



**OFFICE OF THE PRESIDENT**

**PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY**

***KENYA NATIONAL FOCAL POINT***

***ON SMALL ARMS AND LIGHT WEAPONS***

**Country Report to the Fourth UN Biennial Meeting of States on  
the Status of Implementation of the UN Program of Action on  
Illicit Small Arms and Light Weapons**

**AND**

**The Implementation of International Tracing Instrument.**

**2010**

## **ABBREVIATIONS**

ATT	-	Arms Trade Treaty
CBO	-	Community Based Organization
CFB	-	Central Firearms Bureau
CID	-	Criminal Investigation Department
CSO	-	Civil Society Organization
DPCs	-	District Peace Committees
DRC	-	Democratic Republic of Congo
DTFs	-	District Task Forces on SALW
EAC	-	East African Community
EAPCCO	-	Eastern African Police Chiefs Cooperation Organization
FBOs	-	Faith Based Organizations
GDP	-	Gross Domestic Product
GSU	-	General Service Unit
GTZ	-	German Technical Cooperation
ISS	-	Institute of Security Studies
KANSA	-	Kenya Action Network on Small Arms
KNFP	-	Kenya National Focal Point
MDGs	-	Millennium Development Goals
MPs	-	Members of Parliament
NSC	-	National Steering Committee on Peace building and Conflict Management
AU	-	African Union

- PTFs - Provincial Task Forces on SALW
- RECSA - Regional Centre on Small Arms
- SALW - Small Arms and Light Weapons
- SRB - Interpol Sub-Regional Bureau for Eastern Africa
- TICAD - Tokyo International Conference on African  
Development
- UNGA - United Nations General Assembly
- UNPoA - United Nations Program of Action to Prevent, Combat  
And Eradicate the Illicit Trade in SALW in All its Aspects

## **BACKGROUND**

### **INTRODUCTION**

Circulation of illicit Small Arms and Light Weapons (SALW) continues to pose great threat to global security and development. In Africa, SALW have been tools of choice in intra and inter state conflicts. As a result the continent has witnessed massive loss of lives, destruction of property and underdevelopment, gross human violations, acts of terrorism among other societal ills. This is attributed to the easy availability, relative inexpensiveness, technical simplicity and easy mobility of illicit SALW..

Kenya continue to suffer the effect of SALW proliferation as a result of porous borders with unstable neighbouring states, large refugee influx relative, stability in an unpredictable region, geographically vast and isolated arid and semi arid areas that can not be policed adequately among many others. These arms have continued to fuel both urban and rural crime, abet cattle rustling and fuel ethnic clan conflicts. The net effect has led to the high cost of providing security, underdevelopment in arid and semi arid areas mostly inhabited by armed pastoral communities and instability arising from cross border manifestation of these pastoral conflicts. Recent cases of terrorism and piracy have all strengthened the resolve of the Government of Kenya to work with all willing partners within sub regional, regional and global arrangements to address the problem of illicit SALW.

### **AREAS AFFECTED**

Two thirds of Kenya is inhabited by nomadic pastoral communities who have traditionally engaged in cattle rustling. These communities invariably live across the common borders with Sudan, Somalia, Ethiopia and Uganda hence gives an international dimension to this ancient practice. The easy availability of SALW has largely mechanized the practice and thus increased severity in the practice as well as completely changed the character of historical resident communities' conflicts that previously used simple traditional weapons.

The effect has been manifested and impacted negatively on various economic sectors including undermining investment, threatening the stability of tourism as a key growth sector resulting in invariably high costs of security. Studies have indicated that in Nairobi alone firms incur losses to the tune of two million shillings annually due to lost production days as a result of workers falling victims of crime. Further firms spend about 11% of their total costs on security services while house holds spend about 9% of their budget on security costs. Noting that Nairobi accounts for 44% of the national GDP production, the security cost to the economy is thus astronomical.

The illicit SALW problem has two dimensions within the Kenyan context. These are the rural and urban gun problems. While the urban problem is mainly restricted to the major urban centres in Kenya like Nairobi, Mombasa, Kisumu, Nakuru, and Eldoret, the rural manifestation covers mainly the areas inhabited by pastoralist communities such as:

- **The North Rift Region** - This includes Turkana, West Pokot, Trans Nzoia, Samburu and Laikipia, bordering Ethiopia, Sudan and Uganda.
- **North Eastern Region** - Mandera, Garissa, Wajir, Ijara, bordering Ethiopia /Somalia.
- **Coast Province** - Tana River and Lamu bordering Somalia
- **Eastern Province** - Moyale, Marsabit, Isiolo and some parts of Meru, borders Ethiopia.
- **Western Kenya** - Mt. Elgon bordering Uganda.

