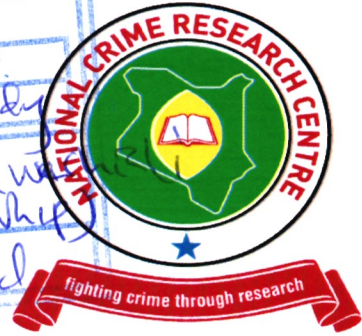
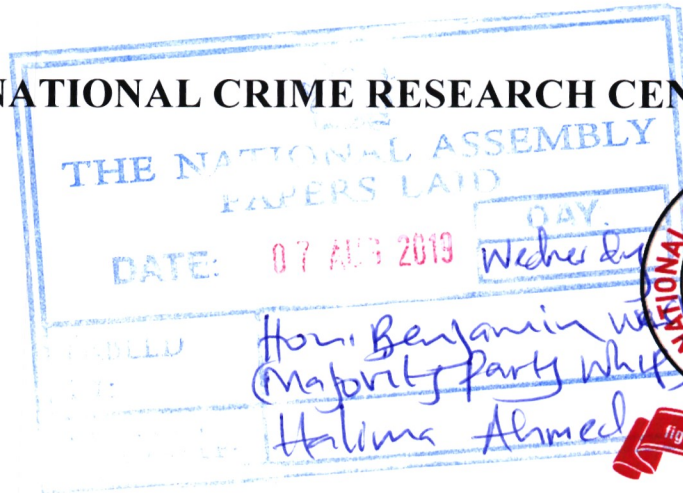


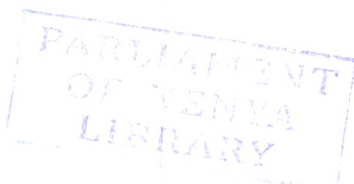
**NATIONAL CRIME RESEARCH CENTRE**



**BORDERLAND-RELATED CRIMES AND SECURITY THREATS IN  
KENYA**



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## FOREWORD

Borderland-related crimes and security threats include, but are not limited to cross-border kidnappings, terrorism, cattle rustling, theft, drug trafficking and smuggling of goods, arms, drugs and humans. These crimes and threats have increasingly become a global phenomenon posing serious developmental challenges to many nations. They undermine the peaceful co-existence of communities and work to discourage investors who would otherwise contribute to the general development of the country.

Kenya is equally facing the daunting task of managing its borders with precision such that it secures its territorial sovereignty and integrity. It is worth noting that the country has irreparably suffered under serious borderland-related crimes leading to loss of lives and destruction of property which have instilled fear among the local community, potential tourists and investors in some of these border regions.

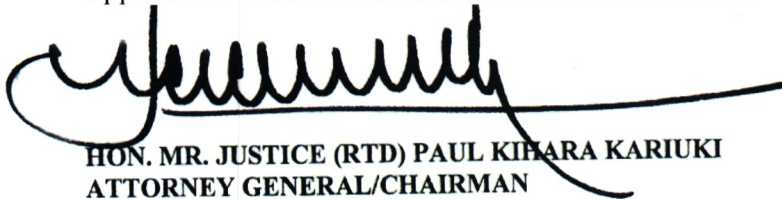
The Government of Kenya has an obligation to secure her borders and ensure orderliness, proper enforcement of law and prevalence of peace and harmony among her citizens and neighbouring countries. It is in this context that this study was initiated in order to fully appreciate borderland-related crimes, security threats and extent of their impact, some of which have had devastating socio-economic and political dimensions in the country.

This survey limited itself to the: type and prevalence of borderland-related crimes and security threats; modes of operation of perpetrators of borderland-related crimes and security threats; factors promoting borderland-related crimes and security threats; victims and perpetrators of borderland-related crimes and security threats; mitigation responses to borderland-related crimes and security threats; and the challenges faced in addressing borderland-related crimes and security threats and possible solutions.

In undertaking the study, the National Crime Research Centre contributes to the realization of the objects as set out in Articles 238(1) and 239(5) of the Constitution of Kenya on national security. The respective findings have unearthed the key underlying issues on borderland-related crimes and security threats.

To this end, the findings and recommendations will guide and inform Government policymakers and other relevant institutions in general and responsible criminal justice agencies in particular, to develop research evidence-based policies and programmes aimed at addressing these crimes and security threats in the country.

I therefore call upon all concerned parties and institutions to facilitate implementation of the findings and recommendations of the study in a collaborative and multi-agency approach in order to realize and achieve better results.



**HON. MR. JUSTICE (RTD) PAUL KIHARA KARIUKI**  
**ATTORNEY GENERAL/CHAIRMAN**  
**GOVERNING COUNCIL**  
**NATIONAL CRIME RESEARCH CENTRE**

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The National Crime Research Centre (NCRC) foremost wishes to acknowledge the support of the Government of Kenya with regard to provision of the required resources to carry out this study and the general day-to-day operations towards the achievement of the Centre's mandate.

The Centre is very grateful to the members of its full Governing Council under the chairmanship of Hon. Justice Paul Kihara Kariuki and the Research and Development Committee of the Council comprising the Chairperson Dr. Linda Musumba and members - Mr. Benard N. Bwoma, Dr. Florence-Muli Musiime, Dr. Robinson Ocharo, Mr. Noah Sanganyi and Mr. Joseph Boinnet for their support in approving the implementation funds and offering research guidance for this study.

The Centre equally would like to thank the entire fraternity of the National Crime Research Centre in general for their immense contributions and commitment towards the success of this study. The contribution of the Centre's Head of Research Mr. Stephen M. Muteti, who developed the research proposal, analyzed the data and authored the final report and Dr. Victoria A. Goto and Joash K. Rono who wrote the first draft of the report is specifically acknowledged. The Centre also wishes to appreciate Dr. Douglas Lucas Kivoi for his professional peer-review of the report and Mr. Jackson Odhiambo Ouma for editorial work.

Finally, the Centre acknowledges the immense contribution and support of all members of the public, state and non-state officials and the various groups that willingly participated in the study and accorded the Centre great support and cooperation.



**GERARD E. WANDERA**  
**DIRECTOR/CEO**  
**NATIONAL CRIME RESEARCH CENTRE**

# SUMMARY OF FINDINGS AND RECOMMENDATIONS

## 1.0 Introduction

Kenya's borderland security has lately been high on national security agenda especially with the recent devastating incidents of terrorism, proliferation of illicit arms and contraband goods all of which have real and potential negative effects on the socio-economic and political stability of the country. It was against this background that the study sought to: map out real and potential crimes and security threats in borderlands; ascertain the factors which promote borderland-related crimes and security threats; identify the perpetrators and victims of borderland-related crimes and security threats; identify the *modus operandi* of perpetrators of borderland-related crimes and security threats; appraise the consequences of borderland-related crimes and security threats; assess mitigation responses to borderland-related crimes and security threats; and to establish the challenges, possible solutions and to make appropriate recommendations in the control of borderland-related crimes and security threats.

