



# The NDC Journal

A Publication of the National Defence College, Kenya

Course 22-2019/20



# THE THINK TANK

*"The Mind has no Limits"*

(Eliud Kipchoge)





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# CONTENTS

Members of the Editorial Committee .....	vii
Foreword by The Commandant .....	viii
Message from The Sponsor .....	ix

## Part 1

### Diplomacy & Foreign Policy

Diplomatic Enterprenuership as a Tool for Advancing Development in Kenya ...	1
Harnessing Indigenous Culture for Diplomacy .....	8
The Nile River and the Riparian States: Contextualizing the External Policy of Kenya .....	15
Defence Diplomacy .....	25
Illegal Migration: Human Smuggling and Trafficking .....	30
Science Diplomacy in Advancing National Development in Africa .....	44

## Part 2

### Security

Regional Cyber-Security Threats: A Case Study of Kenya .....	55
New Training Paradigm for Global Navies .....	64
Fighting Terrorism in Africa: Gap Analysis - Expectations Versus Reality...	74
The Changing Face of Social Security in Kenya .....	82
Kenya–Somalia Border Securitization .....	90
Taming Narratives .....	99
Porous borders: Threat to National Security .....	109
Theories of Criminal Behaviour .....	119
Dilemma of Deploying Peacekeepers in a Robust Mission: A Case of Amisom .....	127

## Part 3

### Society and Management

Effects of Multi National Corporations in Zambia .....	139
The International Legal Development of the Law of the Sea and the Blue Economy Concept in Kenya .....	149
Cross Border Timber Trade in East African Region .....	157

# CONTENTS

Waste Management and Regime in Kenya .....	166
Effects of Climate Change on Food Security in Kenya .....	181
Sustainable Environmental Development, a Myth or a Reality in Developing Countries .....	191
Kenya Inching Closer to the Blue Economy Potential .....	198
The Impact of Food Aid on Food Security in Kenya .....	208
The Evolution of Public/Citizen Participation in the Democratic Governance of The Republic of Kenya .....	218
Disinformation in The Contemporary World .....	231
Causes and Mitigation Measures of Human - Wildlife Conflict in Kenya ..	240
Electronic Waste Management: Challenges in Electrical and Electronic Equipment Discard .....	250
Gendered Violence: Global Perspectives of Femicide .....	260
The Rise in Elephant Poaching in Botswana, Reasons and Impact .....	267
Defence Forces Embarking on Public-Private Partnership to Enhance Service Equipment Maintenance Effectively.....	277
Segregation of Women to Certain Occupation Especially	
Transport in Africa .....	285

## Part 4

### Conflict Management & Resolution

‘Water Security’ future in the Nile River Basin .....	299
Social And Economic Effects of the UN Peace Keeping Mission in Democratic Republic of Congo (DRC) .....	303
Communication, Peace and Conflict: A Critical Discourse .....	311
Climate Change as a Cause of Pastoral Conflicts in the Horn of Africa .....	319
Resource Conflicts in Pastoral Areas of East Africa (Kenya) .....	324
Natural Resource Based Conflicts: A Review of Conflicts	
Resolution Mechanisms in Kenya .....	333

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Mr G O Nagwala and Col J M Nkoimo**



## Foreword by The Commandant



I take this opportunity to welcome you to read the 22<sup>nd</sup> Edition of the National Defence College Journal produced by Course 22-2019/20. This Journal marks an important milestone in the progression of the Course and the Participants' contribution during their 48 weeks of study in the College. It is the tradition of the college to produce such a journal during the study calendar year. Course 22-2019/20 Participants are drawn from Botswana, Burundi, Egypt, India, Rwanda, Tanzania, Uganda, Zambia and Zimbabwe amongst the Kenyans from KDF and

various Government Ministries, Departments and Agencies. The mission of the College is to prepare Senior Military Officers and their counter parts for higher responsibilities in the strategic direction and management of National Security and other related areas at public policy fields. To do this, the college has partnered with the University of Nairobi, Institute of Diplomacy and International Studies to provide an opportunity for the Course Participants to pursue a Masters and Diploma programs in the International Studies. The Participants will also graduate with an NDC certificate upon successful completion of the course. This journal has provided a platform for the Course Participants to share researched topical subjects touching on contemporary issues relating to International Relations, Security and Development. It is my hope that readers will find the Journal interesting and academically stimulating. I congratulate the Participants of Course 22- 2019/20 for their contribution to this Journal. I also thank the Editorial Board and the Faculty for their effort and support towards the successful production of the Journal. Thank you.

**Lt Gen A K Mulata CBS, OGW, 'ndc' (K) 'psc' (UK)**  
**Commandant NDC**



## Message from The Sponsor



On behalf of the Editorial Committee members, it is with great pleasure, humility and honor to launch the 22<sup>nd</sup> Edition of the National Defence College Journal for Course 22-2019/20. The articles herein by our Participants deal with the contemporary issues that have impacted our nations-states and regions in a variety of ways. The Journal has broad research on interdisciplinary issues reflecting the complexity of political, social, economic and strategic issues.

The NDC continues to offer the course Participants an opportunity to debate and research on both broad and specific issues affecting both National, Regional and International Security. Course 22-2019/20 brings together a rich mix of diverse experiences from ten different countries within and beyond the African Continent. This diversity is reflected on the topical issues discussed on the journal.

I take this opportunity to thank the Editorial Committee, Course Participants, the Faculty and the Publisher for the timely and successful production of this Journal.

Finally, I wish to sincerely thank the Commandant NDC for the guidance and support in the production of this Journal.

**Maj Gen P A Amogola, CBS, 'ndc' 'psc' (K)  
SDS (Army)**

### **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.

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# **Part 1**

## **Diplomacy & Foreign Policy**

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# DIPLOMATIC ENTREPRENEURSHIP AS A TOOL FOR ADVANCING DEVELOPMENT IN KENYA

Col P O Assava OGW 'psc' (K) - Kenya Defence Forces

## Diplomatic Entrepreneurship

Entrepreneurship is an empowering tool especially for the youth in developing countries.<sup>1</sup> Wealth creation is something that all countries agree is necessary and beneficial to their respective states. There has been an emergence of new power players in the global economy such as China, India, Russia, Brazil, Indonesia and Turkey.

Shappa posits that diplomacy is as much interested in the lobbying of matters to do with military, security, political, cultural and economic relations as its all based on the promotion of equal rights, fairness, negotiable and settling political disputes.<sup>2</sup> Calhamer states that diplomacy is a form of art and science of conducting and negotiations amongst states, organizations, groups and even individuals.<sup>3</sup>

The private sector must also have a hand in diplomacy as business usually thrives in a safe and stable environment. Meredith is of the opinion that African countries must rethink their current stance concerning economic diplomacy and they could learn a lot by studying other western nations.<sup>4</sup> The twentieth century had a lot of challenges as argued by Carnes and he considers that diplomacy between the US and Britain throughout the Second World War was a great factor in the development of the two nations. China has had much success with their special economic zones and a lot of countries in Africa are following suit, like Botswana.

It's crucial to appreciate that development is lagging behind in Sub-Sahara Africa and there is an investment challenge in the region.<sup>5</sup> Entrepreneurship diplomacy is considered an important tool in enhancing foreign policy interests of African states since globalization of the world economy has made economies interdependent.<sup>6</sup>

<sup>1</sup> Shappa, Paul. *Understanding the Art of Diplomacy*, Basinstoke, New York, Palgrave, Macmillan, (2005), pp. 81-83.

<sup>2</sup> Ibid, (2005), p. 94

<sup>3</sup> Calhamer, Allan. *Diplomacy: Chapter of the Games & puzzles Book of Modern Board Games. Games & Puzzles Publications*, London United Kingdom, (1975), pp. 26-40.

<sup>4</sup> Michaela, Juke. *The Status of Diplomacy in Africa*, Johannesburg, South Africa, (2015), pp. 469-471.

<sup>5</sup> Carnes, Lord. *Losing Hearts and Minds*. Westport, CT: Praeger Security International, (2006), p. 15.

<sup>6</sup> O'Brien, Stephen. *Africa in the Global Economy: Issue of trade and Development for Africa*, Paper presented at the Africa Knowledge Networks Forum Preparatory Workshop, (2000), p. 91.

Barston posits that the practice and theories of international norms and traditions confers the entrepreneurs with the responsibility of identifying and exploiting opportunities by exploiting resources such as land, labour, and capital for the development of goods and services.<sup>7</sup> Modern scholars posit that powerful state representatives can be moral norm entrepreneurs and promulgate their country's foreign policies which could better relations between nations.<sup>8</sup>

Jackson makes the point that when the former United States President Barrack Obama hosted a summit on entrepreneurship in April of 2010, barely anyone who attended expected the radical changes that would occur in about a year in the Middle East and North of Africa in what today is known as the Arab spring. This has forced governments to take entrepreneurship seriously in order to provide the youth with employment in order to have a stable political climate.<sup>9</sup>

Niche diplomacy<sup>10</sup> though associated with new age democracies has been fully advanced by better developed nations that have more clout on the world arena but are not that powerful to push through their agendas. They can influence events but cannot dictate them. They may however play significant roles in terms of providing assistance. Diplomatic entrepreneurship is considered a form of niche diplomacy.

## **Entrepreneurial Development in Kenya**

Entrepreneurship anywhere in the world promotes the economy and provides social mobility for many. Entrepreneurship shows clearly how the foreign aid model for success is a fallacy and that growth grows best locally. Entrepreneurship diplomacy is a broad-based subject which includes issues relating to foreign trade, import export activities, promotion of national interests, pitching possible foreign investors and negotiating agreements.

It is critical to note that infrastructure like roads, bridges and railway lines connect people and companies to greater markets.<sup>11</sup> Therefore economic progress and prosperity depends on beneficial relationships among different states, especially in matters of goods, services, products and business

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<sup>7</sup> O'Brien, Stephen. *Africa in the Global Economy: Issue of trade and Development for Africa*, Paper presented at the Africa Knowledge Networks Forum Preparatory Workshop, (2000), p. 91.

<sup>8</sup> Barston, Robert. *Modern Diplomacy*. Publisher< Pearson Longman, (2006), p. 6.

<sup>9</sup> Ibid, (2006), p. 9

<sup>10</sup> Jackson, Steve. *The Contested Terrain of Diplomacy in a Globalizing World*, International Area Studies Review 16, no. 3 (2003): p. 275.

<sup>11</sup> Shappa, Paul. *Understanding the Art of Diplomacy*, Basinstoke, New York, Palgrave, Macmillan, (2005), pp. 81-83.

investments.

Leith states that bilateral exchanges are the most popular form of economic diplomacy among African countries. This is witnessed where the trade stimulating effect of diplomatic exchanges is not so much defined between African nations that are already members of a regional bloc.<sup>12</sup> The private sector is crucial to the development of any nation. It has been the norm around the world for policy makers to adopt a narrow outlook of challenges encountered, stressing in particular on gains in existing businesses. Due to quick changes in the world economy where many countries have been facing recession and massive unemployment the focus has now shifted to policies that will enable businesses to be started and helped to thrive. Now entrepreneurship is considered to be part of any country's development policy.

The United Nations Conference on Trade and Development (UNCTAD) has helped entrepreneurs by developing the entrepreneurship policy framework which helps governments identify crucial points in entrepreneurship policy and formulating appropriate action. In Kenya mobile money platforms like Mpesa has assisted a lot of businessmen through easy and quick remittances of funds

Diplomacy has been used for a long time to create friendship with countries that may have mutual interests; also it has been used to maintain peaceful relations between states and regions. Entrepreneurship is an integral part of many states and it directly impacts on the foreign policy of a given nation, especially on the economic problems facing the world.

Economic policy throughout history has encouraged free interaction of people, exchange of language, religion, ideas and art in order to realize the required foreign policy goal.<sup>13</sup> In spite of these issues economic diplomacy has not been utilized as an element of diplomacy in enhancing economic development in Africa. There are many challenges facing economic diplomacy such as the fact economic diplomacy may not be so successful if there is a shortage of skilled personnel who are capable of proper negotiation especially here in Kenya.

## **Entrepreneurship Diplomacy Advancing Kenya's Foreign Policy**

Berridge opines that frequently in Africa the foreign policy diplomatic

<sup>12</sup> Coalter, F. *Sports in development Monitoring and Evaluation Manual*, UK sport, (2006), p. 89.  
 Dunning, E. and Malcolm, D. *Business: Critical Concepts in sociology*. London: Routledge, (2003), p. 67.  
 Allen, Tim and Thomas, Allen. *Poverty and development into the 21st century*. OUP, (2000), p. 19.  
 Barston, Ronald. *Modern Diplomacy*. (Publisher, Pearson Longman, 2006), p. 25.

<sup>13</sup> Ibid, (2013), p. 281.



engagement hardly ever achieves their intended objectives. Even the African Union (AU) has had limited successes in its regional and international diplomatic efforts, forcing it to do other countries' bidding.<sup>14</sup>In the African context foreign policy diplomatic engagement may consist of the state and other actors within and without their borders. Peace efforts that a government may want to undertake will require diplomacy between various actors.<sup>15</sup>

Economic development is critical in stabilizing any country.<sup>16</sup> Entrepreneurship diplomatic engagement usually take place beyond national boundaries, for instance, East African states economic diplomacy engagement is mostly conducted internationally in the many Embassies and offices representing foreign states.<sup>17</sup>There is a dearth of literature concerning how entrepreneurship may help the country's foreign policy. Getting into agreements, State and non-state actors are ever more therefore they need to examine diplomatic entrepreneurship with the aim of growing knowledge and the best strategies to enhancing foreign policy outcomes in Africa.

Diplomatic entrepreneurship is meant to enhance foreign policy in Kenya and Africa as a whole. Kenya is currently engaged in the soft power theory to enhance its entrepreneurship diplomatic agenda. It's a theory that was formulated by Joseph Nye in 1990 just as the Berlin wall was coming down.<sup>18</sup>It was a time for new ideas as the world was significantly changing.

Soft power is the act of co-opting and persuading a partner or a foreign country into doing what mutually benefits both parties without using force. In many developing nations governments take a centre piece in the economic development of the country more than in developed nations. In developing nations state owned enterprises are a common feature.<sup>19</sup> This is usually referred to as state capitalism, while privately run economies are usually referred to as liberal capitalism.

A lot of scholarly works have emerged from the country about trade imbalances. Berridge and James posits that state entrepreneurships diplomacy involves matters that are concerned with the economy which includes the

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<sup>14</sup> Rana, Kasha. *Inside diplomacy*, 2nd Ed. New Delhi: Man as Publication, (2006), p.

<sup>15</sup> Sharp, Deborah. *Japan and Southern Africa: The resource diplomacy rationale*. In *Japan and South Africa in a Globalizing World – A Distant Mirror*. Edited by Chris Alden and Katsumi Hirano, (2016), p. 9

<sup>16</sup> Ibid, (2003), p. 365.

<sup>17</sup> Kraus, Jon. *The Political Economy of Africa foreign Policies: marginality and dependence, realism and choice*, in Timoty Shaw and Julius Okolo (eds.), *The Foreign Policies of ECOWAS*, London, Macmillan, (1994), p. 19

<sup>18</sup> Carrie, Walters, *Diplomacy is the new comeback kid*, the CPD Blog, (August 03, 2007), p. 43.

<sup>19</sup> Mark Phythian, *Intelligence theory and theories of international relations: shared worlds or separate worlds? In Intelligence Theory: Key questions and debates*. Studies in Intelligence, London: Routledge, 2009), p. 63.

work of delegations to seminars funded by organizations like World Trade Organization (WTO) and embraces diplomacy which uses economic resources as rewards or sanctions.<sup>20</sup> When it comes to the Kenyan context economic diplomacy denotes activities that concentrate on the recognition of the economic interests of the nation at an international level. Actions by states are usually guided by national interests, either in the form of security interests or economic interests.<sup>21</sup> International economic agreements are a key function of economic diplomacy.

In Uganda, Kenya has a long-time trade relationship with the port of Mombasa being the highlight of this relationship and the Kenya-Uganda railway constructed in the colonial times, connecting the two countries. In Tanzania, Kenya has used economic diplomacy to persuade the country to let go of protectionist policies to enable free movement of goods and harmonization of policies between the two countries.

## Conclusion

In a highly competitive world Kenya is aggressively seeking foreign investment in order to quicken its developmental efforts.<sup>22</sup> The old ways of doing things through liberal policy frameworks has rather lost its luster as many a time they have proved to be ineffective and it has made it harder for the country to attract investment so Kenya has decided to focus on measures that actively facilitate it through its foreign policy. Entrepreneurship doesn't take place only between states, but whenever people living in different groups and families positively interact. In Kenya's case entrepreneurship diplomacy is usually done through the coming together of domestic actors and international facilitators. When considering some of the economic policies of a country one tends to see that a major factor that influences the leader's decision has to do with his or her character. Also, domestic politics plays a crucial role if not the major role in the formulation of economic policies.

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<sup>20</sup> The Economist, Doing Business Series, (2012).

<sup>21</sup> Ibid, (2003), p. 365.

<sup>22</sup> Berridge, Geoff and Barnes, Alan. *A dictionary of diplomacy*, Palgrave Macmillan, (2003), pp. 91 – 93. 27 Mwagiru, Makumi. *Foreign Policy, Economic diplomacy and Multilateral Relations; framing the issues in Kenya's Emerging Ibid-Pacific Policy*. Africa Review of Foreign Policy, USIU, (2006), p. 6. Udo, Bassey. As U.S gradually closes Door, Nigeria Turns to Boost Economy, (2013), p. 27.

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# HARNESSING INDIGENOUS CULTURE FOR DIPLOMACY

Col Francis Kato Bossa - Uganda Peoples' Defence Forces

Human beings belong to the family of Homo sapiens. They started in small groups as the early primitive man and meandered from one place to another in search of their physiological needs. As the family became larger, wandering also became more difficult since it was not easy to carry all their belongings along at all times. Thus the early man started settling down in small units, which expanded into societies through reproduction.

Each society developed particular ways of life by which it was differentiated from other societies. Such ways of life include ideas, values, customs and beliefs. The ways of life provided the cohesive force for the unity of the society and molded the people attitudes and perceptions about life. Some of these ways of life that were adopted transformed into works of arts and festivals. The total way of life of a people, including the works of arts and festivals is usually referred to as the culture of the people.

Culture is defined as the way of life of a particular society or group of people, including patterns of thought, beliefs, behaviour, customs, tradition, rituals, dress and language as well as art, music and literature.<sup>1</sup> Similarly, attribute is defined as a quality or feature, especially one that is considered to be good or useful.<sup>2</sup> Attribute could be used to depict the character, behaviour or development of a people. Countries are geographical entities comprising various ethnic groups with different cultures. These ethnic groups coexist as a nation under one constitution. The groups have individual cultures that need protection and promotion from the state to enhance human dignity. Culture, as acknowledged by most of the constitutions in African countries, plays vital roles in building those attributes that enhance the personality or dignity of citizenry as well as those of the nation in enhancement of identity in regional groupings and shaping public opinion. A nation with a virile culture will also have an enviable attribute that will attract other nations. The need for a nation to have an enduring identity is a very important aspect of nation building. The identity a nation portrays to other states a sum total of the various aspirations of the segment that forms the nation. The Development of identity depends on the attributes of the individuals, groups and the entire social setup. The

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<sup>1</sup>.Oxford Concise English Dictionary Second Edition p.353.

<sup>2</sup>. International Encyclopedia of Social Sciences p.527.

attributes are formed through the culture, heritages, beliefs, value system, ethic and norms of the people. These beliefs, norms, value, ethics and social heritage combine to form the national identity. Countries need to continuously study and promote the culture of their people in order to build an effective attribute to enhance reputation and achievement of mutually compatible benefits that stimulate development. As African countries adopt the rapidly changing environment in context of globalization and technology and adjust strategies for development, culture as a soft power resource at disposal is a critical influence of national interest that must be preserved for continual harness and use as foreign policy.

A country with virile cultures and an enviable attribute, its value system in the society lays emphasis on integrity, which enhances dignity in behavior. Consequently, that country becomes a symbol of unity and pride for other countries and people. Unfortunately, the value system can easily be eroded and shift from integrity to materialism. This shift in value, changes the way of life of the people, to extent that a country degenerates morally (a nation ridden with corruption, general indiscipline etc). Consequently, a nation or population that had cultivated reputation and respect from other countries, begin to be considered with suspicion, despise and contempt. When reputation is lost however, so much efforts may be invested to attempt redeem the image of country/population, yet yielding no positive results. Even when deliberate agendas such as national reorientation programmes, ethical revolution, anti-corruption crusade etc, are initiated they might not reverse the situation.

With increasing technology and globalization in Africa, moral decadence in the society is inevitably taking toll. This trend could result into an incremental effect on African societies, losing their traditional morals, individual identities, national identity and status. To preserve our culture, we must instill pride into our youth and catch them young.<sup>3</sup> Therefore, amidst high excitement to embrace the numerous rapid emerging technological and globalization trends from all over the world, measures have to be taken consciously to mitigate a likelihood of corroding a nations' culture which is a strategic soft power. Richard Olaniyan emphasized although we must master science and technology as quickly as possible in order to make our political independence a reality, we need the knowledge of our past and of our cultural attainments if we are to make our own distinctive contribution to world civilization with confidence and success.<sup>4</sup> Thus any society that seeks to attain greater heights should retain

<sup>3</sup> Samuel Akapabot, *The Conflict Between Foreign and Traditional Culture in Nigeria*, (PrésenceAfricaine Editions), pp. 177-182,p 182.

<sup>4</sup> As quoted in Richard Olaniyan, *Nigerian History and Culture*,(Longman 1985) p.1.

a comprehensive knowledge of its culture, to cultivate relationships, respect or admiration from other nations to gain through culture to influence thought, judgment, policy, and all that follows thereof.

At birth, one is capable of absorbing any culture and language because he is predisposed to cultural learning but not programmed to adopt a particular culture. As one grows he learns what is right and wrong, good and evil, acceptable and unacceptable. These are taught by parents, schools or through interaction with the society. At the subconscious level, the symbolic meanings of behaviour are learnt and used to interpret the meaning of actions. Values are among the first things children learn not consciously, but implicitly within a context of a particular culture (cultural relativity).<sup>5</sup> Similarly, immigrants enter into a society, interact with the group and imbibe their total way of life (enculturation).<sup>6</sup> As one learns to accept his own cultural beliefs and values, he unconsciously learns to reject those of other people and vice versa. The culture that predominates tends to influence the subconscious mind and could be negative or positive. It is one thing to have a culture, it is another to study and analyze it. As time passes on and old customs die away, it is the study that enshrines the heritage.<sup>7</sup> Therefore societies need to practice their culture continuously in order to ensure their survival. It is necessary, to constantly study, analyze and review a people's material and expressive cultures in order to prevent them from being overshadowed by other cultures.

Material culture is the tangible and physical aspect of culture. It includes dress, music, arts and technology. Others are festivals and rituals. The tangible objects or artifacts are objects that have been given specific meaning by the society. Their symbolisms vary from one society to another. Similarly, the mode of dressing, pattern of music and certain festival, project different beliefs, morality and values to different societies; in some societies a particular material culture is honored while in others, it is condemned. Material culture uses artifacts, music and festival to transmit the ideals and values of a society. The meaning attached to an element of material culture depends on the history of a particular society. Every element of material culture has values that affect the quality of life of the people. Thus, material culture could create indelible imprints on the psyche of the society and consequently, moderate their lines of thought and behaviour. Suffice to say that, material culture is essential for a nation to project and promote its values between states in the international system and other actors, in form of cultural diplomacy. Indeed, cultural

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<sup>5</sup> John E Collins, *Sociology, An Introduction*, (Macmillan New York 1884), p. 51.

<sup>6</sup> Ibid.

<sup>7</sup> Saboni O. Biobaku, *The Living Culture of Nigeria*, (Thomas Nelson and Sons 1976) p.1.



diplomacy could be used to soften situations of tension when contending interests between two actors emerge.

Material culture also includes technology, which is the practices, tools, materials, skills and methods of organization that people use to manipulate the environment for their own purposes. Technology is cumulative and it builds on past developments in a progressive way. Unfortunately, some societies abandoned their culture in favour of others. However, because they cannot understand the culture underlying the development of such society, they cannot keep pace with their development. It is therefore necessary that any society that seeks to attain greater heights must have a sound knowledge of its culture.<sup>8</sup> As countries work to make sense of the rapidly changing context and adjust strategies for existence and survival accordingly, the soft power resources at their disposal would be a critical part of the foreign policy tools needed going forward.

Expressive culture is the abstract aspect of culture that expresses the emotional needs of a society. It provides the basic ways of expressing and sharing experiences through the use of symbols, signs and languages. It includes ideas, beliefs, customs and traditions.<sup>9</sup> Expressive culture has hidden connection between the basic ideas available and shared convention between people, through which the ideas acquire mutual significance. For example, the winking of eyelids in a particular society could express signal for conspiracy between two people. In another society, it could express indications of pains from an individual. Senses of cultural malaise arise in a society if there are discrepancies between symbols and meanings.<sup>10</sup> In such cases, symbols or signs do not match the complex reality. Consequently, the behaviour of the people would not reflect the cultural values or identity of the society.

Members of a society who share a particular culture understand the significance attached to certain gestures, traditions and expressions. For example in Uganda, the Baganda young people culturally express respect by kneeling when greeting elders. Wives kowtow before their husbands. The tradition, customs and expression are learnt subconsciously through interactions with the society, oral traditions and literatures. Literature explains the salient points of a culture and therefore preserves the values of such culture. It also helps to establish the identity of the people. Oral tradition, on the other hand, studies the meanings and values of a culture. This is because certain salient facts are forgotten with time.

<sup>8</sup> Richard Olaniyan, *Nigerian History and Culture*, (Longman 1985).

<sup>9</sup> Allan Ball, *Modern Politics and Government*, (London Cohen and Welt), p. 25.

<sup>10</sup> Renoids John. Op cit p.32.

It should be noticed that culture which depends on oral tradition loses value and is prejudged inferior after a while and eventually, it is discarded. One reason for such action is because people have emotional attachment to cultures with established identity. Therefore, it is necessary for a society to provide established identity for its culture through appropriate literature. These literatures could then be communicated to the people through public libraries, formal and informal lectures. Additionally, it would be easier to periodically update such cultures to suit the realities of the time. Such an update would require an appropriate adjustment of culture variables.

Supplementary, values are shared ideas about what is desirable, good or correct in a society. They derive from peoples' feelings and are emotion laden. For example, the value of stratification in western culture, values who-knows-what while in Africa, it is based on who-earns-what.<sup>11</sup> This value for stratification has promoted the culture of technology in the west and encouraged corruption in Africa instead. Therefore, values determine the drives, motives and behaviour of a people hence the culture. Although it is difficult to quantify values, it could be assessed with elements or criteria such as integrity, hard work, politeness and humility. An appropriate selection of these criteria could be used as the basis for recognition, honour and reward in the society. Similarly, they could form the basis for selecting servants in the society. The identification and appropriate control of vital value elements in a culture would provide the required attribute for the people.

Furthermore, culture provides the lenses of perception and cognition for members of a society. It uses cultural elements like ideas and patterns of thought in a society to moderate the focus of the individuals in the society. It dictates how they perceive life and the world around them. It helps individuals to be conscious of certain expectations. Thus if the ideas and patterns of thought in the society are negative, the consciousness of the individual would also be negative. Collectively, this would result in negative aspirations and attributes in such a society. Culture provides the motives for human behaviour. It uses cultural elements like belief. The people's belief determines their reaction and response to situations. It unites the people and provides a common focus. Belief could be religious or social. Religious beliefs result in a common mode of worship. Social belief determines the individual loyalties in the society. It could result in positive or negative attributes. Every nation therefore, needs to be conscious of the belief system that is perpetrated in the society. For example, a society that believes in vengeance would be characterized with incessant conflicts among individuals and groups of individuals. Members of

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11. Mazrui AA, *Cultural Forces in World Politics*. (HeinemanPortsmouth).

such a society would have no tolerance for one another or even irreconcilable. Consequently, the collective attribute or behaviour of such a society would be aggression.

Indeed, different societies have different criteria for evaluation. Things that appear moral in one society could be immoral in another. This is because of the cultural values of different societies. Thus, a society without defined value system would have conflicting criteria for evaluation. This would result in confusion and disarray in the society. The customs and traditions of the society would have no respect since people would see things from different perspectives. A nation would therefore have positive attributes if it has positive criteria for evaluation. Different societies have different identities. These identities could be based on language, belief, customs or traditions. The identity provides the cohesive force that generates solidarity among members of the societies to maintain a virile culture in order to achieve a common identity.

Whereas, traditional performances in African culture have undergone changes, these changes are mediated by the nature of historical and globalization situations they are exposed to. These changes also affect the way a society's sense of perception is organized and accomplished. The effect varies from society to society. It is therefore presupposed that one festival is never really the same in terms of its practice. This is because festivals have high dynamic potentials with regards to their adaptability to contemporary situations.

A nation's identity depends on the attributes of individuals, group and entire society. These attributes are formed through the culture, heritage, beliefs and value system of the people. Any society that seeks to create a distinct political and social identity needs a sound knowledge of its culture. It is therefore easy to judge the quality of a nation and its culture, by examining the gaps between what its members claim to believe, the values, and what they actually do. Unless the values in the society are carefully harnessed and controlled, the actual output of the nation would differ from the intended output in whatsoever is done. Therefore, man has to devise means of harnessing culture to enhance his development and attributes. Any development effort which does not rely on the rich creative potentials offered by culture runs the risk not only of failure but also of harming the diversity of culture and their dynamism, which feed on exchange and dialogue. It is culture in fact which holds the key to a sustainable human development based on sharing. Therefore, Africa could accelerate her pace of development by harnessing cultures. The need for a nation to have an enduring identity is a very important aspect of nation building. The development of national identity depends on the attributes of

individuals, group and entire society. These attributes are formed through the culture, heritage, beliefs and value system of the people. Though we must master science and technology for our political independence, the knowledge of our cultural attainment would make us contribute meaningfully to world civilization. Therefore, any nation or society that seeks to create a distinct political and social identity needs a sound knowledge of its culture.

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# **THE NILE RIVER AND THE RIPARIAN STATES: CONTEXTUALIZING THE EXTERNAL POLICY OF KENYA**

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## **Introduction**

Since the pioneer times, Egypt has controlled the utilization of the Nile waters by clinging to frontier treaties. These arrangements were signed among Egypt and the United Kingdom in 1929 and a second one with Egypt and Sudan in 1959. The achievement of freedom in the 1960s incited the riparian states to relook the utilization of the Nile waters and the greater part of the state ascending to challenge the agreement prompting fights by Egypt. The thought of impedance of the Nile as a national security issue further confuses the issue. The riparian conditions of the Nile incorporate Egypt, Sudan, Eritrea, Ethiopia, Uganda, South Sudan, Kenya, Tanzania, Burundi, Rwanda and Democratic Republic of Congo. The more than 300 million occupants in the ten riparian states, the Nile basin is home to around 160 million people. The intertwined discussions involving the use of the waters and resources of the Nile River focused on the Anglo-Egyptian agreements of 1929 and Egypt-Sudanese of 1959, which largely ignored the interests of upstream states. Through the Nile Basin Initiative (NBI) established in 1999, riparian states concluded, in 2010, the Nile Basin Cooperation Framework Agreement (CFA) in light of the fair and sensitive use rule, the whose goal is to build a strong legitimate system in the Nile River basin.<sup>1</sup>

Universal river basin and trans-boundary water management initiatives are expanding in significance and extension as the accessibility of water per capita is dropping essentially. Trans-boundary watercourse States currently face more difficulties in dealing with their national waters than any other time in recent memory; this is because of increment of activities identified with the utilization of shared waters. There are conflicts of great concern over water in many parts of the world at present and the contest identifying with the utilization of the Nile Basin gives a genuine example. At the risk of

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<sup>1</sup>Adar, K. G. & Check, N. A. (2011). Cooperative Diplomacy, Regional Stability and National Interests: The Nile River and the Riparian States. Oxford: African Books Collective. Retrieved August 19, 2019, from Project MUSE database

misrepresentation, the emergency isn't tied in with having too little water to fulfill the requirements. It is an emergency of the management of water resources and the legitimate guideline of the interests and sovereignty of trans-boundary watercourse States.

The global network having been incited by the absence of coordination over shared water supplies and the interstate clashes has in the ongoing past increased its determination in advancing more co-riparian participation. Various statements just as authoritative and legitimate improvements have been acknowledged to promote this target. The present discussion on the review of the Nile Treaties must be situated inside this unique circumstance.

On a basic level, the nations of the Nile River basin concur that the circumstance should change. In any case, they don't concur on how. To help arrive at an accord, they built up the elevated level Nile Basin Initiative (NBI) in 1999. Initially planned as an approach to share logical data, the NBI today unites state departments from the basin nations "to achieve sustainable socio-economic development through equitable utilization of, and benefit from, the common Nile basin water resources," as expressed in its common vision.<sup>2</sup>

## **Nile Treaties and Agreements**

In the course of the last century or so, there have been various treaties and agreements as to the utilization of the waters of the Nile. These arrangements and understandings incorporate the following; Protocol among Britain and Italy (1891), Treaty among Britain and Ethiopia (1902), Britain and Congo [Modifying 1894 Agreement of Brussels] (1906), Agreement between Britain, Italy and Ethiopia (1906), Exchange of notes among Britain and Italy (1925), Nile water understanding (1929), Convention among Britain and Belgium (1934), Exchange of notices Egypt and Britain (for Uganda), 1949–1953, Egypt and the Sudan Nile Agreement (1959), Exchange of memoranda among Egypt and Uganda (1991), Framework for General Cooperation, Egypt and Ethiopia in 1993, Egypt and Uganda Agreement for controlling water hyacinth (1998), and Cooperative Framework Agreement of Nile Basin States (2010).

The 1902, 1929 and 1959 understandings are especially intriguingly for

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<sup>2</sup> Ayebare A, (2010). A Political Storm over the Nile, Issue Brief, December 2010.

they thoroughly overlook the enthusiasm of upstream riparian states.<sup>3</sup>

## Negotiation over the Nile

Since the 1960s the Nile riparian states have been engaged with exchanges and conferences on the standards of fair utilization of the water. The primary fora for the dealings were Ndugu (1959-1960s), HYDROMET (1967-1992), TECONILE (1992-1998), NBI (1999 - until this point in time) and CFA (1997 – until now, corresponding to NBI)

A portion of the dealings to which Kenya was gathering to incorporate Hydromet which is an abbreviation for Hydro Meteorological Survey (Hydromet) of the Upper Nile district to empower and upgrade the information assortment of the hydrology and meteorology of the Nile River and the lakes. Here the exchange focuses fixated on the guideline of surges of the tropical lakes district and limit working as far as water specialists of part nations. The individuals from Hydromet were Uganda, Kenya, Tanzania, Egypt, Ethiopia and Burundi.

Teconile then again which represents The Co-activity for the Development and Environmental Protection of the Nile (TECCONILE) - supplanted the Hyromet and it was planned as a transitional course of action for the continuation of specialized co-procedure on the Nile River Basin. The Member nations were Egypt, Rwanda, Sudan, Tanzania, Uganda and Democratic Republic of Congo while Burundi, Ethiopia and Kenya partook as onlookers.

The Nile Basin Initiative (NBI) planned for accomplishing maintainable financial improvement through evenhanded usage of, and advantage from, the regular Nile water asset. The activity was begun after conversations in a discussion for a lawful and institutional game plan to fashion an association of all the riparian states. In 1998 every single riparian state, with the exception of Eritrea, joined the discourse to encourage the procedure of practical advancement and the executives of the Nile resources. In 1999 the Nile Basin Initiative (NBI) was authoritatively propelled in Dares Salaam (Tanzania).<sup>4</sup>

<sup>3</sup> Abraham, K. (2002). The Nile Basin disequilibrium, *Perceptions, Journal of International Affairs*, Vol VII.

<sup>4</sup> Tafesse, T.: *Hydropolitics of the Nile Valley: Retrospect & Prospect*, Addis Ababa University, 1997, p. 8



There are programs for the acknowledgment of the common vision, destinations, trust and limit working just as two sub-bowl Strategic Action Programs with the target of Investment and activity on the ground. The dreams of the NBI included: Socio-monetary and Benefits Sharing, Confidence-Building and Stakeholder Involvement, Efficient Water Use and Drainage, Water Resources Planning and Management, Regional Power Trade (hydropower), Nile Trans-boundary Environmental Action The CFA tries to set up a perpetual Nile River Basin Commission through which part nations would act together to oversee and build up the resources of the waterway. The nations comprising the Nile Basin Initiative (NBI) are Burundi, the Democratic Republic of the Congo (DRC), Egypt, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda. There has been perceptible strain among the NBI nations because of differences over what establishes the evenhanded use of water.

### **Major Principles of the CFA**

The significant standards of the CFA include: Sustainable advancement (Articles 6), Subsidiary (Article 10), Equitable and sensible use (Article 4), Prevention of the causing of critical mischief [Obligation not to cause huge harm] (Article 5), Information concerning arranged measures (Article 8), Environmental impact assessment and reviews (Article 9), Water security (Article 14).

Toward the finish of the dealings, no agreement was arrived at to on Article 14(b) which peruses as follows: not to significantly influence the water security of some other Nile Basin States.”

### **Current Status of the CFA**

To date, six countries have signed the CFA (Ethiopia, Kenya, Tanzania, Uganda, Rwanda and Burundi); three countries DRC, Sudan and Egypt have not yet signed (Eritrea was not in the negotiation and South Sudan). Article 42 of CFA requires six countries to ratify the agreement and deposit the instrument with AU. Ratification may take some years and on-going cooperation under the NBI can continue<sup>5</sup>.

### **Joining of the Regions**

The East African countries, which share a typical pilgrim history, have been exploring different avenues regarding different types of local collaboration since the end of the World War 2. These endeavors have brought about the

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<sup>5</sup> Tafesse, T.: Hydropolitics of the Nile Valley: Retrospect & Prospect, Addis Ababa University, 1997, p. 8

foundation, by bargain, of the East African Community, whose accomplice states are Uganda, Kenya, Rwanda, Tanzania, South Sudan and Burundi. The destinations of the network are to create approaches and projects planned for augmenting and extending participation among the East African states in political, monetary, social and social fields, research and innovation, protection, security and legitimate and legal issues, for their common advantage (Article 5).

The Partner States of the network attempt to build up among themselves a traditions association, a typical market, accordingly a fiscal association and eventually a political league. Unmistakably, the East African locale will be changed into a solitary political unit for reasons for the activity of power. In issues identifying with characteristic resources, the network is to guarantee “the promotion of sustainable utilization of the natural resources of the Partner States and the taking of measures that would effectively protect the natural environment of the Partner States” [Article 5(3)], and the Partner States “agree to take concerted measures to foster cooperation in the joint and efficient management and sustainable utilization of natural resources within the community” [Article 111(1)]. Among other things, the Partner States commit themselves to “adopt common regulations for the protection of shared aquatic and terrestrial resources” (Article 114).

Kenya recognizes and perceives that the utilization of global shared water resources, for example, the water of Lake Victoria and the Nile River must be founded on the standards and practice of universal law. In the first place, the Charter of the United Nations and the sovereign privileges of states to misuse the natural resources inside their regions as indicated by their own ecological and improvement approaches that are adjusted by general duty to guarantee that activities inside their own locale don't hurt the earth or cause noteworthy damage to other riparian states or territories past the points of confinement of national jurisdiction<sup>6</sup>.

The rule of proper even handed change in instances of works done on watercourse making noteworthy mischief the enthusiasm of any riparian State. The standard of fair and sensible usage of universal waters dependent on the contemplations of financial advancement, non-destructive and non-inefficient utilization of water. Furthermore, the standards of normal

<sup>6</sup> United Nations, (1997). Convention on the Law of Non-Navigational Uses of International Watercourses .0378-77 1997 10S Press, Colorado Journal of Environmental Policy and law 27/3.

privileges of the considerable number of states subject to a similar conduit. The idea of economical advancement that addresses the issues of the present without trading off the capacity of people in the future to address their own issues, as contained in the all around acknowledged and embraced Brundtland report of 1987 and article 2 of the 1982 Rio Declaration<sup>7</sup>.

Similarly the need of including all partners to take an interest at suitable degrees of dynamic and the executives of water resources during the understanding by every riparian state for the practical usage of waters of Lake Victoria and the Nile waterway all in all. In conclusion the need to attempt natural reviews for flow and past undertakings contacting on the utilization of Lake Victoria waters remembering every single respective venture for all the concerned states utilizing waters of the lake, the Nile or their sources.

Kenya, as other Lake Victoria and Nile River riparian States would additionally need to receive the accompanying procedural standards that give states' commitments in the use of the water resources of the basin: Environmental impact Assessment, to keep away from, relieve and limit unfavorable effects as effectively contained in Section 58 of the Environment Management and Coordination Act No. 8 of 1999, Laws of Kenya, Education and open mindfulness, to advance mindfulness on the significance of safeguarding the biological system of the mutual waterway, The obligation to advise, counsel and participate in accordance with some basic honesty exchange and to work out an answer that deters any normal huge damage because of any work done in the Lake Victoria Basin.

The importance of co-operation in relation to the utilisation and management of international watercourses and other common natural resources has been emphasised repeatedly in declarations and resolutions, adopted by intergovernmental organisations, conferences, and meetings. For example, the Helsinki Rules adopted by the International Law Association have made a major impact on the development of rules of international water resources. Article IV states that "each basin state is entitled within its territory to a reasonable and equitable share in the beneficial uses of the waters of an international drainage basin".

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<sup>7</sup> Riungu, I. (2018). *Assessing Kenya's National Interests in Ratifying and Domesticating International Treaties, 2002-2013*, Unpublished Masters Project, Moi University.

Article 3 of United Nations General Assembly Resolution 3129 provides that: “In the exploitation of natural resources shared by two or more countries, each must co-operate on the basis of a system of information and prior consultation in order to achieve optimum use of such resources without causing damage to the legitimate interest of others<sup>8</sup>.”

Finally, in 1997, the United Nations Convention on the Law of Non-Navigational Uses of International Watercourses emphasised in its Articles V and VII equitable, reasonable utilisation and participation. Furthermore, in addition to seasonal flooding around Lake Victoria, water taps often run dry in towns by the shores of Lake Victoria and there are calls to draw more fresh water from the lake to meet the increasing demand. Martha Karua, the then Minister for Water Development revealed that there were plans to scale up the flood control programme as part of the development of the Lake Basin<sup>9</sup>. Other projects planned for expansion cover agriculture, fisheries, irrigation, water supply and sanitation. This is the main reason why Kenya joined the other countries, Rwanda, Ethiopia, DRC and Tanzania, in signing the New Nile Treaty in May, 2010. In signing this treaty, Kenya argued that the treaty would further allow the building of dams on rivers around Lake Victoria which would be a more long-term solution to floods as dykes had proved ineffective in controlling water. Besides Uganda, Kenya is also one of the countries who have been demanding that the Egyptian Government should compensate it for the suffering Kenyans have gone through after being denied the use of the Nile.

## Policy recommendations

**Place high priority on environmental management** so as to ensure the accessible water resources and set out compelling measures to adjust and mitigate the impacts of environmental change. Proper environmental management would lead to reduction of water scarcity.

**Mainstreaming water issues** in protocols and frameworks of the different sub regional organizations: The sub regional organisations should liaise with organizations like UNEP to work closely with them and mainstream and integrate water issues in the protocols and programmes of action identified.

**Cooperation and joint action:** Cooperation and joint action in natural

<sup>8</sup> United Nations, (1997). Convention on the Law of Non-Navigational Uses of International Watercourses .0378-77 1997 10S Press, Colorado Journal of Environmental Policy and law 27/3.

<sup>9</sup> *Daily Nation*, March, 12, 2004.

resources use and management is the key to its economic development. Conflict prevention must be a key strategy to avoid conflict escalating into violent conflicts over water.

**Liaise with other organizations and institutions:** *such as* national governments, NGOs and industries to make greater advances in meeting the environmental challenges.

**Concentrate on the sustainability and development.** The key to prevent or reduce the effect of environmental issues relating to water. Prevention and fix of natural corruption, for example, deforestation and the decay of the nature of land, water and fisheries, can expand the manageability of resources by including partners in proper discourse and intervention systems from the start.

**Research on the linkage between water scarcity and maritime security.** The link between environmental degradation and human security - and maritime security in particular has not been adequately investigated. There is urgent need for the relevant institutions to commission research in this area to provide policymakers with clear data and information to guide the latter.

**Cooperation in addressing transboundary problems like maritime security.** The international community has employed a purely military approach in addressing the problem of maritime insecurity in the East African Region. The international community has not adequately addressed the environmental causes of maritime insecurity. Marine environmental pollution is a transboundary problem. The states in the Region must cooperate to address the problem effectively. Similarly there must be proper coordination of various agencies dealing with maritime security at the national and regional levels.

**Provide technical support.** The sub regional organisations should be supported in terms of technical assistance, training, policy, and advisory support services to enhance capacities of countries in preventing water-related conflicts<sup>10</sup>.

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<sup>10</sup> Kimeri-Mbote, P. (2007). Water, Conflict, and Cooperation: *Lessons from the Nile River Basin*. In: Navigating Peace, No. 4, pp. 1-6.

## Conclusion

It is essential for all the Nile basin countries to realize that an agreeable strategy for equitable distribution of water is an essential step towards realizing sustainable peace and security as well as promoting economic interests of the whole population. This seems to have sunk in very well but should be grounded in actualized cooperation rather than engaging in threats and confrontation<sup>11</sup>.

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<sup>11</sup> Wambuma, H.O. (2015). *Diplomacy of Water Sharing: A Case of Egypt and it Nile Basin Counterparts*, Unpublished MA Project, University of Nairobi.

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# DEFENCE DIPLOMACY

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## Introduction

The War on Terror (WoT) following the 911 bombings in the United States of America (USA) drastically changed the conduct of international and internal affairs of states the world over. The greatest shift was in the security strategies formulated to address the emerging threats notably terrorism, violent extremism, religious fundamentalism, and radicalisation. The situation was made worse by globalisation, which facilitated the propagation of violent extremism internationally. Various aspects of statecraft had to be reviewed in tandem with the changing international operating environment.

Diplomacy and Foreign Policy are some of the areas that were revised because of the foregoing occurrences. Diplomacy was no longer confined to the classical political jurisdiction but it rapidly expanded to include trade matters, economic issues, science and technology, defence and security among others. The roles of the military and other elements of national power had to be reviewed when the cold war ended and signalled the 'demilitarisation' of the international system. Functions such as military diplomacy that were not so pronounced during the cold war period now gained prominence and diplomacy related military activities are now entrenched in routine military functions and with it the emergence of concepts such as Defence Diplomacy.

Researchers ("A. Cottey and A. Forster"), proposed an expanded definition for defence diplomacy in 2004 as "peaceful (non-confrontational) use of armed forces and related infrastructure (primarily defence ministries) as a foreign policy and security tool."<sup>1</sup> In the cotemporary security environment, Defence Diplomacy is gaining traction as a critical element in the safeguarding of security in the international arena.

Defence Diplomacy has its roots in the emergence of the state and has been practiced throughout since the Napoleonic era<sup>2</sup>. Professor Anton du Plessis observes that the idea of "Defence Diplomacy" combines two conflicting methods, namely Defence (violent-coercive) and Diplomacy (pacific-

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<sup>1</sup> Cottey A & Forster A., *Reshaping Defence Diplomacy: New Roles for Military Cooperation and Assistance*, The Adelphi Papers, 2004, Vol 44, Issue no. 365, p 6

<sup>2</sup> Cheyre J E, 'Defence Diplomacy,' in Cooper A E, Heine J & Thakur R, 'The Oxford Handbook of Modern Diplomacy,' (Oxford, OUP, 2013), p 297



persuasive) in the pursuit of policy objectives.<sup>3</sup> This divergence is due to the separation of the four categories of the instruments for the implementation of foreign policy, which are diplomacy, economic, cultural and military<sup>4</sup>. Among these techniques, diplomacy is the first resort and the most direct while the Military is of last resort in Foreign Policy implementation. Defence Diplomacy serves to enhance cooperative security in the international arena guided by a number of objectives, functions and activities.

## **Defence Diplomacy objectives**

The following are the objectives of “Defence Diplomacy”: Facilitation of international strategic engagement by fostering interstate relationships on defence matters. This is aimed at creating mutual trust and transparency in defence relations thus reducing international tensions. Communication channels facilitated by defence diplomacy support consultations at various levels on security issues thereby creating awareness on the participants’ concerns and identify areas of common and mutual interests. Defence Diplomacy can further a “country’s foreign policy objectives by managing defence foreign relations and supporting other diplomatic initiatives”.<sup>5</sup>

The second objective is promotion of democracy and good governance by inculcating democratic political control of defence policy among partner states. The post-cold war period was marked by a changed global system with emerging new threats necessitating a strategic shift in the approach to security. The traditional defence control during the cold war had to be reviewed in most countries. This involved cooperation in civil-military programmes, advice on democratic control of the military, sensitization on governance issues and support to defence review processes.<sup>6</sup>

The other objective of Defence Diplomacy is enhancement of partner states military capabilities through cooperative security, military assistance operations and Security Sector Reforms by forming the core of burden sharing in defence partnerships. Development in the sectors of equipment, concepts, materiel, defence Human Resource among others ensures that countries develop own capabilities and promote interoperability with other agencies when dealing with contemporary threats thus ensuring a safe and secure international system.

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<sup>3</sup> Plessis D A., *Defence diplomacy: conceptual and practical dimensions with specific reference to South Africa*, Strategic Review for Southern Africa, 2008, no. 2 p 87-119

<sup>4</sup> Ibid

<sup>5</sup> Muthanna K A, ‘*Perspectives: Military Diplomacy*, *Journal of Defence Studies and analyses*’, 2011, Vol 5, issue 1, p 2-14, <https://idsa.in> accessed on 21 August 2019 at 2348 hrs

<sup>6</sup> Ibid

## The role of Defence Diplomacy

Defence Diplomacy develops and strengthens confidence among states leading to improved interstate relations in accordance with international obligations and conventions. This is achieved by seeking to influence the strategic thinking of states in the formulation of mechanisms to address global security challenges. Defence policy also supports the achievement of national interests, foreign and security policies. As countries pursue common security objectives, Defence Diplomacy becomes an effective geopolitical tool to attain these ends. Defence Diplomacy also aims at creation of stable and lasting international relations in the field of defence<sup>7</sup>. The contemporary international security landscape is characterised by similar threats that are globalised and as such countries need to foster close partnerships in a bid to defeat these emerging insecurities.

## Functions of Defence Diplomacy

The functions of Defence Diplomacy are:

- a). “Bilateral and multilateral contacts between the highest civilian and military representatives of defence ministries.”
- b). “Appointing and maintaining defence attaches in other countries.”
- c). “Developing bilateral international agreements in the field of military cooperation.”
- d). “Training and education of soldiers and civilian employees of the Ministry of Defence.”
- e). “Transfer of expertise and consultancy in the field of democratic and civilian control over the Armed Forces.”
- f). “Maintaining regular contacts between military personnel, military units and warships visiting ports.”
- g). “The deployment of military and civilian personnel in partner countries, both at defence ministries and military units.”
- h). “Deployment of training teams.”
- i). “Supply of equipment, armaments and other military provisions.”
- j). “Participation in bilateral and multilateral joint military exercises and training.”<sup>8</sup>

## Defence Diplomacy activities

Defence Diplomacy entails the following activities: “Promoting bilateral and

<sup>7</sup>Lech D., Defence Diplomacy: An Important Tool for the Implementation of Foreign Policy and Security of the State, Security and Defence Quarterly, 2018, Vol 20, issue no. 3, p 57

<sup>8</sup>Pajtinka E., *Military Diplomacy and its Present Functions*, International and National Studies, 2016, no. 20, p 179-194

multilateral cooperation in the field of military relations, security and defence which is implemented through “appointing and accepting defence attachés in the capitals of states, military and civilian representatives in the Armed Forces and defence ministries”, the “personal diplomacy” of “commanders, managers of defence departments, as well as various ad hoc missions.”

Other activities include: “preparation, negotiation and signing of contracts and agreements in the defence sector; arrangement of “bilateral and multilateral meetings at various levels”, including “substantive military advice”; supporting partners in “reforming the security sector and developing their capacity to participate in military operations”; conducting “training and education in schools and military academies for military and civilian employees of the Defence agencies.”

Defence diplomacy other operations are: “Supply of military equipment and materials”; “planning, organisation and implementation of bilateral and multilateral military exercises”; “organising military visits to friendly countries”; “logistic assistance in crisis” and “humanitarian operations due to natural disasters and catastrophes.”

Defence diplomacy also supports “efforts to build the military infrastructure necessary for the organisation of cooperation and mutual defence”; “promote democratic civilian control over the armed forces”; “Support compliance to agreements in arms control and disarmament, confidence building measures and control of special facilities.”<sup>9</sup>

## Conclusion

Defence diplomacy developed in response to a changed international environment and has become a common feature in international relations. It signifies a complementary approach in the management of international affairs, serves as a tool for foreign policy implementation and acts as a pivot for the application of other instruments of national power in the pursuit of international security. Defence Diplomacy is evolving to adapt to the new international operating environment and is deemed an invaluable instrument of statecraft.

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<sup>9</sup> Lech D., op cit, p 66

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# ILLEGAL MIGRATION: HUMAN SMUGGLING AND TRAFFICKING

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## Introduction

The steady transformation of the world economy in pursuit of various personal and national interests, which are not confined to a single geographical location, has created the global village we live in today. National borders have become constricting and incapable of satisfying the interests of any single state and its nationals. Movement of persons across international boundaries is inevitable; it is an indispensable ingredient for the social, political and economic fabric of human kind. This has led to the establishment of legal frameworks within which such movement may occur. This movement is called migration.

## Illegal migration

Illegal migration is the clandestine, undocumented or irregular crossing of from one state to another.<sup>1</sup> It may also be explained as the movement of persons across boundaries of states outside the legal-institutional frameworks established by states. Migration rules and laws are set by each country specifically to control the movement of people across its borders in an organized manner so as to keep track of the social, political and economic factors that may be affected by such movement, and internationally for peace. There are different types of illegal migration such as smuggling trafficking.

The international community has put in place measures to control global migration. Nations have also set laws to govern their territories and cooperation structures to deal with the movement of persons across borders. With migration comes also the growth of international trade, involving the massive movement of commodities. This movement happens on land, by sea and by air. Because of the magnitude of global trade, it is practically impossible to inspect all the luggage and containers that crisscross the globe daily, paving way for smugglers and traffickers to take advantage of the situation.

Illegal migration often carries on its wings other grave threats like the illicit dealing in drugs and arms, terrorism, maritime crime and piracy, money laundering, cybercrime, poaching, corruption, poor governance, among others.

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<sup>1</sup>Martin Baldwin-Edwards, *Towards a Theory of Illegal Migration: Historical and Structural Components*, Third World Quarterly, Vol. 29, No. 7, Globalisation and Migration: New Issues, New Politics? (2008), pp. 1449, Taylor & Francis, Ltd

It is, therefore, an indicator of a bigger global problem. It is the under-side, the dark side of globalisation and we must tackle it holistically.”

## Smuggling of migrants

Illegal migration may be carried out by more than one party, where one party or parties facilitates the other to move from his country to a foreign country, breaking the laid down laws for immigration of the transit and/or destination country. When such help is involved, the process is referred to as human smuggling. *“Smuggling of migrants is the procurement, in order to obtain, directly or indirectly, a financial or other benefit, of the illegal entry of a person into a State Party of which a person is not a national or a permanent resident.”*<sup>2</sup> Regardless of the hardships endured by the migrants through the process of the illegal movement, they are party to the illegal process. They procure help from their facilitator(s) to enter into another country’s territory out of their own free will and they are free from the facilitator upon payment of the whole amount or arrival to the destination and continue with their lives as they wish.

## Human trafficking

Where the migrant has no will and is forced or deceived in order to move, the process becomes trafficking. The distinguishing ingredient is the willingness of the subject to move. Human trafficking is, therefore, *“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”*<sup>3</sup> It can be referred to as modern day kind of slavery.

The Rome Statute has defined Human trafficking as part of enslavement; enslavement being “The exercise of any or all forms of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.”<sup>4</sup> The International Criminal Court, therefore, gets the mandate to prosecute

<sup>2</sup> United Nations. *Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organized Crime of 2000*, Article 3(a), UNODC

<sup>3</sup> United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* Article 3(a), UNODC

<sup>4</sup> United Nations, *Rome Statute of the International Criminal Court*, U.N Doc. A/CONF.183/9 (1998) Art 7(2)

human trafficking as a crime against humanity or as a war crime in specific circumstances.

Human trafficking, alongside drug trafficking and illegal arms, is one of the largest international crime industries worldwide. It generates illegal profits amounting to \$150 billion annually.<sup>5</sup> There is a current estimate of over 20.9 million people who are trapped in forced labour, and are trafficking victims.<sup>6</sup> The superfluous nature of the trade and the interdependence of suppliers and the demand created across national borders, and between developing and developed countries is recipe for constant conflict and the growth of gangs.

## Factors that influence illegal migration

The smuggler and the smuggled, trafficker and the trafficked, all have different, though sometimes similar motivations for taking part in Illegal migration. While smuggling is often tied to economic motivations and trafficking both economic and greed, reasons vary from case to case. Generally though, human trafficking is foremost fuelled by the demand created worldwide for cheap labour, illicit trade services, greed, and the strive for survival; where most perpetrators just want a get rich quick method through abuse of people's rights, and most victims being taken advantage of because of their desperation for survival.

**Demand:** Developed countries have a huge demand for jobs while big sections of populations of developing countries are in need of jobs. These world divides best meet each other's need in migration.<sup>7</sup> However, the latter are vulnerable to exploitation hence the alarm raised by ILO on the issue of forced labour resultant from trafficking.<sup>8</sup> There is still a difficulty in obtaining well detailed cases for evidence because victims fear to be prosecuted. Most forced labour in developed countries is employed in the agricultural and horticultural industries, restaurants, sweat shops, dance and strip clubs, and prostitution.

**Poverty:** Traffickers pick most of their victims from economically struggling regions because it is easier to entice them. In some cases of child trafficking, parents give away their children for a fee to traffickers. This is mostly in parts of Asia and Africa where levels of poverty are so high that

<sup>5</sup> International Labour Office, *Profits and Poverty: The Economics of Forced Labour*, Genv, 20 May 2014 pp. 10

<sup>6</sup> ILO, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, 19 September 2017

<sup>7</sup> ILO, *Forced labour, migration and trafficking: Global perspectives*. See R Plant- Labour education, 2002-ilo.law.cornell.edu

<sup>8</sup> EU: *Trafficking in Human beings: The European response, background document prepared for the EU/IOM STOP Conference on Trafficking*, Brussels, Directorate-General, Justice and Home Affairs. September 2002

parents are unable to feed their children. The children are put into forced labour, organised begging, or sexual exploitation.<sup>9</sup> The youth also fall for this trap although most willingly become party to smuggling, or venture alone into illegal migration.

**High population growth rate:** The population of the world is currently at 7.7 Billion and has a growth rate standing at 1.06. The population growth rate for least developed countries stands at 2.33%, that of developed countries at 0.26%, while Africa records a regional high of 2.6% against Europe's lowest at 0.12%.<sup>10</sup> Most countries with higher population growth rates are the developing ones. Competition for resources means survival to some, hence their citizens venture into developed countries.<sup>11</sup> These migratory populations sometimes move legally for study or to look for opportunities then overstay their visas becoming illegal migrants.

**Conflict:** Conflicts, both internal and across international boundaries, if not well managed, often spiral into violence. Violent conflict pushes populations to seek safer grounds either regularly or irregular. Irregular migration includes internal displacement of populations and seeking refuge across international boundaries in safer countries. Internally displaced persons (IDPs) or refugees, easily turn into illegal migrants when refugee and IDP programmes are not well structured. They seep into the regular populations and often seek access into other countries especially developed countries. They are also easy prey to human traffickers. In 2005, many people in Somalia, feeling that their home was no longer safe for them, and in desperation, made risky sea voyages in vessels that were not suitable for purpose as they are ones used for shipping, and were overcrowded, from Somalia. They would then cross into Yemen through the Gulf of Aden, to get away from the conflict in their country.<sup>12</sup>

**Political instability:** Political instability in a country is akin to announcing to traffickers an available market. Traffickers prey on vulnerability. A government that is not politically stable cannot assure security for its citizens hence a desperate pursuit of greener pastures. The Horn of Africa region has been challenged with conflicts for very long; Sudan, South Sudan, Somalia have all suffered significant crises over time. This has made the smuggling

<sup>9</sup> ILO, the worst forms of child labour, <https://www.ilo.org/ipec/Campaignandadvocacy/Youthinaction/C182-Youth-orientated/worstforms/lang--en/index.htm>, accessed on 8 August 2019

<sup>10</sup> United Nations, 2019 Revision of World Population Prospects, Department of Economics and Social Affairs, Population Division

<sup>11</sup> <https://www.standardmedia.co.ke/article/1144007776/same-land-more-people-less-food/?pageNo=4> by Mangoa Mosota, The Standard newspaper 1st March 2009 accessed on 6 August 2019

<sup>12</sup> United Nations, *Human Smuggling and human trafficking in Somalia*. United Nations office for the Coordination of Humanitarian Affairs (OCHA) 21 November 2007



route to Yemen very lucrative. The smugglers would make the journey by night, force the migrants to sit atop each other in storage holds, beat those whose children cried and force to disembarkation off shore, or throw them into shark infested waters.<sup>13</sup> The Port city of Bossaso to Yemen route became infamous for trafficking and brutal smuggling.

**Poor Border Patrols:** Traffickers, smugglers and illegal migrants would traditionally identify border points that were not well monitored as their crossing points or move under the cover of darkness. While they still do, they have also become bolder and technological savvy and now device ways of avoiding detection such as being hidden in transported goods, or hidden parts of vehicles and other transport conduits. Poor border controls may be due to lack of sufficient human resource and financial capacity such as in the case of manning the 1,600 Somalia coastlines. The East Coast of Africa casts light on a historic smuggling route that will require concerted efforts by states affected to cut.<sup>14</sup> Historically, the channels used for smuggling covered a 2,000 miles arc that extended to Comoros going having gone past Mozambique and Madagascar, though Western part of the Indian Ocean from Pakistan.

**Corruption:** Perpetrators are ever looking for law enforcement officers to compromise so that they ‘look the other way’ or buy less than their deserved punishment. Unethical officers enter the payroll of such criminal groups. The modus operandi of criminal groups will almost always involve law enforcement officers (sometimes high ranking) as informers or for protection. It is a phenomenon that cuts across all borders, but can be significantly reduced with commitment to zero-tolerance on corruption.

**Advancement in Information Communication Technology:** With the growth of Science, Technology and Innovation, the world has been reduced into one hand in terms of communication. This connectivity has greatly boosted the general world economy and processes, saving on one of the greatest resources, time. The technological advancements of the current dispensation have presented alternative opportunities for perpetrators of trafficking to target victims in more cunning ways.<sup>15</sup> Payments can also be made instantly, all just at the click of a button. The mobile phone has become a handy gadget for traffickers who especially employ it in trafficking for sexual exploitation

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<sup>13</sup> Doctors without borders, Situation report Yemen, Dangerous migration Somali and Ethiopian refugees risk everything to leave, Alert, Fall 2008 Vol. 11 No. 9 pp. 7-9

<sup>14</sup> Venter Denis, India and Africa: Maritime Security and India's Strategic Interests in the Western Indian Ocean In : Fluid Networks and Hegemonic Powers in the Western Indian Centro de Estudos Internacionais, 2017 pp160-167

<sup>15</sup> UNODC, Global Report on Trafficking in Persons 2018. (UN publication, Sales No. E.19.IV.2) pp. 38

where they record sexual abuse images of their victims, including children.<sup>16</sup>

**Loopholes in the law:** Perpetrators are sometimes enabled by gaps in the legal framework. Some countries have lenient punishment which hardly achieves deterrence. The profits that the illicit trade rakes are huge. The punishment needs to be heavy enough to reach the threshold of deterrence. The law should discourage fines in favour of imprisonment for such profitable crimes. The disparity of national laws on the legality of prostitution for example also makes it hard to tell if there are victims of trafficking in countries that have legalised sex trade. Most of the countries which have legalised it are developed and create a good opportunity for traffickers to get victims from developing countries making it difficult to detect victims from willing traders. On the other hand, caution should be applied during investigations and prosecution in countries where certain acts such as prostitution are unlawful, to ensure victims of sex trafficking are not criminalised.

## Status on Kenya

Kenya is geo-strategically located on the Eastern Coastal border of Africa, with a coastline of 536km bordering the United Republic of Tanzania to the South and Somalia to the North. Coupled with a comparatively strong economy in the region, it is a strategic migration destination and exit point. Due to the popularity of the Jomo Kenyatta International Airport, Kenya has also been used as a point for transit of illegal migrants.

Although many causes for human trafficking in Africa apply in a cross cutting manner, each country has to be considered as a single entity, with their unique combinations of factors and causes.<sup>17</sup> A blanket application of causes or action to fight the vice can be misleading. Kenya, for instance, has to grapple with a growing youth population, being neighbours with some politically unstable countries, porous parts of its borders, a huge refugees' burden, among others. While there are several other countries that would have one of two similar challenges, the different combinations of such, and other, factors demands specific approaches.

A large number of smuggled and trafficked people from the Horn of Africa come from Somalia, Sudan, South Sudan and Ethiopia. Kenya appeals to them because; Ethiopians and South Sudanese do not require visa to get into Kenya; Sudanese require visas but they easily get their way through the porous borders, Somalis do not require visas into Uganda and so they go there then sneak into

<sup>16</sup> UNODC, Global Report on Trafficking in Persons 2018. (UN publication, Sales No. E.19.IV.2) pp. 38

<sup>17</sup> Trafficking in human beings especially women and children in Africa- see page 5, The Innocent Research Center. <http://www.unicef-irc.org/publications/pdf/trafficking-gb2ed-2005.pdf>

Kenya using the land borders. Some of the routes used by the traffickers are more than 200 years old and the traffickers understand them so well. This, coupled with lack of enough officers to cover the entire borders, the routes remain active.

Kenya hosts the UN Human Settlements Programme (UN-HABITAT) and the UN Environmental Programme (UNEP). It also hosts more than one hundred diplomatic Missions, and several Organisations and multinational companies with their headquarters in Nairobi. This makes it a lucrative destination point due to its economic vibrancy. There have been cases of Nepalese and Indian women under debt bondage working in night dance clubs in especially in major cities in Kenya. Their repayment of the debt of through forced prostitution and dancing.<sup>18</sup>

Kenya is host to around a quarter of a million refugees from Somalia, Sudan and Ethiopia. Most of these are targeted with false promises of better lives in the Middle East, Europe and America. Approximately 230,000 asylum-seekers and refugees are hosted in Dadaab. In this, and Kakuma refugee camps, children are not sufficiently secure as they risk being subjected to forced labour and trafficked for sex.<sup>19</sup> The camps have also become breeding grounds for the Al shabaab who recruit from this vulnerable group with false promises of pay.

Kenya has also been used as a lucrative human trafficking source country for the Middle East. The region has been identified as major destination points for trafficking from Kenya, where young men and especially women are lured into with the promise of dignified work and decent pay. They are instead subject to slave-like work conditions, inhumanly treated and deprived of their rightful pay. Some have been tortured to death or broken to the point of suicide in the hands of these unscrupulous employers.

## **Action by Kenya**

Cognizant of the security threat that illegal migration poses, not only to the globe, but to the country and to the victims, the Government of Kenya has been unequivocal on its action against illegal migration. Kenya has borne the brunt of the consequences of illegal migration in many ways including where illegal immigrants have perpetrated terrorist acts. The Government has taken various measures to tackle illegal migration.

The Government has criminalised “sex and labor trafficking and prescribed

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<sup>18</sup> <https://www.standardmedia.co.ke/article/2001337314/from-asia-to-africa-women-trafficked-to-kenya-s-bollywood-style-dance-bars> (accessed on 8 August 2019)

<sup>19</sup> United States Department of State, 2018 Trafficking in Persons Report - Kenya, 28 June 2018, available at: <https://www.refworld.org/docid/5b3e0b074.html> [accessed 6 August 2019]

a punishment of not less than thirty years imprisonment or a fine of not less than 30 million Kenyan shillings” for those convicted.<sup>20</sup> The Sexual Offences Act 2006 and the Employment Act also add voice to the trafficking in Persons Act No. 8 of 2010 respectively. The Government can now track data digitally for law enforcement. The data is collected every month from police stations and helps with accuracy and comprehensiveness of anti-trafficking statistics from all the forty seven counties on which objective and practical policy direction may be proffered and decisions made. In 2016, there was a record of 530 potential trafficking investigations and 281 prosecutions. There has also been set up a victim assistance fund since 2015.<sup>21</sup> In 2017 at least 352 trafficking victims were identified and referred to care. There were also 267 cases of forced labour. Seven for sexual exploitation, the remaining cases were of unspecified cases. There was however no distinction between cases of trafficking and those of smuggling.

The Government now has Labour attaches deployed to Kenya’s diplomatic missions in Saudi Arabia, the UAE and Qatar with the aim of providing protection to employed Kenyans from falling prey to traffickers and to offer consular assistance to those that have already fallen prey. The Ministry in charge of Foreign Affairs also provides training to officers deployed to its diplomatic missions abroad in the area of anti-trafficking. The Government has also incorporated into the pre-deployment training for troops proceeding on international peacekeeping missions a module on human trafficking.

Illegal migration touches on many other issues including labour, transnational organised crime, human rights, children’s rights and environment, among others. Kenya is party to and has ratified several international cooperation instruments which seek deliberate action against trafficking such as the Convention to Eliminate all Forms of Discrimination against Women (CEDAW).<sup>22</sup> The convention obliges “all parties to suppress all forms of traffic in women and the exploitation of the prostitution of women”. It also categorically prohibits discrimination against women in all aspects of life. Kenya is also Party to the Optional Protocol to the Convention on the Elimination on all Forms of Discrimination against Women which establishes a complaint procedure to “enable women who are under the jurisdiction of the State Party to this Protocol to submit a complaint to the CEDAW committee

<sup>20</sup> Kenya Law, Counter-Trafficking In Persons Act No. 8 of 2010 Revised Edition 2012 National Council for Law Reporting

<sup>21</sup> United States Department of State, 2018 Trafficking in Persons Report - Kenya, 28 June 2018, available at: <https://www.refworld.org/docid/5b3e0b074.html> [accessed 6 August 2019]

<sup>22</sup> Adopted by UNGA resolution 34/180 of 18 December 1979 and entered into force 3 September 1981.

on alleged violation of any right stipulated in the CEDAW convention.”<sup>23</sup>

Kenya has membership to the International Maritime Organization (IMO) where it is also a member of the Council. The IMO seeks “*to promote awareness and cooperation among contracting Governments of the Organization so that they may address more effectively unsafe practices associated with the trafficking or transport of migrants by sea, which have an international dimension.*”<sup>24</sup> This has been done with the realisation that migrants are smuggled in unseaworthy vessels. The IMO also calls on States Parties to “*comply with the Law of the Sea in the prevention and suppression of smuggling.*”<sup>25</sup>

## Challenges

There is considerable dedication in Kenya and internationally to tackle human smuggling and trafficking. While institutions work hard to tackle it, there is sometimes failure to pay attention to the root causes in the first place. Without thorough investigations, immediate deportation of illegal migrants from their intended destinations often lands victims back in the hands of perpetrators and allows cartels to carry on with their illicit trade.

**Legal challenge:** Most countries’ authorities, including Kenyan, continue to, in the first instance, regard victims as criminals or law breakers. This has caused the lack of sufficient and appropriate services for victims. Where these services are extended, they are mostly negligible. This is mostly the case for victims subjected to prostitution or forced labour. Therefore, trafficking crimes have been often tried under immigration or labour laws instead of under the anti-trafficking law. This often helps perpetrators to get off with less stringent sentences and on the other hand, punishes victims further.

**National legislation:** According to the 2007 World Social Forum in Nairobi, many countries (up to 70) had specifically recognised trafficking in persons as an offence in their criminal codes. As at June 2019, most governments (up to 168) had domestically criminalized all forms of transnationally or nationally conducted human trafficking.<sup>26</sup> The challenge remains in law enforcement or implementation of strategies. In March 2007, the United Nations Office on Drugs and Crime (UNODC) formally launched a Global Initiative to fight Human Trafficking, through which it helps countries to develop strategies and

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<sup>23</sup> Adapted by UNGA resolution A/54/4 on 6 October 1999 and entered into force 22 December 2000

<sup>24</sup> IMO, *Interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea*, 11 December 1998, Circular, IMO doc.MSC/Circ.896/Rev.1, annex, paragraph 2.3

<sup>25</sup> IMO, *Protocol against the Smuggling of Migrants by Land Sea and Air (SOLAS) Art 7*

<sup>26</sup> US Department of State, 2019 Trafficking in Persons report, June 2019, pp. 6

policies for anti-trafficking based on appropriate legislations. It also helps by providing resources for proper implementation of the strategies and policies.

Criminal networks have found ingenious ways of manoeuvring through different countries taking advantage of loop holes in the judicial, taxation, and other systems. Victims are strictly coached to plead guilty when arraigned before court, for a quick bond or fine. In Kenya, one caught without travel papers is presented before court within the 24 hours and charged with being in Kenya illegally or unlawfully entering Kenya,<sup>27</sup> not necessarily attracting a jail time. Stiffer punishment would be applied if the person is found in possession of falsified documents; they would be charged with “falsification of register.”<sup>28</sup> Victims end up being treated as criminals and the real issue forgotten.

**Financial constraints** account for insufficient numbers of officers to patrol the borders, inadequate advanced technology for detection. The Kenyan Somali land boundary cuts through 424 miles of trees and savannah all the way into the shores of the Indian Ocean. Naval Officers stationed at Kiunga, a point 15 miles from the Somali borders can attest to zero ground penetration from air surveillance of the large expanse of dense African forest. Coupled with fundamentalist groups sophisticated weapons who inhabit the area, it becomes a very risky venture for security forces.

