



## REGULATION OF SMALL ARMS AND LIGHT WEAPONS IN KENYA: THE IMPLEMENTATION OF THE NAIROBI PROTOCOL

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### **Abstract:**

Global reports show significant attempts that the UN and member states have attempted at combating illicit small arms and light weapons (SALW) and its related facets since 2001. There are several international instruments with coverage from global, continental, regional and national on this aspect. The focus of this study is on the national regulations which states that are signatory to the relevant regional conventions relating to SALW are progressing in terms of implementation through national regulations. The effectiveness of various regulation frameworks however, varies from state to state. This research lays emphasis on local implementation of the 2004 Nairobi protocol on prevention, control and reduction of SALW in the Great Lakes Region and the Horn of Africa, using Kenya as a case study. Through illustrations, it demonstrates the status of the implementation of the prevention, control and reduction efforts applied by Kenya as part of its individual effort to fight SALW in the region and surrounding countries. By doing these, the research looks at discourse analysis through practical facts that have historically been demonstrated by Kenya's mainstream media investigative reports, globally sponsored national surveys by both non-state and state actors and of course the Kenya National Focal point on SALW. It hopes to inform policy of the effectiveness of the regulatory mechanisms applied locally toward achieving the key objective of the Nairobi Protocol.

**Keywords:** small arms, light weapons, firearms, Nairobi protocol, regulation

### **1. Introduction**

This research revolves around the implementation of the Nairobi protocol for the prevention, control and reduction of SALW in Kenya. It utilizes illustrations from national focal points, RECSA and Media investigative reports, and discussion of findings in locating the regulatory mechanisms employed by Kenya.

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Like most other terms in research, SALWs have no universally accepted definition. The 2002 Geneva's small arms survey definition encompasses both military style and commercial firearms, including both handguns and long guns. However, in most of the available global and regional definitions, the term small arms, replace both weapons (small and light). This study uses these concepts interchangeably. Most adopted definition originate from the 1997 UN Panel of Experts report that defines it as follows, *"Small arms' can be carried by a single person and normally made for personal use whereas 'light weapons' are usually transported by a light vehicle, a pack animal or, two or more persons and may be used by three or more persons and/or crew"* (UNGA, 1997a, Paras.25, 27a). Paragraph 26a of the report provides examples of the two as follows, *"small arms; sub-machine guns, rifles and carbines, revolvers, light machine guns, assault rifles, self-loading pistols and, pistols. Light weapons include; portable anti-tank and anti-aircraft guns, recoilless rifles, mortars of less than 100mm Caliber, heavy machine guns, hand-held under-barrel, mounted grenade launchers, portable launchers of anti-aircraft missile systems and anti-tank missile and rocket systems"* (UNGA, 1997a, Para. 26).

At times, "firearm" and 'small arm' are used interchangeably by many experts. The latter is usually used in domestic locales and municipal laws prevail over both the transfer and manufacture of these weapons not forgetting access by any civilian to them. The small arms handled by the military are also utilized by international security and armed forces in many situations. Some of the situations include: self-defense in short or close-range combat, against tanks or aircraft at relatively short distances, self-defense in indirect or direct fire as well as any self-protection instances. Every nation-state applies its own definitions of small arms (UN, 2016). Only the municipal regulations provide the type of arms considered legitimate in civilian hands. It also stipulates the limited circumstances in which such firearms could be used in each state. The commonly known legitimate uses include personal security, target shooting, collection, personal protection, target shooting and sports, hunting.

The immediate post World War two (WWII) international system can be described as one which conventional weapons became the main instrument of disorder, chaos, anarchy and instability globally. This can be attributed largely to unrestricted, unregulated and illegal manufacturing that predominantly heightened the level of insecurity. The unregulated, unrestricted and illicit manufacturing lead to increasing ferocity of global conflicts in nearly every part of the world. SAWL is one of the greatest menaces to both governments and individual citizens who fall victim to illicit firearms in fellow civilian arms. Both states and non-state actors have the legitimate right to import and export SALW, however, there is also the capacity for domestic manufacturing of SALW in many nation-states.