The study was anchored on the economic theory of crime and social control theory which endeavoured to explain the dynamics of borderland-related crimes and security threats in Kenya. A descriptive cross sectional survey design was used in order to generate as much relevant information as desired. The study sites were the 21 border counties in Kenya with the specific study sites being the political Wards right at the borders of Kenya and her neighbouring countries. The population for the study consisted of members of border communities (who were residents aged 18 years and above) and state and non-state officials with a stake on borderland crimes and security threats.

The study utilized cluster, snowball and purposive sampling on the targeted sample population. The actual total sample size for the study was 2,747 members of the local community drawn from households (against a target of 2,884 (distributed equally among male and female) thus representing a response rate of 95.2%) on the basis of 'sample proportional to population'. All officials drawn from state and non-state institutions were key informants and were selected purposively and based on their availability. Eleven (11) Focus Group Discussions (FGDs) were held in eleven randomly selected border counties and involved members of Border Management Committees and those from the civil society and business associations. This triangulation enabled the obtaining of detailed information on the borderland-related crimes and security threats. The justification for these sampling methods was to ensure complete national representativeness and the generalisation of the study. Purposive sampling was appropriate as it ensured that only borderland counties were considered for their relevance with the objectives of the study.

The survey applied both primary and secondary sources of data. Primary data was collected from sample respondents who were members of the community, key informants and FGD participants. The secondary data materials used to reinforce the primary data was collected

by way of mining, analyzing, collating and recording data, photographs and pictures contained in secondary sources of data (including newspapers, magazines, journals, books, government publications and internet). The survey combined both quantitative and qualitative methodologies in obtaining data from the sources. Primary data from members of the community was collected through face to face interviews using English and Kiswahili language depending on the language preference of the respondent. A structured interview schedule with both open and closed ended questions was used to collect data from members of the community. The entry point to each county was the administrative office for a courtesy call. This was followed by snowballing approach where the area chief helped with linkage to the village elders who aided the researchers in identifying the households and the individuals for interviewing. Key informant interviews of state and non-state actors were conducted using Key Informant Guides while Focus Group Discussions utilized Focus Group Discussion Guides which were complemented with observation and transect drives. Researchers also observed happenings along the borders and recorded pertinent information on relevant activities such as movement of people, goods and services across the borders. Secondary data was collected by way of collating, recording, synthesizing and analysing statistics and content of various relevant publications and other literatures.

This study used both qualitative and quantitative data analysis methods. Quantitative data were analysed through descriptive statistics using the Statistical Package for Social Sciences MS Excel. Qualitative data were analyzed mainly by way of interpretation of responses obtained from the key informants and Focus Group Discussions. All information from the analyzed data was presented thematically guided by the specific research objectives.

## **1.1 Summary of Major Findings**

### **1.1.1 Types and Prevalence of borderland-related crimes and security threats**

Findings of the study showed that the most prevalent borderland-related crimes which had been witnessed and/or experienced by the sample respondents in the study localities included: smuggling of illicit goods (51.7%); drug trafficking (48.2%); illegal migration (46.5%); border-point corruption (38.8%); cross-border robbery/theft of motor vehicle/cycle (42.4%); cross-border stock theft/cattle rustling (36.7%); smuggling of counterfeit goods (34.7%); cross-border theft of motor vehicle/cycle parts (34.1%); and illegal possession of forest products such as charcoal and sandal wood (32.4%). The prevalence of borderland-related crimes was also found to differ across and within counties and according to boundary regions. For instance: on drug trafficking, Mombasa was leading (20.8%) followed by Kilifi (11.0%); on human trafficking, Mandera was leading (15.2%) followed by Kilifi (14.8%); on smuggling of goods, Homa Bay was leading (9.2%) followed by Kisumu (8.9%); on smuggling of counterfeit goods, Busia was leading (11.6%) followed by Mandera (9.5%); and on illegal migration, Mandera was leading (12.4%) followed by Homa Bay (10.7%). Counties such as Mandera, Busia, Homa Bay, Kilifi, Narok and Mombasa featured prominently and were top in more than one borderland-related crime with Mandera County

leading in 11 out of the 29 listed borderland-related crimes, Busia County leading in 8 out of the 29 listed borderland-related crimes while Homa Bay was leading in 6 out of the 29 listed borderland-related crimes. Categorization of the single most prevalent borderland-related crime in each of the sampled counties showed that cross-border terrorism was the most prevalent in Mandera and Garissa counties while in Mombasa County, drug trafficking was the most prevalent.

The most prevalent borderland-related crime within each border region was as follows: the use of unauthorized fishing techniques and/or equipment within the Kenya-Uganda border (63.6%); cross-border terrorism within the Kenya-Somalia border (40.2%); cross-border robbery of motor vehicle/cycle and/or parts (26.3%) within the Kenya-Tanzania border; drug trafficking within the Kenya-Indian Ocean (38.6%); Cross-border terrorism within the Kenya-Ethiopia border (15.8%); and cattle rustling within the Kenya-South Sudan border (4.4%).

Illegal smuggling was found to prevail in most border points and the most prominent things that were involved included: sugar (48.8%); alcohol and/or illicit brews (28.0%); illegal drugs such as cocaine and heroin (25.2 %); cereals (23.0%); clothes, shoes and hand bags (12.8%); charcoal/coal (12.0%); and wheat and maize flour (11.3%). The existence of illegal trade and/or consumption of wildlife products in border regions were also established and the most common products were wildlife/game trophies, horns, skin and hides (46.5%), charcoal (35.6%), game/wildlife meat (34.7%), timber (7.8%) and fish (1.6%).

### **1.1.2 Perpetrators and Victims of Borderland-related Crimes and Security Threats**

This study sought to identify the perpetrators and victims of borderland-related crimes and security threats. The general classification of perpetrators indicated that the major ones included local residents (30.0%), unemployed youthful men (22.2%), business people (21.9%), wayward government officials (17.0%), foreigners from bordering countries (14.1%), terror groups and especially the Al-Shabaab (12.0%) and cross-border communities (10.7%).

