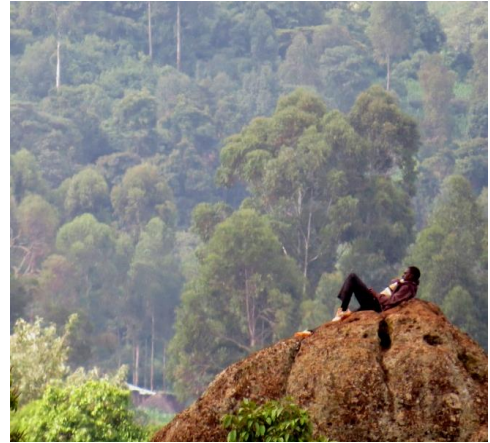
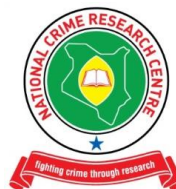


CRIME AND VIOLENCE PREVENTION TRAINING 2016

KWALE AND BUNGOMA COUNTY CRIME AND VIOLENCE SURVEYS



Kennedy Mkutu, Gerard Wandera, Vincent Opondo and Obondo Kajumbe



Foreword

This document is part of a larger project, the Crime and Violence Prevention Training, a month-long course which has been run annually since 2011 as a collaborative project between United States International University and Kenya School of Government, the foremost institute for the training of policy makers in Kenya. The project was sponsored by Open Society Initiative East Africa (OSIEA) as part of its Crime and Violence Prevention Initiative in the region, and is now joined by The World Bank and Coffey International. The project has evolved over time to equip a wide range of relevant actors at the county level in response to Kenya's devolved government structure since 2013. These surveys now aim to establish a basis for the Crime and Violence Prevention Training course in Bungoma and Kwale.

Acknowledgements

We are grateful for the funding for the research and publication which comes from OSIEA and the World Bank respectively. Thanks go to all informants from the various sectors of national and county government, security, civil society, businesses and communities who assisted in providing the information in this document. It was evident that many are concerned to build their counties for the future and create safer and healthier societies for all Kenyans. Thank you to the research assistants, Mrs Riziki Mwakusirikwa of Sauti ya Wamama and Albinus Muga of the Catholic Justice and Peace Commission, Bungoma. Thanks lastly to Tessa Rhodes Mkutu for editing the work and contributing to the understanding of medical issues.

CRIME AND VIOLENCE PREVENTION TRAINING 2016	1
KWALE AND BUNGOMA COUNTY CRIME AND VIOLENCE SURVEYS	1
Foreword.....	3
Introduction	1
Crime and Violence Prevention Training	2
County-Level Actors Relevant to Crime and Violence Prevention.....	3
Purpose of the Baseline Surveys.....	4
Kwale County	6
Background	6
Findings: Drivers of Crime and Violence	9
Findings: Crime and Violence Dynamics and Current Strategies.....	20
Findings: Challenges within Police and Administration.....	34
Findings: Potentials for Prevention.....	36
Bungoma County.....	45
Background	45
Findings: Drivers of Crime and Violence	47
Findings: Crime and Violence Dynamics and Current Strategies.....	56
Findings: Governance and Security Challenges	71
Findings: Potentials for Prevention.....	73
Conclusion.....	78
Bibliography	80
Appendix 1:	82
Appendix 2:	84

Executive Summary

Introduction

Open Society Institute East Africa, through its Crime and Violence Prevention Initiative sponsored a modular training in 2011 in collaboration with United States International University (USIU) and Kenya School of Government (KSG). The course brought together government, civil society and academia to learn together about crime prevention in Kenya. The Crime and Violence Prevention Training (CVPT), as it became known, aimed to promote policy and public discourse on crime and violence prevention and safety in Kenya, to explore strategies, tools and methods of crime and violence prevention and to facilitate the emergence of a multi-sector group of actors engaged in crime and violence prevention in Kenya.

A preventative approach to crime and violence has been increasingly recognized, formalized and promoted in recent years as part of an efficient and effect response to the ravages of crime and violence (WHO et al 2014), while the UN's Sustainable Development Goals (SDGs) were created in 2015 as the successor to the Millenium Development Report. SDG 16, known as Peace, Justice and Strong Institutions details several targets on crime and violence, the rule of law, justice and institutions and gender empowerment, which are all relevant to the CVPT.¹ In Kenya there has been little by way of public debate nor policy discourse on crime and violence prevention, and the police are largely divorced from the public due to mistrust and a history of repression, however, CVPT has promoted understanding and partnership between the state security and other sectors with whom valuable partnerships can be formed. Since crime is multi-factorial, it requires a multi-level, multi-agency approach, which if well-coordinated through partnerships can make use of different perspectives, resources and skills in the most efficient, cost effective and sustainable manner. Partners in crime and violence reduction can come from a wide variety of sectors, which are represented in the CVPT.

In 2013, Kenya enacted changes to its government as provided for by the 2010 Constitution, devolving several functions to 47 county governments, which include roles in employment, development, education and planning amongst others, clearly relevant in the prevention of crime and violence. Furthermore, Governors head up County Policing Authorities (CPAs) responsible for priority setting and oversight of policing, and also lead County Security Committees which bring together police, national and county administrators in day to day security management decisions.

Surveys in Kwale and Bungoma counties were carried out to inform the CVPT, cognizant of the need for good quality local data to inform prevention initiatives. They aimed to establish the main crime and violence dynamics in the county and their drivers, and to explore the preventative strategies and multi-sectoral partnerships already taking place in the area. This would assist the researchers and participants of the training to think about what potentials exist for crime and violence prevention. The surveys comprised desk research and 5 days of interviews and focus groups with security officers, administrators from county and national government administration offices, representatives from civil society and faith based organizations, community-based organizations and hospital staff amongst others.

¹ See <https://sustainabledevelopment.un.org/?menu=1300>

Findings in Kwale County

Kwale County, located in the south of Kenya's coastal area has a population of around 650,000 (KNBS, 2009) with 80% belonging to indigenous *mijikenda* tribes. A high majority (75%) of the population is Muslim. The area is blessed with large stretches of white coral sand and is a popular tourist destination, as well as a desirable site for the second homes of wealthy Kenyans. Local people, however, often do not proportionally benefit from this boost to the economy. Poverty is widespread, unemployment high, and the county is underdeveloped in terms of infrastructure outside of the tourist areas. Education is also lagging behind the rest of the country and girls, in particular, drop out of school at a young age, often due to arranged marriages. The survey considered drivers, or risk factors, in crime and violence, current dynamics, challenges for police and administration and potentials for prevention.

Drivers in crime and violence

The following drivers for crime and violence were identified:

- Marginalization and landlessness: Successive dominations of the Portuguese (16th Century), Arabs (18th Century) and British (20th Century) have left the majority (71%) of locals landless (Njanye, 2010). Titled land including prime beach plots are owned by outside investors. Settlement schemes have been fraught with problems, irregularities and disputes (Haki center, 2013). Land issues amongst others have led to several uprisings by locals, including Kaya Bombo in 1997 and Mulung'unipa in 2007-2008.²
- The Mombasa Republican Council (MRC): The MRC is a social movement which arose in 1998, citing marginalization and land injustices against indigenous coastal peoples. The movement makes secessionist claims on the Coastal strip of land and attract wide ranging support amongst coastal peoples. In 2008 the MRC were accused of being associated with the training of youth militia in Mulungu Nipa forest (Goldsmith, 2011). In 2016 new concerns emerged about militia training in sacred forests (Kayas) in the coastal areas.³
- Poor education: Schools are poorly resourced and educational standards are low. Only around 42% of students proceeded to secondary education in 2015. Only 2 of these over 15,000 students scored A- grades. Therefore employment opportunities in tourism and other industries often go to outsiders. Madarasa (Islamic) education may sometimes be preferred and is promoted by the MRC.
- Family breakdown: There is a high divorce rate and many single mothers.
- Drugs/alcohol: Heroin and other drugs, and palm wine (nazi): local brew are important factors in family disputes, crime and violence.
- Cultural issues: The tourism industry brings other challenges for young people such as sex tourism, alcohol and drugs and culturally and religiously unacceptable 'freedoms'.

Current dynamics

The Annual Police Report 2015 ranks Kwale 28th out of Kenya's 47 counties in reported crimes, with a total of 1097 (GoK, 2015). These include:

² Interview, local Sheikh, 11th April, Kwale, 2016; FGD Chiefs, Mutuga, 13 April, 2016

³ Beja, P (2016) 'Police on high alert amid fears of outlawed MRC gang regrouping'. Standard Daily. 26 June p 19

- Petty theft: This is common in tourist areas and driven by the high levels of inequality
- Armed crime: There is a link between the arms trade and the drug trade. Police may rent out their arms. Another relevant finding was the return of young people from Somalia where they have received arms training with Al Shabaab.
- Drugs: Heroin use is the most important drug problem; it is of poor quality and is sold at as low as 50 shillings a packet, and given for free on the beaches on Fridays, to create new addicts. Prostitution is a common way of funding the habit. An estimated 3500 users live in the Diani area alone. Drug smuggling occurs through coastal borders and the Kenya-Tanzania border. Media reports have implicated several prominent people in the trade.
- Boda-boda (motorcycle/bicycle taxi) and crime: Boda-boda may be used to facilitate crimes such as smuggling and theft. Operators are often implicated in pregnancies of teenage girls whom they transport to and from school. Poor training leads to risky and lawless driving with high rates of accidents; 12 deaths were reported by Matuga Hospital over 8 months coming from the Diani area. Operators are also victims of attacks and thefts of bikes, especially at night.
- Gender-based violence and defilement: One police station reported 30 cases of gender-based violence every day. Poverty, beliefs about gender rights, and religious beliefs which allow early marriage contribute to a high rate of defilement, affecting even pre-teen girls. 631 pregnancies under 18 were seen in Kwale District Hospital over a year from 2014- 2015.⁴ It is an important cause of school drop-out. Young people are ill informed and vulnerable to making unwise choices.
- Terrorism and related issues: Young people are being radicalized through various means including recruitment agencies, mosques and social media, which offer attractive sums of money for those willing to fight with Al Shabaab in Somalia. Some youths are also travelling further afield to Islamic State controlled areas. Kwale has a large number of returnees (possibly around 700), many of whom are underground, fearful of repercussions. A government amnesty produced around 1500 such youths from the Coast area, but some continue to fear social rejection and for their safety. Some are likely to be involved in gang and criminal or even terrorist activities.
- Disappearances: Many young people are disappearing from the county; while some may be travelling to Somalia, suspicions are high that many are the victims of arbitrary arrests by police. There is substantial evidence for this allegation.
- Witchcraft: The practice of witchcraft, and allegations of the same are common. Both lead to fear, suspicion, under-investment, family conflict, and occasionally to mob-justice and murder.
- Smuggling: The border with Tanzania is a site of illegal trafficking of sugar, arms, drugs and people amongst others.

Challenges for police and administration

- Coordination issues: lack of coordination between security agencies and the administration creates opportunities for crime to flourish. Christian-Muslim tensions within these agencies is a factor in this.

⁴ Data from Kwale District Hospital, 2015, accessed April 2016

- Police-community relations: Youths complained of negative profiling/stereotyping as potential terrorists, or MRC sympathizers, and resent the way in which they are treated and the allegations of arbitrary arrests. Lack of witness protection and police corruption or collusion with criminals limit the willingness of communities to go to the police. Religious and cultural differences, as well as different beliefs about crime and violence also play a part here.
- Community policing: The Nyumba Kumi strategy has been difficult to implement, partly due to the heterogeneity of communities and their interests along the coast. Attempts to collect information on terrorism have led to the brutal killings of 3 community based Nyumba Kumi officials in 2016,⁵ dealing a blow to the entire strategy.
- County Policing Authorities: These structures are not yet operational in the county due in part to lack of government guidelines.

Potentials for prevention

- Devolution: The County Governments 'County Integrated Development Plan' of 2013 identifies educational and vocational training needs, the local economy, land adjudication, youth empowerment, socio-cultural integration and community participation in policing as priorities. Devolution remains a work in progress however.
- Peace Committees: These structures which involve community members have been effective on a number of important matters. They belong to the pre-devolution dispensation, and while still operating are suffering from diversion of their funds through county governments which is hampering operations.
- Civil society: Civil society groups contribute many valuable initiatives in the county. At the grassroots level, women's groups have great potential in addressing risk factors within the family. There is a lack of coordination between the County and civil society.
- Special services: Services for gender-based violence are inadequate, piecemeal and geographically inaccessible. A support center for drug users was doing valuable work.
- Other: Youths made a number of suggestions toward crime prevention which focused mainly around investment, training and empowerment. Police acknowledged the need for public awareness campaigns and better witness protection to improve intelligence gathering, as well as rehabilitation of returnees and settling of landless people and alternative dispute resolution for land conflicts.

Findings in Bungoma County

Bungoma County is located in Western Kenya, on the border with Uganda, and is home to the southern slopes of Mount Elgon. Bukusu and Sabaoth ethnic groups predominate with Christian, Seventh-Day Adventist and traditional religions acknowledged. The county has suffered high marginalization and poverty is high, although the land is fertile, and the county produces sugar. The survey considered

⁵ Mbabenge, F. (2016) 'Fear grips Kwale as three Nyumba Kumi officials are killed' Daily Nation, 30 May <http://www.nation.co.ke/news/Fear-grips-Kwale-as-three-Nyumba-Kumi-officials-are-killed-/-/1056/3224602/-/tkptij/-/index.html>

drivers, or risk factors, in crime and violence, current dynamics, challenges for police and administration and potentials for prevention.

Drivers in crime and violence

The following drivers for crime and violence were identified:

- **Land:** The Bungoma County Integrated Development Plan (2013) notes that according to KIBHS 2006/07, only 34.1% of land parcels in the County have title deeds whereas 65.9% of households reside on ancestral lands with no official documents of ownership. The violent and bloody Mount Elgon conflicts over the past 25 years were the result of displacement of the Kony people by the colonial government, reallocation of land in post-colonial years, confusion and irregularities in the allocation process and political manipulation of ethnic tensions. The Sabaot Land Defence Force arose in 2006 and began a 'reign of terror' on the mountain driving out Bukusu and settling scores against members of the Ndorobo clan of the Sabaot, with arms funded by a political figure. 615 deaths (HRW, 2008) and over 60,000 displacements were estimated (KNHCR, 2008). The police appeared inactive, until in 2008 special units were sent in, followed by the army. Local people were then subjected to a further round of human rights abuses as indiscriminate violence and torture were used to flush out the SLDF. 72 deaths and 34 disappearances were estimated (HRW, 2008). Further land allocations, ongoing illegal land acquisitions, a high number of IDPs, a frustrated marginalized local population and political rivalries for 2017 elections make conflict likely to recur. Also, traditional oaths taken to commit violence continue to exert power over ex-combatants. Other parts of Bungoma also suffer land conflicts, particularly over succession, which may be violent, complicated by corruption and may even result in murder.
- **Internally displaced persons:** There are at least 7000 IDPs in various parts of the county as a result of land conflicts (UNDP, 2013).
- **Poverty and unemployment:** These are particularly severe in the Mount Elgon sub-county as a result of the conflict; The demise of Mumias Sugar factory in 2012 has deprived many sugar cane farmers of their income.
- **Education:** Bungoma has some reputable schools, however school dropout is high, possibly related to traditional initiation ceremonies, especially for girls.
- **Religion and culture:** Circumcision ceremonies among the Bukusu may be associated with forceful circumcision, while among the Sabaot, female genital cutting (FGC) remains common and is associated with early marriage of the girl or early sexual debut, early pregnancy and school dropout. In the Mount Elgon conflict, traditional leaders known as *laibons* exerted great influence over combatants for both peace and war.

Current dynamics

The Annual Police Report 2015 ranks Bungoma 6th out of 47 counties in reported crime incidents. These include:

- **Thefts:** These are often related to trade and transit across the Kenya-Uganda border. Hotspots include the Sango Nzoia bridge and Bungoma Central. Theft from trucks, burglaries, cattle thefts and theft of boda-boda motorbikes were common.
- **Assaults and gang violence:** A wave of politically motivated violence began in 2013 with brutal gang attacks on several villages leading to killings of at least 17 people and maiming of others. Police appear unable to arrest the perpetrators of these attacks. Other gangs operate in the county, including 40 Brothers, Kabuchai Defence Force, 42 Brothers, Kanduyi Boys and Westgate 36, some of which are politically linked. Activities range from petty theft to killings and militia for hire.
- **Mob justice:** This is common in the county as a response to theft, especially theft of motorcycles and police often turn a blind eye.
- **Boda-boda (motorcycle or bicycle taxi) and (car) taxi related crime:** All kinds of taxis may be used to facilitate crimes such as smuggling, crimes across the border and theft. Boda-boda operators are often implicated in pregnancies of teenage girls whom they transport to and from school. Poor training leads to risky and lawless driving with high rates of accidents; . Operators are also victims of brutal attacks and/or thefts of bikes, especially at night. Engines of stolen bikes are used to power motor boats on Lake Kisumu.
- **Gender based violence and defilement:** Gender based violence is common and physical abuse is normalized as in many other parts of Kenya. Rape was common during the land conflict in Mount Elgon. In terms of defilement, pregnancy under the age of 18 is common, but defilements of adolescent girls or even pre-adolescents are the most concerning. Police in Bungoma Town reported 26 cases against under 12s in 2 and a half years. In 2016 20 schoolgirls from 14-18 years from Chelebei School were found pregnant after the December holidays. The county reported 140 teen pregnancies in 2014. Defilements were related to 'coming of age' and early marriage/early sexual debut, unsafe sleeping quarters caused by internal displacement during land conflicts and sex with boda-boda operators, sometimes for pocket money, during transport to and from school. There is a lack of capacity in the police, judiciary and health sectors to deal with the problems.
- **Small arms:** Arms enter from Uganda at Lakwaka and Chebkube border points, smuggled in food sacks and aided by kinship ties across the border, and payments to corrupt officials. The SLDF acquired arms through local taxation and political sponsorship, and these continue to be used for crime. Armed National Police Reservists are being posted in the Mount Elgon area, raising concerns about the number of arms in circulation in the area.
- **Alcohol and drugs:** There is an active trade in illicit brew (*chang'aa*), in which police are complicit. Alcoholism is high in Mount Elgon and 24 hour opening of bars is contributing to this. The weaker *busaa* brew is popular in circumcision ceremonies and while it may be linked with crime it is also considered an important contributor to the local economy.

Challenges for police and administration

- **Under-resourcing:** Human and other resources such as fuel are inadequate to deal with the challenges; budgets are inadequate for investigation of crimes.

- Corruption: Police are overwhelmed by boda-boda related crimes but curfews to tackle this are undermined by corruption. Smuggling across the border is also facilitated by corruption.
- Police-community relations: Although there are a high number of security personnel of various designations in the Mount Elgon area there seems to be a lack of efficiency and connection with community needs. Relations are strained by the events of the recent past, youths complain of being profiled as SLDF combatants and people are unwilling to give information to the police. Under-resourcing leading to police inaction, protection of some criminals and poor witness protection contribute to the lack of trust of police in other areas also.
- Community policing: The county was a pilot county for Nyumba Kumi and has 2950 Nyumba Kumi representatives. However, the issues mentioned above hamper the effectiveness of the strategy, and police note that there is a lack of resources to entrench the initiative.

Potentials for prevention

- Devolution: The County Governments 'County Integrated Development Plan' of 2013 identifies educational and vocational training needs, building and diversifying the local economy, improvement of infrastructure, and private-public partnerships for urban development, as some of the priorities. Better street lighting in Bungoma town has already reduced crime.
- Land: Land allocation was not mentioned in the plan and is the ongoing work of Bungoma County Land Management Board, formed by the National Land Commission. The county has a Committee of Land, Urban Development and Physical Planning made up of Members of the County Assembly.
- Chiefs: Chiefs had important roles in contributing to crime management and prevention, through their knowledge at the local level.
- Peace processes: Peace processes include the Mabanga Accord of 2011 between Sabaot, Bukusu and Ateso elders and the Abbey Resort Resolution of 2015 led by the National Cohesion and Integration Commission and attended by elders, and the rival politicians amongst others. These contain commitments to non-violence and addressing the root causes of the Mount Elgon conflict.
- Elders: The Bukusu and both clans of the Sabaot have established Councils of Elders which promote preservation of culture, interests of local people and law and order at the local level. The Sabaot Council states that it aims to promote alternative rites of passage for girls, avoiding FGC.
- Faith-based and civil society organizations: The Catholic Church is well respected and has played an important role in assisting displaced people during the Mount Elgon conflicts as well as facilitating peace and reconciliation processes and building a school for girls. Action Aid and Free Pentecostal Church Kenya and Rural Women Peace Link have carried out some interventions involving counselling and forgiveness.⁶ Salome Matakwei, widow of the slain SLDF commander has started a peace foundation and prayer center which also assists youths with livelihoods.
- Self-help initiatives: The cooperative model is helping to support boda-boda operators and in so doing, professionalize the sector.

⁶ Salome Matakwei, widow of late SLDF commander in FGD, Cheptais, Mt Elgon, 7 June, 2016

- Media: BK community radio in Mount Elgon was able to assist in dissemination of information to reduce crime and violence in the area.
- Other: Police suggestions focused around typical policing issues such as Nyumba Kumi and border control and police complicity in crime, as well as broader issues of regulation of the *busaa* industry and political incitement to violence. Administrators noted the importance of facilitating return to school for those who have dropped out, assistance to street families, and drug/alcohol rehabilitation centers. Youths pointed to the need for land allocation to young people, equitable sharing of opportunities, civic education in peace building and governance, as well as training and employment needs.

Conclusion

The counties have several issues in common, including marginalization, land conflict, gender-based violence and defilement, mistrust between police and community and gang violence. Bungoma has particular challenges with ethno-political violence while Kwale struggles with radicalization and terrorism. The needs of youths are an important factor in both of these problems. Police recognize the need for preventative initiatives, and ideas, potentials and activities for prevention were evident.

The training may not come with comprehensive answers to the issues raised, but it begins the process of partnership, visioning and problem solving by the various players within counties. It breaks down barriers and enhances coordination of efforts by stakeholders with similar goals but different skills and roles, thereby increasing efficiency and reducing the risk of good initiatives fizzling out for lack of support. It helps to form a common agenda, and may assist the operations of the new County Policing Authorities in setting relevant priorities for policing. It is hoped that this document will be a starting point for dialogue and also for further research.

Introduction

A preventative approach to crime and violence has been increasingly recognized, formalized and promoted in recent years as part of an efficient and effect response to the ravages of crime and violence.⁷ The underlying assumption is that,

*Crime prevention strategies not only prevent crime and victimization, but also promote community safety and contribute to sustainable development of countries. Effective, responsible crime prevention enhances the quality of life of all citizens. It has long-term benefits in terms of reducing the costs associated with the formal criminal justice system, as well as other social costs that result from crime.*⁸

Crime and violence prevention involves a detailed look at the factors which are involved in crime and violence, both risk factors and protective factors. WHO and its partners have identified 7 key strategies, based on growing evidence, which will help to prevent crime and violence. These are:

- Developing safe, stable and nurturing relationships between children and their parents and caregivers;
- Developing life skills in children and adolescents;
- Reducing the availability and harmful use of alcohol;
- Reducing access to guns and knives;
- Promoting gender equality to prevent violence against women;
- Changing cultural and social norms that support violence;
- Victim identification, care and support programs.⁹

Thus crime is multi-factorial and requires a multi-level, multi-agency approach, which if well-coordinated through partnerships can make use of different perspectives, resources and skills in the most efficient, cost effective and sustainable manner. Partners in crime and violence reduction can come from a wide variety of sectors. They involve various levels of government (national and local), who have different mandates and areas of expertise and non-state actors, in particular, civil society groups and even traditional authorities, who assist to ensure local ownership at every stage, a key element of a successful approach. The role of the media, with its powerful positive and negative potential in bringing attitudinal change and disseminating information is an important one in the multi-agency approach, and the private sector have interests and roles to play in crime and violence prevention (through contributing to improvement of environments and communities and supporting families). Lastly academia and research institutions through valid research and publication may direct and support crime prevention initiatives.

⁷ WHO, UNDOC and UNDP (2014)

⁸ WHO, UNDOC and UNDP (2014)

⁹ WHO, UNDOC and UNDP (2014)

The UN's Sustainable Development Goals (SDGs) were created in 2015 as the successor to the Millennium Development Report. SDG 16, known as Peace, Justice and Strong Institutions details several targets on crime and violence, including the significant reduction of all forms of violence and related deaths everywhere, an end to abuse, exploitation, trafficking and all forms of violence against and torture of children, the significant reduction in illicit small arms flows and tackling of other organized crime, a substantial reduction in corruption, along with other targets to do with the rule of law, justice and institutions. SDG5 known as Gender Empowerment is also relevant to the Crime and Violence Prevention Training.¹⁰

In Kenya there has been little public debate nor policy discourse on crime and violence prevention, and the police are largely divorced from the public due to mistrust and a history of repression.¹¹ Community policing has received some attention in Kenya in the last 2 decades, but benefits were never felt, due in part to poor understanding of the concept, a lack of real partnership with communities and an ongoing repressive police culture.¹² Another immediate problem in the area of crime and violence in Kenya is the lack of data. Hill (2009) notes 'Kenya's crime statistics are not reliable in the context of widespread corruption, political manipulation, weak police oversight, and a variety of organizational inefficiencies'. Therefore Kenya urgently needs to develop opportunities for alternative thinking and practice to repressive policing as well as moving from securitization to safety (Hill, 2009).

Crime and Violence Prevention Training

Open Society Institute East Africa, through its Crime and Violence Prevention Initiative sponsored a modular training in 2011 in collaboration with United States International University (USIU) and Kenya School of Government (KSG). The course brought together government, civil society and academia to learn together about crime prevention in Kenya. The Crime and Violence Prevention Training (CVPT), as it later became known, aimed to promote policy and public discourse on crime and violence prevention and safety in Kenya, to explore strategies, tools and methods of crime and violence prevention and to facilitate the emergence of a multi-sector group of actors engaged in crime and violence prevention in Kenya. Further phases built on the aims and successes of the first, widened the audience for crime prevention training and further developed and expanded the curriculum. To keep the CVPT highly relevant the decision was taken to move the training to the county level, beginning with Vihiga and Nakuru county actors who were trained in 2015 and Bungoma and Kwale actors, trained in 2016.

The training rises to the challenge of crime and violence in Kenya in a number of ways. Firstly, given the mounting evidence for the effectiveness of prevention strategies, one important next step is to intensify and expand violence prevention awareness among decision makers (WHO 2010), something which the CVPT has been doing. Secondly, CVPT through its workshop sessions has also been enhancing non-state and state participants' capacities to design, implement and manage effective sustainable crime and violence reduction programs. Thirdly, traditionally, security management has remained a preserve of the

¹⁰ See <https://sustainabledevelopment.un.org/?menu=1300>

¹¹ See Dearden, L (2016) 'Kenya launches inquiry after police photographed kicking and beating man in crackdown on protests' *The Independent* (London) 17 May

¹² Ruteere and Pomerolle (2003)

state and its machineries and a relationship of mistrust, fear and suspicion has existed between members of the civil society and law enforcement agencies. The CVPT however, has promoted understanding and partnership.

Aims

The aims of the CVPT may now be expressed as follows:

1. To continue the momentum of developing people and promoting discourse in the area of crime prevention
2. To promote an integrated crime prevention approach.
3. To continue to build the capacity of county governments in response to Kenya's new devolved government structure

County-Level Actors Relevant to Crime and Violence Prevention

Under Kenya's new dispensation, provided for by the 2010 Constitution, Kenya's 47 county governments under their respective county governors have responsibility for certain roles such as the control of drugs and pornography, fire-fighting and disaster management, transport, control of public nuisances, trade development and regulation, education and health, and overall county planning and development. Although policing remains under the national government and is overseen by county commissioners, the role of the county government is nonetheless vital. Drivers of crime and violence clearly include issues such as employment, development, education and planning and thus governors have the opportunity for prevention.

