
The Permanent Mission of the Republic of Kenya to the United Nations avails itself of this opportunity to renew to the United Nations Office of Disarmament Affairs, the assurances of its highest consideration.


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KENYA NATIONAL FOCAL POINT
ON SMALL ARMS AND LIGHT WEAPONS

COUNTRY REPORT

Fifth United Nations Biennial Meeting of States on the Status of Implementation of the UN Program Of Action to Prevent, Combat And Eradicate the Illicit Trade In Illicit Small Arms And Light Weapons In All Its Aspects

2014
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<tr>
<td>ATT</td>
<td>Arms Trade Treaty</td>
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<tr>
<td>AU</td>
<td>African Union</td>
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<td>CBO</td>
<td>Community Based Organization</td>
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<td>CFB</td>
<td>Central Firearms Bureau</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<tr>
<td>DPCs</td>
<td>District Peace Committees</td>
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<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>DTFs</td>
<td>District Task Forces on SALW</td>
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<tr>
<td>EAC</td>
<td>East African Community</td>
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<tr>
<td>EAPCCO</td>
<td>Eastern African Police Chiefs Cooperation Organization</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>FBOs</td>
<td>Faith Based Organizations</td>
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<td>ICGLR</td>
<td>International Conference on Great lake Region</td>
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<td>IGAD</td>
<td>Inter-Governmental Authority on Development</td>
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<td>KNFP</td>
<td>Kenya National Focal Point</td>
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<td>KANSA</td>
<td>Kenya Action Network on Small Arms</td>
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<tr>
<td>MDGs</td>
<td>Millennium Development Goals</td>
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<td>M &amp; E</td>
<td>Monitoring and Evaluation</td>
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<td>NSC</td>
<td>National Steering Committee on Peace building and Conflict Management</td>
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<td>RECSA</td>
<td>Regional Centre on Small Arms</td>
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<td>SALW</td>
<td>Small Arms and Light Weapons</td>
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<tr>
<td>TAC</td>
<td>Technical Advisory Committee</td>
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<td>UNGA</td>
<td>United Nations General Assembly</td>
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<td>UNPoA</td>
<td>United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All its Aspects</td>
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1.0. BACKGROUND

Circulation of illicit Small Arms and Light Weapons (SALW) continues to pose great threat to global security and development. In Africa, SALW are tools of choice in intra and inter-State conflicts. As a result the continent has witnessed massive loss of lives, destruction of property and underdevelopment, gross human rights violations, acts of terrorism among other societal ills.

Kenya continues to suffer the effects of SALW proliferation as a result of porous borders coupled with large refugee influx, fragility of the Great Lakes Region, geographically vast arid and semi arid areas that pose policing and governance challenges.

The illicit trade in arms has facilitated the commission of crime such as cattle rustling, violent ethnic conflicts, and terrorism. The net effect is high cost of providing security, underdevelopment and instability in affected areas. This has undermined the Government's ability to achieve the Millennium Development Goals (MDGs) and other development priorities.

In order to address the above challenges, the Government of Kenya reaffirms her commitment to the implementation of the UN Program of Action (UNPoA) with special emphasis to the coordinated agenda for action developed through the Nairobi Protocol. The Government also extends her support to a more stringent global regime, particularly those aimed at regulating and licensing transfers of SALW.
2.0. INTRODUCTION

The Implementation of the UNPoA is undertaken in recognition of the International, regional and subregional instruments that Kenya is party to. UNPoA provides for the establishment of a National point of contact with the responsibility of Policy and technical guidance, research and education, awareness and sensitization on the dangers illicit SALW as well as monitor and evaluate efforts aimed at combating, preventing and eradicating proliferation of illicit SALW in all its aspects.

Towards this end, the Kenya National Focal Point on SALW was established in January, 2003 and brings together the relevant Government ministries and departments, Civil Society Organizations and other stakeholders. The Kenya National Focal Point on Small arms and Light Weapons is charged with the following key functions: Coordinating National Policy and action to address the problem of the proliferation of illicit SALW; Coordinating the development and implementation of the National Action Plan for Arms Control and Management; Coordinating with regional and international bodies and other national focal points in the implementation of the international and regional declarations and protocols; Partnering and liaison with the civil society Organizations; Undertaking research on the problem of illicit SALW; Monitoring and evaluating the effectiveness of measures to address the problem of proliferation of illicit SALW and Facilitating the exchange and dissemination of information with regard to the SALW problem.

In implementing its mandate, KNFP works through various sub-committees: technical and policy sub-committee, training and capacity building as well as the media and sensitization committees.
KNFP has structures cascading down to the County and Sub-county levels through the establishment of Taskforces. The Task Forces have been instrumental in the implementation of Arms reduction programmes at the community level.