The mid-1990s inter-governmental deliberations for instituting an international instrument on organized crime transnationally, led to an inclusive view on illicit small arms smuggling and trafficking impacting such crimes. This became a precursor to the 9<sup>th</sup> UN GA report of 1995 regarding the prevention of crime and treatment of offenders which resolved to call upon states to promote sufficient regulation on SALW and take

active measures on its trafficking. Pursuant to this, the United Nations, USA, EU, and Africa have had various regulations on SALW agreements throughout history.

The previously so-called 'low-density conflicts' by the official Washington commentators towards the end of the cold war shifted the paradigm to being termed as, 'armed conflicts'. Increased attention began to be paid to it due to deaths that carry the vast majority on the level of civilian casualties of indiscriminate warfare for instance; 1994 Rwandan genocide, historical Sudan civil wars, DR Congo conflict as well as that of Yugoslavia among others. The global body responsible for the regulation of armed conflict, ICRC, determined that small arms were the principal cause of death in conflict zones with 90% of war casualties. They note that SALW are cheap and portable, used by all combatants (state militaries, militias and insurgents) as well as in crime and terrorist acts globally.

The July 2001 UN conference on illicit trade in light weapons and small arms, adopted the UN program of action to prevent, combat and eradicate illicit trade in SAWL in all its aspects. The participating states consented to meet every two years and provide feedback on the status of its implementation. Subsequent biennial meeting of states has followed since July 2003. Despite the fact that the 2001 document is not legally binding and only focuses on illicit trade, issues of SALW gained prominence based on a desire to reduce the effect of armed violence on individuals, communities and societies relative to human rights and development (Parker & Wilson, 2016). Prior to this, the UNGA 1995 panel called for; improved surplus storage and its destruction within the UN peacekeeping mandate activities, regulation and stronger laws and most importantly sharing of information. The 2005 international tracing instrument (ITI) is mandated to guarantee sufficient tracing of weapons hence, preventing illegal trade (IPB, 2019). The 2013 UN Arms Trade Treaty (ATT) on the other hand, regulates trade in SALW.

As noted herein, governments in different regions have come up with regulations on SALW export and import. OSCE documents on SALW and stockpiles of conventional ammunition is one among many regional agreements. Most of the orthodox arms control agreements such as the UN conventional weapons register as well as the *Wassenaar Agreement* give little input on light weapons. However, other than the progress made by the 1997 session on the reduction of illicit weapons trafficking, the Organization of American States (OAS) regional organization, also adopted the convention against illicit trafficking and manufacture of arms, ammunition and related materials. In 1997, 15 European Union (EU) members agreed on a political commitment to prevent illicit trafficking in conventional weapons while the G8 adopted a convention within the line of OAS one.

In Africa, SALW have been under use in deadly conflicts. The weapons trade and transfers have been taking place between and among countries. Most originates from the armed groups, war profiteers as well as security forces (Religions for Peace, Africa). The 1999 AU Assembly Summit agreed to hold another on arms in 2000 and later followed by sub-regional concerted efforts on issues on conventional weapons. They include; Nairobi Declaration in 2000, Bamako Declaration on Africa's common position on the

illicit trafficking, circulation and proliferation of SALW. The latter came up with a common African locus (Bamako Declaration, 2000) on illegal SALW report for the 2001 New York conference.

Within Africa's regional level, Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (herein termed 'the region'), was adopted in 2004. It advocates for registering of brokers, and disclosure of licenses and documents. Other legally binding agreements: 2001 Protocol on the Control of Firearms, Ammunition and Other Related Materials and Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa, the Southern African Development Community (SADC), 1998.

Conclusively, all these agreements demand proper municipal laws and cooperation with other nations through; responsible use, trade, and possession as well as proper programs and collaborative mechanisms for a better society. This follows the legal parameters that are found within the various agreements to which nation-states have committed themselves to and are bound by them under international law. The Nairobi Protocol is one among the many.