Furthermore, The National Police Service Act, echoing the constitutional requirement for increased participation by communities in decisions affecting them, creates a County Policing Authority (CPA) in each County. These bring together representatives from county, national and local community security interests under the chair of the governor. They are responsible for monitoring trends and patterns of crime, developing proposals on priorities, objectives and targets for police performance, monitoring progress and achievements, overseeing and promoting community policing initiatives, facilitating public participation and providing financial oversight for the budget for policing. Decisions of the CPA are intended to feed into the County Security Committee, responsible for day to day management of security and deployment of police. Until January 2015 the legal provisions had yet to be finalised, but counties are now in the process of putting these structures in place.¹³

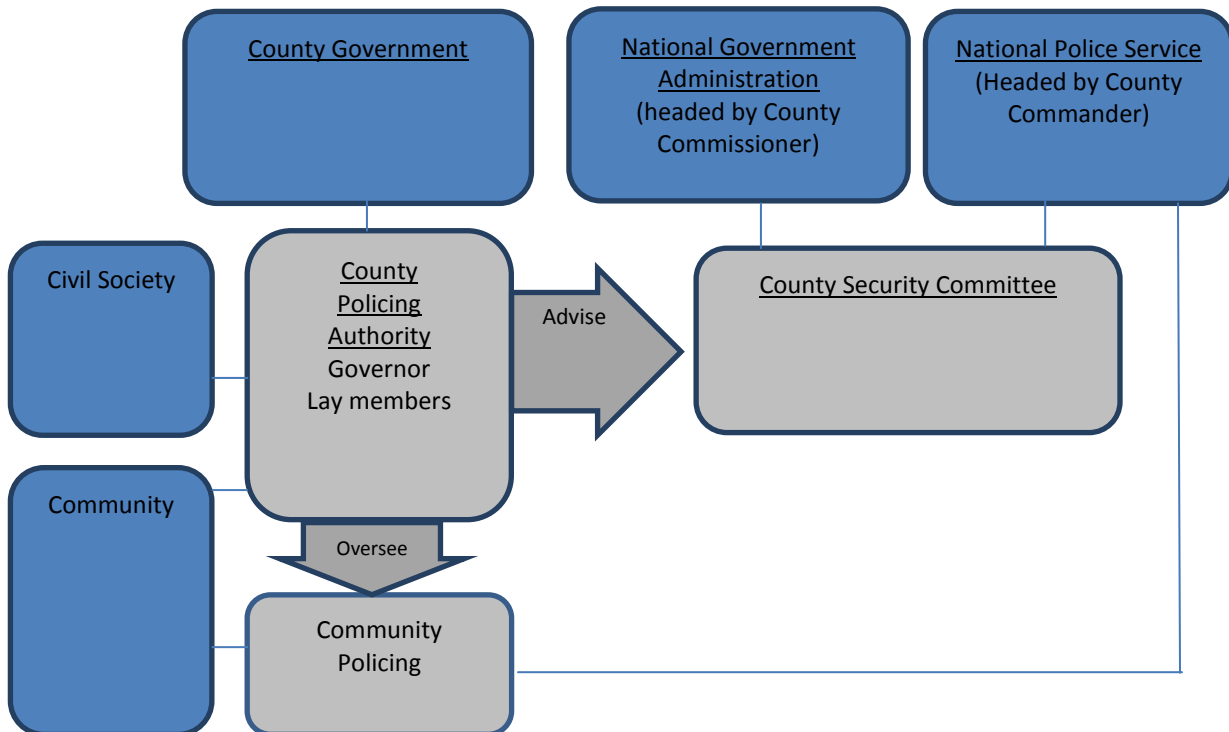
Governors have expressed a desire for capacity building in the area of crime prevention. This was revealed during a meeting hosted by the CPT in May 2014 to which county governors together with county commissioners and representatives of national government were invited. Governors were introduced to the concept of safety audits which would assist them in prioritizing the needs of their

¹³ The county government of Kwale county public service board on 28 January became the first County to advertise vacancies for CPA pursuant to section 41 (1) and (2) of the National Police Service Act 2011

counties. Furthermore, the meeting assisted the county and national government representatives to understand the roles of the other and the importance of partnership in security.¹⁴

Thus in Kenya's counties, CVPT aims to bring together some of the relevant actors (see figure 1) to train side by side, promoting partnership and capacity building for a crime prevention approach.

Figure 1: Actors and structures relevant to crime and violence prevention in Kenya's counties



Purpose of the Surveys

This work set out to undertake two surveys of crime and violence in Kwale County and Bungoma County in order to inform and contextualize the training. The two counties are from opposite sides of the country and are different in terms of geography and ethnicity, yet they face certain similar challenges of crime and violence related to land conflicts and gender-based violence. The surveys ask questions such as,

1. What are the main crime and violence dynamics in the county?
2. What are some of the drivers of these (which may be amenable to preventative strategies)?
3. Who are the players in addressing crime and violence and what challenges are they facing?
4. What preventative strategies are already taking place (including multi-sectoral partnerships)?

¹⁴ Governors meeting on Crime and Violence Prevention, held at Enshapai Lodge, Naivasha on 24 May 2014

5. What potentials exist for crime and violence prevention?

Answering these questions helped to provide the necessary background knowledge to tailor the curriculum and the approach to training to the two counties' needs. The findings also assisted outside facilitators to contextualize their presentations and to provide a common basis for discussion within the CVPT. As stated, there is a need for targeted interventions in Kenya, the CVPT included, to be based on locally generated, quality data.

Methodology and Limitations

Desk-based research, media, academic and civil society reports and previous knowledge gave background information and allowed county-specific themes, and other areas for exploration to be identified. Through assistants on the ground, the authors then scheduled several focused group discussions and key informant interviews with security officers, administrators from county and national government administration offices, representatives from civil society and faith based organizations, community-based organizations and hospital staff amongst others. A snowballing technique was used to then identify new contacts where needed. The FGDs with chiefs in particular were able to give a broad understanding of crime and violence dynamics in the county, while certain specific issues were explored in greater detail through specific informants such as healthcare staff, transport workers and women's groups.

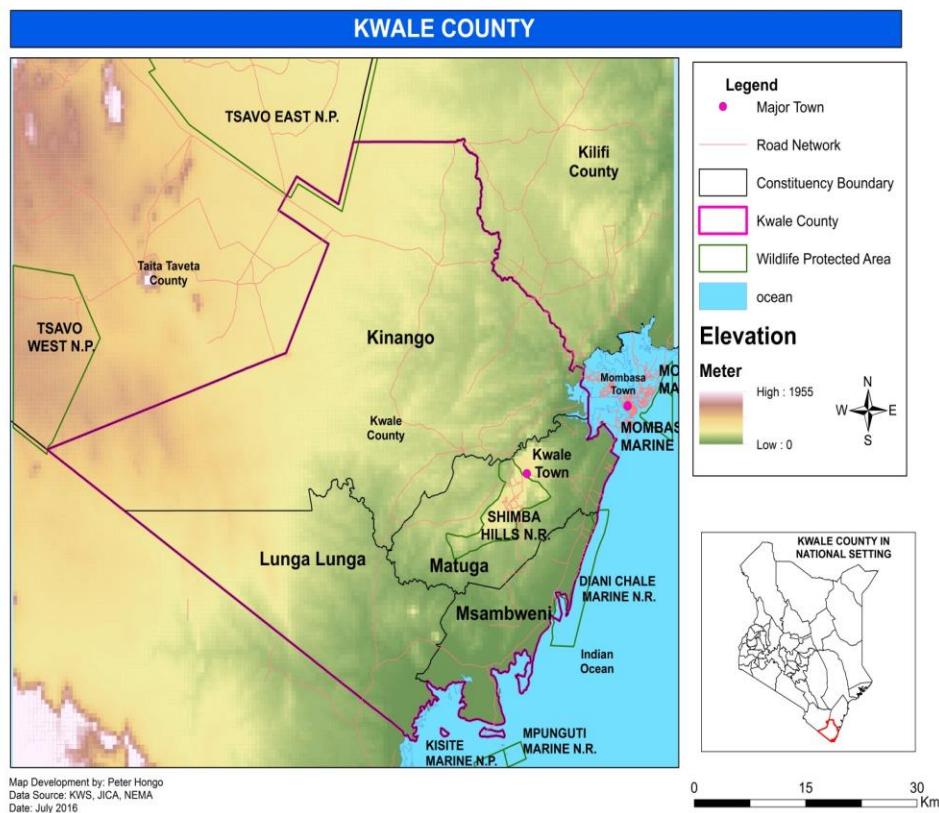
Limitations of the work included the short length of time available for the survey (5 days). A wide coverage of the issues was the aim of the work and this was achieved, but this unfortunately necessarily limited the in-depth of exploration of some issues. The survey therefore serves as a useful platform for more in-depth research. In Kwale, the work benefitted from a previous study on security challenges since devolution which had taken Mombasa as a case study. Many interviewees provided a lot of information on the drivers of crime, which were clearly important in their own perception, and to a lesser extent on the other areas. A systematic exploration of potentials for prevention was more difficult within the time frame. Nonetheless, some preventative activities were taking place, and other potential areas for prevention were offered by interviewees. The survey benefitted from wide consultation of stakeholders in various positions in the counties.

Kwale County

Background¹⁵

Kwale County is located in south coast of Kenya, it borders the Republic of Tanzania to the South West, and the following Counties; Taita Taveta to the West, Kilifi to the North, Mombasa to the North East and the Indian Ocean to the East. Kwale County covers a total surface area of 8,270.2 square km and accounts for 1.42 per cent of Kenya's total surface area. The county's capital is Kwale Town which is located 30 km southwest of Mombasa and 15km inland. It borders the Shimba Hills National Reserve. The county is divided into four sub counties: Ukunda, Msambweni, Kinango, and Lunga Lunga (see map 1)

Map 1: Kwale County



¹⁵ Much of the background information in this section is taken from the Kwale County Integrated Development Plan of 2013

Based on the 2009 Kenya Population and Housing Census, the county had a population of around 650,000 which accounted for 1.7 per cent of the total Kenyan population. The county is around 80% Digo and Duruma (belonging to the indigenous Mijikenda groups of coastal Kenya) (Ipsos, 2013). Other tribes found in the district include the Kambas, Arabs and Indians and Europeans though to a very small proportion. The area has the highest proportion of Muslims amongst as compared to other coastal counties at 75% with 24% Christian (Catholic and Protestant).

The main tourist attraction sites are the magnificent coral and sandy beaches as well as Shimba Hills National Reserve, Mwaluganje Sanctuary, historic sites (Shimoni Holes and Diani Mosques) and forest and marine nature reserves. There are 22 tourist class hotels in the county with a bed capacity of 5098. The county also notes the vision 2030 flagship project namely Diani Resort City which the county government's website notes is still on course.¹⁶

The county has several on-going large-scale mining activities. Companies include Coast Calcium Ltd. which extracts limestone at Waa, and Base Titanium, mining at Nguluku and Mrima. Pacific Wildcat Resources Corps (PAW) and its partner Cortec Mining Kenya (CMK) have found large deposits of niobium and other rare earth minerals. Milli Glass Limited, Kenya Breweries Glass Limited and Eastern Chemicals are exploiting silica sand in the county. In terms of manufacturing, Kwale County has Bixa Limited and Kwale International Sugar Company as well as 2 bakeries and two companies distilling water. There is a substantial potential for establishing industries and factories for coconut and cashew nut processing in this area.

Poverty is widespread with nearly half of all households in the region (49%) receiving less than Shs. 10,000¹⁷ as their total monthly income (Ipsos, 2013). 17.3% of the population work for pay (KNBS, 2013). Wage employment comes largely from the tourism sector, although locals are usually employed only in menial tasks. Around 30 per cent of the total labor force aged between (15-64 years) is either unemployed or underemployed. In terms of informal employment, the main industries are the transport industry, subsistence agriculture and herding, jua kali (outdoor) manufacturing and small businesses. The Human Development Index is 0.44, (as compared to a national average of 0.52).¹⁸ Inequality is also high; the county has the second highest Gini Coefficient¹⁹ in Kenya at 0.6 (as compared with 0.445 for the whole country). Neighboring Tana River has the highest Gini Coefficient at 0.62. The Multi-dimensional Poverty Index is 0.25 (as compared to the national figure of 0.23).²⁰

¹⁶ No details are available on the progress of this, and it appears that Diani is not one of the main resort cities as originally envisaged, rather it will develop alongside Lamu resort city.

¹⁷ USD 100

¹⁸ The Human Development index is a composite figure based on measures of health, income and education. Figures were taken from <https://data.humdata.org/dataset/kenya-human-development-index-per-county> and originated from UNDP figures in 2014. Norway ranks highest at 0.944, see <http://hdr.undp.org/en/countries/profiles/>

¹⁹ The Gini Coefficient is a measure of inequality, with no inequality being 0 and maximum inequality being 1.

²⁰ The Multi-dimensional Poverty Index is a new figure, reflecting the incidence of multidimensional deprivation, and its intensity, that is, the number of deprivations people experience at the same time. Figures were taken from <https://data.humdata.org/dataset/kenya-human-development-index-per-county> and originated from UNDP figures in 2014

Only 10% of Kwale residents have a secondary level of education or above, while 51% have primary education only, leaving 39% of the population with no formal education (KNBS, 2013). The Kenya Demographic and Health Survey, finds that literacy levels are around 72.7% for women and 87.6% for men (both lower than national figures of 87.8% and 92.4% respectively). Kwale County has very poor performance in national examinations (among the bottom five in the country, from 2010-2013).

Roads are poor with only 12% tarmac), low electrical connectivity (10.6%), poor access to water (only 47% use improved sources of water²¹ (KNBS, 2013), and more than 50% of people have to travel more than 2 km to access water) and poor waste management. 30% of people live in houses with brick or stone walls. In the public sector, there are 3 hospitals and eight health centers; provision is skewed and in many places access is very poor. The mortality rate for children under 5 in Coast is 57 per 1,000 live births, (KDHS, 2014) (Recent figures for Kwale specifically were not available). HIV rates are estimated at 5.70%, similar to the national average of 5.72% (KNBS 2014).²² Malaria also has a high prevalence (40%) and other preventable diseases also contribute to high levels of morbidity and mortality.

Several retrogressive or negative cultural and traditional practices have been acknowledged such as discrimination against women and girls and against minorities (persons with disability amongst others), witchcraft (or crime under the auspices of a witch hunt), wife inheritance, early marriage, and lack of value place on education. Fear of witchcraft is amongst the factors hindering investment and recruitment of teachers.

The county development plan acknowledges problems of poor governance, low transparency and accountability, poorly formulated government policies and weak institutions, as well as low citizen participation. People lack awareness on public programs and policies. Participation of women in public life is low, especially amongst indigenous Digo and Duruma communities due to religious beliefs and low levels of education amongst other factors. No women were elected in the county in 2013, although those in posts were nominated.

There are about 30 local and international non-governmental organizations distributed throughout the county. They are involved in various activities such as education, health, HIV and AIDS, children's rights, livestock keeping among others. Some of the prominent NGOs include Plan International that focuses on child right and protection, education and health with a countywide presence. World Vision and Action Aid have a presence in the county particularly in Kinango and Msambweni sub-county.²³ In terms of civil society, the county in 2013 noted around 162 and 195 active women and youth groups respectively. Most of the groups receive funding from their own contributions in membership associations such as the popular merry-go-rounds, from donors support and from the government. Some of the sources of grants are government revolving loan fund schemes such as Women Enterprise Fund (WEF), Youth Enterprise Development Fund (YEDF), Poverty Eradication Commission (PEC) Revolving Loan Fund (RLF),

²¹ Improved sources of water comprise of protected spring, protected well, borehole, piped into dwelling, piped and rain water collection while unimproved sources include pond, dam, lake, stream/river, unprotected spring, unprotected well, jibia, water vendor and others.

²² See <https://data.humdata.org/dataset/the-kenya-2014-adult-hiv-prevalence-rate-by-county>

²³ Kwale County Government (2013) Integrated County Development Plan

Total War Against HIV and AIDS (TOWA), among others. Most groups engage in multi-sectoral activities ranging from HIV & AIDS related activities, health, education, savings mobilization among others.

Findings: Drivers of Crime and Violence

Land and marginalization

Land allocation and land tenure security are important issues for contemporary African rural communities due to inequalities in allocation under the colonial regime and the post-colonial administration, population increase, expansion of agriculture, increasing investor interests and resettlement schemes (Moyo, 2007).

Historical context²⁴

The coastal area has a long history of marginalization of indigenous peoples: The Mijikenda (a Bantu group) had settled in the hills near the coast by around the 7th Century AD. Arab Muslims began to settle around this time in coastal areas and mix with Bantu peoples (Ochieng, 1975) and gradually dominated trade setting up Islamic States in coastal towns. Through the successive dominations of the Portuguese (16th Century), Omani Arabs (18th Century) and British (20th Century), indigenous peoples have been marginalized and pillaged (Okoth-Ogendo, 1999). Throughout these conquests the slave trade flourished and plantations were established on the coast owned by people claiming Arab descent. After abolition, British colonizers under two Land Acts of 1908 and 1915, designated all coastal land not currently under occupation as Crown Land under the state, and then issued thousands of titles to many of the old plantation owners and other non-indigenous elites to maintain productivity of the area. This rendered indigenous peoples and ex-slaves as 'squatters'. Despite the disadvantage, many Mijikenda were successful in cultivating and producing, though attempts were made to curtail them in order to force them to occupy a working class to serve the landowners. Resistance by the Mijikenda, including the Giriama Rebellion of 1913-1914, was successful in making the British back down. However, the coastal area remained unproductive, and marginalized by the British (Zeleezer, 1989). Following independence, the Mijikenda and other coastal peoples urged towards majimboism or devolution, fearing more land grabbing.²⁵ Under the centralized system their fears have been realized, as land title deeds have continued to be issued largely to elites and up-country people as well as foreigners, rendering many indigenous peoples vulnerable to forced evictions. Those Mijikenda who have been adjudicated land in the past often sold it very cheaply due to illiteracy and lack of understanding of its value (Ipsos, 2013). By 2010 only 29% of the population had title deeds, and 11% had letters of allotment, leaving the other 60% as legally landless (Nyanje, 2010).

Current situation

Most land in Kwale is public (government) land, unregistered land or community land (collectively owned by communities, formerly known as trust land). Only 22.5% of land is titled. Coast Land Study 2011 found that of those who were born in Coast province, only 38% held a title deed to their land while for those born outside, the figure was 82%. Ipsos (2011) gave a similar figure of 43% of households

²⁴ Summarized from Mkutu and Marani 2014

²⁵ The Robertson Report, 1961, quoted in Goldsmith, 2011

having a title deed, although a further 42% claimed that the land belonged to their family. The large number of indigenous people who do not have a title are often referred to as squatters, however many have legitimate informal arrangements, or are leasing land from private owners, according to Islamic systems of land tenure in which they may then own the produce of that land (Goldsmith, 2011). Absentee landlords are said to own around 76,000 hectares of land in the county (Ministry of Lands, 2009).

In Kwale 25 settlement schemes for indigenous people have taken place, beginning in Diani in 1978. These remain problematic to this day in terms of disputes over ancestral claims, unequal allocations, large-scale allocations to non-indigenous peoples (the government used the schemes to settle landless up-country populations), corruption, lack of participation, double titling and sale of allocated lands at throwaway prices amongst other issues (Haki Center, 2013).

Locals complained that they rarely own beach plots in Kwale. Diani, Ng'ombeni, Waa and Tiwi were the most affected by titles being given to non-locals.²⁶ A peace worker concurred "The truth is that the title deeds for 'hot' beach areas we are not being given".²⁷ Some complained about resettlement schemes for communities displaced by KISCOL which were said to benefit non-locals.²⁸ However it is important to note that even when locals are resettled they may sell to meet other needs (Mkutu and Marani, 2014).

Low levels of education put locals at a disadvantage when it comes to their land rights. "To obtain the documents becomes very difficult...but the same land, someone comes from nowhere with a title deed. Poor adjudication and corruption were mentioned as an important factor in land conflict."²⁹ One chief described how in the past elders would give land to relatives and friends to welcome them to stay, this system which strengthened clans has a rather less positive modern-day equivalent as people in power give favours.³⁰ In Ng'ombeni which has beach front areas, many land disputes were said to result from 'table titles' where non-local make an agreement without seeing the land, and when they come on the ground there is someone else with a title deed also. Chiefs noted that in Mackinnon it seemed that outsiders received titles but locals did not.³¹ In Diani, outsiders bought land legally, however, the children of those who sold the land are now saying they were paid 'peanuts'. Other chiefs concurred, "Elders shared the land and later sold at throwaway prices, the young generations are agitating to get the land back." The same was confirmed in a survey by Ipsos (2013).

A university lecturer commented that class/racial division exists at the coast based on skin color, indicating Arabic or African origin and various degrees in between. A local politician was said to have been guilty of this racism.³² Willis and Gona (2013) concur "The distinction between 'Arab' and 'African' is still readily evoked in coastal politics: Mijikenda (including many Muslim Mijikenda) denounce the alleged social and economic privileges of those they call Arabs; and while those who call themselves

²⁶ FGD chiefs, Matuga, 13 April, 2016

²⁷ Interview, peace worker, Kwale 12 April, 2016

²⁸ Interview, national administrator, 12 April, 2016

²⁹ FGD chiefs, Matuga, 13 April, 2016

³⁰ FGD chiefs, Matuga, 13 April, 2016

³¹ FGD chiefs, Matuga, 13 April, 2016

³² Interview, university lecturer, Mombasa, 10 April, 2015

Arabs or Swahili are more reluctant to use racial language publicly, some will talk privately of Africans with a condescension which borders on contempt.” The division is very much linked to land ownership, between those of Arabic origin (some of whom continue to be absentee landlords) and locals at the coast, “You have servant-master relations at the coast which have never ended.”³³ A sheikh concurred that this class system is very real.³⁴ In Zanzibar the same is observed by Reisman et al (2014) in which Oman Arabs own most the area. Therefore Kwale’s problems need to be viewed in a wider context. Wealthy individuals may also own mosques and wield considerable power in the distribution of resources³⁵ a situation which the state may have little control over.³⁶

Similarly, local people voice fears about the influx of Somali people in coastal areas such as Kisauni, Likoni, Nyali and Lunga Lunga because they are often able to offer more for property than the local price. “There is uncertainty for the future...There is danger of locals being marginalized.”³⁷ There are also tension between locals known to themselves as *wapwani* (people of the coast) and ‘upcountry people’ known as *wabara*, who are taking land or opportunities.

As land law is update pursuant to the new constitution, the devolved county government is under pressure to respond to the marginalization of indigenous peoples in this matter. County security personnel felt that land disputes were a significant threat to security in Kwale.³⁸ The research revealed that land is a key election issue and one which raises temperatures. A series of uprisings agitating for increased empowerment of locals, including Kaya Bombo in 1997, Mulung’unipa in 2007-2008 and the rise of the Mombasa Republican Council (to be discussed) since 2013 should raise concerns as the county moves towards the 2017 general elections.³⁹

Poverty and unemployment

Poverty together with unemployment were the most commonly mentioned issues in this research, predisposing people to crime and violence, (although poverty alone is considered not to be a direct cause of crime and violence). Survival needs were one of the drivers of family disputes, inheritance disputes and land disputes which could end in violence. The frustrations of poverty were instrumental in leading people to escape from hopelessness using alcohol or drugs, which made the problem worse, and pushed people towards criminal means of making money. Poverty was also said to deal a double blow, due to poor representation, low education and powerlessness “Law enforcement tends to favor the rich”⁴⁰ while the desperation of young people is taken advantage of by politicians and other powerful players. Poverty limits people’s power to choose their environment, and the life they would wish for their children, such that they may be exposed to negative influences such as drugs, crime and violence.

³³ Interview, national administrator, 12 April, 2016

³⁴ Interview, local Sheikh and peace worker, Diani, 13 April, 2016

³⁵ Interview, a local administrator, Kwale, 10 April, 2015

³⁶ Interview, national administrator, 12 April, 2016

³⁷ Comment by a civil society officer, 10 April, 2016 This was concurred in an FGD with women in Ng’ombeni who were worried about the influx of Somalia into the Coast region.

³⁸ FGD with county security personnel and Kenya Revenue Authority, Matuga, Kwale, 13 April, 2016

³⁹ Interview, local Sheikh, 11 April, Kwale, 2016; FGD Chiefs, Mutuga, 13 April, 2016

⁴⁰ FGD chiefs, Matuga, 13 April, 2016

Poverty, in particular in this work, due to divorce and separation, forces parents to work long hours to provide for the family, while their children may be left vulnerable.

Education

Educational standards in Kwale are poor; national examination grades ranked among the lowest 5 counties in the whole country in 2010-2013.⁴¹

Figure 2: Schools and School Enrollment in Kwale County⁴²

	No. of schools	County enrollment	Male: female ratio	Teacher:pupil ratio
Early childhood development centers	820	43,874 (58%)	1:1	1:32
Primary schools	415	167,318 (99.7%)	1:1	1:52
Secondary schools	54	19,194 (30%)		1:37
Tertiary Institutions	5			

Tertiary institutions in the county include a Kenya School of Government (KSG), Kenya Medical Training College and 4 registered youth polytechnics. There are a few commercial colleges mostly at Ukunda/Diani that offer courses related to hospitality, salon and beauty, computer and IT training, among others. The county has no National University. There are also a total of 143 adult education learning centers in the county with a total enrolment of 5,870 learners.⁴³

The County Minister for Education shared that in 2015 15,237 students sat the exams but that only around 42% proceeded to secondary school. Interestingly equal numbers of boys and girls were represented (which may have been intentional). Of these 30 students with higher grades went to national schools, while the rest went to county secondary schools.⁴⁴ "No student scored an A grade... and only two scored A minus, so no student qualified for a medical degree."⁴⁵ Only 20 % of the population have a secondary education (Ipsos, 2013). A local administrator noted that this is a compounding problem, 'Education should bring major social economical change but here poor education means that factories and companies have to bring skills from outside'⁴⁶

In a primary school with over 100 children in class 8, it was reported that only one child managed to get 300 (out of 500 points). In another primary school, no girl has finished class 8 in the last 3 years. Early

⁴¹ Kwale Integrated County Development Plan, 2013

⁴² See <http://www.kwalecountygov.com/> These figures appear to be from the 2013 Integrated County Development Report

⁴³ Kwale Integrated County Development Plan, 2013

⁴⁴ Interview Kwale County Director of Education, Matuga, Kwale, 15 April, 2016

⁴⁵ Interview, human rights activist, Diani 12 April, 2016

⁴⁶ Interview, local administrator, Kwale, 12 April, 2016

marriage or pregnancy, or low expectations of girls are important factors here.⁴⁷ Chiefs attributed the problem to the lack of priority given by communities to education.⁴⁸ It was said that “The education environment is such that madarasa (Islamic schooling) is more attractive, despite primary education being free and secondary school being subsidized.” The madarasa curriculum, however, may not provide children with what is required under the national schooling system.⁴⁹ Indeed there may be a cultural clash between school and more conventional forms of Islam which leads to difficulties in commitment of time and resources by families.⁵⁰ Youths in Ng’ombeni, a homeground of MRC also noted that MRC is a factor for youths to leave school, since they discourage regular schooling, in favor of Islamic schooling. On their part, MRC assert that exam marking in regular schools is biased. Lack of investment in school infrastructure and toilets are other important issues mentioned. This is especially vital for girls reaching the age of menstruation (periods) who were said to have suffered shame and embarrassment probably arising from the lack of facilities to maintain decent standards of hygiene.

The cost of secondary school fees is an important reason for lack of progress through to this stage. Several cases exist of pupils who had done well and been admitted to provincial schools, but could not take up the opportunity due to poverty. In Ng’ombeni, a 13 year old had scored 312 points and been given a place in a provincial school, but had remained home for lack of money.⁵¹ The county government has set aside bursaries to help improve progress to secondary school though chiefs said ‘scholarships are not there’.⁵² Politics was noted to be a barrier to accessing help “you did not vote for us so why should we support you” (people from that area).⁵³

Poverty may also push families to keep their children at home, to assist in looking for food and firewood especially in the more arid Kinango area. Drug addiction, the pull towards casual work on the beach or fishing, or the lure of recruitment into terrorist or militia groups are other reasons for school dropout. Or, these may follow once a child has dropped out. Many of these young people also end up in the boda-boda industry which has implications for safety and also leads to saturation of the industry. To address two issues concurrently, the county has employed 550 youths as teachers in its new early childhood development centers.⁵⁴

Family issues

Families are important in crime prevention because they provide the nurturing environment in which individuals develop, derive self-esteem and security, learn values and social skills and conflict resolution skills. They should be a place of protection from harmful influences at a young age and preparation for life on the outside. Family relationships have been identified as the foremost protective factor from involvement in crime and violence.