**Social dynamics:** Since the African boundaries were set by colonialists forcefully splitting family right in the middle, divided loyalties remain where family is involved. Some officers who understand these dynamics well and could be instrumental in acting against smuggling are often sympathetic to the plight of family and sometimes choose to ‘look the other way’. Additionally, amongst themselves, families carry out smuggling to help alleviate poverty.

**Inadequate multi-sectoral cooperation:** In many developing countries, there lacks efficient cooperation between the civil society and the law enforcement arm of the government in tackling human trafficking. Authorities cite lack of proof yet the prioritisation of the issue in the budget would largely depend on data to justify its gravity. It would also help in directing resources to policing and implementation of legislations. It therefore, requires a proactive law enforcement authority to investigate cases on the strength of the civil society’s information.

## Recommendations

**International cooperation:** States Parties to the Palermo Protocol are called upon to “*take or strengthen measures including through bilateral or multilateral*

<sup>27</sup> Kenya Laws, Immigration Act, Chapter 172, Section 13(2) (c), National Council for Law reporting

<sup>28</sup> Kenya Laws, Penal Code, Chapter 63, Section 361 National Council for Legal reporting

*cooperation to alleviate the factors that make people vulnerable to trafficking.”*<sup>29</sup> Responding to this call, States Parties to SOLAS for example, can explore bilateral agreements regarding cargo for the ability to board and search or inspect each other’s ships, subject to conditions mutually agreed between them. States, especially within regions, are encouraged to enter bilateral agreements to provide for cooperation in education, sharing intelligence, extradition, capacity building, victim support, exchange of good practices, among others.

**Awareness creation:** There is need for everyone to be aware of the human trafficking threat, the strategies employed by traffickers, the implications of the crime to the individual and to the society, the law in place dealing with it, the role of every party involved in the fight against trafficking including themselves. Programmes need be tailored for authorities such as immigration officers, police, teachers, administration officers, judicial officers, health personnel and the navy. Cooperation between the government and the civil society towards this endeavour can ensure every individual is reached.

**Build trust in the government:** There is a percentage of the population who, despite knowledge of the government’s intention to be strong in their action against trafficking, still lack trust in the authorities. This can be avoided by including arresting and prosecuting officers who collude with traffickers and creating publicity of high profile cases successfully concluded to demonstrate the zero-tolerance of complicity by law enforcement officers. A people with faith in the authorities would readily raise an alarm when they see suspicious conduct and be willing to cooperate in investigations and testify in court.

**Empower victims** will encourage more victims to come out and seek help. There should be workable support measures like counselling, safe housing, education and alternative employment programmes which would also be instrumental in breaking the cycle of vulnerability targeting. With assurance of security and a fresh start, victims would be motivated to escape or look for help and be of help in bringing to justice perpetrators. Some victims are orphans who have no one to turn to and no other way of fending for themselves. Victims of sexual trafficking should not only be counselled but provided proper medical care.

**Protection victims from prosecution:** Due to the often undetected dividing line between the acts of trafficking and those of smuggling, victims of trafficking end up being prosecuted for illegal migration, sexual offences, illegal

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<sup>29</sup> UN, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, OHCHR, Art 9

presence in their destination countries, labour law violations, drug abuse, and other related acts. In dealing with illegal migrants, before any prosecutions, thorough investigation ought to be done to ascertain whether the migrants are willing parties to their illegal migration or they are victims of traffickers.

**Security and Border Control:** The ease with which traffickers sometimes move their human cargo across national borders calls for stepping up border control and security both at land and at sea. Considering also that human trafficking is related to other transnational organized crimes, a combined effort needs to be employed. This should go hand in hand with technological advances such as the use of satellite telephones and better screening equipment.

## Conclusion

The web of movement of person globally is expected to maintain an upward trajectory. Migration is necessary in the general collective development of the world as countries are increasing carving distinct niches in different areas hence the need for human interconnectivity. The best direction is to open borders more for ease of movement. Kenya has opened its borders continentally to facilitate collective development of the continent. However, with the increase of movement of persons, it is necessary to ensure that the movement is legal. Therefore, there is also need for international cooperation in creating practical frameworks for facilitating movement while preventing and tackling illegal migration. International migration requires both national and international resolve, concerted efforts cutting across all sectors and deliberately crafted legal frameworks that not only provide for movement, but also deal with illegal migration.

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# SCIENCE DIPLOMACY IN ADVANCING NATIONAL DEVELOPMENT IN AFRICA

Mr. Eric. K. Lee Rotich - Directorate of Immigration

## Science and Technology

It is generally considered that the dawn of the 20<sup>th</sup> century marked the closure and start of many things globally. While it brought closure to the dual super power engagement in international politics, it laid ground for the need to redefine some core issues in international relations especially those concerning security.

Collins posits that evidence abound from the developed world concerning the role of scientific research and technological development in fostering unprecedented progress and opportunities for solving pressing societal need.<sup>1</sup> Science has spurred the growth of many industries and science has helped many industries grow through innovation.<sup>2</sup> It has been theorized by many economic experts that for there to be sustainable development a country cannot rely in just exporting its raw materials and keep importing high end services and goods.

The history of science is rich in the African continent. In northern Africa for instance, such as Egypt, Nubia and Aksum had evolved a very complex state system. Africa is currently the new frontier for investment and is been carefully studied and watched by many investors and scholars.<sup>3</sup> West Africa applied science of agronomy, metallurgy, engineering and textile production, as well as medicine.<sup>4</sup> Irrigation was also widely used in East Africa, as a result of several challenges. Even though the continent has had its fair share of conflicts and challenges, it has recently rebounded from these unfortunate events to become good at managing its diversity, stabilizing states through bodies like the African Union and embracing foreign culture.<sup>5</sup>

In Kenya after the general election of 2017 the government launched its developmental agenda. It targeted the manufacturing industry, healthcare, housing and food security. It has become quite apparent that the government needs to harness the country's Information Communication Technology (ICT)

<sup>1</sup> Collins, Allan. *Contemporary Security Studies*, United Kingdom, (2013), pp. 19-21.

<sup>2</sup> Lars, Skyttener. *General Systems Theory*, World Scientific Press, (2018), p. 64.

<sup>3</sup> Chaves, Molten. *Investigating the Interaction of Science and Technology, Science and Technology Policy*, Olive Press, (2017), pp. 9-15.

<sup>4</sup> Walton, Brian. *Soft Systems Methodology, Conceptual Building*, Wiley Press, (2015), pp. 6-13.

<sup>5</sup> Ibid, (2017), pp. 17-19.

capabilities if it is going to succeed with its other agendas.

## Science Diplomacy in Africa

Diplomacy is the art and practice of conducting negotiations between representatives of groups or states.<sup>6</sup> It usually refers to international diplomacy, the conduct of international relations through the intercession of professional diplomats with regard to issues of peace-making, trade, wars, economics, cultures and the environment.

Developed nations have for quite some time put science right in the middle of their foreign policy development and more and more governments are relying on the scientific field to solve the problems of their people.<sup>7</sup> This does not only involve scientists providing technical information about certain issues but it also requires a paradigm shift in the way scientists themselves think of the future and how they view the state.<sup>8</sup> African nations need to embrace the scientific knowledge present in their countries and use this expertise to free themselves from the yolk of dependence from the developed world.<sup>9</sup>

Africa has a huge potential which continues to go on a downward spiral due to weak institutions and lack of policy framework. The countries are not harnessing on technology to enhance productivity as demonstrated by lack of ICT applications.<sup>10</sup> Security is also another challenge that is being observed which has required states to spend more on defense. Governments have embarked to enact legislation to criminalize threats to security, heighten physical security measures and porous boundaries and also bolstering security agencies with state-of-the-art equipment and recruiting more personnel.

Scientific diplomacy for sub-Saharan countries is lacking, what is there is hardly what can make many of the nation's experience sustainable development.<sup>11</sup> Engagement with science in the region is mostly from a consumer perspective rather than from a producer perspective.<sup>12</sup> It is crucial to appreciate that science diplomacy on the continent of Africa is by far a complex issue since the continent comprises of 48 countries and over 800 million people.<sup>13</sup> This is compounded by the continent's lack of economic development. But the

<sup>6</sup> Callhamer, John. *Diplomacy in Science*, Oxford University, vol. 2, Oxford, (2016), pp. 8-12.

<sup>7</sup> Ibid, (2016), p. 18.

<sup>8</sup> Linton, Robert. *Science, Innovation and Diplomacy*, London, Routledge, (2013), p. 23.

<sup>9</sup> Ibid, (2013), p. 25.

<sup>10</sup> Williams, Paul. *Thinking about Security in Africa*, International Affairs, (2017), pp. 17-19.

<sup>11</sup> Ibid, (2017), p. 21.

<sup>12</sup> Mouton, John and Waast, Roland. *A Study on the National Security System*. Draft Global Synthesis Report, (2018), pp. 8-9.

<sup>13</sup> Dahlman, Carl and Anuja, Utz. *India and the Knowledge Economy: Leveraging Strengths and Opportunities*, World Bank, Washington, D.C, (2015), pp. 12-13.

region having experienced improved political stability, steady growth and clear strategies for economic development, this seems to be looking up for the continent.<sup>14</sup>

Science diplomacy can be defined as the use of scientific collaboration in order to solve problems between countries.<sup>15</sup> This can sometimes involve informal or formal technical research based or even engineering exchanges.<sup>16</sup> In this area a lot of unresolved issues need to be addressed such as the line between commercial use of scientific knowledge and when technology can be made as an open source technology free of charge in order to serve the common good.

Science diplomacy is a vast area that may involve a lot of other sectors of an economy. Say for example like when governments need to negotiate on fisheries management and monitoring, monitoring of infectious diseases and so forth. All this require scientific knowledge. Also when nations congregate to come up with complex multinational projects like in astronomy, diplomatic arrangements have to be made on how these projects will be managed and financed.<sup>17</sup> Even when relations between nations suffer, scientific agreements can still provide a means for nations to keep lines of communication open.

Scientific diplomacy is used to solve problems or promote national interests. This can also be done when scientists come together in a private capacity and need not unnecessarily involve governments.<sup>18</sup> Scientific knowledge can really promote Kenya's standing by providing sustainable development by creating employment, increase the country's competitiveness and increase productivity. Because of such reasons many nations are placing scientific attaches at their embassies.

## Science Diplomacy and Development in Kenya

Kalinaki argues that there needs to be a concerted effort to get scientist and diplomats to engage and understand each other because in this new age science will most definitely be very important in governance and foreign relations.<sup>19</sup>

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<sup>14</sup> Wilson, Brian. *Soft Systems Methodology: Conceptual Model Building and its Contribution*. Wiley, (2001), pp. 89-90.

<sup>15</sup> Eriksson, Mikael. *Somalia's Civil War, Security Promotion and National Interest*. Swedish Defense Research Agency FOI-R-3718-SE. ISSN 1650-1942. Mainstay of defense, (2013), p. 13.

<sup>16</sup> Ibid, (2013), pp. 17-23.

<sup>17</sup> Rajamani Lavanya. *Ambition and differentiation in the 2015 Paris Agreement: Interpretative possibilities and underlying politics*. International and Comparative Law Quarterly, (2016), pp. 493-514.

<sup>18</sup> Williams, Paul. *Thinking about Security in Africa*, International Affairs, (2017), pp. 17-19.

<sup>19</sup> Kalinaki, Daniel. *How Shortage of Equipment, Poor Operation Flaws Cost Amison 19 Soldiers*, The Monitor, Kampala, (2016), p. 39.

Here in Kenya scientific diplomacy is intended to play these roles: first, to improve Kenya's influence on the world stage and to develop links that will enable Kenya's interest to be promoted both here and abroad.<sup>20</sup>

Kenya enacted the science and technology act in 1977 and this law was intended to see Kenya achieve its technological goals as it went into the future.<sup>21</sup> Woodward opines that right from the beginning Kenya's foreign policy was intended to attract more foreign capital, technological advancement, maintain commercial links with neighboring states and ensure security of Kenya and its neighbors.<sup>22</sup> So, in trying to attain these goals the country maintained its sovereignty in two ways. By having defense pacts with Britain and having a dependence on the wider East African market.<sup>23</sup>

It is important to appreciate that Vision 2030 aspires to intensify the use of science, technology and innovation and increase productivity across the three arms of government.<sup>24</sup> This the government is doing by implementing the science, technology and innovation framework.<sup>25</sup> The sustainable goals agenda was formulated in the United Nations on September 25<sup>th</sup> 2015 which was basically a blue print to protect the planet and secure prosperity for all. It envisioned four different entities that each will need to do their part in order to succeed.<sup>26</sup> It was to involve, governments, the scientific community, private sector and civil society. Therefore, it becomes clear that scientific diplomacy is important to global development.

Technology transfer happens when there are adequate motivators to popularize a given technology in another area through exchanging items, authorizing or contributing. Be that as is may, motivators can fluctuate generally: technology is exchanged when it bodes well or when it fulfills institutional interests and prerequisites, including vital national interests and social and economic advancement approach, and in addition administrative and lawful necessities.<sup>27</sup>

Technology transfer is seen as an industry procuring experimental know-

<sup>20</sup> Tadesse, Medhane. *Traditional Mechanisms of Conflict Resolution versus State Intervention*. The Borana Oromo and Merihan Somalis in Ethiopia, Transformation of resource conflicts: approach and instruments. Bern: Peter Lang, (2012), p. 13-16.

<sup>21</sup> Kalinaki, Daniel. *How Shortage of Equipment, Poor Operation Flaws Cost Amison 19 Soldiers*, The Monitor, Kampala, (2016), p. 39.

<sup>22</sup> Woodward, Peter. *Crisis in the horn of Africa*, Published, London, (2013), p. 71.

<sup>23</sup> Degu, Wondem. *The State, the Crisis of State Institutions, and Refugee Migration in the Horn of Africa* (Lawrenceville), (2007), p.1022.

<sup>24</sup> Ibid, (2007), p. 1024.

<sup>25</sup> Callhamer, John. *Diplomacy in Science*, Oxford University, vol. 2, Oxford, (2016), pp. 8-12.

<sup>26</sup> Woodward, Peter. *Crisis in the horn of Africa*, Published, London, (2013), p. 71.

<sup>27</sup> Callhamer, John. *Diplomacy in Science*, Oxford University, vol. 2, Oxford, (2016), pp. 8-12.

how from exploration research center. In any case for a great many people, the term evokes the image of some poor developing nation thankfully accepting a propelling technology from abroad. The significance of universal technology transfer for economic improvement cannot be overstated.<sup>28</sup> Both the securing of technology and its dissemination cultivate profitability development.

Kenya's innovation model is linear and does not bode well with future thinking.<sup>29</sup> Therefore, the government has embarked on a new innovation system that will be used to bolster the education and research systems.<sup>30</sup> Kenya has made great strides in the agricultural and medical research industries.<sup>31</sup> However, the achievements have been far and wide and haven't had the necessary impact.

It is crucial to appreciate that think tanks are organizations that provide discussion for a, policy research, and perspectives on specific topics to stimulate public debate and allow policy makers to make informed decisions.<sup>32</sup> Kenya faces a lot of security challenges ranging from runaway theft and destruction of property, robbery, terrorism, burglary, murder, cybercrimes, terrorism, political violence, refugee influx, cattle rustling drug and human trafficking.

The issue of national security policy is not unique to Kenya only but is common in most states that operate with structured system of governance.<sup>33</sup> Most states most often develop policies that guide its function in every sector.<sup>34</sup> The things that hinder progress in the country are past and present policies that were poorly formulated, graft and delays in project implementation.

Contingency planning has become a common feature in most organizations and governments around the world to counter threats such as terrorism, cyber-crime and pandemics. Therefore, metrics need to be developed to measure risk factors and determine certainties and uncertainties in systems.<sup>35</sup>

Science diplomacy in advancing national development in Africa in reference to Kenya was seen in the recent development and production of a field kitchen by the Kenya Defence Forces (KDF) is quite laudable and has presented an opportunity to follow a product from conceptual design to production, thereby learning the critical research and development processes and intellectual property issues. Research in KDF is carried out in different units under the administrative supervision of defense headquarters research

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<sup>28</sup> Callhamer, John. *Diplomacy in Science*, Oxford University, vol. 2, Oxford, (2016), pp. 8-12.

<sup>29</sup> Collins, Allan. *Contemporary Security Studies*, United Kingdom, (2013), pp. 19-21.

<sup>30</sup> Woodward, Peter. *Crisis in the horn of Africa*, Published, London, (2013), p. 71.

<sup>31</sup> Ibid, (2013), p. 77.

<sup>32</sup> Collins, Allan. *Contemporary Security Studies*, United Kingdom, (2013), pp. 19-21.

<sup>33</sup> Lars, Skyttener. *General Systems Theory*, World Scientific Press, (2018), p. 64.

<sup>34</sup> Callhamer, John. *Diplomacy in Science*, Oxford University, vol. 2, Oxford, (2016), pp. 8-12.

<sup>35</sup> Ibid, (2016), p. 27.

branch. In addition, the director of Military Intelligence (MI) independently conducts classified research coordination with MI especially on sensors. This arrangement creates a system with duplication of efforts, overlap of responsibilities and lack of oversight.

Rana argues that the rapid pace of scientific and technological development globally presents a great challenge to military organization striving to be a the cutting edge of technology.<sup>36</sup> The private sector players have become more active producers of knowledge and innovation. This has reduced the military to a client who relies more on commercial producers of new technologies. the steady growth of civilian industries has also led to competition with defense firms in developing new technologies. The steady growth of civilian industries has also led to competition with defense firms in developing new technologies, except in a few specific defense related applications.<sup>37</sup> The demand for defense hardware usually is determined by the threat assessment the security agencies provide but economics puts a constraint on this demand.

The National Commission for Science, Technology and Innovation (NACOSTI) is at the heart of scientific diplomacy in the republic. Its primary mandate is to regulates and assure quality in science sector and offer government advise on scientific matters. There's also another institution that deals with scientific matters and that is the Kenya national innovation agency (KeNIA). Its mandate is to institutionalize linkages between universities, research institutions and the private sector.<sup>38</sup> Kenya spends about two percent of its Gross Domestic Product (GDP) on research and technology.

## Conclusion

The contribution of technology in the world cannot be overemphasized. The evolution of science, technology and innovation has achieved great influence in various sectors, such as energy, infrastructure, industrial, and industrialization. Science and technology can be described the same side of the same coin. They advance the human cause in so many ways and they are critical to the developmental agenda at both the local and international level. It is crucial to appreciate from the onset that science advice can help countries understand complex systems and the options that then emerge, and to understand the implications of each option. It is in the interest of diplomatic goals that science advisory mechanisms are developed and include the ministries of foreign affairs. They also allow for greater culture of evaluation. It is clear that the government

<sup>36</sup> Rana, Kisha. *Inside Diplomacy*, 2nd Ed. New Delhi: Man as Publication, (2006), p. 19

<sup>37</sup> Ibid, (2006), p. 27.

<sup>38</sup> Callhamer, John. *Diplomacy in Science*, Oxford University, vol. 2, Oxford, (2016), pp. 8-12.



needs to leverage on Information Communication Technology as an enabler to deliver the big four agenda. Hence developing science and technology appropriate for the country is one and only strides in expanding sustenance generation, upgrading national security and sustainable development. In the Kenyan perspective technology is mostly organized to improve the state and advance it to the next level, thus the essence of technology is to make life better for a given state and its citizens.

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# **Part 2**

## **Security**

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# REGIONAL CYBER-SECURITY THREATS: A CASE STUDY OF KENYA

Mr B Barasa - National Police Service

## Introduction

Regional cyber security threats refer to the deliberate wicked damage and rip-off data, and interrupt or cause confusion to digital life. Cyber security threats comes in the following three broad categories of intend;

- (i) Financial gain,
- (ii) Disruption of cyber life, and
- (iii) Espionage

William H Dutton etal, state that the concept of “cyber security” was coined to signal the move from an era focused on “computer security” to the rise of the Internet and its wide network of connected devices.<sup>1</sup> He further argued that once technologically futuristic, the concept captures the growing reality of computer security moving away from a focus on securing an organization against attacks and toward developing a greater resilience to continuing and evolving online security risks across all contexts of Internet use.<sup>2</sup>

Cyberspace is not totally a virtual system per se but it also arises from computers, servers, satellites and cables among others.<sup>3</sup> In popular studies some scholars have occasionally substituted the term cyberspace with Internet. However, though the Internet is regarded be important, it is only one element of the cyberspace. The emerging cyber crime trends are currently a serious, unconventional threat.<sup>4</sup> The computer chips used by many African countries as well as some of their components are made in other countries outside Africa. The most ambiguous operating system Microsoft Windows developed around the world on cyber networks has proven vulnerable yet is still being used by many countries.

There are emerging cyber threats, since cyber connections are never static. Most cyber threats take typical configurations as mentioned before, though

<sup>1</sup> William H. Dutton, etal, Cybersecurity Capacity: Does It Matter? Journal of Information Policy, Vol. 9 (2019), pp. 280-306 Published by: Penn State University Press Stable URL: <https://www.jstor.org/stable/10.5325/jinfopoli.9.2019.0280> Accessed: 13-02-2020 14:26 UTC

<sup>2</sup> Ibid

<sup>3</sup> United Nations Statistical Commission. Report of the National Institute of Statistics and Geography of Mexico and UNODC on Crime Statistics: A Road-map to Improve Crime Statistics at National and International Level. E/CN.3/2013/11 of 19 December 2012.

<sup>4</sup> Nixon Kanali is a Trained Journalist based in Nairobi. Also Founder and editor of Tech Trends KE, (2016).

they are ever changing in form and complexion. Novel “zero-day” is a case in point. This menace can astonish security mechanism since they convey non visible digital impressions. “Advanced persistent Threats” (APTs), is another troublesome tendency. This is the method used by hackers to persistently burrow into the networks. And once done this attack cannot be rectified or re-connected by software updates or rebooting of the computer.

Despite all the above mentioned threats plus many others, the Governments have not been able to develop the cyber security counter measures that are proactive. This puts the vital installations and other important infrastructures at a greater risk of being tempered with and destroyed by cyber criminals.

## **International Cyber Security Threats**

International Cyber security is becoming more important when a lot of gadgets are linked to the internet and cyber space at large. It is a far more serious threat to the World today than any other vice because the global economy and critical infrastructures are both more valuable and dependent on cyber systems for their day to day functioning.

Various tools and modes of cyber-attacks exist. Well-known examples are cyber viruses and worms. The types which usually duplicate themselves are intended to annoy, destroy, disrupt or inconvenience information communication technology users. They can also compromise confidentiality and integrity of sensitive information. The Trojan horses on the other hand are programs deceived at the beginning of applications and can be used to destroy information. They create weakness of the systems that enables the hacker to access the system later.<sup>5</sup> The upsurge in incidences of criminal occurrences plus the likely rise of emerging diversities and illicit actions leads to trials for judicial system and security agents.<sup>6</sup>

The dynamic nature of the cyber globally, makes it deceptive to imagine that any one state can successfully succeed in countering it alone, or even by group of states’ irrespective of whether they have dominant conventional military power and vast economic resources.<sup>7</sup> To effectively address the issue of cyber threats, multi states approach is required to manage threats propagated in form of cyber activities.

The twenty first century will be recalled for fast paced Information

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<sup>5</sup> UNODC Calculation from Study Cybercrime questionnaire. Q30; and Symantec. Norton Cybercrime Report (2012), p. 89.

<sup>6</sup> Brenner, S. *Law in an Era of Smart Technology*, Oxford: Oxford University Press, (2007), p. 375.

<sup>7</sup> African Union, *Draft Convention on the Establishment of a Legal Framework Conductive to Cyber security in Africa*. Common Market for Eastern and Southern Africa (COMESA), Cyber security Draft Model Bill, (2012), p. 10.

Communication Technology (ICT) advancement. It is important to appreciate that the technological advancement, especially internet penetration has opened up the African continent, to the rest of the World. The advent of social network is a perfect example of technology that has revolutionized communication.

Cyber threat is an emerging transnational warfare. The attacks are becoming a lucrative activity perpetuated by the enemies of states. Cyber threats have found space in the use of computers and the internet infrastructures which are being used to target vital installations, government institutions, industries, businesses and security agents around the world.<sup>8</sup> It has been reported on several occasions that the perpetrators often attempt to break into government networks, banking institutions and security offices to gain access to classified information.

The advent of Information technology has brought with it the emergence of new terror threats previously underestimated such as the threat of cyber-terrorism where active terrorist cells all over the world need not travel miles to have a major negative impact on the society. Cyber-terrorists must be closely watched; otherwise they can stage one major attack that can bring the affected Governments to their knees, politically, socially and even economically.

## Cyber Security Threats in Africa

For a period of time, there has been concern about the effects of cyber security in Africa, which has resulted into an urgent need to seek counter measures. “The increasing awareness of the need to address cyber- security threats in Africa, however, has also reproduced old clichés about gaps between the continent and more advanced areas of the globe.”<sup>9</sup> The debate on cyber security revolves around activities such as the mutilation of popular accessible material, classified information leakages or dispersion of particularly transferable malware. Little focus has been paid on wider matters of cyber resilience, which is, the government’s ability “to withstand negative impacts due to known, predictable, unknown, unpredictable, uncertain, and unexpected threats from activities in cyberspace”<sup>10</sup>

The Internet Penetration report of (2016), states that individual African countries registered higher rates compared to China which recorded only

<sup>8</sup> Gershwin, L. *Cyber Threat Trends and U.S. Network Security, Statement for the Record to the Joint Economic Committee*, National Intelligence Council, (2001), p. 19.

<sup>9</sup> Iginio Gagliardone and Nanjira Sambuli, Global Commission on Internet Governance. *Cyber Security and Cyber Resilience in East Africa*, Paper series No. 15 May 2015

<sup>10</sup> Isaca. 2014. “European Cybersecurity Implementation: Resilience.” [www.isaca.org/Knowledge-Center/Research/Documents/European-CybersecurityImplementation-Resilience](http://www.isaca.org/Knowledge-Center/Research/Documents/European-CybersecurityImplementation-Resilience)



(47.4%) with Madagascar (74.7%).<sup>11</sup> Collins further notes that in the case of, “Mali (72.1%), Malawi (70.5%), Morocco (61.3%), Seychelles (54.8%), Egypt (53.2%) and South Africa (51.5%).”<sup>12</sup> It is important to appreciate that technological use has both positive and negative effects, thus although it can be used to provide objective and reliable news, which is compiled and disseminated by the media professionally, social networks are not supported by any professional ethics or laws and may be susceptible to abuse by criminals.

The breaches being experienced by cyber users including big and small organizations has increased. Approximately 90 percent of big organizations have experienced cyber related security breaches. According to Johnson and Nevala information is “considered a significant aspect of power, diplomacy, and armed conflict for a very long time.”<sup>13</sup> However, beginning from 1990s, the role of information in matters of security, global affairs and politics, expanded and became more important. The increase in social media usage by youths has created new privacy concerns for businesses, individuals, organization and Governments at large.

The increasing online and mobile banking innovations have exposed customers as well as local banking institutions to emerging vulnerabilities exploited by cyber criminals. In the circumstance, online and mobile banking frauds are executed by misleading the users by interfering with their login data using malware tools and Trojan.<sup>14</sup> Cyberspace is more than just internet, information and communications technology and presents peculiar characteristics and challenges. Its characteristics are storage, sharing and modification or digital information or data using network or systems.<sup>15</sup> It is supported by critical information infrastructure.

The dimensions of cyberspace are wide since it has coverage that traverses from individual, communal, national and international time and spaces. Business landscape in Africa has been changed the cyber expertise. Africa has witnessed an increased usage of internet penetration in the last decade. As the continent digitalizes its business processes, the potential attacks by cybercriminals become more complex. A case in point is the arrest of a syndicate of cyber criminals consisting of Americans, Kenyans and other Nationalities in France, Moldova, Spain and Belgium on 6th March 2017.

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<sup>11</sup> Collins, A. *Contemporary Security Studies*, United Kingdom, (2013), p. 19.

<sup>12</sup> Ibid

<sup>13</sup> Johnson, H., and Nevala. S., *International Violence against Women Survey in the Cyber space*, (IVAWS) (2010).

<sup>14</sup> David, W. *Cybercrime, the Transformation of Crime in the Information Age*, Polity, (2007), p. 27.

<sup>15</sup> Dowd, P.W. and McHenry, J.T. *Network security: it's time to take it seriously*, Computer, vol.31, no.9, (2008), pp.24-28.

They were arrested for running a cyber-crime centre from which they were defrauding Kenya Revenue Authority, motor vehicle registration department, banks and other financial institutions.

Statistics from various sources paint Africa as an environment susceptible to cyber threats. This has been as a result of increased amount of fields coupled with frail net connection and material safety. Norton Cyber-Crime Report 2016 notes that “for every second, eighteen adults are victims of cybercrime, resulting in more than one point five million victims globally each day.”<sup>16</sup> The worst hit is South Africa which recorded about 80 percent of cybercrimes in the world.

## Cyber Security Threats in Kenya

The Kenya Government considers National cyber space security among the top National priorities in ensuring that her citizens are secure in facilitating economic growth as one of her National interests. In a similar way Kenya like other Nations competes in the possession of robust Information Communication and Technology infrastructure and therefore carries out her important activities in all fields, within the complex digital environment which is internationally connected. The expanded access to computer technology, resulting from the spread of internet connection has resulted into open business enterprises and working opportunities. This has also given chance to criminals to carry out their illegal actions. The expansion in cyber expertise coupled by connected interaction provides a melodramatic rise in the emergence of illegal activities, and also resulted in the entry of new spate of insecurity.<sup>17</sup> The Communication Authority of Kenya in a report covering the period between October and December 2018, about cyber threats in Kenya, state that there was an increased by 167%, from 3.8 million threats to 10.2 million up, detected in the previous quarter of the same year. The growing incidences of crimes and expected intensification of emerging varieties of illegal activities challenge the judiciary and security agents.<sup>18</sup> Some of the sectors adversely affected by cyber security threats include; the Government and related Parastatals, manufacturing companies, Banking, Financial institutions, saving and credit societies, Telecommunication and insurance firms.

The number of cyber threats and data breaches has continued to increase as indicated by the high number of skilled domestic cyber criminals. They are

<sup>16</sup> Norton Cyber-Crime Report, (2016), p. 12.

<sup>17</sup> Longe, O and Chiemeké, S. *Cybercrime and criminality in Nigeria – What roles are internet accesses points in playing?* Eur. Journal. Soc. Science. 6(2008):133-139.

<sup>18</sup> Brenner, S. *Law in an Era of Smart Technology*, Oxford: Oxford University Press, (2007), p.374.

becoming more skilled and sophisticated. Some of the most common cyber security threats in Kenya include;

**Data Exfiltration;** this is where organizations are unable secure classified data. Criminals and some staffs with criminal intentions infiltrate classified and sensitive data every day.

**Unauthorized access to computer and uncontrolled adoption of workers** using their own devices for official work pay way to weak access controls enabling users' complete access to large volumes data.

**Social Engineering;** Most organizations are exposed to social engineering threats. Organizations and some industries in Kenya are affected by an up search in technically erudite and social attacks. These attacks are a strong pointer to the prevalent attacks and the incapacity of the organizations to prevent them.

**Inside threats;** the inside enemy is more dangerous than the one from out. In many organizations, more than 80% of the system related frauds and thefts are committed by staffs and regular visitors. Privileged users probe systems and attack them to their advantage.

**Data Breaches;** Organizations carelessly expose their systems. Numerous organizations initiate creative requests, the need for data bases has grown exposing them to data related risks.

**Poor Identity and Access management;** free access expose organizations, in that they are not adopted giving way to unauthorized access to highly sensitive and classified information.

**Terrorism** is also considered as one of the major cyber security threats because of its far reaching effects. Terrorists often use mobile phones to detonate improvised explosive devices (I E Ds) without necessarily being near their targets.

Kenya faces the challenge of threats to national security that is emerging from the widespread use of cyber technology. In view of the foregoing Kenya has put in place intervention measures though the problem still persists with dire consequences. Social media such as Facebook contain a large amount of personal information about users, such as dates of birth, marital status, e-mails and addresses. This has created a lucrative market for criminal enterprises, where data mining is used to gather information on potential victims that scammers use to create false birth certificates with the intent to commit credit card frauds after creating false identities. The use of a birth date to verify a person's identity is a common practice all over the world Kenya included, and with the advent of social networks, identity theft is rampant mainly due to information such as the date of birth, family affiliation, images and real life

events are shared. Criminals use the illegally obtained details to kidnap victims and demand for ransoms. Closely related to the above is the cloning of credit cards in order to make duplicate cards for purposes of defrauding. Considering the number and very dynamic nature of threats that are linked to cyberspace, crucial national concern is now taken more seriously.

## Conclusion

Cyber security threat is a vastly growing concern in the technological World today. It has been given a lot of attention as an area of major systemic risks against vital installations. Vulnerabilities of computer network are also a risk to business and assist espionage. Cyber security threat has caused a major concern to those who use the internet with millions of users' information being at stake. Incidents that involve use of cyber space and which are of disruptive in nature continue to stimulate military action and provoke fears of calculated cyber-war depending on their potentiality and severity. The Kenyan society is considered a rapid growing space in the adoption of Information Communication Technology both in public and private sector. Scammers create websites that ask users to update their personal information and, without realizing it, provide information that in turn make them vulnerable to attack.

All in all advances in technology has made Kenya more connected to other countries in the world than ever before, leading to transfer of technological skills, economic, political and social development faster. However, not everything is virtuous, as shown by examples of social problems caused by social networks in the form of phishing, privacy violation, terrorism, espionage, fraud and identity theft, which are just some of the impacts that social networks can have on safety.

## Recommendations

For the Government of Kenya to be able to minimize cyber security threats, it should join the world and address the following areas of concern;

- (i). Put in place security policies to prevent and detect unauthorized use and misuse by authorized people. In addition spell out guidelines for conducting investigations and potential consequences.
- (ii). Strengthen physical security of vital installations and critical infrastructures. This will keep away unauthorized people and minimize insider incidences.
- (iii). Use strong authentication passwords such as combined use of ids and passwords with tokens, smart cards or fingerprints, and should be

changed from time to time.

- (iv). Install network forensic analysis tools to analyze the flow of information throughout. This will assist management to notice irregularities and investigate promptly.
- (v). The Government should formulate and enforce strict cyber threat laws, and pronounce deterrent punishment to minimize cyber security threats.

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# NEW TRAINING PARADIGM FOR GLOBAL NAVIES

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## Background

A number of technology intensive naval projects and platforms are set to fructify in the near future for countries like China, USA, India, Germany, France and the UK. Significant investments have been made towards acquisition of hardware that these navies are likely to add to their arsenal in the near future. The most important factor which will transform all the hardware into deployable capability for these navies will be their 'Human Resources (HR)'. Technology, whilst being a great enabler for the military also doubles as an important HR tool, with which exponentially enhanced training can be imparted to naval personnel who would man these future platforms.

Rapid advancement in Information Technology (IT), has enabled easier access to information in a connected environment<sup>1</sup> and ensured that naval training is now a 24x7 process. In order to support future operational and functional needs of navies around the world, training therefore needs to be contemporarily designed and scientifically executed. It is important therefore, for Navies to develop technology enabled training strategies to build teams of qualified personnel to man their platforms at sea. This article examines modern concepts, methodologies and new technologies in training and education which are available today which can be effectively adopted into the training philosophy of navies worldwide.

## Introduction

Training in the Navy demands that personnel inducted into the complex business of war fighting must be taught and exercised appropriately. 'Train as you will fight for you will fight as you will train' is the central theme of training in most global navies. Whilst actual wars and combat situations may be few and far between, training of personnel has to be continuous and of contemporary design. With present day technological advancements<sup>2</sup>, naval personnel can be trained through simulators and virtual reality to mimic real time situations. Some of the significant challenges being faced by global navies

<sup>1</sup>FisherKenn, 01 Jul 2010, <http://www.oecd.org/education/country-studies/centreforeffectivelearningenvironmentscale/45565315>, Accessed on 10 Jul 19

<sup>2</sup>AndrewsD. H, Advanced Training and their Impact on Human Performance Improvement, [http://natrto.cbw.pl/uploads/2004/4/MP-HFM-101-\\$\\$ALL](http://natrto.cbw.pl/uploads/2004/4/MP-HFM-101-$$ALL), Accessed at on 10 Jul 19

in modern warfare are:-

- a) **Threats at Sea.** Threats at sea exist from state adversaries as well as non-state actors employing unconventional means of attack. Navies need to be agile and rapidly deployable to effectively counter these new threats. This requires high quality training<sup>3</sup> for those personnel manning ships at sea to be able to react with agility and without any room for error.
- b) **Operational Tempo.** Due to technological advancement the naval battlespace has changed globally. The primary change has occurred in the pace of war<sup>4</sup>. In the USS Stark and the USS Vincennes incidents<sup>5</sup>, the human input, though smallest, was the most vital, which was the 'command decision' on whether to open fire or not. In a matter of a few available seconds, one captain decided to open fire and the other did not. Both these split second decisions resulted in disasters. Training therefore needs to be matched with the requirement of operational tempo.
- c) **Adaptability.** The use of sophisticated weapons and sensors has ushered in an era of convergence of technology. These modern weapons and sensors require manpower which is much more qualified and proficient than ever before. Though the advances in technology are bound to make naval operations onboard more operator friendly, the level of understanding required will certainly demand a sound technical background.

## Current Status of Training Worldwide

The process of learning for naval personnel begins at ab-initio training schools in most countries where the teaching and learning pedagogy is quite well defined and structured for academic courses. However, the gap begins to increase as the training curriculum moves away from theoretical aspects which can be covered in a classroom<sup>6</sup>, to practical aspects of ship borne training. This is especially true for equipment specific training onboard ships where most of the learning is 'hands on'. Further, learning in the navy extends well into the entire span of naval careers and it is this requirement of continuous and on-

<sup>3</sup> Sanjay Nagar, *Review of Training with Advancement of Technology - Emerging Challenges and Training Imperatives*. Seminar on Review of Training with Advancement of Technology (pp. 154-161). Kochi: NIETT.

<sup>4</sup> Capt. DunawayM, *Military Virtue of the Naval Service*, USNIP, pp 76-79

<sup>5</sup> SwartzL, "Overwhelmed by Technology: How did user interface failures on board the USS Vincennes lead to 290 dead?", July 1994, Accessed at <http://xenon.stanford.edu/~lswartz/vincennes> on 07 Jul 2019

<sup>6</sup> L. C. Bhagwat, *Learning Content Management System as a Tool to Enhance Naval Professional Training*. National Seminar on Technology Enabled Training (pp. 1-6), 2012, INS Ezhimala.



the-job training which is essential to ensure operational effectiveness.

A certain level of integration of technology in training is being effected in most advanced navies using simulators, digitised resource material and networked resources, which are considered inadequate to meet future challenges. Ironically, training has been limited to classroom based instructions, which sometimes is significantly different from training requirements onboard ships. Some of the reasons are enumerated below:-

- a). Non-homogeneity and presence of a large variety of technology systems on the same platform.
- b). Varied background and technical ability of the operators onboard.
- c). Limited 'hands-on' training for the crew in actual operational environments.
- d). Limitation of time and system availability for real-time onboard training.
- e). Increased technological complexity of systems.
- f). Strenuous working environment onboard and multiple responsibilities.
- g). Transfer of personnel from one ship to another with a different set of systems on which he or she has not been trained.
- h). Weapon system complexes which are prohibitively expensive and hence cannot be made available exclusively for training purpose.

Given the limited time-frame for training personnel, with respect to the ever-burgeoning demands of training, the integration of technology into training is a challenging and daunting task, given the mindsets, resources and existing organisational structures<sup>7</sup> in most advanced navies. While standard digital instruction has advantages, one cannot totally replace the one-on-one instruction given by an experienced instructor<sup>8</sup>. Nonetheless the need of the hour is to integrate ICT technologies to make training much more efficient for enhancing overall operational effectiveness.

Technology enabled learning is now being extensively adopted by global navies as a viable solution in mitigating the aforesaid concerns. The rapid increase of IT in training highlights the sway of these trends and technologies. Influence of Computer Based Training Systems (CBTS), is being explored in the civilian educational system. Contemporary Web-Based Training Systems (WBTS) allow for use of new technologies to deliver video-based demos by an experienced teacher.

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<sup>7</sup> Mariam, B.Y, &Yaneer, B.Y, "*Changes in Teaching Process in a Complex Education System*", <http://www.edu/research/management/education/teachandlearn.html> , Accessedon 12 Jul 19

<sup>8</sup> HimmelC.E., "*College Learning without Formal Classroom Instruction*", pp. 272-277, Jul 1972, <http://onlinelibrary.wiley.com>,Accessedon 10 Jul 2019

## Training Initiatives in Developed Nations.

Training and education in modern armed forces worldwide is focussed on building proficiency while providing occasions to supplement combat skill. Through large scale training exercises, which include theatre level exercises and war games enriched by simulation, the US defence forces, for instance are able to encompass all components of their armed forces and link personnel to missions before actual deployment. Some of the technology tools being extensively used for training are:-

- a) **Simulation Technology.** Countries like USA, UK and France are using simulation and virtual reality in their classrooms for military training. This is a major enabler for the commanders to plan missions and try out different combat tactics in a virtual space<sup>9</sup>. The shift from live training to computer based training is fundamentally changing ways to prepare soldiers for the future.
- b) **Virtual Reality.** In order to ‘vaccinate’ soldiers against the trauma of war and reduce the effects of post-traumatic stress disorders specially for soldiers moving into combat zones<sup>10</sup>, the US has adopted a training programme which has been developed at the University of Southern California and is based on ‘virtual reality’. This training course leads soldiers through a tour of duty of the combat zone that includes seeing and handling human remains, experiencing the death of virtual comrades, and watching helplessly as a child dies. Unlike a real battlefield, a virtual one can be frozen and events occurring there are discussed at leisure. It also helps in identifying who is, and who is not ready for combat.
- c) **Game Based Training.** Game based training systems provide the simulation of circumstances which are impossible to simulate in reality. For instance the weapons used in games like ‘SOCOM 3: U.S. Navy SEALs’ and ‘America’s Army’ use virtual replicas<sup>11</sup> of the weapons the US marines actually used while fighting in Iraq and Afghanistan. Personnel who played such games ended up having a much higher awareness of handling those weapons in real combat situations.
- d) **Artificially Intelligent Tutoring Systems.** Artificially Intelligent Tutoring Systems (AITS) are gaining prominence in military training in advanced

<sup>9</sup> BoozAllen Hamilton, “Enhanced training for 21st-century military”, <http://www.boozallen.com/media/file/enhanced-training-for-a-21st-century-military>, Accessed on 19 Jul 2019

<sup>10</sup> Rizzo, D. S, Post-Traumatic Stress Disorder. The Economist, pp. 75, 17 Nov 2012

<sup>11</sup> S.Nair & Divyajot, *Game Based Learning Systems. National Seminar on Technology Enabled Training* 2012, pp. 1-11, INS Ezhimala

countries<sup>12</sup>. This is primarily because human tutoring tends to be expensive, making artificial substitutes a cheaper and attractive option.

- e) **Cloud Computing.** Cloud computing and virtualization technologies in naval training are extensively being used by USA and UK. It allows personnel to access simulation applications and other training software from different locations through just about any kind of device. Area independent e-learning using mobile applications combined with cloud computing, is making tailored training and education available to naval personnel stationed anywhere in the world at any time, on a desktop or mobile device<sup>13</sup>.

## Drivers for Change

It is essential to understand the drivers that would affect future training strategies that would ultimately shape human resources and prepare them to take on challenges at sea. Some of these are:-

- a) **Changing Threat Scenario.** Greater economic interdependence and reduced possibilities of conventional conflict have re-focused navies to operate more in the sub-conventional spectrum and operations other than war<sup>14</sup>.
- b) **Security Environment.** Navies should be prepared for an array of operations, including coastal security and terrorist threats. Preparation should essentially offer the basic skillset that supports foreseeable war and high intensity operations, but should also be augmented to meet other settings<sup>15</sup>.
- c) **International Engagements.** Navies of the world are reaching out to maritime neighbours by actively participating in the creation of security interdependencies with a number of regional and extra regional states by institutionalised interactions, information sharing, joint deployment, joint exercises, training interactions and technology sharing. Therefore, there is a need for quality training as these exercises, interactions and deployments are viewed as indicators of the operational efficiency,

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<sup>12</sup> Andrews D. H, "Advanced Training and their Impact on Human Performance Improvement. Research and NATO's Symposia on Human Factors and Medicine Panel, pp. 5-11, Genoa: NATO.

<sup>13</sup> BoozAllen Hamilton, *Enhanced Training for a 21st-Century Military*. 22 Nov 2011, Op. Cit.

<sup>14</sup> WReed, "Information and Economic Interdependence", 10 Nov 2003, <http://web.mit.edu/~sabreln/Public/GameTheory/Journal of Conflict Resolution/Information and Economic Interdependence>, Accessed on 10 Jul 2019

<sup>15</sup> MoD UK, *Modernizing Training, Report of the Defence Training Review 2007*. pp. 3-6, at <http://www.mod.uk/issus/training/dtr>, Accessed on 10 Jul 2019

capability and training standards of the participating navies.

- d) **Networked Force.** As a result of the transformation in warfare brought about by technological advances in information collation and dissemination, widely dispersed naval forces can be networked and information gathered or exchanged in real time between them. Network Centric Operations (NCO) at sea, hinges on the combined action of a force rather than its constituent platforms.
- e) **Naval Skills.** Operational naval success will hinge on the ability to exploit and integrate high technology weapon systems. Studies into future naval skill requirements consistently show a growing need for improving cognitive skills<sup>16</sup> of the deployed personnel at sea.

The challenge of training transformation is to find and employ ways and means that will better prepare naval personnel for operations in an emerging dynamic environment at sea. To achieve these missions, navies have to focus on the following training objectives:-

1. Continuously improve force readiness by aligning education and training capabilities and resources with the Navy's operational needs by optimizing efforts through technology.
2. Develop individuals who can improvise and adapt to emerging challenges and technologies.
3. Train naval personnel in their core competencies under realistic scenarios.
4. Develop, publish and promulgate policy and plans required to institutionalize training and sustain the desired competencies.

## Way Ahead

To bring about transformational changes in the existing training strategy of global navies, some of the measures that need to be adopted through infusion of ICT technologies are enumerated below:-

- a). **Addressing the Next Generation.** It is a fact that future naval recruits and trainees would consist of a digital populace having grown up plugged into the internet, videogames, and other interactive technologies. They would think, work, and learn differently as compared to their predecessors and respond positively to different innovative teaching methods. Training strategy must factor in the future generation of

<sup>16</sup> D. SKapila, "New Cold Start Doctrine", South Asia Analysis Group, 04 May 2004, <http://www.southasiaanalysis.org/paper991>, Accessed on 15 Jul 2019.

sailors who would be tech savvy with an attitude to explore and learn.

- b). **Digitisation of Content.** There is a requirement to establish high bandwidth secure military networks and digitisation of training content. New and contemporary content development should be given a thrust in training strategy by providing additional funding at Naval Training Establishments for development of Computer Based Training (CBT) packages and Web Based Training (WBT) packages.
- c). **E-Learning.** E Learning should be a major focus to provide improved support to naval platforms deployed at sea, mainly for refresher teaching to augment effectiveness at sea.
- d). **Cloud Computing.** Cloud computing combined with customised training packages with an aim to enhance the variety of realistic combat training experiences should be at the centre of training philosophy. This flexibility will enable training 24x7 through a networked secure environment available to personnel stationed anywhere in the world.
- e). **Simulations and Virtual Reality.** Simulation has progressed considerably in the development of sophisticated trainers such as ship and aircraft simulators. Virtual training is now possible at an individual level. Considering the exponential cost of real time training on actual equipment, this will provide the same level and intensity of training without the attendant risks.
- f). **War Gaming.** Integrated computer based war-gaming for navy specific as well as joint environments needs to be given an impetus. Training has to be structured against an opposing force in a simulated environment emulating conditions encountered in actual operations<sup>17</sup>.

## Conclusion.

Warfare at sea is evolving more swiftly than at any point in antiquity. Naval platforms are connected to sea and shore based networks and aided by vast amounts of offshore electronic aids. To add to this, the human factor at sea is gaining prominence in this technologically challenging battlespace. Utilizing the combat potential of sophisticated weapons onboard ships and applying the correct strategy and tactics will depend on the caliber and training of naval personnel. This implies that the training and technical skills required in the future information driven environment will need to be way more advanced than at present. Achieving this would require upgrading the training curriculum, continuous improvement and quick adaptability to emerging

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<sup>17</sup> WMurray, "The Dynamics of Military Revolution", 2001, pp 1302-2052. M. Knox, Edition New York,

technologies. Re-structuring of training is therefore the recommended approach for global navies to enable them to be combat ready for future wars and in furthering their national maritime interests.

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# FIGHTING TERRORISM IN AFRICA: GAP ANALYSIS - EXPECTATIONS VERSUS REALITY

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## Introduction

The horrific events of 11 September 2001 has changed the whole perspective of global terrorism. Nevertheless, the war on terror in Africa did not begin then; it began in Sudan when Osama Bin Laden planned and executed an attack against the then president of Egypt, Hosni Mubarak, in 1995. Three years later (in 1998), Al-Qaeda blew up the two American Embassies in Nairobi and Dar-es-Salaam.<sup>1</sup> The United States retaliated and bombed a chemical plant in Sudan, claiming that the plant was producing harmful chemicals for Al-Qaeda. From then on, the US has been determined in hunting for perpetrators of these attacks. After the 9/11 attack, the focus on terrorism especially in Africa became more pronounced. Subsequently, a good number of US troops were deployed in Africa to help in counter-terror initiatives.

The 2014 Global Terrorism Index showed that terrorist activities have immensely expanded after the 2011 Arab Spring.<sup>2</sup> A good example is ISIL which manages more than a half and a third of the regions of Syria and Iraq respectively. The African landmass has also been encountering a surge of terrorist activities post 2011.<sup>3</sup> A significant part of the post-Gaddafi Libya was constrained by ISIL-associated fear-based oppressors. Currently, some consensus in scholarly circles affirms that the country has turned into a bombed state. This means that there is absolute turmoil and cultural breakdown with two adversary governments at war and many renegade groups that direct rules for everyone to follow.<sup>4</sup>

The 2013 Westgate Shopping Mall as well as the 2015 Garissa University killings in Kenya have demonstrated that Al-Shabaab cause unnecessary disruptions in the region. In Tunisia, after a surge of political deaths post-Arab spring, the chosen government is currently being defied with flood of assaults from ISIL-partnered fundamentalists. ISIL were responsible for attacks at

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<sup>1</sup> GTI, "Global Terrorism Index: Measuring and Understanding the Impact of Terrorism," Institute for Economics and Peace, 2014, <http://www.visionofhumanity.org/sites/default/files/GlobalTerrorismIndexReport2014.pdf>. (Accessed on 28 August 2019).

<sup>2</sup> Ibid.

<sup>3</sup> Asongu et al., "Fighting Terrorism in Africa: Benchmarking Policy Harmonization," in *Physica A: Statistical Mechanics and its Applications* (2018).

<sup>4</sup> Ibid.

Bardo National Museum as well as Sousse assaults of March and June 2015 respectively.<sup>5</sup> Similarly, Boko Haram has been stretching out its circle of fear-mongering to Nigeria's neighboring countries such as Cameroon, Niger and Chad. The November 2015 Radisson Blu Hotel assault in Mali and the Sinai Russian plane disaster in Egypt are increasingly recent instances of the fear-based acts being advanced in the continent.<sup>6</sup>

## Terrorism in Africa

The word 'terrorism' originated from the French name '*terrorisme*', which means a state of being terrified, or a state of impressing terror, as exercised by the French between 1793 and 1794.<sup>7</sup> The word "*terrorisme*" was derived from the Latin phrase '*terrere*', which means to "frighten".<sup>8</sup> In the broadest sense, it is associated with using intentional violence, mostly against civilians for political ends. It is the unlawful use of intimidation and violence in the pursuit of political aims.

The African landscape has been considered an excellent breeding ground for terrorism because there have been instances of political instability as experienced in several countries. In Burundi, political strife was experienced when President Pierre Nkurunziza decided to vie for a third term in office and the opposition then thought that there needed to be a fresh face. In South Sudan, civil war broke out in December 2013 causing thousands of deaths and hundreds to be displaced. Equally, the Central African Republic has suffered political riots over several coups d'état. These are just examples of the African environment which have led to slowed development in the entire continent over the past decades. According to Asongu et al., seven out of ten cases of societal riots and political crisis are mostly reported in Africa. Other notable instances of political riots include political/economic turmoil in Zimbabwe, failed political change in Nigeria in 2008 and 2011, Kenya's post-election violence in 2007 - 2008, Angola (1975 - 2002), Sierra Leone (1991 - 2002), Liberia (1999 - 2003), Chad (2005 - 2010) and Somalia.

The 9/11 attack in the United States raised awareness on the effects of terrorism globally. According to Schmidt, (contrary to popular belief) terrorism is not exclusively connected to the Islamic religion.<sup>9</sup> As stated earlier

<sup>3</sup> Asongu et al., "Fighting Terrorism in Africa: Benchmarking Policy Harmonization," in *Physica A: Statistical Mechanics and its Applications* (2018).

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Etymonline.com, "Online Etymology Dictionary." (Accessed on 29 August 2019).

<sup>8</sup> Kim Campbell, "When is 'Terrorist' a Subjective Term?," *Christian Science Monitor* (2001).

<sup>9</sup> A. P. Schmidt, "Framework for Conceptualizing Terrorism," *Terrorism and Political Violence* 16, no. 2

terrorism is a broad concept that is believed to have originated from the French Revolution. This is therefore not a phenomenon that has been discovered recently. There are five types of terrorism namely: right-wing and racist; religious terrorism; social-revolutionary terrorism; nationalist/separatist terrorism; and single-issue terrorism.<sup>10</sup> On the overall this phenomenon has led to a serious humanitarian catastrophe. Over 10,000 people have been killed while thousands have been rendered homeless in Nigeria by the Boko Haram terrorist group since 2009. In other countries such as Chad, Niger and Cameroon, populations have been traumatized thus fleeing to refugee camps where malnutrition and illness are increasingly prevalent especially among young children.

Terrorism has caused the GDP of most African countries to weigh down. The International Monetary Fund considers terrorism a risk as it minimizes the economic outlook of most countries that seek funds from the organization. According to Tingbani et al., following attacks on Tunisia, its annual projected GDP growth was cut from 5% to 1% in 2015.<sup>11</sup> Similarly, the tourism sector experienced a 45% decline affecting total revenue. This caused considerable damage as investors lost confidence in Tunisia's economy, thus failing to renew their investments.

## Drivers of Terrorism

A study conducted in 2009 showed that poverty, unemployment among the youth, discrimination and marginalization, particularly in individual nations, are some of the factors that have been demonstrated to have direct links to terrorism. The enhancement of these insufficiencies leads to huge scale speculations which are the root drivers of terrorism.<sup>12</sup> Clearly many of these factors are common to many regions in the continent. Additionally, high birthrate presents a high threat to the stability of the continent. Small towns continue growing, filled with many who are uneducated and unemployed - the perfect breeding ground for crime, as well as a good environment for terrorists to recruit.

At the point when the Europeans partitioned and separated African countries, the borders were drawn with little to zero consideration to who was

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(2005): 197- 221.

<sup>10</sup> United States Department of Homeland Security, "Countering Violent Extremism," (2014). <https://www.dhs.gov/topic/countering-violent-extremism>. (Accessed on 25 August 2019).

<sup>11</sup> I. Tingbani et al., "Terrorism and Country-Level Global Business Failure," *Journal of Business Research* (2019). (Accessed on 25 August 2019).

<sup>12</sup> USAID, "Guide to the Drivers of Violent Extremism," 2009. [http://pdf.usaid.gov/pdf\\_docs/pnadt978.pdf](http://pdf.usaid.gov/pdf_docs/pnadt978.pdf). (Accessed on 26 August 2019).

living where. Straight lines were at times set as a guide, which pursued neither common physical nor social limits. Unfortunately along these lines, some ethnic groups wound up in more than one country. There they met different cultures leading to incompatibility and resulting in constant conflicts with one another, yet they were meant to be of the same nation.<sup>13</sup> However, broadly speaking, having progressing border disputes and low-level war can at times be argued to work to a governments' favour as such give a valuable diversion from ineptitude and incompetent leadership. The population may be reluctant to condemn such while the leaders are battling what is perceived as national interest.<sup>14</sup> Realizing peace removes these distractions and the citizenry can then direct their energies towards what is indeed happening in their very own nation and potentially not be content with their experiences.

## War on Terrorism: Expectations Versus Reality

The growth of violent extremist activities has put in motion strategies and plans to counter the same and respond to any endeavor to cause terror among the African countries. Several international and regional bodies have invested in ensuring terrorism is combated within the continent and by extension throughout the world. United Nations Development Programme (UNDP) is a leading developmental agency in the United Nations system whose primary mission is to ensure they set up developmental programs as well as eliminate restrictions to such developments.<sup>15</sup> In 2014, UNDP gathered for its first global expert consultation on radicalization, prevention of violent acts and conflict resolution.<sup>16</sup> The meeting aimed at understanding the key issues and come up with sustainable strategies which could be implemented in affected countries. The decision was to start a four-year program aimed at identifying underlying aspects that contributed to terrorism. This was meant to be rolled out in varied countries simultaneously.<sup>17</sup> The program was to be based on findings in particular countries and different interventions would be applied depending on the outcomes.

<sup>12</sup> USAID, "Guide to the Drivers of Violent Extremism," 2009. [http://pdf.usaid.gov/pdf\\_docs/pnadt978.pdf](http://pdf.usaid.gov/pdf_docs/pnadt978.pdf). (Accessed on 26 August 2019).

<sup>13</sup> Ibid.

<sup>14</sup> N. Sempijja and B. Nkosi, "National Counter-Terrorism Policies and Challenges to Human Rights and Civil Liberties: Case Study of Kenya," *International Human Rights and Counter-Terrorism* (Springer, 2019):1-8.

<sup>15</sup> UNDP, "Preventing and Responding to Violent Extremism in Africa: A Development Approach," United Nations Development Programme Regional and Multi-Country Project Document.

<sup>16</sup> UNDP, "Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment," *Regional Bureau for Africa* (2017).

<sup>17</sup> Ibid.

According to Vincent et al., UNDP and UNFPA (United Nations Population Fund), working with states, local and international NGOs, implemented actions which would be income-generating and that could offer training to youth in affected areas.<sup>18</sup> These programs ensured they enhanced inter-religious and social cohesion, dialogues, improvement of community capacities, training on leadership and civil societies for peace-building. Nevertheless, programs implemented by organizations that provide support for early recovery are not categorized under the counter-radicalization structure. This structural deficit shows lack of understanding of the de-radicalization framework. For instance, Cameroon did not recognize the importance of that strategy in the fight against terrorism as evidenced by when four hundred Boko Haram fighters returned to the Mayo-Tsanaga Division in 2017. This proves that there still exist gaps and deficits in long term solutions in the fight against terrorism.<sup>19</sup>

State weakness is influenced by population densities, poor governance and poor infrastructure. Much will depend on external drivers such as aid flows and Foreign Direct Investment (FDI). Even then, the distribution of these resources has been uneven throughout the African continent.<sup>20</sup> As long as this uneven scenario exists, nodes of promise will continue to sit side by side with sections of weak governance in which some states refuse to accept any external efforts to enhance growth and development. These external interventions include efforts to combat terrorism. African countries are expected to embrace such efforts to help fight terror activities.

The existence of fragile states with weak governance infrastructure such as the Central African Republic poses a significant threat to international peace and security as such countries are a haven for drug trafficking, smuggling of weapons and illegal trade. Weak and failing states are a breeding ground, not only for organized crime, but also for terrorism. Terrorists take advantage of the general weakness of various governments across Africa and high levels of corruption as compared to countries which have better intelligence and effective security.<sup>21</sup> According to Ratemo, the Horn of Africa is filled with warring and corrupt states which creates a good fertile ground for terrorists.<sup>22</sup> The United States put intense scrutiny on such countries as they formed a strategic focal point after the 9/11 attack. Sudan was regarded a safe ground

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<sup>18</sup> P. N. Vincent et al., *The Boko Haram Conflict in Cameroon. Why is Peace so Elusive?* (2017).

<sup>19</sup> Ibid.

<sup>20</sup> Maxim Worcester, "Combating Terrorism in Africa," 2015. [https://www.files.ethz.ch/isn/50103/combating\\_terrorism\\_africa.pdf](https://www.files.ethz.ch/isn/50103/combating_terrorism_africa.pdf) (Accessed on 27 August 2019).

<sup>21</sup> Peter Gatuiku, "Countering Terrorism in the Horn of Africa: A Case Study of Kenya," (Masters Project, University of Nairobi). (Accessed on 26 August 2019).

<sup>22</sup> Elisha Ratemo, "Counterterrorism in Africa: Countering Radicalisation in Kenya," (Masters project, University of Nairobi, 2013). (Accessed on 26 August 2019).

for extremist groups in the early 1990s and the government was accused of actively supporting the activities of such groups.<sup>23</sup>

African countries have come up with legislations, law enforcement and tighter border security to ensure they reduce terrorist activities in their varied countries. Kenya for instance established an inter-ministerial task force to check firms and organizations believed to fund terror acts. This is affirmed by Kagwanja who states that the task force was set up to identify and shut down agencies that were funding terrorist activities.<sup>24</sup> The government also enacted NGO Act of 1990 and deregistered several NGOs which were seen to have links with terrorist groups. In 2013, the Government of Kenya also divided roles between the Security Services; the Civil Police, Administration Police, Directorate of Criminal Investigation, the Paramilitary General Service Unit, the Anti-Terrorism Police Unit and other agencies such as the National Intelligence Service. However, despite these efforts and the anticipation for this strategy to be effective, there still exist several challenges such as lack of coordination and inadequate resources.<sup>25</sup>

In 2017, Burkina Faso was able to make changes in its legal framework with a special judicial inter-agency established by lawmakers on the best practices to engage across the region that will have jurisdiction over cases related to terrorism. However, despite all the efforts towards its development the group was not functional for a while. These delays created opportunities for terror groups to continue with their operations in the country and the entire West African region. Additionally, West African countries created an inter-Governmental Action Group against Money Laundering in the region.

## Conclusion

Terrorism in Africa has resulted in deaths, poor economic development, poverty, displacement and marginalization. But Africa has a choice - that is to continue with the war on terror. Internationally sponsored terrorists will continue to target the continent as they believe there are lenient laws and regulations, poor infrastructure and uncoordinated security approaches. Local, regional and international organizations have shown interest and even established measures in the fight against terror. UNDP and UNFPA developed programs aimed at generating income for the locals thereby ensuring cohesion

<sup>23</sup> Elisha Ratemo, *"Counterterrorism in Africa: Countering Radicalisation in Kenya,"* (Masters project, University of Nairobi, 2013). (Accessed on 26 August 2019).

<sup>24</sup> Peter Kagwanja, "Counter-terrorism in the Horn of Africa: New Security Frontiers, Old Strategies," *Institute for Security Studies, African Security Review* (2006).

<sup>25</sup> Ibid.

and improvement of livelihoods. However, some African countries did not appreciate the importance of the programs. As much as there is continued Foreign Direct Investment, states with poor administrations and corrupt leadership end up misusing these resources thereby losing trust of the donors. Despite these efforts to combat terrorism, terrorist groups seek refuge in African countries, with some countries allegedly supporting their activities. This is exacerbated by weak judicial systems in most African countries. This has halted efforts to fight terrorism in the continent.

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# THE CHANGING FACE OF SOCIAL SECURITY IN KENYA

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## Evolution of Social Security

Social security as “the protection that a society provides to individuals and households to ensure access to health care and to guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner”.<sup>1</sup> Traditionally, social security in African societies was provided through the younger generations taking care of the older generations. This was a time when life was centered mainly in the rural setting. With the coming of colonization, Africans were forced to adopt to what was considered more civilized ways of doing things that included urbanization and working life/class culture. Social security then took the form of taking care of retired government employees, provision of relief to dependents of deceased government employees and severance payment for employees who could not continue working due to illness.

The earliest documented formal structure of providing social security benefits in Kenya was the Pensions Act Cap 189, which came into force on 8<sup>th</sup> May 1942 and largely covered government employees of the then British colony.<sup>2</sup> The Act has subsequently gone through various amendments to embrace and encompass developments in the government structure that has diversified institutions. Subsequently to Kenya attaining independence on 12<sup>th</sup> December 1963, the National Social Security Fund (NSSF) Act Cap 258 was enacted in 1965 to provide for the establishment of the National Social Security Fund, whose primary target was employees not covered by the Pensions Act.<sup>3</sup> The NSSF Act Cap 258, though it was mandatory to employees and employers, therefore exempted employees who were covered by the Pensions Act from its coverage. The NSSF Act Cap 258 has similarly gone through various amendment culminating to its repeal and replacement with the NSSF Act of 2013. These forms of social security thus focus on employees and provide social benefits in terms of monetary payment after retirement.

The traditional practice in Kenya of providing social security in terms of monetary payment is what is comparable to other parts of the world. In the United Kingdom (UK), social security is a system of payments made by the

<sup>1</sup> [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_067588.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_067588.pdf), retrieved on 24th August 2019

<sup>2</sup> The Pensions Act Cap 189

<sup>3</sup> The National Social Security Fund Act Cap 258

government to old people, individuals whose spouses have died and to those unable to work due to illness.<sup>4</sup> On the other hand, social security in United States of America (USA), is an insurance system with employees making contributions during their active working years to receive benefits either in the form of retirement benefits, survivor benefits or disability benefits<sup>5</sup>. The Social Security Act of 1935 governs social security in USA and makes provision for “transfer payments to retired people, the jobless, dependent mothers and children, victims of work-related accidents, the blind and physically disabled through the support of younger working people”.<sup>6</sup> This Act was amended in 1965 to provide for subsidized medical healthcare to individuals aged above 65 years and younger people who qualified under certain conditions. This marked an extension of coverage of social security benefits from just being monetary to include medical healthcare benefits, which are non-cash benefits.

The concept of provision of quality and comprehensive social security is gaining tracking as developing countries take cue from the developed countries. This includes provision of both monetary and non-monetary benefits. As explained earlier, the traditional framework in Kenya has been structured to provide social security benefits in monetary terms. The government funded Pensions Act Cap 189 provides benefits that are much superior to those provided under the repealed NSSF Act Cap 258. This may have given impetus to the private sector to establish retirement benefits schemes offering comparable benefits thus widening the scope of individuals covered under social security arrangements. This necessitated the requirement of having sound legal and governance frameworks of social security to protect the intended beneficiaries and contributions made to secure benefits. Therefore, the Retirement Benefits Act was enacted in 1997 to provide a centralized regulatory framework.

## Social Security Legal Framework

Kenya has various statutes to regulate and guide Social security as follows: -

### The Constitution of Kenya 2010

The Constitution of Kenya 2010 provides in Article 43 (1)(e) that “every person has the right to social security” and in Article 43 (3) that “the State shall provide appropriate social security to persons who are unable to support themselves and their dependants”.<sup>7</sup> These provisions place obligation on the government

<sup>4</sup> <https://dictionary.cambridge.org/dictionary/english/social-security> retrieved on 26th August 2019

<sup>5</sup> <https://www.investopedia.com/terms/s/social-security-act.asp> retrieved on 26th August 2019

<sup>6</sup> Ibid

<sup>7</sup> The Constitution of Kenya 2010

to provide social security to some sectors of the population while ensuring there is an enabling environment for every person to enjoy their social security rights.

### **Retirement Benefits Act of 1997**

The Retirement Benefits Act (RBA) of 1997 provides, inter alia, for establishment of the Retirement Benefits Authority (Authority), the regulation, supervision and promotion of retirement benefits schemes in Kenya, the development of the retirement benefits sector and for connected purposes. Section 5 of the Act provide the mandate of the Authority that broadly deals with the development of the retirement benefits industry through a structured legal framework that implements the all Government policies relating to retirement benefits as guided by the Act or by any other written law.<sup>8</sup>

Kenya achieved a major milestone through the enactment of RBA as it gave Kenya a centralized structured regulatory framework of the retirement benefits industry. However, despite the enactment of the Act, the coverage still remains low. According to the Authority, the number of registered retirement benefits schemes in Kenya are 1258 with an additional 36 registered individual pension plans. The majority of the schemes are in the private sectors and semi-autonomous and autonomous government entities. The schemes are contributory by both employees and the employer except the individual pension plans where it is only the employees who make contributions. The coverage of workers is only at a paltry 20% of the workforce meaning a substantial 80% of the workforce are without formal social security arrangements. The assets under management are Kshs. 1.2 billion, which is a significant growth of the industry since establishment of the Authority.<sup>9</sup>

### **The Pensions Act Cap 189**

The Pensions Act Cap 189 provides non-contributory benefits to the government employees who qualify for benefits through meeting minimum criteria principally being retiring from government services. This has been the well-known government social security structure for her employees. The non-contributory structure of the scheme remains an increasing financial burden the government of providing retirement benefits. To address this challenge, the government moved the enactment of the Public Service Superannuation Scheme in 2012, which is a contributory scheme, though the same has not been operationalized. The government expects to operationalize the same in

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<sup>8</sup> The Retirement Benefits Act 1997

<sup>9</sup> <http://www.rba.go.ke> retrieved on 27th August 2019

the financial year 2019/2020.<sup>10</sup>

### **The National Social Security Fund Act 2013**

The National Social Security Fund Act of 2013 that repealed and replaced the NSSF Act Cap 258 principally converted the benefits structure from being a one-off lumpsum payment to include monthly payments to beneficiaries. The Act defines social security to mean basic social security provided under the Act.<sup>11</sup> The Act establishes a Fund whose membership is mandatory to all categories of employees with limited exception to some few categories of employees while giving option to transfer portion of benefits management to a retirement benefits schemes providing comparable benefits to those provided under the Act. Enactment of the NSSF Act 2013 was in line with objectives of social security policy as captured in the Kenya National Social Protection Policy formulated in June 2011.<sup>12</sup>

### **The Social Assistance Act of 2013**

The Social Assistance Act of 2013 gave effect to Article 43(1)(e) of the Constitution of Kenya 2010 by providing for establishment of the National Social Assistance Authority and rendering of social assistance to persons in need. The Act makes provisions for grounds for provision of social assistance, to qualified persons, in cases of emergency, short term basis, long term basis or special assistance. The Act defines emergency cases as being those requiring assistance for less than one month with those requiring assistance for more than one month but less than four months are defined as short term. Long term assistance is defined as those requiring assistance for four months or more. The Act further provides for making of regulations that would guide award of assistance under provisions of the Act.<sup>13</sup>

### **Social Security Benefits**

As enumerated above, Kenya has various statutes that govern social security benefits that have traditionally taken the form of retirement benefits provided from various retirement benefits plan with the two major plantypes being distinguished in terms of their basis of computing retirement benefits. The earliest form known as the Defined Benefits (DB) plan provides benefits based on the length of service, final salary and an actuarial factor. This plan has significantly been abolished with only a few government plans such as the

<sup>10</sup> The Kenya Budget Statement for Financial Year 2019/2020

<sup>11</sup> The National Social Security Fund Act 2013

<sup>12</sup> The Kenya National Social Protection Policy June 2011

<sup>13</sup> The Social Assistance Act of 2013

Pension Act being the few remaining ones offering such plans. The main reason behind abolition of the DB plans is that the employer retains the liability to guarantee the plan into perpetuity.

The other form of retirement benefits structure is known as the Defined Contribution (DC) plan that provides benefits based on the contributions made to the plan by both the employees and employers into a fund together with the net investment earned therein. This is now the most popular plan as it extinguishes the employers' liability to the plan upon making the requisite monthly contributions.

### **Financing of social security benefits**

Social security obligates the society to provide directly or otherwise social security benefits to those qualified to receive them. The State ordinarily take up this obligation and provide mechanisms of pulling resources together, from the society, to meet this objective. The society therefore contributes indirectly through tax measures put in place by the State to finance social security benefits stipulated in the instruments proclaiming such benefits. The expected principal beneficiaries may be called upon to make token or substantive contribution towards financing the benefits. The Pensions Act Cap 189 provides that benefits provided under the Act shall be charged to the Consolidated Fund<sup>14</sup> while the NSSF Act 2013 provides for equitable contribution between the expected principal beneficiaries and the employers.<sup>15</sup> In the private sector, the employers and employees take up the responsibility of providing social security benefits through employers setting up retirement benefits funds where the employers and employees contribute to such funds. The benefits accrue upon retirement, cessation of employment before retirement and in case of death. The funds not required for immediate benefits are investment as provided by the investment guidelines issued by the regulatory authority, the Retirement Benefits Authority.

### **The changing face of social security benefits**

Traditionally, social security benefits have been provided to retired employees in consideration to their past service and/or contributions made to a retirement benefits plan. This had the implication that individuals were required to meet certain minimum qualifications to qualify for the benefits key among them being having worked for the State. However, the Constitution of Kenya 2010 provides that social security is a right and obligates the State to "provide appropriate social security to persons who are unable to support themselves

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<sup>14</sup> The Pensions Act Cap 189

<sup>15</sup> The National Social Security Fund Act 2013

and their dependants.”<sup>16</sup>

Pursuant to the Constitution of Kenya 2010, the Kenya National Social Protection Policy was formulated in June 2011 to provide a framework that would guarantee Kenyans social security. The policy therefore provides strategies to address social security challenges to ensure social security benefits are provided across the broad spectrum ranging from retirement benefits, death benefits, disability benefits, ill-health benefits, work-related injury benefits, redundancy benefits and even maternity benefits. The policy provides strategies that the Government anticipates to achieve in collaboration with other stakeholders. These strategies include the strengthening of the social security regime to have a robust social security industry that provides comprehensive benefits and coverage to all workers, in all sectors of the economy.<sup>17</sup>

The above recent development in social security benefits point out that the new face of social security is a combined effort by the government and private organizations and individuals to provide social security benefits in terms of both monetary and non-monetary benefits with measures to ensure sufficiency of the same being put in place. It further points out to changes of the criteria of provision of social security benefits principally being inclusion of individuals who may not have rendered service to the government and/or made any contribution to retirement benefits plan benefiting from provision of social security as required by the Constitution. Further, it equally calls for enhancing collaboration between the government and the private sector in provision of social security. To achieve this, substantial resources would have to be set aside, which provides an opportunity to the country to utilize resources that may not be immediately required for provisions of the social security benefits for economic development thus challenging the notion that retirement benefits funds are not development capital. Social security industry is therefore expected to change focus from just focusing on the benefits side to focusing on the financing side and the multiplier effect that such funds can achieve in the economy.