Majority (95.3%) of the perpetrators were male and the roles they played included: being the main participants in planning and facilitation of crimes (47.7%); stealing/theft/robbery (17.9%); smuggling of goods/weapons (16.8%); cattle rustling (6.2%); drug trafficking (5.7%); consumption and use of drugs and illicit brew (4.5%); and distribution of illicit drugs (4.4%). Women were also identified as perpetrators and their roles included: concealing the information of their partner's crime (26.1%); spying and giving information to the male members on the timing of crime (19.9%); brewing and selling illicit drinks (14.4%); smuggling of goods (13.5%); transporting smuggled goods (11.1%); hiding animals and smuggled goods in their houses (8.6%); trafficking of drugs (8.3%); and consuming trafficked goods (5.6%).

Findings of the study indicated that the majority (54.8%) of the perpetrators of borderland-related crimes and security threats were aged 15-30 years, followed by 31-45 years at 31.7%. Children were found to perpetrate borderland-related crimes and security threats and were majorly involved in criminal undertakings such as: smuggling and transportation of illegal items (34.8%); surveillance, spying and smuggling of drugs (20.4%); being radicalized and trained for future terror attacks (13.1%); being used to bait or as baits (10.1%); being used as users and/or buyers of illicit drugs (7.5%); theft/stealing of items (6.4%); and illegal fishing and conducting raids (4.8%).

The different roles played by youth with regard to perpetration of borderland-related crimes and security threats included: being the major perpetrators of these crimes and security threats (26.0%); cattle theft/stealing/robbery (13.7%); planning and executing crimes (11.5%); consuming illicit drugs such as cocaine (11.6%); transportation of contrabands and/or smuggled illegal goods across the border (10.4%); being the main smugglers of illegal goods (8.8%); conducting raids/attacks with guns (6.6%); being drug peddlers/distributors (6.2%); and conducting terror attacks and being radicalized to commit crime (3.8%).

The elderly members of the community perpetrated borderland-related crimes and security threats by: coordinating the smuggling, stocking and selling of smuggled goods (31.1%); inciting the youth to commit crimes (20.2%); organizing crimes (16.8%); harbouring criminals and benefiting from the smuggled goods (16.2%); motivating warriors through oath-taking to go out to raid and steal livestock (12.9%); and protecting children who are offenders (6.9%).

Rogue public officials perpetrated borderland-related crimes and security threats by: taking bribes and allowing illegal items to cross the border (63.6%); taking no action even in the case of reported insecurity issues (19.9%); being involved in smuggling of illegal goods (8.4%); acting as informants of and colluding with criminals (8.1%); and protecting those involved in peddling of drugs and smuggling of contrabands (7.1%).

Organized criminal gangs were found to perpetrate borderland-related crimes and security threats. Organized criminal groups in the country were found to have increased from the 33 which were banned in 2010 to 326 groups in 2017 thus indicating an exponential growth of 897% within 7 years or 128% growth per year. At the time of the study, Mombasa County was found to lead with 42 criminal groups followed by Bungoma (23 groups), Kisumu (19 groups) and Kwale County (15 groups).

The general classification of victims of borderland-related crimes and security threats indicated that the main victims were local community members (31.6%), youth (20.3%), business persons from Kenya (20.1%), women (18.7%), children (11.5%), government officers/public servants (10.5%), fishermen (7.7%) and the elderly (7.3%). With regard to gender, majority (70.8%) of the victims were male and on population age category, victims

were majorly youth (56.2%) followed by persons above youth age but not elderly (45.2%), the elderly (24.5%) and children (23.4%).

### **1.1.3 Mode of Operation of Perpetrators of Borderland-related Crimes and Security Threats**

The study showed that the ways used in carrying out/committing most borderland-related crimes included: robbery and/or theft (20.8%); smuggling (17.3%); use of fire arms and crude weapons (14.2%); conducting raids (12.8%); use of brutality (11.0%); criminal gang activity (10.3%); colluding with the locals (7.8%); and illegal fishing (6.2%). All counties were found to have hotspot areas for borderland-related crimes and common routes used in smuggling of goods and/or humans. The main modes of transport used in smuggling included boda-bodas/motorcycles (45.2%), vehicles (37.8%), boats (23.0%), foot (20.7%), donkey carts (14.2%) and bicycles (4.5%).

The study established that most borderland-related crimes were likely to occur during night times in most (85.7%) of the border counties (that is, 18 out of the 21 border counties). The average for all the counties indicated that night time was the most (54.6%) likely time for the crimes to occur as opposed to day time (21.6%). Specifically, early night (that is, 7pm - 11:59pm) was reported in 57.1% of the counties (that is, 12 out of the 21 counties) as the time most borderland-related crimes were likely to occur. The responses provided by those who argued that most borderland-related crimes were likely to occur at night were: concealing in darkness (30.0%); when few people are awake (22.0%); and when most of the security personnel are not on duty (13.0%). Fridays, Saturdays and Sundays were found to be the specific days of the week when most of the crimes were likely to occur. Saturday was leading with 11.9% followed by Friday (10.6%) and Sunday (9.9%). Saturday was reported in 9, Sunday was reported in 7 and Friday was reported in 6 out of the 21 counties as the specific days of the week when most of the crimes were likely to occur. The explanations given were that the crimes occurred during market days of the week, weekends when people converge for various functions and during worship/prayer days.

Majority (65.4%) of the sample respondents reported that borderland-related crimes were likely to occur at any time of the month. However, with regard to the specific time of the month, end of the month (19.8%), which had the highest percentage reporting in 85.7% of the counties, and mid-month (7.2%) were mentioned prominently than other times of the month. The month of December was also reported by most (32.7%) of the sample respondents as the specific time (s) of the year when most borderland-related crimes were likely to occur mainly because of the many celebrations and festivities in the month which require more finances and cash flow (26.8%). Reasons explaining that the crimes could occur any time of the year were that: crimes have no specific time of occurrence (23.0%); borderland-related crimes occur when there is drought leading to lack of food (14.2%); criminals take advantage when most people are on leave and/or holiday season (13.8%); criminals take advantage when herders are selling their livestock because they have money

(6.0%); vigilance by security agencies is sometimes low during holidays (2.2%); the Al-Shabaab believe that if they killed during Ramadhan period, they would receive a double reward from God (2.0%); and crimes, especially within the coastal counties, thrive when there is a low tourism season (0.8%).

#### **1.1.4 Factors and Issues Promoting Borderland-related Crimes and Security Threats**

The study ascertained that the key factors promoting borderland-related crimes and security threats were: poverty and unemployment (89.3%); corruption among some members of state and non-state agencies in borderlands (71.2%); poor relations between the community and law enforcement agencies (68.8%); political instability and weak law and order enforcement in neighboring countries (62.9%); poor coordination and information sharing among border control and management agencies (59.9%); competition and conflicts over natural resources (including water, pasture and extractive resources) in border areas (59.2%); presence of organized criminal gangs in neighbor countries (52.1%); cultural similarities or differences across the border including ethnic/kinship ties (50.7%); proliferation of illicit arms and weapons (47.9%); and high illiteracy levels in some border areas (10.2%).