⁴⁷ Interview, human rights activist, 12 April, 2016; FGD with women, Kinondoni, 12 April, 2016; Interview, elder and peaceworker, 12 April, 2016; FGD with women, Ng’ombeni, 11 April, 2016

⁴⁸ FGD chiefs, Matuga, 13 April, 2016

⁴⁹ FGD with Chiefs, Matunga, 13 April, 2016

⁵⁰ Interview, administrator Diani, 12 April, 2016

⁵¹ FGD Ng’ombeni, 11 April, 2016 The 13 year boy was called and was able to be assisted to obtain a bursary.

⁵² FGD chiefs, Matuga, 13 April, 2016

⁵³ FGD with Maendelao wa Wanawake and Sauti ya Wamama

⁵⁴ FGD with county security personnel and Kenya Revenue Authority, Matuga, Kwale, 13 April, 2016

The divorce rate in Kwale is high, stemming partly from the early age at which marriage takes place. Separation before divorce, according to Muslim law takes 4 months and 10 days, during which time a man should provide for the women and her children, but often this does not happen.⁵⁵ Another problem here is that women cannot remarry they cannot get divorce papers without an identification card which is difficult to obtain. For the same reason she cannot get anything more than casual labour.⁵⁶ A women's group noted that women are largely responsible for the children and that single mothers in particular have little time to keep a watchful eye on unwanted external influences "A single mother is busy cooking and thinking of her business."⁵⁷ The same issues were readily identified in Mombasa County (Mkutu and Marani, 2014). Local palm wine (*mnazi*) is popular and plays an important role in family problems and various criminal activities. Child marriage and early pregnancy are common and constitute a crime, thus are covered in the later section on gender-based violence.

MRC

The Mombasa Republican Council (MRC) defines itself as a social movement which cites long years of marginalization of the coastal region and land injustices against indigenous coastal peoples. They challenge the validity of the agreements of 1895 and 1963 leading to Coast's incorporation into Kenya which were made without consultation of local peoples. Their clarion call has been '*Pwani si Kenya*' (the Coast is not part of Kenya) arguing that historically the ten-nautical mile (19 km) wide strip known as Zanj, belongs to the *wapwani* (coastal peoples) and not to mainland Kenya. Despite a lack of agreement on who are the *wapwani* and controversies in the interpretation of historical documents, their secessionist claims attract wide ranging support amongst coastal peoples whose experience of marginalization is real and painful (Willis and Gona, 2013).

Goldsmith (2011) writes extensively on events which preceded the emergence of MRC but does not see them as linked to the group, despite popular perceptions to the contrary. In 1997 militia from among Mijikenda were trained in Kaya Bombo, a forest in Kwale locally held as sacred. This was masterminded by the KANU government to displace upcountry voters and prevent the opposition from obtaining sufficient votes in the province, while playing on local grievances and promising devolution of power. Violent killings of up-country civilians and those deemed to be their friends, rapes and other human rights violations were severe in Likoni and were followed by sporadic violence elsewhere. The GSU were brought in to contain the situation and the raiders incarcerated, but local beliefs in the power of Mijikenda magic were strengthened. In 2007 violent episodes again followed the disputed election. These spontaneous attacks were carried out by youths against up-country peoples and were less severe than the Kaya Bombo violence.

In 2008 the MRC emerged seeking registration as a civil society organization. At that time they were accused of being associated with the training of youth militia in Mulungu Nipa forest, leading to the refusal of their registration and their inclusion in a list of 'gangs' banned in the country (Goldsmith,

⁵⁵ FGD, Maendeleo ya Wanawake, 12 April, 2016

⁵⁶ FGD with women, Kombeni, 19th January, 2016

⁵⁷ FGD, Maendeleo ya Wanawake, 12 April, 2016

2011). Since that time the MRC in fact benefitted from the publicity generated from the attempts to limit their activities, and in 2012, the ban on their operations was lifted by the High Court in Mombasa.⁵⁸

Activities include networking, petitioning and protesting. A secretive council is said to comprise *waganga* (practitioners of Mijikenda magic) and these beliefs feature prominently in the movement, from oaths at recruitment to beliefs about supernatural powers and military might (Goldsmith, 2011). The group has also been accused of obtaining funding through poaching, which they have denied.⁵⁹ The official position of the MRC is non-violent. Goldsmith (2011) does not find evidence of organized violence by the group, although he notes that the “MRC umbrella is large” and there may individual instances of this. Regarding youth militia he concludes that they were part of the original strategy, but have not been revived at this point.

MRC is said to be active in from Ng’ombeni to Zombe, and other places all along the coast including Msambweni, Tshimbi and Vanga. Support for the movement is quite high; women in Kinono, about 40 km from the ‘home turf’ of MRC note that several households, although not all in their community are supporting MRC financially.⁶⁰ This was also noted in interviews with women in Mabungo not far from Ukunda⁶¹. A security official stated that MRC have a strong following, with sympathizers and passive supporters among the indigenous communities, particularly where there is illiteracy and poverty, and beliefs in witchcraft.⁶² Women noted that leaders preach in public and in mosques, using the Qu’ran, and that both moderates and extremists are attracted to the movement.⁶³

The belief among security and administration was that the MRC does have a covert side with armed militia.⁶⁴ Peace workers described how this strategy was certainly considered in the lead up to the 2013 elections, when MRC members began to mobilize themselves within the forest. The peace committee negotiated and persuaded 49 young people to surrender, with the state promising jobs. However, sadly these never materialized.⁶⁵ A human rights activist in Kwale commented that MRC moves in and out of public life, but seems to pick up during elections.⁶⁶ In July 2015, the government raised the claim that the secessionist group is re-emerging and named 6 alleged recruiters. The MRC denied this and accused the government of inventing the claims to justify a new crackdown on local residents.⁶⁷ Similarly, youths from Ng’ombeni, home of the MRC leader Omar Mwamnuadzi, complained that they are stigmatized

⁵⁸ Daily Nation (2012) Court lifts Mombasa Republican Council ban. 26 July

⁵⁹ News 24Kenya (2015) ‘We are not involved in ivory trade, MRC’ claims’<http://www.news24.co.ke/MyNews24/We-are-not-involved-in-ivory-trade-MRC-claims-20150608>

⁶⁰ FGD, women, Kinono, 13 April, 2016

⁶¹ Interviews, various women, Mabungo, 20 February, 2016.

⁶² FGD security officials in Kwale County, 13 April, 2016

⁶³ FGD, Maendeleo ya Wanawake, 12 April, 2016

⁶⁴ Interview, national administrator in Kwale, 14 April 2016; FGD security officials in Kwale County, 13 April, 2016

⁶⁵ Interview, Muslim peace worker and elder, Diani, 13 April, 2016

⁶⁶ Interview, human rights activist, 12 April, 2016

⁶⁷ Benyawa, L (2015). ‘Government raises alarm over Mombasa Republican Council.’ *Daily Nation* July, 13. <http://www.standardmedia.co.ke/article/2000168983/government-raises-alarm-over-mombasa-republican-council>

because of their association (by place) with MRC.⁶⁸ In May 2016, new concerns emerged that militias may be grouping in *kayas* (sacred forests) led to aerial surveys by helicopter, in which known MRC areas in Kilifi were a particular focus. Locals protested that they were being followed for activities which were non-violent.⁶⁹

Several people mentioned a widely held suspicion that the movement is being funded through outside sources, namely absentee landowners wishing to protest their assets. In Zanzibar a similar movement known as *Muhamusho* (awakening) was said to be receiving funding from Oman (Reisman et al.2014), and in Kwale local administrators believed that MRC may also be funded from a similar source.⁷⁰ It was believed that those behind the MRC may also be behind the drug trade with the aim of weakening the indigenous coastal community to allow them to be managed.⁷¹ More research may be required to confirm or dispute these suggestions.

As noted, the MRC claim that the conventional education system and exam marking is biased against the indigenous people, leading to the low rate of transition to secondary education. This perception is self-perpetuating, leading students to disengage, believing that the examination outcome is already determined. Madarasas are therefore encouraged in preference to the former. Other experiences of marginalization (land, jobs, security provision etc.) provide a conducive environment for this narrative to be propagated. Areas where MRC is very active, such as Kinango, is arid, very poor and reliant on food relief, with a high level illiteracy level. Communities along the coastline who experience displacement by investors are also favorable to MRC. However, MRC does face resistance by some local people; the leader was recently threatened with death if he did not step down, by “powerful witches” known as “The People of the Black Table” who in fact may have been advisors to him. Their complaint was that he was “destroying children with violence. He has stepped down and remains on the run.”⁷²

Several commented on the blurring of lines between MRC and Al Shabaab.⁷³ A religious leader stated “There is a very slim line, at one point it was claimed they were united.”⁷⁴ Some youths are members of both.⁷⁵ Returnees from Al Shabaab training in Somalia are said to be taken care of by MRC although they are underground.⁷⁶ An interviewee commented that elders, who may be MRC sympathizers, sometimes encourage the youth to join Al Shabaab.⁷⁷ A peace worker said “Birds of a feather flock together” and that “Al Shabaab takes advantage of the narrative of MRC and tries to pretend that they are fighting the same cause.”⁷⁸

⁶⁸ Focused group discussion with Youth in N’gombeni Location, Kwale County: N’gombeni Development for Growth (NDEV-G) 11 April, 2016

⁶⁹ Beja, P (2016) ‘Police on high alert amid fears of outlawed MRC gang regrouping’. Standard Daily. 26 June p 19

⁷⁰ Interview, local administrator, Mombasa, 15 April, 2016

⁷¹ Interview, local administrator, Mombasa, 15 April, 2016

⁷² Interview, religious leader, Kwale, January 2017

⁷³ Interview, member of Maendelao ya Wanawake, Kwale, January 2017

⁷⁴ Interview, religious leader, Kwale, January 2017

⁷⁵ FGD with youths in Kwale, January, 2017

⁷⁶ Interview, religious leader, Kwale, January 2017

⁷⁷ Interview, peace monitor, Diani, 19 January, 2017

⁷⁸ Interview, Peace worker, Kwale, 20 January, 2017

Investors

Tourism, mining, manufacturing, agricultural and fishing investors are operating in Kwale (see background). Recurrent themes in the research include disputes over land and resources such as water, environmental impacts and employment and opportunities. Locals lack capacity and education and therefore are often perceived as being slow or lazy. Youths expressed

*There is no work except stone quarrying and boda-boda. There are no training opportunities.... Once a job is advertised it's those who have certificates who get... Coast is not poor but everything is given to people from bara.*⁷⁹

A Peace Committee member described how Base Titanium had diverted water from a reservoir upon which communities depended, but the committee had managed to press for it to be re-opened. An MOU was created between the company and the community, allowing some casual work to be given to community members, although many of these jobs were not sustained. Compensation is felt to have been inadequate and CSR projects limited.⁸⁰

Kwale International Sugar Company Ltd. (KISCOL) has 15,000 acres of land in Kwale in which there is ongoing conflict between the investor and communities who settled on the land over the past 28 years, after the old Ramisi Sugar factory closed down. The Government's Ramisi 1 and 2 resettlement schemes were supposed to accommodate and resettle indigenous people but peace workers and others commented that many of the people settled were not indigenous people at all, but rather, well-connected outsiders.⁸¹ Communities claim that they have lived there for over 12 years.⁸² The disputes have affected operations and the company has attempted to forcefully evict the community and have destroyed their crops.⁸³ 17 villages of around 200 people per village are being evicted and face problems of livelihood. The matter is currently in court.⁸⁴ An administrator stated that the investor had a legitimate claim to the land, and that the government had been at fault for allowing upcountry people to be settled instead of the squatters.⁸⁵ MRC have been active in the issue, reinforcing the narrative of marginalization by upcountry people.

In terms of employment with KISCOL, locals claimed they were being paid 170 Kshs per day to cut sugar cane, following which the company brought outsiders to do the same job and paid them better. A local administrator clarified that payments were in fact made according to the weight of cane cut in a day. A security officer expressed, "These folks are coming from areas where they have experience and skill. The investor did not build capacity amongst locals. How do they expect them to perform better?"⁸⁶ The

⁷⁹ FGD, boda-boda drivers, 13 April, 2016

⁸⁰ Interview, community policing representative, 12 April, 2016

⁸¹ Interviews, peace workers, human right workers, administrators and FGD groups, Kwale, 10 to 15 April, 2016

⁸² FGD with security leaders, 13 April, 2016

⁸³ FGD with security leaders, 13 April, 2016

⁸⁴ Interview with Human Rights Watch, 12 April, 2016

⁸⁵ Interview, a national administrator, 14 April, 2016

⁸⁶ FGD and interview with security Kwale, 13 April, 2016

company has responded to the issue by creating mixed groups of both locals and non-locals who are then jointly responsible for number of bundles they cut.⁸⁷

An elderly couple gave another story. An investor commissioned 3 people to clear bushes on a 20 acre land that the local Digo people had traditionally known to be government land upon which development was to be for local benefit. The couple questioned those clearing the land, and insisted that the investor produce a title deed. When the workers refused, they were beaten by the mob. The following day, the investor arrived with security officials who rounded up all the youths they could find in the vicinity. One of the victims, a form four leaver around age 16 who was said to have nothing to do with the mob was arrested while simply eating lunch. He was booked and later released on a bond of (Kshs 50,000). Thus police are heavy handed with local people, leading to poor relationships, mistrust and lack of intelligence gathering, which is to be later explored.

The tourism industry is said to block access to beaches, with routes from the beach road down to the sea being few. One administrator said 'We have beaches and some of our children are fishermen, but the investors put gates, so how do we access?' he referred to a hotel which had blocked an important fishing landing site use by locals, creating resentment.⁸⁸ This was confirmed by others who noted that the few fish landing sites that are not yet grabbed are at risk as they lack proper documentation. Most hotels use locals for only very menial jobs, though it is argued that many local Muslims cannot be employed in kitchen work or laundry due to religious taboos (Ipsos, 2013). As a result of these issues there is bad feeling against hotels.

The researchers encountered experienced barriers upon entering an exclusive beach hotel which takes customer bookings from overseas. Suspicious questions from the hotel staff preceded their entry into the restaurant area, upon which the researchers were advised that a 4000 Kshs charge would be required for entry. The same barrier to locals was confirmed by a senior security officer regarding the hotel and raised questions as to whether illegal activities may be taking place within. Lastly, locals are not allowed to carry out deep sea fishing as these rights have been given to Chinese investors.⁸⁹

Political tension

In addition to the MRC separatist sentiments, Kwale has been generally in support of the opposition with young people tending to blame the current government for their problems. Recently the governor announced that he was supporting the ruling party, which has divided people. In a focus group a civil society actor said that young people were being mobilized by politicians ahead of the 2017 elections. In the past this would be done through elders, but the latter have lost some of their power and influence.⁹⁰ A pastor stated that there is political tension which is under the surface.⁹¹

⁸⁷ Interview, local administrator, Kwale, 13 April, 2016

⁸⁸ Interview, a local administrator, 15 April, 2016

⁸⁹ Interview, a local administrator, 15 April, 2016

⁹⁰ Focus Group Discussion with various actors, Likoni, 17 January, 2017

⁹¹ Interview, pastor, Matuga, 17 January, 2017

Other conflicts

Conflicts mentioned included disputes at the border with Taita Taveta, between Maasai and Duruma (Mijikenda) groups.⁹² In the south there are fishing wars with Tanzanian fishermen; Kenyan fishermen complain that authorities are not doing enough to protect their interests in this situation.⁹³

Human-wildlife conflict is an issue in the Shimba Hills national park where elephants stray outside and raid farms and endanger locals. The county is also attempting to tackle poaching of elephants. Kenya Wildlife Service is currently digging ditches to halt elephants and erecting a fence around the park.⁹⁴

Cultural tensions

Kwale is a county with huge diversity in terms of cultural and religious practices. Several conservative Muslim groups were mentioned, such as in Mwananyamala where women wear full *burkha* and strict rules prohibit outside sources of information or public participation.⁹⁵ The Ansar group (see below) and MRC (section above) are other conservative branches of Islam, while other Muslims may have varying degrees of conservatism. At the same time, tourists may display enormous freedoms in dress code and behavior. In Zanzibar, visitors alighting in Stone Town are requested on a sign on the wall) to modify their dress code to be sensitive to local practices (covering thighs and shoulders), however, most tourists are ill prepared⁹⁶ and likely feel they should not have to comply having paid a good sum for their holiday.

Sex tourism also thrives in such a destination.⁹⁷ Some young people are said to be “getting married to tourists”⁹⁸ which may attract other young people to drop-out of school in the hope of this escape. These factors then bolster the view of “the West” as immoral, and assist the cause of those attempting to radicalize young people.

Conservative Islamic Movements

In 1980s a conservative movement known as Ansar formed at the coast and are said to be in Ukunda⁹⁹ The sect disassociated itself from other Muslims by living in communities, holding to strict dress codes and burning their IDs. An administrator concurred that the Ansar see the Mombasa Muslims as ‘mild’.¹⁰⁰ Some have become radicalized as time has gone on and people have been encouraged to embrace the objectives of Al Shabaab. On the other hand however, some are said to have ‘disappeared’ (targeted by police) while suicides have been reported amongst some who were possibly facing intimidation.¹⁰¹ The existence of a branch of the global Hizb ut Tahrir was said to be operating in Kwale; the movement is against democracy and wants to establish a Caliphate. It was not possible to establish the number of

⁹² Local Sheikh from Likoni, 11 April 2016

⁹³ Daily Nation (2016:12). Shield us from Tanzania police, fishermen plead. 11 April, 2016

⁹⁴ Musyoka A. (2013) Kenya: Officers help in human-wildlife conflict, The Star (Nairobi), 15 August

⁹⁵ Interview with human rights activist, 12 April, 2016

⁹⁶ Author observation 2009

⁹⁷ FGD with youths in N’gombeni, 11 April, 2016

⁹⁸ FGD with youths in Msambweni, 11 April, 2016

⁹⁹ The name, meaning ‘Helpers’ is taken from a group who offered hospitality to Mohammed and his followers after they fled from Mecca to Medina

¹⁰⁰ Interview, national administrator in Kwale, 14 April 2016

¹⁰¹ Interview, local peace worker, Diani, 13 April, 2016

members but it was noted that several former Ansar members had joined Hizb ut Tahrir and some had symbolically burned their degree certificates to disown modern education.

Findings: Crime and Violence Dynamics and Current Strategies

The Annual Police Report 2015 ranks Kwale 28th out of Kenya's 47 counties in reported crimes, with a total of 1097 (GoK, 2015). In a survey of Coast area by Ipsos (2013) people in Kwale who were asked to mention the greatest threats to security overwhelmingly mentioned two threats, Jobless youths (47%) and thieves/robbers (35%), followed by witchcraft (19%) and drug addicts (12%). In this survey hotspots of crime mentioned were, Likoni, N'gombeni (Home of MRC) Tiwi, Diani, Msambweni, Maduba and Lunga Lunga.¹⁰² Petty theft is very common and socio-economic inequalities are an important factor in this as noted "See white man, see money".¹⁰³ Mob justice through stoning or burning may follow petty theft.

Figure 3: Summary of Commonly Mentioned Crimes in Kwale

TYPE/CONTEXT OF CRIME OR VIOLENCE	DETAILS
MURDERS	Witchcraft accusations Land disputes Targeted killings of prominent figures/state officials (youths for hire) Shootings of boda-boda and theft of bikes Mob justice
FAMILY AND GENDER BASED VIOLENCE	Gender based violence Defilements Rapes Prostitution and child prostitution
ROBBERY/THEFT	General theft and burglaries Armed robbery, especially targets tourists (Ukunda) Crimes around MPesa agents Use of boda-boda to commit crime
DANGEROUS DRUGS	Drug smuggling and sale
TRAFFIC OFFENCES	Road traffic accidents involving boda-boda
CORRUPTION	Relating to many other types of crime and violence (involvement in land disputes, drugs, smuggling etc.)
SECURITY AGENCIES	Harassment of youths Disappearances of youths
MILITIA/GANG/TERRORISM CRIMES	MRC militia crimes Al Shabaab recruitment
LAND-RELATED CRIMES	Land grabbing Squatting Forgery of title deeds Table titles

¹⁰² Local Sheikh, Likoni, 11 April, 2016

¹⁰³ Interview national administrator, Kwale, 14 April, 2016

SMUGGLING	Human trafficking (via Lunga Lunga) Human trafficking to Europe and Middle East Sugar Other contrabands
POACHING	
STOCK THEFT	
WITCHCRAFT	Practice of witchcraft Witch hunts
OTHER	Soccer hooliganism

Armed crime

Several crimes in Diani are committed with guns.¹⁰⁴ Sources were not clear but several suggestions were made including the renting out of weapons by police, and the link between the drugs trade and the arms trade. Ex-Al Shabaab recruits, known as ‘returnees’ may also be players in the problem because of their training; a local administrator linked this with the increased use of AK47 rifles in robberies of homes, premises, boda-boda drivers, MPesa agents and hotel guests as they are entering hotel gates.¹⁰⁵ Fears were raised that MRC could also become linked with armed crime.¹⁰⁶

Murder

Murders are frequently linked to inheritance and land issues. The Annual Police Report, 2015 records 43 reported murders in the county. This was a sixth of the highest figure.

Drugs

Kwale is a hub of hard drugs, particularly along the coastline, and heroin use (both inhaled and injected) predominates. A study in 2012 by NACADA gave a figure of around 1.3% of people aged 16-65 in Coast province who had tried heroin. This is compared to 0.7% over the whole country (only Eastern province had a comparable rate of heroin use). Coast also had higher than average use of *bhang*, hashish and cocaine (NACADA, 2012).

In April 2014, Kenya registered the largest drug seizure in African history. Heroin valued at 25 billion KSH (U.S.\$275 million) was intercepted off the coast of Kenya. In July 2014, Kenyans seized additional 341 KG of heroin off the coast of Mombasa (OSAC, 2015). The problem has been described as a ‘disease’ in the county. Soft drugs such as miraa (sold as stems or leaves which are chewed to give a mild stimulant effect) and the related muguka are also widely.

Tiwi, Kinando, Diani and other parts of Msambweni are particular hotspots for heroin. “In Kinando and Mabungo village they are used openly by youths, in the sight of chiefs and village elders”. A support center in Diani estimated that there were around 3500 drug takers in the Diani area, with around 800 of

¹⁰⁴ FGD with Teen Watch, drugs action group and needle exchange, Diani, 11 April, 2016

¹⁰⁵ Interview local administrator, Diani, 12 April, 2016; Interview, peace worker, Diani, 13 April, 2016; Interview, Community policing member and hotel worker, Diani, 12 April, 2016

¹⁰⁶ Interview local administrator, Diani, 12 April, 2016; Interview, peace worker, Diani, 13 April, 2016; Interview, Community policing member and hotel worker, Diani, 12 April, 2016

these injecting. Young men are the most affected,¹⁰⁷ while in Ng'ombeni women were reportedly affected.¹⁰⁸ The support center staff noted that peddlers are very active in the area, and that prices have reduced from 180 shillings to 50 shillings. On Friday, it is provided free to drug users, "in the spirit of solidarity with Muslim users on the day of worship" which is a tactic to create new users.¹⁰⁹ Some of the peddlers work in the tourist hotels in the area,¹¹⁰ while other peddlers and transporters may be doing other businesses, such as boda-boda, women selling mandazi, women wearing full body coverings as these will often not be searched, or even girls and school children.¹¹¹ It was said that even some mzungu (whites) are selling drugs. The income is then concentrated in the hands of a drug baron who may make 200,000 shillings a day.¹¹² Police confirmed the same,¹¹³ while media houses report that several MPs (one from coast) and a businessman from coast area have been named in a US Embassy dossier for their role in the drug trade.¹¹⁴

Factors involved in drug use include hopelessness due to poverty and unemployment, low education, peer pressure and parenting issues.¹¹⁵ The result of drug use is then a cycle of crime to feed the habit, including petty thefts, particularly at mPesa agents.¹¹⁶ An administrator said that "Girls will sell themselves for 20 shillings" in order to buy drugs.¹¹⁷ There is also a link between drugs and recruitment into gangs, militia and Al Shabaab.¹¹⁸ Previous research in the Mombasa area has confirmed this link between the financial incentives of recruitment into Al Shabaab and the need for money to buy drugs (Mkutu and Marani, 2014). Businesses in Kwale are used by Al Shabaab for their funding, and drugs are found there when the places are raided.¹¹⁹ In addition to the other risks to their psychological and physical health, drug users may become victims of mob injustice despite being the last in a hierarchy of responsibility for distribution.¹²⁰

Routes of drugs into the area include on boda-bodas through Lunga Lunga and Shimoni on the southern border coming from Tanzania,¹²¹ the open shoreline, and through the port of Mombasa¹²², the ferry routes and the airport, and Mudube near the new coast hospital.¹²³ Drugs may be packed into car inner

¹⁰⁷ FGD with Teen Watch, drugs action group and needle exchange, Diani, 11 April, 2016

¹⁰⁸ Interview, local Sheikh, Kwale, 11 April, 2016; Also noted in an FGD with women, Ng'ombeni, 12 April, 2016

¹⁰⁹ Suggested in interview with local administrator, Kwale 12 April, 2016

¹¹⁰ Suggested in interview with local administrator, Kwale 12 April, 2016

¹¹¹ Sheikh, LICODEP, 11 April, 2016

¹¹² FGD with Teen Watch, Diani, 11 April, 2016

¹¹³ FGD security officials in Kwale County, 13 April, 2016

¹¹⁴ Wafula, C. (2010) 'Six Kenya MPs named in drug baron scandal' Daily Nation, 22 December

¹¹⁵ FGD with Teen Watch, Diani, 11 April, 2016

¹¹⁶ FGD with Teen Watch, Diani, 11 April, 2016

¹¹⁷ Interview national government official, Kwale, 12 April, 2016

¹¹⁸ Interview, OCDP, Kwale, 15 April, 2016

¹¹⁹ FGD youths, 12 April, 2016

¹²⁰ FGD with Teen Watch, Diani, 11 April, 2016: see also http://teenswatch.or.ke/?paged=4&page_id=35

¹²¹ Interview, Kenya Revenue Authority, Kwale, 13 April 2016

¹²² FGD youths, 12 April, 2016

¹²³ A local Sheikh, Likoni, 11 April 2016

tubes and sold at car bazaars in Mombasa (which do not often seem to sell any cars).¹²⁴ Since these bazaars are run by foreigners it raises the question as to how permits are being given.¹²⁵

County security personnel noted that last year around 6 people were arrested with heroin in Kwale, this year the figure is two so far, and that drugs had been seized on Kinando beach.¹²⁶ Security may be aware of peddling and transporting but unable or unwilling to tackle it. A national administrator lamented that drug barons have pervaded many sectors and the war is very difficult to fight; often those arrested are victims, rather than the main perpetrators.¹²⁷ Some security personnel are complicit in the problem, and may lead to the release of arrested people. 'When you reach the ferry at Lunga Lunga there is inspection so the security must be involved.'

Boda-boda

Boda-boda (bicycle, or more often motorcycle taxi) is a common mode of transport across East Africa and other parts of Africa (under different names). Important benefits include the ability to traverse poor roads and unplanned settlements and to beat traffic jams. As a major industry in the county, boda-boda employs an estimated 3000 young men and absorbs many young people unable to finish school.¹²⁸ Tuktuks (small 3 wheeled taxis) are replacing the motorcycle boda-boda to some extent and are able to offer their services at a lower price.¹²⁹

Most boda-boda operators do not have any formal training (2 days in the bush is standard,¹³⁰ although they are encouraged to attend driving school. Some enter the industry very young (as young teenagers), and some do not have identification cards, without which they cannot register in driving schools.¹³¹ Boda-boda operators in Diani noted that they are organized into registered groups with a chairman and a badge according to the base from which they operate. The county government is ordering operators to register¹³² and have also trained a high number of boda-bodas and issued licenses. Operators may make around 1000-2000 Kshs per day but have significant overheads to cover, including vehicle rental and food.