## **2. The Nairobi Protocol (herein termed, "the protocol")**

To paraphrase the contents of the protocol, 11 states signed it in 2004. It strengthens the 2000 Nairobi Declaration. The Protocol is made up of some measures for implementation by state parties; globally, regionally and nationally/locally with the aim of reduction, control and prevention of SALW in all its aspects. Every member state is bound by it. As such, pursuant to the protocol, every signatory is mandated to certain actions including; no civilian must possess a military-style rifle, tackling challenges posed by SALW in the region and ensuring that every gun must be registered. They are also committed to domesticating the provisions of the protocol by; checking unlicensed guns and placing uniform tough sentencing for unlicensed gun possession, ensuring proper identification and marking of firearms, small arms, limiting number of guns owned by a single person, gun-storage regulation, ban gun-pawning, regulate possession, control, export, transfer, manufacture, import, transit and transport of small arms; regulation of security companies, gun registration, ensure those who own guns are competent.

The first pioneer signatories were; *"Kenya, Uganda, Tanzania, Rwanda, Burundi, Ethiopia, Sudan the Democratic Republic of the Congo (DRC), Eritrea, Djibouti. Five more have acceded to it. They include: Seychelles (2004), Somalia (2005), the Republic of the Congo (RoC) 2009, both the Central African Republic (CAR) and South Sudan joined in 2011"* (Berman and Maze, 2012, pp. 50–51). Monitoring and implementation of the protocol is dedicated to the secretariat, Regional Centre on Small Arms (RECSA), which works together with the civil society organizations and the national points of contact.

### 3. Theoretical Framework: Social Constructivism

According to Cock (1997), “*small arms demand is ultimately expressed at the individual level, an individual person actually acquires a firearm even if on behalf or at the direction of others*”. As Brauer notes, motivation for acquisition is at least partly socially constructed and embedded in various social practices and cultural forms. The gun came to substitute for other status symbols the cell phone, glamorous woman, and gold chains as a means of displaying (male) status and power (Brauer & Muggah, 2006). They emphasize that, with the intent to abuse small arms for criminal purposes, guns are then viewed as tools that needs to earn a (perverse) return on investment.

#### 3.1 Small Arms and Light Weapons in Kenya- Regulations

Between 2001 and entry into force of the protocol in 2006, RECSA has spearheaded review meetings about status and headway on the enactment of antecedent to the protocol. The adoption of the protocol changed it from the Nairobi secretariat to RECSA, legally becoming an intergovernmental body possessing international legal personality to effectively represent the region’s state parties globally.

SAWL in Kenya dates back to colonial independent times. Kenyan freedom fighters received arms across the borders mainly from the Sudan. In the 1980s, when neighboring states of Uganda, Somalia and Ethiopia were ridden by conflicts most arms would be traded to Kenya. The most current SALW source is South Sudan. Therefore, illicit SALWs have been in Kenya for long and disarmament programs have been in place since then. However, without the deepest knowledge of why people are continuously desperate to harm themselves even against legal repercussions that would follow if discovered, will make disarmament an abortive strategy.

The 1954 Firearms Act Chapter 14 Laws of Kenya has been in existence to regulate all aspects relating to firearms throughout the nation including: licensing and controlling of ammunition, possession, storage, importation, repair, trade, transportation and also manufacturing. It has no provisions of brokering, however, which is found in the protocol. The policy on SALW that was later followed, deliberately addresses this challenge and the protocols provisions as well as the Best Practice Guidelines keeping in mind the specific context of Kenya. Prospective firearm owners buy them directly from either a licensed supplier or the manufacturer and are normally later transported to the Central Firearms Bureau (CFB). The state gets directly from another state or manufacturers. The policy is a guide for establishing reliable and effective regulations to control brokering and other control tools like the firearms electronic register whose hardware was deposited in CFB in 2010 and training followed immediately afterwards. This is an achievement for controlling SALW.