### **Anticipated direction of Social Security Industry**

As the quality of life is expected to increase among the middle to upper class, high quality old age retirement homes will be a benefit of choice among such social classes. The social security benefits may therefore be packaged in such a manner as to allow employees to make contributions to funds that provide

<sup>16</sup> The Constitution of Kenya 2010

<sup>17</sup> The Kenya National Social Protection Policy June 2011

membership to quality old age retirement homes as part of the retirement package or as a stand-alone benefit. An enabling legal framework to guarantee members safety of their savings will therefore be critical. The concept of old age homes has for a while been considered as directed towards those who cannot take care of themselves in their old age. With the world increasingly becoming a busy place, people with means are finding themselves faced with loneliness and desiring to have human social interaction. This need provides the basis to support the notion that the country is ripe for high quality old age retirement homes. This will be a key focus of investors and retirement benefits funds.

Provision of non-cash benefits will be on an upward trajectory with medical benefits covering spouses and dependent children taking center stage. Other forms of retirement benefits that have been provided by selected institutions especially in the security sector such as provision of security and transport to key retired personnel will be taken up in other sectors more so with the top executives of corporates. To keep pace with the growing demand for quality healthcare in retirement, restructuring of the National Hospital Insurance Fund (NHIF) to provide more comprehensive benefits in retirement will be key. In the alternate, and to complement NHIF, private funds will take up the challenge and provide comprehensive medical care in retirement. The country has through policy and legislation provided the framework for establishment of post-retirement medical funds that aim at providing retirees with similar and comparable medical benefits to those they enjoyed while in service. Some organizations had started the initiative prior to the government formulating the necessary framework. The Defence Forces Medical Insurance Scheme (DFMIS) was a pioneer fund that provides medical care services to retired military officers and their dependants.<sup>18</sup>

Improved and efficient processing of retirement benefits to ensure a smooth transition from employment to happy retirement life remains a key component to provision of social security. This enhances the quality of life and increases life expectancy in retirement. In the past, there have been cases of delays in processing and disbursement of retirement benefits especially from the government. Further, there have been cases against the government/employers arising from disputed basis of computing retirement benefits. A notable case has been the one brought by retired teachers against the government for revision of their retirement benefits following implementation of collective bargaining agreement that was implemented in phases. To avoid such, re-engineering of the benefits processing modalities becomes a necessity, which may call for review of some of the statutes and administrative procedures for

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<sup>18</sup> <http://www.mod.go.ke/?p=1179> retrieved on 1st September 2019

processing benefits.

The legal framework in Kenya does not contain provisions making mandatory requirement for employers to establish social security mechanisms for their employees. This has left out a significant number of employees outside the formal social security structures other than that provided under the Social Assistance Act of 2013, which is very minimal to hardly sustain one for a month. Since provision of adequate social security benefits, as contemplated in the Constitution, would require substantial financial outlay, which the government may not be in a position to provide, provision of a legal framework to make it mandatory for employees to join retirement benefits plans providing adequate social security benefits, will have to be incorporated in the national social security strategy. Accumulation of funds from such plans will provide an investment basket for the much needed economic impetus to fast-track economic growth, which would aid in achieving Kenya's Vision 2030.

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<http://www.rba.go.ke> retrieved on 27<sup>th</sup> August 2019

<http://www.mod.go.ke/?p=1179> retrieved on 1<sup>st</sup> September 2019



# KENYA-SOMALIA BORDER SECURITIZATION

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## Introduction

The historical backdrop of nations solidifying their border through the development of border walls goes beyond present time, when borders were constructed to characterize the degree of supreme regions against decentralized clans as on account of the Incomparable case of China. Solidifying, as portrayed by Reece Jones and Stephane Rosiere, doesn't imply totally shutting, yet rather the endeavor to regulate cross-border developments and to guide them to suitable control points.<sup>1</sup> As an ongoing authentic pattern, states have raised obstructions along their border for reasons extending from regional defence to monetary, social, and social impact, and all the more as of late, the dread of movement and fear based oppression. It is said that when circumstances dictate, and the feeling of insecurity increases, the border can turn into a wall.<sup>2</sup>

Globalization got a blend of patterns the discernment and treatment of border. Ana Marleny portrays, “openness, permeability and removal of borders, on the one hand and, on the other, greater enclosure, separation and perceptions of the border as a barrier or wall.”<sup>3</sup> Globalization as asserted by various researchers including lawmakers are of the thought of a borderless reality whereby nation-state borders were porous to permit progression of merchandise and populace, to the extent states were associated on one another. During the 1980s and 1990s the idea was to open boundaries in order to facilitate the movement of products and people. The progression in innovation and technology expanded the seamless flow of data from one border to the other, nearly announcing borders out of date. Similarly, as globalization motivated the opening of borders, the 9/11 terrorist attacks on the Twin Towers in the US and the ensuing strategies that followed and which were embraced, affected the re-shutting of several state borders in many countries in the world. Rosiere and Jones express that, following the violence 9/11 terrorist attacks in the United States and the earlier fall of the Berlin Wall in 1989, borders

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<sup>1</sup>Stephane and Reece, “Teichopolitics: Re-considering Globalisation through the Role of Walls and Fences,” (2012).

<sup>2</sup>Jean-Jacques, “Walls and Borders in a Globalized World: The Paradoxical Revenge of Territorialization,” (2014).

<sup>3</sup>Ana Marleny Bustamante, “The Impact of Post-9/11 U.S. Policy on the California-Baja California Border Region,” (2013).

were mainly studied through the prism of globalization.<sup>4</sup> Insights indicate an enormous increment in border obstructions in the last two decades. Among the 65 barriers built around the world, nearly half of them were developed somewhere in the range of 2000 and 2014.<sup>5</sup> This increase in the construction of the boundary fences/walls shows an adjustment in how states see border corresponding to their security needs. Kenya subsequently joined the league of the 65 nations that have constructed barriers along their international boundaries. Following a progression of psychological oppressor assaults by the Somali based Al Shabaab terrorist group, Kenya turned to the structure of a border security fence along the Kenya-Somalia border to forestall further assaults.

## **Foundation of the Kenya–Somalia Border Securitization**

The crumble of the Federal Republic of Somalia in 1991, led to the subsequent absence of law and order therefore the ensuing development of terrorist groups. The Al Shabaab terrorist group, which has since proclaimed its association with Al Qaeda and offers its long haul enthusiasm of building up one Islamic caliphate to join all Muslims, exhibited its ability to dispatch attacks across the borders of Somalia into other staes. Al Shabaab assaults in Kenya increased with two significant attacks, the Westgate Shopping center in 2013 and the Garissa College in 2015.

The Kenya border with Somalia securitization was started in April 2015. This was prompted after the Garisa College terrorist attack. As Brendon Gun posit that the decision to construct a security wall or fence could be informed by both the populace anger and anguish that was felt in Kenya following the attack and the continued subsequent Al Shabaab activities in the country since 2008.<sup>6</sup> The several terrorist activities changed the way the government and populace perceived the open Kenya-Somalia border. The border was viewed as a weakness to the danger of terrorism therefore it became necessary to securitize the Kenya-Somalia border.

## **Kenya–Somalia Border Securitization**

An assessment of the dissimilar academic perspectives on the reasons why nations could choose and adopt such choices saw various clarifications. Security

<sup>4</sup> Rosiere and Jones, "Teichopolitics: Re-considering Globalisation through the Role of Walls and Fences,"

<sup>5</sup> Friedman, "Donald Trump's Proposal for the U.S.-Mexico Border Isn't Outdated. It's a sign of the Times," (2016).

<sup>6</sup> Brendon Cannon, "Terrorists, Geopolitics and Kenya's Proposed Border Wall with Somalia," (2016).

alarm is utilized to clarify the dread that overwhelms general society and push leaders and the populace to react by execution of strategies to take measures which they think as a panacea to their helplessness.<sup>7</sup> The other view utilized by researchers to clarify why nations mark certain conditions as existential security dangers and therefore decide to manage such dangers through outrageous methods is based on the securitization theory of international relations.

The Securitization Theory of international relations is the most applicable and best suited to put forward the action taken by Kenya to construct border fence along the Kenya-Somalia boundary in order to curtail the Al Shabaab terrorist group threat having considered all the likely geopolitical subsequent positive and negative consequences.

## Securitization Theory

Currently, security issues have been raised as one of the top motivation factor of several nations today, with their leaders executing various arrangements to save their states. Border obstructions rose because of the potential reaction by nation-states to the ever evolving security dangers in the currently globalized period. How do researchers clarify nation-state border security arrangements? To have a better understanding on the matters of operations on securitization and on issues that should be securitized, and for whom and why they should be securitized, and the conditions that would determine the success of securitization<sup>8</sup> has propelled an expansion in security matters. The theory of securitization as progressed by Buzan, and other authors like Jaap De Wilde and Ole Waever have gives an investigative way to deal with clarifying the reasons that supports various security approaches.<sup>9</sup> The theory of securitization as portrayed by Vladimir, indicates securitization as a procedure of social development of dangers which encompasses the securitizing entertainer, generally political first class, who announces certain matter as earnest and a presenting risk for the endurance of the target object that when acknowledged by the crowd, legitimizes the utilization of tremendous measures for balance of the danger.<sup>10</sup>

Border strategies as clarified by Serghei are taken into account because of the fruitful securitization. He further expresses that, by the similarity of

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<sup>7</sup> Atmore, "Fear Factors in Political Rhetoric, Threat Inflation, and the Narrative of September 11" (2014).

<sup>8</sup> Catherine Charrett, *A Critical Application of Securitization Theory: Overcoming the Normative Dilemma of Writing Security*, (2009).

<sup>9</sup> Atmore, "Fear Factors in Political Rhetoric, Threat Inflation, and the Narrative of September 11.

<sup>10</sup> Vladimir, "Meaning of Security and Theory of Securitization," (2010).

securitization, it is conceivable to talk about the border issues of security. The risk on account of this paper is psychological oppression, the further impacts of which states try to forestall through various ways. The erection of state obstructions has gotten a mainstream decision. Fear based oppression as Ana Marleny suggests give rise to despair within the potential targeted populace and vulnerability on the nation-states that are the intended target of a psychological militant assault. Psychological oppression, accordingly, that prompts securitization of security issues.

Atmore clarifies the securitization idea by concentrating as presented by three on-screen characters all the while; the crowd, which is the general population and whatever other gathering that should be persuaded of the legitimacy of the activities dependent on the apparent risk, the securitizing entertainer who is the legislature; and the referent article which is the security danger. The three on-screen characters give the establishment the utilization of the theory of securitization in clarifying security strategies that nation-state receives.

## **Use of the Theory Securitization of to Kenya–Somalia Border**

Utilizing the theory of securitization to clarify Kenya's security arrangement, it is prudent to acknowledge the three actors involved in the process of securitization: the government of Kenya as the securitizing on-screen character, the Al Shabaab terrorists from Somalia as the risk, and the Kenya populace which constitute the crowd. Kenya government securitization engagement of its borders with the Federal Republic of Somalia is to ensure the wellbeing of its residents and the abundance of the country by giving safe domain to the travel and tourism industry. As indicated by the theory of securitization, nation-states embrace securitization strategies when they are confronted with an existential danger and therefore it is on a similar reason that Kenya is building the Kenya-Somalia border fence to ward off the Al Shabaab terrorists who represent a risk to its populace and economy. The impacts of fear based oppression which was experienced by the populace, going from loss of lives to loss of occupations for those employed in the travel sector, slanted the Kenyan population to help the border securitization. This help implies the proclamation by the government of Kenya that issues emanates from the terrorists activities could be greatly reduced by raising the border fence which was acknowledged by a larger part of Kenyan populace and by their acknowledgment, the activity of securitization received legitimization.

As Golunov expresses, “building a fence is one of the most visible measures

possible; overtly signifying that something has been done”.<sup>11</sup> Clearly on the international Kenya-Somalia boundary, the Governor for the County of Mandera was cited having said, “We are happy with the progress as visible work has been done unlike in the last two months when we visited the site”.<sup>12</sup> His remark mirrors the imagery of the real boundary barrier to the Kenya government’s endeavors to secure Kenya. Kenya-Somalia boundary barrier will cover the full degree of the land border and when completed, it will be an obstacle made up of wall, trench and observation posts with CCTV cameras. The several entry and exit points along this border facility will remain important to the Somali populace along the border. Kenya-Somalia border securitization by the government of Kenya is a reaction to terrorist’s activities that was viewed as an existential threat to Kenya as a nation and its population.

## **Conceivable Effect of the Kenya-Somalia Border Fence on the Borderland People**

Kenya’s methodology mitigation on security arrangement along Kenya-Somalia border has received support from the Somalis of Kenyan who reside along the border. Kenya government on acknowledging the quality of the Somali community gathering’s through their social structures looked for participation led by their leaders, particularly the Marehan tribe, who generally occupies Mandera, where the border securitization began. In one of the gathering, Interior Cabinet Secretary commented that “the development of the Kenya-Somalia

Security border fence will proceed however guaranteed Somalis that it was purely to prevent Al Shabaab terrorist group and not to curtail the movement of the community along the border.”<sup>13</sup>

Acknowledgment by most of Kenyans was encouraged by the risk and dreads that psychological warfare made through the different assaults in Kenya, particularly the Westgate Shopping center and Garissa College assaults. The security approach was not thought by the parliamentarian as official pronouncements became considered as law under the facade of state security.<sup>14</sup>

As the border fence development advances, inquiries as regards to consequences for the Kenya-Somalia border security fence will undoubtedly

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<sup>11</sup> Golunov, “Border Fences in the Globalized World: Beyond Traditional Geopolitics and Post-Positivist Approaches.”

<sup>12</sup> Ismail Kushkush, “Kenya Envisions a Border Wall that Keeps Shabab Violence Out,” (2015).

<sup>13</sup> Samuel Yosef Agnon, “Kenya Seeks Cooperation with Marehan, A Somali Border Clan to Boost Security,” (2016)

<sup>14</sup> Amir Lupovici, “The Limits of Securitization Theory: Observational Criticism and the Curious Absence of Israel,” (2014).

emerge. As Vallet postulates the meaning of a border fence as it may seem to be very important in respect to its physical virtue, for the people who have to deal with such border, the fence is primarily not so much a set of norms and perception but a hard and tangible reality.<sup>15</sup> Border barriers have affected borderland populaces by impacting on communities and their social interactions over the border. Populace along the border who share a lot of similarities in personality at various levels are probably going to be progressively affected by a border barrier, in light of the fact that throughout the years the network frames a strong collective identity across the border. The Somali community along the Kenya-Somalia border falls under this class. A border boundary between the Somali ethnic gathering will add to the irregularity of the solid aggregate character over the border.

### **Analysis of Conceivable Effect of the Boundary Fence on the Border community**

The Kenya-Somali boundary security fence will change the border environs into a security zone. The Kenya government spotlight will progressively be on this border so as to keep terrorists from crossing into the Kenya. The limitations that maybe relevant in such security zone, including limitation of development by inconvenience of curfews, may apply. The Somali community being roaming by nature relies upon occasional development to encourage and water their animals thus the border security fence will limit this development.

The families who have kinfolk on both sides will be isolated and their cooperation confined. Settlements along this border have developed overtime with no respect for the border. Trans-border development has for a considerable length of time encouraged the collaboration between the borderland networks setting up some inseparable connections between these communities. There are shared social institutions and facilities like schools and medical clinics as majority of pupils in the schools along the Kenya-Somalia border are Somalia Somalis.<sup>16</sup> The impact of the violent conflict in Somalia and the lack of the fundamental offices and structures on the Somalia side are exhibited by Somali youngsters going to class on the Kenyan side of the border.

Barriers along international all over the world have isolated border communities and endure the result of illicit intersections. The border landscape is ideal in light of the non-appearance of regular barriers, which makes crossing from any point conceivable. Given the length of Kenya-Somalia border it will

<sup>15</sup> Golunov, "Border Fences in the Globalized World: Beyond Traditional Geopolitics and Post-Positivist Approaches."

<sup>16</sup> Somali Children Crossing into Kenya to Get Education," (2014).

require a huge security power to increase the border observation gear so as to guarantee that no illicit intersection happens. The situating of exit and passage focuses along the Kenya-Somalia border fence is in this manner essential to encourage movement around the border.

Two primary financial undertakings that are involved across any border are movement of goods in the form of products as well as movement of individuals. Booty products are smuggled to Kenya using permeable Kenya-Somalia porous border. As Adow Jubat states, “smuggling has been ongoing along the Kenya-Somalia border since the fall of Siad Barre’s regime in the 1990s and has created an ‘untouchable’ community of millionaires, mainly Kenyan Somali traders.”<sup>17</sup> The nation loses on tax collection from this merchandise, unlawful arms and ammo discover their approach to Kenya, the nearby markets endure misfortunes because of the modest products, and the borderland network flourishes because of this sort of exchange. The exile camps in Kenya changed into significant sneaking center for sugar, rice, pasta and electronic products.

## Conclusion

All in all, to the greatest advantage, Kenya just as different states all over the world have done, depended on constructing a security fence along its border with Somalia in order to address a security danger that it thought about existential due to Al Shabaab terrorist group who operate mainly in Somalia and sometimes carry incursions into Kenya. Taking into considerations on the historical backdrop in regards to Kenya-Somalia border, the fence will isolate networks of communities living along the border, influencing their historical social and financial connections demonstrating how border securitization affects communities along the international borders.

Some border barriers all over the world exhibit various results. Some have been successful in accomplishing the intended object; for example, the Israeli-Palestine border fence/wall has encouraged decrease in terror incidences. However, some have displayed negative outcomes, for example the United States and the Mexico border fence. International relations exhibit both the focal points and impediments of border boundary barriers. Some of the advantages of a barrier to states are that they furnish the residents of a nation with measures taken by the nation to control frailty. For the nation, the boundary gives a road to organize measurable outcomes to show its adequacy. Border barriers are viable in hindering in light of the fact that they prevent whoever wants to gain entry into make a nation illegally. One of the disadvantages of the border

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<sup>17</sup> Jubat, “How Illicit Trade in Guns, Sugar Thrives along Porous Border.”

barriers is the expense of building and looking after them.<sup>18</sup>

The Kenya-Somalia bordersecurity fence gives an impermanent solution to controlling the terrorists, AlShabaab and forestalling curtailing subsequent attacks by dealing with progression of Somalis through the border. The fence is viewed as an impermanent arrangement on the grounds that the common conflict in Somalia represses an increasingly thorough arrangement.

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<sup>18</sup> Golunov, "Border Fences in the Globalized World: Beyond Traditional Geopolitics and Post-Positivist Approaches," 118–127.



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## TAMING NARRATIVES

Mr. Ngalia Ndaya - Ministry of Interior and Coordination of National Government

During a conference<sup>1</sup> at Malindi to discuss community action against violent extremism and terrorism, a participating elder discredited the government and praised a terrorist organization. His remarks were met with loathing from participants in the conference who included the Boni Enclave Campaign officials, senior government officials from key departments dealing with national cohesion, integration and counter terrorism among others, and civil society and country representatives of missions. Leaders from his area felt embarrassed and retreated to hear his reasons for such remarks in camera. During the following session, the elder apologized to all participants and participated during the remaining sessions without similar episodes. However, this episode got many wondering why an elder of about sixty years would voice such remarks in front of his colleagues both from within and outside his community, government officials from all security and development departments, civil society, NGOs and the international community. The answer to this did not lie within the conference or outside environment in the society but rather in his head, his perceptions and how he processed people and the environment around him. Although according to sociological theories, people learn from their environment, the projection of ideas through actions is an individual choice. What an individual says and does is a result of rational choice construction of ideas based on their understanding of the world around them and the willingness to speak or undertake the action.

But then, a strong will to act does not come automatically. In most cases it is shaped to increase commitment and believe in oneself and others who share same values and beliefs. In other cases, willingness is created by necessity which again can also be crafted. Through a series of rewards, individual utterances and actions get reinforced into behavior. A pattern of behavior shared by a wide majority in society becomes a norm. Norms can however be reshaped and reconstructed to suit a particular requirement or pattern that corresponds with the views of a small group by many. Some of this reshaping and adjustment of individuals to undertake what they would not normally do especially through extreme manifestation of self or society is carefully crafted through ideological narratives.

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<sup>1</sup>The Boni Enclave Stakeholders Conference 2017 held from 14 – 16 October 2017 in Malindi, Kenya

A narrative can be said to be a discursive code comprising intersection of sequence and language forming a logical definition or explanation to phenomena.<sup>2</sup> Most narratives stem from misconceptions and misinterpretations of determinate and indeterminate meanings held by individuals or members of a group or society about particular utterances, discourse, contexts or situations. Scholes says that a “narrative is sequencing of something for somebody ... a symbolic presentation of a sequence of events connected by subject matter and related by time.”<sup>3</sup>

From the above definitions, key aspects of narratives stand out: the narrative or story, sequence of the story, series of events regarding the particular matter, the actors: those who tell the story, the denoted and the audience and relationship of the story with others over a period of time within a certain context. Narratives tend to become generalized as accepted truths among a general population of members of a certain society.

Narratives are carefully crafted set of unsubstantiated universally accepted truths about certain events, phenomena or things within or about an individual, group(s), community, society nation state and sometimes groups of states. Kermode<sup>4</sup> says that human beings need a story that they can relate to, one that suits them. However, he is quick to warn that every story is subject to interpretation. As gaps appear in the narration of the story, new stories and interpretations emerge. The resultant distortions continue to be told over time and, as they say, a lie told many times becomes the truth, soon a narrative emerges. The latter will be the theme of discussion for this article.

From the definition of narratives discussed earlier, they are set of carefully crafted logical stories explaining sequence events over a period of time. The drafters of such narratives would therefore possess the skills and intellect to connect related or unrelated events to a series over a period of time to generate a general theory or narrative which becomes accepted by a considerable majority of a group or across a community or society.

Narratives are mostly generalizations. What might be referred to as a European custom for instance, may be an event or practice or phenomena found in only one country in Europe. It is more complicated in Africa where a similar assertion may be said about a certain state, say Kenya for instant, in reference to a practice of one among the 44 tribes of Kenya, and be used to refer to the phenomena or practice as an African practice or culture.

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<sup>2</sup> Scholes R. “*Language, Narrative, and Anti-Narrative*,” *Critical Inquiry* 7, no. 1 (Autumn, 1980): 204-212

<sup>3</sup> Ibid pp 209

<sup>4</sup> Kermode F. “*Secrets and Narrative Sequence*,” *Critical Inquiry* 7, no. 1 (Autumn, 1980): 83-101. Pp. 84-85

The use of narratives by communities is a long standing culture across all of them. Some narratives talk of origins of the community or nation while others tend to offer something to relate to during certain times or activities. Terror groups have not been left out in this art. Faced with serious condemnation from society and worldwide hunt by governments, terror groups have reinvented the mind hacking art of narratives and implantation of radical ideas that cause their victims to view the society as being wrong, unordered and in need of corrective measures. They stop focusing on the wrong doers and concentrate on selective justification of their actions instead of looking at the actors and their actions collectively. Among terror groups that have widely used narratives and propaganda for recruitment and radicalization to violent extremism in furtherance of their cause for continued foothold in Somalia while getting sympathy, support and funding from local and international sources is Al Shabaab in Somalia and East Africa.

Turbiville et al<sup>5</sup> say that Al Shabaab recruited from a wide range of countries despite their small reach internationally. In Kenya, they recruited from Eastleigh in Nairobi and Daadab refugee camp to the point that got the government and less extremist Islamic instruction centers worried. In the two ‘incubators of jihad’ as they were called, the Al Shabaab utilized extremist narratives presented in the form of written literature, videos and other materials presented to create appeal to potential recruits and entice them to join the terror group. The Al Shabaab used their connections with the Somali living in Kenya to mobilize funding and recruits through jihadi narratives, religious extremism and purported to fight for the cause of Islam and the rights of Muslims.

The terror group’s recruitment style evolved over years to draw recruits from non-ethnic Somalis, the East Africa region and from foreign countries including Europe and America. Turbiville et al<sup>6</sup> consider the result of this unholy success as being attributed to release of various propaganda videos in English, Swahili, and Arabic. By packaging their narratives and propaganda in foreign languages, they expanded their recruitment base regionally and internationally. They also aligned themselves with extremist groups in other countries including Boko Haram in Nigeria and Al Qaeda in the Middle East and Al Qaeda affiliates worldwide. In doing so, and by promising support for the cause of their affiliate terror networks, they aligned with terror narratives and doctrines of these groupings and sought their support in return. Indeed

<sup>5</sup> Turbiville G., Mesurvey J. and Forest J, Countering the al-Shabaab Insurgency in Somalia: Lessons for U.S. Special Operations Forces 2014/04/04 9781933749853 Accessed from [www.researchgate.net/publication/302471478](http://www.researchgate.net/publication/302471478) Accessed on 14/09/2019 at 2109H p. 16

<sup>6</sup> Ibid p 17

some terror attacks in Mogadishu by Al Shabaab were pronounced as revenge for attacks on members of their affiliate groups.<sup>7</sup> In return, Al Shabaab's international jihadist narratives enlisted their support internationally and got them recruits to aid their cause regionally. They also brought to themselves anathema and renunciation from moderate Muslims and a cause for action by governments.

The attacks in Uganda in July 2010 at a club on innocent civilians watching a football match were carried out by Ugandans recruited by Al Shabaab through their international networks.<sup>8</sup> Similarly, all terror attacks in Kenya during the current century have been carried out by Al Shabaab with support of Kenyan elements of both Somali and non-Somali origins. They were all carried out by radicalized youths who were recruited using religious doctrines, cash enticements and anomic ideologies that seemed to suggest disintegration in moral order of society and the need for corrective action to perceived injustices and persecution of some sections of the society. In actual sense, and what the foreign recruits did not know, is that their inducements were carefully crafted narratives to enlist support for Al Shabaab, where there was little chance of infiltration without detection, to carry out attacks on both Kenyan and Ugandan targets in order to trigger wide condemnation of the attacks by citizens of both countries and instigate civilian agitation in each country, for withdrawal of their military forces from Somalia where they were making Al Shabaab operations difficult and causing their foothold to diminish daily. The dwindling of their ragtag militia at the hands of government forces means loss of reputation and with it support and revenue base for quenching the greed of their commanders.

A question however emerges, how is it possible for someone to be recruited to fight under extreme conditions for someone so far and for a cause so irrelevant to them while believing in and ready to die doing it? What would make them change their world view and narrow down to senseless killing of their brothers, sisters, mothers, fathers and neighbors in support of a group they did not know existed or what it stood for a few years before they joined?

The answers to the above lie in the crafting of narratives by terror groups. As seen earlier, narratives follow a pattern of events from which they emerge. A careful look at the terror groups' operations suggests a pattern of behavior. First, they scan the environment for available narratives, grievances, conflicts, weak relationships between families, clans, communities and society, ungoverned

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<sup>7</sup>Hansen S. J. *Al Shabaab in Somalia: The History of a Militant Islamist Group*. C. Hurst & Co. (Publishers) Ltd. London, 2016 p. 95

<sup>8</sup>Ibid p 96

spaces and weaknesses in government bureaucratic and other structures. Next they craft ideas to reinforce the rift between their target family, community, society and government structures by punching holes in coping mechanisms available to the society and government structures meant to address discontent within them. They alienate sections of the society from support systems by bringing to fore what kept hidden in the society or unaddressed even where it did not matter.

The creation of self-consciousness among sections of society leads to reinforcement of grievances. After the awakening comes the hammer of solutions, a call to action. They suggest the need for society agitation for correction of the perceived malady in the system and the need for unity in securing justice and what had been lost. For the ideas to stick they rally drivers and followers of their cause from people of considerable influence in the society. Within a short period, a narrative is born. Those who do not follow support, those who do not support get condemned. With the ground set, the enemy is ready to pounce from their veil and maul the true prey of his original intent during formulation of his narrative, a willing recruit. The feeling of isolation and support for action from society begets volunteers to carry the radical ideas of the narratives to the final stage of breeding and violence against perceived enemies. This is the most noticeable stage for authorities who step in to protect the victims of such violence, ironically at the condemnation of the society who view action by authorities as oppression. Support to authority wanes and information is not provided, finally and with resolve, suppression of the narratives has to be undertaken and sustained by presence of government forces.

A look at the Boni Enclave Stakeholders Conference Report 2017 suggests that regular attacks on civilians in Kenya including Westgate Shopping Mall attack in 2013, attacks in Lamu and Tana River Counties in 2014, the infamous Garissa University College attack of 2015 and the latest Dusit D2 Hotel attack at 14 Riverside Drive Nairobi in January 2019 were as a result of homegrown extremism.<sup>9</sup> However, as the report points out, there was considerable reluctance for vulnerable and the most affected populations by radicalization including youth and women to cooperate with government security actors due to lack of trust and confidence to do so.<sup>10</sup>

The report reads in part:

“... State actors likewise face a critical lack of resources and quality platforms

<sup>9</sup> <https://www.nation.co.ke/news/Five-questions-on-Dusit--seven-months-later/1056-5219946-gotlqj/index.html>

<sup>10</sup> The Boni Enclave Stakeholders Conference 2017 held from 14 – 16 October 2017 in Malindi, Kenya

for sharing legitimate and localized information to better inform their on-going CVE strategy. Civil society and community leadership structures, including influential religious leaders and local elders, have also demonstrated limited capacity to bridge this gap or heal the wider social and ethnic divides that have left the coastal and northern Kenya regions vulnerable and isolated. This has resulted in a wide gap between communities and security forces with poor levels of meaningful, trust-based engagement, reduced trust and cooperation and local resilience to radicalization...”<sup>11</sup>

From the above, although only a small minority of people may be disgruntled, the wider society may act in solidarity with the minority and project the entire society as disgruntled. The resultant effect of radicalization, misinterpretation of a few events and generalization may result to isolation of the entire society and attract ruthless action by governments as seen with the case of Hargeisa in 1988 where the then Somalia government forces destroyed the second largest city in the then Somalia<sup>12</sup> and gassing of Kurds in Halabja Northern Iraq in 1988.<sup>13</sup>

However, governments need not resort to use of force to quell uprising and civil unrest resulting from disturbances caused by a few individuals but with support of many in society. Similarly, attacks perpetuated by foreign terror groups with the support of locals threaten unity of nations, their culture and sovereignty. Governments need to be observant and maintain structures that retain good rapport and support from the society. The structures for security information can be societal or government. Societal information can be meant for action by the society or by the government. The latter shows significant gaps in the implementation of resilience structures of the community and careful monitoring by government hence ought to raise government concern whether cases go to court or not. Structures to notice patterns and rifts within society before government intervention should remain constant.

Usually, narratives stem from perceptions of marginalization of some sections of the society either politically, economically, socially or development wise. The realization of this perception by a wide majority of people within a society brought about by narratives, whether created to bring them to fore so they can be addressed or fashioned for other purposes can have serious implication for stability within the realm of such society.

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<sup>10</sup> The Boni Enclave Stakeholders Conference 2017 held from 14 – 16 October 2017 in Malindi, Kenya

<sup>11</sup> Ibid p. 13

<sup>12</sup> Martin Meredith. *The State of Africa: History of the Continent Since Independence*. Simon & Schuster, London 2011 p. 468-469

<sup>13</sup> <https://www.nation.co.ke/news/world/When-Saddam-Hussein-gassed-5000-Kurds-Halabja-Iraq/1068-4340758-1h04fq/index.html>

While governments seem to concentrate on policies to address marginalization, perceptions keep changing with the hierarchy of needs arising from society as new ones crop up. Governments therefore require and often do frequent policy reviews to match changing demands from society. However, policy reviews require matching amount of resources to facilitate implementation of reviewed policies. This is an uphill task for governments especially in Africa where financial resources are scarce. This should not however translate into disgruntled and grievance ravaged society or state. All people have an understanding about issues and fairness. Children see the difficulties and inadequacies of their families, but they still live happy lives at home. This is so because they see the strife of their parents, they know when times are good, they get, whenever situations are limiting, they are meant aware. Above all, this is done with love, honesty and fairness.

Governments can act as family for society, by exercising fairness in application of resources but above all by communicating effectively to all the members of society both verbally and non-verbally through active presence and involvement. Marginalization can result from sheer feeling of neglect and lack of competent authority to which a member of society can project their views and demands. It is therefore imperative upon governments to develop commune that maintains good relationship among all members of the society and between themselves and government. Such commune should be in form of narratives that stem from government policies and implementation strategies. Although they may not be called such by government, their ideals should be as though they were.

Stereotypes among some members of the community should not occur, neither should people perceive themselves as landless because of others, or lack infrastructure or jobs and blame it on 'outsiders'. Religion should not be allowed to divide them, mob injustice on the elderly on perceptions of witch craft to ease competition over land by relatives or facilitate inheritance by children should not be allowed to take root in the society. Countrymen must be made to look after one another, both within territorial boundaries of their country and outside. No one should leave their country (on account of dissatisfaction with government) except upon convergence of both their interests and those of the state. Foreign policy for the diaspora must be such that countrymen leave with arrangement of their states, even when they pursue personal objectives in foreign countries, because doing so brings benefits to themselves and their country as well.

There is therefore a need for governments in Africa to create narratives that address societal issues and create pride and confidence among a majority



of their populations, while ensuring the minorities remain considerably satisfied. Terror groups must not be given a chance in society to carry out their propagandist narratives of discrediting governments and causing division among people without matching counter narratives from government. Every narrative must be addressed, some through reverse engineering, others through deliberate effort and language that enables the society to remain satisfied.

Kenya, like most African countries lacks a country narrative against terrorism. The Al Shabaab however have terror narratives targeting individuals, societies and even against the government. What is the government narrative against them besides calling them names? Do the people know the correct worship and is everyone able to detect radical and extremist ideas outside their religion? Are the people cohesive enough to unite against terrorism and to resist it? If not, what divides them? What is the narrative of civil society for and against the government and what is the effect of such narrative? Who else besides terror groups, citizens and civil society has narratives that discredit the government? What is their motive? What then can be done? Are all government institutions and government officers aware of their mandate? How is it reflected in service delivery and how does it translate into satisfaction of citizens?

To answer the above questions, the following recommendations are made. The government of Kenya should scan the country for existing community narratives and terror narratives that reinforce grievances among citizens and classify them into categories e.g. political, economic, social, environmental, ethnic, religious, local, foreign etc. After classification, an analysis should be undertaken to see similarities and differences across regions, what is being done in each region and where the shortfalls were. Formulation of narratives to address the grievances and communicate effectively without necessarily pointing at the societal narratives should follow. Pointing at narratives directly may create a fire fighting effect and gain resistance during implementation. Development of short term, medium term and long term policies and implementation strategies for each narrative, tailor made for specific regions where they are geo-located should follow. The letter and the spirit of the constitution should be observed while doing this to avoid shifting grievances and creating new narratives. Effective communication strategies for the formulated narratives, policies and implementation strategies must also be developed and mainstreamed to development plans and programmes.

Both implementation of communication strategies for narratives and their matching policies, programmes and projects should be undertaken simultaneously to rout negative narratives from society and combat terror and

other malady in society thus create a feeling of satisfaction among citizens and unify both in combating terrorism. Government presence at all times in all areas and sectors should be felt. Deployment of officers to carry this vision should be deliberate and carefully targeted based on competence and never as disciplinary measures as this is one of the root causes of grievances arising from neglect of communities as a result of abandonment of duty and responsibility by salary drawing officers who through their acts of commission or omission created a feeling of despair and neglect among some sections of the society.

Fortunately, devolution entrenched by the Constitution of Kenya 2010 addresses marginalization among previously neglected parts of the country and allocates development fund to these areas through an equalization process to bring those areas at par in development with the rest of the country.<sup>14</sup> However, the narratives within communities remain unaddressed and people still regard one another as though nothing has changed. Every county in Kenya has a countering violent extremism plan. The question would be if the plan addresses narratives within the specific county and whether everyone is aware of their responsibility in the implementation of the plans. Without a national list of narratives and counter narratives, how will the country address narratives present and being generated every day in the society?

In conclusion, grievances that a few individuals hold can be taken up and opinionated as general group or societal shared feelings, become generalized over time and raise narratives among societies. When narratives become visibly distributed over space, time, place and identity, they introduce new objects and subjects and bring together various levels of historical and geographical analysis through which local social relations are inserted into economic, social and political worlds to create divergent views among various actors. The recounting of small bit of unrelated events and utterances and weaving them together to form multiple and overlapping contexts can result to complex perspectives and divergent viewpoints based on selective and subjective ideologies.<sup>15</sup> These can lead to detrimental repercussions for states and their populations. Governments need to continuously scan the environment to pick out any narratives that may be misused by propagandists to alienate populations from governance structures and cause grievances among the society. Any picked out narrative must be addressed through effective communication and matching policy implementation to address their root causes.

<sup>14</sup> Government of Kenya. *Constitution of Kenya 2010*. Government Printer, Nairobi, Kenya. 2010

<sup>15</sup> Scholes R. "Language, Narrative, and Anti-Narrative," *Critical Inquiry* 7, no. 1 (Autumn, 1980): 204-212

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# POROUS BORDERS: THREAT TO NATIONAL SECURITY

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## Introduction

Porous borders can be defined as a situation whereby the geographical borders are not protected (due to whatever constraint) and as a result the friends/foes can come in unchecked, this situation is not a comfortable one for any country. The threat of porous borders to national security is a burning issue throughout the global contexts without considerations of the level of technological development of the particular nation, however African countries are increasingly facing daunting tasks of managing their borders in ways that secures their territorial sovereignty/integrity, ensures that they are bridges rather than barriers for cross-border cooperation and regional integration, prevents illegal entries and exiting of people and goods while allowing easy movement of goods and people, allows relatives to visit their kin while keeping away criminals (such as drug and human traffickers, terrorists, etc), and facilitates tourists to easily cross while keeping out terrorists.<sup>1</sup>

The challenges facing African states to manage their borders are compounded by globalization that is tearing down traditional borders through advancement in technology and transformation of international relations. At the moment crimes are committed without crossing borders and huge amounts of goods are sold through cyberspace.<sup>2</sup> The internet has not only made it more difficult to manage borders and to combat cross-border crimes, but has also effectively dismantled borders by allowing imports without going through customs.

Increases in volumes of cross-border trading and movements of people from their countries of origin in search of greener pastures elsewhere have put enormous pressure on border control systems. These realities give urgency to African countries to put in place effective border management systems that would minimize border tensions, increase joint enforcement and surveillance efforts, decrease organized crime activities by syndicates and traffickers in borderlands, generate common understanding of border insecurities and approaches to addressing them, secure flow of goods and people in the spirit of regional and continental integration, integrate and develop marginalized border areas through provision of essential infrastructure and promotion of

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<sup>1</sup>Ieuan Griffiths, "Permeable Boundaries in Africa," in Paul Nugent and Anthony Asiwaju (eds.), *African Boundaries: Barriers, Conduits and Opportunities* (London: Frances Pinter Publishers Ltd, 1996).

<sup>2</sup>Daniel Hernández Joseph, "North America: Managing our Borders and the Perimeter," presentation made at the American University, Washington, D.C., April 11, 2007.

a sense of security and wellbeing among the border population, enhances communication and information exchange between neighboring countries, maintains borders in ways that do not obstruct cross-border trading and illegal movements of people, harmonizes, and enables borders to be sources of mutual trust and harmony between neighbors.<sup>3</sup>

Africa has 109 international boundaries that are approximately 28,000 miles, of these boundaries, less than 25% are demarcated. African boundaries are characterised by a high level of porosity/permeability and poor or lack of management. For instance, African international boundaries are protected by about 350 official road crossing points, or one for every 80 miles of boundary (most control posts are 16-20 kilometers away from the border). There are some land boundaries in Africa that are not crossed by road, rail or waterway (e.g the Central Africa Republic, Congo, Tanzania and the Democratic Republic of the Congo). There are 109 international boundaries divide 177 cultural or ethnic groups and 20% of African borders are less permeable because of 27 national parks and game/nature reserves along them. Only 414 roads cross borders in Africa. There are 69 roads that cross borders with no customs posts. Only 20 African boundaries are crossed by railways. There are 20 cross-border ferry routes.<sup>4</sup>

The perceptions that a government/state has of external threats/risks determines its responses to border insecurity and the border management system it puts in place. In other words, how a country/state/government manages its borders reflects its fears and comfort. Indeed, border management is an expression of a state's sovereignty. A state's failure to manage its borders can undermine its domestic and international legitimacies. The legal status of a state/government depends on how it manages its borders. The Montevideo Convention on the Rights and Duties of States of 1933 identifies 4 criteria for state sovereignty: permanent population; a defined territory; a government; and the capacity to enter relations with other states<sup>5</sup>. Basing on such factual statistical information, there are few literatures that show a threat of porous borders to national security. However, this paper will determine the threats of porous borders to the national security, specifically to find out the sources of borders insecurity and the factors influencing border management.

<sup>3</sup> Maria Lorena Cook, "Unauthorized Migration and Border Control": Three Regional Views," ILR Collection Conference Proceedings, Presentations, and Speeches, Cornell University ILR School, March 2008, p. 10.

<sup>4</sup> Leuan Griffiths, "Permeable Boundaries in Africa," in Paul Nugent and Anthony Asiwaju (eds.), *African Boundaries: Barriers, Conduits and Opportunities* (London: Frances Pinter Publishers Ltd, 1996).

<sup>5</sup> Jonathan Fowler, "UNICEF: Human Trafficking in Africa Fueled by War, Economic Hardship, and Lack of Birth Registration," Associated Press, 23 April 2004

## The Origin of African National Borders

Africa inherited its borders-they were not created by those who live within them, are divided by them or who cannot easily trade across them. The many straight lines on the map (or even the wiggly ones that follow rivers or other features) are one of the banes of the continent. On the one hand they artificially lump together peoples whose histories were not the same and who, while not naturally or primordially hostile, would have chosen different paths to nationhood. On the other, they divide peoples across two or even a multitude of states. These borders were set by colonial rulers but then sanctified at its formation by the Organization of African Unity in 1963 and later reaffirmed by the African Union (AU). They created multicultural, multilingualistic and multiethnic nation states-just like the treaties after the First World War and the fall of the Ottoman and Austro-Hungarian empires created the artificial and doomed state of Yugoslavia and those in eastern and central Europe whose borders are still bones of contention. Africa is the same.<sup>6</sup>

## Sources of Borders Insecurity

The following are the sources of border insecurity:

- a). **Illegal border crossing points:** Usually called “mice or rat routes,” are used by smugglers who charge a fee ranging from \$15-100 depending on the difficulty of terrain and presence of border security personnel.
- b). **Porosity of borders:** The porosity of the land borders is perceived by some as a danger and vulnerability, but for the borderland communities it is an essential part of their very mode of transnational existence, of their social and economic life and of the cultural uniqueness that conform to their identity and livelihoods. An indiscriminate attempt at closing up that porosity becomes a threat to the borderland form of life. The dynamism produced by these borderland communities expands the challenges and demands of border management beyond the traditional issues of law enforcement and surveillance (border maintenance) and into the whole greater agenda of public administration: health, education, infrastructure, social and economic development, culture, arts, and most notably trade and transnational modes of production.<sup>7</sup>
- c). **Presence of cross-border communities:** These are difficult to

<sup>6</sup> <https://africanarguments.org/2013/02/12/africas-borders-porous-unprotected-and-blocking-trade-and-economic-development-by-keith-somerville/> Accessed at 7.30am 13 08 2019

<sup>7</sup> Small Arms Survey 2007, “What Price the Kalashnikov: The Economics of Small Arms

administer and often uncooperative in managing borders. Some borders, particularly in Eastern African, have become almost unmanageable due to the lifestyles (gun culture) of pastoralist border communities.

- d). **High-level corruption:** For instance in 26 January 2010, Sierra Leonean President Ernest Koroma accused immigration officials of selling passports to foreigners and police of fleeing passengers at checkpoints. According to Koroma, “a Sierra Leonean passport can be bought by any African for \$250 to \$500.”

Other sources include the following; Lack of political will and commitment of resources to effectively manage borders, lack of cooperation within departments, between departments and between countries, inadequate personnel available for deployment on the borders, inadequate skills of personnel deployed to manage borders, poor motivation among border personnel, lack or poor intelligence sharing between agencies and countries and lack of facilities and equipment to secure and manage borders<sup>8</sup>

## Factors Influencing Borders Management

Basing on the literature and documentaries reviewed, the following are the established factors that influence border management:

- a). **Lack of institutions:** The management of African boundaries/borders is a factor of the nature of African states and how they are governed. For instance, the prevalence of weak or lack government institutions is most pronounced at the border. Most African countries do not have institutions to manage their borders.
- b). **Lack of cooperation:** The lack of integration at different levels: local, governmental and regional. At the local level, most border management efforts do not incorporate or include border communities. Some deployments of security personnel have most often been carried out without including local interests or partnering with locals despite their intimate knowledge of the border terrain. At government level, there is usually little or no integration between different departments such as immigration, customs, police and intelligence. It is a major security failure when personnel, such as police, military and intelligence do not coordinate with each other at the border. At regional level, most governments to do work closely to enhance border security by sharing

<sup>8</sup> United Nations Office on Drugs and Crime (UNODC), *A Global Report on Trafficking in Persons*. Web link: [http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf). Accessed at 8.40am 10 08 2019

of intelligence information, undertaking joint border patrols, etc. Effective border security measures require close cooperation among all these levels.

- c). **Lack of demarcation:** Lack of, and poorly, marked boundaries have greatly contributed to border insecurity in Africa. Managing African borders is a daunting task. Patrolling a country's borders may often lead to violations of neighbors' territories, as one cannot patrol what does not exist. Further, in the words of Helmoed-Römer Heitman, "one cannot control what one does not patrol." African maritime borders are even much more insecure due to the lack of resources to patrol them. At the moment, very few maritime boundaries have been marked. This has greatly contributed to the menace of piracy in the Horn of Africa and Gulf of Guinea regions. Besides piracy, African states are threatened from the sea by illegal fishing, dumping of hazardous and toxic wastes, and smuggling.

## Effects of Porous Borders

Cross-border violence carried out against civilians is a common problem in African conflicts. A March 2004 Security Council report states that "although cross-border problems are important contributory causes of conflict in West Africa, their relationship with the endless cycle of violence and instability is primarily symptomatic, not causal."<sup>9</sup> Yet, research conducted by Daniel Carik at the Ford Institute suggests that cross-border violence may be a driver for, and not merely symptomatic of, protracted conflicts. When national governments are unable or unwilling to secure their borders, outside parties may arrive to fill the security vacuum. There are several historical examples of UN peacekeeping operations monitoring and securing borders in an effort to deter criminal activity and cross-border attacks. Although Ford Institute researchers fully recognize that borders in Africa are often tenuous and difficult to guard and patrol, peacekeepers nonetheless have done so successfully in the past. One particular instance of successful monitoring by a UN peacekeeping mission is the United Nations Observer Mission Uganda-Rwanda (UNOMUR) that was credited by the Secretary-General as having been "a factor of stability in the area playing a useful role as a confidence-building mechanism." In contrast, the conflict in Darfur underscores the human security challenge posed by porous, unsecured borders in the context of African civil conflicts. The arbitrary nature

<sup>9</sup> [https://www.fordinstitute.pitt.edu/Portals/0/General\\_PDF/ Porous Borders and the Insecurity of Civilians\\_Carik.pdf](https://www.fordinstitute.pitt.edu/Portals/0/General_PDF/ Porous Borders and the Insecurity of Civilians_Carik.pdf). Accessed at 9.50am 11 08 2019.



of African borders is problematic from both a geostrategic and humanitarian perspective. When ethnic groups are divided by national borders, the likelihood that an “internal” or “civil” conflict will become a regional security problem increases. Unsecured borders allow for the free movement of not only refugee populations but also militants and criminal actors who spread violence and insecurity from state to state. The governments of Chad and Sudan do not have the means or capacity to adequately secure their common boundary. In this environment, the only actor potentially capable of regulating the border region is the United Nations-African Union Mission in Darfur (UNAMID) peacekeeping force. Yet insufficient forces and lack of a coherent strategy have sabotaged this effort.

## **Recommendations**

The following are some of the recommendations for those responsible states in porous borders;<sup>10</sup>

- a). Improve the capacities of border management mechanisms and personnel by optimizing new border management technologies (improving the security of travel documents, computerization, in conformity with international norms, upgrading inspection, data collection and communication systems) and providing technical training for those involved in border management and migration policy.
- b). Provide adequate information about the requirements, challenges and opportunities of migration for the population in general and particularly for potential labor migrants before they cross borders.
- c). Strengthen co-operation and co-ordination at the national level between law enforcement officials, immigration and customs services to ensure a more efficient and effective approach to managing the flow of goods and people across borders.
- d). Strengthening co-operation between States sub-regional/regional agencies, and the international community in particular in the area of law enforcement, sharing migration-related data and information, training and sustained dialogue.
- e). Enhance the role of AU as well as other sub-regional/regional agencies in mobilizing financial/technical resources, harmonizing policies and programmes of action, and coordinating activities of Member States for effective border management.
- f). Strengthen Inter-State Dialogue, Regional Consultations and Cooperation

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<sup>10</sup> Wafula Okumu and Augustine Ikelegbe (eds.), *Militias, Rebels and Islamist Militants, Human Insecurity and State Crisis* (Pretoria: Institute for Security Studies, 2010).

for effective migration and management of State borders.

- g). Strengthen national policy, structures and laws to establish co-coordinated and integrated approaches at national level through, among others, incorporating the United Nations Convention Against Trans-national Organized Crime and its two additional Protocols (2000), Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air and harmonizing provisions into national legislation.
- h). Develop common regional countermeasures, that incorporate considerations to encourage more legal channels and orderly migration, dismantle international organized criminal syndicates, prosecute smugglers and others involved in such activities while, at the same time providing humane treatment for migrants.
- i). Encourage regional consultative processes and dialogue on irregular migration to promote greater policy coherence at the national, Sub-regional and regional levels.
- j). Reinforce and encourage joint cross-border patrols between neighboring States.
- k). Adopt comprehensive information collation systems on smuggling to facilitate the tracking and dissemination of information on the trends, patterns and changing nature of smuggling routes as well as the establishment of databases on convicted smugglers.
- l). Reinforce national policy, structures and laws in order to establish a co-coordinated and integrated approach at national level by incorporating the United Nations Convention Against Trans-national Organized Crime and its Trafficking Protocol (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol Against the Smuggling of Migrants by Land, Sea and Air; Convention 182 of the ILO on the Worst Forms of Child Labor, and integrating relevant provisions into national legislation.
- m) Member States are encouraged to adopt those instruments that sanction the trafficking in narcotic drugs and psychotropic substances as addressed in (i) The 1961 United Nations Single Convention on Narcotic Drugs; (ii) The 1971 United Nations Convention on Psychotropic Substances; and (iii) The 1988 United Nations Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.
- n) The development of common regional countermeasures, based on a spirit of solidarity among States and with a focus on the human rights of trafficked victims, including harmonization of immigration laws; strengthened

and modernized border management; co-operation and co-ordination between concerned ministries, particularly State security agencies; greater efforts to dismantle international organized criminal syndicates; signing of bilateral and multilateral agreements; and prosecuting traffickers and others involved in such activities.

- o) Reinforcement of information gathering systems relating to trafficking to facilitate dissemination of information on the changing nature of trafficking routes and, the establishment of databases on convicted traffickers and on missing persons, presumed to be victims of trafficking.
- p) Increasing of awareness on the dangers inherent in irregular migration from State of origin to receiving State thereby allowing the citizens to make informed choices.
- q) Pursue and develop preventive action through intensive information campaigns and other educational and informational efforts in both the country of origin and the receiving country.
- r) Member States are urged to condemn in very strong terms sexual tourism and prostitution in receiving States in order to discourage trafficking in women and children as well as pedophiles in source States.
- s) Extend adequate protection and assistance to victims of trafficking, including establishing reception centers, return and reintegration assistance such as settling grants, skills training and employment counseling as well as access to health care and psycho-social counseling, including voluntary testing and counseling for HIV/AIDS and other sexually transmitted diseases.
- t) Strengthening Law Enforcement measures to curb the activities of traffickers and consider stiffer penalties for perpetrators.
- u) Explore opportunities for prosecution of traffickers and others involved in such activities, and extend witness protection to victims of trafficking who want to testify against traffickers.

## Conclusion

In view of the fact that border insecurity is to some extent a factor of lack of strategies and of weak state institutions it follows that the first steps to enhance border security is through adoption of national border management strategies and building state capacities to manage their borders. Although African boundaries are difficult for traded goods to cross and easy for cross-border crimes, there are a number of concrete measures that can transform borders into secure areas where people earn decent living, states are not denied revenues and nations coexist peacefully. Currently, African borders are

managed in ways that allow arms and criminals to freely cross them. Poor or lack of management of these borders has been a major cause of national insecurity. In order to enhance African border security, a number of far-reaching measures must be undertaken. These include adopting appropriate legal and organizational frameworks, improving infrastructure and adequately equipping personnel and border posts, effectively exchanging information and data, improving conditions of local communities and integrating them into border management initiatives and clearly demarcating international borders.

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Wafula Okumu and Augustine Ikelegbe (eds.), *Militias, Rebels and Islamist Militants, Human Insecurity and State Crisis* (Pretoria: Institute for Security Studies, 2010).

# THEORIES OF CRIMINAL BEHAVIOUR

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Crime can be defined as committing an unlawful act which if found out is punishable by a legal entity of a state. However, it is not easy to define crime. In criminal law, definitions of crime vary. Behaviour is the way in which a person or animal acts or conducts oneself towards others or responds to a particular situation or stimulus. It can also be said to be a function that “has measurable differences in psychological characteristics among individuals”.<sup>1</sup> This qualities may be shaped by constitutional, personality traits, and neurophysiological or genetic attributes.

Theories are deductions or systems of ideas projected to explain something, especially those that are based on general principles autonomous of the ideas which are to be explained. Criminal behaviour can thus be elucidated as getting involved in actions which when closely observed in their situational or normal settings are considered repugnant to morality because they negate values, norms and conduct that is considered acceptable notwithstanding whether the suspect is arrested, and if arrested and when tried, is convicted or acquitted.<sup>2</sup> There are many explanations that lead an individual to commit crime. Some of these may be influenced by the environment, time spent in that environment, experiences that a person goes through, and types of reinforcements he receives when he breaks norms while some may be biological.

## Pre-classical

There are many theories that strive to explain why people become criminals. I shall offer an explanation of how this happens. To begin with, we shall consider the pre-classical school of thought. For the vast majority of human civilization's history, people thought that lawless acts were caused by: super-natural forces or religious rites; primitive societies that believed that criminality increased during drought and major thunderstorms and societies that believed when people engaged in behaviour that violated the rules of the tribe or the clan, the devil or evil spirits were responsible for those actions.

In such societies, it common to perform an exorcism or surgery, like breaking an offender's skull in order to free the demons that were lodged in his head. Some other forms of punishments included stoning (still used in some

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<sup>1</sup>Brenan- Galvin, E (2002) Crime and violence in an urbanizing world. Journal of international affairs

<sup>2</sup>Bartley.com/essay/Theory of criminal behaviour-F3CUG5YTC

Islamic states to this day), beheading, torturing, burning alive, and drowning. These punishments were however done away with in the 17<sup>th</sup> century at the dawn of the age of enlightenment.<sup>3</sup>

## **Age of Enlightenment**

In his book *Leviathan* (1651) Thomas Hobbes came up with a rational theory in which he postulated that people are rational and logical and will form systems of governance which will lessen the constant threat of being offended by others. He said that people will willingly organise themselves into societies and create rules that will be used to govern them and the government will then come up with sanctions to punish those who do not follow the laid down rules. It was clear from what Hobbes said that the government, entered into an agreement or covenant with the citizens, to punish those individuals who violated the rules that had been set up by society but that it was duty bound to punish such individuals.<sup>4</sup> This is referred to as the social construct.

## **The Classical School of Criminology**

We shall consider the positivist school of thought. the guru of criminology, Lombroso (1835 -1909), came up with an interesting concept. He suggested that a person could be born an atavistic criminal. He was influenced by the emerging field of phrenology (craniology) in medicine. He postulated that criminals had many anomalies that made them stand out and be distinguished from non- criminals. He suggested that criminals represented a regression to an archaic type of life with features reminiscent of apes. He claimed that people who had such features that were considered biological drawbacks would display behaviour that was contrary to expectation of modern society. He emphasized that it could be impossible for such people to follow rules and expectations of modern society. Being a doctor, he conducted post mortems examinations and anthropometric studies on criminals, insane inmates and normal individuals. After many years of study, he came to certain conclusions. He was convinced from his study that people are born as criminals and could be easily denied with the following features: they had sloping or receding forehead, big ears, an asymmetrical face, a strong and protruding jaw, arms that are elongated and asymmetry of the cranium, among other ape-like features. He also postulated that deviants were not sensitive to pain and touch, had more “acute sight”, lacked a moral sense, lacked remorse, had more vanity, were more impulsive

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<sup>3</sup> US. Sagepub.com/87094. The classical school of criminology

<sup>4</sup> Hobbes, T (1651) *Leviathan*

and vindictive and were cruel.<sup>5</sup> There have also been other theorists who have attributed the casual effects of crime to levels of serotonin (which is the love hormone) and testosterone in the body. Some have even claimed that criminals have an extra “Y” chromosome. Some of this theories have however been disapproved throughout Europe.

## Multiple factor approach

This theory was used to reinforce the fact that several factors can contribute to the tendency to have criminogenic behaviour. Sheldon and Eleanor Glueck (1950) came to the conclusion that the following factors could drive a person to criminality. They said close supervision of the mother, severity of parenting styles, family cohesion and an environment that fosters crime are major contributing factors that need to be borne in mind<sup>6</sup>.

## Utilitarianism

This was proposed by Jeremy Bentham (1748 -1832) who was an English philosopher. He explained the principle of UTILITY as “that inner sense in any object which tends to produce happiness, good, pleasure, or to prevent the happenings of mischief, evil, pain or unhappiness to the party whose interest is considered.”<sup>7</sup> He said , pain and pleasure were the main motivators that ruled mankind. The object of all litigation therefore must be to cause or bring the greatest satisfaction or contentment to the greatest majority of people. He deduced from this principle of utility that, punishment should only be used as the last resort, since all punishment encompasses pain and is therefore malicious, it should be used only if it promises not to add more pain but rather reduce pain that could otherwise be endured by the one upon whom it is inflicted.<sup>8</sup> This informed the reason that wrong doers were put into prison so that it could bring happiness to the greatest number by criminals being locked up and that it could eliminate an even greater immoral threat. The fame of Bentham’s writing spread far and wide and became famous. He is acknowledged to be among the pioneers of prison reforms.

<sup>5</sup>Horn, D. (2003) the criminal body; Lombroso and the anatomy of deviance. Routledge

<sup>6</sup>Glueck, E. & Glueck, S. (1950). Unravelling Juvenile Delinquency. New York: The Commonwealth Fund.

<sup>7</sup>Bentham, J (1789) an introduction to the principles of morals and legislation.

<sup>8</sup>Bentham, J (1874) methods of ethics



## The Social Learning Theory

This theory was explained by Albert Bandura. It endeavours to give an explanation as to why people behaved the way they did. Until lately, the most popular view which was advanced by various temperamental doctrines portrayed behaviour as being driven by inner forces. These were portrayed in the form of needs impulses and drives, often operating on your unconscious mind. Explanations to a person's action and behaviour were driven by forces that resided within a person.

In social learning, new behavioural learning patterns can be acquired through direct learning or by observing the behaviour of others. Consequences such as reward and sanctions of identified actions can reinforce the more traditional methods of learning. Bandura (1962) believes "that our responses are automatically and unconsciously reinforced by their immediate consequences".<sup>9</sup> People are constantly confronted by various situations with which they must deal with. Some responses to stimuli may turn out to be futile but others may produce acceptable results. Through this process, successful modes of behaviour will eventually be selected over the exploratory one.

During learning periods, respondents can get feedback from their actions and also observe the differential consequences that accompany their various behaviour.<sup>10</sup> Based on this response, they develop prepositions about the type of behaviour that is most likely to succeed. Man is able to study a phenomena and draw conclusions. therefore, based on earlier experiences, people learn to associate certain actions with certain preferred outcomes, some actions will have no effects while yet others will result in undesired outcomes. Actions are therefore shaped and determined to a large extent by "anticipated consequences".<sup>11</sup>

Social learning can be achieved also by modelling behaviour. Most of the behaviour that people display is "learnt either deliberately or inadvertently through the influence of example" said Bandura.<sup>12</sup> In the event that mistakes are committed, new response models can be developed without the fear of magnifying errors by providing competent models who provide timely guidance on how to overcome hurdles and how the activity can be performed without causing danger or incurring extra costs. For criminals therefore can learn crime if they are in close proximity to other criminals and if the behaviour

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<sup>9</sup> Bandura, A (1962) Social learning through imitations

<sup>10</sup> Bandura, A (1971) vicarious and self- reinforcement processes. Ed. Merrill

<sup>11</sup> Bandura, A & Mischel, W. (1965) *modification of self-imposed delay of reward through exposure to live and symbolic models*. Journal of personality and social psychology

<sup>12</sup> Bandura, A & Whelan, C. K. (1966) the influence of antecedent reinforcement and divergent modelling cues on patterns of self-reward. Journal of personality and social psychology

is rewarded. They can also unlearn criminal behaviour and be taught positive behaviour through social learning and conditioning and this is rewarded and can therefore be reinforced.

## Differential Association Theory

The proponent of this theory was Sutherland (1947). He explains that criminal behaviour is learnt from people whom someone closely associates with. He came up with 9 postulates of criminal behaviour: criminal behaviour is learnt from other individuals; criminal behaviour is learnt through a process of interaction with other persons; the most significant part of felonious conduct is learnt through a person's allies or "close circle of friends"; such learning is associated with the development of the art and intricate procedures required to commit the crime, for example, "the delicate touch of a pick pocket" or learning to be a preacher or carpenter. It encompasses the social sharing of values, attitudes, motivations, inspirations and justifications of committing the crime; a deviant learns the actual meaning of what the law classifies as good or bad and this forms the inspiration for his motives and drives.

A person thus will be drawn into criminality when there are more favourable factors and benefits that will emanate from violations of law than when there are more unfavourable factors; these interactions may vary in intensity, rate of recurrence, duration, and priority; the training and learning process of the behaviour of delinquents by association and anti-criminal patterns includes all of the processes that are intricate in any other learning of a given skill, technique or art such as learning to be an artist or a mason<sup>13</sup>.

## How can Criminal Behaviour Be Unlearned?

Like we have noticed from the discourse above, especially quoting psychologist Edwin Sutherland, criminal behaviour is learnt just like someone can learn any particular trade. If criminal behaviour can be learnt, it can also be unlearned. Many behaviour theorists believe this among them:

**Operant Conditioning Theory (B.F. Skinner):** Skinner conducted research on shaping of behaviour using positive and negative reinforcements and thus demonstrated operant conditioning. This was a technique where he puts the subject of his study into a program where he is given milestones to achieve. When these milestones are met, the subject of the study is given positive reinforcement. If on the other hand the milestones are not met, there is negative reinforcement. The aim of this program was to gauge and determine

<sup>13</sup> Sutherland, E, Cressy, D & Luckenbill (1992) principles of criminology. General Hall

how the subject of the study would change by following the milestones or steps in the program.

Skinner began his experiment by caging a rat (called the Skinner box), that had a bar or pedal on one wall that, when pressed, caused a mechanism to release a food pellet into the cage. The rat accidentally stepped on the pedal while moving around the cage. subsequently, a food pellet was dropped into the cage. In this experiment, the operant is the activities preceding the reinforcement, which is the food pellet. Within a short time, the rat learns that if it wants food, then it has to step on the bar or pedal. This leads to one of the principles of operant conditioning, when an act is reinforced by a stimulus it results in the probability of that behaviour occurring again in the future.

However, if the rat continuously steps the bar and no food drops into the cage, the activity becomes obsolete. This leads to the second principle of operant conditioning, if an action is not rewarded, it decreases the probability of it occurring again in the future.<sup>14</sup>

**Cognitive Behavioural Therapy (Albert Ellis):** According to Ellis, who is the founder of the Rational Emotive Behaviour Theory (REBT) focuses on our ability to create and control our own emotions. These can be positive or negative emotions. He says that our belief systems determine whether we self-actualize and succeed in our lives or not. The goal of this therapy therefore is to help patients to change their belief systems. This is a kind of psychotherapy treatment that is used in treating psychological disorders such as depression, nervousness, paranoias, delusional disorder and other forms of mental illnesses. These disorders also happen to be the root causes for many people to commit crime. Mental illness is a section of rehabilitation that has not been fully understood and therefore remains unexplored.

This would involve recognizing unhelpful or destructive patterns of behaviour, thinking and reacting, then modifying or replacing them with more realistic or helpful ones. Cognitive behaviour therapy (CBT) premises that the ideas of how we think (cognition), how we feel (emotion) and how we act (behaviour) all interact together to make one complete whole. Specifically, our opinions determine our state of mind and performance. Therefore, “having negative thoughts can cause us distress and result in problems”<sup>15</sup>, he said.

Therapists have come to the conclusion that our thoughts are the cause of problems rather than the outcome or by-product, cognitive therapists therefore work to reverse the causal order of negative thought processes. The

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<sup>14</sup> [Psychologistanywhereanytime.com/index.htm](http://Psychologistanywhereanytime.com/index.htm)

<sup>15</sup> [Psychologistanywhereanytime.com/treatment and therapy psychologist/cognitive behavioural therapy.htm](http://Psychologistanywhereanytime.com/treatment%20and%20therapy%20psychologist/cognitive%20behavioural%20therapy.htm)

aim is therefore to pin-point those irrational and maladaptive beliefs that lead to negative emotions and identify makes them irrational or unhelpful and replace them with more realistic thought processes. This process though slow but when it is successful results in rehabilitated inmates who go back to the community as well grounded individuals.

**Substance Abuse:** Many inmates who have been interviewed after committing crime have attributed their criminogenic behaviour to being under the influence of certain substances. These could be either drugs or alcohol. World health organisation in their 2008 report on preventing crime indicate that it was difficult to separate drug and alcohol abuse from violence.<sup>16</sup>

**Classical Conditioning (Ivan Pavlov):** Pavlov (1902) during the 1890s, was researching on the idea of “salivation of dogs in response to being fed”. He “inserted a small test tube into the cheek of each dog to measure saliva when the dogs were being fed”<sup>17</sup>. After conducting the experiment, Pavlov however discovered that the dogs salivated whenever he entered the room, even when he was not coming to feed them. Pavlov then concluded that “classical conditioning involves learning to associate an unconditioned stimulus that already brings a particular response with a new condition stimulus, so that the new stimulus brings about the same response.”<sup>18</sup>

## Conclusion

This article has shown several ways in which a person can turn to criminality. There are however many more ways that a person can become a deviant. In this world of globalization, there are many more avenues to exposure to criminal behaviour. Except for the classical stereotypes of criminality put across by Lombroso in which he alleged that criminal behaviour is a defect in the genes that predisposed a person to criminal behaviour, other theorists have intimated that criminal behaviour can be learnt just like one would learn any other trade by associating with people who have criminal behaviour. It is therefore imperative that we choose and watch our associates closely because they can shape our destiny- after all, birds of a feather flock together.

The behaviourists however assure us that all is not lost. They hold the view that anything that is learned can be unlearned, when exposed and followed with the right incentives. Let us help our associates who have unwholesome behaviour to unlearn them through conditioning.

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<sup>16</sup> World Health Organisation Factsheet (2008) [http://www.who.int/violence\\_injury\\_prevention/publications/violence/en/](http://www.who.int/violence_injury_prevention/publications/violence/en/)

<sup>17</sup> Pavlov, I.P. (The work of the digestive glands. London: Griffin.

<sup>18</sup> McLeod, S. A. (2013). Pavlov's dogs. Retrieved from [WWW.simplypsychology.org/pavlov.html](http://WWW.simplypsychology.org/pavlov.html)

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# DILEMMA OF DEPLOYING PEACEKEEPERS IN A ROBUST MISSION: A CASE OF AMISOM

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## Introduction

In the face of evolving additional security threats<sup>1</sup> to peace on the continent of Africa, policy makers are grappling with a question on how best to address the situation. Currently, most belligerent groups have cells deployed in the rear, extending well beyond the operating environment. They have embarked on a provocative strategy of deterring attacks by use of computer-generated improvised explosive devices in the capitals of Troop Contributing Countries (TCCs). They have networks of violent and religiously motivated extremist groups, and most of which do not have a common shared agenda or centralized political leadership. Therefore, this calls for planners to rethink the strategies and redesign the operational capabilities in order to improve the TCCs' efficiency and improve on the motivation aspect.

To improve on the enduring peace operations across the continent<sup>2</sup>, there is need to understand and cope with this changing nature of regional security threats. Therefore, African Union (AU) and partners would require a wide-ranging and multidimensional approach<sup>3</sup> whereby interventions should seek joint operations approach of regional and sub-regional organizations; promoting an all-inclusive response to the volatile, uncertain, complex and ambiguous environment.

Important to note that, for the last three decades; multilateral, regional and sub-regional organizations have responded to this sort of threats, with an open desire or responsibility to build peace and security; but without much positive impact. Although most of these regional organizations were established primarily for economic reasons, a security facet has steadily gained significance as a way to strengthen stability, avoid conflict, and promote collective peace. Therefore, policy makers need to move a step further and strengthen the security facet by other means. According to Professor Hans Günter Brauch (2005); *"The international political reality and the threats, challenges, vulnerabilities and risks for peace and security we perceive depend not only on our worldview, our conceptual models and theoretical concepts, but*

<sup>1</sup>Acharya, Amitav, "A Holistic Paradigm", in: Security Dialogue, 35,3 (2004.): p355-356.

<sup>2</sup>Seminar Report; *Strategic Options for the Future of African Peace Operations, 2015-2025*

<sup>3</sup>Walter Lotze 'Strengthening Support Operations for Peace in Africa, (2013) available at: <http://bit.ly/>; Accessed on 12 Jun 2019.

*also on our mind-sets that are influenced by our traditions, experience, and by the media that select the facts and interpret the images of the world that constitute reality for us. The scientific concepts we use and the reality we perceive with our models and theories are socially constructed.*<sup>24</sup>

Drawing from the various terrorists' attacks conducted after 9/11; should we underestimate their capability to strike again? What is the most likely course of action after the previous attacks in Nairobi? Don't they have contacts among urban refugee networks in all the capitals in East African region where they can recruit to its ranks? This analysis seeks to make sense of field operations and engagements between AMISOM forces and Al-shabab terrorist in the face of limited resources and unclear support from AU, UN and allies. Amidst such fog of operation, the planners should interrogate the political, strategic, operational level challenges, to be in position to address logistic support issue in order to attain the desired end state.

## **AU Mission and Nature of Operational Environment**

As the world has become interdependent so has the situational analysis for peace operations also become more ever challenging and complex agenda. With the growing overlaps in UN Peacekeeping Operations<sup>5</sup> guidelines, standards and principles on which all forms of AU peacekeeping mandates are based; the mission support activities have become inextricably woven into the dynamics and issues in the field. These principles and guidelines are best applicable only in an operational environment where the terrorist are willing to talk peace and respect human rights.

In the volatile domains like that in Somalia, the same is true for the International Humanitarian Law that is based on customary international law and treaty, governing the conduct of armed conflict, it is not applicable such extremist groups. In much the same way, the fundamental principle of non-discrimination as provide for in the UN Charter that gives the UN Security Council the power and responsibility to take collective action to maintain international peace and security is inconceivable. Basing on what UN architects of peace operations are mandated to do; the prevailing situation on ground does not permit planning and implementation of peace building strategies in the face of uncompromising armed extremist. The armed groups do not agree to moments of provisions of the dire needed services (food aid

<sup>4</sup> Hans Günter Brauch, *Study on threats, challenges, vulnerabilities and risks for peace and security*: UNU Institute for Environment and Human Security (UNU-EHS) 2005.

<sup>5</sup> [https://www.inclusivesecurity.org/wp-content/uploads/2012/04/38\\_peace\\_support.pdf](https://www.inclusivesecurity.org/wp-content/uploads/2012/04/38_peace_support.pdf); accessed on 31 Jul 19

and medicines) to the venerable communities. In addition, the situation on ground denies this category of the population access to justice mechanisms and opportunities for political participation.

To the Commanders and troops in the field, the appreciated tools of the Memorandum of Understanding (MoU) and the Standard Operating Procedure (SOP) in UN mission, are rarely adhered to by practitioners especially in AU Mandated missions. Although the authority a Force or Sector Commander is still important in institutional framework, the capabilities to monitor, evaluate and improve subordinate unit performance in circumstances is negligible due to limited resources. There is now an awareness of the differences in application basic tools of; consent, impartiality and non-use of force in the AU missions and UN peacekeeping due to the volatile nature of the operational environment.

Following, the complex nature of conflicts in ongoing AU mandated missions<sup>6</sup>, the dynamic environment demand more in field sectors than sending peacekeepers. Irregular and mix of threats, religious activism and criminal groups merge in various domains, generating additional threats to peacekeeping. Piracy off Horn of Africa, fundamentalist and extremist groups have different tactics of engagement; and in others, conspiracy between crime groups or armed actors, smugglers and administrative constructs brings additional challenges. Viewed as 'glocality',<sup>7</sup> the connections amongst extremist, rebels, smugglers and support groups complicate peace operations and further muddle efforts in the long run impinge security and peace initiatives.

It is in this spirit that planners need to rethink and redesign future African peace operations strategies and tools, to mirror and address the changing security environment. From this perspective, on going peace operations call for redesign and fitting equipment to alleviate vulnerable situation. With changing environment, the quest for appropriate equipment is a continuous process. It is well known that peacekeeping principles are out of sync with the present challenges facing peacekeepers in the field. Consequently, there is need to merge efforts of various stakeholders from the continent and support elsewhere to deal with the negative consequences taking place in Africa.<sup>8</sup>

In view of this complexity, it means that stakeholders operating in such domains should acquire appropriate information regarding conflict situations and collaboration efforts from host nation. With this in mind, support to the vulnerable groups should therefore conform to interventions required for

<sup>6</sup> Fourth Committee (Special Political and Decolonization) held on 25 October 2017.