The KNFP also works alongside the National Steering Committee on Peace Building and Conflict Management (NSC/PBCM) in acknowledgement that the problem of SALW is directly interconnected to conflict, development and stability.

3.0. STATUS REPORT ON IMPLEMENTATION OF THE UNPoA

I. POLICY AND LEGISLATIVE ACTIONS

Legislative and administrative procedures of arms management and control in Kenya have been provided in various Acts of parliament and most important the Firearms Act Chapter 114 Laws of Kenya. This Act is currently under review to adequately, provide for comprehensive control and management of SALW in all its aspects. This is in conformity with the required international standards. Thus, a Draft Bill has been finalized and is awaiting cabinet and parliamentary approval to take full effect.

Additionally, the Country has developed a Policy framework on SALW hinged on the provisions of UNPoA which provide guidelines on legislative, institutional and regulatory measures for control and management of SALW. The SALW policy has been finalized and is being implemented.
II. RECORD KEEPING, STOCKPILE MANAGEMENT AND SECURITY

a) Management of Legitimate Stockpile

Management of Stockpile among all Disciplined Services is regulated by the existing National Laws and the Service's respective regulations. Each disciplined Service maintains an inventory and are accountable for all ammunitions and SALW held under their custody. Nonetheless, the Country has a centralized system of stockpile management for tracking records of arms.

The Services' regulations provide for 24 hours security of the armouries, and daily physical checks of arms and ammunitions. Quarterly and annual SALW returns are submitted to the Central system to enhance accountability. Access to weapons is restricted to authorized persons only and any loss of weapon/ammunitions is subjected to an inquiry. Record keeping for SALW is partially electronic further efforts are geared up at maintaining a digitized system.

b) Management of Recovered/Surrendered Stockpile

The firearms Act Chapter 114 provides for the procedures of handling recovered and surrendered illicit SALW. In order to ensure proper management of surrendered/ recovered SALW, the Government has endeavored to train personnel and so far at least 200 police officers have been expertly trained on Stockpile Management.

c) Collection and Disposal of Illicit SALW and Ammunitions

The disposal of recovered/ surrendered illicit SALW and Ammunitions has been continuously undertaken in line with the Nairobi Protocol. Since 2003, 25,179 assorted firearms, 505,848 rounds of ammunitions, and 36,000 old military ordinances have been disposed publicly through burning.
Collection of illicit SALW and Ammunitions is ongoing with more than 3,500 illicit arms awaiting destruction at different points of collection. This gesture promotes confidence among communities prone to proliferation of illicit SALW by ascertaining that surrendered arms and ammunitions are destroyed and not re-directed. It also serves as a strategy for public awareness and sensitization to the dangers proliferation of illicit SALW in the society. The government and other actors have been on the forefront in encouraging communities prone to proliferation of SALW to voluntarily surrender their illicit firearms and ammunitions.

III. IMPORT, EXPORT, TRANSHIPMENT, RE-EXPORT AND TRANSIT

The draft National Policy on SALW prescribes guidelines for import, export, transhipment and transit in line with the UNPoA. The policy regulates authorization to import and export SALW; provides for a data base management on all transfer transactions involving SALW, ammunitions and other related materials; it also provides for requirements for marking and tracing of SALW; Keeping of all records related to transfer transactions; defines offences and penalties; Seizure, destruction and disposal of illicitly transferred SALW. In addition, Kenya enforces several statutes to administer this.

IV. TRANSIT

The record and licensing process is controlled from the point of import. The Kenyan government has continued to enhance strict regulations at entry and exit points through capacity building and training of Law Enforcement Agencies, Customs officers, Border patrol Units and surveillance marines for Improved recording and licencing of SALW from the point of entry, before transit as well as provision for escort until they leave the Country.
V. DEALERS

Kenya deals directly with manufacturers or countries in accordance to regulations of arms requisition and transactions. However in the case of dealers, for purpose of compliance all persons conducting businesses as firearms dealers in Kenya do it through the Central Firearms Bureau (CFB) mandated to register all licensed dealers.

VI. TRANSFER

Kenya has a regulatory framework for acquisition of transfer license that includes declaration of ultimate end user in tandem with international standards. The government continues to enhance border security and controls through continuous training and facilitation of Law enforcement Officers, Customs Officers and other core agencies on enhancing security at the borders and controlling illicit transfers of weapons into the country. This has strengthened the capacities of border patrol units, by increasing entry and exit checks to ensure stringent measures on arms transfer. An agency to coordinate all issues related to border control has also been established.

