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Message from the Commandant

Welcome to this issue of the NDC journal for course 18- 2015/16. The journal marks an important milestone in the journey of the participants during their 48 week study in this college.

Course 18-2015/16 has 39 participants drawn from Botswana, Burundi, Germany, 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, 22 participants are pursuing a master’s programme with 16 Diploma in International Studies. All (39) participants will graduate with the NDC certificate on successful completion of the course.

The aim of the college is to train leaders who make things happen with the capability to strategically see far beyond the horizon to the future as aptly outlined in the course motto “The Visionaries”.

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

I congratulate participants of course 18- 2015/16 for their contributions to this journal. I also wish to express my deepest appreciation to the editorial board and the administrative staff for their hardworking and relentless support towards the successful production of the journal.

J N WAWERU
Lieutenant General
Commandant
The editorial board is pleased to launch this journal edition for Course 18-2015/16. The articles in the journal 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 the continued support and guidance during the long journey of the compilation of this journal.

A K MULATA
Brigadier
Chairman
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.
Part 1
International Relations
HOW TRACK TWO DIPLOMACY WORKS IN CONFLICT ZONES

Col M. K. Suleiman - Kenya Army

Introduction

Traditionally, the term diplomacy referred to interaction between nation-states. Lately, however, scholars have delineated several levels of diplomacy. Tracks one and two are the most commonly used terms. A combined term is multi-track diplomacy. Beyond its assimilation with unofficial processes, Track Two diplomacy is more specifically defined as a niche within a broader framework of formal and informal approaches to conflict resolution.

Montville defines track two diplomacy as non-governmental, informal and unofficial contacts and activities between private citizens or groups of individuals, sometimes called non-state actors. It contrasts with track one diplomacy, which may be defined as official, governmental diplomacy that occurs inside official government channels. However, track two diplomacy is not a substitute for track one diplomacy. Rather, its purpose is to assist official actors to manage and resolve conflicts by exploring possible solutions derived from the public view and without the requirements of formal negotiation or bargaining for advantage.

Unofficial discussion and problem-solving actions aimed at building relationships and encouraging new thinking that can help the official course of action. Track two activities normally engage prominent scholastic, religious, in addition to NGO leaders and other civil society actors who can work together more freely than prominent officials. A number of analysts use the term track one and a half to refer to circumstances in which official and non-official actors work jointly to resolve conflicts.

Application of Track Two Diplomacy

In 1989, the American Academy of Arts and Sciences hosted the first of a series of conferences bringing together Arab and Israeli participants to discuss possible solutions to the Israeli-Palestinian conflict. The meetings and others like them snowballed into the first major effort to put Track two into practice,

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laying the groundwork for the landmark 1993 Oslo Accords. This turned out to be probably the most famous success of the track two dialogue between Israel and the Palestinian Liberation Organisation (PLO). The contacts began as an unofficial initiative by a Norwegian scholar, but, by the time it was finished, the process had transitioned into full-blown track one diplomacy, culminating with a handshake in the White House between Israeli Prime Minister Yitzhak Rabin and PLO leader Yasser Arafat.

The direct impact of South Asian dialogues on official policy has been limited, although not entirely absent. For example, one track two group promoted the idea of a joint pipeline to pump natural gas from Iran to India and Pakistan, addressing the growing energy needs of the two countries while also serving as a peace-building exercise. With the renewal of the Indian-Pakistani peace process, the pipeline idea moved to the official track.

Track two parties are less threatening to armed groups, and find it easier to work flexibly, unofficially, and off-the-record, and have less to be concerned about in terms of conveying official/legal recognition. Lacking geopolitical interests and stakes in the conflict, they may be more impartial, forming relationships with a wider variety of actors in the conflict, and hearing things official actors do not. Once a fringe notion, Track two is now taught in ninety nine conflict resolution graduate programs in American universities, South African colleges, and many more worldwide.

Ways That Track One and Track Two Can Work Together

In many peace processes today it would be unrealistic to think that one track could work without the others. Successful outcome would require a combined and sustained effort. There are several ways in which track one and track two contributions complement each other. Track two can help the process of understanding armed groups. Like most organizations, armed groups do not appear spontaneously and remain stable until the end of their existence. Because armed groups are highly volatile organizations, building up an understanding of them can take many years. Track two actors can help build this gradual understanding.

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One of the necessary tasks for any arbitrator concerned with an armed group is to observe and estimate the phases within an armed group’s life, so as to be aware of its intentions, way of thinking, strategy and evolution in such a way as to be in a position to help prevent the situation from deteriorating, or occasionally to help set the venue and agenda within pre-negotiations. This was the case in Burundi, for example, where a number of NGOs sustained contact with the Forces for the Defence of Democracy–National Council for the Defence of Democracy (FDD-CNDD), while discussing issues with them, organizing seminars and trying to help them build a political agenda solid enough to deal with the Burundian government. The FDD-CNDD eventually decided to negotiate in 2000.7

**Importance of Track Two Diplomacy**

Track two can help build the enthusiasm and capacity of armed groups to participate effectively in a peace process. There is a sort of myth that in negotiations, particularly between armed groups, militarily-trained leaders are apt to be pragmatic, and can simply begin talking to each other if seated at a table. Rather, parties are likely to sit down and carry on fighting across the table, as if the battleground had merely been replaced by a discussion room. To avoid this, a lot of background work needs to be done over months or years at different track levels.

Shadow diplomats or professional intermediaries on a regular basis engage in casual meetings where delegates or friends of an armed group will take part, often anonymously, to find out about experiences elsewhere, or sound out ideas. Where sides take part together, the process of drawing on experiences from somewhere else and studying alternative practice is a way of sounding out what the other is thinking, or gauging reactions. The most powerful tool of a track two strategy has proved to be a series of facilitated workshops that bring together representatives of groups in conflict for dialogues that target relational transformation and the integration of the society. Such workshops make it possible to undermine negative stereotypes and re-humanize relationships between the parties.

Track two can assist the process of understanding armed groups, help build their willingness and ability to participate and keep lines of communication open; track one can provide political pressure, help and recognition. Hottinger reflects on the risks in composite peace processes, such as armed groups’ uncertainty over the position of different intermediaries, the need to judge when it is time to pull out, and the need for better communication among

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actors. Track two actors might be employed by formal mediators to make informal contact with armed groups with the purpose of following events inside the movement, grasping its logic, and letting them know that when they want to sit down and talk there are organizations willing to assist.

**Track Two Diplomacy and Conflict Resolution**

Track two diplomacy has a lot of support from international community when it comes to effective conflict resolution. An effective track two actor(s) may have a high level of technical and process expertise, and acquired knowledge of the armed group, but without track one political pressure, help and backing, professional mediators or facilitators would be lost.\(^8\) Armed groups are in need of reassurance that the international community and its official representatives will back the peace process and help implement and guarantee the results. This was clearly the case in Sudan’s *Machakos* negotiations, where the close and steady watch of the international community and its reassurances on assistance with implementation made the agreement reached in January 2005 feasible.\(^9\)

Independent variables in the South African case included revolutionary international changes, notably the end of Soviet military involvement in southern Africa, which permitted resolution of the conflict over South Africa’s colony, Namibia, and South Africa’s disengagement from the Angolan War. In the mid-1980s, black-led resistance and government repression spurred foreign disinvestment. Economic stagnation and chronic political instability widened cleavages in white electoral politics. In 1987, the far-right Conservative Party (the CP - formed in 1982 by a breakaway faction of the ruling National Party, NP) replaced the liberal Progressive Federalist Party (PFP) as the official parliamentary opposition. In 1989, F. W. de Klerk ousted P. W. Botha, first as leader of the NP and then as president.\(^10\)

Most armed conflicts today are intra-state conflicts, conflicts inside national boundaries. The United Nations Charter prohibits involvement in conflicts within national boundaries, and there is presently no other international, intergovernmental organization (IGO) authorized to intervene in intra-state conflicts. Efforts by individual governments to provide political support have typically been rejected by the parties involved in such conflicts.

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Different UN agencies and nongovernmental organizations (NGOs) have been able to provide support in such conflicts (Economic and humanitarian) but only with the authorization of the governments in power. Unfortunately, most forms of economic and humanitarian aid generally do little or nothing to resolve the root causes of these conflicts.

Substantively, future Iran-related Track two activities can complement Track one by addressing Iran’s relationships with other regional powers. Competition between Iran and Saudi Arabia is a key driver of regional instability and could be a catalyst for future conflict. While previous Track two dialogues have focused on the US and Iran, future activities could bring former senior Iranian officials together with Saudi counterparts and others from Gulf Cooperation Council (GCC) states to address mutual insecurities. As nuclear talks between the P5+1 and Iran progress, there may be an opportunity for Saudi Arabia and Iran to reassess their relationships; the unofficial nature of Track two would allow both to engage in tentative discussions with minimal risk. At some point, Track two could also foster Iranian-Israeli contacts.  

In the same way, Track two dialogues ought to expand their involvement to embrace sceptics of a nuclear deal as a way of countering the role of spoilers who may seek to undermine any future negotiations. Even though most dialogues with Iran mainly involve retired diplomats or military leaders, Track two could bring Congressional staff, journalists, and other political analysts (from outside and within the region) together with Iranians to discuss nuclear issues and assist in raising awareness about what kind of a deal would be acceptable. These talks can eventually spread out to areas beyond the nuclear question.

Track two processes have been an integral part of efforts to resolve the Israeli-Palestinian conflict beginning in the 1970s, and still buttress formal negotiations today. While previous dialogues have brought parties to a level of familiarity, and the general parameters of a final status agreement are known, Track two initiatives can address sensitive issues in a setting where parties do not feel compelled to make binding commitments. While U.S. officials work with Israeli and Palestinian negotiators on a comprehensive agreement, Track two processes offer support on issues that may hinder the implementation of any peace agreement in the long term.

Beyond supporting existing talks, Track two can facilitate successful official negotiations across a wide array of conflicts and challenges in the Middle East. In recent years, many disputes in the region have involved internal struggles about a society’s identity and political orientation.

Track two can help address these national divisions, particularly in Egypt, Israel, and the Palestinian Territories. Likewise, participants in Track two have used the format to discuss larger regional issues, and Track two can be applied more broadly to address arms control and the roles of women and youth in conflict resolution.

Track two efforts are less proven in conflicts where key actors lack an interest in promoting or pursuing dialogue. This is particularly true in conflicts where regional powers have become heavily involved and exacerbate local tensions, such as in Syria, Lebanon, and Bahrain. In these conflicts, U.S. influence is much more limited because those powers in the region supporting a continuation of the conflict will seek to undermine any U.S. effort to promote dialogue. Unless all parties to the conflict, including their chief sponsors, are willing to commit to an off-the-record dialogue, Track two will likely not lead to a comprehensive settlement of the conflict in the near term.¹²

Track two practitioners make many claims about the measurability and effectiveness of their efforts. Many Track two practitioners and proponents argue that Track two contributions to conflict resolution do not lend themselves well to evaluation because Track two outcomes are difficult to measure are multifaceted and often take time to manifest themselves. Yet there have been few attempts by independent, outside observers to measure the effectiveness of Track two, and some experts admit that the lack of systematic efforts to evaluate Track two harms its overall credibility.

Conclusion

Track two diplomacy is an informal interaction between members of antagonist groups or nations that aims to develop strategies, influence public opinion, and organize human and material resources in ways that might help resolve their conflict. It must be understood that track two diplomacy is not a substitute for official, “track one” government-to-government diplomacy. Unofficial approaches such as Track two could be capable of negotiating better. This track does not primarily rely on coercion or exercising power, but rather seek to foster support for agreements at the local level. Track two efforts can be effective through convincing actors, appealing to their common understanding and establishing a peaceful settlement in private discussions.

This is done on the one hand by developing and maintaining a wide network of contacts, able to spread respect and trust among the disputing parties in the intermediary and the intermediation process, as well as providing a neutral,
low-key, safe and non-judgemental environment, such as in workshops or reconciliation programmes to facilitate interaction.

There may be specific dispute characteristics that make one track less effective than another. Issues like ‘Why did the state actors’ attempts to reach a peaceful settlement in South Africa through Apartheid period fail?’ In recent history there have been tremendously successful examples of track two diplomacy: Franco-German rapprochement following World War II, the establishment of the European Coal and Steel Community and, ultimately, the European Community. The old, bitter conflict between the French and the Germans appears to have been resolved by humanizing relations among adversary leaders, enhancing public opinion for peace making, and building cooperative economic development.

**Bibliography**


Track II Diplomacy: A Short History | Foreign Policy foreignpolicy.com/2011/06/20/track-ii-diplomacy-a-short-history/.
STATE’S TERRITORIAL RECOGNITION AND ACQUISITION: SOMALILAND NOT YET A STATE

Col D. N. Ngare - Kenya Air Force

Introduction

The approach to international relations focuses on interrelationships between independent political communities. ¹ It is therefore assumed that human race will remain to be divided into separate political entities into the future. Political entities are territorial in nature. A territory is the space within which a state exercises sovereign authority. The territory of a state is definite, and it is one of the fundamental elements of statehood. Other elements or attributes of statehood are, recognition by other states, a permanent population and a functional government. The state occupies a definite portion of earth within which it exercises its exclusive sovereign authority, subject to the limitations of the international law. The exercise of such authority by a state over its own territory is known in the international law as “territorial sovereignty”². This authority signifies ownership and possession of a territory which entitles a state to exercise its power and jurisdiction over the territory.

Autonomous Somaliland

Somaliland is a region within Somalia Republic, which has gained a level of autonomy as a result of conflict that engulfed Somalia after the fall of Berlin war. It is located in the Northwestern Somalia, in the mouth of the Gulf of Aden. It is bordered by another semi autonomous region, the Puntland Region of Somalia to the East, Djibouti to the Northwest, and Ethiopia to the South and West. It’s claimed Territory has an area of 137,600 Sq Km with a population of approximately 3.5 Million people, Hargeisa is its capital and has a population of about 750,000 people.³

Somaliland is a self declared state which is internationally unrecognized. The government in place is led by an elected president, and it regards itself as a successor state to the former British Protectorate.

The government further holds that the State of Somaliland came together as planned with the Trust Territory of Somaliland (former Italian Somaliland) in 1 July 1960 to form the Somalia Republic (Somalia). Somaliland has formulated all institutions of government that are functional. The defense forces have three services the Army, the Coast Guards (Naval forces). The Coast Guards have been instrumental fighting piracy in the sea waters of Somaliland.4

Maps above: Somaliland location and disputed border by Puntland as at 20075

The Federal Republic of Somalia

The Siad Barre government in Somalia Republic in 1988 launched a crackdown of Hargeisa based Somali National Movement (SNM) and some other rebel movements. This was a contributing factor to the break out of Civil war in Somalia that led to over two decades of intrastate conflict. Somalia became a chaotic nation without formidable government. But with the intervention of the international community and the Intergovernmental Authority on Development (IGAD), a Transition Federal Government (TFG) was established. The TFG has not been able to consolidate power over the clan system of Somalia even after getting assistance from the African Union (AU) Peacekeeping forces. In 2012 the TFG adopted a provisional constitution for the Federal Republic of Somalia declaring its sovereignty based on the territory of the Republic of Somalia before the civil war6, which started in 1991.

Theoretical Consideration

This article’s arguments are underpinned on realist theory. The realists emphasis’ is on the power of the state in a self help world system of states. However, the emerging globalization challenges as would be portrayed through Somaliland are conflicting and disputing the traditional concepts of political community. In which the state is the major actor in the international arena. Some of the emerging issues are the state power challenged by non-state actors, tribal groupings, ethnic revolts, territorial communities reverting and claiming the colonial boundaries, these are entities within the State. Since the fall of the Berlin wall that marked the end of cold war and bi-polar world in 1989, these issues have marked the world and to a large extent the African continent with intra-state conflicts. It can be viewed through the lens of lack of patriotism to the state by its subjects as an actor in the international system. This can be attributed to most citizens feeling like third class citizens since their desires and needs cannot be met or addressed by the government in power. The government thus loses credibility to be in power hence the struggle ensues and desire self determination take the centre stage. A case at hand is the former Yugoslavia and former larger Sudan. Somalia Republic is on the brink of disintegration. The region of the Somaliland applied to the international community through the United Nations (UN) for recognition. The Somaliland territory has all structures of governance and an elected president but none of the world States has yet recognized it. Puntland and Jubaland (Both regions of Somalia) are in the same route of structuring of government institutions.

The Concept of Sovereignty and Objective of the Paper

The concept of sovereignty can be viewed as a form of rule that is intrinsically bound with the emergence and existence of the modern states system. Sovereignty can be defined as to what relates to states and comprises a set of norms that address an internal (sovereign authority), an external (nonintervention/autonomy), and an inter-subjective (recognition) dimension.\(^7\) In order to understand whether Somaliland is a Sovereign state then the article examines the criteria that have been used for state’s territorial recognition and acquisition. This is through forbearing questions of what criteria is necessary for territorial acquisition and recognition as part of a sovereign State? And whether the Somaliland can be considered a sovereign state?

\(^7\) Ibid
State Recognition

The first criterion for the state sovereignty is the state’s recognition by the international Community. (Legal and Jurisdiction Control Sovereignty): According to Wilmshurt et al, each state in the international relations arena relate with other state on the basis of particular understandings of the legal status of those other states. In most cases such understandings are never conflictual and amount to recognition of the status quo. For example, the recognition of states between Kenya and Germany can be viewed in this criterion. Sometimes nations of the world may take positions which indirectly challenge the existing order, like the case with Somaliland. Another example is the claim of Kosovo in 2008 to constitute a state comprising territory formerly part of Serbia. The nations may take a position which rejects a state’s claim, thus challenging the status quo, for example that of the Turkish Republic of Northern Cyprus to constitute a state comprising territory formerly part of Cyprus. Hence recognition of the “new states” may mean an attempt to change or confirm the existing order. According to Wilmshurt (et al), there are two main international law aspects to the recognition process: One is that recognition can play a role in the international legality of the object of recognition, sometimes a ‘state’ is or is not a state legally because, amongst other things, other states have decided to treat it as such. Secondly the recognition of a state is regulated by international law, in that, states are sometimes constrained in their choices when it comes to recognition.

It is further observed that these two aspects are related. Nevertheless the two can come into tension insofar as states seek through recognition to create a new sovereignty arrangement which challenges the legal status quo. This can therefore be potentially at odds with their obligations to another state or group of states whose entitlements are being altered by this change, a case of Somalia Republic.

The framework of the international law provides the norms, rules and specific standards that enable international systems to define what is and what is not a state. In order to understand these aspects the international law provides the nature of statehood, and their significance for recognition. Hence the distinction between two particular usages of the term ‘sovereignty’ is instructive, as observed by Eli Lauterpacht.

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8 Wilmshurst E, Ralph W, & Andrew C, (Feb, 2010), Recognition of States: the Consequences of Recognition or Non-Recognition in UK and International Law. www.chatnamhouse.org.uk.pdf
9 Ibid
He observed that the two aspects of sovereignty portrayed two potential connections between the juridical person of the state and a territorial unit. This referred to governance on one hand and administration on the other hand, (what Lauterpacht refers to as ‘jurisdiction and control’), and ownership on the other.\textsuperscript{11}

However if the territory in question is or forms part of the state exercising this jurisdiction control, it is assumed that control is exercised over the territory. In applying this aspect in the case of Somali-land, the territory under which Somali-land exists is part of the Federal Republic of Somalia’s territory. Another similar case of the past of the ownership sovereignty can be viewed through the case of Clipperton Island.\textsuperscript{12} The Clipperton Island is located over thousand kilometers South West of Republic of Mexico. It became a lading base of John Clipperton, a British sea pirate. It was declared a French Territory in 1858, although it was uninhabited. Through the effort of a French military officer the French consulate in Honolulu, Hawaii, published the declaration of French sovereignty of Clipperton Island in a local Hawaiian journal. The French neither occupied nor did they develop the Island in any way. Much later Mexican soldiers in their sea expeditions landed on Clipperton Island. They forced the three inhabitants to flee from the Island and they occupied it in 1897. The Mexicans claimed that the island was discovered by Spanish explorers and hence Mexico was the rightful successor state since 1836. A conflict of ownership of the Clipperton Island ensued between France and Mexico. It was referred to the King of Italy, His Majesty Victor Emmanuel III, for Arbitration in 1908.

The King contemplated on the matter for quite some years, however his award was made in 1931 in favor of France, and Mexico surrendered the Island in 1932.

**Territorial Acquisition**

Territorial acquisition can take different forms as follows:

\textit{a. Occupation and Prescription:} Occupation and prescription is the exercise of sovereignty over previously unclaimed territory, a case at hand is the French's declaration of Clipperton Island. Occupation is the original method of acquisition territory title by a sovereign State. It implies establishing of sovereignty over a territory not under the territory of any other State (Terra Nullius), whether newly discovered or abandoned by another State’s control.\textsuperscript{13}

\textsuperscript{11} Ibid
Prescription on the other hand is the peaceful exercising of sovereign authority for a reasonable period without objection by another state. Hence Mexico's proof of historic right was not supported by any manifestation of her sovereign power over the Clipperton Island until 1897 expedition. However the mere conviction that this was a territory belonging to Mexico was not proof enough for ownership. Although it was general and long standing it could not be retained. Consequently there was written proof to admit that when in November 1858 the French proclaimed her sovereignty over Clipperton, the Island was in the legal situation of Terra Nullius. According to Abdulrahim it is the legitimization of a doubtful title by the passage of time and the presumed acquiescence of the former sovereignty.  

**b. Sovereign through Cession:** Cession is the transfer of territory from one sovereign to another, usually by means of a treaty observes Umi Perkins. The case of ceded land of Hawaii is an example although the contradiction is that there was no treaty of the “ceded lands”. They were held in trust as an entitlement for native Hawaiians.

**c. Effective Occupation:** In contemporary approaches to international law, it considers three primary matters with respect to sovereignty over territory; these are effective occupation, consent and right of self-determination. The main basis for establishing sovereignty over territory today is by effective occupation, being the continuous and peaceful display of sovereignty.

The good example of effective occupation can be viewed through the Island of Palma’s Case\(^\text{17}\), (The Netherlands Vs USA). The case as a result of the dispute related to the sovereignty over the Island of Palma (or Miangas), just South of the Island of Mindanao in the Philippines. The USA claimed the Island was derived from Spain by way of Cession under the Treaty of Paris of 1898. This therefore meant they were the relied as successor to Spain on acts of discovery and recognition by the Treaty. The Netherlands challenged the claim by relying on the historical connection between it and neighboring States of which the

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\(^{14}\) Ibid

\(^{15}\) Ibid


Island was part of, since about 1700, and the acts of sovereignty by Netherlands since then. The arbitrator, Kurt Taylor Gaubatz ruled that the Netherlands title of sovereignty, acquired by continuous and peaceful display of state authority during a long period of time going probably back beyond the year 1700, therefore holds good the title, thus the Island of Palmas (or Miangas) forms in its entirety a part of Netherlands territory.

d. **Accretion:** When land surface is formed through natural processes i.e. lava flow or volcanic eruption, and the so created piece of land is attached or is within the territory of a State then it automatically becomes part of the territory of the State within which it was formed. However in case of drying or shifting of boundary river bed, the general rule of International Law is that if the change is gradual and slight, the boundary may be shifted, but if the change is violent and excessive, the boundary stays at the same point along the original riverbed.18

e. **Secession:** Under consent and right of self determination, issues for sovereignty may be as a result of colonization of a peoples territory by another State or the desire for a group of people within a self-determination through secession. The people under the colonial jurisdiction may be consented their demand for self recognition and thus sovereignty of their State would be recognized by the world communities. Cases experienced in Africa in the late and early 1950s and 1960s. However the case of secession, the normative force beside secessionist arguments is derived instead from different sources. These may be right to territory (like the case to Somali-land) that an ethnic group may claim to posses or like the case of the South Sudan’s liberation war from the Sudan government, in which case the ethnic group claimed territorial jurisdiction. Secession may also seek for remedial for the past injustices like the case of Eritrea when it was seeking to break away from Ethiopia.

f. **Occupation Not Recognized:** The Western Sahara remains today a Non-Self-Governing Territory in the process of decolonization. In 1963, Spanish Sahara (now called Western Sahara), with essentially the same borders that it has today, was placed on the United Nation’s list of Non-Self-Governing Territories, and Spain was declared the administering power of the territory according to the Committee on The UN (Jun 2012). In the course of argument, Morocco claimed that it had legal ties with Western Sahara amounting to sovereignty at the time of its colonization by Spain in 1884. However it has consistently been recognized as having the status of a Non-Self-Governing Territory by organs of the United Nations, members of the Security Council, and the members of the General Assembly in the various Resolutions on the

18 Ibid
subject of Western Sahara that have been passed during this period (Committee on The UN, Jun 2012). Morocco's claims to sovereignty over the territory, by contrast, have not been recognized by the United Nations or any state.

**g. Non-Self governing territory:** This type of territory can be said to have reached full measure of self government in three ways, first by emergence as a sovereign independent state, secondly due to a free association with an independent state and lastly through integration with an independent state.

**Conclusion and Analysis**

This article has identified major historical criteria that were required for acquisition of territories and recognizing a new state as sovereign. First sovereignty can be as a result of international community recognition between independent states. Secondly sovereignty can be viewed through international recognition which may be legal or jurisdiction control as portrayed by the remarks of Eli Lanterpacht. Thirdly, territorial acquisition through occupation and prescription as was portrayed by the Clipperton Island case. Fourth, territory recognition through cession as portrayed by the ceded land of Hawaii although there should be a treaty to that effect. Fifth is territory recognition as a result of effective occupation as indicated in the case of Island of Palma. Lastly is the sovereignty acquired through secession. However the international community may give a blind eye to recognition through occupation as case of Morocco in Western Sahara and hence the state remains recognized as Non-Self governing state. In view of these territorial recognition therefore, such territory as Somaliland cannot claim sovereignty since it has no territory based on the Federal Republic of Somalia’s Provision Constitution of 1 August 2012. The international community finds it difficult to recognize it since Somalia has not ceded territory to any of its federal states. The International Law also negates its claims. Thus it might be paramount for Somaliland to seek secession from Somalia first, before seeking international recognition. In this case therefore Somaliland remains as part of territories of Federal Republic of Somalia. This is not withstanding the fact that Somalia Republic’s weak TFG administration has no control over the federal territories therein.
Bibliography


Elizabeth Wilmshurst, Ralph Wilde & Andrew Cannon (Feb, 2010), Recognition of States: the Consequences of Recognition or Non- Recognition in UK and International Law. www.chatnamhouse.org.uk.pdf.


LESSONS LEARNT FROM GACACA COURTS AS A HOME GROWN SOLUTION TO POST CONFLICT SITUATION IN RWANDA

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Introduction

“...when dealing with a legacy of human rights violations, there is an ongoing tension between the need for truth, the quest for justice, and the desire for peace.” (Andrew Rigby, 2001)

The end of the Cold War was marked by a wave of intrastate wars and violent conflicts where war crimes, genocide and other human rights abuses were committed. After those conflicts, the main preoccupation of the new leadership is always the prosecution of the perpetrators of those crimes and at the same time, the reconciliation of the population for a sustainable peace. In most post conflict countries, classic / retributive system of justice has failed to solve those problems because of its punitive nature, and thus the need for an alternative justice system. In the case of Rwanda, after the 1994 Genocide, the Government opted for Rwandese traditional justice system called Gacaca to solve justice problems that the Classic Judiciary System had failed to solve.

The concept of justice

Justice is a concept involving the fair and moral treatment of all persons, especially in law. For the purpose of this article, I will focus my discussion on criminal justice which is defined as a generic term for the procedure by which criminal conduct is investigated, arrests made, evidence gathered, charges brought, defenses raised, trials conducted, sentences rendered, and punishment carried out.1 Criminal justice is also defined as the system of practices and institutions of governments directed at upholding social control, deterring and mitigating crime, and sanctioning those who violate laws with criminal penalties and rehabilitation efforts. Over time, different theories on Justice have been developed and among them are Retributive and restorative justice. This paper will examine the two theories, look at how Gacaca system was introduced, its objectives, legal framework and achievements to find out how it relates with the theories.

Retributive justice is a theory of criminal justice wherein punishments are justified on the grounds that the criminal has created an imbalance in the social order that must be addressed by action against the criminal. The theory is often associated with harsh punishment, and the phrase an “eye for an eye, a tooth for a tooth” is a commonly heard justification for this theory. However, proponents of the theory point out that the retribution should be proportional to the crime, and that minor crimes should have mild punishments while major crimes should have harsh punishment. Retributive models of transitional justice have been criticized because of several shortcomings including the following: Prosecutions focus primarily on the perpetrator and do not give victims the attention or healing they need; trials can lead to re-victimisation, as those giving testimony are cross-examined in a potentially hostile and humiliating proceeding; criminal courts, due to the necessity for clear-cut “yes” or “no” answers, may limit information sharing, making it difficult to obtain the whole truth.

Restorative justice on the other hand seeks to build partnerships to re-establish mutual responsibility for constructive responses to wrongdoing within our communities. It is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible. According to Zehr, restorative justice is a problem-solving approach to crime which involves the parties themselves and the community generally, in an active relationship with statutory agencies.

While the retributive paradigm begins with the premise that crime is a violation against the state, restorative justice asserts that crime is a violation of people and relationships which creates obligations to make things right. The process of justice in the retributive model involves a determination of blame and the administration of pain in a contest between the offender and the state orchestrated by a system of rules, largely reducing victims to the status of witnesses, and offenders to the status of spectators. The process of justice in the restorative model involves the active participation of victims, offenders and communities in the search for solutions which promote repair, reconciliation and reassurance.

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The introduction of Gacaca courts

After the genocide was stopped, about 120000 suspects were arrested and put in overcrowded prisons built for less than 50,000 which caused significant human rights abuses and put a considerable strain on the nation’s economy.\(^5\) It is important to note that there was also concern about the suspects who were still in the community or in exile, but who could not be arrested due to lack of space in the existing prisons and prosecution facilities.

The Rwandan judiciary system was uprooted by the genocide, at a time when both genocide survivors and presumed genocide perpetrators were expecting justice from the new government as soon as possible. Five years after the Genocide, only 5000 people out of 125000 had been tried, at that pace, legal observers and analysts estimated it would take a century to prosecute all genocide suspects awaiting trial.\(^6\) On the other hand, the priority of the new government was to reconcile the society in order to build a new stable and peaceful country. It was against this background that the idea of Gacaca came out as a system that could reconcile Rwandans and reveal the truth about what happened during the Genocide. On 18\(^{th}\) June 2002, H.E the President of the Republic of Rwanda officially launched the Gacaca court process in its pilot phase, but trials started on 10\(^{th}\) March 2005. On the Eve of the Launch of Gacaca Trials, President Kagame acknowledged in his interview with British Broadcasting Corporation (BBC), the experimental nature of this undertaking:

“...We shall deal with problems and devise solutions as we go along. If we dismiss Gacaca as an inadequate legal response to the Rwandan legal/penal crisis, we are not only rejecting the self-determination of the Rwandan people in addressing a problem of incomprehensible magnitude, we are missing our chance to learn from it and perhaps assist the Rwanda people to improve upon Gacaca. Perhaps, there are some important lessons for other African nations in addressing ethnic tensions in a culturally manner that could emerge from looking more closely at Gacaca”.\(^7\)

Gacaca Courts had among other objectives to reveal the truth about the Genocide events; to speed up Genocide trials; to eradicate the culture of impunity; to reconcile and strengthen unity among Rwandans and to demonstrate the Rwandan society’s capacity to solve its own problems.


Gacaca Courts Legal Framework

Article 143 of the constitution of Rwanda recognizes Gacaca courts as specialized courts. The Gacaca Courts were established in 2001 by the organic law n° 40/2000 of 26/01/2001, setting up Gacaca jurisdictions and organizing prosecutions for offences constituting the crime of genocide or crimes against humanity committed between October 1, 1990 and December 31, 1994. This law established Gacaca courts at the 4 administrative levels namely Cell, Sector, District/Town and Province/City of Kigali with 19 members for each bench of Gacaca Court. It kept the major principles of the Organic Law no 08/96 on genocide: categorisation of suspects, confession and guilt plea, repentance and apologies, and introduced the alternative penalty of community services (Travaux d’intérêt General) to imprisonment for the defendants who have had recourse to the procedure of confession, guilty plea, repentance and apologies.

The Organic law n° 16/2004 of 19/06/2004 reorganised Gacaca process: Provincial and district levels were abolished, only cells and sectors remained in order to bring Gacaca courts closer to the population; the members of the bench are reduced to 9 with 5 deputies instead of 19 in the previous law; the categories have been reduced to 3: former category 2 and 3 were combined to make category 2 then, the 4th category became the 3rd one and the penalties were reviewed with specific penalties for minors. The implication of this change was the increase in the number of people to face Gacaca courts. Only category 3(formerly 4) regarding crimes against properties remained unchanged. Another major innovation of the Gacaca courts is to commute up to half of most Category 2 sentences to community service (TIG).

The Organic Law n° 16/2004 has been modified and complemented by Organic Law n° 28/2006 of 27 June 2006. The organic law n° 28/2006 reduced the number of members of bench from 9 with 5 deputies to 7 with 2 deputies; this organic law was modified and complemented in 2007 by Organic Law n° 10/2007 of 1st march 2007, which organic law was also modified and complemented by Organic Law n° 13/2008 of 19/05/2008 giving gacaca courts the competence to try crimes in category 1(art 9).

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Gacaca achievements

Gacaca missions were among others to step up genocide trials because classic justice system had failed, and reveal the truth about what happen during genocide because most eye witnesses either were killed or left the country. In total, 1,958,634 genocide related cases were tried through Gacaca. The courts are credited with laying the foundation for peace, reconciliation and unity in Rwanda. The Gacaca courts officially finished their work and closed on the 18 June 2012.11

Concerning revealing the truth, one of the conditions for confession to be accepted by Gacaca courts is to tell the truth about what happened during genocide. According to the National Service of Gacaca Courts (NSGC) report of 2010, 121,137 people had gone through that procedure.12 Those who confessed assisted Gacaca courts in providing evidence and denouncing suspects who were not yet identified. Additionally, they revealed where they had thrown the bodies of people they killed so that they could be buried properly.

Though it is too early to assess the real impact of Gacaca on reconciliation, several researchers have interviewed Rwandans and came out with their conclusions. Among them are Hester Bosman and the Rwandan National Unity and Reconciliation Commission.

In his thesis “Gacaca courts in post conflict Rwanda: the quest for reconciliation”, Bosman states that according to the majority, Gacaca contributes to reconciliation.13 By realizing the truth, forgiveness, apologies, people learning how to live together and providing the suspect and survivor a chance to meet, reconciliation is brought about. In this context, revealing the truth was mentioned most often. A small group believed Gacaca does not lead to reconciliation, because they think the truth is not being told or that the prisoners are not treated well in Gacaca. However, most people agree that the Government facilitates Gacaca sufficiently.14

According to the National Unity and Reconciliation Commission (NURC) report “Rwanda Reconciliation Barometer”, more than eighty percent of respondents appreciate positively the achievements of Gacaca in terms of truth unveiling, punishment and impartiality of judges among others.

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14 Ibid.
However, the survey showed less appreciation vis-a-vis the compensation for the genocide survivors.\textsuperscript{15}

\textbf{Gacaca Courts a Restorative Justice}

Rather than punitive justice measures which punish, restorative justice processes strive to “create peace in communities by reconciling the parties and repairing the injuries caused by the dispute” through the facilitation of “active participation by victims, offenders, and their communities in order to find solutions to the conflict”\textsuperscript{16}. Gacaca courts also emphasize on the restoration of the social order over punishment. At the heart of Gacaca justice is the community. The Gacaca Assembly brings together every adult member of the community to judge one of them. Plea bargaining offers the perpetrator the opportunity to confess and apologize, and by doing so it becomes easy for him to be reintegrated into the community. Gacaca Jurisdiction empowers the Rwandese to take charge of their own destiny in matters related to conflict resolution and management, justice, peace, unity and reconciliation because these ones are inter-related and inter-twined. In Gacaca system, local residents are the judges, prosecutors, witnesses and the court members. This is instrumental in restoration because hearings are held in actual places where the conflicts occurred or the offences were committed and the conflicting parties are involved in the system.

In Restorative Justice, rebuilding fractured community relationships is of paramount importance, much like in Gacaca. As such, involving the community in the process of nurturing justice by holding offenders accountable to the victims of the crimes directly and, subsequently, supporting offenders and victims in re-integrating with their communities became central justice tasks.

In Gacaca, the community must collaborate and is entrusted with the tasks of determining culpability and re-establishing relationships that will allow Rwandans to co-exist peacefully in their communities after the tribunal concludes its work. This addresses the implicit community’s need for peace, safety, and healing in a holistic fashion. Gacaca sentences include reparations such as community service in lieu of prison time, which provide alternative to traditional prison sentences. The incentive for the offender to confess in Gacaca might also be seen as being compatible with the offender taking direct responsibility for their actions, a central tenet of Restorative Justice.


Additionally, the culturally appropriate ritual, the storytelling shared by the victim and the offender, and the participatory, inclusive nature of the Gacaca process, are very much in-line with the principles of Restorative Justice.

However, Rwandans were also concerned with the eradication of the culture of impunity which is considered as one of the causes of the 1994 genocide. That is the reason why Gacaca also emphasises punishing those found guilty by the courts. In Gacaca courts, sentences are not as severe as those given in classic courts, especially, for those who plead guilty.

Lessons Learnt

Countries from conflict can draw a number of lessons from Gacaca courts. First is taking charge of own destiny and using home grown solutions to solve complex national issues related to conflict, justice, peace, unity and reconciliation. Second is putting emphasis on the restoration of the social order by rebuilding fractured community relationships over punishment is of paramount importance. Third is involving the community in the process of nurturing justice by holding offenders accountable to the victims of the crimes directly and supporting offenders and victims in re-integrating with their communities. Fourth was restoring harmony in the community by involving the population in the justice process. Fifth, privileging reparations such as community service in lieu of prison, which provide alternative to traditional prison sentences. Lastly, the plea bargaining offered the perpetrator the opportunity to confess, apologize and most importantly to reveal the truth.

Conclusion

“…Whichever mechanism or combination of mechanisms is chosen, it is chosen to achieve a particular outcome which is, in part, justice, and, whenever possible reconciliation, and ultimately, peace” (Bassiouni, 1996).

It was observed that although Gacaca has some shortcomings, it has achieved most of its objectives which were to reveal the truth about the Genocide events; to speed up Genocide trials; to eradicate the culture of impunity; to reconcile and strengthen unity among Rwandans and to demonstrate the Rwandan Society’s capacity to solve its own problems. Concerning the truth about what happened in genocide, Gacaca has achieved it through the confession and guilty plea procedure where 121,137 people pleaded guilty and confessed what they did and saw during genocide. This has helped survivors to locate where the bodies of their relatives had been thrown and bury them in dignity. In addition confession and repentance also facilitated reconciliation between those who repented and survivors because by establishing individual
responsibility, it removed suspicion, dispelled rumours and mistrust among Rwandans. Confessing and repentance to what has been done wrong is a very important and unavoidable step in the reconciliation process; without which, reconciliation is impossible. Gacaca courts justice system has offered Rwandans hope for a better future which both national and international classic court systems have failed to do.

**Bibliography**


Hester Bosman (2007), gacaca courts in post-conflict Rwanda the quest for reconciliation and justice.


THE INTERNATIONAL CRIMINAL COURT: 
NEED FOR IMPARTIALITY

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Introduction
The International Criminal Court (ICC) is independent and works closely with the United Nations Security Council especially on the cases that are referred to the court. Since the court was established, there had been a feeling with many that it has been unfair to some parts of the globe and more so the African continent. This article addresses such disparities on the part of the court. It has also pointed the grey areas where double-standard has been so apparent. Much as the court is seen to be doing a good job, more needs to be done to make its processes and procedures more authentic. As at now, the Court needs to be more impartial as this article argues.

Why the ICC
The International Criminal Court (ICC) is a permanent international court established on July 1st, 2002 under the United Nations to investigate, prosecute and try individuals accused of committing the most serious crimes of concern to the international community. Crimes of concern to the ICC include, crime of genocide, crimes against humanity, war crimes and the crime of aggression. Over 130 countries are States Parties to the Rome Statute, representing all regions: Africa, the Asia Pacific, Eastern Europe, Latin America and the Caribbean, as well as Western European and North America.¹

Of the 139 states that signed the Rome Statute, 32 have not yet ratified the treaty. According to the Vienna Convention on the Law of Treaties a state that has signed but not ratified a treaty is obliged to refrain from “acts which would defeat the object and purpose” of the treaty. Israel, Sudan and the US have unsigned the Rome Statute, indicating that they no longer intend to become a party to the treaty.²

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¹ “Understanding the International Criminal Court”. From the Public Information Section Registry: international Criminal Court; (The Hague: Netherlands) p. 8
Africa’s Discontent

During the first few years of its existence, the ICC enjoyed a friendly, cooperative relationship with the African Union (AU), with several African governments referring situations to the Court. All that changed when Sudanese President Omar al-Bashir was indicted in 2009 after the situation in Darfur was referred to the ICC Prosecutor by the United Nations Security Council (UNSC).

This prompted the AU to adopt a hostile attitude towards the ICC and call on its member states to adopt a policy of non-cooperation under the threat of sanctions. The member states, apart from Botswana felt that the ICC is being biased to African suspects and letting go other suspects in the other regions.

The ICC has received more than 9,000 complaints about alleged crimes in more than 139 countries, yet its singular focus seems to be on Africa. All the countries where the ICC has opened investigations to date are on the African continent. The question is why the ICC is only concentrating on Africa and isolates others, an implication that African suspects have committed more heinous crimes than their counterparts in other global regions. All said and done however, this should not be taken as an excuse for African perpetrators to circumvent justice. But it should be appreciated that as long as there is no African Court with efficient jurisdiction and capacity as for now, the ICC remains vital to African victims and ending impunity. However, justice should not only be applied to all and sundry but should be seen to be applied indiscriminately across the world.

The ICC’s investigations in Africa have stirred concerns over African sovereignty, in part due to the long history of foreign intervention on the continent. For example, Rwanda, a country which is not a party to the Court, has portrayed the ICC as a form of “imperialism” that seeks to “undermine people from poor African countries, and other powerless countries in terms of economic development and politics.”

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In response to Rwandan concern, Stephen Lamony further says that those who argue that the Court is targeting Africans should stop and think for a moment:” there are more than 5 million African victims displaced, more than 40,000 African victims killed, hundreds of thousands of African children transformed into killers and rapists, thousands of Africans raped. Lamony then poses the question of whether the ICC should ignore these victims. This argument and any other of this nature requires unanimous support but the question is, what is the fate of the other victims and perpetrators in the other parts of the world? For instance it was reported that in a span of three years since the beginning of the Syria war in 2011, more than 150,000 people had been killed and millions of refugees fled in the neighbouring countries. Allegations of atrocities involving use of chemical weapons, torture, mass executions, indiscriminate attack on civilian population and sexual violence committed by state forces and rebel groups with impunity had been reported but nothing has been done. It is worrying that when United Nation General Assembly (UNGA) wants the Syria cases to be referred to the ICC, Russia and China are threatening to veto the move.

The Office of the Prosecutor maintains that its choice of cases is based on the relative gravity of abuses, and that crimes committed in Africa are among the world’s most serious. Sandile Ngcobo, a prominent South African jurist for example, expresses a similar interpretation, stating that “abuses committed in Sub-Saharan Africa have been among the most serious and this is certainly a legitimate criterion for the selection of cases.” The concern is the criteria the Office of the Prosecutor of the ICC uses to determine the seriousness of a case to warrant attention of the court. In 2014 again, the Israel Defence Forces (IDF) slaughtered nearly 2,200 Palestinians and injured many thousands others, as well as destroying 10,000 homes and severely damaging another 30,000. The Israel Defence Forces (IDF) bombed several large civilian buildings without any justifiable reason according to Amnesty International. Another question goes unanswered: where was the UN Security Council and its institutionally related companion, the ICC to act on the perpetrators? If justice is to be truly universal, then it should pertain to all, regardless of who committed the crime or where it was committed.

Not surprising that while over 9,000 separate accusations were made to the ICC against the powerful nations of the world, covering events such as American activities in Iraq and Afghanistan, Russia’s Atrocities in Georgia,
India and Pakistan in Kashmir, and Israel in Palestine; not one of these reports has been progressed by the Office of the Prosecutor. One is tempted to conclude that the ICC is not an independent court and it is therefore influenced by its financiers and the G7 countries. Further the court shies away from challenging countries that have significant military and political influence in international affairs. For the ICC to be seen to be impartial in the rule of law, it should not only issue arrest warrants for those who participated in war crimes like George Bush Jr. and Tony Blair during the Iraq war and the Israeli mass killings of innocent Palestinians, but should as well ensure that they are arrested and prosecuted in the Hague like any other suspect.

It is impossible to claim that the international criminal justice project is truly universal in its aspirations, or free from the influence of international politics. Ultimately, it is a question of fairness and equality. It is thus in the interests of justice and credibility of the ICC that the Court stretch its work beyond Africa. Until this bold step is taken, Africans will never stop complaining of bias at the ICC whilst victims from other regions will ever cry for justice not only to be done to them but be seen to be done by the watchdogs.

The argument is not that the sitting Heads of State and other high-ranking officials in Africa should be granted immunity from ICC prosecution during their tenures. Doing so can set a dangerous precedent that can potentially erode the entire African human rights system. African states should instead embrace criminal accountability as an integral component in the fight against impunity. In fact, not only does this set a dangerous precedent for the African system, but a setback to the global quest to end impunity.

**Way Forward**

Perhaps it is time a more public debate was held among civil society on the role of the Security Council in referring and deferring cases to the ICC, especially in light of the fact that rather than necessarily facilitating the Court’s access to universal jurisdiction, some of its most powerful members are keeping certain cases beyond the reach of the Court and two of the five permanent members are neither States Parties nor signatories of the Rome Statute. In addition to the Security Council, the Human Rights Council should also be vested with the mandate to directly refer situations of international concern to the Court. At the very least, there should be a more spirited discussion about whether the permanent members should be allowed to use their veto power to circumvent the ICC’s ability to take on certain cases.
And lastly, we must all call on our respective countries to affirm their commitment to this universal criminal justice project, which, though it may not be perfect, represents a monumental global step in the fight against impunity. The fact that, the International Criminal Court is as relevant as ever is not being called into question. However, atrocities have unfolded and continue to unfold in other parts of the world, such as Syria, and the victims of those crimes equally deserve justice. While there have been loud calls for the Security Council to refer Syrian President Bashar al-Assad to the ICC for example, certain permanent members like China have threatened to use their veto power to ensure that the situation remains beyond the Court’s reach. The UN fraternity should not allow this impunity with such states to persist.

The issues in discussion are important and their neglect by the Court has rendered it less successful than many had hoped. However, the task of the court is highly complex and political, and it would have been unreasonable to expect it to achieve all its aims without difficulty or controversy.

Conclusion

This article has articulated the reasons behind the establishment of the ICC and its importance in the fight against impunity, the world over without discrimination. The article has explicitly described, with examples, why the Court is accused of impartiality and subjectivity in application of justice. Finally this paper has explained the need for ICC to be impartial for authenticity and trust amongst the States Parties, otherwise it will continuously be considered as a court for the Less Developed Countries who have no economic and/or political power to influence the Court’s operations.
Bibliography


http://www.beyond intractability.org


Stephen Lamony, “International Justice and the ICC; Neither Europe’s Court for Africa Nor Africa’s Court.

“Understanding the International Criminal Court”. The Public Information Section Registry: international Criminal Court; (The Hague: Netherlands).
TOWARDS MEASUREMENT OF IMPACT ON A FOREIGN POLICY: A CASE STUDY OF KENYA

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Introduction

Kenya launched its first written Foreign Policy on November 2014, upon which President Uhuru Kenyatta declared that the finalization of the Kenya Foreign Policy marked a milestone achievement for the nation.1 The call to develop a comprehensive Monitoring and Evaluation (M&E) System to measure the impact of Kenya’s Foreign Policy, is now enshrined in the newly written Kenyan Foreign Policy, because in the past, there was no such a system. The policy provides a broad framework on Kenya’s foreign relations and diplomatic engagements within a contemporary globalized environment. It outlines the evolution of foreign relations and engagements with Kenya’s partners over the last five decades and its future strategic direction to ensure the achievement of the collective aspirations of Kenyans, bearing in mind the critical role of foreign policy in meeting national priorities.

An M&E system for Kenya’s Foreign Policy will be expected to make a clear distinction between monitoring, evaluation and performance.2 “Monitoring” will be the continuous oversight and tracking of implementation of Kenyan foreign policy, diplomatic programmes, establishing the extent to which inputs, work schedules, other required actions and targeted outputs are proceeding according to plan. While, “Evaluation” will be periodic assessment of the relevance, effectiveness outcomes, impacts of Kenyan foreign policy, and diplomatic programmes. “Performance” will focus on measuring the success of the Kenyan foreign policy, bilateral and multi-lateral programmes.

The Ministry of Foreign Affairs and International Trade (MFA &IT) is mandated to pursue and monitor Kenya’s foreign policy and international trade affairs in accordance to the Constitution of Kenya, with the overarching objective of protecting, promoting and projecting the nation’s interests abroad. It is anchored on five interlinked pillars of diplomacy namely; Economic; Peace, Environmental, Cultural and Diaspora.3 An M &E Framework is an integral part of its implementation.

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1 Republic of Kenya, Kenya Foreign Policy, 2014 pp 5.
3 Republic of Kenya, Kenya Foreign Policy, 2014 pp5
Scope and purpose of the M&E System

The MFA &IT anticipates to establish mechanisms for tracking the implementation and progress towards attainment of the objectives of the Kenyan policy, providing feedback that will enable updating and reviewing the policy as need arises. In order to integrate foreign policy in the national development agenda as envisaged in the Kenya Vision 2030 and the Medium Term Plans, five year strategic plans will be developed to ensure realization of the set priorities through effective implementation of the specific strategies.4 The policy will be subjected to regular reviews to ensure it remains relevant to the rapidly changing global environment.

The M&E System for Kenya’s Foreign Policy, shall therefore establish whether the intended goals are being achieved, identify challenges facing its implementation, and put up corrective actions which may be needed to ensure delivery of results, and whether it will be making any positive contribution to the sustainable development of the country. Already in the policy, there are strategies for the implementation of the objectives of the Kenya Foreign Policy which will be the basis of monitoring and evaluation in order to ensure continued pursuit of Kenya's national interests.5

An effective M&E System is critical for successful implementation of Kenya’s Foreign policy. This will be undertaken within the framework of the National Integrated Monitoring and Evaluation System (NIMES). The Framework will provide for regular consultation and feedback between Agencies entrusted with the implementation of this Policy.6

The M&E System will be expected to articulate the commitment to accountability for results; define mechanisms for measuring the efficiency and effectiveness of the Kenya foreign policy, and diplomatic process.7 It shall provide channels for effective policy implementation feedback, hence efficient allocation of resources; set the basis for a transparent process by which the citizenry and other actors and non-state actors can undertake a shared appraisal of results; and outline the principles for a strong M&E System as an important instrument for driving the achievements of programmes underpinning the Kenya Vision 2030 as implemented through the Medium Term Plans (MTPs).

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5 Ibid1
7 Ibid2 pp34
The Context of M&E System in Kenya’s Foreign Policy

The M&E System will be a central tool to manage Foreign Policy interventions, improve practice and ensure accountability, in highly challenging contexts. Foreign Policy change is a highly complex process shaped by a multitude of interacting forces and actors. It is normally acknowledged that outright success, in terms of achieving specific, hoped-for changes is rare, and the work that does influence policy is often unique and rarely replicated, with many incentives working against the sharing of good practice. There are a number of lessons that can be learned, and tools that can be used, that provide workable solutions to these challenges when an M&E system is in place.

Monitoring can inform the Decision Maker in Foreign Policy when a decision or a diplomatic process is veering off course which may occasion the call for a more in depth management or process evaluation to provide an independent assessment of what has gone wrong, why, and what might be done to fix it. In addition to being used for such management decisions, and external reporting, monitoring data is the necessary foundation for strong evaluation of impact of a policy.