<sup>7</sup> AUPSC 455th Meeting Communiqué, held in Nairobi, on 2 Sept 2014

<sup>8</sup> Phnom Penh, Action for Conflict Transformation, Reflections of Practitioners Worldwide, Action Asia, (2003).



peace and security in the field. Humanitarian experts in the field ought to observe sensitive areas and do no harm while operating independently away from other stakeholders.<sup>9</sup> Fragility and fragile situations<sup>10</sup> have emerged as common concepts to understand a state's or society when exposed to high levels of risk as well as limited capability to alleviate or contain these dangers.

## Operational Capability

In line with intervention needs, the strategic planners' focus should be based on key resource requirements or operational capability to meet the mission objectives. Each mission, however, calls for deployment under distinct consideration in a realistic setting to support the operational capacity to alleviate the conflict. Peacekeeping troops are regularly sent to vulnerable situations or hostile areas. Thus, using relative force through interventions remain the only alternative priority to deliver peace. In this regard, three interdependent elements<sup>11</sup> that form the key resource requirements or operational capability are required for intervention purposes including; the physical, conceptual and moral components.

Firstly, the physical component is a key resource requirement which consist of; human resource, materials, troop training, logistic support and funds. Secondly, the conceptual component is a key resource requirement to peace operations, involves provision of rational alertness, knowledge and imagination essential to become rapidly accustomed. The third component is moral component; it is a key resource requirement in support of peace operations covering the human aspect of Fighting Power.

Consistent with the proposals for addressing the dilemma in question, the decision making tool in regard to Peace Operations<sup>12</sup> has a deep impact on the international community perception. It should be noted that UN Security Council is the only authority for peace operations, in accordance with the UN Charter. Because of this, the responsible department for peacekeeping will be the executing body for peace operations and the department for Political the lead agency in peace efforts. As an international obligation, the Secretary General guides and accomplishes peace activities and informs the Council on developments. In the field in most missions the Secretary General is represented by a special envoy.

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<sup>9</sup>SDC Tip Sheet; Further guidance on the methodology: *Peace and Conflict Impact Assessment*.

<sup>10</sup> The OECD is currently updating the most commonly used definition of fragility. Further reading, States of Fragility Report, (2016).

<sup>11</sup> Army Doctrine Publication operations (updated 31 March 2017).

<sup>12</sup> UN Peacekeeping PDT Standards for Formed Police Units 1st edition 2015.

Connected with the AU peace operations, the UN Security Council resolution is a requirement for a mission to qualify for international support. As will be all aware, with AMISOM the Council approved a transnational contingent group to maintain presence while forming mission leadership to support a transitional process. In this regard, the contingent presence was not under United Nations but had its endorsement. Additionally, there are fundamental issues of subsidiarity and complementarity in the AMISOM mandate in regard to the roles of AU that are not well spelt out. For instance, AMISOM representatives have a challenge of operating because they are excluded from governance mechanisms as well as lack of full participation in activities that influence mission outcomes even though AMISOM is a multi dimensional mission. Whereas crafting of peacekeeping follows guidelines specified by the UN, official funding from Council has maximum amount and this has negatively impacted on force requirements for AU missions.

## **Challenges to Peace Support Operations**

What have been the mind-numbing issues and processes or challenges in AMISOM? By and large, the challenges in peace operations included both ideological and structural issues. To begin with, the conflicting thoughts encompass issues of changing from one engagement to another, the requirements needed, involvement in active conflicts, protection of civilians and intervene in instances of unconstitutional changes of government often hard to address. The other concerns include conflicts surrounding the principle of subsidiarity; different conceptions and methods to use force and roles of military in peace processes.<sup>13</sup> This presupposes that collaborative approaches and participation of all stakeholders is a prerequisite for success.

In this discourse, we need to appreciate the situation on ground first, by tackling the specific PSO challenges encountered. There are underlying issues that require immediate attention and these include and not limited to: Firstly, leadership comes from higher level to lower level, with Security Council as the source of directives, yet need for involvement of concerned are at lower level. Secondly, mission support is inadequate and relatively unattended in peace operations in view of fluid PSO and there is limited information of assets and equipment that will be offered. The ongoing mandates demand equipping missions with the necessary capabilities (advanced technologies) which most Countries Troop Contributing (TCCs) lack. Thirdly, duplication,

<sup>13</sup> In this context, no Security Council guidance is needed, because the state is acting under its own right. Responses to such a request, then it is conceivable that the Security Council would need to guide the use of the ASF.

rivalry and overlap of PSO efforts; between the AU, sub-regions, EU and UN. Fourthly, Robust Peacekeeping is costly and complex. As a result, these issues are becoming politically disturbing endeavors and the UN is unwilling to accept the entire financial burden. Lastly, some AU missions deploy in the midst of multiple terrorist organizations, with a mandate that could be considered counter-insurgency operations.

## **Specific Challenges to AMISOM**

As noted earlier, AMISOM has specific and unique challenges that call for separate and independent discourse. According to Ten-Year Lessons Learned Report on AMISOM<sup>14</sup>, the identified general challenges in peace operations are structured along four key areas: Political; Strategic; Operational; and Exit Strategy: The key political challenges draw attention to the political engagements and consultations between the UN Security Council and the AU PSC that have remained unattended to at an informal level. In the same vein, timings of UNSOS support activities such as UN budget approval process and AMISOM CONOPS are not in alignment. One of the most critical strategic challenges is that, UN authorized capabilities are insufficient compared to the mandated tasks but also the AU and its partners inadequately generate and deployed the authorize forces. Hence AMISOM troops on ground lack significant capabilities.

At the operational level, the greatest challenge is, the communication gaps between the AU, AMISOM and TCCs, as well as between the Mission Force Headquarters and Sector Commands. AMISOM's exit strategy, the exit strategy for AMISOM is not anchored on a politically agreed set of Somali security institutions and tied to the capacity of the Somali national security forces to take over. Creating exit-opportunities for recruits and investing in rehabilitation and reintegration programmes and economic alternatives for recruits while also engaging the wider communities.

## **Proposed Capabilities**

After highlighting the challenges in the preceding paragraphs, the subsequent discussion proposes capabilities likely to improve efficiency in AU peace operations, in particular the ongoing AMISO. In the face of the mentioned challenges, proposals to address general challenges focus on what that UN, UA, REM/RM and TCCs should attend to, for the mission to get on track and gain credibility. The general proposals are:

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<sup>14</sup> Report on the Ten-Year AMISOM: *Lessons Learned*, Conference Nairobi, Kenya 9-10 March 2017.

- a). A lead nation concept could improve AU efficiency. Empower (a practical dimension) the closest country to the conflict region, REM/RM or AU to respond to an emerging crisis before help could be sought from the next-highest authority or bilateral partners, until eventually the assistance of the UN may be sought.
- b). RECs could provide a platform for regular engagements with strategic partners on AU PSO efforts and promote inter-departmental coordination and the adoption of common objectives. Similarly, there is need for AU to identify shared purposes to help actors stay committed, and have a strategic partnership with key partners in order to support ongoing mandates' demands with the necessary capabilities.
- c). AU should consider establishing a dedicated branch for planning and management of mission support and explore how it can cooperate with the UN on the development of strategic bases, tools, systems, stocks, and procurement and outsourcing agreements.
- d). Tailor training and equipment support to focus on robust Peacekeeping:
  - a) through effective training, capacity-building and better planning by TTCs to boost performance.
  - (b) Review the Mandate to deal with the tasks at hand; (i) For the AU to be an effective partner there is need to support and have long-term commitment to provide troops, equipment and political will. (ii) The UN or key partners ought to support the mission in logistical coordination, equipment, and intelligence capabilities.
- e). Review mandates for Deployment of PSO in Active Conflicts to allow troops actively engage terrorist organizations. Therefore, a need for the following: (i) better training and equipment for the TCC. (ii) Enhance TCC flexibility and mobility.

Having proposed the generic efforts above, this paragraph highlights the efforts or capabilities to be generated in order to improve efficiency and effectiveness in future conduct of AMISOM Operations. The proposals follow the hierarchical order for purposes of clarity.

- a). At political level. There is need for; UNSC and AU PSC to undertake predictable, systematic and institutionalized partnerships to allow greater harmonization of mandates for AMISOM. Secondly, development of Standard Operating Procedures (SOPs) to ensure that UNSOS support processes and activities are in alignment with AMISOM CONOPS and effectively deliver in future. Also, there is need for clarity on roles of the AU and civilian component.

- b). At Strategic Level. There is need to; align mandated tasks and available resources, including strengthening the role of the AU Commission to better manage peace support operations by improving ongoing efforts to enhance human resources, administrative and financial procedures.
- c). At Operational Level. There is need to; deploy an additional capability of mission troops, enablers and intelligence enhancement in order to successfully execute renewed offensive operations.
- d). Finally, AMISOM's exit strategy. There is need to; pursue a condition-based exit strategy anchored on; an inclusive politically agreed set of Somali security institutions, tied to the minimum capacity of the Somali national security forces to take over and promoting a strong sense of Somali leadership and ownership for the political, security, and economic direction of Somalia.

## Conclusion

In summary, key to mention that; progressively, multiple security threats are introducing additional burdens on peace activities besides muddling efforts for regional as well as sub-regional organizations to respond to the vulnerable communities trapped in conflicts zone. From the involvements of the AU in addition to wealth of practices the sub-regions have gained, it is high time stakeholders agreed on "flexible model" for peace operations that is adaptable to ongoing mission scenarios and multi-dimensional nature of AU interventions. Considering how the extremist activities' manifests to date, there is need to further study their patterns and adjust in future AU deployment for observer missions.

Experiences from these operations should also provide an insight on how future deployments of the TCCs should be organized and supported. There is need to initiate well-structured engagement among the stakeholders and their strategic partners to design models in alignment with the type of missions that the African Union is supporting. The member states with their local knowledge about the sub-regional are in appropriate position to offer platform for partners to conduct thorough planning anchored on situational analysis. The African region urgently calls for a more predictable regional crafted support system for posterity.

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# **Part 3**

## **Society and Management**

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# EFFECTS OF MULTI NATIONAL CORPORATIONS IN ZAMBIA

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## Introduction

This paper attempts to look at the impact of Multinational Corporations (MNCs) on Zambia's social and economic development. The paper will firstly, explain what MNCs are. Secondly, the paper will give a brief overview of MNCs investments in Zambia. It will then explain the positive impacts of MNCs on Zambia's social and economic development. Thereafter, the paper will highlight some negative implications of MCs investments on social economic development of Zambia. Lastly, a conclusion on the subject matter will then be drawn.

## Definition of Multinational Corporations (MNCs)

A multinational corporation (MNC) is a business entity that has facilities and different assets in at least more than one country apart from its country of origin. These companies have factories and/or offices in diverse countries and ordinarily have a headquarter for them coordinate global management. Very big multinationals have budgets that surpass those of many small countries. Multinational corporations are now and again called as international, transnational or stateless corporations. Examples include among others Hungry Lion, Shoprite, Wal-Mart, McDonalds, and Kentucky Fried Chicken (KFC).<sup>1</sup>

## Overview of Multinational Corporations (MNCs) Investment in Zambia

Multinational corporations' (MNCs) investment in Zambia mainly comes in the form of Foreign Direct Investment (FDI). Foreign Direct investment is a vital mechanism for promoting globalization of the global economy. FDI entails the investment of real assets in a country other than the country of origin. It is acquisition assets such as equipment and land in the host nation, but operating the facility from the country of origin. In 1990, Zambia received an estimated FDI investment of \$2.655 billion. By 2017, the substantial component of FDI had touched an estimated \$16.973 billion which is an upturn of 539 % or an

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<sup>1</sup>Todaro (2009) *Economic Development*. London: Earthscan.

average annual growth of 20% per year. FDI in Zambia is largely dominated by huge mining investments coming from Australia, Canada, United Kingdom, Switzerland, USA and China mostly by big infrastructure projects.<sup>2</sup>

## **Impact of Multinational Corporations (MNCs) on Zambia's social and economic development**

Zambia has enjoyed a number of benefits from MNCs investments in the country over the years. The benefits are as explained below:

### **Positive impacts of MNCs investments in Zambia**

MNCs investments through Foreign Direct Investment (FDI) presents a number of benefits to the development of Zambia. Firstly, a standout amid the most essential parts of FDI is the commitment it has to the economic growth of the country of investment vis-à-vis the host nation. This commitment is important and is one that is really expected by any host nation predominantly developing ones. In recent decades, nations have been competing with each other for the reasons of attracting FDI. This is as a result of the crucial commitment it makes to the overall growth of host nations' economies. FDI does not just offer a steady flow of capital, but key long term commitments to the development of host nations: ensuring unvarying capital inflow to host nations. Having access to latest and cutting edge technology is possibly a standout amid the most key reasons why a nation like Zambia would need to attract FDI. MNCs invest resources the host nations obtain new technologies which largely host nations cannot deliver themselves.<sup>3</sup> For example, the operations of Vendatta under the Konkola Copper Mines (KCM) has seen the acquisition to modern and technologically advanced equipment to help with the mining of copper in Zambia's mining hub the copperbelt province. Latest technologies acquired range from state of the art drilling equipment to latest tipper trucks.<sup>4</sup>

Secondly, FDI provides employment, open doors and job opportunities for Zambia. Workers are paid higher wages and this empowers them to have an improved way of life. New companies have arisen prompting the expanded improvement in production and manufacturing. For example, FDI has created employment for Zambians for many Zambians across sections of the Zambian society. The most significant contribution of FDI to employment in Zambia has

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<sup>2</sup> Mulenga, M. (2018) *Benefits of Foreign Direct Investment in Zambia*. UNZA, Lusaka.

<sup>3</sup> United Nations Centre for Trade and Development (2011) *Foreign Direct Investment in LDCs: Lessons learned from the decade 2001-2010 and the way forward*, Geneva: UNCTAD.

<sup>4</sup> Noyoo, N. (2008) *Social Policy and Human Development in Zambia*. Lusaka: UNZA Press.

been in the mining sector and related industries. Mopani Mines for instance, employs about 8500 direct employees with a contract labour strength of about 9900. The company has created roughly 7,900 additional jobs since it came into being.<sup>5</sup>

Thirdly, MNCs investments through FDI improves and advances trading assets and resources of Zambia. Examination has proven that, nations that get FDI from international associations have lower financing costs, subsequently their traded items are considerably less expensive and this improves exports. Increased capital inflow is spawned by taxation in the host nations is principally due to FDI as well. The advantages of FDI to host nations like Zambia can be attributed to the pro-foreign investment. The neo-classical school of thought approach opposes that FDI includes new assets, capital and augments the showcasing expertise of host nation's citizens. It additionally offers employment opportunities and improves the utilization of normal assets efficiently within to other factors.<sup>6</sup>

Fourthly, according to Todaro, FDI can offer important innovation and ability to the host nation like Zambia fostering development to developing countries linkages with domestic firms. These mechanical developments by Multinational Corporations (MNCs) shoulder a focal part in the economy and they are the outright most imperative zones where MNCs serve as a stimulus to economic growth in Zambia.<sup>7</sup> For example, the creation of Multi Facility Economic Zones (MFEZs) in Zambia serves as a case in point of the innovations brought about as a result of FDI in the quest to spur economic growth. The MFEZs in Zambia today play a critical role in promoting economic growth.<sup>8</sup>

MNCs investing in Zambia have the monetary stability to put resources into vast plants. This may be remarkably troublesome for nearby financial specialists because of their absence of colossal speculation reserves which MNCs can bear. Scarce capital can be accessed by Zambia through FDI, and this is exceptionally essential to economic growth. The exchange of capital by MNCs may balance residential reserve funds and add to local capital arrangement for Zambia that are capital constraint to growth and this can expand household investment.<sup>9</sup>

Fifthly, one big advantage that comes with FDI as promoted by MNCs in

<sup>5</sup> Mwanawina, I. (2008) *China-Africa Economic Relations: The Case of Zambia*, Unpublished Report, Commissioned by the African Economic Research Consortium, Nairobi.

<sup>6</sup> World Bank (2005) *Zambia Investment Climate Assessment*, Washington, D. C: The World Bank.

<sup>7</sup> Todaro (2009) *Economic Development*. London: Earthscan.

<sup>8</sup> Zambia Development Agency (2008) *The Economic impact of direct investment on the Zambian economy*, Lusaka: Zambia Development Agency

<sup>9</sup> Muweme, M, (2001) "Foreign Direct Investment: What Difference for Zambia?" JCTR Bulletin, Fourth Quarter, 2001.

Zambia is the growth of human capital, which is oftentimes understated as it takes time to develop and become apparent. Human capital entails competence and knowledge of those individuals that are able to perform labour, often referred to as the workforce. The attributes grown by training and sharing experiences eventually proliferates the education and overall human capital of Zambia as a host nation. Its resource is oftentimes not a tangible asset which one would say is owned by companies but something is loaned. Against this backdrop, a country with FDI benefits significantly by developing its human resource while retaining ownership. Zambia is benefiting immensely from this. For example, Konkola Copper Mines (KCM) has a deliberate policy to send its employees for further studies in India and other countries to learn more about its operations and acquire the necessary skill and knowledge to be applied in Zambia once they are back. Another firm that sends Zambians abroad for further studies is Access Banks. It identifies and sends management trainees to Nigeria its country of origin to acquire the needed knowledge and skills on how to manage and run the bank.<sup>10</sup>

Sixth, MNCs investment in Zambia leads to the transfer from the country of origin of the MNC to Zambia. As far as capital is concerned, multinational enterprises (MNEs) put investments in long-term projects which often entails taking risks and moving profits only when the projects produce returns. The permitted flow of capital through nations is likely to be preferred by many economists since it permits capital to look for the maximum rate of return. Countless MNEs, because of their huge size and financial forte, have access to financial means not available to firms in Zambia. These funds are made available from internal company sources. Also because of their reputation and well know strong financial standing, large MNEs find it much easier to borrow money from capital markets in the host nation than local firms in the host-country.<sup>11</sup>

Jenkins and Thomas contend that FDI contributes to economic growth in a myriad of ways not only by making available foreign capital but also by flocking in additional domestic investment; so it escalates the total FDI growth effect.<sup>12</sup>

Bosworth and Collins offer evidence on the effect of capital inflows on domestic investment for 58 developing countries from 1978-1995. They

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<sup>10</sup> Lungu, L., and Mulenga, C. (2005) *Corporate Social responsibility Practices in the Extractive Industry in Zambia*, Catholic Commission for Justice, Development and Peace and the Zambia Congress of Trade Unions.

<sup>11</sup> Hill, C. (2000): *International Business- Competing in the Global Marketplace*. University of Washington: Irwin McGraw-Hill.

<sup>12</sup> Jenkins, C., Thomas, L. (2002): *Foreign Direct Investment in Southern Africa: Determinants, Characteristics and Implications for Economic Growth and Poverty Alleviation*. Globalization and Poverty Project. University of Oxford.

differentiate among three types of inflows: FDI, portfolio investment, and other financial flows (primarily bank loans). They established that about half of each dollar of capital inflow transforms into an increase in domestic investment. According to them a surge by a dollar in capital inflows is associated with an upsurge in domestic investment of about 50 cents (Both capital inflows and domestic investment are expressed as percentages of GDP).<sup>13</sup>

Once the capital inflows take the shape of FDI, oftentimes there is a close one-to-one association between the FDI and the domestic investment. Additionally, Borensztein et al. established some evidence of a “crowding-in” effect- that FDI is matching to domestic investment. A dollar increase in FDI inflows is linked to an increase in total investment in the host nation economy of more than a dollar. The evidence from these countries resonates with what FDI has brought about in Zambia. The capital injected into the economy has helped to spur growth. Unrestricted capital flows reduces the risk endured by owners of capital by permitting them to diversify their lending and investment. The global incorporation of capital markets would contribute to the blowout of best practices of corporate governance, legal traditions and accounting rules, and the global movement of capital limits the ability of the Zambian government to pursue bad policies.<sup>14</sup>

Transferring of knowledge is another benefit to the host country. By transferring knowledge, FDI will proliferate the existing stock of knowledge in the Zambia as a result of labour training, the transfer of new managerial, transfer of skills, and organizational practice. Foreign management skills attained through FDI may also yield important benefits for Zambia. Beneficial spin-off effect come about when local personnel who are trained to occupy managerial, technical and financial posts in the subsidiary of a foreign MNE leave the firm and assist to establish local firms. Comparable benefits may arise if the superior management skills of MNEs stimulate local suppliers, competitors and distributors to develop their own management skills.<sup>15</sup>

Zambian workers acquire new skills by undergoing explicit and implicit training. Specifically, training in foreign firms is of higher quality in that only the most productive firms trade. Workers go with skills as they re-enter the domestic labour market. Training received from foreign companies occasionally may be reflected under the general heading of ‘organization and

<sup>13</sup> Bosworth, B.P., Collins, S.M. (1999): Capital flows to developing economies: implications for saving and investment, Brookings Papers on Economic Activity: 1.

<sup>14</sup> Borensztein, E., De Gregorio, J., Lee, J.W. (1998): How does foreign direct investment affect economic growth?, *Journal of International Economics*, 45, 115-135.

<sup>15</sup> Aaron, C. (1999): The contribution of FDI to poverty alleviation. Singapore: *The Foreign Investment Advisory Service*.

management', meaning that the host country benefits from the 'managerial superiority' of MNCs.<sup>16</sup> Lall and Streeten highlight three kinds of managerial benefits: managerial efficiency in operations coming from improved training and much higher standards; advanced entrepreneurial capability in looking for investment opportunities; and externalities coming from training acquired by employees (such as executive, technical, accounting and so on).<sup>17</sup>

The eighth point is that, MNCs investments through FDI have had a positive Zambia's balance of payment giving the country access to the desired foreign exchange in order to spur growth of the Zambian economy. FDI's net effect on a country's balance of payment accounts is a key policy issue for governments in the host nations. It is opined that there are three possible balance of payments effects of FDI. First, when an MNE launches a foreign subsidiary, the capital account belonging to the host nation derives benefits from the primary capital inflow. Nonetheless, this is said to be a one time-effect. Second, if the FDI is a standby for imports of goods or services, it can advance the current account of the host nation's balance of payment. A great deal of the FDI by Japanese automobile companies in the US and UK, is regarded as a substitute for imports coming from Japan. A third probable benefit to the host nation's balance of payment comes about when the MNE uses a foreign subsidiary so as to export goods and services to different countries. The proof based on empirical research done on the balance of payments effect of FDI, shows that there is a variance between developed and developing countries, particularly with respect to investment in the manufacturing industries.<sup>18</sup>

Dunning in an attempt to assess the impact of the United of America (USA) FDI in Britain, he made an estimated positive effect of about 15 percent of the total capital invested. Nonetheless, his research only focused on the direct effect of FDI, which culminates in noticeable flows in the balance of payments. The indirect effects, conversely arising from the measured changes in the income of residents, or measured changes in consumption patterns of the residents were not considered.<sup>19</sup>

Lastly, MNCs investments through FDI have increased competition among

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<sup>16</sup> Djankov, S., Murrell, P. (2002): Enterprise restructuring in transition: A quantitative survey. *Journal of Economic Literature*, 40(3), 739-792.

<sup>17</sup> Lall, S., Streeten, P. (1977): *Foreign Investment, Transnationals and Developing Countries*. London: Macmillan.

<sup>18</sup> Hill, C. (2000): *International Business - Competing in the Global Marketplace*. University of Washington: Irwin McGraw-Hill.

<sup>19</sup> Dunning, J. (1969): *The Role of American Investment in the British Economy*. PEP Broadsheet: 507.

firms in Zambia. According to an OECD report in 2002 the manifestation of foreign enterprises may significantly assist economic development by encouraging domestic competition and thereby culminating into higher productivity, lower prices and extra efficient resource allocation. Increased competition lean towards stimulating capital investments by firms in plant, equipment and R&D as they fight to gain an advantage over their rivals. It is opined that the impact FDI on competition in domestic markets could be predominantly important in the case of services, such as telecommunication, retailing and many financial services, in which exporting is often not an option in that the service has to be produced wherever it is delivered.<sup>20</sup>

Julius for instance, writes that: “As with trade, increased international flows of FDI should be encouraged because they bring both global and national benefits. They stimulate growth through more efficient production and they lower prices through greater competition”.<sup>21</sup> And according to an OECD study, “Like trade, foreign direct investment acts as a powerful spur to competition and innovation, encouraging domestic firms to reduce costs and enhance their competitiveness”.<sup>22</sup>

## Negative impacts of MNCs investments in Zambia

It has been argued that while MNC investment have brought a lot of good to Zambia there are few gaps that need addressing to solidify the gains from MNCs investment in Zambia and promote social economic development.

Firstly, in the area of job creation mining foreign direct investment (FDI) needs to do more for Zambia to benefit and have a chance to fight the poverty levels that are ever increasing in Zambia. Fewer jobs compared to projections have been created in Zambia. There are myriad of aspects that have added to this. First and foremost, there has been a huge leap and advancement of mining technology in the 21st Century to the extent that some tasks that were done by people are now done by the machines which has evidently reduced the need for workers in some areas.<sup>23</sup>

<sup>20</sup> OECD (1998): *Open Markets Matter: The benefits of Trade and Investment Liberalization*. Paris: OECD.

<sup>21</sup> Julius, R. (1990): *Global Companies and Public Policy*. New York: Council on Foreign Relations for the Royal Institute of International Affairs.

<sup>22</sup> OECD (1998): *Open Markets Matter: The benefits of Trade and Investment Liberalization*. Paris: OECD.

<sup>23</sup> Zambia Development Agency (2008) *The Economic impact of direct investment on the Zambian economy*, Lusaka: Zambia Development Agency.



Secondly, Zambia has suffered insufficient tax revenue from MNCs investments in the mining sector. Foreign direct investment through MNCs in mining sector in Zambia accounts for 62% of all the FDI investments. Regardless of this huge investment percentage, Zambia has not benefited a great deal with respect to the revenue realized from the mines through various taxes. It is largely agreed that Mining companies are not paying enough taxes to cater for their Social Corporate Responsibility expected of them such as health, education, water and sanitation among others.

The taxes generated from mine taxes do not lead to meaningful development. The low contribution of mines to Zambia's taxes as a result of externalization of profits has contributed surging public debt currently at \$16 billion public debt as well as the many taxes levied on ordinary Zambians for government to cushion the shortfall in the needed financial resources to foster development.<sup>24</sup>

## Conclusion

While many may argue that the MNCs investments in Zambia have some challenges the benefits outweigh the costs. MNCs have helped to create jobs in Zambia to try and move many Zambians out of poverty. Mopani Mines on the Copperbelt Province has employed a lot of Zambians. Additionally, MNCs investments have grown the Zambia market potential providing backward and forward linkages. Local suppliers are able to sell their products to the mines. Zambia needs to do more in order to realise the full benefits of MNCs investments through FDI. Zambia must use the example Tanzania and Botswana who among other nations have developed sound policies that have helped them to benefit a great deal from foreign investments.

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# THE INTERNATIONAL LEGAL DEVELOPMENT OF THE LAW OF THE SEA AND THE BLUE ECONOMY CONCEPT IN KENYA

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## Introduction

The Blue economy concept is sometimes ill-conceived as the use of the oceans for purposes of running the national economies more so in the fisheries sector leaving a plethora of other sectors out of the definition of the term. One of the basic principles of international law is the freedom of the high seas and coastal states exercised dominion over territorial waters. States can exercise 12 nautical miles.

The dominance of the philosophy of the high seas has been modified by the realization of resources present in the sea and the seabed beyond the territorial seas.<sup>1</sup> There has been a move to claiming a “common heritage of mankind” over the seabed and the high seas. The law relating to the seas, therefore have been in a state of flux for several decades as the conflicting principles have manifested themselves.

This article will therefore look at the how the law of the sea is evolving in a background of the interests of the seas and in particular the sea bed and the international waters in a general context and try to expound the continuing process of coming up with a legally binding instruments in these areas.

## Background

The third United Nations Conference on the Law of the Sea (UNCLOS III, 1973 and 1982 brought about The United Nations Convention on the Law of the Sea (UNCLOS). It establishes guidelines touching upon the environment as well as management of natural resources the oceans. It also outlines the privileges and duties in the use of the oceans by states. The Convention substituted the 1958 Geneva conventions which were “the Territorial sea and the contiguous zone, the Continental shelf, the High Seas and the Conservation of living resources on the high seas.”<sup>2</sup>

The Convention “UNCLOS” became active in 1994, and has more than 166 state parties including the European Union which became a member as well. It has established: “a 12 nautical mile territorial water; a contiguous zone of 24 nautical miles; and 200 nautical miles of an Exclusive Economic Zone (EEZ).”

<sup>1</sup>Malcom n. shaw QC, *International Law*, Cambridge University Press, New Delphi pg. 554, sixth edition

<sup>2</sup>[https://www.iucn.org/sites/dev/files/unclos\\_further\\_information.pdf](https://www.iucn.org/sites/dev/files/unclos_further_information.pdf). 15:32Pm, 23rd August 2019

Three bodies were established under the convention: “The International Tribunal for the Law of the Sea; The International Seabed Authority; and The Commission on the Limits of the Continental Shelf.”

## International developments of UNCLOS

A resolution in the General Assembly in 2004: “established the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.”<sup>3</sup> In particular, the Working Group was requested to:

- (1) Survey the past and present activities of the United Nations and other relevant international organizations with regard to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;
- (2) Examine the scientific, technical, economic, legal, environmental, socio-economic and other aspects of these issues;
- (3) Identify key issues and questions where more detailed background studies would facilitate consideration by States of these issues; and
- (4) Indicate, where appropriate, possible options and approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.”

In 2015, through Resolution 69/292,<sup>4</sup> the United Nations came up with a decision to have in place internationally binding laws dealing with the area after the territorial sea on matters including the use of marine resources in a sustainable manner as well as conservation of the same.

A Preparatory Committee was established to produce recommendations on the elements of a draft instrument to the GA under the UNCLOS preceding an “intergovernmental conference”. The Committee considered the reports handed to it to “the Ad Hoc open-ended informal Working Group” to proceed with the same.

Two sessions of “the Intergovernmental Conference on an International Legally Binding Instrument under the UN Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction”<sup>5</sup> proceeded in 2018 and 2019 respectively. Participants deliberated based on the President’s Aid to Negotiations, which contained “*options structured along the lines of the elements of a package agreed in 2011 on: marine*

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<sup>3</sup> UNGA Resolution 59/24 of 17 November 2004 paragraph 73

<sup>4</sup> UNGA Resolution 69/292 of 19 June 2015

<sup>5</sup> BBNJ

*genetic resources; area-based management tools including marine protected areas; environmental impact assessments (EIAs); and capacity building and marine technology transfer.”*

The above 4 areas take center stage in the international negotiations. It must be noted that the purpose of UNCLOS is to ensure that the international community has a “common heritage for mankind” when it comes to “*the Area as defined in Article 1 of the Convention*”. Deliberations, clearly point out the technological gaps in developing countries within the 4 areas. Furthermore, without the capacity to conduct research and development for purposes of utilizing marine genetic resources, the lack of a framework for having proper intellectual property regimes in developing areas, as well as weak regional cooperation regimes, developing countries face an uphill challenge in catching up with the developed economies in matters of utilizing the sea.

UNCLOS describes “the Area and its resources are deemed to be common heritage for mankind and no sovereign or other rights may be recognized”. Hence this principle holds that activities carried under “the areas” are supposed to be “for the benefit of mankind” by or on behalf of the International Seabed Authority “the Authority” established under the Convention”.<sup>6</sup> The enterprise established under Article 153 is to provide for the equitable sharing of such benefits. During the 2<sup>nd</sup> part of the 25<sup>th</sup> annual session of the international seabed Authority<sup>7</sup>, the focus was on the Draft regulations for the Exploration of Mineral Resources which when completed will govern the future activities in the world’s oceans as well as the Enterprise as envisaged under the convention.

The developed countries possess state of the art technologies and adequate resource resources for exploring the seabed and the marine biodiversity for commercial purposes. The developed countries are relying on the provisions of UNCLOS especially for “technology transfer and capacity building”. There has been no sharing of the technical noris scientific knowledge hardly shared as envisaged the UNCLOS. However, a legally binding document under the auspices of BBNJ and ISA will go a long way in trying to address the shortfalls facing small nations and developing countries in terms of the technological and knowledge gap in oceanography.

## **The worth of the ocean including the sea bed and Blue Economy**

Marine and Coastal biodiversity supports a number of livelihoods in general. Three billion people benefit from it globally. The sector contributes to three trillion dollars annually as well as taking care of at least more than 29% of carbon dioxide produced

<sup>6</sup> UNCLOS 1982

<sup>7</sup> [https:// www.enb.iisd.org/oceans/isa/2019-2/](https://www.enb.iisd.org/oceans/isa/2019-2/) Tuesday 3rd September 2019 at 1455 pm

by man because of the rich biodiversity in the oceans. Ocean-based industries are acknowledged as making up a substantial contribution of world economic output and employment. At least 200 million people are employed through the Marine fisheries.<sup>8</sup> The concept “ocean’s economy” is defined as “that portion of the economy that relies on the ocean as an input to the production process or which by virtue of geographic location, takes place on or under the ocean”. Several scholars identify this global significance “as the sum of the economic activities of ocean-based industries, and the assets, goods and services of marine ecosystems” to be the “blue economy” or “ocean economy”. Essentially, this ocean economy is a cluster of interconnected industries that incorporates a mix of established as well as newer activities. These include offshore oil gas exploration, shipping, shipbuilding and marine equipment, fisheries and fish processing, aquaculture, as well as coastal and marine tourism. Internationally, there is an emerging consensus that attempts to exploit ocean resources must be counter balanced by the safeguarding of susceptible ecologies and injurious, ill and derogative practices.

The principle is embedded globally in the United Nations Sustainable Development Goal 14 “commits member states to conserve and sustainably use the oceans, seas and maritime resources for purposes of development”. Overall, this thinking about the sustainable economic use of ocean resources coalesces around the term ‘blue economy’.<sup>9</sup> Although little clear agreement exists about the definition of the blue economy, in policy terms it is argued that “at the core of the concept is the awareness of maritime resources and their capacity to contribute to poverty reduction, human welfare and economic opportunity”. Furthermore, it is stressed that ocean resources always should be used sustainably and an all-encompassing approach manner.

There are a number of complex interconnected issues that spring from the blue economy beginning with technological innovations that feed to facilitation of research in the sea and other water bodies which in turn create economic prosperity to the society while ensuring the concept of sustainable environment is attained. According to the East Asian Seas (EAS) Congress (2012), blue economy defined the as:<sup>10</sup>

*“... a sustainable ocean-based economic model that is largely dependent on coastal and marine ecosystems and resources, but one that employs environmentally-sound and innovative infrastructure, technologies and practices, including institutional*

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<sup>8</sup> [https://www.un.org/sustainabledevelopment/oceans/Tuesday 3rd September 2019 at 1425 pm](https://www.un.org/sustainabledevelopment/oceans/Tuesday%203rd%20September%202019%20at%201425%20pm)

<sup>9</sup> Rogerson, Christian .M., and Jayne M. Rogerson. “Emergent Planning for South Africa’s Blue Economy: Evidence from Coastal and Marine Tourism.” *Urbaniziv* 30 (2019): 24-36. <https://www.jstor.org/stable/26690821>.

<sup>10</sup> See <https://www.icriforum.org/meeting/east-asian-seas-eas-congress-2012> and quoted in Elbarvina (2016).

*and financing arrangements, for meeting the goals of: (a) sustainable and inclusive development; (b) protecting the coasts and oceans, and reducing environmental risks and ecological scarcities; (c) addressing water, energy and food security; (d) protecting the health, livelihoods and welfare of the people in the coastal zone; and (e) fostering an ecosystem-based climate change mitigation and adaptation measures.”*

## **Leveraging the Blue Economy for Inclusive and Sustainable Growth in Kenya**

Kenya must diversify its resources on growth and look more into matters dealing with the blue economy in order to achieve sustainable growth at both the economic and societal development sectors. Among the many activities in this sector include marine biotechnology which requires scientific skills and capability, seabed mining that also calls for investment in technological advancement, research and skills development, sea food fishing and processing, as well as energy production and fresh water production. This calls for massive investments in technology and capacity building. This requires having in place strategic partnerships and massive budgetary allocations.

Currently, about two million Kenyans are employed vide the blue economy with a majority dealing with fishing focused on domestic and export purposes. This sector accounts for 0.5% of the GDP, whereas related activities include fish processing, boat building and repair of equipment. Kenya earns about 4.4 Million USD which accounts for only 20% within the Western Indian Ocean. According to the Kenya Maritime Authority (KMA)<sup>11</sup> estimates “Marine fishing had an annual fish potential of 350,000 metric tonnes in 2013 worth Ksh 90 billion (KMA) yet the region only yielded a paltry 9,134 metric tonnes worth Ksh 2.3 billion, the full economic potential of marine resources has not been exploited. Kenya has a maritime territory of 230,000 square kilometers and a distance of 200 nautical miles offshore.”

The region is faced by a number of challenges; they include “illegal and unregulated fishing, piracy and armed robbery, maritime terrorism, illicit trade in crude oil, arms, drug and human trafficking and smuggling of contraband goods. The degradation of marine ecosystems through discharge of oil, the dumping of toxic waste, illegal sand harvesting and the destruction of coral reefs and coastal forests is also alarming. Furthermore, Kenya is confronted with piracy in the Indian Ocean, illegal fishing and border disputes, the dispute with Somalia over the maritime boundary. The Kenya-Somalia boarder dispute which is a triangular

<sup>11</sup> World Bank, (2016). Blue Economy Development Framework - Growing the Blue Economy to Combat Poverty and Accelerate Prosperity, Available at <http://pubdocs.worldbank.org/en/446441473349079068/AMCOECC-BlueEconomy-Development-Framework.pdf>



offshore area of 100,000 square kilometers is about the EEZ that extends to 200 nautical miles from the coastline. The area supposedly has huge oil and gas deposits.”<sup>12</sup>

Proper studies must be undertaken to ascertain the availability of minerals and biological matter within the territorial and the “area beyond the national jurisdiction in order to fully engage into the blue economy. Sufficient data regarding the potential in the ocean would equip the country in exploring for potential investors for public-private partnerships in research, concept and product development, the development and exchange of intellectual property as well as finance and development of human resource. The Indian Ocean States like Mauritius and South Africa among others are advancing the concept of blue economy. Most of these countries have in place the regulatory framework to develop the sector taking into consideration the best practices globally and approaching the sector from a sub-regional approach. The commonality of their interests within this sector guide the scope cooperation at this sub regional level and facilitates the exchange of knowledge and experiences. Currently, Kenya has developed the “*Fisheries Management and Development Act of 2016*.”<sup>13</sup>

The above referred Act calls for conservation management and the development of fisheries as well as other marine resources to enhance the livelihood of communities that rely on fishing. The Act further provides guidance on importation and export of fish and related products and places emphasis on quality and safety with regard to sustainable utilization of marine products. Kenya should thus have in place a fiscal and regulatory environment that can enhance ship building, repair and maintenance. It should further be able to attract registration of ships in the country and encourage maritime services such as insurance and container cleaning locally.

## Conclusions and Policy Implications

Sustainable development basically means that economic development of the country be pegged on proper utilization of the ocean resources having the utmost concern of the ocean environment in order to avoid depletion of the existing natural resources that the society depends on in the long term. The economic, social, and environmental dimensions of sustainable development need to balance with the ocean, an essential element in “blue economy”. Despite that it is difficult to reach a balance with regards to exploiting ocean resources versus depleting

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<sup>12</sup> Wairimu, E., and Khaing D., (2017). “*Kenya’s Agenda in Developing the Blue Economy*,” Available at <http://kippra.or.ke/kenyas-agenda-in-developing-the-blue-economy/>

<sup>13</sup> Republic of Kenya, (2016). *Fisheries Management and Development Act, 2016*, Republic of Kenya, Nairobi

the resources hence causing harm to the ocean habitat, it is prudent to avoid over exploitation and degradation in order to have long-term utilization of resources by allowing rejuvenation when possible. The immediate ocean environment is also prone to other external forces such as pollution, habitat loss which mainly emanate from human actions near the resources which may contribute through: *“Over exploitation of ocean resources due to conditions of open access and externalities such as pollution and habitat loss.”*

The oceans true potential is not attained in terms of providing livelihoods, food security and human health, and broad economic growth for many of the world’s coastal and island states. According to FAO estimates, “approximately 57 percent of fish stocks are fully exploited, and another 30 percent are over-exploited, depleted or recovering. Fish stocks are further exploited by illegal, unreported and unregulated fishing, responsible for roughly 11 to 26 million tonnes of fish catches annually, or US\$10-22 billion in unlawful or undocumented revenue”.<sup>14</sup>

The above denotes that states must come up with “ways of providing secure incentives for users to take a long-term stake in these resources by making institutional reforms to reduce open access to ocean resources.” The seas can actually increase the base of economic development in a state if policies are outlined well to cover the various tentacles that spiral to the blue economy. Furthermore, states must come up with the relevant frameworks and legislation that can guide towards the preservation of marine areas immediate environment and avoid vices such as the drainage of toxic waste and sewer into the marine environment. Deliberate efforts must be placed to ensure human activity does not affect the marine bodies.

States that embark on proper usage of their water bodies especially coastal states and island state more often reap more from ensuring that the seas are healthy gain from the increase of healthy fish stocks, creation of good aquaculture grounds, rejuvenation of the aquatic environment both at sea and the immediate surrounding environment hence creating a life source that is sustainable the oceans if properly managed by the stakeholders, which lies upon states to take care of their riparian lands as well as the ocean through sustainable management of the natural existing ecosystems, then a lot including carbon storage, tourism as well as developing economies through good fishing and extraction of minerals can be attained in a sustainable way that will address the pollution of not only the oceans but inland waters included.

<sup>14</sup> World Bank, (2016). Blue Economy Development Framework - Growing the Blue Economy to Combat Poverty and Accelerate Prosperity, Available at <http://pubdocs.worldbank.org/en/446441473349079068/AMCOECC-BlueEconomy-Development-Framework.pdf>

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# CROSS BORDER TIMBER TRADE IN EAST AFRICAN REGION

Mr Patrick Ithinji - Kenya Forest Service

## Introduction

Kenya Forest Conservation and Management Act of 2016, defines Timber as any tree that has been felled or which has fallen, and converted into wood or logs. Following the establishment of scientific based sustainable Forest Management and its subsequent adoption by developed countries in the last century, the future of the world forest has been very uncertain. This scenario requires individual states, sub-regions and global to cooperate in an effort to embrace sustainable forest management and conservation in order to have clean and stable planet. Reports indicates the growing illegal trade of timber and wood products within the intra-regional and inter-regional across Tanzania, Kenya, Uganda, Madagascar, Zambia, Mozambique, Malawi, DRC Congo and Southern Sudan. The monetary costs of illegal logging are unbelievable. These includes cost of processing of timber. In the international economy, approximately 30-100 US\$ billion is lost, from illegally sourced timber hence detrimental to national and regional economies.<sup>1</sup>

It is important to note that within East Africa Regions the flows of timber within, to and from countries in Eastern is important due to the wide spread of illegal logging in recent years that had serious effect on the forest resources in the region, leading to environmental, social and economic consequences.<sup>2</sup> East Africa region is rich in a variety of forests types which ranges from coastal forests composed of mangrove species along the Kenyan and Tanzania, Miombo woodlands of Central Tanzania, Equatorial rain forest in Kenya, Uganda and Congo basin. In addition, there are large areas of montane forest in the five water towers of Kenya and Mt Kilimanjaro areas of Tanzania.<sup>3</sup>

Wily notes that at the point when the accessibility of these assets and their management is undermined, the subsequent consequence can go from food insecurity, weakness to illness, to loss of jobs, to social pressures and open tribal conflicts, and as found in many developing countries, to intense powerlessness to characteristic threats. Intensifying this expanded introduction to dangers is

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<sup>1</sup>Kamweti, David.et al. *The environment and law report in Kenya*. Kenya Law Reports, Environment and Land, xiv, Nairobi, (2009), pp. 1. 1-13.

<sup>2</sup> Kenya Forest Service. *Annual report*, (2019).

<sup>3</sup> Ibid, (2019) page 36

a decreased forest asset base from which to draw on amid times of emergency.<sup>4</sup> In many cases, these forest assets are vital to the nearby security nets that maintain various local groups as they recuperate from calamities.

In Sub-Saharan Africa the timber market value chain is characterized by high transaction costs that can be attributed to policy and legal constraints. Due to these constraints' traders seek services of various players along the market value chains especially at border points increasing costs on the operations of trans-boundary timber trade. The high transaction costs can be reduced with favorable policy or legal environment, better technology deployment and improvement of road infrastructure within the region.

In the Sub-Saharan African (SSA) context, illegal cross border timber trade is perceived to be victimless and hence low in priority list in the crime ranking. This perception makes the government, judiciary and the Enforcement officers not to take it seriously. Illegal logging and trade in forest products leads to forest degradations. This situation leads to deprivation of livelihood to forest communities neighboring the forest. Further effect of forest degradation leads to ecological problems such as flooding, and also contribute immensely to climate change.<sup>5</sup> Consequently, forestry crime becomes a security threats to the community's countries in the region.<sup>6</sup> For instance, charcoal usually referred to as "black gold" in the black market is made when wood is burnt at high temperatures in absence of oxygen. It is usually made from indigenous trees, however in Sub-Saharan Africa; the highest quality of charcoal is usually gotten from *Combretum tree* species and indigenous tree which has very high calorific value. Charcoal and firewood is readily accessible, cheap and is usually used by about 80% of the people as the household energy in East Africa.<sup>7</sup> The demand for this high valued commodity inspires the unlawful trade in Africa, is a threat to the Natural forests, and regional peace and security.

## Cross Border Timber Trade in East Africa

The East African regional Initiative on Illegal Timber Trade whose effort includes: Reduction of Emissions from Deforestation and forest Degradation (REDD+), promote sustainable forest management and conservation in order to enhance carbon sequestration stocks. It is important therefore to note that the trade in illegally acquired timber product in Africa is usually prevented

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<sup>4</sup>Alde, Wily. *The political economy of community forestry in Africa –Getting the power relations right.* Forest, Trees and People Newsletter, No. 46, (2002), pp. 3-9.

<sup>5</sup>Kamweti, David and Osiro, Deborah. *The environment and law report in Kenya.* Kenya Law Reports, Environment and Land, xiv, Nairobi, (2009), pp. 1. 1-13.

<sup>6</sup>Benedickson, Jamie. *Environmental Law*, Toronto: Irwin Law, (2009), p. 380.

<sup>7</sup> Ibid, (2009)

by employing good multilateral efforts and innovative cross border initiatives. Consequently, dealing with illegitimate logging destroys the forests, causes economic loss, destroys flora and Fauna and livelihoods, promotes bad Governance such as corruption, and supports armed conflict.

Timber trade in East Africa has been dynamic due to changing environment in which it is done. Timber trade assessment was conducted with a aim of identifying prevailing and continuing connections in timber business in indigenous forest, identifying dynamics in lumber trade environment and understand the amount of timber being exported to china, India, wood products have been moving across countries within east and southern African states. The most widespread illegal logging in recent years has had a devastating effect on the valuable forest resources in this Region of Africa, which has had not only environmental consequences but also economic and social ones.<sup>8</sup>

The major challenges in the region is the ability and effectiveness of the countries in the region to monitor and control the illegal activities due to lack of effective border control and lack of collaboration with agencies dealing with forest management and other agencies at the border points. Further, the border points are porous and therefore forest material can penetrate at any corner of the boundary. This scenario results to revenue loss for states importing since most materials are obtained from government forest illegally. In addition, there is high demand for softwood and hardwood timber globally especially from countries with rising economy such as china, India and other Asian countries. China was said to have imported about 93% of indigenous wood product mostly timber and round logs from Mozambique in 2013. These materials were allegedly to have illegally sourced<sup>9</sup>. Kenya has been importing a lot of indigenous timber from DR Congo, Tanzania and others east African countries including southern Sudan.<sup>10</sup> Approximately USD54, 639 to USD543, 391 increased between 2001 and 2006 respectively. This has been influenced by the fact that Kenya and DRC Congo are within the comesa regions and therefor the tariffs are fare to the traders. Further, the country imported 83,729 m<sup>3</sup>, 192,279 m<sup>3</sup>, 348,139m<sup>3</sup> of hardwood, softwood and treated poles respectively between 2009 and 2013. In addition 8,360 tons and more that 100 tons of wattle and charcoal respectively were imported from Tanzania, Uganda and Southern Sudan. The major entry points are Lunga Lunga, Taveta, Busia and Malaba border points.

Further, the importation has been facilitated by the government Zero rating

<sup>7</sup> Benedickson, Jamie. *Environmental Law*, Toronto: Irwin Law, (2009), p. 380.

<sup>8</sup> Ibid, (2009), p. 19.

<sup>9</sup> Anon., 2012a; Cheboiwo, (2015).

<sup>10</sup> KFS, Annual Report

timber importation in 2019/2020 financial year. This was done to take care of the high demand for timber in the country following the government directive to slap a moratorium on logging in government forest from February 2018 to date.

It is important to note that about 90% of wood products coming to Nairobi and Mombasa and other major towns in Kenya for furniture making and construction work are either illegally extracted from government forest in Kenya or imported through undesignated border crossing illegally. Further 20% and 5% hardwood and softwood respectively are imported. The most favorite exotic species for construction and furniture making in Kenya are *Pinus patula*, and *Cupressus lusitanica*,<sup>11</sup> while hardwood tree species mostly from DRC Congo includes mahogany, *Entandophragma cylindricum*, *Khaya senegalensis*, and *K.anthotheca*, *Olea capensis* and *Tectona grandis* sourced from Uganda and S.Sudan respectively which are usually exported to china and India.<sup>12</sup> Reports shows that the majority of the teak wood that is imported into Kenya then transits through Mombasa to other countries.<sup>13</sup>

The teak timber imported into the country from S.Sudan is re-exported and minimally used into the country.<sup>14</sup> The data indicating the percentage distribution of species which are usually destined for the country are not existing. About 600 tons of wood are used in the curving industry per year in Kenya and the species used in curving are mostly hardwood which include *Cordia sinensis*, *Delbergia melanoxylon*, *Brachylaena hulensis*, *Olea Africana* and *Combretum Schumanii*.<sup>15</sup> Most of these species are at the verge of being depleted and one of them now a *Delbergia melanoxylon* commonly known as (African black wood) is now a protected species under CITES. Due to overexploitation in Kenya and in order to fill the Gap, the shift has been moved to Tanzania where they are imported from.<sup>16</sup> Consequently in 1980s, there has been a very high demand for these species such that softwood such as *Azandirachta indica* and *Mangifera indica* have been under experimentation.<sup>17</sup>

<sup>11</sup>Anon.(2012b). The Trade in Forest Products between Kenya and Tanzania: A report prepared for FAO Forest Law Enforcement (Anon., 2014b).

<sup>12</sup> Anon, Roy. *First Class Connections: Log Smuggling, Illegal Logging and Corruption in Mozambique*. Environmental Investigation Agency (EIA), London, UK, (2013), pp. 17-21.

<sup>13</sup>(Anon., 2014b).

<sup>14</sup>Anon, Roy. *First Class Connections: Log Smuggling, Illegal Logging and Corruption in Mozambique*. Environmental Investigation Agency (EIA), London, UK, (2013), pp. 17-21.

<sup>15</sup>Vandenabeele, 2010, *The Wood Carvers of Wamunyu. Miti Magazine (Kenya) Issue No. 6*, JuneApril 2010, Nairobi, Kenya.

<sup>16</sup>Vandenabeele, 2010; Bambo, 2015

<sup>17</sup> Marshall and Jenkins, (1994), Marshall, N. and Jenkins, M. (1994). *Hard Times for Hardwoods*. TRAFFIC International, Cambridge, UK. 53 pp.

Tanzania has approximately 48m hectares of forest of which 97% indigenous and 3% exotic trees with 3.3m<sup>3</sup> billion a total wood volume. In 2016, three tree species were listed as a endangered species and protected in East Africa under the Convention on International Trade on Endangered species (CITES). These species include: *Prunus africana* (African cherry), *Osyris lanceolata* (East African Sandalwood) and African Black wood (*Delbergia Melanoxylon*). However, because of its high value and cost of these species in the international black market, these species have continued to be illegally traded across the borders in East Africa and exported under well-organized Cartels who are able to transport them without being noticed by Security Agents and forestry Enforcement teams.

## Timber Trends in Kenya

The timber trade is to some extent being driven by the fact that some countries are being dependent on others for the supply of wood-based products, and there is quite a difference in the extent of forest resources in different countries and the trade is both legal as well as illegal. In recent years the tree plantations of the study countries have become the most important source to satisfy demand, not only locally. The indigenous hardwood species are by tradition still in high demand, although the supply from easily accessible areas is running out, leading to high prices. Traded products cross country borders between the study countries at border-posts established at highways and roads, as well as between such border-posts to avoid customs procedures. Smuggling of goods also takes place across certain rivers forming borders and across lakes.

In the East Africa region environment is changing, and this is directly affecting forest assets and biological systems and on individuals and their employments - through flooding, avalanches, and dry season.<sup>18</sup> Forest service can assume an imperative part together alleviation and adjustment to climate change and global warming issues, and towards green economy.<sup>19</sup> In any case, there is at present deficient information and absence of exploration on the effects of climate change on forests and biodiversity, and there is a need to fortify the institutional linkages between colleges, universities, people in public forest organizations or agencies and research centers.

The Coastal ecological Zones in East Africa is the Centre of species diversity in African region. This region is covering six countries which include Kenya, Tanzania, Mozambique, Malawi and Somalia. Most of these coastal forests

<sup>18</sup> Leitzmann C, (2003). *Nutrition ecology: The contribution of vegetarian diets*. Am. J. Clinical Nutrition: 78 (3): pp. 657- 659.

<sup>19</sup> Ibid, (2003), p. 661.



are surrounded by poor communities who live in highly fragmented pieces of land and hence have high demand for land for cultivation and extraction of forest resources.<sup>20</sup> Consequently, coastal forests communities benefit from very significant cultural and traditional standards, they get very little support from government and international conservation institutions.

The country consumes various forest products such as sawn wood, fuel wood, charcoal, construction and transmission poles. The construction and woodwork sectors have witnessed rapid growth over the last decade hence require large amounts of material inputs including timber. The woodwork sector that includes house fittings, joinery and furniture require both hardwood and softwood timber. The growing gap between local supply of timber and demand from the construction and woodwork sectors has forced Kenya to progressively increase imports of hardwood from DRC and softwood from Malawi and Tanzania.

The impact of modern environmental challenges of world climate change and global warming which bring about Ozone layer depletion, Ocean rise air pollution and resource depletion due to over exploitation has led to various countries making concerted effort to support and implement issues of environmental protection and conservation. The strategies of environmental adaptation and mitigation have been used to minimized effects of climate change. Some of these include tree planting and planting resistance food crops, irrigation to avoid over reliance on rain fed agriculture which cannot be relied on.

Kenya has identified various challenges of environmental effect brought about by the climate change, buildup of greenhouse gases, pollution from toxic substances and pesticides, extinction of species, forest and marine degradation and poaching all these poses serious environmental, human Security of citizens. The country has brought on board various issues of environment as one of the key pillars in their foreign policy document as one of their major interest It is important to appreciate that as the cradle of mankind and custodian of unique flora and fauna, Kenya takes seriously its obligation to transmit humanity's inheritance to posterity.

Kenya is an exporter of manufactured wood products from plantation softwood trees such as plywood, blockboard, chipboard, carvings, tissues paper and furniture's components. However, no data is available to show the exportation of wood products from hardwood.<sup>21</sup> The trade in woodcarvings

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<sup>20</sup> Zerner, Chrales. *Towards a broader vision of justice and nature conservation*. In: Zerner (Ed.). *People, Plants and Justice. The politics of nature conservation*. Columbia University Press, New York, (2000), pp. 3-20.

<sup>21</sup> Anon., (2014) *China's illegal timber imports ransack Mozambique's forests*, <https://eia-international>.

and Ecotourism provide a market in Kenya's economy. The Wooden carvings models are usually made from hardwoods from natural forest usually imported as logs from Tanzania.

In the Kenyan timber market, most of the hardwood timber is imported to Kenya from East African Countries very little is exported from the Country because Kenya is a timber deficit country. Other wood products imported are poles, charcoal and furniture.<sup>22</sup> Since year 2000, Kenya's importation of hardwood timber has been rising year in year out. Similarly, in 2009/2010, KES3.36 billion (USD42 million) wood products worth were imported into the country from the EAC and the COMESA region (KFS Annual report 2010).

### **Multi-lateral Timber Trade Initiative.**

The Forestry Agencies from Kenya, Uganda, Tanzania and Zanzibar Met in Arusha in 2013 to discuss the resolutions made in Zanzibar under the umbrella of Zanzibar Declaration which focused on trans-boundary forest management and governance. This led to signing of several MOUs aimed at enhancing collaboration with the neighboring countries in order to improve forest management, Governance and forest law Enforcements as pertains to Trans-boundary forest product and timber trade. The main objective of the MOUs were to monitor illegal forest materials and timber across their common border, sharing information with the foresters, security agencies, Joint patrols, Joint Trainings of the Enforcement Officers. Currently an MOU between Kenya and Tanzania, Tanzania and Mozambique is in force while, Kenya and Uganda MOU is in the pipeline. A technical committee to oversee and supervise its implementation was appointed by their respective Directors of Forestry Agencies from the region, in addition, the committee usually submit Quarterly report to a meeting of directors held once a year rotational in all the countries. The initiative have been supported and coordinated by NGOs such as World Wildlife Fund (WWF), TRAFFIC International, and International Union for Conservation of Nature (IUCN), Academia, and civil society Organizations.<sup>23</sup> This multilateral initiative was to implement the East African Community forest Management and protection bill of May 2015, which provided for the management and protection of National forests, Trans-boundary forests ecosystems and to regulate cross border trade on forest products.<sup>24</sup>

[org/chinas-illegal-timber-imports-ransack-mozambiques-forests](http://org/chinas-illegal-timber-imports-ransack-mozambiques-forests).

<sup>22</sup> Bambo, (2015) *An Assessment of the Role of Kenya in East Africa's Timber Trade*. Kenya Forest Working Group (KFWG) for TRAFFIC

<sup>23</sup> *Forest Governance and Timber Trade Flows within, to and from Eastern and Southern African Countries (2014)* DINGS FIMBERTAKEHOLDERS' FORUM

<sup>24</sup> 2015, *East African Community Gazette No 6 of 15<sup>th</sup> May 2015* printed by Uganda Printing press

## Conclusion

It is important to note that cross border timber trade is important to the country's socio-economic development specifically through supplying timber to woodwork and construction sectors. To enhance efficient and legal timber import trade East African countries needs to undertake some strategic decisions that include: enactment of favourable policies and legislation; and engagement with the trading partners to ensure formalization of logging, processing and trade operations. Other strategic decisions include: ensuring adequate coordination and collaboration by relevant institutions; harmonization of policies and legislations; improvement of data collection; standardization of measurements and markings; minimization of clearance and transport procedures; and capacity building of key players on procedures and requirement in cross border trade.

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# WASTE MANAGEMENT AND REGIME IN KENYA

Ms Margaret Karanja, OGW - National Police Service

## Introduction

Waste are as a result, of the day-to-day human activities<sup>1</sup>. Waste should be discarded in a manner that is not risky to the safety of environment as well as for beauty purpose<sup>2</sup>. The urban areas, which are highly populated, are mostly affected due to high quantity of waste that is generated. This therefore calls for rules and regulations to govern conducts on waste generation and disposal.

## Definitions of Waste

“Waste” refers to anything the user no longer want and intends to dispose or discard. The Basel Convention defines waste to mean anything that is disposed or is to be done away with, through the provisions of national law<sup>3</sup>. The Environmental Regulations of 2003 classify “waste as radioactive, liquid, solid, gaseous substances, deposited in the environment in a manner which predisposes the environment to undesired effect<sup>4</sup>.

## Waste Management

Waste management relates to all activities that ensures unrequired products as result of human activities or due to natural occurrences are handled in a manner that is acceptable and that does interfere with a healthy coexistence. It refer to production of waste and how that waste handled after production. It also refer to the monitoring and controlling of all processes that relate to waste handling, from the point of production to disposal<sup>5</sup>. Waste can be in form of solid, liquid, or gaseous and each classification has a stipulated ways of handling.

Waste management has been there, since existence of mankind. Pre-

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<sup>1</sup>Sustainable Solid Waste Management. (n.d.). Retrieved June 30, 2019, from Ministry of Environment and Forestry website: <http://www.environment.go.ke/?p=2430>

<sup>2</sup>Ibid

<sup>3</sup>The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, signed 22nd March 1989, effective 5th May, 1992.

<sup>4</sup>Environmental (Impact Assessment and Audit) Regulations, 2003 (n.d). Retrieved July 10, 2019, from NEMA website: <https://www.nema.go.ke/images/Docs/Regulations/Revised%20EIA%20Regulations-1.pdf>

<sup>5</sup>Definition of waste management (n.d). Retrieved July 10, 2019, from Business dictionary website: <http://www.businessdictionary.com/definition/waste-management.html> retrieved on 3rd July 2019.

historically, paleontologists for purpose of studying and generation of knowledge have used some waste products. For example, the study of excavated bones and broken traditional artefacts has been able to give an indicator of human civilization.<sup>6</sup>

Due to rampant ignorance and lack of awareness, waste that can be recycled, are thrown away. As a result dumpsites places become vulnerable to crowded with waste such as plastic and waste bottles among other waste, which are non-biodegradable. These wastes do not disintegrate or do so in a long time and before then, we have to live with them.

Waste management therefore consists of control of the production, recycling and the last stage of waste disposal. These among other waste management practices, should be observed by various actors, from the individual, household to industrial level. There has been a worrying trend of uncontrolled production and disposal of waste to the environment, which calls for a comprehensive sensitization programme on waste management at all levels.

The ban on plastic bags use was a great step towards redeeming plastic litter-free environment, as they were conspicuously visible all over on the roadsides and dumpsites. An outcry that was short-lived from users, traders and manufacturers of the related products, is a clear indication of selfishness, ignorance and a lack of an awareness on the harmful effects, caused by the widespread nylon waste menace. Deliberate lack of responsibility at all levels and ignorance, are some of the reasons for the increase in unwanted products, some of which could be reused, or recycled. Living in a throw-away-society, that has little or no care for the environment is a cause for alarm and hence the concern for this paper.

## **Waste Management, a local and a global concern**

Waste management is a crosscutting concern and to be applied in all sectors. It touches on all human security aspects such as, environmental, economic, and personal security among others. These human security aspects provides linkages to local and global challenges such resource security, climate change, poverty reduction, and the need for sustainable development.

Rapid population growth and urbanization and has caused utilization of resources in the same rate, and a consequential large amount of waste production.

<sup>6</sup> <https://www.archaeological.org/pdfs/education/Arch101.2.pdf> · PDF file

Globally waste management practices have been observed to be lacking a holistic approach, that address all issues that relate to waste handling in a dynamic environment, a concern that need to be addressed.<sup>7</sup>

## Classification of Waste

There are various classifications of waste popularly known as waste streams. The classifications are based on factors such as the point of production and the nature of the waste. The four major classifications of waste are the domestic, municipal, industrial and hazardous waste. Some groups of waste such as smokes and fumes crosscut all the mentioned classifications. The increasing changes of lifestyle, growth in technology and industrialization has led to emergence of other groups of waste categories such as the undesired electronics and worn out tyres. The following is a highlight of these classifications:-

**Domestic waste:** These are waste derived from the day-to-day domestic activities and are both non-biodegradable and biodegradable. These includes biodegradable such as food and kitchen waste, refuse or trash garbage, biodegradable papers and non-biodegradable such as wrapping materials, plastics, broken glass, glass bottles, cans, metals among others.

**Waste Tyres:** Unappropriated disposals of tyres, such as burning or throwing them in the dumpsite put the health of human and animals at risk. The burning emit soot and greenhouse gases into the atmosphere which pose health risks such as lung cancer as well interference with ecological cycles such as carbon cycle due carbon gases emitted during combustion. The undecomposed parts can cause injuries to both human and animals. The burning of such tyres also cause soil contamination<sup>8</sup>.

**Construction and demolition waste:** These are waste, which arise out of industries dealing with construction works and other related activities such as modelling. They include waste such as unused timbers, iron sheet cut outs, broken ceramic and asbestos. The asbestos is hazardous and poses health risk when improperly disposed or reused.

**Industrial waste:** Industrial waste are both hazardous and non-hazardous depending on chemical composition. These wastes include industrial effluent in form of chemical solvents, industrial solid and radioactive waste among others. Illegally at times, these wastes finds their way into waterways and to

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<sup>7</sup> Singh, Jagdeep&Laurenti, Rafael & Sinha, Rajib&Frostell, Björn. (2014). Progress and challenges to the global waste management system. *Waste Management & Research*. 32. 800-812. Accessed on <https://journals.sagepub.com/doi/abs/10.1177/0734242x14537868> on 17/2/2020

<sup>8</sup> <http://pearlrecycling.com.ng/tyre-burning-a-growing-cause-for-concern/> accessed on 18/2/2020

the dumpsites.<sup>9</sup>

**Biomedical Waste** These are waste produced in medical practices, in health facilities and medical research institutions. The waste are supposed to be disposed in segregated in four-color coded bins; red, yellow, blue and black<sup>10</sup>. Red bin for plastic waste such as injections, syringes, catheter and other tubing among others. Yellow bins holds all waste that are infectious such as bandage, gauzes, cotton, or anything else that meets body fluids. Blue bins for glass waste such as empty medicines bottles, broken bottles, outdated as well as unwanted medicines. Black bin holds sharp objects such as needles without syringes, blades, metals among others. These wastes are all risky and infectious and therefore strict adherence to the procedures of both handling and disposal is called for.

**E-waste:** These are generally heavy metal, materials or products and form component of electronic appliances. Components associated with electronic wastes includes lead, cadmium and brominated flame-retardants among other products of electronic ware after they surpass their usefulness. The trend of the e- waste has been on the rise due to the advancement of the technology sector in Kenya. These wastes are normally hazardous as they are carcinogenic and hence harmful to human health and the environment at large.

**Pesticide Waste:** These are waste originating from chemicals that used to kill pests. All waste related to pest control activities fall under this category. They arise out contamination from pesticides hence are toxic, pollutant and can have negative effect to health of human and animals. They therefore need to be handled carefully, and treated to neutralize these chemical before disposal.

**Used Oil and Sludge:** These are mainly petroleum products derivatives. The poly-aromatic hydrocarbons elements in them make them to have carcinogenic and mutagenic properties and therefore hazardous to living things. They also contaminates the soil if there is a spillage on the ground. Spillage of oil on water bodies cause adverse effect to the living things therein and the adjacent environment. Lessons can be drawn from the Deepwater Horizon oil spill disaster, given different names such as the BP oil spill, the Gulf of Mexico oil spill, oil disaster, oil leak, or the Macondo blowout was an industrial disaster that was experienced in 2010, in the Gulf of Mexico. It has been, considered as the largest disaster of such nature, due to the longstanding negative effect it caused to the marine environment.<sup>11</sup>

**Sludge from the sewage:** This arise out an accumulation of sewage related

<sup>9</sup> <https://www.safewater.org/fact-sheets-1/2017/1/23/industrial-waste> accessed on 18/2/2020

<sup>10</sup> <https://www.bing.com/images/search?q=biomedical+waste+disposal&id=916E3551F3E4F-0998CA0817FD50ECEA9A39FE968&FORM=IQFRBA>

<sup>11</sup> <https://www.britannica.com/event/Deepwater-Horizon-oil-spill> accessed on 18/2/2020



solids mostly in treatment plants. These waste are a times irresponsibly directed into waterways polluting water and making it harmful for human use or crops cultivation. The waste are normally loaded with high amount of heavy metals, which make them hazardous.

Lack of compliance and strict enforcement of the laid down regulations have contributed to some of the challenges relating to waste disposal.

## **Relevant management of waste regime**

### **The Constitution of Kenya:**

‘The Kenyan Constitution, article 42 accord every person, a right to a clean and healthy environment.<sup>12</sup> The fourth schedule part two 2 (g) gives mandate to the County Governments for the removal of refuse, dumps and solid waste disposal within their jurisdictions.<sup>13</sup>

### **The Environmental Management and Coordination Act (EMCA) Act No. 8 of 1999**

EMCA provision 3, accord to all persons in Kenya, a right to a clean and healthy environment.<sup>14</sup> This provision impose a duty to individuals at all levels to do everything possible to ensure the realization of the right.<sup>15</sup>

Section 87 of EMCA prohibits emission or disposal of wastes from within or outside Kenya in a manner that pollute or affect negatively the health of any person.<sup>16</sup> Operations of disposal sites as well as transportation of waste are controlled under the Act. The Act also provides that all activities, which ‘generate wastes’, shall employ measures essential to minimize such wastes through various initiatives such as, ‘treatment, reclamation, or recycling’.<sup>17</sup>

### **Environmental Management and Coordination (Waste Management) Regulations of 2006**

The regulations impose an obligation to all, in ensuring production of waste is maintained at minimal levels. Initiatives such as the three R’s concept in waste management that is reduction, reusing and recycling are therefore called for.<sup>18</sup>

### **The Occupational Safety and Health Act, 2007**

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<sup>12</sup> The Constitution of Kenya, 2010 article 42

<sup>13</sup> Ibid fourth schedule part 2 (g)

<sup>14</sup> Environmental Management and Coordination Act (EMCA) Act No. 8 of 1999 section 3

<sup>15</sup> Ibid

<sup>16</sup> See above, section 87

<sup>17</sup> The Environmental Management and Coordination Act (EMCA), 1999

<sup>18</sup> Environmental Management and Coordination (Waste Management) Regulations of 2006

Provision number 83 of this act, stipulate strict adherence of safety measures in handling chemical waste by workers and impose a duty in development of suitable systems by the employers, for safe disposal of chemical waste.<sup>19</sup>

## **The 1992, Basel convention**

'The Basel Convention on the 'Control of Transboundary Movements of Hazardous Wastes and their disposals', referred to as the 'Basel Convection', is one of the key international treaty that Kenya is a party to. It was designed to cause a reduction of the movements and dumping of hazardous waste to the developing countries from developed countries.<sup>20</sup>The Convention is purposed to reduce the amount and toxic of waste generated, ensure they are environmentally friendly, managed as close to the source of production as possible as well as offering a platform for aiding the less developed countries to realizing these endeavors. The 1998 Bamako Convention on the Ban of the import into Africa and the control of Transboundary Movement and Management of Hazardous Wastes within Africa included radioactive wastes in list of prohibited waste, as this was not included in Basel Convention.<sup>21</sup>

## **Conclusion**

From the foregoing, it is clear that proper disposal of unwanted products at all levels is a requirement and an effort that has to be embraced by all. This is due to fact that poor waste management has resulted to the proliferation of uncontrolled waste disposal, scenarios that has led to environmental menace such as solid wasteland fillings, stagnant wastewater and unpleasant sites and hazards among other consequence of uncontrolled waste disposals.

Waste disposal plan of action is therefore called for. This will not only strengthen local strides toward the agenda but also international efforts towards achievement of sustainable development goals.

Best practices borrowed from guidelines all over the world, are therefore essential in ensuring treatment of waste in specific manners such as recycling for the recyclable, packaging, segregation, labelling, transportation, storage (before disposal), tracking, treatment and disposal. These together, with strict enforcement of laws and regulations that are in place will go along in ensuring appropriate waste management for a clean, safe and a healthy environment.

<sup>19</sup> The Kenya Occupational Safety and Health Act, 2007 section 83

<sup>20</sup> The 1992 Basel convention on the Control of Trans-boundary Movements of Hazardous Waste and Their Disposal pg.1

<sup>21</sup> <https://www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/meeting-international-environmental> accessed on 14/2/2020

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# POVERTY IN AFRICA, THE ROLE OF INTERNATIONAL REGIMES

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Poverty is a condition that presents in lack of and inadequate resources that would enable a human being to live and have a decent and quality life. It is a “lack of basic human needs to sustain as useful and working efficiency such as adequate and nutritious food, clothing, and housing, clean water and health services.”<sup>1</sup> The affected are unable to fulfill basic needs of life. Thus broadly poverty means hunger, indecent housing, diseases, dirty and contaminated water, lack of opportunities to decent employment and even denial of representation and freedom. There are therefore many dimensions of poverty with multiple causes and effects.

Many theories have been used to explain the causes of poverty with some ridiculous assumptions that the poor are as a result of their own making. I choose to use the “structural explanation of poverty.”<sup>2</sup> The conceptual definition poverty is that it is a “direct product of systemic barriers that severely reduce opportunities and access to resources and services and participation in society”.<sup>3</sup> Poverty arises out of the organization in society, which creates unequal opportunities that translate into low wages, none or poor social services, lack of employment and frequent changes in economic policies which lead to impoverishment of the affect people in a community. The inherent barriers that do not allow people to rise beyond their poverty situation include poor health services, lack of educational opportunities, low wages, low access to credit and poor transport and communication infrastructure and non-involvement in the process of policy formulation, all which mean denial of political power and therefore marginalization of large sections of the population.

Those who fall for this persuasion view the only way out is in changing the system and in so doing address poverty. However, systems take long to change and this requires long term strategies. There are various ways through which we can implement policies that address poverty such as lobbying for funds, advocacy, educating people on causes of poverty and its effect and encouraging and supporting social movements that raise awareness and increase their participation in political processes. However, the capacity of a

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<sup>1</sup> Alex Addae-Korankye, Causes of Poverty in Africa: A Review of Literature, *American International Journal of Social Science*, Vol. 3, No. 7; December 2014, pg 148

<sup>2</sup> [https://www.researchgate.net/publication/332963664\\_POVERTY\\_A\\_STRUCTURAL\\_PERSPECTIVE](https://www.researchgate.net/publication/332963664_POVERTY_A_STRUCTURAL_PERSPECTIVE)

<sup>3</sup> RoniStrier, Community Anti-Poverty Strategies: A Conceptual Framework for a Critical Discussion, *The British Journal of Social Work*, Vol. 39, No. 6 (2009), pp. 1063-1081 :1073

people to rise above their social situation is affected by social structures that limit those affected by poverty from coming together to effect change. This is because those living in poverty are not found within one geographical area and therefore communication and social interactions are limited. Moreover, the levels of education and exposure are varied.

