THE EFFECTS OF THE UNDERWORLD ACTIVITIES ON NATIONAL SECURITY IN KENYA

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Abstract

This study analyzes the effects of underworld activities and how they impact national security in Kenya. The analysis likewise builds up the nature and degree of underworld activities related issues among the youth. It sets up the level and foundation of learning and the mindfulness on the vice; explores statistic factors adding to underworld activities; researches social-social components adding to inclusion; explores economic and political elements and investigates the impacts of the underworld activities to national security. All actors are involved directly or indirectly, offering a conversation starter "whose security, from what and by whom?" In the realm of national security, the investigation conclude that the customary approach of external threats to state security has moved from militarized terms to a more perplexing paradigm, where the individual turns into a referent object. So whose security? It's against this backdrop this paper analyzes the security implications of underworld activities based on a wider Buzanian security approach. And in this epoch of globalization, the economic liberation forces have resulted in attrition of state capacity and weakening of institution to provide security. In this way, there's need to protect state interests and maintain dignity and regard human rights. There's need to ensure human security is accomplished, clear approaches and policies formulated, executed and clung to; likewise employ professionalism to enhance capability and strengthen government institutions.

Introduction

This study examines the effects of the underworld activities to Kenya`s national security. The traditional approach to national security held a perspective that threats to national security were militarized. However, Barry Buzan, argues that in the real world of everyday human existence, people were affected by threats in political, economic, societal and environmental areas and hence national security problems needed to be seen in those domains. The central argument is that the growth of the underworld activities in Kenya is a function of vulnerabilities and internal contradictions caused by distance decay at the political, economic, social and environmental levels between the citizens and the state. This chapter analyzes and examines the security implications of the vice based on a wider Buzanian security approach. The chapter also examines the proposition that in this epoch of globalization, the economic liberation forces have resulted in attrition of state capability and weakening of institutions to provide security.

Methodology

This research extensively relied on secondary data. The data was obtained through published articles and journals, hard copy books, newspapers, transcripts, internet sources and credible reports from the media. This methodology was able to identify the empirical reality on the effects of the underworld and how they influence national security in Kenya.

Implications of drugs trafficking on Kenya's National Security

Just like other transnational organized crimes (TOC), drug trafficking poses a significant and proliferation threat to national security and international security. The vice has dire implications across the globe notwithstanding the effects on public health and safety, economic stability and democratic institutions. Underworld criminals are expanding their networks and diversifying their underworld activities resulting to convergence of threats that were once termed distinct and now they have disastrous, explosive and destabilizing consequences to national security.

Giving it a political perspective, drug traffickers in Kenya have hijacked the entire policy and political processes of the Kenyan government and also institutionalized criminality in the code of conduct of public affairs, playing the role of underworld cartels, manifesting themselves as powerful full of financial muscle and highly specialized form of non-armed interest groups ready to take over policy-making matters through proxy mechanisms and facilitate politicians and those who have their interest at heart.[1] The underworld cartels sponsor those who advocate their interest as a result manifest hijacking of policies through successful penetration of political parties and security institutions.[2] Drawing analogies from West Africa where Guinea Bissau was held captive by drug cartels as well as institutional infiltration in Ghana and Mali.

The deepened and widened security approach by Barry Buzan (1998), argued on five domains namely; political, economic, environmental, societal and military. Inadvertently, as discussed in chapter two of this study on the causal factors, the same factors have implications to state security since they are the underlying factors that push and pull threats to national security. In regard, this argument underpins Buzan proposition that states are the referent objects in the national security issues. Thus, Buzan argues that for one to understand the security complexity of a state, one must understand the nature of a state, and its larger amorphous entities. Buzan addressed three components on the nature of the state taking the physical base of the state, the idea and the institutional expression on the three dimensions. According to Buzan, these three components are argued on a

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[1] Buxton, Julia (2006), *The Political Economy of Narcotics: Production, Consumption and Global Markets*, London and New York: Zed Books.