### **FACTORS CAUSAL TO PROLIFERATION OF ILLICIT SALW IN KENYA**

The key factor to increased proliferation of illicit SALW is the overall lack of a comprehensive legislative framework to address demand and supply factors. However, the threats posed along the Great Lakes Region and Horn of Africa cannot be underestimated. Civil wars dating back to the 70's, competition over political power among the neighbouring states, poor infrastructural development, and economic integration have contributed vastly to the spread of arms in the region.

This is coupled by the threats posed by the movement of refugees during conflict season. The mode of trafficking SALW is linked to increased incursions by refugees and displaced persons; trade and transfers by merchandise transporters, herders, gun dealers, bandits and local traders.

More specifically is the collapse of the central government structures in Somalia and its degeneration into a centre for arms trafficking along with other trans-national crimes, such as piracy has posed great threats to the country. Criminal Acts of Piracy in the Indian Ocean Seaport on the Eastern Africa is a case in point that has increased trafficking into the country.

The post-election violence arising from the disputed presidential election in 2007 is believed to have contributed to the increase of illicit SALW especially in the non pastoral areas ad urban centers, although the extent is yet to be established.

Noteworthy, on internal causal factors, the Government of Kenya strives to address issues relating to governance, marginalization, under development and negative cultural practices through control measures by addressing supply and demand for sustainable peace and security.

This control requires collective global efforts, collaborative and harmonized approaches that not only address the supply factors, but also assist in creating and strengthening governing structures and mitigating measures in unstable regions/states.

### **IMPACT of SALW**

The problem has impacted negatively not only on the affected communities but the country at large, with visible under-investment in the affected areas and the invariably huge cost of providing security at the expense of other social services. This has negated the impact of social programs in place and undermined the ability of the Government to facilitate achievement of the Millennium Development Goals (MDGs).

In order to address the above challenges, the Government of Kenya reaffirms its commitment to the implementation of the UN Program of Action (UNPoa) with special emphasis to the coordinated agenda for action developed through the Nairobi Protocol.

The Kenya Government also looks forward to a more stringent global regime, particularly those aimed at curbing regulations, licensing and transfers.

## **CHAPTER ONE**

### **1.0 PROGRESS MADE IN THE IMPLEMENTATION OF THE UNPoA**

Implementation of the UNPoA has been undertaken in recognition of the international, regional and sub regional instruments that Kenya is party to<sup>1</sup>. This provides for a national point of contact charged with the responsibility of Developing Policy Guidelines, Research, Monitoring of efforts to Combat, Prevent and Eradicate illicit trade in SALW in all its aspects. Coordination, collection and destruction of SALW, liaison with states, sub-regional and regional organizations on all matters relating to the implementation of UNPoA among others.

#### **1.1 INSTITUTIONAL FRAMEWORK**

The Kenya National Focal Point on SALW was established in January 2003 as an inter-agency body bringing together the relevant Government ministries and departments, Civil Society Organizations and other stakeholders. Its mandate is to coordinate all approaches geared towards arms control and management under the UNPOA and other related instruments. Its operationalisation was facilitated by the establishment of a Secretariat with assistance through the then Nairobi Secretariat (currently) Regional Centre on Small Arms - RECSA). In operationalising its mandate the KNFP has worked alongside the National Steering Committee on Peacebuilding and Conflict management (NSC/PBCM) in acknowledgement that the problem of SALW cannot be isolated from conflicts.

Further to this, implementation of the UNPOA has been enhanced by the KNFP sub-committees tasked with various responsibilities; i.e technical and policy sub-committee, training and capacity building as well as the media and sensitization subcommittee.

These structures cascade down to the provincial and district levels. All eight Provinces of Kenya have established and trained Provincial Task Forces (PTFs). Establishment of the District Task Forces (DTFs) has been prioritized at the regions where illicit SALW is rampant as well as regions that share international borders with other countries for enhanced harmonized approaches towards arms control and management.

Following the functional analysis conducted under the auspices of RECSA, the institutional capacity in terms of personnel and infrastructure, has improved however the secretariat continues to face challenges. Competent and skilled officers have been

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<sup>1</sup> The UN Programme of action to Prevent, combat and eradicate the illicit trade in SALW in all its aspects, the UN Protocol against Illicit manufacturing of and Trafficking in firearms, their parts and components and ammunitions(2001), Bamako declaration on an African common position on the Illicit Proliferation, circulation and Trafficking of SALW(200)The Nairobi protocol for the Prevention, control and reduction of SALW in the GLRHA (2004)

deployed at the secretariat with limited functioning office equipment and facilitation to implement programmes under the UNPoA.