Another attempt by Kenya at regulating the proliferation of illicit SALW is the customary pact between two warring communities on the border between Sudan and Kenya in 1998 (an equivalent of a cease-fire) between the *Toposa* of Sudan and the *Turkana’s* of Kenya. The covenant was signed at *Kapota*, Sudan and observed by

parliamentarians and traditional elders from both communities and representatives from both governments (Mohahoud, 2004). The *Toposa* had stolen animals from the Turkana and there was an impending retaliation from the latter that would have called more armament race between the two and they were required to return but no specific time limit was given. However, the sanctioned community re-raided and pre-empted a retaliatory attack due to a dishonored declaration. It also had political implications as this was the period shortly after a general election in Kenya and the need for arms for personal protection was in high demand. As such, history depicts that political instability in Kenya spurs claims for accumulation of arms. “Manufacturers of weapons know best the link between politics and weapons markets and are therefore often linked to these political instabilities to take advantage of the weapons business it creates” (Mbugua, 2005).

Even as regulations are put in place to prevent, control and reduce arms proliferation in Kenya, the underlying reasons for the presence of SALW in civilian hands must be addressed as part of reduction attempts at the success of implementation of the Nairobi Protocol. This is because as Philippe noted, the poor Kenyans in both rural areas and slums of Nairobi do not receive adequate services since the presence of insecurities hampers its delivery (Philippe, 2001). These arms are easily acquired via illegal networks and follow high rates of assault crimes in mostly the northeastern and north rift areas of Kenya (Mbugua, 2005).

The government provides collaborative support for the training syllabus and handbook for stakeholders in SALW. RECSA has established close relations with global and regional civil society organizations that have an interest in combating the increasing no of illicit small arms.

At some point, the government used coercive measures during its disarmament programs and this was apprehensive of human rights violations and a challenge to proper disarmament by those wielding illegal firearms, especially in conflict-ridden areas of the nation. Most non-state actors were vocal about the excessive use of force and to some extent, torture. The disarmament operation of 1984 in *Wajir*, Northeastern Kenya, was branded a *Wajir Massacre* considering the number of lost lives, (Wepundi, Ndung’u, and Rynn, 2011, p. 7.10). The same kind of massacre is attributed to the presence of SALW in civilian arms during the 2007/8 election violence in Kenya as most innocent lives were taken by illicit small arms. This has also been attributed on the case of 2007 post-election violence where thousands of Kenyans were killed and others armed by the use of small arms (Mkutu, 2008). Some political authorities and security personnel were accused of being the source of small arms used.

Mandera 2011 survey depicts arms being trafficked through animals like donkeys to supply SALW, (Wepundi *et al.*, 2012). There are other ways of the illegal influx of SALW into Kenya. They include; through cargos like charcoal, cooking fat and sand, and trucks transporting livestock. This is done through collusion between interested parties from Kenya and Somalia border (Wepundi *et al.*, 2012). Such situations are however predated by 19<sup>th</sup>-century European colonialism when such individuals came up with trade that brought about livestock raids and trophies for games between Arab merchants

and Ethiopian raiders with gun markets found in south-west Ethiopia and the local currency, was ammunition (Mburu, 2002).

In modern-day Kenya, such challenges on SALW are related to the 1950s Mau Mau struggles since the fighters introduced illegal firearms to the Kenyan capital and central police, (Katumanga and Cliffe, 2005, p. 5). The four-year conflict between the Somalis of both Kenya and Somalia (*Shifita/bandit war*) left similar legacies in northeastern Kenya, (Murunga, 2005, p. 148) since the war ended but the firearms and new armed warrior teams emerged. Illicit weapons are traded or smuggled through legal routes like the port of Mombasa proving collusion with law enforcement agencies (HRW, 2002, p. 9). This kind of vulnerability is negating efforts to prevent and control the illicit influx of SAWL into Kenya as part of implementing the Nairobi protocol. The closure of Small Arms Supermarket, a market that was in Isiolo town- one of the dispersions of SALW to Nairobi-was closed by the government (HRW, 2002, p. 11) yet there is still a substantial amount of illicit trade in these weapons. Most banditry, pastoral and urban violence, poaching, armed crime, trafficking and smuggling as well as cattle rustling (Kerry and Hyunjoo, 2007) are affecting the implementation of the Protocol on SALW in Kenya. The limited presence of government in places affected by these conflicts and inadequate capacity at border checkpoints coupled with corruption, are just but a few reasons why total protocol implementation is yet to be achieved.