[2] Jordan, David C. (1999), *Drug Politics: Dirty Money and Democracies*, Norman, OK: University of Oklahoma Press.

wider scope, to get more security insights as much as they can be reflected as a stand-alone security issue. Therefore, drug and human trafficking may be seen as a symptom of threats as a result of vulnerabilities associated to national security concerns. The vice in Kenya is the erosion of human capital. And Buzan underpins it that human capital is a major component to national power in the realm of security.[3] Buzan adds that; despite being alternatives threats to national security such as terrorism and drug trafficking which have turned out to be more deadly than interstate wars, corrosion of human capital has been project as a principal threat to prospect states.

The consequences of illicit drug abuse are wide spread as far as human capital is concerned. Its effects such as; causing permanent emotional and physical damage to the victims and impacting their families negatively due to stigma, colleagues and those close to them. Further, drugs affect the health of the users mostly leading to disease. The Kenyan coast is rampant with drug cases to the extent that lives have been lost in amidst due to drug overdose and other associated drug abuse illnesses. And those victims who are parents once they succumb to drug abuse, their young ones are brought up by guardians who may nature them in an environment that will turn them to criminals as discussed in the rational choice and strain theories. Thus, drug deaths are a clear indicator of human capital erosion.

According to Mutahi Patrick, unlike Guinea Bissau, Kenya is a weak but functioning state because of the environments in which DTOs forechoose to execute their operations.[4] This can back the findings of the UNODC and explain why Kenya is reportedly playing a vital role of both transit and destination for drugs especially cocaine trafficked by West Africa drug cartels.[5] A unique indicator that Kenya is facilitating favourable conditions for drug traffickers, rampant levels of corruption within the political institutions and staggering judicial systems; insufficient law enforcement capacities; a solid communication infrastructure; financial capabilities and relatively available and reliable transportation channels.[6] Due to this competing nature, Kenya for more than three decades has been the entry point for heroin from Afghanistan destined for Europe and South Africa.[7] And from the year 2010, according to UNODC heroin seizure in Mombasa region have sharply increased despite the consumption whereas the significance of the region as a transit hub going a notch higher.[8] Despite the Palermo protocols, drugs in Kenya are also trafficked by air, land and sea through Mombasa ports and air via the international airports from Nairobi to Ethiopia via Addis Ababa.[9] In contrast, fostering rebel forces and terrorist groups; Al Qaeda in the Islamic Maghreb (AQIM)[10] posing threats to national security.

Weak systematic institutions and political security implications
According to Buzan, matters of political security refers to the ability of any state to stabilize itself through its organizational structures, ideologies and governance systems that makes a state legit and grants it authority to rule. However, the underworld cartels like drug and human traffickers challenges this legitimacy and breaks the state autonomy and monopoly of violence. In addition, weak systems and fragile states lack the institutional and financial capacity to control their borders or to manage the underworld activities in their borders, specifically the

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[3] Buzan, B. (1991b). New patterns of global security in the twenty-first century. *International Affairs, 67*(3).
[4] Mutahi, Patrick (2011), Between Illegality and Legality: (In)Security, Crime and Gangs in Nairobi Informal Settlements, in: *SA Crime Quarterly,* 37, 11-18.
[5] United Nations Office on Drugs and Crime (UNODC) (2013c), *World Drug Report 2013*, Vienna.
[6] Gastrow, Peter (2011a), *Termites at Work: A Report on Transnational Organized Crime and State Erosion in Kenya: Comprehensive Research Findings,* New York: International Peace Institute.
[7] United Nations Office on Drugs and Crime (UNODC) (2013c), *World Drug Report 2013*, Vienna.
[8] Ibid;2013a
[9] Ibid
[10] United Nations Office on Drugs and Crime (UNODC) (2013b:4), *World Drug Report 2013*, Vienna.

underdeveloped and unoccupied regions."[11] According to Buxton and Mandel, "institutional decay and violations of the rule of law through formal security providers in weak states are the cause and effect for not only of the emergence of informal security actors but also, the emergence of drug trafficking organizations.[12] Further, extreme ideologies have resulted to recruitment of vulnerable youth to radicalization and eventually deep into terrorist groups like ISIS and Al-shabaab. Once such youths have been brainwashed, they are trafficked beyond Kenya's territories like Somalia where they are trained and natured as foreign fighters or sent back to their country of origin to carryout terror attacks such as the ones experienced in Nairobi and coast regions. And this movements raises eyebrows and questions Kenya's border laxity especially being a hegemony in spearheading conflict resolution mechanisms for the region to ensure peace and security while its own spillover can threaten is security stability.