Evaluations will aim at determining whether the Foreign policy is efficient and effective. This will allow the Ministry to account for the use of resources and decision making, and to offer insight into why results were (or were not) achieved. The Ministry could draw on lessons learned to improve foreign policy. Most evaluations look back on what has already taken place. These are called ‘ex post’ evaluations, and exist in the form of Policy reviews and Impact studies.

Rationale for the M&E System

The M&E System shall complement other Government policies for providing timely and regular information for evidence-based decision making geared towards achieving the Kenya Vision 2030 through proper implementation and tracking of the Foreign Policy.

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11 Ministry of Foreign Affairs, Evaluation of Foreign Policy Spending; www.government.nl/ministry of foreign Affairs/Contents/Policy and Budget, accessed on 19/10/2015.
12 NIMES Masterplan September 2010.
Accurate and documented M&E information/data will play a critical role of reviewing, scaling up, or discontinuing policies and diplomatic programmes that deviate from achieving targeted results that aims at improving the National Interests as per the aspirations of Kenyans.\textsuperscript{13}

**Benefits of M&E**

There are several benefits attributed to the implementation of M&E systems in evidence-based policy making.\textsuperscript{14} First, it will support foreign policy making especially decision making, performance budgeting and planning, which focus on the Foreign Policies Goals and National interest priorities among competing demands from citizens and actors within the country. Secondly, the M&E information will support the Foreign Policy deliberations by providing evidence about the most cost-effective types of diplomatic activity, and help in the policy development, analysis work and diplomatic-processes development. Third, the system will help departments and diplomats manage activities, such as service delivery, management of staff and diplomatic transactions. Additionally, M&E identifies the most efficient use of available resources which can be used to identify foreign policy implementation difficulties. It uses performance indicators which facilitate decision making, show evidence of the diplomatic or Foreign Policy position, cost and performance comparisons among different Countries, and administrative units. Lastly, comparisons can also be made over time that help identify best, bad, and promising practices, and this can prompt a search for the reasons for this performance and serve as collective diplomatic memory and evidence of state practice.

**Risks & Opportunities**

The risks that the M&E system may encounter during implementation include; weak M&E culture, due to the fact that many institutions in the MFA &IT may not have embraced the practice of M&E; weak M&E reporting structures; weak institutional, managerial and technical capacities, untimely, rarely analysed or disseminated data and low utilization of data/information.

The opportunities the M&E system will be expected to enjoy include; Leadership Buy In and Demand for Results. As articulated in the written Kenya Foreign Policy, there is political goodwill from the President, and the Minister shall be using the M&E reports as a basis of her scorecard as well as


\textsuperscript{14} United Nations Children's Fund, Bridging the gap, The Role of Monitoring and Evaluation in Evidence-Based Policy Making, 2004 pp 3,
reporting. In Demanding for Results, the citizenry will have high expectation of accountability for diplomatic programmes and projects being implemented outside the country. M&E will provide a platform for Result-Based Management as well as provide evidence of the work done by implementers of the Foreign Policy.

**M&E Values**

The principles guiding the M&E system will be; Accountability, where all resources utilized for foreign policy purposes shall be accounted for and realized results disseminated in formats that are easily accessible to all stakeholders. Transparency will ensure that adequate information is disseminated on Kenyan foreign policy, bilateral and multilateral diplomatic programmes, so that the Government and all its partners can be held accountable. Ownership by citizens is paramount so that they have the opportunity to participate in planning, implementation, monitoring and evaluation of foreign policy results.

Results Based Management of all foreign policies, diplomatic programmes and projects shall be informed by the intended results and clear benefits for the people of Kenya, which shall be fully stated in MFA &IT documentation, and their progress tracked through Integrated M&E System. Partnerships and collaboration, shall be pursued so that the Government, bilateral and multilateral partners collaborate to ensure that all diplomatic plans are executed to the benefit of the people of the Country. Disclosure of results and lessons learned from monitoring and evaluation shall be disseminated by establishing effective feedback loops to policy-makers, staff, beneficiaries, and the general public. Monitoring and evaluation shall be credible and based on reliable data or observations. Monitoring and Evaluation reports shall reflect consistency and dependability in data, findings, judgments, and lessons learnt, with reference to the quality of instruments and procedures and analysis used to collect and interpret information. Lastly, Monitoring and evaluation must serve the information needs of intended users, such as decision makers, actors and non-state actors, and the people, in informing evidenced decision-making in foreign policy.

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M&E System Implementation and Strategies

The M&E System shall be applied to all Kenyan Foreign Policy programs within and without the Country. This will facilitate reporting and feedback on implementation of the Kenyan foreign policy and diplomatic transactions at the country and International level. The envisaged system will provide for institutional framework to facilitate the implementation, whereby roles and responsibilities will be assigned to key institutions and embassies involved in diplomatic process implementation. It is proposed that the implementation of the system, shall be managed by a Planning Unit in the Ministry, which would champion the importance of results management and M&E, and provide leadership to carry out the recommended changes.

Kenyan Foreign Policy goals and plans will be the basis of performance measurement with indicators developed to measure the targets. It is expected that Performance will be based on institutional, individual and foreign policy achievements towards set targets at the National and International levels, which will entail gathering and analysing evidence to establish the efficiency and effectiveness of implementation of the articulated foreign policy plans and annual workplans. Performance monitoring will involve tracking budget allocation at all levels to ensure effective and efficient utilization to give the Kenyan people value for money.

Some M&E tools, methods, and approaches that shall be used include, Balance Score Card, Performance indicators, M&E Plan, Formal surveys, Rapid appraisal methods, Public Expenditure Tracking Surveys (PETS), Cost-benefit analysis and Impact evaluation. The practice, approach and tools for M&E shall continue to evolve with time, hence will be reviewed through a participatory process involving state and non-state stakeholders from time to time, with a view to making the policy up to date and relevant to emerging International Relations practices and approaches of assessing performance and impact. An effective implementation of the M&E system shall therefore require provision of adequate financial resources between three and five percent of the Ministry’s budget.

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MFA & IT departments shall be required to submit timely and accurate progress reports of policies, programmes and projects in line with approved reporting standards, formats and frequency, upon which the M&E system will provide for real-time reporting and information sharing through web-based interactive programmes that allow updating by stakeholders and reactive comments from the public and other stakeholders. A conference shall be organised to provide a platform for sharing of experiences and best practices from across the Countries, thus various M&E reports and studies shall be disseminated during such conferences.

**Knowledge management**

Monitoring and evaluation forms a key pillar for knowledge management for organizational improvement and sustainability. Knowledge management shall be linked to performance enhancement and management for Kenyan Foreign results. The main purpose of knowledge management in monitoring and evaluation information is to promote a culture of learning and application of lessons learned.

**Conclusion**

With an M&E System embedded to the written Kenya’s Foreign Policy, it will be easy to track results and assess impact of the five interlinked pillars of diplomacy; Economic; Peace, Environmental, Cultural and Diaspora at the National and International level. The overarching goal is to provide reliable mechanisms to measure progress towards Foreign Policy goals as well as the efficiency and effectiveness of decisions, diplomatic practice, provide the Country with the needed policy implementation feedback to efficiently allocate its resources over time and set the basis for a transparent process by which the Country, and its partners can undertake a shared appraisal of results, and create smooth release of external support.

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19 Republic of Kenya, NIMES Masterplan September 2010
20 Defining Knowledge Management; www.iiakm.org/ accessed on 22/10/2015
Bibliography


Ministry of Foreign Affairs, United Kingdom, *Evaluation of Foreign Policy Spending*; www.government.nl/ministry of foreign Affairs/Contents/Policy and Budget.


Introduction

Regional Integrations (RIAs) have existed for centuries. For example, France proposed a customs union of the provinces in 1664; free trade agreements were signed between Austria with five of its neighbours during the 18th and 19th centuries; and the colonial empires based on preferential trade arrangements.\(^1\)

Generally, regional integration entails a complex network of cooperation among countries within a given geographical area, to harmonize policies in such sectors as trade, investment, infrastructural, including monetary and fiscal policies of member states. Since independence, most African states have been in support of the economic integration.\(^2\) This especially gained a lot of momentum following severe economic volatility of the 1970s.

Regional trading blocs have been one of the major developments in international relations in recent years; nearly all countries now exist as members of at least one bloc. Presently, there exist hundreds of regional trade agreements in place, a number that is continuously evolving as countries reconfigure their economic and political interests and priorities.

Regional economic integration does not only include efforts aimed at simply liberalize trade. It may also embrace investments in regional infrastructure, harmonization of regulations and standards common approaches to macroeconomic policy, management of shared natural resources, and greater labour mobility.\(^3\)

The inspiration of a Union Government for Africa is not so novel. By 1963, the then President of Ghana, Kwame Nkrumah, had argued that the most effective vehicle for Africa’s socio-economic and political emancipation would be a federation of African states or a Union Government for Africa. However, this idea became a serious discourse between the Casablanca faction spearheaded by Ghana, supporting immediate continental unification and Monrovia faction spearheaded by Nigeria, favoring functional cooperation.

The formation of the Organisation of African Unity (OAU) in 1963 was a result of a compromise among the two divergent groups.\(^4\)

The intentional idea of the OAU was to enhance the unity and solidarity of the African States in a time of independence movements. The OAU spirit also intended that all Africans enjoy human rights, improve the living standards, and resolve arguments and disputes between members. In the *Charter of the Organization of African Unity*, adopted in 1963 in Addis Ababa, Ethiopia, African States strongly agreed to intensify their cooperation through working together to harmonize their efforts to achieve an improved living for the peoples of Africa.\(^5\)

The aspirations of African leaders to integrate Africa, and to develop the continent through import substitution industrialisation, were a cornerstone of the immediate post-colonial era, and were the basis for the Lagos Plan of Action (LPA). The LPA was an initiative of the OAU, agreed upon by Heads of State in April 1980, and strongly embraced by the United Nations Economic Commission for Africa (ECA). A decade later, in 1991, the Abuja Treaty strongly provided impetus for the African integration agenda. This Treaty underscored African solidarity, self-reliance and an endogenous development strategy, through industrialisation.\(^6\) The envisaged framework for African integration and continental industrialization was the partition of the continent into regional integration areas that would constitute a united African economy, the African Economic Community. As a result, the Economic Commission for Africa (ECA) supported the formation of three regional integration arrangements; the Economic Community of West African States (ECOWAS) for West Africa, which became into existence in 1975, predating the LPA; the Preferential Trade Area (PTA) encompassing East and Southern Africa, being the predecessor of the Common Market for Eastern and Southern Africa (COMESA); and the Economic Community of Central African States (ECCAS) for Central Africa. The Arab Maghreb Union (AMU) was formed in 1989, completing continental coverage.\(^7\)

The formation of Southern African Development Coordinating Conference (SADCC) in 1980, by the then front line states had the intention of avoiding economic dependence on apartheid South Africa, still excluded from the African integration plan. However, in expectation of South Africa’s democratic transition in the early 1990s, SADCC became the Southern

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\(^7\) Ibid

The East African Common Services (EACSO) which succeeded the colonial-era East African High Commission was established at the London conference in 1961. However, for the greater part of decision-makers in the 1960s, EACSO was too strongly related with pre-independence structures. By 1963, East African states had achieved their independence, but forming a political federation proved challenging. The main divergence based on fears that Kenya would gain from a federation, to the disadvantage of the other neighbours. In addition, efforts to establish a central bank failed in 1965, as a result, the countries moved towards a regional trade agreement instead of a political federation.


However, disparities in economic systems of the founder states, with Kenya’s liberal economy attracting foreign investment and the doubtful stand of foreign investment taken by Tanzania and Uganda encouraged potential investors in the region to invest in Kenya. In addition, the relatively superior infrastructure and industrial base in Kenya, inherited from colonial times, better favored an inflow of investment than the other member states. Thus, old differences and new ideological character combined to strengthen inequalities that destroyed any hope for a monetary union. Finally, Uganda’s military government by Idi Amin Dada that took power in 1971 was not recognized by Tanzania and considered its participation in the EAC illegal which further challenged the foundation of harmonized policies and rule of law.

Consequently, in 1977, the EAC collapsed and was revived years later when the Treaty for the creation of the new EAC was adopted by the Heads of State of the partner states on November 30, 1999 in Arusha, Tanzania and came into force on 7th July 2000.

**Benefits of Regional Integration**

The concept of regional integration proffers innovative prospects for states. Particular benefits which will be discussed in this section include; increased trade, economic growth for states and non-economic reasons such as national security and other socio-political aspects.

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8EAC Cooperation Treaty, 1967  
Regional integration offers new prospects for inter trade amongst nations. The ability to exchange goods and services globally, to export products to distant lands, the opportunity to shift production to other countries (often to least-cost locations), the advances in communication and computing technologies, all define the arena of global trade.

Expanding markets and input sources beyond national boundaries is one of the most undeniable influences for integration. With an extended market for goods and services, for both output and inputs, higher economic growth and improved welfare can be expected.

Integration facilitates efficient resource allocation across the region in line with the principle of comparative advantage. Given increase in productivity growth, regional integration can enhance economic growth and increased employment. However, it is imperative to note that integration may not produce the same profits for all. Whether in trade, finance, or infrastructure, integration profits are not equally realized.

Countries may often form integration blocs for non-economic reasons, such as peace and security enhancing development of socio-political institutions. These being public goods, they are unlikely to be efficiently provided without any type of intervention.

Most studies including the European model have shown that regional integration may exist with a substantial drop in income inequality between countries. While economic factors are imperative, it is political integration that appears to drive the convergence. Institutional forces outweigh market forces in pulling national economies closer together.

Regional Integration in Africa

The renewed plan for regional integration in Africa has its roots in the African Economic Community (AEC) is an organization of the African Union member states. The agenda for AEC was adopted in 1991 and implemented in 1994 and it provided for a staged integration of the regional economic agreements across Africa. Numerous regional frameworks emerged as pillars of the AEC which includes; Community of Sahel-Saharan States (CENSAD), Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Economic Community of Central African States (ECCAS/CEEAC), Economic Community of West African States (ECOWAS).

The East and Southern Africa (ESA) sub-region remains a fluid operating environment due to evolving regional and international trade agendas.

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The future shape and speed of regional integration within ESA will be determined by a mixture of internal and external factors. Internally, SADC, COMESA and the EAC have articulated their objective to establish customs unions, COMESA and the EAC and SADC by 2010. However, the discussions within the tripartite arrangements are still ongoing and are yet to be realized.

Progress in African integration is varied within sectors, regional economic communities, and member states. Improvements have been registered in trade, communications, macro-economic policy, and transport. Some regional economic communities have achieved a lot in trade liberalization and facilitation (The West African Economic and Monetary Union, or UEMOA, and the Common Market for Eastern and Southern Africa, or COMESA), in free movements of people (the Economic Community of West African States, or ECOWAS), in infrastructure (the Southern African Development Community, or SADC, and the East African Community, or EAC), and in peace and security (ECOWAS and SADC). Overall, nonetheless, there are considerable gaps among the ambitions and successes of most regional economic communities, mainly in greater internal trade, macroeconomic convergence, production, and physical connectivity.

East African Community

The East African Community (EAC) is the regional intergovernmental organisation of the Republics of Burundi, Kenya, Rwanda, Uganda, and the United Republic of Tanzania with its headquarters in Arusha, Tanzania. The Treaty for creation of the East African Community was adopted on 30 November 1999 and entered into force on 7 July 2000 after its ratification by the former three Partner States of Kenya, Uganda and Tanzania. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18 June 2007 and became full Members of the Community with effect from 1 July 2007. The EAC was formed with a vision to set up an affluent, competitive, secure, stable and politically united East Africa; and provide platform to widen and deepen Economic, Political, Social and Culture integration so as to enhance the value of living for the people of East Africa through improved competitiveness, value added production, trade and investments.

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14 Ibid
The case of the EAC negates the notion that regional integration always yields economic benefits for all its members. According to Hofmeier, regional integration only under certain conditions does produce positive macro-economic effects.\textsuperscript{15} There exist various grounds why officially recorded trade within the EAC continues to be modest. One consideration is that the national economies remain focused on the export of primary goods, which rarely takes place between the member states. Therefore, East African regional integration requires more consideration given its well recognized prospects in tackling under-development, poverty and marginalization thereby towards sustainable growth, prosperity and relevance in the global economy.

The realization of a bigger regional economic bloc of Burundi, Kenya, Rwanda, Tanzania and Uganda with a combined population of 120 million people, land area of 1.85 million sq kilometres and a collective gross domestic product of $ 41 billion, bears great strategic and geopolitical implication and benefits of a renewed and reinvigorated East African Community.\textsuperscript{16}

The regional integration progress is currently at high momentum. The encouraging development of the East African Customs Union, the growth of the Community with admittance of Rwanda and Burundi, the enduring implementation of the East African Common Market as well as the consultations on fast tracking the course of action towards East African Federation all underline the solemn resolve of the East African leadership and citizens to build a powerful and sustainable East African economic and political bloc.

**Challenges of EAC Integration**

There are numerous constraints facing integration of EAC partner states. First, the overlapping REC’s membership by partner states continue to posing harmonization and coordination problems. In addition, this indicates absence of political commitment between partner states. Second, the EAC organs are not strong enough to impose restrictions against partner states that do not implement agreements. The appointment of the officials for these organs is not democratic given that they are selected by partner states without considerations of the views from the citizens they represent. Finally, problems of Non-Trade barriers (NTBs), poor infrastructure and inadequate involvement of private sector are an impediment to economic growth in the region. These challenges appear to have made establishing a successful integration progress a challenging mission for the EAC, in spite of its apparent importance in the increasingly


globalized world. Thus, partner states ought to take integration not only as a pan-African ideology but more significantly as economic survival strategy.\textsuperscript{17}

**Prospects of EAC Integration**

In the long term, the success of the EAC will depend on strengthening the supranational institutions and involving the whole population. According to Dr. Richard Sezibera, the EAC Secretary General, strong institutions, distributive justice and opportunities for participation are critical factors. In addition, the EAC must give critical consideration to its aspirations and image. The first of these is strengthening of the customs union, with an emphasis on the elimination of natural non-tariff barriers. Secondly, the common market should be established as a functioning reality. Pressure on member states and monitoring of implementation are required here. Thirdly, the monetary union should be put into practice on schedule. The fourth priority listed is the strengthening of regional infrastructure. The aim must be to develop the transport network so as to accelerate development of the customs union and the common market. Fifthly, industrialization should be promoted by involving private stakeholders.\textsuperscript{18}

**Conclusion**

One needs to take a balanced look at diverse aspects of regional integration. Both profits and costs should be weighed cautiously in assessing proposals for regional integration. The general plan of RCI, like any development agenda, is to enhance prosperity and reduce poverty and inequality. Small and large economies alike should profit from any regional integration agenda in a sustainable and equitable manner.

Regional integration offers new prospects including challenges for trade amid partner states. The ability to exchange goods and services globally, to export products to distant lands, the opportunity to shift production to other countries (often to least-cost locations), the advances in communication and computing technologies, all define the arena of global trade.

A successful strategy for the future of the EAC requires a sober analysis of what is feasible and a focus on core aspects. The success of the EAC must be concretely measurable in terms of improved living standards for the people of


East Africa. The EAC countries have already, individually and collectively, declared determination to realize the status of a middle income economy by 2020 to 2030 and to move the region from a largely agriculture and primary produce economy to an industrial based economy.

**Bibliography**


GERMANY’S “COMPREHENSIVE APPROACH” TO SECURITY IN EAST AFRICA

Lt Col (GS) J. Fiedler - German Airforce

Introduction

Conflict management has been a complex challenge for international actors, especially the United Nations (UN), North Atlantic Treaty Organization (NATO) and the European Union (EU) in the decades since the end of the Cold War. Starting with the first operations in the Balkans, progressing with the monumental mission in Afghanistan and developing further with the even longer-lasting engagements in Africa, the experiences showed, that no international actor is able to rise to the occasion and push through a long-term commitment nor that their competitive advantage is sufficient to manage a conflict on its own.

The internal and external stakeholders, including International and Regional Organizations, States, Civil Societies, Multinational Corporations and the private sector have to work together to successfully manage the conflict. This cooperation should combine the strengths of different, especially political, diplomatic, military and economic means while compensating their weaknesses and using every organization in its own area of expertise.

But the reality on the ground showed that the fundamental differences between the various actors and the intent to reach their different goals spoiled the overall objective of conflict resolution. The turf wars between different states and organizations, the clash of cultures between the military and humanitarian organizations and the cliffs between certain ministries of a country have to be overcome by a coordination of effort using a common approach.

This “Comprehensive Approach” is a tool, agents in International Relations use to reduce conflict and enhance cooperation. It is a mindset that different actors employ to create greater understanding of a common goal through common strategic analysis. While it is defined differently in the UN, EU and NATO, common features include the aim to integrate all facets of (inter)-national power, to call upon every resource of the societies and to rely upon horizontal and vertical coordination of state and non-state actors.
Theoretical Framework

The UN describes the plan for coordination, sequencing and workshare of political, security, development and human rights sectors on an operational level with the humanitarian actors as well as international cooperation on a strategic level with the term “integrated mission”:

“An integrated mission is based on a common strategic plan and a shared understanding of the priorities and types of programme interventions that need to be undertaken at various stages of the recovery process. Through this integrated process, the UN system seeks to maximise its contribution towards countries emerging from conflict by engaging its different capabilities in a coherent and mutually supportive manner”\(^1\).

NATO is developing the “comprehensive approach” mostly as an operational concept based on the concept of effects based operations and states, that it can and will participate in an international comprehensive approach, but is not able to field this approach on its own:

“The lessons learned from NATO operations … make it clear that a comprehensive political, civilian and military approach is necessary for effective crisis management. The Alliance will engage actively with other international actors before, during and after crises to encourage collaborative analysis, planning and conduct of activities on the ground, in order to maximise coherence and effectiveness of the overall international effort. … NATO-led operations have demonstrated the indispensable contribution the Alliance can make to international conflict management efforts.”\(^2\)

EU’s view on the comprehensive approach is based on the shared responsibility of all EU actors, member states and the target society or state. Common political will, transparency, trust and full engagement of these actors are necessary for success, while keeping the different competencies in mind:

“The EU is stronger, more coherent, more visible and more effective in its external relations when all EU institutions and the Member States work together on the basis of a common strategic analysis and vision. This is what the comprehensive approach is about. …

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The connection between security and development is therefore a key underlying principle in the application of an EU comprehensive approach.\(^3\)

While some states have already made progress in coordinating their efforts, others are lagging behind and waste resources by duplicating their efforts through double tasking or even interfering with agendas of their own government departments or non-state actors.

Germany is still in the process of defining its way of a comprehensive approach and the German Parliament has tasked the Center for International Peace Operations to come up with a broader definition of the goals of the comprehensive approach than just focusing on security. Common contents of this German definition are already formulated as follows:

“The Comprehensive Approach provides an overall concept for policy and action in international crisis and conflict management. Its purpose is to coordinate, bundle and optimally employ resources of diplomacy, development cooperation, the civilian Peace Corps, military and police, within and between organizations and institutions at the local, national, and international levels with the goal of effectively resolving international (violent) conflicts…”\(^4\)

While the definition of the generic comprehensive approach is still under way, the German Government has already committed itself to the comprehensive approach in its regional policy papers, such as the Federal Government Policy Guidelines for Africa:

“…we are taking a comprehensive approach to our Africa policy…In doing so, the Federal Government must aim to actively formulate the priorities, interests and objectives of German policy and to act at an early stage, quickly, decisively and substantially, both nationally and within the framework of the EU’s external action and the United Nations. Coordination and coherence of all Federal Government activities are essential if a holistic and networked approach is to be effective and successful in the long term.”\(^5\)

Germany has made intensive experiences of integrated civil-military missions in the Balkans and in Afghanistan and is focusing its efforts on the African Continent, where it is engaged in a number of multinational operations, international missions and bilateral engagements coordinated by inter-departmental guidelines. The region, where most of the engagements of

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the European Union and Germany take place is East-Africa, where Germany is a longtime donor of Official Development Assistance (ODA) and is engaged in bilateral projects of security cooperation and bilateral economic and development. In addition to that, Germany is also engaged in bilateral military cooperation, mostly through German Military Advisory Groups, whereas in military operations, Germany is actively promoting a multilateral approach.

**Strategic Framework**

Germany and the EU are copying in its Africa policy the same approach that proved to be highly successful after the breakdown of the USSR and the Warsaw Pact. After the end of the Cold War, Germany took the lead to finance the newly freed Eastern European States, showed them a shining example of liberal democracy and economic prosperity that all wanted to copy as fast as possible. But Germany and the EU supported also the building of institutions and promised with the possible accession to the EU even a safe track to economic improvement. Likewise on the security sector, concerns about the security of a nation and the safeguarding of the newly independent states from the USSR and their successor states proved to be a key concern for Eastern European countries, especially the Baltic States. With their membership in NATO in 1999, their security concerns were adequately addressed.

The combination of economic prosperity and national security is a key concern for every nation, but with the EU approach this leads to big advantages on the side of the donor countries as well. This is especially the case if both systems operate under a capitalist economic system and have a political system of a liberal democracy. By these common systems, a set of shared conflict resolution mechanisms emerge, including mainly bargaining, negotiating and compromising, which prevents both sides from the use of force.

Zbigniew Brzezinski describes the mechanism of a “democratic bridgehead” as follows:

“Europe also serves as the springboard for the progressive expansion of democracy deeper into Eurasia. Europe’s expansion eastward would consolidate the democratic victory of the 1990s. (…) Europe would be able to exercise a magnetic attraction on the states located even farther east, building a network of ties with Ukraine, Belarus and Russia, drawing them into increasingly binding cooperation while proselytizing common democratic principles.”

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It is noteworthy, that in this approach, not only the means of the state are called for, but increasingly non-state actors like the media or non-governmental organizations support the building of democratic institutions, an open society and the respects for basic Human Rights.

Priority Policy Fields

The current EU-Africa relations follow a roadmap that covers the following five key priorities and areas for joint action: These encompass Peace and Security; Democracy, Good Governance and Human Rights; Human Development; Sustainable and Inclusive Development and Growth and Continental Integration; and Global and Emerging Issues.

Under this common roadmap, regional and sub-regional EU Strategy and Policy is defined in regional papers such as the EU Strategy for Security and Development in the Sahel or the EU Framework for the Horn of Africa. According to the thematic priorities and regional focus, the EU is financing in its Multiannual Indicative Program for 2014-2017 twelve projects, which range from migration, higher education and research, to public finance management or the development of statistical information, with a total of 107 million Euros. Germany, as the main financial contributor of the EU, is thereby funding African-led peacekeeping operations multilaterally through the EU’s African Peace Facility (APF) program, which has a budget of 750 million Euros for the period 2014 – 2016.\(^7\)

German Contribution

German bilateral financial support and military support (through deployments of military airlift capabilities) was given to African peace support operations, especially to the African Union Mission in Somalia (AMISOM) in Somalia and to the United Nations Peacekeeping Mission in the Central African Republic (MISCA) in the Central African Republic. Especially when military means are employed, no unilateral approach is in the interest of Germany. As a consequence, all kinds of military deployments are part of a multilateral, mostly European engagement. This defining nature is prominent in all African regions, where Germany takes part in military deployments with a significant and visible share in terms of money, troop contribution and deployment of military assets. Germany is taking a vital part in the UN mission in Mali (MINUSMA) essentially providing airlift, air-to-air-refueling

and support capabilities and in the UN missions in Sudan (UNAMID) and South Sudan (UNMISS), to support the Darfur-Peace-Accord and to observe the situation. Germany is also engaged in the UN mission in Liberia (UNMIL) to support with Humanitarian Aid and in the UN mission in West Sahara (MINURSO) to guarantee the peace agreements between Morocco and the opposing forces of ”FrentePolisario“.

**Regional Focus**

In the East African Region, Germany is taking part in all three EU Common Defense and Security Policy (CSDP) operations. Along the coast of Somalia and in the Indian Ocean European Union Naval Forces (EUNAVFOR) Atalanta protects vessels of the World Food Program delivering food aid to Somalia as well as fighting piracy off the Somali coast. After the beginning in Uganda, now in mainland Somalia, European Union Training Mission (EUTM) Somalia contributes to the training of Somali security forces, which were already successfully deployed against Al Shabaab in Somalia. The overarching mission which connects these two operational missions is European Union Capacity Building Mission (EUCAP) Nestor which was designed to strengthen maritime capacity building in the region. All these missions are of a comprehensive nature and are following the common EU Strategy for the Horn of Africa. Another multinational European Union Training Mission is EUTM Mali, where German soldiers are providing engineering and logistics training next to supporting infantry and medical training.

In parallel, Germany also uses bilateral forms of cooperation but these are mostly centered on economic development or specialist topics like technical assistance, handled by the German Company for International Cooperation (GIZ).

In addition to that, cooperation is implemented using military advisory groups and through police or intelligence cooperation, handled by intelligence or police organizations like the German Intelligence Service (BND) or the Federal Bureau of Criminal Investigation (BKA). Germany is also a longtime donor of ODA, is engaged in bilateral projects of security cooperation, bilateral economic development & cooperation projects and bilateral military exchanges like the one this writer is part of.

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8 [http://www.einsatz.bundeswehr.de/portal/a/einsatzbw/lut/p/c4/04_5B8K8xLLM9M5S5py8x8z9CP3I5Eyrr9PKU1PjUzLiixJldcxu6Q0NScHKpRaUpWqX5DtsqAgASPksJg!!/](http://www.einsatz.bundeswehr.de/portal/a/einsatzbw/lut/p/c4/04_5B8K8xLLM9M5S5py8x8z9CP3I5Eyrr9PKU1PjUzLiixJldcxu6Q0NScHKpRaUpWqX5DtsqAgASPksJg!!/), German Ministry of Defense: Current German troop deployments, translation by the author, retrieved on 08.10.2015
Another form of bilateral cooperation is the deployment of diplomatic missions to most of the countries in the region and to improve economic ties through establishing a German Business Association office in the capital or in the big cities of the region which actively supports German-African business relations. A vast number of German companies operate successfully in East Africa while these countries are a holiday destination for German tourists too.

Components of the Comprehensive Approach

The EU missions in the region all follow a common strategy, whereby EUNAVFOR – Operation Atalanta is by far the oldest and most visible mission and was launched in 2008 as a response to the increasing acts of piracy off the coast of Somalia. The area of operation includes international and territorial waters and a small Somali coastal area in order to disrupt pirate logistic dumps on Somali beaches. The area of operation comprises the South of the Red Sea, the Gulf of Aden with a special shipping corridor and the Western Indian Ocean, including the Seychelles. EUNAVFOR Atalanta normally consists of about five combat vessels, mostly frigates, two support ships and three Military Patrol and Reconnaissance Aircraft (MPRA). Designated vessel protection detachments (VPDs) are additional assets that can be deployed with their mother ship or on their own (mostly on WFP vessels).

The Operation Headquarters of EUNAVFOR Atalanta is in Northwood, UK. Germany is contributing at least one frigate, sometimes supported by maritime patrol aircraft, additional ships or infantry vessel protection detachments for World Food Programme (WFP) vessels.

The next arm of this three pronged approach to security is EUTM Somalia, which was launched in 2010 to contribute to the reform of the Somali security sector through training and support for Somali forces in Uganda until December 2013. In contrast to the seagoing mission, that is combating piracy, this mission aims at strengthening the security services.

With a total of almost 3,000 recruits, EUTM Somalia played an important part in improving the Somali National Security Force through vetting of trainees, training as well as funding and payment of salaries. Uganda provided basic training and European instructors – a number of them German specialists - taught special skills while the USA lent logistical and technical support. In 2014 the training venue moved to Somalia due to the expansion of the tasks. Now the training includes the Somali General Staff and the Ministry of Defense, both located in Mogadishu. Somali troops are tactically mentored, the General Staff and the Ministry of Defense is strategically advised and command personnel are trained in Human Rights issues.
EUCAP Nestor is mainly a civilian mission and the last mission of these three, but is designed as a cornerstone to connect the EU missions and operations in the region through enhancing the maritime capacities of initially five countries (Djibouti, Kenya, Somalia, Seychelles and Tanzania) in the Horn of Africa and the Western Indian Ocean region.

This mission is also seeking to strengthen the capacity of states in the region to gain and exchange an operational picture of their territorial waters, which helps them to effectively govern it, and to build-up their capabilities and to improve their ability to fight piracy. By these objectives, EUCAP Nestor is aiming at regional long term gains while complementing the other two EU missions.

Conclusion

Especially in the East African Region, a textbook comprehensive approach by the EU and by Germany that is integrating both civil and military actors can be observed in the last few years. Direct civil and military operations and missions, combined with indirect efforts to strengthen the security organizations in the region gain more and more momentum.

Although Non-State-Actors don’t buy too much into the international coordination yet, there exists good cooperation and complementary action reached across the board of different state actors. With further improving the comprehensive approach, combined efforts will lead in the end to a self-sustaining security level. The improvement of the regional capabilities and capacities to a sufficient level is a condition sine qua non for downsizing or ending the costly military engagement at sea. Therefore, it is treated as a valid exit strategy.9

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9 This information is personal knowledge of the author due to his former posting as Desk Officer, Africa & America Branch, Strategy and Operations Directorate, German Ministry of Defense, Berlin, from 2012 – 2014.
Bibliography


THE EMERGENCE OF ANGOLA AS REGIONAL POWER: IMPLICATIONS FOR NAMIBIA’S NATIONAL SECURITY

Col F. T. Rugharo - Namibian Defence Force

Introduction

States have as their core function the provision of national security. Thus, they are concerned with the happenings in and outside their territories and their potential implications on their national security. Externally, this concern is more pronounced at sub-regional level since geographical contiguity means that states within a given neighbourhood have more intense relations and have a tendency to securitize these relations depending on their amity or enmity.\(^1\) Further, this contiguity makes states particularly vulnerable to threats emanating from their neighbours because such threats travel faster due to closeness. This has made geographical neighbourhood level a key area of concern to any state when it comes to national security.

Within the Southern Africa sub-region, two neighbouring states Angola and Namibia have established relations, and these relations have national security implications for Namibia. This is more so, considering the increased rise of Angola as a sub-regional power. This article identifies and elaborates on such implications. It does so through briefly conceptualizing national security and its logic drawing from various theories. Further, it profiles these states and delineates their relations. Finally, it identifies Namibia’s national security interests and potential consequences of Angola’s rise on them.

Conceptualizing National Security

The concept of national security is constituted of two important and dynamic concepts, that is, nation and security. The concept of nation is primarily used to refer to a social-cultural group who have shared cultural and linguistic ties, who could be occupying a contiguous geographical region or could be distributed in different territories. In the process of state formation, a nation form the nucleus upon which nationalism emerges and transforms social-linguistic entities into what Anderson referred to as ‘imagined political community; imagined as both inherently limited and sovereign.’\(^2\)

These imagined communities reconstitutes themselves into a state hence the commonly used term ‘nation-state’ to refer to a bounded geographical territory occupied by a given nation, and recognised by other like entities as a state. However, it is important to note that nation-states are rarely uni-national. This is more so in Africa where states are product of colonialism and thus remains artificial multinational constructs. As such, competing interests of various nations within a given state have security/insecurity consequences.

When it comes to the concept of security, it has remained very dynamic exhibiting continuity and change on what is included in ‘security’. Traditionally, the concept remained captive to realist approaches which reduced it to refer to capacity of states to defend themselves from external military threats. However, beginning in late 1970s, there has been a progressive re-conceptualization of security both within realism and other theoretical approaches. In realism, the concept has been expanded to encompass non-military threats though within a state-centric framework. Accordingly, security is equated with state security and refers to absence of threats to the interests of a given state especially on its territorial integrity, sovereignty and capabilities to respond to the dynamics of an international system which is anarchical.

The inadequacy of this conceptualization has led to sustained critique especially in the face of other emergent security threats, increased recognition of individuals as legitimate object of security, states practices of subjecting their citizens to insecurities and variations of security/insecurity experiences globally. Consequently, the concept has transformed to include both traditional realists understanding and newer understandings advanced by human security and securitization approaches.

On one hand, the human security approach prioritises on the individual, ensuring his/her freedom from fear and want through protection against aspects such as hunger, crime, human rights violations, environmental hazards and diseases. On the other hand, securitization approaches argue that the concept of security is a subjective and discursive one and what ultimately counts as security is an outcome of specific social process whereby power wielding individual moves to declare a given issue as a security issue and the target audience accepts the move as legitimate.

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6 Buzan et al, 1998, Op cit
The outcome of these re-conceptualizations has been the expansion and deepening of the concept of security: Expansion to include military and non-military threats; and deepening to bring on board other objects of security such as individuals, communities and societies in addition to states. Consequently, we use security here to mean absence of threats to individuals, community, society and state. Combining the above definitions, national security then refers to the ability of the state to ensure protection of its objective and subjective interests, those of entities within its jurisdiction (groups and individuals) against military and non-military threats. This understanding, shall guide the identification of Namibia’s national security interests and objectives. The identification is vital to analysing whether Angola’s rise as a regional power has implication on these interests.

**Angola and Namibia Profile and Relations**

Geographically, Angola borders the Democratic Republic of Congo on its North and a part of Eastern frontiers, Zambia and Namibia on Eastern and Southern frontiers respectively. Its coastline is on South Atlantic. It has a land mass of 1,246,700 square kilometres and a population of 19,625,353. Further, it is a multi-ethnic state with Ovimbundu and Kimbundu being the dominant ethnic groups at 37% and 25% of the population respectively. Economically, it is largely dependent on minerals especially oil and diamonds. Indeed, it is the second largest oil producer in Africa with oil and related products accounting for more than 50% of the Gross Domestic Product (GDP). In terms of defence spending, Angola has the second highest defence budget in Africa after Algeria reaching more than seven billion United States dollars in 2015.\(^7\)

On the other hand, Namibia borders South Africa, Angola and South Atlantic Ocean. It has 824,292 square kilometres land mass though much of it is arid and semi-arid. In terms of demography, Namibia is sparsely populated with a 2,212,307 million. Namibia economy is more diversified across various sectors notably agriculture, tourism, fisheries and mining. Similar to Angola, it is multi-ethnic with thirteen national languages, ten of which are indigenous. Compared to Angola, its defence spending is low. In 2014, the spending was about 399 million dollars.\(^8\)

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\(^7\) Angola Fact File accessed at https://www.cia.gov/library/publications/the-world-factbook

\(^8\) Namibia Fact File accessed at https://www.cia.gov/library/publications/the-world-factbook
Angola and Namibia share 1,427 kilometres long boundary. Beyond the shared boundary, these states have shared historical experiences especially of colonial domination and violent struggle for independence. Angola was colonised by Portugal and attained Independence in 1975 whereas Namibia was initially a Germany colony and later a trustee of the then apartheid South Africa until 1990 when it became independent. During the struggle against South Africa occupation, Angola provided safe havens, political and materiel support to Namibia’s main liberation movement South West Africa people’s Organisation (SWAPO). In return, when Namibia became independent in 1990 and Angola was still wracked by violent cold war ideological conflict which pitted the ruling regime of Popular Movement for the Liberation of Angola (MPLA) against Total Independence of Angola (UNITA) since independence, Namibia provided military, political and diplomatic support to MPLA. In addition, it played an important role during the mediation of this conflict culminating to peace agreement in 2002. More so, the communities which straddle Namibia-Angola border are linguistically and culturally similar and historically have dense informal networks of interactions. Consequently, we can observe that the two states have established mutually beneficial strategic partnership due to shared historical and cultural experiences and cooperation during liberation struggle.

In independence period, the shared relationship has blossomed in all sectors. Multilaterally, both are members of the sub-regional bloc Southern African Development Community (SADC). Under SADC, Angola and Namibia have shared peace and security architecture as well as cooperative arrangements on trade, health, organised crime, money laundering, and intelligence sharing among others.

Bilaterally, the two states have worked to address areas of potential conflict especially on trade, access to shared natural resources particularly water and marine resources as well as defence. For instance on trade, they have signed Economic Partnership Agreements and Agreement on Reciprocal Protection and Promotion of Investments. Further, they have established trade corridors such as Olubido railway and Trans-Cunene corridors which have linked Angola to Namibia’s port of Walvis by easing export and imports.

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Regarding shared natural resources, various arrangements have been put in place to enable sustainable and equitable access. Such arrangements are the tripartite-include South Africa-Benguela Current Commission (BMC) whose aim is to promote common management and sustainable utilization of Benguela Current Large Marine Ecosystem (BCLME), and the tripartite-include Botswana-Okavango River basin Commission (OKACOM) whose mandate is to facilitate equitable and sustainable abstracting of Okavango waters. Further, the states have a cooperative framework on the use of the strategically important Kunene River Basin. Finally, on defence cooperation, the states have a mutual defence pact and have established a Joint Commission on Defence and Security.\(^{11}\)

These examples suffice to show the extent of strategic, peacefully and beneficial relations between Angola and Namibia. Having delineated these aspects, the following section identifies the key national security interests of Namibia as elaborated in its constitution, Foreign and Security White Papers, Namibia Vision 2030 and major security treaties ratified.

**Namibia National Security Interests**

Namibia's national security interests have been greatly influenced by its historical experiences of external domination, cold war and its liberation struggles. Additionally, it has progressively securitized emergent issues which it has identified as critical to its security. As such, the interests reflect a mix of traditional state-centric security concerns and post-cold war human security issues such as health, environment, security regionalisation, organised criminal activities, marine resources and economic security.

A review of various official documents with bearing on security have identified Namibia's national security interests as including: Remaining non-aligned, promotion of international cooperation, peace and security, pursuing peaceful settlement of disputes and conflicts, ensuring territorial integrity and sovereignty, maintaining mutually beneficial relations especially economic ones, food and energy security, regional economic integration and security arrangements, sustainable management of environment and natural resources, combating desertification, maintaining democratic order and respect for human rights, reducing health threats notably HIV and AIDS, and countering terrorism among others.\(^{12}\)

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11 See H. Hamuteya, ‘Namibia and Angola: Analysis of a Symbiotic Relationship’, Op cit
On the basis of the above identified national security interests, the following sub-sections aims at establishing whether the rise of Angola as a regional power has a bearing on Namibia’s national security interests.

Potential Implications of Angola’s Growing Power on Namibia’s National Security

That Angola is major sub-regional power is not in doubt. Riding on huge oil wealth, it has managed to build enormous economic and military power. Though it is yet to become a sub-regional hegemon, it is only rivalled by South Africa. However, considering the mutually beneficial historical and strategic ties between Angola and Namibia, which has enabled evolution of de-securitized foreign and security relations, this growth in Angola’s military power has not threatened Namibia’s national security interests.

Instead, there is marked improvement in defence and security cooperation both bilaterally and multilaterally especially under SADC security architecture. Consequently, it is observable that Angola’s ability to secure itself internally, thanks to its huge national security establishment has positive security externalities benefiting Namibia. Rebels groups such as UNITA which were a threat to Namibia’s security due to threats spillover have been decimated. More so, in case of militarized threat to Namibia from any other state, the bilateral mutual defence pact avails to Namibia the needed military assistance-personnel and materiel-from Angola complementing its defence capabilities. This culture of cooperation has mitigated security dilemmas.13

Significantly, the emergent SADC sub-region security community has evolved norms of peaceful relations among member states severely reducing the possibility of inter-state military engagement. This norms going forward will eventually lead to a regional security community and as Deutsche has argued, in such a community there is no possibility of interstate warfare since members have learnt to trust each other consequently leading to de-securitized relations.14

Similarly, on non-militarized security, though there are potential areas of where threats can arise especially on trade and access to shared resource particularly water, both states have evolved institutions to negotiate such conflicts. Namibia is largely arid and highly dependent on water sources which are transboundary.15

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With increased growth in Angola, there is corresponding increase in demand for water especially for irrigation and hydropower generation. This shall stress the available water resources and may tempt Angola to leverage on its power and unsettle the norm of equitable access. Though it is not possible to project the likelihood of violation of this norm, it remains a potential threat to Namibia’s water security.

On trade relations Angola remains an important trading partner. It is Namibia’s third largest export market as evidenced by the busy border posts at Oshikango and Santa Clara. Also, Namibia is highly dependent on Angola as a source of its energy needs especially petroleum products and hydropower. This high degree of dependence makes Namibia vulnerable and provides Angola with negotiation leverage which it can use to ‘force’ Namibia to make disadvantageous concessions. However, this has been mitigated by various trade enhancing treaties at various levels and bilateral arrangements such as the Joint Trade Committee (JTC).

Conclusion

This article sought to examine possible national security implication on Namibia due to the rise of Angola as a regional power. It has shown that the two states have enjoyed close and mutually beneficial strategic and historical relations. Despite Angola’s rise there is no evidence that this has negative outcomes on Namibia’s security interests. Rather, I observe that the increased interdependence bilaterally and multilaterally, has led to convergence of national security interests and evolution on norms such as trust and cooperation. This contributes to enhancement of Namibia’s national security.

Bibliography


MAJOR CHALLENGES FACING AFRICA IN THE 21ST CENTURY

Col P. Masawe - Tanzania People’s Defence Forces

Introduction

Western culture and civilization began to creep into Africa when Europeans imposed their imperial ideologies and started getting away with African resources. African Academicians argue that this practice continued even beyond post colonial period. Many challenges face the African continent in the 21st century. They include; colonial legacy, reliance on foreign aid, inadequate foreign direct investment (FDI), and cultural domination. There seems to be lack of visionary leadership in Africa while Europe has been honest regarding its interests-more than a mutually agreed partnership with the continent.

Colonial Heritage

Colonization twisted and limited the space, speed and trend of cultural growth and African civilization, resulting to politics of the colonies which led to a transitional cultural gap between the beneficiary nations and victims of the practice. The era of colonial looting and plunder led to the antecedent stagnation and decline of traditional cultural occupation in the colonies.

According to Mimiko, the social fabric was completely devastated and a new culture of violence implanted. Traditional African systems of conflict resolution were destroyed without being replaced. The democratic process and elementary ideas of institution was brutally uprooted and replaced by the authoritarianism of colonialism. A new breed of elites was created, and developed on the altar of violence and colonialism while possessing the structures of the modern state to continue carrying out domination of the masses in the service of colonialism.1

According to western, Civilization was a concept of diplomacy meant to impose new cultures over traditional values.2 Standage, on the other hand, argues that the historical context of westernization in Africa with Europe was through the Atlantic slave trade, missionary work and imperialism.

1Mimiko, N.,O. “Tradition, Governance, Challenges and the Prospects of Change in Africa” in Niyi Afolabi, ed.


Ibid.
There was also the introduction of broad minded democracy that failed to work in Africa, not necessarily because Africa did not have its own form of democracy before the imposition of liberal democracy, but the typical democracy in Africa and its processes were also sunken by westernization.³

**The economic effects of colonialism**

Colonialism effect on the economy can be seen from the point of view of a progressive integration of Africa into the world capitalist system where it functioned primarily as a source of raw materials for industrial production for the western world. This led agriculture to be diverted towards the production of primary products and cash crops, which led to food insecurity in Africa. The emphasis was for Africa to produce more of what was needed less and produced less of what was most required. Africa was essentially turned to the production of raw materials, a situation that led to unequal exchange in and balance of trade with the West.

Rodney posits that the plunder and systemically corrupt enterprises established in the colonies to exploit and move natural resources in Africa to Europe have in effect facilitated under-development of Africa while it engendered the development of Europe.⁴ He goes ahead to argue that colonization required a total re-organization of the African economy. Even the present situation, life as an economic plan played a role in altering the way people produce, create and consume.⁵

Neo-liberalism also emerged in African societies which were just an economic process that distrusts the state as a factor in development. It should be seen plainly as a philosophy that was re-packaged over the years, with the aim being to make people believe that the market mechanism is the most efficient allocator of production resources and therefore to have an efficient and effective economy, market forces must be allowed to play a key role. This essentially changed economies of African countries from communalism to capitalism and later to neo-liberalism.

**Social effects**

Socialism led to the belief that society exists for the benefit of individual people, who must not be constrained by government interventions or made subordinate to collective interests. Close knit-family structures, fragmentation of family social relations and rapid urbanization has resulted into rural mass

³ ibid
⁵ ibid
departure and displacement of large portion of the population. There is decline in use of African languages in the continent and instead people are compelled to cling into western culture and civilization. This has caused alienation for people who cannot speak foreign languages as language has been used as a vehicle of culture creating a dichotomy between the elite and the masses.

Alkali is of the opinion that alien models imposed by colonial masters laid seeds for a political crisis in Africa. Through redrawing the map of Africa and grouping heterogeneous communities together, it created ethnic conflicts that are now destabilizing the continent. Some people have argued that it was the attraction of modernity with its promise of greater material benefits that subverted African communities during colonialism.

How would have been the shape of present day African history in the absence of colonial rule? This suggests that less developed regions of the world, especially in Africa lacked the socio-economic organization to change into modern states able to move themselves into advanced economies.

Foreign Aid

Inter-independence among nations makes it necessary for giving of aid to needy countries. Neo-Marxists have often argued that the economic advancement of developed economies have also resulted to the under-development of the third world through colonialism, slave trade and unequal exchange of trade. Developing countries which most of which are in Africa have accumulated huge amount of both internal and external debt, partly caused by foreign assistance from countries in the West. This has resulted to a condition of economic slavery and of a master-servant relationship that could create persistent seeking and lobbying for foreign aid through borrowing.

Moyo argues that foreign assistance was not fully effective in Africa because it interfered with development as the money always ended up in the pockets of the elites, therefore making aid a form of taxing the poor in the west to enrich these elites in former colonies. She adds that, the mistake the west made was giving “something for nothing.” The secret of China’s success is that its entry into Africa is all guided by business principles. The West sends aid to Africa but ultimately does not care about the outcome, with aid excluding the majority of the population from the wealth. This then could lead to political instability. China on the other hand, provides aid to Africa and expects returns.

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6 Alkali, R. A. International Relations and Nigeria’s Foreign Policy, (Kaduna, North Point Publishers, 2003).
Such returns could also include, Africans getting jobs, developed infrastructure and food making them better off and the likelihood of political stability. Places like Singapore have shown that even with limited democracy; peace prevails when the citizenry is economically better off. Calderisi suggests that only a few aid initiatives are well planned while in most the money rarely reaches its intended target.8

**Foreign Direct Investment (FDI)**

Foreign Direct Investment (FDI) into Africa has improved significantly compared to global flows and those of other regions. In the mid 1970s, Its share of global FDI was about 6%, a level that fell to the current 2–3%. Among developing countries, this share in 1976 was about 28%; it has now reduced to less than 9%.9 Compared with all other developing regions, Africa has remained aid dependent, with FDI falling behind official development assistance (ODA). Between 1970 and 2003, FDI accounted for just 20% of all capital flows to Africa. It is clear that FDI is one of the most dynamic international resource flows to developing countries.10

It can affect growth and development by complementing domestic investment and by facilitating trade and transfer of knowledge and technology.11

The relevance of FDI is envisioned in the New Partnership for Africa’s Development (NEPAD), which is viewed to be an important resource for the realization of NEPAD’s vision of growth and Economic prosperity into reality. Africa, like many other developing regions of the world, requires a huge inflow of external resources in order to cater for the saving and foreign exchange gaps and catapults itself to sustainable development levels in order to eliminate its present pervasive poverty.12

**Cultural Domination**

During the Renaissance period, non-European countries acquired a great deal of European culture, values and technology where the Mediterranean region was a cross-cultural and inter-ethnic space even before Greek civilization.

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12 Ibid
The termination of European supremacy marked the beginning of cultures and traditions adapted and breed with European ones. Chandra argues that in the beginning, globalization was aimed to bring about peace and harmony and essentially lead to cultural diffusion, however, it has imposed American values and culture and a way of life on everyone everywhere.\textsuperscript{13} Thomas Friedman observes that globalization possesses its own dominant culture, classical culture and influx of techniques and ideas by Arabs. Niall Ferguson has indicates that globalization is a fancy word for imperialism, imposing values and institutions on others.\textsuperscript{14}

\textbf{Conclusion}

An economy is built on the productivity of people. Without whom economies remain stagnant and growing the gap between the rich and the poor. Africa requires a strong of entrepreneurial middle class and that that those in power are accountable for goods and services provided in any particular economy. If a government has to rely on donor aid, it will relegate the basic core building blocks of economies, which is the productivity of its population. Africa enters 2016 with many of the world’s poorest countries and severest developmental obstacles. Although endowed in natural and human resources, the continent is burdened by large scale economic inequality and the social legacy of a colonial past. High child mortality, poor education systems, and endemic diseases threaten Africa’s future progress.