The industrialised and developed countries such as the United States of America, Britain, Germany, and France have used the Internal Financial Institutions (IFIs) such as, the World Bank, the International Monetary Fund and the General Agreement on Trade and Tariffs (GATT) today referred to as, the World Trade Organization to provide financial and trade conditions for giving loans to the needy countries. These have been referred to as the Structural Adjustments policies (SAPs). "Structural adjustments were advocated or mandated in five areas: trade liberalization, exchange rates, tax reform, financial reforms and public enterprises reform and privatization"<sup>4</sup>

This means that for a country to qualify for a loan or financial assistance, such a country had to abide by some or all of the above conditions and in so doing; reduce government spending and institute austerity measures, raise taxes and improve tax collection by widening tax bracket and ensure tax compliance. Other conditions included control of inflation through higher interest rates, privatization of government enterprises and opening of markets and economy to free trade by removing tariff barriers. Further, countries were expected to end food subsidies and devalue their currencies in order to allow competitiveness.

These policies were applied to African countries' economies in the 1980s, where by 1982, the debt levels, had reached a very high proportion which gave the developed countries the opportunity they needed to use the IFIs to impose SAPs on the indebted countries. Therefore African countries became dependent on the International Financial Institutions and SAPs became associated with IFI lending. From the perspective of the United States of America, which determines who is appointed to the office as President of the World Bank, the SAPs became the panacea for developed nations in handling debts issues from the poor and needy countries in the 1980s.

The above prescription by the international regimes on African countries constituted the use of austerity measures that reduced spending on social development which meant that expenditure on social welfare which would benefit the poor in society was reduced. This raised unemployment rates and negatively affected economic growth. In the same way, the increase in

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<sup>4</sup>Brian F. Crisp and Michael J. Kelly, 'The Socioeconomic Impacts of Structural Adjustment', *International Studies Quarterly*, Vol. 43, No. 3 (Sep., 1999), : 537

taxes and interest rates meant that aggregate demand for goods and services was reduced. This is because many people could not afford basic goods and services. This meant that the low income earners continued to be poorer with a low quality of life.

The economies of most African countries were dependent on agriculture. The removal of food subsidies meant that governments could not subsidize production costs. The effects of this were that farmers could not afford the necessary farm inputs such as quality seeds, fertilizers, pesticides and farm machinery. This therefore led to low production and poor quality of both food crops and export commodities. In addition, the products were not competitive in the market as a result of high producer prices. This also meant that these commodities continued to fetch a low price in the market.

It was assumed that privatization of state-owned enterprises would improve efficiency and productivity since the focus of private firms is to maximize on profit and efficiency. However, by the 1980s such privatization was only meant to benefit foreigners who were the owners of capital that could be invested in these firms. The majority of African population composed of poor people with little or no formal education or income sources that could raise capital to participate in these enterprises. This therefore was a means of impoverishing Africans further since they could not compete with foreigners in such investments.

The situation was further aggravated by the de-regulation of markets and opening of the economies to free trade. It was in the interest of the international regime of GATT to removal all trade barriers with the assumption that free trade would encourage competition and therefore provide more commodities in the market at lower prices. However, this was ironical as one could not compare industrial products from developed countries with those of Africa which had only basic processing industries. This was another way of impoverishing Africa as it meant that African industries had to close and the raw material be exported for processing in the developed countries. This was made worse by the requirement that African countries devalue their currencies which led to higher import prices.

This means that structural adjustment policies, in their application to developing economies was inappropriate and led to reduced economic growth and increased inequality. While proponents of structural adjustment (the International Regimes) and their sponsors contend that these free-market reforms are necessary in driving an open and efficient economy and that this would lead to improve living standards and less relative poverty, it's evident that the reverse happened in Africa.

There was an attempt to institute some adjustments to structural adjustment policies to include a component of poverty reduction. This was after noting that poverty levels were not going down. The structural adjustment had failed to address the rising poverty situation which negated the donor community prescriptions. This was known as, “Poverty Reduction Strategy Papers (PRSP)”<sup>5</sup> These are development plans with guidelines from the Bretton Woods institutions focusing on what were considered to be poverty reduction strategies. These plans were applied to the developing countries of the world. They were imposed as a conditionality of these International Regimes on the developing countries before receiving loans from them. “The PRSP preparation involves a two-stage process. Countries must first prepare an interim PRSP (I-PRSP), which is intended as a roadmap for preparation of the full PRSP. The I-PRSP paves the way for the country to qualify for its ‘decision point’ and interim support (or a loan) from the IMF’S Poverty Reduction and Growth Facility”<sup>6</sup>, The Bretton Woods institutions used the policy papers as the condition for all lending to the developing countries. The implementation of the PRSPs also were not integrated in the usual development planning but run parallel to the developing countries plans prepared by these countries. Thus much of the donor funding went to processes rather than actual pro poor initiatives. This therefore meant that the PRSPs became a “parallel planning process to the pre-existing planning process in recipient countries and involved a lot of donor assistance in their preparation and continue patterns of donor conditionality”<sup>7</sup> which had no material value. With the implementation of these plans, it was expected that economic growth and poverty reduction would be gained but the reverse happened. These countries were unable to service the debt and poverty levels went higher. These prescriptions were applied to all developing countries as if they were all homogenous in their social, political and economic structures.

Another tool that has been used to address the situation of poverty has been the use of foreign aid. Foreign aid has been considered as a means of transforming Africa in terms of poverty eradication according to the donor community. This has however been used by the international Regimes to further their political and economic agenda and not to the benefit of Africa’s poor as

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<sup>5</sup> Bretton Woods Project; *Poverty Reduction Strategy Papers (PRSPs): A Rough Guide*, April 2003 (Revised 9 April 2003), [https://www.brettonwoodsproject.org/topic/adjustment/prsp\\_roughguide/prsp\\_roughguide.pdf](https://www.brettonwoodsproject.org/topic/adjustment/prsp_roughguide/prsp_roughguide.pdf)

<sup>6</sup> FantuCheru, Building and Supporting PRSPs in Africa: What Has Worked Well so Far? What Needs Changing? *Third World Quarterly*, Vol. 27, No. 2 (2006): 356

<sup>7</sup> Matthew S. Winters, “Accountability, Participation and Foreign Aid Effectiveness, *International Studies Review*, Vol. 12, No. 2 (June 2010), pp. 218-243 :237

is portrayed on face value. Foreign aid provision has been tied to conditions that include conformity by the recipient countries to conditionalities in the structural adjustment programmes and in a way that they directly benefit the givers. “In the United States, in particular, there is a powerful and growing lobby which is arguing that aid should be used exclusively for the purpose of enhancing US trade and investment interests.”<sup>8</sup> This means that foreign aid has been used as a political and foreign policy tool towards the developing countries.

In Kenya for example, the Australian government provided aid to fund a poverty alleviation project in Kilifi County called Magarini Settlement project in 1977. The Austrian government needed to get reed of the negative tag associated with it towards development assistance and thus her “desire for a project ‘somewhere in Africa’ to deflect African leaders’ charges that Australia was a bastion of white racism.”<sup>9</sup> The Kenyan government saw it as an opportunity to develop one of her dry lands using the Australian expertise. In relation to other settlement schemes in Kenya, its unique characteristic was the fact that it was the only scheme within a semi-arid region and was used as a pilot scheme for subsequent replication in similar areas if its implementation became successful.

The results were however disastrous as its implementation strategy failed to recognize the local need that included public participation. The entire project was a waste of resources and an embarrassment to the Australian government. The people within the project area are poor and one cannot identify the project site today except for one or two water borehole which the population is struggling to maintain and a housing estate whose walls have gapping cracks as a result their construction on calcareous limestone which is fast weathering. Today, the Giriama people who were the beneficiaries of the project are worse off than they would have been without the project assistance. There is no evidence or trace of any development effort worth mention. Failure by the donors to appreciate the local community’s value in implementation and the local climatic conditions, were the sure way to their ultimate ineffectiveness. “Sensitivity to local conditions and culture would have avoided some of the more obvious pitfalls, especially the miscalculations of rainfall and inappropriate purchase of equipment. Likewise there is no doubt that an awareness of traditional values can lead to smoother project implementation,

<sup>8</sup> Roger C Riddell, The End of Foreign Aid to Africa? Concerns about Donor Policies, *African Affairs*, Vol. 98, No. 392 (Jul., 1999), pp. 309-335 : 320

<sup>9</sup> Doug Porter, Bryant Allen and Gaye Thompson, *Development in Practice, paved with good intentions*, Routledge, London, 1991, pg 4



and that such lessons should be taken to heart.”<sup>10</sup>

## What way forward?

Africa remains poor as a result of the economic policies of the International Regimes. The conditions placed by developed countries have assumed that African states are a homogenous entity that can be governed by a set of prescriptions that have been applied as though they were universal laws of nature. These conditions as seen in the SAPs, Foreign aid and PRSPs have heightened the levels of poverty and their assumed benefits to African economies have not been realized.

Poverty levels have continued to rise despite the prescriptions by the International regimes. It is clear that these prescriptions have been applied not with the interest of African Countries, but to further the economic interests of the developed countries. These interests have been in markets for their goods in Africa, political domination, sources of cheap raw materials and as objects of manipulation in their global foreign policy strategies.

For Africa to rise out of this poverty situation, home grown solutions are required. These solutions must be relevant to the social, economic and political realities of the continent. These realities will take into account the peoples' culture and in so doing education is an important and useful vehicle in raising the awareness of our people about the historical realities of the African continent and in impacting the necessary skills and attitude that will turn around the current poverty situation.

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<sup>10</sup> Tony Waters, (Reviewed Work(s)): Development in Practice: Paved with Good Intentions by Doug Porter, Bryant Allen and Gaye Thompson: *The Journal of Modern African Studies*, Vol. 31, No. 3 (Sep., 1993), pp. 513-515 :514

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# EFFECTS OF CLIMATE CHANGE ON FOOD SECURITY IN KENYA

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Climate change has been responsible for several calamities the world over. The world is witnessing a gradual increase in the rate of air and sea temperatures, melting of ice and rising global sea levels. The rising temperatures, threats to species, reduced crop productivity, changes in wind and its effects on precipitation patterns, rise in sea level, coastal flooding and erosion are some of the effects associated with climate change. Further, there has been an increase in spread of contagious diseases as well as concurrent impacts on economic and social wellbeing.<sup>1</sup> Natural disasters such as floods have led to the destruction of infrastructure such as roads, buildings, and housing. Societies in Africa are witnessing increased conflicts and ethnic strife as communities fight for dwindling natural resources. A new phenomenon, climate refugees, has arisen with individuals migrating from low lying areas in search of livelihood.

Different models over the last Century project future changes in climate as the Green House Gases (GHG) continue to increase with temperatures forecasted to rise to between 1.5°C and 4°C at the end of this Century. Increases in GHG concentrations will lead to increase in both occurrence and magnitude of temperature and moisture.<sup>2</sup>

The planetary, geophysical and chemical systems are changing due to human influenced biotic and abiotic factors. It is estimated that 24% of all Green House Gases are as a result of global agriculture and human food production activities. Other sectors GHG emissions are; energy and heating – 25%, construction and housing – 6%, conveyance – 14%, manufacturing and production – 21% and other energy 10%.<sup>3</sup> For example, herbivore production accounts for substantial amounts of methane gas released to the environment even though it is a key activity in meeting food demands. The threat to food security therefore remains real especially with the world being unable to contain the rapid change in climate by maintaining the temperature rise within

<sup>1</sup> Macdonald R. W., Harner T., Fyfe J., *Science of the Total Environment*; Vol. 342 Issue 1-3, 2005; Grantham H. S. et al, *Ecosystem-based Adaptation in Marine Ecosystems of Tropical Oceania in Response to Climate Change*; Pacific Conservation Biology 17 (3), 2011

<sup>2</sup> Schaeffer M. et al, *Adequacy and Feasibility of the 1.50 Long Term Limit*, 2013

<sup>3</sup> Edenhofer et al, *Climate Change 2014 Mitigation of Climate Change*, Working Group III Contribution to the Fifth Assessment Report of the Intergovernmental panel on Climate Change, Cambridge University Press, Cambridge, 2014

the 2<sup>0</sup> C edge. This has put the world into a dilemma of choosing between food production and mitigating climate change.

Humans are constantly clearing land for food production as well as for their livestock, fish and other domesticated animals. It is estimated that 40% of the earth's surface has been converted to crop land and pasture.<sup>4</sup> The act of encroachment of humans on wildlife habitat has led to emergence of infectious diseases in humans majorly from non-domesticated animals.<sup>5</sup> Agricultural expansion has contributed to habitat loss threatening wild species with estimates indicating that 16% of species are in danger of disappearing because of climate change.<sup>6</sup>

The first part of this century is forecasted to experience a temperature rise of about 2<sup>0</sup>c. This change is projected to advantage crop and grass harvests in moderate climate regions but reduce the harvests, nevertheless see a reduction of harvests in all regions since the world will witness further increase in temperatures.<sup>7</sup> Results from Agro-PEGASUS, one of the crop growth simulation models, predicts an increase in maize and soy beans yields in high income countries with a slight fall in wheat yields, with a temperature increase of 2<sup>0</sup> C.<sup>8</sup> The developing countries that are also the bottom most income countries also see the steepest losses in harvests. The little reaction of C<sub>4</sub> crops to elevated CO<sub>2</sub> makes maize and other coarse grains most vulnerable to climate change.<sup>9</sup>

## Africa's Perspective

While climate change is a worldwide occurrence, its impact differs depending on regions, with the developing world being the most affected.<sup>10</sup> According to Stern 2007, "while all geographical areas will ultimately feel the impacts of climate change, it will have lop-sided damaging effects on the emerging countries and particularly in poor societies who are at present barely

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<sup>4</sup> Foley et al, *Global Consequences of Land Use*, Woods Hole Research Center, Woods Hole, MA 02543, USA, Vol. 309, 2005

<sup>5</sup> Jones K. E. et al, *Global Trends in Emerging Infectious Diseases*; Nature 451, 2008

<sup>6</sup> Veach V, Moilanen A, Di Minin E, *Threats From Urban Expansion, Agricultural Transformation and Forest Loss on Global Conservation Priority Areas*, PLoS ONE 12(11): e0188397, 2017

<sup>7</sup> Tabiello & Rosenzweig et al, *National Aeronautics and Space Administration, Goddard Institute for Space Studies*, 2008

<sup>8</sup> Deryng D, Sacks W J, C B Bardford & Ramankutty N, *Simulating the Effects of Climate and Agricultural Management Practices on Global Crop Yield*, 2009

<sup>9</sup> Long S. P. et al, *Food for Thought: Lower-Than-Expected Crop Yield Stimulation with Rising CO<sub>2</sub> Concentrations*, Science, Vol. 312, Issue 5782, June 2006

<sup>10</sup> Fischer G., Shah M. M. & van Velthuizen H T, "Climate Change and Agricultural Vulnerability", IIASA, Laxenburg, Austria, 2002

surviving”.<sup>11</sup>

There are an estimated 800 million poor worldwide, most of whom are children under the age of five, most affected by climate change. The most vulnerable region is Sub-Saharan Africa, whose rural population is dependent on agriculture for livelihood and the current poverty level is 40%.

Food and Agricultural Organisation indicates that “climate change will play an increasingly important role in Africa, as elsewhere during the course of the 21<sup>st</sup> century. Rising temperatures and increased frequency of extremely dry and wet years are expected to slow progress towards increased productivity of crop and livestock systems and improved food security particularly in Africa south of the Sahara”.<sup>12</sup> Global warming has brought about the unique character of climate systems in Africa, making it an added burden to food security and rural livelihoods. Effects of climate change are projected to worsen the already bad food situation that the continent is facing by narrowing food access networks and reducing efforts to increase food productivity.<sup>13</sup>

About 80% of world’s food is produced by family farms. Sub Saharan Africa has lagged behind in terms of technology and greatly depends of rain fed agriculture for food production. Climate change has brought about uncertainty as the once predictable weather patterns have ceased to exist. The development has seen an increase of failed crop seasons leading to intermittent hunger and famine. The International Food Policy Research Institute predicts that global maize production will be reduced by 24% by 2050.<sup>14</sup> This prediction worsens the already dire situation that the Sub Saharan Africa is facing.

According to Lobell & Field 2007, there has been a gradual decline of maize yield since 1980 due to global warming.<sup>15</sup> The trend will continue with 2050 experiencing further yield reduction. The overall losses of cereals and oil seeds will range around 10% with the worst case scenario of 50% loss for oilseeds while millet will have the least climate change effects.

A large percentage of the poor in most parts of the Sub Saharan Africa have been earning a living from natural goods which include; firewood, bush meat, fish and wild plants among others.<sup>16</sup> In Zimbabwe and Malawi for example, households headed by males rely mainly on environmental products for

<sup>11</sup> Stern N., *The Economics of Climate Change; The Stern Review*, Cambridge University Press, 2001

<sup>12</sup> Turrall H., Burke J., Faures J. M., *Climate Change, Water and Food Security*; FAO, Rome, Italy, 2011

<sup>13</sup> Ibid

<sup>14</sup> <https://www.ifpri.org>

<sup>15</sup> Lobell D. B., Field C. B., *Global Scale Climate-Crop Yield Relationships and the Impacts of Recent Warming*, Research Letters, Vol. 2, No. 1, IOP Publishing, 2007

<sup>16</sup> Cavendish W., *Empirical Regularities in the Poverty-Environment Relationship of Rural Households*, Evidence from Zimbabwe, World Development, Vol. 28, Issue 11, 2000

income.<sup>17</sup> These households have literally been watching as their once source of livelihood dwindles owing to the serious effects of climate change.

Reduced food availability caused by climate change has exposed most Sub Saharan countries to poverty especially in low income households. The effects are not only being witnessed by households that are primarily farmers, but also non-farming households who have to increase their food budgets or reduce their food portions adversely affecting their nutritional intake. Adverse climate change in the region has led to reduced food outputs and increased food prices to end users. Although the reverse is true, where increase in prices hurts the consumers while it benefits the farmers due to inelastic demand for their products, this is not a typical scenario for most rural farmers in the region.

Climate change has also had adverse effects on economies of some Sub Saharan African countries. For instance, Zambia's Gross Domestic Product (GDP) has been reducing by 0.4% points per year for the past three decades, translating to US\$4.3 billion loss over a ten year period. The effects of which resulted to keeping about three hundred Zambians below the poverty line by 2016.<sup>18</sup>

The 2007 Panel on Community Development on Climate Change and the Impact of Climate Change on African Agriculture is with us. Most Sub Saharan African countries are experiencing prolonged droughts, floods and el-nino while fertile agricultural land is being replaced by low potential land. The continent is steadily witnessing an increase of semi-arid land and the area is likely to hit the estimated 60 to 80 hectares if mitigation efforts are not put in place.<sup>19</sup> The Grantham Research Center estimates that global warming could cost Africa between US \$ 50billion and US \$ 100billion by 2020. World Bank estimates indicate that in excess, Sub Saharan Africa will pass through Asia as the world's wealthiest region.<sup>20</sup>

The Eastern and Southern Africa regions faced the most severe drought in decades in the year 2016 leading to famine and hunger.<sup>21</sup> The maize fields in the regions were further invaded by army worms which aggravated the situation leading to a decline in maize yields. Changes in temperatures during the drought period together with moisture conditions have been identified as having contributed to crop diseases and migration of pests to new areas.

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<sup>17</sup> Cavendish W., *Empirical Regularities in the Poverty-Environment Relationship of Rural Households*, Evidence from Zimbabwe, World Development, Vol. 28, Issue 11, 2000

<sup>18</sup> Thurlow et al., *"The Impact of Climate Variability and Change on Economic Growth and Poverty in Zambia"*, GTAP Resource No. 3144, 2009

<sup>19</sup> <https://www.ipcc.ch2007>

<sup>20</sup> <https://www.worldbank.org/en/topic/agriculture/brief/ensure-food-security>

<sup>21</sup> <https://www.oneacrefund.org>

Between 1961 and 2014, Africa has lagged behind with regard to crop yield compared to North America, East Asia, South America and South Asia. Africa is the fastest growing continent in terms of population, yet it is the worst hit by the consequences of climate change.<sup>22</sup> The trend is attributed to the continent's inability to practice irrigation farming and commercial fertilizer use. Because of continued practice of traditional farming methods, soil nutrients continue to be depleted in many areas leading to low crop yields. The average cereal yield in the continent stands at 1.5 tons per hectare, which is half of what South Asia produces and 20-25% of what East Asia and North America produce. Similarly, the maize yield represents 20-25% of the potential yields in the region.<sup>23</sup>

According to GueilArtan (IGAD), the greater Horn of Africa region is experiencing rise in temperatures which are projected to continue increasing in future, with July of 2019 being the hottest since IGAD started taking weather records. Similarly, analysis trends since 1981 to 2010 indicate that durations of the three seasons are reducing because of late onset and early withdrawal of rains. The weather changes being witnessed in the Horn of Africa include; increased temperatures, shorter seasons coupled with unpredictable rainfall, and increased intensity and frequency of extreme weather. Climate change has rendered 27 million people food insecure in the IGAD region, 11.9million of them directly from climatic shocks.<sup>24</sup>

## Situation in Kenya

Situated within the Sub Saharan African region, Kenya is currently experiencing most of the projected climate change effects. The last three decades have seen Kenya experience adverse weather patterns which include severe floods, heat waves, drought, and increased rainfall leading to landslides, among others. Both the country's and night and day temperatures have been on the rise since the 1960s.<sup>25</sup> Minimum night temperature has risen by between 0.7°C and 2°C while that of the day has risen by between 0.2°C and 1.3°C depending

<sup>22</sup> Keith D. W et al, *Effects of Climate Change on agriculture and food security in Africa*, RESAKSS Annual Trends and Outlook Report, 2017

<sup>23</sup> van Ittersum M. K. et al, *Can Sub-Saharan Africa feed itself?*, PNAS, 2016

<sup>24</sup> <https://www.nation.co.ke> *What erratic weather means for farmers*, Guleid Artan, Director of the Climate Prediction and Applications Centre; part of the Intergovernmental Authority for Development (IGAD)

<sup>25</sup> GOK National Climate Change Response Strategy: Ministry of Environment & Mineral Resources, Nairobi, 2010



on season and region.<sup>26</sup> Western Kenya has had an annual rainfall increase of approximately 2.3mm/annum between 1962 and 2001 with a significant increase in the highland areas. The reverse has occurred in the lowlands which have experienced increased temperatures within the same period.<sup>27</sup>

The country has witnessed irregular rainfall patterns with extreme deluges leading to many parts experiencing flooding which appears in cycles with severe droughts. For instance, Kenya witnessed El nino related floods from 1997 to 1998 and also in April and May 2003, a phenomenon that led to destruction of agricultural crops, land degradation due to increased soil erosion, infrastructural destruction where dams were washed away and protective dykes breached endangering human and livestock lives. Between 1998 and 2000, the country witnessed lanina related severe and prolonged drought which affected food production in the whole country. It is estimated that between 1997 and 2000, the country the two phenomena costed the country about Kshs.290 billion.<sup>28</sup> Crop yields reduced during the period due to the fact that Kenya majorly depends on rain for both economic and social development.

Agriculture is the economic mainstay in Kenya, with crop farming, dairy and traditional livestock keeping being the main activities. Rain water which discharges into the rivers is used for domestic and other uses. The droughts that have occurred in the country have affected the agriculture sector with a systematic yield reduction each passing year. The per capita water availability in Kenya is very low and is expected to worsen due to population growth and environmental degradation, with the aggregate water demand expected to rise by the year 2020.<sup>29</sup> The annual costs of climate change in Kenya are projected to reach between 1-3 billion US\$ by the year 2030.<sup>30</sup>

Northern Kenya region has had devastating effects from climate change with the largely pastoralist communities experiencing loss of livestock which is their mainstay. Due to the semi-arid nature of their habitation, climate change has exacerbated their situation through prolonged droughts and floods leading to massive animal losses. The devastating losses have been compounded by

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<sup>26</sup> GOK National Climate Change Response Strategy: Ministry of Environment & Mineral Resources, Nairobi, 2010

<sup>27</sup> Githui F et al, *Climate Change Impact on SWAT Simulated Streamflow in Western Kenya*, International Journal of Climatology, Vol. 29, Issue 12, 2009

<sup>28</sup> Mogaka H. et al., *Climate Variability and Water Resources Degradation in Kenya: Improving Water Resources Development*, World Bank Working Papers, 2005

<sup>29</sup> Mogaka H. et al, *Climate Variability and Water Resources Degradation in Kenya, Improving Water Resources Development and Management*, World Bank Working Papers, 2005

<sup>30</sup> GOK National Climate Change Response Strategy: Ministry of Environment & Mineral Resources, Nairobi, 2010

the herders' failure to make use of modern weather forecasts.<sup>31</sup>

The Intergovernmental Panel on Climate Change, 2007, projects rising sea levels of up to 1 meter at the Kenyan Coast by 2050, which will result to an estimated US\$500million worth of losses of three crops; mangoes, cashew nuts and coconuts.<sup>32</sup>

According to Kabubo-Mariara and Kabara, changing rainfall patterns and shorter crop seasons in Kenya have been responsible for reduced crop yield for maize, beans and millet. Different crops respond differently to climate change. Higher temperatures during planting slow down or destroy the growth of crops, while winter temperatures are an important factor in crop maturation.

Estimates on crop production for future climate change indicate that food security in Kenya will be severely affected by 2100, with yields falling to 69%.

Drought has a net impact on food security. Decrease in commercial crop exports leads to loss of foreign exchange to the country and, in turn, weakness in payments. On the other hand reduced staple food production has an adverse effect on the country's population because it causes starvation and malnutrition. Being the cheapest source of calories amongst cereal grains, maize is a major staple food in Kenya and therefore its production is a good and reliable indicator of food security in Kenya. Maize production in Kenya is largely dependent on climate and therefore inadequate rainfall together with drought will definitely cause a crop failure. A study conducted by George Kariuki, Jeniffer Njaramba of Kenyatta University and Charles Ombuki of Machakos University, concluded that overall, temperature rise has a negative impact on maize yields.<sup>33</sup>

The gap between maize production and demand has been widening in Kenya and importation of maize to fill the deficit is becoming frequent. For instance, Kenya imported more than 77,000 tonnes of maize in 2018, the highest such quantity of the staple food to be imported in the last five years. This was due to a combined effect of drought and the fall army worm pest brought about by the harmful climate change phenomenon.

## Conclusion

Food is an important part of the community as it ensures a healthy and

<sup>31</sup> Luseno W. K. et al, *Assessing the Value of Climate Forecast Information for Pastoralists, Evidence from Southern Ethiopia and Northern Kenya*, World Development, Vol. 31, Issue 9, 2003

<sup>32</sup> IPCC "Climate Change 2007: Impacts, Adaptation and Vulnerability", 450

<sup>33</sup> Kariuki G, Njaramba J, Ombuki C, *Climate Change and Maize Yield in Kenya: An Econometric Analysis*, Machakos University Kenya, 17th – 19th April 2018

productive society for developing countries. It is important that policy makers do their part in the international system to mitigate the negative impacts of climate change if there is a global system. We need to promote alternative energy sources and green practices aimed at reducing the rate of rising global temperature to control the rapid climate change that is currently occurring.

So as to ease the climate change effects on food security, there is need for Climate Smart Agriculture (CSA) practices. In Kenya, efforts geared towards strengthening adaptation and resilience to climate change are paramount if the country is to improve its food production.<sup>34</sup> Access to better farm inputs together with training on agriculture are some of the ways that crop yields can be improved as they will tamper with the adverse effects of extreme weather thereby alleviating food insecurity. Subsistence farming methods also have the potential of benefiting soils. Efforts to reduce Green House Gases in the atmosphere need to be hastened in order to slow the depletion of the ozone layer by increasing carbon sinks through afforestation, an exercise that will also improve rainfall.

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<sup>34</sup> Food and Agricultural Organisation, *Multiple Dimensions of Food Security; The State of Food Insecurity in the World*, Rome, 2013

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# SUSTAINABLE ENVIRONMENTAL DEVELOPMENT, A MYTH OR A REALITY IN DEVELOPING COUNTRIES

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## Introduction

In the 21st Century, humanity has made great progress in the fields of science and technology, thereby making human life more comfortable. However, do we ever think of the impact it has on our environment? Poor waste disposal methods, over population both of humans and livestock, loss of biodiversity, pollution, deforestation, water scarcity, siltation and water pollution are some of the environmental challenges today.<sup>1</sup> These problems are more prevalent in the developing countries due to other prevailing factors such as poverty, poor governance, improper implementation of the environmental related policies and low participation of women and youth on resource management decision making (inequalities). To address these challenges, it's imperative that we live within environmental restrictions and respect for human rights.

## Environment

Environment is regarded as habitat for man and it provides several goods and services which economists refer to as factors of production.<sup>2</sup> Environment consists of all external influences that include both Abiotic and Biotic factors that affect both live functions like growth, reproduction and production activities.<sup>3</sup> It's the totality of all these that determine local and distribution patterns of living things. Environment is not static, it changes with time and space and all living organisms respond to such changes. Shifts in environment conditions within space and time may cause extinctions of local population or may promote the dominance of certain species. Environmental relationships are complex, highly interactive and very important. The technical term for this interaction is *holocoenotic*.<sup>4</sup> The environmental factors operate simultaneously and inter-dependently, the consequences of which is modification of environment and intern modifies the organism within its locality.

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<sup>1</sup>The nature conservancy, 2017. *The Biggest Environmental Challenges of 2017*.

<sup>2</sup>Mozhi Mullai, 2010. *What is Environment?*

<sup>3</sup>Stewart, 2019. *Understanding the effects of Biotic and Abiotic factors on Sources of aquatic environmental DNA*.

<sup>4</sup>Aquino Jastine 2017. *Holocoenotic Environment*

Among all the interactions anthropogenic stress has come out to be very significance destructive factor of the world important ecosystem because of negative and positive impact on the environment. Societal customs, their values, Norms and practices influence the Nature of Institutions which literally governs the Legacy that is passed on from one generation to the other. This legacy is in the context of Natural Resources that man depends on for survival. Some of the impacts include chemical pollution e.g. use of pesticides, industrial compounds, radioactive isotopes, heavy metals, fertilizers, oil, acid rains and smog. All these are consequences of human activity in the atmosphere.<sup>5</sup> Thermal pollution - discharge of heat from plants, Noise pollution, Habitat destruction and alteration are among serious impact on the environment.

It's important to understand the relationship between *Population*, *Environment* and *Sustainability*. This is because the environment is home to *homo sapiens* reason why man should conserve and manage the environment critical to his survival. In relationship between the environment and development, there are two schools of thought: Developmentalists and Environmentalists. The developmentalists are worried over several issues which include: Poverty, Low income per capital in developing countries under the development of agriculture sector, Lack of industrial development, progressive demographic transition and low quality of public services & utilities and Poor governance.<sup>6</sup> Developmentalists argue that the earth is able to support much larger population than its supporting today and that there are unlimited possibilities of exploiting both renewable and non-renewable resources for considerable time to come. They cry halt to development as a ploy to keep the poor countries in a perpetual poverty for the sake of supporting high living standards for sake of development countries.

On the other hand, the Environmentalists support the Malthusian theory of population; 'the principle of population' they propose a go slow on development if it can't be stopped so that the environment is not hurt.<sup>7</sup> They are proponents of limit growth hypothesis. This idea is mostly supported by biologists, ecologists and some economists. To the Environmentalists, Development is the slow path to environmental degradation. Despite these different views, the world is slowly coming to a consensus after research meetings globally. Demographic factors are key sustainable environmental development especially in developing countries. The environment must be protected as we manage the high populations. Secondly there is need for

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<sup>5</sup> Daughton CG, 2005, *Emerging Chemicals as Pollutants in the Environment*

<sup>6</sup> UNACTAD, 2013. *Rethinking Development Strategies After the Financial Crisis*. Volume II: Country Studies and International Comparisons.

<sup>7</sup> Argwal Prateek, 2019. Malthusian Theory of Population.

trade-offs between poverty and pollution. There is need to check consumption exploitation of the rich countries which is based on the use of high level of science and technology. Existing evidence show that consumption exploitation leads to environmental damage.

The world today is discontented with progress of development being achieved inequitably in global society. There is a remarkable difference between the poor and the rich, this disparity in development is a major cause of global insecurity. There is evidence that developing countries are experiencing environmental degradation. There is also evidence that pollution is largely caused by effluents and poverty, hence justifying the involvement of the rich and the poor. In some cases, the rich and the poor work together to damage the environment. The poor people especially in developed countries are deforesting their environment in the name of export to developed countries. The developing countries are demanding a healthy sustainable environment, however to achieve it is the challenge.

## **Sustainable Development**

United Nations Development Program (UNDP) 2018 defines Sustainable development as “a pattern of resource use that aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for future generations to come”. “It is the development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.<sup>8</sup>

Humanity social challenges and natural systems carrying capacity are both considered in shaping Sustainable development of ant country. Earlier “sustainability” was engaged to mean economy “in equilibrium with basic ecological support systems”. Environmentalists have reflected “limits of growth” as a concern and presented the alternative of a “steady state economy” towards addressing environmental challenges. According to UNDP 2018 Report, “Sustainable Development Goals (SDG’s2015) are the blueprint to achieve a better and more sustainable future for all”. A wide range of global challenges e.g. poverty, inequality, climate change and environmental degradation are addressed by SDG’s projected to be achieved by 2030.

According to United Nations 2017 Report on Balancing the Pillars, “the field of sustainable development can conceptually be broken into three components: environmental stewardship sustainability, economic growth sustainability and sociopolitical sustainability”. The three main pillars are also

<sup>8</sup> UNDP 2018. Sustainable Development Goals



commonly referred to as planet, people and proceeds. These “interdependent and mutually reinforcing pillars” of sustainable development are referred to as *economic development*, *social development*, and *environmental protection*, according to the United Nations 2005 World Summit Outcome Document.<sup>9</sup> Through the United Nations Permanent Forum on Indigenous Issues and the Convention on Biological Diversity, indigenous people have argued that there is a fourth pillar of sustainable development which is cultural. According to Universal Declaration on Cultural Diversity<sup>10</sup>, “the cultural diversity is as necessary for humankind as biodiversity is for nature”; it becomes “one of the roots of development understood not simply in terms of economic growth, but also as a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence”. Cultural diversity is then identified as the fourth pillar of sustainable development.

In Economic Sustainability, a country is required to use its resources efficiently in order to produce an operational profit for business proliferation. According to Agenda 21, information, integration, and participation are key building blocks for a country to achieve development that recognizes the above codependent pillars. In sustainable development, everyone provides and uses information. There is need to change from old sector-centered ways of operations to cross-sectoral new approaches which emphasizes on co-ordination and the integration of environmental and social issues in all development procedures. Agenda 21 further emphasizes on comprehensive public participation in decision making which is a fundamental precondition for attaining sustainable development.<sup>11</sup>

According to Hasna, sustainability is the development of all aspects of human life that affect existence. The production and consumption of goods and services characterize the main drivers of economic growth that improvement the quality life. They can however affect it negatively. There is need for addressing conflict between the several competing goals, and synchronized pursuit of *economic prosperity*, *environmental quality* and *social equity*; the three dimensions. The ‘destination’ of sustainability is not a fixed place in the normal sense that we understand destination. It is a set of wishful characteristics of a future structure.<sup>12</sup>

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<sup>9</sup> UN, 2017. Balancing the Pillars: *Eradicating poverty, protecting the planet and promoting shared prosperity*. Together 2030 Written Inputs to the UN High- Level Political Forum (HLPF)

<sup>10</sup> UNESCO 2001, *UNESCO Universal Declaration of Cultural Diversity*

<sup>11</sup> UN 2019. Agenda 21- Sustainable Development Knowledge Platform

<sup>12</sup> Hasna, Abdalla 2007, *Dimensions of Sustainability*. Journal of Engineering for Sustainable Community Development

## Environmental Development Issues

Pollution, global warming, population growth and unsustainable utilization of natural resource are among environmental developmental concerns in developing countries.<sup>13</sup> Developed nations have structured systems of safe disposal of industrial and domestic waste materials. Sometimes however, their disposal impact is felt beyond their boundaries to the developing nations that culminate into irregular weather patterns due to global warming that causes climate change.<sup>14</sup>

In developing countries, destructive human activities are some of the major causes of Climate Change through emission of greenhouse gases in the troposphere.<sup>15</sup> In developing countries forests and vegetation are cleared to pave way for agriculture or for economic gain in terms of timber and building materials and charcoal burning. These factors are attributed by high poverty level in these countries. Trees and dense vegetation play a big role in carbon sequestration hence less carbon dioxide bodies in the atmosphere. Towards development efforts, mechanized agriculture and industries that often become sources of carbon emissions in the atmosphere. Such developments usually replace forests. According to Intergovernmental Panel on Climate Change (IPCC), “deforestation produces 5.9 billion tonnes of carbon dioxide (CO<sub>2</sub>) per year or 18 per cent of global CO<sub>2</sub>.”<sup>16</sup> The world’s population growth leads to increased carbon emissions that result from use of fossil fuels to power increasing mechanized lifestyles, for instance increased demand for food.

Due to varied rainfall patterns and destruction of catchments areas several rivers and streams have dried up. In Kenya the encroachment of Mau forest, one of the water towers has resulted in to drying of rivers and destruction of the forests.<sup>17</sup> The drying up of rivers in Kenya is resulting into conflict dues to scarcity of water. What used to be rivers are now deep gullies and inadequate vegetation cover accelerating soil erosion. Due to increase in aridity there is tendency of communities farming along the river banks. An example is farming along Kirichwa Kubwa River in Kirichwa that borders the North Western part of Nairobi Arboretum. Discharging untreated sewage in rivers has caused more pollution. Vegetable farmers have gone to an extend of using the sewage rivers to do farming which exposes humans to diseases such as cancer and

<sup>13</sup> P Dasgupa 1991. *The Environment and Emerging Development issues*

<sup>14</sup> R. Shanmugam. *Do Developing or Developed Nations Pollute more?*

<sup>15</sup> <https://aamboceanservice.blob.core.windows.net/oceanservice-prod/education/pd/climate/factsheets/howhuman.pdf>

<sup>16</sup> IPCC 2018. Summary for Policy makers

<sup>17</sup> Waitegi Stanley, 2017. *The story of Mau Forest Complex*

other complicated health conditions.<sup>18</sup> The use of nitrogenous fertilizers and other agro-chemicals compromise the water quality. Siltation too becomes an issue affecting the turbidity of water hence stunted growth of aquatic flora and fauna. Clearing of vegetation along the rivers facilitates high evaporation.

In developing countries like Kenya, climate change mostly affects the poor for instance, small-scale farmers. Climate change and its increasing volatility have a high impact on agricultural losses hence threatening food security and rural livelihoods of world communities' at large. Due to climate change, there are many climate hazards and extreme weather patterns such as heavy rainfall and prolonged droughts, which have become more frequent and intense. There is also the highland malaria which has become resistant to drugs and very deadly.

## Conclusion

The developing countries have a mileage to cover in order to achieve sustainable environmental development. Developments in these countries have been strained by poverty, high mortality rates, poor education systems, hunger, poor governance and poor sanitation among others. Due to these developmental challenges, the countries are also faced with environmental challenges such as pollution, land degradation, poor agricultural production, and deforestation. Likewise, developing countries are the most affected by effects of climate change.

## Recommendations

For sustainable environmental utilization and management, this write up has some recommendations. There is need to arrest environmental degradation to allow environment to regenerate. There is need to control population growth rate, control consumption explosion of the rich through signing of treaties, institute taxes on excesses for instance the polluters pays principle, use environmental friendly technologies, institute appropriate environmental policies, encourage regeneration of renewable resources like bio fuels, wind and solar energy. Lastly it's important to take the humans to nature. The countries should aim at increasing productivity of small farms and ensuring environmental protection. They should appreciate nature and understand its importance to humankind survival and future generations.

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<sup>18</sup> Gatu Mbaria 2019. *Death in the water: African rivers awash with fatal antibiotics*. The East Africa Magazine.

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# KENYA INCHING CLOSER TO THE BLUE ECONOMY POTENTIAL

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It is prudent to appreciate from the onset that development has often been synonymous with economic development. Economic development on its part is often linked with human progress and state efforts to reduce inequality, poverty, education enhancement, health care, proper shelter, job opportunities, increased human life expectancy and food supply.

The notion of the blue economy is increasingly gaining momentum in Africa. Leaders particularly in Kenya are continuously engaging in discussions on how to attain sustainable economic growth by tapping the full potential of the blue economy resource.<sup>1</sup> The blue economy covers resources harnessed from all water bodies (oceans, lakes, rivers, and wetlands). This, therefore, means the inclusion of landlocked countries with vast lake regions. In this context, the blue economy covers diverse components such as fisheries, marine transport, tourism, aquaculture, ports, deep-sea mining, sea-minerals and the untapped potential of renewable energy from wind, tides, and waves. Through the blue economy, Kenya aims to advance economic growth as well as conserve and preserve the resources of the blue economy for future generations.<sup>2</sup>

Undoubtedly, the blue economy has a significant contribution to the societies of Africa. It is an essential source of food for several communities. The vast fishing resources (oceans, rivers, flood plains and fish farms) contribute great sources of nutrition and food security, especially, for low-income households. Approximately 2.1% of Africa's populations gain employment in the fisheries industry either directly or indirectly.<sup>3</sup> The blue economy offers enough opportunities to meet the increased demand for food and nutritional security and healthy eating through marine fishing.

Kenya has 11,230 square kilometers of inland water area and 142,400 square kilometers of marine water area. Ninety-five percent of the fish landings are from freshwater lakes, 3% from marine sources, and 1% from aquaculture.<sup>4</sup>

<sup>1</sup>Attri, V. N., 2016. "An Emerging New Development Paradigm of the Blue Economy in Indian Ocean Rim Assoc-IORA A Policy Framework for the Future, Available at <http://www.iora.net/media/23839/the-blue-economy-2016>.

<sup>2</sup>World Bank, (2017); *The Potential o the Blue Economy: Increasing Long-term Benefit of the Sustainable Use of Marine Resource for Small Islands Developing State and Coastal Least Developing Countries*, [www.worldbank.org](http://www.worldbank.org)

<sup>3</sup>Omingo, J. (2019). *Blue Economy strategy*. Commercial Shipping Kenya Maritime Authority.

<sup>4</sup>Republic of Kenya,. *Fisheries Management and Development Act*, (2016), Nairobi, Kenya.

Along Kenya's coastline and lakeshore, there are several fish markets. Generations of men and women come to these markets to sell their fish for the best price or to purchase the fish from the fishermen. While previous generations of fishermen returned with big catches, the current fishermen struggle with the diminishing population of fish and their income continues to decrease even as the demand for fish rises. Kenya lies in a thriving tuna belt with an estimate of between 150,000 to 300,000 metric tons of fish resource. The concept of the blue economy is gaining momentum not in Kenya. It is seen as an opportunity to diversify its sources of growth through limitless opportunities in seafood, marine biotechnology, seabed resource mining and exploitation of the unexplored energy sources and fresh water. In the past, Kenya has only focused in a limited scale on the fisheries component of the blue economy. The fisheries sector contributes nearly 0.5% of the GDP with an approximately two million Kenyans employed either directly through boat building, fishing, fish processing, equipment repair and related blue economy activities.<sup>5</sup>

The success of development efforts in sparking sustainable economic development in Africa heavily hinges on the insightful identification and efficient utilization of the natural resources endowed to the continent, which include the blue economy resources. One of the dimension of blue economies is that aspect which has recently gained traction as an extra avenue for growth/development agenda in East Africa. Blue economy therefore covers all the potentials that oceanic based resources. These blue economic based resources are at the core of the AU's Agenda 2063 and therefore projected to become Africa's future growth driving engine

Kenya was among the first States in the Africa Continent to organise a very successful Conference on the Global Sustainable Blue Economy which took place in December 2018 in the Kenyan capital Nairobi, bringing together maritime stakeholders from around the world to explore possible and sustainable ways of harnessing blue economy resources to drive economic growth and development particularly in the African Continent.<sup>6</sup> In taking the initiative to host the conference is a clear indicator of Kenya's resolve to shifting the focus of its development agenda from that of land based to that which will also be based on blue economy resources and thereby inching even closer to realizing its sustainable development goals. This new approach will have a great potential to contribute to faster and higher GDP growth in the country.

<sup>5</sup>Business Daily (2019). *Blue economy new frontier for Kenya*. Nairobi, Kenya.

<sup>6</sup>SBE Conference 2018. *The Nairobi Statement of Intent on Advancing the Global Sustainable Blue Economy*. Kenya Nairobi.

This came after the Kenyan government realized that its waters were being polluted, mooted the idea of tapping the economic potential of the country's maritime resources while improving the livelihoods of communities living along the Coastal belt.<sup>7</sup> The government was concerned about the welfare of those communities who despite residing near a "goldmine" are very poor. Consequently, the Ministry of Foreign Affairs began the process of pitching the idea to foreign governments with the view of bringing minds together to chart a common path. As a result, President Uhuru Kenyatta promised global leaders that Kenya would host a conference to enlighten the world on the issue, sooner rather than later Japan and Canada joined the bandwagon as co-hosts of the much publicized event.<sup>8</sup>

Speaking during the second day of the conference on November 27, the then Foreign Affairs Cabinet Secretary Amb. Monica Juma said that the conference had so far been a huge success with researchers projecting that the Blue Economy has the capacity to double or triple the global economy if harnessed. In her remarks, the Cabinet Secretary stated that the Blue Economy is about new investment, technology and industries.<sup>9</sup> She was referring to industries that can be set up to process the fish, oil drilling and ventures like marine tourism among many other opportunities that can accrue. Admitting that the country had thus far failed in its management of this resource, she lamented that Kenya's waters had become a "death place" for animals and pose a significant health risk to Coast residents.<sup>10</sup>

The Republic of Kenya has thus reignited its attention to oceans, seas, lakes and even rivers to accelerate sustainable economic growth. Since then the positive ranking of the country means that Kenya is ready to propel itself further to the next level of development, and this will be possible through the wise exploitation of living resources, minerals, gas, oil, tourism, bio-prospecting and marine resources in a manner that is sustainable. Hence by sustainably utilizing blue economy related resources, issues touching on food insecurity, poverty, unemployment and environmental challenges can then be reduced to manageable levels.<sup>11</sup>

Additionally, the rapid increase in maritime insecurity especially piracy and terrorisms in the Horn of Africa coastline including the Exclusive Economic

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<sup>7</sup> The Standard (2019). *The true value of the Blue Economy t Kenya*. Nairobi, Kenya.

<sup>8</sup> Ibid.

<sup>9</sup> Business Daily (2019). *Kenya, Canada to undertake fish projects in Coast*. Nairobi, Kenya.

<sup>10</sup> Ibid.

<sup>11</sup> World Bank, (2016). *Blue Economy Development Framework - Growing the Blue Economy to Combat Poverty and Accelerate Prosperity*, Available at <http://pubdocs.worldbank.org/en/446441473349079068/AMCOECC-BlueEconomy-Development-Framework.pdf>

Zone (EEZ) in the recent past has pushed the agenda of blue economy to the top of most national development and growth agendas. In the same vein, unregulated maritime based resource exploitation by external actors is of great concern. Even though blue economy has been facing many challenges, the concept has not yet definitely been addressed or even fully defined locally.<sup>12</sup> The future of Kenya's economy is projected to flourish. Kenya got the blue economy issues right because in order to upstage the blue economy aspirations, the government is in the process of coming up with an Ocean management policy that include all stakeholders based on an institutional framework which will deal with direct management and utilization of blue economy resources and space within it. The seas are becoming more critical to the energy security and world trade concerns and therefore the insight gained in harnessing blue economy resources will help shape new economic and social policy direction.

The blue economy has an enormous and unparalleled potential to drive not only Kenya's economic growth but also that of the entire region. Another key step that the country has also taken in actualizing its blue economy potential is through setting up of a Blue Economy Implementation Committee (BEIC). The committee has since been published in January 2017 with a view to making it operational.<sup>13</sup> The Committee membership is drawn from relevant maritime players which include Maritime and Shipping Affairs, Principal Secretaries State Departments for Fisheries and Blue Economy, National Treasury, Transport, and Environment. The committee is chaired by the Kenya Defence Forces. This multi-sector approach works through extensive consultations whereby the relevant agencies involved are then tasked to come up with viable proposals that will go a long way in uplifting the blue economy from the current status.<sup>14</sup>

Job opportunities, in shipping, insurance, port operations, financial services and vessel registration have also emerged as a result of the blue economy. Water-based tourism has increased primarily in the coastal region.<sup>15</sup> Through the blue economy, policies have been set to address the potential in promoting tourism in the marine industry. For example, the Indian Ocean provides the most prominent investment opportunities in the tourism sector. The growth in the tourism sector, in turn, leads to job creation in areas such as hotels

<sup>12</sup> World Bank, (2016). *Blue Economy Development Framework - Growing the Blue Economy to Combat Poverty and Accelerate Prosperity*, Available at <http://pubdocs.worldbank.org/en/446441473349079068/AMCOECC-BlueEconomy-Development-Framework.pdf>

<sup>13</sup> Business Daily (2019). *Blue economy the new frontier for Kenya*, Nairobi.

<sup>14</sup> Capital Business (2018). *Kenya seeking Ksh 143b in blue economy investment*.

<sup>15</sup> World Bank, (2016). *Growing the Blue Economy to Combat Poverty and Accelerate Prosperity*, <http://pubdocs.worldbank.org/en/446441473349079068/AMCOECC-BlueEconomy-Development-Framework>.



and water sports and the revenue generated as a result of tourism enhances economic growth.

State and non-state actors will play critical roles in promoting and driving sustainable utilization of blue economy resources in the country. The relevant agencies include but not limited to: Kenya Maritime Authority, the Navy, Kenya Revenue Authority, Kenya Coast Guard Services, Maritime Police, Kenya Wildlife Services, National Intelligence Service, Kenya Ports Authority, Kenya Prisons, the Judiciary, National Environmental Management Authority, State Department of Fisheries, Ministry of Transport, Department of Immigration and Ministry of Health amongst others.<sup>16</sup>

In addition, some of commendable initiatives by Kenya in support of the blue economy include unveiling a Coast Guard Unit to promote maritime security particularly in the territorial and inland waters. In these regard, Kenya has put in elaborate proposals in investments to cover development of small scale commercial ports in the areas along the coastline and inland waters for example in Takaungu; Kisumu, Lamu, and Mombasa. The upgrading of Bandari College into a National Maritime Centre of Excellence; improvement of fishermen landing areas and Beach Management Units in Lamu, Kilifi, and Shimon are some of the other initiatives the government has embarked on. Other initiatives include fish processing, cold storage and accreditation facilities. Some of these proposals have already been actualized.<sup>17</sup>

Kenya has taken deliberate efforts to put in place the requisite regulatory frameworks for efficient and effective management of blue economy resources. In this regard for example, the country has amended the Insurance Act to allow for marine cargo handling businesses to be placed under Kenyan based and registered insurers and the implementation of the Fisheries Management and Development Act which provides for the conservation and management of fisheries .<sup>18</sup>

Recently, the Kenyan government signed a Memorandum of Understanding (MoU) with the Mediterranean Shipping Company to support the revitalization of the Kenya National Shipping Line (KNSL). The national entity has been dormant for about 22 years. The government is making major inroads into the revival of the Kenya National Shipping Line which will generate jobs, cut on the high import bill and see the country gain access to more than 500 ports across the world.<sup>19</sup> This comes as the quest to tap into the little exploited blue economy continues, seven months after Nairobi hosted the first global

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<sup>16</sup> Omingo, J. (2019). *Blue Economy strategy*. Commercial Shipping Kenya Maritime Authority.

<sup>17</sup> The Standard (2019). *The true value of the Blue Economy to Kenya*. Nairobi, Kenya.

<sup>18</sup> Republic of Kenya. *Fisheries Management and Development Act*, 2016, Republic of Kenya, Nairobi.

<sup>19</sup> Business Daily (2019). *Blue economy new frontier for Kenya*. Nairobi, Kenya.

conference on 'Sustainable Blue Economy'. While commissioning the Bandari Maritime Academy in Mombasa, President Kenyatta stated that "The revival of the KNSL enables Kenya to benefit from the regional and global maritime transport value chain. Taking part in our own maritime transport services will enhance the contribution of the sector to the national economy and make the cost of our goods more competitive." KNSL was established as a national carrier to handle containerised exports and imports freight cargo, to and from the ports of Kenya. This is therefore a key institution particularly due to the fact that about 90 per cent of Kenya's foreign trade and commerce is mainly dependent on maritime based transport.

The agreement with MSC is further expected to facilitate growth of traffic through the second container terminal at the Port of Mombasa to over one million TEUs, create 2,000 seafarer jobs and 1,500 sea-time training opportunities annually. KNSL is owned 55 per cent by the state and 45 per cent by MSC and the government is keen to capitalize on the Mediterranean Shipping Company's global reach to create employment for locals and reach for the national entity.<sup>20</sup> MSC is the second largest shipping company in the world and the only one that owns both cargo and cruise ships. Revival of the national entity will boost the country's quest to own and operate its own vessels in the near future.

The demand for alternative sources of energy has also emerged. The modern economy aspires for affordable, renewable and clean energy and the blue economy is a crucial source of clean energy. Various resources found under the blue economy initiative may be deployed suitably for the promotion and the development of renewable energy.<sup>21</sup> The renewable energy found in oceans in the form of hydro-electric power, solar energy, and tidal energy could help in reducing the burden on energy production in finite conventional sources.

Since coming into power, President Uhuru Kenyatta has been passionate about the maritime sector which has the potential to grow the economy by double digits, hence the creation of a dedicated maritime department.<sup>22</sup> In October 2017, Zarara Oil & Gas Ltd got a green light from Kenya's National Environment Management Authority (NEMA), whereby they started drilling two natural gas wells on Pate Island located along the Kenyan coastline in Lamu Archipelago. This goes a long way to enhance and support the government's plan to expedite commercial gas production in the country for purposes of power generation. The Ministry of Energy in consultation with the company

<sup>19</sup> Business Daily (2019). *Blue economy new frontier for Kenya*. Nairobi, Kenya.

<sup>20</sup> Ibid.

<sup>21</sup> Delegation of the European Union to Kenya (2018). *Towards a sustainable blue economy in Kenya*.

<sup>22</sup> Business Daily (2019). *Kenya, Canada to undertake fish projects in Coast*. Nairobi, Kenya.

has set strict timelines to commence extracting gas in Pate Island. The government has put in elaborate plans to reduce the dependence and reliance of more expensive and unsustainable thermal and hydro sources of energy and hence the importance of these projects in meeting this objective.<sup>23</sup>

To avoid conflict, resentment and manage expectations from the project by the local community in Lamu, the Kenya Oil & Gas Working Group (KOGWG) and World Wildlife Fund have come up with an elaborate programme to involve the community in the project. KOGWG's Network Co-ordinator clarified that local communities residing in Lamu and particularly those in Pate Island are continuously briefed informed the progress and benefits to be accrued from the company's exploration activities particularly in the generation of electricity.<sup>24</sup> The local communities form about 80% of the unskilled workforce in the facility.

Other key milestones of the Blue Economy include the construction of the first phase which covers three berths of the Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) (80 percent complete), expansion of entry points, yard capacity and the installation of the Integrated Port Security System among others. Marked investments in key infrastructural and modernisation of cargo handling equipment has enhanced the handling and operational capacity of the Port of Mombasa thereby increasing its effectiveness and competitiveness in the region.<sup>25</sup>

According to Kenya Ports Authority (KPA), the Mombasa Port Development Programme (MPDP) is a key component of the infrastructural development. The programme, which is being implemented in three phases, envisaged the construction of a new Container Terminal on an area of approximately 100 hectares and capacity of handling 1.5 m Twenty-foot Equivalent Units (TEUs) per annum on completion – making the overall port handling capacity to over 2.6 m TEUs.<sup>26</sup>

'The new terminal is also expected to provide an additional 900 meters of quay length and three berths measuring 300meters each. The quay length is critical as it indicates the ports ability to accommodate and handle modern large ships.<sup>27</sup> The first phase of the project has been operational since April 2016. KPA said that the Sh28 billion investments will have an annual capacity of about 550,000 TEUs; a measure of cargo capacity. The investment also comprise of two berths, which are handling increased cargo traffic comparable

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<sup>23</sup> Omingo, J. (2019). *Blue Economy strategy*. Commercial Shipping Kenya Maritime Authority.

<sup>24</sup> Business Daily (2019). *Blue economy new frontier for Kenya*. Nairobi, Kenya.

<sup>25</sup> Business Daily (2019). *Kenya, Canada to undertake fish projects in Coast*. Nairobi, Kenya.

<sup>26</sup> The Standard (2019). *The true value of the Blue Economy to Kenya*. Nairobi, Kenya.

<sup>27</sup> Ibid.

to non in the East Africa region. Between June 2017 and June 2018, this facility registered a growth of 59.2 percent after handling 34,837 TEUs compared to 21,882 TEUs handled the previous year.<sup>28</sup>

The Port of Mombasa can now handle bigger vessels with larger capacities thereby offering competitive services as a result of economies of scale. The Port is currently the deepest in the East and Central African region and is able to accommodate Panamax size container ships of up to 8,000 TEUs. It is prudent to note that the shipping industry is lately shifting towards operating larger and larger vessels. The Kenya Ports Authority is also involved dredging the navigational and anchorage positions and at the same installing modern navigation aids to allow access to the ports by the larger vessels.<sup>29</sup> The implementation of the strategy has seen the Port continue witnessing improved performance attributed to investment in new and modern infrastructure, associated handling equipment and automation of port operational processes. In 2017 the Port handled a total cargo throughput of 30.35 million tons up from 27.3 million tons handled in 2016 - representing an increase of 10.9 percent.<sup>30</sup>

Container traffic registered a performance of 1.190 million TEUs up from 1.091 million TEUs handled in 2016 translating to a growth of 98,586 TEUs or 9.0 percent. “The average Ship Turnaround Time has also reduced to 2.6 days against 4.4 days in 2012. These two performance indicators are already improving with the increasing cargo uptake via the Standard Gauge Railway (SGR) to the upgraded Inland Container Depot (ICD), and the improved road network hinterland,” the Authority explained.

Other projects outlined in the Master Plan to bolster Mombasa port position include the development of a Special Economic Zone (SEZ) at Dongo Kundu. As part of the Vision 2030, the Government of Kenya committed to the development of the SEZ at Dongo Kundu which will occupy 3,000 acres of land owned by the Authority - which will include a Freeport area.<sup>31</sup> The Kipevu Oil Terminal (KOT) is also being converted into a bigger oil terminal to better serve the vast oil reserves that are currently being explored in Kenya and the rest of the region.

However, resources from these water bodies are at risk of facing extinction and secular depletion as a result of water pollution, climate change, soil degradation, and sea encroachments, overfishing, and ecological degradation.

<sup>28</sup> The Standard (2019). *The true value of the Blue Economy to Kenya*. Nairobi, Kenya.

<sup>29</sup> Business Daily (2019). *Blue economy new frontier for Kenya*. Nairobi, Kenya.

<sup>30</sup> Ibid.

<sup>31</sup> Business Daily (2019). *Kenya, Canada to undertake fish projects in Coast*. Nairobi, Kenya

In the ambitious activities to achieve economic stability countries have.<sup>32</sup> Unless these challenges are managed, millions of people who directly or indirectly rely on the marine resources are at risk of losing their source of livelihood, protein, food security and income.

Besides, Kenya faces challenges in acquiring resources, financing, and access markets and are thus unable to harness the potential of the fishing industry fully.<sup>33</sup> While the precise context of the challenges may differ from region to region, there is a universal need to improve infrastructure, improve access to credit facilities, cold storage units and most importantly perseverance of the aquatic environments to ensure the continuity of the marine resources. The blue economy also seeks to address the underrepresentation of women in the blue economy to promote social inclusion and create equal opportunities. In so doing, countries are capable of improving the livelihood of their cities as well as reduce the poverty levels per household.

In conclusion, the Kenyan blue economy has majorly concentrated on fishing and maritime trade, but currently, the region is now diversifying into sectors of deep-sea mining and renewable energy. Nevertheless, the economic contribution of East African marine resources is facing a myriad of challenges such as trans-border issues of illegal, unregulated and unreported fishing activities, piracy, terrorism, human trafficking as well as illicit trade of weapons, narcotics, and crude oil. The marine ecosystem faces contemporary challenges of dumping toxic waste, destruction of coral reefs, coastal forests, discharge of oil and illegal harvesting of sand.

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<sup>32</sup> World Bank, (2016). Growing the Blue Economy to Combat Poverty and Accelerate Prosperity, <http://pubdocs.worldbank.org/en/446441473349079068/AMCOECC-BlueEconomy-Development-Framework>.

<sup>33</sup> Omingo, J. (2019). Blue Economy strategy. Commercial Shipping Kenya Maritime Authority.

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# THE IMPACT OF FOOD AID ON FOOD SECURITY IN KENYA

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## Introduction

The world has enough food to sustain the whole human population. This is attributed to increased global food production in comparison to the global population growth. The fluctuating prices of major food products such as cereals made it possible for countries that did not have the means and the capability to produce food to import it from countries that had surplus food production. However, this reality was shortsighted and it ignored the fact that many developing countries in Asia, Africa and Latin America did not share in this abundance in food since they lacked the purchasing power to buy food. Lack of purchasing power meant that developing countries suffered food insecurity.<sup>1</sup> Many developing countries are characterized by widespread poverty, food insecurity, and under-nutrition.<sup>2</sup> Kenya, for instance, is perennially in a seemingly unending battle against food insecurity, especially in the Arid and Semi-Arid (ASAL) regions of the country.

Kenya's food security is greatly reliant on seasonal rainfall and basic traditional agricultural knowledge for food production. Furthermore, less than 30 percent of the land is deemed arable; the rest of the 70 percent is in semi-arid and arid land. Also the land policies and land tenure systems in the country have greatly discouraged land preservation in terms of agricultural production. This is due to the fact that traditional customs and practices have left most of the arable land to be divided into small parcels that are not arable.<sup>3</sup> This is candidly observable in counties like Kisii, Kirinyaga, Nyamira and Vihiga. Counties like Garissa and Marsabit are pastoral in nature, and geographically lie on the arid and semi-arid regions in the country. The constant shift in climate change and drought in these areas has made its populous to greatly rely on food aid.

To alleviate the situation, development partners come in to offer their support by working with both the government and non-governmental organizations in supporting affected communities. This support comes either

<sup>1</sup> Mielke, E. H. (2005). What are the Effects of External Food Aid on Vulnerable and Fragile States. Bonn: University p. 122

<sup>2</sup> Ubosi Nwanganga Ihuoma, "Synergy of Poverty, Food Insecurity and Malnutrition," Journal of Environmental Science, Toxicology and Food Technology 9, no. 5 (2015): 35.

<sup>3</sup> Owino, K. (2000). Reassessing Kenya's Land Reform. The Point: *Bulletin of the Institute of Economic Affairs* p. 33

in the form of food assistance programmes, popularly known as food aid. Food assistance programmes refer to interventions put in place to combat hunger and subsequent under-nutrition, including those involving food stamps, food subsidies, and price stabilization. It normally involves the provision of foodstuff and other related assistance to a country either for free or under concessional terms, thus assisting them in meeting their nutritional needs.<sup>4</sup> Development programmes, on the other hand, involve initiatives that seek to support the local population in bridging the food demand and supply gap.

In theory, the provision of food and food-related assistance to developing countries should be beneficial.<sup>5</sup> Food aid has, for a long time, been promoted as a necessary step towards alleviating hunger and consequently saving lives, in addition to being a stepping stone towards food security. However, after decades of practice, the situation on the ground paints a completely different picture. It appears as though the much-needed assistance is hurting the recipients. Not that food aid isn't necessary, but it is inadvertently maintaining the vicious food insecurity cycle in recipient countries. A closer look reveals that overdependence on such programmes has crippled the agricultural sector in many developing countries, and Kenya is, unfortunately, one of those affected. Additionally, the dumping of subsidized foods in the local market has affected the economy negatively, edging out local produce. Despite the government of Kenya developing a comprehensive development strategy meant to guide various interventions aiming to steer ASALs out of the food insecurity trap, the collapse of various mega-initiatives projects signals laxity and a lack of commitment.<sup>6</sup> Such laxity and lack of focus is in many ways fueled by the readily available relief food in times of crisis.

## Kenya's Drought Situation

Drought and famine often leads to conflict. It is noted that many countries that have suffered drought and famine have also suffered a civil war at the same time. This is especially true of Sub Sahara African countries, for example in 2003, up to 25 countries in the region suffered from drought and famine.<sup>7</sup> Most of these countries were also suffering from civil strife which made the situation much worse. War changes everything and causes upheavals ultimately, effects such as, increased prices on food products, disruption of aid flows and trade

<sup>4</sup> Anup Shah, "Food Aid," *Global Issues* (2007), <http://www.globalissues.org/article/748/food-aid>.

<sup>5</sup> "Food Aid: An Action Aid Briefing Paper," *Action Aid* (2003), [http://www.actionaid.org.uk/doc\\_lib/food\\_aid\\_background\\_briefing\\_paper.pdf](http://www.actionaid.org.uk/doc_lib/food_aid_background_briefing_paper.pdf).

<sup>6</sup> "Corruption Biggest Threat to Kenya's Food Security Dream," *The Standard* (2019), <https://www.standardmedia.co.ke/article/2001332314/corruption-biggest-threat-to-kenya-s-food-security-dream>

<sup>7</sup> Anup Shah, "Food Aid," *Global Issues* (2007), <http://www.globalissues.org/article/748/food-aid>.



worsen the problem.<sup>8</sup> In Kenya, there has been a lot of human conflict in ASAL regions due to drought and famine, a high density of human population in water catchment areas and food aid collection points.<sup>9</sup> Ultimately, constant land degradation keeps occurring in the sentinel points. Moreover, post-election violence in 2008 worsened agricultural production in Kenya. This is due to the fact that the violence destroyed mature food crops in the farms and disrupted the cultivation and infrastructure needed to transport food commodities to the markets.<sup>10</sup>

Arid and semi-arid areas make up to 89% of Kenya by land area. They are characterized by erratic and inadequate rainfall, which causes bouts of drought every year. Indeed, scenes and stories of drought and widespread suffering have become a tradition in Kenya, with the impact becoming increasingly huge.<sup>11</sup> In 1975, drought in the country affected around 16,000 Kenyans, with the figure growing to 20,000 and 40,000 in 1977 and 1980 respectively. As the Kenyan population and the geographical area under the threat of perennial drought grew, the figures of people under the threat of starvation grew to 200,000 by 1983/84. The trend continued and by 1991/92, the number of Kenyans affected by drought in ASAL areas of North Eastern, Rift Valley, Eastern, and Coastal regions hit the 1.5 million mark. By the start of the 21<sup>st</sup> Century, the situation was getting out of hand, with the 1999/2000 drought affecting as high as 4.4 million Kenyans.<sup>12</sup> Just as it was starting to look like the country had already seen the worst it could, crop failure in 2009/10 saw a new record of 10 million people under the threat of starvation.

On top of the magnitude and expansiveness of the bouts of drought, another key factor that rapidly changed towards the end of the 20<sup>th</sup> Century and into the 21<sup>st</sup> was the frequency of droughts. In the 1950s and 1960s, there would be only a single drought in an entire decade. With the effects of global warming becoming more pronounced,<sup>13</sup> the frequency of drought cycles has changed from every ten years to five years and further to every two to three years. Naturally, the change in the cycles has significantly affected people in the affected areas. However, as the droughts increase in frequency and become more pronounced, communities are rapidly losing resilience, leaving them

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<sup>8</sup> Habte and Mielke, 2015 p. 122.

<sup>9</sup> Ibid pp. 134

<sup>10</sup> Kiome, R. (2009). Food Security in Kenya. Nairobi: Ministry of Agriculture, Kenya

<sup>11</sup> Damaris Mateche, "The Cycle of Drought in Kenya a Looming Humanitarian Crisis," *Institute for Security Studies* (2011), <https://issafrica.org/iss-today/the-cycle-of-drought-in-kenya-a-looming-humanitarian-crisis>.

<sup>12</sup> Mateche, "The Cycle of Drought in Kenya."

<sup>13</sup> David Okundi, "How Global Warming is Impacting on Kenyans," *Business Today* (2018), <https://businesstoday.co.ke/global-warming-impacting-kenyans/>.

more vulnerable.<sup>14</sup>

Despite this extensive history and damning facts about bouts of drought, the measures put in place to sustainably mitigate their effects are wanting. According to the USAID,<sup>15</sup> 2 million Kenyans would still need food aid by July 2019, with most of them localized in the counties of Garissa, Baringo, Marsabit, Isiolo, Turkana, Wajir, and Tana River. Such levels of drought and famine have been experienced in 2017, 2018, and 2019 in a row.<sup>16</sup> In 2018, UNICEF reported that 3.4 million Kenyans were severely in need of food and that 500,000 of this number had little to no access to potable water.<sup>17</sup> In 2017, over 2.6 million Kenyans suffered severe food insecurity, and food production (particularly maize) decreased by almost 30%.<sup>18</sup> Within these three years, the USAID contributed a combined total of \$205.8 million in food aid to Kenya, translating to 148,876 metric tons of food.<sup>19</sup>

## The Direct Effects of Food Aid in Kenya

The official food aid charter states that the main objective of food aid is to help alleviate the food security in countries that have challenges in feeding their population. This is done by addressing problems that may arise from food deficiency and shortages. These problems that affect food security may have been caused by issues that are caused by natural or manmade disasters. Examples of natural disasters are drought, famine and floods while manmade disasters are; wars, civil conflicts and escalating market food prices. Food aid is also helpful when correcting some of these crises such as correcting structural deficiencies by providing programs that can help the poorest develop directly.

Food aid has both positive and negative effects. Admittedly, it has indeed averted starvation and suffering during periods of drought in Kenya over the years. However, research has also shown that food assistance only provides a short-term solution to the underlying problem. Over time, food aid develops a

<sup>14</sup> Mateche, "The Cycle of Drought in Kenya."

<sup>15</sup> "Food Assistance Fact Sheet – Kenya," USAID (2019), <https://www.usaid.gov/kenya/food-assistance>.

<sup>16</sup> "Anatomy of a Food Crisis: Can Kenya Rise Above Perennial Hunger?" *Parliamentary Budget Office* (2019), [https://www.google.com/url?sa=t&source=web&rct=j&url=http://parliament.go.ke/sites/default/files/2019-04/Quarterly%2520Brief%252024%2520April%25202019.pdf&ved=2ahUKEWjg4\\_OovZ\\_jAhVGQBoKHWeDAB0QFjASegQICBAB&usg=AOvVaw2AKfC8NQUGKgtcXpMpYwC1&csid=1562388163790](https://www.google.com/url?sa=t&source=web&rct=j&url=http://parliament.go.ke/sites/default/files/2019-04/Quarterly%2520Brief%252024%2520April%25202019.pdf&ved=2ahUKEWjg4_OovZ_jAhVGQBoKHWeDAB0QFjASegQICBAB&usg=AOvVaw2AKfC8NQUGKgtcXpMpYwC1&csid=1562388163790).

<sup>17</sup> UNICEF, "Humanitarian Action for Children 2018 – Kenya." <https://reliefweb.int/sites/reliefweb.int/files/resources/2018-HAC-Kenya.pdf>

<sup>18</sup> Njiraini Muchira, "3.4m Kenyans At Risk of Starvation as Maize Harvest Falls Short in 2017," *The East African* (2017), <https://www.theeastafrican.co.ke/news/Kenyans-at-risk-of-starvation-as-maize-harvest-falls/2558-4090674-bthn9q/index.html>

<sup>19</sup> "Food Assistance Fact Sheet – Kenya." USAID

dependency syndrome among recipients. As recipients receive food year in year out, the situation negates their ability and willingness to be food secure, both as individuals and as communities.<sup>20</sup> Past research has unearthed a disturbing practice where community members cluster at points of aid disbursement for days on end instead of spending the time looking for livestock feed. The end result of such dependency syndrome make communities not to work but to wait for free food rations, thus reducing local production. Studies by both Tadesse & Shively<sup>21</sup> and Harvey et al<sup>22</sup> established that households that had received food aid were more likely to spend less time working in farms, or even conducting non-agriculture based economic activities. At the same time, the removal of food aid in agricultural communities has been shown to increase agricultural production by at least 4% with non-agricultural sectors showing around 2% growth.<sup>23</sup>

Food aid has also had a negative impact on the labour supply systems. Microeconomics theorists argue that increases in income resulting from food for work initiatives reduces labour supply while at the same time increasing the recipient's welfare. This is mainly because such initiatives tend to offer better remuneration than what the local food production sector can pay. The better payments have been shown to discourage local production, with the locals abandoning their farms for better wages. Once this distortion of roles is set in motion, local production dips, contributing further to overreliance on food assistance programmes.<sup>24</sup> Food aid also reduces the value that locals place on locally produced food. It has been documented that households living in rural semi-arid areas of Embu, Kitui, and Machakos have in the past recorded bountiful harvests, but instead of stocking the produce for future use, they opted to sell it to intermediaries at throwaway prices. This kind of practice is attributable to the fact that the locals were aware that in case of any hunger, tons of food aid would come their way.

Probably one of the gravest effects of food aid has been the change in the locals' preference of food from the traditional staple varieties to the exported variety received. On face value, it doesn't seem to be that big of an effect, but

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<sup>20</sup> Maureen Kaguara, "The Effects of Food Aid on Food Security in Kenya," *University of Nairobi* (2014), [http://erepository.uonbi.ac.ke/bitstream/handle/11295/76465/Kaguara\\_The%20effects%20of%20food%20aid%20on%20food%20security%20in%20Kenya.pdf?sequence=1&isAllowed=y](http://erepository.uonbi.ac.ke/bitstream/handle/11295/76465/Kaguara_The%20effects%20of%20food%20aid%20on%20food%20security%20in%20Kenya.pdf?sequence=1&isAllowed=y)

<sup>21</sup> Getaw Tadesse and Gerald Sively, "Food aid, food prices, and producer disincentives in Ethiopia." *American Journal of Agricultural Economics* 91, no. 4 (2009): 942-955.