The study identified a number of issues contributing to acrimonious co-existence between cross-border communities and which were also facilitating borderland-related crimes and security threats. The most prominent of these issues included: competition over water resource (23.0%), fishing activities in shared borderland waters (19.3%), land and land-related issues (18.3%), disagreements over territorial boundaries (17.4%), competition over pasture (15.1%), cattle rustling and raids (14.2%) and cultural differences (12.4%). Shared cross-border natural resources that were found to contribute to borderland-related crimes and security threats included: lakes and rivers (69.3%); pasture/grazing land (36.6%); the Indian Ocean (13.0%); forests (7.6%); islands (5.6%); no-man's land (5.0%); and minerals (2.6%).

#### **1.1.5 Consequences of Borderland-related Crimes and Security Threats**

The most prominent consequences of borderland-related crimes and security threat in Kenya were found to include: loss of life/lives (41.2%); high levels of poverty (27.8 %); high levels of insecurity and fear of terror attacks (26.5%); destruction of property (22.0%); low investment and business growth (15.1%); conflict among the borderland communities (12.6%); poor health (7.0%); high levels of school dropout (6.9%); drug addiction problems (4.3%); and joblessness/unemployment (4.0%).

#### **1.1.6 Measures to Address Borderland-related Crimes and Security Threats**

One of the objectives of the study was to assess mitigation responses to borderland-related crimes and security threats. According to the findings, majority (51.4%) of the sample respondents were not aware of any measures put in place to address borderland-related crimes and security threats. However, the few sample respondents who reported that they were aware identified measures that included the: deployment of security physical

infrastructure and human resources which entailed investigations, detection, police patrols, establishment of additional police posts, imposing of night curfews (especially in the terrorist-infested areas such as in Mandera and Lamu County), disarmament of firearms and arming of Chiefs and Kenya Police Reservists (46.8%); Nyumba Kumi Initiative (20.6%); public peace building and border security committees (20.2%); and the integration and/or rehabilitation of offenders (10.4%). These measures were not satisfactory to majority (69.0%) of the sample respondents who reported about them, the reasons being that: there was unwillingness and lack of commitment among relevant public agencies to implement crime prevention measures; the community was hesitant to report crime; and that security officers were corrupt.

The study identified a number of inter-state collaborative measures for addressing borderland-related crimes and security threats with the most prominent measures being: cross-border committee peace meetings (36.5%); cross-border security intelligence exchange (27.2%); cross-border security checks and immigration controls (15.8%); East African Community agreements (7.4%); inter-state local administration forums (4.6%); and deployment of KDF in Somalia for peace keeping (3.4%).

This study sought to establish the availability in the study locations of some key institutions/organizations and the respondents' perceptions on the extent of success of each of the institutions in addressing borderland-related crimes and security threats. Fifteen (15) institutions were found to be available and the ones which were reported by more than half of the sample respondents as being available in the localities were the: National Government Administration Office (95.2%); National Police Service (93.6%); County Government (88.5%); Ministry of Health's institutions such as hospitals and dispensaries (71.8%); and Non-Governmental Organizations and Community-based Organizations (50.6%). The availability of more than half of the fifteen institutions in the counties of Busia, Garissa, Homa Bay, Kajiado, Kwale, Marsabit, Migori, Narok, Siaya, Turkana, Wajir and West Pokot was reported by only a minority of the sample respondents (that is, 50.0% and below) in these counties.

On average, most (39.3%) of the sample respondents reported that the institutions available in borderland areas were to a small extent successful in addressing borderland-related crimes and security threats. Nationally, the three top institutions that were to a small extent successful were the National Government Administration Office (45.1%), the National Police Service (44.8%) and the Immigration Department (43.9%). Twelve (12) out of the 15 of the listed institutions (that is, 80.0%) were perceived as successful to a small extent with regard to addressing borderland-related crimes and security threats. County-specific analysis showed that most of the institutions in 13 out of the 21 counties were perceived as successful to a small extent with all the 15 institutions in the County of Mandera and 14 in both the counties of Mombasa, Lamu and Garissa falling under this category. Nationally, the three top institutions that were to a large extent successful in addressing borderland-related crimes and

security threats were Non-governmental organizations and Community-based Organizations (41.1%), the Kenya Wildlife Service (38.1%) and the Ministry of Health (35.8%). At least 11 of the 15 institutions in each of the counties of Kajiado, Turkana and Migori were perceived by members of public as successful to a large extent.

### **1.1.7 Challenges and Recommendations in Addressing Borderland-related Crimes and Security Threats**

The most prominent challenges faced in addressing borderland-related crimes and security threats were found to include: inadequately resourced security agencies leading to limited patrols and poor enforcement (29.6%); corruption within security personnel (22.4%); high levels of unemployment among the youths (16.1%); inadequate collaboration between members of public and security agencies (13.6%); high levels of poverty and cost of living (11.3%); presence of organized criminal gangs, terror activities and fear among border communities (10.4%); lack of political goodwill among regional leaders, inadequate inter-state cooperation and non-implementation of resolutions of cross-border meetings (9.0%); long porous borderline (6.4%); lack of education (5.3%); culture of impunity among border community members (4.4%); poor infrastructure in border counties (3.6%); presence of illicit brews and drugs (3.5%); and lack of coordination between national and county governments (3.5%).

The key solutions to the challenges faced in addressing borderland-related crimes and security threats include: enhanced facilitation of borderland security agencies especially through building more police posts, training of security personnel, enhanced transport facilitation and deployment of additional officers to conduct frequent patrols (34.8%); job creation and youth empowerment (18.6%); scaling up the fight against corruption including dismissal of corrupt border security and other officers (14.7%); sensitization of community members to embrace dispute resolution, change the culture of impunity and avoid crime (14.0%); enhanced coordination, involvement and information sharing among BMC and other relevant border-point agencies (11.7%); strengthening the Nyumba Kumi Initiative, provision of crime reporting mechanisms and encouraging community members/citizens to positively participate in security through sharing of relevant information with security agencies (11.7%); instituting stiff penalties and prosecution and rehabilitation of offenders (6.2%); community leaders' participation in peace mediations and dispute resolutions in neighbouring countries (6.0%); and improvement of infrastructure in border areas (4.5%).