\textsuperscript{13} Chandra, P. Theories of International Relations, (India, Vikas Publishing House Pty.Ltd), p.301.

\textsuperscript{14} ibid p.303.
Bibliography


Mimiko, N.,O. “Tradition, Governance, Challenges and the Prospects of Change in Africa” in Niyi Afolabi, ed.

Moyo, D. *Dead Aid: Why aid is not working and how there is another way for Africa*, (London, Penguin p.163.


THE POLITICAL CRISIS IN ZIMBABWE FROM 1997 - 2013: EFFECTS AND ANALYSIS

Col C. Mazaiwana - Zimbabwe Defence Force

Introduction

The end of the twenty first century saw Zimbabwe getting into a crisis the effects of which are haunting the country up to the present day. Zimbabwe had a vibrant dynamic society and economy but this is now history if compared with the situation and conditions Zimbabweans have been currently experiencing for the last decade. The causes of this economic downturn point at the International Monetary Fund (IMF) structural adjustment program, the emergency of opposition parties, the land reform program and the Zimbabwe Democracy and Economic Recovery Act (ZDERA) of 2001 signed by the United States of America (USA) Congress against Zimbabwe. Due to the fact that the land reform program affected the few white farmers who were not eager to share land with the majority landless black population it became a crisis by design through the local private and the international media who went on to put Zimbabwe on the international map for the wrong reasons. The impact could be felt by the hardships confronting the Zimbabweans both economically and socially caused by sanctions imposed by the United Kingdom (UK) and its western allies. Therefore, this paper will discuss the Zimbabwean crisis from 1997 to 2013 and the effects on the Zimbabwean society.

Origin of the crisis

Land is one of the causes of the crisis, where by the colonialists dispossessed the indigenous people in the ninety years of colonial rule, and that led to the launch of the liberation struggle.¹ Arguably, the decline set in the era of the harmful World Bank/IMF-inspired Economic Structural Adjustment Programme (ESAP) in the early 1990s led to rapid de-industrialisation, growing unemployment and the severe erosion of living standards of the majority.² The country was increasingly overstretched in August 1998 through the Southern Africa Defence and Security Pact, when the government sent Zimbabwean soldiers into the Democratic Republic of Congo (DRC) in support of the government of Laurent Kabila, confronted by armed opposition

¹ Moyana H: Political Economy of Land in Zimbabwe, Gweru, Mambo Press, 1984 p. 34.
forces. Economic hardships which followed after these developments led to destabilization of the country’s labour force.

In September 1999, Movement for Democratic Change (MDC) was formed, and performed well in the 2000 elections and the 2008 harmonised elections. This was due to unemployment and the reduced social funding to the less privileged, caused by ESAP and the MDC financial muscle injected by the white minorities targeted by the land reform, which was used to lure the electorate to vote for them. However the land issue in Zimbabwe managed to align the population behind the Zimbabwe African National Union Patriotic-Front (ZANU-PF) because the willing seller and buyer clause was not yielding results as far as land re-distribution was concerned since independence in 1980. But the MDC managed to gain support for the referendum through funding from the white farmers that enticed especially the urban electorate. As some scholars argue that one weakness of opposition parties in Africa is of resources, MDC had to contend with the funding though it was anti majority of the black population. The MDC Party had to pay back by ensuring ZANU PF lost on the referendum and the elections, having been financed by the white farmers.

To comment on the constitution in which the opposition campaigned for against, the draft constitution had a clause where the executive president was restricted to run for two five year terms only. However, due to influence from the major MDC sponsors (the white farmers), they decided to vote against the adoption of the draft constitution. The government then invoked other legislative instruments to go ahead with the land reform program. This was labelled by the private media, locally and regionally not mentioning the international ones, as chaotic when referring to the fast-track agrarian reform exercise. But to the contrary, land was being legally distributed and the resident farmers got priority to choose which part of the farm they wanted to retain then the rest shared among black landless Zimbabweans. The media never mentioned this approach of land distribution to the international community. This strengthens Nyamnjoh B’s argument on Cameroonian newspapers which he observed as they tended to be poorly concealed spokespersons of political parties towards elections.

The private media further claimed that industries closed due to the land reform to strengthen their case against the land reform program but not all industries are agro-based, but were affected by ZDERA a fact which reporters did not mention in their media reports.

The economy of Zimbabwe nose dived through a high rate of inflation which led to shrienking of service delivery and infrastructure.\textsuperscript{6} This was felt through frequent power cuts, factory closures, valueless Zimbabwe dollar and inconsistency in the country’s urban water reticulation systems. It was clear that the deterioration of the Zimbabwean economy from the beginning of this century to 2009 before the introduction of the multi currency for cash transactions, could not have been caused by sanctions against the president and senior government officials.

It was ZDERA that aimed at squeezing the economy of Zimbabwe as pronounced by the USA Congresswoman, Cynthia Mckinney in the International Relations Committee meeting of November 28, 2001, which considered ZDERA. She queried on this misdirected piece of legislation according to her and concluded that it was a hypocritical guise of providing a transition to democracy whilst it is a formal declaration of USA complicity in a program to maintain white-skin privilege.\textsuperscript{7} More so, there are many de jure and de facto one party states in this world benefiting from USA support.

**The implications**

Due to budget constraints, the education and health sectors experienced a decline in service delivery. This was worsened by massive brain drain by professionals to neighbouring states and overseas seeking for green pastures. For the healthy service sector, it was a caterstrophy since considering the containment of HIV/AIDS infections prevalence.

This deteriorating situation caused many Zimbabweans to leave the country and joined the growing Zimbabwean Diaspora abroad. The massive migration of Zimbabweans to Botswana and South Africa, resulted in also them becoming victims of the xenophobic attacks on ‘foreigners’ in South Africa in 2008 where some people died property destroyed, and the recent one, in 2015 which saw the government assisting in repatriating those who were prepared to go back home.\textsuperscript{8}

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\textsuperscript{7} http://www.ratcal.org/co-globalize/CyntiaMckinney/news/pr1120-21/10/2015.

\textsuperscript{8} Mlambo A S, “Makwerekwere go back home to where you came from: Thoughts about the recent xenophobic riots in SA.” Paper presented to the History Seminar,University of Sheffield, UK, 2 March 2009.
The Southern Africa Development Community (SADC) led by South Africa had resisted pressure exerted by the Western propaganda without totally sacrificing Western support since they knew and understood what was really happening in Zimbabwe especially President Thabo Mbeki of South Africa. Thus, South Africa has to accommodate its objective of political and economic emancipation of Africa with the pan Africanist approaches, hence President Mbeki’s claimed “quiet diplomacy” on Zimbabwe. He sought more multi-lateralist agenda and compromise in handling the crisis in Zimbabwe which culminated into Government of National Unity (GNU) in Zimbabwe in 2008 after the harmonised elections. In March 2007, South Africa was mandated by SADC to strike an agreement between ZANU-PF and opposition political parties at the Extra-Ordinary SADC Heads of State Summit in Tanzania. However the prospects of claiming international legitimacy remained a pipe dream because whatever type of democracy or any agreement not removing President Mugabe from office would not be honoured by this influential international community.

South Africa as facilitator exposed the hypocrisy of the West on whether President Mugabe should attend the EU-AU Summit in Portugal when in December 2007, the ANC Secretary General Kgalema Montlante accused the British government in particular for failing to conclude a settlement to the Zimbabwe crisis. However, President Mugabe attended the summit, with full support from the AU and subsequently, the British declined to attend.

The harmonised elections on 29 March 2008 took place under relatively peaceful conditions, and to the surprise of many, in particular ZANU PF, the two MDC formations won most of the parliamentary seats with the Movement of Democratic Change-Tsvangirai (MDC -T) winning the most seats. Morgan Tsvangirai won the first round of the presidential vote but without the 51% majority needed for an outright victory. It was clear that a re-run of the presidential election was imminent and a lot of intimidation and political violence by both ZANU PF and MDC-T was perpetrated against each other leading to Tsvangirai pulling out of the presidential re-run, and the outcome not being accepted by some international organizations, including as usual some SADC and AU members. But there was need for rationality here, because each party’s strong holds were known.

The MDC formations and ‘the regime change in Zimbabwe proponents’, especially the western powers, criticised President Mbeki’s mediation, and

doubted his neutrality. In response to these attacks particularly by the West, the South African president openly expressed this: “There are some further afield from us who choose to describe us as a so-called Rogue Democracy because we refuse to serve as their klipgooiers (Afrikaans word for stone throwers) against especially President Mugabe.”\(^\text{11}\) However, after several months of further negotiations between the Zimbabwean parties, Mbeki managed to secure a Global Political Agreement (GPA) in September 2008. In the GPA, all the parties committed themselves to work together and create a genuine, viable, permanent, sustainable and nationally acceptable solution to the Zimbabwean situation. They further concurred on implementation of the GPA that all the current political and economic situations must be resolved and replaced with a new dispensation.

The agreement focused on commitment to economic stabilisation and growth, a campaign for the removal of sanctions, constitutional reform, a land audit, the promotion of national healing and the introduction of various commissions on elections, media and human rights that would facilitate democratic processes in the country. Disagreements on the lifting of sanctions persisted with the MDC-T claiming there were no sanctions but targeted sanctions. All other aspects were fulfilled as per agreement but the MDC-T failed to do their part on ensuring that the sanctions were lifted.

Therefore, one would not be far from wrong to link the continuation of the sanctions to collusion between the MDC-T and the British government. In January 2010, the British Foreign Secretary exposed the British alliance with the MDC-T when in a statement in the House of Commons he indicated that sanctions can only be considered for uplifting in conjunction with reports on progress on the ground from the MDC-T.”\(^\text{12}\) Besides, the call for the lifting of sanctions has been backed by the guarantors of the GPA, SADC and the AU, with President Zuma making this, his primary message during his state visit to the UK in March 2010.

The Zimbabwe question once again came out clear as a battle between the West and ZANU PF, as always stated by President Mugabe for the last decade. The lack of any substantive budgetary support to the Inclusive Government, with assistance being largely directed to the humanitarian sphere, and to those delivery ministries occupied by the MDC-T, further divided the transitional government with ZANU PF rightfully claiming that the MDC-T was receiving favourable treatment from the donors.

\(^{11}\) Carter C, “Mbeki stands his ground on Zimbabwe”. Cape Times, 13/06/08. “Klipgooiers” is the Afrikaans word for stone throwers.

Formed through the GPA the GNU made progress in the politics of the country like, some stabilisation of the economy and drastic easing of hyper-inflation, the appointment of the Electoral, Human Rights and Media Commissions, and the introduction of a Reserve Bank reform Bill that effectively removed the capacity of the Reserve Bank Governor to carry out the extended roles beyond his prescribed ones. The Joint Monitoring and Implementation Committee (JOMIC), set up to monitor the implementation of the GPA, provided an important forum for continued negotiations between the parties. However, verbal attacks between rival parties persisted as Lionel Cliffe pointed out that the central characteristic of such an arrangement of GNU is that it always creates arenas of continued political competition between parties. This, in the process sidelines the electorate’s expectations. This led to long delays in adoption and implementation of the constitutional review process just as an example.

End of Government of National Unity

Therefore for the sake of progress there was no reason to extend the life of GNU. When the expiry date for GNU reached the president announced elections date in 2013 and people of Zimbabwe voted. The MDC formations were trounced in both parliamentary and presidential race, and Tsvangirai claimed that the elections were rigged through expertise sought from Israel. It is even hard to believe, Israel being such a passionate ally of USA.

Though SADC observers gave a nod to the conduct and results of the elections, the western leaders and their media houses did not agree obviously as disputed by Mr Tsvangirai that the elections were expertly rigged. However, Susan Booysen of the Freedom House identified glaring lapses on the MDC formations.

The first, due to their split vote ZANU PF came out winning most seats in Matebeleland South Province since if the votes of the two MDC parties were added together, they surpassed those for the ZANU PF candidate. Secondly, in Manicaland the MDC supporters were frustrated by imposition of candidates by the executive. After all, President Mugabe campaigned vigorously but the opposition took people for granted and hardly went out to campaign and worse still had no election manifesto like the ruling party.

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As argued by some scholars, the fact is verified of the frequent fragmentation of opposition parties in Africa.\textsuperscript{14} That was the third split and as of now the MDC-T split for the fourth time and this is the second time the secretary general is leading another faction. This is politics and you get into office by the will of the people who are dynamic in their thinking. The people are natural beings who can never be taken for granted as both ZANU PF and MDC Parties have learnt now.

**Conclusion**

The Zimbabwean crisis has demonstrated that regional organizations are capable of intervening in problems solving of respective member’s internal problems. The interpretivist approach proves itself in the Zimbabwean crisis that all acts in the international scene are a creation not as we see them. The media can be very effective as the power of pen was felt by misinformation of the Zimbabwean situation and it was taken as the truth until one visited Zimbabwe to come up with the actual truth. It was also proved that it is not always the hegemonic approach that can resolve a crisis but political diplomacy can do as demonstrated by the then President Mbeki when he mediated for a GNU through the GPA.

**Bibliography**


Mlambo A S, “Makwerekwere go back to where you came from: Thoughts about the recent.

Mlambo A S: The Fast Track Land Reform Process in Zimbabwe in Historical Perspective, July


xenophobic riots in SA.” Paper presented to the History Seminar, University of Sheffield, UK, 2.
A GENDERED APPROACH TO PEACE BUILDING: THE ROLE OF WOMEN

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Johan Galtung first introduced the term “Peace building” through his works in the 1970s and called for the establishment of peace building structures to promote sustainable peace by dealing with the underlying causes” of violent conflict and supporting traditional initiatives management of peace and resolving conflicts. The term “Peace building” exercise covers various and activities which include disarming of warring parties, reconstruction of political, judicial, economic, and civil society institutions.

Peace building became a concept within the United Nations after Secretary-General (Boutros Boutros-Ghali’s 1992) report, entitled “An Agenda for Peace”, which defined peace building as action to solidify peace and avoid recurrence of a conflict. The 2000 Report of the Panel on United Nations Peace Operations (also known as the Brahimi Report) defined Peace Building as “activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war”. The United Nations Secretary-General’s Policy Committee, (2007) agreed that “Peace building involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development.” strategies for peace building should be clear, understandable and geared to specific needs of a country must be prioritized, and planned in order to achieve set objectives.

There have been concerted efforts to enhance inclusion of women in peace building by utilizing available legal systems and, proactive activities of women groups and civil society, seeking for international support and solidarity on the plight of women in war times and armed conflicts. This is evidenced in the various United Nations Security Council (UNSC) resolutions and other protocols. The UN Women (2012) argues that the including women in decision making alongside peace building has been marginal.

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1 General Assembly Security Council fifty-fifth session fifty-fifty year item 87 of the provisional agenda Comprehensive review of the whole question of peace keeping operations in all their aspects 2000
2 Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992
It is believed that women and men have the same capacities and abilities, and therefore women have the same right as men equal opportunities such as access to education, pay and conducive work environment\(^4\).

A model of UN peacekeeping was established during the Cold War era to help deal with conflicts between States which required deploying unarmed or lightly armed security personnel. The increase in intra-state conflicts, has led to a change in peacekeeping operations usually authorized help in the actualization of a comprehensive peace agreement between warring parties. Consequently this has resulted in introducing a civilian component of peacekeeping operations (UN Background Notes 2004)\(^5\).

The outcome of the Beijing Declaration and Platform for Action (A/52/231)\(^6\) by the 23\(^{rd}\) Special Session of the United Nations General Assembly entitled “Women 2000: Gender Equality, Development and Peace for the Twenty-First Century” (A/S-23/10/Rev.1)\(^7\), and expressed concern that civilians, mostly children and women, account for a large number of those majority affected by conflict, they become refugees and internally displaced, being targeted by combatants and armed elements, this diverse consequences on lasting peace and reconciliation. It also recognized the importance to mainstream a gender perspective into peacekeeping operations. Mainstreaming of Gender, is the overall implications for women and men in planned actions, such as legislation, policies or programmes, in all areas and all levels.\(^8\).

The UN Department of Peace Keeping Operations (DPKO) took upon itself the responsibility to advance the inclusion of women and ensure gender equality at all levels of peacekeeping missions. The Declaration of Windhoek and the Namibia Plan of Action on Mainstreaming” a Gender Perspective in Multidimensional Peace Support Operations”\(^9\).

\(^5\) The Challenges of Peacekeeping in the 21st Century (Background note prepared by the United Nations Department of Peacekeeping Operations) NEW YORK, 19-20 OCTOBER 2004
\(^6\) Five-year Review of the implementation of the Beijing Declaration and Platform for Action (Beijing + 5) held in the General Assembly, 5 - 9 June 2000
\(^8\) Women with a Blue Helmet: The Integration of Women and Gender Issues in UN Peacekeeping Missions Author: Francesco Bertolazzi 2010, P 9.
\(^9\) Women with a Blue Helmet. The Integration of Women and Gender Issues in UN Peacekeeping MISSIONS accessed 20 Dec 2015 www.peacewomen.org/.../unbalpkintegrationwomengenderunpeacekeeping.
The United Nations Transitional Assistance Group in Namibia (UNTAG) was the first mission to implement the gender guidelines while combining indigenous peacekeeping activities with peace building functions.  

The UN Resolution 1820 (2008) reaffirms the key role of women in conflict prevention and resolution, and emphasized the equal involvement of both men and women in all efforts of peace and security including and expanding their role in decision-making.

Throughout history, voting and political leadership were dominated by men but these are not exclusively masculine activities. Women were viewed by society as peaceful maybe because of their biological make up, culture or both emphasising their unique abilities and contributions as peacemakers.

Their motherly instincts and caring nature are presumed to be to be more peaceful than men and likely to find solutions to violence and resolution of conflicts.

There is universal agreement that women must be included in all peace building activities. United Nations Security Council Resolution 1325 on Women, Peace and Security (adopted in October 2000) acknowledges the critical role women should and can play in the processes of peace talks, conflict mediation, and all aspects of post-conflict reconstruction. Lisa Schirch; (2004) has enumerated progress made so far on the awareness and the important role of a gender perspective in peace support work; development of gender action work plans, involvement of women in post-conflict reconstruction, post-conflict elections and governance and the difference women make when they are in decision and policy making positions.

The nature of women is to think of their children, grandchildren and society in general and live in their own homeland in a peaceful atmosphere and secure environment, their benefits from the structure of peace as envisaged in an agreement. Women usually have a broad and long-term good interest of the society.

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10 UNTAG is still considered one of the most successful multidimensional peace support operation and part of its success was also due to a stunning 60% of female presence in the international professional civil staff.
11 The Resolution 1820. Adopted by the Security Council at its 5916th meeting, on 19 June 2008
12 Ambassador Anwarul Karim Chowdhury U.N. Undersecretary General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States 2003The Role of Women in Peace-Building: Ambassador Anwarul Karim Chowdhury U.N. Undersecretary General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States 2003
Whereas, historically men are interested in ensuring that the peace process guarantees them the authority and power bought they seek in post-conflict situations.\(^{15}\)

**Promoting Participation of Women in Peace building**

There are live examples of win-roads made by women in peace building activities, a good example being the Mano River Women’s Peace Network which brought women together from Guinea, Liberia and Sierra Leone. The women came together a matter of common interest and called for disarmament while playing an important role to pave the for conflict resolution by having the heads of government from three countries to sit together to discuss the peace. The peace initiative undertaken jointly by the women of the Mano River region was received the U.N. Human Rights Prize for 2003, recognizing the Network’s outstanding success.\(^{16}\)

From 2001, the United States of America worked with the Afghanistan women to ensure that they too participated in all key country-wide political decision-making processes. The Afghan women advocated successfully for protections for women’s rights in the Constitution of 2004 including a 25% quota for female representation in Parliament. Achieving more than 400 candidates for the 2011 parliamentary elections for women, representing a sizeable increase since the 2005 parliamentary elections.\(^{17}\)

The Somali women continue to play a very crucial role in peace building, they are the unsung heroes that the society has depended upon for many years. For example, they advocated for a sixth clan in Arta in Djibouti peace process, while this was not achieved they were granted space at the peace negotiation table. Their contribution included selling their jewellery to raise money for peace building, singing songs and poems to warring parties and used their dual clan nature to act as peace mediators among clans.\(^{18}\)

\(^{15}\) Ambassador Anwarul Karim Chowdhury U.N. Undersecretary General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States ; The Role of Women in Peace-Building: Ambassador Anwarul Karim Chowdhury U.N. 2003 Undersecretary General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States

\(^{16}\) Ambassador Anwarul Karim Chowdhury U.N. Undersecretary General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States ; The Role of Women in Peace-Building: Ambassador Anwarul Karim Chowdhury U.N. 2003 Undersecretary General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States


Jones 1993 has discussed the way women have particularly been up in “arms” against wars and rearmament.\textsuperscript{19} The struggle against wars is poignant for the women because the level of suffering precipitated by wars often falls squarely on their shoulders. They lose their loved ones in senseless conflicts, the suffering of children who grow up as orphans, the traumas of displacement, of becoming refugees, the rapes and other abuses suffered, the dehumanising degradation they are sometimes forced to live, necessitate that peace and the peace struggle be strengthened with women participating to protect themselves.\textsuperscript{20}

Women continue to raise their voices and to participate through various means and strategies in conflict and post-conflict periods. Consequently women and girls continue to suffer abuse in armed conflict. Notably, women and children, are not only the victims in today’s conflicts and hardship, they are directly targeted with rape, forced pregnancies and assault as deliberate instruments of war. Women are mostly affected by conflicts, which they clearly play no role in creating. Women’s interests are neglected by the peace process, and this has resulted in male-centred approaches to peace and security.\textsuperscript{21}

Women peace-builders bring diverse perspectives and priorities in the process, and their involvement in re-establishing the social fabric after conflict is crucial. Women play a different role in peace-building since the impact of armed conflict upon both men and women differs greatly. Men make the majority of missing and detainees resulting from conflict, they are also very likely to be wounded or killed as marked targets as members of armed forces or groups, as the male populations are largely recruited in the armed groups. When women are engaged in armed fighting, they tend to carry an additional responsibility assigned by traditional gender roles to maintain the family and community during war, and throughout rebuilding the peace process. Many formal peace-building activities and policies suffer from an insufficient understanding or acknowledgment of the diverse communities in which they operate.

Peace-building process has been a male dominated activity as peacekeepers, peace negotiators, politicians, and formal leaders. Power is not distributed equally between men and women and the majority of women have no chance to voice their concerns in local and national decision making processes. However, women do play a crucial, though unrecognized role, in peace-building process.

\textsuperscript{21} Ambassador Anwarul Karim Chowdhury U.N. Undersecretary General and High Representative for the Developed Countries, Landlocked Developing Countries and Small Island Developing States The Role of Women in Peace-Building: Ambassador Anwarul Karim Chowdhury U.N. Undersecretary General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States 2003 Least. 
They are absent from formal peace negotiations considering the fact that women are becoming more and more parties to conflicts. Additionally, they are being recruited into regular and irregular armed forces, and also become powerful voices in opposing the conflicts. In Sudan, for example, women and girls played active roles on the front lines of the two north-south civil wars, both as combatants and peace activists. Yet despite current developments, women remain largely invisible from formal peace negotiations.

There are many examples of women, who have intervened in conflicts, but most of their stories have never been told, and their efforts not counted. There is the value addition brought to peace-building processes by women, from the ability to form coalitions across conflict lines. A great challenge is that women not viewed as skilled, knowledgeable or to pose the social status required to bring about the much needed change in post-conflict environments. Changing this perception requires a mind-shift and an attitude change by negotiators and mediators on the role of women. They are still primarily perceived as victims of conflict – as opposed to perpetrators, or agents of change thus responses and programmes mostly deal with aspects of sexual and gender-based violence.

**Conclusion**

A lasting peace cannot be attained if the participation of women is ignored. The inclusion of gender perspectives in the processes is critical and should recognize informal peace initiatives of women’s groups and networks, in reconciliation efforts. Gender perspectives should be integrated fully into the terms of reference of the UN Security Council resolutions, reports and missions that are related to peace operations. Peace support operations must include gender advisers and specialists and ensure consultations with women’s groups and networks. A forum for involvement of women in negotiations both at national and international levels must be provided for, training for women on formal peace processes is key. Gender perspectives should also be an integral part of post-conflict rehabilitation and reconstruction programs.

Only by adopting an all-inclusive and gender integrated formula shall the envisioned results be achieved. “Women are important voices in today’s society. Sometimes we are too ‘machista’ and we don’t make room for women. Women are able to see things differently than men, and they ask questions that men just do not get” Pope Francis during his visit to Kenya in November, 2015.
Bibliography


Francesco Bertolazzi; 2010 Women with a Blue Helmet: The Integration of Women and Gender Issues in UN Peacekeeping Missions Five-year Review of the implementation of the Beijing Declaration and Platform for Action (Beijing + 5) held in the General Assembly, 5 - 9 June 2000.

Introduction

Recruitment is governed by the legal texts, which have been developed in accordance with the Burundian realities and in order to respect the fundamental values of justice, democracy, good governance, unity, gender equality, fundamental rights and freedoms of individuals. These legal documents set the framework for introduction of new institutions capable of integrating and reassuring all components of Burundian society from different parts of the country.

Special emphasis was put on the defence and security organizations, with regard to their involvement in the unfortunate events that occurred throughout its history. These corps have been at the forefront in various coups that took place in Burundi not to mention their involvement in the cyclical ethnic massacres. It is this role that led politicians taking part in the Arusha negotiations to establish a separation of power between the executive, legislature and judiciary, taking care to fix their areas of responsibility to avoid confusion of the past.

The National Defense Force deserves special attention and has been required by the Constitution in Article 255, to respect ethnic and regional balances in the recruitment in order to reassuring the people of Burundi. The Recruitment must be done in the spirit and letter of the legal texts that govern them.

The recruitment and selection include all activities that allow informing and attracting potential future officer candidates, noncommissioned officers and troops. After a careful analysis and evaluation, those who best fit according to the categories and requirements are to be considered. All these activities are conducted to ensure qualitative and quantitative sustainability and operationality of the NDF.

Planning

Between the years 2005 and 2009, no recruitment was undertaken by the Burundi National Defence Force. Moreover, with the Agreements cease-fire and the Technical Forces Agreement signed between the former belligerents, National Defence Force has integrated the former members of the various

rebellions, namely those of the CNDD-FDD and those of former Burundi Armed Forces. It is obvious that for the moment, the National Defence Force of Burundi must combine both activities which at first glance are contradictory. The integration of the PALIPEHUTU/FNL combatants took place in January 2009, while the demobilization had continued between 2006-2008. It is clear that the starting point of all recruitment must be the determination of needs based on what is available and what ought to be.

It therefore makes sense to develop a recruitment plan, which will be conducted for several years. The starting point should be constituted by the existing military in their quality and quantity. It will then establish their forecast development on statistics bases taking into account the various possible departures, whether voluntary or not and various internal changes. Budgetary constraints that not only will restrict recruitment opportunities but also the improvement of the age structure are to be considered. Accounts should be taken of the legal framework that regulates and sets ethnic and regional quotas without forgetting the representativeness of gender.

**Recruitment campaign**

This is the set of activities that will contribute to inform interested and potential candidates to apply for the defense. It lasts two weeks and begins with a speech from the General Staff of the National Defense Force. This press release is broadcast on National Radio and Television of Burundi and takes the form of an announcement in the government daily news. In a society where over half the population lives below the poverty line, the luxury to afford a radio is not within the reach of everyone. Besides poverty, is about 50% and coupled with high illiteracy level. Although other structures relay transmission, namely churches, provincial and municipal offices. The press release specifies the category for which the recruitment is about, the date and the places of execution. In addition, the statement indicates the criteria to be followed. The content of these will be thoroughly checked at screening which will take place at the provincial level.

To apply, candidates must be of Burundian nationality. The candidate must be at least 18 years and not more than 25 years. He/she must be single and

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4 UNESCO Institute for Statistics: Adult and Youth Literacy National, regional and global trends, 1985-2015 Montreal, Quebec H3C 3J7 Canada 2013
commit to stay for the duration of the training. He must have a clear criminal record must be blank and must not have belonged to the Defence and Security Forces (NDF and / or BNP). The candidate must be physically fit for military service and must have the prerequisite qualification. This phase is in itself a sort of pre-selection which will allow candidates to reach the next stage of selection with a limited number of candidates and reduce the budget allocated to it.

Selection

Whatever the category for which the defence recruits, recruitment pool remains large. This is partly due to the youth of the Burundian population and secondly high rate of unemployment.5

During the selection phase, the instruments must get down to determine the prerequisites for the selected candidates whose chances of success are high. This selection process includes all activities which enable the Defence Force to retain the most suitable applicant. This recruitment takes place at two levels; Provincial and national.

At the provincial level, applicants whose files were found to comply with the law, undergo intellectual tests including Math, French and English. At this level of competitions the defence will retain applicants according to places available for each category. To illustrate, I take the example of the recruitment of 2009-2010 for officers. Here the number of available places per province was 11shared between Hutu 5, Tutsi 5 and 1Twa.

Note: In order to have both gender represented, if among the first there are no girls, the first female candidate will be co-opted.

At national level all candidates who pass the competition at the provincial level attend another selection at:

• Higher Institute of Military Cadres for officer candidates to undergo final intellectual tests in French, English and Math.
• School of Non Commissioned Officer for future NCOs candidates to be tested in Math, French and physical fitness.
• Training Centre for troop candidates.

All these three categories are to undergo medical check.

It is no secret that the military profession is among the most demanding whether physically and mentally. It is therefore essential from the beginning to know the health status of each applicant to avoid accidents which could be fatal for the candidates.

5Marc Sommers and Peter Uvin: Youth in Rwanda and Burundi November 2011-pp87-90
Series of medical check:
HIV / AIDS: The physical effort that the selection will require and subsequently the first months of training are so hard that a body in a precarious equilibrium must not sustain. That is why; HIV-positive will not be retained for the sake of not discrimination\(^6\) but in order not to precipitate the deterioration of their already precarious health situation. Moreover, the defense needs men and women fit for service while enlisting the above mentioned risk.

Consequences
Ethnic balance is a requirement of the Constitution. But this may lead the National Defence Force not to be representative of ethnics groups without national cohesion and vision. In order to be easily selected, some candidates may lie on their belonging to an ethnic group. This will imbalance the ethnic representation and therefore lead to incompliance of the constitution. The selection at the national level is regardless to provincial balances, which could eventually lead to regional imbalances.

Recommendations
For a country like Burundi that has seen bloody conflicts throughout its history and which wants to break from this vicious cycle, some psychometric tests such as emotional stability, mental balance and strength of character are crucial.

Learning and acquiring computer technologies is a significant step towards modernization of the army. Therefore it is high time that computer courses are established and depending upon the level reached the testing of computer tools is included on the list of events a candidate is subjected to.

Conclusion
Recruitment is necessary for any organization and the Burundi National Defence Force is no exception. This ensures continuity and stability to avoid shortfall accessioned by departure. This exercise should be adhered to the planning model to avoid budgetary shortfall. While holding the countless ancient and recent history, the selections should remain limited to the provincial level to preserve regional and ethnic balances required by the Constitution to avoid exclusions. Moreover it is better to ensure that new tools are introduced into the system of selection in order to have a military that is competitive regionally and internationally.

\(^6\) Op cit Constitution of Burundi
Bibliography

Constitution of Burundi; March 2005.


Marc Sommers and Peter Uvin: Youth in Rwanda and Burundi November 2011.

THE TRAGEDY OF COMMONS & COMMON GOOD:  
THE CASE OF MAU FOREST

Col E. M. Lusaala - Kenya Navy

Introduction

In the global environmental politics it is hard to manage collective goods and Joshua Goldstein attributes this to the large number of state players. The actions of almost 200 state players aggregate to indirect but very serious damage to the environment. However this is somehow lopsided with the most industrialised and developed states contributing more on the damage, while the least industrialised poor countries suffer the consequences.

This paper looks at the two concepts of the tragedy of commons and common good as espoused in democracy. It looks at the tragedy of commons globally, how Africa is a victim to this phenomenon and how it applies to the Mau Forest Complex (MFC) in Kenya. It further looks at the legal perspectives of environmental issues in Kenya and the responsibility of the state. It further alludes at the possibility of the MFC being a regional issue and concludes that the common good principle is the solution to the environmental dilemma.

The Tragedy of Commons

At the global level there is a dilemma linked with collective goods like resources in the ocean, outer space and the environment which has been referred to as the tragedy of commons by Goldstein. It is likened to many people keeping too many sheep and the common goods being collective grazing places. The grazing areas would then be overgrazed as a result. However adding one more sheep would be profitable to the owner but detrimental to the grazing area. In the last three decades the environment has become a major subject on international negotiation. This debate has come as a result of the energy crises of the 1970s, oil spills, pesticide residues, nuclear power plant disasters and lately climate change attributed to global warming which collectively affect humanity irrespective of their position on the earth.¹

Similarly the relationship between development and environment has contributed immensely to the sustainable development concept. The major idea of sustainable development is that global ecosystems and humanity itself can be threatened by neglecting the environment.²

¹Goldstein S Joshua . International Relations. (New York: Longman 2003), p 414
²World Commission on Environment and Development 1987, p. 8
Common Good Concept

Rousseau, writing in the mid-18th century, notes that the notion of the common good is achieved through the active and voluntary commitment of citizens. He distinguished it from the pursuit of an individual’s private will. The “general will” of the citizens of a republic, acting as a corporate body, should be distinguished from the particular will of the individual. Political authority would only be regarded as legitimate if it was according to the general will and toward the common good. The pursuit of the common good would enable the state to act as a moral community. The principle of the Common Good states that the good of each human person is intimately related to the good of the whole community. The individual can only flourish in community and not in isolation.

Global Perspective

The phenomena of climate change, stratosphere ozone depletion, nitrogen loading, chemical risks, disasters, El Niño, degradation of land, forests and biodiversity, water crises, degradation of marine and coastal areas, atmospheric pollution and adverse urban impacts are the threats facing the globe. Command and control policy via direct regulation is the most prominent policy instrument but its effectiveness is in doubt. The industrialized west and to an increasing extent the increased industrialization in the east are faced with dilemmas as to whether due consideration should be placed on environmental preservation or development. The Kyoto Protocol to the United Nations Framework Convention on Climate Change has the USA; the most industrialised nation as a non-party member, Canada has withdrawn, and China is a member but not yet bound by the treaty. This kind of behaviour paints a picture of non-commitment by most industrialized countries.

Huber however has a contrary opinion to the grim picture given by the UNEP on the impact of human activity on the environment. He believes the urbanization process is increasingly living more and more wilderness undisturbed by packing more people in smaller spaces. This paper however has a contending view that this is not a universal reality but may be the case for the developed west. Ability to adapt, resources to help implement environmental policies, and an enlightened society is not a universal reality.

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4 Randel D., M. The public good: knowledge as the foundation for a democratic society. (Cambridge: American Academy of Arts and Sciences 2009)
Africa is whirling in poverty and it is not a priority for an African family to conserve the environment but survival for another day.  

**African Challenges**

According to UNEP (1999) poverty is a major cause and consequence of environmental degradation and resource depletion. Although many African countries are implementing new national policies and multilateral environmental policies, their effectiveness is often low due to lack of qualified staff, expertise, funds and technology for implementation and enforcement.

According to Gyekye and Kwame the common good is a notion that is conceptually affiliated to the notion of community and, thus, to the notion of human society. The common good is an essential feature of the ethics espoused by the communitarian African society. The pursuit of the good of all is the goal of the communitarian African. A sense of the common good which is a core of shared values is the underlying conjecture of African social morality. Given this position one wonders whether this moral question is still a practice in Africa generally or in Kenya particularly.

According to Tedessa most scientists studying the potential impact of climate change have predicted that Africa is likely to experience higher temperatures, rising sea levels, changing rainfall patterns and increased climate variability, all of which could affect much of its population. Higher temperatures, the drying up of soils, increased pest and disease pressure, shifts in suitable areas for growing crops and livestock, increased desertification in the Sahara region, floods, deforestation, and erosion are all signs that climate change is already happening and represents one of the greatest environmental, social and economic threats facing Africa. Scientific evidence including a 1995 announcement from 2500 scientists indicated that the globe is warming. It predicted that there will be floods, droughts, storms, a rapid and significant rise in sea level, agricultural collapse and the spread of tropical diseases.

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5 Huber P. (2000). Wealth is not the enemy of the environment: Vital speeches of the day Vol. 66 No. 12
Agriculture is the most important sector in many countries of sub-Saharan Africa (SSA) and is central to the survival of millions of people. Most agriculture production in these developing countries is carried out on small land holdings, with approximately 80 percent of poor people in SSA continuing to depend on the agricultural sector for their livelihoods. However, unlike in other regions of the world, agriculture in sub-Saharan Africa is characterized by very low yields due to agro-ecological features, poor access to services, lack of knowledge and inputs, also low levels of investment in infrastructure and irrigation. In addition, high population growth rates, especially in rural areas, intensify pressure on agricultural production and natural resources, further complicating the challenge of reducing poverty.9

The intra-Africa environmental debate has probably not really been pursued and it seems that the problems facing Africa are so great; survival is more of a concern than ‘elitist’ things like environment. Africa is busy grappling with adaptation to the effects of climate change, poverty and governance to think about environmental conservation. According to Randel the state structure and state-society relations are clearly relevant for the chances of democracy and hence common good. State strength and autonomy needs to be guaranteed to ensure the rule of law and avoid being the captive of the interests of dominant groups; the state’s authority to make binding decisions in a territory and the state’s monopoly of coercion must be settled. However, the power of the state needs to be counterbalanced by the organizational strength of civil society to make democracy possible; the state must not be so strong and autonomous from all social forces as to overpower civil society and rule without accountability. The African states are victims of dominant groups taking others hostage, monopolizing resources and entrenching inequalities that such terms as recourse curse, poverty traps are associated with Africa by many writers.10

The Kenyan Dilemma

Public institutions in Kenya have been seen to be unable or unwilling to take forceful actions on pressing social problems and is often evidence of the preoccupation with individually defined spheres of identity. In Kenya, generally and the Mau forest specifically, finding a formula that reconciles the need for settlement land and limiting the encroachment on what has been commonly referred to as water towers is seemingly difficult. As a collective

good, the Mau forest water catchment area is probably the most valuable environmental resource in the country if not the East African region that has a security perspective to it. Access to water for all by the year 2000 was the clarion call for several Kenyan regimes which in actuality has not been achieved and seemingly in the public opinion will not be achieved in the near future. The Mau complex extends the whole western Rift Valley from Lake Turkana to Tanzania. The Mau complex ecosystem faces the danger of complete destruction and the problem is not getting better despite the various efforts that have been put in place to restore and preserve it. Can this failure be attributed to failure of governance, failure to give it the significance it deserves as a common good for the country or other underlying factors? For well over three decades the Mau Forest Complex has been de-gazetted, encroached upon and excised to create land for settlement. This has had dramatic effects on the source of the country’s major income earners namely tourism and tea growing. Accustomed patterns in climate have dramatically changed and the outlook for the country is getting grimmer in terms of intermittent drought and the accompanying famine.

The Mau Complex is an emotively controversial issue in Kenya. Being a common good, it on the one hand requires urgent recovery and maintenance, but on the other being competed for and destroyed. The Mau forest complex has been goaded as the most important in the country in terms of ensuring water security and sustainable development. However efforts to recover the Mau complex are laden with regular encroachment on the forest by squatters. The Kenya Forest Service seems to be losing the battle to stem the ever increasing out of control forest destruction. The Mau Complex is particularly significant for two of Kenya’s major foreign currency earners of tea and tourism. Kenya’s most significant tea-growing areas are located in the highlands adjacent to the forests of the five “water towers.” According to UNEP, tea earns over Kshs 12 billion in foreign currency in addition to securing over 50 000 jobs and supporting in excess 600 000 dependants in western part of Kenya alone. It is estimated that over two-thirds of the tea produced in the western part of Kenya is found in areas that are linked to the Mau Complex ecosystem. The same ecosystem provides the upholding of favourable climatic conditions suitable for the cash crop. The tourism industry one of Kenya’s leading foreign currency earners boasts wildlife, flora and fauna that are the key appeal for most of tourists. The Mau Complex river system is considered the lifeline for Maasai Mara National Reserve and Lake Nakuru National Park.11

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11 UNEP 2009
UNEP’s study on the water catchment areas of Mount Kenya, the Aberdare Range, the Mau Forest Complex, Mount Elgon, and the Cherangani Hills concluded that these are the five largest forest blocks in the country. These have been found to form the upper catchments of all the main rivers of Kenya. It was further confirmed that these catchment areas form the sources of water for irrigation and industrial processes, in addition to providing the potential energy for all installed hydro-power plants producing most of Kenya’s electricity output. Unfortunately these forests are also in the neighbourhood of the most densely populated areas of Kenya providing much needed water for intensive agriculture and urban settlements’ industrial and domestic use.12

The Mau Complex, acclaimed as the largest of the five water towers supplies water to Lake Turkana, Lake Natron, and Lake Victoria and supports essential economic activities including hydropower, tourism, industry and agriculture. This paper supports the view that the Mau is a regional asset and not just for the country. It is also a possible area of contention between Kenya and Tanzania as it forms part of the Mara ecosystem. Being a supplier to the Lake Victoria, Egypt and Sudan may also get concerned.13

(Source: UNEP, taken from The Tea Map, The Tea Board of Kenya, 2003)

The supply of timber and non-timber products to the communities living within their surroundings cannot be underestimated. These forests are significant in the support of livelihoods for all Kenyans in one way or another. However, the rate at which they are being lost or degraded in terms of the extensive illegal, irregular, and ill planned settlements and illegal forest resource extraction is perplexing. This paper observes that the destruction of the country’s natural assets should be considered a matter of national concern that needs more attention than it is being given.

12 ibid
13 Ibid
While considering that this is a national resource whose destruction will not only affect those living around and utilizing the forest but the nation as whole, it seems to be of no concern nor priority to the extent that no stringent measures have been put in place to ensure that its exploitation and preservation adhere to the principle of common good.

River catchment areas are vital sources of water for sustainable development including hydropower generation, irrigation, and sanitation and for sustaining livelihoods of both humans and other species in the respective ecosystems. Hydropower is currently contributing the greatest proportion of electricity in Kenya. This calls for the need to participate in catchment conservation. Proper catchment conservation contributes to increased biodiversity, improved soil conservation thus better water quality in rivers emanating from the catchments. This in turn ensures less sediment transportation downstream, less siltation in the dams and longer economic lives for the power plants. It is a major drive of the economy given that it facilitates production of power for industrial development, provides water for agribusiness development, sustains wildlife and hence tourism development which the country relies on for foreign currency income.

The Tragedy

According to UNEP the Mau Forest Complex has been deforested or degraded with most of the damage happening in the past few decades. The de-gazetting of forest reserves and persistent encroachment have led to the destruction of over 100 000 hectares of forest since 2000. This represents approximately 25% of the Mau Complex area. The report estimates that this amounts to over three decades of destruction of forest area, interspersed with stunning excisions.

The report further estimates that in 2001 over 60,000 hectares of forest in the Mau Complex were destroyed which included over 50% of Eastern Mau Forest Reserve. Eastern Mau Forest forms the source for the river system which drains into Lake Nakuru, one of Kenya’s prime tourist attractions. In addition approximately 25% of South West Mau Forest Reserve was destroyed. The Southwest Mau Forest is the major source of the Sondu River, which supplies the Sondu-Miriu hydro-power plant. All of Molo Forest Reserve was completely destroyed and settled on. The report further notes that between 1973 and 2005, Maasai Mau Forest lost over 8000 hectares of forest from within the boundaries set for its protection. Half of the loss occurred from 2003 to 2005. Outside the gazetted boundaries of Maasai Mau Forest up to 30 000 hectares of forested areas were lost during the same time period. Interestingly
the eastern slopes of the Maasai Mau happen to be a crucial catchment and source for the Ewaso Nyiro River while the western slopes are the source for the Mara River both supplying national parks and reserves. The loss of forest in critical catchment areas for all the mentioned rivers will definitely result in changes in the ecosystem threatening the sustainable future of areas they supply. The suitability of many of these areas for agriculture attracts a high populations leading to rapid alteration of large areas of forest to farmland. In essence this has serious consequences both within the forest and downstream in the form of water shortages, health risks, and desertification.14

In the current dispensation emphasis in legislation has been placed on the freedom of the individual which brings forth a dilemma in the Kenyan context given that common good has been made the state’s responsibility. The practice of good governance and prudent leadership where justice, equity, and rule of law are the hallmarks will generate the impetus needed towards attaining the common good. There is need for the state in Kenya to build a political community where there is consensus among the people on the legitimacy of the political system. Kenya’s citizens and their leaders need to share a vision of the common good of the society and of the traditions and principles upon which the political community is based. There is need to have strong, adaptable, coherent political institutions: effective bureaucracies, a high degree of popular participation in public affairs, extensive activity by the government in the economy, and reasonably effective procedures for regulating public perception on the common good and controlling political conflict that tends to overemphasise individual freedoms. There is need for the government to command the loyalties of their citizens and thus have the capacity to control resources and their prudent extraction and utilization with the hindsight of having sustainable development, to innovate and to execute policy. The policy thus introduced should have the assurance that it will be implemented through the government machinery without fear or favour all geared towards the common good. The estimated 2,147 households residing inside the Mau Trust Land Forest due to illegal extension of group ranches beyond their adjudicated boundaries means there is a high level of impunity. The proposal to consider compensation is in itself a contradiction.

Legal Perspective

Chapter five of The Kenya Constitution 2010 gives as one of the principles of land policy as “sound conservation and protection of ecologically sensitive areas”. This sets a legal framework within which sets the country’s conservation and protection of such areas as the MFC is a priority.

On individual freedoms and rights Article 42 of the same constitution provides for the right to have the environment protected for the benefit of present and future generations through legislation and other measures in line with the concept of Sustainable Development (SD). In Article 69 on environment and other natural resources the state is obliged to “ensure sustainable, exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits. Those left to encroach on the MFC are in clear violation of this. The other obligations of the state include the need to “work to achieve and maintain a tree cover of at least ten percent”, “encourage public participation in the management, protection and conservation of the environment”, “protect genetic resources and biodiversity”, and “utilize the environment and natural resources for the benefit of the people of Kenya”. It further provides that “Every person has a duty to cooperate with the state organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources”\(^{15}\).

Conclusion

In conclusion it is important to note that for the human to prosper within the community then they must in exercising their individual rights, consider how this is affecting the community. Failure to consider this will set the individual against the community and the individual pursuit then becomes a threat to the community.

In Kenya’s case, through legislation the state has been given the mandate to protect common goods and ensure sustainable development. There is a caution that, for a democratic society, which Kenya claims to be, the power of the state needs to be counterbalanced by the organizational strength of civil society to make democratic governance possible; the state must not be too strong and autonomous from all social forces as to overpower civil society and rule without accountability. In the modern era the emphasis has been placed on the maximization of the freedom of the individual, as consumer and property owner. This is the dilemma in the Kenyan context given that whereas the individual

\(^{15}\) GOK 2010
rights have been enhanced in the current constitution, the concept of common
good has also been made the states responsibility. Just as the USA cannot
assent to the Kyoto Protocol and stand out as caring for the common good,
Kenya may just be looking at the Mau Complex with the same attitude but at
its own detriment.

Bibliography


Part 2

Security
TERRORISM IN KENYA: OVERVIEW OF CAUSES, IMPACTS AND REMEDIES

Pamela E. A. Otenyo - Dept. of Immigration Services, Kenya

Introduction

According to Stohl, terrorism is not a new phenomenon as much as it has been used for centuries and there is no clear legal definition for this term. Terrorism has been said to be both a tactic and a strategy, it has been described as a crime, holy duty, an abomination and even as a reaction to oppression. Stohl further states that when discussing terrorism, much of it depends on whose perspective is being described, as terrorism has always been perceived as a tactic applied by a weak side in the case of a conflict.

Stohl further states that as a result of the discrete style plus small size of many terror groups, rarely do they give opponents clear paths to defend against. Terrorism also refers to violent acts that are created in order to elicit fear. It is usually perpetrated mainly for ideological reasons and more often directed at the larger civilian population. The terror created is often made in such a way as to result in very serious physical and psychological effects that are far reaching way exceeding the damage it causes on the immediate victim of an attack. The term terrorism is derived from a Latin word terrer that translates to frighten. The term obtained its modern form ‘terrorism’ at the time considered to be the reign of terror in France which was from 1793-1794. By their very mode of operations, terror groups are mostly small and composed of small close knit members, with limited firepower and other key resources – it is for this reason that they rely heavily on intense bloody and destructive acts of extreme violence in order to attract attention to their group or cause.

The Causes of Terrorism

Rapoport and Alexander posit that terrorism is different compared to other types of violent extremism in the choice of the key target and the common modes of activity. In as much as the true terrorism definition remains controversial, the global community has thus far not reached an agreement on 1 Michael Stohl. “Terrible beyond Endurance? The Foreign Policy of State Terrorism”. International Studies Association, Atlanta (1988).p.6–8.
a universally accepted definition.\textsuperscript{5} 

Terrorists usually have multiple demands and may be motivated by various reasons to commit acts of terror. In Kenya, reasons cited for terrorist acts vary from cultural, religious or social, political, or economic issues.

According to Maikovick, terrorist organizations may seem attractive because of the notion of the false idea of a common sense of purpose and identity the organization offers, combined with the purported central socio-political objectives.\textsuperscript{6}

Pillar observes that in defining terrorism, it is important to establish the kind of class of terror activity; this is generally categorized as either international or transnational in the mode of operation.\textsuperscript{7}

Terrorism can also be thought of as a high form of politics where the chief aim is directed towards some form of public policy influence. Kaplan states that the purpose for an action is usually for the main cause that it is meant to push. These reasons are the terrorists’ organizations’ chief aim, such as, the altering of a political structure. The pursuit of the reason is a public characteristic to all supporters, since most of them profit from the pursuit and promotion of the organization’s aims and no supporter can be excluded from obtaining these gains. Kaplan further states that there are outstanding characteristics of terrorism that various scholars on the subject agree.\textsuperscript{8}

Terrorists participate in acts, so as to alter the public perception of the government’s overall legitimacy or effectiveness. This is usually achieved by disrupting or dismantling lines or systems of communication in order to create doubt in the hearts and minds of citizens that their government cannot protect and provide for them.

Terrorists usually target urban populations, inherently causing an increase in common citizen causalities with the intention of blaming the government the concerned terrorist group is fighting against. This has been common in Kenya where the biggest terrorist attacks have been carried out at public places such as shopping mall, hotels or highly populated areas so as to cause as many deaths as possible.


\textsuperscript{7}Ibid.

\textsuperscript{8}Ibid.
Waldman argues that most terrorist activities are caused by two main things namely; perceived social and political injustices. In this case a person chooses to spread terror as an option when they are trying so hard to right what they perceive to be a social, political or religious injustice.\(^9\)

Pillar on the other hand believes that terrorism as a cause comes about when a person is convinced that they need public attention to spread their religious ideology. The idea that violent threats will be effective to bring upon change causes terrorism groups to emerge.\(^10\)

In other words these groups believe that violent actions justify the means to an end. Popular terrorist groups have cited in the past that they explore violence as an option after long deliberation because they claim to have had no other choice.

The terrorist attacks that occurred along Kenya’s Coastal region in the recent past were attributed to local groups alleging that they had been marginalized in their own land. History has also shown Nationalist groups or individuals that were trying to fight for independence of their respective countries and the right to self determination, being referred to as terrorists. Examples include The Mau Mau in Kenya, Nelson Mandela of South Africa and Yasser Arafat of Palestine, among others.

Todd observes that while the true causes of terrorism are rather complex, some scholars now agree that disunity, social hostilities and grievances amongst different ethnic communities, religious and linguistic groups could finally lead to terrorist activities.\(^11\) In places with groups that perceive themselves as a “minority”, there could be much higher terror activities emerging as a result of these groups not feeling granted their full rights – as in the case of Tamil Tigers in Sri Lanka who fought to have an independent nation for the Tamils.