Besides, the vice affects the nature of relations among other states. In internal law, there are laws that govern non-state actors. Human trafficking in Kenya has attracted a high number of refugees, illegal immigrants and those seeking asylum from neighbouring countries. With all the trafficking, any state security is guaranteed if that particular state has good relations with other states. Like the peace talks Kenya is spearheading in Sudan, a county can achieve this through active participation in the international and regional platforms inclusive of diplomatic missions between states, since there's a possibility that some of these states are the root cause of the illegal trafficking. Therefore, states will be sorting out for alternative mechanisms and enhance global interactions short of it will be forced to consent to treaties that will curb the underworld activities. Failure, the state will succumb to diplomatic row of which will affect the security of the other state in case of an emergency.[13]

Consequently, the underworld activities have helped trafficked foreign individuals gain access to Kenyan citizenship fraudulently while doing the illegal trafficking. And this is a threat to national security when traffickers claim nationality that is earned illegally. The same drug lords are importing nationals from Somalia, Ethiopia and even Uganda and issuing then Kenyan identity cards, to some extent participating in general elections, in order to vote those who have their interest at heart.[14] Through this, irregular migrants put security and sovereignty of the state at jeopardy.

Fueled Corruption and Poor Governance

The underworld has impacted national security through drug driven corruption. According to Buzan, well functioning institutions are fundamental elements of national security.[15] In this regard, necessary legislations are enacted by states to define roles of security officials. Thus, national legislations seek to prevent corruption, which undermines states response to security challenges. DTOs generates large amounts of money that appeal that attracts the underpaid law enforcement and military officers globally. As highlighted in the literature review on Latin America and West Africa, literature reports from Afghanistan, Russia and Central Asia equally often reports prevalent drug driven corruption. Financial facilitation to corrupt government officials can provide a heavenly environment for drug cartels. The underworld may infiltrate into state institutions and even capture the chain of

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[11] Buxton, Julia. 'The Political Economy of Narcotics' Production Consumption and Global Markets, London and New York: Zed Books (2006)

[12] Mandel, Robert 'Dark Logic: Transnational Criminal Tactics and Global Security', Stanford, CA: Stanford University Press. (2011)"

[13] Graycar, . & Tailby, R. (2000) People Smuggling: National Security Implications. Australian Defence College, Astralian Institute of Criminolgy: Canberra

[14] Daily Nation, January 24th 2017

[15] Buzan, B. (1991b). New patterns of global security in the twenty-first century. *International Affairs, 67*(3).

command.[16] Therefore, drug driven corruption undermines the authority of states, the rule of law and equal distribution of resources among citizens.

Corruption and commandeer of government officials and public office bearers by outrightly buying their services of more than what they earn or offering other incentives as well as offering them a stake in the underworld business, thereby making the abuse of office and power to the essential modus operandi of a functioning government contrary to the rule of law. In the year 2015, the US State Department declared that drug traffickers are feeding and fueling corruption in Kenya's government and business.[17] The report further adds that there has been a lack of action in the form of high-level prosecutions or interdiction on politicians and states officers who have been mentioned as drug kingpins in Kenya.

Drug lords and underworld cartels bribe politicians and corrupt police officers to cover up their movements and in return they finance their political interests and pay the officers handsomely. To some extent, the same officers become the drug lord's private armies. The judiciary is not left behind either. They corrupt and intimidate officials of all ranks and those who campaign against them end up kidnapped or killed.[18] Consequently as discussed in the problem statement, the high profile cum politicians who were named as drug 'kingpin' by State Department, the likes of Harun Mwau et al are free men after being tabled in the Kenyan parliament in 2011 by former security minster Prof. George Saitoti who later died mysteriously in a helicopter crash, fronting drug traffickers and al-shabaab militias as main suspects of the incident.[19]

