporary conflicts. Identity and participation are some of these. There are several instances of political delineation and perceived unfairness and injustice in the sharing of resources, which have caused most of these conflicts. Some of these types or areas of conflict overlap and often reinforce each other. For instance, identity conflicts can coincide with limits on political participation and uneven distribution of scarce resources.

To summarize this part, while there are no doubts that there are serious internal problems that have been the bane of Africa since independence, new causes of conflicts that seem to have compounded these fragilities have emerged since the 1990s.

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Conclusion

Globalization and global economy, for the previous decades, have systematically generated human insecurity throughout the world, particularly in some developed countries in the South, as well as in regions of the advanced industrial countries in the North. Most pertinently, globalization and the global economic order have undermined economic-human security – that is economic, food and health security. In this way, globalization and the international economic order, generating economic-national insecurity, fundamentally destabilize the national security of less developed countries.

This systematic undermining of security across national boundaries amounts to a veritable globalization of insecurity at human and national levels. The sheer, relentless scale of this process demonstrates that the international economic order and the neoliberal paradigm on which it is based must be fundamentally transformed if this process is to be reversed in the interests of the security of the majority of the world’s population.

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ENHANCING INTER-AGENCY RAPID RESPONSE CAPABILITY

Col. F. M. Ngaa -Kenya Army

Introduction

National security is the protection against internal and external threats to Kenya’s territorial integrity and sovereignty. Its people, their freedoms, rights, property, peace and prosperity, stability and other national interest.¹

Its assurance is the duty and responsibility of national organs. These organs must anticipate the spectrum of tasks that are likely to be given to them. They must in turn develop, maintain and manage a suitable range of capabilities to support them in accomplishing these tasks successfully.² A capability is an attribute, or a combination of attributes necessary to enable achievement of a stated objective. Principal of these attributes are training, organization and doctrine, material and equipment, development of leaders, personnel and facilities.³

Based on the urgency or otherwise of the response needed and given the spectrum of situations to which the security agencies must respond to; two broad response categories exist: standard response and rapid response.

Standard response

Standard response is the act of responding to a situation that is foreseeable, and not urgent, and therefore can be specifically planned and budgeted for.⁴ The timelines set by the tasking authority at policy level are significantly lenient.

Rapid response

This is a quick reaction to a situation that is urgent and unforeseen.⁵ The timelines set by the policy level tasking authority are significantly stringent.

- An event is considered urgent if:
- It can cause grave damage to human life or welfare
- It can cause grave damage to the environment, and
- It is meant to address the loss, damage, hardship or suffering directly caused by another event.

¹ The Constitution of Kenya 2010, Chapter fourteen, article 238(1)
² Ibid, Article 240(6)
³ Operational research mathematical techniques, “DOTMLPF”, United States Military
⁴ European Union Military Rapid Response Concept
⁵ Kenya Public Finance Management Act 2012, Section 21(3) and Section 21(4)
An event is a threat to human life or welfare only if it involves causes or may cause:

- Loss of life, illness or injury
- Homeless or property damage
- Disruption of food, water or shelter, or
- Disruption of services, including health services

Nearly every modern-day conflict, natural disaster or human-initiated disaster has illustrated the utility of a quick reaction capability enhancement.

In Kenya, examples abound: the Sachangwan Petroleum Tanker fire incident, the Sinai Slum (Nairobi) Petroleum Pipeline leak and fire incident, the Westgate Shopping Mall terrorist attack, the Garissa University College terrorist attack and the El Wak plane crash among others. The Ataturk Airport terrorist attack and the air Malaysia incidents are other recent examples.

More often than not, rapid response requires employment of rapid response capabilities of more than one agency. This implies that a multi-agency rapid response entity must be constituted. Usually, security agencies are tasked to create a multi agency rapid response entity and through it they execute operation or missions requiring rapid response. The choice of security agencies that are required to provide response teams is based on the agencies inherent agility.

Effective reaction is founded on certain fundamental principles. Any quick reaction capability being created in an agency must be aimed at enabling the quick reaction unit of that agency to apply these principles to its advantage. This will in turn make the unit or multi-agency rapid response entity more efficient and effective.

**Speed**

Speed is the rate of change of position. Within the framework of rapid response, speed implies the parameter used to measure speed in rapid response, the response time is considered from when the policy level decision making authority makes the decision to launch a speedy response operation to when the rapid response team starts implementing its mission in the operation area.

It is vital to assemble suitable equipment and personnel including command and control infrastructure quickly to enable rapid response operation to be launched. A suitable mechanism must be in place for this purpose. Response time is considerably reduced by the use of advance planning. Without advance preparation and the aforementioned rapid response resource mobilization

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6 *European Union Military Rapid Response Concept*, Section I, Response Times; page 22/68.
mechanism, the time needed for planning, organization and preparation could exceed the time available.

**Risks**

The employment of security forces or quick response entities drawn from the security forces owes to the security forces inherent agility. That said, a quick response entity must be kept as lean as possible, be it single-agency drawn, or a multi-agency to preserve this agility. This implies that the entity may possibly have to take calculated risks. This is of special relevance in this age of asymmetric threats, where a rapid reaction operation may involve combat. A delicate balance must be struck in preparation, intelligence, protection, availability and vulnerability of communications and information systems (CIS) infrastructure, logistics, health and medical support.

**Concurrency**

A multi-agency rapid response entity is an assembly of units from individual agencies. These formations may have platforms organic to them. Units provide capabilities and capabilities produce effects. Units are assembled to form mission capability packages, which are then engaged in accordance with the overall concept of operations of the rapid reaction entity.

Advance capability planning, acquisition and advance mission capability packaging is done concurrently in each of the contributing agencies to enhance rapid response. It is worth mentioning that the overall design of operations of the quick response entity is reorganized to become the concept of operations for its component mission capability packages. This is what informs the assembling of sub-units to mission capability packages.7

**Readiness matching**

The promptness of a quick response entity, be it a team or a task force must match the timings of the policy level decision making process. Usually the entity on standby must be held at a high readiness. For instance, in a shopping mall hostage rescue incident, the police counter-terrorism unit on standby must be held at very high readiness. The procedure to get the unit depart from its base destined for the incident location, must be extremely brief, yet precise. The unit’s response time is calculated in minutes; not hours, not days.

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7 Ronnie Gori, Pin Chen & Angela Pozgay, *Model Based Military Scenario Management for Defence Capability*, Defence Science and Technology Organization; Canberra, Australia
In a shooting incident, the security agency and regional medical facility emergency rescue teams must be on equally short notice to move. In a collapsed building incident, the military engineer unit specializing in such matters ought to always be on short notice to move. It however does have heavy equipment and its movement may slow the response speed, flexibility and initiative is therefore vital. Readiness and early availability of sustaining elements in such cases e.g. field intelligence teams, logistics, airlift and sea-lift assets must also match. These concerns have pronounced budgetary implications.\(^8\)

Without appropriate readiness, the mission capability packages may perhaps not be available in the right sequence at the right time. It is important that until the packages are given to the incident rapid response commander by a transfer of authority, their readiness to meet the timelines for an operation remain the parent agency’s responsibility. Liaison during advance planning enables setting of standards, training and validation. This builds confidence.

**Intelligence Support**

In a quick response operation and especially so in a response to situation involving combat, such as a terrorist attack, the operational environment may be particularly fluid, this may deny the rapid reaction team comprehensive Intelligence Preparation of the Battlefield (IPB)

To increase situational awareness, the quick response entity must have integral intelligence capability e.g. image intelligence (IMINT) or human intelligence support (HUMINT). The intelligence capabilities contributed by each agency must be engaged in a manner that enhances synergy. It helps if the agencies agree beforehand on a single inter agency intelligence operational procedure.

**Logistics support, Health and Medical Support**

A security agency based rapid response entity must at the early stages of a quick response operation be self sustaining. This requires that the logistics mission’s capability package be well resourced. This may seem to conflict with the requirement that the rapid reaction entity be lean. To resolve this conflict there is need to involve the respective agency logisticians and medical planners from the very beginning of the planning process. This need is more evident in a multi-agency operation. Early involvement of logisticians and medical planers enables optimization of the logistic footprint in relation to operational needs. Logistic support may influence the course of action to be taken, the

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\(^8\) General Julius Karangi and Adedeji Ebo; *Budgeting for the military in Africa, A case study Kenya*; page 104-107, page 109-111 & page 113-115
approach and the rate at which the desired outcome can be realized. The concept of logistic support therefore requires to be defined and agreed upon by the participating agencies.

**Raid Response Financing**

Security agency’s rapid response operations are expenditures of public finances. The guideline for this is contained in the rules governing expenditure of public finances and specifically; the Kenya public finance management act, No 18 of 2012. Pursuant to it are public finance administration regulations. Rapid response operations are normally funded from the contingencies fund. Modalities must be established to ensure that the decision to launch a quick response operation is accompanied by an authorization of funds to facilitate the smooth running of the operation.

**Conclusion**

The idea of rapid response operations is to save life, alleviate suffering or control and limit damage. Quick reaction operations are carried out in accordance with an agreed upon concept of operations. Rapid reaction overall concept is designed to ensure consistency, interconnection, compatibility, interoperability, complementarity and standardization across the full spectrum of inter-agency rapid response to facilitate a coordinated, effective and timely response to any given crisis. Rapid response capability planning, acquisition and management is done according to the overall rapid response concept of operations.

Capability management as well as quick response capability organization is a complex undertaking. It demands the integration and coordination of underlying components; principal of which are training, organization and doctrine including equipment and logistics, leadership development and facilities to allow the mission capability packages individually and the quick reaction entity as an entity to achieve a desired operational outcome at a specific place and time. By building multi-agency rapid response capabilities and matching between current and future operational needs, inter agency quick reaction capability can be enhanced.

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*Kenya Public Finance Management Act;* No 18 of 2012, Section 19, 20 and 21
ENHANCING INTER-AGENCY RAPID RESPONSE CAPABILITY

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COMPUTER FORENSICS IN COUNTERING CYBER CRIMINAL ACTIVITIES

Col. H. D. Nyange – Kenya Army

Introduction

Computer forensics is an exciting area, often glamorized, and its capabilities exaggerated, in films and television shows like CSI, NCIS and Spooks. Guaranteeing the accuracy and reliability of digital evidence collected during forensic investigations remains a complexity of the subject across the globe.\(^1\) Various scholarly studies on forensic validation of computer evidence still remain limited in developing countries. Computer forensics is the name given to the science of detecting digital crimes committed in cyberspace.

Definition of Computer Forensics?\(^2\)

Computer forensics is the specialized practice of investigating computer media for the purpose of discovering and analyzing available, deleted, or “hidden” information that may serve as useful evidence in an inquiry or a legal matter. Computer forensics can be used to uncover potential evidence in many types of cases including, for example: Copyright infringement, Industrial espionage, Money laundering, Piracy, Sexual harassment, Theft of intellectual property, Unauthorized access to confidential information, Blackmail, Corruption, Decryption, Destruction of information, Fraud, Illegal duplication of software, Unauthorized use of a computer and Child pornography. Computer forensics, therefore, combines specialized techniques with the use of sophisticated software to view and analyze information that cannot be accessed by the ordinary user. This information may have been “deleted” by the user months or even years prior to the investigation, or may never have been saved, to begin with, but it may still exist in whole or in part on the computer’s drive.

Conceptual Framework

This article is informed by the ‘Fuzzy Set Theory’ as developed by Prof. Lotfi Zadeh. Prof. Zadeh is a Professor for Computer Science at the University of California, Berkeley. In addition, he serves as the Director of the Berkeley Initiative in Soft Computing (BISC). Currently, his research is focused on


fuzzy logic, soft computing, computing with words (CW), and the newly developed computational theory of perceptions and precisiated natural language (PNL). The classical ‘Set Theory’ is built on the fundamental concept of a ‘set’ of which an individual is either a member or not a member. A sharp, crisp, and unambiguous distinction exists between a member and a non-member for any well-defined ‘set’ of entities in this theory, and there is a very precise and clear boundary to indicate if an entity belongs to the ‘set’. In other words, when one asks the question ‘Is this entity a member of that set?’ The answer is either ‘yes’ or ‘no.’

Prof. Zadeh explains the notion of a ‘fuzzy set’ as that which provides a convenient point of departure for the construction of a conceptual framework which parallels in many respects the framework used in the case of ordinary sets, but is more general than the latter and, potentially, may prove to have a much wider scope of applicability, particularly, in the fields of pattern classification and information processing. Essentially, such a framework provides a natural way of dealing with problems in which the source of imprecision is the absence of sharply defined criteria of class membership rather than the presence of random variables.

‘Fuzziness’, as defined by Prof. Zadeh, is nonstatistical in nature i.e. it represents vagueness due to human intuition, not uncertainty in the probabilistic sense. Membership in a ‘fuzzy set’ is usually represented graphically. Membership functions are determined by both theoretical and empirical methods that depend on the particular application. As its name suggests, ‘fuzzy logic’ is associated with CW, and is a methodology in which words are used in place of numbers for computing and reasoning. The point here is that ‘fuzzy logic’ plays a pivotal role in CW and vice-versa. Thus, as an approximation, ‘fuzzy logic’ as applied in a ‘fuzzy set’ may be equated to CW.

Imperatives for CW

There are two major imperatives for CW. First, CW is a necessity when the available information is too imprecise to justify the use of numbers, and second, when there is a tolerance for imprecision which can be exploited to achieve tractability, robustness, low solution cost, and better rapport with reality. Exploitation of the tolerance for imprecision is an issue of central importance in CW. In CW, a word is viewed as a label of a granule; that is, a fuzzy set of points drawn together by similarity, with the fuzzy set playing the role of a fuzzy constraint on a variable. The premises are assumed to be expressed as

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propositions in a natural language. In coming years, CW is likely to evolve into a basic methodology in its own right with wide-ranging ramifications on both basic and applied levels.

Fuzzy logic is thus a promising way to represent non-traditional policies, like privacy (confidentiality), integrity and availability. Its approach to comparing and contrasting overlapping data fits better with metaforensic validation. Fuzzy logic, as developed by Prof. Zadeh, is thus a form of multi-valued logic derived from Fuzzy Set Theory to deal with reasoning that is approximate rather than precise. This theory is thus relevant to this article since it informs the direct deal with reasoning that is approximate rather than precise.

**Forensic Investigations**

Forensic Science may be defined as the application of scientific knowledge and methodology to legal problems and criminal investigations. Sometimes called simply forensics, forensic science encompasses many different fields of science, including anthropology, biology, chemistry, engineering, genetics, medicine, pathology, phonetics, psychiatry, and toxicology. The related term ‘criminalistics’ refers more specifically to the scientific collection and analysis of physical evidence in criminal cases. This includes the analysis of many kinds of materials, including blood, fibers, bullets, and fingerprints. Many law enforcement agencies operate crime labs that perform scientific studies of evidence. The largest of these labs is run by the Federal Bureau of Investigations (FBI) in the United States of America (USA).

Forensic scientists often present ‘expert testimony’ to courts, as in the case of pathologists who testify on causes of death and engineers who testify on causes of damage from equipment failure, fires, or explosions. Modern forensic science originated in the late nineteenth century, when European criminal investigators began to use fingerprinting and other identification techniques to solve crimes. As the field of science expanded in scope throughout the twentieth century, its application to legal issues became more and more common. Because nearly every area of science has a potential bearing on the law, the list of areas within forensic science is long.

Forensic investigations can be initiated for a variety of reasons. The most high profile are usually with respect to criminal investigation or civil litigation, but digital forensic techniques can be of value in a wide variety of situations, including perhaps, simply re-tracking steps taken when data has been lost. The

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The purpose of computer forensics techniques is to search, preserve and analyze information on computer systems to find potential evidence for a trial. What makes the computer forensics field similar to other forensic fields is that it is not just the methods used to collect the evidence that are of concern, but that considerable emphasis is placed on the validity of the digital evidence.

Types of Computer Forensics Investigations

Computer forensics techniques and methodology are used in two primary types of investigations. The first is when the computers are used as instruments to commit a crime or involved in some other type of misuse. The second is when computers are used as the target of a crime, hacked into and information stolen, for example. When computer forensics techniques and methodology are used, in this situation, to figure out what happened, they are typically referred to as ‘incident response’.

In the first type of investigation, forensic investigators may or may not be present when the computing device is shut down to begin an investigation. They may have hard drives and other media delivered to them to analyze. In the second type of investigation, forensic investigators will typically always want to capture information that is extremely volatile, such as information contained in computer memories concerning network connections and running processes. Regardless of the situation, and whether the evidence will be used in a court of law, the techniques, procedures, and methodologies used should be largely the same. It is for these reasons that forensic investigators must use sound and proven techniques for any work performed related to computer forensics, and always approach such a situation as if it will end up in a court of law.

Dimension and Evidence in Validating Criminal Activities

The field of computer forensics has become a critical part of legal systems throughout the world. As early as 2002, the FBI stated that: “fifty percent of the cases the FBI now opens involve a computer.” However, the accuracy of the methods and, therefore, the extent to which forensic data should be admissible remains difficult to ascertain. Consequently, it is difficult to make the kinds of claims about computer forensics that can be made about other kinds of forensic evidence that have been studied more completely, such as

7 http://www.seeker.com/search/?q=Forensic+science/computer forensics, accessed 03 Sep 16.
DNA (a substance that carries genetic information in the cells of plants and animals)\(^\text{10}\) analysis.

The accuracy of DNA analysis is well understood by experts, and the results have been transformational in court cases. DNA evidence has been instrumental in convicting criminals, and clearing people who have been wrongly convicted and imprisoned. DNA evidence condenses to a single number with a very small and well defined, probability of error. On the other hand, computer forensic evidence has matured without foundational research to identify broad scientific standards, and without underlying science to support its use as evidence. Another key difference between DNA and computer forensic data is that DNA evidence takes the form of tangible physical “objects” created by physical events. Contrast these to computer objects that are created in a virtual world by computer events. Coupled with lack of cyber forensic libraries in most countries today, both the less informed public and incapacitated law enforcement staff have been left at the mercy of tamper proof methodological procedures when dealing with cyber related crime. Whereas there is a considerable amount of work conducted in the field of computer forensics, one of the main problems at the moment is guaranteeing the accuracy and reliability of digital evidence collected during forensic investigations.

There are two basic types of evidence, physical evidence and digital evidence. Vacca contends on the need of physical evidence which must contain tangible items that “furnish or tend to furnish proof”.\(^\text{11}\) Digital evidence also furnishes or tends to furnish proof that can be admissible in a court of law, and so this article considers all the evidence as tangible.

Digital evidence is electronic in nature and can be found as data on computer systems that could refer to documents or events that occur within a computer system or network. It includes files stored on computer hard drive, digital video, digital audio, network packets transmitted over local area network, wide area network, e-mails, browsing history, and databases.

Traditionally, once evidence is collected, a chain of custody is built and the evidence analyzed. The evidence is presented in a court of law and may result in prosecution. In the absence of a formalized procedure which is capable of systematically detecting anti-forensic activity of evidence, these traditional methods can only rely on the skills and experience of a forensic examiner. What computer scientists have begun to realize is that without a systematic analysis of tamper proof forensic activity the chain of evidence custody is no longer sufficient to ensure evidence integrity. Much more “computer crime”

\(^\text{10}\)http://www.merriam-webster.com/dictionary/DNA, accessed 03 Sep 16.

exists than law enforcement acknowledges or identifies, and there are many techniques that law enforcement is largely unaware of. Because the focus of law enforcement is on recovering files rather than discovering how the files entered the system, there has been little emphasis on enhancing systems to collect such data. Therefore, the vastly enhanced solutions that computer scientists offer forensic practitioners tend to be viewed as unnecessary by the practitioners.

Additionally, attempts to undermine the existence, amount, and quality of evidence from a cyber crime scene have increased in recent years. Similarly, efforts to make the analysis and examination of cyber evidence difficult or impossible to conduct have increased the rationale behind ‘anti-forensics’ to stop investigators from finding the perpetrator or the act by contaminating the evidence. As Kelly points out, ‘‘anti-forensics’ affect the evidence in a crime scene and this amounts to the digital equivalent of being able to change one’s fingerprints on a physical crime scene’’.

It is for this reason that Marcella critically elaborates that “validating cyber forensic evidence involves the use of scientifically derived and proven methods toward the preservation, validation, identification, analysis, interpretation, documentation, and presentation of digital evidence derived from digital sources for the purpose of facilitating or furthering the reconstruction of events found to be criminal, or helping to anticipate unauthorized actions shown to be disruptive to planned operations”.

**Tasks Performed by Computer Forensic Tools**

Computer forensic tools are required to be able to perform and meet certain criteria which can be grouped into five major categories namely: acquisition, validation and discrimination, extraction, reconstruction, and reporting. Acquisition involves making copies of the original drive and is referred to as the first task in computer forensics investigation. There are two types of data copying methods used in software acquisition and they are: physical copying of entire drives and logical copying of disk partitions. Logical acquisition is more preferable because data acquired can be read and analysed easily.

Validation is the process of ensuring and maintaining the integrity of the data acquired. The process of validating data is what results in the discrimination of data. The main purpose of data discrimination is to separate good data from suspicious data. All computer forensics tools have a way of ensuring that

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the integrity of the data is still intact by comparing the original data with the image data. This is possible with the help of processes like hashing, filtering and analysing file headers. Searching and comparing file headers improves data discrimination.

Extraction is the recovery task in a computing investigation.\(^\text{14}\) Sub functions of extraction used in investigation include: data viewing, keyword searching, decompressing, carving, decrypting and bookmarking. Extraction of data involves great mastery in the software and hardware deployed. Reconstruction features in a forensic tool are necessary to recreate a suspect’s drive and to show what happened during the crime or an incident. Duplicating a suspect’s hard drive enables other investigators to carry out their own acquisition, test and analysis of the evidence. The most reliable way to recreating an image of a suspect’s hard drive is to obtain the same make and model drive as the suspect’s drive. Sub functions of reconstructions are: disk-to-disk copy, image-to-disk copy, partition-to-partition copy, image-to-partition copy. The report phase is the final phase of the forensic disk analysis and examination. The log report can be included in the final report detailing the step by step process undergone during the examination.

**Issues Facing Computer Forensics\(^\text{15}\)**

The issues facing computer forensics examiners can be broken down into three broad categories: technical, legal and administrative.

**Technical issues**

First, encrypted data can be impossible to view without the correct key or password. Examiners should consider that the key or password may be stored elsewhere on the computer or on another computer which the suspect has had access to. It could also reside in the volatile memory of a computer, known as RAM (Random Access Memory). RAM is a computer's temporary workspace and is volatile, which means its contents are lost when the computer is powered off, which is usually lost on computer shut-down. Second, storage media hold ever greater amounts of data, which for the examiner means that their analysis computers need to have sufficient processing power and available storage capacity to efficiently deal with searching and analysing large amounts of data. Third, computing is a continually evolving field, with new hardware,


software and operating systems emerging constantly. No single computer forensic examiner can be an expert on all areas, though they may frequently be expected to analyse something which they haven’t previously encountered. In order to deal with this situation, the examiner should be prepared and able to test and experiment with the behaviour of new technologies. Networking and sharing knowledge with other computer forensic examiners is very useful in this respect as it’s likely someone else has already come across the same issue. And, lastly, anti-forensics is the practice of attempting to thwart computer forensic analysis. This may include encryption, the over-writing of data to make it unrecoverable, the modification of files’ metadata and file obfuscation (disguising files). As with encryption, the evidence that such methods have been used may be stored elsewhere on the computer or on another computer which the suspect has had access to. Experience shows that it is very rare to see anti-forensics tools used correctly and frequently enough to totally obscure either their presence or the presence of the evidence that they were used to hide.

**Legal issues**

Legal issues may confuse or distract from a computer examiner’s findings. An example here would be the ‘Trojan Defence’. A Trojan is a piece of computer code disguised as something benign but which carries a hidden and malicious purpose. Trojans have many uses, and include key-logging (the recording of keyboard input giving the ability to read a user’s typed passwords, emails and other confidential information), uploading and downloading of files and installation of viruses. A lawyer may be able to argue that actions on a computer were not carried out by a user but were automated by a Trojan without the user’s knowledge; such a ‘Trojan Defence’ has been successfully used even when no trace of a Trojan or other malicious code was found on the suspect’s computer. In such cases, a competent opposing lawyer, supplied with evidence from a competent computer forensic analyst, should be able to dismiss such an argument. A good examiner will have identified and addressed possible arguments from the “opposition” while carrying out the analysis and in writing their report.

**Administrative issues**

There are a plethora of standards and guidelines in computer forensics, few of which appear to be universally accepted. The reasons for this include: standard-setting bodies being tied to particular legislations; standards being aimed either at law enforcement or commercial forensics but not at both; the
authors of such standards not being accepted by their peers; or high joining fees for professional bodies dissuading practitioners from participating. Secondly, in many jurisdictions there is no qualifying body to check the competence and integrity of computer forensics professionals. In such cases anyone may present themselves as a computer forensic expert, which may result in computer forensic examinations of questionable quality and a negative view of the profession as a whole.

**Conclusion**

The increasing criminal activities using digital information as the means or targets warrant for a structured manner in dealing with them. As more information is stored in digital form, it is very likely that the evidence needed to prosecute the criminals is also in digital form. Computer forensics is an exciting area that involves detecting digital crimes committed in cyberspace. This article attempts to highlight insights into computer forensics investigations and issues faced thereof for general cyber crime awareness. Issues highlighted include technical, legal and administrative that may be worthy in enhancing capacities of law enforcement in combating digital crimes. Computers have always been susceptible to unwanted intrusions, but as the sophistication of computer technology increases so does the need to anticipate, and safeguard against, a corresponding rise in computer-related criminal activity. Computer forensics, thus, focuses on the aftermath of a computer security incident. The goal of computer forensics is, therefore, to conduct a structured investigation to determine exactly what happened, who was responsible, and to perform the investigation in such a way that the results are useful in a criminal proceeding.

In conclusion, one may want to consider the following simple steps so as to give their digital data a better chance of being admitted into evidence in a court: document access control and backup procedures and policies and test effectiveness of controls; have changes to databases and content/record management system routinely recorded and logged; protect electronic record from post-archival tampering with modern data integrity and trusted timestamping technologies; and lastly, document the audit procedures used to provide assurance of the continuing authenticity of the records.
COMPUTER FORENSICS IN COUNTERING CYBER CRIMINAL ACTIVITIES

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http://www.seeker.com/search/?q=Forensic+science/computer forensics, accessed 03 Sep 16.
SECURITY CHALLENGES IMPEDING THE BLUE ECONOMY IN THE HORN OF AFRICA (HOA)

Col. S. A. Wamwayi - Kenya Navy

Introduction

The ocean is becoming a new focal point in the discussions on sustainable development, both at national and international levels. The blue economy is a resource that remains greatly unexploited towards the social-economic development of countries globally. An economy is seen generally as a system in which livelihood is earned whereas in the blue economy, income is generated through ecosystems that involve preserving the marine environment and overcoming the problems related with climate change. Oceans cover 70% of the Earth’s surface constituting more than 95% of the biosphere.¹

The blue economists view oceans and seas as “Development Spaces” where spatial planning integrates sustainable use of living resources, energy production and marine transport.² The blue economy approach is based on the incorporation of the waters into economic activity, such as infrastructure development, commerce, energy production and consumption.

Africa is the subject of renewed strategic focus and its maritime security is currently an important issue to global trade and of particular interests of United States of America (USA), European Union (EU) and North Atlantic Treaty Organization (NATO).³ The reasons for this might be concerns about China and India’s intentions in Africa, specifically as much of Africa’s natural resources are found in close proximity of the coast and an apparent new “scramble” for Africa’s resources.⁴ The ‘scramble’ has attracted actors ranging from states to multi-national corporations and private investors pursuing commercial interests which need protection, while international maritime trade and safe passage for shipping is guaranteed.⁵

⁴ Ibid.
In the HOA, existing security challenges are to a large extent linked to failed or weak states like Somalia and South Sudan. Specific challenges include piracy, unconventional threats including terrorism, the human trafficking, arms and drugs smuggling, and ecological threats. These challenges are key international issues because of their potential for disrupting the free passage at sea.6

In the middle of these dynamics, the Kenyan economy needs to flourish by formulating her integrated ocean management policy that includes a framework to guide the use of resources within it. The policy would provide an institutional approach within which the blue economy can be handled holistically. This article is meant to highlight impediments to the blue economy while raising security awareness in the maritime domain within the HOA and Kenya in particular.

**Functionalism Theory**

Functionalism theory will examine ways of overcoming security challenges to harnessing the blue economy, with reference to the case of the HOA. Functionalism came up during inter-War period and was pioneered by David Mitrany. According to Mitrany, the 20th century was characterized by growing numbers of technical issues that could be resolved only by co-operative actions across state boundaries.

The functionalist perspective explains the many functions that social institutions serve for society. Accordingly, this perspective paints a positive picture of the economy by pointing to their many benefits including social peace and prosperity. Integration in this perspective is a key feature of functionalism as it allows societal development because there are shared values and all individuals are focused along achieving their interests and thus conflict is minimal.7

Mitrany proposed a new international order, on trans-national cooperation. Writing in a period in which Europe was faced by profound crises, Mitrany’s functionalist theory argued for global but also regional integration.8 He further noted that under functionalism theory, the economy’s major function of provision of services is an essential function that sustains any society.