<sup>22</sup> P Harvey et al., "Food Aid and Food Assistance in Emergency and Transitional Contexts: A Review of Current Thinking, *Federal Ministry for Economic Cooperation and Development*." (2010).

<sup>23</sup> Ayele Gelan, "Does Food Aid Have Disincentive Effects on Local Production? A General Equilibrium Perspective on Food Aid in Ethiopia," *Food Policy* 32, no. 4 (2007): 436-458.

<sup>24</sup> Maureen, "The Effects of Food Aid."

a deeper interrogation reveals a huge problem. The continued supply of maize and beans resulted in the locals dropping the cultivation of traditional crops such as sorghum, wheat, and green grams, which are known to be drought-resistant crops. Since the cultivation of maize and beans is not suited for the kind of climatic conditions in these regions, the particular communities record huge crop failure year in year out. Unfortunately, food aid has also been used as a political instrument in Kenya, especially during electioneering periods. Having understood how addictive the dependency syndrome is and how easy it is to bribe the poor with food rations, politicians have in the past worked to maintain the status quo. This has ensured that communities remain perpetually poor, food insecure, and dependent on donations.<sup>25</sup>

## Mitigation Measures and Their Challenges

Just like in Kenya, the greater Horn of Africa has in the past proved to be highly prone to droughts, causing untold suffering among the populace. In an effort to address the situation, head of states drawn from the Intergovernmental Authority on Development (IGAD) converged in Kampala for their 10<sup>th</sup> Summit where the Drought Monitoring Centre with its headquarters in Nairobi (DMCN) was renamed to IGAD Climate Prediction and Applications Centre (ICPAC), while at the same time being adopted as a specialized institution of IGAD.<sup>26</sup> The purpose of this change was to align its mandate with that of IGAD. The Centre is tasked with the responsibility of supporting the eleven member states in adequately responding to the drought menace.

These developments were followed by Kenya establishing the National Drought Management Authority (NDMA) in 2011. The NDMA is a specialized and permanent governmental organization mandated to lead the management of drought and mitigation of climate risks. The NDMA developed the Common Programme Framework (CPF) meant to spearhead the development of ASALs taking full advantage of the shared power between the central government and the 47 county governments. The CPF was designed to give life to the Drought Risk Management (DRM) and Ending Drought Emergencies (EDE) plans that were pegged on Vision 2030. By directly working with the county governments, the idea was to allow previously marginalized locations to focus on locally attuned priority areas thus spearheading sustainable development. In this arrangement, the county governments contribute to the EDE framework

<sup>25</sup> Maureen, "The Effects of Food Aid."

<sup>26</sup> E. Mbogo, F. Inganga, and J. M. Maina, "Drought conditions and management strategies in Kenya." UNW-DPC NDMP Country Report (2014), [http://www.droughtmanagement.info/literature/UNW-DPC\\_NDMP\\_Country\\_Report\\_Kenya\\_2014.pdf](http://www.droughtmanagement.info/literature/UNW-DPC_NDMP_Country_Report_Kenya_2014.pdf)

through their tailored County Integrated Development Plans (CIDPs).<sup>27</sup>

Both the central and county governments have utilized different concepts and strategies to mitigate droughts and famine. These approaches have included, among others, livestock insurance and support programmes. The insurances shield affected pastoralists, allowing them to purchase the much-needed animal feed that saves their animals. During the 2016/17 drought, the central government released Ksh. 215 million as a payout to affected livestock owners. On top of this, several county governments partnered with the Kenya Meat Commission (KMC) to execute a livestock off-take initiative where animals were bought for slaughter and distribution as relief food within the same counties.<sup>28</sup>

Another common mitigation measure involves establishment of new or rehabilitation of old water points including boreholes and dams. The authorities have also adopted other measures including cash transfer and relief programmes. Indeed, the government of Kenya launched a Hunger Safety Net Programme (HSNP) in 2008 with two phases running from 2008-12 and 2013-17. In the second phase alone, the HSNP reached out to 100,000 starving households across the counties of Wajir, Turkana, Mandera and Marsabit.<sup>29</sup>

Despite all these efforts, droughts and hunger still haunt the country. The main challenge facing the CPF has been poor levels of county governments fulfilling the constitutional principles of participation, poor transparency, low equity, and limited accountability. The livestock insurance programmes, on the other hand, have been stretched thin with a limited capacity of covering a maximum of five animals per household. Other initiatives like the off-take one were ill timed, coming in after some of the locals had sold their animals for as less as Ksh. 500 in the local markets.<sup>30</sup>

## Conclusion and Recommendations

The misuse of food aid has propagated a culture of laziness that is inherited from generation to generation. Dependency on food aid has made it easier for politicians to suppress development and use these assistance programmes to manipulate the public. As a result, the political class have shown little to no commitment to initiatives geared towards sustainably tackling the problem of

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<sup>27</sup> FAO, "Common Programme Framework for Ending Drought Emergencies." *Republic of Kenya* (2015), <http://extwprlegs1.fao.org/docs/pdf/ken152740.pdf>

<sup>28</sup> KIPPRA, "New Approaches Needed to Address Drought Emergencies in Kenya." (2018), <http://kippra.or.ke/new-approaches-needed-to-address-drought-emergencies-in-kenya/>

<sup>29</sup> KIPPRA, "New Approaches Needed to Address Drought Emergencies in Kenya." (2018), <http://kippra.or.ke/new-approaches-needed-to-address-drought-emergencies-in-kenya/>

<sup>30</sup> Ibid.

food insecurity. To achieve lasting food security, the following is recommended:

The government should invest more resources in promoting diversification of livelihoods in ASALs. Relying solely on livestock keeping is a risky livelihood strategy.

There is need to focus more on drought resistant livestock. Over time, focus has been on improved livestock breeds that tend to produce more milk and meat. Camels have all but been neglected, yet they are more drought resistant.

In drought prone counties, there is need to establish readily accessible community hay storage facilities. Their establishment will enable pastoralists with limited capacity to own private facilities to feed their livestock in the most critical of moments.

There is need to gradually reduce food aid programmes and focus on attitude change in communities. As long as the retrogressive dependency mindset is maintained, the country will never achieve food security.

With the safety net initiatives having a limited capacity in the number of people they can reach, there is need to develop self-sustaining structures that will allow pastoralists to sell their animals at the right time and at the right price.

The change of focus from the cultivation of maize and beans to drought resistant crops such as green grams has proved to be effective in improving food security in Kitui. This should be replicated in the ASALs where cultivation is viable.

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# THE EVOLUTION OF PUBLIC/CITIZEN PARTICIPATION INTHE DEMOCRATIC GOVERNANCE OF THE REPUBLIC OF KENYA

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## Introduction

Public participation gives democracy its defining character. When power is invested in the people and when the people can exercise their power (directly or donate the same to representatives who they have freely elected) to contribute to development and enactment of laws, then we can describe this arrangement as a democracy. This contrasts with other forms of government such as totalitarianism, monarchy, oligarchy, theocracy and others. Public participation empowers a people to freely and as equals, determine their political destiny: it creates the requisite cultural as well as economic and social environment for actualization of the same. It is a mechanism that allows citizens as stakeholders, state and non-state actors, an opportunity to have their voices heard in the political decision-making process.<sup>1</sup> Constitutional democracy is buttressed by the people's ability to participate in directing their own community business and that of their government. Regular polls conducted in an atmosphere that is competitive and without duress and that affords the citizens the opportunity to freely choose a candidate based on their ideology and agenda is one mode of citizen participation.<sup>2</sup> In addition to participating in electing leaders, which can be considered an indirect form of participation, the people also contribute directly in making decisions and implementing those decisions in actual programs and projects. One of the three pillars of Kenya's development blueprint, Vision 2030, is the political pillar. This pillar emphasizes the need for a democratic order which *inter alia*, revolves around the people and their needs and that can be held to account for decisions taken. It envisages an arrangement in which the resources of the state are allocated in a transparent manner and in which the citizen is afforded the opportunity to participate in this allocation. Additionally, the system must be

<sup>1</sup>Suncana Slijepcevic, 'Public Participation as the Pillar of Democracy: The Role of Local Councilors in Croatia' *European Consortium for Political Research* <https://ecpr.eu/Events/PaperDetails.aspx?PaperID=4496&EventID=5> Last accessed on 13th August, 2019

<sup>2</sup>Michael P. McDonald and John Samples, 'The Marketplace of Democracy: Normative and Empirical Issues' [https://www.brookings.edu/wp-content/uploads/2016/07/marketplaceofdemocracy\\_chapter.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/marketplaceofdemocracy_chapter.pdf) Last accessed on 13th August, 2019

sensitive to what the citizens required in the formulation of policies.<sup>3</sup>

Taking cognizance of the central role political stability plays in governance and appreciating that the objectives set out in the other pillars, namely; social and economic, cannot be achieved without it, the Vision proposed radical reform of the national governance structure (which was subsequently done under the Kenya Constitution, 2010) to embrace decentralization and devolution of decision-making. To ensure the success and sustainability of Vision 2030, the participation of the public is cited as one among the nine principles to guide it.<sup>4</sup>

Citizen participation presupposes that the public has information on what is going on. Art. 35 of the Kenya Constitution provides for the citizens to have the right to get information that the State has in its custody and additionally to the publish as widely as possible any information important that might affect the State.<sup>5</sup> It is therefore a constitutional imperative for government authorities to create the requisite environment for individual and community participation through provision of information on public issues so that citizens can make informed input with regard to how and when decisions are made. Equally critical is the need for the public to take an interest in what the government is doing. This essentially means that public participation is a two-way engagement. Public participation when engaged in dispassionately and correctly, can help forge stronger bonds between the government and the governed, producing results that more accurately mirror the needs of the people through the policies as well as decisions generated. It also enables government leaders to be more sensitive to the needs of citizens and the necessity to maintain fidelity to these needs.<sup>6</sup>

When public participation is not done correctly, problems ensue. As noted above, credible elections underpinned by an atmosphere of fairness, freedom from duress and undue influence is one of the hallmarks of good public participation in governance. Kenya experienced a crisis after the 2007 General Elections. More than 1,300 Kenyans lost their lives and more than three

<sup>3</sup> Ministry of Planning and National Development and National Economic and Social Council, *Kenya Vision 2030: A Globally Competitive and Prosperous Kenya*, (Nairobi: Government of Kenya, 2007), p 130

<sup>4</sup> Ministry of Planning and National Development and National Economic and Social Council, *Kenya Vision 2030: A Globally Competitive and Prosperous Kenya*, (Nairobi: Government of Kenya, 2007), p 130

<sup>5</sup> Government of Kenya, *The Constitution of Kenya*, (Nairobi: Government Press, 2010), Art 35(1)(a) and (3)

<sup>6</sup> The Citizen Hand Book: *Empowering Citizens through Civic education*, (Nairobi: Uraia Trust & International Republican Institute, 2012), pp. 76-77

hundred and fifty thousand turned into Internally Displaced Persons(IDPs).<sup>7</sup> In the Report generated by the Independent Review Commission tasked to probe the General Elections mounted in the country 27<sup>th</sup> December, the year 2007, the Commission observed, “the Integrity of the process and the credibility of the results were so gravely impaired by these manifold irregularities and defects that it is irrelevant whether or not there was actual rigging at the national tallying centre; the results are irretrievably polluted.” Some of the irregularities cited in the Report included the observation that about a third of voters who were eligible to vote were excluded from voting, the majority of these being the young and women. Additionally, serious anomalies in delimitation of constituencies and common abuse of the electoral process marked by extensive bribery, buying of vote, coercion, bullying and ballot-stuffing.<sup>8</sup> This episode represented a breakdown of security, which is defined in the Constitution, Art. 238 to include, “the protection against internal and external threats to Kenya’s people, their rights, freedoms, peace and stability.”

## Historical Perspective of Public Participation

The clamour for the ruled to demand that they have as say in how they are ruled dates back centuries among all civilizations and cultures. It can therefore be traced back in one form or another as early as during the early primitive human societies of hunter-gatherers.<sup>9</sup> These groups were made up of a few people related by blood and not politics or their occupation of particular geographic territory; they were mobile tribal groups. Some had councils of chiefs where major decisions could be ratified by the group. Different levels of public participation are evident in all subsequent human civilizations/societies such as pastoral, horticultural, agricultural, feudal, industrial, post-industrial and the current information society.

Public participation has been a subject of major interest across the world since the establishment of a democratic system of government in the city states in Athens, classical Greece. Democracy (rule of the commoners as opposed to the rule of the elite) allowed political representatives to be chosen from

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<sup>7</sup> Stephen Brown and Chandra Lekha Sriram, ‘African Affairs: The Big Fish Won’t Fry Themselves: Criminal Accountability for Post-Election Violence in Kenya’, *African Affairs*, Vol 111 No 443(April 2012), pp 244-260: 1 <https://academic.oup.com/afraf/article/111/443/244/17361> Last accessed 13th August, 2019

<sup>8</sup> Judge Johann Kriegler, et al, *Report of the Independent Review Commission on the General Elections Held in Kenya on 27th December, 2007* (Nairobi: Government Printer, 2008) p x

<sup>9</sup> Sulaimon Adigun Muse and Sagie Narsiah, ‘Public Participation in Selected Civilizations: Problems and Potentials’ *The Journal of Sociology and Social Anthropology* Vol 6 No. 3(2015) pp 415-421: 415 file:///C:/Users/STUDENT/Desktop/Public%20Participation%20in%20Selected%20Civilizations.pdf Last accessed on 13th August, 2019

amongst all the male citizens regardless of their financial status by casting lots. In the contemporary times, it denotes a political arrangement that allows all the citizens to choose their representatives to legislative bodies or assemblies, whether at the national or local level. Accordingly, the political scientist named Larry Diamond, opined that a democracy should consist be characterized by four main tenets, namely; a political arrangement allowing voters to elect and replace the government in elections that are fair and devoid of duress and undue influence, robust participation of citizens in governance, respect for the rule of law, the respect and safeguard of human rights of all people and treatment of all citizens equally before the eyes of the law.<sup>10</sup>

Democracy as compared to other forms of government such as totalitarianism, absolute monarchy, dictatorship and oligarchy, where power is centralized around one person or a select group of persons, affords citizens the best opportunity for public participation. Western philosophers such as Aristotle, Marx and Habermas have all grappled with the question of the relationship between individual citizens and institutions of governance. They have all had something to say about how citizens engage with the two.<sup>11</sup> Prior to colonization, many African societies had some form of public participation in how the affairs of the community were conducted. The Ashanti kingdom of Ghana, Mali kingdom (under Mai Idriss Alooma) and the Zulu kingdom of South Africa are good examples.<sup>12</sup>

Upon colonization, public participation was drastically reduced in the colonized states. The imperial rulers imposed local rulers or in those societies that had chiefs, either displaced these chiefs and imposed their own rulers or forged opportunistic alliances with them. Such chiefs used the opportunity to oppress their own people and to enrich themselves and their kin within the new political order for to oppose them was to risk provoking the wrath of the colonial occupier. Because public participation affords citizens the opportunity to feel included and to belong in the government, all nations that have been colonized always wage a struggle to regain independence. This is demonstrated throughout the world over the years in places such as Athens, Sparta, Rome, India, the United States of America (USA) and Africa which attests to man's insatiable desire to participate in his own governance.<sup>13</sup> Public

<sup>10</sup> LarryDiamond.Democracy<https://www.jstor.org/topic/democracy/?refreqid=search%3A688c76c37c0a2f90618dad449834c5e4>Last accessed 13th August, 2019

<sup>11</sup> William Little, 'Government and Politics' *Introduction to Sociology* – 2nd Canadian Edition Creative Commons Attribution<https://opentextbc.ca/introductiontosociology2ndedition/> Last accessed on 15th August 2019

<sup>12</sup> Sulaimon Adigun Muse and Sagie Narsiah, op cit p418

<sup>13</sup> Ibid p 417

participation within the realm of democracy therefore, has been a constant clamour throughout the ages, but has morphed over time to the contemporary pattern of participation to be found in many countries.

British control over Kenya started from 1895 and lasted until 1962. The first legislature called the Legislative Council (LEGCO) was established in 1907 with white members only. Subsequently in 1920, the country became by law a British colony. A governor was also appointed to represent the King.<sup>14</sup> Shortly thereafter the Young Kikuyu Association was formed in 1921 'to recover Kikuyu land'. It was the first political party.<sup>15</sup> In spite of being in their own country and being the majority, the indigenous people were not allowed to vote for one of their own, the Governor instead appointed a 'representative' to be their voice in the LEGCO. It was not until 1944 that this situation changed with the nomination of Eliud Mathu as the first African member. With public participation in government nearly nonexistent, agitation continued and in 1957, after Africans acquired the right to vote (albeit only granted to the wealthy and educated), the pioneer batch of eight elected Africans made their debut at the LEGCO.<sup>15</sup> The election of Africans was a consequence of the introduction of the Lyttleton Constitution in 1954. By this time the *Mau Mau*, a militant group that employed guerrilla tactics to attack the British, their commercial interests and their local collaborators had begun operations. The Lennox-Boyd Constitutional amendments of 1961 introduced another set of positions on the Legislative and Executive Council, additionally, the Governor would get to appoint twelve 'specially elected members. Eventually Kenya gained its independence in 1963 with a constitution following Britain's Lancaster House template.<sup>16</sup>

## Post-colonial Kenya

The Lancaster House constitution adopted at independence, radically improved the framework for citizen participation though it did not guarantee the citizens the right to chart their political destiny. Even though this constitution created a parliamentary system with Jomo Kenyatta as Prime Minister, the Queen of England would continue as the head of state and for practical purposes the Queen would appoint a Governor-General to govern on her behalf. The

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<sup>14</sup> Historical Background | *The Kenyan Parliament* Website [http://www.parliament.go.ke/Parliament\\_Historical\\_Background](http://www.parliament.go.ke/Parliament_Historical_Background) Last accessed on 19th August, 2019

<sup>15</sup> Musa I.A. Segita, 'Review of Political Party Democracy in Kenya' *Kabarak Journal of Research & Innovation* Vol 5 Number 1 (2017) p 68 file:///C:/Users/STUDENT/Downloads/125-732-1-PB%20(2).pdf Last accessed on 19th August, 2019

<sup>16</sup> Yash G., *Reviewing the Constitution: A Guide to Kenya Constitution* (Nairobi: The Constitution of Kenya Review Commission, 2002), pp 29

Governor-General retained powers to remove the Prime Minister. This would happen only upon the passing of a no-confidence vote against him he had not dissolve parliament after three days or resigned. The document provided for a federal arrangement or *Majimbo* where seven provinces would be created each with an executive and legislature together with a regional public service and police contingent. A senate was also established to *inter alia*, protect the *Majimbo* arrangement. The main reason for this system was that the minority tribes, who had coalesced around KADU (Kenya African Democratic Union), feared that the big tribes under KANU (Kenya African National Union), would monopolise power. They therefore sought a mechanism to guarantee themselves a share of state power.

In 1964, Kenya attained independence. The post of head of state and head of government were conflated as Kenya became a Republic. Jomo Kenyatta thus became the founding President. In a parliamentary model, the head of state performs certain functions which though largely ceremonial, act as part of the inbuilt checks and balances in a democracy. These include the dismissal of the Prime Minister and the dissolution of parliament. The President is a symbol of national unity and a moderator of political conflict. He performs a representative and civic role and separates the representative embodiment of the permanent institutions of the state from the leader of the incumbent government thus providing additional continuity and stability.<sup>17</sup>

In spite of the fact that power was finally in the hands of citizens, several amendments were made to the independence constitution whose intention was to concentrate power around the president consequently reducing the voice of the citizen and his representatives in parliament. The first of these amendments was on the procedure of amending the constitution itself. The independence constitution had two categories of legislation; entrenched provisions and ordinary provisions. The entrenched provisions (which dealt with matters of the *majimbo* system, the senate, vital rights and or freedoms, citizenship as well as the judiciary), required a high threshold of support of three quarters of all the members in the Lower House (House of Representatives) and nine tenths of the Upper House (the Senate). The ordinary provisions on the other hand required a vote of three quarters of the members in each house. This procedure, which was meant to insulate the constitution from whimsical amendments, was changed in 1965. Because KADU merged with KANU shortly after independence, effectively making the country a one-party state,

<sup>17</sup> Elliot B., *Non-Executive Presidents in Parliamentary Democracies*, (Stockholm: International IDEA, 2017), p 3 <http://constitutionnet.org/sites/default/files/2017-10/non-executive-presidents-in-parliamentary-democracies-primer.pdf> Last accessed on 20th August, 2019

what had appeared to be a water-tight system on constitutional amendments failed and so in 1965 the procedure of amendment was changed to require the House to accept a motion supported by two-thirds of all the representatives as enough to make any amendment. This made the idea of entrenched provisions redundant.<sup>18</sup>

Other amendments included changing from a bicameral to a unicameral parliament (1966), the requirement that an MP who had missed eight consecutive sessions of parliament without the speaker's sanction had to lose their seat (though the president had the discretion to waive this rule). The power of the president to waive the requirement that an MP who had been found culpable with regards to election offences had to be disqualified for five years (1975), the power of the president to pick twelve special members representing various marginalized groups in parliament (1968), the changing of Kenya into a one-party state by practice (1982) and the cancellation of the important safeguard of security of tenure of the Controller and Auditor-General, the Attorney-General, (1986) and the judges of both the High court and Appellate Court (1988).<sup>19</sup>

These amendments among many others, had the effect of removing the necessary protections for maintenance of neutrality and fair administration of the public service, protection of rights and most importantly an unhealthy concentration of power in the president. Naturally made the government no accountable and caused loss of faith in the government and its institutions and the constitution's ability to protect the people. The concomitant disillusionment and disaffection led to a fresh round of agitation by elected and non-elected leaders and ordinary people as they sought to reclaim their rights. International NGOs and other interested actors also contributed to this effort. Subsequently, a lot of turmoil was visited upon the population especially in the middle to late eighties.

These efforts bore fruit when in 1990 the protections of the term of office of the Auditor-General, the Attorney-General and that of judges that had hitherto been withdrawn was reinstated. The country returned to a *de-jure* multipartism in December, 1991 when the Constitution was amended to repeal Section 2A. This was followed by the introduction of presidential term limits in 1992. Within the aegis of Inter-Party Parliamentary Group (IPPG) agreement of 1997, power to nominate the twelve members to parliament, which the president had hitherto enjoyed exclusively, was vested in political

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<sup>18</sup> Yash G., *Reviewing the Constitution: A Guide to Kenya Constitution* (Nairobi: The Constitution of Kenya Review Commission, 2002), pp 30

<sup>19</sup> Ibid p 32-33

parties who would henceforth share the slots on a pro rata basis. Additionally, the membership of the Electoral Commission was expanded with opposition parties given slots to nominate members. This was to dilute the influence of any one political formation thus increasing its independence. Detention without trial, sedition and several other Acts that reduced political and civil rights were annulled or expunged from the statutes. In spite of these developments many people felt that the changes were not far reaching enough.

The Lancaster House constitution was negotiated by representatives of Kenya's political parties instead of being made directly by the people of Kenya, it was, strangely enough, approved not by the Kenya parliament but by the British legislature.<sup>20</sup> It therefore failed the test of public participation and could not realistically be expected to champion the rights of Kenyans. After a protracted struggle, in which many Kenyans were maimed, went to exile, lost lives, suffered irreparable damage financially, socially and politically, government acquiesced to the demand for the establishment of a new socio-political compact. Between 1998 and 2002, the drive for a new constitution witnessed a parallel civil-society led effort christened *Ufungamano* Initiative and a government effort led by a Parliamentary Select Committee. In 1997 the Constitution Review Commission Act was enacted. Among the objects and purposes of the Act was, "promotion of the peoples' participation in the governance of the country through democratic, free and fair elections and the devolution and exercise of power." One of the key guiding principles was the provision of an opportunity to freely, actively and in a meaningful way contribute to the generation and debate of proposals to change the Constitution.<sup>21</sup> The Act was amended further in 2008 and 2009 to become The Constitution of Kenya Review Act, Cap3A. The new Act included a referendum to allow citizens to participate even more directly in the making of the constitution by voting for it. The provisions on public participation in the 1997 Act remained.<sup>22</sup> At this particular point in time, the *Ufungamano* Initiative had been after discussions acquiesced to abandon their separate quest for constitutional review and agree to join the Prof. Yash Ghai-led Constitution of Kenya Review Commission (CKRC). The Act set in motion collection and collation of views by CKRC and preparation of a new Constitution draft. Eventually, Kenyans in August, 2010, gave themselves a new Constitution.

<sup>20</sup> Yash G., *Reviewing the Constitution: A Guide to Kenya Constitution* (Nairobi: The Constitution of Kenya Review Commission, 2002), p11

<sup>21</sup> *The Constitution Review Commission of Kenya Act*, (Nairobi: Government Printer, 1997) Art. 2(c), 4(d)

<sup>22</sup> *The Constitution Review Commission of Kenya Act, Cap 3A* (Nairobi: Government Printer, 2008), Art 4(d), 6. (d)(i),<sup>37</sup>



## The 2010 Constitution and Public Participation

The people have been put in the driving seat of the destiny of the Republic right from the preamble which starts with the words ‘we the people’. Chapter One affirms that it is with the people that sovereign power vests. It states that persons occupying leadership posts or diverse organs of government should wield their power only on behalf of the people. Additionally, citizens shall deploy this power either directly or using elected representatives. It makes it mandatory to involve the people in generation of ideas that help tackle problems affect their own lives and implementation of the same. that the government must consult citizens in formulation of policies and decisions that affect them. Various checks and balances on the three arms of government that ensure they are independent of each other are established. The Constitution allocates power between the two levels of government; it devolves some of it to the counties to strengthen resource sharing and public discourse. It sets up a Senate to protect this arrangement. Public participation, being a key feature of this constitution, has been mentioned or provided for in eight articles. Parliament and the County Assemblies are obligated to promote participation through enacting suitable legislation to guide the day-to-day operations of the various organs at both levels. The Constitution expressly requires that public participation be encouraged in the control, security and protection of the environment. Additionally, public participation together with openness and accountability is a requirement in management of financial matters.<sup>23</sup>

## Other Legislation on Public Participation

Given the importance of devolution in the country, the County Governments Act, 2012 was enacted to guide operations of devolved units. The entire Part viii of this Act is devoted to citizen participation. It deals with among other issues; principles of citizen participation; creation of methods to enhance the participation of citizens; citizen’s right to petition and challenge and matters subject to local referenda.<sup>24</sup> The Senate has proposed a bill namely, the Public Participation Bill, 2018, whose principle object is to provide a framework or mechanism for effective and coordinated public participation. This mechanism is to animate the constitutional tenets of public participation together with participatory democracy enunciated in various articles. The Bill also designates the responsible authorities for purposes of developing institution-specific guidelines appreciating that participation processes are different in

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<sup>23</sup> *The Constitution of Kenya Constitution*, op cit Art. 10, 69, 118, 124.196, 201, 221,232.

<sup>24</sup> *The County Government Act*, 2012 (Nairobi: Government Printer, 2012), part vii

all institutions. The Bill also requires the responsible authorities to develop the specific guidelines within a stipulated timeline and publish the same. The guidelines must be in line with the general guidelines provided in the schedule to the Bill.<sup>25</sup> The Bill has since been passed by the Senate and forwarded to the National Assembly for consideration.

## Other Developments

The Office of the Attorney-General and the Department of Justice has drafted the 'Kenya Draft Policy on Public Participation' to provide the overarching structure for citizen participation. The development commenced in 2012 involving a multi-sectoral National Steering Committee under the guidance of the Office of the Attorney-General and Department of Justice. Members were drawn from the National and the Devolved Units, various other stakeholders and citizens. The most important policy issues were emerged through open forums, regional forums, small expert group engagements which were held across the country.<sup>26</sup> The policy takes cognizance of the State's commitment to citizen participation and identifies the work already done by the National and Devolved units towards realization of the same such as the development of County Participation Guidelines and development and roll out of training programmes (to public officials, civil servants, MPs and County Government Assemblies) by institutions such as the Kenya School of Government.

Additionally, it identifies challenges to implementation of public participation such as failure to have uniform processes due to weaknesses in the countrywide frameworks and principles; the slow pace in completion and operationalization of public participation laws, regulations and guidelines; challenges of access to and provision of the relevant facts to citizens; limited capacity; and poor financing to citizen participation and prescribes ways of addressing the challenges. The final draft (2018) is under review by the stakeholders.

## Conclusion

Public participation is a critical plank in the democratic governance of the Republic. The Government recognizes that public participation strengthens, legitimizes and gives credibility to state decisions, actions and development

<sup>25</sup> *The Public Participation Bill*, 2018, (Nairobi: Government Printer, 2018), Art 3, 6 & 7

<sup>26</sup> *Kenya Draft Policy on Public Participation*, (Nairobi: Office of the Attorney General, 2018), p vii [https://webcache.googleusercontent.com/search?q=cache:\\_mbygMigFKAJ:https://www.statelaw.go.ke/wp-content/uploads/2018/11/DOC-20181113-WA0023.doc+&cd=2&hl=en&ct=clnk&gl=ke](https://webcache.googleusercontent.com/search?q=cache:_mbygMigFKAJ:https://www.statelaw.go.ke/wp-content/uploads/2018/11/DOC-20181113-WA0023.doc+&cd=2&hl=en&ct=clnk&gl=ke) Last accessed on 27th August, 2019

interventions and is the foundation for a true democracy. Governance must put the citizen at the heart of decision making as the government is only an agent working on delegated authority. Even though Kenya has had forums for public participation such as regular elections, commissions of enquiry and local governments, the level of participation was woefully inadequate but with the promulgation of the new constitution, this is changing. The National and County Governments have demonstrated commitment to public participation through several efforts including putting in place policies, legislation and guidelines required to effect public participation. Mechanisms to reach out to all stakeholders, gather and work on feedback and demonstrate the fruits of their participation have been developed to make public participation more effective.

They have also put in place measures to mitigate against the challenges such as planning and financing that have been identified as hindering the enjoyment of the full benefits of public participation. With this commitment, the participation of Kenya's citizens in their governance will be transitioned from tokenism to citizen participation. While great progress has been made, it is imperative to diligently implement all the plans in the policies, legislations and guidelines so as to fully weave public participation into the fabric of governance until it becomes part of our national ethos.

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# DISINFORMATION IN THE CONTEMPORARY WORLD

Col Elijah Mwasi Mwanyika ‘psc”J’(UK), ‘psc’ (K) - Kenya Defence Forces

*“If you tell a big lie and keep repeating it, people will eventually come to believe it”...” Dr Joseph Goebbels, Propaganda Minister of the Third Reich*

As the world continues to appreciate the opportunities and advantages that the advancement in Information, Communications Technology (ICT) provides in all spheres of the society, in the recent times the same technology has become a thorn in the flesh both socially and politically. The social media has in the recent times been used by both governments, civil organizations and individuals to spread information with half-truths, fake news and at times pure lies in order to influence opinion, deceive or just to discredit opponents. This practice has permeated all spheres of the society and is taking advantage of the speed with which the information spreads. It can be argued that the proponents of disinformation have borrowed heavily from Dr Goebbels, the Minister of propaganda during Hilter’s era who intimated people are likely to believe a lie which is repeatedly told. Today, it is difficult to discern if what you read or watch in the social media is the truth, half-truth or pure lies that have been fabricated with an intention to deliberately persuade or mislead.

Though the use of the word “**Disinformation**” is a fairly recent terminology the context, practice and the intent are fairly old. Its intent has been to hide truth and true intentions in order to deceive an adversary in war as part of psychological operations. However, today it has not only been used against an adversary during war, but also during peace time to influence or deceive even those that are not necessarily foe. The practice of disinformation was also used during the WW1<sup>1</sup> as a weapon of deception. Major General Kalugin posits that deception was classified as part of information warfare and was “the heart and soul of Soviet intelligence.”<sup>2</sup> The art of deception has been inspired by Sun Tzu in his book “The Art of War”. Therefore, it suffices to say that deception has remained an integral part of war and is meant to misdirect, confuse or mask movement of intended actions. Since the act is not only applicable in war, some scholars and writers have used words like; truth decay, half-truths, false information and propaganda to explain the same act.

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<sup>1</sup> RémiKauffer, *Disinformation: American Multinationals at War against Europe*, (New York: Algora,2001)

<sup>2</sup> Mahairas, A, and Mikhail, D. “Disinformation – Дезинформация (Dezinformatsiya).” *The Cyber Defense Review*3, no. 3 (2018): 21-28. Accessed February 13, 2020.

**What is disinformation and has its intention changed and how does it work?** Disinformation is defined by Merriam-Webster as “false information deliberately and often covertly spread (as by the planting of rumours) in order to influence public opinion or obscure the truth<sup>3</sup> while Cambridge advanced learners dictionary defines disinformation as false information in order to deceive people.<sup>4</sup> Mahairas, defines disinformation as influence campaign through the development of messaging themes that amplify existing faulty lines politically and socially.<sup>5</sup> Ana Placio posits that many actors including Governments have long relied on disinformation as a tool of manipulation and control while Russia considered it as a strategic weapon specifically to influence world events.<sup>6</sup> Disinformation therefore apart from being used to deceive, it has been applied to sway opinion, influence, discredit opponents and foster interests. Information may be in the form of; documents, text messages, emails, tweets, videos and even images. From these definitions it can be concluded that disinformation is a deliberate dissemination of false information as a strategic weapon with an intent to influence public judgement, obscure the truth, deceive, influence, manipulate, control, discredit opponents, sway opinion in order to foster interests by amplifying existing political and social faulty lines. This seems to suggest that disinformation exploits the existing discord within the society with regard to a political, economic or social issue of interest in order to thrive. And therefore, the timing must be very precise in order to achieve the intended purpose/effect and reach maximum number of audiences.

Disinformation therefore is not new, what is new is the speed with which it can be reproduced and disseminated<sup>7</sup> and the expansion of the target group. Unlike its earlier intent, which was solely deception in war, disinformation seeks to mask the truth with an intent to influence decision making and sway opinion of the society and governments even in peacetime. In modern influence operations whether in war or peacetime the aim has been to obscure true facts and the ability to convince as many people as possible within the shortest time possible. This is achieved through the manipulation of information, producing a number of versions of the same and contaminate the information

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<sup>3</sup> Merriam-Webster Dictionary. <https://www.merriam-webster.com/dictionary/disinformation>. Accessed on 8 Aug 2019.

<sup>4</sup> Disinformation: Meaning in the Cambridge English Dictionary <https://dictionary.cambridge.org/dictionary/english/disinformation>. Accessed on 8 Aug 2019

<sup>5</sup> Mahairas, Aand Mikhail, D., Op cit.

<sup>6</sup> Ibid.

<sup>7</sup> Ana Placio, “Democracy vs. Disinformation,” 11 March 2019 <https://www.project-syndicate.org/commentary/disinformation-fake-news-democracy-by-ana-palacio-2019-03?barrier=accesspaylog>. Accessed on 7 Aug 2019.

space in order to create information overload.<sup>8</sup> Prier argues that for centuries messaging through various media designed to influence behaviour, however, today the availability of faster means of communication provide a medium for wider dissemination of manipulated information.<sup>9</sup> Advances in information computer technology provides a platform for both video and audio manipulation while the social media enables rapid transmission of the manipulated information among the online interested group of audience.<sup>10</sup> The whole intent is to reach a wide audience, diminishing their ability to find the truth.<sup>11</sup> It is worth noting that disinformation and misinformation do not have a shared meaning since the latter refers to false or misleading information based on error or ignorance.<sup>12</sup>

As one reads through the literature on disinformation, it is easily noticeable that most of the authors tend to link this practice to Russia and countries that are considered undemocratic. The literature tends to link this practice to the continuation of cold war politics seeking to discredit their historical foe the US, together with its allies and other democratic states. This has led to the development of a Doctrine by the Russian government on Information Security which states that “there is a trend in foreign media to publish biased information about Russian state policy and that there is discrimination against Russian mass media”.<sup>13</sup> However, it can be argued that the correct position is, even the US and other democratic States have often used disinformation in one way or another either directly or through intermediaries in order to influence friends and foe alike. The use of intermediaries or non-state actors is to circumvent the legal implications. While in the past influence operations and propaganda were a sole domain of the intelligence services and involved state-sponsored agents and means disguised as independent social media sites,<sup>14</sup> today, the disinformation systems need not to be state sponsored. The use of advanced information communication technology has easily facilitated the use of both overt and covert methods, thereby enhancing, speed, wider

<sup>8</sup> Mahairas, A, and Mikhail, D. Op cit

<sup>9</sup> Prier, Jarred. “Commanding the Trend: Social Media as Information Warfare.” *Strategic Studies Quarterly* 11, no. 4 (2017): 50-85. Accessed February 13, 2020. [www.jstor.org/stable/26271634](http://www.jstor.org/stable/26271634).

<sup>10</sup> Ana Placio, op cit

<sup>11</sup> Mahairas, A, and Mikhail, D. Op cit

<sup>12</sup> Merriam-Webster Dictionary Op cit

<sup>13</sup> Ajir, Media, and Bethany Vaillant. “Russian Information Warfare: Implications for Deterrence Theory.” *Strategic Studies Quarterly* 12, no. 3 (2018): 70-89. Accessed February 13, 2020. [www.jstor.org/stable/26481910](http://www.jstor.org/stable/26481910).

<sup>14</sup> Sultan, Oz. “Tackling Disinformation, Online Terrorism, and Cyber Risks into the 2020s.” *The Cyber Defense Review* 4, no. 1 (2019): 43-60. Accessed February 13, 2020. [www.jstor.org/stable/26623066](http://www.jstor.org/stable/26623066).



reach and greater impact of disinformation campaigns.<sup>15</sup> These are the effects of the established online social community of friends that share common interests and tend to trust each other to an extent not to doubt what has been shared by members of such a group. Within a short time, attractive, irresistible and convincing fake stories of unknown origin permeate both the print and social media, that are immediately shared, forwarded and retold within a community of online friends.<sup>16</sup> This is transmitted through Twitter accounts, Facebook and hashtags that immediately begin to trend and spread even beyond a groups social network.<sup>17</sup> Studies on social media have indicated that, a trending topic has the ability to easily reach large audience within a short time and thus contributing to agenda setting mechanisms.<sup>18</sup>

Given the advancement in ICT and the way it has permeated all levels of the world society, the reliance on online passage of information has had tremendous impact on the traditional mass media. Its ability to propagate information and false information has led to the fall of governments, influenced political decisions, perceptions about political leaders, voting patterns and at times influenced policy decision making. Since today the online platform usage is widespread, and the social groups created therein consist of like-minded individuals, it implies that fake news propagated by an individual in a group is likely to be considered as the truth because they are a group of like-minded individuals who share experiences, beliefs, values and perceptions. Even after the true version of the same information is propagated through a different social group, it will take time to convince them otherwise and damage will have already been done. In 2016 for example, during the US presidential election, news appeared on Facebook indicating that the pope had endorsed Donald Trump for the Presidency was viewed by over one million viewers within a short time<sup>19</sup> and most likely believed as the truth. It is interesting to note that the more people read fake news from the social media that is close to the truth without getting the true story they tend to start believing them. People will therefore tend to have a higher likelihood of trusting such sources at the expense of the mainstream media platforms that are viewed as less trustworthy.<sup>20</sup>

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<sup>15</sup> Mahairas, A, and Mikhail, D. Op cit.

<sup>16</sup> Valentine Groebner. Trust me, I'm lying; Why fake news is good news, 8 September 2017. <https://www.eurozine.com/trust-me-im-lying/>. Accessed on 7 Aug 2019.

<sup>17</sup> Prier, J. Op.cit

<sup>18</sup> Sitaram Asur, Bernardo HubermanGaborSzabo, and ChunyanWang, "Trends inSocial Media: Persistence and Decay" (unpublished manuscript, submitted to Cornell University Library (7 February 2011). <https://arxiv.org/abs/1102.1402?context=physics>.

<sup>19</sup> Prier, J.,Op.cit p 60.

<sup>20</sup> Prier, J.,Op.cit p 60.

According to the New York Times, a testimony given by a young Kuwaiti girl before the US congressional Human rights caucus in 1990, claiming that the Iraqi soldiers had committed atrocities against its citizens, was actually a lie orchestrated by the Kuwaiti-sponsored civil society organization in order to raise awareness about the dangers posed to Kuwait by Iraqi leader, Saddam Hussein and subsequently secure military support from the United States of America. The recording of this testimony was sent to a media firm which had link to over 700 TV stations in the United States immediately reaching an audience of 53million Americans.<sup>21</sup> This was one of the reasons for invasion of Iraq. In the recent past, disinformation has also been used to influence major events around the world. The justification of the invasion of Iraq in 2003, was also based on false information generated by the intelligence agencies of the United States that Iraq possessed weapons of mass destruction and used this disinformation to garner support from its allies and the international community through the United Nations.<sup>22</sup> All these actions were undertaken with a sole aim of legitimizing their actions, by shaping perceptions of domestic population and international community.<sup>23</sup> In 2018, false video footage about child abduction gangs in India shared widely on WhatsApp, led to the lynching of about ten people. It was later discovered that the said video footage was a Pakistan child safety campaign video which had been edited to depict an incident happening in India.<sup>24</sup> Disinformation is also affecting the field of health and medicine in some parts of Africa putting the lives of many in great danger. Deep rooted disinformation on the facts about Ebola for example, threatened efforts, undermined confidence and motivation of the health professionals that were out to assist the victims of the scourge in the Democratic Republic of Congo.<sup>25</sup>

In the case of Nigeria in 2012, while the social media conveyed the correct information/the truth the state sponsored media was disinforming the public. This incident led to protests and rise in fuel prices thereby threatening peace

<sup>21</sup> Jack, Xiong, "The Fake News in 1990 that Propelled the US into the First Gulf War", (May 7 2018). <https://citizenruth.org/fake-news-1990-that-ignited-gulf-war-sympathy/> Accessed on 26 Aug 2019.

<sup>22</sup> Raphael Ofek, "The Iraq War's Intelligence Fiasco 14 Years On: The WMDs That Never Were", *BESA Center Perspectives Paper No. 701*, (29 December 2017) <https://besacenter.org/perspectives-papers/iraq-war-intelligence-fiasco/>. Accessed on 28 August 2019.

<sup>23</sup> Asmolov, Gregory. "the Disconnective Power of Disinformation campaigns." *Journal of International Affairs* 71, no. 1.5 (2018): 69-76. Accessed February 13, 2020. [www.jstor.org/stable/26508120](http://www.jstor.org/stable/26508120).

<sup>24</sup> Tony Hall, "Opinion Fake News: Disinformation campaigns are distorting global news: Media organizations must take action to provide an antidote to this poison". *Financial Times* (11 Feb 2019). <https://www.ft.com/content/0df496e2-2a0b-11e9-9222-7024d72222bc>. Assessed on 21 Aug 2019

<sup>25</sup> David P Fidler, "Disinformation and Disease: Social Media and the Ebola Epidemic in the Democratic Republic of the Congo", (20 Aug 2019). <https://www.cfr.org/blog/disinformation-and-disease-social-media-and-ebola-epidemic-democratic-republic-congo>. Accessed on 26 Aug 2019

and tranquillity in Nigeria and a threat to the Government of President Goodluck Jonathan. The social media reported stories, shared opinions and persuaded millions of users to participate in the protests. This was a peculiar case since it is the social media that was relaying the true position on the ground and allowed people to freely comment on the issue<sup>26</sup> while the mainstream media was perceived to be disinforming the public. Similarly, the Arab spring experiences in Tunisia, Egypt, Libya, Syria, Bahrain, in their clamour for democracy, largely used the media to mobilize.<sup>27</sup>

Contrary to the perception that disinformation is a tool mainly used by Russia and its allies, the examples given seem to indicate otherwise. Disinformation is rife in democratic societies too since every liberal democratic society is expected to ensure the rights and freedoms of its citizens are protected and these include a free, uncensored and pluralist media. It is therefore incumbent for the state, the civil society and the international community to protect the pluralist media.<sup>28</sup> It can therefore be argued that, individuals, civil right movements and the governments have taken advantage of the freedoms and civil liberties enshrined in liberal democracies to expand the use of the social media for disinformation. Freedoms and rights in democratic societies have provided governments, political parties and their supporters with space to air their views freely and to sell their party agenda in order to win votes and disparage other competing parties. They hire professional firms, utilize social media bloggers and social applications that are used commonly by a majority of the world population today. Instantaneous access to information has affected how individuals relate to the government and other public administration structures.<sup>29</sup> Some would argue that this trend has compromised democracy<sup>30</sup> because of the lies that sway public opinion and how quickly can the public discover the truth. Freedoms enshrined in liberal democracies including the right to freedom of expression and right to information may at times be a threat to National security since they may sow division among communities.<sup>31</sup>

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<sup>26</sup> Emmanuel Ufuophu-Biri and Lucky Ojoboh, "Social Media as a Tool for Political Resistance: Lessons from the Arab Spring and the Nigerian Protests", *Academic Journal of Interdisciplinary Studies* Vol 6 No 1 (March 2017).<https://content.sciendo.com/downloadpdf/journals/ajis/6/1/article-p61.xml>. Assessed on 26 Aug 2019

<sup>27</sup> Simons, Robert. "A Community of Freedoms." *The Australian Quarterly* 68, no. 1 (1996) pp 31-42. doi:10.2307/20634715.p6.

<sup>28</sup> Ibid

<sup>29</sup> Ibid.

<sup>30</sup> Arjan, Bisen, "Disinformation Is Drowning Democracy, In the new age of lies, law, not tech, is the answer"(April 24, 2019).<https://foreignpolicy.com/2019/04/24/disinformation-is-drowning-democracy/> Accessed on 7 Aug 2019.

<sup>31</sup> Camille Francois, "The Future of Fact: The old-school double-agent tactics governments will use to erode trust 25September 2018).<https://qz.com/1383624/the-old-school-double-agent-tactics->

## How do we deal with disinformation?

Much as disinformation has been credited for some positives like in the case of the Arab spring in that they managed to restore democracies, there remains a number of challenges more than the benefits. In light of this therefore, many countries are grappling with the dangers related to the newfound freedoms in the social media. Counter disinformation campaign is considered as the most effective means of combatting disinformation.<sup>32</sup> To challenge and disrupt disinformation, it is important to rapidly identify the false narrative stories and develop social media countermeasures including Standard Operations Procedures (SOPs).<sup>33</sup> Others have argued that the most effective way of countering disinformation is first to understand its social role and subsequently develop policies to address it.<sup>34</sup> Since disinformation relies on like-minded social media crowds it may be important to target such crowds by disturbing the information flow however, the consequences may be dire. Unfortunately, the counter measures are to deal with two factors; the computer network and the human related social networks psychological effects.

In conclusion therefore, it is imperative to say that disinformation is not a new practice, since it has been part and parcel of war as a deception tool. What has changed is the means of propagating the information, the target group and the expanded intentions to include intent to influence public opinion, obscure the truth, deceive, influence, manipulate, control, discredit opponents, sway opinion in order to foster interests by amplifying existing political and social faulty lines. While disinformation was initially created as a weapon for intelligence operatives, in the recent cases this landscape has totally changed since any person or group taking advantage of technology can effectively use it to create more devastating effects within a short time and reaching millions of individuals and social groups online. Disinformation has had both positive and negative effects to the society and governments. It is through such platforms that democratic changes have been effected and it's through the same means that elections and opinions have been influenced. Individuals' opinions have been manipulated and States have faced challenges in urgent decision making. In some cases, this has created discord in foreign policy making and implementation and distorted perceptions socially and politically. How to counter disinformation remains a key challenge today because targeting the social media may have more devastating effects than envisaged at the same

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governments-will-use-to-erode-trust/. Accessed on 20 Aug 2019.

<sup>32</sup> Asmolov, G, opcit

<sup>33</sup> Sultan, Oz. Op.cit.

<sup>34</sup> Asmolov, G., Op cit

time democratic freedoms espoused in liberal democracies are sacrosanct. This remains a dilemma.

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# CAUSES AND MITIGATION MEASURES OF HUMAN - WILDLIFE CONFLICT IN KENYA

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## Introduction

Human - wildlife conflict is a major challenge threatening sustainable wildlife conservation globally. Kenya, like most states in the world is experiencing increased cases of human- wildlife conflict. This has become one of the greatest challenges towards conservation and sustainable interaction between people and wildlife. It is imperative to note that the human population increase, movement and settlements into areas previously occupied by wildlife and changes in land use have greatly aggravated the problem. This article explores the causes of these conflicts, current measures being taken as well as gaps that need to be filled in order to address these problems to ensure peaceful co-existence and sustainable wildlife conservation and community development in Kenya.

Human-wildlife conflict is a phenomenon that happens when wildlife needs interfere with those of human populations, impacting both the residents and wild animals (IUCN, 2005).<sup>1</sup> This is a problem that affects all countries regardless of their development status. Kenya like most states globally, has continued to experience human population increase resulting into more need for land by people causing encroachment into hitherto marginal lands that were previously occupied by wildlife. Conflicts between humans and wildlife can be traced from the early hominid era. Records of antiques show that the first human race fell victim to eagle like creatures with which they used to share their habitats. According to recent laboratory analysis of the famous human fossil known as the Taung Skull demonstrated evidence of the skull belonging to a child who was killed by a rapture more than two million years ago.<sup>2</sup>

Human-Wildlife conflicts occur in many forms including; Human fatalities and injuries during attacks, crops and property destruction, livestock depredation, water and pasture competition and the spreading of zoonotic diseases among many others. Wild animals often relates with humans beings in various ways. However, conflict occurs when such relations become unfavorable or are regarded to negatively impact the livelihoods and the survival of people.

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<sup>1</sup> Lamarque F. et al, *Human-wildlife conflict in Africa*, FAO Forestry Paper 157

<sup>2</sup> Berger and Clarke,( 1995); *Eagle involvement in accumulation of Taung child fauna*, journal of human revolution

These tense relations often result in conflicts between human and wildlife in the form of human attacks, livestock predation and crop raiding. (Woodroffe et al, Thirgood and Rahinowitz, 2005).

Attacks on humans occur when the animal feels threatened and cornered resulting to human death, injury, a threat, or even obstruction of the passages used by school-going children or general public. Livestock get killed or injured when they interact with carnivores and mostly when they are not herded, a situation known as depredation. This mainly takes place in unreinforced enclosures or when grazing in the fields. Crop raiding occurs when farmlands get raided and crops are destroyed or eaten by wildlife during farms raids. Elephants are the main culprits in crop raids. Wildlife also damage infrastructure including property like water pans and pipes, granaries and buildings. Those other forms of conflicts that are not part of the ones mentioned earlier including road kills by vehicles and trains are categorized as others.<sup>3</sup> In the Tsavo ecosystem, the main prevalent forms of conflict are human attacks, crop raids and livestock depredation.

Proper management of these conflicts is vital for sustainable conservation and management of wildlife. Many strategies and plans have been initiated in an effort to mitigate against these conflicts as well as provide sustainable solutions. However, despite all these efforts, there has been little success with ever increasing incidences of the conflict being recorded. This problem ends up having serious implications on sustainable conservation. There are two main methods of managing human-wildlife conflicts: This includes measures aimed at either prevention or mitigation. Preventive measures emphasize on measures necessary for minimizing the risk of conflicts occurring between people and wild animals and include in extreme cases the complete removal of the animals commonly known as translocation, creating barriers to physically separate the two or using a variety of scaring and chasing tactics.<sup>4</sup>

Despite the fact that prevention is always the best option, many at times it necessitates the use of reactive approaches whenever the conflicts have occurred. This happens due to inadequate or in some instances, lack of early warning systems of an impending crop raid or livestock depredation that mostly occur at night. To react to this, the main approach used in mitigation is known as Problem Animal Control (PAC). This is often undertaken by either killing or capturing the animal(s) for translocation elsewhere.<sup>5</sup>

<sup>3</sup> Mukenka J et al, *Characteristics of Human-Wildlife Conflicts in Kenya*; Environment and Natural Resources Research; (2018) Vol. 8, No. 3

<sup>4</sup> Muruthi P, *Human wildlife Conflict: Lessons learned from AWF'S African heartlands*, (2005)

<sup>5</sup> Makindi S et al, *Human-Wildlife Conflicts: Causes and Mitigation*; International Journal of Science and Research (IJSR) ISSN (Online): 2319-7064 Accessed on 19.8.2019



The intensity of conflicts varies with the wildlife species and regions in the country. This document however, looks at the general causes of conflict that occur across the country and suggests contemporary measures and practices that are currently in application aimed at either minimizing or completely eradicating the conflicts. In Kenya's there are six areas classified as human-wildlife conflict hotspots. These include Taita-Taveta, Kajiado, Laikipia, Narok, Lamu and Meru counties. Within these hotspots, human-wildlife conflicts undermine wildlife conservation efforts and disrupt local community livelihoods.

## **Causes of Human - Wildlife Conflict**

The following factors are the main causes of human-wildlife conflict.

### **Increase in human population and encroachment into wildlife areas.**

The increase in the number of people in a region creates pressure on the scarce natural resources. A high population and its demands will increase anthropogenic activities which will deplete and degrade the delicate environment. The consequences associated with the intensified human activities are realized over time. This is because humans are too ignorant to notice the environmental degradation indicators until they are experienced on a larger scale. Over time the pressure displaces wildlife causing the conflicts. In Africa for example, by the year 2000, human population had tripled since 1960. This has seen the spread of agriculture leading into encroachment of more marginal lands which have been acting as wildlife habitats (Campbell et al., 2003; Okello, 2005a; Muruthi, 2005; Okello and Kioko, 2010).

The settlement of people into new habitats leads to increased demand for resources that are also a necessity for wildlife, e.g., water and pasture for their livestock. Local communities under such pressures tend to migrate into other areas where resources could be obtained, which unfortunately and often happens to be occupied by wildlife, a precursor for conflicts. The challenges of droughts and desertification have also seen people migrate to rangelands in most parts of Kenya. These migrating pastoralists usually prefer settling within the peripherals of protected areas thus exposing themselves to Human-wildlife conflicts, e.g., the Tsavo National Parks buffer zone of about 20000 km<sup>2</sup> supports almost 250 000 people. In such areas a wide range of species co-exist with a high density of human population precipitating conflicts (Ogada et al., 2003; Patterson et al., 2004)

In 2002 members of Convention on biological Diversity met and signed the treaty, they set a specific target which aimed at slowing down the loss of the

world's fauna and flora by the year 2010 at the global, regional and national levels. Unfortunately, according to the Global Biodiversity Outlook 3 2010 report, the target was never realized. The report argues that the continued loss of biodiversity is as a result of continued anthropogenic activities.<sup>6</sup> According to Sala, et al. (2000), the alarming rate at which world's biodiversity is declining can be mainly attributed to the ever increasing human population.

To meet the demands of an ever increasing human population, more space in form of land whether arable or not is required. Land is necessary for meeting the livelihood needs of the population as it provides habitats which are vital for access to pasture for livestock, firewood and timber for domestic use. This would therefore mean encroaching into land that is rich in biodiversity. This in turn destabilizes the ecosystem and results to habitat degradation and pollution.

### **Changing and incompatible land use**

This is another major cause of human – wildlife conflict. When land previously occupied by wildlife is converted to other uses while still retaining wildlife species, it increases the likelihood of conflict occurring. Most parks are not fenced and hence majority of wildlife roam freely in and outside the parks. According to Kisoyan (1995), an analysis of land cover change in Taita-Taveta County showed a loss of a considerable amount of land cover to other land uses and mainly agriculture that was mainly as a result of human population pressure. Elephants were also recorded to have contributed to the destruction of the habitat and crops in those areas.<sup>7</sup>

The change in land use tenure systems in hitherto communally owned lands in many wildlife dispersal areas and where fragmentation to individual land parcels has occurred has increased pressure and competition in accessing the scarcely available resources thereby increasing tensions and causing conflicts between communities and wildlife.<sup>8</sup>

### **Community Attitudes and Perceptions**

Local communities perceive wildlife as a threat to their safety and livelihoods. This is common with communities that live in areas surrounding protected areas where wildlife are frequently responsible for adverse consequences, e.g.,

<sup>6</sup>Namano B W, *Impacts of Rapid Human Population Growth on Biodiversity*; Catalog Environmental Sciences.

<sup>7</sup>Mumu T W, *An Assessment Of The Impact Of Land Use Changes On Human elephant Conflict In Laikipia West District*, (2006) Kenya

<sup>8</sup>Makindi S et al, *Human-Wildlife Conflicts: Causes and Mitigation*; International Journal of Science and Research (IJSR) ISSN (Online): 2319-7064 Accessed on 19.8.2019

crop and livestock damage, death or injury.

In other instances, wildlife is considered a source of hardship because of increased competition for food and water resources. Such association of wildlife with damage influences local community tolerance to wildlife and their response to conservation initiatives/efforts (McGregor, 2004). In most cases this negative attitude results into retaliatory attacks which often results in the killing or injuring of the said animals. Local community beliefs in some instances are associated with occurrence of conflicts, e.g., crocodile attacks to humans are often ascribed to witchcraft. This has been linked to the apparent lack of concern shown by local communities to exposure to crocodiles often described as “carelessness” (Sichali, 2000; Wanjau, 2002).

### **Increase in livestock populations and competitive exclusion of wild herbivores.**

Communities living adjacent to protected areas are pastoralists who sometimes bring in big herds of livestock to graze in protected areas. This huge population of livestock usually displaces the wild herbivores due to overgrazing and become the preferred diet for carnivores leading to conflict. Mishra (2003) argues that the growing livestock populations in protected areas usually create forage competition with wild herbivores, leading to overgrazing which many a times affects the health and population of wild herbivores populations.

### **Climatic factors**

The rainy seasons have also been observed to be associated with increased cases of livestock depredation. This is a common phenomenon in most parts of the country and occurs when the herbivores scatter due to availability of water in most areas, carnivores also follow them in pursuit which in most cases leads to interaction with livestock leading to depredation. Patterson (2004) suggests that changes in rainfall patterns are directly related to increase in predation cases in Kenya. In Tsavo National Parks for example, an analysis done demonstrated a positive correlation between rainfall variation and livestock attacks. In dry periods, herbivores would spend most time near few water pans with water becoming vulnerable to predators. However during rainy seasons when there is plenty of water these herbivores disperse and are not easily caught making lions and other predators change their diets to easy targets being livestock.

## Management Approaches

There are two main methods that are used to manage these conflicts. They can be broadly classified as prevention or mitigation measures.

### Preventive Measures

Preventive measures are those that are used to stop the conflict from occurring. This is done by separating the wild animals from humans. It may include natural barriers such as rivers, ridges and mountains or man made through the creation of physical barriers in the form of electric fences and moats along the park boundaries to stop wildlife from venturing out or complete removal of the animals through translocation. Communities have also innovated traditional preventive methods by constructing artificial fences and other barriers around their homesteads to protect their agricultural farms and livestock. Erecting fences around homesteads as opposed to the entire reserve boundary is cost effective and allows for more dispersal areas for wildlife. Most farmers build pens without a ceiling which encloses their livestock.

A study by Ogada (2003) on traditional livestock husbandry methods looked at the effectiveness of various types of fencing in Kenya. In Laikipia County for example, pastoralists keep their livestock inside enclosed “bomas” (structures) at night, when most predator attacks occur. The Maasai and Samburu communities use different traditional techniques that include walls made out of materials like brushwood, mud, stones or high rubble. They also use modern types like mesh and barbed wire fences. The type of fence is often dictated by the ease of access to locally available materials. To a larger extent these fences have reduced the incidences of livestock depredation especially where they are well maintained. This method however is not foolproof as it requires supplementation by providing some human security since some species of wildlife have been known to burrow under the fences and access compounds and cause depredation.

Another method is that of construction of watchtowers at strategic locations within the farms that enable farmers have a birds view around the farms and alert others in case of a sighting of harmful wildlife in the vicinity. This allows the communities’ time to prepare to protect their crops from the wildlife before it gets destroyed. In some areas the use of cowbells or tins has been observed although with minimum effectiveness once the wildlife gets used to the noise (Muruthi, 2005).

Provision of alternative sources of water has also been effectively used as a diversionary tactic that has worked in reducing conflicts. Water pans constructed away from farmlands divert wildlife thus reducing the interaction

of livestock and predators as well as with elephants.

### **Mitigation measures**

Mitigation measures on the other hand are employed once the conflict has occurred. This is usually undertaken through Problem Animal Control (PAC). The method involves identifying the animal(s) causing problems and either killing it (in the case of human mortality) or chasing them away from the area concerned. Killing is also referred to as lethal control. However, lethal control of an endangered species is discouraged unless it is the last resort in solving the conflict (Muruthi, 2005).

Wildlife translocation, also known as removal, occurs when captured live animals are transported to another site from where they were caught. This technique is commonly used for varying reasons and especially when removing a rogue individual, reintroducing a new species in their former range or restocking a dwindling population. In active wildlife management, the technique has been used either to remove conflict animals responsible for either predation or crop damages but also to restock or destock populations in specific areas. Translocation is usually popular among the public, especially those who don't want the animals to get harmed as it grants those culprit species a second chance of living. This method unfortunately is controversial since the communities in the recipient areas often see this as introduction of more problems to their areas.<sup>9</sup> Translocation is a complicated exercise since sometimes some of the animals do not reach their new sites and die along the way due to stress related complications. Once translocated into new sites some individual animals have been known to continue with their rogue behavior thus endangering the lives and property of residents in the area (Conover, 2002).

Compensation and benefit sharing is becoming an increasingly popular method of changing the attitudes of communities and buying their support towards mitigating conflict and wildlife conservation. The Government has a scheme which compensates for human death and injury, crop and property destruction. However the biggest challenge in this scheme is its sustainability owing to the ever increasing claims that are presented to authorities for settlements. As Muruthi (2005) notes, these programs are normally supported by Non-Governmental conservation organizations besides the existing government schemes. The programs are meant to prevent the affected communities from retaliating against rogue wildlife by either injuring or

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<sup>9</sup> Conover, M. 2002. Resolving human-wildlife conflicts: the science of wildlife damage management. Lewis Publishers, New York

killing them as is usually the case. The privately managed compensation schemes although popular are however becoming increasingly unsustainable given their limited scope in meeting the demands of ever increasing cases being reported.

A new legislation which has provided for the creation of conservancies for ecotourism is another popular community empowerment mechanism that ensures that there's a positive interaction between humans and wildlife. Through partnerships with government and private investors most communal land with wildlife has been converted into conservancies and eco lodges constructed with revenue being remitted directly to members thus improving their livelihoods and enhancing their appreciation of wildlife in their areas. Human-wildlife conflict management has also been integrated as part of the larger conservation and development objectives of the national wildlife strategy 2030 that places communities at the center of decision making processes to enhance effective wildlife management and ensure harmonious co-existence for species' wellbeing and peoples' livelihoods. This is meant to incorporate community participation in conflict management in wildlife conservation.

## Recommendations

Human wildlife conflicts continue to pose the greatest challenge towards sustainable wildlife conservation. More pragmatic measures need to be employed to ensure coexistence between humans and wildlife. There is need for more funding on research that would prescribe the best and contemporary methods to deal with conflicts.

Communities should be involved in developing local solutions to mitigate against human wildlife conflict through Community Based Natural Resources Management Mechanisms (CBNRM), which can put in place to ensure environmental peace, conservation and sustainable development. Policies on wildlife conservation and management need to be enhanced to deal with human wildlife conflict. The current initiatives should build on local and regional frameworks such as the human-elephant conflict decision support system protocol by the African Elephant Specialist Group.

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# **ELECTRONIC WASTE MANAGEMENT: CHALLENGES IN ELECTRICAL AND ELECTRONIC EQUIPMENT DISCARD**

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## **Introduction**

There is no doubt that the environment is a support system to various organisms and individuals universally. To a certain extent, technology has had direct and oftentimes unintended undesirable effects on the environment, resulting in the destruction of the latter. It is also of concern that the humankind greed has been driving them to come up with survival and adaptation strategies which are in some circumstances hurting the very environment they depend on.

There are numerous environmental security concerns that call for rigorous determinations from state and non-state actors. The issues include – but not limited to: biodiversity loss, global warming, artificial elements, deforestation, and radioisotopes. We cannot ignore also, current manufacturing systems and usage of their products cause a myriad disruptions, whose collective influence has spread into the entire earth.<sup>1</sup> Since matters environmental security are many and diverse, the focus for this write-up will be on electronic waste generation and disposal behaviour that threatens our very survival if not managed properly.

It is critical to recognize that international, regional and national security, peace, and human liberties are all dependent on the environment. Of concern however, is the ever rising volume of electronic waste (e-waste) that is generated and discarded, compromising that very existential paradigm. Human behaviour towards the phenomenon is equally disturbing as it is characterized by unhealthy and irresponsible disposal tendencies. Policy frameworks also seem to further complicate the challenge as many states struggle with weak legislation and enforcement of international and domestic waste disposal laws. Further, rising consumerism and the attendant disposal inclinations within the global information society are indicative that if issues of e-waste dumping are not controlled and regulated, the health of all living organisms and the environment in which they inhabit are at risk.

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<sup>1</sup> Dalby, S., 2002

## What is Electrical and Electronic Waste?

When an individual discards automated and voltaic apparatus without intending to re-use; that is, called E-waste. Under different circumstances and in different regions, some define it as e-scrap. Almost any domestic or commercial item with electrical structure or components with electricity or battery supply is included under this wide array of merchandises.<sup>2</sup>

Users are increasing by the day as rapid technological advances dynamically transform socio-economic landscape through innovation and provision of more efficient services. Internet users and those who can afford and own virtual services and networks were estimated to constitute fifty per cent of the biosphere's populace by 2017. Possession of a number of ICT devices is more of a norm than an oddity. Shelf life of computers, mobile phones other gadgets and tools are reducing by the day. Consumerism by a growing global middle-class, who is spending more on electronic and electrical appliances, is subsequently producing large volumes of e-waste.

## Attitudes and behaviour towards E-Waste

Graedel and Allenby, (1995) are of the view that a systems-oriented vision is required for individuals to manage waste sustainably. This is premised on a conviction that well-thought-out industrial designs and processes should take into account the aspect of environment.<sup>3</sup> Alongside systemic considerations should be citizenry responsiveness which should be taken into account as they are the consumers and the disposers of those products which may be harmful along the way. Akintunde (2017) considers this element by proposing a model-“the health belief model”<sup>4</sup> In which he argues that beliefs help shape behavior.

The health belief model contends: beliefs are learned through principal socialization and therefore not static individual features. The model emphasizes on two facets of an individual's understandings of behaviour and health. The propositions focus on threat perception and behavioural evaluation, which argues that risk sensitivity – or seeming threat judgement originates from an individual's seeming vulnerability to infection with anticipated severity and extent of the impending illness. The conviction in this idealization is that, whenever an individual's assessed level of risk increases, the likelihood is that the individual will be convinced to adopt recommended prevention behaviour. Additionally, there are socio-psychological, population and organizational variables, as well as 'cues to action' considered as motivation that is essential

<sup>2</sup> Baldé, C.P., et al 2017

<sup>3</sup> Pongrácz, E., et al., 2004

<sup>4</sup> Akintunde, E. A. 2017

to initiate or activate engagement in preferred, healthy actions. Mass media promotions a family member's, kin or close friend's sickness, may provide the cues. If we relate this to the issue of e-waste, the model seems to suggest is that a consumer's attitude towards the gadgets and equipment is one of *laissez faire* as long as the item does not present a health threat to them, and they will only act when there is evidence of harm or disease.

## Status of Electronic and Electrical Waste in Kenya

Over the last decade, the ICT segment has been a key contributor of Kenya's economic development, growing on an average of more than 30%. Local enterprises and large multinationals are credited to have contributed to this phenomenal growth, which is largely driven by innovation. Annually, the amounts of e-waste currently being produced worldwide are approximately 50 million metric tons; an attendant consequence arising from technological advancements. Interestingly, lots of this e-waste is dumped in destinations where strict adherence to disposal is not followed; hence, developing countries like Kenya become beneficiaries of such discard.<sup>5</sup>

A considerable appetite for computers and related accessories has been created by an enabling environment in the ICT sector. Otieno and Omwenga (2015) attribute this to the e-government strategy that was launched in 2004; which saw elimination of duty levies on PCs and e-learning empowerment academia and advanced research in universities and tertiary institutions. There has been high proliferation of mobile devices buoyed by a rapidly expanding telecommunication industry, further complicating the situation. Communications Authority Kenya, estimated that there were about 32 million mobile subscribers in Kenya by 2014 while 22 million were internet users.

A 2010 United Nations Environment Programme report presented that the following appliances and their respective generation of e-waste was as follows: refrigerators -11,400 tonnes; TVs - 2,800 tonnes, personal computers - 2,500 tonnes, printers - 500 tonnes and mobile phones - 150 tonnes. A Kenya ICT Action Network conducted a mass flow study in 2007 and found that electronics entered the market in Kenya amounted to about 1,513 tonnes. The report further indicated that consumers received an additional 1489.4 tonnes while buyers are expected to throw away 1,210.4 tonnes to the second-hand market. Another 18.6 tonnes would be taken by garbage cleaners while refurbishers would receive general waste. The report also indicated that within the consumer-buyer-disposer-collector chain, recyclers get a further 18.6

<sup>5</sup> Draft National E-Waste Management Strategy, 2019

tonnes directly from consumers. Of all those amounts, 605.2 tonnes is sent for disposal to refurbishers and recyclers.<sup>6</sup> Such massive generation, require corresponding regulation and control, to protect both the consumers in the circumstances they are operating in. On paper, the interventions are well documented; compliance to the provisions is another story, altogether.

## Operating Environment

In its aspirational overarching objective, Kenya's economic roadmap, "aims to transform Kenya into a newly industrializing, middle income country providing a high quality life to all its citizens in a clean and secure environment"<sup>7</sup> by 2030. In its quest to achieve the projected outcomes and being a global actor; it is desirous that Kenya is not left behind in the globalization trends. This subtle balancing act challenges the State's commitments to its cause vis-à-vis technological advancements and uptake which are flooding the markets. Kenya is alive to both the opportunities presented and the attendant challenges related with the e-waste phenomenon.

The absolute edict of the land gives credence to the significance of preserving the environment by placing the subject matter as a fundamental right. In Chapter 4 (Bill of Rights), Part 2 (42) it expresses that, "every person has the right to a clean and healthy environment, which includes the right— (a) to have the environment protected for the benefit of present and future generations through legislative and other measures"<sup>8</sup>.

Constitutionally, Article 69 is firm: (1) The State shall— (a) ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits; (d) encourage public participation in the management, protection and conservation of the environment; (f) establish systems of environmental impact assessment, environmental audit and monitoring of the environment; and (g) eliminate processes and activities that are likely to endanger the environment; while the implementation of environmental privileges is where every person is entitled to a clean and healthy environment. Under Article 42, any person may seek for damages where he feels his environmental rights have been violated.

Additionally, Article 70 (2) provides that "on application under clause (1), the court may make any order, or give any directions, it considers appropriate— (a) to prevent, stop or discontinue any act or omission that is harmful to the

<sup>6</sup> Draft National E-Waste Management Strategy, 2019

<sup>7</sup> Government of Kenya, Vision 2030(2007)

<sup>8</sup> The Constitution of Kenya, 2010

environment; (b) to compel any public officer to take measures to prevent or discontinue any act or omission that is harmful to the environment; or (c) to provide compensation for any victim of a violation of the right to a clean and healthy environment. (3) For the purposes of this Article, an applicant does not have to demonstrate that any person has incurred loss or suffered injury”.<sup>9</sup> The spirit and letter of the Constitution are free of ambiguity concerning protecting and preserving the environment, in a bid to provide a healthy environment for the inhabitants. Are the inhabitants responsive to these well-meaning intentions that safeguard their fundamental rights? To some extent yes, and to the other, no, this is why restrictions and restraints have to be availed to deter the inhabitants from “harming” themselves through irresponsible behaviour.

The constitutional provisions resonate with the global aspirations as envisaged in the Sustainable Development Goals (SDGs). Coincidentally, as time-lined by Kenya’s strategy towards socio-economic development by 2030, the United Nations alongside all member states adopted an ambitious international Agenda 2030 in September 2015 that aimed at achieving universal sustainable development. In its projections, “this new agenda identified 17 SDGs and 169 targets to end poverty, protect the planet, and ensure prosperity for all over the next 15 years”. A critical component that calls for deliberate attention and management is predicated on “increasing levels of e-waste, and improper and unsafe treatment, and disposal through incineration or in landfills which pose significant challenges to the environment and human health and to the achievement of the SGD’s”.<sup>10</sup>

The SDGs focus on e-waste management is specifically related to target three that seeks to see a decrease in mortality rates and diseases instigated by harmful compounds, water, air, soil contamination and contamination. It is supported by Target 6.3 that seeks to lessen effluence, eradicate irresponsible discard, and reduce discharge of dangerous substances. The goals, developed by high level international decision making organs are testament to addressing the reality brought about by human inventions and innovations which are turning out to be a double edged sword that is transforming society globally on one hand and on the other hand, threatening to decimate the very subjects they seek to offer quality life.<sup>11</sup>

Kenya has ratified several regional and international instruments that address all manner of environmental pollution, degradation and sound management. Ensuing the unearthing of toxic wastes deposits dumped in

<sup>9</sup> The Constitution of Kenya, 2010

<sup>10</sup> Baldé, C.P., et al 2017

<sup>11</sup> Baldé, C.P., et al 2017

Africa and other parts of the developing world by some member states of unscrupulous North, the Basel Convention was adopted on March 22, 1989.<sup>12</sup> This was intended to check on transboundary shipment of harmful trash and their discard. Another landmark instrument is the Nairobi Convention which provides a mechanism for regional (East Africa) coordination, cooperation, and collaborative actions on solving pollution issues of the littoral and maritime environment.<sup>13</sup> This attests to Kenya's willingness to comply with the set rules, however, implementation of the same is wanting.