### The Impact of Terrorism

Many scholars acknowledge the fact that terrorism has occurred all through history, but today more than ever before the world as we know it is currently experiencing a worldwide rebirth of many more terrorist attacks from very unexpected groups or individuals. Today terrorists target not only developing nations, but even the most developed economies of the world. The impact of terrorist violence has been on the rise the world over as we hear of “home

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grown terrorists” especially in countries in the Western hemisphere. Crenshaw notes that terrorists aim to create panic and in the process shake the confidence of the government in place together with the political leadership of the nation being targeted by the terror attack. Therefore the terror attack is supposed to create a psychological effect that reaches far beyond the impact on the victim under attack.12 Terror networks have become global with the development of information technology and a terrorist attack does not necessarily have to be planned in the targeted country.

In the recent past, Kenya has been targeted by the Al Shabab terror group directly due to its great involvement in the global war on terror. In the year 1998, Kenya and Tanzania suffered serious terrorism attacks that collectively killed over two hundred and fifty people and injured about five thousand others, mostly Kenyans. Subsequently in the year 2002, another terror attack in Kenya killed thirteen people and injured about eighty others.13

A popular up market shopping mall – Westgate was also attacked by unknown gunmen in Nairobi in September 2013 and about 67 people were killed and many others injured. Recently, on the 2nd April 2015, a higher learning institution- Garissa University was also attacked by terrorists and about 147 students were killed and many more injured. In as much as Kenya has thus far experienced all four types of terrorism, which is, leftist, rightist, ethno-nationalist, and religious, most devastating attacks have come from nationalist and religious terror attacks.

Terror activities are designed to frighten and as a result cause fear and panic in a situation like a rival ethnic and or religious group, an entire nation, and its political structure or the entire international community. Terrorists exploit mass media to push their agenda to enable them reach a large audience and create greater hostilities among citizens. Effects of terror attacks in Kenya have changed the Government’s policies on how to deal with security issues. Many security companies have also changed their strategies and every citizen is now more enlightened about their own safety than they were before.

Some scholars reveal that when terrorist attacks happen, an aura of fear and panic may grip the society, spreading uncertainty for everyone who may be a possible victim and thus making the society feel at risk. Terror groups may thus obtain their demands quicker by using unorthodox means to augment their economic capabilities so as to attract more clients within their terrorist

campaign. This has been seen in the case of Kenya where many money transfer agencies have been under scrutiny on allegations of financing terror networks.

Crenshaw observes that religiously oriented and millenarian groups generally attempt to inflict as many casualties as possible. Possibly as a result of the apocalyptic frame of reference they use, loss of life is irrelevant, and more casualties are better.¹⁴

Conflicts just like terror attacks increase the wave of instability, in the process resulting in a decline in the investments available to a country. In addition the diversion of public spending not only crowds out more productive forms of investment but also makes a conflict-ridden country prone to economic decline.¹⁵ In certain cases terror conflict countries may also face a sharp decline in aid and other financial assistance as donor countries worry that aid may be diverted to sponsor military activities instead of being focused to alleviate poverty. It is important to also note that terror violence adversely sets back business prospects in a country and in the process leads to a greater increase in government spending, this can be seen especially in transnational terrorism that has an adverse influence on government expenditure.

Other impacts of terrorism are; to obtain global, national, or local recognition for their cause by attracting the attention of the media, harass, weaken, or embarrass government security forces to make the government overreact and appear repressive. Terrorists further steal or extort cash and equipment, that includes weapons and ammunition vital to the operation of their group, they destroy facilities of communication in order to create doubt that the government can provide for and protect its citizens among other threats and intimidation.

### Possible Remedies of Terrorism

The total dedication to the interests or culture of a common group of people is known as nationalism. It can be promoted and used as an effective tool to fight terrorism. Generally nationalists relate to a common socio-cultural background and strive to establish or gain what they would consider a homeland.

Religious fanatics regularly reject the authority of secular governments and perceive legal systems that are not based on their religious beliefs as illegitimate. They further view modernization efforts as corrupting influences on traditional culture. Fighting terrorism must include all peace-loving members of society.

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Its causes must be addressed both at the grassroots, national and international level by all. Social responsibility should be emphasized in schools and religious fanaticism must be eliminated by citizens of good will. Anti-terror Laws must also be enforced.

Terrorism needs a political solution as a possible remedy; this is because a political direction presupposes that the key cause of terrorism can be found in environmental factors. For instance, national or international arenas, together with sub-national spheres like universities can be conducive to the rise of terrorism. Robert Gurr indicates that poverty, oppression and inequality are causes of terrorism. Central to Gurr’s research is the notion of relative deprivation, a term often used to describe feelings of economic, political, or social deprivation that are relative rather than absolute.

Governments should promote social cohesion and national unity as a possible solution to the terrorism challenge. This is because family and social disintegration have become an international phenomenon leading to many negative impacts. Such negative impacts have been observed in the behaviour of children starting at an early age and are linked to exposure to a negative environment, which lacks the proper oversight and guidance required to raise children to be responsible adults.

Governments must invest heavily in information technology and use social media to counteract possible recruitments that are being done online by terrorist networks. Terror groups have also acquired websites for use in propaganda messages and they use these to cause psychological effects on their victims and to create global networks.

Kenyans have been the worst affected in the East Africa region when it comes to terrorism, many have lost lives, property and a large number injured, not forgetting the socio-economic disruption occasioned by the reign of terror.

The factors that have propagated terrorism in Kenya are unlikely to change in the short-term; the country will continue to be on the terrorist radar screen for some time.

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Conclusion

Terrorism is often considered to be the methodical use of terror, very often extreme violence, solely as a means of coercion. The general definition of terrorism may hence refer mainly to those acts of violence that are geared towards creating fear and panic; and may be sponsored for a religious, ideological or political purpose and deliberately target or disregard the safety of non-combatants.

Terrorist attacks are generally categorized in two varieties, that is, domestic and transnational terrorism. Domestic terrorism is home-grown with consequences only at the host country, and its main installations, institutions, citizens, property, and policies. Through its victims, targets, supporters, perpetrators, plus implications, transnational terrorism concerns more than a single state.

The form of terrorist interventions to be applied must be informed by the systematic study of the lives of terrorists, differentiating among terrorist types in general and groups in particular, and by understanding each terrorist in a nuanced manner within its own particular cultural, historical and political context.

Therefore defining terrorism in terms of background conditions social, economic, demographic, political, or cultural is insufficient at best, and wrong at worst. Governments must invest in training its security personnel in cyber crime and use advanced communication technology to keep up with the changing trends adopted by terror groups who also use science and technology to advance their goals and recruit more members.
Bibliography


Community Engagement as a Strategy for Counterterrorism

Brig A. M. Kiugu - Kenya Defence Forces

Introduction

Terrorism has in the recent times transformed into a complex phenomenon that requires state security actors not only to device countermeasures that respond with precision but also that such response stays at least one step ahead of the threat posed by terrorists. As a result, state security actors have to constantly review their current Counter Terrorism (CT) measures to address the challenges posed by terrorism. One such important strand of CT is the efforts being directed at Countering Violent Extremism (CVE). Through CVE, security experts are beginning to emphasize collaborative initiatives with local communities in both tactical and strategic CT processes.

Bachmann, Jan, Hoenke & Jana observe that building community resilience is a critical pillar of Kenya’s national CVE strategy. While addressing UNGA on the UN Global Counter Terrorism Strategy of 2006, the Kenyan delegation identified working with local communities as a critical area in which more CT efforts still needs to be done. Moreover, one of the recommendations of the recent regional CVE conference held in Nairobi in June, 2015 was “the need to tighten the weak link in CVE by bridging the gaps in trust between communities and security agencies...”1 An important question to state security agencies charged with the responsibility of implementing the national CVE strategy is therefore the mechanisms through which such collaboration can yield the desired counterterrorism outcomes. This is particularly critical since studies elsewhere show that not all CT strategies involving local communities work, yet where they have worked, there is compelling evidence that they could be effective.2

For the communities of East Africa to embrace counterterrorism and be involved in its campaign, Rabasa suggests applying the approach that wins the “hearts and minds” of the communities living in the areas affected by radicalization and extremism even though this approach may play insignificant role in strengthening the social networks and relationships that principally influence radicalization in the region.

The East African states, continue to exercise hard power to combat terrorism even in places where government is thinly represented. This method creates resentment among the local populace hence need for “an alternative strategy may be to promote partnering with civil society and customary authorities to integrate social networks into community policing and a broader stabilization project”. Rabasa observes that CT measures being practiced alone cannot be the panacea to Islamist extremism and terrorism in East Africa. As a matter of fact, unless the implementation is sensitive to the culture, faith and traditions of individual communities’ counterterrorist operations could be unsuccessful if Muslim faithful are generally victimized without evidence linking them to activities that support extremist groups. The Kenyan society is yet to make CT part of their collective responsibility and still retain the notion that it is state centric, a perception that has made communities or even individuals with credible information about persons involved in terrorism fail to divulge it to the relevant security agencies at the opportune moment for necessary action. This paper seeks to explore the specific mechanisms through which such collaboration can reduce existing trust deficit between local communities and security agencies thereby yielding the desired counterterrorism outcomes.

Definitions and Linkage of Concepts

It is important to first clarify some definitions then show the analysis advanced in this paper. In the following sections, the paper operationalizes four terms: terrorism, counterterrorism, countering violent extremism and community engagement in CT. Sandler notes that since the terrorist attacks took place in the USA on 11th September 2001 (9/11) scholarly work on terrorism and counterterrorism has burgeoned with more academic efforts being directed towards refining conceptual lenses with which these terms are understood. Such conceptual clarity is especially important since it enables security policymakers to approach related security challenges with reasonable degree of scrutiny and certainty.

Enders & Sandler describe terrorism as “the premeditated use or threat to use violence by individuals or sub national groups to obtain a political or social objective through the intimidation of a large audience beyond that of the immediate victims”. Enders and Sandler insist that the political motive is a fundamental component that any attack must have to qualify as terrorism. In attempts to supply an operational definition useful to researchers, and contends that the definition of terrorism must include perpetrators, victims

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3 Angel Rabasa, Radical Islam in East Africa (Santa Monica, CA 2009) p. 92.
and audience. With the definition of terrorism in mind, how then would counterterrorism be conceptualized? There are several closely related definitions of counterterrorism. According to Omelicheva, it refers to a mix of public and foreign policies designed to limit the actions of terrorist groups and individuals associated with terrorist organizations so as to protect the general public from terrorist violence. On the other hand, Sandler defines the concept broadly to include actions which ameliorate the threat and consequences of terrorism.

This definition proceeds to divide CT into defensive and proactive measures. In what is consistent with Sandler’s definition, Omelicheva further emphasizes the broad nature of counterterrorism, asserting that it both covers numerous policy areas and is done by almost every government agency. However, this broadness tends to downplay the focus on CT’s definition in favour of describing its empirical manifestations. This paper therefore presents a flexible analysis of the potential of community engagement as a strategy of counterterrorism, which would otherwise be limited if the exercise begins with a rigid conceptualization of counterterrorism.

Related to the two concepts already defined, Holmer looks at countering violent extremism which, in simple terms, focuses on countering the pull of terrorist recruitment and influence by building resilience among communities vulnerable to radicalization. Organization for Security and Co-operation in Europe (OSCE) states that radicalization is conceptualized as a dynamic process whereby an individual comes to accept terrorist violence as a possible, and perhaps, even legitimate course of action. However, not all radicalized individuals commit acts of terror, but in some cases may only harbour the thoughts. The link between the three concepts—terrorism, counterterrorism, and countering violent extremism—puts countering violent extremism as a strand of counterterrorism but with terrorism as the ultimate occurrence to prevent.

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6 Omelicheva, M.Y ‘Counterterrorism: The State of Scholarship, Directions for Future Data Collection and Analysis’ Perspectives on Terrorism (Terrorism Research Initiative: Lowell, United States 2007) Vol. 1(2).
These three definitions thus provide a clear thread to importance of community engagement.¹⁰

Involvement of local communities in counterterrorism thus is a CT measure but which targets individuals either as perpetrators, victims or audience. As perpetrators within communities, CT strategies target radicalized individuals posing the threat of violence and those already committing the terrorists’ acts. As victims, members of communities bear the brunt of terrorism which could include physical harm, loss of loved ones and/or destruction of property and livelihoods. Viewed with this lens, the community is seen as a possible ally of security agencies since the threats posed to them is existentialist. Even more importantly, within the philosophical understanding of the state, it is these victims within the communities that the state is obliged to provide security and on whose judgment, the legitimacy of the state rests. The audience here refers to those not directly affected by acts of terror but targeted by the ideological or political message for which a terrorist act is committed. The audience does not necessarily have to be within the geographical confines where acts of terror occur but is critical to national, regional and global CT strategies since the acts of terror are likely to either recruit them or win their support thereby jeopardizing CT.

OSCE argument thus becomes critical to the overall objective of any counterterrorism strategy, even more so a strategy that engages the community directly, which is the interest of this paper. It is because of this definition of community and the appreciation of its importance to counterterrorism that this paper sees as possible contribution to CT strategies.¹¹

**Community Engagement as a Counterterrorism Strategy**

Bachmann & Hoenke, are of the view that community engagement as a strategy of counterterrorism is increasingly gaining traction among security policymakers. Hard security strategies are now being complemented by soft interventions aimed at addressing local issues such as development in communities seen as being ‘at risk’ of harboring terrorists. This does not however mean enhancement of community engagement strategies alone, but that it ought to be included within the larger CT strategies policy toolkit. It is worth noting that community engagement in CT strategies are not necessarily without flaws despite the fact that they are more effective than other covert

“offender search” strategies that are mostly employed by security agencies in Kenya. The scholarly work and experiences in Britain since 7th July 2005 (7/7) terrorists attack targeting transport system, show evidence of success in community engagement in CT strategies largely exist. Innes argues that the nature of terrorist incidents from both the British experiences and others occurring elsewhere with terrorists emerge from communities least suspected suggest that traditional intelligence methods have limited penetration. As such, there is need to re-examine effective ways of gathering intelligence from communities in a fashion that challenges the traditional assumptions on the architecture of communities. It has further been observed that CVE is best realized through cooperation with local communities which employs community based, locally focused problem solving mechanism unlike the use of the traditional tools.

According to Innes, community engagement in counterterrorism responds to three main issues. First, the uncertainty about the contours of the threat posed by terrorism in order to locate individuals’ terrorists and location within communities. Second, the prospective need to manage public fears after attacks elsewhere. And finally, concerns that terrorist incidents can aggravate existing community tensions. In post-crime situations where terrorist attacks have taken place already, high visibility reassurance security engagement in communities can boost community resilience. The art of successful community engagement in CT however becomes the critical question that designers of such programs must convincingly dispense with. Citing the experience from Britain, Hellyer points out that engaging community ought not to start from a premise that those communities are part of the problem. In fact, the security apparatus in the UK concurred that were it not for the assistance provided by the Muslim communities, there could have been more incidents similar to 7/7. Strategic engagement entails assigning specialist community engagement units, which deals with these communities’ concerns and managing relationships with ‘strategic contacts’. The degree of democratic influence can achieve one critical objective to CT, it builds the levels of interpersonal trust between community and security officers which is useful in communicating intelligence.

Hellyer further identifies three models of community engagement which worked for British security agencies to reduce the trust deficit between security agencies and communities: internal organizations within communities working with security, external organizations represent specific forums for engagement with security services and consultations with lobby groups.\(^{15}\)

Community intelligence, as opposed to human sources which at times uses those with some link to criminal activities, is deemed a more prolific approach in counterterrorism. This approach creates open sources, often by ordinary members of the public within communities who supply a wide range of contextual issues with potential of detecting the subtle indicators of suspicion that people may develop about activities connected to terrorism in their communities. It is, in Innes analysis an appreciation that within communities are hugely complex sets of people which creates nuanced identities from which tensions become more likely. Through community intelligence, counterterrorism efforts are more likely to understand the makeup of different communities, the social networks to which individuals and groups belong and the inter-community tensions that may exist between them.\(^{16}\)

Strategic engagement of communities by security agencies as proposed by Innes and Hellyer however pose some limitations and dilemmas. Innes cautions that two shortcomings of this model are particularly of concern. First, identifying who really represents the community’s view becomes a challenge. Second, officers within specialist units must ascertain whether the community leaders involved as “strategic contacts” are really in touch with those in the communities at risk of radicalization. After overcoming these two concerns, another dilemma in crafting a perfect strategic engagement framework is whether to develop ‘strong ties’ with individuals or numerous ‘weak ties’. Innes observes that ‘strong ties’ with individuals within communities are suitable where such communities are monolithic while numerous ‘weak ties’ work best in communities characterized by many identities and the information is diffusely located.\(^{17}\)

\(^{15}\) Hellyer, H.A, ‘Engagement with the Muslim Community and Counter-Terrorism: British Lessons for the West’ (The Saban Center for Middle East Policy at Brookings Institution 2007) PP. 3-12.

\(^{16}\) Innes, Martin ‘Policing Uncertainty: Countering Terror through Community Intelligence and Democratic Policing’ (American Academy of Political and Social Science 2006, Vol. 605) PP. 222-241.

\(^{17}\) Hellyer, H.A, ‘Engagement with the Muslim Community and Counter-Terrorism: British Lessons for the West’ (The Saban Center for Middle East Policy at Brookings Institution 2007) PP3-12.
Conclusion

This paper sought to explore community engagement as a counterterrorism strategy. It was contextualized within, and inspired by two related recent developments in Kenya’s counterterrorism efforts. First, the now concluded national CVE strategy which identifies building community resilience as one of its key pillars. Second, the outcome document of the regional CVE conference held in Nairobi in June, 2015 which strongly recommends community engagement strategies in counterterrorism. While showing their connectedness, the paper has discussed recent definitions of four concepts: terrorism, counterterrorism, countering violent extremism and community engagement in counterterrorism. Community involvement in counterterrorism experiences in Britain forms the basis of the chapter’s empirical discussion since it offers a decade long rich scholarship on pitfalls and successes of the strategy. Thus, it draws two conclusions. First, experiences from Britain suggest that if carefully designed, community engagement as a counterterrorism strategy can both significantly reduce trust deficits between communities and security agencies and with the trust, contribute to community resilience through reassurance. Second, with recent patterns of radicalization and nature of terrorist attacks both of which intricately involves communities as perpetrators, victims and audiences, securocrats need not only to prioritize but also intensify community engagement as a counterterrorism strategy.
Bibliography


Hellyer, H.A ‘Engagement with the Muslim Community and Counter-Terrorism: British Lessons for the West’(The Saban Center for Middle East Policy at Brookings Institution 2007) PP. 3-12.


Levitt, Mathew. ‘From the Boston Marathon to the Islamic State: Countering Violent Extremism’ Stein Counterterrorism Lectures (Washington, DC 2014) PP.18-20.

Omchileva, M.Y ‘Counterterrorism: the State of Scholarship, Directions for Future Data Collection and Analysis’ Perspectives on Terrorism (Terrorism Research Initiative: Lowell, United States 2007) Vol. 1(2).

OSCE, Preventing Terrorism and Countering Violent Extremism and Radicalization that Leads to Terrorism: A Community-Policing Approach (Stanzell Druck, Vienna 2014) pp. 67-70.

Angel Rabasa, Radical Islam in East Africa (Santa Monica, CA 2009) p. 92.

THE GREAT WALL OF KENYA: ENHANCING INTERNATIONAL SECURITY THROUGH PHYSICAL BARRIERS

Col John N. Njenga – Kenya Air Force

Introduction

In April 2015, Kenya announced its intentions to build a physical wall (also referred to as a fence or a security barrier) along its entire border with Somali. The wall will start at Border Point 1 in Mandera Town and culminate at the Kiunga coastal town on the Indian Ocean, covering approximately 682 Kms. This initiative came as a response to the persistent terrorist raids in various parts of the country particularly in towns along the common border and associated with the Somali based Al Shabaab. If this plan is implemented, it will make Kenya join a host of other countries that have constructed physical barriers along their territorial borders, for one reason or the other. In the same year, Israel announced a similar plan to construct a new border fence to separate it from the West Bank. The United States of America (USA), which already has its border with Mexico partially walled, plans to extend the wall to cover the remaining parts. These new developments come amid the concept of globalization, regional integration and diminishing border controls. The resurgence of border walls beg the question on why the sudden urge to physically separate people, amid a resurgence of globalization, regional integration and free movement of goods, capital and services.

Historical perspectives of border walls

In the modern world, it is not unusual for one country to build a fence for security purposes. Apart from the above mentioned new initiatives, it is estimated that there are many more border walls all over the world. In a recent research, there are currently 62 man-made border walls that were constructed between 1800 and 2014. Furthermore, out of these 62 border walls constructed since 1800, 28 of them, representing 45 %, were constructed after the year 2000, well after the two world wars and the end of the cold war. Israel already has fences along its borders with Lebanon, Syria, and Jordan. It has also constructed a wall separating it from Palestine.

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2 www.jewishvirtuallibrary.org, accessed on 24 August 2015.
Other countries with walls to protect their borders are: The United States has a border fence to keep out illegal Mexican immigrants; Spain built a fence to separate its enclaves of Ceuta and Melilla from Morocco (to prevent immigrants from sub-Saharan Africa from entering Europe); India constructed a 460-mile barrier in Kashmir to halt infiltrations supported by Pakistan; Saudi Arabia has a 60-mile barrier along its border with Yemen; Turkey has a barrier in the southern province of Alexandretta, which was formerly in Syria and is an area that Syria claims as its own.

Reasons for constructing the walls

Border instability
One reason advanced for the construction of border walls is that at least one of the states perceives its border as unstable. A border is considered unstable if its integrity is systematically violated by a subset of the population, thereby producing negative effects for both states. Thus, an unstable border represents a leaking or perforated border where a significant proportion of flows across it are unwanted by at least one state. In this scenario, the reason necessitating a physical barrier is not a conflict between the two neighbouring states. It has more to do with individual citizens violating the common border. The United States-Mexico border as well as the Spain –Morocco border fits well in to this description.

Economic Disparities
While military-security explanations are the most prevalent reason for constructing a wall, many other walls are constructed with an economic motive in mind. In this scenario, border wall construction is explained by cross-border economic disparities. Significant economic disparities between states creates incentives for illegal transportation of people (economic immigrants), contraband goods and sometimes drugs and small arms, which are readily available in the poorer country but highly regulated and relatively expensive in the richer country. Economic disparities have a substantial and significant effect on the presence of a physical wall that is independent of formal border disputes and civil wars. Figure 1 below shows a marked difference between the various countries that have or are planning to build a border security wall.

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Fig 1: Comparison of GDP Per Capita Income between countries with a physical wall.

<table>
<thead>
<tr>
<th>S/NO</th>
<th>STATES WITH A PHYSICAL WALL</th>
<th>RESPECTIVE GDP PER CAPITA</th>
<th>DISPARITY RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>USA /MEXICO</td>
<td>54,600</td>
<td>17,900</td>
</tr>
<tr>
<td>2</td>
<td>ISRAEL / PALESTINE</td>
<td>32,900</td>
<td>4,900</td>
</tr>
<tr>
<td>3</td>
<td>SPAIN / MOROCCO</td>
<td>33,700</td>
<td>7,600</td>
</tr>
<tr>
<td>4</td>
<td>SOUTH KOREA / NORTH KOREA</td>
<td>35,000</td>
<td>1,800</td>
</tr>
<tr>
<td>5</td>
<td>SAUDI ARABIA / YEMEN</td>
<td>52,000</td>
<td>3,800</td>
</tr>
<tr>
<td>6</td>
<td>INDIA / BANGLADESH</td>
<td>5,900</td>
<td>3,400</td>
</tr>
<tr>
<td>7</td>
<td>KENYA / SOMALI</td>
<td>3,100</td>
<td>600</td>
</tr>
</tbody>
</table>


Do Border walls really work?

Opinion is divided on how effective border walls are in solving the intended problem. This is because the walls do very little to address the root causes of insecurity and migration. Proponents of this argument point to the fact that global asylum applications and terrorist attacks have risen hugely despite the flurry of wall-building. According to Reece Jones, they have been found to be mostly effective against the poorest and most desperate people in society. He further asserts that well-funded drug cartels and terrorist groups are not affected by walls at all because they have the resources to enter by safer methods, most likely using fake documents.6 Historically, walls are never a long term fix for security challenges and their effectiveness has always been a matter of debate. The Great Wall of China, for instance, became irrelevant when China’s ruling elite, confronted with a peasant rebellion, invited the Mongols in. Similarly, the Berlin Wall could not isolate East Germans forever, and eventually it was brought down. This then suggests that walls have to be backed up by other methods of enhancing International security.

On the other hand, the Israeli-Palestinian border wall provides the most persuasive argument in support of border walls. Available data from the American-Israeli Cooperative Centre shows that from September 2000 to mid 2005, hundreds of Palestinian suicide bombings and attacks against Israeli civilians killed nearly 1,000 people and wounded thousands of others. During the 34 months from the beginning of the violence in September 2000 until the construction of the first segment of the security fence at the end of July

6Reece, Jones. Border Walls: Security and the War on Terror in the United States, India and Israel.
2003, Samaria-based terrorists carried out 73 attacks in which 293 Israelis were killed and 1950 wounded. In the 11 months between the erection of the first segment at the beginning of August 2003 and the end of June 2004, only three attacks were successful. After full erection of the fence, the number of attacks declined by more than 90%; the number of Israelis killed decreased by more than 70% while those wounded decreased by 85%.' This renders credence to the rationale for constructing border walls.

The need for a border wall between Kenya and Somalia

Human Security

The notion of ‘human security’ has added a new dimension to the expansion of the security concept, since the UN Development Programme (UNDP) captured it into policy discourse in its 1994 Human Development Report. Human security has subsequently provided a theoretical foundation for the development of the ‘responsibility to protect’ concept as a policy agenda, which was officially endorsed in the 2005 World Summit Outcome.

This new concept holds the Government responsible for ensuring not only the traditional state-centric security, but also human security for all its citizenry. This concept of human security is also provided for in the Kenyan Constitution, 2010, which states that National Security is the protection against internal and external threats to Kenya’s territorial integrity and sovereignty, its people, stability and prosperity, and other national interests. The threats emanating from Somali, and targeting individuals rather than government machinery, therefore provides a compelling reason to take whatever measures that are necessary to contain them.

Increased Terror attacks

The Kenya-Somali border is so porous that it is almost impossible to physically patrol and secure it. Consequently, Kenya has suffered tremendous loss of lives and property associated with threats emanating from Somali. Notable among the terrorist raids was the recent Garissa University Massacre, the West Gate Mall attack, the Mandera Quarry miners and teachers execution, among other incidents.

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8 Lecture by Lt Col (Dr) S Handa to NDC Course 18/2015 on 03 November 2015.
Data available from Verisk Maplecroft, an online mapping and data portal that logs and analyses every reported terrorism incident in 1300 of the world's most important commercial hubs and urban centres, 64 cities in the world are categorised as ‘extreme risk’. This classification is based on the intensity and frequency of attacks in a given year, combined with the number and severity of incidents in the previous five years. In 2013, Baghdad was ranked no 1, making it the world’s highest risk urban centre in terms of terrorism, having suffered 380 terrorist attacks resulting in 1141 deaths and 3654 wounded. It is closely followed by Mosul, Al Ramadi, Ba’qubah, Kirkuk and Al Hillah, all in Iraq. The only sub-Saharan cities to appear in the ‘extreme risk’ category is Nairobi (57th position) and Mombasa (82nd position).10 Over the reporting period, 184 people were killed or wounded in Nairobi in six attacks. Similarly, Kenya as a country is ranked 12th most vulnerable country, according to global terrorism index report 2014.11 The impact of terrorism on the country’s main commercial hubs of Nairobi and Mombasa, as well as in other towns along the Kenya- Somali border, has been particularly harmful to investor confidence.

Proliferation of small arms and light weapons
Kenya has struggled with insecurity for a long time, largely as a result of the proliferation of small arms and light weapons. Both internal and external factors contribute to the firearms-related challenges facing the country. Domestically, social, economic and political causes have contributed to the demand for and proliferation of small arms. Long and continued political instability and armed conflicts in neighbouring countries have also contributed to the small arms challenge facing Kenya, given its long and porous borders. As at 2014, it was estimated that between 530,000 and 680,000 firearms are in civilian hands nationally – illegally.12 Majority of these fire arms emanate from Somali, throughout its conflict period spanning well over 25 years.

Conclusion
The last 20 years has seen a resurgence of border walls constructed between different countries for various reasons, including containing inter-state conflicts, border instability and economic disparity between the concerned states. Economic disparity is an emerging reason from citizens of one region to try to migrate into a well off country, prompting a counter reaction.

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In the Kenyan-Somali situation, the border has been consistently used for all the wrong reasons, including cross border raids, terrorism, smuggling, proliferation of small arms and light weapons, among others. The most visible benefit of the fence will therefore be to prevent infiltration by terrorists/criminals and by smugglers of small arms and light weapons. Border towns will also benefit from the fence because it will reduce the need for military operations in the towns, with their resultant disruptions of normal way of life due to security measures such as curfews and checkpoints. However, despite the resurgence in border wall construction, physical border walls are not an absolute nor effective way of solving international conflicts. They have to be supplemented by other durable conflict resolution mechanisms.

Bibliography


Reece, Jones: Border Walls: Security and the War on Terror in the United States, India and Israel.


www.jewishvirtuallibrary.org, accessed on 24 August 2015.


www.cia.gov.
ORGANIZED CRIMINAL GANGS - A CASE STUDY OF KENYA

M. Ndambuki - Ministry of Interior and Government coordination

Introduction

Organized crime is defined as crime committed by structured groups typically involving the provision of illegal goods and services to others (Andersen & Taylor, 2007: 168). According to the US controller General, 1981, organized crime refers to those sellers perpetuating, structured and disciplined associations of individuals or groups combined together for the purpose of obtaining monetary or commercial gains or profits, wholly or in part by illegal means, while protecting their activities through a pattern of graft and corruption.1

Since Independence, Kenya has witnessed a number of positive strides in the social-economic and political fronts. However, it is undeniable that the country has witnessed, especially in the recent years, there has been quite a significant political and economic instability (such as the 2007-2008 post-election violence and the rising inflation). Along these, comes an increase in crime and disorder in society. U.S Department of State and United Nations Office on Drugs and Crime (UNODC) have indicated that Kenya in particular is a region of high and increasing crime rates associated with poverty and youth unemployment.2

The genesis of crime and criminal gangs in Kenya

The genesis of crime and criminal gangs has a long history dated back to anti-colonial period struggle toward the colonialist. In both rural and urban areas criminality was perpetuated using firearms that were readily available from the early period of cold war. The Mau Mau rebellion which was an uprising towards the colonial administration saw the enactment of firearms act of 1954. This event of independence struggle by Mau Mau insurgency circulated firearms in Nairobi. The collapse of states had greatly contributed the illegitimate flow of firearms to civilian hands for their protection.3

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The collapse of dictator Idi Amin regime in 1979, Karamajong community looted firearms abandoned from the armory from in Moroto barracks.4

The fall of Mengistu Haile Mariam government in Ethiopia in 1991 occasioned huge loss of firearms. Equally, the fall of Somali government contributed to proliferation of firearms which all had been trafficked to Nairobi, Rift Valley, Central, Eastern and North Eastern Region of the country. These challenges of high proliferation of firearms are the fundamental causes of armed robberies, carjacking, kidnapping and unresolved murder cases in the country. Currently most of the criminal gangs operating in Kenya use firearms to perpetuate crime5.

Extortion in particular is a time-tested aspect of organized crimes which involves the acquisition of property through use of force or threats. Most syndicates use violence, murder, torture, assault and other related strategies to keep themselves powerful and profitable and constant threat of violence keeps victims and witnesses silent and prosecutor will be hard seen to prefer charge against members of organized criminal gangs.

Accordingly, the United Nations office on Drugs and Crime underscores that these criminal gangs are a threat to peace, stability and development of a given state where they operate6.

Everyone is affected by crime, either as a direct victim, a friend or a family member of victim. Even individuals who are not direct victims can be negatively affected in a variety of ways, such as developing an increased fear of crime or experiencing the financial impact of crime. The psychological effect of individual victims of crime suffers from trauma occasional and could have far reaching consequences of shock, anger, depression and even social withdrawal. To other victims could result to physical injuries occasionally permanent disability, disfiguration and exposure to terminal diseases like HIV/ AIDS and unwanted pregnancies.

Eidell Wasserman and Carroll Ann Ellis assert that:
If victims trauma is not identified nor addressed, the initial and term trauma reaction can exacerbate and turn into long –term reaction which may include depression, thoughts of suicide, use of drugs and increased risk of further victimization.7

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6 Ibid
7 Eidell Wasserman et al - Ethics and impact of crime on victims (Fairfax, VA: Fairfax County Police Department 2007): 6 vi-1
Criminal Gang activities cause fear and desperation in the lives of law abiding citizens. To ensure a secure social, political and economic environment for investment, there must be commitment on the part of the government to confront the vice head on in order to spur economic growth in the country.8

The failure of the Government to solve fundamental problems of poverty, the unemployment especially to the youth has left them reorganize themselves to gain access to food, security and other resources. Such a phenomenon can be observed in the gangs that exist Nairobi, who act as vigilantes in areas where police have failed to provide protection, their involvement during elections suggest tendency to behave as foot soldiers when hired to do so forming groups to take care of the interests of the local politicians and business people. Fighting’s by Political Sycophants’ during campaigns periods is a typical example of how the youths are misused by politicians on the divide making the electoral process become incredible. The several electoral petitions are a testimony of the level of violence meted to political opponents during election on the basis of unfair and coercive behavior characterized using youth gang to subdue their political opponents.

This spirals to post election period as the affected losing politician’s harnesses undercurrent event and covert acts using the same youth to undermine the so elected personality. The multiplier effect is that no tangible development is realized and a result, the economy stalls which has serious consequences to the community. The resultant is emergence of gang clashes as witnessed between Mungiki and Taliban gang in Mathare in the year 2006.9

In Kenya problems such as terrorism, piracy, cyber crime, corruption, drugs smuggling human trafficking, money laundering, sexual and gender based violence have exacerbated the problem to un-proportional levels. On the other hand, apart from the pain inflicted to victims of crime the affected suffers more from the fear. Behind the immediate, concrete losses of crime victims, however is a different, more abstract crime problem, that of fear. For victims, fear is often the largest and most enduring legacy of victimization.10

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Local Criminal Gangs

**Mungiki.** The gang has a kikuyu name which means “Multitude”. It started in 1980 as a quash-political and traditional fundamentalist religious sect that drew inspirations from the anti-colonial Mau Mau freedom fighter. Ethnic clashes of 1980 and 1990 displaced thousands of people who were mainly kikuyu who mainly became their supporters as a reaction to a repressive regime. This group believed that the course of the Mau Mau movement was incomplete and therefore they were to realize their objectives. Therefore Mungiki operated like a defence force against the Kalenjin militia that attacked Kikuyu in the rift valley.\(^{11}\) Overtime, the Mungiki gang mutated into a lethal gang that posed national security challenges. It gives it economic base though extortion of money from public transporters took change of most bus terminus. However its financial and coercive prowess had raised concern. In 2002 it threatened public with violence if they failed its preferred presidential candidates. The operation had been carried out clandestinely with killings in Nairobi and central Kenya regions. In 2008 during the post election violence, it is believed to have orchestrated orgy of violence in part of rift valley. Later they formed a political wing in the Kenya national youth alliance. This group is still alive bit covert with strings of criminal activity. The group poses the greatest challenge as it has no distinct identification. At the same time they paralyzed transport in Nairobi city and it's environ by staging a major demonstration.

**Sabot land Defence Force SLDF:** - Accounts as the most lethal militia and acquired firearm from Uganda through chepkumbe and lwakhakha border points. This militia had a political and economic determination, fair land distribution in the chepyuk settlement schemes and the elected leaders of Mt Elgon. Because of its power and influence of authority, other militias emerged to counter which included Moorland Defense Force (MLDF) and political revenge movement. The local security organs were unable to contain the group until the military intervened which finally crushed the guns under the eiges of “operation okoamaisha” on March 2008. At the end of operation two of its commanders had been killed by the military including their leader.

**Chinkororo/Amachuma:** - Found in Kisii region which were initially vigilante groups formed to combat local crime, mutated and became political tools to intimidate political opponent. In 2008 they emerged to defend their ethnic community in land based crashes between Borabu and Sotik borders.

**Bagdad Boys gang:** - Found in Kisumu and came into being in 1990. It had a central command but later grew and fragmented into many groups: - Coptic, Kanu youth, Wazalendo, Darfur boys, Kosovo and Aruta continua. However,

\(^{11}\) Ibid., p 24.
most of the group sub sized after intervention of civil societies.12

Other gangs include Kamukunji boys, Muniyipi, super power, Kenya youth alliance, Taliban, Jeshi la Wazee, Kamjeshi, Alshabaab, Jeshi la Embakasi and Mungiki. The nature of attack and precision and manner of the target victims, zooming of area of operation is synonymous like in Kampala and Dar el Salam. Crimes committed include armed robbery, murder, rape, drug trafficking stealing, mugging, kidnapping, extortion, eviction, money countering, and theft including threats to bodily harm and installing fear. Other criminal gangs are operating in the geographical round areas in Kisii (sugusugu) Mombasa (Mombasa republican Council) Kakamega (Angola Musumbiji) Emuhaya (nanda) and Maseno (The 42 brothers).13

However the entry of Al-shabaab which has its roots from Somalia compounds the problems because of the nature. It operates with lethal weapons including grenades and improvised explosive devices. No doubt the effect on these criminal activities does have a heavy toll to the public in loss of life, property, social disruptions, hopelessness which calls for holistic remedial measure.

Conclusion

The emergence of organized crime in Kenya poses a challenge. The scale, number and their proliferation creates an even greater dynamic to the law enforcement authorities in particular. Public knowledge of organized crime is widespread from rural to urban areas which imply that it is a widespread phenomenon. Organized criminal gangs are a product of society. They come up and develop because society accepts them but society turns against them only when their negative effects begin to weigh too heavily on it. The general conclusion is that the number of organized criminal gangs is increasing as new ones are formed or break from existing ones. For security and economy and for the general society this implies need for increased surveillance, increased investment in crime prevention and continued research into conditions that generate their growth. The impact of organized crime can be felt at both individual and collective levels. In particular the negative impact or business and peoples freedom is considerable. More people now walk in fear than ever before.

12 Ibid p.26
13 Ibid p 28
Bibliography


Introduction

Security according to Schafer is a controversial concept which lacks common consensus with many presenting it as absence of threat to respected values, notably threats that endanger the survival of certain referent objects. Security as understood in the discipline of International relations implies national security or the protection of the state from threats and risks that are external. Security can then be seen as the pursuit and the ability of states to maintain freedoms as well as independent identity and integrity against hostility. Traditionally security had focused on military activities, and in dealing with armed groups. Increasingly focus is now being directed to other players within the security system as well as the softer side of security including how institutions are governed, resources access, human wellbeing, poverty, and environmental risk.

Human Security as a New Concept

The concept of human security is relatively new and an emerging paradigm for understanding vulnerabilities facing humankind whose proponents challenge the conventional or Realist’s idea of national security by positing that the appropriate referent for security should be the individual rather than the state. The United Nations Development Programme (UNDP) first brought global attention to this concept in its 1994 Human Development Report (HDR). This report made a highlight of two major components of human security; that is freedom from fear and freedom from want. Two ideas lie at the centre of human security; the protection of individuals and communities is a key concern for national as well as international security and secondly security

conditions for human development should not be tied to conventional matters of defence of the nation but must also include all matters that are political, economic and social allowing for a life free from threat and fear.\(^5\)

Human security focuses the concept of security on human survival, wellbeing and freedom being conceptualized as the objective of the ultimate end of all security concerns. Other forms of security, such as military security, are not ultimate goals but are merely means for achieving the ultimate objectives of human security.\(^6\) In its broadest sense it encompasses human rights, good governance, access to education and health care ensuring that each individual has opportunities and choices to fulfill his or her potential.\(^7\) The Commission for Human Security (CHS), in its final report *Human Security Now*, defines human security as; “to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. It means protecting fundamental freedoms. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.”\(^8\)

The CHS posits that the need for a new security paradigm is related with two sets of positions; that is, human security is required as a response to the complexity and the interrelatedness of both old and emerging security threats. These threats range from chronic and persistent poverty to ethnic conflict, human trafficking, disease outbreaks, international terrorism, climate change, as well as economic and financial meltdowns. They tend to assume transnational dimensions and go beyond conventional ideas of security that focuses on external military threats alone.\(^9\)

**Key Elements of Human Security**

Four key elements constitute human security. First is the requirement that all citizens live in a peaceful and secure environment. This implies the

\(^5\) Ibid
\(^9\) Ibid
ability of states and citizens to prevent and resolve conflicts through peaceful and nonviolent means. Secondly people should be able to enjoy without discrimination all rights and obligations that may be political, social, economic and cultural that go with belonging to a State. The third element entails social inclusion or having equal access for the individuals and communities to the political, social and economic agenda and policy making processes. Lastly the provision of rule of law and the independence of the justice system is important.

Each individual in a society should have access to the same rights and obligations and be subjected to similar set of rules. As stated by Sadako Ogata, threats to human security are varied with a wide array of factors contributing to making people feel insecure from many threats such as poverty, hunger, disease and violence, transnational threats such as terrorism, piracy, drugs and human trafficking and climate change.

**Threats associated with Human Security**

Consensus seems to be lacking on specifically which threats should be taken as human security issues. Those in support of the narrow definition of human security favour for that focusing on violence related threats to individuals and communities. Supporters of the broad definition as highlighted in the 1994 HDR argue that hunger, disease, pollution, threat to human dignity in addition to violence should also be considered as human security issues. The HDR lists seven key dimensions of human security. These are economic, food, health, environmental, personal, community and political. According to UNDP human security therefore becomes all-embracing and is useful in addressing various issues such as attaining prosperity and an economically just society that ensures equity in the distribution of national wealth, ascertaining food security, universal access to basic education, social security, and essential health care for all; guaranteeing environmental and political security, as well pursuing partnerships for societal posterity.

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12 UNDP, Op.cit

Human security is underpinned on root causes of insecurities and favours people-centered solutions which are locally driven, comprehensive and enduring. It therefore involves a wider array of actors as earlier suggested such as local communities, international organizations, civil society as well as the State itself. Human security according United Nations Trust Fund for Human Security is however not intended to take the place of state security. Instead, their relationship is complementary with both mutually reinforcing and dependent on each other.14

**Human Insecurity: The Kenyan Context**

Kenya as a country has experienced noted deterioration in human security over the past few years, including increasing petty criminal activity, the advent of ethnic intolerance, environmental related insecurities and emergence of terrorism and other transnational and transactional crimes. Individual or community physical security or freedom from violence has particularly witnessed notable decay since the 1990s in three ways. First, petty and to some extent violent crime has increased dramatically, especially in low income and less affluent urban areas. Second, most parts of Northern Kenya and in the coastal areas have witnessed an escalation of armed violence and threats of terrorism. Thirdly, ethnic clashes and other forms of election related violence have resulted in deaths, destruction of property and displacement of people since 1991. Rampant cattle rustling in Northern Kenya has been also worrying. Overall the ever increasing threat of terror attacks and emergence of criminal gangs remains a major concern for both the government and the populace.

The environment has continued deteriorating through massive deforestation, pollution and overall land degradation which has had adverse effects on land productivity. Adverse effects of climate change have also not spared Kenya. Other forms of human insecurity facing Kenyans include chronic food shortages due to drought, poor post harvest management, problems of diseases and poor access to medical services, prevalence of poverty among the population; poor provision of social amenities such as water, energy and housing. The high influx of refugees from across Kenya’s borders is also a main source of human insecurity arising from resource based conflicts, increased criminal activities and environmental degradation. Overall the harsh economic conditions have exposed many Kenyans to compounded forms of human insecurity.

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According to UNDP human insecurity in Kenya may be viewed from the following broad perspectives:

Economic insecurity experienced at the individual level through unemployment and hence the high poverty incidence. At the state level, this insecurity is experienced through economic crimes and also corruption which has become prominent and entrenched in Kenya.

**Deficits in provision of social services including:** Education: Kenya has implemented a policy of universal free primary education however deficits remain arising from insufficient budgets for the sector and curricular that is not tailored to the modern needs of industry. Education at university level has been expanded but with huge constraints on budgets adversely affecting policy related research.

**Healthcare:** Due to constraints in budgetary provisions, medical services have deteriorated through decline in access, quality, inadequate supply of drugs and pharmaceuticals, as well as threats such as HIV/AIDS and recurrence of diseases such as tuberculosis.

**Social welfare:** Budgetary constraints have put a big strain on the social welfare system and services including the provision of sufficient social safety nets for the increasingly vulnerable members of society such as the elderly orphaned and disabled.

**Political freedoms:** Political space may have widened however there still remain problems in finding balances within the realm of democratic pluralism, power sharing, and guaranteeing rights and freedoms for the population and the media.

**Changing social structures:** The impacts are reflected on gender, youths and decay of social norms such drug and substance abuse.

**Gender:** in many sectors women are often denied rights and access to assets and property despite their crucial role in family livelihoods.

**Youth:** Lack of opportunities for business and employment leading to loss of hope among the youth. This has often led to increased crime and drug and substance abuse in the society. Recently radicalization and extreme violence exhibited by various radical youth groups has become a major concern due to disillusionment.

**Crime:** Rising crime in Kenya is manifested through lack of observance of law, domestic violence, proliferation of criminal gangs, robbery, hijackings, trafficking of drug substances and people, increased transactional crimes such in small arms and light weapons, to some extent money laundering and fraud;

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cattle rustling, as well as prevalence in poaching of wildlife.

**Terrorism and extreme violence:** These two coupled with radicalization have recently become a major challenge that has instilled a lot of fear to both citizens and foreigners. The net effect of this is disruption in peoples' lives.

**Environmental mismanagement:** There has over the years been noted deterioration of the environment through wanton deforestation of water catchments, pollution of water sources and land degradation and the attendant climatic change. This has made the country become insecure in food, water and energy.

**Conclusion**

The concept of Human Security is a paradigm shift from mainstream national security as a major discourse in international security. For security to be meaningful all aspects of human wellbeing require being addressed. These may be physical security, as well as social. In Kenya human insecurity has often been exhibited as open conflict with attendant direct cost implications, such as killings, physical harm; destruction of property and human displacements. The indirect costs of human insecurity include long-term political, economic, environmental and social costs affecting both individuals and communities. Increasing human insecurities result to direct tangible losses, such as deteriorating livelihoods and prevalence of poverty. As a result there occurs exclusion from available opportunities, discrimination and isolation, lack of access to sources of incomes, political empowerment, property and social services. Degraded environments and food insecurity become manifested. Good governance within the political and economic realms is likely to provide solutions to the myriad human security problems facing many Kenyans.

**Bibliography**

**Book Sources**


Journal Sources

Internet sources
CIVIL-MILITARY RELATIONS AND THE CONTROL BETWEEN THE TWO - AN AFRICAN PERSPECTIVE

Col B. Sentala – Zambia Air Force

Introduction

In Africa, the interactions between the military and civil society do exist and this relationship has been there for a long time. The army has been seen as a professional workforce different from the civilian society that should obey the civil authority. The purpose therefore of controlling the military force is to make the armed forces be aligned to its professional core values, principles and practices associated with providing security in the country. In a democratic governance, it is necessary that the stable and secure environment existing between the Military and the civil society is maintained to promote human development and human security in an African setting.

The state’s civilian authority is commonly assumed as the social structure that commands the use of force or the military in a country. Thus for the use of force to be legitimate, the state itself must be legitimately elected by the majority. A state is characterized by transparency, trust of the government and accountability of its undertakings. In a democratic governance, legitimacy and trust by the state is vested in the democratically elected civilian authority which operates on the basis of a constitution that represents the majority of the people in the country. In this regard, it is expected that the military should be under the control of the duly elected civilian authority that directly and indirectly participates in the running of the affairs of the country.

This paper therefore, seeks to discuss the meaning of Civil-Military Relations, African Military in Broad Spectrum and Civilian Authority over the Military in a Democratic Governance.

Meaning of Civil-Military Relations

It has been observed that armed institutions are predominantly the employees or servants of the state.\(^1\) Civil–Military Relations has therefore been defined as the associations between the army and the civilian authority within which it functions, and of which it is a part.\(^2\) This particular kind of interactions comprise all facets of the function of the armed forces as a specialized sector


of the government. The Civilian and the Military association include issues of the approach by armed forces with regard to the civil authority and that the civilian powers’ view of the military and its roles in relation to the state.

It can be stated that Civil-Military interactions and the control of the defence forces often rests in the powers of civilian management and control of the military and that this is the most preferred relationship between the two.3

**African Military in Broad Spectrum**

In the contemporary system of government, the Civil-Military interaction is considered as a state of affairs where the civilian authority is the legally mandated power that controls the Military. Once again the military should play their role professionally obeying the powers vested in the civilian authority who are legitimately elected to run the affairs of the country. The military ought to stick to issues of providing security to the country and its people. Accordingly, since the Military Command is appointed by the Civilian authority to run the affairs of the security sector of the country, the military officers and their soldiers must obey and follow the civilian powers in order for the country to operate smoothly. In doing so the military will be seen to act professionally in undertaking its roles and duties of an armed force. The Military is not an elected authority by the majority people in democratic governance and therefore should never be seen to be in control of the civilians. The Military should by all cost remain behind the scenes, relying upon trusted elected legitimate civilian authority to maintain policies that they support.4 The civilian management and control of the security sector by the ruling government should exist with a clear division of accountability between civilians and the military. The civilian control and oversight of the military force should include powers such as approval of security budgets, security related laws, security planning, security strategy, weapons procurement and any inquiries and investigations.

The olden time of the African landmass and its colonialists, together with the generally unstable economic environment, has affected all the actors in the African Civil-Military Relations. The African military has repeatedly been stated as a peoples’ defence force that implies an army force whose mission is to protect the people and the country. During the colonial rule, African militaries were by and large considered not to be a standing one, but only organized when there was need. This type of military force was linked to the society from which

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it was developed. It has therefore been observed that Africa’s colonial past presented many challenges. For example, it failed to participate in liberation struggles that were deep-rooted in the military as followers of colonial leaders which in the current situation may be viewed as a tool of tyranny. It has further been observed that the employment of military officers in certain tactical or strategic appointments outside the military signifies an agreement between the government and the military to protect the former. Other scholars have viewed the military as faithful to the government leadership and could therefore not be trustworthy to act in the interest of the society.\(^5\)

The Military officers and the soldiers seem to disagree on what their association is with the state in certain circumstances. The armed forces and other security wings are at the service of the nation and its people. The armed forces’ duties must be to defend the country and its territorial integrity and make sure that they guard the citizens of the country. This suggests that the military acts in the national interest and not simply in its self-interest. The military must be expected to put the importance of the people as the focal point. This scenario must exist even when the military has taken over the government power in a military overthrow, and that this has happened in their belief that they are acting in the interest of the society and the nation at large. In most cases, this has been on the grounds to serve personal interests. It can be argued that the military ought to be controlled by the constitutionally laid down rules and laws of the country’s constitution. In this case, it can be asserted that democratic power relation between the two should be logically harmonious with accountability of the military to civilian government.\(^6\)

**Civilian Authority over the Military in a Democratic Governance**

The importance of Civilian control over the military force lies in Good Democratic Governance by the civilian authority. This means that the two sectors, civilian and the military sectors cannot be discussed separately as the military must support the civilian authority by providing security and supporting all the policies laid down by the civilian power. This scenario is particularly true for Africa, where the armed forces plays a big role in the governance of the country. The association concerning the two, that is the Military and civilian control, must begin from political or governmental setting and that politics is a good place for initiating the examining of the interaction between the two actors. Politics is the interrelationship of life involving power,

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authority or influence and capable of manipulation. The military is therefore a tool that the government may use to implement some of its policies, rules, laws and regulations. The powers and authority entrusted in the military is certainly regarded as having influence in the day to day governance affairs of the country. It is for this reason that the military may be regarded as a vital subgroup of the government. The government and the armed forces function side by side in the same environment where the civilian authority is expected to control the military and the military obeys the legitimate elected government on the principle of majority decision making within the debate of Civil-Military Relations.

It can be argued that the democratic environment where the civilian authority operates from is what determines the interaction between the civilian control and the military. The relationship between the two lies in the principle of democratic Civil-Military interaction that may be understood in situations such as adherence to rule of law, collaborative peace and security, transparency, professionalism, accountability, political control, consultation with civil society and respect of human rights. The military is considered as part of the structure of the democratic governance and that its main role is linked with the military tenet. Nevertheless, in Africa this assertion is considered with uncertainty due to very many coup d'états. In the twenty first century, the military involvement in the political system is so much that it is difficult to identify between armed forces and the civilian administration. In Africa, the coup d'état 'by the military are aimed at self-interested mode, and not in the national or public interest. In some cases the civilian political power may have forced the military to undertake such an action due to failure to adhere to the game of democratic good governance of the country. Hence, the level to which the military relates to politics is uncertain.