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Craig observes that the EU is built on the functionalism philosophy which argues that states can create a society through gradualist and pragmatic cooperation in technical activities. Functionalism is an antithesis to the power politics which is characteristic of realism. Functionalists argue that trust and inter-governmental cooperation is more likely to develop through sharing of discrete public-sector responsibilities, or functions.

The resources exploitation is possible by the functional cooperation of numerous national agencies and regional allies as well. States while reaffirming their boundaries organize themselves into territorially exclusive groups and functional conceptualizations of regions emanate from the interplay of sub-national and transnational economic, environmental, and cultural processes that the states control.

The functional approach towards cooperation in HOA countries will be essential in facilitating regional security. It is the latter process that will arguably enhance the blue economy in the HOA and Kenya in particular.

The Security Challenges Affecting the Blue Economy

The Blue Economy is a marine-based economic development that can improve human well-being and significantly reduce ecological vulnerabilities. Blue resources cover water bodies and water related activities which include water transport and exploitation of living and non-living organs in the waters. Inadequate maritime security manifests in the poor exploitation of the sea and impacts on the already dire, situation ashore. It is evident that good order at sea is not maintained, maritime communication has been threatened, the marine environment polluted and economic opportunities lost.

The positive exploitation of this environment provides humanity with a myriad of services from food security and climate regulation to nutrient cycling and storm protection. These in turn support livelihoods in sectors from tourism, trade, mining to fisheries. Yet despite this importance, increased degradation of oceans has occurred, for example, pollution, overfishing and increasingly, climate change. This is threatening many people’s livelihoods around the HOA who depend on these critical ecosystems for protein and job security. These factors contribute to the decline in human development indices and subsequent deterioration of human security.

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9 Op cit.
Francois, (2010) notes that, the blue economy remains fully unexploited in Kenya. It is estimated that the ocean is worth an annual estimate of ninety billion shillings which remains largely unharvested. This wealth is continuously being exploited by other countries that have advanced technology and strategic capacity to harness the resources. This opportunity cost contributes to Kenya’s slow economic growth, lack of industrialization and causes unemployment to remain high. This loss of opportunities in the littoral areas of the HOA results in deterioration of the human security situation and forms wide basis of the insecurity in the HOA.

The lack of adequate security presence in Africa’s maritime spaces has also caused it to endure the highest level of illegal fishing in the world. In 2014 the United Kingdom, the EU as well as the AU launched ambitious maritime security strategies in the wake of the NATO which had included it in its 2011 Alliance Maritime Strategy. The United States (US) had pioneered this development when launching a national Maritime Security Policy in 2004. The 1982 United Nations Convention on the Law of the Sea (UNCLOS) established a framework for the oceans and seas usage, including providing a legal framework often referred to as “the constitution of the oceans.”

According to Geraghty (2011), Brazil assumed leadership of the UN’s first maritime security operation, United Nations Interim Force in Lebanon (UNIFIL), in the Mediterranean Sea in the year 2011. This was a contribution to international responsibility at sea while Russia has been involved in different kinds of maritime security operations in the Baltic, in the Mediterranean Sea as well as its contribution in the fight against piracy.

The United States Naval Forces Central Command (NAVCENT) in particular commands the Combined Maritime Forces operating in the Arabian/Persian Gulf, Gulf of Oman, Gulf of Aden and the waters off the Somalia in Indian Ocean and in January 2009, the command established CFT-151, solely to conduct anti-piracy operations. A Maritime Security Patrol Area (MSPA) was created to provide a dedicated and more secure transit zone for merchant vessels in the Gulf of Aden and was credited as being successful in lowering attacks.

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The 29 January 2009 Repression of Piracy, which is also referred to as the Djibouti Code of Conduct, was adopted by the representatives of: Djibouti, Ethiopia, Kenya, Madagascar, Seychelles, Somalia, Tanzania and Yemen. Other countries including Comoros, Egypt, Jordan, Mauritius, South Africa, and the United Arab Emirates among others have since signed bringing the total to 20 countries from the 21 eligible to sign. Since it was signed in 2009, the Code has created a basis for technical cooperation between international partners.

In addition, the UNSCR 1851 of December 16, 2008 extended the international community’s mandate even further by allowing states and regional organizations to undertake “all necessary measures of suppressing piracy and armed robbery at sea.” The words “in Somalia” are understood as including the land territory and the territorial airspace of Somalia. This resolution also invited all parties participating in the patrols off Somalia to make “ship-rider agreements,” to embark law enforcement officials in antipiracy operations.

In the recent past, public debate on the potential of the blue economy in Africa, particularly in Kenya was emphasized by a speech made by H.E. President Uhuru Kenyatta on the 1st of September 2016, recognizing the tremendous capacity to transform Kenya’s economy through the maximum exploitation of the blue economy, leading to Executive Order No. 1 of 2016. This has redirected fresh attention to overcoming security challenges to enhance its potential in Kenya. It is based on all these issues that reason was found to establish sustainable ways of overcoming maritime security challenges, so as to enhance the blue economy in the HOA and Kenya in particular.

**The Status of the Blue Economy in the HOA.**

Oceans provide food and are means of transportation for 80% of global trade. The marine environment also constitutes a key resource for the important global tourism industry; supporting aspects of the tourism like the familiar “sun, sand and sea” formula to tourism. Maritime zones in Africa total about 13 million km², including territorial seas and Exclusive Economic Zones (EEZ) and approximately 6.5 million km² of the continental shelf.

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16 Ibid
17 Speech by His Excellency Uhuru Kenyatta, during the opening of 2016 A.S.K Mombasa International Show, Mombasa Show ground, 1st September 2016.
The lacustrine (or lake) zones of Africa cover approximately 240,000 km². International trade is important to many African economies, with more than 90% of Africa's trade conducted by sea. Freshwater and ocean fish contributes to food and nutritional security of over 200 million Africans and provide income for over 10 million. The continent therefore has a vast ocean resource base that can enable sustainable development of African States.

Knowing that a sectoral approach has only limited success, the expression, “Comprehensive Approach” seems, at least, to mean that more than one authority should be engaged to contribute to marine exploitation and “Maritime Security”. Collaboration between different national and international authorities as propagated by the functionalism theory is of equal importance.

China's naval and maritime ambitions are increasingly becoming visible in the Gulf of Aden and Indian Ocean. China, for the first time in recent history is engaged in an international effort to achieve maritime security - even though this does not signify collaboration yet, it is a form of coordinating operational capabilities in a very pragmatic way. Referring to the collective responsibility over global commons, all nations have a responsibility by signing UNCLOS 82 or by being compliant with articles and regulations consistent with “Good Governance at Sea”. All maritime regimes, be they based on UNCLOS or derived from this basic document must ensure or, in critical situations, enforce compliance with this globally accepted document.

Africa's seas and oceans represent major assets to accelerate development of African economies. Being aware of this reality, the 22nd Ordinary Session of Heads of African Union (AU) states adopted the Africa's Integrated Maritime Strategy (2050 AIM Strategy) and its Plan for Implementation. The 2050 AIMS established an Africa Day of Seas and Oceans and the launching of a Decade of African Seas and Oceans.

21 Ibid.
22 Based on the foreword of Africa’s blue Economy; a policy handbook. An abridged version of this post has been published by the OECD Development Centre, (2016), pp. 2-4.
26 Develop a road map for consideration by the AU policy organs in view of the extraordinary session of the Assembly of Heads of State and Government scheduled held in Lomé, Togo in November 2015.
The overarching vision of AIMS 2050 is nevertheless premised on fostering increased wealth creation from Africa’s oceans and seas by developing a thriving blue economy.27 Therefore, and in tandem with AIMS 2050, this article interrogates policies, guidance and action oriented strategies by the Government and other key agencies, actors and stakeholders, with regards to effective marine security in Kenya.

The 23rd Ordinary Session in Malabo requested the AU Commission to establish a Strategic Task Force composed the Regional Economic Communities (RECs) and the Commission, to consider details of the 2050 AIMS and propose a roadmap in conformity with International Maritime Law.28 In line with Malabo Decision of 24 July 2015 the Inaugural Meeting of the AU Strategic Task Force on the 2050 AIMS and launched the Decade of Africa Seas.

The status of the blue economy in HOA meanwhile is affected by uncertainty that inhibits significant benefits to humanity which may otherwise encompass:

- Food and nutrition security from fisheries and aquaculture.
- Economic and social development from fisheries and aquaculture, marine and coastal tourism, shipping, mining, energy.
- Ecosystem services such as carbon sequestration, water filtration, atmospheric and temperature regulation, protection from erosion and extreme weather events.
- Stakeholders, Policy and Framework in Overcoming Security Challenges in the Blue Economy.

Africa presently sits at a crossroads of opportunity within the context of the blue economy, with socioeconomic, political, and environmental considerations. Societies dependent on aquatic and marine resources and ecosystems should get ready to embark on a developmental trajectory focused on human and ecosystem well-being. However, there are limited innovations, experiences, and practices that can be used to lead this transition.

The opportunities of the blue economy are conditioned by complex interests, which can either favour partnership or create tensions between interested parties. A number of maritime and aquatic boundaries are not formally delimited. The uncertainty created by un-demarcated borders can lead to explosive tension between neighbouring countries. Additionally, this uncertainty discourages investment and leave countries reticent to move forward with cooperation or joint development activities.

28 Develop a road map for consideration by the AU policy organs in view of the extraordinary session of the Assembly of Heads of State and Government scheduled held in Lomé, Togo in November 2015.
According to the International Court of Justice (ICJ) case on Maritime delineation, Somalia complained that, Kenya wants the maritime boundary between the two countries to extend as a straight line along the parallel of latitude where the land boundary sits, through the territorial sea, Somalia’s proclaimed exclusive economic zone, and the continental shelf.\textsuperscript{29} Somalia argues that the straight line violates UNCLOS Article 7 and that UNCLOS Article 15 instead recommends a median line and the border of the EEZ and continental shelf to be resolved in the three-step process laid out in Articles 74 and 83.\textsuperscript{30} The ICJ’s treatment of the case will have important repercussions not only for Somalia and Kenya. A collaborative approach to the development of the blue economy by neighboring states helps to mitigate against potential conflicts and facilitates a focus on shared opportunities.

The sea has always made communications and trade between various peoples across the world possible, while it also provides us with vast resources. Africa’s maritime resources, that could contribute much towards sustaining development, are threatened, while pervasive maritime insecurity is a significant threat to the shipping around Africa’s coast, especially in areas such as the HOA.

The Indian Ocean is a choke point and securing free and safe traffic around it is globally important. Somalia’s coasts and harbours are virtually un-policed and piracy, together with a multitude of other illegal activities, remains potentially harmful. Maritime security is a key component for the attainment of the regions economic development and Kenya’s in particular. Over 80% of global trade is carried on approximately 93,000 merchant vessels which are crewed by 1.2 million seafarers and almost 6 billion tons of cargo.\textsuperscript{31} The importance of maritime trade to Kenya’s economy and its potential contribution to economic development is demonstrated by the simple fact that 92 % of Kenya’s international trade is carried by sea.

\textsuperscript{30} Aggrey Mutambo, Kenya Objects to Coastal Boundary Case Filed By Somalia At the ICJ, Daily Nation, Oct. 7, 2014.
Conclusion

The conditions that ensure sustainable exploitation and growth of the blue economy in the HOA need to be achieved sooner than what is happening. The oceans and their floors contain resources which have greatly benefited mankind. Being in the centre of the Coral Triangle, Africa is blessed with a stunning range of marine resources.\textsuperscript{32} However, they are unexplored and only conventional marine resources such as fisheries, and oil and gas have been commercially exploited.

The collaborative approach anchored by the functionalism theory defines unique multi-sectoral contributions within states and that can be used to enhance further exploitation. This approach in tandem with AIMS 2050 to remove impediments that impose challenges towards the harnessing of the blue economy.

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Speech by His Excellency Uhuru Kenyatta, during the opening of 2016 A.S.K Mombasa International Show, Mombasa Show ground, 1st September 2016.


MASS MIGRATION AND HOST STATES
NATIONAL SECURITY

Col. F. G. Kihanya - Kenya Army

Introduction

The phenomenon of movement of human population over time and space can be traced back to the prehistoric era. Human beings have always moved from one place to another to escape natural calamities, conflict, due to population pressure and to look for better pastures to establish livelihood and settlement. This phenomenon is generally referred to as human migration. The International Organization for Migration (IOM) defines migration as “a process of moving, either across an international border, or within a State; a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, uprooted people and economic migrants”.

In the 17th and 18th century the European are noted for their migration into their overseas colonies in large numbers. These migrations were later followed by mass migration into North America, Africa and Asia during and after the first and the second World Wars. Global migration escalation has been associated to three factors, first, the growth of a more integrated world economy, secondly the rapid increase in the number of states after the second World War and thirdly to the improvement and advancement of the global communication and transport infrastructure.

Currently over 180 million people live outside their country of birth. This mass migration has had both negative and positive impacts to the countries of immigrants origin and the host countries. Most of the immigrants countries of origin have had economic benefits from the immigration remittances. On the other hand, some host countries have experienced economic, social, cultural and political challenges. Due to these impacts, migration has become an issue of concern to states, regional organizations and in international forums like the United Nations Conferences.

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4 Ibid pg 1.
In the European Union, migration has become one of the main foreign policy issue and security concern. Some of the security threats associated with mass human migration include the following:\(^5\)

**Human and Social Threats**

Human smuggling and trafficking are the two major security concerns. These two concerns are viewed through the broader view of threats to human security. Trafficking involves putting a human being in an unfavorable occupation with minimum return after providing migration assistance; while smuggling involves organized help in illegal border crossing. These crossings are normally coupled with sexual exploitation of women and children.\(^6\) The victims end up being traumatized on the hope of a better future. Most never live a productive life thereafter and many of them ends up in crime in the host nation.

Immigrants risks social stability of host communities since most immigrants moves from societies who have different cultures, values and religious beliefs. The host communities might exhibit xenophobia tendencies leading to breakdown of social order. Mass migrations can also lead to disturbance in the demographic balance leading to conflict especially in areas that are already experiencing demographic imbalances. Migrants also poses threats to social security and welfare systems. Where government may wish to care for the immigrants and raises the taxes for its citizens, most people may not be prepared to pay more taxes to care for economically inactive immigrants. This may lead to political instability in the internal affairs of a state. Massive migration can be a threat to the cultural identity of the people of the host nation. Some racist theories hold that some nationalities are culturally inassimilable and racially inferior. France has had bitter experience where putting on headscarves for school girls become a political and a foreign policy affair.\(^7\)

Immigrants especially those who have migrated from their country of origin due to conflict can become facilitator of arms smuggling and ideologies conducive to conflict. An example is the involvement of Liberian immigrants into the Sierra Leone insurgent movements in the 1990s. Immigrants can also involve themselves in host countries domestic opposition political groups. For example, Somali immigrants in Ethiopia have often collaborated with Somali separatists in the Ogaden region of Ethiopia.

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\(^5\) Lucia Kurekova, *Theories of migration, the context of the European Union East-West flow* Migration, Economic and Social Challenge Interdisciplinary Conference, University College of London, April 2011.


At times, immigrants into a neighboring country may create a security and political threat to the host country by aligning themselves with opposition political parties. Further, this can create tensions in bilateral relations between neighboring countries. The case of involvement of Sri Lankan Tamil immigrants in the killing of Indian Prime Minister Rajiv Gandhi due to his perceived recognition of the Sri Lankan government is a case of immigrants actualizing threats to host country.

**Environmental Threat**

Large influxes of immigrants have been associated with threat to natural resources like water and land. The initial arrival of immigrants may have severe environmental impacts as people try to secure their immediate needs. Some of these impacts include wood crises and water pollution. However, threats to environment are associated with how the immigrants are settled in the host country, either in small groups or in large concentration camps. If the influx of immigrants is large and they are settled in concentration camps, threat to environment includes deforestation, land degradation, unsustainable groundwater extraction and water pollution. Other impacts from the initial and long-term displacement are related to uncontrolled slum growth.8

**Threats to Health**

There exists a relationship between migration and diseases epidemic in the human history. Population movement between distinct health environments raises some concerns in the context of health. Diseases have frequently followed those who move to new destinations, be it for better opportunity, better conditions, or pushed from their homes by domestic events, calamity, or conflict. Movement of populations often involves going through different environmental, socioeconomic, genetic, biological, or behavioral conditions. These dynamic interactions of the populations with different environments usually trigger new or latent diseases.

Epidemics such as plague, cholera and leprosy and more recently, viral hemorrhagic fevers and severe acute respiratory syndrome have been associated with human movement. Emergence of diseases into previously unaffected areas of the world surrounds movement of persons and transit of goods.

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8 World Development Report “The impact of Refugees on Neighboring Countries: A Development Challenge” 29 July 2010, p 14
Migration therefore poses threats to introduction of diseases to host countries which could have previously have been eradicated in the host country. Several of the public health concerns and infectious disease challenges are major immigration concern globally.

**Immigration and National Security**

Immigration have become a major concern to many states national security and hence a foreign policy issues. Many states have used immigration to advance their foreign policy in regards to national security. However, scholars have argued that policy aimed at preventing threats brought about by immigration must address the causes of migration. Further, they have argued that addressing immigration and the associated issues of human rights, democratization, the rule of law, humanitarian assistance, development aid, environment and demographics policies, without addressing the root causes of immigration is fruitless.⁹

Policy direction to address the threat posed by migration as foreign policy concern should be informed by an understanding of the causes of immigration and large scale refugees flow. Causes of migration such as violent conflict and severe state repression need to be considered separately from cause of economic migration such as economic restructuring, economic mismanagement, environmental degradation and population growth. Further, any foreign policy articulation needs to address factors like the number of migrants, their country of origin, and the international humanitarian law.

Articulation of foreign policy security concern due to immigration should therefore broadly address the following two issues, the causes of displacement and application of interventions measures at various phases in migration producing situation and considering a migration preventive approach alongside other relations priorities, like trade, development cooperation, security policy and humanitarian assistance.

Conclusion

Whether in view of the traditional or contemporary ideas of national security, it is important to understand that under certain circumstances mass immigration poses a threat to national security of the host State. Therefore, in addressing national security and foreign policy, the issue of migration should be taken into account as the situation warrants. Projection of national security and execution of foreign policy should endeavour to deter transnational migratory movements unless life is threatened. In effect, all foreign policy tools of diplomacy, information, military and economic must be used at one time or another to respond to security concerns brought about by immigration.

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CRIME MAPPING AND PREVENTION

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Problem of crime information analysis and management has become a challenge in attempts to prevent and reduce the menace in Kenya. Law enforcement agencies use old topographical maps that are static and very difficult to manage. On such maps, crime hot spots are represented by use of colored pins with different colors representing different categories of crime, for instance red pins for crimes against property and blue pinheads for crimes against persons. In Kenya and many other developing states, this method has served well in pictorial presentation of where crimes occur within an area.

But this method has serious limitations especially in urban areas with high volumes of crimes daily. Canter identified some of the challenges posed by analogue method of mapping.\(^1\) First is that updating paper maps without the use of GIS system is quite challenging since prior crime patterns are lost. Two, archiving crime information on hard copy maps could not be possible except by photographing them. The reason is that paper maps are static and are neither easily manipulated nor queried. Imagine a situation where crime analyst is tasked to produce weekly or monthly crime patterns such as robberies, it would be difficult to track incidences that overlap the duration (a week or month) through pin mapping. Three, reading pin maps is quite difficult especially when several types of crime are crowded and represented by pins of different colors. Four, Pin maps occupied significant wall space. For instance, to make a single wall map covering 610 square miles of Baltimore County required 12 maps to be mosaicked and they covered an area of 70 square feet. This demonstrates that pin maps can successfully be used in limited circumstances only.\(^2\)

From the aforesaid, it becomes apparent that analogue crime mapping method cannot be useful in enabling police to achieve their mandate of improving crime management (crime prevention) as presently practiced. In Kenya, all police stations still use manual maps hanged on a wall. Given that crime offices within a police division are not large enough, only one or two maps covering crime prone areas can be shown.

\(^1\) Canter, P.R. *Geographic information systems and crime analysis in Baltimore County*, Maryland, Criminal Justice Press, 1997, p. 157–190.

Crime records are kept in analogue format making it very difficult for information sharing between distant police stations. For instance, a person arrested in one part of the country would have his fingerprints sent to Crime Investigations Department (CID) headquarters for verification.

Lack of an information management system also limits police operations especially in developing a data bank of offenders and their modus operandi. Every time a crime is committed fresh investigations commence leading to time wasting and delayed investigations. Another big challenge is lack of networked forensic laboratories from where different police departments can share online investigations requests and outcomes. Most criminal cases have been pending for years due to lack of evidence, a situation that could easily be sorted out with networked information systems. Geospatial information system would assist in quick identification of offenders, offender profiling, identification of spatial crime patterns, analysis of crime hot spots, sharing of crime information and informed police patrols among others.

This challenge is not unique to Kenya but a number of African countries. Jansen observed that in a manual process, if an incident warrants prosecution, it is transferred to the Crime Register, which is also a physical book. These are then circulated around to senior officers with authority to validate the information before onward transmission to stakeholders. Afterwards, the data is then stored in central filing facility called the Crime Registry. ³

Crime mapping is well grounded and supported by different theories of crime. Criminological theories attempt to explain crime by either focusing on development of criminal offenders or development of criminal events.⁴ This essay is concerned with crime as an event hence the emphasis on place where crime occurs. Two theoretical perspectives that has shaped the understanding the role of crime location are Routine Activities Theory (RAT) and Crime Pattern Theory (CPT). Routine Activities Theory by Cohen and Felson posit that for crime to occur three elements must meet in a place at the same time: motivated offender, accessible target and the absence of capable guardians that could intervene.⁵ According to Cohen and Felson, an effective crime prevention strategy must focus on all three of these elements.⁶

⁶ ibid
On the other hand, crime pattern theory developed by Brantingham and Brantingham in 1993 focusses on how targets meet the offenders.\(^7\) The theory posit that all people including offenders create cognitive maps of areas they are familiar with while moving from one place to another. Offenders use cognitive maps to help them chose targets of crime. The offender searches within their vicinity for opportunities to commit crime that fall within the cognitive map, or they may also travel to specific locations crime attractors and wait for a victim.\(^8\)

Karmen, a proponent of crime pattern theory, has categorized different risks of victimization as:\(^9\) First, the degree of attractiveness which refers to the levels of risk and potential rewards for an offender, for instance victims carrying huge amount of hard cash may be more attractive to potential robbers. In crime mapping the existence of a business where a cashier makes daily collections and walks to the bank to deposit the cash may explain why mugging might be prevalent in certain places.

Second is proximity which refers to the geographic and social closeness an offender has with a potential victim, targets that are easiest to reach geographically and socially are highest risk.\(^10\) Crime hot spots for example allows greater access to victims due to availability of large number of potential targets, lack of social efficacy, poor physical design. On a crime map, hot spot might be a bar or shopping mall where large number of people frequent and leave.

Third is vulnerability which has to with how capable a potential victim or target is to resist being attacked.\(^11\) In this sense, victim facilitation refers to victims whose behavior was negligent becoming attractive or vulnerable target. Victim provocation refers to a situation where victims contributed to the criminal event for instance counting huge amount of money in a poorly lit corridor. GIS generated map showing risky places may be circulated in the media to alert potential victims.

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\(^7\) Brantingham PL, Brantingham PJ (Environment, routine, and situation: toward a pattern theory of crime), New Brunswick, 1993, p. 259–294.
\(^8\) ibid
\(^10\) ibid
Crime pattern theory and routine activity theory are therefore complementing each other but they offer differing explanations of crime at specific locations. For example, a crime spot would be explained from crime pattern perspective in terms of how offenders access the place. In other words, this perspective places blame on the place where incidents occur. On the other hand, a routine activities perspective focuses on the targets and the absence of guardians whose presence could have prevented crime from occurring. These theories present the important role of the place where crime occurs that requires in-depth analysis. GIS provides a means for spatial analysis of geographical surfaces. The characteristic of crime incident must then be gathered and converted in a computer usable language for analysis to take place. But how do we map crime information?

Geocoding is defined as the process of transforming a description of a location such as a pair of coordinates, an address, or a name of a place to a location on the earth’s surface. Geocoding task involve converting locations, such as the addresses of burglary victims, into grid coordinates. This can be done by encoding one crime incident at a time or developing a data table using either Microsoft excel or access and then uploading using GIS functionalities. For instance, the table may contain field such as date, victim information (name, age, sex, etc.), place information (coordinates), offender information (name, age, sex, appearance, modus operandi etc.)

Capturing the location information would enable the use of GIS software to develop versatile electronic maps that use information from crime databases combined with digital maps of the study area. By spatially analyzing the collected data and interacting with the database, deeper meaning of crime data may be unearthed for example crime hotspots can be identified and this would be used for example, in deploying personnel for rapid response or in the establishment of police satellite stations.

By exploring the geographical opportunities of a place, crime can be explained and understood in more depth. For instance, identifying patterns and trends; examining the relationship between crime and the places where they occur including socio-economic issues.

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13 ESRI White paper, May 2009
14 Ratcliffe JH (Crime mapping and the training needs of law enforcement). 2004a. p.65–83
15 Ratcliffe JH (Geocoding crime and a first estimate of an acceptable minimum hit rate), 2004b, p. 61–73
16 ibid
By using spatial analysis, Block and Block identified the relationships between individual (offender), location characteristics of liquor-related crime, and concluded that a combination of individual, place and location parameters can yield better descriptions of the problem and a basis for the development of intervention strategies.17 Brantingham and Brantingham noted that the analysis of crime events, individuals, building or patterns of victimization provides a starting point for developing crime prevention strategies. They stressed that for practical purposes, individual crime events must be aggregated in order to assess patterns and devise methods for addressing them.18

Spatial crime analysis provides an in-depth understanding of an area and its characteristics that may assist police to unearth why a certain crime occurs at a particular place. The knowledge of features found at the place, the terrain, type of land use and population demographics help in planning intervention measures and in resource distribution.19

Crime mapping can be deployed in an e-Policing platform through a web application providing online crime data to citizen.20 Using this web application, the different crimes are displayed using unique colors to allow an easy visualization. The information about the individual crime incidents is derived from a central server onto which crime data is stored. The system provides users with options for selecting any type and nature of crime data they want to view within a given period.21 In this case law enforcement agency spatial analysis of crime would be involved in activities such as recording and mapping police patrol activity, information dissemination, identification of crime hot spots, monitoring the impact of police strategies and decision making in resource allocation.

Developed countries have adopted Crime mapping strategy as a tool for fighting crime. For instance, New South Wales Police Service in Sydney, Australia, display and visualize crime patterns from large screens where police commanders determine policing strategy.22

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20 ibid
21 ibid
In the UK, the law requires every police station to produce and publicize crime statistical information to both leaders and citizen. This has had a significant role in reducing crime incidents and disorder.

A crime mapping tool would enable decision makers to identify crime hotspots and hence put measures in place to mitigate against such trends. This tool can also be used in planning how the limited resources at Kenya Police’s disposal can be utilized more efficiently in the fight against crime. The design of the crime mapping tool should involve as many police units as possible for the system to be usable and be able to add value to police operations.

To maximize the benefits of geospatial analysis, police agencies in developed countries have undergone organizational and technical changes in an attempt to improve the lines of communication especially for data sharing. This has been necessitated by the need to have intelligence available for operational officers. A growing trend is for local area commanders to be provided with crime maps of their area of command and for the individuals to be made responsible for the management of the identified pattern.

Boba identified five types of spatial analysis on crime data that may produce the above information needed for decision making but three are relevant to this study. First is spatial analysis for intelligence purposes by studying organized criminal activities unearthed from crime data whether or not the crimes are reported to police. This assists investigators to link people, events and property.

Second is the study focusing on serial offenders, victims, and/or crime scenes, location characteristics, socio-demographic, psychological, and geographic characteristics aimed at developing patterns that will assist in linking suspects to crime scenes hence solving the problem of serial offenders.

Third is the tactical analysis of recent criminal incidents for example weekly or monthly focusing on prediction of potential criminal activities by examining characteristics such as how, when, and where the activity has occurred to assist in solving crime by developing patterns and trends.

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27 ibid
Data transmission method is necessary to ensure that different local area command centers receive up-to-date information round the clock. The global internet provides a perfect platform to distribute these crime maps throughout the police service and also to citizen. It enables the citizen to not only access geo-spatial information but also provides a medium sharing crime information irrespective of location. Moreover, disseminating of information on the internet improves the decision-making processes since decision makers would have access to the data round the clock and from any location with internet access.\textsuperscript{28}

In conclusion, it is evident that despite crime mapping being an old concept, it still has to be implemented in Kenya. This is emphasized by the lack adequate information of spatial analysis of crime in Africa. Lessons and inspiration can be found in the existing systems, but the systems should be modified and re-designed for the Kenyan context.

CONFLICT THAT HAMPERS PEACE AND SECURITY IN THE GREAT LAKES REGION

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The countries of the great lakes region are Kenya, Tanzania, Uganda, Rwanda, Burundi, and the democratic republic of Congo. These states are situated in the east African coast and the central Africa. With two of them namely Kenya and Tanzania having a coastline of the Indian Ocean and the rest being land locked. Why they are described as the great lakes emanates from the fact that the great lakes of the world such as Lake Victoria and Lake Tanganyika are found there. The region has great potential of rich diverse cultures among the many communities that speak different languages. It is also endowed with large deposits of minerals and recently discoveries of oil have been made in Kenya and Uganda.