With reference to the national point of contact, the National Co-ordinator can be reached directly through:

Ministry of State for Provincial Administration and Internal Security,

Tel No +254 20 343468/343462/343462/343539

Tele fax No +254 20 313335

Post Office Box No 30510-00100 NAIROBI, KENYA

E-mail [knfp.info@gmail.com](mailto:knfp.info@gmail.com) [kimaiyodm@yahoo.co.uk](mailto:kimaiyodm@yahoo.co.uk)

**The Kenya National Focal Point on Small arms and Light Weapons is charged with the following key functions:**

1. Co-ordinating National Policy and action to address the problem of the proliferation of illicit SALW;
2. Co-ordinating the development and implementation of the National Action Plan for Arms Control and Management;
3. Co-ordinating with regional and international bodies and other national focal points the implementation of the international and regional declarations and protocols;
4. Co-ordinating and interacting with the civil society;
5. Co-ordinating research on the problem of illicit SALW;
6. Monitoring and evaluating the effectiveness of measures to address the problem of proliferation of illicit SALW;
7. Facilitating the exchange and dissemination of information with regard to the SALW problem.

## **1.2 LEGISLATION, REGULATIONS AND ADMINISTRATIVE PROCEDURES**

Legislative, administrative and procedures of arms management and control in Kenya have been provided in various acts of parliament.<sup>2</sup> Key to this has been the Firearms act Chapter 114 Laws of Kenya that has weak regime its application and does not adequately provide for comprehensive control and management of the SALW in all its aspects, including national and regional dimensions.

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<sup>2</sup> Firearms act, Police act, Explosives act, Penal Code, Armed forces act, customs and excise Act, wildlife Act, Extradition Act, immigration Act, administration Police Act, Refugee Act, Prisons act and Forest act.

However, Kenya has developed the Draft Policy on SALW alongside provisions of the UNPoA. The policy seeks to put in place a framework for effective legislative, institutional and regulatory measures on control and management of SALW in Kenya covering domestic and regional and international perspectives. This has informed the several reviews of other regulatory legislations like the Firearms Act Chapter 114 LOK and other related acts that have inadequate legal authority and limited institutional and administrative capacity to deal with SALW problem in all its aspects. Thus it has been reviewed 22 times in a bid to strengthen the provisions.

Implementation of the draft policy is ongoing with specific measures on those that seek to address the demand for illicit SALW and those that seek to regulate their supply and use as indicated in the UNPoA. In recognition of the instruments in which Kenya is a signatory, the policy is anchored on Nairobi Protocol as well as the best practice guidelines developed for the Great Lakes Region and Horn of Africa.

While Kenya is not a manufacturer or producer of SALW, except assorted calibre of ammunition produced by the Kenya Ordnance factories, all measures consistent with international safeguards with regard to record keeping, marking and transfers are being observed.

### **1.3 RECORD KEEPING, STOCKPILE MANAGEMENT AND SECURITY**

#### **1.3.1 MANAGEMENT OF LEGITIMATE STOCKPILE**

The management of stockpiles among all disciplined services is regulated by the various National Laws and their respective Standing Orders. Each disciplined armed service maintains an inventory of firearms held the manufacturer's registration number, type and other identification features. All arms are secured in the armouries, under 24-hour guard. Weapon checks are carried out daily. Access to weapons is restricted to authorized persons only. Any loss of a weapon must be reported immediately and remains the subject of an inquiry, whether recovered or not. The management of stocks of ammunitions is covered by the same regulations governing firearms.

#### **1.3.2 MANAGEMENT OF RECOVERED/SURRENDERED STOCKPILE**

The management of recovered/surrendered illicit weapons is covered in Chapter 114 Laws of Kenya. The act stipulates that any weapon recovered or surrendered must be handed over to the Chief Firearms Licensing Officer in Kenya's Police Department for custody, documentation and disposal.

#### **1.3.3 STATE-OWNED SALW**

State owned SALW in Kenya are kept and used under a very rigorous supervisory and record keeping system. While currently there is no centralized system for tracking

records of such arms, the KNFP is satisfied with the manner with which state owned weapons are accounted for. However, plans are underway to establish an electronic National Register for all state-owned SALW.

#### **1.3.4 COLLECTION AND DISPOSAL**

All illicit weapons seized or surrendered are destroyed, except in cases where they constitute part of evidence that is still required in court.