VII. DISARMAMENT, DEMOBILIZATION AND REINTEGRATION (DDR)

The government continues to conduct joint consultations to address peace and security and also identify ways of mopping up illegal firearms in the region through dialogue and other forms of interventions. This has enhanced synergies and complemented the efforts of law enforcement officers and other actors leading to voluntary surrender, amnesty, and issuance of peace dividends as part of sustainable intervention.

In collaboration with other stakeholders Kenya has been involved in a process of disarming, demobilizing and reintegration initiatives among the pastoralists' communities and rehabilitation of reformed armed warriors. This entails research on driving factors, consultations with the warriors and affected communities on the
dangers of SALW proliferation to livelihood and development as well as the need for change and embrace licit livelihood options. In conjunction with development partners and Civil Societies, best practices are being employed towards surrender of illicit arms and consideration of progressive activities.

The initiatives target the reformed armed warriors and affected communities with micro-enterprise training and support with peace dividend funds to enable them venture into income generating activities. In addition, the Government is implementing Sports for Peace Programmes aimed at nurturing talent and weaning off the warriors from negative cultural practices such as cattle rustling which is one of the main drivers of SALW in such communities.

The government in 2013 also launched UWEZO fund to support youth groups to diversify their livelihoods, undertake small scale businesses and other income generating activities for sustainable and enhanced security.

VIII. AWARENESS CREATION

The Government has undertaken a number of initiatives to sensitize people to the dangers of illicit SALW proliferation and misuse. Amongst the measures that have been put in place are:

- Active participation in the CSO’s led Global Week of Action and International Day of Peace against the proliferation of illicit SALW.
- Community safety Initiatives aimed at curbing terrorism, radicalization in neighborhoods.
- Amnesty programmes have been put in place to encourage the voluntary surrender of illicit weapons in return for immunity from prosecution.
- Alternative Dispute Resolution Measures through the National Steering Committee on Peace-building and Conflict Management to promote peaceful coexistence, and conflict resolution mechanisms, as an effort towards sustainable peace.
• The National Conflict Early Warning and Response System activated and
  linked to community based conflict prevention structures to facilitate
detection and address potential conflicts before they occur.
• Media engagements through print and electronic programs implemented
  through open debates, discussions and talk shows for public
engagements on arms related issues.
• Campaigns against Small Arms specifically promoting the role of women
  in the fight against illicit SALW proliferation.
• Awareness raising through public weapons destruction exercises and
  events such as the Commemoration of the signing of the Nairobi Protocol.

IX. INTERNATIONAL COOPERATION AND ASSISTANCE

Kenya is at the forefront in supporting initiatives to prevent, combat and
eradicate illicit proliferation of SALW. These efforts are at community, national,
regional and International level in recognition that illicit proliferation poses
significant threat to global peace and security.

The government has continued to collaborate at the international initiatives
g geared towards preventing, combating, and eradicating the illicit trade in Small
Arms and Light Weapons their parts, components and ammunitions.

Kenya was a co-author of the Arms Trade Treaty that seeks to control the global
trade on conventional arms. In reaffirming her commitment to implement the
provisions of the ATT, the Government has initiated the process of signing and
subsequently ratifying the ATT. The draft Bill and draft policy on arms control and
management have borrowed significantly from the treaty.

Kenya is also a strong member of the Africa- China – European Union (EU)
cooperation on control of SALW in Africa. In September 2013, Kenya attended
and participated in a series of bi-lateral meetings on combating illicit Small Arms
and Light Weapons in Africa. The bilateral meetings discussed broader issues related to non-proliferation, security and peace building in conflict affected states and issues of international development. This was a follow-up of a successful Regional Conference on tackling illicit SALW and ammunitions in Eastern Africa held in July, 2013 and hosted by Kenya. Another meeting was hosted by Kenya in May 2014 focusing on areas of assistance and cooperation to address the problem of proliferation of SALW.

X. COOPERATION AT SUB-REGIONAL AND REGIONAL LEVEL

Kenya continues to play a central role in the fight against illicit arms at both sub-regional and regional levels. In the run up to the Arms Trade Treaty negotiations, Kenya hosted the regional Seminar for countries in Eastern and Southern Africa on ATT. This resulted to the adoption of the Arms Trade Treaty in 2013.

The Government continues to support peace and stabilization processes within the Great Lakes, Horn of Africa and Neighboring States. In the area of terrorism, Kenya has engaged with the International actors to effectively address escalating incidences of terrorism and their networks scattered in different parts of the country and the region.

In partnership with Development Agencies, the Government has embarked on infrastructural development in most parts of the country vulnerable to the proliferation of illicit SALW. This includes opening of roads, developing livestock markets, abattoirs and diversification of livelihood through enterprise development funds available to both women and youths. In addition, the Government is committed in co-operation and training among security agencies on border security and has so far opened more border police posts in Somalia/Kenya; Ethiopia/Kenya; Kenya/S.Sudan to curb arms trafficking.