It can further be argued that the military is not supposed to take part in politics, or else by doing so would force them to take sides in the inter-party rivalries that may lead to the military failing to back the presiding government in order to preserve order and peace. In democratic good governance, it is expected that the military would keep away from politics but simply undertake their role as professionals and not to be partisan. It can also be noted that in some African countries the interaction between civil control and the military in one-party system, the neutrality concept may not exist and thus a non-partisan armed force may be realistic. The democratic trust requires that civil authority

exists due to the fact that the legitimate elected civil authority exercises control of the military through rules which stipulate the roles of the armed forces and circumstances governing the powers of the military authority.

It is argued that the military force can be educated to respect the civil authority through conducting civic education from the time when they are recruited and at all levels of education and training within the military. The militaries in Africa have been involved in very many education and training activities and it is during this period that civic education may be taught to them. However, it has been argued that military education and training has itself been related with some distorting Civil-Military Relations matters. Hence, there is a direct association to military education, training and involvement in the international world system. An analysis has shown that when the country providing training has a rich history of military coups, there would be a great probability that undemocratic personalities would be integrated and as a result officers and the soldiers may imitate their training instructors. This can further be argued as being logical, however, there exists a flow in this assumption.

A good example is Sandhurst Military academy in the United Kingdom, where significant numbers of officer cadets mostly from the Western countries in Africa have been trained or educated. The Military academy is considered to be one of the best training schools of the British Army that teaches non-partisan politics and adherence to the principles of non-interference in politics. Yet countries such as Nigeria and Ghana, which have benefited from this institution, have had military interferences in their governments. The objective of training and educating military personnel about civic education programmes should be done at all levels of education and training in all military forces of the African countries. This can be done with special consideration in the programmes that focuses on military ethics, behaviour of the military in a democratic society, military discipline, international humanitarian law, the rule of law and non-partisanship. The programmes have been observed to be underdeveloped in many countries and need much more support from the military itself and the ruling government.

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Conclusion

In summary this paper has discussed a number of factors that have relationship between the military and the general civilian authority. It looks at Civil-Military Relations that is complex and not always harmonious. The Civil-Military Relations in most African countries have been strongly influenced by the colonial history of the continent and lack of civic education and proper training programmes at all level. The document has further elaborated the relationship between the armed forces, democracy and politics. The paper has revealed that the demands of democratic governance in which accountability, rule of law, transparency, professionalism, and consultation between the civil society and the military are some of the attributes of democratic Civil-Military Relations.

Bibliography


INITIAL CHALLENGES OF COMBATING PIRACY OFF THE SOMALIA COAST

John K. Mutua - Ministry of Foreign Affairs

Introduction
Piracy is broadly defined as the act of robbing ships at sea and was often ambiguously equated as the industry of the ancient Mediterranean.1 The earliest documents detailing the turn to piracy are in reference to the notorious sea people who threatened the Aegean and the Mediterranean in around the fourteenth century BC. Piracy in the ancient Mediterranean stemmed from a necessity based on conditions of the coastlines. Internationalization of Piracy can be traced the days of schooners and steamers when lawless sea robbers endowed upon themselves to be robbing unwary sailors in the Mediterranean and the around the Caribbean islands.

Piracy did not only manifest as a challenge to the international community but equally to the people of the Horn of Africa. Countries which originate shipments with goods destined for eastern Africa as well as those owning the ships experienced losses and interruptions as a result of the increasingly proliferating crime of piracy around Somalia. Millions in losses incurred as a result of the delays and interruptions to shipping and ransom demanded wasan unacceptable situation that hat had to be dealt with effectively.

Synopsis of the menace
It is widely acknowledged that the existing occurrence of piracy along the Somali shoreline is a result of the downfall of the Somali state in 1991. However, this might not be a satisfactory explanation for the reason piracy first emerged and has since become so prevalent in those small communities along exactly the same stretches of the northern Somali littoral and why it has rapidly spread to centers on the central and southern Somali coasts. a very precarious economy that depended significantly on fishing in the rich coastal waters of northern Somalia, the almost two decades of civil conflict that have marked the Somali political economy since the fall of Maxamed Siyaad Barre’s regime have created a desperate economic situation in this part of Somalia (now also known as Puntland).2

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1 2016, Oxford Dictionary, Oxford University Press
What has triggered the response of piracy, however, is much more specific. First, the collapse of the state and the consequent inability to guard the coastline of north Somalia from external commercial trawlers has resulted in overfishing of these waters. Both European and Asian commercial fishermen have exploited this vulnerability, sometimes using illegal methods of fishing such as tight mesh nets that catch juvenile as well as mature fish. According to a 2008 report by two East African experts, an average of 850 foreign vessels illegally fish in Somali territorial waters each year with revenue losses of more than $94 million, although a more widely reported figure sets these losses at $300 million annually.\(^3\)

Second, there is abundant evidence that European and Asian shipment have discarded contaminated chemical waste in Somali coastal waters, which further upset the fishing zones. Disposing of such waste matter in Somali waters is expected to be cheaper than doing so in Europe. Together, these two factors have laid waste to the once rich marine life off the Somali coast and deprived local fishermen of their only significant economic activity. It should not, therefore, be surprising that the earliest modern Somali pirates were drawn from their ranks.\(^4\)

Analyses of Somali piracy identified four major groups of pirates across the entire Somali coastline. One operated near Kismayu in the far south, mainly attacking small boats and called itself the “National Volunteer Coast Guard” (NVCG). A second loose grouping operated around Marka, south of Mogadishu. The “Puntland Group” composed mainly of fishermen, while the last, most powerful and well organized group – known as the “Somali Marines” – also operated out of Puntland. Based at Eyl, a port town that suffered severely from the 2004 tsunami, it is this last group that gained notoriety among merchant carriers and government naval forces for their sophisticated use of GPS technology and satellite telephones to coordinate their activities between home bases and their seaborne activities. They employed mother ships that are often not themselves very large and speed boats to attack their intended victims in wolf pack-style, swarming the targeted vessel with fast fiberglass boats and halting its passage by firing AK-47 salvoes or even rocket-propelled grenade rounds and a maritime hostage situation ensued. Eyl became a town tailor-made for pirates and their hostages a good example being the incident that occurred in September 2008, when a group of fifty Somali pirates based at the ancient port town of Hobyo captured a ship laden with thirty-three battle

\(^3\) Hassan, M.G. and A. Mwangura (2008), “IUU Fishing and Insecurity Impacts on Somali Fisheries and Marine Resources,” 4th IUU Fishing Update and Consultation, Chatham House.

tanks destined for Kenya, some 250 nautical miles off Somali coast, creating a major international anxiety regarding whom the pirates could try to sell the military hardware. After months of wrangling and sensational coverage, the ship and its crew were finally ransomed for $3.2 million in early February 2009. Then in April 2009 four Somali pirates seized the Maersk Alabama, carrying relief supplies for several East African countries, in waters 240 nautical miles southeast of the Somali port of Eyl. At the center of the internal coverage of this particular act of piracy was the fact that the pirates held its American Captain for ransom. When fears for his safety grew, US snipers killed three of the pirates with the fourth surrendering. These last two cases drew wide international attention to Somali piracy and pointed to an important development in to what scholars call “second generation” piracy.5

Consequently, the profits from piracy created an international criminal business for certain elements among the Somali pirate community, who some analysts believe received funding from international criminal gangs. Certainly, the coastal town of Haradheere, to the south of Eyl, gained a reputation as major financing centers for piracy. The once obscure place, located about 250 miles northeast from Mogadishu, became a bustling town where luxury 4x4 cars owned by the pirates and those who bankroll them created. A major effect of Somali piracy was its impact on maritime insurance premiums. Following the seizure of the Cypriot-flagged Panagia Tinou in June 2002, shipping companies anticipated significant rises in maritime insurance costs. More significantly, some reports indicating ten and twenty times escalations in premiums and the continued willingness of shipping companies to negotiate ransom with Somali pirates may well have had the unintended effect of sustaining piracy as a legitimate economic activity among many Somalis.6

**International Interventions towards Piracy off the Coast of Somalia**

Since 2002/03, the international community took a number of steps to tackle piracy since Somali pirates emerged as a threat to WFP ships and international maritime security. In 2008, the UN Security Council passed a series of measures targeting Somali piracy, culminating in the unanimous approval of US led Resolution 1851. The move authorized states with navies deployed in the Gulf of Aden to, with the permission of Somalia’s Transitional Federal Government, take action against pirates and armed robbers within Somalia

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coast. An international conference to deliberate piracy and the prospects of Somalia hosted by the United Kingdom in London in February 2012, focused on escalating the fight towards combating and prosecuting pirates off the Somali coast.

The steps included a Memorandum of Understanding between the British and Tanzanian governments allowing the British Royal Navy to transfer suspected Somali pirates to Tanzania for prosecution; an agreement that would see convicted pirates captured transferred to Somaliland for prosecution and possible imprisonment; and the establishment of an international task force on pirate ransoms demands. The international system had at its disposal the United Nations convention on the law of the sea which made piracy a universal crime thus exposing pirates to arrest and prosecution by any nation and provided the legal framework for combating piracy and prosecuting piracy cases. After the 2008 UN resolutions, three main naval missions deployed to the Gulf of Aden including NATO, EU, and United States. Subsequently independent navy ships from Australia, China, India, and Russia begun patrolling the corridor.

Through the unanimous espousal of resolution 2184 (2014) under Chapter VII of the United Nations Charter, the Council reiterated its call upon States and regional organizations with the capability to fight sea crimes to deploy navy ships, weapons and military aircraft and enact the seizure of boats, vessels and weapons used in the commission of those crimes.\(^7\)

It also exempted the terms for arms embargo imposed on Somalia by resolution 733 (1992), thereby underlined the responsibility of Somali authorities in the fight against piracy and armed robbery off their coast. All States were prevail upon to adopt legislation for the facilitatation of the prosecution of suspected pirates and apply measures to prevent the illicit financing of piracy.

Despite the dedicated efforts of a number of individuals, law enforcement and criminal justice efforts to date there have been considerable challenges to counter piracy the core being: Legal and Jurisdictional Issues, fragmentation, duplication, lack of coordinated focus, information-sharing, regional capacity and enforcement and finally information synthesis and analysis.

However, there are still challenges to getting adequate piracy laws on the books of many countries. In October 2013, the UN Secretary-General, was still encouraging Somali authorities to take appropriate basic steps of passing relevant legislation to facilitate the prosecution of individuals suspected of piracy indicating slow progress to the call of urgently fighting piracy.

International and national counter-piracy efforts were often fragmented, at times duplicated, too many turf issues and fraught with competition including

\(^7\) United Nations Charter Chapter VII
funding and lack coordination. Unless there was better organization and focus and less talk without action from the leaders getting to the pirate organizers remained a pipe dream. Counter-piracy agency meetings for information sharing and deliberating concerns and solutions seemed to occur only at the broadest international level in the Contact Group’s working group meetings. Apart from that, there appeared parallel between continental European group and the regional East Africa/Indian Ocean group which met intermittently creating a sense of disconnect in counter piracy efforts. Despite that, the United Nations Office on Drugs and Crime (UNODC) appeared the most effective in coordinating its work in Europe and its work in Nairobi and the wider region. None the less, still many well-intentioned African representations disembark from international conferences and meetings with no real authority or ability to do anything better or different.\(^8\)

There are binary diminuendos concerning the investigation and prosecution of maritime piracy in national systems in the East Africa/Indian Ocean region. Whereas some members of the counter-piracy community feel strongly that law enforcement efforts should emphasize and give priority to regional domestic systems, others believe that the international community should shoulder the counter-piracy burden or relief regional systems with substantial international support. Unfortunately, there is often lack of political will coupled with corruption within officials in the most affected East African countries to seriously investigate and prosecute piracy, especially pirate leaders and funders of the crime. There are high levels of corruption in some of these countries, extending into law enforcement itself, which further complicates or even compromises the capacity of these systems to prosecutor or even to substantially assist with the prosecution of pirate leaders.\(^9\)

Information synthesis and analysis may have even more serious ramifications if information Sharing is less than perfect. Apart from a few individual prosecutors, investigators, and analysts working together on particular investigations, either within a single national system or across national systems, there has not been, and does not appear to be at the present time, an effective coordinated or centralized multi-national program or effort to synthesize and integrate law enforcement information in building cases against pirate leaders and financiers.\(^10\)

\(^8\) End Game, at 6 (describing the patrolling naval forces’ heavy reliance “on expensive intelligence and surveillance assets”); at 7 (discussing military cooperation “to ensure optimal deployment of surveillance platforms”)
\(^9\) Lang Report, para. 72.
Kenya’s Interventions

The horn of Africa has been affected by the menace of piracy as countries along the Indian Ocean have suffered economic implications due to the same. Kenya being one of the countries adversely affected by piracy and terrorism, took strides to address the menace when operation *linda nchi* (Save Nation) was launched, codenamed for a coordinated military operation between the Kenyan military and the Somalian military that began on 16 October 2011. Kenya’s presence in Somalia is essential as it endeavors to foster strong foundations for the restoration lasting peace and stability in the country and principally fight piracy and terrorism in conjunction with African Union Mission in Somalia (AMISOM). To start with, the improved security situation has enabled the country to engage in democratic governance by moving from a transitional government to an elected central government during the first elections to be held inside the country after nearly 21 years. In addition, local administration structures in parts of the country, particularly in areas liberated from the pirate al-Shabaab, by the Somalia National Security Forces (SNSF) with the support of AMISOM, have been established. Partnership between countries in the African Union with Kenya being on the frontline has seen the component provide protection to the country’s Federal Institutions as they carry out their functions and help secure Somalia’s key infrastructure including its airports and seaports. Kenya has continued to support dialogue and reconciliation efforts at local, regional and national levels in areas recovered from Al-Shabaab, Kenya has helped mobilized clan elders, religious and political leaders including members of parliament to resolve political and clan differences. With these the piracy menace has been curbed as the elected government gets support from the African Union and also the international community at large.

Although there may be legitimate cases to view piracy as a form of political terrorism, this does not appear to be the view as cased in Somalia. Rather, the economic susceptibility caused by the collapse of the Somali state, combined with the disabuse of Somali national fishing grounds by foreign trawlers and the dumping of toxic waste pushed many Somali fishermen into piracy as their practicable means of survival. However, Piracy once a crime though thought to be potentially quite lucrative, now expanded its appeal and attracted younger men who had no links to fishing, as well as Somalis with technical skills to support the longer range, more sophisticated variety of piracy that now plagued the Indian Ocean. The success of piracy has created an investment opportunity for organized crime and has transformed some centers of Somali piracy into boom towns.

Conclusively therefore, despite recent developments and coordinated
mechanisms which have realized tremendous safety corridors for seafaring vessels, so long as the Indian Ocean remains one of the principle world commercial maritime regions and tankering of fossil fuel and other bulky cargo remains the dominant method of moving goods along the Indian Ocean, it can be anticipated that piracy or the threat of piracy along the western shores of the ocean will likely persist. The international community should provide support to Somalia in establishing an effective coast guard that has the capability to control and fight against the crime of piracy. This could be achieved, by among other things, the utilization of the current huge resources being applied by the international community for military purposes to the promotion socio-economic and political development of Somalia and the Horn of Africa.

**Bibliography**


Christopher Alessi, and Stephanie Hanson, Combating maritime piracy March 23, 2012.

End Game, (describing the patrolling naval forces’ heavy reliance “on expensive intelligence and surveillance assets”), (discussing military cooperation “to ensure optimal deployment of surveillance platforms”).


Lang Report, para. 72.


Secretary-General’s 2013 Somali Piracy Report, para. 74.

United Nations Charter Chapter VII.
THE THREAT OF TERRORISM IN KENYA: A CRITICAL PERSPECTIVE

Introduction

The threat of terrorism in Kenya remains high, which is manifested in the determination by Al-Shabaab to continue attacks in the country. The group has since 2011 carried out both small-scale and large-scale attacks especially in the Coast, North Eastern and Nairobi regions. Al-Shabaab has also been conducting attacks in Somalia, and has previously attacked Uganda and Djibouti, making it a threat not only to Kenya and Somalia, but to the entire Horn of Africa sub-region.\(^1\) This paper examines the threat of terrorism in Kenya, with a particular focus on Al-Shabaab as a sub-regional threat. It then considers Kenya's response to terrorism and the challenges in the counter terrorism efforts.\(^2\) Finally, the paper proposes measures that could be incorporated into a comprehensive counter terrorism strategy for Kenya.

Evolution of the Threat of Terrorism in Kenya

International terrorism first manifested itself in Kenya on New Year's Eve in 1980 with a bomb attack at the Norfolk Hotel in Nairobi. The attack was perpetrated by a Palestinian group in retaliation for Kenya's close ties with Israel. Besides, the Hotel was owned by an Israeli national. The next major attack was on 7\(^{th}\) August 1998 at the US Embassy in Nairobi and later on 28\(^{th}\) November 2002 at the Kikambala Paradise Hotel in Kilifi, whose owner was an Israeli national. The two attacks were carried out by Al-Qaeda and largely used foreign actors in their planning and executions. It is evident that the three attacks targeted foreign – Western – interests, with Kenya and its citizen's merely collateral damage.\(^3\)

However, Kenya is today the primary target of Al-Shabaab, whose primary motive is to retaliate over the entry into Somalia by the Kenya Defence Forces (KDF) in October 2011 to join the campaign against the group.\(^4\)

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\(^1\) Al-qaida’s (mis) adventures in the horn of Africa, National Security Strategy for Combating Terrorism, September 2006; http://www.whitehouse.gov/nsc/nsct/2006/


\(^3\) The Decline and Fall of Al-Shabaab? Think Again, Sahan Research, April 2015 United Nations Security Council Reports S/2013/413.

The group’s stated wider agenda is to establish an Islamic “caliphate” in the East African region, starting with North Eastern and Coast regions of the country.

Al-Shabaab militants have scaled-up the mobilization of operatives, weapons and other materials for attacks within the country. The terror group has also stepped up radicalization and recruitment of local youth particularly from the North Eastern and Coast region to go to Somalia for short-term training and combat experience; before they return to Kenya for attacks.

Al-Shabaab in the Horn of Africa

Al-Shabaab continues to play a principal role in shaping the security environment in the Horn of Africa and in the wider Eastern Africa region. Not only has the group introduced extremism and radicalization into the region, it has also given the Somalia conflict a more global jihadist dimension thus attracting extremist fighters from other conflicts areas, further exacerbating the regional threat from terrorism and extremism. Al-Shabaab has vowed to carry out attacks on all AMISOM Troop Contributing Countries (TCCs), and indeed made good its threat with the attack in Kampala on 11th July 2010. It has also carried out attacks in Djibouti and made unsuccessful attempts in Ethiopia.

Kenya’s Counterterrorism Efforts

Kenya has put in place a raft of measures to contain the growing terrorist threat and the attendant radicalization of its youth.

First, Kenya has introduced a number of reforms anchored in new legislation and institutional frameworks, aimed at enhancing intra-agency coordination and cooperation both at the local and regional levels. Some of these changes are based on global best practices. A Counter-Terrorism inter-agency coordination mechanism has been operationalized, bringing together the National Police Service (NPS), National Intelligence Service (NIS), Kenya Defence Forces (KDF) and other agencies to detect, monitor and disrupt planned terrorist attacks.

Second, Kenya is implementing a number of programmes, under the National Counter Radicalization Strategy which has seven pillars, namely; Media, Psycho-Social, Faith Based, Capacity Building, Political, Educational and Security Strategies. Under each of these pillars a myriad of activities have been initiated which calls for enhanced regional and international support.

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5 Terrorism and Homeland Security, 8th Edition Jonathan R. White Grand Valley State University
6 Kenyan Somali Islamist Radicalization Crisis Group Africa Briefing N°85, 25 January 2012
The country is also addressing other factors that promote radicalization including; poverty, unemployment, perceived historical injustices, poor governance and marginalization.

Third, inter-agency cooperation between the security agencies and the Central Bank of Kenya (CBK) and Kenya Revenue Authority (KRA) has been enhanced. Several institutions suspected of involvement in terrorism were shut down following the attack on Garissa University College on 2nd April 2015, through this inter-agency initiative. Kenya is also a member of the East and Southern Africa Anti-Money Laundering Group (ESAAMLG) and Financial Action Task Force (FATF).

Despite local and international efforts, financial channels that are the arteries of extremist movements continue to evolve, mutate and operate, calling for more global pressure and mechanisms. Effective regulation and international support on this pillar is imperative.

Other measures instituted to remedy the threat include fast-tracking the operationalization of the border security initiatives; fast tracking the relocation of refugee camps from Kenya to Somalia; sustaining public awareness campaigns on counter terrorism to gain public support; and enhancing the monitoring of social media in order to check radicalization.

Challenges in efforts to Counter Terrorism

Notwithstanding the foregoing measures, many challenges remain. One key challenge is the ever-rowing threat of terrorism and violent extremism from other regions for instance the Islamic State (IS), whose exploits continue to attract recruits the world over including Kenya. Second, the high poverty and unemployment levels especially among the youth and other vulnerable groups make them susceptible to radicalization and recruitment into terrorist groups like Al-Shabaab and IS. Third, there is a wide range of targets for terrorist attack in Kenya due to the country’s position as a hub of diplomatic and business activities in the sub-region.

There is also the challenge of limited human and financial resources to deal with the growing threat; the porosity of Kenyan borders with neighbouring countries especially Somalia which provide impetus to terrorism activities

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8 Ibid
9 Regional Assessment and Mapping of Radicalization and Violent Extremism in the IGAD region IGAD/ ISSP RESEARCH (2014)
and other transnational crimes such as human and arms trafficking into the country; and the limited public awareness and participation in security matters.

Conclusion

A lot needs to be done in terms of regional inter-agency cooperation and coordination. Of particular focus and interest are; Counter measures to contain the proliferation of IEDs; effective counter-narratives and strategies to contain radicalization and violent extremism; enhancing regulation of the financial sector to disrupt financing of terrorism and capacity building for effective interrogation & interview of terror suspects.

There is no single-most effective Counter-Terrorism or Counter Violent Extremism program. What works in Kenya will not necessarily work in another country; however, the common strand is that extremists seize upon disconnection and disaffection in vulnerable communities; and therein lies lessons and best practices that can be applied across the board. Again, in most cases the response to violent extremism usually comes after the fact, well after substantial damage has been done.

In the final analysis, inter-agency cooperation is paramount in the war against terror and for domestic counterterrorism efforts to succeed they must be regionally anchored and internationally supported. More efforts also need to be made in the ongoing stabilization and peace-building initiatives in Somalia, in order to deny Al-Shabaab and other terrorist groups a safe haven from which to operate.
Bibliography


Kenyan Somali Islamist Radicalization Crisis Group Africa Briefing N°85, 25 January 2012.

Regional Assessment and Mapping of Radicalization and Violent Extremism in the IGAD region IGAD/ISSP RESEARCH (2014).


LEADERSHIP DECAPITATION AS A COUNTER-TERRORISM STRATEGY

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Introduction

Terrorism continues to present a major threat to international peace and security, with recent trends indicating an increasingly evolving menace. The unprecedented capture of territory in Iraq and Syria by the Islamic State (IS) and its declaration of a caliphate (khilafa) in late June 2014, coupled with the relentless flow of foreign fighters worldwide to join the group, is a significant manifestation of this emerging trend.\(^1\)

In the West, a rise of lone offender violent extremists has been witnessed, and elsewhere, despite the fragmentation of Al-Qaeda and its affiliates, weak or failed governance still provide an enabling environment in which extremist radicalism and violence thrive, notably in, Syria, Iraq, Libya, Yemen and Nigeria.\(^2\)

Terrorist groups have been exhibiting more aggressive tactics in their attacks. For the IS, this include brutal repression of people living in the areas it controls, coupled with the use of ruthless methods of violence like beheadings and crucifixions. Boko Haram, which operates in the Lake Chad Basin region of northern Nigeria, northern Cameroon, and southeast Niger, also employs brutal tactics, including stonings, random mass casualty attacks, and kidnapping of children for enslavement.\(^3\)

In East Africa, despite losing significant territory and resources it previously controlled, Al-Shabaab, the regional Al-Qaeda affiliate has continued to mount sporadic as well as spectacular attacks in Somalia, Kenya, Uganda and Djibouti. The group has also employed gruesome tactics in its operations including stonings, cross-amputations and beheadings.

A wide range of counter-measures have been utilized by states in response to terrorism including military attacks, law enforcement, diplomatic, among others. One of the most prominent counter-terrorism strategies employed by states, notably Israel and the United States (US), is leadership decapitation.


\(^{3}\)Ibid, p.8
This paper examines the use of leadership decapitation in countering terrorism and more importantly, assesses its efficacy.

**Conceptualizing Leadership Decapitation**

According to Cronin, the term “decapitation” denotes the removal by arrest or assassination of the top leaders or operational leaders of a group.\(^4\) Jordan uses the term “decapitation” to refer to the targeting of the top leadership of an organization\(^5\), while Price considers “decapitation” as tactics which are designed to arrest or eliminate the key leader or leaders of a terrorist group.\(^6\) For this study, we shall employ the concept “Leadership Decapitation” to refer to the deliberate targeting and killing of top leaders of terrorist groups as a counter-terrorism strategy.

Leadership decapitation, which Rowlands and Kilberg also refer to as the “kingpin strategy” has been used for decades as a strategy to break up illegal organizations like drug cartels, the mafia and terrorist groups. The logic behind this strategy is that targeting the leadership of an organization disrupts operational and strategic functioning of the group. With the destabilization of these central elements of the group, its cohesiveness should decline and the capacity to conduct operations weaken substantially. With enough disruption it may even be possible to instigate distrust, infighting and atomization of the group, which may ultimately lead to the collapse of the organization.\(^7\) Scholars have indeed credited these tactics with creating intra-organizational turmoil and even organizational collapse, citing the demise of the Kurdistan People's Party (PKK) in Turkey and the Shining Path in Peru following the arrests of their leaders, Abdullah Ocalan and Abimael Guzman, respectively.\(^8\)

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7 Rowlands, D. & Kilberg, J., “Organizational Structure and the Effects of Targeting Terrorist Leadership”, Working Paper 09, Centre for Security and Defence Studies (CSDS), Norman Paterson School of International Affairs (NPSIA), Carleton University, April 2011, Available at www.carleton.ca/csdso/working_papers.html

8 Price, B.C., Opic, p.10
Leadership decapitation became a defining characteristic of US counter-terrorism policy in 2003 following the release of the “National Strategy for Combating Terrorism” (NSCT).⁹

Among the key leaders of Al-Qaeda or its affiliates killed under this policy include Abu Musab al-Zarqawi in Iraq (2006), Anwar al-Awlaki – a US citizen who became a senior operative for Al-Qaeda in the Arabian Peninsula (AQAP) in Yemen (2011), Sa‘ad bin Laden, one of Osama bin Laden’s sons who served as a senior al-Qaeda leader (2009), Baitullah Mehsud, top Taliban leader, killed in Pakistan (August 2009), Abdullah Said al Libi, top commander of the Lashkar al Zil, Al-Qaeda’s shadow army, killed in Pakistan (December 2009), Sheik Fateh al-Masri, leader of Al-Qaeda in Pakistan and Afghanistan, killed in Pakistan’s tribal region (September 2010), Aden Hashi Ayro, leader of Al Shabaab, killed in central Somalia (May 2008) and Ahmed Abdi Godane, leader of al-Shabaab, (September 2014).¹⁰

Perhaps the most dramatic deployment of this policy was the 1st May 2011 killing of Osama bin Laden in Abbottabad, Pakistan. During his speech in the aftermath of the operation, President Obama divulged that he had told the Director of Central Intelligence Agency (CIA), Leon Panetta, that getting Bin Laden was the number one priority in the US’ counter-terrorism strategy against Al-Qaeda.¹¹

The Rationale for Leadership Decapitation

Proponents of leadership decapitation argue that eliminating the leadership of a terrorist group reduces its operational capability, as it eliminates the group’s most highly skilled members and in the process, forces it to re-direct valuable time and limited resources to protect its leaders. Additionally, decapitation serves to disrupt the terrorist group’s organizational routine and dissuade other members from assuming power.

Melino observes that the rationale behind the strategy is that terrorist leadership provides overall direction and strategy for the group, linking grievances and ultimately becoming the catalyst for terrorist action. He argues that decapitation achieves critical short-term objectives, notably the elimination of the key component of any terrorist organization – a charismatic

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¹¹ Price, B.C., Opct, p.10
leader, one endowed with great inspiration, ability to rally support for a cause and command unquestioned loyalty. Without an individual of that type, terrorist organizations become disillusioned and disorganized.

Besides, the death of a charismatic leader and the subsequent leadership transition creates space for the introduction of new ideas and objectives that could disrupt internal unification.\(^\text{12}\)

Citing the example of Al-Qaeda, Melino avers that since the killing of Osama bin Laden, the group has become fractured and uncertain about its future and is therefore increasingly ineffective. Consequently, disparate agendas have emerged, massively reducing the organization’s global influence and reach.\(^\text{13}\)

According to Byman, decapitation deprives terrorist groups of their political or spiritual leader who directs operations and often serves as a rallying cause. He argues further that broader decapitation campaigns target terrorists with highly valuable skills that are not easily replaced, for instance recruiters, forgers, trainers and bomb makers. The elimination of these experts (often mid-to-high range leaders) diminishes the capacity of an organization to conduct terrorist attacks.\(^\text{14}\)

Over and above the elimination of leadership, the strategy also disrupts terrorist organizations, throws them into turmoil and prevents them from planning future attacks. It compels the terrorists to constantly change locations, which reduces the flow of information in their organization and makes internal communications problematic and dangerous. Even when the targeted leaders survive or evade attacks, they resort to clandestine operations, avoiding family and friends at all costs and may frequently have to move from safe house to safe house; which puts them under tremendous pressure. In the final analysis, according to Carvin, keeping terrorists on the run is a major advantage.\(^\text{15}\)

To Price, for leadership decapitation to be effective, first, terrorist group leaders must be key to the overall success of the organization, and secondly, leadership succession must be difficult. He points out that terrorist leaders do not answer to a superior or a board of directors (state-sponsored terrorism exempted) and are not worried about perceptions of legitimacy or morality from those other than the populations from which they recruit or seek to influence.

\(^\text{12}\) Melino, Op cit, p.1
\(^\text{13}\) Ibid, p.2
\(^\text{15}\) Carvin, S., “The Trouble with Targeted Killing”, in, Security Studies (Fall 2012), p.3
Terrorist leaders thus have more influence on organizational performance than leaders in other organizations and replacing their leaders is more difficult than replacing leaders in other organizations.\textsuperscript{16}

Further, the clandestine nature of terrorist groups increases their dependency on leaders, complicates leadership succession and negatively affects organizational learning, performance, culture and decision making; rendering them vulnerable to leadership decapitation.\textsuperscript{17}

\section*{The Efficacy of Leadership Decapitation}

Whereas proponents of leadership decapitation highlight cases in which it has contributed to the organizational collapse of terrorist groups, its critics argue that it is distasteful, immoral and illegal. They also claim that it is ineffective at best and counterproductive at worst, and that rather than reducing the terrorist threat, it is likely to increase it.

Jenna Jordan has conducted perhaps the most comprehensive research so far to test the effectiveness of leadership decapitation. Her study looks at 298 incidents of leadership targeting from 1945-2004, and considers leadership as “either the top leader of an organization or any member of the upper echelon who holds a position of authority within the organization”. It defines success as whether “an organization was inactive for two years following the incident of decapitation”. The study also measures whether or not an organization suffered degradation over time, referencing changes in the frequency and casualty rate of terrorist attacks over time.\textsuperscript{18}

Jordan concludes that decapitation is not an effective counter-terrorism strategy as it does not increase the likelihood of organizational collapse. Instead, she finds that the marginal utility for decapitation is negative and that groups whose leaders have not been targeted actually decline at a higher rate. Further, decapitation is especially counterproductive for larger, older, religious or separatist organizations. She concludes that decapitation strategies are ineffective and potentially counterproductive. Rather than causing the collapse of terrorist organizations, the strategy often extends the survival of groups that would have otherwise dissolved.\textsuperscript{19}

\textsuperscript{16} Price, Opcit, pp. 14-16
\textsuperscript{17} Ibid, p.18
\textsuperscript{18} Jordan, J., Opcit, pp.731-733
\textsuperscript{19} Ibid, p.723
Melino argues that although leadership decapitation achieves several short-term successes and presents opportunities to further cripple terrorist groups, its long-term effectiveness remains uncertain. Terrorist leaders are transformed into martyrs, which increases publicity for the group's cause, leading to greater recruitment, greater radicalization, and retaliatory attacks. The perceived indiscriminate use of violence by foreign governments is also a motivating factor for greater local support. In the aftermath of civilian casualties, the pursuit of revenge and fear of future attacks strengthens the bonds between militants and local citizens. His assessment is that decapitation is successful at removing terrorist leaders, but does not defeat the group's source of strength – its message.

He points out that despite the deaths of Osama bin Laden and Hakimullah Mehsud, their ambition of fundamentally reshaping the global landscape lives on and continues to flourish across the Middle East, Africa, and Asia.20

To Rowlands and Kilberg, the effectiveness of targeting terrorist group leadership is complex and occasionally undesirable. Reliance on this approach is therefore inadequate for managing terrorist groups. They propose that alternative tools, such as negotiation or opening avenues for conversion into legitimate political participation, may be far more effective, especially in the long run.21

Carvin argues that leadership decapitation may be particularly counterproductive for democratic states, with devastating consequences. This is because terrorist groups, enraged at the killing of their leaders, may choose to retaliate against the leaders of democratic societies. Further, whereas targeted killing may succeed in removing terrorist leaders, their replacements may turn out to be worse. He therefore suggests that arresting terrorist leaders is more effective than killing them; arguing that since the purpose of counter-terrorism is to gather further intelligence on other activities, a live terrorist is in actual fact more valuable than a dead one.22

Some scholars hold that it is difficult to determine the effectiveness of leadership decapitation. In his study, Mannes compares 81 cases of terrorist organizations losing their top leadership (leader or second in charge) since 1968. He then looks at the results two years after the decapitation action and five years thereafter, for comparison and a more long-term perspective. He interprets a successful result to be “decreased activity, reflected in lower numbers of incidents and killings in the period of time after the event”.

20 Melino, Opcit, p.2
21 Rowlands & Kilberg, Opcit, p.20
22 Carvin, Opcit, p.6
Mannes’ conclusion is that the findings are ambiguous and that the utility of decapitation is hard to assess. Although a general decline in incidents suggests the strategy may be useful in certain circumstances, the limited effect it has particularly on fatal attacks by terrorist groups, raises doubts about its overall efficacy.\(^{23}\) However, an interesting finding in Mannes’ study is that killing leaders of a religious organization is more likely to lead to a surge of deadly violence. He concludes that decapitation strikes “are not a silver bullet against terrorist organizations” and may indeed be counter-productive in the case of religious groups.\(^{24}\)

Conversely, there are scholars who find merit in leadership decapitation as a counter-terrorism strategy. Price has analyzed the effects of leadership decapitation on the mortality rate of terrorist groups over a longer period of time, using a dataset consisting of 207 terrorist groups from sixty five countries that were active from 1970 to 2008. His conclusion is that in the event of leadership decapitation, religious terrorist groups are less resilient and easier to destroy than nationalist groups. He attributes this to the critical role that leaders of religious terrorist groups play in outlining and interpreting their organizations’ goals and strategies. On the basis of these findings, Price advises states that are intent on employing leadership decapitation to target these leaders as early as possible. He points out that as terrorist groups age, especially as they near the twenty-year mark, states might consider reducing the resources assigned for killing and capturing their leaders and instead utilize such resources in other counter-terrorism initiatives.\(^{25}\)

**Leadership Decapitation: The Case of Al-Shabaab**

The US has conducted a number of attacks targeting Al-Shabaab leaders in Somalia since 2008. A cruise missile attack in central Somalia on 1\(^{st}\) May 2008 killed Aden Hashi Ayro, the Emir of Al Shabaab’s and several senior deputies. On 14\(^{th}\) September 2009, US Special Forces in a commando raid by helicopter in southern Somalia killed a Kenyan national, Saleh Ali Saleh Nabhan, the leader of Al-Shabaab’s foreign fighters and a key mastermind of the 2002 attack at the Kikambala Paradise Hotel.

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\(^{24}\) Ibid, p.44

\(^{25}\) Price, Op cit, pp.43-44
The US also targeted and killed Ahmed Abdi Godane, Ayro’s successor as Emir of Al-Shabaab, on 1st September 2014; and in March 2015, killed Adan Garar, mastermind of the 2013 attack on the Westgate Mall in Nairobi.26

The elimination of Ayro, rather than causing the disintegration of Al-Shabaab, actually marked the upsurge of the group. Indeed, the period following Ayro’s killing can be described as Al-Shabaab’s “golden age” as the group seized control of most of central and southern Somalia including Mogadishu; it controlled substantial financial resources; it conducted many attacks inside Somalia and abroad (Kampala, July 2010 and Kenya since 2011); and it attracted thousand foreign fighters the world over.

Also, since the killing of Godane, the group has conducted some of its deadliest attacks in Kenya including the Garissa University College attack in April 2015 and continues to carry out attacks in Somalia including the capital, Mogadishu. From the foregoing, it can be surmised that leadership decapitation has not succeed in destroying Al-Shabaab as the group continues to operate.

Conclusion

This paper has discussed leadership decapitation, its rationale and its efficacy. It has briefly drawn from the example of Al-Shabaab to demonstrate that leadership decapitation does not always result in the collapse of terrorist groups.

Leadership decapitation is nevertheless a significant component of any counter-terrorism strategy and indeed, it can be argued that it has the systematic effect of weakening organizations over time, therefore rendering them more likely to be defeated than groups that do not suffer decapitation.

Yet even its most ardent proponents acknowledge that the strategy cannot in and of itself end terrorism. Leadership decapitation must therefore be combined with other approaches including injecting more appealing messages to win the hearts and minds of local communities and highlight the disconnect between society’s religious ideals and the increasingly violent and extreme actions of terrorist groups.

Bibliography


26 Ploch, L., “Countering Terrorism in East Africa: The U.S. Response” (Congressional Research Service, November 3, 2010, 7-5700), Available at: www.crs.gov R41473,
Leadership Decapitation as a Counter-Terrorism Strategy


Country Reports on Terrorism 2014, United States Department of State Publication Bureau of Counterterrorism Released June 2015; Available at: www.state.gov/j/ct/rls/crt/2014/.


Ploch, L., “Countering Terrorism in East Africa: The U.S. Response”, (Congressional Research Service, 3 November 2010, 7-5700), Available at: www.crs.gov R41473


“Prominent terrorist suspects killed in drone strikes”, in, USA Today, (19 March 2015), Available at: www.usatoday.com/story/news/world/.../drone.../25023059.


Norman Paterson School of International Affairs (NPSIA), Carleton University, April 2011, Available at: www.carleton.ca/csds/working_papers.htm.
EFFECTS OF TERRORISM ON THE KENYAN ECONOMY

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Introduction

Terrorism is defined as the planned infliction or threat to inflict violence by persons or groups of people to gain predefined goals socially or politically. The target group usually is masses of people in the target area, through the direct or indirect infliction of violence.\(^1\) Despite differences in the motives by terrorists, there is an exhibition of standard patterns in terrorist acts including; hijacking of airplanes, threats, assassination, bombings as well as suicide attacks. Governments are therefore expected to bow to the pressures exerted through the terrorist attacks and allow political recognition to the terrorist groups. In such a scenario, the opportunity cost of future acts of terrorism and granting terrorists groups their demands plays a key role in the decision to give such groups the recognition they demand for.\(^2\) This implies that terrorist groups that are able to effectively make known the consequences of their campaigns can easily attain their goals faster than those that cannot. Consequences of terrorist acts have been observed as including; destruction of buildings and infrastructure, economic downturns, casualties and high levels of anxiety among populations.

Tourism

Tourism constitutes 25% of the Gross Domestic Product (GDP) and has been adversely affected by the increased terrorism in Kenya. Tourist influx to Kenya can be estimated to over 800,000 visitors annually. Most of the tourists visiting Kenya come from Europe and the United States of America (USA) with Europeans from Italy, Switzerland, France, Belgium and Britain constituting upto 70% of these visiting tourists. Kenya also receives tourists from other countries in the African region, Asia, Japan and Scandinavia.

Terrorism acts in the country have caused a ripple effect in all the economic sectors of the country. The tourism sector experienced a decrease in the number of tourists visiting the country following cancellation of business conferences, leisure trips and travel advisories by foreign countries.

\(^1\)US Department of State (various years) Patterns of Global Terrorism. Washington, DC: US Department of State

The decrease in tourist arrivals had an impact on all sectors of the industry. The termination of leisure trips and business conferences increased rapidly. Kenya’s reputation dropped leading to the loss of its competitive edge as it was no longer a lead tourism destination. Additionally, the thousands of jobs created by the sector including hoteliers, tour guides, travel agents, airline business amongst others were jeopardized and some even rendered jobless.

**Foreign Direct Investment**

Terrorism affects the allocation decision of firms investing money in real foreign assets. They can quite easily attack and damage foreign-owned firms, seriously disrupting their activities. As the foreigners have a large choice of countries to invest in, even quite mild terrorist activities tend to considerably reduce the inflow of capital to a terror-stricken country. As FDI is an important source of savings, a reduction in FDI negatively affects investment and economic growth. Furthermore, the reduction in the technological know-how transfer into the country, again putting a damper on growth. Thus, the economic costs are substantial.

**Investment**

The effect of terrorism on aggregate consumption and savings is important as it influences the investment level and, hence, economic growth. In addition, one can hypothesize that political violence not only affects the level of investments but also the composition of investments (Collier, 1999). Investments in non-traded capital goods, or non-residential construction, are particularly risky in an environment of political instability. Such investments may, therefore, be reduced more than investments in machinery and equipment if political violence increases. Manufacturing and equipment investment is significantly lowered by an increase in the total number of deaths and the rate of growth of settlements.

**Stock Markets**

Stock prices are a potentially informative measure of the economic damage of terrorism. Stock prices reflect expected future gains of a company, as well as the likelihood that these expected gains materialize. Terrorist attacks influence both: (i) Expected profits are lower if security measures increase the costs

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3 Abadie, A. and Gardeazabal, J. (2005); Terrorism and the world economy; Mimeo, Harvard University.
of production and doing business, and if consumers’ fear reduces demand, example in the airline industry. (ii) Risk premium will increase when terrorism leads to increased uncertainty about a firm’s prospects on the market. After months of experience with a spate of terrorist attacks, the stock market in Kenya still reacts with a similar magnitude to terrorist threats.\footnote{Eldor, R. and Melnick, R. (2004). Financial markets and terrorism. European Journal of Political Economy 20: 367–386.}

**Foreign Trade**

An increase in Terrorist activities has a direct bearing on the costs of operating business. Increased security measures in response to a terrorist campaign increased transaction costs.\footnote{Ibid p9.} Traded goods suffer destructions. In Kenya, one of the largest export industries is the tourism industry. As already discussed, it’s directly affected by terrorism. According to their results, countries targeted by terrorism trade significantly less with each other than countries not affected by terrorism. According to Walkenhorst and Dihel the effect is economically large: a doubling of the number of terrorist incidents reduces the bilateral trade flows. According to their results, a country that has a terrorist incident is associated with a decline in bilateral trade.\footnote{Walkenhorst, P. and Dihel, N. (2006). Trade impacts of increased border security concerns. The International Trade Journal 80: 1–31.}

**Urban Economy**

Terrorism influenced the relative advantage of living in major cities in Kenya compared to living in the countryside, and therefore affected urbanization. Major cities high population density like Nairobi made it an attractive target for terrorists. Finally, violence and terrorism resulted to higher transport costs. These costs had the effect of being substituted by closer physical vicinity.

The direct costs of terror consist of the destruction of infrastructure and human capital, example is collapse of the Ufundi Cooperative house hundreds of square feet of real estate, and of superior office space in downtown Nairobi central business district. This resulted in indirect costs of doing business; for instance, longer waiting at Wilson and Jomo Kenyatta international airports, a higher fraction and transaction costs in international trade, as well as the cost of the military and civilian resources used to fight terrorism. To achieve a significant reduction in the probability of falling prey to a terrorist attack is certainly expensive. The economic capability that can be used for consumption presently and in the future also reduced significantly.
Conclusion

The modern, generalized and ubiquitous terrorism is a product of the modern society. It has always existed and has been following, as fair, society’s evolution, but on the other side of the barricade. Terrorism is part of those permanent, flexible, miscellaneous, surprising, and hard to anticipate, survey, and control and mostly to combat asymmetric threats, which create and maintain a continuous status of fear, uncertainty and alert. It is amongst the serious challenges in the beginning of this century and is growing like a “cancer” of intolerance, extremism, violence and absurd.

Terrorists have organizations and networks that surprise and cause fear to the public that is hard to understand and to explain. On economic standpoint, terrorism affects the capital stock (human and physical) of a country which is reduced as a result of terrorist attacks and the threats increases higher levels of uncertainty. The counter-terrorism expenditures increases that draws resources from other productive sectors for use in security and in Kenya terrorist has affected the Tourism industry with the increase in attack incidents that has a negative and significant impact on our economic growth.

Recommendations

Money is the lifeblood for terrorist groups and without it there is remote likelihood that they could sustain attacks. Nonetheless, the most outstanding characteristic of terrorism is its cheapness unlike other crimes such as smuggling of narcotics and laundering of money. Terrorist attacks are facilitated by money laundering and therefore, banks need to implement the principle of at least knowing your customers. Banks are now urged to exercise due diligence on their customers so as to identify terrorist financing activities. Essentially, all financial institutions should be extra vigilant so as not to be used to channel terrorist funds. Financial infrastructure services which are becoming increasingly susceptible to electronic attacks from cyber space should be considered as infrastructures of national interest and be protected by continuous checks and regulatory oversights. Kenya needs to employ effective and appropriate monetary policies which strengthen banking and the entire financial sector.

Fighting terrorist financing requires a multidisciplinary approach and extensively rely on intelligence sources and close cooperation between intelligence, law enforcement agencies and other stakeholders in information sharing which should be encouraged.

Efforts should be made by the Kenyan Government in; criminalizing the
financing of terrorist activities, terrorism, and terrorist organizations. Freezing and confiscating terrorist assets; reporting of suspicious transactions that are linked to terrorism. Providing other law enforcement authorities with assistance in investigation of terrorist financing. Imposition of anti-money-laundering regulations on alternative payment systems. Strengthening of measures relating to identification of customers in domestic and international wire transfers. Ensuring that organizations especially those in the non-profit sector are not in a position of misuse in financing terrorism and detecting of the physical transportation of money and bearer-negotiable instruments between borders.

Efforts should further be made by the Kenyan government to clear the misconception that there is hostility towards Islam by governments based on the efforts to curb terrorism that seem to target the Muslim community especially at the regions in Northern Kenya and the Coast. Additionally, the government should also counter the terrorism propaganda and discredit terrorist activities.

Equitable socioeconomic development should be upheld as a measure of mitigating factors contributing to terrorism. Marginalization and poverty among youths are factors that invite sectarian and inter-ethnic strife, despair, and anti-Western resentment. Various institutions such as schools, health centers and relief food are used by terrorist organizations as fronts for their actions with the intention of radicalizing and spreading hatred. Therefore, campaigns should be to address the socioeconomic disparities terrorists’ groups exploit. By so doing, there could be a significant reduction in the youths populations being recruited to terrorist organizations.

Application of legislation is one of the means of effectively countering terrorism to enable greater surveillance and action against organizations inciting violence. Specialized legal process and training administration of those engaged in the administration of justice play important roles in counterterrorism strategies and specialized training for law-enforcement officers engaged in terrorist investigations and prosecutions and for judges who hear terrorist-related cases should be provided.

Currently, terrorists cases are heard in the normal courts in Kenya which are faced by challenges in the quick administration of justice to victims and perpetrators of criminal acts. It is recommended that the government institutes special courts to deal with matters of terrorism only. Such measures are expected to enhance the investigation process, prosecution process as well as concluding of cases related to terrorist acts justly and efficiently.

Sensitize and teach the public how to identify unusual objects, deal with
unfamiliar people and broadcast information operation (IO) campaign programs on radio, television, and through newspapers and other forms of media as a means of accessing the community at large. This can be supported with strong relationships between security organs (police and military) so that people are aware of the channels in which to contact the authorities.

Telephone lines in the form of hotlines should be set up in the 47 counties so that someone does not have to travel a long distance in order to pass on information related to security matters. There must be an adequate, appropriate, and timely response to any action or information from the security organs, so that people are not scared away when they come up with anything to report about terrorism.

**Bibliography**

US Department of State (various years) Patterns of Global Terrorism. Washington, DC: US Department of State.
Non-State Actors and Community Policing in Tanzania

Col J. M. Gambosi - Tanzania People’s Defence Forces

Introduction

Non-state actors are a catch-all term for groups, movements, organizations, and individuals with sufficient power to influence and cause a change even though they do not belong to any established institution of a state.\(^1\) Community policing on the other hand refers to a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem solving techniques, to proactively address the immediate conditions that give rise to public safety issues, such as crime, social disorder, and fear of crime.\(^2\)

Community policing in Tanzania is related to larger arguments about service delivery in developing countries, and in particular the promotion of participation in local development. Community policing as understood in Tanzania does not only refer to restructuring of the practices and orientation of the state police, but also places responsibility of citizens to organize for their own security. The way in which community policing is both implemented and discussed is very similar to other forms of participatory or community-based development, which are central to the provision of a range of collective goods and services at the local level.\(^3\) This paper will discuss the Ten Cell Leaders, Jeshi la Mgambo (Militia) and Sungusungu as non state actors involved in community policing in Tanzania. It will emerge from the discussion that the non state have played crucial role in maintenance of law orders in Tanzania. It will also discuss the challenges of community policing in Tanzania and the way forward.

Ten-Cell Leaders

The Tanganyika African National Union (TANU) “nyumba-kumi” (ten-cell) system, adopted from Maoist China, was introduced in Dar es Salaam in 1964 and subsequently extended across the country. The ten cells mean ten houses were under the leadership of a person known as balozi and he was in charge of all security matters in those ten houses.

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3 Brzoska, M. Development Donors and the Concepts of Security Sector Reform, (Occasional Paper No. 4, November. 2003 Geneva Centre for the Democratic Control of Armed Forces)
The Maoist community policing was championed through public security committees, formed by elections at the grass-roots level, almost in every community with a number of household clustered together. These committees were expected to provide a link between the community and police in ensuring that security is maintained. The ten-cell system did not result in a uniform system of local governance, and the form taken by cells, functions performed and effectiveness were highly variable across the country. The ten-cell leaders were required to negotiate between the demands of the party and higher tiers of government, which emphasized extraction and mobilization, and the desires of their neighbours, amongst whom they were obliged to live, and the latter often prevailed. Returns from taxes collected by ten-cell leaders were typically poor and they were relieved of responsibility for tax collection in 1970. However, the powers given to ten-cell leaders enabled less systematic harassment and humiliation of other residents, particularly in rural areas.

**People’s Militia (Jeshi la Mgambo)**

The People’s Militia ‘Jeshi la Mgambo’ (Militia) was instituted in 1965 in an attempt to end the army’s monopoly on military training, thus ensuring that ‘the party was on an equal security footing with the state. Militia was established in villages throughout the country and both men and women were trained in the use of weapons for local defense. Following four months of training by the army, volunteers formed part of a reserve army, played an important role during the war with Uganda in 1978-9. The government was keen to stress the voluntarism essential to the People’s Militia, as well as its ‘traditional’ nature through use of the name Jeshi la Mgambo, referring to an apparently traditional assembly in case of emergency. However the groups operated largely under the auspices of the party.

While initially visualized as a reserve army, the militia assumed a range of domestic functions including enforcing participation in communal development efforts across the country and policing the implementation of villagisation campaigns of the 1970s.