In compliance with commitments made under the various conventions and protocols signed by the country, Kenya has since 2003 taken bold steps to destroy by burning and subsequently smelt its stock of illicit SALW. So far a total of 22,634 assorted SALW, 50,000 rounds of ammunition, and 36,000 old military ordinances have been destroyed. The year 2009 saw 2,498 assorted firearms being destroyed by burning. The resultant debris has all been smelted.

Kenya does not and has never had a surplus of weapons within the disciplined services. However, for each of the institutions that are armed within the Republic, there is a specific procedure in their respective constitutive Acts that provides for disposal of surplus stocks.

However, in the event of existence of surplus weapons earmarked for destruction, the same are stored in Police armories under 24-hour guard. Such weapons are individually documented and destruction certificates prepared for signing upon completion of the destruction exercise.

To facilitate on-site decentralized destruction of illicit SALW, the UK Government donated to the Kenya Government two mobile gun crushers (one truck mounted while the other is land rover towed). These will adequately facilitate subsequent destructions upon authorization of onsite destruction as a sensitization measure and as an administrative/legislative matter.

#### **1.4 IMPORT, EXPORT, TRANSHIPMENT, RE-EXPORT, TRANSIT AND TRANSIT**

The Draft National Policy on SALW has comprehensively addressed the area of import, export, transshipments and transit comprehensively. This has been in line with article 11 and 12 of the UNPoA. The policy provides for regulations and legislation that will provide for authorization to import and export SALW for both commercial and non-profit use; a data base management on all transactions involving the import, export and transit of SALW and ammunition to and from the Republic of Kenya; facilitate tracing of SALW internationally through requirements for marking of SALW as a bare minimum

condition for qualification as a good for trading, Security of all official documents relating to import, export and transit of SALW, penalties in case of violations of laws and regulations on import, export and transit of SALW Seizure, destruction, disposal of illicitly imported, exported or transited SALW and circumstances and criteria for revocation of an export, import and transit permit .

The repeal of the Trade Licensing Act Cap 497 LOK and Import, Export and Essential Supplies Act Cap.502 LOK among others through Legal Notice No. 53 of 16<sup>th</sup> April, 2007. The Legal Notice, whose provisions commenced on 1<sup>st</sup> May, 2007 provides Local Authorities with the mandate to administer these relevant statutes in this regard in close collaboration with the Police Department in the Ministry of State for Provincial Administration and Internal Security.

## 1. **TRANSIT**

Kenya has a deep water seaport which serves Uganda, Rwanda, Burundi and even the Eastern DRC. As a result, there are occasions when legitimate arms imported by these nations are transited through Kenya. The current regulations provide for such goods to be escorted until they leave Kenya..

## 2. **BROKERING**

Kenya does not have legislation on arms brokering. However, the policy on SALW, makes provisions to ensure regulatory controls on all brokering activities of SALW, ammunition and related material, as defined in relation to individuals and institutions registered or incorporated in the Republic of Kenya; regulatory requirements for authorisation and licensing as broker; regulations for maintaining a database of all brokers; regulations on brokering transaction, including permit for every individual brokering transaction, irrespective of the source and destination of the SALW, ammunition and/or related material, and irrespective of whether the SALW, ammunition and/or related material will touch Kenyan territory and legislative penalties for unlicensed brokerage .

All arms brokers will be required to register with the Central Firearms Bureau (CFB) and all transactions will be licensed.

Kenya has undertaken and finalized an assessment on arms brokers and it has been established that there are no brokers but dealers who are all registered and licensed.

### **3. TRANSFER**

The Draft Policy provides for regulatory framework for acquisition of a transfer license including declaration of ultimate end user. These provisions are in recognition of international standards sets in the instruments.

#### **1.6 DISARMAMENT, DEMOBILIZATION AND REINTEGRATION (DDR)**

Kenya has, since independence, not been faced with internal conflicts that involve large-scale participation by non-state actors, save for the post-election violence that was witnessed in early 2008. Subsequently the country has not been confronted with a post-conflict situation that calls for attention to demobilization and reintegration. In recognition of the fact that there exists illicit SALW in most of the ASAL regions, the Kenyan security agencies have held joint consultations meetings to address the threats of illicit SALW in North Rift, Upper Eastern and other parts of the country. The objective of this consultation being to address peace and security but most specifically identify ways of mopping up illegal firearms in the region. Among other initiatives; what is termed as “*Operation Dumisha Amani.*” Further consultations have been conducted alongside neighbouring states to reduce arms along the border regions. Joint consultations and disarmament programs have been conducted with Uganda and Ethiopian Government to restore peace and order among the nomadic pastoral communities that straddle the common border.