In Kenya, most of the electronic waste is managed through the informal sector commonly referred to as *jua kali*. A number of private institutions and firms such as Practical Action, Nokia, and Computer for Schools Kenya, have made attempts to cope with e-waste by initiating refurbishment and recycling programmes. A *take back* scheme by Kenya's leading telecommunications industry player, Safaricom, did not work out as expected due to lack of consumer awareness, inaccessible assortment centres and lack of inducements. Another major setback is lack of proper disposal mechanisms which have resulted in most consumers holding disproportionate amounts of the e-waste or disposing of them indiscriminately.

## Challenges

One of Kenya government's objectives in the last ten years has been trying to ensure there is affordable and equitable access to ICTs. A disparity however is that it has not paid commensurate attention to the environmental bearing of such access. Among the key contestation is lack of regulation in e-waste management. Another manifestation of weak systemic failure are gaps that should inform strategy and guiding policy, accompanied by limited skills. The entities also do not have adequate financial resources, and structural capacity to address the challenge of recycling systems effectively.<sup>14</sup>

The 2016 National Information and Communications Technology (ICT) Policy identified ICT; space science technology; environment and natural resource management; as among segments that are noteworthy to attainment of national growth and development targets. The policy outlines several areas of innovation that will be accorded primacy. They include: space science, telecommunications, biotechnology, automobile and nuclear electricity;

<sup>12</sup> Basel Convention Overview available at <http://www.basel.int/TheConvention/Overview/tabid/1271/Default.aspx>

<sup>13</sup> Otieno and Omwenga E. 2015

<sup>14</sup> Otieno and Omwenga E. 2015

electronics and computers.<sup>15</sup> What the ICT policy fails to address, are the mechanisms required to sustain an unpolluted and well-conditioned ecosystem, with special reference to waste made from the products and items that are of electronic and electric makeup.

Risks associated with inappropriate and dangerous handling and disposal of electronic waste, through exposed burning at dumpsites, do cause environmental and health concerns. When treated defectively, the matter contained in some E-waste have lethal compounds, thus poses grave health risks to individuals which may be in terms of air, water, and soil pollution. Disassembling procedures that do not employ adequate means, facilities, and skilled personnel further complicates the threat dilemma to both people and the supporting terrestrial sphere.

Each year the industrialized nations send approximately twenty three percent of their e-waste to the South-South divide. This is an open contravention of Basel Convention where 186 states and European Union have ratified. The international instrument was intended to reduce the transference of harmful and toxic waste from industrialized states to emerging economies. In open violation of this global containment, the United States of America, though in developed nations league has not ratified the Basel Convention, a situation it abuses by entering into agreements with poor struggling nations that allow it to transport hazardous waste to such countries.<sup>16</sup> The pretense and hypocrisy of dominant states, puts the developing countries at risk of having their environment polluted, without a requisite redress for any damage that may arise from such violations.

There is an apparent fluidity in addressing sustainable e-waste practices, as demonstrated by a seemingly deliberate narrow appreciation of how to efficaciously conciliate such impunity and a global South that is suffering from scarcity of intellectual investigation on e-waste guiding principles and/or unwillingness to expedite on existing ones. Indeed, a number of mechanisms have been put in place, including collection and recycling strategies; requirements to design hazardous components out of products and bans on Northern exports and Southern imports and yet challenges abound concerning the nontoxic handling, reprocessing, and legal hygiene of e-waste.

Kenya has not been spared by this phenomenon. Otieno and Omwenga (2015) argue that Kenya faces an uphill task in contending with deficient legislation together within coherent public disposal and procurement regulations, low public responsiveness, insufficient e-waste control and

<sup>15</sup> Government of Kenya, National ICT Policy, 2016

<sup>16</sup> Cho, R. 2018

monitoring infrastructure; unaffordability of brand new technologies to counter elusive e-waste, enactment of extended producer responsibility and prevailing deficiency for manufactured goods expiration period take-back structures. Expiration life

Policy makers need to pay more attention to this issue of e-waste disposal mechanisms by putting in place policies that address safe and clean throwing away of e-waste and rooting of adoption of appropriate strategies for the return of merchandises at the expiration of their shelf life. The use of renewable, eco-friendly machineries and material and waste minimization practices may also offer some reprieve. Other strategies that industry could consider include adapting preventive doctrines by taking on ecological product designs and enforcing a seller responsive responsibility and a buyer responsive disposability, making the value chain accountable to the operating environment. Business persons can also cooperate with administrations to operationalize prolonged manufacturer obligation as a suitable basis that ensures environmental justice. Manufacturers would thus be expected to shoulder responsibility for safe disposal of e-waste.

Another strategy would be to offer informal recyclers monetary inducements to divert e-waste to prescribed assembly points, for example, they could be extra compensated for delivering cathode ray tube screens to the prescribed assembly point than they would earn from manual dismantlement. Further, provisions should be made for safe and expedient ways to recycle and vend worn out mobile phones, tablets and MP3 players. Clients can be encouraged to take used and dysfunctional gadgets to selected “kiosks” where the gadgets will be assessed according to the make and state it is in and expedite the purchase on the spot. The items are thereafter either responsibly recycled or reused.

## Conclusion

That we need to keep our physical ecosystem is not debatable. That there are far more benefits and opportunities to reap from our environment as characters around the planet earth become more knowledgeable are also an understatement. The budding information society and growing digital economy are directly furthering the scope of the challenges that come with any disruptive advancement. New applications and services delivered by more and faster networks, in increasingly high speeds, have created new frontiers for growth for many people, even ordinary citizens.

The sectors which are experiencing virtual transformation by using electronic wares and devices include education, government, health, commerce and entertainment. In equal measure, are enhanced intensities of disposable



incomes, metropolis settlements, and automation in various emerging economies. Electrical and electronic equipment wastes are also accumulating by the day. No longer in use phones of all brands, fridges, sensors laptops, and television sets contain materials that carry significant environmental risks that are harmful to our well-being, especially if not treated competently and decisively.

Most e-waste is either undocumented or scantily documented, making it difficult for policy makers to plan adequately for lack of assistive data. The generated e-waste as demonstrated in the article is not treated through suitable recycling chains and procedures. It is imperative upon nations to put more efforts to develop e-waste policies that address issues of implementation and enforcement. An impressive sixty six per cent of the worldwide inhabitants are protected by e-waste legislation; however, the systems lack sound management. If well managed, e-waste is capable of creating new streams of productive engagement, drive entrepreneurship, while ensuring that we all enjoy quality life in a clean and secure environment.

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# GENDERED VIOLENCE: GLOBAL PERSPECTIVES OF FEMICIDE

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## Introduction

Gendered violence focuses on the relationships between genders in which differences based on gender is supported through systemized forms of violence against persons and groups in what is considered as subordinate positions<sup>1</sup>. At the crux of gendered violence are social relations which lead to psychological, sexual and physical violence founded on the gender of a person. In many parts of the world, the women are seen to hold subordinate positions and are therefore subjected to these types of violence. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted Recommendation 19 which describes violence against women ‘as violence that is directed against a woman because she is a woman or that affects women disproportionately’<sup>2</sup>. The Beijing Declaration and Platform for Action of 1995, further postulates that girls and women in all societies are exposed to psychological, physical and sexual abuse that cuts across lines of income, class and culture<sup>3</sup>. In the definition of gendered violence, there is no negation of the fact that boys and men are also victims of violence. Nevertheless, gender inequalities in different societies make women more vulnerable to violence.

Traditional gender roles continue to drive gender inequalities. Nevertheless, contemporary times have seen socio-structural advances which have allowed women to find their space and voice to speak against gender inequalities. For instance, in the United States, women were allowed access to employment opportunities and increased participation in the public arena<sup>4</sup>. Similarly, in other parts of developed countries, women have seemingly found their voices in public discourse and this has allowed greater participation in decision-making processes on different matters, especially those that concern them. As a result, there is a low tolerance to gendered violence in these developed

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<sup>1</sup> Laurel E. Fletcher, Angana P. Chatterji, and Mallika Kaur, Kaur, “*Conflicted Democracies and Gendered Violence: The Right to Heal*,” 2015.

<sup>2</sup> Kavitha Suthanthiraraj, “The UN Declaration of Human Rights at 70: Women’s Rights,” *Australian Journal of International Affairs* 73, no. 4 (July 4, 2019): 331–36, <https://doi.org/10.1080/10357718.2019.1631253>.

<sup>3</sup> Fletcher, Chatterji, and Kaur, “*Conflicted Democracies and Gendered Violence*.”

<sup>4</sup> Tammy S. Garland, Nickie Phillips, and Scott Vollum, “Gender Politics and The Walking Dead: Gendered Violence and the Reestablishment of Patriarchy,” *Feminist Criminology* 13, no. 1 (2018): 59–86.

countries as compared to developing countries.

Across the world, more than 700 million women are affected by domestic violence with most coming from South Asia and Africa<sup>5</sup>. Cultures which perpetuate violence against women be they structural, systemic, interpersonal or institutional are criticized by many quotas. The Security Council Resolution 2467 calls for an end to sexual violence against women during the conflicts<sup>6</sup>. This is deemed important in breaking cycles of violence. However, there are ostensibly deep-rooted cases of violence against women. Extreme violent episodes between family members and intimate partners have led to partner homicides which are commonly referred to as femicide. In feminist lexicon, femicide is viewed as a form of sexist terrorism which propagates violence against women<sup>7</sup>.

## Global Perspectives on Femicide

The concept of femicide was first introduced in 1976 at the International Tribunal on Crimes against Women in a bid to recognize sexual related murders. It was a gender-specific move to distinguish the killing of women from the general term of homicide. Since then, the term femicide has been incorporated in different discourses on the killing of women by men. The term femicide is not clearly defined as it is subject to different degrees of interpretation<sup>8</sup>.

Generally, femicide is labelled as gender-related killings of women and girls which are committed in different ways and contexts. Female victims are killed by their fathers, mothers, children, brothers or other family members. They can also be killed by their current or former partners whose motives are mainly driven by abandonment, fears and jealousy. Feminist groups have continually spoken on femicide which is seen as a social problem. Femicide-related acts cut across religion, gender, class, and sexual orientations. Femicide is grounded on power structures; therefore, femicide affects women depending on the power that a woman has in the society<sup>9</sup>.

In European countries, there is lack of availability of specific data on femicide which means that there is limited surveillance on gender-based crimes towards

<sup>5</sup> Kathleen Beegle et al., *Poverty in a Rising Africa* (The World Bank, 2016).

<sup>6</sup> Suthanthiraraj, "The UN Declaration of Human Rights at 70."

<sup>7</sup> Jennifer L. Fluri and Amy Piedalue, *Embodying Violence: Critical Geographies of Gender, Race, and Culture* (Taylor & Francis, 2017); Weil Shalva and Corradi Consuelo, *Femicide across Europe: Theory, Research and Prevention* (Policy Press, 2018); Garland, Phillips, and Vollum, "Gender Politics and The Walking Dead."

<sup>8</sup> United Nations Office on Drugs and Crime, "Global Study on Homicide: Gender-Related Killing of Women and Girls," UNODC, 2018, 1–64.

<sup>9</sup> Janice Joseph, "Victims of Femicide in Latin America: Legal and Criminal Justice Responses,," Temida 20, no. 1 (2017).

women<sup>10</sup>. Some studies have been conducted to show the extent of femicide across Europe. As reported by Shalva and Consuelo, femicide incidents are mainly experienced among migrants, which are mainly symbolic of honour killings and masculine domination<sup>11</sup>. In the same vein, Marcuello-Servos et al. cite that gendered violence in Europe geared towards women is symbolic of patriarchal power which is interwoven in conditions which are social and structural<sup>12</sup>.

In Latin America, the concept of femicide is defined by the national legislation. This is also recognized in countries such as Venezuela, Colombia, Costa Rica and Chile among others where femicide has been criminalized since 2007<sup>13</sup>. Even so, continuous femicide cases continue to be reported in Latin America, for instance, Del Rio reports that in Brazil alone, an average of 4,500 women are killed every year due to the fact that they are women<sup>14</sup>.

Similarly, in 2014, at least 12 Latin American women were murdered every day because they were female, bringing the total to over 2000 cases of femicide. The reason for these high rates of killing is attributed to historical patterns of violence in which historical patriarchal systems make femicide a norm which has evolved in different societies with the view that women are men's property which can be disposed of at any time<sup>15</sup>. Additionally, there are few mechanisms to handle gendered violence coupled with a lack of police training to deal with gender-related crimes. The penalties for femicide vary from country to country with some countries such as Brazil sentencing perpetrators to a minimum of 12 years imprisonment, while others such as Chile opt for life imprisonment<sup>16</sup>.

An assertion by Beegle et al. points out that in developing countries, the tolerance of gendered violence is twice as high as compared to other parts of the world. In Africa, the tolerance to gendered violence stands at 30 per cent of the total population while incidences of the violence are more than 50 per cent. The patriarchal society in Africa considers gendered violence to be violence against women. This violence is mainly found in social and political contexts

<sup>10</sup> Carmen Vives-Cases et al., "Expert Opinions on Improving Femicide Data Collection across Europe: A Concept Mapping Study," *PLOS ONE* 11, no. 2 (February 9, 2016): e0148364, <https://doi.org/10.1371/journal.pone.0148364>.

<sup>11</sup> Shalva and Consuelo, *Femicide across Europe*.

<sup>12</sup> Chaime Marcuello-Servós et al., "Femicide: A Social Challenge," *Current Sociology* 64, no. 7 (2016): 967–974.

<sup>13</sup> Janice Joseph, "Victims of Femicide in Latin America: Legal and Criminal Justice Responses," *Temida* 20, no. 1 (2017).

<sup>14</sup> A. Del Rio, "NiUnaMenos: Against Femicide in Latin America," *Democracia Abierta*, 2016.

<sup>15</sup> Janice Joseph, "Victims of Femicide in Latin America: Legal and Criminal Justice Responses," *Temida* 20, no. 1 (2017).

<sup>16</sup> Ibid

which expose gender inequalities in the societies<sup>17</sup>. Since gendered violence in the African society is founded on masculinity and femininity, it focuses on the socialization of individuals which perpetuates domestic violence.

In the African setup, women are considered as minorities whose role is to be children bearers and taking care of their families. Women are expected to obey the men unconditionally and any questions posed are met with belligerent actions. Women in these societies, therefore, suffer more from domestic violence meted on them by intimate partners. Arguably, the high tolerance towards violence is due to women being acceptors of domestic violence while they justify their partners beating them<sup>18</sup>. In fact, startling statistics by Christiaensen hold that 51% of violence against women in Africa is justified in instances when they neglect their children, do not seek permission to go out from their husbands, when they decline to engage in sex or when they burn food<sup>19</sup>. This in most cases, results in femicide. Family and ethnic cultures, as well as structural placements, put women as subjects to men. In this line of thought, femicide is therefore used by men as measure of social control and punishment for perceived wayward behavior.

## The Rise of Femicide in Kenya

In Kenya, female-focused violence plays a role in hindering the achievement of economic and social development objectives<sup>20</sup>. Women play a vital role in driving the development agenda in the country; however, this is deterred by violence against women which causes their confidence, mental and physical health to diminish. With these factors in sight, women are unable to participate meaningfully in terms of decision-making and negotiating for equitable relationships in their households.

A report by Nyambura indicates that in 2001, FIDA, a feminist organization in Kenya, documented 62 cases of gendered violence against women in the period between January to September 2001, of these, 29 were femicide cases. During the 2007/8 Post-Election Violence in Kenya, women and girls faced lethal violence with numerous cases of gendered violence and femicide being reported. The violence which was both physical and sexual left many women

<sup>17</sup> Beegle, Kathleen, Luc Christiaensen, Andrew Dabalen, and Isis Gaddis. *Poverty in a Rising Africa*. The World Bank, 2016.

<sup>18</sup> Ibid

<sup>19</sup> Luc Christiaensen, "Domestic Violence and Poverty in Africa: When the Husband's Beating Stick Is Like Butter," World Bank Blogs, January 18, 2016, <https://blogs.worldbank.org/african/domestic-violence-and-poverty-in-africa-when-the-husbands-beating-stick-is-like-butter>.

<sup>20</sup> Caroline Nyambura, "Print Media Coverage of Gender-Based Violence in Kenya" (Thesis, University of Nairobi, 2014).

dead, raped, maimed and with severe trauma injuries. The cases were perhaps the worst reported cases of gendered violence ever experienced in the country to date. Even though the Post-Election Violence came to an end, incidences of gendered violence and femicide continue to be widespread in the country<sup>21</sup>.

The United Nations Office on Drugs and Crime indicates that Kenya was among the countries with the highest femicide cases in the world. According to the report, 38.5% of girls and women who fall in the age bracket of between 15-49 have been physically abused in their lifetime. Since 2014, femicide cases have been steadily increasing from 2648 cases to 2856 in 2018<sup>22</sup>. According to Open Africa, over 22 cases of femicide were reported to Kenyan police in the period between January and April 2019. Additionally, over 50 cases had been reported through different mass media platforms. The women had been killed by their husbands, boyfriends or close family members<sup>23</sup>.

The role of the media in creating awareness of gendered violence and femicide in the contemporary world is therefore important. Gendered coverage of the media is nonetheless considered as biased being that patriarchal societies seem to breed gender imbalances in terms of media coverage. As argued by Nyambura, the inequalities between men and women in Kenya do not allow the media to provide the real socio-political reality on gendered violence and imbalances. This fails on influencing public opinion on ways of reducing violence directed towards women in society<sup>24</sup>.

Uncovering the real root causes of the rising rates of femicide cases in Kenya may be an uphill task, however, a good place to start is in the understanding that many violence cases towards women in the country are embedded in culture and perpetuated by deeply-rooted attitudes towards women and girls. Cultural factors drive the role of individuals and attitudes of the community towards gendered violence<sup>25</sup>. Legally, Kenya lacks an enacted law which bars domestic violence. Furthermore, there is no particular strategy by the Kenyan government to combat the increasing cases of femicide in the country<sup>26</sup>.

<sup>21</sup> Nyambura, Caroline. *"Print Media Coverage of Gender-Based Violence in Kenya."* Thesis, University of Nairobi, 2014

<sup>22</sup> United Nations Office on Drugs and Crime, *"Global Study on Homicide: Gender-Related Killing of Women and Girls."* UNODC, 2018, 1–64.

<sup>23</sup> OpenAfrica, *"Femicides in Kenya,"* 2019, <https://africaopendata.org/>.

<sup>24</sup> Nyambura, Caroline. *"Print Media Coverage of Gender-Based Violence in Kenya."* Thesis, University of Nairobi, 2014

<sup>25</sup> Ibid

<sup>26</sup> Odhiambo Oyoo, *"Assessing the Adequacy of the Laws Dealing with Domestic Violence in Kenya: The Need to Enact the Protection against Domestic Violence Bill, 2012,"* 2012.2012.\\uc0\\u8221{} 2012.,,"plainCitation": "Odhiambo Oyoo, "Assessing the Adequacy of the Laws Dealing with Domestic Violence in Kenya: The Need to Enact the Protection against Domestic Violence Bill, 2012," 2012.,,"noteIndex":26},"citationItems":[{"id":861,"uris":["http://zotero.org/users/local/

## Conclusion

Scholarly literature has continued to theorize femicide but there is a failure in creating a nexus between theory and practice. Patriarchal dominion has perpetuated violence against women which in many incidences culminates in femicide. Coercive control tends to drive societal relationships which determine the woman's position as subordinate to the man. The fact that men are the agents of gendered violence and femicide activities presents challenges of their participating in ways to prevent these actions. This does not, however, refute the fact that men would be instrumental in the fight against gendered violence and femicide. Disparities in literature are revealed in lack of government will to fight the rise of femicide cases in countries such as Kenya. In addition, there is a lack of monitoring and surveillance mechanisms that would lead to the reduction of the cases.

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# THE RISE IN ELEPHANT POACHING IN BOTSWANA, REASONS AND IMPACT

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## Introduction

For a long time Botswana has been considered to be a safe haven for elephants in Africa, particularly in Southern Africa. Because of the safe environment in Botswana, elephant used to migrate into Botswana from the neighbouring countries as a result of the threat posed by rampant poaching. As they say “elephants are smart refugees”, whenever they felt that their lives were in danger they migrated into Botswana where the environment was secure. Lately in Botswana there has been a sharp increase in poaching incidents, raising questions on whether elephants will soon be fleeing the country seeking safe havens from where they came from. While some elephants could have died as a result of natural causes, most of the bodies found in recent attacks o elephants were pointing towards poaching as most of the animals had their head mutilated and their tusks missing.

## Evidence of Poaching

Botswana's elephants have been attracting large numbers of tourists, thus contributing immensely to the growth of the country's gross domestic product (GDP).<sup>1</sup> Therefore the recent escalation of elephant poaching has become a serious concern as a threat to the national economy. Poaching is a natural phenomenon which is why its complete eradication is near impossible, however, understanding of the factors that escalate it can contribute significantly towards efforts to combat it and effectively managing it.

Historically, poaching was perceived to be within the manageable limits because it was perceived to be done domestically for subsistence purposes by citizens of the country. In fact, wildlife game has always been used as part of the control mechanisms geared towards controlling the numbers of wildlife to avoid them exceeding the holding capacities of the game reserves. However in 2014 government came up with a policy shift towards management of wildlife in Botswana, this policy, banned wildlife hunting completely. While it has been proved empirically, it is widely commentated that the hunting ban led to sharp increase of the number of elephants thereby creating other unintended

<sup>1</sup>His Excellency Dr. Mokgweetsi E.K. Masisi, President of the Republic of Botswana, *State of the Nation Address*, 5th November 2018, Gaborone.

consequences. As the elephant herd exploded exceeding the carrying capacity of the national parks and reserves, elephants began to roam everywhere, thereby becoming easy targets for poachers whose tendencies and now motivated by the high value of poaching which has become Commercialized.<sup>2</sup>

Currently the population of elephants in Botswana is estimated at around 130 000 which is a sharp increase from the estimated 50 000 prior to the hunting ban and accounts for about a third of the total African population.<sup>3</sup> Prior to this paradigm shift, seasonal trophy hunting was used as a form of community-based management of wildlife to control their numbers, ensuring that the population of wildlife does not outgrow the carrying capacity of their natural habitat.<sup>4</sup>

In a survey conducted in Botswana in 2018 it was reported that 156 elephants were killed for ivory purposes. This conclusion was reached mainly on the evidence obtained by observation on ground which revealed that carcasses of the elephants were found with mutilated heads while others with damage sustained on the skull with the tusk missing. The report also posited that at least 385 elephants may have been poached in the country between 2017 and 2018.<sup>5</sup>

## **Drivers of Elephant Poaching in Botswana**

Poaching from the historical perspectives used to be simple as it was mainly done at small scale for subsistence purposes. However, the contemporary poaching has become more complex and fluid because of one or more of several factors examined in the following areas; migration of elephants from neighboring countries into Botswana; availability of the market; advancement in air transport; technology development; involvement of security agents in corrupt practices; proliferation of small arms and light weapons; coordination and cooperation and community based engagement in anti-poaching.

China currently provides the market for ivory which is lucrative with the value of ivory per kilogram currently estimated at 3000 US Dollar. In 2013, roughly 400 tons of ivory was trafficked representing the tasks of 50,000 elephants which represents a billion dollar year of business<sup>6</sup>. This has heightened

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<sup>2</sup> Rolf D. Baldus, *Poaching in Africa: Facts, Causes and Solutions*, African Indaba, The International Council for Game and Wildlife Conservation, April, 2014, Volume 12-3.

<sup>3</sup> Scott Schloss, Michael J. Chase and Robert Sutcliffe, (2019) *Evidence of a Growing Elephant Poaching Problem in Botswana*, Current Biology 29, 2222-2228, Elsevier.

<sup>4</sup> Nixon Sifuna, 2009, *Damage Caused by Wildlife-Legal and Instrumental Arrangements*, National Affairs, Environmental Policy & Law, 39/2 (2009), Botswana.

<sup>5</sup> AanuAdeoye, CNN, [www.edition.cnn.com](http://www.edition.cnn.com), Feb 25, 2019. (viewed . 24 August 2019)

<sup>6</sup> Richard Schiffman, *Ivory Poaching Funds Most War and Terrorism in Africa*, New Scientist, [www](http://www).

the level of poaching in the SADC region and in particular, with the highest numbers of elephant herds found in Botswana. Despite the large amount of resources invested by government into antipoaching operations, including the military, national police services, the national intelligence services and other like-minded security agencies, poaching continues to increase rather than decrease. Poachers are now motivated than ever before to increase the supply to meet the demand for high value ivory. The other factor that is worth to examine that is associated with smuggling of ivory is the growing liberalization of the transport networks and the air transport.

While the liberalization initiatives of the airline industry<sup>7</sup> continue to create new opportunities by providing flexible traveling, the same opportunities are increasingly available for exploitation by poachers. This presents even bigger challenges for the law enforcement agencies to keep pace with the changing trends of poaching in order to defeat poachers and neutralize poaching. Recent development in the aviation industry in Botswana has seen the expansion of the two commercial infrastructures in the center of tourism in Kasane and Maun with the two airports upgraded and thereby attaining the standards of international airports. This development provides tourist the opportunity to make international direct bookings and connections globally removing all the inconvenience which were associated with the domestic status before. The two airports are now gate way into the center of Botswana's tourism hub of the Okavango, thus providing seamlessly travel at international level.<sup>8</sup> Similarly, there are a number of charter operators that service the tourism area, the Okavango Delta, mainly operating from Maun and Kasane International Air Ports.<sup>9</sup> Helicopter services are also available. While these developments have transformed the tourism industry, it can also be viewed as serving the same purpose to the poachers who operate in the same environment with tourists with elephants with the common object required, either to be viewed or to be killed. The other factor to be considered is the advancement in technology.

The advancement in technology is both a breakthrough in finding solutions to life problems and setbacks as criminals use the same technology against government. For instance, where conservationists use tags to monitor endangered species such as elephants in their natural habitats, the same

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newscientist.com. (Viewed 24 August 2019)

<sup>7</sup> Mhlanga O. and Steyn I.N. *Liberalisation Initiatives of the Airline Industry in Southern Africa: Progress Achieved and Hindrances to Implement*, Afriican Journal of Hospitality, Tourism and Leisure, Volume 7 (1) –(2018) ISSN: 2223-814X.

<sup>8</sup> Pauline Dikaelo, TheMmegi Monitor, *Kasane Airport Unveils P430M Worth of Facelift*, 26 February 2019. [www.mmegi.bw](http://www.mmegi.bw) (viewed 24 August 2019).

<sup>9</sup> Air Charter, *Accessing the Okavango Delta*.[www.okavangodelta.com](http://www.okavangodelta.com) (viewed 24 August 2019)

technology is used by poachers to hack to expose their locations.<sup>10</sup> The poacher can then get in closer with an elephant, kill it and get away with its tusk before they are caught by security agents. This situation is similar to the issue of Internet of Things (IoT) devices. The tags can provide early warning as well as becoming give away signatures. Conservationists also use tag on animals with global positioning system (GPS) or radio transmitters, purposes being to monitor behavior and migration patterns.<sup>11</sup> If used efficiently, this technology can be effective in protecting wildlife.

Significant efforts are being made by the technology inventors to come up with new solutions. Some of these solutions include the use of drones which can provide the geographical information systems (GIS) which provide endless networks of information sharing.<sup>12</sup> It is hoped that the technology will provide lasting solutions and help to address the current deficiency in the management of wildlife and curb poaching, which currently is endemic.

Technology can provide preventative solutions to the ongoing crisis but with varying degrees of success due to manipulation by poachers. It is against this background that it is important to keep up pace with advancement in technology in order to tap on new inventions to reinforce the capacity to combat poaching. Corruption is also said to be the driving force behind the explosion of poaching across the African continent with its linkage to the Asian market.

Incidents of poaching and corruption involving government officials have been on the increase across the African continent in countries such as Tanzania, Kenya, South Africa and Botswana, with a recent corruption report involving wildlife officers. In Tanzania recently a report citing corruption as one of the reasons behind the increasing incidents of wildlife poaching implicated some wildlife officials with linkage to corruption practices.<sup>13</sup> The report was publicized recently by Born Free “Ivory’s Curse: The Militarization and Proliferation of Poaching in Africa”, it reveals the significance of poaching in South Africa indicating how a network of corruption is linked to syndicates involving government officials, army officers and businessmen.<sup>14</sup> As wildlife

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<sup>10</sup> Nick Ismail, *Poachers are Using the same Conservationist Tech Against Them*, Sectors Aviation, Information Age, 6 March 2017. [www.information-age.com](http://www.information-age.com) (viewed 24 August 2019).

<sup>11</sup> Nick Ismail, *Can Tech Help Tackle Africa’s Poaching Problems?* Software and Applications, Information Age, 7 October 2016, [www.information-age.com](http://www.information-age.com), (viewed 24 August 2019).

<sup>12</sup> David Lewis, *They are Watching You: Drone Technology to Establish Evolved GIS*, Sectors Aviation, Information Age, 3 August 2016, [www.information-age.com](http://www.information-age.com) (viewed 24 August 2019).

<sup>13</sup> Coastweek.com, *Corruption Behind Tanzania’s Increasing Wildlife Poaching Incidents*: Report, March 2015, Arusha, Tanzania (Xinhua).

<sup>14</sup> Paula Kahumbu and Andrew Halliday, *The War on Poaching Cannot be Won in the Field unless we take on High-Level Corruption*, Africa Wild Environment, 5 May 2014, The Guardian. [www](http://www).

officials are increasingly becoming entangled in bribery and organized poaching, the war against poaching is becoming more difficult than ever before. Corruption among wildlife agents poaching, fueled by the high value of ivory in the market is increasingly motivating wildlife officers and security agents to be bribed and become part of the organized poaching agents,<sup>15</sup> thus countering the global efforts geared towards fight poaching as part of organized crime.

A gloomy picture of the future of conservation was painted of the situation in Tanzania recently when it was indicated that the country is losing the war on poaching, with around 70 elephants lost to poachers a day,<sup>16</sup> while in the Republic of South Africa recently it was also reported that 11 police officers were arrested in connection with horn trade.<sup>17</sup>

In Botswana the intelligence agency was also accused of involvement in the illegal trade of wildlife recently as they were found in unlawful possession of elephant tusks suspected to being smuggled,<sup>18</sup> which they failed to justify upon questioning.<sup>19</sup> In other incidents related to corruption and poaching, the media exposed the security agents attempting to smuggle ivory and diamond out of the country disguising it as diplomatic cargo.<sup>20</sup> Diplomatic cargoes enjoy immunity from search or seizure and therefore are increasingly used to ferry smuggled ivory across borders with impunity by security officials.<sup>21</sup> The proliferation of small arms and their easy access is also considered another important factor contributing towards the increase in poaching.

The United Nations Inter Press Service have revealed that the ongoing military conflicts in most parts of the world today are fueled by the proliferation of small arms and light weapons (SALW).<sup>22</sup> In the same vein, the same thing can be said about these weapons towards the escalation of poaching in

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<sup>15</sup> Oliver Milman, 27 March 2013, *Ranger Corruption Impeding Global Fight Against Poaching*, The Guardian, [www.theguardian.com](http://www.theguardian.com) (viewed 25 August 2019).

<sup>16</sup> The African Wildlife Trust, *Protecting Africa's Endangered Wildlife*, [www.africawildlifetrust.org](http://www.africawildlifetrust.org) (viewed 25 August 2019).

<sup>17</sup> Corruption Watch, 2 February 2017, *Corruption News, Corruption a Major Enabler of the Illegal Wildlife Trade*, [www.corruption.org.za](http://www.corruption.org.za) (viewed 25 August 2019).

<sup>18</sup> KagoKomane and Joel Konopo, 2016, *DISS Fail to Account for Concealed Ivory*, Center for Investigative Journalism. <https://inkjournalism.org>. (viewed 26 August 2019).

<sup>19</sup> Your Botswana, *Botswana's Secret Agents Implicated in Mystery Ivory Stockpile*, <https://yourbotswana.com> (viewed 25 August 2019).

<sup>20</sup> Sunday Standard, 5 April 2017, *DIS Agents Caught in Tshekedi's Spider Web*, [www.sundaystandard.info](http://www.sundaystandard.info) (viewed 25 August 2019).

<sup>21</sup> Sunday Standard, 17 September 2018, *EWB Kept DISS' Elephant Poaching a Secret*, [www.sundaystandard.info](http://www.sundaystandard.info) (viewed 25 August 2019).

<sup>22</sup> ThalifDeen, *Small Arms proliferation a Trigger for Rising Wildlife Crimes*, Biodiversity, Inter Press Services, News Agency. [www.ipsnews.net/2015/06/small-arms-proliferation](http://www.ipsnews.net/2015/06/small-arms-proliferation) (viewed 25 August 2019).

recent years.<sup>23</sup> According to the report, poaching of elephants and rhinos is becoming increasingly militarized, causing devastating effect on wildlife conservation efforts. As ivory demand and rhino horn remains high, the operating environment for wildlife management and anti-poaching operations are becoming increasingly volatile and fluid at the same time, with both the poachers and anti-poaching units becoming increasingly militarized, using military-styled weapons and adopting more aggressive approaches. These approaches have especially been noticed in Botswana with recent large scale killings of elephants. The application of military tactics by poachers make it even much difficult for the poachers to be tracked and arrested as their operations are practiced and drilled to perfection before they are executed. The recent killings of 87 elephants points to the complexity, fluidity and dangerous nature of their operations as they involve the use semi to fully automatic weapons which are traditionally the preserve of the military.<sup>24</sup>

The other factor that leads to the escalation of poaching is often the lack of cooperation and uncoordinated manner in conducting anti-poaching operations, which are conducted often creating the problem of the 'left hand not knowing what the right hand is doing'. A significant proportion of wildlife crime is carried out by organized criminal networks, which are drawn by low risk posed by anti-poaching units because of their lack of coordination and cooperation, and the high profits obtained from the sale of ivory. The same routes used to smuggle wildlife across countries and continents are often used by these criminal networks to smuggle weapons, drugs and people.<sup>25</sup> This means that effectively tackling the mounting challenges of poaching requires a coordinated transnational, multi-agency approach and can be coordinated through the international agencies such as the International Criminal Police Organization (INTERPOL).<sup>26</sup> Currently in Botswana anti-poaching is conducted by all the security agencies but they still face serious challenges of coordination. On the other hand, coordination also requires cooperation in anti-poaching which sometimes become a challenge when priorities are indifferent among cooperating countries. It is therefore imperative to create synergy in anti-poaching activities among countries and agencies and to adopt multi-agency approaches both nationally, regionally and internationally in the

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<sup>23</sup> Small Arms Survey, 2015, [www.smallarmssurvey.org](http://www.smallarmssurvey.org), Geneva. (viewed August 2019).

<sup>24</sup> Johan Augustin, *Trouble in Botswana's Elephant Paradise as Poaching Said to Rise*, Mongabay, News & Inspiration from Nature's Frontline, 5 March 2015, <https://news.mongabay.com> (viewed 25 August 2019).

<sup>25</sup> Christelle Hinbert, *A Comprehensive Approach to Combating the Criminal Networks Behind Environmental Crime*, UN Chronicle, The Magazine of the United Nations, Vol. LI No. 2 2014. [www.unchronicle.un.org](http://www.unchronicle.un.org) (viewed 25 August 2019).

<sup>26</sup> <https://www.interpol.int>.

fight against poaching which has been made more complex by the availability of the lucrative market globally.

Lastly, anti-poaching activities can only be effective if they are made mutually inclusive of the local community. It is often believed that the best approach towards protecting wildlife is to take the militarized approach. However, critics of this approach have always argued against it citing issues of human rights violations and sometimes deepening existing divides between conservation and the community. It is argued that while communities live side by side and closer to wildlife, they are often sidelined when it comes to making decisions about wildlife. The continued marginalization of local people facilitates poaching at grassroots level.<sup>27</sup> Critiques of military and anti-poaching instead advocate for community engagement in anti-poaching. They argue that these initiatives have long term benefits in conservation as they do not view the local communities as enemies and intruders.<sup>28</sup> It recognizes that many communities have little incentive to protect wildlife when they are marginalized. They do not always receive benefits from conservation and therefore belief that they may get far greater direct and indirect material gains from poaching. Poachers may exploit their homes as hideouts and may also use them as poachers and their intelligence operatives. In Botswana community based involvement in anti-poaching is being exploited but efforts are yet to be made to maximize this approach.

## Conclusion

Poaching activities for elephant ivory in Botswana have reached all high levels with mass killing of elephants in a short space of time. In 2014 the government of Botswana imposed moratorium on wildlife hunting which doubters of the policy attribute it to the increase on poaching. This article is divided into two sections to examine the recent increase of poaching in Botswana. The first section discussed the quantum of poaching with a view to use it to shape the discussions on the factors that drive poaching. The second section discussed the drivers of poaching in order to use them to recommend a review on the policy in order to strengthen anti-poaching strategy in Botswana.

<sup>27</sup> Annette M. Hubschle, *The Socio-Economic of Rhino Poaching: Of Economic Freedom Fighter, Professional Hunters and Marginalized Local People*, Current Sociology, SAGE journal, 13 October 2019. [www.sagepub.com](http://www.sagepub.com) (viewed 25 August 2019).

<sup>28</sup> Francis Masse, *Community Participation is Needed For More Effective Anti-Poaching*, The Conversation. [www.theconversation.com](http://www.theconversation.com) (viewed 25 August 2019).



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# **DEFENCE FORCES EMBARKING ON PUBLIC-PRIVATE PARTNERSHIP TO ENHANCE SERVICE EQUIPMENT MAINTENANCE EFFECTIVELY**

Col F Taruvinga - Zimbabwe Defence Forces

The conception of establishing public-private partnerships (PPP) to cater for repair, recovery, overhaul and equipment assembling of the defence establishments is not a new phenomenon within military organisations. The Comptroller and Auditor General of India, states that these partnerships were first introduced at the height of the World War II so as to conduct maintenance of the weapon systems, motor transport and related machinery for the Indian Defence Forces (IDF).<sup>1</sup> However, following the high costs associated with a comprehensive proper equipment management cycle, the Indian Ministry of Defence allowed private firms to operate and manage different IDF workshops through a strategic PPP initiative known as the Government-owned, Contractor-operated (GOCO) model in 2017 in order to cut costs and enhance efficiency.<sup>2</sup>

In recent years, besides the case in India, cooperation through the PPP developed extensively and hence became adopted by several states. In most cases, majority of the companies want joint venture projects. There are many reasons for this as put forward, first, large groups, which used to concentrate on domestic markets, have grown into international groups, which now offer highly specific services to the defence forces of other countries too.<sup>3</sup> Second, defence budget cuts have forced many states to reduce their new equipment acquisitions. This has given pressure on companies to engage more in equipment maintenance and repair activities, which have so far mostly been dominated by the defence forces.<sup>4</sup> Pakistan for example, even held a two days seminar in Islamabad centering on PPP in Defence Production, Export Challenges and the Way Forward.<sup>5</sup> This was aimed at exploring avenues where joint ventures with government, public and private sectors. Therefore literally many defence forces are embarking on this initiative.

<sup>1</sup> *Report of the Comptroller and Auditor General of India*, (2016) accessed from [www.cag.gov.in](http://www.cag.gov.in) on 27 July 2019.

<sup>2</sup> *Ibid*, p 23.

<sup>3</sup> Hurt, M. (2011). *Report on the Maintenance and Repair of Defence Equipment with the Support of the Private Sector: An Overview of the Experiences of European Countries – Pros and Cons*, [www.icds.ee](http://www.icds.ee). p 34.

<sup>4</sup> *The Defence Support Group*, accessed from <http://www.dsg.mod.uk/> on 24 July 2019.

<sup>5</sup> [www.unce.org](http://www.unce.org) accessed 6 August 2019.

In fact, some other countries have embarked on these programmes and have hence started to realise the benefits. Countries like the USA, Sweden and Germany have been leading in the ventures of these programmes and were very successful with the PPP. Further to this, there is in these countries the private sectors which are producing good and robust weapon systems which are so sophisticated, a mark that has enabled these countries to lead in research and development.<sup>6</sup> On the other hand, Singapore, Malaysia, Indonesia and India have equally developed better and agile defence industries which are producing robust defence systems, fairly progressive arsenal both in hardware and software.<sup>7</sup> As alluded to earlier, majority of these industries are manufacturing both military and civilian goods and in so doing augmenting their productivity and plummeting overhead expenses.

There are also advantages in the PPP as the military budgets need to be targeted for such programmes to allow it to turn out to be the locomotive of progression rather than a gutter on the already depleted national budget.<sup>8</sup> Other schools of thought suggest that in bringing in partnership the defence tends to benefit if the below facts or principles are taken care of in the planning as such, to formulate correctly the PPP, crafting a comprehensive common vision, thus understanding the stakeholders as well. Another point is to be very prudent pertaining to threats as well as the benefits to all participating agencies. There is the requirement of having balanced policy making procedure. It should be made unquestionable that the concerned teams have done the requisite deliberation on their parts. The need to be protected consistently with harmonised guidance hence interconnecting as timely as possible will enable the negotiating of reasonable agreement building confidence which will function as the traditional fundamental significance.

In fact, there is need of a deliberate plan that should stress the fact that the defence must realise some significance in expenditure. As from the state budget, the adventure in the partnership as a potential exercise to reduce strain on the fiscus must be a serious concern.<sup>9</sup> This, nonetheless, would only be practicable on condition that the defence set ups experience a foremost reformation, convert to more superiority sensitive, fiscally cost-conscious and entirely make use of the budding non state enterprises, “which can play a major role in introducing the latest technologies, modern management

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<sup>6</sup> <https://tribune.com.pk/story/1006298/public-private-partnership-in-defence-production/> accessed 7 August 2019.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Jutting, J. (1999). *Public-private-partnership and social protection in developing countries: The case of the health sector*, Center for Development Research (ZEF), p14.

practices and contemporary financial management.”<sup>10</sup> The non-state owned entities should also realise that technologies exchanges from the public sector and defence firms are necessary for their further innovation initiatives. All this can be achievable if and only if there is a shift in approach in the defence organisations. For many defence forces it then implies that: modern avenues of reasoning such as of productivity as an alternative to contribution need to be employed, tasks of greater complexity needs sophisticated machinery hence can be obtained through partnerships and more responsibilities are then shared with more specialised equipment and personnel being availed to the projects.

Apparently, it entails a smaller amount of effort to find latent service providers. It should also be possible that these service providers are not directly linked with the fundamental role of the defence forces such as catering, transportation and general first and second line engineering. There have been rapid progresses in armaments and expertise, raising the expenses of evolving maintenance systems to an extraordinary point for the defence forces. The other cause is that after having various developed nations begun employing defence budget cuts after the end of the Cold War, the defence forces are absorbed in augmenting their operational effectiveness by engaging the PPP which can, under certain conditions, organise its activities in a more cost-effective manner. However, the benefits through productivity are attainable over the wholesome involvement of the procedural aspects of the systems including the tentative delivery of both duties and the menacing issues in order to ascertain good incentives.

On the brink of the Cold War, the military hardware purchase became open and numerous. Militaries in several states began to turn to the non-state owned industries their equipment mangement. The United Kingdom has been one of the flagship countries in using PPP. It has launched many large-scale projects since 1992, when the government introduced the programme, which later became known as the Private Finance Initiative (PFI).<sup>11</sup> The programme follows a cross-ministry approach, covering practically all categories of service procurement, including accommodation, equipment and training. As part of the budget cuts which have been implemented since the end of 2010, it has been decided to privatise the Defence Support Group, which provides maintenance and repair services for the UK defence forces’ land vehicles, aircraft, equipment and electronic systems, performs calibration procedures and fulfills other logistics support functions.<sup>12</sup>

<sup>10</sup> Op cit. p 12

<sup>11</sup> Ibid, p16.

<sup>12</sup> Ibid, p19.

According to the PPP approach which the military in Sweden used together with PPP, “the joint venture schemes were commenced principally to reduce costs than neither political nor ideological ones.”<sup>13</sup> This became progressively shared hence preferring the PPP as the substitutions to the old-style internal approaches. Numerous examples of dispensing of the present national properties to private businesses, where the enterprise facilities were already in place, became ideal. Joint ventures of the military and the non-state owned enterprises frequently starts as humble fact that non-essential actions remain inevitable for military. Simultaneously the initial actions for many private companies are to produce for the states which have by now been affected by the poor military hardware markets. The implementation of armed maneuvers remains the central occupation of the military hence requirement of the equipment as well as its maintenance jointly with sundry items such as the spare parts remain the core functions of supporting the military.

The joint venture of the People’s Liberation Army (PLA) in China (PRC) revealed new strategy as by 2007, stating that their repair units would be reduced and that greater involvement of the private sector would be necessary to increase the defence forces’ efficiency.<sup>14</sup> So, it could be claimed that cooperation through the PPP is becoming an increasingly widespread method for boosting the operational effectiveness of the defence forces.

Most countries in the world “are effecting changes in equipment maintenance activities in their defence forces with the aim of finding more cost-effective solutions.”<sup>15</sup> These efforts might also help developing countries to fulfill similar functions. It is given that modern defence forces need possession and operation of huge figures of equipment of differing size as well as complicatedness in order to preserve the efficiency in peacetime as well as war time.<sup>16</sup> The expenses acquired through procuring and subsequently preserving the equipment in a good condition of operational readiness as required, availability hence it needs an effective repair line system with a proven equipment management system.

In general, Equipment Management is the responsibility for the efficient and cost effective support of a specific equipment or system. It requires the formulation and execution of policies and procedures as the equipment is

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<sup>13</sup> Courtland L Bovee, John V Thill, (2014), *Business Communication Today*, 12th Edition, New York, Pearson Publishers, p 47.

<sup>14</sup> Darmstadt, Doberlug-Kirchhain and St. Wendel, accessed from [http://www.hilgmbh.de/de/B\\_02\\_06.html](http://www.hilgmbh.de/de/B_02_06.html) on 26 July 2019.

<sup>15</sup> Periodical, *Department of the Army FY 1996/1997 Biennial Budget Estimates, Operation and Maintenance*, Army Data Book Volume 2, Submitted to Congress February 1995 accessed on 27 July 2019. p 23.

<sup>16</sup> Robert Notman (2005), *Military Maintenance for MB/Gpw Jeeps 2005*, (*Military Equipment Series course book*), New York, Paperback, p 41.

introduced into service; support it during service and ultimately phase it out of service; at the level of availability required by both the sponsor and user in peace and war.<sup>17</sup> Equipment Management is a system of managing in-service defence equipment in the most economic manner.<sup>18</sup> With the advent of fast developing technology, it is therefore not sustainable for the defence forces to continue chasing technology on the expense of its domain hence the PPP is of greater economic benefit.

The substantial part of the maintenance work would be done through subcontracting the private workshops. Although, this would raise the question of whether the assistance of the PPP could improve the efficiency of defence equipment maintenance and repair activities, it is certain that world over nowadays the equipment production is done in the PPP. Today, militaries rely mostly on internal maintenance at a limited capacity. So far, the objective has been to raise their independent equipment maintenance and repair capabilities.<sup>19</sup>

However, the existing machinery cannot cater for the long-term needs of their organisational requirements, recruitment as well as retention of qualified personnel in satisfactory figures in the longer perspective is now unattainable. Many states are embarking on solving their maintenance issues through PPP as an enhancement.<sup>20</sup> The lack of funds to upgrade the production lines, shortage of repair pool backup spares, consumables and artisans motivation have negatively affected the full capacity utilisation of most defence forces repair institutions world over.

There should be considerable efforts on the measures that need to be taken to bring full capacity utilisation in the maintenance of defence equipment. There has been an absence of an in-depth research and analysis into what can motivate the current state of underperformance as in most cases if not generally all defence forces workshops.<sup>21</sup> The full capacity utilisation through pursuing other alternatives of establishing PPP will no doubt raise the combat readiness of the force and establish a credible deterrent posture under the obtaining economic environment.

Some of the models for the PPP cooperation that could essentially be necessary are as follows: the “build operate and transfer (BOT)”, “the build own

<sup>17</sup> Robert Notman (2005), *Military Maintenance for MB/Gpw Jeeps 2005*, (Military Equipment Series course book), New York, Paperback, p 41

<sup>18</sup> Jang Jing Chen (2012), *Military Equipment Maintenance and Support Introduction*, Chinese Edition, New York, Paperback, p 94.

<sup>19</sup> Armstrong A. (2000), *Understanding Training: Human Resource Management Practice*. 8th Edition: London; Kogan Page Limited, p 59.

<sup>20</sup> Ibid p33.

<sup>21</sup> Ibid p35.



operate and transfer (BOOT)” and the “rehabilitate own and transfer (ROT)”. The BOT model is one where the PPP is constituted as the private sector builds and operates a defence institution such as heavy engineering plant within the defence industry, after which ownership reverts to the defence forces.<sup>22</sup> In this model defence forces obligates it to buying part of the production output so that it is both a customer and a regulator of the service. The BOT is used where the existing structures provided cannot meet the new requirements which could be responsive and multipurpose. Factors that determine the choice of PPP model adefence forces can adopt are based on the degree of regulatory anticipated by the defence forces hence capability to deliver the wanted services, the permissible context for controlling as well as regulating.<sup>23</sup>

In the BOOT model, the private company finances, constructs, owns as well as operates the infrastructure for a fixed term within the defence industries or establishments.<sup>24</sup> The proprietorship corporation is then allowed making any decisions during the tenure, with negligible or no much defence forces meddling in the setting up and immediate operations.<sup>25</sup> The sector is also permissible to recover its total investment with judicious profit. This would be done through the PPP memorandum of agreements. However, at the end of the tenure, the infrastructure will be handed over to defence forces, which would then take over all responsibilities.

It should also be noted that, The ROT is a model that involves restoration of prevailing structures where the infrastructure assigned to the private sector for renovating, repairs and overhauling etc.<sup>26</sup> However, these arrangements of the PPP would eventually be allowed to manage the project for a specified period and recuperate the initial investment costs at reasonable return before handing over to the defence forces. They are so key in the defence industry equipment that needs to be overhauled and other new instrumentations brought in. In fact, it is very key in the business reengineering process of the defence industry.

Notwithstanding the cuts and the ever evolving budget constraints in defence budgets for maintenance and provision of the equipment, majority of the countries are coming with austerity measures on defence funding. This is also further coupled by the fact that the major conglomerates have either grown to be multinational corporations which now requires producing ideally specified commodities for their niche markets. So in order to come up with

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<sup>22</sup> Ibidem

<sup>23</sup> Op cit

<sup>24</sup> *Report of the Comptroller and Auditor General of India*, (2016) accessed from [www.cag.gov.in](http://www.cag.gov.in) on 27 July 2019.

<sup>25</sup> Ibid

<sup>26</sup> Ibid

better strategies of efficiently maintaining the equipment, there is need to engage the PPP as the solution on the models of the BOT, BOOT or ROT. This will assist the organisation to have better economies of scales in the repair and maintenance of the equipment. Another point is also that transfer of both technical skills and training of personnel would be achieved more comprehensively.

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# SEGREGATION OF WOMEN TO CERTAIN OCCUPATION ESPECIALLY TRANSPORT IN AFRICA

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## Introduction

A broad conceptualization of transportation entails more than the conveyance of people, goods and services from one area to another, to incorporate expressions of power relations in the community.<sup>1</sup> This is so because transport facilitates the acquisition of essential services such as knowledge, innovation, healthcare and other facilities that enhance economic wellbeing.<sup>2</sup> Consequently, provision of transport services can be used as a tool either to empower or to disenfranchise certain sections of a community.

Gender considerations in transportation can only be captured in such a conception of transport. It has been observed that transport needs for every gender differ significantly from those of men. For example, in every European country, fewer women than men use private cars for their transport needs. On the other hand, majority of public transportation passengers are women. In view of such differences in transport needs between genders, the transport sector then presents a site of heightened gender inequalities. In addition, most transport policy makers and implementers are usually men and hardly pay attention to the needs of women.<sup>3</sup>

The convergence of gender-biased transport policies and practices with privatization accentuates discrimination against women in the transport sector. Privatization as Concept has been criticized for propagating inequalities in the society with the least vulnerable groups being disadvantaged by it. While the policy itself may be gender-neutral, its application and the societal biases make privatization to disadvantage certain groups in the population. One group that has consistently been disadvantaged by privatization is women.<sup>4</sup> For example in Russia, it was shown that during privatization, women were more susceptible to being forced to sell their shares to management.<sup>5</sup> Privatization

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<sup>1</sup> Transgen T. Gender Mainstreaming in European Transport Research and policies: *Building the knowledge base and mapping good practices*. Copenhagen University in Copenhagen(2007)

<sup>2</sup> Khosa M M(1997) *Sisters on slippery wheels: Women taxis Drivers in South Africa*

<sup>3</sup> Hasson Y and Polevoy M *Gender Equality Initiative in Transportation Policy: A Review of literature*. Heinrich Boll Stifting. (2011)

<sup>4</sup> Prizzia R A *international Perspective of privatization and women worker, journal of international women studies*, 7 (1) pg 55-68. Available at <http://vc.bridge.edu/jiws/vol7/iss1/5> (2005).

<sup>5</sup> ibid

also encourages practices that hinder women from competing in private enterprise, and securing employment in various sectors of the economy such as the transport sector. Because of discriminative social practices, women are likely to have less collateral through which they would access financial resources. Women's enterprises are likely to remain few and small owing to unfair practices extended against them by men, through informal "old-boys networks" where secrets of trade are shared, excluding women<sup>6</sup>. In addition, it has been said that owing to the patriarchal nature of the society, women entrepreneurs are subjected to physical, sexual and economic violence by men, thereby intimidating them (women) from income generating opportunities.<sup>7</sup>

The transport sector and the urban place have been described as significant spaces in the private-public dichotomy. This is especially so in developing countries where colonial Governments restricted the movement of women to urban areas. Thereby emphasizing the bias of confining women to domestic unpaid labour, while preparing men for commercial and administrative roles available in urban centers.<sup>8</sup> Sexual division of labour in patriarchal societies therefore contributes to discrimination against women by having women taking up domestic and less paying chores while men are assigned to responsibilities that are more prestigious. Public transport service in many African states is a fully privatized informal domain.<sup>9</sup> This then makes the transport sector a ready ground for expressions of unequal gender power relations in view of the discussion above. The factors that contribute to the growth of such unequal gender relations in the transport sector in Africa will be the subject of the current study.

## Urban Transport as a Gendered Concept

In a report entitled Gender and Sustainable Urban Mobility submitted to the United Nations Human Settlements Programme (the UN Habitat), Deike Peters (2013) makes a convincing argument regarding the gendered nature of urban transport.<sup>10</sup> For a long time, urban systems were assumed to be gender neutral. Recent research has however continued to reveal the gendered nature

<sup>6</sup> Winn, J (2005). Women Entrepreneurs – *Can we remove the barriers?* International Entrepreneurship and Management Journal, 1 p 381-397

<sup>7</sup> Godoy E. Women Entrepreneurs Overcoming Barriers in Mexico. *In journalism and Communication for global change*, Mexico City: Interpress Service News Agency.(2013)

<sup>8</sup> Mapetla M and Schlyter A Introduction. *Changing Gender Relations in Southern Africa*. Roma: The institute of Southern African Studies.(1997)

<sup>9</sup> The World Bank. (2000). Cities on the move : A world bank urban transport strategy review (p94)

<sup>10</sup> Peters D *Gender and Sustainable Urban Mobility*, Nairobi: United Nation Human Settlement Programme(2013)

of such transport policy and planning in different cities in the world. These gendered expressions are usually discriminative of women and are expressed in a number of ways:

## **Domestic Division of Labour**

Modern day urban transport developed from 20<sup>th</sup> Century policies, which implicitly or explicitly assumed that households consisted of nuclear families with a male 'bread winner' who was responsible for the 'productive' tasks of the household and a female 'home-maker' who was responsible for the 'reproductive' tasks within the household. These notions were later exported to the developing world such that in much of the world today, urban transport remains heavily gendered.<sup>11</sup> Consequent to this domestic division of labour, women are more likely to undertake nips to school events, for medi-care and other household related duties like shopping. Most heads of single-parenthood families are women Their urban travel demands are likely not only to be more challenging but also more complicated as they combine the demands of formal work with those of household duties.<sup>12</sup> On the other hand, transport needs for men are more typically likely to be trips to work.

As more women get involved in modern wage earning employment, the differences in modes and patterns of transport for the different genders have become more evident. Differences are even more pronounced when one considers employment opportunities for different genders in the public transport sector. Stephen Golden (2010) says that transport should be looked at as an instrument that may promote or hinder equality among different sections of an urban population. He points a number of ways in which the needs of women differ from those of men. For example, men are three times less likely to be involved in taking children to school. Women are also more likely to be accompanied by children, the sick and the elderly in their trips. In London, it was also found that women made 7% more trips than men, though their trips were 11% shorter than those of men.<sup>13</sup>

To address issues related to gender equality in the sector, Transport for London (TfL) identified five areas of concern to women. First is the accessibility to the service, which refers to the availability and integration of services as well as infrastructure. TfL observed that women were more likely to trip-chain and therefore the public transport provider ought to arrange for greater

<sup>11</sup> United Nations: The universal Declaration of Human Rights. New York: Author.(1948),

<sup>12</sup> *ibid*

<sup>13</sup> Golden S (2010). Expanding Horizons: TfLs Approach to Gender Equality. A presentation made to Transgen in Brussels on June 7 2010.

connectivity and cross modal integration to facilitate trip chaining. Secondly, women were said to be in greater need for safety and security while using public transportation modes. Other concerns identified as being of relevance to women's transport needs include affordability, service information, and finding work in the transport sector.

## Differences in Modes of Transport

Peters, D. (2013) says that women are more likely to rely on non-motorized modes of transport than men. For example, research among male and female porters in Accra, Ghana in the 1990s revealed that women porters were more likely to use their heads and backs while men and boys would more frequently use carts, wheelbarrows or bicycles. The implication is that male porters would generally move better remunerative loads compared to female porters.<sup>14</sup>

Where transport choice exists between private and public means of transport, women are more likely to choose on public means compared to men. This illustrates women's inferior economic status within households compared to men. Related to public transport is the issue of gender-based harassment where women are more likely to be harassed by fellow passengers and transport operators (e.g. through gaping) than men. Women were also found to be more reliant on the informal motorized transport (IMT) modes in urban centres. IMT modes assume different forms in different cities ranging from motor cycles, auto-rickshaws, converted pick-up vans, minibus vans and buses. In developed world, these IMT modes generally appear in response to deficiencies of the formal paratransit transport.

In the developing world, formal paratransit transport is hugely inexistent and therefore the majority of the people depend on IMTs.<sup>15</sup> IMT modes are generally associated with overcrowding, unsafe riding conditions, unregulated fares, harassment by the operators and preferential boarding being given to male passengers. Ironically, Peters, D. (2013) finds IMT modes to be more market responsive and hence more suited to women's complex demands. The use of private motorized means of transport was also found to be more prevalent for men than for women, especially in developing economies in a research conducted in the 1990s in Bamako, Mali in the 1990s. It was found that only 2 percent of women had access to private cars and 3 percent to motorcycles, compared to 7 percent and 20 percent of men, respectively. Another study in

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<sup>14</sup> Peters D: *Gender and Sustainable Urban Mobility* (p5) Nairobi: United Nations Human Settlement programme.(2013).

<sup>15</sup> Ibid

Turkmenistan found that 79 percent of car users were men.<sup>16</sup>

## Female in the Transport Sector Employment

In 2007, European Unions (EU) study entitled 'Innovative gender equality measures in the transport industry' shed light into the employment status of women in the transport sector in the EU.<sup>17</sup> The report noted that the transport sector constituted approximately 10% of the GDP of the EU. In addition, the sector adds value to other sectors of the economy by enhancing an efficient distribution of products worldwide. It was found that the largest portion of employment in the transport sector came from road transport (more than 50%) compared to railway transport (11.3%), sea and air (2.1% and 4.7% respectively). The report attempted to bridge a conspicuous lack of data relating to women in the transport industry.<sup>18</sup>

According to the report, the transport sector is one of the supreme segregated sectors of the economy employing only 20.5% of women in the workforce compared to an overall female employment rate of 43.5% in the total economy.<sup>19</sup> Further breakdown of the data reveals the gendered nature of transport jobs especially in the air subsector. The air subsector was found to have employed more women than the other subsectors of transport, such as road, sea and railway. This higher enrolment of women in the transport sector is attributed to stereotypes associated with air travel where the captain was expected to be a brave man, thought to be the protector of the crew while the care-giving cabin crew was mainly composed of care-recipient women.<sup>20</sup>

The report noted that there was widespread poor understanding of the specific needs of women workforce in the transport sector.<sup>21</sup> It revealed that generally women in the transport sector work under poorer condition compared to their male counterparts. Some barriers that keep women out of the transport industry were highlighted. Topmost was the issue of pregnancy and family status. The report said that employers feared that they would lose women workers once the workers have been allowed to go for maternity leave and childcare.<sup>22</sup> In addition, it was noted that some transport sector jobs

<sup>16</sup> Ibidem

<sup>17</sup> Corral A and Isusi I *Innovation gender equality measures in the transport industry*. Dublin European Foundation for the improvement of living and working conditions. (2007).

<sup>18</sup> Ibid p ,2

<sup>19</sup> United Nations: *The Convention on the elimination of all forms of violence against Women* (CEDAW). New York.(1979)

<sup>20</sup> Ibid p,9

<sup>21</sup> United Nations (1995). Beijing Declaration and platform for Action, Beijing: Author.

<sup>22</sup> Ibid p,8



entailed working for long hours that are not family friendly, Unpredictable work shifts and demand to work overtime do not lend themselves well with workers with family responsibilities.

Women working in the transport sector were found to experience aggressive behaviour from the customers and colleague operators. Further, such women were not favoured by the ergonomics of the work place, having to work in a male-dominated sector in the economy.

## **How Colonialism in Africa contributed to Exclusion of Women participation in the Transport Sector**

It can be shown that the African patriarchy and the western capitalistic and missionary on meeting in Africa joined hands to subjugate the African woman from economically beneficial aspects of African life, such as the transport sector. Auset (2008) says that the status of the African woman in the pre-colonial era was better than it is in the post-colonial period.<sup>23</sup> The dignity of the African women got eroded through colonization in steps: First, the colonialists imported the concept of the Victorian family into Africa and secondly, colonial laws restricted the movement of women to urban centers.<sup>24</sup> In the Victorian culture, the career for the woman was marriage. She was expected to be dutiful, guiltless, virtuous and uninformed of intellectual opinion. It was the primary duty of the Victorian woman to make her house comfortable for her husband and family. The woman was expected to teach her children good morals and run the domestic affairs on behalf of the husband, so that the husband could concentrate on making money.

Women were not permitted to own possessions until the Married Woman's Property Act of 1887 was passed. While it was common for men to have mistresses, a woman would be cut off from the society if it became known that she was having an affair.<sup>25</sup> The missionaries in Africa who presented it as the godly model of the family propagated the Victorian thought on the family, while depicting the African family as evil. Hungwe, C. (2006.) writing about Salisbury (later renamed Harare) says that the missionary patriarchy in conjunction with the African patriarchy labelled the women who claimed independence from the domination of men in the country areas, to pursue for

<sup>23</sup> Auset O (2008). African Women in African Civilization: The effect of colonialism on African Women available at <http://www.africanamerica.org>. Retrieved on Aug 08th 2019

<sup>24</sup> Macharia K P: *Migration in Kenya and its impact on the labour market*. A presentation in the conference on African Migration in Comparative Perspective held on 4-7 July (p9) Johannesburg: American University (2003).

<sup>25</sup> Thomas p w (2014) A Woman's place in the 19th Century Victorian History, Available at [http://www.fashion-era/a\\_womans\\_place](http://www.fashion-era/a_womans_place). Retrieved on Aug 10 2019

chances in the urban areas as “prostitutes”. Married women who had followed their husbands to urban areas chose to become domesticated, so that their husbands would not be snatched by the unmarried “prostitute” women.

To fit in the image of a Victorian family, women insisted for the western-style ritualizing of marriages in church ceremonies, complete with Victorian era wedding garments and bridal attendants. Marriage certificates became important symbols of marriage and African women took pride in being referred to by their husband’s names such as Mrs. (husband’s name). Thereafter, women were supposed to belong to women’s clubs and church groups that reinforced feminine domesticity, for example through teaching home crafts, knitting and cooking. While the African pre-colonial society also subjugated women economically in certain ways, the fusion of the Victorian thought on the family with the African patriarchy had the consequence of strengthening the sexual separation of labour reinforcing the women into the domestic space. In this manner, women were kept from accessing entrepreneurial opportunities, including in the transport sector, at the same footing as men.

The second way in which colonialism contributed to the subjugation of women’s financial and partisan rights is by restricting the migration of women to urban centres at the onset of the modern economy in Africa. In Uganda, women had started to move to urban areas in search of wage employment as early as 1940. This migration was however strongly resisted by the colonial officials and rural elders.<sup>26</sup> A similar scenario was unfolding in Zimbabwe where colonial officials and rural African elders joined hands to restrict the movement of women to urban centres. Hungwe, C. forwards reasons for this collaboration between these patriarchal forces. First, male African workers were only provided with bachelor accommodation. By allowing their wives to accompany them to towns, African men labourers would start to claim for family accommodation. Such a move would have increased the cost of accommodating the workers and thus raise the cost of production for the colonial enterprise.<sup>27</sup>

In addition, bachelor wages were lower than those of married men. As long as the wives remained in the rural areas, the African male worker only qualified for “bachelor wages” which were lower than the wages paid to married man. Moreover, having the children and the wife in the urban was thought to be distractive for the male worker.<sup>28</sup> When Women were allowed to urban areas,

<sup>26</sup> Hungwe C. Putting them in their place: “Respectable” and “Unrespectable” women in Zimbabwe Gender struggles (2006). In *feminist Africa* (6) p33-47

<sup>27</sup> Ibid p 36

<sup>28</sup> Golden S (2010). Expanding Horizons: *Approach to Gender Equality*. A presentation made to Transgen in Brussels on June 7 2010.

many of them would brew “illegal” liquor for sale to the African men for their financial survival. This according to Hungwe posed a threat to the revenue of the state because clients would not visit the state-sponsored beer halls. In this way, it can be seen that the colonial administration had economic basis for the subjugation of the African woman. This subjugation of the African woman led to her late entry into the modern economy and hence enterprise. Rural African patriarchs collaborated with the colonial administration in an attempt to control the movement of women to urban areas. If women were allowed to follow male workers in towns, no bride price would be paid when marriages occurred between such migrants while in urban centers. The custody of women therefore acted as an insurance that the young migrant man would go back to rural areas to get a wife.

The rural patriarchs would be called upon to broker and manage marriage negotiations. In this way, the African patriarchy, just like the colonial patriarchy had economic interests in controlling the movement of women to cities. There are non-economic reasons why the African patriarchs wanted to switch the measure of women to towns: they wanted to recollect the purity of their clan. When women encouraged away from home, the patriarchs had less control over whom the women married or cohabited with. The patriarchs feared that women would have liaisons with men from other ethnicities. Thus, African males required to keep women under their muzzles so as to ensure endogamous marriage by the women.<sup>29</sup> By resisting the migration of women to towns, women entrepreneurs were denied the opportunity to identify a possible income-generating niche in public transport, preserving it for male entrepreneurs.

Macharia (2003) establishes that in Kenya, some women, against the restrictions of the African patriarchy, left for urban areas and established flourishing businesses especially in food businesses.<sup>30</sup> This freedom of movement by women to towns would later be curtailed through the introduction of passes for women.

<sup>29</sup> Un-identified Author. (2007) *The effect of colonialism on African women*. Available at <http://africaneye.wordpress.com/2007/03/08/the-effect-of-colonialism-on-African-women/>. Retrieved on Aug 12 2019

<sup>30</sup> Macharia K P. *Migration in Kenya and its impact on the labour market*. A presentation in the conference on African Migration in Comparative Perspective held on 4-7 July (p9) Johannesburg: American University (2003)

## How Gender-based Violence keeps Women from Participating in the Transport Sector

Evidence from around the world suggests that women generally fear public transit spaces. Loukaitou-Sideris, A. et al. (2009) offer some explanation saying that women develop this fear of the public space owing to their lesser physical ability to defend themselves. In addition, women have been socialised not to place a claim at the public space, but to content themselves with roles designed for the private space. Women are also said to possess a greater propensity to experiences and memories of victimization to present situations.<sup>31</sup>

Women's predisposition to fear of public transit spaces increases when one considers that women are more likely to transit while accompanied by children, the elderly, the sick and the disabled. Women's concern for these dependents induces the fear of the public space where the dependents may be exposed to vulnerabilities. Further, sexual harassment in public transport in various degrees has persisted in various transport modes all over the world. The way gender-based crimes are highlighted in the media creates an impression that the public space is more dangerous for women than the private space.' This is not necessarily correct, considering that a lot of sexual harassment of women occurs in the private space and to people known to the victim. The portrayal of the public space as a dangerous place for women may be thought of as an attempt by the patriarchal society to coerce women out of the public space and to reinforce the sexual division of labour.<sup>32</sup>

## The Gendered splitting up of Labour

The concept of domestic division of labour refers to the dispersal between family members of those errands and tasks essential for the upkeep of the household and of the people who live in it. Traditionally, men have the primary accountability for the financial provision for the family while females have the responsibility for the administration and performance of housework and thoughtful work such as housework, washing, errands, catering and caring for young ones. This home work performed by women is usually owed, performed at home and necessary for the maintenance of the household and its members.<sup>33</sup>

Many feminist theories have sought to explain the traditional domestic division of labor between genders. Della Costa (1972) says that the domestic division of labor favors capitalism. Unpaid housekeeping and caring effort

<sup>31</sup> Loukaitou-Sideris, A et.al (2009). *How to ease women's fear of transportation environment: Case studies and best practices*. San Jose: Mineta Transport institute.

<sup>32</sup> Ibid

<sup>33</sup> Pilcher J and Whelehan I: *50 Key Concepts in Gender Studies*. (P31). London(2004).: Sage

replenishes labour influence in a generational basis and in a way contributes to the creation of excess value and hence sustain the entrepreneurial dynamic.

Hartmann (1982) draws a relationship between capitalism and patriarchy. According to Hartmann, in a patriarchal system, men controlled the labour power of women and children grew. Through the patriarchal system, men learnt the practices of hierarchical organization and control, which, as capitalism advanced, they segregated paid work against women to their own advantage. As a result, men hold jobs with greater factual reward likened to jobs held by women.<sup>34</sup> The lower pays generally received by women, keep them dependent on men and usually require women to get married. Married women perform household errands to keep their partners comfortable, at no pay at all. This domestic division of labour, in turn, weakens women's position in the labour market. In Hartmann's account, the 'mutual accommodation' between patriarchy and entrepreneurship results in a brutal circle of disadvantages for women.<sup>35</sup>

## Women are Segregated from Certain Masculinised Occupations

Eveline (1998) examines three narratives through which the segregation of women from masculinized wage-earning occupations is justified. The three narratives have been classified as: the 'heavy work' story, the 'dirty culture' tale and the 'women-go-limp' fable.<sup>36</sup> The 'heavy work' narrative is most typically employed to justify the exclusion of women from taking jobs in heavy industry. Women are said to be physically incapable of doing jobs which are described as 'dirty', 'dangerous', 'noisy' and 'unhealthy'. Examples of such jobs have been mentioned to include building, butchering, baking and engineering, metal mining and printing.

In the Kenyan context, work in the matatu sector may be said to belong to this category of occupations." The strain is on women's physical inappropriateness for the work, while working circumstances are often cited to be detrimental to female well-being. Feminist research sharply rejects the logic of 'heavy-work' narrative. It has been shown that transversely all cultures, women do 'heavy' determination in tasks such as fetching firewood, water and even in construction. Eveline (1998) narrates that in the nineteenth century British mines, it took two men to lift a basket of coals, weighing 170 lbs. onto the

<sup>34</sup> Pilcher J and Whelehan I.: *50 Key Concepts in Gender Studies*. (P31). London (2004): Sage

<sup>35</sup> *ibid*

<sup>36</sup> Eveline J: *Heavy, Dirty and Limp Stories: Male advantage at work*. (p90) In Gatlen M and Mackinon A (eds) *Gender and Institutions: Welfare, Work and Citizenship*. Cambridge(1998): University of Cambridge

back of a woman. According to her, portraying ‘men’s work’ as inherently more demanding than the jobs women do is part of the ideological framework that stigmatizes women as marginal workers. Regarding the argument that certain work practices and environments endanger the health of women, Eveline (1998) says that the solution would be to change the work practices and environments. After all, if the environment were unsuitable for the health of women, it would also be detrimental to the health of men.<sup>37</sup>

The “dirty culture” fable is particularly associated with technical and trade occupations. The story holds that such work is conducted within a rough, dirty and aggressive culture. Rather than women being seen as ‘physically’ unfit for the job like in the ‘heavy work’ story, they are deemed psychologically unfit. Such are said to be characterized of ‘dirty language’, ‘dirty tricks’, ‘dirty jokes’ and ‘dirty environment’. The “dirty culture” fable argues that women should be ‘protected’ from the dirty working conditions entailed of these trades. The solution to this, according to Eveline (1998) should be to reform the behaviour of the workers so that the working environment is conducive to all, but not to deny women the opportunity to work in an attempt to “protect” them from the uncouth male workers.<sup>38</sup>

In conclusion, the exclusion of women from senior management jobs has been justified through the “limp woman” story. This story says that women are not motivated enough to get to the top. Eveline (1998) explains that women at the top of the professional ladder are faced with non-verbal hostility, ostracism and exclusion from informal networks. She recommends further research into this type of discrimination and suggests the remedy of affirmative action and sexual discrimination legislation.

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<sup>37</sup> Eveline J (1998). Heavy, Dirty and Limp Stories: *Male advantage at work*. (p90) In Gaten M and Mackinon A (eds) *Gender and Institutions: Welfare, Work and Citizenship*. Cambridge: University of Cambridge

<sup>38</sup> *ibid*

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# **Part 4**

## **Conflict Management & Resolution**

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# **‘WATER SECURITY’ FUTURE IN THE NILE RIVER BASIN**

**Brig Mohamed Farag - Egyptian Army**

Many experts predict that future wars are a water war, not about oil or land. Countries and societies have found themselves embroiled in protracted conflicts because of the need for absolute control over water. This article attempts to consider the importance of water security in the Nile Basin against this background.