However this is also an area that has witnessed the worst of conflicts that has left the world in a situation of wondering how this can happen in modern times. The Rwandan case of genocide is one such of these conflicts where about a million people lost their lives as a result of political competition between two communities namely Tutsi and Hutu who are the most dominant in the country.

The causes of this conflict are structural as it can be traced from the colonial era where boundaries got created without considerations of the diverse cultures among various ethnic groups. Other communities of the region found themselves in different countries with the Masai finding themselves in Kenya and Tanzania. While the luo can be found in Kenya, Uganda, southern Sudan and Tanzania other communities like the karamanjong were split between Kenya and Uganda. These communities didn’t want to lose their identity neither change their way of life putting them together under one administrative unit meant to make them one people and therefore misunderstanding was bound to occur. This problem was compounded by the colonialists preferring some communities over others to advance their divide and rule tactic.

1 Kenneth Omeje ‘Conflict and peace building in the African great lakes region’ Indiana university press 2013 pp 28
The story of conflict can also be traced in other countries of the great lakes region. With Rwanda presenting the worst case of conflict dating back to 1959 culminating in the genocide of 1994 that killed about 800,000 people after intrastate war breaking out because of political competition between two communities namely the Hutu and the Tutsi. Two militia groups the interahamwe and impuzamugambi who had been trained to commit the genocide were killing about one thousand people every twenty minutes. They had been joined by members of the armed forces in executing mainly the Tutsis who were viewed as having enjoyed power at the expense of the Hutus. As result all manner of weapons were used from bullets to machetes. Human bodies were strewn by the roadsides and indeed everywhere. The situation became so bad that collection of the bodies from the slaughter sites was being done by garbage collection Lorries.

One would ask how that could happen at the present day and age in this era of globalization. But in a country that is having international connections to media and represented by many foreign missions who should report to their countries on what was going on. Instead the situation in Rwanda was misreported and the world community was made to believe that what was happening was a civil war while genocide was indeed taking place. While it would be argued that the United Nations did some effort to stop the genocide it was in such a small way to be noticed. An example only ninety Belgian peace keepers were providing security to two thousand people at kicukiro mission centre. And only four hundred and fifty other peacekeepers were in the country and who were withdrawn back to their country after twelve of them were killed by the militias who were being backed by the army. Immediately they left the two thousand at kicukiro were all killed. This was even after the outgoing commander of the Belgian forces under the United Nations getting assurance from the army and head of the militias that the people would be safe. In fact the moment they left the people were told to protect themselves. Anybody can wonder how they were supposed to protect themselves against hostility of that level which was getting perpetrated by organs of the state.

The magnitude of this conflict created great human suffering which resulted in displacement of a large number of refugees who fled to neighboring countries of Uganda, Tanzania, and democratic republic of Congo. This overstretched service provision in those countries in terms of health care, food items, sanitation and brought about negative ecological effects on the environment.

When all this was happened the world community only watched. This

2Scarcity and Surfeit.the ecology of Africa’s conflicts
3L R MELVERN’ A people betrayed’ The role of the west in Rwanda’ genocide published in S Africa in 2000 p 4 & 5
includes the United Nations which is mandated with maintaining international peace and security under their charter that came into operation in 1945, this genocide was coming fifty years after the United Nations being in place. Countries like China, South Africa and Egypt had been supplying arms to the militias and in fact Rwanda became the third greatest importer of arms in Africa. It is these arms that were used to visit death and atrocities to the people. And it’s the people who paid for them through taxes and most likely money could have been obtained through loans from the Breton woods institutions that have links by the United Nations.

The structural adjustment programmes of 1991 that were getting introduced by the World Bank and the international monetary fund to African governments, to liberalize their economies ended up entrenching poverty levels. As a result of this the Hutus thought the Tutsi dominated government was calculating moves to harm them not only politically but also economically. This pushed unemployment rates higher. Indeed it’s the group of unemployed youths that got used to execute the genocide with the promise from the politicians that they stood to benefit once the Tutsis are out of political leadership. As they would get the land from those they kill, also gain employment once the new Hutu government came to power.

The major cause of conflicts is usually the limited resources that need to get shared. This is what happened in Rwanda where the source of conflict was land that hand continuously got scarce from the 1950s and the issue was not getting addressed by the authorities. Coupled with increased population growth rate of three percent per annum, which was the highest in Africa at the time. This overstretched the demand for land in order to produce food to feed this ever increasing population. As this was happening other factors were also contributing to the scarcity of land like soil erosion and environmental degradation.

The refugee problem that had remained unresolved from the civil war of 1990 was another cause of conflict as both the Tutsi and Hutu had taken refuge in the democratic republic of Congo. Making incursions in Rwanda aggravating the already explosive issue of land which also contributing to environmental degradation. This group had made several efforts to the government of being allowed back to their country. This was denied part of the reason being linked to the scarce land situation. When war broke out this group of refugees crossed over with claims of land and properties.

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4 *Scarcity and Surfeit the ecology of Africa’s conflicts* pp 56 & 57
5 Ibid pp 65
The same reasons of conflict can be read in Burundi which neighbors Rwanda the two warring communities are the same. Namely Tutsi and Hutu whose conflict was around gaining political power which assured them access to state resources.

The history of conflict is spread all over countries of the great lakes. Kenya has not been spared either where conflict erupted around the disputed outcome of 2007 or 2008 election results. The problem could have been a trigger to structural injustices that can be traced from the colonial era. Where after the entry of the British colonialists in the late 19th century and taking over of the land belonging to the indigenous Africans they went ahead and created administrative boundaries that were based on ethnic composition. Which they referred to as districts and provinces each of these units was placed under the administration of British administrators. Below them were district officers and chiefs a system that was going by the name of provincial administration.

After the departure of the colonialists and Kenya attaining independence this land didn’t revert back to the indigenous owners and especially in rift valley where the new African administration allocated the land to other people on willing buyer willing seller basis. The area of discontent among the kalenjin community was that they had not sold their land to the British. Following their departure and naturally, the land was supposed to revert back to them. This didn’t become the case.

After Kenya attaining independence this land was offered for sale at the willing buyer willing seller basis. The kikuyu who had been working on the settler farms were the first to get the information and therefore were the first to buy the land this land was very productive in agricultural produce and they soon called their kin who did not have land or who needed more come to buy. Later the kikuyu organized themselves and formed land buying companies in an effort to come together and buy more.

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7 Mumo Nzau, *Transitional Justice and After* (CUEA, Nairobi 2016) pp 61, 117
8 Ibid pp 65 & 66
Conclusion

The conflict in the great lakes region is fueled by natural resources especially land. This is because everything else is grounded on land everything else becomes secondary as the environment on which to build infrastructure is built on land. Whether roads or railway it’s placed on land. Minerals and oil are also to be found on land the reasons that countries go to war claiming the land is theirs. A case in point is the maritime case between Kenya and Somalia both claiming ownership of the disputed area where oil is said to have been discovered. It is the same reason that caused the genocide in Rwanda. The cause to the post election violence in Kenya, in the years of 2007 and 2008, could also be attributed to land. For this reason land laws need to be streamlined on how much land an individual can own or where land is communally owned then how does that land change to become individual.

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Kenneth Omeje ‘’ conflict and peace building in the African great lakes region’’ Indiana university press 2013 pp 28

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Mumo Nzau ‘’ transitional justice and after CUEA Nairobi 2016 pp 61, 117,65, and 66
UNDERSTANDING VIOLENT EXTREMISM: RADICALIZATION OF KENYAN YOUTHS

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The utilization of violence with the objective of instilling fear in a wider audience so as to hinder various parties from working on an issue or issues, or, to the contrary, to coerce them into a certain behaviour, is as old as mankind. Such utilization of violence has been the case in states and various regimes over a lengthy period of time. Violent extremism impedes development, it slows investment, prevents children from attending school, burdens and undermines already fragile political systems.

Violent extremism (VE) has now become an area of interest to governments, security personnel, academicians, diplomats, researchers, and policy makers throughout the world. Violent extremism has kept on spreading, building both on the violent conflicts, economic decline and absence of strong and legitimate states. Thus, threats from violent extremism increasingly undermine development and security around the world.

Violent extremism is a word rarely defined. Neither the European Union nor the United Nations has an accepted official definition. USAID has its functional definition as “advocating, engaging in, preparing, or otherwise supporting ideologically motivated or justified violence to further social, economic or political objectives”. The spread of violent extremism and terrorism pose critical challenges to the national security of many states. At the moment, violent extremist extremists speak, a wide variety of languages, is born of many races and ethnic groups, and belongs to diverse religions. It continues to radicalize, recruit and mobilize people with a main target on the young people to engage in terrorist acts. Borum called the concept of radicalization a “source of confusion”.

Understanding this process, violent extremism, has become one of the most important points in responding to radical extremism and even in preventing individuals from starting down the path toward violence or joining a terrorist organization.

The very first step towards the development of an effective countering violent extremism policy, program, or strategy is to possess an in-depth understanding of this process.\(^3\)

Terrorism as well as violent extremism poses a multifaceted threat that impacts on security, development, the values of democratic societies and to the rights and freedoms of citizens.\(^4\) Therefore, understanding the radicalization process well enough has become one of the most critical points.\(^5\) A general agreement is building that both violent extremism and terrorism are international development and security issues. The fact that economic and social development are better attained in the absence of violent conflict is well documented. In addition, even though poverty does not have a direct causal relationship with violent extremism and terrorism, notably, the poorer countries are the most affected by terrorism.\(^6\) In recent years, most works emphasize on terrorism and violent extremism as to be mostly threatening the West. However, much less work has been done on violent extremists in the states within which they do most damage. Majority of violent extremism affects nations (countries) located in Asia and Africa.

There are different types of violent extremism. Motivations do vary and most often relate to particular ideologies. For example, interpretations of political movements or religious beliefs, issues of economic or environmental concerns, or separatist or ethnic causes. Radicalization is a complex process that can occur for people across a diverse range of ethnic, national, religious and political groups. The process usually involves a series of decision making which, in most instances will result in an act of violent extremism.\(^7\)

Countering violent extremism (CVE) needs a multi-faceted approach. In order to develop an effective, results-oriented CVE policy, it is necessary to comprehend the complexity of violent extremism and this requires cooperation at local, national, regional, and even international levels. Gelfand et al. notes that majority of violent extremist groups possess their own cultural, psychological, and structural features, which play an important role in the process of violent extremism.

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\(^5\) Ibid, p. 11.


That is, the environment in which terrorism occurs involves a complex mix of political, historical, cultural, ethnic, social-economic, religious and many more factors and, as such, presents multiple and evolving challenges to governments.\(^8\)

In an act of terrorism with probably the most disastrous consequences in human history, Serb nationalist Gavrilo Princip shot dead Archduke Franz Ferdinand triggering the chain of events that led to the First World War, and the tremendous suffering of millions of people. In addition, the events of 11 September 2001 showed that organizations motivated through radicalization are equally as willing to use violence in pursuit of their goals.\(^9\)

The term violent extremism has become more prevalent after the 2005 terrorist bombings in London that targeted a bus and the subway system. The attacks were carried out by young men who had grown up in the United Kingdom and did not fit the “profile” of past terrorist perpetrators: “One of the four bombers of 7 July 2005 was, on the face of it, a model student, a son of a well-established family. Before then, he had never been in trouble with the police, and was employed and integrated into society.”\(^10\) Since this attack, research has been aimed at getting a better insight as to why some people remain vulnerable to radicalization and the processes through which radicalization occurs.

Breeding grounds for violent and terrorist recruitment emerge not necessarily under conditions of abject poverty and deprivation. Researchers have come up with several different theories and conceptual models that seek to create understanding on the process by which an individual becomes radicalized. However, these theories have not been tested empirically.\(^11\) Therefore, dismissing the economic and social causes of radicalism only on grounds that some of the terrorists have middle-class backgrounds is misleading.

The scientific study of violent extremism has raised a number of challenges. To date, a large portion of the empirical work on radicalization has depended either on contextual analyses, there has been very little with regard to the realities of young people in Africa and learning institutions.\(^12\)

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\(^9\) Ibid.


Terrorist organizations in Africa, for example, Harakhat Al-Shabaab and Al-Qaeda in the Islamic Maghreb, represent an expanding danger to regional peace and security. A late expansion to the rundown is the Boko Haram in Northern Nigeria. How much they turn out to be more transnational, additionally raises grave sympathy toward the global community.13

As indicated by Gelfand et al, there is a wide range of sorts of violent extremism. Radicalization is a mind-boggling process that can happen to individuals over a various scope of ethnic, national, political and religious gatherings. The process includes a progression of choices which, in specific conditions will end in a demonstration of violent extremism.14

Researchers are now beginning to examine the various responses to violent extremism, which can be classified under three headings: Counter-Terrorism (CT, such as, using military or policing resources to deter or disrupt terrorists), Countering Violent Extremism (CVE – preventative approaches using mostly non-coercive means), and risk reduction (seeking to ensure that violent extremists do not cause harm, such as, through efforts to change behaviour).15

Hughes expresses that there are solid structural establishments for radicalization in East Africa. Radicalization has kept on spreading, building both on the financial decay, violent conflicts and absence of strong and legitimate states. It is likewise contended that the strength of political Islam in the sub-region, especially Somalia lies in its capacity to address the requirements of specific groups that have been underestimated by both political procedures and resource conflicts. Clearly, the East African measurement of radicalization is a noteworthy thought.16

In Kenya today, there has been much research, composition, and conjecturing about what causes or propels individuals to wind up as violent extremists. The one predictable finding in view of broad experimental research is that violent extremists are the result of a dynamic procedure called radicalization. Kenya’s expanding youth populace is progressively characterizing the area’s security environment. At the same time, violent extremists’ organizations(VEOs) stay active in the region and have broadened their impact in various regions. Although violent extremists in Africa hold fast to differing belief systems, the techniques that they utilize to enroll youth into their positions are regularly

Violent extremists’ organizations comprehend and go after a blend of political realities, socioeconomic factors, and attributes that render youth vulnerable.

In East Africa, social scientists and policy-makers alike repeatedly have underestimated the power of ideologies and deeply felt convictions as the primary motivations behind numerous forms of violent extremist. Self-interest, narrow grievances, the search for power or wealth, or the desire to advance a particular political agenda certainly motivate many violent extremists. Unless one recognizes the power of these values — the passions, emotions, and deep feelings of loyalty and commitment they evoke, one will fail to grasp what truly drives numerous youths to violent extremism. The current incidence of religious or sacred terrorism in Kenya is of great security concern. Kenya has recently been a target of global terrorism because of a combination of factors.

A major development that rose up out of the brutal attacks on regular civilians is that Kenyan nationals were involved and not Somali-Kenyans or Somali nationals, as was initially expected. Numerous Kenyan youth, especially those of Somali or Afro-Arab-Swahili origin and those drawn from urban casual settlements, for example, Majengo (an old casual settlement in Nairobi’s Eastlands), have been connected to Al-Shabaab activities.

The youth propensity to violent extremism in Kenya is the epicenter of terrorism and terrorist activities. A large portion of the terrorists’ attacks in the nation have been executed by local youth radicalized and recruited by the Al Shabaab. In the Kenyan setting, radicalization has developed after some time as a procedure by which a segment of Kenyans, typically youngsters, are acquainted with an obviously ideological message and belief system that urges them to move from convictions that are for the most part moderate and standard, towards exceptionally extreme perspectives, which are violent in nature.

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18 Ibid.

19 In the modern era, religious and or at times known as sacred terrorism has increased in its frequency, scale of violence, and global reach. Terrorism in the name of religion, religious extremism has become a central issue for the global community. Terrorism carried out in the name of the faith has long been a feature of human affairs.

The question is; Can one trace the root of radicalization in Kenya? Radicalization in Kenya started in a ‘soft’ way by youth differing in the practice of some religious issues, for example a crop of youth started propagating how to dress in a show off indicating they are the ones really following the teachings (Sunna) of Islam than others. This later led to a big divide in society and coupled with other conflict drivers including ethno-political competition for power, youth unemployment, transnational crime, terrorism, and recruitment of vulnerable youth into militia groups which subsequently created a conducive breeding ground for radicalization. The start of radicalization therefore can be traced to the Coastal and North Eastern Region of Kenya. Radicalization in the country is a real threat and reports indicate that over 400 youths from Mombasa and Isiolo have joined the Al-Shabaab terrorists since 2013.\textsuperscript{21}

The youths are drawn into violence as they are exposed to the messages of extremist groups through a range of means. This includes exposure through family members, friends or direct contact with the extremist groups and organizations or through the internet. The high unemployment rates have made the youth to be vulnerable to the forces of radicalization due to the feelings of real and perceived marginalization, hopelessness, identity crisis, exclusion from national resources and frustrated expectations. Radical preachers have also imported ideologies to the country that target the youth. The youth militant way of thinking has led to rejection and denunciation of Muslim leaders and clerics by the radicalized youth. Passive fear has been registered in the community and this has led to the takeover of mosques in Mombasa through physically ejecting and assaulting clerics. When this happened, the moderate clerics could not stand in the society to fight radicalization as they feared to be attacked.

It has been observed that nowadays recruitment is open and sometimes the security apparatus is involved, or connive at activities in return for bribes. Kenyan immigration officials are alleged of illegally admitting foreigners in return for a small fee. Therefore, there seems to be a direct link between recruitment of the youth and later radicalization and corruption. In addition, the refugee camps have been recruiting areas for terrorists. The youth who are radicalized have found themselves in the security apparatus and now the country is grappling with the enemy from within. Internally almost every issue is politicized in Kenya. This is a dangerous trend as long as Kenya domestic politics remain divisive, corruption prevails and inequality in political participation continues, the youth will remain vulnerable to the recruiters.

The family in any society plays an important role in shaping the youth. It has been observed that youth who grow up without one of the parent were found to be vulnerable to radicalization. It seems there is a disconnect between parents and the youth while growing up hence a high possibility that the youth are exposed to radicalization due to bad parenting. Subsequently, the youths tend to be under peer pressure to assert themselves in the society. Parents pay little attention to their children's behaviour in the name of privacy and seem to have knee jerk reactions when things have gotten out of hand. As radicalization of the youth increases it can be indicated that they are marginalized by the community and therefore they may seek to fit in any set up and identify with another community elsewhere.

Radicalization of the youth in Kenya remains a concern and an issue that needs to be addressed. Clearly, recruitment and radicalization is not confined to the Coast and North Eastern Regions only. It is essential for the Government to set up policies that will reduce unemployment, do away with conditions alienating the youth, involve the community in political decisions, review the Madrasa (Islamic Schools) syllabus, and coordinate de-radicalization programmes with clerics and local leaders. Otherwise, Al Shabaab and other criminal groups will continue to recruit from our cities, towns, villages and dysfunctional homes.

As Al Shabaab continues to weaken in Somalia, the Kenya government must also focus on funding suitable approaches to de-radicalize the youth who have been lured into extremism and are waging violence from within. Even if the Al Shabaab is defeated in Somalia, Kenya’s role in that defeat has now made it a target for extremists seeking revenge.\textsuperscript{22}

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TERRORISM IN KENYA

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Introduction

The two previous decades have seen a shift from the way International Terrorists operate. As such there have been a greater number of recruits from the Local communities who have been recruited and used in planning and execution in attack missions. This happened within East Africa but more particularly in Kenya.

This suggests that current and future threats will emanate from fairly well integrated citizens who gradually adopt extremist religious/political influences to cause societal change in their own countries.¹

This turn of events requires a robust intelligence gathering strategy to assess the threats and advice on how to manage the situation. Effective decision making on managing terrorism risk benefits requires insight from all relevant risk factors. Risk assessment based on attack vulnerability and terrorist capability ensures efficient use of intelligence for timely decisions making to minimize terrorist attacks. A terrorism risk assessment entails analysis of the threat, modus operandi, and choice of weapon, target and human and economic loss estimation.²

Nobody can predict the precise timing of a terror attack as such measures must be instituted to minimize the losses. To mitigate the threat, effective and efficient measures should be established to avert terrorism risks. These may include, sensitizing the citizens on the impact of terrorism acts and what to adopt, strengthening the existing institutions to fight the menace, adopting policies and strategies that spell the management of terrorism attacks and finally ensuring effective implementation of existing policies.³

¹ J. Tailor (2010) The Big Question: Are efforts to tackle home grown Muslim extremism backfiring?
³ Mitigating Terrorism@http://www.nae.edu/publications/bridge/terrorism/mitigating terrorist hazard.aspx.
Terrorism in Kenya

While causes of terrorism remain constant, the threats of eminent attacks in Kenya are more pronounced than before, a situation perhaps only known to leaders of terror group. Since 2011 the country has suffered relentless grenade attacks, with the worst hit towns being Nairobi, Mombasa, Garissa, Mandera and Wajir. In some of these incidents grenades are hauled to churches, the Westgate mall attack in Nairobi where over 69 people lost their lives and the Garissa University attack where over 140 students died and a majority were injured. The situation in Kenya then remains wanting, given that immediately Kenya Defence Forces entered Somalia, US Embassy warned its citizens in Kenya about an imminent attack in Nairobi hotels and other Kenyan government facilities. Following those threats the Government deployed adequate security personnel in all volatile areas and with the heavy deployment, the attacks deteriorated.  

Causes of Terrorism

Marginalization, which can lead an individual to join extremist organizations as their focus is mostly on those who are weak and lack basic needs and those who feel hopeless and also victims, who have no affiliation to Society and no ability to contribute to its development. These groups of people feel alienated and thus become a prey to hatred and extremist doctrines that shape a different destiny. Their future is defined by undertaking duties that can be carried out by extremists, so to go from the abyss of poverty and humiliation to the delights of paradise and a place near the prophets, the righteous and the martyrs. All this can be obtained painlessly and in a moment by pressing the button of the explosive belt. It is pure opportunism when extremists achieve their other worldly happiness by causing earthly misery of others.

Extremist doctrines convince their followers that God’s satisfaction is obtained by killing his slaves and that closeness to God is achieved by shedding the blood of innocent people. Society deprives marginalized people of dignity and worldly pleasures like treasures and high public positions, whereas extremist doctrines give them access to other worldly pleasures like shedding innocent blood and killing of infidels. The path to Heaven and its pleasures is paved with the lives of innocent people.

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So, who could sacrifice his life to kill the ‘infidels’? Those who feel alienated in society are more willing to die as they have lost hope in life and all it stands for.

**Types of terrorism**

The Federal Bureau of Investigation (FBI) categorizes terrorism in two types; Domestic or State terror, and International, non-state or state-sponsored. Domestic terrorism is perpetrated by an individual or a group organized to target population within the National borders. The International, non-state or state-sponsored has a bigger scope, it causes International consequences, massive crisis because of the unexpected terror and violence involved. Because of this broadness when attacking they harm people outside the targeted community or Country.

Terrorist organizations are globally structured to function in the environment they operate. Unlike conventional forces, terrorists have only strategic knowledge of the cells they are deployed in. By design, they lack the operational level of organization and are commonly described as horizontally structured organizations because of the nature of their operation. They are organized into small cells each of them isolated and performing specific functions such as intelligence gathering or logistical operations. The structure also guarantees security in the event of defection, capture or killing of a member since no one member can identify all the others.⁶

**Impact of Terrorism**

Human lives have been lost, whereas tourism, agriculture and transportation sectors are affected. Tourism, which is the driving force of the economy, accounts for forty percent of GDP and has been paralyzed because of frequent travel bans imposed by Britain and United States of America. The disruption of tea export has also affected the economy.

This is because Pakistan and Afghanistan, respectively were the second and third worlds importers of tea from Kenya. Arising from social and economic impact caused by terrorist attack on 11⁰ September 2001 on United States of America and subsequent military operations in Afghanistan, exports to these markets were disrupted, consequently creating a loss of much needed revenue.

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⁶ Paul R Pillar (2001) *Dimension of Terrorism and Counter Terrorism*. Terrorism and US Foreign Policy pp.24-25
Between July and November 2011, the Kenya Government closed the Kenya-Somalia border because of insecurity and subsequently banned flights to Somalia. While this was viewed as necessary because of the perception that Somalia harbored terrorists and the fear that terrorists might hijack aircrafts for suicide missions in Kenya, this further resulted in the loss of revenue from trade and travel which affected the transportation sector.\(^7\)

**Al-Qaeda/Al-Shabaab**

Al-Qaeda / Al-Shabaab groups were established by Osama Bin Laden in the late 1980s to bring together Arabs who fought in Afghanistan against the Soviet invasion. He financed, recruited, transported and also trained Sunni Islamic extremists. He established a pan Islamic caliphate throughout the world by working with allied Islamic extremist groups to overthrow regimes he deemed ‘non-Islamic’ and expelled Westerners and non-Muslims from Muslim Countries.

The Al-Shabaab terror group on the other hand is a Somalia based cell of the militant Islamist group Al-Qaeda, formally recognized in 2012. As at May 2011 the Al-Shabaab troops strength was estimated at 14,426 militants, this number could have decreased to date because a good number defected, and others were killed during the many fights they have been engaged in. Al Shabaab boasts itself as waging jihad against ‘enemies of Islam’ and is engaged in guerilla warfare against the Kenya Defense Forces and the African Union Mission to Somalia.

**Trends in Terrorist Techniques**

Improved methods of concealment and attacks are the first trend. Despite continued failures, terrorists have been slipping explosives into even simpler packaging. Richard Reid, a British passenger on Boeing 767 in 2002, was caught trying to light a fuse protruding from his shoes, concealed in the sole were enough high explosives to blow a hole in the fuselage of the aircraft, however the attempted bombing was foiled. Complex modes of attack are precise in most of their undertakings, for example, the targeting of the World Trade Centre in New York City, the symbol of the United States global economic power, and the Pentagon Building in Washington, DC, the symbol of the United States overarching Military complex, was well planned, coordinated and executed.

\(^7\) Counter Intelligence and Policing measures for the Government of Kenya. Strategic Intelligence News. Available at http//intelligence briefs.com/page-id 2705 viewed on 19\(^\text{th}\) June 2012.
The attack symbolized a stature and affront to the established global order, and a challenge to the world’s dominant power. This complex attack had massive effects such as psychological damage and in addition concrete damage on the US economy, as a result the dollar weakened.

Increased use of modern technology and especially computers is embraced by various terrorist organizations as it establishes networks, through which they distribute their propaganda, communicate with their supporters and foster public awareness and sympathy for their causes, and even to execute operations. According to the Journal of International Security Affairs, Spring 2005 Number 8 an article ‘How modern terrorism uses the internet’ cites why terrorists prefer the internet.

Similarly, according to a United Nations report released in 2013, it showed the number of Kenyan youth recruited by Al-Shabaab were more than 500. Al-Shabaab has taken advantage of Kenyan youth who many times come from background of poverty and limited opportunities. According to the UN monitoring report, Ahmed Iman Ali, used the community based organization openly in recruiting for Al-Shabaab in Kenya and facilitating the recruits to travel to Somalia for training and then start fighting in both Kenya and Somalia.8

Methods to Counter Terrorism

The Kenya Government has come up with several measures to counter terrorism. One is by establishing National Counter Terrorism Centre. This body was created to counter-terrorism response, coordination, and collection and sharing of information between countries. The government also created a specially trained and equipped Unit, the Anti-Terrorism Police Unit. It also began the counterterrorism legislation and currently there are legislations to arrest without a warrant, Special warrants/ Warrants of search, Interception of communication, Detention incommunicado, compelled witness statements and compelled disclosure of financial information.

Conclusion

In conclusion, Terrorism is a contemporary issue that affects governments and the world, and has gained International attention because of its overall effect on Nations, States and Societies. Several terrorist incidents have occurred in Kenya thus signifying that Kenya's geographical location, sociopolitical and ethnic characteristics, unstable neighbors, spread of fundamentalism and radicalization makes it attractive to terrorism.

Past terrorist attacks have grave economic, political and social implications and the possibility of future terrorist attacks must not be ignored. The Government and all its security machinery should not relent in this fight, on the other hand members of public must continue to be educated on dangers posed by Al-Shabaab in Kenya more so on economy and the loss lives during the attacks, so that they continue assisting security agencies with information on radicalization and terrorist activities in their areas of jurisdiction. Finally, there is no other time Community policing will be of greater assistance than this because we must be our neighbours keepers if we are to succeed in this war on terror.

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MILITARY INTERVENTION IN INTERNAL SECURITY CHALLENGES IN NIGERIA

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Introduction

It was highly speculated that the end of the Cold War would usher in a peaceful global era. According to Sanda, “it is now obvious that the widespread expectation that the end of the Cold War would usher in a new era of global peace and stability has been dashed.”¹ Alli lends more credence to this by stating that:

Since the end of the Cold War, global security challenges have become more complex domestic security threats multiplied; leading, in turn, to vicious cycle of protracted intra-state conflicts that threaten regional, continental and global peace and security. The security concerns have also been broadened with the emergence of non-traditional threats such as terrorism, illegal migration, epidemics, sea piracy, drug trafficking transnational organised crimes and climate change.²

Generally, the level of inter-state conflict violence has vehemently declined since the end of the Cold War in 1989. However, organized intra-state conflicts between non-state actors and state as well as one sided conflicts have been on the increase with civilians as the major victims in terms of death, and abuse of fundamental human rights. Thus, according to the UN, “Civilians continue to account for the vast majority of casualties in situations of armed conflicts, including as a result of deliberate targeting indiscriminate or disproportionate attacks and sexual and gender based violence, as well as other acts that violate applicable international law.”³

Nigeria is not anyway an exception to internal security challenges in this post-Cold War era. It in view of this, that this paper would examine the role of the military in managing them in the country.