##### **1.6.1 KENYA/UGANDA JOINT DISARMAMENT PROGRAM**

Kenya and Uganda share a long common border inhabited by armed pastoral communities on each side also referred to as the Karamoja cluster. The communities have over the years practiced cattle rustling against each other, and have in recent times resorted to the use of easily available sophisticated SALW to engage in cross border raids. The net effect has been perennial insecurity, loss of lives and under-investment thus an enviable poverty cycle.

Against this background, the Government of Kenya and Uganda met on June 4<sup>th</sup> 2005 and collectively agreed upon a joint program of action with the sole objective of achieving sustainable peace and development in the areas of operation, which in this case was North Eastern Uganda and the North Rift Districts of Kenya.

The Program of Action identified a number of activities to be undertaken in fulfillment of the objective as outlined herein:

1. Simultaneous and coordinated disarmament operation
2. Mobilization, Sensitization and Deployment
3. Establish law and order in areas of operation
4. Branding of livestock

5. Provide and reconstruct social and physical infrastructure
6. Rewards/Recognition
7. Support the development of alternative livelihood

The interventions herein were undertaken but with minimal results. The processes continue to face setbacks due to lack of funds to sustain the processes, collaboration among the partners and effective development interventions.

### **1.6.2 DISARMAMENT AND DEVELOPMENT PROGRAMME**

Within Kenya, the operational component of the program commenced in May 2005 and is currently ongoing. Voluntary disarmament and development programs have been undertaken to cover seven districts in the prioritized areas of North Rift region. The Presidential amnesty of 2009 has motivated communities in possession of illicit SALW to surrender the weapons. In some areas forced disarmament has been employed in the interest of the public where gross human violations occurred i.e. Mt Elgon and North Rift districts. The output herein is;

1. To disarm civil population and remove the motivation for acquiring of illicit arms in the pretext of insecurity.
2. To address social and economic causes of the insecurity and banditry.
3. To encourage economic diversification to wean the population from mono-culture that has continued to fuel banditry and cattle rustling

The Disarmament programme is all inclusive exercises which draws stakeholders at all levels, including the security organs of the government, opinion leaders, Members of Parliament (MPs), civil society organizations (CSOs), Faith-based Organizations (FBOs) women and youth based organizations. In particular, District Peace Committees (DPCs) undertake community mobilization and sensitization. The developmental approach focuses on addressing both supply and demand driving factors. Focus has therefore been on collection of illicit SALW, rehabilitation of schools, construction and rehabilitation of medical facilities, provision of medical services, reopening of livestock markets, branding and vaccination of livestock, construction of new police posts and improvement of security, drilling of bore holes, construction and desilting of water pans, grading of roads, among other critical interventions.

### **6.3 GARISSA ARMED VIOLENCE PROJECT AND SMALL ARMS REDUCTION**

In reaffirming support for stabilizing the security situation among pastoral communities, the GOK with the financial and technical support of UNDP embarked on a pilot project in Garissa district from 2005- 2007. Owing to its successes in the region, the project has been expanded to six ASAL districts affected by armed pastoral conflicts resulting from proliferation of illicit SALW.. The outputs identified herein are;

- Awareness raising, education, training and capacity building of various stakeholders on arms control and management
- Alternative livelihoods to arms trade
- Institutional strengthening of the focal points at national, provincial and district levels
- Systemic cross border dialogue with countries bordering pastoral districts.
- Disarmament - weapons collection and destruction.

## **1.7 AWARENESS CREATION**

Kenya recognizes that the presence of illicit Small Arms and Light Weapons remains an impediment to development and a great threat to security. As a result of this, the government has embarked on multi-pronged community based strategies to discourage the gun culture. Amongst the measures that have been put in place are:

- i. Public Awareness Campaigns – Communities continue being educated through local forums by local administrative officers, political leaders, and civil society, on the need to give up weapons as a measure to bolster security and restore order.
- ii. Community safety initiatives are ongoing under the Control Arms Campaign.
- iii. Amnesty programmes have been put in place to encourage the surrender of illicit weapons in return for immunity from prosecution.
- iv. Measures have been taken through the National Steering Committee on Peacebuilding and Conflict Management to promote peaceful and age-old conflict resolution mechanisms, as an effort towards sustainable peace.
- v. Communities have been encouraged, through community-based organisations, to adopt alternative means of livelihood, apart from livestock keeping. Garissa has been a success story where small grants have been accorded women and youth groups, who have in turn taken on small scale enterprises.
- vi. Measures have been taken through CBOs to encourage community members to move away from cultural practices that encourage stock theft and other retrogressive practices.
- vii. The IGAD Conflict Early Warning and Response Mechanism has been activated and linked to community based conflict prevention structures to facilitate detection and address potential conflicts before they occur, hence a disincentive to gun ownership.
- viii. Media engagements through print and electronic programs have been implemented through open debates, discussions and talk shows for public engagements on arms related issues. Other modes include production of information, education and communication materials, infomercials and different fora. Lack of financial capability has thus slowed the processes on awareness raising
- ix. Through deliberate interventions, the Government is creating alternative means of livelihood and development as a way of discouraging gun ownership activity.