The Government of Kenya continues to collaborate with the UNDP Country Office and other Multi-lateral agencies and Civil Society to address issues of
SALW. This co-operation ranges from training, programmatic implementation and research. Kenya is working with neighboring States in implementing the Nairobi Protocol, and other SALW related instruments that it is party to.

Kenya is a member of the Eastern African Police Chiefs Cooperation Organization (EAPCCO), and has been cooperating with other member States in combating trans-national and cross border crimes including illicit trade in Small Arms and Light Weapons.

In reaffirming commitment to collective efforts, Kenya has continued to actively participate in the International Conference on the Great Lakes Region (ICGLR) Processes, which proposes a multifaceted approach to Peace, Stability and Development in the Great Lakes Region. Kenya has actively cooperated with the neighboring Ethiopia, South Sudan and Uganda in the ICGLR Zone 3 project that aims to advance cooperation in addressing the proliferation and misuse of SALW in this region. Through the ICGLR process, the Kenyan Government has enhanced regional cooperation in addressing Insecurity particularly in border management and security.

Under the coordination of RECSA, the government has continued to co-operate with other states in the areas of marking, tracing and record keeping; stockpile management and security, monitoring as well as harmonization of legislations.

Within the framework of the Coordinated Agenda for Action of the Nairobi Declaration on the Problem of the proliferation of illicit small arms and light weapons within the Great Lakes region, the Horn of Africa and neighboring States, Kenya has maintained its commitment towards enhancing regional coordination.

As the current Chair of Inter-governmental Authority on Development (IGAD), Kenya has supported the South Sudan peace talks as well as joining regional
forces under the umbrella of AMISOM to promote peace and stability in Somalia.

XI. MONITORING OF THE UNPOA AT NATIONAL, REGIONAL AND GLOBAL

The Government has developed a National Monitoring and Implementation framework on the progress of UNPOA. At National level, M&E is conducted through quarterly reports submitted by the various Government agencies.

Critical to note is the participation of civil society in M&E as well as in processes aimed at promoting an illicit SALW free society. In Kenya, CSOs are invaluable partners in the fight against illicit SALW thus are key members of the National Focal Point.

KNFP also maintains a compendium of all its Civil Society partners and promotes information sharing and collective approach amongst them. Measures have been taken to encourage partnership between national level civil society organizations and those that operate at community level through the Kenya Action Network on Small Arms (KANSA).

At sub regional and regional level, M&E is by peer review under the auspices of Regional Centre for Small Arms (RECSA). This is carried out through the Council of Ministers Meetings and Technical Advisory committee (TAC) meetings. The East Africa Community (EAC) in addition provides for regular monitoring and implementation of SALW policies and legislations especially on areas of Intergovernmental cooperation. The EAC Council of Ministers and the Secretariat hold regular progress meetings to review the Implementation process of the UNPOA.

The East Africa Secretariat is mandated to monitor implementation of directives as per the Summit or Council of Ministers. The Eastern African Police Chiefs Cooperation Organization (EAPCCO) also undertakes follow up on
Implementation scope that includes technical input, recommendations and directives.

At the global level, Monitoring is conducted via different forums such as Geneva Armed Violence and development forums, Biennial Meeting of States and the United Nations Convention against Transnational Organized Crimes Conferences that Kenya has continuously submitted status report among other forums.

4.0. CHALLENGES

Whereas enormous successes have been realized in the Implementation of UNPoA, challenges are still faced in the following areas:-

a) **Financial constraints** – Inadequate funding towards effective implementation of the National Action Plan and other SALW programmes due to competing development priorities. This has impacted negatively on research, trainings and sustainable interventions including acquisition of appropriate equipment for SALW Control.

b) **Technological capability** – Lack of technological facilities for improved surveillance and detection of illicit firearms within and across the porous borders.

c) **Legislation** – Bureaucratic processes in enacting relevant laws and policy guidelines on control and management of SALW.
5.0. CONCLUSION

The Government of Kenya reaffirms its commitment in the implementation of the UNPoA. Evidently this requires concerted efforts by all actors. This commitment has been demonstrated by the progressive measures that Kenya has undertaken since the inception of UNPoA.

Despite the already stated impediments towards the implementation of SALW instruments, Kenya appreciates the financial and technical support that has been accorded to her by Development Partners, UN bodies and the Civil Society Organizations towards addressing the problem of illicit SALW proliferation and misuse.

6.0. CONTACT INFORMATION

With reference to the national point of contact, Kenya National Focal Point can be reached through:

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