### **3.2 Findings**

The following findings emanate from the discourse analysis based on media data, Kenya national focal point programs and civil society organizations that have an interest in the prevention, reduction and control of small arms and light weapons in Kenya.

#### **a. RECSA and the Nairobi Protocol**

RECSA has played an important role in monitoring of the implementation of the Protocol in the region. As discussed above, Kenya is susceptible to an illegal influx of small arms and light weapons which is mostly as a result of where it is located. The fact that the surrounding states have been involved in conflicts for decades makes it a safe have both criminals and genuine refugees as well. Kenya's foreign ministry is no longer the only agency responsible for external affairs relating to arms from other countries coming into Kenya. Today, other entities especially the Ministry of Interior and coordination of national security in conjunction with other government agencies like immigration bear the burden of combating illicit arms in and into the country. Initially, RECSA was based in Nairobi as an ad hoc representation of the region but after the signing of the protocol, it signed an agreement with the host state allowing for independence of both its operations and extension of stay.

It is critical to note that with the party state's membership to the declaration and by extension UN's part in SALW convention, the Nairobi Protocol works in tandem with those provisions but in the context of the great lakes and the Horn of Africa region. Each state as noted in the UNPoA, is mandated to come up with its suitable regulations and

designate a point of contact in collaboration with RECSA towards the achievement of the goals and objectives of the agreement.

### **b. Kenya National Focal Point (KNFP) and the Nairobi Protocol**

Established in 2003 as Kenya's point of contact in reference to SALW, its mandate among others includes monitoring and implementing the protocol. It liaises with the law enforcement agencies. The NFP comprises National Crime Research Centre, National Intelligence Service, Civil Society Organizations, Kenya Wild Life Service (KWS), State Law Office, Central Firearms Bureau, Criminal Investigation Department (CID), Department of Defense, Kenya Police and Ministry of Trade.

### **c. Illustrative media research in Kenya**

The study found out that Kenya is a signatory to the 2013, UNGA adopted arms trade treaty (ATT) that regulates the international trade in conventional weapons. This was a step towards the reduction of illicit SALW in Kenya.

In 2009 March 18<sup>th</sup>, 2498 illegal weapons that had been collected from the high crime areas of Mount Elgon, Mandera and Nairobi regions, were destroyed by bonfires. The government began to mark state-owned SALW. In 2016, November 15<sup>th</sup> Kenya set ablaze an illicit arm stockpile as it called on Kenyans with unlicensed arms to voluntarily surrender them to authorities. More than 5000 arms were destroyed, majority of which were voluntarily surrendered to the police in 2011. According to the statistics provided by the KNFP on small arms and light weapons, *"there are about 650000 arms in the wrong hands which poses a serious threat to the country's attempt to reduce illicit arms"*. Some of the burnt arms also originated from criminals recovered by both security personnel or through disarmament programs. As such these arms included; pistols and G3 rifles seized from criminals in Kenya's capital, Nairobi while others were voluntarily surrendered to police from Rift Valley.

In the Eastern part of Kenya where pastoral life thrives, cultural practices negatively affect disarmament processes. The seasonal life cycle of pastoralists demands that in times when there are "green pastures" across the borders, they go looking irrespective of insecurity. Economic livelihood depends on it. Therefore, arming oneself through porous borders is the only safer way. The security agencies in these parts of Kenya have constantly shown that policing these borders has not been a walk in the park. According to Aljazeera (2014 March), people from the conflict-ridden bandit regions in Kenya especially Turkana, don't trust the government to protect them. Previous attempts to disarm them were futile due to hostile communities along the South Sudan and Ethiopia borders. The porous borders make it even easier to own a gun.