The Government is also encouraging development dimensions in dealing with the problem.

- x. The Government has taken the war against SALW to schools and the electronic/print media to create a positive influence in the mind set of the younger generation by rural press using vernacular languages, public barazas (meetings), pronouncements by senior government officials and political leaders and civic education carried out by the civil society.

Further awareness raising has been through public weapons destruction event during the Commemoration of the signing of the Nairobi Protocol, commemoration of International events such as The Global Week of Action and International Day of Peace have also been used to highlight issues related to small arms, security and development.

The role of the civil society among other actors cannot be underestimated.

## **1.8 DEVELOPMENT AND IMPLEMENTATION OF THE NATIONAL ACTION PLAN ON ARMS CONTROL AND MANAGEMENT**

The Kenya National Action Plan for Arms Control and Management (NAP) was officially launched on 14<sup>th</sup> July, 2006, even though implementation of certain aspects of the NAP deemed urgent and a priority were commenced in July 2004. Following its expiry in 2009, the NAP is being reviewed to a Strategic Plan on Arms Control and Management 2010-2015 whose pillars shall be aligned to the UNPOA and best practice guidelines under the regional and sub-regional instruments.

## **1.9 NATIONAL SMALL ARMS MANAGEMENT POLICY**

The gist of the implementation of a National Action Plan is the presence of an arms management policy that informs on legislation that provides for permanent institutional arrangements and defines linkages with other stakeholders. To this end, the Kenya National Focal Point Committee, with assistance from the UNDP, Saferworld, and Oxfam GB has completed development of a draft National Policy on SALW through a highly consultative process. Its approval will no doubt facilitate adjustment of legislation to reflect the gravity of the threats of illicit arms pose to society and consistency with international protocols and standards. The policy will also guide the estimation of regulations and administrative procedures to ensure consistency with the UN program of Action and the provisions of the Nairobi Protocol. It is envisaged that once approved, the policy will inform the legislative review process. It will also guide the review of administrative procedures, rules and regulations governing the management of small arms and light weapons. This is important because laws that are in operation at any one given time need to be relevant, enforceable and effective.

Most importantly, part implementation of the policy is ongoing through the GOK support, EAC/GTZ, RECSA, UNDP, Saferworld, ISS and other partners.

## **1.10 COMMUNITY POLICING**

The Kenya National Action Plan on Arms Control and Management recognized that community/police relations are critical to the fight against illicit SALW. Community policing has been a major milestone under the security sector reforms. This has enhanced the relationship of the Police and the communities with a view to building trust and improving service delivery.

Community/Police partnership is a fundamental principle in crime control. The trust between the public and the police is critical to management of security issues that can effectively facilitate interdiction in arms related crimes and trafficking. It suffices to mention that the Kenya Government formally adopted community policing as a crime reduction strategy in 2005 which have proved successful in Eastern Province (Isiolo, Matuu and Runyenjes) Nairobi (Ruai) Rift Valley (Naivasha) among other areas.

There has been a general decline in crime since the inception of this programme as a result of the trust built between the police and community. This process is very critical to enhancing recovery of illicit arms and uncovering gun running criminal groupings.

### **1.11. SUB-REGIONAL AND REGIONAL LEVEL ACTIVITIES**

Kenya continues to play a central role in the fight against illicit arms at both sub-regional and regional levels. At the regional level, Kenya effectively participated in the African Small Arms Experts Conference held in December 2005 in Windhoek, Namibia where an African common position to the Review Conference was agreed upon and the Tokyo International Conference on African Development (TICAD) held in Addis Ababa, in February, 2006, where small arms proliferation was recognized as a development rather than just a security concern.

At the sub-regional level, Kenya was among the first countries to ratify the Nairobi Protocol. In reaffirming commitment to collective efforts, Kenya has also continued to actively participate in the International Conference on the Great Lakes Process, which proposes a multifaceted approach to Peace, Stability and Development in the Great Lakes Region.