The most prominent general recommendations given by sample respondents on what needed to be done to effectively manage borderland-related crimes and security threats included: installation and development of border-point security physical infrastructure including building of police posts, installation of border-point CCTV and building of border perimeter wall (28.9%); initiation of economic development projects including building good transport and communication network and infrastructure) and instituting proper management measures including equitable distribution of resources (16.5%); awareness creation and sensitization of

the border-point members of public and public officials on crime, peace and security (12.8%); initiation of youth empowerment projects and/or programmes (11.9%); enhanced public participation in security and cooperation between community members and security agencies (11.9%); ensuring adequate human resources in security agencies through recruitment and deployment of additional Intelligence and Police Officers (9.4%); sacking public officials involved in bribery and other forms of border-point corruption (7.2%); establishing and facilitating security committees in all border areas (5.6%); effective prosecution, sentencing and rehabilitation of offenders involved in borderland-related crimes (4.3%); enhancing education and literacy levels (4.1%); and border-point local community leadership involvement in addressing cross-border crimes and conflicts (3.9%).

With regard to what needed to be done by border communities/cross-border communities and local leadership to effectively manage borderland-related crimes and security threats, the most prominent recommendations given by sample respondents included: enhanced multi-agency and inter-agency collaboration in matters of borderland-related crimes and security threats (37.9%); improved cooperation and intelligence sharing between community members and security agencies (23.3%); sensitization of the public about borderland-related crimes and security threats (14.8%); enhanced mechanisms for reporting and/or guarding against illegal trade including business in commodities that have evaded taxation (12.8%); border-point local community leadership involvement in addressing borderland-related crimes and security threats (12.3%); establishment of development projects for employment creation and poverty alleviation (5.2%); and taking legal action on corruption and against perpetrators of borderland-related crimes and security threats (4.7%).

According to sample respondents, Border Management Committees (of the Border Control and Operations Coordination Committee) need to undertake the following to effectively manage borderland-related crimes and security threats: institute proper rules and policy mechanisms for control of cross-border movement of people, goods and services (27.4%); increase awareness creation and enhancing engagement of border community members and youth in decision making (23.9%); undertake joint regular inspection visits, patrols and briefs by the Committee's agencies (14.4%); and be established and facilitated in all border areas (13.0%); eliminate corruption in border points (5.2%); undertake joint and regular forums between the Committee and counterparts in neighbouring countries (4.5%); and facilitate economic empowerment of border community members including that of Kenyan fishermen (4.3%).

With regard to what needed to be done by County Governments to effectively manage borderland-related crimes and security threats, the most prominent recommendations given by sample respondents were that County Governments needed to: create youth employment opportunities (29.0%); train, deploy and facilitate county security personnel for border control (27.9%); initiate poverty eradication, food security and infrastructure investment development projects including security lights (24.8%); collaborate with National

Government security apparatus including Kenya Police Reserve (17.7%); and educate and sensitize the public on insecurity and drugs (15.5%).

## 1.2 Key Policy Recommendations

This study recommends:

1. Development and implementation of policy, management operation, infrastructure and training initiatives through the establishment and enhancement of human capital, financial and infrastructural resourcing of border control and management institutions by the Government and development partners through: enhanced remuneration, recruitment and deployment of additional personnel, expanded specialized teams and rapid response capabilities by way of specialized skills development training; and enhanced budgetary allocations for recurrent expenditure (that is, personnel emoluments, operations and maintenance) and development expenditure for infrastructure development (including construction of decent and secure offices and acquisition of modern state-of-the-art border control equipment and aids).

The findings of the study showed that some border control institutions were not available in some localities while most of them were perceived to be ineffective and generally unsuccessful in addressing borderland-related crimes and security threats. Borderland-related crimes were also reported to occur any time of the day, week, month and year but majorly during night hours, weekends and festive seasons when border control officials are few or away on leave. The challenges faced in addressing borderland-related crimes and security threats included: inadequately resourced security agencies leading to poor enforcement and limited patrols; long porous borderlines (in areas with poor infrastructure) which are hard to monitor without proper facilities; and low morale of Public Officers in border control institutions due to low remuneration. According to the respondents, the solutions to challenges faced in addressing borderland-related crimes and security threats included: enhanced facilitation of borderland security agencies (through building of more police posts, training of security personnel, enhanced transport facilitation and deployment of additional officers to conduct frequent patrols). And some of the general recommendations on what needed to be done to effectively manage borderland-related crimes and security threats included: installation and development of border-point security physical infrastructure (including building of police posts, installation of border-point CCTV and building of border perimeter wall); ensuring adequate human resources in security agencies (through recruitment and deployment of additional Intelligence and Police Officers); establishing and facilitating security committees in all border areas; and undertaking disarmament and mopping up of illegal firearms. Establishing and facilitating the Border Management Committees in all border areas was recommended by sample respondents if the Border Control and Operations Coordination Committee was to be effective enough in the management of borderland-related crimes and security threats.

This study therefore recommends that the government and its development partners identify human and other resource needs for effective border management and specifically consider:

- (i) Undertaking a meticulous border control and management system audit to identify the gaps that enable borderland-related crimes to continue unabated.
  - (ii) Establishment of border control and management institutions (such as the Border Management Committees) where they do not exist.
  - (iii) Enhancement of human capital through improved remuneration, recruitment and deployment of additional personnel in keeping with the labour provisions of an eight-hour working day and to ensure adequate staff strengths during night times, weekends, public holidays and festive seasons.
  - (iv) Expanding specialized teams and rapid response capabilities by way of specialized skills development training on counter-terrorism, anti-counterfeiting and smuggling for border control officers to handle the dynamic and intricate nature of borderland-related crimes and security threats.
  - (v) Maximizing security through appropriate balance of personnel equipment, technology, communication capabilities and tactical infrastructure by way of building a strong modern management infrastructure initiative on enhancement of infrastructural resourcing. Enhancement of infrastructural resourcing (through development funds) of border control and management institutions for the construction of decent and secure offices, acquisition of modern state of the art border control equipment (such as communication gadgets, screening scanners, surveillance equipment (such as CCTV cameras), gun and drug detectors) and aids (such as night vision aids and sniffer dogs) is paramount.
  - (vi) Improved budgeting, financial process and policy system for enhancement of budgetary allocations for operation and maintenance expenses such as fuel for regular patrols, communication and intelligence gathering.
2. Fighting of border-point corruption and related malpractices by: use of a total cashless payment system; online computerized accounting and document verification; regular vetting of border control staff; curtailing unexplained accumulation of wealth; dismissal and/or prosecution of corrupt officials; and aggressive citizen awareness campaigns against corruption and related malpractices spearheaded by the Directorate of Criminal Investigations and the Ethics and Anti-Corruption Commission (EACC).