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5 Rodney, W. ‘Policing the countryside in colonial Tanganyika’, paper 51 presented to the Annual Social Science Conference of the East African Universities 1973


In urban areas by the late 1970s it was common for a police patrol group to comprise one police officer, supported by two national service recruits and two militia members. Participation in local self-defense, through either the militia or the Tanganyika African National Association (TANU) Youth League (TYL), became identified as a key responsibility of the nation's youth. For example, Nyerere told assembled young people in 1968 that in order to perpetuate the national revolution; they had two important weapons; the plough for better and higher production, and the gun for the defence of the nation.

Though ‘Jeshi la Mgambo’ (Militia) is still in operation today, its membership is much more restricted. Volunteers are trained by the army over a four to six month period.

The principal motivation for joining appears to be the potential to obtain employment with one of the many commercial security companies now operating across the country or to be retained as a permanent employee by the government, for example as a guard for council property. Jeshi la Mgambo (Militia) is the Back born of the National security and it is now known as Reserve force. Training of Militia is very important in maintaining National security and politician need not to discourage civilian who want to join militia training.

**Sungusungu amongst the Sukuma and Nyamwezi**

During the early 1980s Tanzania experienced an upsurge of violent crimes. Severe drought in parts of the country, an international oil crisis and an economic downturn contributed to severe shortages, which coincided with the return of troops from Tanzania’s war with Uganda and an associated influx of weapons. In towns commercial and residential properties were subject to armed raids, while in rural areas, cattle theft was rampant. Government efforts to respond to the problem of cattle theft through special police units and the imposition of collective punishments on areas in which suspected thieves were resident proved largely unproductive and police were often suspected of being complicit in raids. For this reason, a localized response to high levels of cattle theft spread rapidly across the Sukuma and Nyamwezi which appeared to have much greater success in apprehending cattle thieves and returning stolen property.

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8 Ibid. p. 220  
The village leadership of Sungusungu comprises the ntemi (chief) and his deputy. In addition, a secretary, a ‘KamCuanda mkuu’ (Chief Commander) and a council of elders are selected to assist the leaders. Those nominated to assume leadership roles are subject to popular confirmation through a public vote and then underwent inauguration or enthronement (kutemya) by an Ntemi invited from a village in which Sungusungu are already established. As part of this process village residents are required to compile a list of those suspected to be thieves, and those identified were tried and punished.11

Although the Sungusungu committees were typically comprised of older male village residents, all villagers were obliged to be present at the inauguration of Sungusungu and to participate in associated rituals and song. Villagers were also required to participate by secretly providing names of neighbours they suspected of theft, and all able-bodied men could be called upon to participate in the recovery of stolen cattle, armed with bows and, often poisoned arrows.

Residents contribute a small amount of money to a sungusungu fund, which is used to provide food and supplies for those sent to apprehend thieves, and was subsequently replenished through fines paid by offenders. Sungusungu groups appear to be popular at the initial stages with success in reducing violent crime, having both a deterrent effect, apprehending thieves and recovering large numbers of cattle. At later stages however they were often accused of violence and abuse of rights. This was also confirmed by one of the senior police officers in Tanzania who mentioned that they Sungusungu have been accused of beating people and this has reduced citizen’s confidence on the community policing in some areas.

Sungusungu also played a role in dispute resolution within villages, sometimes presiding over cases in which the police had decided against prosecution or a court conviction had not been achieved due to shortage of evidence. Charges are not laid before the accused rather the entire village population is expected to cooperate in banishing the individual and their family until they are ready to confess their misdeeds to the Sungusungu committee. The repentant offender is then asked to name a fine they deemed to be sufficient to atone for their wrongdoing, arising their offer incrementally until the Sungusungu demonstrates through clapping their hands that it was acceptable.12

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In the case of Sungusungu, localized gendered and generational cleavages were reflected in the organization of Sungusungu and its activities. Some early reflections on Sungusungu presented a fairly ideal picture of a ‘people’s organization’ or a peasant-based movement of ‘popular resistance’ against an alien and oppressive state. However, it is clear that Sungusungu did not always represent the village as a whole, but rather defined and punished ‘criminal’ activities in accordance with the morality of the most powerful within the community, in this case senior male residents.13

The community policing has changed now a days, Police introduced ulinzi Shirikishi (Police participations), which means all people in the community are supposed to participate in community policing. Ulinzi shirikishi is seen as the best solution for the security because those who participate in policing are members of the community and they know everything in the community about the security.

Challenges

Since the Formation of Ten Cell Leaders and Jeshi la Mgambo were introduced under the leadership of the ruling party Chama Cha Mapinduzi (CCM), when the multiparty system was introduced in 1992 its performance has reduced. Ten Cell Leader and Jeshi la Mgambo is seen as it is belong to Chama Cha Mapinduzi. There is a need the system to be in the Constitution. On other hand Sungusungu was very effective and solved many cases in the villages especial on cattle rusting, security issues and land disputes. But because they handled issues local or traditional, in general the system didn’t follow the rule of law there were many complain and it collapsed the natural death.

Conclusion

The involvement of non state actors in matters of security has been established on the understanding that the basis of development of defense and security in Tanzania is the responsibility of the Tanzanian themselves and in particular every patriotic Tanzanian. Consequently, it is understood that the country has no financial ability to employ a big paid force to manage its defense and security affairs. This therefore means to the people that the police alone will not be able to fight crime if residents do not support the crime control and prevention efforts. Solid working relationship between the police and the community they serve are the only lasting solution in the ongoing and ever

increasing battle against crime and criminality in the community. Sungusungu (or neighbourhood watch groups) as a system is one of the tested and proven partnership strategies which is already recognized by law and found workable and affordable to the marginalized poor majority in Tanzania. These non-state actors require the administrative and political commitment will and drive by leaders and residents from the grass roots level to the national level.

Bibliography


UNDERSTANDING HUMAN TRAFFICKING AND ITS EFFECTS ON SOCIETY

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Introduction

Human trafficking, often referred to as modern day slavery, has emerged in the past decade as a major criminal and social justice issue around the world. It is one of the many forms that Trans-national Organised Crimes (TNOCs) takes in its many manifestations. Other known forms of TNOC include drug trafficking, trafficking in animal trophies or human body parts, money laundering, and human smuggling. These criminal networks transcend national boundaries to conduct business beyond them. They also take advantage of the advanced communication and technological advancement to operate from the comfort of their offices to perpetuate these crimes. As an effect, TNOC rings and their activities weaken economies and financial systems and also undermine human security and dignity of states. Such networks take advantage of weak legislation and enforcement to carry out their activities. They prosper on illegal activities that confer them immense benefit. This cycle of illegal activities does not end with the profits they make; rather such profits have in the past been used to fund other illegal activities including terrorism.

With the signing of the United Nations Convention against Trans-National Organized Crime (UNCATNOC) in Palermo, Italy, in November 2000, the international community demonstrated the political will to answer to a global challenge with a global response. Before them, criminals had come to be so free in crossing borders, unperturbed and to continue their unlawful deeds across. Therefore the concern was that, if crime could cross borders with ease, what about law enforcement? If the rule of law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means. Further, if the enemies of progress and human rights seek to exploit the openness and opportunities of globalization for their purposes, then we must exploit those same factors to defend human rights and defeat the forces of crime, corruption and even trafficking in human beings.

What is Human Trafficking?

The term ‘trafficking’ was first formally defined within the terms of Article 3 of the protocol that was adopted by the United Nations General Assembly (UNGA) in Palermo, Italy in December 2003\(^2\).

It was defined to include the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, and deception, the abuse of power or of a position of vulnerability. Furthermore, it includes the giving or receiving of payments or benefits to achieve the consent of a person having control over another, for the purpose of exploitation. Salient issues here include the action, means and the purpose. These actions may be manifested in the form of recruitment, transportation, transfer, harbouring or receipt of persons. The means of executing the action on the other hand is achieved through threats or the use of force or even fraud or deception. On many occasions, perpetrators have taken advantage of the vulnerability of the persons trafficked. This could be by virtue of his or her illiteracy, poverty or even tender age.

The purpose or motivation for the action herein is exploitation. This could come in the form of prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or worse still, it could be the removal of organs for sale. Further analysis of the definition reveals that the offence is not confined to women and girls alone but also extends to men and boys too. It also does not require that the victim crosses any international borders. The act of trafficking could also be committed within the confines of national borders from one region to another.

Legislation and Extent of the Vice

Human Trafficking is just but one of the various types of organized crimes which the UN has boldly legislated against. The UN Convention against TNOC was adopted through a General Assembly Resolution in November, 2000.\(^3\) This is essentially the main international legal instrument against organized crime. The convention was later supplemented by other protocols which aimed at addressing specific areas of organized crime. An example of such protocols was one to Prevent, Suppress and Punish Trafficking in Persons adopted by the Assembly and entered into force in December, 2003.\(^4\)


\(^3\) Ibid

\(^4\) Ibid
There are no credible figures around the world to show the magnitude of this vice but it is however clear that it is a booming business. The International Labour Organization (ILO) in 2005 estimated that there were 2.4 million people throughout the world who were lured into forced labour (ILO, A Global Alliance against Forced Labour, 2005). The same report estimated the total value of illicit human trafficking at 32 billion US dollars in the same year. The business is so secretive due to its illegality and therefore exact figures are not easy to come by. However, several state and non-state actors, both at the international and the state levels, are engaged in different activities aimed at fighting the vice.

**Difference between Human Trafficking and Migrant Smuggling**

These are two forms of criminal activities that confuse many including legal practitioners and investigators alike. Article 3 of the protocol against Smuggling of Migrants by Land, Sea and Air defines the Smuggling of Migrants as:

“The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a permanent resident”.

From the definition, it is clear that there is a difference in emphasis between the two protocols in that the trafficking version defines those actions that constitute criminal abuse of an individual’s rights. The smuggling version on the other hand focuses on actions that amount to abuse of the rights of a state party. In the act of smuggling, there must be the cross-border movement, the procurement of the cross-border movement must be illegal and for profit.

This distinction can further be clarified by analysing the *modus operandi* of the perpetrators of the two acts. These could be explained as follows:

**Recruitment:** Migrant smugglers do not need to use so many strategies because they are normally approached and solicited by the intending migrants. Traffickers will use a wide range of recruitment methods ranging from forcible abduction, networks of agents and even multi-media advertising.

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Payment: As a general rule, migrant smugglers do not move the migrants unless and until their fees have been paid in advance of the movement. Traffickers rarely take any advance payment from the victims. They incur all the movement expenses themselves so that they can exploit the indebtedness of the victims as a means of debt bondage control.

Consent: In migrant smuggling cases, the migrants clearly consent to the movement, having negotiated it in full knowledge of the intended outcome, namely the illegal entry into another state and there is no distortion of their free will; Trafficked victims on the other hand do not give true consent because they are deceived as to either the nature or condition of the exploitative activity.

Deception: There is no element of deception in migrant smuggling as the migrant is fully aware from the outset, of the planned activity; trafficked victims on the other hand are either deceived as to the nature of the intended activity, or as to the conditions in which the activity will be carried out.

Relationship and intent: The relationship between the migrant smuggler and the migrant terminates at the point at which the migrant is illegally inserted into the target state. For the trafficker, the movement and insertion into the venue of exploitation is only the second stage of the four stages of the process that consists of recruitment, movement, coercive control and exploitation. The core intention of the trafficker is to exploit the victim for profit within a coercive relationship that will be sustained by the trafficker as long as possible.

Causes and Effects of Human Trafficking

Human trafficking is a highly profitable illegal economic activity that is based upon the principle of supply and demand. This practice exploits a series of ‘push’ and ‘pull’ social factors in the countries of origin and destination.

First, the ‘push factors’ in trafficking could not operate without the supply of victims to satisfy the demand in the destination country. According to the Interpol Human Trafficking Task Force Best Practices Manual, (Third Edition – 2012)\(^8\), some of the key ‘push factors’ for the victims include Poverty and its feminisation, the lack of education, unemployment, gender discrimination, domestic violence, life within dysfunctional families, impact of conflict or transition on countries, lack of opportunity or alternatives among others.

\(^8\) Ibid
On the other hand, the ‘pull factors’ exist in both countries of origin and destination and reflect the supply and demand economic reality of this crime. The pull factors form that magnet that invites and attracts vulnerable victims into the process. These factors include the anticipation of employment and financial gain, the anticipation of material improvement and a better lifestyle, access to the glamorous life in the developed countries as portrayed by the media and the recruitment agents and belief that it offers the only available alternative to continued poverty.

The process, right from recruitment to exploitation is complex and is replicated all over the world as traffickers respond to satisfy demand from all corners of the world. This process often has debilitating effect on both the individual and society. Some of the most notable social, political, and economic impacts of human trafficking have been identified as important policy considerations in each of those areas (Juma, 2006). The vice impacts so hard on the human rights of individuals and the general social fabric. To the individual, it is demeaning, degrading and causes both physical and psychological trauma. It brings about post traumatic social disorders on the individual victims that are long lasting.

On the economy, the heavy cost of resources deployed towards its prevention, investigation and even to reach out for the proceeds is depleting especially to the developing countries. In addition, there is the loss of taxes through illegal migration and the loss in terms of human resource.

The men, women and children trafficked would form a large human resource reservoir for a country which if lost would deal a big blow to the economy.

From the wider perspective, human trafficking provides an international security challenge. Majority victims get exposed to sexual ailments and other general health related implications which impact on human security throughout the trafficking trail. For a number of specified reasons, trafficked persons are at great risk of HIV infection (Kabeer, 2009).

Moreover, the illegal trade challenges international border controls and therefore supports other international security threats like terrorism.

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9 Bhabha, J. and M. Zard (2006) Smuggled or trafficked? Forced Migration Review, issue 25, pp. 6-8
Conclusion

It is clear so far that trafficking will occur both within the state and across internationally recognised borders. The trade is controlled and regulated by both the push and pull factors that in turn determine how much flow occurs. The traffickers are smart in their job and are very alert to the changes in the market forces of demand and supply. They always endeavour to meet the challenges in the trade.

From the statistics availed by the UNODC, majority of the victims are mainly women and children trafficked for the purpose of sexual exploitation or forced labour. It is also evident that the mode of recruitment, payment, deception and consent between trafficking and migrant smuggling is different. The victims in migrant smuggling actually approach the smugglers for they know what they are after. There is no element of deception and the relationship ends once the victim has been successfully ejected into the country of his choice.

International human trafficking has received wide coverage today. This is widely because destination countries have found the need to work together with those of origin and transit to stem the vice.

The countries also cooperate to take back the victims and aid in the reintegration process. The problem of internal trafficking, however, is often overlooked and possibly more difficult to identify. It is true that many countries may have completely underestimated it. This is an area that deserves urgent and strict attention if countries are to offer the most basic human rights protection to their citizens.
Bibliography


THE PSYCHOLOGICAL CHALLENGES OF A CHILD SOLDIER

Col J. M. Owuoth - Kenya Army

Introduction
The United Nation's defines Child soldiers as children under the age of 18 who are recruited by state or non state armed groups and are used as fighters, cooks, suicide bombers, messengers, human shields, spies or for sexual purposes.\(^1\) The use of children as soldiers in armed conflict is probably among the most morally repugnant practices in the world, but then for children to be involved in warfare is not in itself new, teenage boys have since middle ages participated in battlefield non-combat tasks, such as runners and drummers, but never in the numbers witnessed today where it is estimated that over 300,000 children are involved in fighting in ongoing conflicts around the world.\(^2\) This increased use of children as combatants is attributed partly to the presence of light weight weapons and ease of use. This makes it relatively easier for children to handle such weapons with little difficulty compared to the comparatively heavier and more cumbersome earlier weapons.\(^3\)

The Psychology of Child Soldiers
The Laws of Armed Conflict make a special case for children. They do so because the psychological damage inflicted upon children by participation in combat is contrary to the long-term aim of the Laws of Armed conflict, further, Children who have been brutalized by combat grow up to be dangerous adults who easily resort to violence to solve their problems.

Jean Piaget (1896-1980), a leading Swiss Psychologist argued that if a child is trained from the age of six or seven to torture or kills at the direction of his commander, and if this behaviour is constantly reinforced by repetition, then a child will learn that killing, maiming and torturing is acceptable behaviour. The child will also learn to dominate others through fear and brutality, and will fail to learn skills required to function normally in society. A generation of children brutalized in such fashion can in the long run destabilize a country, injecting violence into the political discourse and discouraging any form of moderation.

\(^1\)www.child-soldiers.org/about_the_issues.php (Accessed on 24 Nov 15)
\(^2\)Boutwell, Jeffrey and Klare, Michael T. “A Scourge of Small Arms”, Scientific American, June 2000, Pg 50,
\(^3\)Boothby, Neil G. and Knudsen, Christine M. “Children of the Gun”, Scientific American, June 2000 Pg 63.
It is unlikely that children can be expected to refuse to become child soldiers, because frequently they are often captured at gunpoint, or see their families murdered, or sometimes even forced to participate in the slaughter of their own immediate families.\textsuperscript{4} Refusal to participate or attempted desertion will normally lead to their deaths, usually in such a fashion as to serve as an abject lesson to the rest.\textsuperscript{5}

**Creation of a Child soldier**

The techniques used in the creation of child soldiers tend to share a few common themes. First, there is the replacement of parents with a surrogate. The child may be an orphan looking for security, or a kidnap victim whose parents have been killed in the raid where the child was taken. In some cases, the child is forced to commit an atrocity against his family or village that will make the child rightly believe that he would be unwelcome back at home. A child having been stripped of a parental authority figure finds himself looking at the appointed adult commander to step in to fit the role.

Child soldiers are taught largely through the consequences of their actions. This form of learning, called operant conditioning refers to a method of learning that occurs through rewards and punishments with an association being made between behaviour and a consequence for the behaviour.\textsuperscript{6} Abducted children are therefore forced either by threats or killings of others to “condition” to obeisance and to obey orders of the rebel commanders.

The sense of isolation from society can be profound. Children can be both psychologically and physically ‘marked’ by their experiences. Some children fear returning home because of the expected retribution for what they have done. The Revolutionary United Rebels (RUF), a rebel outfit active in Sierra Leone in the mid nineties sometimes carved the initials “RUF” into the chests of their abductees, a mark that signified both guilt to the rest of society and property to the rebel movement.\textsuperscript{7} A child with “RUF” carved into his chest that escaped the rebels could expect death by both society at large and the rebels if caught again. Such a child therefore had no choice but to remain with his rebel captors.

To further cement them in the rebel movements, child soldiers are often placed at the front line and forced to commit atrocities against their own communities. This establishes a sense of culpability in them, as well as

\textsuperscript{6} http://general-psychology.weebly.com/html(Accessed on 26 Nov 15)  
\textsuperscript{7} The journal of the American Medical Association, 294(5), 580–590
dramatization, and makes it less possible for them to be accepted back into society or to be psychologically prepared to return. In addition, drugs such as amphetamines, cocaine, local brews, marijuana and tranquilizers are administered to deaden the effects of conscience and help the child soldier disengage actions from any sense of reality.\(^8\)

Another aspect of the use of child soldiers is the long-term risks associated with Post-Traumatic Stress Disorder (PTSD). This is the cumulative stress of losing their families, being uprooted from their homes and being physically, psychologically and sexually abused leaving the children traumatized and in a perennially zombie state.\(^9\)

**Rehabilitation and Reintegration**

Disarmament, demobilization and reintegration (DDR) is today an integral part of post-conflict peace rehabilitation for former combatants. The online dictionary defines “reintegration” as the process of returning the mind to an integrated state after it has been deranged by psychosis. It also defines rehabilitation as the restoration to a condition of good health, ability to work, or the like.\(^{10}\)

For former child soldiers, the reintegration is of particular importance as children are expected to be rehabilitated in select surroundings away from adults within an open time frame before being assisted to readjust back to fit in a society which probably might not fill comfortable again with their presence.

While at one time it was assumed that former child soldiers were damaged goods, it is now more widely accepted that this former combatants, given the proper help and support, can be reintegrated successfully into society since they face enormous challenges in trying to return to normal civilian life. While immediate physical needs would often be met, former child soldiers have difficulty processing their experiences and reintegrating within their communities due to stigmatization for having been labelled outcasts.

According to Christian Children’s Fund, a leading non-profit organization involved in psychosocial interventions of rehabilitating of former child soldiers, it can take as long as three years for demobilized children to be reintegrated back into society due to their sensitive mental health status. Worryingly, rarely do these demobilized children share with their parents or communities the emotional context of what they have experienced or how they were treated; as a result of this lack of emotional communication, reintegration into local

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\(^{10}\) www.merriam-webster.com/dictionary(Accessed on 2Jan 16)
communities is hampered by the warped perceptions of the community’s view of the former child soldier.\textsuperscript{11}

**Psychosocial support**

Lieutenant Colonel Dave Grossman, a former West Point professor who has written extensively about combat argued that the human mind, rather than the body, is actually the weakest link in war, because in combat the mind is more vulnerable to collapse than body.\textsuperscript{12} With this in mind therefore, outside obvious physical support, psychosocial reintegration should be the most important attribute for re-insertion to the community following the diverse and often violent experiences of armed conflict which brings profound effects on child development and wellbeing. The term “Psychosocial” is intended to underline the dynamic relationship between psychological and social effects, each continually influencing the other. “Psychological effects” are those that affect emotion, behaviour, thoughts, memory, learning ability, perceptions and understanding. “Social effects” refer to altered relationships due to death, separation, estrangement and other losses, family and community breakdown, damage to social values and customary practices, and the destruction of social facilities and services. Social effects also extend to the economic sphere as many individuals and families become destitute through the material and economic devastation of armed conflict.\textsuperscript{13}

Traditional mechanisms may also be a big psychosocial boost to help children re-enter their community at least in the African settings. Most traditional healers in African societies occupy a special place in the decision making cycle of their societies and have garnered immeasurable respect, a rite of purification conducted by such a local healer to any returning child soldier leads to a tremendous relief and acceptance from the community thereby aiding the reconciliation process.

**Conclusion**

Children are the future of any society, children in combat therefore is a phenomenon that has negative consequences to the society far into the future and at all levels. Individually, the child suffers in both psychological and moral development while the society suffers because of the cost of bearing a generation that knows only violence.


While diplomatic progress to outlaw the use of children in combat continues to be pursued. Experience has however shown that most nations that have endured the use of child soldiers in war lack the capacity to rehabilitate them, thus leaving them un-rehabilitated placing the former conflict countries perennially at risk. To the mental health practitioners dealing with rehabilitated child soldiers, conflicts tend to end several generations later after the supposedly last bullet in the conflict has been fired.

**Bibliography**


Sowing Terror Atrocities against Civilians in Sierra Leone July 1998, Vol. 10, No. 3 (A)

Human RightsWatch (http://www.hrw.org/reports98/sierra/Sier988-03.htm#P214_31229).


CAUSES AND EFFECTS OF BOKO HARAM MENACE IN NIGERIA

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Introduction

The concept of terrorism is familiar to us and has been experienced by mankind since time immemorial, with the main motive of creating fear in the hearts of many. Over 2,000 years ago, the first known acts of terrorism were perpetrated by a radical offshoot of the Zealots, which was a Jewish sect active in Judea during the First Century AD. The Zealots opposed the Roman Empire's rule of what is Israel today through a determined campaign, which involved daylight assassinations and brutal killings of their victims. Also between 1090 and 1272 AD, the Assassins, an Islamic movement, used similar tactics in their struggle against the Christian Crusaders who had invaded what is today part of Syria.\(^1\)

Terrorism had since then evolved to the present day bombings being witnessed, almost on a daily basis, around the globe. Notable among the modern day terrorist attacks is the September 11 2001 suicide bombing of the World Trade Centre in New York which cause the death 2,996 people and injured more than 6,000 others, and triggered the US led Gulf War.\(^2\)

From the foregoing therefore, it can be deduced with some degree of certainty that the acts of terrorism have existed for at least 2,000 years and are likely to remain in the political agenda, both nationally and internationally, for many years to come. It remains a means by which the weak can confront much stronger opponents, and evoke fear and alarm while inflicting pain and suffering to the victims. Globally, terrorism has gained a new dimension and might not be eradicated completely, but to an extent, it can be reduced to the barest minimum. According to the Global Terrorism Index, terrorism could be defined as “the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation.”\(^3\) Therefore, this write-up aims to examine the causes of the menace of Boko Haram terrorists and some of its effects on Nigerian National Security System.

\(^3\) Lecture Notes by Lt Col (Dr) Handa delivered on 18 November 2015.
Boko Haram Terrorist

Boko Haram is an Islamic extremist group based in north-eastern part of Nigeria, and is also active in the neighbouring countries of Cameroon, Chad and Niger. The group had alleged links to Al-Qaeda, but in March 2015, it announced its allegiance to the Islamic State of Iraq and Syria (ISIS).\(^4\) The word Boko Haram means western education is forbidden in the local Hausa language. The Arabic name for Boko Haram is Jama’atu Ahlis Sunna Lidda’awati Wal-Jihad, which is translated as “Congregation of the People of Tradition for Proselytism and Jihad”.\(^5\) The group emerged in early 2000 as a small Sunni Islamic group advocating for a strict interpretation and implementation of Islamic law in Nigeria. Initially, the sect’s leadership did not call for violence; its followers engaged in periodic clashes with security personnel during its formative years. There was a growing suspicion among Nigerians however about the real identity and motive of Boko Haram sect. Most Muslims see it as an extension of “Maitatsine sect,” which was established in 1945 to inject turmoil to Islam.

In 2009, the activities of Boko Haram transformed from a local peace militia into a violent group. The group had violent clashes with Nigerian security forces in some major cities of northern Nigeria, which resulted in the killing of the sect leader, Muhammad Yusuf in Maiduguri, and more than 700 other people.\(^6\) After the 2009 uprising, the activities of the sect slowed down. However, the violent re-emergence of the group in 2010 came up with new tactics that include suicide bombing, kidnapping, and attacking Islamic clerics, mosques and churches in the country. Nigeria witnessed the first suicide bombings at the police headquarters, which claimed 6 lives, and United Nation’s office in Abuja, which also killed 23 people on 16 June 2011 and 26 August 2011 respectively.\(^7\) The activities of the sect escalated when on 14 April 2014 the sect kidnapped over 250 female students from Government Girl’s Secondary School Chibok in Borno State.\(^8\)

This sect has continued to pose a serious security threat to the Nigerian State and the region. Many people have lost their lives; children have become orphans, and many wives widows, from the unscrupulous and incessant killings perpetrated by this group. It is estimated that about 2.3 million people have been displaced by the Boko Haram conflict since May 2013; 250,000 Nigerians are in refugee camps in the neighbouring countries of Chad, Niger and Cameroon while 17,000 have been killed since 2009.9

The Boko Haram phenomenon constitutes a threat to National Security. The current government of President Muhammadu Buhari has put all security structures in place by providing additional funds and procurement of military weapons as well reinvigorating a new fighting spirit in the troops to ensure that the fight against these insurgents will be brought to favourable conclusion.

After the kidnapping of the female students in Chibok, Boko Haram and the Ansaru group were designated as Foreign Terrorist Organization (FTO) by the United States Security Department in November 2013. The Ansaru group was the Boko Haram faction that, earlier in 2013, kidnapped and executed seven foreigners who were working with international construction companies. Subsequently, the United Nations Committee on Al-Qaeda sanctioned and blacklisted the group on 22 May 2014 as one of the world terrorist organisations. The UN listing entry describes Boko Haram as an affiliate of Al-Qaeda and also one of the organisations of Al-Qaeda in the Islamic Maghreb (AQIM).10

**Causes of Boko Haram Insurgency**

There has been a long standing tensions between Boko Haram Sect and the Nigerian Security forces however, the immediate cause of the violence was as a result of an incident between the sect’s members and the police in the city of Maiduguri, the capital of Borno state. The sect members were stopped on their way to a cemetery to bury a comrade. The police officers, demanded that the sect members should comply with the law requiring motorcycle riders and passengers to wear protective helmets. The sect members refused and, in the ensuing confrontation, several members of the sect were shot and wounded by the police. While this was the immediate cause however, some of the causes of Boko Haram insurgency may include (but not limited to) bad governance, corruption, religious extremism and poverty. Others are unemployment, ideology and politics. For the purpose of this paper, the focus, will be on bad governance, corruption and religious extremism among all above factors.

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Bad Governance

Governance in Africa has often been based on very narrow, parochial interests including tribal, ethnic, clan, or family loyalties to which collective interests of the general citizenry are subordinated.\textsuperscript{11} Nigeria therefore is no exception to the problem of bad governance affecting African countries. The political history of Nigeria exemplifies the ways in which ruling elites have shown their disregard for the general citizenry. Furthermore, their actions and policy decisions have contributed to a loss of legitimacy among ordinary Nigerians. Some no longer believe in the country’s political, economic or legal institutions. In Nigeria, there is truly an abundance of problems that challenge most people’s basic quality of life.

None of these problems can be easily mitigated, and many of them are as a result of policy decisions made by government leaders. The most common ills of bad governance include corruption among political elites, economic disparity, barriers to social and educational opportunity, lack of energy, poverty, environmental degradation, human insecurity, and injustice. Bad governance is therefore one of the factors that contribute to the contemporary terrorist threat posed by Boko Haram.\textsuperscript{12}

Corruption

In Nigeria, as in many parts of sub-Saharan Africa, corruption greatly weakens the trust between the state and the citizens it aims to govern. Throughout the country, there are myriad examples of concentration of wealth and power in the hands of a few. This therefore is one of the series of barriers to development and causes grievances in Africa that often lead to different kinds of violence in the continent. Collectively, these kinds of grievances and tensions contribute to an enabling environment for vigilante groups, criminal gangs, thugs, drug smugglers, and radical extremists. There are significant pockets of political violence and other security challenges, particularly in the northern and southern part of Nigeria, in which armed groups feed off this kind of environment.

It should be noted however, that the current government of President Muhammadu Buhari has come out with a keen interest and deliberate intention of fighting corruption in the country. The President has empowered Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices

and other Related Offences Commission (ICPC), to go after any body or entity who is found to be corrupt and to deal with such a person or entity under the jurisdiction of the law. The President has equally directed the Judiciary to perform their constitutional obligations without fear or favour. According to the Vanguard Newspaper of 15 June 2015, the President intends to use five proposed laws to fight corruption in the country, which include Office of the Financial Ombudsman Bill 2015, National Convicts and Criminal Records Bill 2015, Electronics Transactions Bill 2015, Whistle Blower Protection Bill 2015 and Nigerian International Financial Centre Bill 2015.

**Religious Extremism**

According to the 2015 Global Terrorism Index, religious extremism has become the main driver of terrorism in recent years. The report recorded 18,000 deaths in 2013, which is an increase of 60% from the previous year. The majority of these were attributed to just 4 groups; ISIS, Boko Haram, the Taliban and Al-Qaeda.\(^\text{13}\)

It therefore follows that religious extremism in Nigeria is exacerbated by wrong doctrines inculcated in some Nigerians by religious extremists and these were the main reasons for insurgency in the country. These doctrines have also immensely contributed to the escalation of crime and other forms of security challenges. It was observed that most preachers of the two prominent religious bodies in Nigeria (Christianity and Islam), no longer preach the principle of “Love your neighbour as yourself” which is one of the greatest principles of both the Bible and the Quran. Also in Northern Nigeria, there have been a competing historical narratives and active recruitment by religious radicalizers in the past two decades, which paved the way for radicalism. According to Emile Nakhleh, an expert on middle east society, “Islamic activism in Muslim Nigerian towns and villages in the north in the late 1980s and early 1990s was driven by competition between Saudi Arabia and Iran.”\(^\text{14}\) This competition has eventually created bitter rivalry within the Islamic sects that let to the creation of the monster of Boko Haram, whose aim is to establish a Caliphate in Northern Nigeria.

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Effects of Boko Haram Insurgency

Boko Haram has maintained a steady rate of attacks since 2011, striking a wide range of targets. They have carried out some deadly attacks on politicians, security forces and government agencies, religious leaders, and some civilian targets. This new tactics of suicide bombing and attacks, employed in the 2 attacks in Abuja, the capital of Nigeria on the UN and police headquarters, was alien to Nigeria. It was first employed by al-Shabaab in Somalia and then AQIM in the African continent. Some of the effects of Boko Haram on Nigeria are in the spheres of National Security, education and socio-economic development.

Threat to National Security

The Boko Haram insurgency has continued to pose a serious threat to the country’s security system and corporate political entity. Since the violent re-emergence of the Boko Haram in 2010, the attacks and suicide bombing carried out by the group extended beyond the national boundary. It was estimated that more than 5,000 people have been killed in Boko Haram-related violence. UN and Nigerian officials report that more than 6 million Nigerians have been affected by the conflict.15 Furthermore, the sect engages in bombing police station, schools and Mosques. Its initial campaign of violence targeting security personnel and their formations have now expanded to include civilians, non-governmental targets and the entire Nigerian populace. Their attacks since 2011 have featured improvised explosive devices (IEDS), car bombs, and periodical suicide bombing.

However, currently the 4 countries that share border with Lake Chad (Cameroun, Chad, Niger and Nigeria – with Benin Republic as an observer) have established the Lake Chad Basin Commission to jointly tackle this menace. This joint operation is having a positive impact as the book haram terrorist have been routed out of Sambisa forest and are on the run.

Effect on Education

As a result of Boko Haram menace, education is under serious attack in northern Nigeria. Since the beginning of 2012, at least 70 teachers and over 100,000 children and students have been killed or wounded. A minimum of 50 schools have either been burned or seriously damaged and more than 60 others have been forced to close.

Thousands of children have been forced out of schools across communities in the states affected. Also many teachers have been forced to flee for their safety to other states. This state of affairs has seriously dragged the region far behind the rest of the country academically and this portrays that the manpower potentials of the present generation could not be fully realized.

The Socio-Economic Implications

Beside the human cost in the Boko Haram insurgency, the atrocities of the sect have socio-economic implications. The costs of the Boko Haram insurgency in economic, social and psychological terms cannot be quantified. Commercial activities in the northern part of Nigeria and in particular the northeast have drastically reduced because of the unprecedented attacks by the sect. Banks, shops, malls, markets and other commercial activity areas do not regularly open due to the fear of the coordinated attacks from Boko Haram. The attack on these commercial areas has led to the migration of people to other parts of the country and has affected the region economically, socially and even politically.

Conclusion

This paper has argued that the actions of Boko Haram insurgents are barbaric and extremely wicked. The attack and abduction of innocent school children for whatever kind of grievance or emotional dysfunction is inhuman and unacceptable to any right thinking person. The wanton killing of women and children is akin to cutting down the future of a people. The paper concluded by analyzing some of the causes of Boko Haram terrorist which may include bad governance, corruption, religious extremism, poverty, unemployment, ideology, and politics among many others. It was however highlighted that bad governance is the bane of the problems that gave rise to the rest of these factors. In the same vein is the plight of corruption which greatly weakens the strands of trust between the state and the citizens and this had also contributed to frustration aggression theory on the part of the citizens who were forced to react in so many ways. Thirdly was the aspect of religious extremism. It was stated that religious extremism in Nigeria is exacerbated by wrong religious doctrines, which have also immensely contributed to the escalation of Boko Haram terrorists and other crimes.
It was however, highlighted that the current government of President Muhammadu Buhari (who is leading by example) has put some structures in place in the war against corruption. He has equally tasked EFCC and ICPC, to have a renewed vigor, in fighting corruption and other economic and social ills. He has also empowered the military to put all strategies in place to ensure that the fight against the insurgents will be brought to favourable conclusion and soonest.

It was also highlighted that the Boko Haram insurgency has continued to pose a grave threat to the country’s security system and corporate political entity with an estimated deaths of five thousand and 6 million people displaced. Also thousands of children have been forced out of schools across communities and many teachers have fled to other areas. Equally, commercial activities in the region have been reduced because of the unprecedented attacks by the sect.

**Recommendations**

The paper therefore, recommends for the Federal Government of Nigeria to undertake the following:

- Leadership should show-case true democracy and good governance, which will address the socio-economic and political problems on which extremist ideologies thrive.
- Down play political, religious and ethnic differences among the people and work towards the unity of Nigeria.
- Take a deliberate action in de-radicalizing some of the Islamic fundamentalists who preach hate and violence towards other religious groups and or sects.
- Seek ways to provide employment to the teeming population of idle youths in the country.
Bibliography


THE CHANGING NATURE OF WARFARE IN 21ST CENTURY

Col J. B. Ndayikengurukiye - Burundi Defence Force

Introduction

Over the past 50 decades, warfare has evolved more than any other time in the world history, except for the invention of artilleries. From the 18th century backwards, war was fought by two opposing factions on an open battleground whereby combatants would make their formations and match forward. They would typically fire once or twice with guns and then engage in hand to hand war. However, warfare has changed dramatically over the past few decades. The major warfare that occurred in the 1950s and 1960s as well as 1970s representing the Chinese combat, the Korean War and the Indochina Wars respectively involved the use of heavy conservative arms and engagement in major battles by super powers or power rivals. Today’s warfare is characterized by high technology forces and weaponry against people who are poorly armed as opposed to the earlier times when troops matched forward to fight with equally armed fighters. In fact, by the end of the 20th century, the nature of combat involving the use of weapons had changed radically with modern warfare falling into two categories including the low-intensity and asymmetric warfare. The alterations in scope and noxiousness of armed combats have been paralleled by a wide range of shifts in military organization and recruitment. These aspects have been driven partly by political changes and economic imperatives. This article attempts to examine three main changes in the military organization and recruitment namely the reliance on child soldiers and the escalating use of paramilitary forces as well as technological advancements and their impact on modern warfare.

Definition of low intensity and Asymmetric wars

In order to understand the changing nature of warfare, it is imperative to define the so called ‘low intensity’ and ‘asymmetric’ wars that characterize modern combats. In our contemporary times, low intensity types of armed conflict are the vast majority. Studies done in most developing nations have shown that low intensity conflicts are often carried out with great brutality and kill relatively smaller numbers of people as compared to major

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conservative wars. In most cases, low intensity wars are fought by a faction of ill trained lightly armed soldiers who avoid engagement with major military. It is due to this fact that they habitually target civilians including women and children. Asymmetric warfare refers to combat that occurs amid belligerents whose military power, tactics and strategies differ significantly.

This category typically characterizes the war that occurs between an eminent professional military and a resistant movement or insurgency as in the case of AMISOM operations. In other words, asymmetric combat describes a war engagement whereby the war resources of the two belligerents are at variance in essence as well as in struggle, in the manner at which they interact in the warfare and in their attempts to exploit each other’s trait weaknesses. Important to note is that the strategies and tactics may not essentially be militarized. Asymmetric engagement is a term that is also used to describe various anti-conflict wars such counterinsurgency, counterterrorism, guerilla warfare and terrorism as well as insurgency and other wars that involve an informal military and a formal one or a heavily supported military and a less equipped one. Examples of this warfare are the Gulf War, Kosovo and the warfare that occurred in Iraq and Afghanistan. The United States’ led armed forces usually have high-technology machinery and are used against weaker opponents, which is a factor that causes the battle to end in weeks as opposed to years, with relatively low numbers of combat deaths. Asymmetric warfare involves not only the interstate wars, but also the civil wars.

Child Soldiers’ Recruitment

One of the major aspects that have brought immense changes in the nature of warfare is the recruitment of child soldiers in the forces. This is a new phenomenon which is rapidly growing everywhere in the world. It explains the reason why the United Nations Charter on the rights of children prohibits the deployment of children in war. The Rome statute of the global criminal court also defines conscripting persons under the age of fifteen as a crime. According to various war analysts, deployment of children in combat has become so common such that people might think it is a new war phenomenon. Currently, the number of children recruited as soldiers is estimated between 250,000 and 300,000.

According to Ms Leila Zerrougui, Special Representative of the Secretary-General for Children and Armed Conflict at the Under Secretary-General level in September 2012, governments are more aware of the harm done to child soldiers and of the shame attached to their recruitment. She says governments do not want to remain on the list of recruiters. They want to make sure their ranks are free of children. And this, she says, is what gives her hope that the “Children, Not Soldiers” campaign can ultimately succeed. As opposed to the gone days when warfare was only known to be a male encounter, underage girls have been involved in the military in more than 55 nations across the globe. Examples of nations that have used children in warfare are Burundi, Sri Lanka, Nigeria, Northern Island and Columbia. In addition, the Palestinian Islamic Jihad and Hamas organizations for suicidal acts have recruited children as young as thirteen years of age.

Various factors have played a role in the modern phenomenon of children recruitment in warfare. First and foremost, there are readily available, cheap, easy to use and portable weapons. As opposed to the earlier days when the use of arms was determined by physical strength, small arms and light weapons have paved way for children to engage in warfare just as their adult counterparts. Easy to use portable weaponry has made children to be effective in battlefields just as the adults.

Another reason is the high rates of youth unemployment, especially in the developing nations. The escalating rates of unemployment have created a pool for potential recruits who may have few or no other survival options. Recruiters especially those conscripting for rebels, view children soldier as cheap, easy to manage and expendable.

The last but not the least reason why child soldiers have been on the rise is that the otherwise ostracized rebel groups and militaries have now been able to field more forces than they would. This has been enhanced through abduction and indoctrination strategies.

**Information and Technology**

Advancements in information and technology have played significant roles in altering the nature of contemporary warfare. One only needs to listen to the radio, read newspapers, travel or watch television in order to realize the range at which things have altered from the old times. Rather than matching forward in an open battlefield, military and insurgents are more and more making use of high technology equipments and weapons. Guns and other arms have become strategic and accurate sort of battle. One only needs to take cover while using optics to aim and fire. Not only have technological
advancements revolutionized our military forces, but it has also been used by people like Al-Shabaab and other insurgents have been making use of that technology against United States.\textsuperscript{6} Our national security systems that were intended to confront other nations are now forced to adapt to environments where most security threats are non-nation actors; national security system is currently being threatened by individuals and small terror groups. Therefore, the extraordinary technological advancements that have been witnessed in the past few decades have greatly altered the nature of combat. As examples, itinerant yak herders of Tibet have satellite television; cell phones are in wide use in Kabul, and impoverished coca growers have communication networks and warning systems.\textsuperscript{7} Not only have guns and other modern artilleries become increasingly common in warfare, but there have been plenty of other unmanned vehicles, commonly referred to as drones. Various developed nations such as the United States have increased the use of the aerial vehicles, for example, America has increased the use of drones in the aim of attacking Al Qaeda terrorists on Pakistan and Afghanistan. Moreover, unarmed reconnaissance and exploration drones have offered valuable synchronized intelligence over wide regions for extended time periods.\textsuperscript{8}

The fact that drones do not require operations by onboard human beings, they have the aptitude to operate in expanded flight surroundings, carry more petroleum, do not put the lives of pilots at risk and can carry sophisticated and at times toxic pay-loads, help them offer unblinking eye on the foe and can attack undetected and virtually at will, which also helps to offer insight on the changing nature of combat. Besides that, Cyber warfare in the future might be far from what we might imagine. It is sure that a cyber war would not meet the rigid social scientific definition of “war” codified in the notable and long-standing “Correlates of War Project”\textsuperscript{9} which describes it as “sustained combat, involving organized armed forces, resulting in a minimum of 1,000 battle-related fatalities.”\textsuperscript{10} Although cyber warfare has not been universally recognized because analysts have not distinguished between cybercrime and cyber warfare, it is argued that developed nations, with the United States taking the frontline, have become more dependent on cyberspace for their national security. The American military forces have been relying more on cyberspace

\textsuperscript{7}John Alexander, the examples come from personal observation in many areas of the world.
\textsuperscript{9}David Singer founded COW as a project in the University of Michigan in 1963. After his retirement, Penn State has archived all data and materials of COW: http://www.correlatesofwar.org/.
abilities more than any other armed force in the world, which explains why the United States have become more dominant to cyberspace with the aim of enhancing national security.

Paramilitaries Increase

Another phenomenon that has characterized the modern warfare is the rise of paramilitaries in almost all parts of the world. Paramilitaries are usually more armed than the police, though not exceeding the military. They can be disciplined forces under the effective control by distinct government or a gang of private armies carrying out its activities outside the legal constraints. Just like child combatants, paramilitaries are quick to learn and train, inexpensive to arm and need little or no logistic support. The word paramilitary embraces a wide range of organizations including privatized army, armed police, border guards, internal security forces, militia and counter-terrorist specialists as well as riot squads. Although most of the paramilitaries exist in the outer realm of police and traditional military command, they fall into three main categories including intelligence agencies as in the case of Pakistan’s Inter Service intelligence, Militia, for example the Columbia’s self-defense faction and Militarized police forces such as the China’s population armed forces. The mounting rates of paramilitary forces have characterized the modern global security scenery. For example, Russia, India and China, which are three of the five nations with the highest numbers of armed forces throughout the globe, the paramilitaries now account for more than a third of the overall military personnel.11 Although paramilitaries can perform various factions aimed at stabilizing peace and security in a country such as enhancing border security and controlling riots, most of these organizations have been responsible for sinister reputations and horrific acts of violence such as in the Balkans, Columbia and Rwanda to name but a few incidences. Their powers and control as well as autonomy can thrive on long even after the regime that formed them has been swept aside. If they are not reincorporated into the new government, paramilitaries can pose a serious threat to the political order and become a source of conflict.

Terrorism is another aspect that has altered the nature of warfare in the 21st century. In the early 20th century, the most commonly used method of terrorism was assassination of political elites whereby they would target individuals with the aim of undermining the establishment and prove they had power to

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hit authorities.\textsuperscript{12} Examples of individuals assassinated by terrorists during the pre-war era were Umberto 1 of Italy and Ferdinand Franz of Austria Hungary.\textsuperscript{13} Towards the end of the twentieth century, modern terrorism was established. It was aimed at basically heightening public fear of their activities to a range of irrational and hysterical anxiety. Anybody including a loved one or self would be the next victim of terrorism. Among other factors, terrorism altered the nature of combat due to technological advancements, activities of some regimes during the Second World War and the development of new weapons. Terrorism organizations were sponsored by various states such as Libya, Iraq, Syria and even Sudan. Pakistan and Afghanistan are examples of other states that became radically involved with terrorism with the aim of gaining global influence. One of the major terrorism developments in the 21\textsuperscript{st} century was the creation of world Islamic front for jihad by Osama Bin Laden whereby he established connections with Yemen, Algeria, Tunisia, Nigeria, Jordan and Indonesia as well as Egypt among other states.\textsuperscript{14} Al-Shabaab, Al-Qaeda and Islamic State in Iraq and Syria (ISIS) are some of the terrorism organizations that have greatly contributed to the global terrorism activities including the September 11 attack in the United States. Indeed, Kenya has been one of the most hit regions by terrorism activities mainly due to the African Mission in Somalia (AMISOM) operations that are ongoing in Somalia.

\textbf{Conclusion}

The changing nature of warfare that has transformed over the last few decades has had detrimental impacts to nations as well as their populace. Although genocides and other forms of mass killings have reduced dramatically in the recent past, international terrorism activities are still on the rise with superb examples being the terrorist activity that took place on September 11, 2001 in the United States and the recent attacks in Kenya, which saw significant loses of live and damage of property. Not only has the changing nature of war caused detrimental impacts, but it has greatly augmented military and other armed forces operations, hence increasing peace and security in various regions. It has promoted the modern military activities in combating terrorist activities and other attempt that threaten to jeopardize the wellbeing and safety of populace across the world. Not only has technological advancements altered various

areas of life such as transport and data processing, but it has significantly transformed the nature of warfare. The use of drones, muskets, machine guns, rockets and artillery as well as tanks and airplanes have characterized modern weaponry warfare more than any other time in the history of the world. Today, conflicts are ‘low intensity’ and asymmetric whereby high technology armed forces fight poorly equipped opponents. Throughout the world, warfare has changed as armies are now relying on paramilitary forces and child combatants more than ever before.

Bibliography


David Singer founded COW as a project in the University of Michigan in 1963. After his retirement, Penn State has archived all data and materials of COW: http://www.correlatesofwar.org/.


John Alexander, the examples come from personal observation in many areas of the world.


Post J. Terrorism on trial: the context of political crime. In: Kushner HW, ed. Political


INTERNATIONAL SECURITY: UNDERSTANDING AND DEALING WITH CYBER CRIME - A CASE STUDY OF KENYA

Caleb A. Mairura - National Police Service

Introduction

Crimes that are committed over the internet remain a headache for the global community that is increasingly dependent on the internet for several purposes including shopping, communication and research among other tasks done over the World Wide Web. Cyber-crime may be defined as Criminal activities carried out by means of computers or the Internet.¹

Cyber-crimes differ from ordinary crimes since they are easy to learn, require few resources and can be committed in any country without the offenders being present in a given jurisdiction. Most of these crimes are not clearly portrayed as illegal since most countries are yet to come up with legislation that rightly pinpoint them as crimes and the relevant sanctions to be sought.

Understanding Cyber Crime

Cyber-crimes cannot be looked at without including cyberspace an environment where cyber-crimes are committed on a daily basis.² Hackers have a way of going past set security barriers and getting to the heart of computer systems whose structures are then changed and operations modified in accordance to hackers’ schemes. Hackers may decide to take with them key elements in given systems. The Omni-presence of cyberspace has a way of undermining the relationship between an online activity and physical location.

In the event of a crime, most governments may neither be in a position to curb online misbehaviour nor have the physical jurisdiction to give set of rules for any eventuality. There is need for international backing to the initiatives that are put in place to curb cyber-crimes.

Though the East African Community is laudable in harmonizing cyber laws, there is need for boosting trust in e-commerce and increase in people dealing with cyber aspects and the law, and especially in the security agencies in Kenya.

² William Gibson, in his 1984 novel NUROMANCER, describes ‘Cyberspace’ as an environment within which computer hackers operate.
Cyber Crime Vis a Vis Traditional Crime

Cyber-crime can be described as a crime carried out through a computer or any other information transmission machine. Thus crimes in this realm are committed with the help of a data processing system or network and include website hacking, altering of records, credit card fraud, falsification of accounts, eve teasing via Short Text Message (SMS) and E-mail. Today, cyber criminals that indulge in cyber crimes are not driven by ego or expertise. Instead, they want to use their knowledge to gain benefits quickly. They are using their expertise to steal, deceive and exploit people as they find it easy to earn money without having to do an honest day’s work.

Cyber crimes have become a real threat today and are quite different from old-school crimes, such as robbing, mugging or stealing. Unlike these crimes, cyber crimes can be committed single handedly and does not require the physical presence of the criminals. The same systems that have made it easier for people to conduct e-commerce and online transactions are now being exploited by these criminals.

The attacks are sometimes a combination if amateurs and seasoned hackers who might just be doing it for fun, to prove a point or with a criminal intent.3

Some types of cybercrimes include: hacking, theft, cyber stalking, malicious software and child pornography and abuse.

Motive Behind Cyber Crime

The urge to know another person’s kept secrets as well as the power to make quick money without getting caught are some of the motivating factors behind cyber-crimes. Studies have also shown that people react differently when using or interacting with computers. They tend to act less responsibly since there is an aura of anonymity which makes one feel invisible and get away without being caught. Unfortunately cyber criminals get smarter by day increasing the vulnerability of key computer networks globally.

The impact of ATM fraud in Kenya is unclear as most cases go unreported. The Kenyan market is not safe haven as it is prone to syndicate attacks both local and foreign. However, reforms are underway as commercial banks migrate to ATM cards that use chip technologies as opposed to the magnetic strip. The Kenyan banking sector is in the road map to shifting to the Europay, master card and visa (EMV) chip and pin technologies.

Computer Related Crimes

People often compare the growth of the internet to the historic growth of other technologies, sometimes to suggest that the internet is the latest technological advance.\(^4\) Though the growth of the internet has various advantages, it is not short of setbacks. Crimes that are committed ordinarily have crept into the internet hence becoming a nuisance. For instance, theft of information, invading of privacy, auction of fraud, forgery, plagiarism, stalking, defamation, obscenity as well as trade related crimes.

Just like drug cartels, organised crime syndicates and terrorist cyber criminals have mastered the art of using high technology to sneak into cyber space and perpetrate computer related offences. The number of computer related crimes are on the rise today calling for governments around the world to join hands in investigating and prosecuting the emerging brand of techno criminals.

Cyber Terrorism

Understanding terrorism

For one to understand cyber terrorism it is important to have a general understanding for terrorism from its common understanding. The term terrorism emanates from the noun ‘terror’ which denotes extreme fear of that which has happened before or that which is bound to happen. Those who are affected become uncertain of exactly what may happen the next minute and in what manner it may take place and this in turn forces them to anticipate specific pain or danger.\(^5\) Terrorism is therefore premeditated violence that is intentionally carried out through omission and acts done to a group of civilians in furtherance of political or ideological objectives.