Kenya remains committed to the Sudan and Somali Peace processes. The former is gradually stabilizing while the latter has seen a number of setbacks that can be attributed to less than adequate support from the international community. Subsequently the Transitional Federal Government has not been able to create security institutions that are a precondition for any meaningful stability. This has far reaching

ramifications to peace and security in the entire region. The escalation in incidents of piracy and open warfare for control of Mogadishu bear testimony to this.

The fear of international terror organization seeking shelter in Somalia can only be addressed against the backdrop of a responsible Government in place which can be held accountable and subject to international obligations. Such a Government must be nurtured and facilitated by the international community through support towards restoration of Governing structures. It is envisaged that with stability in Somalia and Sudan, regional processes for disarmament will succeed and demand and supply of arms and circulation will be reduced.

## **1.12 GLOBAL LEVEL EFFORTS**

### **1.12.1 INTERNATIONAL INSTRUMENT ON TRANSFER CONTROLS**

Kenya believes that sufficient safeguards on arms transfers are a minimum requirement to ensure that arms do not fall in the wrong hands for wrong purposes. Kenya believes that no single regional or sub-regional arrangement on arms transfers can effectively ensure implementation of guidelines on best practices that guide small arms transfers. This is borne by the fact that arms are transferred across regions and continents.

Against this background, Kenya remains steadfast in the pursuit, through consensual efforts, of minimum global transfer guidelines on arms transfers. At sub-regional level, through the RECSA, the Nairobi Protocol, of which Kenya is a member, has already developed such guidelines. In pursuing consensus on the subject, Kenya along with the UK Government co-hosted an International Conference on 20<sup>th</sup> and 21<sup>st</sup> April, 2006, that brought together participants from all the continents to advance prospects for an agreement on SALW. Outcomes of the conference were shared widely and discussed at the Helsinki Conference of early May 2006 on the same.

Kenya also continued to work with the International Community through the Geneva Process and the Consultative Group Process on prospects of strengthening the UN Program of Action. Kenya has been involved in the process developing an Arms Trade Treaty(ATT) and co-authored ATT Resolution which was adopted by the First Committee in October 2006 and by the United Nations General Assembly (UNGA) on 6<sup>th</sup> December, 2006. At a global level, Kenya is proud to play a leading role in the global effort to come up with an ATT.

### **1.12.2 INTERNATIONAL COOPERATION AND ASSISTANCE**

In order to effectively address the underlying demand and supply issues, Kenya seeks to appeal for international support particularly in Developmental interventions that would reduce the Gun culture and address the livestock complex.

The Government of Kenya has continued working with the UNDP and other multi-lateral and Civil Society partners to address the development dimension of SALW. These efforts, though giving positive indications, remain starved of much needed funding. We would therefore like to appeal and urge like-minded countries and organizations to consider channeling the required support – technical or financial – to RECSA through which support would also be extended to KNFP for the implementation of national SALW programmes.

**Specific assistance herein shall be on the following areas;**

- i. Financial and technical facilitation on setting up universally acceptable border posts for screening and control of movement in and out of the country. This shall address the problems posed by increased porosity of borders along Uganda, Sudan, Ethiopia and Somali regions.
- ii. Support to the law enforcement agencies by upgrading the relevant equipment for improved border surveillance. This may entail purchase of screening equipment and vehicles/motorbikes for surveillance.
- iii. Infrastructural development for mitigation of conflicts and intervention on the arms trade within the ASAL region and areas where SALW trade is a source of livelihood.
- iv. Financial support to run media infomercial, public awareness raising and sensitization programs.
- v. Funding to fast-track the implementation of the NAP as well as equip the KNFP with necessary skills and facilities to effectively and efficiently carry out its mandate under the international, regional and sub-regional instruments.
- vi. Support research on specific thematic areas relating to collaboration and harmonization of initiatives.
- vii. Support periodic monitoring and evaluation.

**1.13 PARTNERSHIP WITH CIVIL SOCIETY AND NGOS**

The UNPoA is very explicit on the crucial role the civil society plays in achieving the ultimate objective of an illicit weapons free society. In this regard, the Kenya National Focal Point continues to view the Civil Society as valuable partners in the fight against illicit weapons. This is demonstrated by the enhanced membership of the civil society at the National Focal Point. At national level, the KNFP maintains a compendium of all its Civil Society partners and promotes information sharing and collective approach amongst them. Measures have been taken to encourage partnership between national level civil society organizations and those that operate at community level through the Kenya Action Network on Small Arms (KANSA).