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³ Sanda, Julie, p265
In the case of Nigeria, the problem of terrorism which started more prominently in 2009 has arguably become the most challenging security concern not only in the country but in the contiguous and propinquity nations. Another prominent case of violent extremism in Nigeria the militancy in the Niger Delta which has been approached through a variety of options but the situation continues to deteriorate. That has led to the adoption of the option of military intervention especially as it touches the nerve centre of Nigeria’s national economy. There are other ones include criminalities.

The Role of the Military in Containing the Challenges in Nigeria

The primary Agency for maintaining internal security in Nigeria is the Nigeria Police Force (NPF). Section 194 of the 1999 Constitution establishes the NPF. The statutory functions of the NPF as specified in Section 4 of the Police Act (Laws of the Federation, 1990) are summarily that:

The Police shall be employed for the prevention and detection of crime, apprehension of offenders, the preservation of law and order, the protection of life and property and regulations with which they are directly charged...

Other statutory instruments such as Criminal Procedure Act (CPA) and Criminal Procedure Code (CPC) contain the wider powers of the NPF to maintain law and order to promote internal security. However, due to the increasing sophistication of criminality and other forms of security challenges in the country over the years, other agencies and the Armed Forces of Nigeria (AFN) have been increasingly participating in the fight against internal insecurity. Thus, according to Nweje

The provision of security has been challenged by the precarious state of affairs in the country and the seeming inability of the Nigerian Police Force to effectively deal with the worsening security situations. This scenario which has been a problem for a long time has resulted in the military being used for internal security operations, which ideally is that of the police.

Even in terms of criminality, because of some inadequacies of the NPF, the military has been undertaking joint operations with them to check violent crimes and other forms of development adversely affecting the maintenance of law and order. For instance, ‘Operation Sweep’, a joint police and military outfit was established in 1999 by the then military administration of Lagos. In 2002, then Inspector General of Police (IGP), Tafa Balogun, similarly established ‘Operation Fire for Fire’ to crackdown on violent crime in the country.

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4 The Nigerian Police Force Act, 1990
6 Ibid
Almost every state of the federation at one time or the other has established a form of special anti-crime outfit or the other in the mode of ‘Operation Fire for Fire.’ For instance, Operation Sweep in Lagos State was replaced by Rapid Response Squad; Operation Flush in Rivers State was replaced by a Swift Operations Squad, Operation Fanou Tangbe in Bayelsa with the crucial involvement of the military.7

There is nothing illegal or unconventional about that. There are provisions for that in the laws establishing the AFN in Nigeria. Section 217(1) of the 1999 Federal Republic of Nigeria Constitution deals with the establishment of the armed forces and states that Nigeria “Shall have an Armed Forces consisting of an Army, a Navy and an Air Force and such other branches of the Armed Forces of the Federation as may be established by an Act of the National Assembly”. That same Section of the Constitution further spells out the functions of the Armed Forces as follows:

- Defending Nigeria from external aggression.
- Maintaining its territorial integrity and securing its borders from violation on land, sea and air.
- Suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the President but subject to such conditions as may be prescribed by an Act of the National Assembly.
- Performing such other functions as may be prescribed by an Act of the National Assembly.8

Section 218 (1) gives further clarifications to those provisions as it states that, “The powers of the President, Commander-in-Chief of the Armed Forces of the Federation shall include power to determine the operational use of the armed forces of the Federation.” The Section 217(1) Sub-Section(c) of the Constitution indicated above makes unambiguous provision for AFN to participate in the quest to maintain internal security, peace and order. By the same token, Part1 Section (1) Sub-Section(3) of the Armed Forces Act CapA20) of 2004 states that, “The Armed Force shall be charged with the defence of the Federal Republic of Nigeria by land ,sea and air and with such other duties as the National Assembly may, from time to time, prescribe or direct by Act.” Part III Section(8) Sub-Section(3) of the same Act states that, “In this Section, the operational use of the Armed Forces includes the operational use of the Armed Forces in Nigeria for the purpose of maintaining and securing public safety and public order.”9

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8 The Constitution of the Federal Republic of Nigeria, 1999
Based on this, the AFN has been used to perform both military and non-military functions. These include military aid to civil authority (MACA), especially in internal security situations, national emergency management as well as provision of logistics during general elections. The importance attached to this is equally enshrined in the Nigerian 1999 Constitution. Section 14 (2) (b) of the Constitution unambiguously states that, “the security and welfare of the people shall be the prime purpose of government.” It is therefore pertinent to highlight some of the situations in which the AFN has intervened so as to effectively evaluate its role in conflict management in the country.\(^\text{10}\)

One of the conflicts that had profound implications for the security of Kaduna state and national stability was the ethno-religious conflict which occurred in 2000. The conflict was remotely explained away as the continuation of previous religious and communal crisis in the state. Another factor was the poor economic situation which led to the growing youth unemployment resulting to frustration/aggression manifesting in political instability. Those conditions fuelled the discontent expressed by the Christians in the state with the plan by the Legislative Assembly to introduce sharia law into the state.\(^\text{11}\)

This resulted in the massive internal displacement and wanton destruction of lives and property. It led to horrific breaking down of law and order. The AFN had to intervene to restore law and order to Kaduna state.

The history of terrorism in Nigeria can be traced to 1950s in Kano and 1982 when the Maitasine religious uprising took place. They were acts of extremism which were nipped in the bud. However, the current case of Boko Haram terrorism is a much more violent extremism than previous ones. Besides, based on globalisation; it has links with other such violent extremist bodies such as Al-Qaeda, Al-Shabaab and ISIL. The network is for indiscriminate mass causalities regardless of age, sex, race, and nationality or even religion. This violent extremism has several objectives which threaten Nigerian national security.\(^\text{12}\)

This has been one of the major areas of military interventions in the history of Nigeria.

\(^{10}\)The Constitution of the Federal Republic of Nigeria, 1999


\(^{12}\)The National Counter-Terrorism Strategy (NACTEST), Office of the National Security Adviser of Nigeria, 2014, p9
The conflict in Niger Delta had been approached through a variety of options but the situation continued to deteriorate. That led to the adoption of the option of military intervention especially as it touched the nerve centre of Nigeria’s national economy. The level of social discontent based on the feeling of marginalization led to the formation of ethnic militia groups in the region which brought much security challenges with multiple negative multiplier effects on the civil populace arising from kidnapping and killings. Some of the highpoints were the Kiama declaration by the Ijaw youths and the military intervention code-named operation HARUKI II. This resulted in massive civilian killings dubbed ‘Odi massacre.’

The role of the military in containing internal security challenges in Nigeria has witnessed mixed reactions from international, regional, sub-regional and national analysts and commentators based on diverse perceptions and interests over the decades. One of the reasons is the level of destruction of lives and property often recorded in such internal security operations. The orientation of the military is towards full scale wars and not pseudo-wars. For instance, General Douglas MacArthur once drew attention to the traditional role of the military by stating that, “the mission of the Armed Forces, remain fixed, determined, and inviolable, it is to deter external aggression and win wars.”

In this regard, the doctrine of the military is to kill and not just to maim unlike the police force. However, the changing nature of conflicts and the attendant security challenges since the end of the ideologically denominated Cold War as well as the paradigm shift towards human-centric rather than state-centric nature of security call for a fundamental re-orientation.

This is further reinforced by the incessant accusation of human rights abuse by the military and other security agencies in the efforts to contain internal security threats by international and local activists. For instance, according to Nweje:

The Network on Police Reforms in Nigeria (NOPRIN), a network of 46 civil society organizations spread across Nigeria, and committed to promoting police accountability and respect for human rights has severally accused the police and other security agents attached to these special security outfits of engaging in “unlawful detention, extortion, torture and extrajudicial execution and disappearances of several people accused of kidnapping and other crimes without being charged to court.”

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14 Ibid
15 Nweje, C
NOPRIN is a collection of national, international, governmental and intergovernmental organizations and institutions with the mission of working for the transformation of law enforcement institutions and practices in Nigeria. This is pursued through monitoring, field research and investigation, documentation, publication, campaign and advocacy. By the same token, Amnesty International (2011) claimed that “the security forces, including the military, continue to commit human rights violations in the Niger Delta, including extrajudicial executions, torture or other ill-treatment, and destruction of homes.”\(^\text{16}\) The Joint Task Force has been frequently accused of using excessive force when attacking armed groups and gangs and often bystanders from local communities were injured and killed.

**Way forward**

The threats are largely unconventional and that make them highly complex and tasking to the military that is used to the application of maximum damages and destruction of adversaries to defeat them. However, the internal ones require the use minimum forces. In view of this, the Armed Forces of Nigeria have been undergoing re-training, re-professionalization and re-orientation to fit into this. This should be sustained because of the dynamic nature of the asymmetric wars as they have been adhering to rule of engagement in relation to Geneva Convention of 1949 and the rule of war.

Furthermore, dynamic military strategy and tactics are essential to the conduct of internal security operations just like they are relevant to the handling of external aggression or conventional or realist warfare. The planning, coordination, and general direction of military operations to meet overall political and military objectives or missions need to be upgraded all the time. In this regards, the civil society should be carried along through education and enlightenment. The Nigerian armed forces have engaged in numerous peace keeping operations in many foreign countries and they have been commended for professional conduct during those occasions. Sierra Leone and Liberia are very good examples. It then means handling the internal security challenges would be conducted diligently.

In addition to the foregoing there is always the need to always update equipment or materiel for soldiers involved in the internal security operations so they can continue to properly perform the task. This because actors involved in internal security threats are always coming up with sophisticated weapons such as anti-aircraft guns mounted on trucks to fight the nation’s soldiers.

\(^\text{16}\) Amnesty International Report, 2011, p36
Conclusion

It was widely speculated and predicted that wars and violent activities would no longer be available in the post-Cold War world. However, there is a paradigm shift from inter-state to intra-state security challenges. This is based on ethnicity, sub-nationalism, religious and other forms of identity-infested violence. Based on some elements of globalisation, they are highly networked or internationalized that there is always need for transnational cooperation and collaboration to collectively work together to prevent or combat them. Their activities involve radicalisation, violent extremism expressed through terrorism, insurgency and civil wars. The management of such internal security have become so complex and challenging the world over. One of the approaches in this regard in Nigeria is military intervention which has generated a lot of details within the country and internationally. It in view of this that the paper set out to examine the role of the armed forces in endeavouring internal security challenges in Africa which may bear lessons for other countries.

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WAR ECONOMIES AS A REGIONAL SECURITY THREAT

Col. S. K. Sane - Kenya Air Force

A report by Journalists for Justice (JFJ) implicated the Kenya Defence Forces (KDF) accusing them on smuggling of sugar in Somalia. The report, which carried a study conducted on the conduct of the KDF in Somalia, named the Kenya military, the administration of Jubaland of Mr. Ahmed Madobe and the Al-Shabaab as the beneficiaries of shares in a trade the JTF report claimed to be running between two hundred ($200) million dollars (Kenya Sh20.4 billion) and four hundred ($400) million dollars (Kenya Sh40.8 billion).

“The relationship between Al-Shabaab and the smuggling of sugar was made public in Kenya at the time when the group’s (Kenya Defence Force) ongoing African Union (AU) mandate - this implied the inclusion of KDF by explaining in detail how sugar enters Kenya via Kismayo,” the report indicated. The report known as ‘Black and white: Kenya’s criminal racket in Somalia’ further revealed that exportation of charcoal is also being undertaken in a business that though “somewhat disrupted and diminished, is still a key mainstay of revenue for the rug-tag military outfit, al Shabaab, Jubaland and KDF.1 This allegation has highlighted and pushed to the front the debate on the possible existence of a war economy in the Horn of Africa and which has particularly been fueling the more than 20 years war/conflict in Somalia.

The term ‘war economy’ can be used to conceptualize the sustainability of an intractable conflict through the expropriation and exploitation of a country’s resources by warring parties. The term is generally used to include all economic activities legal or illegal carried out in wartime or during conflict. Here the term is used narrowly to differentiate it from other types of economies that can emerge in wartime conditions.2 Hence broadly speaking there can be identified three kinds of war economies: first, the war economy, secondly the shadow economy and third, coping economy economies - that enable different groups to wage war, profit from war, cope or survive. Each type has its own dynamic and patterns of change.

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Pugh et al used a simple term to describe war economy, stating that the term is used to include all money-making activities carried out during wartime. However, another scholar, Goodhand in the same book breaks the term “war economy” into three categories, namely the combat economy, shadow economy and coping economy, to differentiate between both the belligerents involved, and activities carried out during a conflict.

War economy has developed in different phases with the shifting nature of conflict. The war or combat economy (war or combat economy are interchangeably used) includes both the production, mobilization and the sharing of economic resources to sustain a conflict and economic strategies of conflict aimed at the specifically disempowerment of specific groups. While empirically overlapping, these economies involves a distinct set of actors, motivations, and economic activities that can have qualitative different implications for conflicts resolution and post-conflict peace-building.

Global interests especially by scholars in war economies and its impact on both national and human security has been increasing since the mid 1990s, with a growing body of academic and policy research producing important new insights on the political economy of armed intra-state war. A main impetus for this new vector of research has been the increased acknowledgement among analyst and policy makers that many civil wars and conflicts have become increasingly self-financing in nature.

Regionally, faced with a post-war decline in superpower support, both rebels and governments have sought alternative sources of revenue to sustain their military war campaigns. In addition to the long-established means of destruction and looting, the trade in money-spinning natural resources, remittance from the diasporas and the looting of foreign aid have become increasingly important sources of combatants’ self-financing.

War economies are costly and catastrophic for societies as a whole; however, they could be highly advantageous and profitable for individuals or even groups within the society and external actors. Any valuable discussion on such war economies should incorporate an investigation of the roles that

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4 Ibid.
5 Ibid.
natural resources play in perpetuating these economic systems. Economic considerations have played a pivotal role in warfare. Until the immediate past, however, this economic dimension of conflict/wars has attracted little policy notice and neither systematic scholarly assessment.

War Economies involve undermining or even to some extend the total destruction or process of circumventing the local formal financial system and the development of informal and black markets, effectively and totally erasing the separation between the formal economy, informal and criminal sectors and financial markets. Pillage or plunder, extortion, predation, and deliberate brutality against civilians is employed by actors who are engaged in the war to acquire control over lucrative assets, capture trade and financial markets and also the remittances from diasporas and take advantage of labour.

Assisted by the sparingly regulated globalization and weak states in the developing world, warring parties benefit from businesses with criminal networks, arms traffickers, and scrupulous corporate entities, mostly spanning well into and far beyond war zones to the world’s commodity and major financial markets. The term “resource wars” has become progressively more fashionable among analyst and policy makers due to the role lucrative natural resources played in fuelling war economies. Lately however, attention on the financial matters of conflict has found broad expression in the concept of “war economies”.

War economies are highly dispersed as well as devolved and privatized, both in ways of coercion, production and exchange; Warring parties increasingly depend on the legal or illegal exploitation of business in money-spinning natural resources where these assets are obtained; They mostly profit from cross-border financial networks, ethnic groups, regional kith and kin, arms traffickers and mercenaries, as well as those who run legally operating commercial businesses, and all of this may have a vested interest in the continuation of conflict and instability.


Scholars such as Collier, Karen Ballentine, and Heiko Nitzschke\textsuperscript{14} undertook a research on and noted that there exist a correlation between the abundance of natural resources and the risk of armed conflict. Certain resources that can easily be looted or easily smuggled across borders, such as diamonds, narcotics and forest resources such as those in Democratic Republic of Congo (DRC), provide incomes for local communities and warring parties as they can be exploited, transported, and concealed by individuals and groups with relative ease. Access to such natural resources has been shown to improperly promote combatants, including even insurgents. In addition, Karen Ballentine and Sherman have developed or provided three pathways that connect natural resources to war or conflict: Firstly, natural resources can contribute to the outbreak of conflict when actor-group attempt to control or gain access to those that are scarce or extractive. Second, extractive natural resources such as timber can be exploited to purchase weapons and finance armies or become a strategic factor to consider in gaining territory.\textsuperscript{15}

In modern international system war economies are observed primarily in intra-state conflicts and are mostly dominated by unofficial and criminal activities, in which combatants, both the state and non-state actors are involved. An important argument or hypothesis of these war economies is the dependence on external markets, that is, the convergence with regional and international financial markets and networks.

An insurgent or rebel combatant war economy is situated within the geographical borders of a state, but is also networked with regional and international trading networks. This ‘open’ behaviour of modern war economies elucidates the necessity of carefully assessing the veracity of both inter- and intra factors on conflict enthusiasm and security issues in the region.

War economies have been noted to be extremely flexible and resilient and may continue to occur after the official end of an ongoing conflict. Spoilers who may result from marginalization by peace process may usually continue to take advantage of weaknesses in the existing informal sector through regional networks and the support of disgruntled communities to increase their power and challenge the status quo or the authority of the post-conflict order. Such combatants will require a complex national or regional policy approach, with the aim of altering their social function with the ultimate goal to reintegrating them and the resources at their control, whether derived from the exploitation of these natural resources or operating in illicit financial activities and goods.


\textsuperscript{15} Karen Ballentine and Jake Sherman (eds.), \textit{The Political Economy of Armed conflict: Beyond Greed and Grievance} (Boulder, Lynne Rienner Publishers), 2003.
State or non-state actors operating on these markets (micro-level) develop their own modus operandi (hijacking, extortion and assassinations, robbery, trading in ill-gotten property, illegally extracted natural resources and illegal commodities) with the aim of generating benefits. Such groups’ rational economic motive explains the development of certain behaviours, norms and expectations, thus suggesting a specific social structure whereby the use of violence is openly exploited. The resultant structural organizational patterns (macro-level) can catalyze the stabilization of a distinctive order, which may prove to become highly beneficial or profitable.

The state or non-state combatant economy is based on financial markets activities that directly sustain actual conflict. It is usually dominated by many types of actors, including the existing security apparatus of the state (military, para-military groups, police) and insurgent group, as well as domestic and foreign “conflict entrepreneurshipships” who supply the necessary weapons and military material.16

A number of different strategies can be used to bring an end to war or conflict, particularly those brought about or fuelled by a war or combat economy. The schools of thought that strive to provide explanation behind the causes of contemporary conflict or war agree that if economic gain or benefit is the outstanding incentive for armed conflict, the very basis for the resolution through negotiation is undermined or diluted, and finding appropriate apolitical settlement may be futile. Some have argued that economic motivations are critical to understanding the causes or origins of violent conflict. Pecuniary compensation motivations play a pivotal or key role in the continuing nature of violent conflict or war.

Both national as well as global policies must focus more overtly on changing the cost-benefit analysis from war to peace. This has been used in various areas, including, for example, the way the Kimberley process facilitated in bringing to an end protracted conflicts in such countries like Sierra Leone, Democratic Republic of Congo, Liberia and Angola, through the removal of diamonds considered to be illegal from the international market and supply chain.

As long as conflict is advantageous to the actors who wage it, it will remain harder to bring to an end. Peace will only be obtainable only when the key pillars of the war economy are addressed, in particular by establishing serious criminal consequences for those financing and facilitating armed groups such as militias, insurgencies and terrorist groups that are negatively devastating the countries of the Horn of Africa in particular. The money-making supply

16 Brommelhorster, et al, pp. 1-17
manacles that continue to fuel violent conflict and the carrying out mass atrocities should as a matter of policy be disrupted and dismantled as a means of altering incentives towards peace.

It is only through positively impacting on the greed-driven calculations at the negotiating table, will the Former US president administration’s post-trip support for peace processes like the one in South Sudan have some level of success in ending Africa’s deadliest and contractible conflicts. Destroying the financial networks that sustain and benefit from atrocities and establishing a cost for profiting from conflict will enable the use of other necessary peaceful tools, such as accountability measures, state-building assistance, diplomacy and peacekeeping, a better chance to succeed. In the end, those who are involved in war crimes, from the belligerents in the war zones to financial enablers in the various international boardrooms, should be deprived of the proceeds from those despicable crimes.

Cultural reasons can also bring about war economies, and such will require different approach to eradicate. Regardless of the reason, war economies sometimes show more technological, medical and industrial progress because there is a need to develop systems, products, services and ideas that protect and defend better and or more cheaply. Similarly, war economies sometimes exist at the expense of domestic development and production.

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REFUGEE CAMPS PERCEIVED AS REBELLION
NURSERIES IN THE GREAT LAKES REGION:
CASE STUDY OF BURUNDI

Col. P. C. Nzisabira - Burundi National Defence Force

Introduction

The Great Lakes Region (GLR) has experienced security challenges, particularly after their independences in the 1960s. The GLR refers to twelve Eastern and Central African countries including Sudan, South Sudan, the Central African Republic, Uganda, Kenya, Rwanda, the Democratic Republic of the Congo, Burundi, Tanzania, Zambia and Angola. Insecurity has been prevailing in almost all the countries of that region, whether caused by war or natural environment. In all cases, however, insecurity is a manmade phenomenon and thus, it is only man who can find solution to the problem.

Human insecurity is referred to a set of human sufferings, as opposed to the former general definition of security that was state centered, thus, human security is man-centered in that sense that it deals with economic security, health security, food security, environmental security, community security, personal security and political security. Indeed, these domains constitute the elementary rights of human being in his everyday’s life. Human insecurity is undoubtedly the main cause of people leaving their habitual place of residence to seek safer locations. They are then called refugees if they have crossed the legal borders of their country, or Internally Displaced Persons (IDPs) if they settle in a different area but still on their mother land country. The 1951 Convention on the Status of Refugees gives detailed definitions of a “refugee” and an IDP even if both the unfortunate persons share many of the same circumstances and challenges.

Historical Background

According to the 1951 Convention on the Status of Refugees, a ‘refugee’ is a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear,
unwilling to return to it.” On the other hand, Persons forcibly displaced from their homes and who cannot or choose not to cross a border are not considered refugees, even if they share many of the same circumstances and challenges with refugees; they are called Internally Displaced Persons, and do not have a special status in international law with rights specific to their situation.¹

As for Magero, a refugee is a person who is outside his home country for fear of being persecuted, and is unable or unwilling to avail himself to the protection of that country². As then there is an idea of being outside one’s country, it should first be wise to analyze the cause of a person to leave his home and seek refuge in another country. Generally, people leave their homes because of lack of security, and security becomes a challenge, as stated above, when people fear for their lives.

This paper aims at pointing at the civil wars as a major cause of refugee flow, showing how among refugees there some people who want, by hook or by crook, to go back home. That is the reason why in their new settlement they campaign, recruit and begin military trainings to attack back the power that chased them from their mother land. When the researcher talks about the Great Lake Region, he specifically refers to those countries that have experienced wars since the independence including Burundi, Rwanda, DRC, and Uganda. Their terrified citizens have gone to seek refuge in one or another country where they could feel more secured, at least just for a while. Indeed, the Rwandans of 1959 were hosted in the neighboring countries of Burundi, Uganda, Tanzania and Zaire (now the Democratic Republic of the Congo). The Burundians who fled the nightmares of 1972 went to Rwanda, Tanzania and Zaire whereas Ugandans who worried were scattered in its neighboring countries including Kenya and Central African Republic.

Asserting that the refugee camps are perceived as nurseries of rebellion takes its explanation in the fact that looking at the most of those GLR countries-Burundi, Rwanda Uganda and Democratic Republic of Congo- they are actually lead by presidents who have experienced the war in rebel movements, and most of the rebellions began whether in the refugee camps or were somehow supported by refugees, despite the hard life outside their homes.

¹Convention relating to the Status of Refugees, Art 1, 1951.
The destination
When a conflict reaches its climax, it explodes and the weak runs away from the battle field to save his life. The fugitive never knows where to head to, he just goes. Sometimes he arrives in a serene place and stops—he is an IDP; sometimes, because of great fear, he is obliged to cross the border of his country and he then becomes a refugee. As soon as he gets into a foreign country, a refugee deserves protection and care; “the Convention is enough clear: ‘The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin’\(^3\). In other words, the host country receives fugitives without need to know the details on their identities. The refugee deserves to be saved and protected without any other consideration.

The occupation in the camp
It is assumed that “Every refugee has duties to the country in which he finds himself, which require in particular that he conforms to its laws and regulations as well as to measures taken for the maintenance of public order”\(^4\). However, as refugees of the GLR have almost the same origins and resemblances, host states hardly allow to the refugees the liberty of movement for the sake of home security. Nonetheless, the region’s culture is that there are general moves of people in the whole area. In fact, there are in that region many trans-border relations based on friendship, marriages, transhumance, which make people much interact be it in period of peace or in time of war. In this sense, limitation of movement and control of irregular refugees becomes a challenge for both the host country and the UNHCR. Inside the delimitated camp, refugees have nothing to do except waiting for assistance from the UNCHR through the ONG in charge. Once, a journalist of the BBC reported, in response to a question on ‘what are refugees busy with in the camp’: “They play cards the whole day and listen to the BBC in the evening”. Therefore, idle and dying of homesickness, they start thinking evil. Looking back to their former lives, they begin to invent ways to recover the lost paradise: that is in short, in a certain manner, how rebellions begin in a refugee camp.

\(^3\) *Convention relating to the Status of Refugees*, Art 3, 1951.
\(^4\) *Convention* Art 2.
The insurrection: - the campaign

There are probably, among refugees, some people who have committed violent acts and ran away but had and still have relations with others who would have stayed in the battle at home. These are supposed to possess nuisance capabilities not only theoretically but also in practice. They can take advantage of knowing the ways to cross the borders and communicate with evildoers in the homeland. Insecurity then begins with small acts of banditry, grows up to killing people in the name of sustaining the local power in opinion and material means. Killings can be generalized in the homeland as acquiring weapons is a matter of short time in the region on the one hand, and because evildoers can freely cross the border after each crime, on the other hand.

If really the trends progress toward rebellion, the next step will be recruitment of adepts and looking for material means. Everything will depend on the evolution of security in the homeland. If the situation has come back to normal, then the refugees will get ready to go back home, if not, the mounting interior security will fuel the courage of those who are outside the country. Another fueling element is shame. Xenophobia developed by host citizen can sometimes revolt the refugees. This behavior often appears in the fact that some people from the host nation do not know exactly what happened behind their country bounds, and sometimes take advantage of the weak refugee to lower them, treating them as cowards and regarding them as a kind of invaders. This becomes more evident when the unfortunate is begging for a living or else are involved in an even small misdeed in their struggle for life. The case of Burundi refugees from the 1972's is one of many examples which show that de-consideration in a foreign country may arise in the heart of the ashamed person the idea to act and react in a different, brutal and violent way.

The Case of Burundi

When the war exploded with the assassination of Burundi President Ndadaye in October 1993, Hutu refugees ran away again to Rwanda, but this did not last long because the Rwandese genocide occurred some months later and there was a very big movement of people to Zaire and other neighboring countries. There were few Rwandese refugees in Burundi because the situation was still tight between the Burundi Armed Forces and armed groups fighting to recover the paradise lost\(^5\). At the same time, there were many Burundians who were in Tanzania refugee camps, victims of the Hutu genocide of 1972 and

\(^5\) Late President Melchior Ndadaye was the 1st democratically elected in Burundi since the independence. As he was from the Hutu majority ethnic group, Hutus were very happy to come on power after Tutsis had lead the country for more than three decades.
the massacres of 1987, all were estimated at more than 300,000 Burundian refugees.

A Short history leading to the facts.

Often called the first genocide in the Great Lakes region, the events of 1972 killed some 200,000 Burundians and triggered the flight of approximately 150,000 refugees to Rwanda, Tanzania, and Zaire (now the Democratic Republic of Congo), with most seeking refuge in Tanzania. In the aftermath of the genocide, Hutu citizens in Burundi were systematically repressed and purged from the army, civil service, university and other education systems. In October 1993, 20 years after the 1972 flight, the assassination of Burundi’s first Hutu President triggered widespread ethnic fighting and the exodus of another 500,000 refugees.

Before the genocide of 1994, Rwandan Hutus could not understand why the minority of Burundi Tutsis held the power while maintaining 85% of the (Hutu) population behind the country boundaries. Refugees were called in a less polite language “Nyakarundi” meaning the poor Burundian, and that was a common name of every refugee even when not begging. In Tanzania, Burundian refugees were called by the Ha tribe; however equally poor and whose dialect is very close to Kirundi, “Umurundi-rundi”. The term refers to a diminutive of its idea, hence, small, valueless Burundian. It refers also to the tibia bone without flesh. In this sense, the reader would like to comprehend how refugees are often marginalized up to the point of revolt. The local society may actually perceive refugees as evildoers ever seen in the history. In some villages of Western Tanzania, several Burundians were burned alive for a simple crime of theft in the field, just because they were refugees.