This study showed that corruption among members of border control and management institutions and non-state agencies and individuals was a major problem because it doubled up as a borderland-related crime and a contributor of the same in borderlands. Border-point corruption, forgery of custom documents, border-point business fraud, border-point false accounting and tax evasion were some of the most prevalent borderland-related crimes in the study localities. Border point false accounting was the

single most prevalent borderland-related crime in the counties of Busia, Kwale and Migori. The Kenya-Uganda regional boundary was leading in border-point corruption and border-point false accounting. Corruption among some public security personnel in border areas was identified as a challenge faced in addressing borderland-related crimes and security threats which prompted the respondents to recommend the scaling up of the fight against corruption including dismissal of corrupt border security and other officers as a possible solution to the challenges. Respondents recommended the sacking of public officials involved in bribery and other forms of border-point corruption as an action needed to effectively manage borderland-related crimes and security threats. Border Management Committees were also required to eliminate corruption in border-point areas if they were to effectively manage borderland-related crimes and security threats. Sample respondents recommended that border communities/cross-border communities and local leadership take legal action on corruption and against perpetrators if they (the border communities/cross-border communities and local leadership) were to effectively manage borderland-related crimes and security threats.

Cash payments by customers seeking services from border control and management institutions and the use of manual systems of accounting and document verification could be facilitators of corruption. This study therefore recommends that relevant border-point government agencies adopt a total cashless payment system (including mobile phone payments) and online computerized accounting and document verification in border control and management operations. Relevant government agencies also need to undertake regular vetting of border control and management officials and tracking and making them and their associates to account for their accumulated wealth while EACC needs to spearhead aggressive campaigns against corruption and related malpractices including the dismissal and/or prosecution of corrupt officials.

3. Whole of trade, business and property management approaches to addressing smuggling and trafficking-related borderland-related crimes and security threats through: harmonization of commodity prices and tax regimes in the region; regulation and regular inspection, monitoring and surveillance of warehouses, guest and rental houses and exclusive and private villas and beaches; formation of county-specific associations of owners and/or operators of warehouses, guest and rental houses and exclusive and private villas and beaches; and strengthened import and export goods tracking protocols.
  - (i) The study established a link between illegal trade, smuggling and trafficking of illicit and contraband goods (which have negative consequences on lives and health of Kenyans and loss of revenue to the country through tax evasion) and parity in commodity prices and taxation. One of the reasons for the smuggling was the difference in the prices and taxation of goods and products of the same quality and quantity across the countries. Good management of tax regimes for commodities to discourage cross-border smuggling and illicit trade was proposed as one of the solutions to challenges faced in addressing borderland-related crimes

and security threats. It is therefore recommended that the East African Community Common Market Protocol and the inter-country Chambers of Commerce and Industry institute measures to harmonize commodity prices and taxes within the region so as to address the existing parity.

- (ii) Smuggled and/or trafficked humans and illicit and contraband goods make stop-overs in and/or are concealed in some warehouses, guest and rental houses and exclusive and private villas and beaches before they reach the intended markets and other destinations. It is therefore recommended that relevant regulatory institutions regulate and conduct regular impromptu inspection, monitoring and surveillance of goods' containers at ports, warehouses, guest and rental houses and exclusive and private villas and beaches. For instance, all guest and rental houses must at all time keep a clear and true record and identity information of their visitors or lodgers while warehouses must maintain an inventory of stored goods which can be scrutinized by relevant government agencies.
- (iii) Business persons were found to be both perpetrators (for instance through financing of these crimes and/or even by directly committing the crimes of smuggling of illicit goods) and victims of borderland-related crimes and security threats. Some terrorists and illegal immigrants have been traced to some guest and rental houses in the country. Illegal goods such as arms and weapons, narcotic drugs and contrabands have also been confiscated from private warehouses, guest and rental houses and exclusive and private villas. In order for business and property owners and operators to assist the government in addressing borderland-related crimes and security threats, the formation of county-specific associations of owners and/or operators of warehouses, guest and rental houses and exclusive and private villas and beaches with clear codes of conduct is therefore recommended.
- (iv) The study established that goods (such as contraband sugar from Brazil) were being smuggled in and out of the country through both licit and illicit channels. In order to minimize incidents of concealed and/or illegal goods entering or leaving the country, an import and export tracking protocol needs to be worked out and/or strengthened by relevant government agencies. This formula will entail importers and exporters declaring and communicating well in advance the contacts of the parties involved (that is, the owners and source individuals and/or companies), specifications of the goods and the specific ports or border points through which the goods will enter and exit the country (and without which the goods will not be allowed to enter or exit). This will ease the process of verification and identification of the likely spots where illicit goods join the conveyor belt of the licit goods. It will also minimize the incidents of unknown or obscure owners when illegal goods are confiscated or when prosecution is to be undertaken.

4. Adoption and implementation of the concept of 'Community Asset Management in Security, Crime and Violence Prevention' which entails a programme for community

members and leadership participation in borderland security, crime and violence, prevention through: community-driven acquisition, installation and maintenance of basic security infrastructure; improved community-policing relations; and the concept of 'Volunteer Border Control and Management Officer' to improve on neighbourhood security watch.

The study established a link between the role of local community members and borderland-related crimes and security threats. Findings of the study showed that: local community members (through the different roles played by men, women, children, youth and the elderly in the community) were the main perpetrators and first line victims (for example through loss of lives and property, poverty and unemployment) of borderland-related crimes and security threats; poor relations between the community and law enforcement agencies was promoting borderland-related crimes and security threats; inadequate collaboration between members of public and security agencies, poor infrastructure in border counties and lack of civic education/sensitization/awareness on borderland-related crimes and security threats and reporting mechanisms were some of the challenges faced in addressing borderland-related crimes and security threats; solutions to the challenges included: sensitization of community members to embrace dispute resolution, change the culture of impunity and avoid crime; strengthening the Nyumba Kumi Initiative, provision of crime reporting mechanisms and encouraging community members/citizens to positively participate in security through sharing of relevant information with security agencies; and improvement of infrastructure in border areas; and actions needed to be done by border communities/cross-border communities and local leadership to effectively manage borderland-related crimes and security threats included: improved cooperation and intelligence sharing between community members and security agencies; enhanced mechanisms for reporting and/or guarding against illegal trade including business in commodities that have evaded taxation; border-point local community leadership involvement in addressing borderland-related crimes and security threats; and sensitization of the public about borderland-related crimes and security threats. Enhanced public participation in security and cooperation between community members and security agencies was also reported to have the potential to facilitate the effective management of borderland-related crimes and security threats;

The community has both material (that is, hard cultural components) and immaterial assets (that is, soft cultural components for example members who have time, commitment, positive attitude, skills, knowledge and ideas) which can be tapped for its benefit. Towards harnessing the potential of the local community members and leadership in addressing borderland-related crimes and security threats, it is therefore specifically recommended that:

- (i) Strategies to enhance citizen participation in the effective management of borderland-related crimes and security threats with a special focus on enhancing intelligence programmes and improving intelligence-driven

operations especially through the Nyumba Kumi and Community Policing Initiatives in Kenya and similar outfits across the borders are put in place.