The KNFP has participated in regional and sub regional forums that bring the NFPs and CSOs together to explore on opportunities for constructive collaboration in small arms

work, to exchange information on the prevailing trends. KNFP continues to benefit from expertise and experience available with regional and global Civil Society Organizations in undertaking technically complex and difficult tasks like mapping.

The benefits the KNFP continues to receive from these organizations in terms of resource mobilization and networking are acknowledged.

## CHAPTER TWO

### 2.0 IMPLEMENTATION OF THE INTERNATIONAL TRACING INSTRUMENT

Kenya being a signatory to the Nairobi Declaration and the Nairobi Protocol has an obligation to ensure that it abides by the provisions of the Nairobi Protocol as provided for in the Best Practice Guidelines.

Article 7 of the Nairobi Protocol and Cap 1, 1.3 of the Best Practice Guidelines, requires that states in the Great Lakes Region and the Horn of Africa, mark all the SALW in state possession at the time of manufacture with a unique marking, providing the name of the manufacturer, the country or place of manufacture and the serial number. The marking should be stamped on the barrel, frame and where applicable on the slide. All small arms and light weapons owned by the state will in addition, be marked with a \* (star) preceding the ISO country code for example \*KE in the case of Kenya. Countries in the Great Lakes Region and the Horn of Africa are required to have marked all state owned small arms and light weapons by the end of this year, 2011

Following the training, the 13 RECSA Member States could successfully conduct the marking of all state-owned SALW as well as establish electronic data bases in their respective countries.

On the area of Arm Marking and tracing the KNFP has trained 10 Law Enforcement Agencies in Kenya to facilitate the marking of state owned firearms during month of December 2008 after which 2 marking machines were availed in the month February 2009 and September 2009 respectively. These were issued to the Kenya Police and the Department of Defense to jumpstart the marking process. So far over 16,800 assorted SALW have been marked. Plans are underway to acquire more machines to fastrack the process and finalize it by end of 2011. Further to this computers for storage of data have also been supplied for this process.

While the process of marking is slow, it is expected that by the end of 2011, all state owned SALW shall be marked in accordance with the provisions of Nairobi Protocol and the International Tracing Instrument.

It is important to note that Kenya already has in place a Central Firearms Bureau (CFB) which currently maintains a register of all SALW in licensed civilian possession. The approval of the policy will facilitate the upgrading of the Central Firearms Bureau in maintaining an electronic database of all state owned SALW.

The following minimum information will be included in the register:-

- a. The state department under whose control the firearm is, or in whose safekeeping or legal possession the firearms are stored.

- b. The type of firearm, specification, make, model, serial number, calibre and any other markings such as engravings, proof marks, country identity marks and other markers on the firearm that can assist in its identification.
- c. Particulars of the movement, transfer, sale and destruction of the SALW within 30 days of such action.

The Draft National Policy on Small Arms and Light Weapons once approved will inform review of Legislation, Regulations and Administrative Procedures hence ensure the effective implementation of the International Tracing Instrument.

**The following are the challenges and assistance needs that we may face in our efforts to implement the International Tracing Instrument:-**

- a. International cooperation in the area of tracing the sources of illicit SALW.
- b. Lack of adequate marking machines and trained personnel to mark both state owned and civilian licensed SALW by the end of 2011.
- c. Lack of adequate funds for setting up an electronic data base.

## **CONCLUSION**

The Kenya Government reaffirms its commitment at all levels in implementation of the UNPoA. This indeed requires a lot of courage, political goodwill and commitment to implement the measures expected of each Member State. This commitment has been demonstrated by the progressive measures taken since its inception.

Despite the already stated impediments towards the implementation of both instruments, Kenya appreciates the financial and technical support that has been made available to the country by Development Partners, the Civil Society and UN bodies towards addressing the SALW menace. The assistance so far availed through, UNDP, EAC/GTZ, Saferworld, ISS, and the Friends of the Nairobi Declaration through RECSA have been instrumental in facilitating the achievements reported therein.

Noting that regional instability at the Horn of Africa has continued to exacerbate the flow of illicit SALW, Kenya remains proactive in facilitating peace processes in the region. notwithstanding the challenges that derail the gains and negatively impacts on funding thus impeding implementation of the UNPOA at national and regional level..

In all its efforts, Kenya is optimistic that in lieu of the assistance needs mentioned, the international development partners will come forward in support of the Strategic Plan for Arms Control Management which is the domestic tool for implementation of the UNPOA. This will assist the country in finding a sustainable solution through better law enforcement, security sector reform and development assistance. Notably, the problem of illicit SALW must be addressed in tandem with attention to the underlying factors.

Kenya reconfirms its commitment in addressing the problem of illicit proliferation of SALW in all its aspects.