The facts

The massacres of 1993 were quite different from those of 1972 and 1987. If Hutu were selectively killed in 1972-there were lists of elites all over the country, elite refers to people who had attended school, civil servant, member of the armed forces or the prosperous business man of even the most remote village. The 1993 electoral campaign had somehow prepared a way to a popular resistance in case the democracy was “mise en cause”. Indeed, at the time of elections, the different social classes were not ready to assume and sportily accept the results of the polls, even before the results were proclaimed.

Only ninety days on power, the elected president was shamefully assassinated by what was called a small group of mutineers. The assassination of the president was followed by the killing of other senior leaders. Perpétue Nshimirimana, gives a non-exhaustive long list of cadres assassinated including members of parliament, members of the cabinet, and other influential personalities. She notes that from the murder of October 21, 1993 of the first President democratically elected in the history of Burundi, Melchior Ndadaye, mass killings have targeted many people of Hutu origin, in particular, executives of this group. At least one hundred forty top executives and leaders of political society, civil, economic, military and religious, were murdered.

Following to those down massacres, and in many areas of the country, without consultation or communication, Hutus sought revenge on every Tutsi simply because the Hutu president was killed by the so-called “monoethnic Tutsi army”. At the same time, squadrons of the national forces will furrow the country to not only liberate Tutsi hostages in some more burning villages but also to stop the killings. Repression by the army will be so bloody that most people resolved to take the path of exile.

Recruitment

Then, the formation of armed groups in various areas of the country began. In fact, people having seen that they had to defend themselves from killings led by the army, constituted self defence groupings, supported by soldiers who had left their barracks or military training centers. These had deserted their military units with their weapons which will constitute the first arsenal for a future rebellion. The next step was the recruitment. Recruitment was so easy for people who were already furious: on the one hand, the president was killed together with the elite; on the other hand, the army was chasing persons who were accused of having killed Tutsis in revenge to the assassination. Therefore, recruitment was conducted throughout and outside the country, particularly in the DR Congo and Tanzania refugee camps.

Refugee camps in Congo were only at less than five kilometers from the border between the two countries, whereas the distance between the refugee settlements in Tanzania and the border with Burundi was about twenty kilometers. Therefore, refugees including recruits could easily crisscross the borders for various objectives. Further, younger refugees were easy to crystallize. Not only they have nothing to do in the camp, but also reports from...

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the battlefield said that combatants were having enough to eat and have a lot of money from pillages. Moreover, when the frontiers are not protected by the host country’s defence forces or police, those movements become so common that even the spoils of war will be bought and sold in, which sometimes may also cause diplomatic problems between the refugees’ host and home nations.

Nevertheless, lack of administration, disorder and corruption in the Congolese defence force (formerly called Forces Armées Zaïroises: FAZ), and the long distance of the Tanzanian border facing Burundi, facilitated much shuttles from the battlefields in Burundi and the refugee camps. The trend was so high that pillage goods including row coffee and tea, and mostly rustled cattle were openly crossing the borders and to be sold so as to constitute funds and material equipment for the combatants.

The attack

Attacks had already begun in various areas of the country, but seemingly, there was no coordination between the armed groups. Even the army never considered them as serious bands despite the fact that they owned some fire arms in addition to traditional weapons including machetes, spears, cudgels, bows and arrows. Moreover, these groups were attacking and destroying public infrastructures such as roads, preventing the army to patrol all areas of the country. Therefore, it was simple for the recruits from the refugee camps to join the dance in the country.

The advantage of having refugee camps in the proximity is that it serves as a rear base for the combatants. On the one hand, it is an inexhaustible source of recruitment, as the campaign agents go on convincing people on the fight; on the other hand, casualties are taken there for medical treatment. Besides, those who feel whether bored or tired go to take a rest there and will join the battle when they feel they wish. The other advantage of a refugee camp not far from the border of the battle field is that refugees contribute to the battle in food, material and money because these people are supposed to understand the motives of the fight which would guarantee them to recover the paradise lost.

Conclusion

From facts and gestures observed above, there is no doubt that refugee camps constitute a very important nursery for individuals ready to commit crimes back home. The cross border movements are facilitated by many factors including the proximity of the settlement, good social relationships between the refugees and the citizens of the host nation, lack of security forces all along
the borders between the two states, bad administration on the side of the host nation as in the case of the Eastern part of the Democratic Republic of the Congo, but most of all, movements become easier if the host nation closes its eyes, if not facilitates those shuttles for diverse interests or simple sympathy.

Recommendations

As war is unavoidable, people have to make every effort to manage conflicts as they arise in a society. It is also assumed that fire calls on fire, and in that optic, peaceful settlement of conflict is the better way to resolve it and avoid continuously shedding blood of innocent people. Stakeholders of management of refugees have to handle this issue with both hands. They include the host nation which has to receive unfortunate fugitives in respect with the Convention related to the Status of Refugees, and the good culture of hospitality and generosity. It should also protect its borders to avoid cross border movements in the sense of good neighborhood with the sending nation. On the other hand, the UNHCR has to avoid the double standard policy where African refugees are left to themselves, with their poverty and ignorance. Women and children rights shall also be fully protected over there. Specifically, if schools open for younger persons, this would prevent them for joining rebellions.

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Convention relating to the Status of Refugees, Art 1, 1951.


Part 3
Society and Development
GLOBALIZATION IN THE CONTEMPORARY WORLD

Col. J. M. Mlula - Tanzania Peoples Defence Forces

Introduction

Globalization is the most talk-about issues in the 21st century. However, there is the intricacy of the countries to come up with a single and uniform definition. This is because, people doubt if the deeds today is as a result of globalization. In addition, man’s activities on the globe are all located under these sectors. Taking from the works of Marx’s dependence theory, in his world systems theory where he developed a theoretical framework to appreciate the historical changes involved in the increase of globalization. In the text, “Globalization as a Problem” in The Globalization Reader says ‘globalization as a concept refers both to the compression of the world and the strengthening of realization of the humankind as a whole” Cited in Frank Lechner and John Boli.

Types of Globalization

Globalization is considered as an important phenomenon because it touches all domains of life, like culture, politics, economics and ecology. Therefore, it has primarily of four types, namely, trade and industry following conservation as well as cultural. Economic Globalization This type of Globalization begun in the past with trading between nations, but it increased in the previous two decades, as Laura La Bella wrote “Economic Globalization have been stirring for several thousand years, but it has begun to occur at increased rate more than the previous twenty to thirty years” i.e. globalization of economy reached its edge in the 20th century. This recent boom made the economies of developed countries partnering with other developed countries. Also, here are some countries that cannot produce enough products which are of necessity, thus they have to buy them from other countries. The flow of economic globalization can be measured by looking at the four categories: The imported and exported merchandise with goods in the entire world. Migration to hunt jobs in other country. The financial is just single of the various types of this phenomenon, as it has other important ones such as the political globalization.

1 Barlow, Maude. (2013). Forging a Moral Alternative to Global Corporate Rule. Catholic New Times, 24 June:
Political Globalization

The subsequent type of globalization is the political globalization which is defined by Laura La Bella as “political globalization is how governments from different countries get along with one another”. There are countries which are friendly with America and others which are not like Iraq, Iran. Thus, political globalization can be seen by the act of worldwide organizations. The advance in inventions and technology such e.g. mobiles and internet help in globalizing politics, through relationships between countries. By doing so, countries can protect themselves against enemies by the appropriate politics they followed. Cultural Globalization educational globalization is to transmit of thoughts include values around the continents to create strong social relations. This purpose is realized from the current generation by the common consumption of cultures that have been dispersed by the media, international travel and internet.\(^2\) Even colonization and commodity exchange helped a lot the circulation of cultures. As a result, the social relationship of individuals extended across national and regional borders.

Cultural globalization

Cultural globalization is based on communal norm and information of people. It enables different cultures and populations to interconnect. Big Macs are found in all countries, in order to make consumers enjoy the same burgers and nuggets regardless of their locations. Hence, Consumers, despite their nationalities, they developed a spreading unified taste for hamburgers and even of drinking like Coca Cola and Pepsi which became international and demanded by individuals in all over the world. Globalization reaches all domains to create its own types including culture, politics and even the ecosystems and environment.

Ecological Globalization

This type of globalization simply refers to the international ecological issues. It includes different topics such as global environmental degradation, population growth, the gap between fortunate and the less fortunate. The ecosystems which i.e. all of the living things in a given area, interacting with people and even with non-living environments (weather, earth, sun), exchanging materials through the movement of air, and the migration of animals. The interesting is that the connectivity among the ecosystems as based on animals and plants or the non-livings but it is also driven by people. For ecologists, this movement

caused the green lash, because when these materials are introduced into new environment, the result is altering existing cycles of nutrients and materials. Therefore, the accurate predictions of future ecological change are based on understanding the patterns of connectivity into ecosystems.

**Ideological Globalization**

This type is very important because it is the moving of ideologies from country to country to be adopted by people. However, ideologies can be defined as in human societies, but in the modern society they become explicit. Since the 18th century, they have been increasingly distinguished from religion. Ideologies create knowledge about society. This knowledge is based and distorted in agreement with the benefit of certain groups in society. Therefore, some ideology that become global to dominate the world and this is known as ideological Globalization which makes us understand the society.³ The fall down of the Soviet Union has led to the US control of the global system and international relations. This provides the US with many opportunities to protect its own national interests widely and to challenge intercontinental authority through marginalizing the role of the United Nations and ignoring the international law. Power and interests become the main characteristics of interstate interactions. In this, globalization is a source of social unsteadiness and class disparity. Globalization, motivated by economic and technologic progress, has also popularized a shopper culture among people due to the flow of goods and products. Since the desire to consume more and more can never really be satisfied, the consumer becomes addicted to shopping to a point where the spiritual, moral and intellectual dimensions of his/her personality do not grow or develop.

**Globalization tools**

There are many tools by which globalization is being promoted and enhanced. But the most important instruments influencing this process are the multinational corporation and the new revolution of information technology. International corporations are main instruments of globalization. They possess huge capitals and assets.⁴ Their activities usually leave serious effects on many host economies; they even sometime create civil unrests.

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⁴ Ibid, p7
Globalization as Rehabilitating Human Life

With the end of the Cold War, liberalist nations have become more interested in promoting the free trade principle, where market mechanisms must be dominant, and governments must not interfere in economic activities.

Effects of Globalization

There are some positive effects brought with the process of globalization: Globalization has made communication much easier and less costly than before. The number of users of the Internet are now becoming more extremely. The potential for people of different communities, countries, cultures and religions to know and understand one another is more than ever before. All these aspects promote globally certain common values such as equality, human rights, justice, democracy and moral values. Another fact of this problem is that most users of Internet are adults and they waste a lot of time using the Internet for unnecessary purposes. Studies show that the number of adults and young people who use the internet to google materials that are increasing in particular among schools and universities are students. The failing of the Soviet Union has led to the US control of the universe and international relations. Globalization as an economic movement has significant effect on national and universe economies. Although many trade unions were established and many industrial and economic nations have emerged as a response to this process, the rules of this process have contributed to the failure of many national economies. The free economy and the development of technology have negative impact on laborers. This aspect could eventually create what is called “standardized global culture” and, therefore, lead to the decline of diversity and variety among peoples.5

Conclusion

Globalization emerged as a financial occurrence in the 1960s. But with the development of communications and the vast industrial rebellion brought by liberal systems, it has become an extension to the world capitalism, which seeks to create a liberal global society within which liberal values prevail. Therefore, injustices and inequalities associated with this process, and its various consequences on societies, religions, cultures, moral systems, and even sciences, could undermine its claim that it is a harbinger of a new age of global solidarity.

GLOBALIZATION IN THE CONTEMPORARY WORLD

References


MILITARY POWER vs ECONOMIC POWER

Col. M. Musukwa - Zambia Army

There is no single state in the world that is endowed with all the human and natural resources necessary for its sustenance and existence. This deficiency generates the need for every state to interact with other states and organisations, while exerting influence to a lesser or greater extent in various sectors. This interaction can take many forms however, every state is faced with two unavoidable choices to make. Whether to define its interactions with other states and organizations based on military power or economic power. The way in which a state responds to these mandatory prompts of choice determines the effectiveness of its interactions in the international arena and the welfare of its citizens respectively. Several countries have encountered serious challenges in the past either by the abuse of military clout or the lack of it. The absence of economic power or the presence of it has equally not been short of negative consequences. Therefore, it becomes important to examine the power balance between military strength and economic strength when countries are engaged in relations in the international scene. The mere fact that the welfare of citizens in a state partially rests on the kind and effectiveness of international interactions, justifies the comparison of military power versus economic power in international relations (IR).

Keohane defines power as the ability of an actor to get others to do something they otherwise would not do (and at an acceptable cost to the actor).1 While Merriam Webster defines power as possession of control, authority, or influence over others.2 According to the Oxford dictionary, power is the ability or capacity to do something or act in a particular way.3 Whichever definition is adopted, it is acknowledged that power is an important component of humans and interactions, its manifestations are found in every sphere of life, from interpersonal relations through political, economic relations, to religious, and military disputes. Traditionally, power was measured by such criterion in terms of how big the population is, the territory, natural resources, trade and industrial base, military force and societal stability. Over the years, this trend has evolved were the balance of symbols of power in the global system has shifted to focus mainly on military and economic strength. Modern discourse generally refers to power in terms of state power, indicating both

2 Merriam Webster Student Dictionary
3 Oxford Dictionary
economic and military power. On the other hand, J. Graham defines military power as the capacity to use force or the threat of force to influence other states.\textsuperscript{4} Components of military power include quality large numbers of military personnel and skilled training, combat equipment and weaponry, organization, readiness, deployment and morale. It can be classified as hard power because more often than not, it involves the physical application of military material and use of coercion to achieve effectiveness. Economic power referred to where state uses its economic capacity to influence other states to its liking and advantage. What constitute economic power is usually a vibrant economic base, abundant natural resources, advanced technology, improved health delivery system, good education system and strategic geographic position of the state. It can also be classified as soft power because of its ability to attract other states without coercion.\textsuperscript{5}

From the numerous definitions of power, it is evident that power, whether economic or military is about the impact or change it effects, particularly with regard to international relations. The significance of military and economic power in IR cannot be overemphasized; however the long standing history of discussions and studies concerning the roles, impact and superiority of either military or economic power in IR is still under contention. Scholars disagree as regards to the roles and impact of power, and also with respect to the nature of power that is dominant in IR.

Military power helps to shape the behavior of states towards one another by acting as a deterrent to conflict. Enemy states are more likely to reconsider attacking or invading states that are militarily strong. It also helps to resolve international conflicts and maintain humanitarian supremacy as it is called upon to participate in peacekeeping operations. In today’s globalized world, markets and economic power depends upon political structures that in turn are governed by not only upon rules, institutions, and relationships, but also on the management of coercive or military power. I posit that a well-ordered modern state is one that holds a domination on the authentic use of military power, and that allows domestic markets to operate freely. In most countries, the military is equipped with such resources enough to run the affairs of the country in the event that civil government crumbles. Military power also plays very significant roles in natural disaster management and rescue missions.


Baldwin and Wagner postulate that the privileged place of military power in the study of IR and politics is demonstrated and reinforced by references to the importance of force to international politics. Even Keohane who criticised the traditional emphasis on military force or power depict force as dominating other means of power in IR. On the other hand, other scholars argue that economic power is the main determining factor in matters of interaction between states. Therefore, a stable economy comes out most prominently in a nation’s power potential and consequently in its security calculus. Economic power translates to negotiating power in IR. The United States of America (USA) is able to influence many decisions in the United Nations (UN) Organisation because of its economic power. On the other hand, African countries combined do not match America’s influence in UN and international politics as a whole due to lack of economic punch. It is usually argued that power of economic numbers is the one that makes countries powerful and able to command respect in the international system. A country on which sanctions are imposed is more likely to sustain itself if it is economically powerful and also the opposite may be true for the weak economy. Zimbabwe and Russia are two countries on whom sanctions have been imposed and the resulting poverty and devastation in Zimbabwe can never be equated to Russia’s stability even when both countries were subjected to economic sanctions by the international community over years. This is particularly because the state of Russia’s economy prior to the sanctions was much better than that of Zimbabwe. When a country’s economy is weak, its citizens care more about sourcing food for themselves than engaging in international interactions with citizen of other states. In this manner economic power becomes a major determinant in IR.

According to James Graham in his article “Military Power Versus Economic Power in History”, throughout history military power has been paramount to most states and economic power as a luxury. However, in the last century, this has slowly changed to the point that the two roles have been reversed. Countries like China and the US have relied on their economic prosperity to finance formidable military forces. Conversely the Russia, North Korea have continued to rely on their military to increase their economic powers with little or limited success.

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This view purports that historically, military power was more dominant than economic power, while in modern times economic power has taken a leading role, however it can be argued that the supremacy of one power over another in IR is not necessarily dependent on the time factor, but on the context in which power is exercised and the circumstances necessitating the use of power. This is evident in the case of Russia’s relative success in the recent past in increasing its international influence in world politics by either using or threatening to use military strength on other states. Another example of dominant military power in modern times is North Korea which has heavily invested in increasing its military strength and has so far succeeded through military propaganda to keep her enemies at bay and gain international recognition.

It is a known fact that military equipment/weapons, a fundamental factor in military power can be purchased from a range of countries. Russia, Israel and China are some of the states that are willing to sell their hardware to any state in the world as long as it has the means. The US, Japan and other European countries are choosier in the countries they will sell to, though still being big arms exporters. It is my view that states with economic power can easily obtain military equipment as these military materiel and hardware are very expensive. States with economic power can produce both soft power and hard power. A successful economic model can not only finance the military resources needed for the exercise of military power, but it can also satisfy its own needs. As a matter of fact, the super powers in human history gained their distinctions on the basis of the power of their Gross Domestic Product; the power to sustain military might. Without a robust and growing economy, the military power comes to a halt. The use of military power to gain economic advantage is not without disadvantages and short comings. At the close of World War era both the US and the USSR found themselves in parallel state of affairs of military and economic power. Both reached at this position largely through converting their economic resources into military resources during the war. The two super power’s actions in the next fifty years made an interesting comparison. The US’s continued military domination survived until the mid-1970s. During this decade, US faced a major military defeat in Vietnam but more importantly its economy stagnated, and with a stagnating economy the US could not increase the amount it spent on its military forces without serious domestic difficulties and political pressure. Only when the economy picked up during the 1980s did the US resume increasing its military power. Under the Reagan administration from 1981 to 1989 the US increased its military expenditure significantly and commenced the key Strategic Defence Initiative (SDI). This venture threatened to drastically alter the balance of power between the US and the USSR by
rendering Soviet intercontinental nuclear missiles ineffective by means of a nationwide anti-missile system. Under this strategy the US not only used economic power for conversion purposes but also as a military weapon in itself to maintain the balance of power and deter its number one adversary, the Soviet Union from attacking it.\(^8\)

On the other part, the Soviet Union engaged a more unstable strategy towards the growth of its military power. The military segment of the economy accounted for twenty five percent of the Soviet Union’s gross national product and half of all its manufacturing was devoted to the military. This attitude downgraded the expansion of economic power to a second order priority. While this stratagem worked okay for close to thirty years in the long run it was a failure.\(^9\) It therefore follows that military power must be used with moderation because it has the potential to severely drain economic power. Every state needs to strike a balance between military power and economic power. Military embargoes did however allow the Soviet Union to maintain and prolong its economic power. Soviet troops kept Eastern Europe under Soviet control and enhanced its influence in the Soviet economic block for an additional twenty years. As the Soviet Union collapsed Russia was faced with the task of converting its military industries to civilian production. The physical conversion of military power to economic power is unendurably expensive and hard to achieve. Iraq is another example of a country that was also able to convert much of its economic wealth earned largely from oil revenues into increasing its military power. However, Iraq’s attempt to use this military power to further increase its economic power was a complete disaster. Its invasion and incorporation of Kuwait were swiftly condemned by the nations of the world who defeated Iraq and threw its forces out of Kuwait and later on saw the end of Saddam Hussein being in power.

Political observers have long deliberated whether economic or military power is more fundamental. The Marxist belief casts economics as the primary structure foundation of power, and political organizations/institutions as mere super structures, an assumption shared by nineteenth century liberals who believed that the growing interdependence in trade and finance would make war obsolete. But, while Britain and Germany were each other’s most significant trading partners in 1914, this did not prevent a clash that set back global economic integration for a half-century. I wish to note that economic resources are becoming more and more important in this century than ever before, but one could make a mistake to write off the role of military power.

\(^8\) [http://www.pbs.org/wgbh/americ,accessed on 15.10.16](http://www.pbs.org/wgbh/americ)

\(^9\) Ibid
MILITARY POWER vs ECONOMIC POWER

As US President Barack Obama said when accepting the Nobel Peace Prize in 2009, “We must begin by acknowledging the hard truth that we will not eradicate violent conflict in our lifetimes. There will be times when nations acting individually or in concert will find the use of force not only necessary but morally justified.”\(^{10}\) Even if the probability of the use of force among states, or of threats of its use, is lower now than in earlier eras, the high impact of war leads rational actors to purchase expensive military insurance. If China’s hard power worries its neighbors, then they are likely to pursue such insurance policies, and the US is likely to be the major supplier. This leads to a larger point about the role of military power. Some analysts argue that military power is of such restricted utility, that it is no longer the decisive gauging rod for power.

Today, China and the US are highly interdependent economically, but many analysts misunderstand the implications of this for power politics. While it is true that China could bring down the economy of the US by threatening to sell its dollar holdings, doing so would not only reduce the value of its reserves as the dollar weakens; it would also jeopardize US demand for Chinese imports leading to job losses and instability in China. In other words, bringing the US economy down might well mean that China would also go down together with the US. Judging whether economic interdependence produces power requires looking at the balance of asymmetries. In this case, it resembles a “balance of financial terror,” analogous to the cold war military interdependence in which the US and the Soviet Union had the potential to destroy each other in a nuclear exchange. Two world powers with two distinctly different political philosophies have proceeded in world affairs on strikingly different courses. China has preferred to flex its economic strength while America’s strategy is based on using military supremacy in pursuit of its agenda. China has been active in recent years in establishing relationships with nations all over the world, including Russia, Iran, Venezuela, Brazil and several African States.

The two principal forms of power in IR are military power and economic power. While the role and speed with which military power achieves, results cannot be ignored, it is evident from the above discussion and my personal opinion that economic power is a more generic form of power without which military power eventually becomes unsustainable. It is easy to convert economic power into military power, but conversion of military power into economic power is an extremely difficult task.

However, in a few circumstances the two forms of power are interdependent. Therefore, I can argue and posit that economic power matters the most in IR than Military power though the two are interdependent.

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CORRUPTION AS A THREAT TO NATIONAL SECURITY

Col. M. M. Nkgapha - Botswana Defence Force

Introduction

Nowadays, threats to national security extend well beyond a handful of hostile states. These include terrorism, proliferation of weapons and small arms, global economic crisis, infectious diseases, human and drugs trafficking, climate change and environmental degradation. In recent times, corruption is also becoming a worldwide security threat to most countries.

Many citizens are denied the basic necessities from the common wealth of their nation’s resources owing to high levels of corruption that is ravaging many countries. According to Ullman, threat to national security is an action or sequence of events that threatens drastically and over a relatively brief span of time to degrade the quality of life for the inhabitants of a state, and further limits the policy options that can be made available to either government or non – government entities to provide for their citizens.

The above assertion clearly shows the social evils associated with uncontrolled corruption which affects mostly those who are dependent upon the state to support them. Acute corruption should be understood to be a complete failure by the government to establish credible institutions in order to avoid or prevent certain individuals to use selected offices that they occupy to benefit from specific revenue streams by usurping what does not belong to them. This revenue is mostly being siphoned for personal use thereby foregoing other beneficial and economic activities that could have being realized for the smooth running of the state. Such conduct usually brings indignation in populations often resulting in other social ills. It also contributes to other international security threats, such as transnational organized crimes which are a breeding ground for criminal activities that permeate international borders and causes acute economic disruptions. Corruption coupled with other risk factors, such as: ethnic, religious, or linguistic rifts in a population brings with them certain economic disparities that are likely to heighten and brings instability to many states.

4 Ibid
Over time, a number of indices that measures corruption levels are used to assess the magnitude of the problem across the globe. These measurement indices range from the widely used indicators such as Transparency International (TI), Corruption Perception Index (CPI), the World Bank’s Worldwide Governance Indicators (WGI), and other assessment tools like TI’s Global Corruption Barometer and Global Integrity Index. Some of the reports on corruption emanate from these indices and are used to indicate the ranking levels of corruption. This article seeks to discuss corruption as a threat and how it impacts on different economies of the world.

Concepts of Corruption and National Security

There are various definitions relating to what corruption is. Corruption can mean the utilisation of official position or title for personal or private gain, either on an individual or collective basis or at the expense of the public good which violates established rules and norms guiding the conduct of behaviour. It is usually done through direct or indirect participation of one or more public officials whether they are politicians or bureaucrats. It can also be defined as a fraudulent or unlawful act, especially of people in authority.

According to El-Rufai, corruption is viewed as a wide range of social ills which include fraud, extortion, embezzlement, bribery, nepotism, influence peddling, bestowing of favour to friends, rigging of elections, abuse of public property, the leaking of government secrets, and sale of expired and defective goods such as drugs, food, and electronic gadgets to the public and so on. This kind of observation seems to be applicable in many countries because there is sufficient evidence from available literature that points to the above social ills and has seriously impacted on many spheres of life across the globe.

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It is also perceived that corruption can lead to the erosion of the state’s ability to provide social services to its citizens thereby undermining human security needs. This results in limiting such individual’s choices of fully utilizing the social services that the state ought to provide as its social contract responsibility. It can be argued that, it is fuelled by lack of good governance as opposed to what Kempe and Bornwell has observed as a system of governance that is free of abuse and corruption and pays due regard to the rule of law.

The above assertion is in agreement with what El-Rufai came up with. It is preferred to others since it talks of using official position or title for personal or private gain by persons in positions of authority. These concerned individuals either use their position or title for personal or private gain, either on an individual capacity and this is shamelessly done at the expense of public good thus denying the citizens from benefiting from their country’s wealth.

The Transparency International’s Corruption Perception Index ranks countries in terms of the degree to which corruption is perceived to exist among different countries and also draws on corruption related data from expert and business surveys carried out by a variety of independent and reputable institutions. These countries are evaluated on a scale of zero to ten, with zero representing very high levels of corruption while ten represents no corruption. The lower ranked countries in the index are normally plagued by untrustworthy and badly functioning public institutions while higher ranking ones tend to have a higher degree of press freedom, access to information about public expenditure, stronger standards of integrity for public officials and independent judicial systems. These tools of measurement are used to either deny or affirm existence of threat to a country’s national security owing to corruption.

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10 Kempe and Bornwell, 2000. op cit
11 Ibid
13 Ibid
14 Ibid
Concept of National Security

The concept of national security is also a highly-contested issue even though there are many definitions attributed to it.\textsuperscript{15} It therefore, means that security is an absence of threat.\textsuperscript{16} It has also been defined as mostly associated with the alleviation of threats to cherished norms and values; especially those which, if left unchecked, might threaten the survival of any state. It is William’s definition of security that is considered since it is all encompassing as it can apply to both national security and human security and notwithstanding other forms of security.\textsuperscript{17}

Some writers perceive national security concepts to be based on the analysis of values and interests of both internal and external security threats and challenges which leads to authoritative definition of policy priorities. MacFarlane attributes the weaknesses of the concept of national security to be both an internal and external nature in that it touches on the following economic issues: the sustainability of the growth plan, poverty and unemployment, concerns over personal and family well-being, unequal distribution of economic gains and political concerns and often leading to more frustrations among the populace.\textsuperscript{18} To this end, economic and development issues need to be given more attention so as to ensure the security and prosperity of all citizens.

Relationship between Corruption and National Security

According to Kempe and Bornwell, human security can only be achieved where public participation and accountability by the government to the citizenry are held as paramount and can be reinforced through credible, transparent and accountable systems.\textsuperscript{19} Corruption erodes the prospect of accountability which is evidenced by the leadership’s failure to account to their subjects. This behaviour is the one that normally leads to revolutions and high crime rates within countries thereby threatening their national security.

\textsuperscript{17} Williams, P.D, (2009), Security Studies: An Introduction, London and New York, Routledge.
\textsuperscript{19} Kempe, R.H. and Bornwell, C.C., (2010), Public Management Review, Routledge, p.5.
Corruption produces negative consequences of an economic, political and administrative nature. It is these consequences that either individually or collectively, impede the process of development in Africa. These consequences are a source of instability because individuals become frustrated as a result of lack of development that seeks to improve their lives and leaves the citizens with no option but to lose trust in the government institutions. For instance, in countries like Ghana, the dissatisfaction of citizens with the government’s corruption record was reflected in their voting at the polls. South Africa which continues to be stagnating in one position of the Transparency Corruption Index year in and out has also witnessed the same. The Democratic Republic of Congo and Gambia which both experienced a decline of election results further demonstrate how electoral processes are tremendously being challenged due to corrupt practices that are prevalent in these countries.

Conclusion

It is important to note that no country is completely immune from corruption and that its adverse effects has negatively impacted the national security environment. It can also be argued that corruption is detrimental to human security in the sense that if left unchecked, it can be catastrophic for any state. Corruption flourishes best where the criminal justice system and government accountability institutions are weak. Corruption creates socio-economic imbalance making the weak and poor feel disillusioned and prone to retaliatory measures often violent in nature. It has also contributed to financial and economic collapse of countries with the poor being the most affected.