Majority of conflicts in the African continent involves discontent associated with unbalanced distribution of natural resources. Water being a vital natural resource has been viewed as a major contributor to conflicts in the region as well as a significant contributor to ‘food insecurity’.

Water security is an important factor in managing and distributing water wealth in the Nile Basin countries, and global interest has increased the problem of freshwater shortages. The United Nations celebrated World Water Day on March 22, 2001 and submitted a report stating that global freshwater demand exceeded available supplies by 17%. Where most of the world’s population is expected to suffer from severe water scarcity in the coming years.

About 50% of the world’s population will face water scarcity in the next decade. Where more than a third of the population of the African continent suffers from water scarcity, although 60% of the continent is covered with transboundary river basins, and about 50% of the population of the Nile Basin will suffer from water scarcity.

The Nile Basin states need to seek ways and means of improving the Nile Basin water resources to enhance socio-economic conditions of the basin populations. Great emphasis should be focused on cooperation among the Basin states to explore possible ways of managing available water resources to address poverty and improve food security for the increasing population in the Nile Basin. This vision is only possible if all stakeholders jointly reach an agreement to initiate integrated socio-economic development projects so as to diversify regional economies rather than putting too much emphasis on irrigated agriculture.

The shared vision and diversification of economic activities between the Nile Basin countries is an important factor that will save the waters of the River Nile largely in the areas that need the course of the river and other semi-arid regions in the basin

Unless plans are started to develop water at the basin level to improve “water security”, it is likely that increasing water scarcity will lead to acute food scarcity and conflicts in the Nile Basin. To mitigate these potential conflicts, countries should consider relying on long-term joint projects to achieve development at the environmental and social levels.

Historically, Egypt has always played a prominent role in managing the waters of the Nile, mainly by invoking historical water treaties and implementing dams and canals projects, to organize the devastating monsoon floods in the Nile. Its supervisory and monitoring responsibilities extended the entire course of the Nile stream to the source of the basin in the upstream states, which included the permanent deployment of Egyptian water engineers to Lake Victoria.

Negotiations for water security at political level alone may not be adequate solution to guarantee water security. There are other threats in the basin orchestrated by natural human activities. These others include pollution. The water hyacinth in Lake Victoria is the latest threat to Nile’s largest water reservoir as it poses a great danger to navigation in Nile River and to some extent may also affect hydropower turbines. Deforestation and soil erosion at the watersheds may also lead to reduced water reticulation at the catchment areas thereby affecting the Nile river volumes.

### **(i) Mechanism of averting conflicts over diminishing water resources in Nile Basin**

More than 400 million people currently live in the Nile water, with this number expected to double by 2025, which will lead to future conflicts between the Nile Basin countries, which necessitates the existence of a legal mechanism and cooperative policies to manage the Nile River.

It is of essence therefore that the Nile basin States come up with a comprehensive mechanism of equitable distribution of the Nile water resources. As Winston Churchill prophesied in 1908 after a military campaign on the Nile, that “One day, every last drop of water, which drains into the whole valley of the Nile shall be equally and amicably divided among the river people, and the Nile itself shall perish gloriously and never reach the sea” . The emergence of big power states (China and USA) in the Nile basin affairs is something to worry for the riparian states as sooner or later, economic disparities and other economic priorities and alignments may soon begin to emerge to the detriment of the nascent Nile Basin Initiatives.

## **(ii) Legal frameworks for peaceful integration and cooperation**

None of the Nile Basin countries ratified the “Convention on the Law of Using International Watercourses for Non-Navigational Purposes” on May 21, 1997. Because there is no legal framework to regulate the use of Nile water. The East African Community (EAC) was launched in Arusha with the participation of Kenya, Uganda and Tanzania in 1999, and Rwanda and Burundi joined in 2007. They pledged to make “concerted efforts to expand agricultural lands through irrigation and watershed strategies” and “promote” less. The cost of developing and transferring electrical energy through the use of new and renewable energy sources.

Lake Victoria basin countries gather to take advantage of the Kagera river that feeds on Lake Victoria, “Tropical African countries combined will withdraw about 10 billion cubic meters of water,” which reduces Lake Victoria levels that affect the White Nile volumes. As the average annual flow of the River Nile has decreased continuously since the beginning of the twentieth century (the annual flow to date is 81 billion cubic meters annually).

This is a gloomy indication that the Nile waters might recede further unless urgent measures are taken to sustain the volume. Ethiopia on the other hand is engaged in the construction of the Grand Renaissance Dam which means a substantial decrease of Blue Nile volumes before the dam reservoir fills up to the designed level.

Unless the continuing trends of impunity and unilateralism are organized through a comprehensive legal framework, the waters of the Nile will drop to undesirable levels and become the flashpoint of conflict in the region. To ensure proper management of the river system, international water rights must be included in the Nile Basin International Cooperation Framework Agreement. A comprehensive legal framework should be adapted to guide and regulate the use of Nile water in line with international law (ILC) so that the Nile Basin water coordinator is in line with the basic rule for the use of international watercourses.

Article 7 of ILC (“Obligation not to cause major harm”) includes an examination of riparian activities. It requires that states exercise due diligence in the use of international watercourses so as not to cause significant damage to other riparian states. On the other hand, the ILC draft attempted to present some proposed solutions for the fair use of international waters, but it failed to address the importance of sustainability in assessing uses and watercourse options for future development. This is an important factor that should be considered for inclusion in the Nile Basin Legal Framework Action Document.

## Conclusion

The Nile carries sufficient quantities of fresh water to meet the present and future needs of all riparian countries, and the current unbalanced distribution of the Nile water and the consequent environmental degradation of the region cannot be neglected. This requires better cooperation and water management while creating a practical legal framework to enforce compliance.

The Nile Basin has received little attention from riparian states and international powers. As a result of many economic and political goals behind it, therefore, riparian countries must search for new ideas to efficiently manage the river.

The lives of millions of people living in the countries of the basin are related to the Nile and its tributaries. It is of great importance and wisdom that all Nile Basin countries move quickly to issue and implement comprehensive cooperative and legal frameworks to develop and raise the efficiency of the Nile Basin water resources in the future.

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# **SOCIAL AND ECONOMIC EFFECTS OF THE UN PEACE KEEPING MISSION IN DEMOCRATIC REPUBLIC OF CONGO (DRC)**

Col Juma E Katunge 'psc' (T), hcds (T) - Tanzania People's Defence Forces

## **Introduction**

The United Nations (UN) was founded on 26 June 1945 with the key goal of ensuring and sustaining global peace and security. Signed by 50 States at inception, the United Nations Charter was expected to steer the post-World War II order on a peaceful trajectory premised on unending collaboration amongst the founding members namely, the United States, United Kingdom, France, Russia, and China. The five permanent members of the UN Security Council were expected to defuse any disagreements or confrontations between conflicting states. The advent of the Cold War however saw a compromise in the effectiveness of the Security Council in the sense that the two superpowers frequently supported opposing sides in conflicts around the globe. The situation was even worse in instances which required enforcement action.

At the height of Cold War, UN Security Council, despite its limitations was still able to deal with the different conflict situations without allowing them to escalate into direct superpower confrontation. Other targets of Council members were to deal with the East–West rivalries related to the decolonisation process and assist nations that had entangled their forces in inappropriate circumstances outside their boundaries to extract them without loss of respect.

Under the United Nations Charter, peacekeeping is one of the strategies employed to tackle a conflict situation. It normally involves the deployment of military, police and civilian personnel (local and international). Prior to such deployment, the conflicting parties must give assent. The mandate of a peacekeeping mission may range from implementing or monitoring the implementation of arrangements agreed upon relating to the conflicts and their resolution or to give safe passage for humanitarian relief.

Though not initially provided for in the UN Charter, peacekeeping is seen as an appropriate tool of rational diplomacy, to be applied in all deserving situations. During Cold War when the world was deeply bipolar, this practice still played great roll in restoring world peace. During this period, peacekeeping missions were mainly limited to effecting and maintaining ceasefires and stabilizing situations on the ground, to give room for the political level to approach the conflict.

Although Peace keeping missions supports to restore peace in the hostile nations but on the other side of the coin they are subjected to general social - economic effect to the host nation. These effects have been experienced in various UN Peace Keeping missions, but this article is analysing the Peace Keeping Mission in DRC (MONUSCO).

## MONUSCO

MONUSCO is the acronym of the 'United Nations Organization Stabilization Mission in the Democratic Republic of Congo'. MONUSCO acronym is based on its French language; 'Mission de Organisation Des Nations Unies Pour la Stabilisation en République Démocratique du Congo'; which means UN Peacekeeping Force in the DRC. The Mission started with MONUC which failed to perform to some extent hence; on 1<sup>st</sup> Jul 2010 the UNSC Resolution number 1925 of May 2010 was issued to authorize MONUSCO to take over from MONUC. The Resolution authorized MONUSCO to have "a maximum of 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 members of formed police units"<sup>1</sup>. On top of the troops, judiciary personnel, correction components and appropriate civilian staff make up a typical peacekeeping mission. It was agreed the future configuration of MONUSCO to be determined by the situation on ground.

## Social Effects

During peacekeeping a lot of sexual abuses are considerably exposed. In fact this apparent problematic issue tends to affect some peacekeeping missions under the auspices of the United Nations (UN) and African Union (AU) amongst other operations. These supranational bodies assign the military contingents to undertake these operations, with the police and non-military workers. However, these contingencies tend to have been continuously committed these exploitations. It is ideally what is alleged to be happening in all the humanitarian operations in the post conflict zones.

In some occasion even those troops not within the international institutional mandate have committed these abuses. The term "sexual exploitation" is used compulsorily to describe the range of uncalled for behaviours and misconduct in the fields of operations such as the raping and sexually abusing of women and girls as well as prostitution, human trafficking, further comprising of sex in exchange for food, money, or medicine. Majority of the nefarious and criminal acts are committed when the victims are guaranteed of protection or

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<sup>1</sup>Security Council resolution number 1925 of 28 May 2010

security by the perpetrators. In these areas of operations or missions, young women or school going girls and women are usually perceived as easy prey by the perpetrators as they come around facilities of play and refreshment. They are considered as they come for the despicable activities which the UN staffs takes as part of their routine socialisation with the desperate, innocent and at times displaced persons in the operations.

The movement of troops transiently in the operations, the significant poverty relative to the UN staffs offers much vulnerability to these communities. This aggravated by the lack of knowledge of the localities on the part of the deployed personnel and absolute need for survival in the local communities. Permanent Representative of the UN to Jordan wrote in his 2005 report, “it is this inability on the part of many peacekeepers to discern the extent to which the society is traumatized and vulnerable that is at the root of many of the problems”<sup>2</sup>.

However, others argue that the source of these problems is actually perceived as caused by the peacekeepers as they are completely cognisant of the influence inequalities, besides the usages of these differences as well as the relation of the situations of influence above susceptible resident populaces in the direction and disposition towards committing such offences. All these offences are termed “sexual exploitation and abuse” and result generally as part of the massive distress on the victims. The outcome of these actions can be unwanted children, other social problems that also affect the communities and adverse reputation the part of the peacekeepers. The feeling in the local population may be that the same staffs deployed for their rescues eventually turns to be the villains instead of delivering the good spirited effort of the humanitarian cause.

In fact, the figures of the persons who have been subjected to such sexual abuses and exploitations have remained unknown in most of these as they end. The projected figure by UN is around 2000<sup>3</sup>. In 1990 these offences were prevalent in the peacekeeping missions such as in the Central African Republic (CAR), Democratic Republic of the Congo (DRC), Lebanon, Somalia and South Sudan. Usually these allegations come to the fore only when the media have published them. On same even though the media may expose these illegal activities still the exact number remains unknown as generally it is believed that the majority of these women and children do not report possibly being afraid of the possible reprisals.

There is so much psychological and sociological stress and pain that impact

<sup>2</sup> Report of the Secretary-General's Special Advisor, Prince Zeid Ra'ad Zeid al-Husseini, on a comprehensive strategy to eliminate future SEA in UN peacekeeping operations

<sup>3</sup> ibid



on the victims to such an extent that it is always traumatic in their lives. It is from the onset of the end of the conflict that the victims become exposed to the peacekeepers. What remains an issue derivable from the available studies is the fact majority of these offences are committed by people in authority.

Many of the abuses manifest in traumatic post conflict and pacifying period in the affected persons as the traumatising effects last for almost the rest of their lives. They can be post-traumatic stress disorder and depression. Some of the effects are detected in the form of “physical trauma, the mental pain and suffering inflicted on victims of rape and other forms of sexual violence is often long-lasting due to subsequent stigmatisation and isolation.”<sup>4</sup> As in most cases customs and traditions lead these to be under banishment from the families and communities.

Once they are banished it affects their future respected marriages and settlement as they become inferior and the less privileged in the communities. A point very clear is in culturally very strong especially in religious and customary radical communities. They are regarded as possible sources of illnesses such as the sexually transmitted diseases. Some children born out of these conditions and their mothers are always vilified in the communities and they are considered to be a disgrace.

Sexual exploitation and abuses in DRC resulted on a number of children with unknown fathers as most of the peace keepers operate on contracts of specified period. Even the immediate relations of the victims are equally affected and traumatised as well. Normally these issues remain unresolved through the judiciary system for arriving at the required justice that could serve as a reparative approach to the society.

## Psychological Effects

The DRC Conflict has taken more than two decades. Conflicts within Eastern provinces (South and North Kivu), can be traced to its history of migration, citizenship and property rights. The conflict opposes armed groups who are sometimes maintained by bordering countries. It is believed even the national army and several local self-defence forces are used to support the armed groups for unknown reasons. The on-going conflict began in the aftermath of the Rwandan genocide in 1994. It involves many equipped players; as well as the DRC Army, external rebellious groups to include the Democratic Forces for the Liberation of Rwanda (FDLR), Allied Defence Forces of Uganda (ADF) and more than 100 indigenous armed groups (MAYIMAYI). The groups were

<sup>4</sup> Geneva: World Health Organization; 2002. World Health Organization. *World report on violence and health*.

contending for the domination of the areas of natural resources<sup>5</sup>.

At present; Congolese who are inhabitants of the severe affected provinces (North and South Kivu) are threatening with major crimes against humankind and war misconducts. The security situation in this region is unpredictable accompanied with horrible attacks to civilian's commonplace. There is considerably sociological and psychological stress and pain that impact on the victims to such an extent that it is always traumatic in their lives. According to Horvitz and Christopher; "Sexual assault is widespread throughout North and South Kivu and is regularly perpetrated with impunity"<sup>6</sup>.

Because of long history of UN Mission in DRC; the new generation have been psychologically affected because they are now used to violence. Young generation have great and often impracticable prospects towards MONUSCO in terms of protection, security and funds to be dedicated to youth enterprises. This signifies that; the new generation misinterpret the MONUSCO mandate. Youth are often not able to distinguish between the UN Operations (PK Mission) and UN organizations, funds and programmes.

## Economic Effects

The economic effects of a long time UN Mission in DRC can be analysed into five dynamics: Raising expectations of UN local staff, Negative impacts of the UN allowances (MSA), Dependence of the UN Mission and Inflationary Impact of UN of operations.

## Raising Expectations of UN Local Staff

As a general rule, the working and living conditions for UN staffs, are comparatively higher, whether working on missions or any other deployment. They often enjoy access to reliable transport, regular electricity and full office automation among other privileges. When such UN staff finally leaves the international appointment to work for his/her government, they get demoralised because the working conditions are not the same. In some of the developing countries such as DRC, the situation is even worse due to the prevailing level of development. The high living and working standards set by the UN raises the expectations of staff as long as they remain in employment but this becomes a source of frustrations when such an engagement comes to an end.

<sup>5</sup> Carol J. Gallo, *The origin of the conflict in Eastern DRC: How the Belgian colonial policy towards Banyarwanda feeds into today's conflicts*, Cambridge University, 15 April 2014

<sup>6</sup> Leslie Alan Horvitz and Catherwood Christopher, *Encyclopaedia of war crimes and genocides*

## **The Negative Impacts of the UN Allowances (MSA)**

Mission Subsistence Allowances (MSA) paid by the UN is significantly higher than those paid by national governments. It's been established through a survey that the influence of MSA spending on the economy of a mission area do go up to fifty percent. The breakdown, according to the survey which showed relatively little variation across missions, indicated that housing took the biggest junk at just under fifty per cent. Food took a quarter while recreation accounted for a fifth of the MSA. Due to demand for proper housing and cuisine of global standards, deployment of missions almost always elicits renovation of houses, accompanied by rise in cost of housing and sprouting of catering facilities of commensurate standards. The local entrepreneurs who target the UN staff in their facilities rake in more income compared to their counterparts and this category of investors wish for endless stay of the UN missions. Outside the areas where the UN missions live, the cost of housing and other facilities, including food is not affected.

## **Dependence of the UN Mission**

The long standing of the UN operations in the Democratic Republic of Congo (DRC) stating from MONUC to MONUSCO has changed the attitude of the citizens especially the new generations in economic activities. Most of the youth now depend on the UN Mission (MONUSCO), because it is believable to be paying better compared to other official and unofficial work. To this context; normal work like farming and social works are only done by women and old people, which resulted to poor food production.

## **Inflationary Impact of UN Operations**

It is obvious that a tremendous number of UN troops are concentrated to the more affected areas. A concentration of troops goes in hand with service providers and UN resources including allocation of funds. The big number of personnel with their individual allowances mostly results into inflationary impact on the specified area. There is concern that the huge number of foreign presence contributes to increased demand for scarce goods and services, and this backs major inflation.

## **Conclusion**

Social – Economic impact of the UN Peacekeeping is a serious issue which need to be addressed at multinational level (UN HQs). It may be safely

concluded that: “UN Peace keepers should be committed to their primary goal of implementing or monitor the implementation of arrangements relating to the control of conflicts (cease-fires, separation of forces, etc.) and their resolution (partial or comprehensive settlements) or to ensure the safe delivery of humanitarian relief”. Strict measures have to be put in place to peacekeepers against sexual and other forms of abuse and exploitation in the delivery of international assistance. This abuse of power and trust; violates human rights and undermines the UN efforts to address gender inequalities and to empower women and girls to reach their full potential. Everyone working in international assistance has the responsibility to step up and address these issues by adopting international best practices. By doing so, this can help to reduce the figure of cases of sexual manipulation and mishandling and ensure victims and survivors receive the support they need.

The UN Peacekeeping Operations in DRC (MONUSCO) has almost weakened other means of sustaining the societies. There is a need to be re-planned to come up with workable strategic plan to sustain the society economically and socially. The mission leadership should have an exit plan at the end of the mission. The plan could include offering entrepreneur training and the best farming skills to the affected new generation of Congolese to include women and girls.

## **Recommendations**

The new generation in DRC especially eastern have suffered for a long time through physical, emotive and psychological ferocity and disregarding. These resulted to powerfully enrolment in the unlawful armed groups. This group also have participated actively in the conflicts for a long time in through lure of financial improvement to tribal affinity and beliefs. It is therefore recommended MONUSCO to engage them through counselling on the organised groups before implementation of youth projects. The UNSCR should encompass the mandate of MONUSCO to target new generation on empowering them over sensitization, in order to win their hearts and mind and engage them to take vigorous role in peace promotion struggles.

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# COMMUNICATION, PEACE AND CONFLICT: A CRITICAL DISCOURSE

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## Introduction

Debate on the importance of communication in the discourse of conflict and peace has been high on the agenda of scholars for a long time. This is more so in the 21<sup>st</sup> century in which we have witnessed great acceleration and expansion of global communications, especially via electronic technology, that has allowed virtually instantaneous transfer of information from one side of the world to the other. This growth of telecommunications has enabled the expansion of the mass media including: television, newspapers, internet and direct satellite broadcasting worldwide to areas that hitherto were unreachable. The communication revolution has led to high consumption of information, empowering people in all aspects and in the process changing their outlook especially in areas of peace and conflict.

However, there seems to be no agreement on the extent to which communication has impacted on peace and conflict. Three views have emerged on how different people conceive the role of communication in peace and conflict. On the one hand, there are those who claim that consumption of biased media reports and unverified information existing in the internet has exacerbated conflicts in many parts of the world. This misrepresentation has caused conflict between different communities leading to serious socio-political and economic consequences.

On the other hand, some have argued that communication with its main component of media is a key pillar in providing desired information to the public for the promotion of peace. The quick transmission of information currently witnessed can lead to positive messages being transmitted across and consequently promoting peace in society. This is by highlighting structural issues that would bring disharmony in the community and informing the public when relations between and within communities become intolerable for action to be taken. In this conception, communication is seen as a key component in the creation of cohesion and peace in society. In the middle, we have those who argue that media only reports news in a neutral manner and only highlights what is going on in any conflict without slanting news for any particular purpose. What is reported mirrors what goes on in society and any reporting about conflicts portrays what exists. In this view, the claim is that

what is being reported mirrors what happens in society.

In consolidating the views above, the paper argues that whereas on the one hand communication has led to misunderstandings and eventual conflict; it has on the other hand enabled peace by providing opportunities for promoting values that are critical for management of conflicts and peace building in society. The assumption made in the essay is that no communication is neutral and that each communication supports a particular position. This paper will therefore look at the different meanings of the concepts peace, conflict and communication and their complex interaction within communities.

Similarly, the use of media and communication may overlap at some point in the arguments. The essay is justified by the fact that conflicts bring about serious consequences to the communities and thus there is need to bring about an understanding about how communication can be misused by ill-intentioned people and conversely how it can also be used by people of goodwill to solve conflicts.

## Conceptualizing peace

The term peace is contested in the security discourse. Peace is seen as the absence of violence, rebellion, or conflict.<sup>1</sup> It is a description of existence of harmonious relationships within a society; where there is nonexistence of hostilities between communities and groups and where co-existence is assured. However, a distinction is made between two terms that explain peace. According to Dijkema, negative peace refers to the nonexistence of hostilities; whereas positive peace deals with processes that restore relationships and contribute to the resolution of conflicts.<sup>2</sup> The concepts are further expanded by Galtung in Chetail (2009), who defines negative peace as the non-existence of organized aggression between individuals, groups or states. He further explains positive peace as being a long term establishment of sustainable peace through elimination of root causes.<sup>3</sup>

## Conceptualizing Communication

Various scholars have come up with divergent definitions of communication. According to Hanson, communication is a process; an interaction that allows individuals, groups and institutions to share ideas.<sup>4</sup> To Hanson, any

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<sup>1</sup> Rummel R.J. (2006), *What Is Peace?* <https://www.hawaii.edu/powerkills/TJP.CHAP2.HTM> accessed

<sup>2</sup> Claske DIJKEMA, *Negative versus Positive Peace*, 2007, [http://www.irenees.net/bdf\\_fiche-notions-186\\_en.html](http://www.irenees.net/bdf_fiche-notions-186_en.html) accessed on 28th August 2019

<sup>3</sup> Chetail V, (2009) *Post Conflict Peace Building*, A Lexicon, Oxford, New York pg29

<sup>4</sup> (Hanson, 2005:2).

transmission of ideas from one end to another would constitute communication. It does not matter the form in which the ideas are in. On the other hand, Baran, explicates communication as the passing of a message from the originator to the recipient.<sup>5</sup> It is thus a process of creating and sharing meaning. This standpoint is supported by Moss and Tubbs who add that it is not only a process of sharing meaning but also a process of sharing experience.<sup>6</sup> The two authors place a lot of emphasis on the process; in that there is a clear way in which the messages are created and transmitted from one person to another.

According to French and Tillet, communication starts with an originator of a message sending the message to another consciously or unconsciously.<sup>7</sup> In this context, there must be a clear intention by one party to pass a message to the other deliberately or involuntary. The vital element is that the message must be passed from one party to the other. Correspondingly, Cohen goes further to say that for there to be communication, the message must be correctly understood by being of sufficient resemblance, if not likeness between the dispatcher and the meaning ascribed to the receiver.<sup>8</sup> In sum, communication would involve a message, the medium, receiver and more importantly the purpose of communication as important ingredients.

## Conceptualizing Conflict

Conflict is a contested term and has been used differently by different people depending on time, location and motivation. According to Mack and Snyder conflict is a struggle not only for status but also for scarce resources and for significant social change. It can originate either from goal incompatibility or hostility (or in both), and that it must involve a conflict behavior.<sup>9</sup> The claim by Mack and Snyder is that there must be an undesirable condition that people want to emancipate themselves from, resources for them to fight for and a clear movement and desire for social change. The process of removing these undesired societal elements would thus lead to conflict.

In the same note, French and Tillet, claim that a conflict can occur when people or groups perceive that their values or needs are incompatible; whether or not they propose at present or in the future to take any action on the basis of those values or needs.<sup>10</sup> The critical point here is that values and needs would bring about conflict if one group feels that its values are being eroded and thus

<sup>5</sup> Baran J.S, (2002) *introduction to mass communication* McGraw Hill, London pg, 4

<sup>6</sup> Moss s and Tubbs L.S. (1994) *human communication*, New York, McGraw-Hill, pg 6

<sup>7</sup> French B and Tillet G, (2007) *Resolving conflict*(3rd Ed), Oxford, New York.pg 22

<sup>8</sup> Cohen R. (2007), *negotiating across cultures* (5th Ed) US Institute Of Peace, Washington. Pg 45

<sup>9</sup> Barton J.O and Wehr P. (2002), *Using Conflict Theory*, Cambridge, Cambridge pg 13

<sup>10</sup> French B and Tillet G. Opp.Citpg 26



they must defend their position. Hence any person who would impede the other from achieving a need would bring about conflict.

## **Contribution of communication to conflict**

Some communication theorists have claimed that communication is a major factor in creating and or exacerbating conflict. According to Moore, conflict is the result of poor communication whether in quantity, quality or form.<sup>11</sup> Moore's claim is at the core of the arguments that postulate the position that whichever the amount of information, conflict would result if the information passed is not believable or the information is without focus; or if through the influence of the medium the information passed is not received as intended. The effect is that messages can be misinterpreted leading to the creation or worsening a conflict.

Globally, most disagreements arise from imprecise communication and biased reporting, leading to misperceptions which aggravate conflict situations. Media coverage especially through playing clips from hot spots exacerbate the conflict by expanding the audience and increasing bitterness as people witness the goings-on in the theatre of conflict. Some of the images broadcast from conflict situations consequently serve to enflame the conflict and sometime push it to the extreme.

In interactions within the international system, communication is a critical element in the maintenance of relations between states, international organizations and foreign non-governmental actors in the international system.<sup>12</sup> How information is passed on would determine whether relationships would endure or there would be a conflict brought about by any breakdown of communication. The implication is that a conflict of such a nature would be difficult to settle given the complications that happen within the international system.

In the same vein, media during a conflict can empower one party by giving prominence to ideas from one side and or neglecting issues from the other side. This is the situation when media take sides in a conflict; distorts the truth by being subjective in the reporting and making readers believe the perspective that is portrayed by the slanted information. This has the consequence of tilting the balance to one side, leading to feelings of neglect and eventually expanding a conflict beyond space and time<sup>13</sup> as more people with distorted

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<sup>11</sup> Moore, W.C., (2003) *The Mediation Process: Practical Strategies For Resolving Conflict*, Jossey Bass, San Francisco.pg63

<sup>12</sup> Sorensen and Jackson R. (2007) *Introduction to International Relations* Oxford, New York, pg 307

<sup>13</sup> Kriesberg L. and Dayton W.B. *Conflict Transformation and Peace Building*, Routledge, New York.pg 125

information are brought into the conflict sphere.

Communication has also been found to have a great impact during negotiations of conflicts especially in relation to language. The choice of words whether spoken or written would be very important in determining whether a conflict would escalate into large scale disagreements and eventually degenerating into disorder. Goldsmith and Clarke claim that the words used in a conflict can contribute to the worsening of the conflict as the words reflect a set of hidden assumptions and the meaning of conflicts.<sup>14</sup> There can thus be misrepresentations arising from communication that may exacerbate conflict.

Uwazie and Olawale equally claim that intensely offensive and negative remarks of disputants could worsen the conflict; ambivalent or unclear information could also lead to conflict, especially when given an offensive interpretation.<sup>15</sup> In this explanation, the style of communication in a mediation phase is critical in determining whether a conflict can be managed successfully or not. If communication is less accurate or is perceived differently by conflicting parties, it can escalate a conflict and may push it to the extreme making it difficult to solve.

## Culture, Communication and Conflict

One of the critical elements in the literature of conflict studies is the influence of culture in communication and the serious impact it creates in conflict. Language and the way words are used can show how a conflict would manifest. The usage of words can demonstrate biases and attitudes that one community has towards the other and the propensity to agree to quick solutions during conflict. Additionally, the common everyday usage of words can show what the words mean and how they can be utilized in enflaming particular conflicts. Similarly, claims that many people are reluctant to express disagreement openly when they are concerned about hurting feelings or dealing with out of control emotional reactions.<sup>16</sup> The end result is that it inhibits conflict parties from expressing themselves freely and thus creating a situation where people keep hatred to themselves which would manifest when there is any disagreement.

According to Spector in Zartman, cultural differences brought about by lack of understanding of each other's rule for communication can become so high as to keep messages from reaching their destination; causing the negotiations to break down.<sup>17</sup> In the area of international negotiations the potential for

<sup>14</sup> GoldsmithJ, and Clarke K, (2004), *Resolving Conflicts At Work*, Jossey-Bass, San Francisco pg 22

<sup>15</sup> Earnest E. Uwazie, Isaac Olawale Albert. *Opp. Cit* Pg 21

<sup>16</sup> Kindler H, (2006) *Conflict Management* (3rd Ed), Net9, Boston pg65

<sup>17</sup> Zartman, N.I, (1982) *The Practical Negotiator*, , Yale, London Maureen R.B, pg227

discordance inherent in inter-cultural communication takes concrete form not the simple unmediated conversation, but a complex and sustained undercharge of proposals over time, overlooked by level after level of inter-agency consultation, political supervision, media and legislative oversight.<sup>18</sup> This would lengthen any negotiation because of this misunderstanding. As discussed, communication if not well utilized can exacerbate conflicts and lengthen the process of conflict management.

## **Contribution of Communication to Achieving Peace**

Communication can also be an important element in fostering peace. It can through its many mediums contribute to ending violence, often by focusing on non-violent solutions or presenting alternative methods. Media can also provide coverage for voices of moderation, propose solutions, point out common ground or even urge negotiation.<sup>19</sup>

In negotiations, communication can be a strong influence in the outcome of negotiations. By highlighting the state of structural conflict within society, the media can make the authorities and people concerned to continue managing conflicts at the latent level to avoid open hostilities. The measure of peace is the extent to which latent conflicts are managed in order to bring about harmonious relationships in society. It can also highlight the negative systems within the society that encourage structural conflict, and how that can be dealt with by the concerned parties.

Similarly, during the conflict phase, media can provide a platform for conflicting parties to pass peace messages to their supporters and thus reduce tension. They can also highlight the cost of conflict in terms of human, economic and social costs to dissuade conflict parties from escalating the conflict further. They can also sensor images that may inflame the conflict further and thus help changing the trajectory of the conflict. Since reporting can be real time, the use of different mediums can assist in getting out peace messages and positive reporting about the progress of negotiations, with the aim of promoting better relations in society in the aftermath of a conflict.

Likewise, communication mediums can relay negotiations real time to the benefit of the public, highlighting the positive steps being made by the protagonists and consequently putting pressure on the parties to compromise. They can also empower the minorities in a conflict by airing their positions to avoid being dominated by those with power. The different mediums can thus create positive influence in a conflict and create confidence between parties.

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<sup>18</sup> Zartman, N.I. (1982) *The Practical Negotiator*, , Yale, London Maureen R.B, pg227

<sup>19</sup> Kriesberg L. and Dayton W.B. Opp.Cit. pg 34

Dissemination of proper messages may make issues clearer to avoid misunderstanding or counteract disinformation and inflammatory rumours, underscore the costs of conflict, depolarize and humanize the conflict.<sup>20</sup> Such actions can generate or bring about pressure for negotiation or abandonment of the use of violence. Media can be one such medium which can provide an arena where parties can also debate impartially and bring out the various viewpoints for the good of society.

## Conclusion and Way forward

The paper has demonstrated that communication is an important ingredient in either exacerbating or reducing conflict. Approaching conflict through effective communication using agreed procedures can reduce barriers to positive messages leading to de-escalation of conflicts. Poor communication may lead to frustration; erode confidence and sometimes destroy the whole process of conflict management. Communicators must thus be able to correctly judge a situation and know which language to use; avoiding making unsupported assumptions as a basis for decision making.

Consequently, communication should be used in a constructive manner in order to enhance peace in the community. However, this can only be achieved if there is deliberate capacity building of communicators on conflict across all mediums. This will be for the purposes of equipping them with proper skills to enable them use communication in a proper way so that they do not escalate a situation by misreporting or setting a wrong agenda. They can be able to report on peace prospects, deliberately report peace messages and give positive prospects about a conflict with the hope that the conflict parties can see a clear path to peace.

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# CLIMATE CHANGE AS A CAUSE OF PASTORAL CONFLICTS IN THE HORN OF AFRICA

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## Introduction

The Horn of Africa comprises of seven countries namely, Kenya, Uganda, Sudan, Ethiopia, Somalia, Eritrea and Djibouti. The region is characterized by seasonal patterns of drought and famine. The pastoral communities in the Horn of Africa, live in dry areas which are characterized by mountain ranges, low lying open plains and river drainage patterns. The mountainous ranges support important activities like water catchment sources, honey production, grazing during the dry seasons and wood production. The plains receive low amount of rainfall and are dominated by vast grassland and shrubs which provide forage for livestock during and soon after the rainy season. The forage, however, dries quickly at the start of the dry season.

Livestock production is the key economic activity in arid and semi-arid areas of the Horn of Africa and communities there depend primarily on cattle, camels, sheep and goats as a source of their livelihood. As such, accessibility to water and pasture land is a very important aspect of their livelihood. Unfortunately, these resources are scarce and under increasing pressure due to the effect of climate change in the region. This has intensified the problems of access to scarce resources and management of competition for these resources especially during periods of drought.<sup>1</sup>

During the period of droughts, the pastoral communities normally migrate from one region to another in search of water and pasture. During such movements, they make contact with other communities leading to conflicts as each group try to guard its territory and supremacy over others.<sup>2</sup> These conflicts have depopulated huge stretches of land as people flee for fear of violence, thereby limiting their grazing land. This is a phenomenon of the pastoralist in the Horn Africa and has never been a peaceful place.<sup>3</sup>

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<sup>1</sup> M. Kirkbride and R. Grahn, *"Survival for the fittest: Pastoralism and Climate Change in East Africa"* Oxfam briefing paper 116 (Oxford: Oxfam International, 2008), p.11.

<sup>2</sup> Jan Kamenju et al, *'Terrorised citizens'* (Nairobi: Oakland Media Services Ltd, 2003) p 14 – 17.

<sup>3</sup> John Markakis, *"Pastoralism on the Margin Report"*, in Minority Rights Group International 2004.

## Climate Change trends

Climate is the average of weather conditions over a period of time while climate change is concerned with changes either in the past or into the future of the average weather. A report by the Intergovernmental Panel on Climate Change shows that “climate change caused a global average surface temperature increase of about 0.6°C during the twentieth century”.<sup>4</sup> This was attributed to the increase in anthropogenic greenhouse gas concentrations. The United Kingdom’s Meteorological Service, predict that in future, the trend in global temperature will remain upwards because of man-made emissions of greenhouse gases.

According to the IPCC (2007a), “the average global temperatures are now about 0.75°C warmer than they were 100 years ago. Since mid-1970s, the average global temperatures have increased at a rate of more than 0.15°C per decade”.<sup>5</sup> “Current forecasts suggest that, with exception of the central coastal regions, the African continent is likely to see at least a 1°C rise in temperature and perhaps a 2°C average temperature rise by 2050”.<sup>6</sup> The continued warming across Africa will aggravate the levels of water shortage that already exists. Extreme weather conditions such as increased durations of droughts and changes of the amount of rainfall, have already been observed across Africa. A given level of further climate change is inevitable due to the amount of carbon dioxide and other greenhouse gases produced by the burning of fossil fuels and other human activities. Even if emissions were to cease now, the Earth’s land surface would continue to warm for decades and its oceans for centuries due to past emissions.<sup>7</sup> This phenomenon is referred to as committed warming.

## Climate change as the underlying cause of pastoral conflicts

According to a United Nations Environment Programme (UNEP) report, “competition over scarce resources such as pasture and water, brought about by climate change, is among the triggering factors of conflict in pastoral regions”.<sup>8</sup> The former UN Secretary General, Ban Ki Moon agreed with this claim as quoted in the Washington Post, “the reduction in rainfall has turned millions of hectares of already marginal semi-desert grazing land into desert. The impact

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<sup>4</sup> *Third Assessment Report of Intergovernmental Panel on Climate Change* (Cambridge: Cambridge University Press, 2001).

<sup>5</sup> *Report of Intergovernmental Panel on Climate Change* (Cambridge: Cambridge University Press, 2007).

<sup>6</sup> Richardson, K., UK Met office Hadley Centre report, ‘*Climate Change in Africa; a review to inform DCDC’s Africa Regional Survey 2045*’, (2015).

<sup>7</sup> Ibid

<sup>8</sup> UNEP, “*Post-Conflict Environmental Assessment Report*” (Nairobi: UNEP, 2007), p.22

of climate change is considered to be directly related to the conflict in the region, as desertification has added significantly to the stress on the livelihoods of pastoralist societies, forcing them to move in search of pasture. Indeed, the pressure on scarce resources like pasture and water have become the trigger of most pastoral conflicts in the Horn of Africa<sup>9</sup> “The insecurity brought about by these conflicts has displaced thousands of people and disrupted the local economy in the neighboring non-pastoral areas”.<sup>10</sup> Kirkbride and Grahn insist that “the arid nature of the pastoral regions, coupled with the low poverty levels faced by the pastoralists mean that the increasing temperatures and the increased frequency of extreme weather events that climate science projects for the regions will aggravate the problems of development”.<sup>11</sup>

Frequent droughts and diminishing resources particularly water and pasture due to climate change, has created a fierce competition among the pastoralists as they fight to ensure the survival of their highly valued livestock. These conflicts have progressively become more destructive and less manageable. The climatic shocks in the past two decades have pushed an increasing number of pastoralists deeper into abject poverty. This in turn, has pushed the pastoralists in the Horn of Africa into more conflicts among themselves and their neighbours as they struggle to survive. As a result, many people, livestock and property have been lost or destroyed, wreaking severe and far-reaching consequences in those societies. These conflicts increase the likelihood of further conflicts, thus, creating an almost permanent conflict situation within the pastoral regions in the Horn of Africa. Changes in atmospheric conditions are likely to alter precipitation patterns, temperatures, and other climatic aspects which the natural environment and human systems depend on. The future climate is of course not known with certainty due to both incomplete understanding of the climate system and the unpredictability of the climate. The climate changes are expected to present serious impact to food security both for humans and animals among pastoralists. This is as seen from the perspective that food for livestock is influenced by precipitation as well as temperature.

Water availability, quantity and distribution depend to a large extent on rainfall and the rate of evaporation, which are both affected by climate change. Competition for water is an important factor causing many conflicts between several groups in the Horn of Africa. With more frequent droughts,

<sup>9</sup> Ban Ki-Moon, B. A Climate Culprit in Darfur' in *"The Washington Post"*, (Washington: Washington Post 16 June 2007).

<sup>10</sup> M. Kirkbride and R. Grahn, *"Survival for the fittest: Pastoralism and Climate Change in East Africa"* Oxfam briefing paper 116 (Oxford: Oxfam International, 2008), p.18

<sup>11</sup> K. Mkutu, *"Pastoralism and Conflict in the Horn of Africa"* (Bradford: University of Bradford 2001), p10.



communities have become very possessive of their water points and will use all means to repulse what they view as intrusion by their neighbours. The watering points are also getting scarce as more and more dry up. The search for water during periods of drought, drive pastoralists to neighbouring lands which then become a source of conflict.

## **Mitigation measures to climate change**

Mitigating the effects of climate change can only be achieved through a global agreement. Different countries can manage some problems locally, but because the atmosphere is a shared resource, a global agreement with all major parties on board is required so as to end its deterioration. The solution required should be both scientifically sound and acceptable by all nations.<sup>12</sup>

In the Horn of Africa, climate change has variable characteristics and impact and therefore, regional strategies for overcoming and adapting to the future situation are required. Forecasting techniques and early warning system is crucial for predicting droughts so that their impacts can be reduced by timely and effective intervention of governments and aid agencies.<sup>13</sup> Continuous collection of information on the impact of climate change and where these impacts are most likely to be felt is important so that governments can make informed decisions and develop appropriate strategies and actions for dealing with climate change issues. Dissemination of climate change information both from researchers to governments and from governments to local people is also critical as this helps the local people adopt mitigating plans.

Governments in the Horn of Africa should invest more resources in the construction of water pans, shallow wells and dams in the pastoral community land in order to harvest and store water during rainy season. This will reduce movement by pastoral communities in search of water during dry periods, thereby reducing incidences of conflicts. It is also important to educate population in order to open up alternative ways and means of earning a livelihood other than depending predominately on livestock.

## **Conclusion**

It is projected that many people over the next decades, particularly those living in the less developed countries, will face shortages of food and water as a result

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<sup>12</sup> David Held et al, *"The Governance of climate change: Science, Economics, Politics and Ethics"* (Cambridge, Polity Press 2011), p. 18.

<sup>13</sup> Otter Let al, *"Global change processes and impacts in Africa: A synthesis"* (Nairobi, Creative Print House Ltd 2007) P.252.

of climate change. Consequently, it is necessary to address the effects of climate change as well as raising awareness among those most affected to understand better, its impact on their ecosystems and society at large. Pastoralists, particularly, are very vulnerable to these effects which directly affect their livelihoods due to reduced water and pasture for their livestock. The fact that almost all pastoral land is naturally arid or semi-arid makes the situation even worse. A report of the World Meteorological Organization indicates that the temperature changes in each decade since 1850 is warmer than the previous and going by that trend, it can be concluded that global temperatures will continue to rise unless measures to counter this are put in place. The effects of climate change are already apparent or in some cases predictable with some certainty. The statistics available on climate change and the projections on its impact demonstrate the need for accurate communication of climate change information to elicit mitigating actions.

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# RESOURCE CONFLICTS IN PASTORAL AREAS OF EAST AFRICA (KENYA)

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## Understanding Resource Based Conflicts

It is generally acknowledged that conflict occurs between two or more parties having competing goals. In common parlance a conflict could loosely be seen in terms of a contest between two or more people with incompatible dreams, beliefs, needs, or goals. The basis of conflict varies but, it is always a part of society, as conflicts affects values of relationships.

According to Makumi, conflict is endemic in each and every party of the society and yet it is still not easy to define.<sup>1</sup> In the principal half of the twentieth century, Europe was embroiled with the two world wars, its totalitarian administrations, death camps and civil wars, and was arguably the most violent region of the globe.<sup>2</sup> In the African context tension do commonly occur along pastoral corridors over land and grazing rights between pastoralists and farmers.

Adan and Naylor argue that some parts of Sub Saharan Africa (SSA) have been entangled in a web of diminishing resources in the face of severe droughts.<sup>3</sup> Resource based conflicts between farmers and pastoralists commonly flare up and among pastoralist themselves as migrating livestock keepers invade farmers' fields or grazing reserves and watering points of other livestock herders as they search of pasture and water their animals during the dry season.<sup>4</sup> Tribal leaders or other local alternative dispute resolution mechanisms are many a times used to resolve such disputes.

Hegrea and Marie states that armed violent conflicts have disastrous social, political and economic effects. For instance the Africa continent has continued to suffer a lot of violent conflicts as a result of the dynamics involving the grazing spaces for their animals.<sup>5</sup> Violent resources based conflicts in the sub-Saharan African have cumulatively claimed millions of lives, while many have

<sup>1</sup> Makumi, Mwagiru. *Conflicts in Africa: Theory, processes and institutions of management*, CCR publication, (2014), pp. 2-6.

<sup>2</sup> Nyambogo, Christine. *Conflict resolution: The role of information and knowledge management*, (2018), p. 3.

<sup>3</sup> Adan, Delinate and Naylor, Rachel. *Building sustainable peace; conflict, conciliation and civil society in Northern Ghana*, (2002), pp. 6-9.

<sup>4</sup> Macharia, Apolos. *Working for peace: New thinking for peace building*, (2014), pp. 3-7.

<sup>5</sup> Hegrea, Håvard and Allanssona, Marie. *Views: A Political Violence Early-Warning System*. Department of Peace and Conflict Research, Uppsala University. *Journal of Peace*, (2019), pp. 2-7.

been maimed and injured, became internally displaced persons or refugees.<sup>6</sup>

In the East Africa context, resource based violent conflicts have been and continue to be experienced up to the present time. These violent resource based conflicts constrain the development of the communities that are involved due to negative and severe impacts associated with these practices.<sup>7</sup> Apart from the inter-communities conflicts associated with resources, other frontiers of competition have emerged in form of governments taking up grazing areas for investments such as geothermal development, mining companies and national parks. All forms of conflicts over resources have varied consequences and may range from loss of human life, displacements of parts of the population to loss of property. It could also result in the disruption of livelihoods patterns, malnutrition and starvation environmental degradation and other socio-economic aspects like economic hardships.

Conflict theory posits that when conflict between individuals and groups and between distinct communities is left to accumulate and grow, this may ultimately result in war. Whereas communities have a tendency to unite during war, conflict within and between communities tend to persist.<sup>8</sup>

Furthermore, aside from the livestock related competition, other valued economic activities and resources, such as gypsum, coal, oil, sand, stone, wood, water and other minerals, have continued to drive conflict. Conflicts in this domain have been linked to such issues like exploitation, marginalization, favouritism, discrimination amongst other and are governance-related and may differ from community-to-community.

## Some of the Conflict Hot – Spots in East Africa

Sandle posits that pastoralists rely on livestock for their livelihood and are found mostly in the ASALs, which is home to about twenty percent of the total livestock population.<sup>9</sup> East Africa boasts of the largest variety and number of pastoral communities where they occupy over 70 per cent of the Kenyan land area. They occupy approximately fifty percent of Ethiopia, Tanzania, Sudan, Somalia, and Uganda, hence command a significant portion of the land use.<sup>10</sup>

<sup>6</sup> Das, Jai. *Effects of armed conflict on child health and development: A systematic review*. The PMC, in the United States Library of Medicine National Institute of Health, USA. (2019), pp. 2-6.

<sup>7</sup> Adan, Delinate and Naylor, Rachel. *Building sustainable peace; conflict, conciliation and civil society in Northern Ghana*, (2002), pp. 6-9.

<sup>8</sup> Okello, Mike. *Threats to biodiversity and their implications in protected and adjacent dispersal areas of Kenya*. Journal of Sustainable Tourism, (2014), pp. 54-61.

<sup>9</sup> Sandle, Merwe. *Conflicts resolution theory and practice: Integration and Publication*. Manchester University press, (2013), p. 61-63.

<sup>10</sup> Macharia, Apolos. *Working for peace: New thinking for peace building*, (2014), pp. 3-7.

Movement of animals in the ASALs constitutes a key component of range management whereby pastoralists have designated dry season and wet season grazing areas based on indigenous technical knowledge passed down through generations. Being a shared resource, rangelands are expected to take care of the needs of the different communities, clans and other categories of groupings who derive their livelihood from it. Despite occupying huge trunks of land, pastoralists in most of these countries and in terms of population, often fall under the category of minorities as they exhibit unique lifestyles in terms of culture, values and language.

Some of the hot spots of these resource based conflicts can be seen in the north western part of Kenya, where the Turkana, Pokots and Samburu tribes, all being pastoralists, have been embroiled in cyclic conflicts, many of which are attributed to fight over resources particularly during dry seasons. Culture, such as cattle rustling, is also acknowledged as one other cause of inter-tribal conflict. On the areas bordering the frontiers of northern Kenya and southern Ethiopia, the Gabra, Boran, and Garri pastoralists have a long history of sharing the natural resources to sustain their livestock productivity<sup>11</sup>. However, conflicts do occur during periods of scarcity over the access, use and ownership rights of these scarce resources.<sup>12</sup>

Tana Delta, situated at the South Eastern part of Kenya, experiences frequent conflicts pitting the farming community of the Pokomo and the Orma and Wardei, who are pastoralists. During severe dry seasons in which other water sources like dams and water pans are depleted, the Orma herders have been accused by the Pokomo of grazing their animals on their crops. The pastoralists on their part claim that the farmers have blocked access to Tana River, a key water source for their animals, by cultivating and setting up irrigation schemes along the river course. Violent clashes, often accompanied by retaliatory attacks have occasioned heavy losses of lives and property, including livestock. Heavy clashes were reported in 2008 and then in 2012-2013. Other contributory factors also cited include religious, tribal, political and social differences<sup>13</sup>

Resource based conflicts have also been witnessed around Olkaria area, adjacent to Lake Naivasha where the pastoral Maasai community were in perpetual conflict with a neighbouring community over ownership of parts

<sup>11</sup> Ayaga, Kibata and Njenga, Macharia. *Policy prospects for urban and peri-urban agriculture in Kenya*. Policy Dialogue Series, (2005), p. 9.

<sup>12</sup> Bøås, Morten and Jennings, Kathleen. *War in the Great Lakes Region and Ugandan Conflict Zones: Micro-Regionalisms and Meta-Narratives*, (2014), p. 18.

<sup>13</sup> Daily Nation, *Power Struggles and Conflict over Use of Land in Tana Delta* Clashes 26th August 2012

of the land.<sup>14</sup> A compulsory acquisition of the said piece of land by Kenya government for the development of a geothermal energy production plant and a national park affected a multiple Maasai settlements saw the relocation of 20,000 people. Olkaria geothermal plant began operating in the Hell's Gate area in 1982 while the national park was established in 1984.

Resource conflict incidences have lately hit Laikipia, a county boasting spectacular wildlife in public game parks and national reserves as well as private conservancies. The area also boasts of majestic scenery at the backdrop of Mount Kenya and has been one of the country's tourist destinations for many years. Long dry spells in the neighbouring counties of Samburu and Baringo have recently introduced new conflict dynamics pitting pastoral herders, farmers and ranchers whereby pastoralists from northern parts illegally bring tens of thousands of livestock to private conservancies, ranches and community lands in search of pastures and water. This predictably forments conflicts with landowners and ranchers, while displacing wildlife.

Over the last four decades or so, other parts of northern Kenya have experienced varying levels conflicts. Some of these conflicts could even be linked to other conflict systems beyond the borders and the root causes could range from ecological, political, socio-political or a combination.<sup>15</sup> These causes can be further broken down to include reduced access to water, land and other natural resources due to rising population, increased environmental pressure and competition over resources. In some cases, issues of political, economic and social marginalization of communities have bred resentment and easily fuel conflicts.<sup>16</sup> Due to the active conflict systems within the region, ease of access to small arms and light weapons further complicates efforts to address the issues of resource based conflicts

## Mitigating the Pastoral Based Conflicts in Kenya

In looking at ways in which pastoral based conflicts are mitigated, the starting point is to look at the mechanism which the pastoral communities themselves have developed to cope with the environment. These include communally managed land where grazing portions are often designated according to the seasons of the year, that is to say there are dry season and wet season grazing areas. That alone dictates that mobility is a key feature in the pastoral areas.

<sup>14</sup> Macharia, Apolos. *Working for peace: New thinking for peace building*, (2014), pp. 3-7.

<sup>15</sup> Treves, Karanth. *Human-carnivore conflict and perspectives on carnivore management worldwide*. Conservation Biology, (2003), pp. 1491-1499.

<sup>16</sup> Mishra, Allen and Madhusudan, McCarthy. *The role of incentive programs in conserving the Snow Leopard*. Conservation Biology, (2013), p. 83.

Pastoralists also spread the risks by having large and diverse herds and when the forage situation is low, they split the herd so that nursing animals and their offspring are grazed not far from the settlement while the rest can trek to distant grazing fields.<sup>17</sup>

Bøås and Jennings argue that most conflict resolution initiatives yield short-term peace and this is due to the fact that efforts are often directed on the conflict context instead of the root causes given that inter-clan conflicts are generally very dynamic with varied possible conflict resolution mechanism.<sup>18</sup> Governments' traditional approach to conflict resolution is often reactive, intrusive and may involve coercive disarmament campaigns.<sup>19</sup> Very often, the government do target one specific community for disarmament, usually the one deemed to have initiated the conflict, the net effect being that the disarmed community then becomes vulnerable to attacks by neighbouring communities. This explains why disarmament initiatives does not always yield the expected results because of the resistance of targeted communities.

Various initiatives have been undertaken to address the Teso–Turkana–Karamoja border conflict. Among them is the direct involvement of elders and community leaders by the regional government officials, use of local government arbitration mechanisms, rolling out of conflict mitigation programs, and even appeals to the heads of governments.<sup>20</sup>

Tribal and other categories of leaders, including religious leaders are sometimes able to settle disputes like damaged crops or water points by nomadic pastoralists. The situation is however getting more and more complex especially with the increasing mechanization of farms.<sup>21</sup> Alongside the land and water rights usage which have not been institutionalized in some of the circumstances, a combination of the above factors fuel the seasonal tensions between pastoralists and farmers on the one hand and mainly among pastoralist themselves on the other.

Githaiga established that despite existence of institutions mandated to address conflicts, some communities have been subjected to endless conflicts

<sup>17</sup> Okello, Mike. *Threats to biodiversity and their implications in protected and adjacent dispersal areas of Kenya*. Journal of Sustainable Tourism, (2014), pp. 54-61.

<sup>18</sup> Bøås, Morten and Jennings, Kathleen. *War in the Great Lakes Region and Ugandan Conflict Zones: Micro-Regionalisms and Meta-Narratives*, (2014), p. 18.

<sup>19</sup> Ewald, Jonas and Nilsson, Anders. *A Strategic Conflict Analysis for the Great Lakes Region*. Stockholm: Swedish International Development Cooperation Agency, Department for Africa, (2004), p. 7.

<sup>20</sup> Ayaga, Kibata and Njenga, Macharia. *Policy prospects for urban and peri-urban agriculture in Kenya*. Policy Dialogue Series, (2005), pp. 4-8.

<sup>21</sup> Githaiga, Nyambura. *Regional Dimensions of Conflict in the Great Lakes*. Report of the ISS Workshop, held at the La Mada Hotel, Nairobi, (2011), p. 7.

spanning more two than decades.<sup>22</sup> The root causes of conflicts afflicting North Rift and North Eastern regions of Kenya need to be analyzed exhaustively if preventive and mitigating mechanisms are to be prescribed.

Modernity has greatly altered power relations in pastoral areas and with biting economic pressure, youths can sanction raids to cater for their interests or resist the powers of elders regarding surrendering of raided livestock or by simply failing to honour traditional conflict resolution systems.<sup>23</sup> The conflicting interests and altering power relations make conflict potentials hugely multiplied. Apart from government, there are many other actors in the conflict resolution arena and these include non-governmental organizations, both local and international, civil society organizations, faith-based organizations and even some development partners. Some individuals, like the former world class runner, Tecla Lorupe, have come up with joint events like marathons which rope in the participation of the conflicting parties.

With the persistence of these conflicts, the government should relook at its strategies and perhaps formulate and implement more effective policies on peace building and conflict management.<sup>24</sup> Policies and strategies should endeavour to unravel all the possible root causes of such conflicts and provide the frameworks for managing them. The alternative dispute resolution mechanisms and community policing should be strengthened and institutionalized. However, due to structural asymmetries and stigmas between the conflicting communities, mutual security assurances and support for traditional conflict resolution mechanisms have not always been effective. Strategies to address internal displacement of persons as well as infiltration of small arms and light weapons need to be put in place as part of the overall policy of conflict management.<sup>25</sup>

The call for lifestyle change for pastoralists is gaining currency, however radical it may sound, and proponents argue that this would go a long way towards a lasting solution to the conflict. Changing a community's way of life requires concerted efforts from many quarters but progressive leadership is one of the key components. For example, the perpetual conflict between the Orma and Pokomo may seem resolvable through better land regulations and laws but beyond that there is need to address the environmental challenges

<sup>22</sup> Githaiga, Nyambura. *Regional Dimensions of Conflict in the Great Lakes*. Report of the ISS Workshop, held at the La Mada Hotel, Nairobi, (2011), p. 7.

<sup>23</sup> Ibid

<sup>24</sup> Ewald, Jonas and Nilsson, Anders. *A Strategic Conflict Analysis for the Great Lakes Region*. Stockholm: Swedish International Development Cooperation Agency, Department for Africa, (2004), p. 7.

<sup>25</sup> Ibid



and the demographic changes taking place. Government also needs to invest in effective early warning systems to be able to forestall the conflicts before they occur.<sup>26</sup>

The Inter-Governmental Authority on Development (IGAD), through its IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) has invested some efforts to address cross-border harmonious utilization of the pastoral resources through World Bank-supported projects operating in Kenya, Uganda and Ethiopia since 2014. The intervention areas include: establishment of Cross-border Conflict Prevention, Management and Resolution (CPMR) platforms and Cross-border livestock disease surveillance and synchronized vaccination; and Cross-border infrastructure development covering water, livestock markets and rangeland development.<sup>27</sup>

In addition the government of Kenya has made deliberate effort to invest in programmes and initiatives that address the causes of violence in pastoral regions.<sup>28</sup> To boost the resilience of the pastoral communities to climate shocks and consequently reduce resource-based conflicts in the ASAL areas of Kenya, the national government, in conjunction with county governments, has rolled out a number of interventions in the livestock sub-sector, including but not limited to: promotion and piloting of index-based livestock insurance scheme; construction of hay storage structures in identified areas to support the strategic feed reserves managed by the communities; range reseeding; development of water points (boreholes and water pans), and support to emergency off-take<sup>29</sup>

## Conclusion

Conflicts over scarce natural resources among pastoral communities in the Eastern Africa have caused heavy losses of livestock and human life and are partly to blame for the slow rate of development in these areas. This has slowed development as people concentrate on arming themselves at the expense of pursuing ways and means of improving their livelihood. Natural resource-based and human-wildlife conflicts also present challenges for conservation. The conflicts borne as a result of natural resources are many in Africa.

Pastoralism remains one of the most ecologically suitable land use for the ASAL areas and no effort should be spared by respective governments and

<sup>26</sup> Jennifer, De M. *Managing Civil Wars, An Evaluation of Conflict-prevention Strategies in Africa*, (2006), pp. 131-144.

<sup>27</sup> Inter – Governmental Authority on Development, <https://igad.int> (30-8-2019)

<sup>28</sup> Githaiga, Nyambura. *Regional Dimensions of Conflict in the Great Lakes*. Report of the ISS Workshop, held at the La Mada Hotel, Nairobi, (2011), p. 7.

<sup>29</sup> Ministry of Agriculture, Livestock & Fisheries. *Medium Term Expenditure Framework Report* 2018/19 – 2021/22

the non-state actors to find mechanisms and strategies which will guarantee enduring peace necessary for sustainable utilization of these ecologically fragile environments.

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# **NATURAL RESOURCE BASED CONFLICTS: A REVIEW OF CONFLICTS RESOLUTION MECHANISMS IN KENYA**

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## **Introduction**

### **Background to the Study**

Generally, Conflict can be defined as a situation in which two or more parties have incompatible objectives and in which their perceptions and behavior are commensurate with that incompatibility. Conflict cannot be avoided in that it relates to condition of diminishing resources and interplay of power. The wealth of a state is determined based on how much resources it possesses.

Natural resource conflicts are disagreements and disputes over access to, control over and use of natural resources. Disputes arise when the interests of people vary over uses of the resources. At the community level, such conflicts are an indication the legal and institutional framework is ineffective in regulating access to resources.

### **Statement of the Problem**

The magnitude and intensity of conflicts have amplified globally, continent-wide and nationally in the recent years. Conflicts in the Middle East and Africa are threats to international peace and security. Conflicts in Kenya are manifold and overlapping. The country has experienced resource based conflicts, ethnic and political intolerance. Documented reports show that nearly all the counties in Kenya have experienced disputes of various kinds. The conflicts include communal violence in the Rift Valley and the central Isiolo region, among other regions. This study is aimed at identifying the conflicts and conflict resolution mechanisms in Kenya.

## **Literature Review**

### **Theoretical Explanations for Conflicts and Conflict Resolution**

Identification of root causes of conflicts is key for development of strategies for resolving conflicts. Theories become handy in understanding of the conflicts and their causes.

One of the theories is the Hobbesian realism. The realist argues that

conflicts occur due to inborn hostile nature of mankind, hence conflicts are part of human being and man should learn to live with disputes. Human needs theory on the other hand, explains unfulfilled expectations and needs result in conflicts. Satisfaction of human needs is vital for prosperity of mankind. Any frustration of determinations to achieve basic requirements is bound to results in disputes.

## **Resource Based Conflicts in Africa**

Resource based conflicts had claimed over three million lives in Africa by 2014. Africa has experienced natural resource conflicts in different countries including Algeria in 1992 over oil and gas; Angola in 1975-2002 over oil, diamonds, timber, ivory; Burundi in 1993 over Land; Cameroon/Nigeria in 1997 over oil; Chad in 1980-94 over oil and uranium; Congo-Brazzaville in 1993-1997 over oil; DRC in 1993 over Copper, cobalt, diamonds, gold and timber; Mozambique in 1976-96 over Ivory and timber; Morocco in 1975 over Phosphates and oil; Western Sahara in 1976 over Phosphates and Zimbabwe in 2000 over Land and Kenya in 1991 over land, water, grazing pasture and livestock.

## **Causes of Conflicts in Africa**

### **Land Ownership**

The benefits of land extend beyond economy. Land being the most critical asset in Africa, has been politicized. It is considered as place of birth and African societies view land as a resource to be bequeathed for the future generation thus, the reason for most conflicts in Africa. Unequal distribution of land in Africa has led to inter-ethnic clashes.

### **Minerals Deposits**

Many African countries have experienced diamond related conflicts. Diamond has prominently featured as one of the controversial natural resources in the continent's conflicts. Gold, Tantalum, Tin and Tungsten minerals have been termed 'Conflicts Minerals' in the DRC. The armed groups that impose illegal taxation on trade in the minerals comprise rebels, militias and part of the army in DRC. Besides raping the mineral resources, the armed groups have been involved in significant human right abuses including attacks on civilians and sexual violence.

## **Ethnic and Political Rivalries**

Ethnic animosity in South Sudan was identified as the main causative factor that ignited political differences into a violent dispute. The ethnic animosity found a fertile ground of political rivalry whereby the politicians manipulated the ethnic differences. The deadly ethnic dispute is akin to the violence that rocked Kenya after the contested presidential elections between December 2007 and February 2008.

## **Competition for Shrinking Resources**

A study by Mengistu indicated that the conflicts in pastoral areas in the Greater Horn of Africa were mainly due to competition for shrinking pastures and water resources. Such conflicts involve use of arms which make them more violent and lead in indiscriminate killings. Furthermore, these areas are arid and semi-arid lands that do not support any form of food production. The conflicts prone areas are mainly concentrated along the international frontiers of Kenya, Ethiopia, Uganda, Somalia, Sudan, and Southern Sudan.

## **Ethnic Animosity**

Skewed distributions of public resources based on tribal connection and competition for dwindling resources bring about ethnic polarization. This can lead to violent disputes if left unchecked.

## **Different Uses of Natural Resources and Goals**

Different people have different uses of water, pasture, forests, land, soil and sand at the community level, and would want to manage them differently. For instance, farmers and pastoralists may want to use water for different needs. In some cases farmers and pastoralists clash over diminishing land sizes. An example of such violent clash occurred in 2012 in Kenya, between the pastoralist Orma community and the Pokomo farmers in which 50 lives were lost. Different needs can be met if effective strategies for sustainable management of such resources are put in place.

## **Exclusion of Different User Groups**

Lack of participatory management of natural resources in some parts of Africa has led to conflicts between different groups of resource users. Conflicts arise when a user group is excluded in the management of the natural resources and introduction of management regimes. Rejection of resource management system by stakeholders is likely to occur if the policy objectives and goals are not clear and the community is ignored.

## Resource Based Conflicts in Kenya

### Conflicts theories

One of the most widely used approaches to the study of ethnic conflicts is Elite manipulation theory. Elites comprise of government workers and media leaders with a common background who willfully collude to control resources within themselves. The political elites played direct roles in escalating the disputed presidential election in Kenya in 2007-2008.

Hobbes, being a realist, argues that conflicts occur due to inborn hostile nature of mankind, hence conflicts are part of human being and man should learn to live with disputes. Human needs theory on the other hand, explains unfulfilled expectations and needs result in conflicts. Satisfaction of human needs is vital for prosperity of mankind. Any frustration of determinations to achieve basic requirements is bound to results in disputes.

The philosophy by Thomas Homer-Dixon on the link between shortage of environmental resources and violent disputes has been used to explain relationship between diminishing natural resources and violent conflicts. He argues that demand for natural resources, which is occasioned by rapid increase in human population and growth in world economy, leads to scarcity of environmental resources. This theory identifies three types of environmental scarcity: demand-induced scarcity resulting from increased per capita consumption of the resource, supply-induced scarcity caused by degradation and depletion of an environmental resource and structural scarcity that is caused by an unequal social distribution of a resource that is controlled by relatively a few people.

Indra de Soysa's theory of resource deprivation and inter-state conflicts hypothesizes that conflict is more likely when at least one country has natural resources and when resources in a resource-rich country are closer to the border. However, when both countries have resources, conflict is more likely when the resources are located disproportionately in relation to the border. Examples of the role of natural resource wars include Iran-Iraq war, Iraq's invasion of Kuwait and the Falkland war. Other related conflicts in Africa include maritime border disputes between DRC and Angola, Ghana and Ivory Coast and currently, the ongoing maritime border dispute between Kenya and Somalia.

## **Causes of Conflicts in Kenya**

### **Different Uses of Natural Resources and Goals**

In August of 2012, Tana River County in Kenya experienced violent dispute pitting the Orma pastoralists and the Pokomo farmers over land and grazing rights leading to 50 fatalities. The conflict escalated and spread across the county resulting in over 15,000 internally displaced persons (IDPs). In July of 2014, a clash between Pokot and Turkana communities over land rights in Turkana County triggered inter-ethnic group violence with 15 fatalities.

Cross-border tribal conflicts between the Turkana in Kenya and the Dassenach in Ethiopia, over pasture and fishing grounds in the Omo delta, has had far reaching socio-economic ramifications on the Turkana communities living in Todonyang. The Turkana and the Dassenach are both pastoralists and live along the border. The Dassenach routinely cross into Kenya with their livestock during prolonged droughts and forcefully push the Turkana southward where pasture is limited. Whereas the trend of nomadic life is characterized by cross border movements of big number of herders and their livestock, the clashes between Turkana and the Dassenach have been deadly. In May, 2011, Twenty-six Turkanas including women, children and men were massacred by armed Dassenach as a result of unprovoked attack, and five Dassenach killed by Turkana in retaliatory attack in Todonyang.

### **Tribalism and Ethnic Animosity**

Tribalism refers to a practice whereby people of a certain tribe show great loyalty to their community and regard themselves superior to the rest. Arrogance develop among such people and they hate any other person outside their community. When such practice finds a fertile ground where tribes compete and are hungry for power, the different groups develop strong feelings to overpower each other so as to control resources. This practice is bound to result in fierce disputes between communities.

### **Land Ownership**

The benefits of land extend beyond economy. Land being the most critical asset in Africa, has been politicized. It is considered as place of birth and African societies view land as a resource to be bequeathed for the future generation thus, the reason for most conflicts in Africa. Unequal distribution of land in Kenya has led to inter-ethnic clashes and squatter related challenges.



## **Competition for Shrinking Resources**

The root causes of conflicts in pastoral dry rangelands of Kenya are mainly competition for shrinking pastures and water resources. The conflicts spin around Livestock and involve use of arms which make them more violent and lead in indiscriminate killings. In November, 2012, cattle rustling between the Turkana and the Samburu led to the massacre of 42 Kenyan Policemen by armed cattle rustlers in Samburu. The policemen were pursuing a band of heavily armed cattle rustlers towards the Suguta valley to recover stolen cattle when they were ambushed by the armed bandits. Other cross border pastoral conflicts are concentrated along the international boundaries of Kenya-Ethiopia, Kenya-Uganda and Kenya-Southern Sudan.

## **Proximity of Resources to the International Boundaries-Maritime Border Dispute**

Kenya has had conflicts with neighbouring states due to geographical locations of her natural resources. The Kenya-Uganda dispute over the ownership of Migingo Island and the Kenya-Somalia maritime border dispute are attestations to Indra de Soysa's theory of resource deprivation and inter-state conflicts. The theory hypothesizes that conflict is more likely when at least one country has natural resources and when resources in a resource-rich country are closer to the border. However, when both countries have resources, conflict is more likely when the resources are located disproportionately in relation to the border.

Somalia, despite having signed the agreement on the international maritime border in 2009, was not happy that Kenya had authorized some Oil Blocs to undertake oil exploration in the Kenya's maritime zone. This made Somalia to accuse Kenya at the International Court of Justice (ICJ) in The Hague.

## **Justification**

Conflicts affect people, food production, education, trade and economy of the affected Country. For instance, during the South Sudan conflicts (2013-2018), civilians were attacked and other atrocities were committed by the armed combatants. Nearly 2.3 million people were internally displaced. Violent conflicts scare away investors, disrupt normal life and depress economy.

This study has generated information on the conflicts in Kenya and Africa through theoretical approaches to causal factors. While previous studies tended to highlight general causes of conflicts, the study has attempted to identify specific resource based conflicts and documented resolution mechanisms in Kenya. The findings provide a basis for policy formulation and decision

making on resource based conflicts.

## Objectives

The aim of the study was to undertake a review of resource based disputes and the measures Kenya has taken to address the conflicts.

### Specific Objectives

- Identify and assess resource based skirmishes in Kenya
- Establish the conflicts resolution mechanisms in Kenya

## Methodology

Desk research was adopted for this study. It involved the collection of secondary data from existing sources including materials published in research reports and relevant documents. The methods used include data collection from data available online, National Defence College (NDC) Library, government published data and reports. The data collected was summarized and collated to enhance overall effectiveness of the desk research.

## Findings

### Resource Based Conflict Management Network

At the regional level, there exist a Conflict Management Network that builds synergies towards a an organized approach for addressing conflicts in the region and dealing with the aftermath of existing Resource Based Conflicts (RBCs) in the Horn and East Africa (HEA). The network was set up by a group of Civil Society Organizations (CSO) from HEA countries. It builds capacity of its members on policy, advocacy and campaign skills, empowering communities in peace building, conflict prevention, participates in decision making, train grassroots actors and bring change using advocacy.

### Early Warning System

In order to avoid being caught unaware, it is crucial to prevent conflicts. In conflicts hot spots such as the arid and semi-arid lands, along the international boundaries with frequent cross border cattle rustling, among others, peace monitors are engaged at the village level. The peace monitors observe the movement of livestock, grazing patterns along the borders. Reports possible conflicts are evaluated by the elders before rely information through the local administrators to the Chair of the County Security Committee. Kenya's security agencies also collect and analyze information on social, economic, cultural,

local conditions and events and institute measures before conflicts erupt.

### **Community-Based Approaches (CBA)**

Approaches by the state alone have not been effective in addressing conflicts. However, achievements have been realized when communities are actively involved in resolving conflicts. In Kenya, the institutions of elders have contributed significantly to resolutions of inter-ethnic conflicts. An elder as the name suggests, is one who is of good judgement and sensitive to the needs of the community and people.

Elders from the Kikuyu and Kalenjin Communities were engaged to resolve the land clashes that erupted in 1992, 1996, 1997 and 2002 in Rongai Sub County. In other parts of Kenya, the elders have managed cattle rustling by recovering and handing over stolen livestock to the owners.

### **Natural Resource Management Policies**

Decision-making power and influence of the communities are enhanced when natural resource management policies are designed to decentralize, devolve and promote collaborative management of the natural resources. Development and implementation of such policies should ensure participation of local communities and resource users, stakeholders' consultations and information sharing. Kenya has developed policies designed to empower and enhance community participation in natural resource management in various sectors. The Beach Management Units (BMUs) were established vide a regulations in 2007, to co-management the fisheries resources. Participatory Forest Management was introduced in 1997. Currently, Community Forests Associations (CFAs) are managing forests together with Kenya Forest Service. The CFAs have expanded their roles from lobbying to conflict management, among others.

### **Alternative Disputes Resolution Mechanisms (ADRM)) and Traditional Disputes Resolution (TDRM)**

Article 159 (2), (c), of The Constitution of Kenya 2010 recognizes other forms of resolving disputes such as reconciliation, mediation, arbitration and traditional dispute resolution mechanisms for managing natural resource conflicts. For instance, traditional justice systems gives chance to conflicting parties to reach an amicable solution to conflicts.

## **Institutions for Peace Building and National Integration**

Kenya has established a National Steering Committee for peace building and adopted a peace policy. The focus has been on resolving social, political and economic grievances which are key drivers to conflicts. The policy provides for inclusion of representatives from communities and civil society in working towards resolutions of various types of conflicts. For instance, National Cohesion and Integration Commission (NCIC) was created is to alleviate ethno-political competition and ethnically motivated violence and promote national reconciliation and healing, among others.

## **Discussion and Conclusion**

### **Discussions**

A multidimensional approach is required to address the sources of conflicts especially where many factors are involved. Conflict prevention and peace building need to be linked to development in conflict prone areas. Every nation requires peace for development and also needed development to improve peace. States need to study comprehensively and understand the causes of conflicts before crafting strategies and mechanisms for resolving and managing conflicts. Identification of underlying causative factors to conflicts is necessary for rational and holistic approach to conflict resolution. In most cases, causes of conflicts are interrelated and addressing only one cause and ignoring other related causes is an exercise in futility.

Climate Change and its impacts on natural resources are manifest. The natural resources are shrinking while the national and global populations are increasing steadily. This trend is pointer to the fact that conflicts will continue to arise. Kenya and all other States need to develop effective strategies for managing conflicts and adoption of appropriate science, technologies and innovations for sustainable natural resource management, utilization and conservation.

### **Conclusion**

Kenya has experienced natural resource related conflicts, most of which are caused by competition for diminishing resources. There exist various types of conflicts resolution mechanisms in Kenya.

### **Recommendation**

Kenya needs to strengthen her capacity for conflicts early warning systems.

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