- (ii) Border communities and leadership are sensitized on border security and management and the need to abandon the culture of impunity and avoiding crime.
  - (iii) Local community members are encouraged to acquire, install, share, manage and maintain on a self-help basis security infrastructure such as outdoor flood and street lights, security and crime reporting booths in hotspot areas and smuggling routes, and making and repair of all-weather borderline roads to facilitate transport (including through the use of its offenders placed under the court sanction of Community Service Orders).
  - (iv) The local community identifies and vets its trusted members who are ready to volunteer and be engaged as 'Volunteer Border Control and Management Officers' to improve on neighbourhood security watch. These Officers would be the link between the community and relevant government agencies in border control and management matters. A 'Volunteer Border Control and Management Officers' Programme may require involving residents who have stayed longest in the localities and have vast knowledge and information of how criminal networks operate in their border-point areas in order to assist in removing illicit products from circulation and to dismantle the illegal networks behind these borderland-related crimes.
5. Establishment and implementation of a comprehensive community livelihood programme targeting the different population segments (especially men, women, youth, children and the elderly) and economic sub-sectors (especially business operators/traders, fishermen and pastoralists) with a direct stake in borderland-related crimes and security threats either as perpetrators or victims.

The study identified banditry and cattle rustling, conflicts over natural resources, illegal fishing activities and high illiteracy and school drop-out as some of the potential borderland security threats. Manifestations of these borderland security threats included: neighboring country police harassing local fishermen and asking for bribe and Ugandan fishermen stealing fish from Kenya using weapons; during drought communities fighting over natural resources; Kenyan traders being refused entry to the other country irrespective of having legal documents; and stock theft. Smuggling involved some basic life necessity items such as sugar, cereals, wheat and maize flour, cooking oil, fish, fruit, juices, paraffin, vegetables, coffee and milk powder. Poverty and unemployment, competition and conflicts over natural resources (including water, pasture and extractive resources) and proliferation of illicit arms and weapons (some of which are used by pastoralists in border areas to protect their livestock against raiders from within and outside the country) were some of the facilitators of borderland-related crimes and security threats.

Challenges faced in addressing borderland-related crimes and security threats were found to include: high levels of unemployment among the youths; high levels of poverty and cost of living; and lack of education. The proposed solutions to challenges faced in addressing borderland-related crimes and security threats included: job creation and youth empowerment; improvement of food security in border areas; construction of more water points in border areas to reduce conflicts over water resources; and empowering reformed cattle rustlers and provision of security to pastoralists in border areas. According to sample respondents: Border Management Committees needed to facilitate economic empowerment of border community members (including that of Kenyan fishermen) if they (the Committees) were to effectively manage borderland-related crimes and security threats; County Governments needed to create youth employment opportunities and initiate poverty eradication, food security and infrastructure investment development projects including security lights if they (the County Governments) were to effectively manage borderland-related crimes and security threats; and border communities/cross-border communities and local leadership needed to establish development projects for employment creation and poverty alleviation if they (the border communities/cross-border communities and local leadership) were to effectively manage borderland-related crimes and security threats. Men, women, children, youth and the elderly community members have their unique livelihood needs which drive some of them to engage in crime.

It is therefore recommended that relevant state and non-state actors establish and implement comprehensive community livelihood programmes targeting the needs of different population segments (especially men, women, youth, children and the elderly) and the economic sub-sectors in the community (especially farmers, business operators/traders, fishermen and pastoralists) with a direct stake in borderland-related crimes and security threats either as perpetrators or victims.

6. Putting in place engagement mechanisms for local and international stakeholders and partners, strengthening of inter-state and cross-border community collaboration, leveraging the expertise, capabilities and human resources of border agencies, building of bridges initiatives and scaling up of interventions in regional peace and security initiatives by way of joint cross-border peace and security meetings, deployment of joint security infrastructure, goodwill ambassadors, conflict mediation and peace keeping and security forces.

Some of the borderland-related crimes and security threats (for example, cross-border terrorism and the influx of illegal immigrants) were traced to factors such as poor infrastructure in cross-border areas, political instability and weak law and order enforcement in neighboring countries and challenges such as lack of political goodwill among regional leaders, inadequate inter-state cooperation and non-implementation of resolutions of cross-border meetings. The contributors of acrimonious co-existence between cross-border communities included competition over water resources, fishing

activities in shared borderland waters, land and land-related issues, disagreements over territorial boundaries, competition over pasture, cattle rustling and raids and cultural differences. Community leaders' participation in peace mediations and dispute resolutions in neighbouring countries was suggested as a solution to challenges faced in addressing borderland-related crimes and security threats with only an insignificant percentage of sample respondents proposing the withdrawal of KDF from Somalia. Undertaking joint and regular forums between the Border Management Committees and counterparts in neighbouring countries was recommended by sample respondents as necessary if the Committees were to be effective in the management of borderland-related crimes and security threats. Some of the general recommendations on what needed to be done to effectively manage borderland-related crimes and security threats included: solving international water and land boundary disputes; and putting in place mechanisms for a common Identity Card to facilitate movement of people within the East African region.

Based on the above findings, this study recommends that:

- (i) A full implementation of the East African Community protocols by all member states be prioritized.
- (ii) Kenya scales up interventions in regional peace and security initiatives by way of joint cross-border peace and security meetings, deployment of goodwill ambassadors, conflict mediation experts and peace keeping and security forces.
- (iii) Relevant government agencies work with cross-border communities to undertake regular cultural cooperation and exchange activities such as peace marathons and caravans, music and cultural festivals.
- (iv) Because security infrastructure is expensive to install, bordering countries consider joint security installations and maintenance of infrastructure such as borderline roads, One Stop Border Posts, night vision equipment, un-manned geo-aerial vehicles (especially drones), patrol vehicles, communication masts, surveillance equipment and scanners.
- (v) Border control and security management institutions of bordering countries create a shared law enforcement culture amongst themselves, leverage their expertise, capabilities and human resources and enhance their cooperation, information and intelligence sharing.
- (vi) Harmonized training curriculum and joint trainings, workshops and seminars for border control and management officials of bordering countries be prioritized.
- (vii) Clear inter-state boundary demarcations and amicable resolution of inter-state boundary and resource disputes be undertaken.
- (viii) A regularly updated directory (with telephone and other contacts) and a forum (for instance, joint public peace and security meetings and social media

platforms such as Whatsapp walls) for cross-border grassroots administrators (especially Village Headmen, Assistant Chiefs and Chiefs) in borderline areas of both countries be activated to facilitate communication and regular review of border control issues in their jurisdictions including on dismantling safe havens for criminals who take advantage of straddled communities.