Boda-bodas have been linked with crime in many areas, facilitating quick getaways and use of guns, and used to monitor the situation to prepare for crime.¹³³ Transporting of drugs may take place by boda-boda, with or without the knowledge of the operator. Drivers have also had relationships with school girls who they are transporting, leading to pregnancy (see teen pregnancies). Boda-boda drivers also related that they are vulnerable to being victims of crime.¹³⁴ "I am not sure who I am carrying, and

¹²⁴ Interview, local administrator, Mombasa, 15 April, 2016

¹²⁵ Interview, local administrator, Mombasa, 15 April, 2016

¹²⁶ FGD with county security personnel and Kenya Revenue Authority, Matuga, Kwale, 13 April, 2016

¹²⁷ Interview, national administrator, 12 April, 2016

¹²⁸ Interview, Police in Diani, Diani, 14 April 2016

¹²⁹ Interview with two boda-boda drivers, Diani, 14 April, 2016

¹³⁰ Interview, security official, 13 April, 2016

¹³¹ Interview with two boda-boda drivers, Diani, 14 April, 2016

¹³² Musyoka, A. (2013) 'Kwale boda-bodas to be listed' *The Star (Nairobi)* 16 Aug

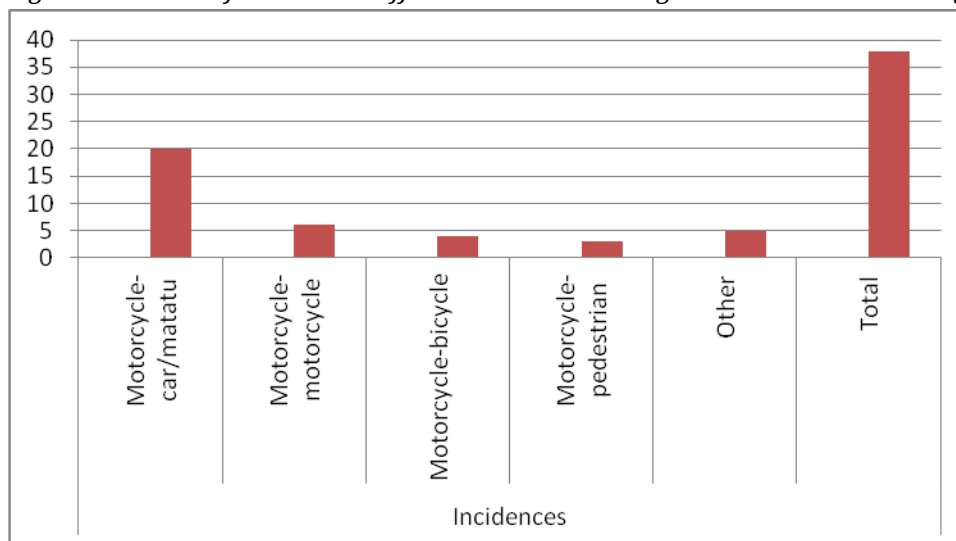
¹³³ FGD with county security personnel and Kenya Revenue Authority, Matuga, Kwale, 13 April, 2016

¹³⁴ Concurred by Assistant County Commissioner for Ukunda, 12 April, 2016

whether it is a dangerous person. In the last three- six months there have been armed robbers killing boda-bodas”; “Two weeks ago, one of our colleagues carried two passengers. When they reached a place they threw the fellow into a well and took the bike”; “In Mabodeni a boda-boda was shot by a passenger”; “At Kongo mosque two boys were killed and their bikes were taken” and lastly, “One boda-boda was thrown acid. The bike was found but all his face is destroyed. The thief dropped his phone and it was discovered. All these issues occur at night.”¹³⁵ They are also victims of police corruption. You have everything (protective gear required by law) and when you meet the security, they demand bribe” They note that this can be any police, from regular police, to administration or traffic police.¹³⁶

Boda-boda accidents are frequent owing to risky driving by themselves or others, driving while under the influence of alcohol or drugs, poor upkeep of vehicles, and low level of training. Figures 4a and b show eight months of road traffic accident information concerning boda-bodas collected from Matuga hospital in Kwale. They demonstrate that the most serious accidents are collisions between a motorcycle and a matatu, and that riders, followed by passengers are the most commonly injured. The number of reported deaths over the 8 month period was 12, of which one was a pedestrian child.

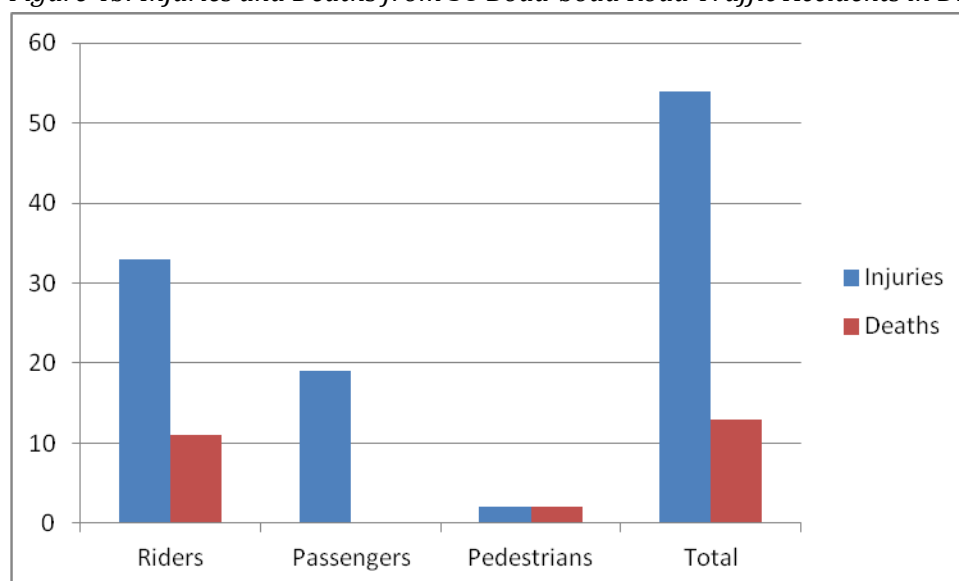
Figure 4a: Mode of 38 Road Traffic Accidents Involving Boda-boda in Diani August 2015-April 2016



¹³⁵ Interview with two boda-boda drivers, Diani, 14 April, 2016

¹³⁶ Interview with two boda-boda drivers, Diani, 14 April, 2016

Figure 4b: Injuries and Deaths from 38 Boda-boda Road Traffic Accidents in Diani August-April 2016



Gender-based violence and defilement

In one police station in Kwale 30 cases per day present to the gender desk (rape, incest, indecent assault, harassment, etc.)¹³⁷ The combined issues of high rates of divorce and separation, lack of opportunities for women, poverty, low education, substance misuse, witchcraft and social breakdown contribute to the vulnerability of women and children. Physical abuse of children is common by stepfathers, and even sexual abuse of young girls has been described in this context.¹³⁸ Women noted that young girls around the age of 12-14 operate as prostitutes in Likoni, completing with older prostitutes by claiming “Ya moto moto” (we are hot hot!). One girl linked this to sexual abuse, “I was spoiled (defiled) at home by my stepfather, now where do I go?”

Defilement of children was mentioned as a significant problem involving even prominent people.¹³⁹ A study by International Rescue Center concur that defilement is extremely common but difficult to document (IRC, 2014). In February 2016 it was reported that a 75 year old man impregnated a 10 year old girl in Kinando. It was discovered that the matter was already known to the children’s department and the police but an arrest had not been made. A civil society organization together with community members then made a citizens’ arrest.¹⁴⁰ A focus group in Kinando noted that the mother of the girl had left the child with an old man to take care of her. As the women put it ‘During the day the girl was going to school and at night she was also ‘being educated’¹⁴¹ A media article concerning the same case noted that the elder had lived with the girl since she was 9 years old as her mother had promised her to him so that school fees might be paid, but said he had only slept with her when she was considered mature

¹³⁷ LICODEP and Sauti ya Wanawake 11 April 2016

¹³⁸ LICODEP and Sauti ya Wanawake 11 April 2016

¹³⁹ LICODEP and Sauti ya Wanawake 11 April 2016

¹⁴⁰ Interview, human rights activist, 12 April, 2016

¹⁴¹ FGD with women in Kinando, 12 April 2016: interview, human rights activist, Diani, 12 April, 2016

enough at the age of 11. This he justified as acceptable according to the culture.¹⁴² The old man was also said to be involved in witchcraft, and the mother to be drinking a lot of palm wine.¹⁴³ In another case, a boy of 5 years was raped by the stepfather in whose care the mother had left him.¹⁴⁴

Rapes are common and sometimes linked with witchcraft, with perpetrators thinking that the rape will make them rich.¹⁴⁵ 82 cases of rape were seen in Kwale District Hospital over a year from 2014-2015, as compared to 174 assault cases.¹⁴⁶ Forced prostitution of wives by their husbands who use this as a means of income is another grievous manifestation of the subjection of women noted in a GBV meeting attended by several NGOs working in the area.¹⁴⁷

Early pregnancy and early marriages

Teenage pregnancy is a major concern, being associated with higher rates of deaths and health and socioeconomic problems for both mother and child. Health problems may include induced abortion, obstetric fistula, preterm birth, low birth weight, asphyxia, stillbirth and death of newborns. Teenage pregnancy also has repercussions on social and economic well-being of individuals and families, due to school drop-out, health needs of the teenaged mother, and the cost of providing for the child.¹⁴⁸

The national figures in Kenya stand at 18 percent pregnancy rate amongst girls aged 15-19 (Highest rate is 40.4% in Narok, and lowest is 6.3% in Murang'a) (KDHS, 2014). Kwale County's figure is higher than the national average at 24.2%. The median age of first marriage in Kwale is 19.1 as compare to 20.2 for Kenya as a whole (this figure is not highly variable across counties). In Kwale, Fihoni primary school and Mwamwivi primary school were mentioned as having particular problems with teen marriage and teen pregnancy. As noted, in the latter school for the last 3 years no girl has finished standard 8.¹⁴⁹ 631 pregnancies under 18 were seen in Kwale District Hospital over a year from 2014- 2015.¹⁵⁰

Various circumstances were described: Teen pregnancy was said to have a link to boda-boda who are contracted to transport the girls to and from school daily, or in some cases sex may be given in exchange for free rides.¹⁵¹ Tuk tuks (small 3 wheeled vehicles) did not seem to bring the same problems because they did not move into the rural areas. All night Taarab Swahili music events such as wedding celebrations are another factor, providing an environment which is conducive to sexual contact, and to which many people, including young girls in provocative clothing, go to seek a partner. Some of the negative repercussions include drug use, polygamy, separation or divorce, unplanned pregnancy or teen pregnancy and abandonment by fathers and sexually transmitted infection. Since permits are required

¹⁴² Okoth, B (2016). Kwale man, 70, marries, impregnates standard 3 pupil. Citizen. 24 January.

¹⁴³ Interview, human rights activist, 12 April, 2016

¹⁴⁴ FGD Maendelao wa Wanawake and Sauti ya Wamama

¹⁴⁵ FGD with County security and Kenya Revenue Authority, 13 April, 2016

¹⁴⁶ Data from Kwale District Hospital records, Accessed April 2016

¹⁴⁷ Omar O.M. (2013) "Women traded for sex: men in Kwale barter wives for quick money." *African Woman*, Issue 39 (August)

¹⁴⁸ See http://www.who.int/maternal_child_adolescent/topics/maternal/adolescent_pregnancy/en/

¹⁴⁹ Interview, human rights activist, 12 April, 2016: concurred by Maendeleo ya Wanawake

¹⁵⁰ Data from Kwale District Hospital, 2015, accessed April 2016

¹⁵¹ Interview Chief Yusuf Suleman, Diani, 15 April, 2016

for gatherings there is a potential for intervention here. Video joints (where movies are shown) are another place secretly attended by girls. Often sexual intercourse occurs in the context of drug intoxication or alcohol use.

A factor in early sexual awareness may be the nature of the home dwelling, with all of the family sleeping in the same room, therefore not affording proper privacy to parents or to growing young people.¹⁵² While at the same time young people are ill-informed and receive snippets of information which form an incomplete picture and make risky sex more likely. Speaking in the context of drug use, but the point applies here too, youths said, “Many youth in the villages lack credible sources of information. Many rely on peer information, social media and grapevine sources that is sometimes not accurate.”¹⁵³

Aside from ‘illicit’ encounters, child marriages are condoned under Islamic law, although controversy exists on when it is appropriate to consummate the marriage, a situation which allows defilement cases such as that mentioned above to continue. Under Kenyan Law, marriage is not permissible under the age of 18.

Kenya introduced a ‘re-entry’ policy for teenage mothers in 1994, with the aim that pregnant teenage girls should stay in school while pregnant for as long as possible, and should be supported to return after delivery, or to transfer to another secondary school if there are issues of stigma and discrimination. The policy also says that pregnant schoolgirls and their parents should receive counseling. However, there is a lack of training in Kwale schools to ensure that the policy is followed.¹⁵⁴

¹⁵² Interview security official, Kwale, 12 April, 2016

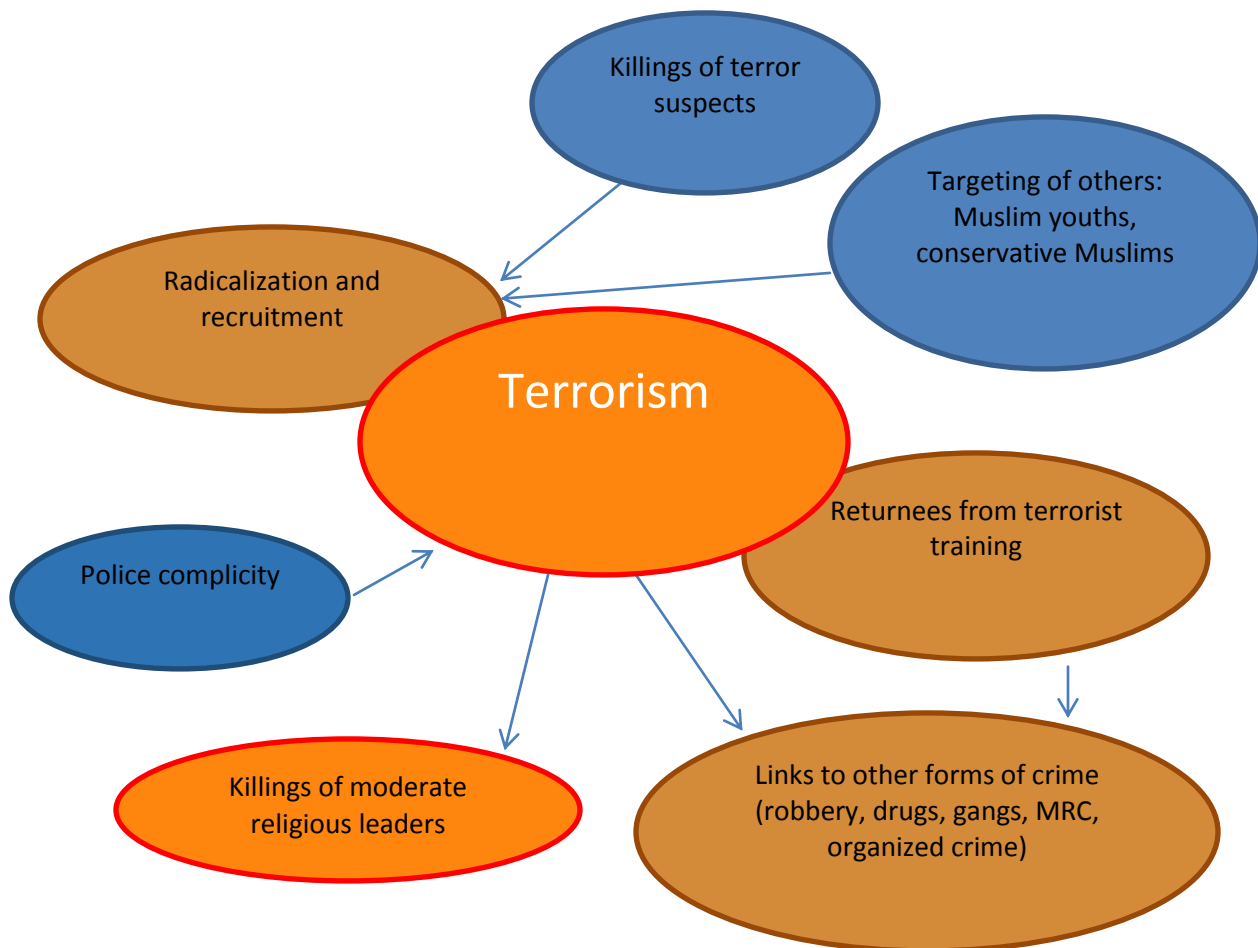
¹⁵³ FGD with youth in Msambweni, 12 April, 2016

¹⁵⁴ Interview Kwale County Director of Education, Matuga, Kwale, 15 April, 2016

Terrorism-related issues

A large number of respondents were concerned about terrorist activities and related issues within Kwale. A youth said of Al Shabaab, 'We are looking for the snake outside while the snake is under the bed'¹⁵⁵ Figure 5 attempts to summarize the complexity of these issues. The orange balloons refer to terrorist activities directly, the brown - to related issues, and the blue- to police activities either either covert complicity, or counter-terrorism activities which inadvertently feed into the problem of radicalization.

Figure 5: Terrorism and related issues in Kwale



Recruitment

Various means are used for radicalization and recruitment including recruitment agencies, mosques and social media. Previous work in Mombasa revealed open radical teachings and recruitment in certain mosques, and the taking over of some mosques by radical youths who have removed more moderate leadership and hung up their Al Shabaab emblems (Mkutu and Marani, 2014). In Kwale, an administrator

¹⁵⁵ FGD with Teen Watch, drugs action group and needle exchange, Diani, 11 April, 2016

in Kwale noted that while a small number of clergy were involved they seemed to have a prominent voice.¹⁵⁶ However, unofficial activities may also be going on in mosques and are difficult to monitor or control, “After prayers on one occasion a recruiter was inviting people to a certain function.”¹⁵⁷ Agencies in the guise of job recruitment are sending young people to Syria, Yemen and Saudi Arabia, and these too may recruit in mosques.¹⁵⁸

Marginalization in its various forms and economic hardship are strong motivators in radicalization and recruitment and feature highly in testimonials, with the promise of a job and assistance to the family upon acceptance. After two weeks a youth is able to send money back to their family.¹⁵⁹ As women expressed, why would someone refuse to go to Somalia when there are no jobs.¹⁶⁰ A Muslim peace worker told a story about how ‘hearts and minds’ are won by Al Shabaab recruiters.

*They offered money to locals to assist and empower them. They brought a mosque to the village and gave teachers and paid them. The teacher was then given scholarships which were given to children. The children went, the state did not speak. When the children reached, things changed. They were told here you can learn religion but you must first join the military. After two weeks they were told “Who is your parent? Give us their phone number” They are sent money. As a parent how can you refuse? Recruitment agencies are registered by the state.*¹⁶¹

Recruiters are also targeting bright University students as an alternative to school dropouts (Mkutu and Marani, 2014). Ideology and extreme religious teachings may play a more important part in recruiting these young people. Women reported that in March 2016, two young men disappeared from Likoni and Ng’ombeni, who were students at Moi University (Eldoret) and both had parents working in security (police and intelligence). A friend of theirs has refused to speak on the matter of their disappearance, but the phone signal of one of the boys was linked to Juba and it was suspected that he was on his way to Syria to join ISIS.¹⁶² This brings new skills, resources and professionalism to terrorism, although equally they may have the capacity to question and challenge the assumptions of (some) organizations.

Mothers were asked what they are doing to prevent recruitment. One lamented “We warn our children and talk to them. I do not want my child arrested, but I speak and they do not hear.” Another said “I am a mother and a grandmother. I have trained my child until university and then they disappear at university. What do I do?”¹⁶³ Recruitment is linked to other types of crime also. A superintendent of police noted that the call to ‘jihad’ is a misuse and has led not only to Al Shabaab recruitment but the

¹⁵⁶ Interview, an administrator, Kwale, 13 April, 2016

¹⁵⁷ Interview, University Lecturer, Mombasa, 10 April, 2015

¹⁵⁸ Noted in FGDs with women and youths 10-15 April 2016

¹⁵⁹ Interview, Muslim peace worker and elder, Diani, 13 April, 2016

¹⁶⁰ FGD Maendelao wa Wanawake and Sauti ya Wamama

¹⁶¹ Interview, Muslim peace worker, Kwale, 12 April, 2016

¹⁶² FGD Maendelao wa Wanawake and Sauti ya Wamama

¹⁶³ FGD Maendelao wa Wanawake and Sauti ya Wamama

emergence of criminal gangs in Lunga Lunga and Msambweni.¹⁶⁴ Youths expressed that the young were being misused as militia for selfish gains.¹⁶⁵

Returnees

In 2014, in the coastal area of Kenya, SUPKEM and the Ministry of the Interior conducted an assessment to establish the number of young people who had returned from training with Al Shabaab in Somalia, estimating that there may be around 700 such people in Kenya (SUPKEM/IOM/GOK, 2015). Various estimates suggested there may be many more, with 300-600 in Kwale alone,¹⁶⁶ while media reports estimated that around 1500 radicalized Kenyan youth mainly from Mombasa, Kwale, Kilifi, and Lamu Counties among other parts of the country had responded a government offer of amnesty.¹⁶⁷

The 2015 report also considered the methods and motivations underlying their recruitment, and their needs and views on how to support their successful reintegration into Kenyan society. Most of these 'returnees' were aged 24-34 (62%), while 4 were elderly persons aged 57 and above and only one individual was under 18 (SUPKEM/IOM/GOK, 2015). Important to note however, that this may not completely represent recruitment patterns, as both younger, and elderly recruits may have less capacity to defect. The majority (86%) noted that they had joined as adults, and most (95%) had joined voluntarily. 14% joined under 18 years old and for these, a lower percentage (72%) had joined voluntarily. Most of them described that they were trained in military skills (SUPKEM/IOM/GOK, 2015). 55% had completed only primary education, 30% secondary and 4% tertiary education. 58% were employed at the time of recruitment.

The story of disillusionment is a common one "There is a promise of money, but when this falls through people defect". However, A peace worker raised the concern that sometimes they may be sent back to fulfill other purposes. "Why do such a large number return towards an election period? Again while some may be desperate youths hoping for a better occupation, others may remain radicalized. Defection does not necessarily equate to de-radicalization (Nasser-Edine et al, 2011). Lastly, while most attention has focused on returnees from Somalia, there are also those who have travelled to join ISIS and Akibra in the Middle East and Libya. Further, people from other ethnic groups are also amongst the returnees. A story told by a peace worker turns ethnic stereotypes on their heads:

*A Luhya is known to us, who returned from Somalia fighting for Al Shabaab. He stated "I went because of a promise. I was saved by a (Somali) herdsman who assisted me by hiding me within his cattle."*¹⁶⁸

Amnesty would seem to have many benefits in both allowing for monitoring of radicalized returnees, and offering the best chance for those who would want to be rehabilitated, not everyone is convinced of

¹⁶⁴ FGD security officials in Kwale County, 13 April, 2016

¹⁶⁵ FGD Youths in Msambweni, 12 April, 2016

¹⁶⁶ Interview, human rights activist, 12 April, 2016

¹⁶⁷ Muthoni, B (2016) 1500 Kenyans radicalized into Al Shabaab surrendered as first batch complete de-radicalization-rehabilitation program. See intelligencebriefs.com/1500-Kenyans-radicalized-into-Al-Shabaab-surrendered-as-first-batch-complete-de-radicalization-rehabilitation-program/

¹⁶⁸ A local Sheikh, Likoni, 11 April, 2016

this. Women said “We don’t want them, they will contaminate our children”¹⁶⁹ On the other side, “While returnees have been given amnesty, they are not confident that this will be upheld.”¹⁷⁰ In March 2016 the media reported the death of a youth shot by the police, and the arrest of seven others suspected to be Al-Shabaab returnees responsible for gun and grenade attacks in the tourism resort city.¹⁷¹ Fear is said to have driven returnees underground”¹⁷² “They are in hiding, fearful of their safety, and face social rejection, [therefore] some have therefore gone back again to Somalia.” In May 2016, the Mombasa Senator urged the government to clarify again its position on amnesty since youths were not assured of their safety.¹⁷³

Returnees have been implicated in various forms of violence. They are well trained and some may have hero status upon their return, or even a gun, enabling them to become local gang leaders or criminals.¹⁷⁴ In January 2014, the Msambweni sub-county assistant commissioner claimed that detectives believed that 20 suspected jihadists who returned from Somalia were behind several violence incidents in Kwale including shootouts and grenade attacks. However, the OCPD at the time neither denied nor confirmed this.¹⁷⁵ There is a link between returnees and murders of people perceived to be government and moderate Sheikhs,¹⁷⁶ raising fears as to the danger of regrouping and organization amongst returnees, recruitment or logistical support and use of the informal business sector which is outside of normal regulatory systems. They were referred to by a peace worker as ‘dormant cells’ which may be activated any time by criminal groups and even politicians.¹⁷⁷ Lastly, returnees may link themselves with MRC, or already be linked with them. In 2013-2014 during the research on the coast (Mkutu and Marani, 2014) it was argued that MRC was interested in Somalia not for the joining the radical group but for gaining skills. It seems that anyone with intentions to train a military force could do the same.

Therefore it was suggested that to avoid this they need to be given amnesty,¹⁷⁸ profiled, rehabilitated to work and properly tracked.¹⁷⁹ However, a security officer said that it is not clear how they can be reabsorbed, and security officers have not been involved in discussions about them.¹⁸⁰ Strategies suggested to manage returnees included a revolving fund and assistance with livelihoods.¹⁸¹ The NGO Brave has been working with UNDP and educating people on Jihad. As noted by SUPKEM “In the absence of a concerted effort to develop the necessary frameworks and mechanisms to ensure their rights to life and due legal process, prospects for their sustainable reintegration are limited’.

¹⁶⁹ FGD with women, 12 April, 2016

¹⁷⁰ Interview, national administrator in Kwale, 14 April 2016

¹⁷¹ Xinhua (2016) ‘Al-Shabaab returnee killed in Kenya's coast’. *Xinhua*. 17 March.

¹⁷² Interview, human rights activist, 12 April, 2016; Interview, A local Sheikh, Kwale, 11 April, 2016; Interview, local peace worker, Diani, 13 April, 2016

¹⁷³ Ahmed, M. (2016) ‘Senator calls for amnesty clarify’ *Sunday Nation*, 8 May, p36

¹⁷⁴ Interview, security official, 13 April, 2016

¹⁷⁵ Interview, an OCPD in Kwale, 5 April to 15 April, 2016

¹⁷⁶ Interview, peaceworker, Diani, 13 April, 2016

¹⁷⁷ Interview, peaceworker, Diani, 13 April, 2016

¹⁷⁸ Xinhua () ‘The Kenyan government has announced an amnesty for youth who joined Al-Shabaab to commit terrorist activities in the Horn and Eastern African region’.

¹⁷⁹ Interview, peaceworker, Diani, 13 April, 2016

¹⁸⁰ Interview, security official, 13 April, 2016

¹⁸¹ Interview, security official, 13 April, 2016

Disappearances and targeted killings

Over 500 young men from Kwale have been reported as missing. Explanations include radicalization and travel to Somalia or the Middle-East; or travel to find work in Saudi Arabia, joining poaching gangs and lastly, disappearance due to arbitrary arrests by police. “Some youth are taken, but not booked in the police occurrence book, and may be accused of working for Al Shabaab.”¹⁸²

A sheikh noted that many young men have disappeared from Diani.¹⁸³ A civil society representative also confirmed the same in Diani and Ng’ombeni.¹⁸⁴ A peace worker confirmed “It’s happening, we know two who have disappeared around Mbuwani. The door was knocked and the boys were taken, until today nothing has been done.”¹⁸⁵ While youths may disappear due to recruitment, as noted elsewhere, there are also suspicions that they are being targeted by police. In December 2013 three Muslim men were killed in the same month, raising tensions and concerns among the local population that the security had a ‘hit squad.’¹⁸⁶ Events in Mombasa in 2013-2014 provided substantial evidence for the same.¹⁸⁷ An OCPD referring to Al Shabaab sympathizers, was reported as saying in a public meeting “We have killed 17 and we know there are over 70, we will continue to kill”, however he was also promising amnesty at the same time.¹⁸⁸

*Women stated “We have shared the problem of missing youths with many people but have not seen any response. We are now unwilling to talk to anyone from Nairobi.”¹⁸⁹ This is an issue which exacerbates radicalization and can be used by recruiters.*¹⁹⁰

In Bongwe, 50 young people identified themselves as returnees in response to the governmental amnesty, but were said to have lacked protection such that 5 were killed in unclear circumstances. The other 45 are also said to be missing now. Others however argued that there were many false claims made during the amnesty in order to access help – motorbikes were being donated – and that the genuine returnees killed the false ones.