Proliferation of Underworld Cartels

Systemic corruption and a weak rule of law have made it difficult for the justice system to track criminal networks and this is a big threat to national and regional security. Kenya is a transit and destination for all trafficking as per UNODC. Growing of criminal networks and illegal funding to infiltrate security institutions and government agencies, change or influence the motivation of its associates, determine objectives towards the ruin of underworld activities questions the democratic processes and state legitimacy. The questions of who elected officials are bound to electoral constituencies, criminal networks, governments or even terrorists groups; is highly important to pay attention to since underworld cartels have the ability to influence and reshape relational dynamics among politicians and between security actors, business community within and beyond territories.[20]

Intensive underworld activities undermine the rule of law globally. As discussed in the literature review drawing analogies from Latin America, for example in Mexico, drug cartels are accountable for massive massacre of more than 50,000 people since 2006.[21] Additionally, same challenges were experienced in Bolivia, Colombia, Peru, Afghanistan and Nigeria. In the Kenyan context, the ugly scenes have been experienced and carried out by Mungiki. Recently in Nairobi, another group emerged as 'Nairobi Business Community' which is perceived to be part of the underworld. The rise of these criminal networks is a threat to national security and the Kenyan government should take internal crime seriously like those of external threats. Failure by the government to respond to the increase of underworld cartels fueled by drug lords will exacerbate the degree of threat to unprecedented level. Thus governments should develop new mechanisms to fight the vice and adhere to the Palermo protocols as well as join hands with other states experiencing the same challenges to counter the vice.

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[16] Phil Williams (2008) Transnational criminal organisations and international security; Pages 96-113
[17] US 2015 edition of the department's global report on narcotics control
[18] UNODC 2012; Briefing to UNSC
[19] Lorenzo Bagnoli, 2015 Kenya's Drug Barons; 16 July 2015
[20] James Cockayne (2012), Africa War on Drugs October 19, 2012. 1206
[21] Courtney Garcia(2013) Mexican Drug Cartels

Economic security implications

Buzan defines economic security as those aspects that allow community or individuals to access monetary aspects of life, markets and other economic resources in order to better their way of living and empower them economically and politically.[22] Trafficking in Kenya according to national crime research centre based researcher extends from drug and human trafficking to SALW, money laundering, poaching, piracy, contraband and smuggled goods just to mention but a few, and these underworld activities are interconnected. He further argues that trafficked persons cross the border with their goods. All illegal cash is converted into other commodities and these goods cross the border untaxed whereas this denies the government revenue hence sabotaging the economic prosperity of the country. And this is a serious threat to economic security of a nation state. Most of these goods are channeled through the Kenya Somalia border, Uganda, Tanzania, Ethiopia and Sudan. Mostly, goods from Somalia and Ethiopia are not taxed furthermore locals prefer to purchase smuggled goods since they are relatively cheaper.

Buzan further addresses the significance connection between economic security and other aspects of security. According to Buzan, economic markets are characterized by aggressive competition, risk and uncertainty. Buzan underpins that, it is stable and strong economy that can facilitate budget allocation for military security. He further argues that it's the constraints endured in the military sector that make military security to rely on economic security. Without significance resources, economic security threats pose greater challenges to the state and citizens, making it hard for the government to address both military and political call outs. Smuggled goods and trafficked persons distort the stability and capacity to manage uncertainty. This is because both legal and illegal goods are traded outside contrary to the market rules. These underworld activities undermine the conventional market economy consequently jeopardizing resources, community business and social and national cohesion among the citizens, and causes national disintegration. According to Kicinger, issues of unemployment among citizens serves as a catalyst to the vice and can be fueled by social issues like ethnic, religion and culture differences that may exist in a given country. [23]

Also SALW smuggled into the country poses high threats of insecurity. The fire arms can land to the wrong hands of criminals and can use them to terrorize people and this is not healthy for any economy. This drives the attention of the state off from other security matters such as food, health, environmental drugging the economy behind since it incurs other expenses to deal with the emerging insecurities rather than progressing on development.