*"In Pokot culture, anyone who has not killed a person is not respected. Cattle is a solution to everything including the road towards paying dowry,"* (Simon, 2015). For them, if you have no cattle and you desire to marry, then there is no option but to raid. Most raiders in the region get arms in collusion with both political leaders as well as national police reservists (NRP). The NRP had initially been given arms by the government without proper



training. However, in 2015, the government followed through with the provisions of the Nairobi protocol on the adoption of digital firearms register making it easier to trace and identify who owns what type of firearm, whether it is well-used or abused. Women from the Isiolo project demonstrated their involvement in the obliteration and reduction of SALW. As part of supporting the voluntary arms-surrender initiative, the women in Isiolo would surrender arms that belonged to both their sons and husbands who had resisted. The initiative led to the recovery of 4 G3 rifles and as the representative of Safer World Kenya notes *“surrendering a single illegally owned firearm means, saving a life or live’ this promotes the state’s responsibility on promoting international human rights instruments”*.

In 2018 on May 14<sup>th</sup>, a report by AFP on the proliferation of illicit arms in Kenya depicts a gun rise in Kenya. *“The possession of arms by the people is the ultimate warrant that government governs, but only with the consent of the governed”*, (AFP, 2018). Kenya’s mainstream media house NTV also noted that *“Kenya has the largest guns under civilian possession in the whole of East Africa Region. Most of these come from within the neighboring countries, a fact that demonstrates an international system of accountability uncontrolled infiltration of illicit SALW from other countries”* (NTV Kenya, 2016). The country is still struggling with dealing with arms reduction and circulation of the same within the region and the domestic environment as well.

As part of an attempt to reduce of illicit arms in the country, security agencies have planned and executed most events to collect illegal firearms. However, there is still a lot of SALW in circulation. This begs the question of whether appropriate measures/mechanisms are being used to address the reduction and control paradigm one has versus the need to change strategy.

In 2014, a civil society organization, the national debate council organized awareness through training on conventional arms to further the arms control debate in Kenya (Debate, Kenya). On the other hand, safer world in Nairobi run a two-year project on small arms and light weapons in Kenya based on the Saving Lives initiative by promoting improving community security through arms control in Kenya within the Isiolo and West Pokot counties (Saferworld, 2014). The reported misuse of state-owned SALW in the two counties has contributed to insecurity even as the police are accused of being in cahoots with the raiders as well as arms abuse against children and women.

In 2015, Kenya police reservists (KPR) were trained and given uniforms and armed. However, due to insecurities that are perpetuated by the same group supplying illegal firearms to civilians, the cabinet secretary informed of their disarmament against the national police service act provision.

On 17<sup>th</sup> Dec 2018, the government noted that SALWs found in civilian arms are more than what police and military-owned combined. Only 8136 are registered and the rest (99%) are held illegally, 32 of which have been recovered out of unsafe keeping and misuse. *“The cabinet secretary in charge of interior and coordination of national security disbanded the firearms licensing board and replaced it with a new one”* (Matiang’i, 2018). Once again, another regulation on disarmament was used; a 90-day moratorium (amnesty window) was given as an appeal to Kenyans with unlicensed or illegal arms possession

to willfully surrender. Few of them were surrendered voluntarily but most still remain in the hand of individuals illegally (Matiang'i, 2018).

The latest report on illicit SALW in Kenya originates from November 17<sup>th</sup> 2019 NTV's Rustlers Paradise. It illustrates the availability of arms in the civilian hands of bandits in Samburu, Turkana, Elgeiyo Marakwet, Baringo and West Pokot counties (NTV Kenya, 2019). These counties are high on inter-border and inter-communal battles over socio-economic survival that dominate raiding of cattle and indiscriminate violation of human rights including crimes against humanity.