Targeted killings of moderate Muslim leaders were another terrorist problem, with members of the Peace Committee in Kwale being targeted. “A lot of people pulled out from the peace committee as they were being targeted and killed. This forced several people to go underground... even the assistant chief was shot.” A sheikh from Kinando was mentioned, who was shot in Likoni.¹⁹¹

¹⁸² LICODEP and Sautu ya Wamama, 11 April 2016

¹⁸³ Sheikh, LICODEP, 11 April, 2016

¹⁸⁴ Interview, human rights activist, 12 April, 2016

¹⁸⁵ Interview, peace worker, Kwale, 12 April, 2016

¹⁸⁶ Mwajefa, M (2014) ‘Killings and a spate of armed attacks spark fears among Kwale residents’ *Daily Nation*, 24 January

¹⁸⁷ See Human Rights Watch news <https://www.hrw.org/news/2014/08/18/kenya-killings-disappearances-anti-terror-police> Accessed 27 April 2016

¹⁸⁸ Interview, Muslim peace worker, Kwale, 12 April, 2016

¹⁸⁹ FGD Maendelao wa Wanawake and Sauti ya Wamama

¹⁹⁰ Interview, peace worker, elder, Diani, 13 April, 2013; Interview A Sheikh, Kwale, 10 April, 2016

¹⁹¹ Interview, human rights activist, 12 April, 2016

Because of these issues, and the feeling that people are not being properly protected, people have lost confidence in the security and this is counterproductive, even leading some to join terrorist groups in order to revenge.. They are also reluctant to share information due to fear,

*The moment you went to police/talked with the police, you would get a what's app with your photo and an intimidating message "we give you two weeks". We came to realize that Al Shaabab was not in the bush but in the station. Who can I trust?*¹⁹²

Witchcraft and witch hunts

Witchcraft may be defined as "the practice of magic, especially black magic; the use of spells and the invocation of spirits" (Oxford Dictionary)." In Kenya, the Witchcraft Act (Chapter 67 of the Laws of Kenya) does not define witchcraft, but covers: the claim to supernatural power for the purposes of causing fear or injury to another; the possession of objects used in associated rituals; the accusation of another of practicing witchcraft and the permission by a chief allowing witchcraft rituals within his jurisdiction. The law which was first drafted in 1925 borrowing to a greater extent from British, is said by one commentator for the Kenya Law Reform Commission to require updating in line with the 2010 Constitution of Kenya, in particular on the distinctions between belief systems, African culture and harmful practices. African understanding of the power of witchcraft also differs from British and other country's laws which generally focus on the 'pretense or claim to witchcraft.'¹⁹³

The practice of witchcraft, known locally in Kwale as *uchawi*, and suspicions and fears of it, are very prevalent in the coast area and various rituals are known to take place in *Kayas* (ancient forest areas). Practitioners of witchcraft are known as *mganga/waganga*. Confusingly there is an overlap between traditional healers, who administer herbs alongside spiritual treatments, and whom many people prefer to visit, and practitioners involved in more sinister activities.

Involvement in witchcraft may lead to various violent or abusive practices, as noted, incidences of rapes may be related to witchcraft practices with the aim of becoming wealthy. In Tanzania the targeting of persons with albinism for body parts stems from the same belief (Reisman et al 2014). Moreover witchdoctors may hold considerable power through invoking fear in their communities. Many problems are also attributed to witchcraft curses, such as spousal crime or infidelity, infertility, and other problems. Women in Kinando told the researchers that if one does well at growing cassava, they will meet an old man who will greet them, but as they turn away he will become a warthog and eat all their cassava. Warthogs may then be seen as witches in disguise.¹⁹⁴

Accusations of witchcraft are frequently made in the context of family disputes over land. *Waganga* are used to detect other 'witches'. This may lead to mob justice, and even to the disposal of 'inconvenient'

¹⁹² Interview, Muslim peace worker, Kwale, 12 April, 2016

¹⁹³ See 'Justification for review of Witchcraft Act, Cap 67' on klrc.go.ke

¹⁹⁴ FGD with women in Kinando, 12 April 2016

people.¹⁹⁵ Two elderly brothers were hacked to death in Kinando Sub-County in 2014 on suspicion that they were engaging in witchcraft.¹⁹⁶

Border security

A National Intelligence Service officer stated 'The porous border points in Lunga Lunga, coastline has brought challenges of human trafficking, trafficking of illegal arms and drugs and other contrabands'.¹⁹⁷ Youths unloading contraband sugar from a truck were surprisingly direct in informing the researchers that 'Sugar is being smuggled via the Lunga Lunga road from TZ and sold in Kwale'.¹⁹⁸

Findings: Challenges within Police and Administration

Security officials noted the difficulties in resourcing in terms of human resources, particularly to police the porous borders and coastline;¹⁹⁹ and vehicles. The whole county: from Likoni to Lunga Lunga and into the rather inaccessible uplands is covered by the command base in Ukunda. The command base does not have transport. Police rely on public transport which is unreliable and cumbersome. Since the police usually commandeer boda-boda (motorcycles) and matatus (minibuses) this can create conflicts of interest.

Police mentioned one challenge in their work was collecting evidence in cases to do with witchcraft or accusations of witchcraft. This often leads to the case being dropped, and subsequent accusations that the police are not doing their work.²⁰⁰ Another issue is that police may be posted anywhere in the country, and therefore may not understand local issues, customs, sensibilities and superstitions, leading to barriers in their relationship with communities. The interface between secular and spiritual and the various belief systems regarding it is an interesting recurring theme throughout the research and one which deserves further work in its relationship to crime, violence, security management and prevention.

The police and the community

Police harassment, mass round ups and arbitrary arrests and detentions of 'suspected' youths have led to resentment against law enforcement agencies.²⁰¹ Referring to the Kaya Bombo violence one respondent said 'Youths have been asking why they should not return back to the forest.'²⁰² Youth profiling or stereotyping was seen to be an important problem by youths in Diani who complained that society in general and security agencies view the youth as potential evildoers. Youth in N'gombeni concurred that being youthful is associated in people's eyes with many evils in society e.g drugs, crime, Al Shabaab and that many youth in turn live up to these social stereotypes. In that area they suffer the additional stigma of association with MRC.²⁰³ The researchers were met with the question "Have you

¹⁹⁵ FGD 31 Chiefs, Kwale, 13 April, 2016; concurred in FGD security officials from Kwale, 13 April, 2016

¹⁹⁶ Mwabege, F (2014). 'Brothers hacked to death on witchcraft accusation in Kwale' *Daily Nation* 4 September,

¹⁹⁷ FGD security officials in Kwale County, 13 April, 2016

¹⁹⁸ Youths that unload contraband sugar, Diani, 12 April, 2016

¹⁹⁹ FGD security officials in Kwale County, 13 April, 2016

²⁰⁰ FGD security officials in Kwale County, 13 April, 2016

²⁰¹ FGD with Youth in N'gombeni Location, Kwale County: N'gombeni Development for Growth (NDEV-G) 11 April, 2016

²⁰² Interview, peace worker, Likoni, 6 April, 2016

²⁰³ FGD with youths in Ng'ombeni 11 April, 2016

come to look for criminals.” The problem of disappearances, and the suspicion that some of these are due to police action against youths, are mentioned in some places (see section on issues relating to terrorism). In Kinando, however, women noted that they had not had problems since Kaya Bombo in 1997.

Community policing is taking place in Likoni, which is part of Mombasa, but neighbours Kwale and is on the same side of the ferry terminal as Kwale. There it is has had considerable donor support, however, the concept has not taken off in Kwale. Several barriers were mentioned for community policing, including the lack of understanding and awareness, a lack of trust between local people of different religions, and the poor relationship between police and community as noted, ‘People want to know “what’s in it for us?”²⁰⁴. The alleged illegal operations of MRC²⁰⁵ and the fear of antagonizing MRC²⁰⁶ were also noted as barriers.

In the context of inequality, security officials pointed to the difficulty in grouping heterogeneous properties, or wealthy households together in clusters of 10 as required in the proposed Nyumba Kumi model, and called for a flexible approach, informed by local context.²⁰⁷ Locally people have not been well informed about Nyumba Kumi. In one instance community members were said to have misheard the word ‘cluster’, instead having notions of being put into ‘plaster’.²⁰⁸ A sheikh commented that chiefs may choose their own people to be Nyumba Kumi officials which may be unrepresentative and may lead people to lose trust in the model.²⁰⁹

Community policing is having to deal with new issues such as terrorism. ‘Al Shabaab have sophisticated weapons, which is overwhelming for the CP, now they have to leave everything to the police and AP.’ As noted in a previous section, people feel they are inadequately protected when they share information with the police. ‘The chair of a peace committee for Mbuwani Ngowi was shot twice. He took the (threatening what’sapp) message to the police but nothing was done. They came and finished him. The moment you took someone to the police, the next day they would be released.’²¹⁰ Lastly, Nyumba Kumi was dealt a severe blow in Bongwe village in Msambweni at the time of writing on 30 May 2016 when 3 elders who were Nyumba Kumi officials were shot in the night by assailants who arrived on motorcycles and broke into their houses. Relatives were unwilling to give information for fear that they too would be targeted and it is suspected that Al Shabaab may be responsible one of the intended aims of the initiative was to gather intelligence against them.²¹¹

²⁰⁴ FGD with Youth in N’gombeni Location, Kwale County: N’gombeni Development for Growth (NDEV-G) 11 April, 2016

²⁰⁵ FGD with 31 chiefs from across the county, County Headquarters, Matuga, Kwale 13 April, 2016

²⁰⁶ FGD Chiefs

²⁰⁷ Interview, local administrator, 12 April, 2016

²⁰⁸ Interview, local administrator, 12 April, 2016

²⁰⁹ Comments made at CVPT, Kenya School of Government, Nairobi, October 2016

²¹⁰ Interview, community policing representative, 12 April, 2016

²¹¹ Mbabge, F. (2016) ‘Fear grips Kwale as three Nyumba Kumi officials are killed’ Daily Nation, 30 May <http://www.nation.co.ke/news/Fear-grips-Kwale-as-three-Nyumba-Kumi-officials-are-killed/-/1056/3224602/-/tkptij/-/index.html>

Coordination issues

Security officials, chiefs and community members all noted the lack of coordination and intelligence sharing between the various agencies: The National Government Administration Office (County Commissioner), Police and Administration Police, and Intelligence. Furthermore suspicion between Muslims and Christians limits collaboration within these structures.²¹² “We have divided loyalties within the security, they do not speak the same language. The issues are not The name, meaning ‘Helpers’ is taken from a group who offered hospitality to Mohammed and his followers after they fled from Mecca to Medina The name, meaning ‘Helpers’ is taken from a group who offered hospitality to Mohammed and his followers after they fled from Mecca to Medina well-coordinated and there is major division between the county government askaris, Police and Administration Police. One example is that security agencies posit that the war on drug trafficking is a ‘lost cause’ because there is lack of political will to deal with the drug barons in coast.”²¹³

Another issue that has been noted in previous research on devolution and security (Mkutu and Marani, 2014) is the lack of coordination between police and county governments; the latter have a law-making function but no means of law-enforcement or prosecution except through the police and regular courts. This creates paradoxical situations where the police may be unwilling to enforce county laws, particularly when they do not harmonize with those of neighbouring counties. “The county security arrest people and hand them over to the police, and they are released the following day.”²¹⁴

County Policing Authorities

A human rights activist noted that for the past year, County Policing Authority has been formed and letters of appointment sent, but little else has happened. “That is the end of the story. They attend (security) forums but have no authority”. This may be because although the legal structures now exist for CPAs there are not Government guidelines on their operations at present.

Findings: Potentials for Prevention

County and National Administration priorities

Figure 6 summarizes the priorities and strategies outlined in the Kwale County Integrated Development Plan of 2013. Notably the county has identified educational and vocational training needs, the local economy, land adjudication, youth empowerment, socio-cultural integration and community participation in policing, all of which could potentially assist in crime and violence prevention. However, some of the strategies outlined clearly require more than the good intentions of county government alone. Partnership between county and national government and other sectors such as the police are a necessary aspect of crime and violence prevention.

²¹² FGDs with security and chiefs and also community members, Kwale 10-15 April, 2016

²¹³ FGD security officials in Kwale County, 13 April, 2016

²¹⁴ FGD with county security personnel and Kenya Revenue Authority, Matuga, Kwale, 13 April, 2016

Figure 6: Summary of development challenges and strategies to address them outlined in Kwale Integrated County Development Plan

<p><u>Poor education standards and inadequate human resources</u></p> <ol style="list-style-type: none"> 1. Strengthening school governance and management: 2. Model primary and secondary school each sub-county 3. Support to needy students through normal bursaries and establishment of a well-managed county loan scheme 4. Community awareness and sensitization on education 5. Establish vocational institution in each ward and a university 6. Training of school heads, SMCs and BOM members. <p><u>Low agriculture, livestock and fisheries production</u></p> <ol style="list-style-type: none"> 1. Promote integrated agriculture, livestock and fisheries programs 2. Set up an agriculture mechanizations support unit through public private partnership 3. Revive farmer groups and corporative and transform them to agricultural marketing companies 4. Establishment agriculture markets and storage facilities in each sub-county 5. Support the setting of small scale irrigation schemes <p><u>Poor management of land, conservation and environment</u></p> <ol style="list-style-type: none"> 1. Develop a mineral resource map and review and update land use plans for Kwale County 2. Formulate and implement mineral resources development and exploitation policy to promote and guide sustainable mining activities. 3. Rehabilitate and restoration of all mining and forest degraded sites and areas as per the EMP and historical ecological constituents 4. Formulate community sensitization and awareness campaigns on environment conservation and land preservation and management 5. Promote commercial tree growing and afforestation as a buffer for protecting indigenous forests. 6. Update agro-ecological zones for the county land area to inform relevant socio-economic activities 7. Adjudicate land for distribution and allocation to local communities 8. Establish taskforce to investigate past land dealings and injustices <p><u>Low and stagnating investment in trade, industry, and tourism</u></p> <ol style="list-style-type: none"> 1. Policy and tax incentives for diversification of the tourism sector 2. Promotions of medium and small scale enterprises through enactment of appropriate laws and collaboration with national industry and investment promotion agencies e.g. KIRDI and NCST, IPC etc. 3. Enact policies for reducing the cost of doing business 4. Promotion of public private partnership in investment <p><u>Poor delivery of quality health</u></p> <ol style="list-style-type: none"> 1. Training of more medical workers particularly clinical officers, nurses at certificate level, nutrition, laboratory technologists and pharmaceutical services 2. Equip health facilities at all levels with necessary medical equipment 3. Strengthening health systems management at all levels of the health units 4. Establish a robust supply chain system that integrates a county level pull supply system with the centralized procurements from KEMSA/MEDS for quality assurance. 5. Revamp the health management boards is all health facilities 6. Promote community level mitigation of health risk factors <p><u>Poor infrastructure</u></p> <ol style="list-style-type: none"> 1. Road network improvement and expansion; 2. Rehabilitation and expanding water supply system 3. Connecting more households and market centers to electricity through reduction of connection cost. 4. Conducting feasibility and technical studies for solar and small scale hydro-electricity schemes

Neglected social and cultural development

1. Enhance socio-cultural integration.
2. Enhance women and youth empowerment
3. Promote sports and cultural activities.
4. Address negative cultural practice
5. Drive positive cultural transformation and perception change to support development.
6. Enhance integrity in leadership at all levels
7. Promote meaningful public participation in all aspects of development.

Poor governance

1. Good governance capacity development for county leadership in policy
2. Community participation and social audit
3. Formulation of policies for promoting participatory economic empowerment.

Rising insecurity

1. Improving delivery of security services:
2. Improve accountability and transparency of the police service
3. Streamline security policy implementation processes through increased public participation to build community ownership and self determination
4. Establish a commission to address past historical injustices perpetrated to the citizens of the county

Climate change and disasters

1. Develop alternative livelihood scheme for charcoal burners
2. Improve coordination of county disaster mitigation, prevention, and response.
3. Establish a functional community base disaster early warning system

Gender equality and youth empowerment

Domesticate the gender equality laws and policies and facilitate their operationalization

Vulnerable and excluded groups and communities

Mainstream and integrate marginalized communities and vulnerable groups and all aspects of county development

Retrogressive cultural practices, traditions and belief

Promote positive cultural transformation and perception change to support development

Many county executives in Kwale (the governor included) originate from civil society, which would have been expected to lead to good cooperation between the county and civil society. However there is a lot of tension between these sectors. Local administrators complained about their lack of proper involvement by some big civil society organizations. “We are not involved; we are just called to open and close meetings but not informed of anything by non-state actors. People who know the issues are not involved.” Furthermore he noted, “Nairobi does all the leading roles. Hence there is a lack of local content, local understanding and local approach, despite Kwale being very unique”

Peace Committees

Peace Committees are community representative institutions that facilitate peace forums at the various governance levels and bring together traditional dispute resolution mechanisms involving elders, women, & religious leaders and modern mechanisms for conflict resolution (security agencies, NGOs).

Peace Committees are overseen by the National Steering Committee on Peacebuilding and Conflict Management (NSC), established in 2001 and placed within the Ministry of Interior and Coordination of National Government in the Office of the President. Peace Committees (known as District Peace Committees prior to devolution) were established in many districts of Kenya.²¹⁵

In Kwale the peace committees have been involved in a number of issues, including negotiations with MRC members to surrender,²¹⁶ and was able to stop Base Titanium from diverting community water supplies.²¹⁷ However, a community policing representative commented that the national government has cut the direct funding to the peace committee since devolution, requiring the committee to create proposals and budgets to the Commissioner. This makes it more difficult to access funding for activities.²¹⁸ “They have given us a really hard time. We have to rely upon NGOs; they are the ones that support us. We have not met for a year”.²¹⁹ NGOs that support the peace committees include Muhuri, LICODEP, Human Rights Watch and Active Citizen.

Elders

Elders are an important consideration in crime and violence prevention, having a role in conflict resolution in villages. A probation officer noted that elders also play a crucial role in the rehabilitation of radicalized young people, providing background information for the necessary social enquiry report.²²⁰ Interviewees noted however, that they had lost power and authority.²²¹ There is a situation of mistrust between youths and elders who are accused of bewitching the former so as not to get jobs, and of working closely with the police to collect information which may implicate some of the youths. Youths attribute some of the disappearances to this intelligence given to police who they then suspect of killing the youths. As a result there has been violence by the youths against the elders in Tiwi and Ng’ombeni.

The Kaya elder system is a form of indigenous governance incorporating rituals and supernatural ceremonies by elders operating in secluded shrines in the forests. There is an overlap between Kaya elders and village elders. A peace monitor said that the Kaya elders have certain prayers which could reduce crime through control of wayward youths.²²² Another interviewee noted that elders could make young people mentally ill through curses.²²³ In Bongwe Kaya elders, however, supported the youths towards radicalization and travel to Somalia for training. This is happening in other places too. He added that Muslim leaders preach against the Kaya elders for their use of magic which is contrary to Islam.²²⁴

²¹⁵ See <http://www.nscpeace.go.ke/nsc/>

²¹⁶ Musyoka, A. (2014) “Kwale MRC member surrenders as 12 flee”. *The Star* (Nairobi), 20 March

²¹⁷ Interview, community policing representative, 12 April, 2016

²¹⁸ Interview, community policing representative, 12 April, 2016

²¹⁹ Interview, community policing representative, 12 April, 2016

²²⁰ Interview, probation officer, Ukunda, 21 January, 2017

²²¹ FGD with youths Kwale, January 2017

²²² Interview, peace monitor, Diani, 19 January, 2017

²²³ Interview, pastor, Matuga, 18 January, 2017

²²⁴ Interview, Sheikh, Diani, 19 January, 2017

Tackling family issues

Women noted that they are the first to see issues at home and are the first to say “my son has changed”. They suggested possible interventions to assist families and protect girls, including reviving again the traditional culture of ‘my child is your child’ and provision of parenting training. The former suggests a potential for a women-led arm of community policing to find creative ways to deal with ‘softer’ issues such as children’s safety and family welfare. Much of this is already taking place informally but could be more effective if linked with other agencies through the community policing model. The issue of empowerment of women is both an obstacle and a potential here.

Gender empowerment and addressing GBV

A school of 200 in Kwale run by a pastor from Matuga is trying to assist 2 pregnant girls to finish their schooling. One girl has now passed her KSCE and her baby is being enrolled in the kindergarten. The school is planning to use 5 acres of land for boarding facilities to assist such cases.

It is doubly difficult for those who are inherently vulnerable, and who have suffered from gender-based violence to overcome the social, economic, geographical and information barriers they need to access help. A Gender Based Violence Recovery Center exists in Mombasa at Coast General Hospital, but there is no specific center in Kwale. IRC’s 2014 study on GBV responses confirms this. A center would offer medical assessment, forensic examination, pregnancy testing and contraceptive services, treatment to prevent sexually transmitted infections including HIV, counselling and legal advice.

The hospital in Matuga has family planning and HIV services but no designated GBV clinic; Msambweni county referral hospital also does not list any specific GBV services. In such a situation, services tend to be rather piecemeal and legal and counselling services are often lacking.

Drug rehabilitation

The county has prioritized drugs as a development issue and is in the process of building rehabilitation centers,²²⁵ while a what’sapp group has been set up by communities to try to share information.²²⁶ The researchers came across a small center in Diani – the county’s main urban center, catering for drug addicts. It has attended to over 800 people in the past 2 years (see figure 7).

Figure 7: Teens Watch Rehab Center, Clients served in the last 2 years.

	<u>Males</u>	<u>Females</u>	<u>Total</u>
Age* 18-24	74	0**	74
Age* over 25	707	23	730
Total	781	23	804

*Some of the ages are approximated, since many do not have national identification cards.

**Those under 18 were reached as part of a pilot project on ‘Youth in and out of school/out of drugs’.

Teenswatch center was registered in the year 2002 by Ministry of Gender, sports and social services. The core activities are,

²²⁵ FGD with county security personnel and Kenya Revenue Authority, Matuga, Kwale, 13 April, 2016

²²⁶ Interview with human rights activist, 12 April, 2016

- Raising awareness on HIV/AIDS and drugs
- Education of young people and peer counselling
- Vocational training to help prevent relapse
- STI screening and treatment, HIV testing and TB testing.
- Harm reduction – distribution of harm reduction packages (includes clean needles, syringes and condoms) and hygiene kits (soap, toothpaste, tooth brush)
- Supervision of Community Service Orders (probation) and provision of After-Care (following probation)
- Provision of food and general support of addicts
- Preparing people for medically assisted therapy in hospitals (use of methadone to assist withdrawal)

The center collaborates with many civil society organizations and institutions to fulfill its objectives, and receives volunteers from overseas. There may be other centers doing similar work, but these were not identified.

Opportunities for youths

Youths in Ng'ombeni, proposed various strategies to assist them.²²⁷ These are listed below:

1. Vocational and technical education for many of the youths who fail in class 8 or form 4:
2. Opportunities for youth to explore their talents in arts, music, poetry, acrobatic skills, dance, etc.
3. Opportunities for unskilled youth e.g. coconut processing
4. Removal of barriers and bureaucracies around funds meant for youths
5. County government to initiate youth empowerment programs like those currently being undertaken by NGO's, CBO's like civic education.
6. Facilitation of emergence of youth-based community-based organizations to champion youth causes.
7. Action on drugs, including rehabilitation rather than criminalization, and better policing of the port

LICODEP

Likoni Youth Counselling and Development Program started in 1997 after the Kaya Bombo violence described previously. Youths hiding in the forest were approached by civil society and offered amnesty. 20 surrendered and received 3 weeks of leadership training. LICODEP was formed on the final day of training, with 4 programs, in education, health, enterprise and lobby and advocacy. From 1998-2004 this was registered as an NGO, and a new program, peace and security for development was added in 2004.²²⁸ LICODEP's education program has been able to address school drop-out, particularly of girls due to teen pregnancy, demeaning attitudes and the practical problems of menstruation. Drugs and lack of books were other problems in schools. Through intervention into these areas (teachers trained in counselling, provision of toilets, boreholes, books, sanitary towels and electricity), retention rates

²²⁷ FGD with Youth in N'gombeni Location, Kwale County: N'gombeni Development for Growth (NDEV-G) 11 April, 2016

²²⁸ Sheikh, LICODEP, Likoni, 11 April, 2016

improved. Other interventions included development of a girls' forum, and family interventions (with assistance of Sauti ya Wamama).²²⁹

Counter violence-radicalization interventions

Kenya's National Counter-Terrorism Centre, which is receiving support from foreign donors, has developed a National Counter-Radicalization strategy, having 7 pillars: media; psycho-social; faith-based; capacity-building; political; education and security strategies.²³⁰ The NCTC notes that it is working with national organizations representing Muslim women and youths. A number of other NGOs and donor organizations have projects in the area, including USAID through URAIA, an umbrella for many civil society organizations, who are also working on a strategy involving training, mapping of hotspots and identifying returnees. In a presentation delivered to the Crime and Violence Prevention Training in November 2016 however, the Deputy Secretary General of SUPKEM lamented the lack of effective action.²³¹ A probation officer felt that counter-radicalization strategies, although well-funded, fail to reach the ground level and much money is wasted.²³²

Counter-radicalization may address various stages of the radicalization process. However, in terms of rehabilitation of returnees this is made more difficult because they are "underground" due to fear, and face exclusion from the community as noted. The probation service is working with the National Counter-Terrorism Centre to re-integrate and rehabilitate returnees; currently involving 6 young men in Kwale.²³³ On a small scale, a pastor from Matuga who runs a school described how he had taken in 2 young men who had been expelled from another school due to radicalization and threats which they had made to non-coastal people. He described how with close supervision and counselling they had been assisted to pass their KSCE exams.

An unfortunate story told by the Deputy Secretary General of SUPKEM described 6 young men who had been offered support by the government following the amnesty but this never came through. Muslim leaders raised 400,000 to help them. 50 young people in Bongwe responded to the Amnesty in 2015 and were assisted with motorbikes amongst others. However, as noted, this led to fatal conflict within the community (possibly because these "returnees" were not genuine). The situation is therefore very complex.

At the national level the secretary general of SUPKEM noted that they are writing a book to address the interpretation of certain Koranic verses often used to support terrorism while locally the sub-county Peace Monitor noted that they are educating parents and children using theatre, amongst other to raise awareness on the dangers of radicalization. A CBO in Ng'ombeni, Kwale Muslim Youth Forum, is training youths in self-awareness in order to help them understand their own desires, question their decisions

²²⁹ Sheikh, LICODEP, Likoni, 11 April, 2016

²³⁰

[https://info.undp.org/docs/pdc/Documents/KEN/\(Kenya%20rev%20270115\)%20Kenya%20Counter%20Terrorism%20project%20Document%20FINAL.pdf](https://info.undp.org/docs/pdc/Documents/KEN/(Kenya%20rev%20270115)%20Kenya%20Counter%20Terrorism%20project%20Document%20FINAL.pdf)

²³¹

²³² Interview, probation officer, Kwale, 21 January, 2017

²³³ Interview, probation officer, Kwale, 21 January, 2017

and to resist radicalization²³⁴ while, the Coast Interfaith Council of Clerics is also attempting to create awareness, meet and talking to youths, leaders, chiefs, sharing materials and counselling young people. A member described,

Joseph was a young man from Kitui; he trained with the National Youth Service and when the training was finished did not find work. Her tried to get into the army but ultimately was not chosen because he did not have money to bribe. He used to play the keyboard in the church, but at the same time, desperate to carry a gun he linked with Al-Shabaab. After some counselling he agreed to abandon this path and has now managed to get a job and to get married.”