Distinction between cyber terrorism and ordinary terrorism

Cyber and ordinary terrorism are both criminal acts that are distinct. Ordinary terrorism is domestic in nature but can have international consequences however; cyber terrorism is a global issue which has both domestic and foreign consequences.

\(^5\) Cyber Terrorism And Information War, edited by Patrick Hess1st Ed, Anmola Publications PVT, New Delhi, p.6.
Cyber terrorism is an ‘intermarriage’ between terrorism and cyber space and mostly take the form of distributed denial of service attacks, hate websites, hate emails as well as destroying of sensitive computer networks. Cyber terrorism can also be said to be a premeditated politically motivated attack against information, computer systems and computer programs resulting in violence against targets that may be least aware of what may befall them. Just like ordinary terrorism, cyber terrorism could result in the destruction of infrastructure depending on the intentions.6

Dealing with Cyber Crime

Prevention of cyber crime
Most of the crimes which are committed online are as a result of information got from a victim. In order to put to an end most cyber-crimes, it is important that personal information be kept personal. Personal information may include details pertaining to credit card/bank account numbers, social security numbers, photos etc. since a lot of data can be lost through virus, computers should be updated with the latest antivirus at all times. It is also important to have a back-up system incase of loss of data.

Awareness building
Awareness programs should be held so as to educate the general public about basic information on cyber laws, general philosophy about cyber laws as well as enlightening the public at large about the impact of crimes carried out with the help of technology.

Setting up a cyber-crime investigation unit
In order to curb various cyber -crimes from taking place every day it is important to establish a unit which is determined to put an end to cyber-crimes. This will be appreciated more so because many criminals are becoming smarter in their tactics. The role played by the cyber-crime investigation unit if embraced will help law enforcers in the National Police Service to investigate crimes with ease. For cyber-crime investigation unit to achieve its objectives, key personnel have to be identified to man the unit effectively. The personnel have to undergo initial training to tackle issues that may arise.

6A.Nagpal (2001), Cyber Terrorism In The Context Of Globolisation (India, UGC Sponsored National Seminar On Globalisation And Human Rights)
Training
Training is the most crucial step when establishing cyber-crime investigation unit. It is important to identify the kind of training that needs to be undertaken by personnel assigned to the unit. Specialized training is paramount to setting up the unit. Constant training enables personnel to stay up to date with development of cyber-crimes. The National Police Service Should identify able persons who should be specially trained and assigned to the cyber-crimes unit.

Legal framework
Cyber as well as ICT security have not been taken seriously in Kenya, they have been ignored hence the cyber situation in Kenya is not going to improve. In order to have a sound and effective cyber environment the role of the Communications Authority has to be felt and the Kenya Communications (Amendment) Act needs implementation. On the other hand, there is need to create awareness amongst National Police Service officers, advocates, judges, prosecutors and the public.

Judicial response
In curbing cyber-crimes, the judiciary can opt to take a stringent approach. However it has first to deal with the jurisdiction issue before revoking its judicial power. In Kenya jurisdiction relates to the authority given to a court of law or any institution to hear or determine on matters of law.

Vigilant citizenry
The fight against cyber-crime should not be left solely to the government and its institutions. Citizens should be involved. The government needs to come up with incentives to lure citizens by offering monetary awards to whoever offers to support in the fight against cyber -crime. It is through this combined effort that the cyber-crime menace will be eradicated.
Conclusion
Technology is evolving at a rapid pace with each development posing challenges to individual’s privacy. For instance, mobile technology begun as way of transmitting verbal communication to sending short text messages services and is now highly improved upon to further electronic trade as well as exchange of vital information between individuals and organisations.

Cyber-crimes are modified daily calling for lawmakers, law enforcement agencies and the international community to fight back through the machinery of law. There is need to tailor ICT strategies that involve all stake holders in the public and private sectors. Cyber security is essential in protecting national security and economy.

Bibliography
Part 3
Society and Development
DEVELOPING KENYA’S MARITIME ECONOMY:
A CASE FOR CABOTAGE; POLICY, PROSPECTS & CHALLENGES

Col L. Gituma – Kenya Navy

Introduction

The surface of the planet is covered by approximately 71% of oceans. The world’s five oceans include the Atlantic, Indian, Pacific, Arctic and the Southern Oceans.¹ These oceans connect the nations of the world including the landlocked who use the littoral and coastal states as their ports. The oceans are critical to life as they constitute 95% of the biosphere. The oceans support life today by generating oxygen, absorbing Carbon Dioxide, recycling nutrients and also play a significant role in regulating climate and temperature. ²

The ocean provides and supports the global population with food and livelihoods and also carries approximately 80% of the world’s trade.³

The use of sea as a means of transportation for global trade is increasingly growing and with an estimated 93,000 merchant ships crewed by approximated 1.3 million seafarers and with 9.6 billion tons of cargo transported annually the importance of the maritime trade and its future potential signifies the growing importance of oceans as key drivers of global economy.⁴

Kenya has a coastline of 536 Km bordering the Indian Ocean, and a territorial sea of 12 nautical miles and an Exclusive Economic Zone of 200Km. The Country is also claiming an additional 150KM as the continental shelf.⁵ This surface area is slightly over the total land surface area of 31 out of the 47 Counties when considered in size from the smallest county in ascending order.⁶ This area of the sea and inland waters constitutes Kenya’s maritime domain which in terms of economic exploitation remains substantially underexploited.⁷

³Ibid.
⁴United Nations Conference on Trade and Development: Ocean Economy, opportunities and challenges, 2014
⁶Kenya Maritime Authority: From Land to Sea; New frontiers for development, Nairobi, 2014.
⁷Ibid.
Developing Kenya’s Maritime Economy

The Port of Mombasa is the transport and logistics hub for the region serving Kenya, Uganda, Rwanda, Burundi, Southern Sudan, Eastern DRC, Northern Tanzania, Ethiopia and Somalia. The collective population of this region is in excess of 200,000,000 people.\(^8\)

The port is well connected in the region, with over 33 shipping lines calling and providing direct connectivity to over 80 ports in the world.\(^9\) The Port plays a major role in facilitating trade and development of East and Central African region. Maritime transport accounts for 92% of transport mode for Kenya’s international trade. None of this cargo is carried by Kenyan owned vessels as there are none. A huge opportunity cost, which would have contributed immensely to the country’s Gross Domestic Product (GDP). Also, Kenya’s contribution to the global maritime sector is minimal and the country’s share of investment in shipping is less than 1% of the world trade. Whilst African owned ships account for about 1.2% of world shipping by number and about 0.9% by gross tonnage, not a single ship is registered in Kenya.

The biggest impediment to the development of the Kenyan maritime sector has been the skewed investments that have primarily focused on the port infrastructure while ignoring other maritime clusters. The first step Kenya should take for the development of the maritime sector is to eliminate the economic idleness of the sector through the formulation of policies and creation of investment regimes that facilitate the development of the sector as a whole. A good starting point for Kenya would be the establishment of a maritime Cabotage regime to ensure domestic participation in investing in the maritime sector.

**Maritime Cabotage Defined**

Maritime Cabotage may be generally defined as the movement of goods or passengers between two ports or places within the same state by an operator from another country.\(^10\) However, some states have extended the definition of maritime cabotage to include certain other related activities, like fisheries and offshore energy exploitation within a State’s territorial sea.\(^11\)

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\(^8\) International Monetary Fund; 2013
\(^9\) International Maritime Organisation. Annual shipping report 2013
Consequently, cabotage has come to be known as “coastal trade” or “coasting trade” or “coastwise shipping” meaning carriage of goods and persons by ships between ports along the same coast or between ports within the same country and the exclusive rights of a country to operate sea traffic or rail traffic. Maritime Cabotage is basically a protective law that safeguards the interests of local shipping in the carriage of locally generated cargo.  

**Maritime Cabotage Law and Policy**

The Kenya Merchant Shipping Act provides for Cabotage. The Act states that Subject to the provisions of any regulation or any treaty or agreement with any foreign Government, only Kenyan ships may be engaged in any local trade in Kenyan waters. From this definition, the concept of maritime Cabotage in Kenya goes beyond the carriage of goods and passengers and the exploitation of marine resources to include other maritime transportation services like towage, pilotage, dredging, salvage, bunkering and many other activities within the territorial sea.

**Prospects**

With the Port of Mombasa and Lamu port under construction through the Lamu Port, South Sudan and Ethiopia Transport Corridor (LAPPSET) programme, there are four other scheduled ports over 536km stretch of coastline in addition to navigable inland waterways. These provide good opportunity for a well-implemented Cabotage regime takeoff. The benefits to accrue to Kenyans if Cabotage Law is effectively implemented include but are not limited to ship ownership, chartering, brokerage, shipbuilding and repairs, trading and fishing. Activities in the marine operation will usher in carriage of cargo and passengers in the inland and coastal waters to the offshore exploration and exploitation of marine resources, both living and non-living. A well managed and sustainable Cabotage regime portends great benefits to Kenya and is capable of fetching up to over USD 500,000,000. This would be generated by way of registration fees, approvals. Developing a sustainable Cabotage regime should be premised on various policy and legal interventions. Such interventions could include for instance provisions that:

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13 Kenya merchant shipping Act 2012
In ship ownership, most of the cargo movement in Kenyan waters be by vessels owned or operated by Kenyans thus enhancing indigenous participation;

In chartering, the Charterer can either charter the vessel under a time or a trip voyage charter. Preference will be offered to indigenous vessels before the foreigners are allowed to participate. This will improve the Kenyan marine insurance market and also cargo brokerage will benefit under the arrangement;

In shipbuilding, not only employment, but also most of the requirements for off-shore platform installations and rigs will be fabricated from Kenyan industries. With this, there will be a guaranteed growth and protection of investment under the Cabotage regime;

The regime may also provide that any Kenyan who identifies a market place, may be in the supply of vessels, tug-boats, ship repairs, yard maintenance or any place a Kenyan identifies a market and has what it takes to provide that service when there are several Kenyans with the same capacity, then they will compete and if there is none and a foreigner has the capacity, then the waiver will be granted to allow the foreigner to do business subject to conditions that would be beneficial to ‘Kenyans, for instance, the waiver could be subject to the condition of providing cadet trainee positions on board foreign ships engaged in Cabotage.

Challenges

Despite the Cabotage being provided for in the Merchant Shipping Act in 2009, numerous challenges still bedevil an effective takeoff. They include; the lack of necessary regulations and policy to enable implementation and enforcement of the law;

Secondly, there is presently insufficient Kenyan merchant fleet to cater for the Kenyan Cabotage shipping. Thus, even with the inclusion of waiver, the bulk of the responsibilities of the indigenous vessel holders will have to be shifted to foreigners making the Cabotage legal regime to be ineffective and at the same time defeat the purpose the Act from the onset.

Thirdly, the infrastructure required for monitoring the enforcement of the Cabotage law is enormous. For example, amphibious aircrafts, patrol boats especially for the off-shore traffic areas which the implementing agency, Kenya Maritime Authority will need are very expensive. Therefore there will be a need for sharing of those responsibilities with the well equipped Kenya Navy before the KMA builds own capabilities.
Finally, shipping business involves huge capital. To promote indigenous participation in the Cabotage, it is imperative that the government commits and provides startup capital or funds indigenous stake holders in the industry to acquire ships.

**Conclusion**

The maritime sector plays a significant role in the social and economic development of Kenya. The country’s strategic location along the Indian Ocean coast, its inland waters and the port of Mombasa as a gateway to the Eastern and Central African hinterland endows it with opportunities and potential for transforming into a great maritime economy.

While the maritime industry comprises an important facet to the national economy as the driver of 92% of Kenya's international trade, its enormous opportunities are yet to be harnessed and exploited. It is only the foreign shipping lines which benefit from Kenyan maritime transport trade.

The establishment of Cabotage regime has worked for many maritime nations. For example United States of America industrialization was inspired by the Cabotage regime popularly known as the John's Cabotage system. It can work for Kenya if well implemented and revitalize the underutilized maritime domain. Therefore, the National Government and County governments along the coastline and those bordering navigable inland waterways and the maritime administration should put a concerted effort to ensure that Kenya is catapulted into the maritime world affairs by developing its maritime transportation sector in a way that assures benefits to the indigenous people. The benefits that will accrue to the economic development of Kenya from an efficient and effective Cabotage regime far outweigh the challenges faced by its implementation and monitoring. An efficient and affordable maritime transport will support increased economic activities as envisaged in Kenya’s Vision 2030, Kenya’s long-term national planning and development strategy. Developments in the maritime sector have to be in tandem with this Vision. The poor performance of the maritime sector as it stands is a major impediment to the competitiveness of the country’s exports and of its products in liberalized domestic market.  

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Bibliography


Kenya Maritime Authority: Maritime Conference ; *From Land to Sea; New frontiers for development*, Nairobi, 2014.

International Maritime Organization (IMO), 2012.


Republic of Kenya; State department of Transport: *Kenya merchant shipping Act* 2012


CORRUPTION AS A SOURCE OF CONFLICT: 
A CASE OF SOUTH SUDAN

Col C. H. E. Soko – Malawi Defence Force

Introduction

There was a protracted civil war in Sudan where the people of the South, now South Sudan, were fighting for self rule or independence from Sudan. Social injustice, poverty, cultural difference, political intolerance and identity were some of the motivating factors that ignited the civil war that led to millions of deaths and many more internally displaced. The South blamed the North for terror that was unleashed on the South Sudan under a unified Sudan. The blame game may go on forever between the two countries but this is irrelevant for now.

On 9 July 2011, South Sudan became the youngest country in the world. The people of this young country are presumably of the same identity and fought Sudan as one entity. However, it is worthwhile to mention that the Dinka and the Nuer people form the largest ethnic groups in South Sudan, which together account for 52 percent of the population of South Sudan.

Barely two years after independence, South Sudan plunged into turmoil. At the centre of the turmoil is massive state corruption and political instability within the ruling party of Sudan People's Liberation Movement (SPLM). There is also persistent tensions with Sudan over the sharing of oil revenues which left South Sudan deeply vulnerable to renewed conflict. The President of South Sudan, Salva Kiir accused Vice President Riek Machar of corruption, a revelation that came through the World Bank when Kiir wanted to secure a loan through the same institution.

The issue is that when Kiir was the Vice president of Sudan, Machar was the caretaker President of South Sudan before independence. Machar and some of his colleagues claimed they had accumulated their wealth before 2011; an issue Kiir dismissed as false. Kiir’s demand was that the money be surrendered to the government as per the recommendation of the World Bank. Kiir dismissed the Vice President and some of the Ministers who refused to surrender their wealth to the Government.

The President referred the matter to parliament who voted unanimously to

1 Gordon Buay, The implementation of Dinka Domination in South Sudan
have the matter picked up by the South Sudan Anti-Corruption Commission (SSACC). There were some officials who opted to return the money and were spared from prosecution but the Vice President and some of his close associates from the Nuer tribe refused to do so and opted to tussle the control of the government from President Kiir through arms. This is the genesis of the conflict in South Sudan.

**Ideological Differences**

There are undoubtedly some shortcomings in the formulation of the sources of personal aggressiveness and particular methods of training and management that would encourage the diversion of aggressive drives and effects from violent expression. The analysis of obedience aggression which is fundamental to the conduct of war is neglected. On the other hand, we can also learn and classify for example the kinds of experience that lead some persons to be more ready to be violent than others, what kind of elements of ‘innate’ or competitive aggression find outlet in specific violent acts, how defensive anxiety turns to willingness to harm others and what kinds of frustration promote aggression. As for small groups, large groups (political parties, mass media and bureaucracies) and the nation states, observation by small social psychologists on the behaviour of small groups in the conflict and cooperation certainly fascinates many scholars. Other scholars have shown that whenever small groups of persons are brought together in common and shared circumstances for a length of time, over a few days, they invariably develop a distinctive identity, a decided social structure with patterned interaction and mechanisms for accomplishing tasks and sense of pride and loyalty in belonging. This is heightened when the groups are faced with tasks that require working together to attain a common end. When groups are formed in such manner and come together, there is usually a conflict of interest. There is a process of comparison. Each group thinks it is superior to the other in a variety of ways; cleaner, brighter, more honest. They look at each other with suspicion as harbouring undesirable traits and elements of social distance is established between the two groups. And if such groups are brought into competition for prizes, honour or recognition, the invidious images become rapidly stereotyped. These stereotypes are remarkably constant among all sorts of experimental groups as nations in conflict.

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4 Ibid p.115
In virile self-image

Competing groups develop anxious concern for their status and prestige shown by the double symptoms of assertion of strength and fear of humiliation if there should be any retreat. For example, the concern of the United States leadership about the consequences for American credibility of any retreat from what has long been recognized as impractical objectives in Vietnam is another case in point5.

Military overconfidence

Sources of misconception in conflicts come with military overconfidence. It is paradoxical but true that exaggerated fear can be combined with military overconfidence. For example, the United States promised to pull out of Vietnam by 1966 but the war prolonged beyond that. The military overconfidence is particularly likely among professional soldiers although it may at times affect whole population and leadership6.

Instrumentalism

Instrumentalist approach focuses on the place of primordial identities in African conflicts, but in their relationships with domestic political structures and the role of human agencies. While it is a fact that primordial features exist (tribalism, ethnic culture and religion) instrumentalists argue that these features on their own do not naturally result in violent conflicts. Primordial factors instigate and affect conflicts only to the extent that they are deliberately manipulated and politicized by political actors and local elites, usually for their self-seeking advantages7. Elite co-optation aims at luring critics of the government into government and use the same personnel to silence critics with contracts or good jobs in the government.

Conflict resolution

In particular the traditional or mainstream pattern, comes with a basic assumption about the theory and causality of conflicts. It is an assumption rooted in the classical realist and behaviouralist notion that human behaviour, by consequence the behaviour of human organizations, institutions and states, is chiefly motivated by self interest.

It is pertinent to point out that the government of South Sudan exists in a global system as liberalists would point out that it is with full regulating institutions. The global regulations that guide the moral behaviour of actors (States) in their undertaking are the same regulations that have been overlooked by the government of South Sudan. To better resolve the situation in South Sudan, this paper will use three models: Systems, Environment, Players, Interaction, Simple (SEPIS) Visualization Map, Tip of the Iceberg (TI) Model and Solution Spectrum (SS) Continuum.

**Systems, Environment, Players, Interaction, Simple (SEPIS) Visualization Map**

The above diagram outline is the system that exists at the moment if not slightly more complicated than this. The players in the depicted diagram are the government of South Sudan and its internal system, from the Executive, Parliament, Judiciary and South Sudan Ant-Corruption Commission to the Society, Media and Non Governmental Organization all playing a part. The rebel group is the faction that is controlled by the former Vice president Machar with his possible allies; Sudan, Lord Resistance Army and Al Shabaab. Sudan, LRA and probably Al Shabaab are influencing Machar faction to continue
resisting and frustrating South Sudan efforts of peaceful solutions to the whole saga. However, this breakaway faction is also in direct link with the AU and IGAD for the sake of mediation.

Those who are directly interacting with South Sudan are the African Union (AU) and East African Inter-Governmental Authority on Development (IGAD) which includes Kenya, Ethiopia and Uganda. Not in direct talks with South Sudan is the European Union and the United States who have opted to encourage the Regional groups like AU and IGAD to conduct mediation between the two factions. The United Nations, through its Head of Mission in South Sudan is exerting pressure on the Government and the breakaway faction to reconcile. This a good example of an inter conflict that has internationalized because of the various external actors who are involved in the lasting conflict resolution.

Corruption

It is no secret that the main source of the conflict in South Sudan is corruption as stated earlier. However, this is possibly what could be observed on the surface, as there are more valid reasons why corruption is rampant in South Sudan which may include individual economic empowerment, unequal distribution of national resources, poverty of the masses, uuncertainty of the future of the Government and selfishness.

Tip of Iceberg (TI) Model

This TI model stipulates that Individual economic empowerment is all that people can see that led to conflict in South Sudan but below that could be yearning for state power and many other things. According to President Kiir, corruption is the centre stage of the conflict in South Sudan.

The TI model shown above has given a solution to one of the reasons for corruption. As for unequal distribution of wealth, the government has to use Parliament to vote for developmental projects for each state in the short term to ensure transparency. In the medium term, the government has to deliberately allocate funds for infrastructure development according to population ratios while in the long term the government has to create an investment friendly environment.

**Solutions Spectrum (SS) Continuum:**

![Solutions Spectrum (SS) Continuum](http://www.thinking.net/Systems_Thinking/OverviewSTarticle.pdf)

The SS continuum diagram has two main divisions; one on the left which suggests reuniting the torn apart ‘South Sudan and the right side that suggests federalizing South Sudan. According to Daniel Aronson who developed the SS Continuum model, he analyses the present system in the Government of South Sudan by all the elements of “Reunite South Sudan” section. He also suggests the way forward by all the elements of “Federalize South Sudan” on the right of the SS Continuum. From the problems that were identified in the TI model, some of the short and medium term solutions are found on the left side of the
continuum diagram. Some of the suggestions on the left side of diagram are strengthening the independent of the SSACC, support the independence of the government arms and job creation to end poverty. However, the right side of the spectrum is possible solutions to the TI model problems in the long term. The suggestion is to have a federal South Sudan which calls for new elections, conduct of truce and reconciliation to bury the old hatchets and start afresh and creating a transitional government while seeking a fresh mandate of office.

It is worth pointing out that the three models work together. The SEPIS map identifies the actors in the conflict which includes those trying to bring peace to South Sudan. On the other hand, the TI model identifies the possible sources of conflict that the eye can see. However, there is also a need to identify what lies deep down under to find out the hidden bigger sources of conflicts which makes the TI model useful. Finally, the SS continuum analyses governance systems and identifies gaps. At the same time, the SS continuum focuses and suggests futures solutions to the present situation.

**Conclusion**

The disagreement of two individuals, Kiir and Machar has been reconstructed to be the conflict of the Dinka and the Nuer. The National military has been split to follow their leaders Kiir and Machar. What seems to be the internal conflict has been internationalized because of the actors that are involved in trying to resolve the conflict. Both sides of Kiir and Machar think that they can win the war through violent means but that has just prolonged the conflict and displaced many citizens of the South Sudan both internally and externally.

**Recommendations**

- Truce and reconciliation to give chance to the people of South Sudan to collectively reflect on the future of their country.
- Strengthen the powers of the Anti-Corruption Commission and make it independent.
- Support the independence of the three arms of Government ie Executive, Judiciary and Legislature.
- Create more jobs with tax break incentive to companies that are doing well so they can expand to other states to create more jobs.
- Align the country to the super power.
- Elections to give a fresh mandate to the new president of the South Sudan
- Amnesties should be given to all members of the conflicting parties.
Transitional government to be in place so that the country prepares for new elections and those who are in the transition government should not contest.
• Truce and reconciliation should take place so that the country should start afresh.
• Constitutional review process to take place to strengthen the Constitution.
• Federal system of government should be considered to equally develop South Sudan states.

Bibliography
http://www.southsudan.net/theimp.html.
Source: http://www.thinking.net/Systems_Thinking/OverviewSTarticle.pdf.
ROLE OF THE MEDIA IN CRISIS SITUATION: 
A CASE STUDY OF KENYA

Col D.F.O. Mcokech – Kenya Defence Force

Introduction

Media is a source of information which can be used by the public to disseminate both educative and general information. It can also be used to keep people informed during a crisis situation, to the extent of how they will be affected by a crisis. This is underscored by the accuracy, neutrality, balanced and fair reporting. On the other hand, media can act as an accelerator or decelerator to a crisis situation, by providing both positive and negative information to the public. Examples of media roles in a crisis situation include; crisis responsibility towards the public, information provider and interpreter, as a watchdog, a gate keeper, a policymaker and a diplomat. This article attempts to examine some contributions of media in crisis situation in conflicts and the extent to which media involvement shaped Kenya’s public and policy makers’ perceptions during crisis situations.

Overtime, the Kenya media has improved its effectiveness and efficiency through technological advancement in information communication technology (ICT) which has led to digitization making the world a global village. The digitization of the news industry, has facilitated compression of space and time, through which news, images of demonstrations, riots or coups are obtained within minutes of their occurrence. Since disasters are a significant source of news and capture the attention of populations worldwide, the media provides tremendous visibility for disaster-related issues and, if used properly, can aid the process of disaster management. There are various types of media. The radio is the most popular and widespread information tool used in disaster management due to its affordability and widespread reach. Radios are more readily available in homes, cars, schools and at the workplace and can quickly and easily transmit information to the public. The radio takes information directly to people from all walks of life, quickly and easily, even to the very poor in the most remote rural village of Kenya.

Crisis responsibility of media toward the public

Communication scholars, have recently pointed the importance of attribution for understanding organizational crisis responsibility. Noting that crises are events that will elicit a search for attributions, that is, the public seeking to assign responsibility for the crisis, they have assumed that different crisis types lead to different degrees of crisis responsibility, which in turn require different strategies of crisis response.

In other words, as attributions of crisis responsibility increase, crisis managers should use strategies of crisis response that progressively accept more responsibility for the crisis. Therefore, they argue that accepting crisis responsibility on the part of the organization must be consistent with the people’s attributions of crisis responsibility. The basic assumption that people’s perception of crisis responsibility depends on a particular crisis type overlooks the influence of news coverage on people’s perception, given that through the mass media, people pay attention to the crisis event and make a judgment about organizational responsibility. In particular, in a situational crisis, the mass media have a primary role in letting people know about a crisis, and people are likely to seek causal attribution in a negative and uncertain situation demanding crisis-related information in the media. Media can therefore be seen as an informer to the Kenyan public within the shortest time and everywhere regardless of where the crisis is.

Media as Information Provider and Interpreter

The media provides people with important information about their environment (political, cultural, social issues) and respond to more imminent problems. At least, people make decisions whether to dress for warm or cold, choose political leaders to vote for in elections, and judge other groups in society based on the media. The media interpret events beyond our physical realm and help us make sense of them. With the improvement of technologies and the advancement of new media such as the internet, media plays an increasingly more prominent role in our daily communication and entertainment.

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The media is supposed to provide information to Kenyans during elections. During the 2007/8 post elections violence, the Media Monitoring Unit in the Ministry of Information and Communication asked Kass FM to explain why they were barring members of the Kalenjin community from disclosing whatever they knew about the post-election violence.

**Media as Watchdog**

The media sometimes acts as a third party ‘watchdog’ that provide feedback to the public on local problems. It can bring hidden stories out into the public, and investigative reports which can unearth public problems, such as; US journalist uncovered exposed a veteran’s hospital that was dilapidated, rat-infested, and uncaring. This highlighted a problem of how US soldiers are treated before and after their time in the US military.

In Sierra Leone, a video depicting the serious impacts and extent of sexual violence has instigated discussion on the impact of the civil war in that country. The film, titled “Operation Fine Girl”: Rape Used as a Weapon of War in Sierra Leone, was produced by human rights activists with the International Non-Governmental Organization (INGO). This is another clear illustration on the role of media on crisis which exposes the unacceptable situations triggering positive action to address the crisis. The media role as watchdog remains important to the public and this is why even in Kenya, in the past, debate on media regulation, ownership, ethics and professionalism has been on the increase. The concern generally is that Kenya’s media may not be fulfilling its social responsibilities. This debate however has not been based on any specific academic assessment of the media and its relationship to the Kenyan society.

**Media as a Gatekeeper**

The media can also act as a gatekeeper that sets agendas, filters issues and tries to maintain a balanced view. Media portrays themselves as ‘balanced and fair,’ even when they seek privately to promote a particular ideological set of ideas and limit the public’s exposure to a wide array of information. In 2006, a cartoonist in Denmark created international conflict with a message about Muslims.

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8 Mwagiru, M. (2009), Foreign Policy and the Diplomacy of Conflict Management in Kenya: A Review and Assessment; African Review of Foreign Policy, Vol 1, No. 1
The tensions experienced globally prompted extensive analysis on how and when media professionals should act as gatekeepers to prevent certain expressions that could be deemed humiliating or offensive to some groups.\(^9\) This is a pointer on to how media can also be a source of crisis in its role. This phenomenon ultimately influences how media will behave in any society. The rise of popular culture as an important element of contemporary media is difficult to ignore. Nevertheless, knowledge of the various factors that influence media behaviour can provide a compass in a difficult debate. For this reason media needs to act carefully as a gate keeper to filter what goes in and out of the gate to ensure harmony in the society in order avoid being a catalyst or a cause to the crisis.

**Media as Policymaker**

The media has influence on policymakers, particularly as they think about how to prevent and respond to violent conflict.\(^10\) The media is also a tool of policymakers to put across their message. Some theorists even claim that CNN has taken over policymaking at least in humanitarian disaster situations. Images on CNN of genocide, famine, and violence force policymakers to intervene militarily to stop death, even if they do not think it is in the best interest of their country to adopt this policy.

Similarly, in Kenya, this manifested with the liberalisation of airwaves in the early 1990s which created opportunities for a more diverse media playing field.\(^11\) The number of voices and perspectives in the media also grew while government control of the sector decreased. Before this, many Kenyans could only tune into the one, government owned radio and television station. The Kenya Broadcasting Corporation (KBC), and its predecessor the Voice of Kenya (VoK), was therefore more of a government mouthpiece than a public space where citizens’ voices could speak on a range of issues. The liberalization made it possible for public to air their opinion from different parts of the country and on different issues with little censoring as was the case before liberalization of the airwaves. This eventually influences policymaking.

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\(^9\) Ibid Vol. 7 No. 3


Media as a Diplomat

In Kenya, media is sometimes used to cover diplomatic initiatives and send messages back and forth between sides of a conflict. While policymakers usually prefer secret negotiations, sometimes there are no direct channels of communication.12 If one side wants to test reactions to a negotiation proposal, they may send messages and signals to other groups through the media. At times, the news media will invite leaders of opposing groups or nations onto a TV or radio program to talk with each other. The media may help to create bridges among enemies and build confidence needed to start negotiations.13

Media events can be used at the beginning of negotiations to build confidence, facilitate negotiations or reduce diplomatic deadlocks to create a climate conducive to negotiation. Media events such as press releases, rock concerts, or radio programs can be used to celebrate peace agreements and negotiations. The media events may help to promote and mobilize public support for agreements.14 The media can promote positive relationships between groups, especially in conflicts of national, ethnic or religious identity.

Role of the media played in mitigating peace and security

Recently, a study was conducted to examine the role of the media in mitigating peace and security in Kenya and stability in the volatile Horn of Africa and the Great Lakes Region.15 Majority of the respondents indicated that writers of the media condemned the violence. The media has a role to play in maintaining peace and security as shown by the public’s trust in the media evidenced by most of the respondents agreeing that live call-in programs increased rumors and that closedown of media increased fear/anxiety.16 Majority disagreed that, the media increased Post Election Violence (PEV) and was responsible for fueling PEV, ban on live media coverage increased the violence, closedown of media increased displacement, vernacular radio stations should be closed down and finally disagreeing with government’s decision to ban live media broadcasts.17

12 Mwagiru, M. (2009), Foreign Policy and the Diplomacy of Conflict Management in Kenya: A Review and Assessment; African Review of Foreign Policy, Vol 1, No. 1
15 ibid
The role of media here was clearly to keep the public updated on every event that was taking place at any given time.

Most of respondents said that the media framed the violence as being ethnic while a few felt it was an ethnic cleansing. Some of the media felt the election violence was avoidable while others said it was unforeseen and inevitable. Some of the respondents blamed party leaders for the violence while others blamed the state and the police, militia and vigilante groups and ethnic groups. The media was found not responsible for fueling or increasing post-election violence as majority disagreed that the ban on live media coverage increased post-election violence and that close down of media increased displacement. When live media coverage was stopped it turned everybody blind and raised anxiety, people got confused and did not know what to do next. This fact emphasize the importance of media during crisis to minimize anxiety.

As for the extent to which ideological interests of media owners and the dominant political class influence reportage during the post-election crisis, it was found that the media was not under influence by the owners or politicians as reported by most media houses. Reporting covered place happenings of important nature as News headlines, Splash news, in front pages, inside pages and back page.18 The media also reputed that it is slanted towards a particular political side or a particular ethnic community and indicated that articles and headlines of the media were accurate, fair and balanced as opposed to being provocative and alarming. It was also disagreed that the media had evidence of conflict of ethnic interest(s). The media should always remain transparent, factual, accurate and above all, neutral.

Compliance with the provisions of Article 19 of the Universal Declaration of Human Rights

With regards to Article 19 - Universal Declaration of Human Rights which states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”, media practice complied with these provisions as evidenced by the majority of the respondents who said that the media gave accurate, fair, balanced and impartial coverage of election violence and that the media did not contain hate speech nor propaganda messages. Majority also disagreed that the media showed in-house bias or support for particular ethnic communities or even closure of the vernacular radio stations.

18 ibid
The fact that closedown of media increased fear/anxiety is an indication that the public felt their right was being violated such that even after the ban on media, people still reported that their source of information was CNN while others relied on the internet and BBC respectively. Media plays a crucial role of passage of information and update in any crisis situation, this is why in Kenya during PEV when live coverage was banned, people still had to get alternative sources to remain updated.

**Conclusion**

The Kenyan case provides to some extent the indicative role of the media in crisis. Writers of the media condemned the violence while majority of the respondents felt that closedown of media increased fear/anxiety during the post-election time and also disagreeing that the media was responsible for fueling and increasing PEV. With majority disagreeing with the government's decision to ban live broadcasts and that writers misrepresented the factual and accurate position of the election violence and focused on issues of ethnicity rather than on the important issues of what caused the violence and finally that media had evidence of conflict of ethnic interest(s), it indicates that the media has an important role in crisis as further shown by the fact that the media indicated they air all categories of stories (Election violence, Land Issues, Constitution and Corruption) which mainly causes instability. The media reputed that titles/headlines of articles were provocative and alarming.

The study concludes that the media role in crisis situation is very crucial and important as it keeps the public informed and updated. Media plays many roles during crisis such being responsible to the public, information provider/interpreter, watchdog, gatekeeper, policymaker and diplomat. All these point to the fact that during crisis, the public must be informed, and certain decisions be based on the media information. Media as gatekeeper filters information that goes to the public and vice versa to maintain harmony. It also influences policymakers towards a particular direction. Media as diplomat creates conducive environment and brings people together for negotiation. In Kenya's post election violence the role of the media was positive to the public as it kept them informed of what was going on at every stage. It can be concluded that the media contributed mainly positively and this is why people had to look for alternative sources of information during ban on live coverage.

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Bibliography


IS LEGISLATION ADEQUATE TO FIGHT SOCIAL ILLS?
A CASE OF KENYA

Elema Wario Saru, HSC – Kenya Wildlife Service

Introduction

The Constitution of a democratic state guarantees freedom but individuals are required by the same constitution to live in obedience to one’s conscience and free will. However, the state has legislative responsibility against what the society considers evil and detrimental to its survival. Legislation is important in fighting social ills such as prostitution, drug abuse and corruption but it may not be adequate. Though some behaviour are considered evil, many members of societies of the world including Kenya, engage in these vice and studies as well as news reports have shown that the vices are on the increase.

When one samples the Kenyan media, social ills especially prostitution, corruption, drug abuse are constantly reported to be on the increase. This is because these social evils have deeper causes that need to be addressed in order to control and minimize their prevalence. The social ills have detrimental effects on the society, that if not contained will endanger the survival of human race.

Anti-social ills activists have been reported in the media calling for safe sex through use of condoms and curbing of other ills. Also, an M.P. was reported in the media to have been arrested by the Kenya Anti – Corruption Commission in the month of July, 2013 soliciting for a bribe in order to give a Constituency Development Fund contract to an applicant. Prostitution, Corruption, Drug Abuse and other social ills have been outlawed in many countries including Kenya. However, despite the efforts of law enforcement the vice has been on the increase. This article discusses the purpose of the law in curbing the vice, the prevalence of the social ills as an indication that laws alone may not be adequate to curb the vice and recommend measures that may supplement the law in the fight of the social ills.

1 Fortunate, E. and Rugene, N. Declare drug abuse a national disaster: Senate. The Standard Newspaper, 2013, July 7, Nairobi, p. 28
Legislation

Laws are rules and regulations that govern the behaviour of people who live within a given jurisdiction as formulated by the representatives of the people. By - laws are also rules and regulations enacted by the local legislature and are applicable to the residents of the Local area. Life without laws in a society is untenable especially in capitalistic societies where the gap between the rich and the poor is high. As Barkan notes, law is important for the society for it affects human behaviour and governs many aspects of life. For example, the traffic law stipulates how vehicles are driven including speed limit and the general behaviour of the traffic on the road. Similarly the law determines contractual agreements, education, health, agriculture and how other sectors are governed.

The importance of laws in creating social order without which the society would be chaotic cannot be gainsaid. Without criminal law and the criminal justice system, there would be much more crime in the society and social order is threatened through individual and organizational disputes which they cannot resolve and the law provides an avenue for resolving through the judicial process.

Another important function of the law Barkan points out is that laws guarantees rights and freedom in democratic societies. This principle is enshrined in the constitution through the bill of rights in many democratic states. The ‘rule of law” is an expression which means that there is no person who is not subject to the law in a democratic society. The law also expresses the society’s moral value and reflects a society’s value system and transmits those moral values from one generation to another.

Social evils in societies are controlled through legislation and in Kenya the following laws govern the conduct of individuals in the society: The Narcotics Drugs and Psychotropic substances (Control) Act No. 12 of 1994 which addresses harmful drugs like bhang, opiates and barbiturates. The Children Act Cap 586 Laws of Kenya, The Penal Code Cap 63 Laws of Kenya and The Pharmacy and Poisons Act Cap 244 Laws of Kenya. Others are The Criminal Procedure Code Cap 75 Laws of Kenya, The Traffic Act Cap 403 Laws of Kenya and finally the supreme law, the Constitution. Despite all these laws social ills are yet to be contained as shown by the continuous news reports in both print and electronic media in Kenya.

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Corruption

There will be terrible times in the last days. ... Lovers of money, boastful, proud, abusive, disobedient to their parents, ungrateful. ... Unforgiving, slanderous, without self control, brutal, treacherous ... Always learning but never able to acknowledge the truth.⁴

The Biblical quotation exhorts Timothy how knowledge of the truth will empower people to be free from all forms of behaviours which enslave people including corruption. Corruption involves dishonest and irregular transaction of official business for direct or indirect personal gain and perpetuated by individuals in formal position of authority either in public or private, independently or in collusion with clients. Mwiti defines “corruption as a deviant behavior motivated by the spirit of private gain at the expense of the public where the advantage could be monetary or otherwise for the corrupted or relatives, friends, clan or ethnic member”.⁵ For example, when a recruiting officer accepts a bribe from a potential recruit, a gift from a relative of a candidate or tribesmen, the officer has committed an offence of corruption.

Corruption is believed to have started at the beginning of human history in the Garden of Eden when according to the Bible Adam and Eve disobeyed God for a benefit and ate the forbidden fruit. Since then human society has been seen to be corrupt. Corruption in Kenya according to Chweya fall within two categories: “inducement and fraud where inducement is often a reward offered to perform an irregular act for the benefit of the client and fraud is a high value transaction in cash or kind usually involving senior public servants”.⁶ The ever increasing evil of corruption is evident as shown by the numerous cases of corruption in the Kenyan society.

A study by Waithima reported by Gathura shows that in Kenya there are 82.5% Christians, 11% Muslims and 6.5% others. The 82.5% Christians, 47.4% are Protestants and 23.3% are Catholics. The survey showed that Catholics in Kenya are more likely to offer or accept a bribe than people of other faiths. 87.2% of Catholics managers gave a bribe in comparison to 78.8% of Protestants and 66.7% of Muslims. He also undertook a study of University students in Nairobi and established that religion is the cure to the corruption cancer in Kenya and that “there are many causes of corruption and an individual’s religiosity have been established as a significant factor globally”.⁷

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⁴The Holy Bible, (2 Timothy 3: 1-5, 7)
⁵Mwiti, G. K.: When the best is corrupt, Aliki Printers and Stationers, 2003, Nairobi, P. 15
The causes of corruption are many, namely, tribalism/favourism, political patronage, moral decay, lack of training, poverty, land issues, money factor to mention but a few. The impact of corruption in the society and the state is grave for the populace is denied goods and services they paid for through taxes. The result is poverty, poor economic performance, infrastructure decay lack of employment and jobs, reduced life expectancy, insecurity and many more.

Prostitution

Prostitution is human behaviour where sex is used for a gainful activity usually by the female gender. Though the term ‘prostitute’ usually refers mainly to the female gender, the male gender is also a principle offender in the commission of the prostitution offence in the eyes of the law. In the patriarchal society like Kenya, prostitution appears to be a female trade for they are the main beneficiaries from the monetary point of view. That notwithstanding, from the moral point of view though women are the material beneficiaries from prostitution, men are equally guilty of the offence. This is because, without the male participant prostitution cannot occurred and normally it is the male who solicit for the service. The law therefore, must arrest both parties if the social ill of prostitution is to be contained. Unfortunately it is only the female who is targeted and arrested by the law enforcement agents.

As a result, despite the existence of laws and their strict enforcement, the social ill of prostitution is on the rise. A look at the daily newspapers of Kenya by the writer shows numerous incidences of prostitution. For example, Makiche reports how teenage girls in Bomet County turn to commercial sex to make ends meet.\textsuperscript{8} Otieno also narrates how pre-material sex pushes ignorant youth to unsafe abortions.\textsuperscript{9} Makiche further narrates a story of women lamenting how alcohol and sex trade is wrecking families still in Bomet County. Kabonge argues that prostitution being the oldest profession in the world cannot be stopped by chasing prostitutes from the streets of urban centres. He justifies prostitution as an alternative for men who have been forced to live in boring marriages or those who do not have partners.\textsuperscript{10}

\textsuperscript{8} Makiche, E. Teenagers turn to commercial sex to make ends meet. The Standard Newspaper, (2013, July 6), Nairobi, p.26
\textsuperscript{9} Otieno, J. Pre-marital sex pushes ignorant youth to unsafe abortions. The Standard Newspaper, (2013, July 6) Nairobi, p.26
\textsuperscript{10} Kabonge, K. Legalizing prostitution could be a better and more practical solution, The Standard Newspaper, (2006, June 1), p. 26
The oldest trade in the world, prostitution has been noted to be caused by illiteracy, parenting failure, family unit breakdown, and moral decay. Other causes include, traditional values breakdown, adolescence pressure and poverty to mention but a few. Poverty and livelihood is the main reason why prostitutes engage in the vice according to the prostitutes who were arrested during law enforcement operations to remove prostitutes from the streets of urban centres. Though no study has been done to establish whether poverty is the major cause of prostitution, experience has shown that majority of those who engage in prostitution are poor women in urban areas.

Drug Abuse

Drug abuse is the use of drugs for pleasure reasons until the user is addicted to it and cannot do without. Craving is the effect of drug abuse making it a medical condition that requires long term treatment. Addiction is an alteration of the normal body function making it necessary for the presence of that drug to prevent withdrawal syndromes. “The victim goes through stages of excitement, repetition, confusion, dependency, tolerance and finally reaches the plateau stage which has a withdrawal effect and if a drug abuser fails to get the drug addicted to, then the person does not function normally,”11 notes Ndirangu.

The National Campaign against Drug Abuse (NACADA) defines “drug as any chemical substance which when taken into the body will modify or alter the way the body functions from its normal state or from the abnormal to normal. It may be taken orally, swallowed, chewed, sniffed, smoked or applied”.12

There are both legal and illegal drugs depending on the country. The mainly abused drugs in many countries including Kenya are alcohol, tobacco, bhang (marijuana), miraa, inhalants and prescription medicines. Hard drugs like heroin, cocaine and mandrax are taking root in many countries. NACADA classifies miraa as a drug but many Kenyans, especially those in miraa business disagree and currently a debate is going on after it was banned by Great Britain. Scholars report that bhang affects women and men differently. It affects women by damaging the ovaries making child bearing difficult for they are unable to carry the pregnancy to full term and reduces milk production. In men it is alleged low sperm count is common. Bhang (marijuana) is the most commonly abused drug world over. However, sniffing of glue or paint thinner is reported to be increasing among the youth. NACADA notes that “alcohol is

the most widely used drug in Kenya with beer in 36% of the cases, wine 17%, spirit 13%, changaa (local brew) 13% and other local brews at 6%.”

A study by NACADA show that the main causes of drug abuse in Kenya are “advertisements which lures especially the youth, persuades, convinces and conditions people to the use of drugs.” Advertisements recruit users especially the youth who are naïve to the dangers of drug use. In Kenya the debate on whether to advertise drugs or not has been ongoing for quite a while. Possible causes of drug use and abuse especially among teenagers include peer pressure, lack of effective parenting breakdown of family unit, stress, and decay of value system among others.

In addition, indications of drug abuse increase in Kenya are shown by the ever increasing reports of drugs use and abuse especially amongst the youth in the media. For instance, the Kenyan Senate debated how drug abuse has become an epidemic destroying the lives of many young people and the Senate wants it declared a national disaster. The Senate called for the declaration of alcohol and drugs abuse a national disaster which will make it easier for authorities to focus and deal with the problem.

Drug abuse especially the hard drugs is rampant in cities and urban areas and if not arrested it is spreading to rural areas as well. Drugs affect the quality of education because alcohol, bhang, cigarettes, miraa, cocaine and heroin are widely used in Kenyan schools. Law enforcement officers who are entrusted with curbing drug abuse are reported to be colluding with drug barons for they benefit from the drug proceeds.

**Recommendation**

Laws are important in fighting social ills like prostitution, drug abuse and corruption, but the vice is on the increase and that means legislation alone is not enough to control the social ills. Laws need to be supplemented by religious institutions and communities playing their role. Faith based organizations need to use their material, human and moral standing in the society to advocate for elimination of social ills among communities.

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14 Ibid
Faith based and Non Governmental Organizations to provide counseling, treatment and rehabilitation services to supplement government efforts to social deviants, and above all provide solution through alternative income generating ventures especially for those who engage in prostitution as a result of poverty. Education and training is needed in order to sensitize the public especially the youth on the dangers of drug abuse and prostitution as a means to the spread of HIV/AIDS. Social ills awareness programme is introduced into the school syllabus and continuous education courses on the vices at the tertiary level. The media is used to cover and tell stories about the social ills, motivational speakers to speak about the subject, encourage peer counseling groups, identification and eradication of sources of the ills.

Poverty is a major cause of most of the social ills especially prostitution. To eradicate poverty the economy of the country must grow at a reasonable rate and people find employment and jobs to cater for themselves and their families. For the economy to grow the country needs good governance which upholds democracy, human rights, accountability, transparency and rule of law.

**Conclusion**

Laws are important in the fight against social ills like prostitution, drug abuse and corruption but not sufficient. There is need to supplement laws with other soft measures that the victim will easily accept and abandon the vices. Some of these measures are inclusion of social ills lessons in the school curriculum, economic development, good governance, creation of employment and the fight against the social ills to be all inclusive (women, youth, the disabled, political leaders, parents, community leaders, NGOs, religious and cultural leaders). Laws are important in the fight against social ills but inadequate.

**Bibliography**


Mwiti, G. K : When the best is corrupt, Aliki Printers and Stationers, 2003, Nairobi.

Kabonge, K. legalizing prostitution could be a better and more practical solution, The Standard Newspaper, (June 1, 2006), Nairobi.
Makiche, E. Teenagers turn to commercial sex to make ends meet. The Standard Newspaper, (July 6, 2013), Nairobi.
Menya, W. and Tatu, Z. Anti – graft values to be taught in schools. The Daily Nation, (November 18, 2010), Nairobi.
Mutua, M. Kenya signs deal to join anti- corruption academy. The Standard Newspaper, (September 9, 2010), Nairobi.
Otieno, J. Pre-marital sex pushes ignorant youth to unsafe abortions. The Standard Newspaper, (July 6, 2013), Nairobi.
POVERTY, HUNGER AND FOOD INSECURITY IN AFRICA

Tobiko N. Nayioma - Ministry of Interior and Coordination of National Government

Introduction

The United Nations Food and Agriculture Organization estimates that 239 million people in sub-Saharan Africa were hungry/undernourished in 2010 (its most recent estimate). 925 million people were hungry worldwide. Africa was the continent with the second largest number of hungry people, as Asia and the Pacific had 578 million, principally due to the much larger population of Asia when compared to sub-Saharan Africa. Sub-Saharan Africa actually had the largest proportion of its population undernourished an estimated 30 percent in 2010, compared to 16 percent in Asia and the Pacific.1 Thus almost one in three people who live in sub-Saharan Africa were hungry, far higher than any other region of the world, with the exception of South Asia. In 2008, 47 percent of the population of sub-Saharan Africa lived on $1.25 a day or less.2

One of the biggest challenges predicted to affect food security in Africa is climate change. Due to the fact that 95 percent of Africa’s agriculture is rain fed, the already fragile agricultural sector is extremely vulnerable to climate change. Higher temperatures and an increased frequency of extreme weather events, such as droughts and floods, eventually lead to a decline in agricultural output. The ability of African states to reduce vulnerability and strengthen the resilience of their agricultural sectors appears to be hampered. Major factors contributing to this are limited human and institutional capacity, and a lack of appropriate policy coordination and coherence.

Food insecurity in Africa

Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.3

What is specifically African about food insecurity? While the concept and scope are quite universal, each continent has its own reality. For instance, in

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certain countries in Latin America food security has taken on the meaning of food sovereignty. Africa too has its particular realities. These include, to name but a few: High population growth rates (a burden because the cake has to be divided among more people);

A young population (which could potentially offer an economic dividend in the coming decades); A high percentage of food produced by women (many of whom are poor but very resourceful); A highly diverse ecology (which poses particular challenges in terms of an agricultural ‘revolution’).

The current problems related to ensuring food security are influenced by a myriad of factors, the most prominent of which are worse and more frequently occurring droughts, the high prices of local food due to high input costs and high food prices on international markets and the low purchasing power of the majority of the population caused by poverty. Problems are also caused by the system of global agricultural trade and forced liberalization, which have proven disadvantageous to the development of poor nations.

Food security is directly related to human rights. International human rights agreements establish three basic obligations: to respect, protect and fulfill human rights. The protection of food security is most commonly connected with the right to food, which is established in Article 25 of the Universal Declaration of Human Rights (1948).

Causes of Hunger and Poverty in Africa

In general, the principal causes of poverty are harmful economic systems, conflict, environmental factors such as drought and climate change, and population growth. Poverty itself is a major cause of hunger. All are very important as causes of poverty and hunger in sub-Saharan Africa.

Poverty

Poverty is the principal cause of hunger in Africa and elsewhere. Simply put, people do not have sufficient income to purchase enough food. Conflict and drought, for example, are certainly important causes of hunger, but the most typical situation is that people just do not have enough income to purchase the food that they need—they could be starving in some slum somewhere, for example. As noted above, in 2008, 47 percent of the population of sub-Saharan Africa lived on $1.25 a day or less, a principal factor in causing widespread hunger.

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Harmful economic systems

Hunger Notes believes that the principal underlying cause of poverty and thus hunger in Africa and elsewhere is the ordinary operation of the world's economic and political systems. Essentially control over resources and income is based on military, political and economic power that typically ends up in the hands of a minority, who live well, while those at the bottom barely survive. One way that those in positions of power obtain income is through corruption. The 2011 map of perceived corruption worldwide done by Transparency International (2011) shows that many sub-Saharan African nations are viewed as corrupt.

Conflict

2011 saw suffering on an epic scale. For so many lives to have been thrown into turmoil over so short a space of time means enormous personal cost for all who were affected. We can be grateful only that the international system for protecting such people held firm for the most part and that borders were kept open. –Antonio Guterres, UN High Commissioner for Refugees.5

Conflict is a principal source of human misery, including poverty and hunger. Poverty rates are 20 percentage points higher in countries affected by repeated cycles of violence over the last three decades. Every year of violence in a country is associated with lagging poverty reduction of nearly one percentage point. People living in countries currently affected by violence are twice as likely to be undernourished and 50 percent more likely to be impoverished. Their children are three times as likely to be out of school. Countries with serious human rights abuses or weak government effectiveness, rule of law, and control of corruption have a 30 - 45 percent higher risk of civil war, and significantly higher risk of extreme criminal violence than other developing countries.6

The threat of death and serious injury resulting from conflict can result in such a desperate situation that people leave their homes. This is in spite of the fact that this requires leaving nearly everything behind: house and land, sources of income, and most possessions, becoming uprooted from the place where you have lived (which was home and loved), to go--typically a journey of great danger--in search of a better alternative, which is usually a very bare bones refugee camp or other marginal situation.