In this area, SAWL is useful in furthering a billion-dollar livestock theft by different players in the region including the police and NPS in collusion with the raiders/bandits. No legal actions have been taken on murders committed in this region even with the ease in accessibility of cheap ammunition in mini shops. 42 security officers were killed in 2012 in Mt. Elgon's *Baragoi* due to such banditry in Samburu. The fight for territorial dominance along the *Elemy triangle* by cultural irredentist groups among Kenya (Turkana), S. Sudan (*Dinka and Toposa*) South East Sudan (*Nyangato*) and South West Ethiopia (*Merile*) constantly fuels conflicts along the Kibich Sub-county in Turkana. The Kenyan government has been administering the region temporarily courtesy of the agreement between Juba and Nairobi, ensuring some level of peace in the region. However, it is sad to note that, there have been limited government interventions whenever the two communities fight over resources and lives are lost through illegally posed SALW due to a lack of a disarmament document from the two governments who are party to the Nairobi Protocol. Along these borders, G3s, AK-47s and Australian fire rifles are easily traded across the border.

Most suspected criminals were arrested in this period for the crime of illegal possession of arms. A former Baringo member of parliament was also charged with irregularly facilitating the distribution of Guns and ammunition which eventually end in civilian hands. Courtesy of intelligence reports, 380 guns from a police warehouse in Nairobi intended to harm NPR in Elgeiyo Marakwet were intercepted in Nakuru. This was similar to the 6AK-47 rifles, 30 rounds of ammunition and A G3 rifle that were recovered along the Lodwar Bridge transported by a government-registered vehicle from Kakuma refugee camp in May 2018.

#### 4. Discussions

One of the core mandates of government lies in providing security for its citizens. The vibrant availability of illicit arms in the hands of little boys as young as 8yrs within the border conflict areas in Kenya is intentionally disregarded by the mere fact of private self-defense of these warriors-herders against the same counterparts across the national border.

The digital arms register is a step ahead in preventing and controlling the illicit possession of arms in Kenya. It identifies and legally reprimands those abusing and handling unlicensed arms. With the involvement of the public in policy-making, there is

a relative improvement in the implementation of the protocol as there is a high chance of better international policy that is informed by local experience. With the government working closely with the locals, there is a greater chance of promoting long-lost trust between the two entities even as the locals are made aware of their responsibility for their own security and the nation.

Government should however not generalize crime in communities where a member has illicit possession as it is a precursor to conflict and desire to acquire arms illegally. Secondly, education strategies can be applied especially with the fact that most of those with illegal arms in most bandit-ridden conflicts are age-going children. Thirdly, reformists in such regions must be fully utilized to sensitize in conjunction with non-state actors the rest of the communities. Finally, tough measures spearheaded by governments in the region with irredentist communities should take priority.

Conclusively, Kenya has achieved quite a lot in reference to the implementation of the Nairobi protocol on prevention, control, and reduction of illicit small arms and light weapons in the Great Lakes Region and the Horn of Africa in all its aspects. The programs focus on controlling and reduction of arms through basic disarmament at both voluntary and involuntary capacities have greatly succeeded since 2013 despite some few hitches. The second aspect is on using the online register hence helping in quantifying gun data and the number of both legally licensed as well as brokering issues. Additionally, membership in the arms trade treaty shows the international commitment of Kenya's membership to treaty law and implementing it is also a boost to the Nairobi protocol. The destruction of arms in public shows the seriousness of achieving the objectives of the protocol.

## **5. Conclusion**

As discussed herein, small arms and light weapons are a global common evil that deserves utmost cooperation in combating among others, its illicit trade, manufacture, proliferation, possession, transport and brokering. Kenya is just but a one participant in this fight and despite achieving some of the objectives of the Nairobi protocol by enforcing its territorial juridical legislations in firearms, still faces challenges of already existing illicit arms in the country and its circulation within the region.

### **Conflict of Interest Statement**

The author declares no conflicts of interest.

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