A peace monitor described a specific initiative to deal with the effects of radicalization upon women: women’s groups linked with the Council of Islamic Preachers or Kenya (CIPK) are trying to help women, whose husbands have left to join Al Shabaab in Somalia, or have disappeared for unclear reasons. Lastly, a student from Uma University in Mombasa, who comes from Mabungo said that twice (January 2016 and most lately December 2016), 600 youths from the coast region, of whom 100 were from Kwale met with the President in a meeting organized by the Red Cross. They raised the problem of returnees and requested that polytechnics be built in Kwale. The President responded that it would be done.²³⁵

Policing

Police made a number of suggestions for crime prevention in Kwale. The breadth of strategies mentioned indicates the understanding within the force that crime and violence are not policing issues alone, rather, a range of sectors to be involved.

1. Public education and awareness campaigns on legal processes of daily interactions.
2. Enhance intelligence gathering of returnees to have them officially registered monitored and rehabilitated.
3. Bonds for murder suspects should be very high and punitive to discourage their coming back in society to threaten victims.
4. Enhance witness protection outreach programs into interior counties and facilitate witnesses traveling long distances to appear in courts.
5. Devolve environmental courts to the Counties to deal with cases.
6. Review and come with maximum timeliness on court proceedings. Currently court proceedings sometimes take unnecessarily too long to wind up.
7. Need to institute alternative dispute resolution to land conflicts/ cases.
8. Improve land ownership through issuance of legitimate title deeds and resolving the squatters’ problem.
9. The courts should review government position and MRC declared an outlaw and crack down on its members and activities.

²³⁴ Interview with Joseph Ratili, Kwale Muslim Youth Forum, Ng’ombeni, 20 January, 2017

²³⁵ See <http://www.hivisasa.com/wb/mombasa/politics/107361> see also <http://www.nation.co.ke/news/Let-us-work-together-Uhuru-tells-Coast-youth/1056-3023694-c5wu46/index.html>

The spiritual and the secular in crime prevention

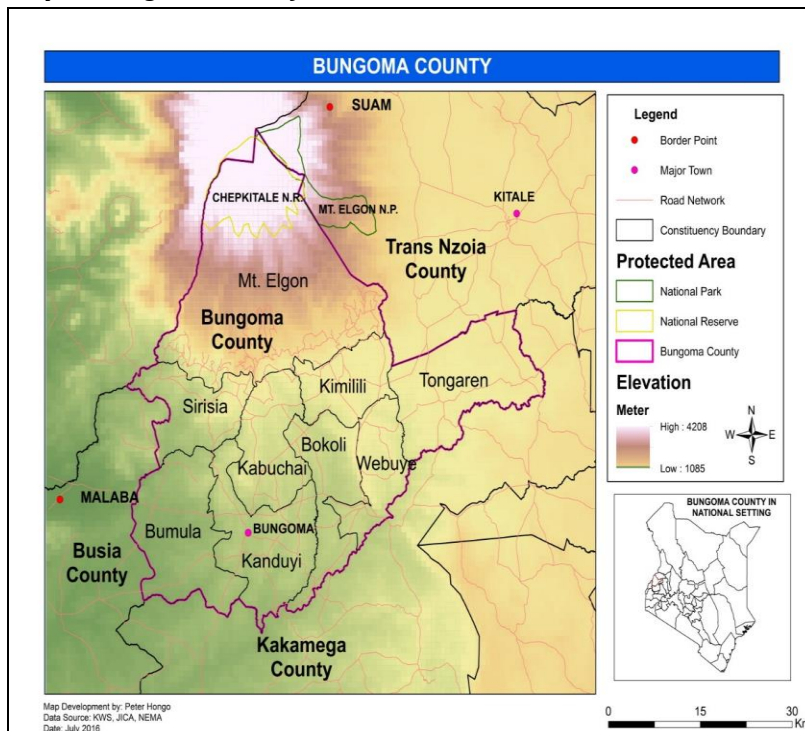
The survey revealed the challenges brought about by different perceptions and beliefs about crime and violence. That so much is attributed to witchcraft, without identifying the factors involved, makes it difficult for police to collect intelligence, and makes intervention to prevent crime and violence more difficult. Security or administrative personnel newly transferred to the area may struggle to work with communities whose beliefs and sensibilities they do not understand. The same may be true in terms of the way in which young Muslim men are profiled and harassed by police, which creates suspicion and barriers, and hampers crime prevention efforts. Some sensitization of security and administration to these issues, and capacity-building to handle them could assist here.

Bungoma County

Background

Bungoma County covers an area of 3032.4 km². It borders the republic of Uganda to the north-west, Trans-Nzoia County to the north-east, Kakamega County to the east and south-east, and Busia County to the west and south-west. The county is quite mountainous, hosting Mount Elgon, a 4,321m high extinct volcano which it shares with Trans-Nzoia county and Uganda. There are also Chetambe, Sang'alo and Kabuchai hills and the Mt. Elgon forest reserve (618.2 km²) and national park (50.7 km²). The mountain is the source of major rivers including the Nile, Nzoia, Kuywa, Sosio, Kibisi and Sio-Malaba/Malakisi making the county very fertile. The county is divided into 9 sub-counties: Bumula, Bungoma South, Bungoma Central, Sirisia, Kimilili, Tongaren, Mt. Elgon, Webuye East and Webuye West (see map 2). There are 3 main towns, Kimilili, Bungoma town and Webuye. Mount Elgon sub-county is explored in detail in this report due to land conflicts and has the administrative divisions of Cheptais, Kapsiro, Kapsokwony and Kaptama, while Cheptais is the main economic center.

Map 2: Bungoma County



According to the 2009 Kenya Population and Housing Census, the county had a population of 1,380,000 with a growth rate of 3.1%; correspondingly, age cohorts revealed a very youthful population with 49% of the population being 14 years or under (KNBS/SID, 2013). The dominant ethnic groups in Bungoma are the Bukusu, Iteso and Sabaot. These are again divided into several clans. The majority profess

Christianity, with most Sabaoth being Seventh-Day Adventists, although traditional beliefs and practices are also common.

Poverty is widespread. Bungoma County Integrated Development Plan (2013) notes that poverty and unemployment are challenges in all sub-counties, with an absolute poverty rate of 52%.²³⁶ The Human Development Index is 0.48 (slightly lower than the national figure of 0.52).²³⁷ Inequality is lower than average however, with a Gini Coefficient²³⁸ of 0.430 (lower than the country figure of 0.445) (KNBS, 2013). The Multi-dimensional Poverty Index is 0.25 (as compared to the national figure of 0.23).²³⁹

In addition to subsistence farming, there is dairy farming and commercial agriculture with crops such as sugar cane, maize, cotton, sunflowers, tea, coffee, wheat, pyrethrum, coffee and onions. The factories and industries in the County are then mainly agriculture based and include Nzoia Sugar Company, Malakisi Tobacco Leaf Center and coffee factories, as well as Webuye Heavy Chemicals Industry. Except Nzoia Sugar, the factories produce intermediary products which need further refining outside the county. Mining activities in the county include; sand harvesting, brick making and quarrying. Sand harvesting is common along river banks and areas with sandy soils such as Malakisi and Sirisia.

The labor force represents 40.2% of the County population. Thus about 60% of the population is either too young or too old to be engaged in productive activities and depend on the labor force for sustenance. 13.6% of the population work for pay (KNBS, 2013) however, 63.3% of the labor force are employed (formally or informally) (Bungoma County, 2013).

21% of residents have secondary education or above, while 61% of residents have primary education only, leaving 18% with no formal education (KNBS, 2013). According to the 2014 Kenya Demographic and Health Survey, literacy in Bungoma is around 88.7% for women aged 15-49 (a little higher than the national figure of 87.6%), and 79.5% for men over 15 (lower than the national figure of 92.4%)

In terms of development, according to the 2013 County Integrated Development Plan the county had only 2% bitumen roads, 30% gravel roads and 68% earth surface roads. There are two airstrips in the county. Electrical connectivity is only 4.4% and only 16% of homes have brick or stone walls. 72% of the

²³⁶ Absolute poverty is defined by the United Nations (1995) as a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to services

²³⁷ The Human Development index is a composite figure based on measures of health, income and education. Figures were taken from <https://data.humdata.org/dataset/kenya-human-development-index-per-county> and originated from UNDP figures in 2014. Norway ranks highest at 0.944, see <http://hdr.undp.org/en/countries/profiles/>

²³⁸ The Gini Coefficient is a measure of inequality, with no inequality being 0 and maximum inequality being 1. By counties, the lowest figure is 0.283 in Turkana and the highest is 0.62 in Tana River

²³⁹ The Multi-dimensional Poverty Index is a new figure, reflecting the incidence of multidimensional deprivation, and its intensity, that is, the number of deprivations people experience at the same time. Figures were taken from <https://data.humdata.org/dataset/kenya-human-development-index-per-county> and originated from UNDP figures in 2014

population have access to improved sources of water²⁴⁰ (KNBS, 2013) although the average distance to the nearest water source is 1.5 km in rural areas and 0.5 km in urban areas.

The County has 11 hospitals and around 125 other health facilities, which are said to be fairly distributed but under-resourced. According to SARAM 2013, the five most common diseases in order of prevalence in the County include; malarial fever (40%), respiratory tract infection (19%), skin diseases (7%), diarrhea (4%) and typhoid (3%). Most of the diseases are caused by poor hygienic practices. The mortality rate for children under 5 in Western Kenya is 64 per 1,000 live births, (KDHS, 2014) (Recent figures specific to Bungoma specifically were not available. HIV rates are estimated at 3.2%, lower than the national average of 5.72% (KNBS 2014).²⁴¹ Retrogressive or negative cultural and traditional practices have been acknowledged including forced circumcision, female genital cutting (FGC) and early marriage of girls, to be explored.

There are many civil society groups active in the county, at least 25 are listed in appendix 1, while several non-governmental organizations conducted research on the Mt Elgon conflict.

Findings: Drivers of Crime and Violence

Land and conflict

The CIDP (2013) notes that according to KIBHS 2006/07, only 34.1% of land parcels in the County have title deeds whereas 65.9% of households reside on ancestral lands with no official documents of ownership. There is need for proper land adjudication and demarcation of public, private and community land within the existing legal framework. The Mount Elgon area has been the worst casualty of land conflict, erupting from the 1990s onwards, and culminating in a bloody 'rule of terror' in 2006-2008 by the Saboot Land Defence Force (SLDF), and a brutal campaign in 2008 by the Kenya Defence Force to suppress them. The following section summarizes the Mt Elgon conflicts to date and the impacts which are relevant to the current risk of crime and violence.

Human Rights Watch (2008:11) states,

The cumulative consequence in Kenya of land theft, illegal or chaotic land allocation, forced evictions, corruption, impunity, and the manipulation of ethnicity for political purposes over decades is a culture of violence and widespread abuse of human rights... The roots of the current conflict in Mt. Elgon are no different. All of these factors have played a key role in the successive waves of violence and insecurity that have wracked the district since 1991, and that have led to the death, dispossession, torture, and repression of thousands of people, the vast majority of them civilians.

The roots of the land conflicts are said to originate in the dispossession of the Kony people (after whom the mountain is named: 'Elgon' is derived from 'Il Kony') by the colonial government, who wished to

²⁴⁰ Improved sources of water comprise of protected spring, protected well, borehole, piped into dwelling, piped and rain water collection while unimproved sources include pond, dam, lake, stream/river, unprotected spring, unprotected well, jibia, water vendor and others.

²⁴¹ See <https://data.humdata.org/dataset/the-kenya-2014-adult-hiv-prevalence-rate-by-county>

acquire land for white settler farms in Trans Nzoia (Wachira et al, 2010). The Kony moved into Chepyuk lowlands and Chepkitale and moorland areas, on the southern slopes of Mt Elgon. Promised compensation agreed in 1932 in the Carter Land Commission was never provided. People of the forest and moorland areas came to be known as the Mosop (highland) or Ndorobo, of which the latter name is most commonly used. The Kony groups who inhabited lower grounds and practiced agriculture came later to be known as the Soy, while the term Sabaot was later used to denote both Soy and Ndorobo communities (Wachira et al, 2010).

Resettlement schemes

Plans to resettle the people of Mt Elgon were made in 1965, and resettlement began in 1971 with the Chepyuk Settlement Scheme (Phase 1) which was aimed at moving around 600 mainly Ndorobo families from the then recently designated forest reserve areas in Chepkitale into 20 acre plots in Chepyuk. Phase 2 in 1979 had the same objective, of providing for those who had missed out in Phase 1, but who by now had become a much larger group. The allocation processes together with other factors (to be described) raised tensions in the Mt Elgon area, both between the two main Sabaot clans and between the Sabaot and the Bukusu and Teso people in the area, resulting in serious land clashes through the 1990s. A Phase 3 resettlement then came much later, in 2006 partly in response to Soy demands that they had been excluded from previous allocations, but it was later decided to allocate the land equally between the two groups. Soy and other non-Sabaot who had already informally settled in the area faced reduction of plot sizes and evictions, while community elites resisted the directive to give up large tracts of land. (Simuyu, 2008). Severe tensions between the Soy and the Ndorobo arose at this stage, complicated further by irregularities in allocation and opportunism by outsiders and elites. Wachira et al (2010) in their detailed report for UNDP list some important problems with the settlement schemes which have led to recurrent conflicts. These include arbitrary allocation of inadequately surveyed and unsuitable plots; irregularities in allocation including double or triple allocations and allocations to outsiders; annulments of previous land agreements leading to losses for those involved; delays by government in formalization of land ownership following allocations; squatting prior to formal allocation; selling and leasing of untitled land; land insufficiency due to population increase (in Phase 3, only 1753 families out of over 7000 were given land); politicization and ethnicization of the conflict; and conflict between local spiritual leaders (*laibons*) of the two Sabaot clans, who were also responsible for administering powerful oaths of violence taken by young men.

The rise of the SLDF

From 2002, following the general election and later the 2005 Constitutional Referendum the SLDF began to recruit and build the force. Violence then broke out after the Phase 3 resettlement in 2006 (HRW, 2008). The actions of the SLDF became progressively more extreme and the objectives of the violence appeared to be political domination through terror, theft (in order to meet the needs and desires of militia), and settling of scores (initially against the Soy) in local land conflicts (HRW 2008). SLDF aims were heavily infused with the objectives of political leader Kapondi, in the run-up to the 2007 elections, and the opposition to his rival, Serut, leading to the driving out of other ethnic groups such as the Bukusu and Teso people out of the (then) Mt Elgon district. The SLDF heavily taxed and controlled the

local population, even forcibly recruiting children, and fought anyone who opposed their objectives. A Catholic Father described this,

*Everyone was to pay the taxes including the police, it did not matter who you are. The SLDF vigilante was powerful, so Matakwei started reigning over the entire mountain. The SLDF controlled everywhere on Mt. Elgon and the forest.*²⁴²

Women concurred that the SLDF imposed taxes on an entire constituency of 10,000 people for a year; they had their own trials, and executed criminals.²⁴³ Wachira et al (2010) also noted that those who declined to contribute were 'sentenced to death' and killed. Women in Cheptais described rapes by the SLDF, 'The SLDF youths would tie the mzee [old man] and rape the wives and the girl child...A widow lost 2 daughters who were taken by the SLDF.'²⁴⁴ Forced homosexual sex was another form of punishment, while a signature mutilation by the SLDF was to cut off an ear of those who refused their demands (HRW, 2008).

Arms, which had been brought into the areas since the 1990s by government officials and distributed to civilians to fight other conflicts (Wachira et al, 2010, Simuyu, 2008) were continuing to be provided,²⁴⁵ while cattle raiding and sale was an important means used by the SLDF to fund arms.²⁴⁶ Other armed militias arose, amongst them the Moorland Defence Force which attempted to repel the SLDF attacks on the Ndorobo. Estimates of the damage done in terms of deaths and displacements are variable. KNHCR (2008) estimated around 66,000 displacements, but towards the end of the SLDF reign, the army put the figure at 200,000, while local NGOs estimated 615 deaths (quoted in HRW, 2008). At its peak the number of the SLDF militia may have been around 3,000.²⁴⁷ The SLDF reign of terror lasted for 2 years with little action by the government, whether due to genuine incapacity or lack of political will was not clear.

2008-2009: KDF Disarmament Operation 'Okoa Maisha' (Save Life)

The Rapid Deployment Unit of the Administration Police, the General Service Unit and regular police attempted to control the violence in 2007, but were also responsible for committing atrocities including killings and rapes (HRW, 2008).²⁴⁸ The Kenya Defence Force (army) then entered Mt Elgon in January 2008 and began to round up young men and interrogate local people about the SLDF, and arms. The process quickly degenerated into another terrifying ordeal for Mt Elgon residents as military punished entire communities in their search for SLDF guerilla forces.

²⁴² Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

²⁴³ FGD, Women's leaders, Cheptais, Mt Elgon, 7 June, 2016

²⁴⁴ Interview Senior security, Mt Elgon, 7 June, 2016

²⁴⁵ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

²⁴⁶ FGD, Women's leaders, Cheptais, Mt Elgon, 7 June, 2016

²⁴⁷ Simiyu, R.R. (2008). 'Militization of resource conflicts: the case of a land based conflict in the Mt. Elgon region of Western Kenya. Monograph No. 152. Pretoria: Institute for Security Studies.

²⁴⁸ FGD, Women's leaders, Cheptais, Mt Elgon, 7 June, 2016

The army noted that around 4000 (in HRW, 2008 and Wachira et al, 2010) suspected SLDF militias were detained in Kaptoka Camp; some of these young men were young teenagers, or may have been as young as 10 years (KNCHR, 2008; HRW, 2008). Following the ordeal, some were released, others imprisoned, and some died and their bodies were dumped in the forest (KNCHR, 2008). A Catholic Father recalled that the caves in which the SLDF were hiding were closed by the army at both ends and gas was infused on the youths inside, killing them all.²⁴⁹ Women during the fieldwork related that men were tortured, incarcerated and killed,²⁵⁰ while there are variable reports about damage suffered by detainees to their genitals (KNCHR, 2008), even castrations (Wachira et al 2008). Women concurred that “men cannot produce electricity due to the removal of the transformer”.²⁵¹ An estimated 70-100 people died in the operation.²⁵² And as a result of both SLDF and KDF violence, there are now a large number of widows; 216 in Cheptais alone. At the same time, the operation undermined farming livelihoods and led to hunger. Relief food was brought but three quarters of it was diverted to the forest where the SLDF were hiding.²⁵³ Health and education sectors were also severely disrupted (Simiyu, 2008)

Negative peace/re-emergence of SLDF/2017

A high security presence remains in the area with 2 KDF detachments, 5 police stations, 24 APs, 2 police patrol bases and a GSU detachment for a population of 130,000.²⁵⁴ The National Police Reserve and Kenya Wildlife Service are security operatives in the area. The Catholic Father commented on the “peace out of fear” which resulted from the brutality of the operation but also raised concerns that the root cause of the conflict remains.²⁵⁵ A Phase 4 resettlement of 3800 people in Chepyuk is planned which may raise new problems by excising forest land.²⁵⁶ Many of the same problems with land allocations listed above also remain.

Many rumors exist of regrouping of SLDF fighters, particularly in Kaboiti, the home of Matakwei,²⁵⁷ while several people referred to the distribution of threatening leaflets in the area by the SLDF in early 2016, leading some people to leave the area in fear.²⁵⁸ Security officers noted that some of those who had fled to Uganda during security operations had returned and could cause problems in 2017.²⁵⁹ The power of the oaths taken by the SLDF was mentioned as an important factor in the re-emergence of

²⁴⁹ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

²⁵⁰ FGD women, Mt Elgon, June 2016

²⁵¹ FGD, Women’s leaders, Cheptais, Mt Elgon, 7 June, 2016

²⁵² Salome Matakwei, widow of late SLDF commander, Cheptais, Mt Elgon, 7 June, 2016; and HRW, 2008

²⁵³ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

²⁵⁴ Interview John Kiathi, Cheptais, 7 June, 2016

²⁵⁵ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

²⁵⁶ FGD with elders in Kibuk, Cheptais and Kapsowony, 5-10 June 2016

²⁵⁷ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016; FGD, women, Kibuk Parish Catholic Church, Kapsokwony, Mt Elgon, 6 June, 2016

²⁵⁸ Interview Senior security,, Mt Elgon, 7 June, 2016: Confirmed in FGD with chiefs, Bungoma Town 8 June, 2016

²⁵⁹ Interview security officer, name withheld, Bungoma county, June, 2016

conflict, since youths had bound themselves through supernatural power to violence.²⁶⁰ Elders stated that youths who need to get identification cards in order to vote in 2017 are required to apply in their home wards of origin and get a certificate of good conduct from the chief. This may be difficult for former SLDF, and could open up old wounds.²⁶¹

Security officers in Mt Elgon noted that politicians are involving themselves the planned Phase 4,²⁶² while elders say that the Soy are set to benefit more than the Ndorobo, and that politicians are influencing allocations.²⁶³ The prospect of elections in 2017 also brings heightened concern. Referring to the two main political candidates the Catholic Father noted, 'If we still have the two horses, violence should be expected.'²⁶⁴ Bungoma has also been listed by the Nation Cohesion and Integration Commission as one of the potential hotspots of violence in 2017.²⁶⁵ The Mabanga Peace Accord signed in 2011 has assisted in bringing peace in Mt. Elgon and calls for equity in political appointments. It is further discussed in the section on potentials for prevention.

In February 2017 an organized group calling themselves the SLDF stormed land in Cheptais, re-allocating a 10 acre plot which had been allocated to one of the administrators of the Phase 3 allocation. They have planted potatoes and resisted attempts by the landowner and the police to remove them, injuring the landowner who was admitted to hospital. Political motivations are believed to play a part in this new development.²⁶⁶

Youths and ex-combatants in Mt Elgon

Youths felt marginalized by the county government in terms of jobs and resource allocation.²⁶⁷ They stated that since CDF money had been stopped (following devolution), youth have not been involved in projects, and feel let down by the leaders they voted for.²⁶⁸ Minority communities in the sub-county, such as Bukusu and Teso also complain of being left out of opportunities.²⁶⁹

There is a need for rehabilitation of ex-SLDF youth;²⁷⁰ some mentioned that they are 'haunted' by the atrocities they committed and the oaths they took. Reconciliation, resettlement and peace-building initiatives may enlist elders but fail to reach these youths.²⁷¹ Some confided that they are living with

²⁶⁰ Interview John Kiathi, Cheptais, 7 June, 2016

²⁶¹ FGD with elders in Kibuk, Cheptais and Kapsowony, 5-10 June 2016

²⁶² Interviews with security officers in Mt Elgon, names withheld, June, 2016

²⁶³ FGD with elders in Kibuk, Cheptais and Kapsowony, 5-10 June 2016

²⁶⁴ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

²⁶⁵ Other counties identified are Nairobi, Kisumu, Mombasa, Nakuru, Eldoret, Narok, Kericho, Kisii, Homa Bay, Isiolo, Turkana, Kiambu, Kilifi, Lamu, Migori, Baringo and Pokot.

²⁶⁶ Phone correspondence with, leaders of community-based organizations, Mt Elgon, 13 February, 2017

²⁶⁷ FGD, youths, Kibuk Parish Catholic Church Kapsokwony, Mt Elgon, 6 June, 2016

²⁶⁸ Group interview, BK 98.2 FM (Bekaporet) community radio station, Kapsokwony, Mt Elgon, 6 June, 2016

²⁶⁹ Comment made at a FGD, Women's leaders, Cheptais, Mt Elgon, 7 June, 2016

²⁷⁰ FGD, youths (ex-SLDF), Cheptais, Mt Elgon, 7 June, 2016; concurred by Senior security, Mt Elgon, 7 June, 2016

²⁷¹ FGD, youths (ex-SLDF), Cheptais, Mt Elgon, 7 June, 2016

permanent injuries and disability,²⁷² and some desire justice or even revenge. They complained of ongoing vilification, profiling and over-policing.²⁷³

Landlessness has been compounded by poverty resulting from the conflict, and means there is no collateral to get a loan such that many informal loans are made. Women in Mt Elgon confirmed that young people are remaining dependent,²⁷⁴ and there are tensions between dependent youths and parents or elders who may have been allocated land. A chief in Cheptais highlighted the problem of suicides, relating to family disputes and to the fallout of the land conflicts. As a result of the stress, ‘a little thing leads to death’.²⁷⁵ Another chief concurred that “killing is nothing...the traumatized youths can do anything.” He called for counselling, healing and reconciliation are needed, and dealing with the oath and the radicalized mind, as well as the need to educate security personnel, and ensure witness protection.²⁷⁶

Youths mentioned that their attempts to help themselves include casual labor in the farms; operating boda-boda (motorcycle taxis); small scale businesses and hawking (selling on street) and seeking waged employment in Bungoma and other towns. All these youths remain vulnerable to crime, and can use their informal militant/paramilitary skills acquired during SLDF time.²⁷⁷ Small scale cattle thefts by these young people were reported.²⁷⁸

IDPs

The issue of displacement by the Mt Elgon conflict has affected the whole county of Bungoma, since large numbers of people are housed by their relatives. UNDP (2013) noted that there are over 7000 people still waiting for satisfactory settlement, while other estimates are higher; elders suggested 13,000.²⁷⁹ The number of displaced people continues to grow as children of IDPs continue to be born and those who were children when they were displaced are now coming of age and are in need of land. The National Government promises to complete the resettlement program as noted.²⁸⁰ Lastly, it was said that some IDPs for various reasons choose to sell land allocated to them and therefore technically remain as IDPs.²⁸¹

Other land conflicts

Inter-generation tensions over land and succession conflicts were highlighted in other parts of the county. Gazettement notices are place in the national papers and may bypass local or uneducated

²⁷² This was widely concurred, although it is difficult to quantify how many men were victims.

²⁷³ FGD, youths (ex-SLDF), Cheptais, Mt Elgon, 7 June, 2016

²⁷⁴ FGD, women, Kibuk Parish Catholic Church, Kapsokwony, Mt Elgon, 6 June, 2016

²⁷⁵ Patrick Cherakony – Snr. Chief Kesikaiki, Cheptais, in FGD with chiefs, Bungoma Town 8 June, 2016

²⁷⁶ Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

²⁷⁷ FGD, youths (ex-SLDF), Cheptais, Mt Elgon, 7 June, 2016

²⁷⁸ Salome Matakwei, widow of late SLDF commander, Cheptais, Mt Elgon, 7 June, 2016

²⁷⁹ FGDs with elders in Cheptais, 7 June, 2016

²⁸⁰ Interview, Senior security, 7 June 2016

²⁸¹ Interview, Senior security, 7 June 2016

people, leading to conflict.²⁸² Another chief concurred and added that he and his deputy are not given notice by the courts either, as should be done. 'The fraud in title deeds can result in the unlawful eviction of a person who has been for years'.²⁸³ Corruption in the form of collusion of powerful individuals with lawyers is another problem which leads to serious and sometimes deadly disputes.²⁸⁴

On the border with Busia, the alignment of political and administrative boundaries has brought division. Changara is administratively in Bungoma, but politically in Teso sub-county of Busia. Chief appointments are therefore rotated between Teso and Bukusu people²⁸⁵ but Bukusu residents have petitioned the Senate in 2016 to relocate to Bungoma.²⁸⁶ Threatening leaflets against the Bukusu have been reported in the area over the same period (See appendix 2). Kapuchai is a constituency in Bungoma central, bordering Lukwakwa. There have been allegations that a Kapuchai Defence Force has been formed under a wealthy and politically linked commander, which emerged in 2013 elections. It is mountainous and forested. It is this group which is widely believed to have been linked with the killings in Bungoma in 2013. The emergence of political gangs near election time is worrying.²⁸⁷ Lastly, human-wildlife conflict is an issue in the county, in Kongut, at the border of the game reserve, where elephants destroy crops.²⁸⁸

Poverty and unemployment

Poverty faced by people in Mt Elgon has been mentioned, as it relates chiefly to landlessness and the disruption caused by the conflict. In Kabula (Bungoma South), which borders Kakamega, sugarcane has been the main economic activity, providing 70,000 Kshs per farmer during the harvest which would happen after 18 months of growing, but with the demise in late 2014 of Mumias Sugar Factory, this has led to poverty, which has led to a rise in crime, as a chief noted.²⁸⁹

Security described the problem of homeless young people and crime at night in urban centers.²⁹⁰ 'Street children are brought from other areas and thrown in the city and some have even reached adulthood and remain on the street. The church is attempting to house and assist them.'²⁹¹

Education

The county has 706 public and 244 primary schools, and 275 public and 12 private secondary schools, including the reputable Lugulu Girls Secondary, St Mary's Boys Kibabii High, Cardinal Otunga Girls, Bungoma High, Central Baptist Girls Secondary, Namachanja Secondary and Wamalwa Kijana High Schools. The private schools are located mainly in the south of the county (8), with others in Cheptais

²⁸² A chief from Mt Elgon, Bungoma Town 8 June, 2016

²⁸³ Chief from Bungoma South, in FGD with chiefs, Bungoma Town 8 June, 2016

²⁸⁴ FGD with chiefs, Bungoma Town 8 June, 2016

²⁸⁵ Interview, Richard Walukano, chair of Bukusu Council of Elders (also joint chair of Mabanga Peace Accord and president elect of Bungoma Rotary Club), Bungoma town, 8 June, 2016

²⁸⁶ www.busiacyounty.go.ke/?p=3729 Accessed 24 June 2016

²⁸⁷ Interview, Richard Walukano, chair of Bukusu Council of Elders (also joint chair of Mabanga Peace Accord and president elect of Bungoma Rotary Club), Bungoma town, 8 June, 2016

²⁸⁸ Chief Alice Wasike – Musikomo, in FGD with chiefs, Bungoma Town 8 June, 2016

²⁸⁹ Boniface Wanyonyi – Kabula, in FGD with chiefs, Bungoma Town 8 June, 2016

²⁹⁰ FGD, security and national/county administrators, Bungoma town, 8 June, 2016

²⁹¹ Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

(2), Bungoma East (1) and Bumula (1). There are high pupil:teacher ratios and the county notes the need for more schools, especially in underserved areas, in view of population projections. There are 258 adult education centers with 6671 adults enrolled (4508 of whom are females).