Africa had an estimated 13.5 million refugees and internally displaced persons in 2011.7

**Environment**

Africa faces serious environmental challenges, including erosion, desertification, deforestation, and most importantly drought and water shortages, which have increased poverty and hunger by reducing agricultural production and people’s incomes. Many of these challenges have been caused by humans; the environment can be said to be overexploited. Deforestation, for example, has been caused by humans seeking new places to live, farm, or obtain firewood. Drought, water shortage and desertification in Africa have been caused to some extent by global warming, which has mostly been caused by the effects of human energy use outside of Africa.

**Population growth**

Africa’s population has been increasing rapidly, growing from 221 million in 1950 to 1 billion in 2009. Africa, the world’s poorest continent, has the highest population growth rate. A woman in sub-Saharan Africa will give birth to an average of 5.2 children in her lifetime.8 This rapid growth, along with other negative factors such as harmful economic systems, conflict and deterioration in the environment, has limited growth in per capita income, causing poverty and hunger.

**The way forward**

Food insecurity is a multi factorial problem; it needs to be tackled using multifaceted approach. A growing number of people are deprived of the fundamental right to food, which is essential for all other rights as well as for human existence itself.9 He also opined that food and nutrition crisis has deepened in recent years, as increased food price volatility and global economic recession affected the poor. In a strategic agenda, economic growth alone cannot bring lasting solution to this malady.

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This is in agreement with Silver H. J, Stadler, D. D. Poverty, obesity, and malnutrition: an international perspective recognizing the paradox (Tanumihardjo SA: National Center for Biotechnology Information 2007).


Conclusion

Despite a dramatic increase in global food availability and substantial progress in poverty reduction, hunger, food insecurity and undernourishment remain at unacceptably high levels and progress in addressing this dimension of poverty has been disappointingly poor. Almost 850 million people do not have enough to eat and, alarmingly, in many parts of the Africa, the number is on the increase. The consequences of undernourishment are severe and their reach is wide. While only one of the Millennium Development Goals (MDGs) has a specific target for hunger, another four goals (improving primary education and reducing child mortality, maternal health and disease) would be substantially facilitated by progress in reducing hunger. While there is clear agreement on the urgent need to tackle hunger in the Africa – particularly where it has become a chronic and persistent characteristic of life for the poor
– the role of agriculture in achieving this remains the subject of considerable debate. Some believe the solution lies almost exclusively in improving the physical performance of agriculture through a range of measures that often focus on new technologies. Others state that the causes of hunger and food insecurity are more complex and that improving agricultural performance is less important than tackling the underlying poverty that remains the fundamental cause of hunger and food insecurity.

Bibliography


COMMUNITY PARTICIPATION AND DEVELOPMENT IN KENYA

Nancy Kabete - Kenya Wildlife Service

Introduction

Participation is a very broad concept, and when used in the context of development, the first question to ask is exactly what type of participation we are talking about. Participation in community development require active involvement of the people in choice execution and evaluation of programmes designed to contribute to an upward movement in their lives. Working towards sustainability take committed participation at the community level and a willingness to agree upon and implement new vision of the future that can contribute to a lasting good quality of life for all.\(^1\) The need for participation by local people in development is underlined by a number of reasons. First, people tend to resist innovations or measures that are imposed on them. Second, local participation is also needed because it permits mobilization of local capacity which develops out of the establishment of the partnership between government, development agencies and the local communities. The assumption in that deciding and doing things for people deprives them of the chance to learn and gain experience through decision making. Fourth, participation helps to reduce the growing sense of lack of community, which comes with the weakening of social relationship in society. Fifth, participation tends to reduce alienation which prevents members from identifying with their communities.

Participation in the construction and implementation of innovations more often than not involve the beneficiaries contributing resources. This participation is equated with the cooperation and incorporation into predetermined activities.\(^2\) However, this is only one stage in development process and we must consider participation in decision making, in implementation and maintainance and in benefits and evaluation of both the successes and failure of the innovations. Therefore what emerges is the aim of participation to enhance local community organizational capacity and

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\(^2\) Bergdall T. D., Methods for Active Participation: Experiences in Rural Development in East and Central Africa (Nairobi, Oxford University Press, 1993) p.7
ultimately make the society self reliant. As noted by Gitelson, self reliance refers to greater dependence on domestic resources and hard work by the nationals and less resources to external assistance.³

**Community participation**

Participation has been the central development concept of the last decades and nearly everyone refers to it. In practice, it covers many non participatory approaches. For example, we cannot refer to a participatory approach when researchers and development practitioners use participatory techniques in a context where they have already decided on the issues and where they use the information generated for the purposes itself, rather than for the purposes of the community development initiatives. Participation is not limited to consultation in development; communities must be involved in identifying their priority development problems, in seeking solutions and in taking decisions about how to implement them.⁴ Generation of information is important in order to help the community understand and act upon the issues. The concept goes well beyond enlisting community support for a development initiative defined by the authorities. This cannot lead to the expected results in a sustainable way because decisions are taken outside the community. So what is “community participation” all about? We can say a good indicator of participation is when people take responsibility for carrying out a development initiative. This means that people are not taking part in the different activities, but also in the decision making process and the planning of development in the society.

To facilitate development participation, government and other partners must consider communities as partners in the development effort and not merely as beneficiaries. The recognition that many development failures originate in an attempt to impose standard top-down programmes on diverse local realities. Thus a situation may arise where the programmes do not fit to meet the need. Preoccupation with sustainability, and the insight that if local communities themselves design and construct, they are more likely to meet the running cost and undertake maintenance; and ideologically for some development professionals, they believe it is right that poor people should be empowered and should have more command over their lives.

⁴ Narkwiboonwong W., *Project Identification, Formulation and Start up by Voluntary Organisations in Thailand’s Rural Development* (Published online: 2 Nov 2006) 9(2) p. 201-204.
According to Norman Uphoff, development needs to be “both-and” rather than “either”. However, to illuminate major trends it can still help to set out polarized extremes.

The “paradigm of things” was dominant in development in the 1950s and 1960s, with emphasis placed on big infrastructure, industrialization and irrigation works. Economists and engineers determined norms, procedures and styles. Up to the 1990s economists continued to be the dominant mode of development thinking and practice, but the “paradigm of people” has come to be increasingly influential. According to Uphoo, in theory the shift from the “paradigm of things” to the “paradigm of people” entails much change. The top-down becomes less predictable. The transfer of packages of technology is replaced by the presentation of baskets of choice. Most difficult, the “paradigm of people” implies that meaning or use of participation is an empowering process, with a shift of power to those who are local.

In practice, the top-down reality has, although changed little, reason being the paradigm of things remains strong because things are still needed: bridges ought to be stronger safe and durable. “Normal bureaucracy” of tendencies to centralize, standardize and control. Involvement of community members in decisions related to the development initiatives is important in building a sense of commitment and ownership of development. Direct involvement of the community by selecting members with requisite skills in the innovation/programme is crucial. This assist communities in defining appropriate means to address constrains facing them. Employing participatory methods build knowledge and understanding within community members as well as commitment in undertaking joint community developments.

In order to achieve success, it is important to promote community spirit to facilitate collective action within communities. Factors necessary to consider include assuring that both men and women are involved. Active groups representation including the youth in the society increases awareness of value of collective participation and opportunities presented. It would go along way to give explicit attention to resolve conflicts or any existence of factions within the society. It also helps in building accountability for the members of the community including the support of elders and other administrative organs.

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6 Ibid
Community training

In every community there lies a great wealth of traditional knowledge and information. However, in most cases the communities never realize how important the information can be to them. This calls for facilitation to enable them use this information for self-development. This information and knowledge is the greatest resource for development of a community. Utilization of community resources is driven by effective application of knowledge, which is the greatest resource for development in a society. The community choose what works best for them in their knowledge application. Input of new knowledge and technical information held by the individual community members is integrated into communal knowledge expanding the knowledge base thus possible to identify gaps in knowledge which can be filled on the ability to think and act utilizing accumulated knowledge, experience, understanding and unsought rather than mere knowing.7

Participation and training for a social economic development and self reliant should therefore go hand in hand where the society’s participation is required in the following aspects;

Decision making

Participation is generation of ideas, formulation and assessment of options and making choices about them as well as the formulation of the plans for putting the selected options into effect. According to Mishra, decisions begin with the identifying of the society needs and how the needs will be approached by use on an option. An option that a community settles on is critical, when an option is a gleam in the eye of those conceiving it cost much of the option and removes a large number of alternatives from the decision making process.8 It is just possible that local communities who did not participate in the initial decision, opportunity to search new needs and priorities that are selected option might respond to as well as ensuring that the needs of the communities are met.

Implementation

Organization of local community capacity should be geared towards enabling the members of the community to participate in administration and coordination of the option that has been put into effect.9 Participation can be achieved through where the local people act as hired employees on the option

8 Mishra S. N., Participation and Development (Delhi, NBO, 2004) p. 21
9 Ibid
or as members of various advisor or decision making board. They can also be members of voluntary association or individual capacity who play a role with which those activities of option being implemented. By having members of the community involved in the activities may not only increase their self reliance through training in implementation techniques but also valuable inside information and advice may be gained concerning local problems and associated constraints affecting the innovation or projects within the community. Contribution of certain resources can be in a variety of forms as the implementers may not contribute all the necessary resources on the ground. Therefore, contribution may be provision of labour, material goods or even information. After establishing the resource relationship, it is particularly important how the contributions are made. The degree to which they are made is important since resource contribution can be unequal and exploitative.

**Monitoring and Evaluation**

Monitoring and evaluation is a feedback for a corrective measure to be taken in plan formulation and implementation in the future. In order to identify problems associated with implementation, local people participation is necessary to provide information in regard to the progress of the innovation option being implemented. This aims at identifying not how many but also who benefit from a particular option.

**Benefits Sharing**

Organization of local capacity should aim at consciousness raising education for structural and critical analysis. In this regard the local people should have the capacity to know what rightfully belongs to them and if need be, demand for it.\(^\text{10}\) This will ensure that the benefits of development percolate to the majority since people’s participation in benefits sharing means equitable sharing the benefits of development, it may be looked upon as the heart of community participation strategy.

The second dimension of participation in a truly participatory environment is what is expected for those affected to have a role to play at all stages of the development process.\(^\text{11}\) This highlights the fact that certain groups, for example the poor and women who have been by-passed by previous development are included or even ‘put first’. Once the scope of participation has been decided and how it will be achieved, distinction between voluntary and coercive participation for benefit sharing inclusion should be clearly differentiated, in

\(^\text{10}\) Ibid

practice this may not be easy particularly when extensive material incentives are employed to ensure cooperation.

Conclusion

In a truly participatory environment, it is expected that all those affected should have a role to play at all stages of development process. The fact that certain communities that have been sidelined in the previous development are now included or even ‘put first,’ how this is to be achieved need to be considered particularly when extensive material incentives are employed to ensure cooperation. Putting in place a system for monitoring and evaluation of the initiative. The system would range from gathering relevant baseline information to outcomes and financial usage.

Bibliography


Introduction

Life is dependent on natural resources. Natural resources are in the form of materials, water and energy, as well as the land available to us on Earth, and are the basis of all living beings on our planet. Without the constant use of natural resources, neither our economy nor our society could function. These natural resources provide humans with all resources necessary for life; energy for heat, electricity and mobility; wood for furniture and paper products; cotton for clothing; construction materials for our roads and houses; food and pure water for a healthy diet.

Natural resources face the danger of overexploitation and depletion. Due to the growth of world population, continued high levels of resource consumption in the developed world and rapid industrialisation of countries has heightened demand for these resources and this poses a serious threat to human security. This paper seeks to highlight these dwindling resources, analyse causes and come up with possible ways of mitigation.

Natural Resources

Natural resources can be divided into Renewable and Non-renewable resources. Natural resources are materials that occur in nature and are essential and useful to humans. They appear in the physical sphere as energy from the sun as well as mineral deposits, oil, water, air, topsoil and land. In the biological sphere they include agricultural products such as wild and domesticated plants and animals as well as fish to feed the universe, and timber to produce furniture and paper. The process of depletion can be countered through deliberate human intervention so as to make sure these resources are sustainable. Some examples of renewable resources include forests, fish, oil and water.

Non-renewable resources are regenerated on a geological rather than human and time scale. Non-renewable resources include fossil fuels that provide energy and metal ores used in the manufacturing and construction industries. They are found in finite quantities, and their value increases as supplies dwindle. Some of these resources, like bottles and garbage can are recyclable.

1 World Trade Report 2010 p. 46
2 Ibid p. 46
to produce substantial electric energy to power industries and therefore relieve strain on water and coal (hydro and thermal electricity). A nation's access to natural resources often determines its wealth and status in the world economic system.³

### Table 1.0  Stock estimates for resources and number of years they will last

<table>
<thead>
<tr>
<th>Resource</th>
<th>Known global reserves (tons)</th>
<th>Number of years with constant demand</th>
<th>Projected average annual rate of growth of consumption</th>
<th>Years the resource will last</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal</td>
<td>$5 \times 10^{12}$</td>
<td>2300</td>
<td>4.1</td>
<td>111</td>
</tr>
<tr>
<td>Natural gas</td>
<td>$1.14 \times 10^{15}$</td>
<td>38</td>
<td>4.7</td>
<td>22</td>
</tr>
</tbody>
</table>

*Source: Extracted from Food and Agricultural Organization (1990)*

### Renewable Energy

The term Renewable Energy is defined as any energy resource that is naturally regenerated over a time scale and derived directly from the sun (such as solar, thermal, photochemical, and photoelectric), indirectly from the sun (such as wind, hydropower, and photosynthetic energy stored in biomass), or from other natural movements and mechanisms of the environment (such as geothermal and tidal energy).⁴ Renewable energy resources are infinite and cannot be depleted. Their advantage is that they have less to nil carbon emission and therefore environmentally friendly.

Investment in renewable energy products is gaining momentum and most governments have made a positive effort towards reducing reliance on non-renewable energy resources. They have solar farms and windmills as alternativemeans of energy production. This concern is reinforced by global warming which has brought about climate change concerns, nuclear dangers and accumulating radioactive waste, high oil prices and therefore need for increased government support for renewable energy. Renewable energy is being used in markets to generate power, heating and cooling, transport fuels, and rural/off-grid energy services.

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Environmental and social challenges related to resource extraction

Due to the process of extraction and processing of natural resources, there is a lot of materials, energy, water and land involved. These activities can often lead to environmental degradation, such as the destruction of fertile land, water shortages, toxic pollution or wildlife displacement. There are also some social problems linked to extraction activities, including human rights violations, poor working conditions and low wages. These negative environmental and social impacts are most strongly felt by developing countries which are exploited and short cuts taken without conducting Environment Impact Assessment (EIA), as illustrated by the case studies on oil extraction in Nigeria.\(^5\)

Some of the most crucial dwindling natural resources

Many non-renewable raw materials have already reached a peak of extraction and others are about to in the near future. There is growing global demand for resources on this limited planet and this has proven to be a potential cause of conflicts due to the limited access to scarce resources. Amongst a number of natural resources that are indiscriminately extracted and consumed and therefore continually diminishing dramatically include water, fish, forest and oil, which are discussed in the subsequent paragraphs.

Water

The entire globe is likely to face an extremely high risk of water sustainability, and is likely to see limitations on water availability as demand exceeds supply by 2050.\(^6\) Water is needed for agricultural, industrial, domestic and as part of energy production uses. Global warming has led to desertification and reliance on rain fed agriculture is a challenge, as well as heavy demand from the ever growing population. Changes in the climate, precipitation and water availability could have implications for water usage in the future. Climate change is already causing havoc with established weather patterns, causing droughts, floods and other extremes of weather that set new trends and records each season. In many extreme weather events, fresh water falls so fast and in such huge amounts that it becomes impossible to capture and use effectively, and it becomes a destructive force instead of a replenishing one.\(^7\)

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\(^7\) Ibid pp. 22-23
The impacts of climate change will greatly decrease the number of areas where water is readily accessible through rain harvesting or even underground drilling. Water scarcity is bound to worsen the global food crisis by preventing food production, according to the 2012 World Economic Forum and within 20 years water will become a bigger theme for investors than oil. By 2025, two-thirds of the world’s population may face water shortages. The agriculture industry alone uses nearly 70% of the fresh water available to humans and accounts for one-third of the world’s jobs. Disruptions to the water supply could bring about disruptions to people's livelihoods and it is in agriculture that conservation solutions should be emphasised. This is also an area in which technology can be harnessed and would make a big impact.  

Some of the water management strategies that could be put in place to make up for water deficits include modifying withdrawals, increasing water use efficiency, increased water recycling, enhancing groundwater recharge, rainwater harvesting by means of canalling and channelling and inter-basin or inter-county transfers. At individual level, it may be mandatory to have houses fitted with gutters and reservoirs for small scale domestic use. While these water management strategies would be essential to lessen the negative impacts, they cannot be expected to counter the effects of climate change. With the increasing negative impacts of climate change, the risks of water shortages also increase. There is no other better and possible solution to effectively and truly manage the climate change risks than taking the steps necessary to slow down and reverse the global warming trend and doing so requires political will, governmental action and global leadership.

Fish
The majority of small-scale fisheries are located in under-developed and developing countries where entry into the fishery remains unrestricted. Small-scale fisheries are highly dynamic, labour intensive and usually well integrated with local marketing arrangements. Most communities are critically dependent on fish for their livelihood and are extremely vulnerable to external pressures and shocks. Unfortunately the national Governments and local authorities in these countries are generally lacking in capability and capacity to manage small scale fisheries on a sustainable basis.

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The problem becomes far worse when fisheries and consumers ignore the minimum size limits set to allow fish to reach maturity and breed before they are eaten. Undersize fish are scarily common in European markets and elsewhere around the world. The only plan that seems to have any chance to reverse this accelerating decline is to set up marine wildlife reserves and sensitize the population about aquaculture e.g. fish ponds. Rampant poaching, otherwise known as Illegal, Unreported and Unregulated fishing (IUU), undermines economies, food security and sustainability. The Food and Agricultural (FAO) came up with measures to curb illegal fishing through Port State Measures Agreement (PSMA) of 2009 and therefore enforcement is essential. Imposition and enforcement of fishing seasons and laws can contribute to recovery of fish stocks, even though small-scale fishers resort to poaching to circumvent the attempts to enforce these efforts. They feel the rules need to be relaxed so they can earn a living.

Forests
Tropical forests are essential to the ecological well-being of the earth because they are a major source of the world’s biological diversity, perform important climatic functions and act as carbon bank, which helps to counter the ‘greenhouse effect’. Unfortunately indiscriminate felling for tropical wood, agricultural expansion, mining, hydroelectric dams and basic infrastructure developments leads to deforestation. Forest destruction is extensive in the tropics and has become a major concern throughout the world in recent decades. Annual deforestation now stands at amounts in excess of 8 million ha per year and the tropical forests in some countries such as Nigeria and Ivory Coast have been cut down in the last 50 years. Converting vital forests and other landscapes to farms to meet this demand, rather than using the existing farmland more efficiently, threatens the natural resources that we all depend on for our livelihoods.

Deforestation will lead to accumulation of carbon dioxide in the atmosphere and deterioration of human health. The importance of investing in world’s forests and of taking political commitment at the highest levels, smart policies, effective law enforcement, innovative partnerships and funding are measures that can be taken to turn around the situation and make a positive impact.

The UN Forum on Forests recognizes the role of addressing forest-related issues in a holistic and integrated manner, and in promoting international policy coordination and cooperation in order to achieve forest management and calls for the mainstreaming of sustainable forest management and practices into economic policy and decision-making.11

Many countries have policies that are formulated towards methods and mechanisms to support trees, forests and forest lands and the multiple ecological, economic, social and cultural roles, but implementation is lacking. There is therefore need to strengthen forest-related national institutions, the enhancement of the scope and effectiveness of activities related to the management, conservation and sustainable development of forests, and the sustainable utilisation and production of forests’ goods and services in both the developed and the developing countries.

It is also important to improve human, technical and professional skills, as well as expertise and capabilities to effectively formulate and implement policies, plans, programmes, research and projects on management, conservation and sustainable development of all types of forests and forest-based resources, and forest lands inclusive, as well as other areas from which forest benefits can be derived. Table 2.0 below shows the extent of deforestation in SSA.

### Table 2.0  Deforestation in tropical countries

<table>
<thead>
<tr>
<th>(Regions) Countries</th>
<th>Total forest area (mn ha)</th>
<th>Annual deforestation (’000 ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRC</td>
<td>103.8</td>
<td>200</td>
</tr>
<tr>
<td>Congo</td>
<td>21.1</td>
<td>22</td>
</tr>
<tr>
<td>Gabon</td>
<td>20-3</td>
<td>15</td>
</tr>
<tr>
<td>Cameroon</td>
<td>17.1</td>
<td>80</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>3.6</td>
<td>5</td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>1.2</td>
<td>3</td>
</tr>
</tbody>
</table>

*Source: Extracted from Economics of Natural Resources, the Environment and Policies*

11 [http://sustainable development goals.un.org/topics/forests](http://sustainable development goals.un.org/topics/forests), Forests...Sustainable Development Knowledge Platform
Oil
The modern world relies on oil for its operation. It powers transport, construction, manufacturing, food production, basically the entire economy. The industrialised countries are amassing their oil reserves and in the process depleting this resource. Production for the reserve will rise to a peak, and then begin declining due to the fact that as levels get lower, it becomes more expensive to retrieve. The estimated oil remaining is only enough for use for the next 46.2 years, should global production remain at the current rate.\textsuperscript{12} Vehicle manufacturers have however taken a positive deliberate step to reducing dependence on oil by manufacturing electricity/solar driven vehicles, an effort that is appreciated for reducing environmental pollution as well. Other deliberate measures are for countries to embark on solar energy harnessing farms in a bid to cut dependency on oil.

Conclusion
Many of the problems that threaten mankind’s survival on the planet result from the increased consumption of energy, water and raw materials, increased production of waste and emissions and the indiscriminate increased human use of land area. The environmental consequences of this over-demand are already clear. Climate change is the most crucial environmental problem linked to our natural resource use. Global ecosystems and the ecological services they provide are being degraded: fresh water reserves and forests are shrinking, many species are under threat of extinction and fertile land is being eroded.\textsuperscript{13}

There are some potential solutions being developed for each - although each proposed solution seems to come with significant drawbacks and large expenses of its own. Where these solutions have been implemented, positive dividends are already showing, but need a lot of political will, especially in the less developed countries where their negative impacts may not be appreciated until it is too late to reverse the impact. The simple fact is that our burgeoning population is already putting the planet’s resources under severe stress, and it is going to take a number of broad and large-scale breakthroughs to invent our way out of trouble. If nothing is done, the next hundred years could look a lot like a reversal of the last hundred.

Dwindling Natural Resources in Sub-Saharan Africa

Bibliography


Internet


MARITIME SECURITY CHALLENGES IN HARNESSING MARITIME RESOURCES: A CASE STUDY OF KENYA

Joseph N. Busiega, MBS - National Intelligence Service

Maritime Security

According to Vines, after a very slow climb up the security agenda, maritime security is now becoming a key issue particularly in the context of the 2050 maritime security strategy.\(^1\) The reasons for this awareness are complex and intertwined ranging from over fishing, environmental threat, deep coastal transformation, mining, energy resources exploitation, rapid marine exploitation, inshore and offshore activities and control.

Rodriguez points out that maritime security issues appear to be rather large and sometimes complex concepts. Maritime security is seen as a difficult concept that involves various players such as governments, public and private sectors aiming at, preserving the freedom of the seas, expediting and defending commercial activities, together with maintaining good governance at the sea.\(^2\)

Despite its very common usage, maritime security is not an easy term to define as it involves a very wide range of concerns. Some of which include the main reasons as to why for many centuries countries have developed strong naval forces; the defense of a country’s maritime interest that involves the controls of seas bordering the state, as well as the ability to exert its naval power where to protect the state.\(^3\) Hence maritime security is important when it comes to harnessing of maritime resources also known as the Blue Economy, and fully exploiting and development of these maritime resources.

Maritime Resources

Baldwin states that oceans cover about 72 percent of the surface of the earth and constitutes more than 90 percent of the biosphere of the earth and life in itself has been said to be born out of the oceans and the seas and still continues to support all the life today in many ways, such as helping produce oxygen, regulating carbon dioxide, regulating climate change, controlling seasons and regulating temperature.\(^4\)

\(^3\) Ibis, p. 13.
Thus it can be said that the Blue Economy provides enormous unexploited opportunities which are sustainable, clean, and equitable.

Roach notes that ocean waters provide a larger global pollution with food and livelihoods and even as a possible means of transport for many, estimated over 80 percent of global trade.⁵

In addition the marine and the coast environment are also made up of main resources for the global tourism industry.

Nakamura notes that when it comes to the African perspective, maritime security is now seen as a big challenge, and as a result it is starting to have an adverse implication when it comes to the final shipping cost, especially for merchandise, military and petroleum ships, plus other activities related to shipping, such as the trans-shipment and port activities – as well as tourism, fishing and even marine recreation.⁶ For instance, at the moment piracy is considered a major threat through hijacking of large tankers, stealing cargo, delaying the ships, as well as eventually delaying plus even preventing final delivery. The over-reliance of African countries on international trade therefore makes maritime transport a very fundamental factor and contributor to Africa’s economic development.⁷ In addition maritime transport provides a major gateway to the international markets for African products. In this sense, port facilities therefore acts as a key link in facilitating of trade to countries that are landlocked; tourism and fishing are also vital sources for income, employment and general livelihood when it comes to island and littoral economies. In addition the ocean acts as an important petroleum source, together with gasoline, minerals and valuable rocks.

Kermeliotis notes that since 2006, tourist have been flocking East African coastal countries and their numbers have now risen to above 25 percent slower than other sub-Saharan countries, this has been caused by much fewer arrivals from high income citizens from (OECD) Organization for Economic Co-operation and Development countries. East Africa region has suffered a tarnished image as a great holiday destination as a result of the emerging piracy activities, with a decline of an estimated 65 percent drop in Coastal nations as compared to visits to similar Countries.⁸ World Bank states that the key countries affected by piracy include Comoros, Kenya, Somali, Tanzania, Mozambique, Persian Gulf, Mauritius and Seychelles.

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⁸ Kermeliotis, Teo. Somali pirates cost global economy "$18 billion a year. CNN. (2013).
Indian Ocean’s geo-strategic and economic importance has seen increasing security interests in the Indian Ocean Region by different countries. There is now a security issue when it comes to ships and sea lanes of communication (SLOCs) found in the Indian Ocean region, which serve a strategic importance. The sea-lanes security becomes vital when it comes to economies of nations of the Indian Ocean countries, because they serve as a main link to the global market - through trade.\(^9\) Indian Ocean is thus an important joining route between the pacific region, Africa and Europe, and with a vast cargo passing through the region, combined with the globe’s key oil and gas routes traversing the Indian Ocean region.

Displacement of sea trade routes had caused a major dent on Kenya’s economy, due to its impact on import-export and increased unemployment opportunities; its judiciary system is facing serious challenges; and escalating terrorist attacks between Somali and Kenya.\(^10\)

Kenya has a 536 km long coastline on the Indian Ocean and is geo-strategically located within East Africa. The port of Mombasa and the upcoming Lamu port are strategic in positioning Kenya as a major transport and distribution hub for the East and Central African land locked countries.\(^11\)

It is in this regard that the foreign relations in Kenya sought to strengthen its national-interest and to make certain that its national security and potential for social-economic development is secured. Important when it comes to maritime resources is to protect its economic interest plus as an extension, securing access to the sea and other valuable international trade areas.\(^12\) The Indian Ocean is therefore critical in Kenya’s quest of becoming a middle income country by 2030 as it offers opportunities for opening new markets and investment opportunities.

The Indian Ocean Region poses non-traditional threats to international security that have the potential to negatively undermine Kenya’s national interest hence the need for Kenya to enter security alliances. The importance of maritime trade to Kenya’s economy and its potential contribution to economic development is demonstrated by the simple fact that 92 percent of Kenya’s international trade by volume is carried by sea.\(^13\)

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\(^12\) Ibid.
\(^13\) Ibid.
Maritime Security Challenges

African maritime security interests must be addressed seriously, because the earth’s ocean offers a lucrative operating environment to terror and criminals, which comprises more than a piracy threat.¹⁴

Maritime security is one of the neglected sectors of the African national security policy formulation. Even the vast economic potential of the maritime domain does not necessarily translate into the calculus of most of Africa’s leaders. Examples of countries such as, Nigeria, Mozambique, Kenya and Angola are exploring new thinking when it comes to offshore oil and natural gas discoveries, in as much as these have really not been considered comprehensively into overarching maritime security strategies. African states are slowly starting to realize that their continued development is intimately connected to the sea.

In the 90s during the fall of the Somalia government and the Somalia economy, some pirates based in that country started instigating attacks against key vessels and ships; looting and demanding ransom for personal gains. As a result of its location within the Gulf of Aden which serves as a strategic maritime corridor, piracy has negatively affected maritime transportation routes and operations, resulting in approximately United States dollars (USD) eighteen billion increased trading costs. The lack of regional stability, coupled with corruption, further facilitated the spread of piracy off the Horn of Africa (HOA), as criminals had little disincentive or constraint to discontinue the lucrative practice.¹⁵ The increase in the pirates’ wealth led to the expansion of their infrastructure and capacities on land.

The piracy in Somali involves hijacking of vessels and kidnapping crews to force ransom. In some cases the fatalities that occur are usually as a result of neglect and or mistreatment in the hands of the captors. The captured vessels and crew are typically held for as long as the financial payoffs (ransom) are made. A single pirate attack can affect the interests of numerous countries, including the flag State of the vessel, the nations represented by those seafarers taken hostage, regional coastal States, as well as the nation-States of the vessel owners, of cargo destination, and of the trans-shipment locations.

Fish stocks are an important source of protein for the region, especially in Kenya where the fish resource contributes to food security. Kenya and Tanzania are stepping up their efforts at the sea through the marine authorities in order to guard against overfishing. It is estimated that Kenya’s fish and fishery related

¹⁵Ibid.
products with the period of 2002-2007 per capita was about 14 kilogrammes per person – above the sub-Saharan average of 8kg – which is fairly typical of regional coastal nations. The poorest 40% of the regional population depend on fish as a crucial component of their diet. Illegal, unreported and unregulated (IUU) fishing by both foreign and African vessels is now a serious problem.\(^{16}\) The continuation of this activity will have an impact on the world fish markets as stocks are depleted. This global dynamic increases the incentive for a global solution.

When it comes to sustainably exploiting maritime resources, maritime security is very important in securing livelihoods and promoting development. Hence it should be framed within the national and regional policy that extends way above and beyond immediate needs and reactive engagements. Such an integrated strategy includes environmental protection, management of fish stocks, tourism and the transport needs of landlocked countries. Neglect could result in acute security challenges in the future (food insecurity due to overfishing or environmental degradation of the seas, for example).

The improving security situation in the Indian Ocean is leading shipping companies to seek more cost-effective countermeasures, including a shift towards smaller and less expensive private security teams and a significant reduction in re-routing and high-speed transits of the region.\(^ {17}\)

Kenya, just like other Africa states, has a very large stake when it comes to the Indian Ocean Realm (IOR), which is currently seen to have many significant maritime security challenges. It is important that they improve their maritime security and participate as equal partners in the Indian Ocean security debate. Although this seems obvious, in practice it may not be that easy to achieve since the landward security concerns of African IOR states are usually dominant and many African countries lack maritime capacity.\(^ {18}\)

It is safe to say that Kenya seriously requires identifying the strategic imperatives it needs to protect, advance and adopt with regard to the Indian Ocean region to ensure that its national interests, national security and potential for social and economic development are all secure.

**Conclusion**

The Indian Ocean is now being seen as a new setting for global trade and commerce, and hence a significant source of great food and energy – which


\(^{18}\) Ibid.
has actually elevated its economic importance. In the 21st Century, it is most likely to become a serious economic force. The main drivers of this growth are varied, and all have their origin in man’s familiarity with the ocean environment; new technologies that make it feasible and economically viable to tap ocean resources; longer-term growth and demographic trends fuelling; the search for food security and for sources of minerals and energy; seaborne trade and urbanisation.

The Indian Ocean has been discovered to be both a place of problems and promises. The promise comes from the role it plays as the world’s foremost trade and energy conduit. Its problems include: volatile and fragile states, which are often beset by irregular threats, irredentist powers, insecurity, sectarian divides, and religious tensions; rich flow of resources through constrained and vulnerable shipping lanes; restive and newly hopeful populations seeking more responsive governance, as well as improved economic and social conditions.

Seafarers and their families suffer many hardships because of piracy. In some cases, the initial attack is just the beginning of the ordeal, especially for those who are taken and held hostage. But this hardship is not limited to the abuse inflicted by the pirates. It can also include financial difficulties during and after the period of captivity, or following a pirate attack, because of disruptions to or cessation of the payment of wages or the loss of personal items.

Despite such odds, the Indian Ocean Rim states are poised to build a regional community. Kenya therefore needs to enhance its maritime security capabilities, so as to effectively enable it exploit maritime resources in the Indian Ocean Realm.
Bibliography


THE ROLE OF YOUTH IN DEVELOPMENT:
A CASE OF KENYA

Col. Peter Sulubu – Kenya Army

Introduction

Youth is a noun for a period and state. It can be defined as the period of your life when you are young or the state of being young. Youth can also be used to refer to young people, both male and female, considered as a group.¹ The youth can also be the period between childhood and adult age.² Youth is best understood as a period of transition from the dependence of childhood to adulthood’s independence. For statistical purposes, the UN defines those persons between the ages of 15 and 24 as youth without prejudice to other definitions by Member States.³ However the meaning of the term ‘youth’ varies in different societies around the world.

The term ‘nation building’ and ‘national development’ are at times used synonymously. However national development is usually used to refer to a constructive process of engaging all citizens in building social cohesion, economic prosperity, and political stability in a nation in an inclusive and democratic way.⁴ Therefore all citizens need to be involved in the development of a nation. Thus involving the youth in national development is necessary. In fact, the youth have an important role in nation building.

The youth are the leaders of tomorrow and also today’s partners in development. They are an important part of a nation’s development. The policies and development work of a nation are mostly done by the youth. The youth are the social actors of change and progress. They carry out the policies and development works which older people find difficult. The policies and plans are majorly implemented by the young people. That’s why youth are considered the pillar of development.⁵


¹ Cambridge advanced learners dictionary
² The Oxford English dictionary
³ Secretary-General’s Report to the General Assembly, A/40/256, 1985
With its Strategy on African Youth, UNESCO together with global and regional partners, including youth organizations, seek to enable young women and men to drive change in their countries and communities.6

The Youth agenda is critical to Kenya as a developing Country. With this realization the government has endeavoured to streamline youth issues so as to tap and benefit from the various opportunities which come about when the youth realise their full potential. This has ensued in the midst of emerging challenges especially the implementation of programmes.

The Youth and Human Needs

Abraham Maslow proposed a hierarchy of needs beginning with the need for food, water, and shelter followed by the need for safety and security, then belonging or love, self-esteem and, finally, personal fulfilment and self-actualization. It is based on the hypothesis that humans have basic needs that have to be met in order to maintain stable societies.7

All human beings including youths have needs which they strive to satisfy by various means. Given this condition, social systems must be responsive to individual needs, or face instability and forced change through violence, crime or conflict of some kind.

The Challenges facing the Youth

Africa’s 2011 population was estimated at 1.05 billion and is expected to double by 2050. Africa is the youngest continent in the world. About 70 percent of its population is 30 years of age or younger. Slightly more than half of the African youth population is female, and there are more rural dwellers than urban dwellers.8 With such a large proportion under 15 years of age, Africa’s youth population is expected to grow in the years to come while the youth population in other parts of the world shrinks.

Undoubtedly, the challenges facing the youth that are central to Africa’s economic development are numerous and varied. They include employment, health and political participation.9

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Conversely, the size, energy, enthusiasm, innovation and dynamism of the youth are assets that can be harnessed for Africa’s development with appropriate policies that deal adequately with the issues facing them.\(^\text{10}\) The youth of a country have a significant impact on national growth. Tendencies towards free enterprise, equal rights and humanitarian issues are dictated by the current ruling elite. There are leadership changes every few decades, as the youth grow up and takeover.

As the most active age group in Kenya, the youth hold the key for the country’s political, social and economic development, hence the need to invest in them now. Widespread poverty remains a serious challenge in Kenya. Young people are particularly affected by unemployment, lack of proper housing and health issues.

Poverty affects educational levels and children from poor backgrounds are unlikely to attend school compared to those of rich families.

African governments are prioritising youth issues in their development agenda, however thier is room for improvement. Both governments and international partners should consider and involve youths in all aspects of their programmes and initiatives targeting them for economic development.\(^\text{11}\) The Youth have always demonstrated willingness and ability to participate in the development process. African society, customs and traditions show that the youth were not readily accepted when it came to making major decisions and in aspects of leadership. It can be observed that in the current policies in Kenya, age is considered a wisdom.

The youth aged between 18 and 35 are the majority and comprise about 36% of the Kenyan population, but rarely involved in the decision making in this country.\(^\text{12}\) Despite being the majority, they have always been almost ignored despite their energy which can be utilised to build a more democratic country.\(^\text{13}\)

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The Kenyan Youths: Status and prospects. The principal challenge lies in ensuring optimal utilization of the youth’s potential contribution towards achieving Social, economic and political goals. The Country will never achieve Vision 2030 without responding to the needs and challenges of the current and future generations of young people. Adolescent pregnancy and child bearing is correlated with low education levels for girls and poses a major challenge due to the fact that apart from the inherent health risks, adolescent child bearing and associated conditions are basic factors which determine the women’s role and quality of life in the society.\textsuperscript{14}

Due to idleness, especially after formal education, the youth become restless with some ending up in crime, or with deviant behaviour including self-destructive tendencies. Slightly more than half of Kenya’s prison population are persons aged between 16 and 25 years. Poverty coupled with drug and substance use are responsible for the increased youth vulnerability to crime. High unemployment rates among the youth means that the government misses out on the potential contribution to social security systems. Analysis of the youth employment context shows that Kenya faces five key challenges - namely; High unemployment, rapidly growing labour force, and underemployment, problem of working poor and gender inequality in employment.\textsuperscript{15}

In the effort to intervene against the plight of the youth, the government of Kenya has in place the following youth empowerment programmes among others;

Kenya Youth Empowerment Project / Centre for education. The Government of Kenya (GoK), with the support of the World Bank, implements the Kenya Youth Empowerment Project. The objective of the project is to support the GoK to improve youth employability.\textsuperscript{16}

Volunteer in youth programme in Kenya (KVCDP). This is a volunteer organization offering affordable and cost effective volunteer programs and projects in Kenya.\textsuperscript{17}

Kenya -Youth HIV and AIDS Prevention programme. The population of youth in Kenya was expected to increase to 16 million by 2012, with as many as 40,000 youth entering the Kenyan employment market had only created 150,000 new formal sector jobs in six years (USAID -2009).


\textsuperscript{16} www.educationinnovations.org/.../kenya-youth-empowerment-project. Accessed on 3rd Jan,2016; 2100 Hrs

\textsuperscript{17} presidency.go.ke/index.php/volunteers-programme. Accessed on 3rd Jan,2016; 2100 Hrs
As a result, an increasing number of youth were idle, making them highly vulnerable to involvement in petty crime, gangs and prostitution.\(^{18}\)  

**Nurture Smart Youth Program Kenya- NURSYP Kenya.** A Non-Governmental Organisation focused on promoting youth development by designing youth programs and policies that empower young people in the country.\(^{19}\)  

**Kazi Kwa Vijana (KKV).** A Kenyan youths empowerment initiative commonly known as Kazi Kwa Vijana (KKV) which mean jobs for the youths funded by The World Bank.\(^{20}\)  

**The Uwezo Fund.** Is a flagship programme for vision 2030 aimed at enabling women, youth and persons with disability access finances to promote businesses and enterprises at the constituency level, thereby enhancing economic growth.\(^{21}\)  

**Conclusion**

It suffices to say that the youth are a major component of Kenya's population and therefore their consideration in all aspects of nation development is critical and not to be ignored. Most important is youth empowerment by ensuring welfare is taken care of through access to education, skills development for employment matching with the demand of the industry, access to good health and creation of a national culture and patriotism. It is important to take note of the consequences of ignoring the youth in national development. They are many including insecurity which includes youth radicalization, violent crime drugs and alcohol abuse among others. The old myths and beliefs need to be re-thought. For example; ‘experience is the best teacher’, ‘old is gold’, ‘old age or maturity is wisdom’ have existed in some communities in Africa with a central theme that seems to ignore the critical potential of the youth thus losing opportunity in respect of the innovative leadership that they can offer to society. It is therefore important to have the youth agenda factored in if milestones in national development towards vision 2030 are to be achieved.

**Bibliography**


Cambridge advanced learners dictionary.

\(^{18}\)www.amurt.net/kenya-hiv-aids-youth. Accessed on 3rd Jan,2016; 2100 Hrs  
\(^{19}\)nsyouthprogramkenya.org/. Accessed on 3rd Jan,2016; 2100 Hrs  
\(^{21}\)www.uwezo.go.ke/. Accessed on 3rd Jan,2016; 2100 Hrs


The Oxford English dictionary.


DOMESTICATION OF MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs) IN KENYA

Jerome M. Mwanzia - Kenya Forest Service

Introduction

Multilateralism has gained currency as the preferred approach in dealing with common issues affecting many states. In the era of interdependence of states brought about by globalization, technological innovation, economic and the growth of trans-nationalism, many states are facing common challenges that require universal approach in mitigation.\footnote{W.M. Janis An introduction to International Law. (New York. Aspen Publishers. 2003) pg 235} One of the key challenges of our times is the environmental effect such as climate change, pollution and environmental degradation that have adverse global effects.\footnote{Parry, et al. Climate Change 2007: Impacts, Adaptation and Vulnerability. (New York MacMillan.2007) pg 45} Kenya has been experiencing adverse environmental effects and has been actively involved in seeking common solutions with other nations through multilateral negotiations. These negotiations usually culminate in treaties and agreements that are ratified by states involved in the process.

Multilateral treaties play a fundamental role in international relations, and are recognized as an important source of international law as well as a means of developing peaceful co-operation among the community of nations.\footnote{Treaty Making Process. Department of Foreign Affairs and Trade. Australia Government, 2010. Pg 23} The Vienna Convention of the Law of Treaties (1969) was specifically developed to guide the process of multilateral treaties or agreements. It was signed in Vienna, Austria on 23\textsuperscript{rd} May 1969 and came into force on 27\textsuperscript{th} January 1980. It applies to agreements between states and is universally recognized as an expression of rules that are part of customary international law\footnote{Vienna Convention on the Laws of Treaties. Department of Legal Services. Organization of American States, http://www.oas.org/legal/english/docs/ accessed on 3rd Oct 2015}.

Article 2 (1) of the convention stipulates that a state establishes its consent to be bound by the treaty through acceptance, approval, ratification or accession.\footnote{Vienna Convention on the Laws of Treaties. 1969. United Nations. Pg 2} It further states that every state is free to choose its own mechanism for implementation of international rules. Article 26 states that ‘every treaty in force is binding upon the parties to it and must be performed by them in good faith’\footnote{Ibid 5}.
In the foregoing, all states through their laws should provide for ways of incorporating and operationalizing treaties or agreements which they are a party to. Multilateral treaties cover a wide range of subject areas such as trade, health, agriculture and environment among others. This study will focus on domestication of multilateral environmental agreements by Kenya.

**Multilateral Environmental Agreements**

A Multilateral Environmental Agreement (MEA) is a legally binding treaty or agreement entered amongst three or more states involving environmental issues. They play a key role in the general framework of environmental laws and conventions. They complement national legislation and bilateral or regional agreements by forming the over-arching global legal basis for universal efforts to address particular environmental issues.

Kenya is a signatory of several MEAs which binds her to implement in pursuit of provisions therein. These include the Kyoto Protocol, the United Nations Conference on Environmental Development (UNCED) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

**Provision for Incorporating Multilateral Agreements in Kenya.**

Treaties and agreements are normally incorporated into domestic laws through procedures articulated in the constitution of the country. This section will discuss the provisions in both post-independence constitution and the current Constitution of Kenya 2010.

**Constitution of Kenya 1969 (as amended in 1997)**

The Kenya’s post-independence constitution had no provision for automatic incorporation of treaties and agreements that it is a signatory. It inherited from the British colony a dualist concept whereby international law is considered a separate and distinct system from domestic law. As a result, international law did not automatically become part of Kenyan law.

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The initial phase of negotiation and ratification of treaties was performed by the executive. The reason behind this is that treaty making was regarded under the post-independent constitution as a function of executive authority. Section 23 (1) of the Kenya Constitution 1969 (as amended in 1997) vested the Executive Authority of Government to the President, and further stipulated that the same may be exercised either by him or officers subordinate to him. In this regard, the initial step was to make recommendation to negotiate a treaty by the line ministry or department concerned. The recommendation would be made to the cabinet for their review and approval. This will then allow the state to enter into negotiation leading to drafting and finally ratification of the treaty.

In all cases, a cabinet decision was required to enable Kenyan experts to negotiate a treaty. Once the treaty has been ratified, the parliament was thereafter involved in making legislation on the same to make it enforceable domestically.

An example of enabling legislation passed by the parliament of Kenya in respect to certain treaties include the Privileges and Immunities Act Chapter 179 of the laws of Kenya which incorporated the provision of Vienna Convention on Diplomatic Relations (1961) and Geneva Convention Act Chapter 198 of the Laws of Kenya which gave effect to the Geneva Convention of 1949.

**The Constitution of Kenya 2010**

The Constitution of Kenya 2010 which was promulgated on the 8th August 2010 made a fundamental change in the treatment of treaties. Article 2 (5) of the Constitution of Kenya 2010 stipulates that the general rules of international law shall form part of the laws of Kenya. Further, Article 2 (6) states that any treaties or conventions that the country has ratified shall form part of the laws of Kenya. However, these provisions were silent on the method relating to Kenya's international obligations and the process of ratification hence it was subject to various interpretations. To bring clarity to this provision, the Treaty Making and Ratification Act No 45 of 2012 was developed and assented into law on 13th December 2012 with a commencement date of 14th December 2012.
The Act details the procedure of initiating, negotiating, ratification and registering of the treaties. Further, it ensures that both legislative houses are active participants in the entire cycle of treaty making process. It also clearly defines the role of the executive in the same process.

Incorporation of Multilateral Environmental Agreements

This section examines how selected MEAs that Kenya is a signatory have been domesticated into the country’s laws.

Kyoto Protocol

The Kyoto Protocol is a global agreement connected to the United Nations Framework Convention on Climate Change (UNFCCC), which obligates its signatories through setting of internationally binding emission reduction targets. The protocol takes cognisant of the understanding that developed or industrialized nations are primarily responsible for the prevailing high levels of Green House Gas (GHG) emissions in the atmosphere arising from more than a century of industrial activity. Accordingly, the treaty places a heavier burden on developed countries under the principle of “common but differentiated responsibilities.”

The Protocol was adopted on 11th December 1997 in Kyoto, Japan, and entered into force on 16th February 2005. The implementation framework for the Protocol was developed and adopted at Conference on Parties (COP) 7 in Marrakesh, Morocco, in 2001, and is referred to as the “Marrakesh Accords.” Kenya ratified the protocol on the 25th February 2005 and has taken some concrete steps to operationalise and commit to the agreement in several ways. First is development of a National Climate Change Response Strategy on April 2010. The Strategy’s vision aims for a prosperous and climate change resilient Kenya, while the mission is to strengthen and focus nationwide actions towards climate change adaptation and GHG emission mitigation. This will be achieved through committing and engaging of all stakeholders while taking cognizance of the vulnerable nature of Kenya’s natural resources. Second is development of the National Climate Change Action Plan to provide a framework for operationalization of the strategy.

17 King, D et al., International Climate Change Negotiations: Key Lessons and Next Step. Oxford University Press. UK. 2011. pg 24
Third action taken by the government was the creation of a Climate Change Secretariat domiciled at the Ministry of Environment and Natural Resources to lead implementation of Climate Change action across various departments and ministries. Lastly the Government has drafted the Climate Change Bill which will be presented before parliament for discussion.

**Basel Convention on Hazardous Waste**

Basel Convention on Tran-boundary Movement of Hazardous Waste and their Disposal was adopted on 22\textsuperscript{nd} March 1989 in Basel, Switzerland as a result of public outcry upon discovery in 1980s of dumping of toxic waste in Africa and other developing world by foreign countries. \textsuperscript{20} The objective of the convention is to safeguard human health as well as environment against negative effects of hazardous waste. In Kenya, the convention is domesticated through Environmental Management and Coordination Act 1999 which provides clear guidelines on Hazardous waste.\textsuperscript{21}

**Agenda 21 and World Summit on Sustainable Development Plan of Implementation**

The United Nations Conference on Environment and Development was convened in the Brazilian city of Rio de Janeiro in 1992. The conference declared an action for transforming environment and development policies into action, not only through ‘command and control’ methods, but also as a normative framework for economic planning and markets instruments. \textsuperscript{22}

The conference further expounded the concept of Sustainable Development as part of the 27 principles developed in that conference. In Kenya, the provisions for Rio Earth Summit, as it is called, were incorporated into the Forest Act no 7 of 2005. \textsuperscript{23} The legislation provides framework for environmental and economic planning as well as incentives through establishment of a conservation fund.

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\textsuperscript{20} Basel Convention on the Control of Trans-boundary Movement of Hazardous Waste. UNEP. 1989. Pg 32


Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

CITES is a transnational agreement between states whose aim is to safeguard species of plant and wild animals against international trade in order to ensure their survival.\(^{24}\) The current bleak status of endangered prominent species such as the elephants and white rhino necessitated the need for such convention. By the time the idea of CITES was first mooted in the 1960s, the debate on endangered species and their conservation was something relatively new in national, regional and global arena. The international wildlife trade is a lucrative business with an estimated net worth of billions of dollars annually accrued from sale of millions of plant and animal specimens.\(^ {25}\) The trade includes plants, live animals, a variety of wildlife products such as food products, exotic leather goods, tourist curios, wooden instruments, medicines, timber and many others. In Kenya, the rhino and elephant tasks are much sought for overseas markets. Indeed, levels of illegal exploitation of some plants and animal species have attained worrying levels and their habitat loss as well as trade is forecast to potentially deplete their populations thus bring some species close to extinction. It is worth noting that many wildlife species are not endangered, but this treaty is important to provide the necessary checks and ensure sustainability in order to safeguard these resources for the future. In Kenya, the provisions for CITES is incorporated through the Wildlife Management Act 2013. Article 109 of the Act enumerates the incorporation of International Treaties, Conventions and Agreements, while article 46 outlines measures for protection of endangered species.\(^ {26}\) Kenya has been in the forefront globally in agitating for stringent enforcement of CITES provisions, and has garnered widespread support from many countries.

Convention of Biological Diversity (CBD)

The Convention of Biological Diversity (CBD) was ratified by 150 nations at the 1992 Rio Earth Summit and Kenya was among the signatories.\(^ {27}\) The convention was developed in order to promote sustainable development and recognizes that biological diversity is more than just plants, animals and microorganisms and their habitats but also about people and their need for

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fresh air, water, food security and a clean and healthy environment.\textsuperscript{28} The Environmental Management and Coordination Act (EMCA) 1999 contains provisions for implementing CBD in Kenya.\textsuperscript{29}

**Conclusion**

Kenya has made strides in incorporating MEAs into domestic laws. The Constitution of Kenya 2010 has more elaborate procedure of incorporating multilateral agreements than its predecessor constitution. Of particular significance is development of Treaty Making and Ratification Act No 45 of 2012 that has laid down the modalities for incorporation of multilateral treaties. Indeed, the government of Kenya has demonstrated willingness and commitment to its international obligation through incorporation of treaties and agreements. However, there still are a number of treaties and agreements awaiting incorporation, and it is upon the government to expedite the process for Kenya to meet its international obligation.

**Bibliography**

**Books**


**Reports**


\textsuperscript{28} Ibid


Websites