Societal security effects

When reflecting on Buzan domains on national security, he views societal security in terms of cultures, languages, religious and national identities as part of security. These interchanging variables must be embraced and accepted within a recognized social range. Drug and human traffickers smuggle goods and migrants across the borders whose culture and customs disintegrate the social fabric of the host society. The tucks that drug lords use to smuggle goods are the same ones used to carry smuggled immigrants thus escaping the necessary security checks. And this is a threat to societal security since they could be carrying deadly infectious diseases thus jeopardizing the health of the population hence security of the nation at risk both at transit and destination.

Further, the illegal trafficking infringe on the basic human rights of the victims. On a theoretical perspective, while analyzing the rational choice theory, there are three actors of these vice; victims hoping the government to intervene being one of them. These kinds of victims are reportedly going through lots of physical and

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[22] Barry Buzan (1998) Security: A new Framework for Analysis
[23] Anna Kicinger (2004) international migration as a nontraditional security threat

psychological torture. This is due to the environment and circumstances they find themselves in such as bad working conditions, physical abuse, trauma, low wages and salaries, occasional deaths, sexual abuse and even debts. And these are some of the characteristics as discussed earlier on strain theory. Occasionally, some of thsese victims are as a result of the push and pull factors, nature and system of governance divergence in their homeland. And these will certainly cause insecurities in the country of final destination,[24] ultimately might cause cultural and ethnic tensions in the host country.

Drug and human trafficking can impact negatively on society especially on the victim's home country. Other communities may reject the victims leading to stigma. This will also instill fear, hatred, ethnic animosity, escalation of crimes and violence activities among communities. As a result, this will break families and cause an erosion of societal linkages and dismantle support networks hence undermining the economic prosperity of individuals in that community.

Other challenges such as poverty, unemployment and dictatorship influence individuals to join the underworld and become suicide bombers and embrace terrorism.[25] Besides, emotional issues, ethnic divergence and cultural domination may also lead people to embrace the vice.[26] Issues of identity make individuals vulnerable to the recruiters. Further, discrimination of individuals from accessing social services increases levels of the vice in the community. Victims will feel deprived of their entitlements such as jobs, basic health care, and education. This will create enmity between the lower social class and upper social class creating the gap between the rich and the poor. Cultures from the minority and marginalized will feel neglected thus biased social and economic policies forcing the government to ensure equality among all in society in order to develop the country.

Conclusion

This study has established that the underworld activities impact negatively on the states and the welfare of the citizens. When looked into perspective, drug and human trafficking affect the security of a state immensely. The study explored the connection between drug and human trafficking and national security implications in Kenya based on the wider Buzanian approach, it argues that the vice disintegrates social network and as a result destroys the national security of a nation state. Further, it undermines human capital, economic development, and government authority as well casts debilitating costs on Kenyan community.

Recommendations

I.   The government should come up with mechanisms to detect, arrest and cease the underworld cartels as opposed to focusing majorly on the reactive measures that only focuses on the victims. Institutions such as internal security, legislative and the judicial systems should therefore adopt more of soft policy approaches that are in line with the Kenyan constitution.

II.   State security systems should encompass on a wider scope that reflects on the 21 century emerging security threats. Further, the system should incorporate all relevant institutions; agencies and private sector. This will go a long way in creating awareness on the policies and expected results and to bring fresh ideas and skills.

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[24] Graycar, A & Taiby. R. (2000) People Smuggling: National Security Implications Australian Defence College, Australian Institute of Criminology. Canberra
[25] USAID report , 2009
[26] Kalinaki D. (August 10 2014) How poverty and search for identity drive youth into terrorism. Daily Nation, retrieved on October 6th 2016 http://www.nation.co.ke/news/Terrorism-Radicalisation-Al-Shabaab-Kenyans/1056-2414722-nll1ovz/index.html

III.   Despite Kenya being part of Palermo Protocol with legal frameworks such as Organized Crime Act to deal with threats to national security, there is still very little knowledge to the public in regards to the same. The government should therefore take initiative of sensitizing the public on the provisions of the legal system. Further, in addressing the underworld activities, the government should be firm on fighting internal threats such as corruption with the same measure it uses in fighting external threats such as terrorism.

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