In Mt Elgon, the low level of education amongst the Ndorobo girls is related to coming of age at the time of female circumcision (to be discussed) which takes place from approximately aged 14 to 18, but can be earlier. After this, girls are likely to become sexually active or married. For young men in Mt Elgon, it was noted that initiation ceremonies have the same effect in conferring adult status. Young men then assume themselves as adults. 'They insist on land being subdivided and given to them, and they sell and buy motorcycles.'²⁹² They noted that youths see the motorcycle as the answer to their landlessness, quoting. 'Give me, I do business, and buy a bigger land'.²⁹³ Youths in Mt Elgon also noted that high rates of school drop-out were due to poverty and difficulty in paying fees.²⁹⁴ Conversely, it was widely noted that even those with good education also had difficulty finding jobs.

Political rivalry

Political rivalry is said to be 'the bedrock of crime and violence in the county'. This has already been illustrated in the extensive description of the Mt Elgon conflict (above) which, while ostensibly a land conflict, was heavily influenced and mobilized by politicians and was related to the rivalry between Kapondi (former) and Serut (current) MPs for Mt Elgon. Political rivalry is also behind the many ongoing gang attacks and assaults in various parts of the county to be described (Saferworld, 2013).

Culture and religion

Christian (catholic and protestant) and Seventh Day Adventist (SDA) faiths predominate in Bungoma. The SDA are particularly prominent in the Mt Elgon area. A Catholic Father commented that there was a lot of conflict between pastors and bishops and that a strong adherence to the Mosaic law was likely to be an influential factor in the desire for retributions: 'an eye for an eye' played out in the land conflicts.²⁹⁵ On the other hand there is also a focus on forgiveness and reconciliation which is potentially transformative. The Catholic Father also noted that the normalization of bloodshed (of animals) and the hardship experienced in the Sabaot (pastoralist) way of life may also have played a part in the ease with which blood was shed during the conflict. Traditional leadership structures, along with certain religious practices are adhered to by many. The Bukusu have a supreme council of elders while the Sabaot have *laibons* and elders who still have considerable influence, but are also facing challenges and changes.

Bukusu practices

Amongst the Bukusu, circumcision is an important festival carried out during the month of August, on boys from aged... It is accompanied by festivities, food and alcohol, music and dancing. It may also be forcefully carried out on uncircumcised people found in the area. In 2014, 12 men from other tribes

²⁹² FGD with priests and elders in Cheptais, 8 June 2016

²⁹³ FGD with priests and elders in Cheptais, 8 June 2016

²⁹⁴ FGD, youths, Kibuk Parish Catholic Church Kapsokwony, Mt Elgon, 6 June, 2016: Confirmed by BK local radio station

²⁹⁵ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

were forcibly circumcised.²⁹⁶ Security and administrators noted that circumcision ceremonies are accompanied by illegal drug use, including the drinking of *chang'aa*, and smoking of *bhang* (marijuana). Crimes such as house break-ins often occur when communities are out attending circumcision rituals.²⁹⁷ The Chair of the Council of Bukusu elders concurred that while Bukusu traditionally valued the circumcision rituals, criminal elements are now capitalizing on the festivities. He pointed to a bigger departure from cultural values and the loss of authority of the elders, explaining how initiation was traditionally an important time to instill values into youths. 'You were given the rules and how to behave as a man...In contrast to times past, youths do not want to work hard and soil their hands. They would rather steal.' The elder felt that cultural values of sharing and respect for life and property had been violated, and the role of elders in mediation and compensation was being forgotten,

*Elders dealt with crime, marriage, damage of homes, all this was settled in an organized manner, which has died... If you found a man with your wife, you did not kill. The elders would sort it out. The biggest bull was given to settle the dispute; there was no need to get a knife to kill the man.*²⁹⁸

This he felt was due to modernization, and also due to the initiation taking place before young people could understand (he did not provide an explanation for why this is happening though). He also noted the clash between cultural and modern ways of punishing crime, 'The clan would put the young man and cane him properly...everyone was below the elders.'²⁹⁹ This raises obvious human rights concerns and contradictions.

Sabaot practices

In Mt Elgon, *morans* (essentially young men who have come of age) have the role of defending the community against its enemies. At initiation, youths are taught about the tribe, its values, its heroes who displayed courage and chivalry, and about the need to die for their community, should the need arise. After initiation, the moran is said to be in a state of permanent readiness to fight for the tribe if called upon. Even school going youth get time off to be initiated into moranhood.³⁰⁰

Laibons hold considerable power and influence. They have a major role in initiation rituals, appointment of leaders and deciding on land matters. In the land conflicts they were instrumental in recruitment and mobilization of SLDF militia and the administering of the oath which was to provide the youths with mystic powers and invincibility, and which gave many the confidence to join. At the time of the conflict, Psongoywo was the Ndorobo Laibon (now deceased), who allegedly foresaw the conflict and warned his people to retreat to the forest only to fight in self-defense.³⁰¹ However, elders argued that the *laibons*

²⁹⁶ See Odula, (2014). Minority tribes flee forced circumcisions in western Kenya. At least 12 men have been forcibly circumcised since the start of 'circumcision season' in August, according to police and local authorities.

²⁹⁷ FGD, security and national/county administrators, Bungoma town, 8 June, 2016

²⁹⁸ Interview, Richard Walukano, chair of Bukusu Council of Elders (also joint chair of Mabanga Peace Accord and president elect of Bungoma Rotary Club), Bungoma town, 8 June, 2016

²⁹⁹ Interview, Richard Walukano, chair of Bukusu Council of Elders (also joint chair of Mabanga Peace Accord and president elect of Bungoma Rotary Club), Bungoma town, 8 June, 2016

³⁰⁰ FGD with elders in Kibuk, Cheptais and Kapswony and the priests 5-10 June 2016

³⁰¹ FGD with elders in Kibuk, Cheptais and Kapswony, 5-10 June 2016

are losing out to the politicians, who are now influencing young people, even to turn against their parents, because they are offering land.³⁰² On the other hand however, elders felt that the oaths administered by *laibons* still had a powerful hold upon the youths.³⁰³ Lastly it was noted that in Mt Elgon the culture pushes people not to betray any member of the community to an outsider. This leads to great difficulty in collecting intelligence.³⁰⁴ Several others concurred that the community is very secretive.

Borders

Bungoma's unique position on the border of Uganda is important in terms of vulnerability to crime, in particular, smuggling of contrabands and the small arms trade, and also provides an escape route for criminals in either direction.³⁰⁵ These are covered in more detail in a later section. A taxi driver talked about the international border and the crime and violence dimension, noting that the Bukusu had welcomed many different ethnic groups in the town, and that people from Malava (Uganda side) Lukwakwa and Busia come for business. He recalled an incident where he carried 2 passengers (one of whom was European) who had come from Uganda and were being trailed by the police and were arrested on the journey.³⁰⁶

Findings: Crime and Violence Dynamics and Current Strategies

The Annual Police Report 2015 ranks Bungoma 6th out of 47 counties in reported crime incidents, totaling 2852, after Kiambu (ranked highest with 4768 incidents), Nakuru, Nairobi, Meru and Mombasa. There is a difference in crime and violence dynamics across the district, particularly between urban and rural areas. Urban areas experienced particular crimes relating to public transport, and trade and transit of goods. Mt Elgon had its own particular dynamics, partly stemming from the land conflicts mentioned, and also cultural factors. Crimes such as defilement were high in all areas, but for different reasons. There is also seasonal variation in crime, for example, harvesting times go with increased crime trends,³⁰⁷ while bi-annual circumcision ceremonies also see an increase in drinking and crime.

³⁰² FGD with elders in Kibuk, Cheptais and Kapswony and the priests 5-10 June 2016

³⁰³ FGD with elders in Kibuk, Cheptais and Kapswony and the priests 5-10 June 2016

³⁰⁴ FGD with chiefs, Bungoma Town 8 June, 2016

³⁰⁵ FGD, security and national/county administrators, Bungoma town, 8 June, 2016; Interview, Senior security, 7 June 2016

³⁰⁶ Interview, Kevin Kandu, chairman of CBD taxi drivers' association, Bungoma town, 9 June, 2016

³⁰⁷ FGD, security and national/county administrators, Bungoma town, 8 June, 2016

Figure 8: Summary of Commonly Mentioned Crimes in Bungoma County

TYPE/CONTEXT OF CRIME AND VIOLENCE	DETAILS
MURDERS	Land disputes Mob justice
FAMILY AND GENDER BASED VIOLENCE	Defilements and early arranged marriages Incest Gender based violence Rapes Commercial sex
ROBBERY/THEFT	General theft and burglaries Violent robbery Theft of goods in transit Crop thefts Theft of motorcycles Car-jacking Thefts using boda-boda
DRUGS/ALCOHOL	<i>Chang'aa</i> <i>Bhang</i>
TRAFFIC OFFENCES	Road traffic accidents involving boda-boda
CORRUPTION	Relating to many other types of crime and violence (especially over land allocations)
SECURITY AGENCIES	Human rights abuses during security operations against SLDF (in recent past)
MILITIA/GANG/TERRORISM CRIMES	SLDF crimes Other gangs
LAND-RELATED CRIMES	Land grabbing Squatting Forgery of title deeds/fraudulent sales
SMUGGLING	<i>Chang'aa</i> , maize, sugar, coffee Small arms trade Other contrabands
STOCK THEFT	Small numbers stolen by youths in Mt Elgon
OTHER	

Thefts

Bungoma county is a major transit route between Kenya and Uganda and areas further inland (DRC, Rwanda, Burundi) for traders and drivers, which naturally provides opportunities for criminals also,³⁰⁸ both to operate and to hide. In Bungoma East, a common crime is the theft of goods from moving trailers and trains, carried out by youths who frame accidents to slow down vehicles, and then cut the canvas/plastic covers holding the goods. A hotspot is called Sango-Nzoia bridge.³⁰⁹ A similar story was told of the theft of goods from long-distance trailers parked in Bungoma South, and reported that these may be linked to businessmen, some of whom are coming from north-eastern parts of Kenya and Meru,

³⁰⁸ FGD, security and national/county administrators, Bungoma town, 8 June, 2016

³⁰⁹ Stephan Gallo – Bungoma East, in FGD with chiefs, Bungoma Town 8 June, 2016

who make deals with the truck-drivers who then report the loss of goods as simple theft.³¹⁰ In Musikomo (Bungoma South) which borders Busia county the chief reported that thieves from across the border were being concealed in rental houses, and landlords were not properly checking on their tenants, who may have just been bailed from police custody.³¹¹

In Bungoma Town a taxi driver commented that security has been changing (for the worse) since 2011, due to poverty and school drop-outs. Security lights were also noted to be poorly functioning and the sale of alcohol in the town was another factor in crime and violence.³¹² In Bungoma Central, motorcycle theft and robbery were noted to be very common.³¹³ Bikes may be taken to Port Victoria and Seaport (on Lake Victoria) where they are sold and their motors used boats.

In Bukembe again, home to the Nzoia sugar factory: theft (of metal) from the factory was taking place by locals and drivers, facilitated by corruption.³¹⁴ House break-ins were mentioned as common in Nomorio (Mt Elgon), Bungoma East, Bumula and Bukembe (Bungoma South); in Bukembe and Bungoma Central people are said to be drugged with a spray preceding the theft.³¹⁵ Shop break-ins were mentioned in Musikomo (Bungoma South)³¹⁶ and supermarket and shop robberies and thefts reported in Bungoma town, which are often due to collusion from within. A chief noted that liaison with owners and the requirement for prospective employees to have a good conduct letter from chiefs helps to reduce this problem.³¹⁷

Cattle thefts

Cattle thefts in the Mt Elgon area were said to relate to the exclusion of ex-SLDF combatants from the land distributions (see above). Women also noted that recently the police were recruiting police and youths were told to raise 2000 shillings to register (although this is an irregular practice). The request led a youth to steal cows to raise the money to join.³¹⁸ More than one informant suggested that businesses, possibly butchers were paying youths for stolen cattle, even as little as 500 Kshs. Since the practice largely took place at night, the local government ruled that cattle should only be slaughtered in the morning, and the source of cattle has to be documented.³¹⁹

³¹⁰ Comment made in FGD with chiefs, Bungoma Town 8 June, 2016

³¹¹ Chief Alice Wasike – Musikomo, in FGD with chiefs, Bungoma Town 8 June, 2016

³¹² Interview, Kevin Kandu, chairman of CBD taxi drivers' association, Bungoma town, 9 June, 2016

³¹³ Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

³¹⁴ Patric Lukoye – Bukembe, in FGD with chiefs, Bungoma Town 8 June, 2016

³¹⁵ Patric Lukoye – Bukembe, in FGD with chiefs, Bungoma Town 8 June, 2016; Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

³¹⁶ Chief Alice Wasike – Musikomo, in FGD with chiefs, Bungoma Town 8 June, 2016

³¹⁷ Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

³¹⁸ Salome Matakwei, widow of late SLDF commander, Cheptais, Mt Elgon, 7 June, 2016

³¹⁹ Reuben M. Rure – Senior Chief Nomorio, in FGD with chiefs, Bungoma Town 8 June, 2016; Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

³¹⁹ Chief Henry – Chwele Location, in FGD with chiefs, Bungoma Town 8 June, 2016

Murders

The Annual Police Report (2015) gives a figure of 101 homicides over the year, ranking the county 7th out of all the counties for this type of crime/violence. This is likely to be related to the gang violence detailed below.

Assaults and gang violence

Assaults and murders were noted by chiefs in Mt Elgon, Bungoma Central and Musikomo (Bungoma South) amongst others, often related to land disputes. A peace monitor described a case in Bumula, whereby the children of one wife planned to kill their father as to deny the younger wife from inheriting the same, and a case in Kamukuywa where an old man was killed by his brothers because he was said to have only girls and yet had not sold a portion.³²⁰ Gangs may be involved and may inflict serious injuries using knives, or sometimes guns. This is a vital issue as counties attempt to develop, tax communities and provide services.

In March 2016 one incident in Musikoma ward (Bungoma South) left a man with multiple injuries including the loss of two fingers and one ear, over a land dispute. Land title deeds were also taken.³²¹ Political motivations are also important in assaults in Bungoma, as noted in many accounts, and lastly, some of the assaults may be cases of mob-justice.

Figure 9: Assault/gang violence incidents in Bungoma

Dates	Area	Details
March 2016	Musikoma (B. South)	1 man seriously injured
October 2015	Cheptais (Mt Elgon)	5 people killed (shot)
April 2015	Kimilili	6 people injured
September 2014	Sekoti, Sengeteti, Chwele market (Bungoma South)	3 people killed, several injured
April 2014	Wekelekha (Bumula/B. South) Chiliba (Bumula), and Malaha (Webuye) villages	6 people killed, 6 injured
April-June 2013	Makutano, Kikwech, Mukua, Ndengelwa and Mashambani villages	3 people killed, over 70 injured (HRW, 2014)

Sources: Media and HRW (2013)

Between March and June 2013, following the general election, a wave of attacks occurred in Busia and Bungoma Counties, in which 10 people were killed and over 150 injured (including some children) were seriously injured or maimed, and women were raped. Makutano, Kikwech, Mukua, Ndengelwa and Mashambani villages in Bungoma were affected. These attacks were investigated by Human Rights Watch in 2014. Groups of between 15 and 20 men would strike at night armed with machetes, clubs and axes. The attackers' voices indicated that they had come from various districts, and some from Uganda, while local people were also said to have been recognized among them, and therefore local political

³²⁰ E-mail correspondence with peace monitor, Bungoma, 27 June, 2016

³²¹ County Guardian News (2016) 'Crime rates terrify Bungoma villagers' 3 March, <http://countyguardian.com/crime-rate-terrify-bungoma-villagers/> accessed 25 June 2016

rivalries may have been a reason for the attacks. The research by HRW among former gang members and recruiters confirmed that the attacks were sponsored and directed by politicians and businessmen to 'revenge' against local people for the way in which they had voted, and that 5-10,000 was paid to gang members for each person injured or killed. The police did not investigate the cause of the attacks adequately, and very few people were charged. 7 people were also killed in Trans Nzoia and Kakamega counties in July of the same year, although it is not known if these were linked (HRW, 2014).

Organized gangs were said to operate in both rural and urban areas of Bungoma such as Bungoma Town.³²² A peace worker noted the collaboration of gangs in Mumias, Busia, Eldoret, and further afield in Nandi Hills, Kisumu and West Pokot, as well as across the border in Uganda.³²³ The 40 Brothers gang has been reported to operate from within Mumias, Bungoma South and other areas, and were responsible for theft of electronic items. Police have been able to arrest some members and the thefts have reduced.³²⁴ A small business owner related that the Kabuchai Defence Force is another politically linked gang, formed in 2007 and trained in martial arts in Uganda and Mt Elgon, but is now dwindling. It was said to have a role in killings. The 42 Brothers is related to the Kabuchai Defence Force but is mainly based in Kalabai and has links across the Kenya-Uganda border, and are used for smaller scale crimes for political intimidation. This has also dwindled or gone underground. Police were also said to be linked to these gangs.³²⁵ Kanduyi Boys is another gang mentioned.³²⁶

The Westgate 36 Gang is said to be emerging in Mt. Elgon,³²⁷ from a group initiated in December 2014. These number around 20 young men who would originally be called upon to assist village elders in maintaining law and order in the various locations. However they gradually metamorphosed into militia for hire, operating in Kapsokwony (main town, Kibuk and Chemses sub-locations). They are known for assaults, robbery, defilement, fraud and causing disturbances and are affiliated to a powerful politician in the sub county. They are a cause of concern as the 2017 elections approach. Elders linked the group to marginalization, stigmatization and helplessness of Soy youths following the SLDF operations.³²⁸

Mob Justice

In 2011, the Kenyan police for the first time included "lynching" or mob justice, in its crime statistics. The officials recorded 543 victims. The practice is extremely common in Bungoma and is related to insecurity, lack of police response, lack of convictions and release of arrested suspects back to the community, due in part to the difficulty in collecting evidence. As a result, communities formally or informally carry out their own citizen arrests and punishments. HRW (2014) highlight the lack of police response to the horrifying politically motivated attacks on citizens through 2013 (noted above) which led to communities taking matters into their own hands. Likewise police turn a blind eye to mob justice, and arguably support it because it 'solves' the problem of attempting to convict criminals.

³²² Chief Henry – Chwele Location, in FGD with chiefs, Bungoma Town 8 June, 2016

³²³ E-mail correspondence with peace monitor, Bungoma, 27 June, 2016

³²⁴ Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

³²⁵ Interview, small business owner, Bungoma town, 9 June, 2016

³²⁶ E-mail correspondence with peace monitor, Bungoma, 27 June, 2016

³²⁷ FGD, security and national/county administrators, Bungoma town, 8 June, 2016

³²⁸ FGD with elders and priests Bungoma County 5-10 June, 2016

In January 2016 an allegedly fake Nyumba Kumi official led a mob in attacking and killing a 60 year old man for defending his son and a worker who were said to have robbed a local businessman. The son reported, 'When my father went out to find out what had led to the unfortunate incident, he was ambushed by the angry and armed youths who hacked him with pangas, wrapped his body in a polythene bag and doused it in petrol.'³²⁹ In 2014 at Kikwechi village, four suspected gangsters who failed in hijacking a businessman were lynched by angry residents.³³⁰

Mob justice is also the common response to motorcycle thieves. 'The youths have been burning the suspects and the houses where they are found. If the boda-boda (motorcyclists) just hear of a suspect, they would kill and burn them.'³³¹ In one instance, the boda-boda operators went to the police and demanded to be given an arrested suspect. Somehow they forcefully got the suspect and killed him. Where accidents occur between boda-boda and cars, the car owner is also in danger of mob justice on occasion, with burning of his car, and even taking of his life.³³² This was confirmed by an elder 'Boda-boda will burn the cars of those who hit them; they are a law unto themselves'.³³³

Public transport sector

Boda-boda

Busia County, which neighbours Bungoma, was the home of the boda-boda industry, which began as bicycle transport that would transport people in border areas. Data from the Motorcycle Assembly Association of Kenya shows that the business generates an estimated Sh400 million daily. It employs over 100,000 Kenyans and some 14.4 million people use this mode of transport every day³³⁴.

In Bungoma, as in other counties it is a major economy, and livelihood. One of the conditions for the boda boda operators is that operators they must belong to a Sacco and it is in following this directive that Bungoma County Motorbike Sacco was established in 2013. BUCOMOT is not the only such Sacco in the county but it is the largest with a membership.

There are an estimated 18,000 operators in the county, with 600 in Kadunyi sub-county, home to Bungoma Town. Operators noted that when business is good, the net pay is 600 Kshs per day within the urban areas, and up to 1000 in rural areas where distances are greater. The daily contribution to the economy may therefore be estimated at up to 15.6 million Kshs (around 156,000 USD) per day, and

³²⁹Standard Team (2016) 'Kenya: One person killed in Bungoma, houses torched by 'fake' security officials' 27 January

³³⁰ Yego, A (2014). 'Four gangsters lynched in Bungoma' News 24, 3 February, <http://kenya.news24.com/MyNews24/Four-gangsters-lynched-in-Bungoma-hijacking-attempt-20140203> Accessed July 2016

³³¹ FGD, boda-boda operators, Bungoma town, 9 June, 2016

³³² Interview with an security officer, Bungoma country, 5-10 June, 2016

³³³ Interview, Richard Walukano, chair of Bukusu Council of Elders (also joint chair of Mabanga Peace Accord and president elect of Bungoma Rotary Club), Bungoma town, 8 June, 2016

³³⁴ Wasamu, Moses (2016) The 'boda boda' business: A pass out of poverty? The Standard Daily 22nd June. See Read more at: <https://www.standardmedia.co.ke/lifestyle/article/2000206111/the-boda-boda-business-a-pass-out-of-poverty>.

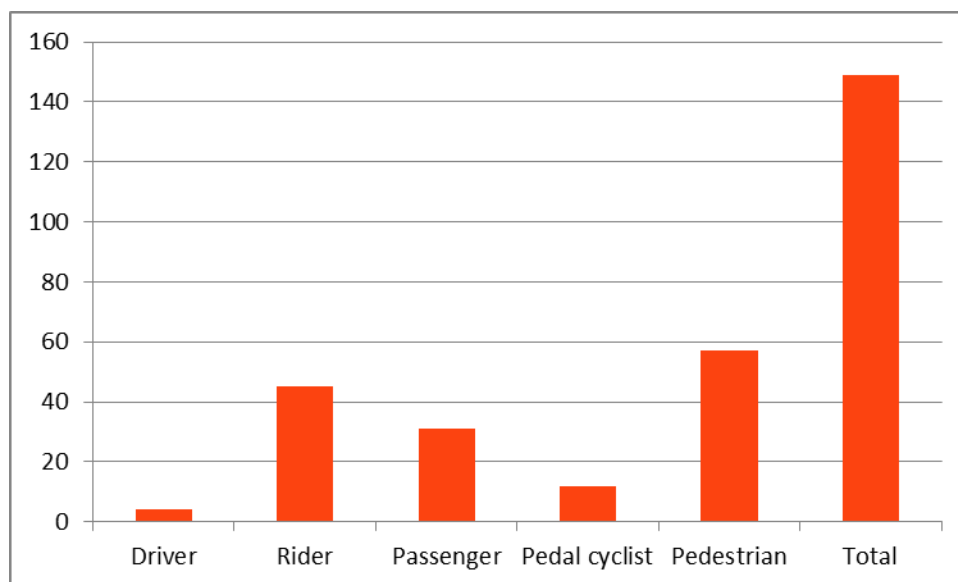
annually, 5.7 Billion Kshs (57 million USD). Boda-boda provides a livelihood, mobility and social networks for the operators.

In order to operate a boda-boda, an application form is filled, and a letter of good conduct required from the assistant chief. An identification card is required, and the operator should be over 18. 5000 Kshs is the standard fee to take a test and be licensed. There is no check on criminal background which can be a problem.³³⁵

No motorcycle training schools exist in the county, although some training was offered through community development funds. Operators are often unclear, or apathetic about the rules of the road. Many operators carry three to four people and do not follow simple traffic rules, while bribery and corruption has also caused traffic officers to overlook offences such as the carrying of more than one person.³³⁶

Lack of training amongst other factors contributes to a high rate of road traffic accidents. In Bungoma Level 4 (referral) Hospital over a nearly 2 year period from July 2014, 842 injuries and 81 deaths were recorded as a result of accidents involving boda-boda. A police officer commented that at the police station there appeared to be 'a graveyard for bikes, they are so many',³³⁷ while at the hospital, boda-boda accidents were amongst the top ten surgical cases, which is costly for the patient in terms of hospital stay, operative costs and rehabilitation. Figure 10 presents police data over a two year period on accidents involving boda-bodas, showing that 149 deaths occurred amongst a variety of road users.

Figure 10: Deaths among various road users by accident involving boda-boda, January 2014-December 2015³³⁸



³³⁵ FGD, boda-boda operators, Bungoma town, 9 June, 2016

³³⁶ A chief from Mt. Elgon, Bungoma Town 8 June, 2016

³³⁷ Observation, Bungoma central police station 9 June, 2016

³³⁸ Police data from Bungoma Town Police Station, June 2016

The boda-boda industry is prominent at the Kenya –Uganda border crossing points, and may be involved in crime, and the carrying of thieves attempting to cross the border.³³⁹ Further, boda-boda operators may assist criminals in other ways and serve as quick getaway vehicles, unknowingly or knowingly. A peace monitor noted that they were often used to ferry criminals or arms.³⁴⁰ Political influence of boda-boda was noted to be a problem ‘a lot of politicians would want to divide and rule’. Financial inducements and gifts may be offered by businessmen or politicians, and sometimes operators may be mobilized for demonstrations and violence to ‘sort out differences’.