7. Regulation and random and incognito inspection, monitoring, surveillance and crackdowns by relevant agencies of the modes of transport used in borderlands especially boda boda motorcycles, vehicles, water vessels, bicycles, donkey carts and persons crossing borders on foot.

Boda boda motorcycles, vehicles, water vessels, bicycles, donkey carts and persons crossing borders on foot were the modes of transport used in the commission of borderland-related crimes. Boda boda motorcycles were found to be the most common with riders using them to ferry smuggled goods and facilitating faster movement of people across borders using the smuggling routes. Sample respondents recommended that Border Management Committees institute proper rules and policy mechanisms for control of cross-border movement of people, goods and services if they were to effectively manage borderland-related crimes and security threats. Therefore, border control agencies (especially the Police, Immigration and KRA officials) need to undertake random and incognito inspection and crackdowns of these modes of transport. Specific focus by the Police, County Governments and the National Transport and Safety Authority (NTSA) needs to be on commercially-used boda boda motorcycles to have them regulated, monitored and surveilled on to minimize the opportunities of their involvement in crime.

8. Improved collegiality between the national and county levels of government, between Border Management Committee agencies and between criminal justice system agencies.

The findings of the study showed that: lack of coordination between national and county governments was a challenge faced in addressing borderland-related crimes and security threats; enhanced coordination, involvement and information sharing among BMC and other relevant border-point agencies was one of the solutions to challenges faced in addressing borderland-related crimes and security threats; County Governments were successful only to a small extent in addressing borderland-related crimes and security threats in eighteen (18) out of twenty-one (21) counties; County Governments needed to train, deploy and facilitate county security personnel for border control, collaborate with National Government security apparatus including Kenya Police Reserve and educate and sensitize the public on insecurity and drugs if they were to effectively manage borderland-related crimes and security threats; poor coordination and information sharing among border control and management agencies was contributing to borderland-related crimes and security threats; enhanced multi-agency and Inter-agency collaboration in matters of borderland-related crimes and security threats was needed if border

communities/cross-border communities and local leadership were to effectively manage borderland-related crimes and security threats; and for Border Management Committees to be able to manage borderland-related crimes and security threats effectively, there was need for undertaking joint regular inspection visits, patrols and briefs by the Committees' agencies. Effective prosecution (which is a function of the Office of the Director of Public Prosecutions), sentencing (which is performed by the Judiciary) and rehabilitation of offenders (which is undertaken by the Department of Children Services, Kenya Prisons Service and Probation and Aftercare Service) involved in borderland-related crimes was one of the general recommendations on what needed to be done to effectively manage borderland-related crimes and security threats. Therefore, improved collegiality between the national and county levels of government, between Border Management Committee agencies and between criminal justice system agencies in addressing borderland-related crimes and security threats is paramount.

9. That the Executive and Legislative Arms of Government put in place and/or strengthen instruments and structures for effective coordination and integration of border management programmes including placing border control and management activities under a one authority command structure to improve on coordination and service delivery and establishing Standard Operating Procedures at all entry and exit points.
10. A multi-agency team comprising the Ministry of Interior, agencies in the criminal justice system and other relevant institutions involved in border issues put in place strategic interventions to deal with the problem of organized criminal gangs and crime hotspots and routes in borderlands.

The Findings of the study showed that there were crime hotspots and routes in all border counties. There was also a link between the menace of criminal gangs and their involvement in borderland-related crimes and security threats. The number of organized criminal gangs mainly composed of youth was found to have grown exponentially in most of the counties and that the groups were responsible for crimes such as armed robbery, illicit drug trafficking, vehicle theft and trafficking, extortion (including protection money), kidnapping for ransom, money laundering, livestock theft, firearms smuggling, theft of antiques and jewellery, counterfeiting, illegal trafficking of explosives and environmental crimes. Therefore, the study specifically recommends that:

- (i) The Ministry of Interior and other relevant agencies in the criminal justice system undertake effective profiling, identification, arrest, prosecution and sentencing of organized crime kingpins, politicians, business people and wayward and corrupt government officials who support and/or collaborate with organized criminal groups would, to a large extent, destabilize organizational leadership and network structures of the groups.
- (ii) The Ministry of Interior and other relevant agencies in the criminal justice system give special attention to improved identification and targeting of terrorists along with their weapons and other transnational organized crime actors.

- (iii) The Committee on Citizen Participation in Security (Nyumba Kumi Initiative), should play a leading role in changing criminal youth to a youth dividend and improving community-police relations and enhanced community participation in security so as to provide the earliest opportunities to security agencies to identify organized criminal gangs.
- (iv) The Ministry of Interior undertakes: routine gazettelement and publication of names of organized criminal groups, organized crime kingpins, politicians, business people and wayward government officials who support the groups; and continuous and effective mapping, surveillance and policing of organized criminal groups hotspots.
- (v) Synergies be built within the crime research, investigation and intelligence gathering agencies with a view to enhancing collaboration and information sharing of crime data and information which would lead to relevant and effective pragmatic policy and programme interventions for tackling organized criminal groups. A special focus also needs to be on the risk factors facilitating the emergence, spread and crimes of organized criminal gangs.
- (vi) County Commissioners and their line officers in the National Government Administration Office together with other security agencies in counties harbouring at least 2 organized criminal groups need to give special focus to the problem of proliferation of the groups in their respective counties.
- (vii) Strategic deployment of security and other relevant personnel to manage the hotspots and routes especially during night times, weekends, end and mid-month, public holidays and festive seasons (especially in the month of December) towards countering borderland-related crimes.

11. The Ministry of Interior curtails the proliferation and use of illicit arms and weapons by way of fresh licencing, registration and calibration of arms held by private citizens.

Proliferation of illicit arms and weapons was reported to be one of the borderland-related crimes. These arms were also involved in committing serious crimes such as terrorism, murder, robbery with violence, cattle rustling and kidnappings. Repondents recommended disarmament of firearms and mopping up of illegal arms as one of the ways of addressing borderland-related crimes and security threats. There is therefore need to curtail the proliferation and use of these illicit arms and weapons by way of fresh licencing, registration and calibration of the arms.



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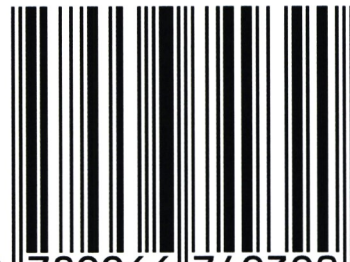
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