It now, calls for African leaders that wish to be elected into office to come up with an “anti-corruption ticket” that will facilitate them to deliver corruption free services to their electorates. They must endeavour by all means to commit themselves to principles of good governance, democracy and respect for the rule of law for them to have the support of their citizens. This includes amongst others, strengthening the institutions that can hold them accountable by adopting electoral systems that accept the will of the voters as well as allowing citizens to either re-elect them or freely choose an alternative without fear.
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“RESURGENCE OF ENTREPRENEURS OF VIOLENCE AND THE FUTURE OF NATIONAL CONVENTIONAL ARMIES”

Col. J. O. Ondieki - Kenya Army

Introduction

The private military firms (PMFs) industry has exponentially grown over the years, flattering a globally distinct and progressively pertinent marvel in protection and security provision. Increased participation of these organizations in conflicts and their active involvement in combat clearly demonstrates a shift in war from the traditional confrontation between conventional armies of belligerent states to private sector security providers either from within or outside the contracting country; an undertaking that may in the long run render the national armies of countries irrelevant.

PMFs provide a variety of services, all geared towards satisfying or addressing the client’s needs. The services range from providing instructions to a warlord’s militia group so as to enable the militia attain desired client objectives, provision of logistics support to a country’s national army or the actual engagement in combat on behalf of the client. For instance, an economically strong and developed country could use private military firms (PMFs) to evade placing its individual national armed forces, equipment and materiel at risk. Similarly, a country can also seek support of distant friendly foreign armed forces to assist in training, consultancy services or equipment provision. Extensive use of PMFs in Afghanistan and Iraq by the United States of America clearly demonstrates the fast emergence of PMFs in the security arena globally.

Use of PMFs is not a new phenomenon per se considering that private armies motivated by money and loyal to no single government was the norm in the olden days where for example local feudal lords would hire their own armies to fight battles on their behalf in exchange for money and permission to loot the enemy’s resources. Such private armies comprised of mercenaries or privateers that mostly were of the same ethnicity. The privateers’ common identity in terms of culture and ethnicity that time is an argument that still holds in today’s private security provision arrangements.

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A typical case in mind is the company providing security to the Vatican whose majority of the guards comprise Swiss nationals.

It is with modernisation that national and conventional armies were created to defend the people or the nation. However, establishment of national armies did not bring to an end the existence and/or use of private armies and mercenaries. In essence, what happened is that private armies and mercenaries continued providing their services albeit clandestinely as they lost their legitimacy.

Today, open use of services provided by private firms by strong economies in an endeavour to protect their internal and external interest is proof that the practice is gradually gaining prominence. The big question that this article seeks to answer is why are PMFs on the obverse line of modern global security and what future do they portend for the national conventional armies? In answering this question, an explanation of the emergence and the functions of private security providers is necessary.

Private Military firms have for a long time been part of the history of conflict since classical Greece and Roman wars. However, in the course of time, ethical disfavour and suspicion has been levelled at them. But why has this been the case? Why have those irregular militaries been demonized and branded as the ‘bad guys’ and not the regular military yet what they do is basically the same – orchestration of violence?

The history and roots of PMFs have not been extensively studied. Nonetheless, Peter Singer in his book “Corporate warriors; the rise of Privatized Military Industry” gives an account of their emergence which he associates with the political class’ use of force for private gain. Singer further postulate that the rationale for accepting or objecting to the industry should come from the actions of individual players (firm/company) in the industry instead of the wholesome condemnation of the entire industry.

PMFs differ from one another and serve a diverse market in terms of the facilities and services they provide resulting in their categorization into three different kinds of groups (according to the range of service and level of force that they offer). The three different categories are force providing firms, consultancy services providing firms and logistics support providing firms. Proceeding further with the discussion, the three classifications have

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3 Peter W Singer, *Corporate Warriors, the privatized military industry*, (Ithaca, NY, Cornel University Press, 2003), P.16

4 Ibid.
been regrouped into two dissimilar groups, namely battle delivery and non-combat provision PMFs. The differentiation was found necessary in the light of espousing their status under International Humanitarian Law (IHL).

Mary Kaldor in her book “New and old wars: Organized Violence in a Global Era”\(^5\) provides comprehensive and illuminating analysis of widespread contemporary forms of war. She goes on to qualify the ‘new forms of war’ as being informed by a political-economic approach. She further argues that this is part of a new political economy of war in which a range of new militaries comprising of the decaying remnants of state armies, para-military groups (often financed by governments), self defence units, mercenaries and international troops engage in entrepreneurial violence.

**Theoretical Orientation**

Realism theory postulates that the primary objective of every state is to promote the “national interest” which is defined as the acquisition of power based on prudence, expediency and survival. In this regard, the theory is found relevant in extrapolating the concept of private military firms’ emergence. However, a word of caution on the over-reliance on allies and “entrepreneurs of violence” otherwise referred to as private security providers is sounded in equal measure in parts of this article on the grounds that the loyalty and reliability of those allies or PMFs should not be assumed.

**Emerging trend towards the privatization of security**

Private military firms (PMFs) are not a new marvel. Previously, these subject entities, now masked in the face of business entrepreneurs, had a reputation of posing more worry than their contribution. In recent times, PMFs have been bulging in the social media in one way or another. In the global arena for example, throughout April 2004, a private security providing entity was reported to have taken part in defensive battle with the coalition forces in Najaf - Iraq. The PMF used a privately-owned helicopter to re-supply the overwhelmed regular military workers with ammunition and to evacuate injured US Marines.\(^6\) The revelation was not astonishing considering that PMFs formed ‘the second largest armed group on the United States side’ after the US military.\(^7\) Similarly, it is reported that the US military hired an

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\(^7\) Ibid
estimated 15,000 private security personnel for the operation translating to about one for every ten (10) US soldiers.⁸

Moving closer to Africa, a court of law in Zimbabwe sentenced a British citizen to seven years in custody for trying to purchase weapons for use in an attempted military overthrow of a popularly elected government by a PMF in Equatorial Guinea.⁹

The motivating factor to this ancient phenomenon of offering security for sale which in the old traditional set up was and ought to have been the responsibility of the state is as a result of the inability of many recovering war-stricken states to deliver security inside their territories.¹⁰ In many instances war and other insecurity issues have led to the corrosion and failure of national safety structures globally. This in turn brings about challenges particularly for Non-Governmental organizations (NGOs) resulting in their resorting to the use of PMFs in executing their humanitarian assignments, delivering aid and assisting the local communities. To this end an interrogation on the interface between security and state responsibility is paramount. The subject of PMFs in my view has been exacerbated by reduction in numbers of national armies following the end of the cold war coupled with the collapse of the United Socialist Soviet Republic (USSR) resulting in availability of small arms and light weapons thereby facilitating breeding prevalence and mushrooming war entrepreneurs. Further, the appearance of PMFs may be associated with the leading privatization philosophy fashion in many industrialized countries.

Security cost reduction

The basis for privatization of war (security) has been to improve attrition through evasion of placing a state’s individual national armed forces, equipment and materiel at risk thereby reducing costs in Public expenditure.¹¹ Although this philosophy was previously limited to basic consumer services such as electricity supply, telecommunications and gas, the trend is slowly but gradually cascading to all sectors including the military which require massive budgetary allocations for military equipment and materiel acquisition

¹¹ David Law, Marina Caparini and Moncef Kartas, Private Military Companie (PMCs): Are PMCs more cost-effective than the military? The Geneva Centre for the Democratic Control of Armed Forces (DCAF) Back grounder, April 2006 accessed on www.dcaf.ch/publications/backgrounders.
alongside the human resource recruitment, training, remuneration as well as funding of welfare schemes meant to motivate and retain the soldier. Similarly, as alluded to before, use of PMFs has been witnessed in multilateral peacekeeping operations, performing benign functions such as logistical and other support services rather than those of a security or military nature. In addition, the trend towards outsourcing security services so as to limit costs and manage risks has led to a number of states moving towards use of PMFs in place of national armed forces.12

Criticisms on Utilization of Private Military Firms

One of the problems with a discourse on PMFs is the crowdedness of terms, concepts and the resultant absence of clarity in definitions. It is therefore against this backdrop that this article found it necessary to highlight how existing international instruments such as the First Additional Protocol to the Geneva Conventions 1977 which is an ammendment to the Geneva conventions that lays down detailed humanitarian rules that apply in civil wars, the Organization of African Unity and the UN Convention on Mercenaries have caused a degree of improbability on the topic. This article asserts that, PMFs are profitable entities in possession of diverse military/armed skill sets and competences hence they are not mere security guards. Moreover, they comprise secluded military services providers who offer a variety of practical know-how to fuel or actively maintain increasingly complex arms systems, such as unmanned midair cars and combat helicopters.

Another principal criticism on the use of PMFs is attributed to the delivery of poor quality service in the military field particularly in tense security environments due to their lack of will power and motivation. Private military firms’ employees are drawn from different parts of the world/ country other than the conflict state. Their basic motivation in the undertaking is the economic (monetary) gains envisaged to accrue upon completion of the assignment of service provision in battle with the adversary. In this regard the PMFs manoeuvres in the field will be superficial and merely suppressive in nature thereby not addressing the real issues critical to the concusive termination of the conflict. The third criticism is in the composition of the fighting elements which sometimes arise from multiplicity. Though not recommended at all, both public and private militaries may find themselves on one side of battle yet they do not have similar capabilities in terms of training, weapon systems and

12 David Law, Marina Caparini and Moncef Kartas, Private Military Companie (PMCs): Are PMCs more cost-effective than the military? The Geneva Centre for the Democratic Control of Armed Forces (DCAF) Back grounder, April 2006 accessed on www.dcaf.ch/publications/backgrounders.
compelling urge (impartiality) to fight. Similarly, an element of collusion may also arise between the PMFs and their adversaries given that the contracted PMFs have no compelling desire, drive or cause of completing the undertaking concussively as their only motivation is money.

Another element of criticism in PMFs employment is their poor training or no training at all on international humanitarian law. This is as a result of only few PMF employees being permanent while the majority is hired on short term basis or as need arises. Additionally, private military company personnel cannot be easily categorized as either combatants or non-combatants considering that their positions depend on factors such as the nature of contract and their level of integration within the structure of the public armed forces incorporated in the operations.

Last is the issue of accountability of actions. PMFs are amorphous and it becomes extremely difficult to hold any one accountable of violation and breaking of human rights rules and regulations whilst executing war on behalf of their client.

Conclusion

Globalization of the world economy and reduction of states’ regular militaries are the reasons behind the increasing growth of war entrepreneurship. The traditional inter-state confrontations that had formal declarations and aimed at inflicting physical violence within specific norms and regulations have nearly vanished. In its place, today, are low strength prosecutions of violence through use of either decaying remnants of state armies, Para military groups often financed by governments, self-defense units, mercenaries or private armies comprising of different nationalities. Private military and security companies are increasingly providing a number of services some with devastating effects including systematic killings of non-combatants, population expulsion (also known as ethnic cleansing) and rendering areas uninhabitable.

The activities of private military and security companies often blur the distinctions between what is public and private, the statute of the individual in situations of armed conflict whether civilian or combatant, the type of organization the individual is working for whether nonprofit humanitarian or a profit security with a humanitarian tag, what is active or passive security besides whether the activity is combat or guarding.

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15 Ibid.
In spite of the pervasiveness of PMFs, state or national conventional armies are there to stay arising from the critical role they play in the provision of security to the state and its citizenry based on the concept of sovereignty. This assertion is further reinforced by the argument that security in the 21st century is based on the international human rights norm and understanding of human security in which “man as an individual increasingly becomes the carrying subject of influence, and his rights the focus of protection in international law.”

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Internet Source

THE NEED TO HARNESS NATURAL RESOURCES IN EAST AFRICA

Col. V. G. A. Shiguri - Kenya Army

Introduction

According to Abdel Rahman Maha, the link between natural resources and conflict is probably as old as human settlement. History has it that empires and kingdoms have risen or even fallen following either victories or defeats in natural resource-based wars.¹

Unlike any other continents on the globe, Africa is amply endowed with diverse natural resources. States, individuals and organizations rely on natural resources for their survival and prosperity. It remains important for a society to keenly assess in quantitative terms the net benefits that arise from their natural resource base. Governments pursue all sorts of policies and regulations as regards to exploitation and use of natural resources. Such policies, whether they are about control or about markets should be based on well processed information and data to enable economically effective exploitation, monitoring and accountability. A good analysis may not always or automatically translate to a good decision being made but a bad analysis will almost certainly lead to a bad decision.² Some policy interventions may produce results that are not socially equitable and efficient. The result is market failure which may in turn have various negative impacts on the society.³ In most of the recent works on the genesis of conflict in developing nations in Africa, the rising scarcity of natural resources is observed to be the key explanatory factor. It is also noted that in the last few decades, African nations have not only had the highest population growth rates but also the highest destructive and violent intermediate level conflicts.⁴

³Ibid. p121
It is greatly important for African people to therefore adopt much better approaches to sustainably exploit, preserve and manage natural resources in order to develop their continent and to uplift themselves. The scramble for and uncontrolled mining of natural resources in Africa including diamonds, copper, cobalt, oil, ores and others have had negative impact on the African states, society and environment instead of contributing to the much-wanted positive socio-economic development. The high potential for various states on the continent has not been realized due to lack of proper policies that would have ensured reaping of maximum benefits from their natural resources. The big world economies in the world rely on raw materials in form of natural resources from Africa to which they add value and re-export to the rest of the world including Africa. Africa on the other hand has not taken full advantage of her resources due to the low level of industrialization and technology. The Great Lakes Region is taking steps to address the problem. Kenya is fast tracking achievement of industrialization through her Vision 2030.

Scramble for and Exploitation of Natural Resources

China and the USA depend heavily on Africa for their huge demand for crude oil and Coltan besides other natural resources. The gas and oil mine fields found in many parts of the sub-Sahara Africa churn out billions of dollars worth of oil each week, but unfortunately no much of the expected socio-economic development can be seen on the ground. Due to poor governance in the areas where the minerals are found, most of the local population carry out illegal mining and trade in such minerals but are offered raw deals and they do not achieve any significant development outcomes. In most of the cases as evident in DRC, competition among the sellers and among locals is a source of conflicts. Due to these conflicts, the natural resources seem to be a curse rather than a blessing. This situation is less likely to change unless African governments address themselves better to the issue.

In 1940, the British had a consensus that it was very necessary for them to prevent the raw materials in the territories (Congo) from falling into the hands of the Germans. It was said during the Cold War that the West would go to war to keep Zaire in the orbit of the Western powers. Minerals from DRC contribute to manufacture of technological gadgets in the world. For example, cobalt and tantalum are used in manufacture of mobile telephones.

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Besides Cobalt, the country also has massive deposits of oil and diamonds. Instead of enriching the country, the resources have been financing conflicts that have cost over three million Congolese lives since 1996.\(^7\)

Past studies have identified competition for the available resources and inequitable distribution of strategic resources as a key security risk. For the inhabitants of poor but resource-rich countries, the strategic resource wealth does not constitute a risk in itself but bears the potential of a base for conflict. The people of the oil-rich Gulf of Guinea along the African Atlantic coast are poor. The region’s provision of oil is increasingly gaining global relevance. The strategic resources in DRC, for example coltan, have also become a source of conflict in the region thus denying the country and the region the much-needed economic development.\(^8\) Many African strategic resource rich countries have a slower economic growth and higher inequality. According to a UN 2002 report, between 60 and 70 percent of the minerals from the DRC which are smuggled using aircraft from airstrips near the mining sites are not taxed.\(^9\)

**Effects of natural resource exploitation in the Region**

Rather than improving the fortunes of the people, the illegal exploitation, production and smuggling of mineral commodities has mostly led to loses of the same minerals to the illegal dealers thus failing to contribute to the socio-economic development and livelihoods of the communities. In other areas, it has even contributed to conflicts by way of militias fighting over them. Countries and areas affected include Algeria, Angola, Burundi, Cameroon, Nigeria, Chad, Congo-Brazzaville, The DRC, Kenya, Liberia, Libya, Mauritania, South Africa, Senegal, Nigeria, Sierra Leone, Sudan’s Abyei region and Zimbabwe.

East Africa has high value natural resources; these resources include diamonds, oil, and coltan among others. The conflict in South Sudan is also oil-related and has occurred almost solely in the state which has the oil.\(^10\) Most battles occur in the highly contested Abyei region. Across the region, a combination of the factors of a growing population and fixed or declining natural resources, especially land and water are the basis for the local clashes which are intensifying across the region. The conflicts are then fuelled in part by frustration over limited economic opportunities; poverty; unemployment;


and politics of exclusion along ethnic, religious, or class lines.

Alison Des Forges pointed out that in 1994, an estimated 600,000 Tutsis and moderate Hutus were killed during the genocide in Rwanda and that the poor peasants did not only kill due to ethnic, political and ideological reasons but also due to the possibility of increasing their wealth through acquisition of their victims’ land and other property.\(^{11}\) Eastern DRC hosts large deposits of natural resources and has faced the most violent resource based wars.\(^{12}\)

The problems of unemployment, poverty and crime in the Great Lakes Region are known to be aggravated by the youth bulge (among other reasons) which in turn arises from the high population growth rate. More and more urban slums are mushrooming around cities due to rural-urban migration phenomenon that arises from unemployment in rural areas.\(^{13}\) Conflicts in the rural areas mostly arise from competition for land, water, grazing space and mineral wealth.

Resource-rich countries in Africa are far less vulnerable today to the boom-bust economics of the past. That is one reason they were able to recover so swiftly from the global downturn in 2008. Many of the countries are in the early stages of developing their non-renewable resources. These include Ghana, Kenya, Liberia, Mozambique and Tanzania which greatly strengthened macroeconomic governance over the past decade. In these countries, governments have great advantage. They can learn from the mistakes of the past and take different causes of action.\(^{14}\) It is important for stakeholders to work on action oriented strategies to enhance development through effective utilization of natural resources.

Kenya’s forefront action in addressing the problems

In the case of Kenya, while it has been recognized that strategic resources contribute significantly to the social and economic development, the benefits have not been fully realized. This is mainly due to weak policy, legal and institutional frameworks and lack of valuation and accounting instruments for environmental resources. Efforts are however underway to review and strengthen the environmental policies and legislative frameworks. In addition, various stakeholders including Government ministries are striving to institute

\(^{12}\) Ibid., p150
\(^{13}\) Gberie, Lanasana. *op. cit.*
appropriate reforms to enhance sustainable management of the Country’s resources.

Since Kenya continues to discover new mineral deposits, it is recommended that the country draws lessons from past history of the region and pursues policies that pre-empt and prevent negative effects of pilferage of her natural wealth. The Constitution of Kenya underpins under the preamble the need for the country’s natural resources to be used sustainably to benefit future generations. Each Government Ministry has a vision and mission that is aligned towards the overall country’s Vision 2030. The Kenya government through the Ministry of Environment and Natural Resources has the mission “to facilitate good governance in the protection, restoration, conservation, development and management of the environment and natural resources for equitable and sustainable development”.

The wrong and corrupt practices of dealing with minerals as those in DRC should be avoided completely. In DRC, powerful politicians or power brokers receive favours, lucrative company shares or bribes in return for granting corrupt companies with permits to carry out unaudited mining. The corrupt politicians and officials are so careless about how much of their country they are giving away in the process.

Conclusion

Africa has the most natural resources on the globe and this will make the continent the next world leading continent economically. However, this can only be realised if the current trend in exploitation of the resources, disharmony and political mistrust are reversed, proper effective policies put in place and strictly implemented. The East African Community and the Great Lakes Region is witnessed to be taking the right steps forward by pursuing regional integration and coordinating these issues. The region through the International Conference for the Great Lakes Region (ICGLR) should continue pursuit of its protocols and harmonization of policies so as to control exploitation and eliminate illegal trade and smuggling of natural resources. It will then bring about socio-economic development and prevent resource based conflicts. The mechanisms that have been put in place by the ICGLR require to be supported with funding. The continental approach is important to spell out to the rest of the regions of the world during international forums that African states have a common interest in obtaining value for its resources among other interests.

15 Preamble to the Constitution of Kenya
Africa has to unite economically, cooperate within itself politically and ensure that it converts its big population to a common market for itself by countries trading within Africa.

Africa needs to industrialize and develop its continental infrastructure network as quickly as possible to facilitate trade and industry. It needs to train and use its readily available labour force and to apply technology to convert its huge resources into wealth so as to compete with the rest of the world. All these efforts will mitigate wastage of the natural resources, enhance political stability, contribute to poverty alleviation and facilitate economic growth.

References


STRATEGIC RESOURCES IN AFRICA:  
A REVIEW OF OIL AND GAS IN EASTERN AFRICA

Col. W. S. Wesonga - Kenya Army

Introduction

‘Strategic resources’ is a phrase used to refer to high price natural resources linked to the inception and even period of wars and conflicts in Africa. These resources include uranium, gold, oil, and coltan among others. The term ‘strategic resources’ will be used to indicate the high price natural resources that are believed as having to do with or contributed to either profitable development or conflict between African states especially oil resource. Worldwide demand for hydrocarbons products has risen steadily over the past years and is forecast to grow stronger, driven by population growth and increasing affluence in emerging economies. Michael Brenner avers that in the past few years, fears over disruptions from volatile supply bases in the Middle East and parts of Africa have also increased. These trends, together with high oil prices, have led petroleum companies increasingly to start drilling or prospecting in low-income countries.

Several international expert panels for example Abiodun Alao have identified the availability and allocation of strategic resources as a key security risk. For many people living in poor but resource-rich countries, the strategic resource wealth is not a risk but has long become a fact with disastrous consequences. This is especially the case in the world’s weak resource-wealthy area: The Gulf of Guinea along the West and Central African Atlantic coast. From this region, the oil rigs have indeed fueled the world and keep on doing so, with its global relevance steadily increasing. The strategic resources in DRC for example coltan have also been viewed as a source of divergence in the region thus denying the country much needed economic development or revenue for economic development in the area.

In contrast, these exports have just ‘failed’ the awfully in the countries.\(^5\) According to Ian and Karl, many Africa(n) strategic resource rich countries have a slower economic growth and higher inequality.\(^6\) Nicholas Shaxson avers that oil and gas fields of sub-Saharan Africa produce over a billion dollars worth of oil each week, but the rising tide of oil money is still not promoting stability and economic development in Africa as it should.\(^7\)

**Oil in Africa**

About Five states dominate Africa’s upstream oil production. Together they report for 85% of the Africa’s hydrocarbons production and are, in order of lessening production, Nigeria, Libya, Algeria, Egypt, and Angola. The other oil producing states are Equatorial Guinea, Gabon, Tunisia Congo, Cameroon, the Democratic Republic of the Congo and Cote d’ivoire. Discovery is taking place in Chad, Sudan, Namibia, South Africa and Madagascar, while Mozambique, Kenya and Tanzania are prospective oil producers.\(^8\)

While it has been perceived that strategic resources contribute altogether to the social and financial improvement, the advantages have not been completely acknowledged principally because of a frail arrangement; lawful and institutional systems and absence of valuation and bookkeeping instruments for ecological resources. Endeavours are in progress to survey and fortify the natural approaches and administrative structures what’s more different partners and services endeavour to guarantee establishment of suitable changes to improve sustainable supervision of resources especially in the East African region.

Moreover, resource wealth and reliance are commonly linked with ‘corruption’, ‘weak state institutions’, ‘rentier states’, ‘authoritarian rule’ and ‘poverty.’\(^9\) A review of academic discourse of the Cold War, there were clear qualifications to the ‘resource curse’.

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\(^6\) Ibid.


Three main habits of thoughts in the 1970s about extractive industries from what is now referred to as ‘growth studies’ postulated negative outcomes from oil exports which are; environmental degradation, destruction of local communities and anarchy in oil-producing developing countries.10

Oil and gas in Eastern Africa
The position of oil companies toward East Africa has transformed significantly since the first reserves discoveries in the eastern Africa region came to fore. However, for many investors attracted in the region, it remains complex to get an obvious picture of the extent of developments of this sector.

Oil executives’ regard for East Africa has transformed considerably since 2006, when the Ugandan discoveries were made. It is still hard, however, for prospectors who are attracted in the region to get an accurate perceptive of several issues such as the precise location of the reserves, their definite size, date at which development can begin, and the impediments to any such development. In addition, and as part of a forward-looking objective, it is important to examine the scene of discovering additional resources in the region, as it may be that Uganda, Kenya, Tanzania, and Mozambique are presently the initial to connect the club of producers, a club which may possibly grow to embrace new members such as Madagascar, and the Comoro Islands, through its overseas department of Mayotte and Juan de Nova Island, which is part of the French Southern and Antarctic Islands.

Tanzania has huge reserves of gas deposits both in shore and off shore of the Indian Ocean near Mtwar area11. The country has started to put up policy and mechanisms for exploitation of the resource.

The Eastern Africa region has long been fixed in a association of common misgiving that habitually pulls it into interlocking, regionalized conflicts. But more and more opportunities arise that could generate additional benevolent interdependence. The contention here is that the “resource curse” notion feeds definite perspectives on the character of the African oil-rich states build upon an internal resource conflict nexus that is subversive to growth, democratic governance, national, local and global sanctuary. Such perspectives need to be significantly cross-examined.

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Away from such an examination, we require to get to the nucleus of what is actually an ideological notion of oil resource-determinism that obscures, rather than promotes a precise perceptive of the roots and wider ramifications of dysfunctional conflict.12

With the security problems in Somalia looking to be far from under control, critics have averred that it will be extremely difficult to protect a project in the Lamu region. Further, to the arguments made by the Kenyan and Ugandan Ministers for Energy, several zones through which the pipeline would pass, are far from secure.13 This is the case in Karamoja in Uganda (a region to the east, on the Kenyan border and the Lamu area near the border with Somalia).

Uganda, Kenya and South Sudan’s oil reserves are isolated and far from the coast, yet a way to sell it outside of their local regions has to be found. Hence the crude oil to the international market will traverse long inland distances to the ports which in some areas are most likely to bring geo-political challenges.

Interdependence in the energy sector

The challenges faced by most oil and gas companies in Africa is the movement of unrefined resources and field equipment, which can principally be accredited to factors such as cruel surroundings, ruthless terrain, overbearing bureaucracy and a want for an infrastructure.14 East Africa is no exemption to these realities. The energy sector in particular the hydrocarbons in the region need to be closely interlinked with the countries in the region. The cost of production of the resource can only be enhanced if states in the region develop a common strategy to harness the resource. East Africa has limited infrastructure to support an integrated petroleum sector according to a KPMG (Klynveld Peat Marwick Goerdeler) an international accounting firm report.15 The marketing and distribution for petroleum products is well established since it has been built over time. The infrastructure to support exports, refining, and development of related industries such as petrochemicals are limited across the region.16

15 Ibid
16 Ibid
The KPMG report of 2016 postulates that the crude export pipeline (which is this pipe line?) in the region has been influenced by geography and politics whereby, the Uganda/Tanzania pipeline route excludes Kenya’s needs while the Uganda/Kenya route excludes Tanzania’s interests. Media reports in the region noted that the pipeline route debates pitted Tanzania and Kenya in a bid to win over Uganda. Internal Instability in South Sudan has made the state pre-occupied with solving the internal issues thus its interest not well articulated in the collaboration of the pipeline issue in the region to enhance collaboration of the east African member states.

The region needs to share the costs of putting up shared facilities of the oil development as have happened in the roads, ports and other infrastructures in the region for example Lamu Port, South Sudan, Ethiopia Transport Corridor (LAPSSET). In the late 1990s, oil was imported into the East African region in its crude form and then refined at the coastal towns of Mombasa in Kenya and Dar es Salaam in Tanzania. The importation of oil was closely controlled by national oil companies, which were allocated both import and distribution quarters until after the liberalisation of the sector which led to refined oil being imported in to the region. Uganda, Rwanda and Burundi are landlocked countries, and have no oil refinery facilities and thus depend on imports of refined products mainly through Kenya and Tanzania. The two oil refineries in Kenya and Tanzania which were constructed soon after independence have since closed down due to lack of advanced technology and the region does not have an operational refinery in the East African region. The issue of the refinery is critical for the region to enable the countries in the region have advantage in the production of the hydro carbons. The advantage in these region is that the region will refine its oil and also utilize the by products from the hydrocarbons. If the issue of the refinery is not addressed the region will export the crude oil and import the refined oil at a higher cost negating the value addition of raw products. Functionalism theory argues states resolved to cooperate across boundaries to achieve regional cooperation and comparative advantages by sharing costs of conducting business internationally.

The East African Community ambition for integration and a custom union is (a) good step for intra-Africa trade but cooperation still seems a challenge in the oil sector. While the member states agree on the desired outcomes for collaboration and influence infrastructure growth, the mind-set that appears is the issue of collaboration of the national interests of the member states.

**Conclusion**

The oil and gas deposits in East African region has the probable of speeding up cost-effective development and expansion by attracting investments in roads, rails and other infrastructure projects. The Lamu Port South Sudan Ethiopia Transport (LAPPSET) corridor is a key project involving the construction of network of the infrastructure and pipelines linking Kenya, Uganda, Ethiopia and South Sudan. This augments the regional economic integration and opens up freedom for intra-Africa trade. Proper energy development of the extraction and exportation of the resource in the region is far from adequate. Energy resources development of is dependent on technological knowledge base. The executive in the region should address the issue by having training institutions to address the hydro carbon industry. Energy provision is by nature an expensive service and therefore the consumers must have the economic power to afford it. The region also needs to set policies at the governance level to ensure the proceeds from the extraction of oil are well managed to avoid the oil curse syndrome which has affected most countries in the region. Proper management should be put in place at the national level to mitigate on the “Dutch disease.”

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AFRICA- TURNING ASPIRATIONS INTO REALITY


Introduction

For the last decade, Africa has embraced significant developments accompanying the transformation from the Organization of African Unity (OAU) to African Union (AU). The continent is increasingly seen as the promising growth region in the international economy despite instability in some countries on the continent and slow poverty decline, particularly in light of the region’s fast growing population. The economic potential for Africa has long been recognised, given its abundant natural resources and a large young and rapid growing population.

Since 2004 Africa has attained stable economic development and annual economic growth rates of over 6% average.¹ These results have been mainly due to economic reforms and improvements in governance and institutions that have lessened a long history of economic instability, conflict and corruption. The continent’s growth acceleration has benefited some of its impoverished nations, including Rwanda, Mozambique, and Ethiopia. Yet others such as the Central African Republic (CAR), Democratic Republic of the Congo (DRC) and Somalia have recorded little or no growth over the past 20 years, accordingly the number of poor people in these countries has continued to rise.

The Africa we want in 2030, 2063 & beyond

The year of 2016 marked a transition phase from the Millennium Development Goals (MDGs) to the 2030 Agenda for Sustainable Development (SDGs).² At the continental level, African nations are as well transitioning from the New Economic Partnership for Africa’s Development (NEPAD) to Agenda 2063, a framework that seeks to accelerate the transformation of the continent. NEPAD will however, continue as one of the implementing instruments to the objectives contained in the overarching framework of Agenda 2063.

Both 2030 Agenda and the AU’s Agenda 2063, share same strategic principles, with an emphasis on people, justice, prosperity, environmental sustainability,

¹ NEPAD Transforming Africa 2016 Report; Lancement De l’initiative MoveAfrica | 11 Mai 2016 | Kigali, Rwanda, file:///C:/Users/Admin/AppData/Local/Temp/MoveAfrica%20Concept%20Note.pdf. link accessed on 3rd Feb 2017
human rights and mutually accountable corporations. The alignment between
the continental and the global agendas stresses for a harmonized approach
in planning, implementation and management supervision. Under Agenda
2063, the priorities include investing in African people, with an emphasis
on; promoting human rights, ending conflict, women and youth, expanding
democratic governance, developing agro-processing and manufacturing
industries, building transport, water, sanitation, energy and ICT infrastructure;
domestic resource mobilization & stemming illicit financial flows.3

Agenda 2063 embraces an extensive review of African innovation
experiences, analysis of today’s challenges and opportunities, including a
review of national strategies, regional and continental programmes. The
strategies and the frameworks are meant to contribute visions for developing
priorities that form a plank for the Agenda 2063, in particular the first 10
year implementation plan. Additionally, a resource mobilisation strategy for
agenda 2063 has been developed targeting at strategies for Africa in financing
her own development.4

The effective realisation of the pan African aspiration of an integrated,
prosperous and peaceful Africa, tracked by its own people and representing
a dynamic force in the international arena requires starting nationally
with member states and their civil societies in particular, women and youth
groups, and with local private sector actors; regionally and continentally [AU
and its Regional Economic Communities (REC)], think tanks and academia;
internationally, with diaspora groups, traditional and non-traditional partners
and multilateral institutions.

Furthermore, the implementation of the Agenda-2030 and the AU’s Agenda
2063 hinges on Africa’s ability to mobilize sufficient, predictable and timely
financial resources. This requires efficient development planning institutions
for strengthening tax systems, expanding the tax base, addressing the challenges
of the informal sector and fighting tax evasion and avoidance. African nations
also need well-functioning tax frameworks for monitoring and handling the
extractive industries to maximise the wealth benefits from the region’s natural
resource. The improvement involves innovations in performance measurement
of tax, and incentives for investments to attract the informal sector into the
formal sector.

Setting high expectations for domestic resource mobilisation by AU member

pdf/au/agenda2063.pdf. link accessed on 06th Feb 2017
default/files/Agenda%202063%20Final%20revised%20First%20Ten%20Year%20Implementation%20
countries is the viable self-sustainment development finance strategy and can help in the following:

- Lessen Africa’s reliance on foreign flows, thereby lowering one of the sources of instability in resource availability, and minimising vulnerability to external setbacks.
- Provide African States with greater policy space, increasing their ownership of the development process and strengthening their State capacity.
- Generate positive consumption externalities and send positive sign to donors and investors, thus augmenting exterior resource inflows.

According to AU, strengthening the capacity for domestic resource mobilization will efficiently mobilize an annual investment of US$ 93 billion required over the next decade to be able to close Africa’s infrastructure gap, recruit the 3.8 million teachers needed within 5 years to achieve universal primary education and bearing the cost of halving the number of people living in extreme poverty which is estimated to be US$ 4.2 billion for sub-Saharan Africa.5

**AU Proposed Reforms to Increase Effectiveness**

The 27th AU Summit that took place July 2016 in Kigali, Rwanda concluded with a renewed commitment to redesign and accelerate initiatives intended to make the AU Commission (AUC) financially independent.

African leaders made key decisions pertaining to the envisioned continent transformation through Agenda 2063 blueprint into a more effective and self-reliant institution. Among the major decisions made is the adoption of a new funding model for the AUC, which will see all the 54 member countries contribute approximately $1.2 billion into the AU’s coffers each year through levying 0.2 percent on all eligible imported goods to finance the AU’s programmes, operational projects and peace & security operations budget.6

The AU innovative funding arrangements is foreseen to provide the AU via the Peace Fund with increased financial capacity to address the peace and security threats confronting the continent.

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This approach sets out significant step towards self-reliance, particularly in relation to the AU’s peace and security budget. The Peace Fund is expected to be receiving $65 million per year from each of the continent’s 5 regions through an import levy of 0.2 per cent on eligible imports. This provision by member states will continue to increase to $80 million per region by the year 2020. The funding is aimed to support the following AU’s five peace and security programmes; African Stand by Force (ASF), Panel of the Wise (PoW), Continental Early Warning Systems (CEWS), Capacity Building for peace support & Conflict Prevention. The decision is in respect to the commitment made by the Heads of State and Government in 2015, to finance 25% cost of AU peace support operations.

This commitment to finance 25% of the AU peace and security agenda greatly ahead of the initial objective of 2020 makes African Union a stronger actor in peace operations and raises the importance of its partnership with the United Nations Security Council (UNSC). Mindful that a strong partnership requires strong partners; this is an additional step towards furthering consolidation of the UN-AU partnership, it’s up to the Member countries nobility to give unrelenting consideration and support to the initiative.

The AU member States’ real strength would lie in the good governance combined with peace lead to economic transformation. Regional trade integration is progressing well but should be expedited to boost production and reduce dependence on other continents. Despite earnest success in eliminating tariffs within the regional communities and lowering natural trade barriers, the continental market remains fragmented and more effort is required to be able to realise continental economic and hence political integration. Efficient policy and regulatory reforms for effective implementation are much required to boost intra-trade performance and hence impact on poverty reduction. Trade policy reforms will help to improve incentives and encourage efficiency.

Africa is rich in natural resources, and as per the Africa Mining Vision (AMV), that was adopted by the AU in 2009, member states should foster transparent, equitable & optimal exploitation of oil and mineral resources to reinforce broad based sustainable socio economic development. This includes fostering sustainable development programs and diversification of the economic in non-oil and mineral sectors such as agriculture, infrastructure, transport, industrialisation and other support services.

African countries particularly those rich in mineral wealth must ensure that the minerals resources sector contributes maximally in sustaining socio-economic development, trade-related infrastructure, services and other trade facilitation programs such as removing non-tariff barriers, simplifying customs procedures, documentation and flawless operations of Africa’s transport and transit corridors that are also fundamental to Africa’s internal trade.

History has shown us that development cannot and doesn’t work if policies are shaped and forced by outsiders, but Africa cannot do it alone. Africa’s people, governments, business community leaders and the wider global community must act in ensuring that the revenues from our natural resources, set to increase as they continue being discovered and exploited, will create opportunities for growth and for human welfare development.

The other major development is the all-African passport, which was launched in 2016 during the 27th AU-Summit that took place in Rwanda. The E-passport will allow holders to visit in any of the fifty-four AU member states without requiring a visa. The plan is that AU member states will rollout the passport to AU citizens by 2018.\(^9\) The actual aim is to facilitate free movement of persons, goods and services across the continent whereas increasing intra-Africa trade, integration and socio-economic development.

**Conclusion**

Africa’s efforts at regional integration have been hampered by many factors, including the failure in achieving economic transformation and development, the low-level of implementation of treaty obligations, conflict and an overly economic approach that has neglected the resolution of political differences. Experience from other developing regions like in Latin American or Southeast Asia, indicates that deep structural factors and economic diversity also stand in the way of effective integration. Challenges in the global trade system calls for multilateralising regionalism and advocating for progressive sharing of sovereignty for the greater common good. Integration requires governments to relinquish some of their sovereign powers in all spheres of political, economic and security, in order to achieve stable prosperous, democratic and powerful African collectivity.

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Partnership and coordination for the implementation of the AU’s Agenda-2063 and Agenda-2030 for the SDGs will play a key role for the eradication of poverty, zero hunger or quality education, health, water & sanitation, gender equality, reducing inequalities, protecting the planet and ensuring prosperity for all.

Africa should continue to put efforts in harmonising rules and regulations particularly in the financial services sector and to promote unilateral trade and investment liberalisation supported by infrastructure connectivity. Correspondingly Regional arrangements and initiatives such as the Regional Economic Communities and free-trade agreements will lend further push to such liberalisation.

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*AU Africa Mining Vision,* Feb 2009;


BENEFITS OF FOREST RESOURCES IN AFRICA

Mr. F. O. Ogombe - Kenya Forest Service

The battle against climate change cannot be won without the world’s forests. Managing the transition to sustainable, resource-efficient and low-carbon economies will depend on forest resources, as will the scaling-up of renewable energy. The quality of life of both urban and rural people depends on their ability to enjoy food, clean drinking-water and recreation.

The forest conservation and management continues to face a number of challenges. The increasing demand for land and forest resources, inadequate funding that constrains the provision of public services has undermined the efforts of forest institutions to operationalise sustainable forest management and conservation.¹

Globally and nationally the climate is changing, and this is having a direct impact on forest productive capacity to sustainably provide goods and services in most of the ecosystems thereby undermining the local community’s capacity to access the resources they had hitherto enjoyed from the time immemorial. Forestry can play an important role in both mitigation and adaptation to climate change and towards green economy growth.² However, there is at present inadequate data and a lack of research on the impact of climate change on forest resources and biodiversity, and there is a need to strengthen the institutional linkages between research centers, universities and the Kenya Forest Service as an agency with mandate to conserve and sustainably manage the forest resources.

The future of the World’s forests is more uncertain now than at any time since science-based sustainable forest management was established in many developed countries more than a century ago.

In the United States, the Conservation Movement of the late 19th and early 20th centuries saw the creation of federally protected public forests, establishment of the basic laws and policies that guide the sustainable management of state, private, and tribal forests, and development of an unrivalled capacity for forest research and science.³

In developing Countries, human habitation and development continues to erode the nation’s forest land at an alarming rate. It presses hard up against the boundaries of public lands, and insinuates itself deep into forests in ways that make wildfires more likely, and more costly and deadly when they occur. Here, as in the rest of the world, climate has become more unpredictable, more extreme temperatures, and more damaging; and the gathering momentum ensures that this trend will continue for decades to come.⁴ The physical infrastructure built to support today’s population has itself become a barrier to migration, seed dissemination, and other strategies that species have relied upon to adapt to changing climate in earlier ages.

Forests are sources of good profit. Many tropical forests contain valuable timber which has taken years, sometime hundreds of years for nature to produce. The growth of valuable trees is not paid for by people. It is a free good, provided by nature. The main cost is that of harvesting. Valuable timber can be extracted at a small selective scale by local entrepreneurs, or harvested on an industrial scale by large scale entrepreneurs who command considerable resources and lobbying power. Once the value is consumed, a new area of forest can be targeted for exploitation.⁵ If forest resources are extensive, this can take some years to complete, but in many countries with only limited forest cover they can disappear alarmingly quickly. The market for valuable timber acts as an important incentive for large scale entrepreneurs and companies to exploit logging concessions.

Many conservation and development agencies and initiatives have attempted to reconcile social, ecological and economic goals by promoting the involvement of local people and other stakeholders in various conservation and management efforts and or by trying to create “alternative income generating activities” for forest utilisation.⁶

One of the major underlying ideas is that because the “local community” is close to the forest or other natural resource, it has (or at least should have) most incentives for, and knowledge on, managing it in a “sustainable” way.

Forests contain roughly ninety percent of terrestrial biodiversity and they provide a wide variety of ecosystem services, contributing to the livelihoods of more than 1 billion people and thus should be well conserved. Yet, forest degradation and deforestation are advancing at alarming rate, especially in the tropics and are putting at risk a high diversity of species and habitats sustained by forest ecosystems.

Forest often covers an even greater resource, productive well watered land. There is an opportunity cost leaving forest un-cleared, when the land could be more profitably utilized for other purposes. Once cleared, forestry land becomes available for a large variety of uses, arguably offering more commercial opportunities for entrepreneurs than the forest that was replaced. The initial clearing of the forest even provides revenues that can be used to reinvest in these new better opportunities.

The economies of many African countries depend on crops grown on cleared forests, such as cocoa, coffee, tea, sugar and oil palms. The increasing numbers and affluence of the world population is leading to higher demands for such commodities, which can be most easily satisfied by clearing more forest land. In the case of oil palms, for example, the demands for alternatives to fossil fuels have greatly accelerated forest clearance in some countries.

The Eastern African coastal forest eco-region is recognised as one of Africa's centres of species endemism, and is distributed over six countries (Somalia, Kenya, Tanzania, Mozambique, Zimbabwe and Malawi). Most is found in Kenya, Tanzania and Mozambique, which form our focal region. The coastal forests are fragmented, small and surrounded by poor communities that have a high demand for land and forest resources.

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Although coastal forests have significant cultural and traditional values for local communities, they do not receive adequate support from the relevant government authorities and international conservation institutions.

In Kenya, the Forests Act 2005 has been implementation since 2007, but the sector is now faced with various challenges which necessitate review of both the policy and legislative framework. These include decreasing forest cover arising from unsustainable utilization and conversion of forest land to other land uses, re-aligning to the Constitution of Kenya 2010 which brought in new structures and requirements for natural resource management, entrenching stakeholder participation and benefit sharing that the sector must be cognizant of emerging issues such as climate change, governance and development of mechanisms to encourage partnership with communities and private sector.

The Constitution brought new requirements for natural resource management such as public participation, community and gender rights, equity in benefit sharing, devolution and the need to achieve ten percent forest cover among others. These challenges are compounded by dwindling public land meaning that forestry development has to expand into private and community land, which need incentives and clear methods of engagement to encourage investments in commercial forestry on private land.

Forests are an important pool of biodiversity which has only partially been scientifically explored, and which could be irretrievably degraded by widespread clearance. The importance of biodiversity and of preserving the stock of genetic diversity for future food and medicinal needs and purposes are regarded as of global importance, and are enshrined in international treaties and conventions. The contribution of forests to the national economy has been grossly undervalued, leading to low level of resource allocation to the sector. There is need to carry out forest resource inventory in major ecosystems for appreciation of the value of forests to the economy, and the concomitant need for resource allocation to the sector through public intervention and innovative ways.

References


ON LEADERSHIP

Col. N. N. Gitogo - Kenya Army

“Leaders put their interest aside to protect us or to pull us into the future, leaders would sooner sacrifice what is theirs to save what is ours. And they would never sacrifice what is ours to save what is theirs.”

Leadership is perhaps the most written on subject. There have been numerous definitions of leadership expressing the same thing in different words. Leadership is primarily about making decisions and creating belief in the followers. It determines the success or failure of a task/mission. Decisions are informed by the leader’s experience and training. Experience is gained through interactions with juniors, peers and seniors and further enhanced by reading. Training instills doctrinal principles of the profession and allows interaction with others inside or outside the profession. A leader feel or sixth sense, is developed through experience and study. Knowledge that is stored in a leader’s mind, when suddenly faced with a decision, a button is pushed in his mind and out comes the right decision.

Lessons can be learned from leaders who write about their experiences, though few write about their failures which are also important. Leadership presents itself differently at different times based on circumstances, training and socialization. This article will not make an attempt at defining leadership. That will be left to the reader to develop a working definition. Leadership principles remain the same but the environment (people and situation) changes. It requires creativity in application to suit the particular situation. The article will draw lessons from the military that remain relevant outside it.

At the basic and fundamental level, leadership is about the leader providing selfless and caring service to the people. It is about sacrificing oneself in order to serve others. Major General J F C Fuller captured this very well in his seminal treatise on generalship when he stated that “what the world of today is lacking in is courage, the valour of leadership and the self-sacrifice of those in command”. Those words, stated in the 1930s held true then as they do now. Maj Gen Fuller was referring to military leadership but you can situate those comments to an organization or country. Leadership instills belief in

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subordinates and sets an example to be emulated. The leader is looked upon to provide effective, credible and honest direction, counsel and guidance. These require that the leader develops and sustains high moral values and ethical standards.

Service from a leader goes hand in hand with sacrifice. The leader owes service to the people he leads. The people owe him neither obedience nor allegiance. For the people to provide the leader with obedience and allegiance, he has to earn them. It is not automatic. When the people observe that a leader genuinely cares for their welfare, they will willfully pledge their allegiance and obedience to him. As Field Marshal Viscount Slim aptly put it:

“In my (Slim’s) experience, it is not so much asking men to fight or work with inadequate or obsolete equipment that lowers morale but the belief that those responsible are accepting such a state of affairs. If men realize that everyone above them and behind them is flat out to get the things required for them, they will do wonders.”

The trust and confidence of the people is earned by a credible and committed leadership. As Field Marshal Slim indicates above, when the people know that there is genuine concern for their wellbeing, they will gladly pay back in trust and confidence in the leader. Lee Kuan Yew, the former Prime Minister of Singapore understood this and stated that “trust and confidence are the assets that a leader should seek to get from the people he leads”. For a leader to be able to provide proper leadership, these two assets are not only desirable but necessary.

Leaders have a responsibility and obligation to provide direction and guidance to those they lead. The leaders are also delegated responsibility to properly and prudently manage resources and apply them to the benefit of the organization and the welfare of the people they lead. This calls for a non-negotiable leaders’ love for the people they lead. Colonel Brian McCoy captures this love as follows:

“A commander must genuinely love his men and win their affections in return and when the time comes, he must use that love to cause his men to willingly risk and even sacrifice their lives to accomplish the mission. Here lies the moral imperative of leadership. The leader is entrusted with the lives of his men and accepts unlimited liability for their welfare.”

This love is in the form of an unwavering commitment to serve the people without seeking reward. It is the understanding that leadership is a function and responsibility rather than a rank and privilege. It demands that the leader fulfills the obligations required of his position without regards to personal interests. Creating a balance between self interest and the interest of the people that a leader leads is ideally a no brainer. When interests of the organization or country are put first, rewards automatically accrue. In organizations, such as the military, putting personal interests before the organization’s, results in deaths of the soldiers. The same can be mirrored in corruption in a nation.

In different organizations, leaders are selected or promoted to positions while in politics, leaders are elected. In both cases, the leaders are morally and legally bound to conduct themselves responsibly and accountably in their positions. At organization level, selection and promotion does not confer the leaders with automatic loyalty or acceptance by the led. The leader has to earn the followers’ respect and loyalty through his actions. In politics, the elected leaders have to facilitate the provision of services to all people including those who did not elect them so that they can also earn the electorate’s respect. Positions do not matter when it comes to delivering on leadership. Leading without a position can be difficult but the leader will not be able to fall back on his position or rank if things do not go according to plan. If he leads well, he will not need his position.7

During the course of their work, the leader should focus on providing service or facilitating the work of those they lead. A leader who creates an environment where the creative genius of those he leads can be exploited, uplifts the status of the people and the organization. Potential for achieving great things exist in the people. The challenge is that most do not know they have this potential. It is the duty of leadership to help the people identify and harness that potential to positive actualization. This involves mentorship, training and even coercing the owner of the potential. This process leads to the building of effective teams through each member achieving his potential.

It is normally assumed that the leader automatically has what it takes to lead. For some, leadership comes naturally but it has to be tamed by self improvement. Self improvement comes from the realization that life is about commitment not convenience. The leader goes out of his way to ensure that he studies and practices his specialty so that it becomes second nature. Additionally, he must study the specialties that impact on his speciality so that he can have a working knowledge of them.

This provides him with the ability to make decisions based on considerations of the whole picture.

It follows then, that a leader has to commit himself to reading, setting the example, and training his team. Reading gives him knowledge, setting the example earns him respect and training the team improves the team, organization and himself. A leader should possess attributes that make him effective in his position. Effective leadership requires possession of some key qualities. These are humility, character, courage and sacrifice and the attributes of responsibility and mentoring. These qualities and attributes are supported by others to help complete the leadership picture.

**Humility**

Humility is the quality that makes a leader. A leader’s ego may make him believe that he is the most important part of an organization but humility keeps him grounded. It takes humility for a leader to understand that not everything in an organization revolves around him. Humility is ability to empathize with the people being led. A leader needs courage to stand up and speak but it takes humility for him to sit down and listen. Humility lets a leader climb down the ladder of self worth to the level of humaneness. It is the awareness that there is a lot that he does not know and what he knows may be distorted or wrong. Humility leads to wisdom.8 For a leader to be a learner and earn all round respect one of the qualities he needs is humility. It leads to an abundant stock of moral courage.

**Character**

The aggregate of a person’s qualities is what makes his character. It is the intrinsic worth of the leader and defines him in the eyes of the people he leads. The road to character often involves moments of moral crisis, confrontation and recovery.9 Character is built on the fight with oneself and is the hardest battle. It does not have to be won. It only has to be controlled. The person who is in control of himself can build an enviable character. Three important qualities in building character are integrity, courage and responsibility. Integrity means doing the right thing tempered by ethics and morals. Character leans on moral courage which presupposes doing the right thing even when there is overwhelming pressure to do wrong. Responsibility means accepting the outcome of actions (in good faith) by subordinates arising from directives or

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9 Ibid p 25
orders given by the leader. Appointment to a position gives a person authority. Character gives the person leadership. Authority is given, leadership is earned.

Courage

Courage has moral and physical components. It is important that a leader possesses both components. Moral courage is the commitment to do the right thing and make the hard and heavy decisions. It requires a leader to behave and act ethically and contributes to shaping of character. A big part of moral courage is speaking up or saying no when the reverse is safer but morally weak or wrong. In some situations, a leader may have to break the rules to accomplish an important mission. Moral courage gives a leader the self trust to know when to obey the rules and when to break them because rules are there for normal situations. A leader stock of moral courage enables him to provide cover from above for his subordinates. With commitment, training and mentoring, moral courage can be developed and maintained. Identification with a person of high moral standing as an example enables the leader to have a benchmark. Moral courage is not a load that can be offloaded at will. The leader has to carry it with him at all times. Physical courage can be developed through continuous training and interaction with others who have practical experiences of the journey.

Sacrifice

Sacrifice is about giving up something important and of personal value for another of higher moral and ethical value. Nelson Mandela spent the better part of his life in prison for ideals which were higher than him. World leaders gave audience to Mother Teresa even though she was a humble nun who dedicated her life to the poor in the world. In the business world, executives are paid bonuses when the companies they head make profit. Bonuses are paid out even when companies make losses or are engaged in unethical business practice.

The Deepwater Horizon oil spill disaster occurred in the Gulf of Mexico when an offshore oil rig spilled oil into the sea and adjacent coastal areas. In spite of this, BP paid its executives bonuses.10 Merill Lynch, a US financial institution, contributed to the 2008 world financial meltdown and run up $15 billion loss leading to taxpayers paying $20 billion to bail out a merger deal with the Bank of America. An executive in Merill Lynch was still paid $39

10Terry Macalister, BP executives awarded bonuses despite Deepwater Horizon disaster, https://www.theguardian.com/business/2011/mar/03/bp-executives-bonuses-deepwater-horizon accessed on 5 November 2016 at 08:00 hrs.
million bonuses.\textsuperscript{11} In both instances, the companies paid out the bonuses to the executives when there were issues militating against it. More importantly, these executives did not feel any moral shortcomings when taking these bonuses under such circumstances. They did not feel the need to sacrifice their bonuses for the sake of a higher good. This is an example of leadership that does not pass the moral and ethical test of sacrifice.

The spirit of sacrifice was displayed by Gordon Bethune after he took over as the chief executive officer of Continental Airlines in the USA in 1994. He took the company from loss to profitability. He promised all employees (including the executives) $65 dollars a month if they achieved planes leaving on time. If the company did not achieve this, none (again including the executives) got this payment. Gone were the days when the brass would enjoy the benefits of success. Everyone got their $65 when the airline did well and no one got it when the airline missed its targets.\textsuperscript{12}

Rules and regulations are mute when it comes to a leader sacrificing his own time or privileges to go beyond the official requirements of duties towards his subordinates. There must be some aspects of giving or self-sacrifice on his part.\textsuperscript{13} Again, Field Marshal Viscount Slim on the essence of sacrifice:

“One of the most convincing evidences of morale was how those behind (the front line) accepted the deprivation imposed on them by going on half rations when the frontline troops were on half rations. The sacrifice at the front was shared by the troops at the rear who did not have to.”\textsuperscript{14}

Sacrifice is about the inner self; the realization that there are ideals which are higher than our physical cravings of show off assets. Leaders do not have to be defined by what they have, but by what they give up. A credible and effective leader gives up what will stand between him and his people attaining their needs or what is due to them. A leader who does not follow that mantra begins patronage and corruption. Leaders have to realize that wants come and go (they are always superseded by newer models), but their actions on subordinates’ welfare enhances their respect which then outlasts their tenure. Sacrifice does not presuppose that a leader gives up what is due to him. It calls for giving up benefits when an organization is undergoing hard times.


\textsuperscript{13} Op. Cit. Edgar Puryear F Jr, p 341

\textsuperscript{14} Op. Cit. Field Marshal Viscount Slim, p 197
ON LEADERSHIP

Responsibility

Responsibility is not a quality but a virtue that a leader should possess. A leader has to be responsible for his own actions and the actions of his subordinates when they are executing his instructions. Responsibility is never delegated. Willingness to take the blame is part of leader’s character. It involves accepting responsibility for actions or inactions by subordinates. Leaders not worthy of responsibility find it easy to shift blame to others, forgetting that subordinates must be given room to make mistakes to gain experience. Successful leaders accept the responsibility, even though the failure might rest with his staff, subordinates, or higher headquarters. Taking responsibility takes off pressure from juniors, increases their confidence, initiative and trust in the leader. When juniors know that a leader has their back, they will commit themselves to attaining the impossible. When juniors stop bringing their problems to the leader, he has stopped leading them. They have lost confidence in the leader or have concluded that he does not care.

Mentoring

Mentorship is the art of identifying and bringing out subordinate’s potential through empowering or training them to the level that the superior desires. Mentorship links juniors with more experienced persons in an organization for the purposes of career development and professional growth, through sharing knowledge and insights that have been learned through the years. Mentorship exposes juniors to organizational decision making processes thus preparing them for future responsibility and empowers them by providing opportunities for decision making as they progress higher. Mentees are guided through processes and left on their own to develop confidence as the mentor maintains detached overwatch. Mentorship has to be undertaken in good faith to avoid negative aspects such as favoritism or undue influences that wish to progress the wrong people. Mentoring empowers personnel to get the required skills leading to confidence and improved output. Mentors must set the example physically and behaviorally for the mentee to feel obliged to emulate.

Leadership is a sum total of different qualities, attributes and virtues. A leader must uphold the right morals and values for the people he leads to believe in his leadership. Leadership does not depend on a position or rank but on the standing of the leader to his juniors. It is incumbent on the leaders to set

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16 Ibid p 470
a good example and provide selfless service to those they lead without regard to personal reward. Apart from direct mentoring, he should conduct indirect mentoring through his character and demeanour that the subordinates would wish to emulate.

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Internet

ROLE OF WOMEN IN POLICING

Ms. L. A. Ligami - National Police Service - Kenya

Introduction

Literature shows that in early years, the police service was meant only for men. The first police departments in America were established in the 1800s and women only began working as matrons in 1845 in New York City’s jails. This depicts that they were not considered as police officers but merely as social workers and this continued up to the late 19th Century. It is important to point out that this situation was similar in European and Asian countries.

In those early years, women continued to serve police departments in limited ways up to the time of the Great Depression and World War II, in the 1930s and 1940s when there was an increase in job competitions. This effect began to be felt in 1950s as women in law enforcement moved into more male dominated roles like patrols and began to compete for promotion. The number of police women have significantly increased in United States as the percentage of women to men in 2011 was 12.7% compared to 9% in 90’s. This state of affairs has also applied almost equally in other countries resulting to the number of women in law enforcement slowly gaining momentum.

African countries

Though not much literature is available regarding the entry of police women in most of African countries, it is presumed that the situation was almost the same though their entry was much later in the 20th century with Ghana being one of the first countries to establish a women branch with 12 officers in 1952.

In Kenya, despite the Police Service having been established in 1897, the entry of women in Police Service did not take place until 1970 when the first women in the force were recruited. The women were recruited to search female prisoners and were mainly the wives of police officers who lived in police quarters but they were very few in number.

According to South Africa history online, the South Africa Police enlisted police women as full members of the force in 1972. Others countries in East Africa including Tanzania, Uganda and Rwanda followed suit.

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1 Betsy Brantner (2015) www.policeoneacademy.com
State of affairs and challenges of women in policing

Police work has however remained male dominated with the question of physical strength continuing to emerge when issues of female police officers are brought up. It is generally believed that masculine traits are needed to perform police work effectively. However, physical strength has not been shown to predict either general police effectiveness or the ability to be successful in handling dangerous situations.3

The research literature reveals that most of the challenges encountered by women is a result of negative attitude by men towards female police officers. In most cases, women face other major socially structured problems that are inherent in the larger society and are played out as well in policing.4 They include balancing family responsibilities with work, role strain, doubts about self-competence and worth. A fact that is enhanced in policing as most of senior police officers are male who harbors attitude that women don’t make good police officers.

In addition, police women particularly in developing countries face discrimination, sexual harassment, or even peer intimidation and they often lack the necessary role models or mentors.5 This is clearly reflected in developing countries where the number of female police officers is very few in senior positions. Despite these challenges, women police officers have a very big role in today modern policing. A police department will not be complete without inclusion of female police officers. Male police officers can only complement the role played by female counterparts but can never act as a substitute. The followings are some of the important roles played by police women in policing.

Roles of police women in policing: Negotiation powers

Despite all this challenges and many more, police women have comported themselves admirably on the streets and are credited with employing more effective tactics that have precluded the need for physical communications that compensates in the area of physical strengths.6

Women in police force has been recognized and appreciated in developing countries where there have been reported cases where police have been accused of violating human rights. Police women have been applauded as the best in upholding human rights as they prefer resolving conflicts through dialogue,

3 Shannon Woolsey (2010) published in Law and order journal
4 Brokshire (1980) women in policing makes a difference
5 Sandra K. Wells Betty L.,Police Women: Life with the Badge.
6 Ibid
rather than being confrontational as their male colleagues. Studies have shown that police women are unlikely to use excessive force compared to male officers. Women police can therefore be deployed in areas where negotiation skills are needed and this improves the image of police worldwide.

Police women have worked so well in peace mission with some excelling as team leaders and contingent commanders such as in South Sudan, Liberia, Kosovo and Darfur in Sudan, with Ghana being recognized by UN as one of the countries sending most police women for UN peace operations.

**Domestic violence**

Naturally, women have the ability to exercise empathy and effectively diffuse difficult situations especially domestic cases and can also deal with stressful situations more effectively. Women tend to identify themselves with situations and likely to understand situations the way they are. They tend to give sober advice when faced with domestic issues that may include domestic violence than men. Police women will therefore handle domestic violence cases soberly without the victim feeling like he/she is to blame for what happened to them.7

**Addressing sexual and gender based violence**

The role played by police women has been recognized with time and many countries have seen the need to have more women in the police. It is now evident that women police officers play a critical role in addressing sexual and gender based violence which most of the victims are women and children. She further states that the victims are reluctant to trust police men since in most cases, the perpetrators are men.8 In such cases, the role of women police officers is essential in understanding the victims’ experience. The victims are likely to feel more at ease when they are handled by a fellow woman.

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Community policing
Community policing has been adopted as a policing method in most countries and has worked effectively. This method of policing requires officers who are good in communication as well as good social skills. Researchers have confirmed that women tend to be better communicators and also good at solving problems and therefore they work well where community policing is practiced.

Mentoring
Mentoring occurs when a more experienced person forms a relationship with a less experienced person in order to provide them with advice, support and encouragement. It also highlights relationships that play a central role in career development process. The young police woman requires the mentorship of senior police women in order to be able to withstand the challenges encountered in policing. Though few in numbers, one of the biggest roles of senior police women is to guide the young female officers in their careers advising them on the best opportunities available for personal and career development.

Networking
Another source of emotional support and information sharing is the network of colleagues within an organization that include not only formal networks but also informal systems. Studies show that women are proficient at forming supportive peer networks than men. This explains why there are several associations of police women than men, a situation depicted in most countries.

These associations provide an opportunity for networks for women in policing and sharing experiences and also encouraging each other regardless of countries of origin. Women tend to form social circles easily than men regardless of race, religion or background. In Kenya, police women formed the Kenya Association of Women in Policing (KAWP) in 2013 and it has brought women police officers in Kenya closer as they are involved in many social activities.

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10 Ann Maria Orlin in Bojana Balon (2013), The role of women in policing today. Unpublished
12 Satya Narayan (2010) Role of women in the management of police organization; a paradigm shift.
ROLE OF WOMEN IN POLICING

Legal aspect

In some countries, it is a legal requirement to have gender representation in public service. Some countries have come out strongly to effectively implement the gender policy especially where there has been a gender injustice for a long time. In Africa, Kenya and Rwanda are some of the countries with laws that require gender representation. In Kenya, the constitution requires that 30% of all appointments in the public service must be women.\textsuperscript{13} Though this has not been fully implemented due to past vacuum in the system, it is being embraced rapidly since the first woman was appointed as deputy inspector of police in 2013.\textsuperscript{14}

Conclusion

Women in law enforcement continue to evolve as police departments even though female police officers are assets to the police as they bring different abilities to the profession. Women police officers’ abilities often complement those of male officers resulting in tactful and investigative advantage when male- female teams are deployed.\textsuperscript{15} Police women have made various achievements other than shaping their career through self-sacrifice in order to serve members of public. Some have been recognized through awards while some remain unrecognized.

Police women have been found to have positive effects on society as a whole. Time magazine, International Association of Women in Policing recognizes the role of women in policing. More police women are more trustworthy and take their oath of office more seriously and they don’t ask or take bribes. This goes to show how women are making vital contributions in developing countries and how the police force is becoming stronger due to the number of women that dedicate their lives to the criminal justice system.

\textsuperscript{13} Colin Creighton and Felicia Yieke (2006) \textit{Gender Inequalities in Kenya}.
\textsuperscript{14} Jon Felperin (2004) \textit{Women in law enforcement: Two steps forward, three steps back}. http://www.Acareer in law enforcement.com
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GLOBALIZATION, TECHNOLOGY AND THE STATE

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Globalization according to Acosta and Gonzalez\(^1\) refers to the process of the intensification of economic, political, social and cultural relations across international boundaries. Globalization is principally aimed at the transcendental homogenization of political and socio-economic theory across the globe. It is equally aimed at making global being present worldwide at the global arena.\(^2\) In other words, globalization can be seen as an evolution which is systematically restructuring interactive phases among nations by breaking down barriers in the areas of culture, commerce, communication and several other fields of interaction. It is the changes in societies and the world economy that result from dramatically increased international trade and cultural exchange. These are areas like Business Outsourcing, sending specification and receiving quotation, and cultural transfer especially from the first world to the third world where the effects are enormous.

By means of swift communication, information flows and exchanges, globalization shapes a new environment to operate in. The information-based civilization has risen from the traditional industrial societies. Different terms have been used to signify it like ‘post-industrial’, ‘information’, ‘knowledge’, ‘postmodern’ and ‘network’ society. Modern communication technologies provide variety of powerful and affordable communication tools and services. Social media is increasingly becoming an inevitable global tool for the society. Since the public launching of the Internet in the 1990s, the number of its users has risen from millions to billions.

The information and communication technologies have made the world virtually borderless. The technologies have attracted diverse users like regular citizens, activists, non-governmental organizations, telecommunication firms, software providers and governments. These diverse dynamics cause transformation in the territory-based polity. The power structures are shifting from domestic to transnational levels.


The concept of geography is changing; today it is more a matter of association and connectivity than of space. Global flows of individuals, goods, information and capital have produced a qualitative shift from the systems of states to a novel world that has no concerns about the distinction between domestic and international realms.³

Globalization theorists have advanced different positions regarding the globalization, technology and states. To some ‘hard’ globalization proponents, globalization has already ushered in drastic changes to all of the state's functions, including the security role. Ardent proponents, like Kenichi Ohmae⁴ have contended that, under the irreversible influence of modern information technology, genuinely borderless economies are emerging, affecting business behavior, values, judgment and preferences of citizens all over the world. Other ‘hard” globalization proponents h argue that, under the weight of global social forces, the individual citizen’s loyalty to the state has declined and will decline further in the future. States are left without war as a mechanism to foster national loyalty and patriotism, and there is nothing in sight with an equivalent ability to generate the binding glue that this social institution provided nation-states for centuries.⁵ Thus, the ‘hard’ globalization proponents expect that it is in the process of replacing the state with global institutions that are more appropriate for coping with global challenges.

‘Soft’ globalization proponents, conversely, argue that changes have been taking place incrementally, yet in significant measure. To them, states are increasingly reluctant to use military instruments to resolve inter-state problems, partially due to the growing desire for wealth acquisition through economic liberalization and trade.⁶ The norm of territorial integrity has become entrenched, making it virtually impossible for states to alter borders by force and receive international recognition. The dramatic decline of inter-state wars since the end of the Cold War in 1991 is seen as proof that the activities surrounding war making are no longer the primary focus of states; even major powers (barring the US, perhaps) are conducting their limited competition though ‘soft geopolitics’, with less emphasis on open arms races, crises, and war.⁷

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GLOBALIZATION, TECHNOLOGY AND THE STATE

In the ‘soft’ globalization view, major security threats no longer consist primarily of military challenges, but take the form of terrorism, drug trafficking, disease, ecological disasters, and mass poverty. These theorists note that notions of ‘human security’, as opposed to military and state security, increasingly affect the preferences of policy-makers in many countries. With the decline of geopolitical conflicts, they argue that the military in most advanced states has become more focused on fighting internal and international crime or policing as opposed to waging inter-state wars.

Some globalization scholars like Richard Rosecrance in the commercial liberal tradition argue that states are unwilling and unable to fight large-scale wars due to the deepening of economic interactions among states and multinational corporations. These scholars argue that when trade flows freely across national borders and multinationals become more transnational, producing and assembling different components in different countries, the states that host them prefer to avoid military confrontations, as they would suffer heavily in economic terms if war were to break out causing an environment that is not conducive for such investors. Some even contend that for many developed economies land is no longer a consideration in relation to security. For instance, Rosecrance\(^8\) has conceptualized the rise of ‘virtual states’, maintaining that where ‘capital, labour and information are mobile and have risen to predominance, no land fetish remains’. Solingen\(^9\) has gone a step further, arguing that the economic liberalization that has been taking place globally since the early 1990s has led economically and politically liberalized elites who undermine the power of their military establishments deliberately, so as to attract foreign capital and preserve market access.

In the aftermath of the September 11 incidence where terrorist strikes on the US took place, a sixth line of globalization arguments has emerged which contends that transnational terrorism has paralyzed the state’s ability to protect its citizens. Indeed, even the most sophisticated military power in the world was not been able to prevent a major assault on its financial and military nerve-centers by a highly organized group of individuals of various nationalities using unsophisticated weapons and who are ready to die for their cause. Moreover, no effective countermeasures have since been found to combat the scourge of terrorism. The conventional attacks on states that harbour and sponsor terrorism, such as Afghanistan, have achieved only limited success, as terrorists can flee to other countries. Thus terrorists have effectively used the transportation and communication networks that are the hallmarks of

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globalization to mount a formidable challenge to the state. They use global technological network like Facebook, Whatsapp, and internet to mobilize and conduct attacks by using mobile phones to detonate explosives.

**Conclusion**

One point which emerges from the discussion is the enormous breadth of views on globalization. On the one hand there are leaders in business and, to some extent, government touting it as the wave of the future which, though requiring adjustment, promises new opportunities for all. On the other hand, there is a variety of groups and individuals who think it is a vehicle of economic and cultural disaster. Such a wide divide has led, to increasing polarization in the debate about globalization's origins and effects, and has fostered some increasingly extreme views.

Depending on the levels of reception and adopting of globalization, states are going to feel its impact. The emergence of alternative actor in what has solely been the reserve of the state is a new phenomenon which states are not taking with their hands down. Although alternatives are limited, it clear that life is no longer the same again. With private security consultants, alternative dispute resolution mechanisms, leakage of state secrets, emergence of Civil Society organization challenging the decisions of the state and data destroying virus, the world is no longer at ease.

The only few aspects that seem to be adding value are international political integration, the computer era, themobile telephony, and faster commodity sourcing for improved trade among others, which are classified as the positive side of globalization. With this balanced state of global effects, there is a guarantee of a similar future if no action will be taken to reverse the negative effects like terrorism. Such and achievement shall require a global approach where proponents of such attacks begin to see the value of human security. It will also require an address to the real causes of terrorism and not the symptoms.

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ECOLOGICAL AND SOCIO-ECONOMIC IMPACTS OF STONE QUARRYING IN GILGIL SUB-COUNTY IN KENYA

Col. R. P. K. Kamau - Kenya Army

Introduction

This study provides an analysis of the effects of stone quarrying on socio-economic well being as well as the effect on physical environment in Gilgil Sub-County of Nakuru County. The article aims at making recommendations to help strengthen policy implementation relating to quarrying, risk reduction and environment protection. It highlights the socio-economic aspects of quarrying and the resulting environmental impact. Quarrying is a significant socio-economic activity providing employment opportunities to primary and secondary school drop-outs especially those with less than ten (10) years of schooling in Gilgil area. It also generates income for quarry and land owners. The activity also provides indirect employment to the transport industry. It promotes other small scale economic activities such as food vending and hawking. Despite these positive attributes, quarrying poses health risks to people who work there and those living within the quarry environs. The activity can be a factor of modified landscapes for the better, if the pits are designed to exhibit some patterns that are attractive. However, in most cases soil erosion and physical weathering are a common phenomenon in many of the disused quarry pits.

Quarrying is an important activity not only in Gilgil Sub-County of Nakuru but also in many other parts of Kenya. It has provided employment to majority of jobless people and the youth who after completing schools and colleges get absorbed into it as transit occupation while also seeking for greener pastures. Because of its strategic location and good road network, Gilgil town has off-late become lucrative for business and settlement. Many people have flocked into the area from as far as Nyahururu, Miharate, Mawingo, Turasha, Ol Kalau, Eburu and even Nakuru itself. Most of these people areas have been drawn into a variety of activities including quarrying. However, being an important activity in the Sub-County, this informal sector has not received government’s attention and support. The County administration in Gilgil has been levying quarry owners and Lorries leaving the quarries for as long as the business has been going on yet the roads remain in a dilapidated state. The money collected as taxation for this activity runs into millions of Kenya Shillings. To rescue this sector, firstly, the government needs to intervene and carry out
planning and regulation of quarrying in the area. This includes harmonizing and standardizing levies at the quarries and charges for transportation of both sand and building stones. At the moment, there is no legislation on the operation and management of quarries in the country. There is therefore need for a government legislation that is aligned to the ‘Environmental Management Act’ to safeguard the environment. Secondly, the land, quarry and concession holders as well as the community members should be involved in finding viable solutions to problems posed by unplanned quarrying in Gilgil Sub-County.

**Geography and Background**

Gilgil Sub County is geographically located in the heartland of traditional Maasai nomadic population in the larger Nakuru County. It is 115km North of Nairobi, between Naivasha and Nakuru along Nairobi-Nakuru highway. It has an area of 1,348.40km squared and a population of approximately 152, 102 people.\(^1\) The area has a population density of 96 people per square kilometer. It has an elevation of 6600 feet above sea level.

Except for the diatomite mined in Kariandusi area, there are no major minerals mined here other than sand, gravel and stone. Among these, stone is quarried in large scale. This mining sector, although undertaken in small scale is beneficial to the local people and has contributed to the development of this growing urban area. However, the activity has also brought about some detrimental effects on the physical surroundings and to the inhabitants. This article brings into fore the quarrying activities in Gilgil area revealing the socio-economic aspects and the environmental effects especially on landscape changes. It also makes recommendations necessary to mitigate the adverse effects of the activity in the area.

**Quarrying Activity**

Quarrying is defined in the Merriam Webster dictionary as the business, occupation, or act of extracting useful material (as building stone) from quarries. Michael Ajide Oyinloe and Gabriel Esan Ajayi define quarrying as the process of extracting and disposing quarry resources found on or underneath the surface of private or public land which serves as a source of livelihood to sand and gravel industry.\(^2\) The building stones are used in the construction industry to build homes, schools and colleges, offices, industries, and many

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others. In Kenya, due to the unemployment in the formal sector, most people have resorted to quarrying to extract building stones and sand mining. This activity is a major contributor to the national income generation economic growth. Quarries provide the much-needed employment opportunities in areas where jobs are often hard to come by.

Quarrying and sand mining has been one sector which has complemented government’s struggle to provide employment to a big number of people especially the youth who constitute the majority in the country and who after leaving school and tertiary colleges, hardly find employment. However, this is a job that many would not wish to do whenever there is an alternative because it is manual, tedious, and associated with many health hazards. It is a preserve of the determined and strong hearted. This lot happens to be the poor in the society whose consolation is the hope that God exists and has time for their tribulations. The stronger and more active people are able to shape and smoothen dimensional stones of either six (6) or nine (9) inches width running into an average of 300 feet each day, from crushed stones using the appropriate hand tools. The more dimension stones one is able to prepare for sale, the better paid he is for his work. The unweathered carbonate rocks which are common in Gilgil are ideal for crushing into dimensional stones and other resources. The term “crushed stone” refers to the product resulting from the crushing of rocks such that substantially all faces are created by the crushing operation. The term “dimension stone” is generally applied to masses of stone, either naturally occurring or prepared for use in the form of blocks of specified shapes and sizes that may or might not have one or more mechanically dressed surface.

Kenya’s Mining Act, 1940

The Mining Act regulates all mining activities in Kenya. The Commissioner of Mines and Geology, is responsible for overseeing mining, research and policy as well as implementation of the Mining Act. The law does not include stone and rock extraction for use. Consequently, artisanal stone quarrying has operated outside this legislation without a governing body or framework governing land use, planning, and environmental control.

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Lack of absolute quarrying control is illustrated by the fact that stone quarrying can commence on private land like it happens in Gilgil, without reference to any authority. Such operations are unrecorded, unregulated and have no environmental management obligations. It should be noted however that quarries operating on government of Kenya forestry land do require a license and are required to restore the land at the closure of quarrying in the area licensed. This is not the case in Gilgil. Here, there is no proper regulation and management of stone quarries and sand mines since most of these are located in private farms in the outskirts of the town. Access to some of them is quite difficult as they are located in difficult terrain without good access roads. What is baffling though is the fact that Gilgil County administration is normally very active in levying every vehicle leaving the quarry or sand mine a tune of Kshs 300 for every trip made yet for close to twenty years; it has not done anything to improve and upgrade the access roads leading to the quarries.

**Increased Demand for Construction Materials**

Over the years, there has been an increase in global population. The population of Africa was estimated at 1.069 billion people in 2016. It is projected to reach 2.5 billion people by 2050. Africa still remains the second most populous continent in the world, making up approximately 15% of the world population. At the same time, the continent is urbanizing at a rate of 4% per year, according to UN-Habitat. Over the next 15 years, cities in Africa will experience higher growth rates than other regions of the world, predicts Oxford Economics, a British firm that specializes in global forecasting and quantitative analysis for business and government. Already, cities like Nairobi and Mombasa in Kenya have experienced rapid expansion and population increase over the last ten years from 2006. This situation has been experienced in Gilgil as well. With increased population, there is anticipation for increased demand for building and construction materials. Quarrying is an activity that is instrumental in the supply of these materials hence requiring due consideration and efficient management.

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Nature of the Social Problem in Gilgil

Over time, the population of Gilgil has been growing exponentially. The area’s population was 152,102 as recorded during the 2009 National Population Census (NPS), with an estimated density of 96 people per square kilometer. Since then, the population has increased almost twofold. The high population density has been contributed by the influx of people from other regions into the area and making it their homes. They then engage in all manner of business enterprises. The population explosion has exerted pressure on the limited potential agricultural lands around the town where majority peasants are engaged in subsistence crops farming and raring of animals. Being a semi arid area with long term spatial distribution of rain varying from 600 to 800mm, the inhabitants of the area are compelled to venture into alternative economic activities in order to support their livelihoods. Among these alternatives is stone quarrying which offers a means of livelihood and employment. However, the drive by people in the area to pursue this activity is compounded by a variety of challenges which include waste of portions of stones at the preparation stage; poor health; lack of safety measures and environmental degradation.

The evaluation of the economic performance and progress through gross income of stones excavation works in the district far much outweigh the negative contributions of the area’s quarrying sector. There is concern that some of the quarrying activities are not environmentally sustainable not only in the short but also in the long term. There is also concern that the existing quarrying resource will eventually be exhausted hence rendering this activity unsustainable in the long run.

Positive and Negative sides of Quarrying in Gilgil Sub County

The expansion and growth of quarrying activity in the Sub County has many socio-economic benefits. While these benefits are reaped, no attention is paid to the socio-economic losses incurred. The adverse effects of quarrying on the pit workers and those living in the environs close to the quarry pits are so devastating yet ignored. Some of these effects include loss of soil cover which is caused by clearing the bushes in the excavation site to pave way for karsts extraction. The effect of this is the washing of top-soil to low-lying lands by the running off water after the rains. This renders the soils bare, loose and

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incapable of supporting the re-establishment of vegetation. In Gilgil, the ground in hilly areas where quarry sites are located is bare with only scattered bushes. The other problem is on the health of quarry workers and people living within the quarry environs. Quaries located near residential areas have been associated with the deterioration of health of people living there due to the clouds of dust blown by transport Lorries conveying stones from quarry pits. Also, many open pits are abandoned after stones extraction is which become a danger to those who stroll into those areas for picnic without fore knowledge of their existence. In many occasions, people have broken their limbs and also sustained injuries by falling into disused quarry pits accidentally for lack of information about their whereabouts and existence.

**Socio-Economic Effects**

Stone and sand being important components in the construction of homes, offices and factories are often in high demand in most parts of Kenya. The quarrying and aggregate production industry is therefore a major player in enhancing national economy through the provision of essential building materials and employment opportunities. Quaries are mostly owned by entrepreneurs within the local community. Therefore, the industry has a positive contribution to the local economic development. Also, owing to the fact that most quarry workers lack formal training, this sector provides employment and wages to them. Despite the benefits offered by the sector, it poses occupational hazards to the detriment of health and safety. Some of the hazards include fatal injuries, respiratory diseases such as silicosis and tuberculosis.¹⁰

Quarrying is undeniably a valuable source of building materials worldwide, but it causes problems of land use for the communities residing in areas where such activities take place. A study conducted in the Niagra escarpment on quarrying revealed that there is a conflict between the industry, the quarry operators and the local communities intending to put the same land into new use. Quite often the value for the same land goes down.

**Ecological Effects of Quarrying**

During the rainy season, the abandoned pits collect water and attract mosquitoes that bit people residing in homes nearby and infect them with malaria. Waterborne diseases such as cholera, dysentery and typhoid are also common in these areas. This is because many quarry workers do not have

¹⁰ Crem. *Sustainability of Jewellery sold in the Netherlands*. 2005
toilets constructed nearby but rather rush to the bush to relieve themselves and when it rains, flash floods and running water wash the feces downstream to the nearby rivers and other water sources where people draw water for domestic use. When not well treated, water drawn from such streams infects the inhabitants with water borne diseases. In other places within the area, abandoned quarries are used as refuse dumping sites. These become breeding sites for mosquitos’ and other disease spreading insects.

Impact on Landscape, Visual effects and Aesthetics

Quarries can occupy a significant part of the visual landscape. Introduction of potentially discordant features into the landscape results in visual intrusion and challenges to landscape character such as quarry face, soil stockpile, plant and lighting.\textsuperscript{11} Quarrying activities can also lower water table and cause the water wells to dry up. In Indian quarries, operations have been found to have gone deep and affected ground water aquifers. An alteration of drainage courses and water patterns through quarrying can lead to flooding during rains. This phenomenon has not been experienced in Gilgil. However, due to intense quarrying in the area, the problems of flooding, stagnant water pools and alteration of drainage courses might be experienced in future.

Problem of Un-Rehabilitated Quarry Pits

Since 1996, the Kenya government policy has been that disused quarries should be rehabilitated. In Gilgil, this does not happen. Most pits are left un-rehabilitated and in most cases converted into dumping sites for wastes and refuse. Due to this, many have become breeding grounds for rodents and dangerous snakes. Still other un-rehabilitated pits have become hideouts and dens for thugs and vendors of illicit brews such as ‘Changaa’ (A local alcoholic beverage akin to the popular Russian Vodka) and drugs such as bhang (cannabis sativa). Economically, the un-rehabilitated quarry pits reduce agricultural land for farming since no crops can do well in open disused pit that are not remodeled. Moreover, the pits and heaps of waste stones and soil left behind, destroy the aesthetic beauty of the landscape that was previously flat to gently rolling.

Loss of Original Vegetation and Emergence of Alien Plant Species

Quarrying involve clearing of vegetation at the quarry sites as well as roads. Some vegetation is permanently lost while new and alien species establish in quarry pits because of interference to the ecological formation around these sites. Clearance of the vegetation also results in the destruction of floral species such as acacia and Tarconathus. It also leads to the fragmentation of the local habitat. The vegetation that grows in un-rehabilitated and disused quarry pits consist mainly of shallow rooted hydrophytes plants. This is because the pits hold surface runoffs and are flooded most of the time. This could also indicate high water table or an increase in pore water pressure, which is an indicator of potential surface instability.\textsuperscript{12}

Conclusion

Stone quarrying and sand mining has contributed immensely to the growth of construction and transport industry in Gilgil Sub County. At the same time, the activity has been responsible for a number of health and social problems in the area. The County can count on many other benefits brought about by this activity to include employment, infrastructural development and revenue collection. The devastating effects of stone quarrying include lowering of water table, encroachment into land that would otherwise be utilized for agriculture, collapsing buildings after they develop cracks due to vibrations occasioned by stone blasting through use of explosives and other devices. The residents living in areas close to the quarry pits and sand mines hardly harvest clean rain water as there is always heavy dust settling on roof tops of their houses. Due to prolonged inhalation of dust, quarry workers develop respiratory track infections. There is also continued destruction of the environment. The disused quarry pits eventually transform into dens for trading in illicit brews and drugs. They also become hiding places for criminals. All these factors have combined and transformed Gilgil which was a relatively peaceful and quiet town into a place with criminal gangs who waylay, mug and steal from pedestrians especially upon night fall.

Recommendations

The government should improve and effectively manage the quarrying sector in Gilgil Sub County and elsewhere in the country in an effort to enhance it as a means of employment especially for the youth. As an important sector, which supplies materials for the construction industry, quarrying not only enhances the government’s housing policy to provide better housing and living conditions for all Kenyans but it is also a multi-billion shillings industry with a huge revenue base. As such the following recommendations are proposed to enhance better and safer working conditions for those engaged in quarrying activities:

- **Quarrying Methods.** Technologies and methods of quarrying should be improved so that they are user and environment friendly. Less wasteful methods of stone blasting should be adopted to ensure utilization of most of the stones in quarries. At the same time, stone blasting which is the traditional method used in Gilgil and other places elsewhere in the country should be reviewed to reduce wastage of large volumes of stones. The methods of cutting stone with machines and or appropriate hand tools should be embraced to reduce toxicity of explosive dust and accidents associated with blasting. A data base should be prepared indicating the type of tools and methods used in quarrying with a view to conserving the environment.

- **Environmental Management.** Quarries should be restored in accordance to the Environment Management Act. Adherence to statutory requirement for all projects activities to undergo environmental impact assessment (EIA) followed by an annual environmental audit should be actualized. EIA has never been carried out in any of the quarries and sand mines in Gilgil. It is time this is done and all disused quarries rehabilitated by filling them up or converting them into commercial fish ponds to help generate income for communities living nearby. They can also be rehabilitated and turned into relaxation parks for those out for picnic and sight seeing. This will contribute to domestic tourism and also help to grow government’s revenue base.

- **Environmental Training and Awareness Creation.** Management training seminars should be introduced with emphasis on pre-planning, productivity, environmental responsibility as well as health and safety of the quarry workers. Also, seminars on environmental matters should
be held to enhance employees’ awareness and understanding on how best to work in the quarries. Quarry Workers should be sensitized on safety measures while at work and also be advised to adhere to the best practices in quarrying and sand mining.

- **Policy and Regulatory Recommendation.** There should be a regulation and management of quarry activities to foster better terms of employment in such endeavors. This will also make it easier for the government to monitor and exercise control over environmental management and conservation measures. Accordingly, all stakeholders including the local communities should be involved in the formulation and implementation of environmental policies. Appropriate environmental legislation standards, management objectives and priorities should be enacted to reflect environmental and development context in which they apply. Coupled with this, areas intended for quarrying should be curved out and set aside exclusively for this activity while those for human settlement should also be separately identified and curved off for this purpose too. This will eliminate cases of health risks associated with living within the quarry environs.

**References**


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