Boda-boda are themselves victims of crime in the form of bicycle thefts, and on occasion, murderous attacks. A taxi driver stated, ‘If they resist, they are beaten’.³⁴¹ An operator explained more,

*The boda-boda are now being targeted by thieves especially a night. Someone comes to the stage and takes a boda-boda, they then go and kill the operator and take the motor bike, hence it is high risk at night...I have been a victim. Early this year I lost my new bike...Last year alone we (the SACCO) lost 20 motor bikes and this year we have lost 5. It’s an average of 2 per day.*³⁴²

Boda-boda operators said that while ceasing work at 9pm was the safest option, and that there is now a curfew on boda-boda after 8pm and before 5am, bars remain open all night so this is a lucrative time to be working; a bribe of 200 Kshs usually satisfies the police officer. Operators provide each other with escorts to hotspots, which include Nyambogo Teachers College, Mulika Mweze and Marala Academy. The use of a tracking device on the bike also stops thieves by demobilizing the bike.³⁴³ Motorcycle thefts may be due to the selling of their engines as motors for boats on Lake Victoria. This is said to be organized from Busia. In recent years, motorcyclists have also been among the brutal attacks and killings in the county. In April 2015 in the Marel area on the outskirts of Bungoma town, a boda-boda was beaten and killed, his face and neck cut with a by a gang while in June 2015, in the Musikoma (Bungoma South) area a 20 year old boda-boda operator was hacked to death, although surprisingly the motorcycle was left.³⁴⁴ Boda-boda operators described that in the month of February 2015 alone, 24 boda-boda were killed. One possible explanation provided is that the killings could be linked to the boda-boda being silenced by criminals, whose deals they are aware of. In 2015 the County and the police launched a program to end the killings of boda-boda operators and stealing of their motorcycles due to the killings of 24 riders in the past month.³⁴⁵

Taxis

Similar challenges of harassment by certain police for bribes, theft of vehicles and mob justice were mentioned by a taxi driver. He described several incidences,

³³⁹ Wafula, B (2015). Boda-boda operators aid thieves in cross-border crime’ NewsK24 18 March. <http://www.news24.co.ke/MyNews24/Boda-boda-operators-aid-thieves-in-cross-border-crime-20150318>

³⁴⁰ E-mail correspondence with a peace worker, Bungoma County, 27 June 2016

³⁴¹ Interview, Kevin Kandu, chairman of CBD taxi drivers’ association, Bungoma town, 9 June, 2016

³⁴² FGD, boda-boda operators, Bungoma town, 9 June, 2016

³⁴³ FGD, boda-boda operators, Bungoma town, 9 June, 2016

³⁴⁴ Wangila, A (2015). Boda-boda rider killed in cold blood. County Guardian, 23 June.

³⁴⁵ Nalinanya, John (2015) ‘ Bungoma launches program to end boda-boda operators’ insecurity’ The Star Daily, 27 May

*Within the taxi drivers there are some who are thieves. One used to steal from customers (he was later jailed)...As a taxi driver you can be carrying criminals without realizing, and the police corruption is so bad that the case is never resolved; you lose money. In 2014 I carried people to Busia and they snatched my car. They tied me up and took the car, but I had a security tracking system and the car was found near Yala... In 2012, 3 taxis were involved in theft. A taxi driver stole a car... was arrested and given a bond. He then ran to Uganda, and later returned back and was killed...*³⁴⁶

Thefts are more common at night, a problem which is addressed by networking with colleagues.³⁴⁷

Gender-based violence and defilement

All types of gender-based violence, and in particular defilements of underage girls, are said to be very common in Bungoma. Kenyan law is often at odds with cultural practice and this amongst other factors (such as lack of confidence in police and judiciary, inaccessibility of modern services) mean that most cases never present to police or hospital. The statistics presented below therefore represent only a small part of the problem.

Defilement

Underage is defined as under-18 in Kenya (Children's Act Cap. 141). This means that the reality of sexual activity amongst teens is widely acknowledged, but illegal, and classified as defilement, although it carries a lesser sentence than defilement of younger children. Police often seemed to take a pragmatic approach and commented that administering the law is sometimes difficult because it assumes girls to be victims, when they may be willing participants. A police dataset helpfully gave the ages of defilement victims, and this highlights that early teens and even children are also affected (see figure 12). Hospital data was less specific however. At the gender desk in Bungoma Town Police Station it was noted that on average 3-4 defilements per week were reported, with 26 victims under the age of 12 affected in a two and half year period (see figure 12). Only a minority of these, however, have been able to result in conviction.³⁴⁸ Some reasons for this are suggested below.

Figure 11: Defilements and other GBV cases monitored by Kapsokwony and Cheptais (Mt Elgon) Police and Chiefs January 2013-June 2016

	Defilements	Teen pregnancies (Recorded by Chiefs – may overlap with defilement cases)	Other GBV
2013-2014	>76	101	>23
2015-2016	77	33	15
Notes	(All females)		(4 males)

In figure 12, cases displayed presented from Bungoma Central, Bungoma South and Bumula sub-counties. One important matter to note was that four of the children defiled were under 2 years of age.

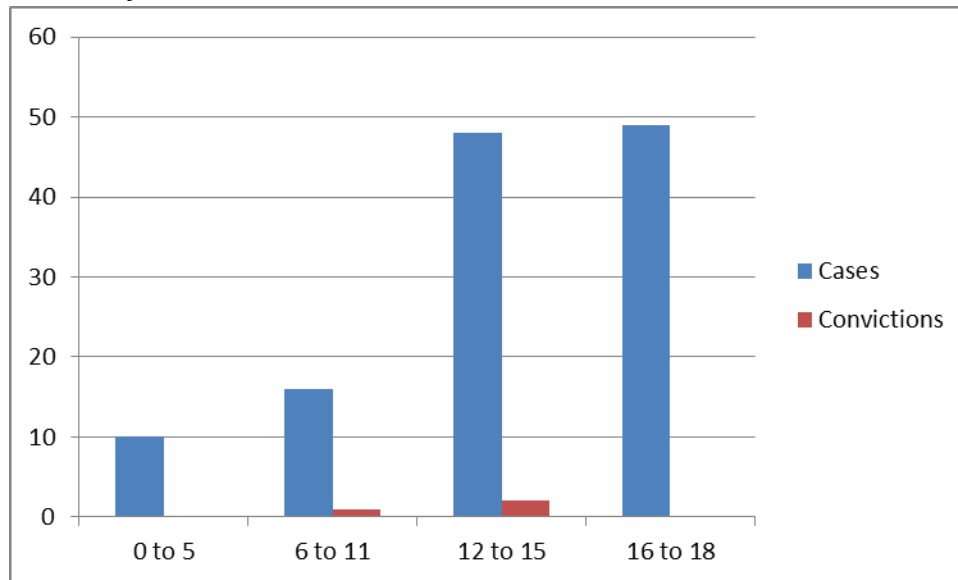
³⁴⁶ Interview, taxi driver, Bungoma town, 9 June, 2016

³⁴⁷ Interview, taxi driver, Bungoma town, 9 June, 2016

³⁴⁸ Interview, police gender desk, Bungoma, 9 June, 2016

Regarding the other statistics displayed, a chief in Bumula corroborated this data, stating that rape, defilement and early pregnancies between the ages of 10 and 16 were an important problem in the area.³⁴⁹

Figure 12: Defilement cases and convictions presenting to Bungoma Central Police Station January 2014 –May 2016³⁵⁰



³⁴⁹ Chief – Bumula, in FGD with chiefs, Bungoma Town 8 June, 2016

³⁵⁰ Categories used reflect Kenyan law which treats sexual offences with a person under 11 with life imprisonment if convicted (over 12 is 20 years) (Sexual Offences Act Cap. 32A)

Figure 13: Defilements and adult rapes presenting to Bungoma Level 4 Hospital Jan-March 2016³⁵¹

	0 to 11		12 to 17		18 to 49		50 +		Total	
	m	f	m	f	m	f	m	f	m	f
January	0	0	0	5	0	2	0	0	0	7
February	0	1	0	11	1	0	0	0	1	12
March	0	0	0	3	0	3	0	0	0	3

Other sources agree with this concerning data. In 2016, in Chelebei Secondary School in Mt Elgon, which has around 400 girls, a media report noted that 20 schoolgirls between the ages of 14 and 18 were found to be pregnant when tested after the December holidays. The school has endeavored to support the girls to continue their education.³⁵² In 2014 a parliamentary committee found that 140 girls in the county had fallen pregnant. 18 were from one particular primary school.

There are a number of factors which make both rural and urban-based girls vulnerable to defilement. In the 2014 investigation mentioned above, a parent of a pregnant 13 year old girl from the school explained that displacement due to land conflict had made girls vulnerable, because culturally it was not acceptable for a child to stay in the same room as her parents, and therefore she had to sleep out at the home of a relative. Two teachers were also identified as being responsible for the high rate of teen pregnancies in the area.³⁵³ Walking alone in the dark at night, back to sleeping quarters also makes girls more vulnerable to sexual encounters or rape.

A chief in Bungoma Central referred to the importance of initiation ceremonies in conferring the status of adulthood on a child, 'Defilement is partly linked to initiation, so children are considered to be adults after initiation'.³⁵⁴ While this refers to the initiation of boys in circumcision ceremonies, the initiation of girls in the Mt Elgon area through FGC carried out during December was mentioned as having a similar effect on girls becoming sexually active (as in the Chelebei case), and/or dropping out of school to be traditionally married. One chief recalled the case of a 13 year old girl in Mt Elgon who was said to be married to a 15 year old boy.³⁵⁵ Such unions often do not last.

Another chief highlighted the role of poverty, and that girls in their mid-late teens may be paid 100-200 Kshs for sex by boda-boda operators (a means of low-cost travel which they may use to get to school). This gives them a little spending money that their parents cannot provide.³⁵⁶ Media reports have also

³⁵¹ The hospital staff noted that defilements are not at this point in time desegregated from rape data

³⁵² Oteba, T (2016) '20 girls confirmed pregnant at Chelebei Secondary School in Mt Elgon' The Standard (Nairobi) 10 March, <http://www.standardmedia.co.ke/article/2000194465/20-girls-confirmed-pregnant-at-chelebei-secondary-school-in-mt-elgon>. Accessed 2.6.2016

³⁵³ Psirmoi, D (2014) 'Over 140 schoolgirls fell pregnant last year in Mt Elgon' The Standard, 5 February, accessed 21 June 2016

³⁵⁴ Wilson Khaemba – Central Location in FGD with chiefs, Bungoma Town 8 June, 2016

³⁵⁵ FGD with chiefs, Bungoma Town 8 June, 2016

³⁵⁶ Chief Alice Wasike – Musikomo, in FGD with chiefs, Bungoma Town 8 June, 2016

highlighted this problem.³⁵⁷ Again the issue of travel to and from school is important; in July 2015 newspapers reported the defilement of a six year old schoolgirl who was walking home from school when she was lured into a toilet by a 24 year old boda-boda operator, who was caught in the act. The girl was admitted at Bungoma level-4 hospital.³⁵⁸

Government employees, teachers and police were also mentioned as perpetrators of defilements.³⁵⁹ A police officer cited the culture of impunity, whereby teachers and police have the power to then interfere with the evidence or the proceedings of a case.³⁶⁰ A chief noted that in one case, doctors protected the identity of a perpetrator against an 8 year old child, while similarly the Kenya National Union of Teachers has also protected their members.³⁶¹ Lastly, the defilement may sometimes be incestuous, as a recent case highlighted.³⁶²

An OCPD noted the lack of capacity in the police, judiciary and health sectors to deal with the problem, stating,

Any person convicted, in another country their picture would be publicized, but this is not the case in Mt Elgon. No system exists to profile offenders. There is no data file for defilements at the police. The law does not provide for a one-stop center [with a magistrate].

A chief pointed out further limitations 'The courts are not serious, and case management guidelines are needed. Reporting may not be immediate, but evidence is needed. The system is not friendly to traumatized people.'³⁶³ Community members consider the legal process to be difficult, in terms of getting a P3 form from the police,³⁶⁴ and the fear of court expenses. Furthermore, even if arrested, perpetrators can be bailed, and continue to offend. Therefore, as a police officer stated 'They only to turn to us once local arrangements made with offenders go sour'³⁶⁵ Another officer said

Instead of bringing justice for the defiled they start negotiating for compensation...most cases are settled out of court. If you follow they will take them to Uganda or Chepkitale, and they are very secretive... Doctors are bribed. There was an 8 year old that was defiled and the doctors provided the wrong information.

He also noted that moving the girl out of school and/or out of the area affects her education.³⁶⁶ Babies born illegitimately are handed to the young man's mother to look after. "I suffered with my own son. I

³⁵⁷ Chepkoech, A. (2016:32). 'Protect girls from boda-boda riders'. *Sunday Review, Daily Nation*. 26 June.

³⁵⁸ Daily Post (2015). Man caught in a public toilet defiling a six year old in Bungoma. What is wrong with men. <http://www.kenyan-post.com/2015/07/man-caught-in-public-toilet-defiling-6.html>

³⁵⁹ FGD Youths, Kapsokwony, Mt Elgon, 6 June, 2016

³⁶⁰ Interview, senior security, Mt Elgon, 6 June, 2016

³⁶¹ FGD with chiefs, Bungoma Town 8 June, 2016

³⁶² Otieno, S (2016). 'Horror tale of man who defiles his daughters as spouses watch'. *Standard Daily*. 26 June, p3

³⁶³ Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

³⁶⁴ Wilson Khaemba – Central Location in FGD with chiefs, Bungoma Town 8 June, 2016

³⁶⁵ Interview senior security, Mt Elgon, 7 June, 2016

³⁶⁶ Interview, senior security, Mt Elgon, 6 June, 2016

was left with a 3 year old child. This is a problem; they say it's the boy's problem. The child is now 8 years." ³⁶⁷

Communities may combine traditional and modern approaches to justice and chiefs may become involved. 'Once a person is bailed and then sorts out the problem locally, it becomes the chief's responsibility to look for witnesses which is difficult. Parents are not responsible.' ³⁶⁸ This also highlights the important role of chiefs in detection and management of crime and violence not captured by police.

Bungoma Hospital staff noted that data systems for picking up defilement were underdeveloped, but that a new tool had recently been introduced to capture teen pregnancies. The County also lacks a designated one-stop center, or even any specialist services for victims of defilement such as a refuge. Lastly, staff noted that of the 22 rape cases seen in the first quarter of 2016, only one of these patients presented within 72 hours, the recommended time frame for administration of emergency contraceptive and post-exposure prophylaxis for HIV. ³⁶⁹ Police complained that hospitals are charging rape victims up to 3000 Kshs for the completion of the P3 form by the doctor, to cover the expenses for the doctor to attend court. This is simply too much for most people to pay. Doctors explained that since devolution a source of funding for this has been cut off, and therefore the money has had to come from patients. ³⁷⁰

Gender-based violence

Women in Mt Elgon noted that domestic violence is normalized in their area,

Women should be beaten, you are promoted, you have been locally accepted, so if you are beaten, you do not say anything. You can go back to your [parents] home, and pay a fine if you want to come back [to your husband]' ³⁷¹

An elder concurred that in Bukusu culture, before the first child is born, the woman must be beaten in order to show her legitimacy. This practice is known as *kuruka meko* (jumping the stove). ³⁷² Rape remains common in the Cheptais area even after the end of the land conflicts. ³⁷³ A chief in Musikomo also noted the high prevalence of violence in the home and its link to illicit brew ³⁷⁴ (which may lead to squandering of money, sexual infidelity and violence in itself).

Female Genital Cutting (FGC)

The practice of FGC is part of the culture of the Sabaot and related ethnic groups living around Mt Elgon, with the perceived benefits of improved hygiene, sexual fidelity, and dignity. Although education and modernization have reduced the practice, it was said to be ongoing deeper rural areas where forest

³⁶⁷ FGD, women, Kibuk Parish Catholic Church, Kapsokwony, Mt Elgon, 6 June, 2016

³⁶⁸ Chief Alice Wasike – Musikomo, in FGD with chiefs, Bungoma Town 8 June, 2016

³⁶⁹ FGD with medical team, Bungoma Level 4 Hospital, 10 June, 2016

³⁷⁰ Comments made during CVPT, Kenya School of Government, October, 2016

³⁷¹ FGD, Women's leaders, Cheptais, Mt Elgon, 7 June, 2016

³⁷² Comment by an elder during CVPT, Kenya School of Government, Nairobi, October 2016

³⁷³ FGD with Senior security, 7 June 2016

³⁷⁴ Chief Alice Wasike – Musikomo, in FGD with chiefs, Bungoma Town 8 June, 2016

cover is used to avoid discovery.³⁷⁵ Several civil society organizations are involved in efforts to dissuade local people from continuing the practice, promotion of alternative rites of passage and rescuing girls scheduled for the cut. The NGO, Manendeleo wa Wanawake (Women's Development) were involved in the rescue of 200 girls scheduled for FGC in December 2011.³⁷⁶ The practice may then be followed by sexual activity, early marriage and/or school dropout, although more work is required to understand these inter-relate issues.

Small arms

The porous border with Uganda, especially at Lakwaka and Chebkube are routes of arms entry into the county, despite the stationing of security posts manned by the Uganda army, every 20 km.³⁷⁷ Arms smuggling is aided by the kinship ties across the international border, particularly between the Soy in Mt Elgon, and their cousins, the Sebei in Uganda³⁷⁸ and may be traded for rustled cattle.³⁷⁹ Women indicated that arms were smuggled in sugar (especially through Chebkube), beans and maize, and on boda-boda or donkeys.³⁸⁰ Boda-boda give 50 shillings per day to the police (later mentioned), which may also help to reduce the requirement for inspection. West Pokot was mentioned as a domestic source of arms.

Some arms have been in the Kenya-Uganda border area for many years (Mkutu, 2008). However, the main influx of small arms into Bungoma was, as noted, the arming of the SLDF by politicians in the build up to, and during the conflict. An important source of funds was the taxation of Mt Elgon people during the SLDF reign.

*Teachers and anyone of means were given the number of arms to buy, and you would also be taxed and given two days to pay or you are executed...If you wanted to run for politics, you were told how many arms to pay for... The SLDF owned a state house, armory and police.*³⁸¹

While SLDF were violently disarmed, some arms were hidden, and several interviewees noted that the Moorland Defence Force were not disarmed.³⁸² A local noted that some arms are buried in people's land, wrapped in plastic bags,³⁸³ while a security officer described how they had recovered a gun from a mattress.³⁸⁴ A security officer noted that the SLDF continue to carry out crimes with arms they retained

³⁷⁵ Interview Senior security,, Mt Elgon, 7 June, 2016

³⁷⁶ Olita, R (2011) 'Kenya: Maendeleo Saves 200 Girls From FGM in Mt Elgon' The Star, Nairobi, 21 December

³⁷⁷ Interview Senior security,, Mt Elgon, 7 June, 2016; Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016; FGD, youths (ex-SLDF), Cheptais, Mt Elgon, 7 June, 2016

³⁷⁸ Interview senior security, Mt Elgon, 7 June, 2016

³⁷⁹ FGDs with women, Mt. Elgon, June, 2016

³⁸⁰ FGD, Women's leaders, Cheptais, Mt Elgon, 7 June, 2016

³⁸¹ FGDs with women, Mt. Elgon, June, 2016

³⁸² FGD with elders in Kibuk, Cheptais and Kapswony, 5-10 June 2016; Interview senior security, Mt Elgon, 7 June, 2016

³⁸³ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

³⁸⁴ Interview, security officer, Bungoma county ,June, 2016

and that ‘the mountain has many arms in the wrong hands’.³⁸⁵ He referred also to the MDF, while ex-SLDF Soy youths complained that most crime was blamed on them.³⁸⁶ There are rumors of the re-emergence of both forces. A peace monitor noted that these arms have been allegedly hired out of used for other criminal attacks in the county.³⁸⁷ He added that in February 2016 a police station in Kapchorwa was attacked and various arms were stolen along with 6 cartons of ammunition; the attack was believed to be carried out by former SLDF.³⁸⁸

Security officers noted that recently around 20 forest rangers (NPR) have been recruited in the moorland and armed. These happen to have been drawn from the Ndorobo community and raises concerns about arms races and the legitimizing of arms.³⁸⁹ With high numbers of illicit arms in the community it is hardly surprising that both police³⁹⁰ and chiefs have also requested to be armed.³⁹¹

Alcohol and drugs

Alcohol, including illicit home brew known as *chang’aa* and the weaker *busaa*, along with soft drugs such as *bhang* (marijuana) and *shisha* and *kuber* (tobacco products) were said to be important factors in other crimes across the county.³⁹² In Mt Elgon *chang’aa* was said to be imported at night, from Mumias,³⁹³ or in sachets from Uganda, sometimes on donkeys.³⁹⁴ A chief in Mt. Elgon noted that some youths were even supplying *chang’aa* to Nairobi.³⁹⁵ Alcoholism was noted to be a problem in Cheptais (Mt Elgon)³⁹⁶ where the opening of bars for 24 hours was said to be a contributory factor.³⁹⁷ One administrator pointed to the connection between the administration police and *chang’aa*. ‘If you follow criminals, follow APs. The AP is on the payroll of brewers. In our area they collect 500 twice a month.’³⁹⁸

Alcohol may contribute to crime in a number of ways, through impaired judgement leading to violence, addiction leading to poverty and by its association with other crimes such as smuggling and black-markets. It was given as a factor in gender-based violence, including defilement,³⁹⁹ and led to the quick sale of land for cash, and hence impoverished the family and the addict.⁴⁰⁰ A Bukusu elder described how in August, during circumcision ceremonies, the huge demand for *busaa*, which is made from maize,

³⁸⁵ Interviews senior security, Mt Elgon, 7 June 2016

³⁸⁶ FGD, youths (ex-SLDF), Cheptais, Mt Elgon, 7 June, 2016

³⁸⁷ E-mail correspondence with a peace worker, Bungoma County, 27 June 2016

³⁸⁸ E-mail correspondence with a peace worker, Bungoma County, 27 June 2016

³⁸⁹ Interview Senior security,, Mt Elgon, 7 June, 2016

³⁹⁰ Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

³⁹¹ FGD with 30 chiefs from the Bungoma County, 9 June, 2016

³⁹² FGD, security and national/county administrators, Bungoma town, 8 June, 2016; FGD, youths, Kibuk Parish Catholic Church Kapsokwony, Mt Elgon, 6 June, 2016

³⁹³ Reuben M. Rure – Senior Chief Nomorio, in FGD with chiefs, Bungoma Town 8 June, 2016

³⁹⁴ FGD, Women’s leaders, Cheptais, Mt Elgon, 7 June, 2016

³⁹⁵ Patrick Cherakony – Snr. Chief Kesikaiki, Cheptais, in FGD with chiefs, Bungoma Town 8 June, 2016

³⁹⁶ Interview Senior security,, Mt Elgon, 7 June, 2016

³⁹⁷ Group interview, BK 98.2 FM (Bekaporet) community radio station, Kapsokwony, Mt Elgon, 6 June, 2016

³⁹⁸ Noted by an administrator in FGD, Bungoma Town 8 June, 2016

³⁹⁹ FGD with chiefs, Bungoma Town 8 June, 2016

⁴⁰⁰ Chief Alice Wasike – Musikomo, in FGD with chiefs, Bungoma Town 8 June, 2016

leads to thefts from shambas (small farms).⁴⁰¹ However he was not in favour of making *busaa* illegal, as it was an important aspect of the ceremony, a cultural matter to which governors needed to be sensitive as they attempted to regulate towards more disciplined drinking. Likewise, a chief in Mt Elgon commented that the regulation of illicit brew was having a negative effect on the local economy, and causing young people to move away to produce it elsewhere, while also impacting upon related industries such as potters and those who produce the (jaggery) sugar. He believed that regulation was the way forward, through limiting the alcohol content, and bottling the drink.⁴⁰² Although the county government's roles include the governing of alcohol, a chief pointed to the fact that the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) is a national body, and thus there is confusion over respective roles which may limit effectiveness.⁴⁰³

Findings: Governance and Security Challenges

Policing

Police and administrators described the attempts to manage crime and violence in the county, pointing to enhanced intelligence gathering, profiling of criminals and monitoring trends and focusing on boosting security installations in Cheptais area. The importance of resettlement programs was mentioned in order to tackle crime and violence. They then noted the challenges of a shortage of security personnel in terms of security installations and manning levels.⁴⁰⁴ The County Integrated Development Plan (2013) notes the presence of 18 police stations, 8 police posts and 11 patrol bases, along with plans for upgrading of 10 administration police posts.

In Mt Elgon there are over 8 different security agencies represented in the area, including regular police, administration police, General Service Unit, Kenya Defence Force, Anti-Stock-Theft Units, National Police Reserve and Kenya Wildlife Service forest rangers.⁴⁰⁵ Despite the seemingly high level of security, an officer in Mt Elgon commented that the police are distant from the community, both in time and place, and in understanding their needs. He noted the transfer of the majority of police out of a hotspot for unclear reasons.' Manpower was noted to be a problem as well as resourcing and housing for police, As noted,

*The DCIO does not have a driver... Investigation money is given which is 115,000 Kshs to fund expenses, but there are 10 staff. This is not sufficient to conduct an investigation.*⁴⁰⁶

⁴⁰¹ Boniface Wanyonyi – Kambula, in FGD with chiefs, Bungoma Town 8 June, 2016

⁴⁰² Shaff Fwamba Juma – Cheptais, in FGD with chiefs, Bungoma Town 8 June, 2016

⁴⁰³ Wilson Khaemba – Central Location in FGD with chiefs, Bungoma Town 8 June, 2016; NACADA notes that its main focus is on demand reduction, which involves education and awareness, treatment, rehabilitation, life skills and psycho-social support. It also contributes towards supply suppression through policy formulation and capacity building, See nacada.go.ke

⁴⁰⁴ Interview enior security, Mt Elgon, 7 June, 2016

⁴⁰⁵ Interviews, various, 5-10 June, 2016

⁴⁰⁶ Security officers in Mt Elgon, June 2016

This is important because a lack of intelligence increases the risk of arbitrary arrests and killings, by a force which is helpless in the face of crime and violence.

As is common elsewhere in the county, corruption is institutionalized, and begins with recruitment, in which people bribe to join the force. Following this, newly trained officers bribe to get the secondment of their choice, and later to get promotions.⁴⁰⁷

The large number of boda-boda in the county and the related issues of crime and assault, are overwhelming for police.⁴⁰⁸ Operation Okoa Boda-boda was launched in March 2015 to attempt to deal with the spate of killings of the riders. This entailed the outlawing of night operations, which is regularly ignored by both riders and police (for a bribe)⁴⁰⁹

Police-community relations

Numerous people interviewed pointed to the problems of police inaction, lack of witness protection and stigmatizing/profiling and harassment of certain sectors/ethnic groups.

Media reports about gang assaults highlight the problem of police failure to respond to distress calls, and failing to investigate assault cases.⁴¹⁰ This may be due to various constraints ranging from human resource, lack of adequate protective equipment, lack of vehicles or fuel, as well as links between criminals and police.⁴¹¹ The police themselves noted that collecting evidence was an enormous challenge in Mt Elgon, due to fear, and experiences leading to mistrust of security in general.⁴¹²

An elder stated that police-community relations are poor due to lack of action to deal with crime, and lack of protection of witnesses, 'They are given information and they share this with the victim'.⁴¹³ Several others confirmed the same.⁴¹⁴ Frequently criminals may be taken to the station but released almost immediately. Related to this is that it is possible to be awarded bail for almost all offences, and therefore suspects are released within 48 hours. Chiefs noted that in Bumula sub-county a mother was killed together with her three children for providing evidence against a given suspect who was released thereafter for lack of evidence⁴¹⁵

Youths in Cheptais, Mt Elgon mentioned that they are stigmatized as a result of their previous involvement in SLDF. They called for impartiality and diligent investigation of armed robberies around Cheptais, rather than blaming all crimes on ex-SLDF.⁴¹⁶

⁴⁰⁷ FGD with security and administrators, Bungoma town, 8 June, 2016

⁴⁰⁸ FGD, boda-boda operators, Bungoma town, 9 June, 2016

⁴⁰⁹ FGD, boda-boda operators, Bungoma town, 9 June, 2016

⁴¹⁰ County Guardian News 'Crime rates terrify Bungoma villagers' 3 March, <http://countyguardian.com/crime-rate-terrify-bungoma-villagers/> Accessed 25 June 2016

⁴¹¹ E-mail correspondence with peace monitor, Bungoma, 27 June, 2016

⁴¹² Interview, Senior security, Mt Elgon, 6 June, 2016

⁴¹³ Patrick Chaka - Chair of Elders, in FGD with chiefs, Bungoma Town 8 June, 2016

⁴¹⁴ FGD with chiefs, Bungoma town, 8 June, 2016

⁴¹⁵ Tomia, H (2015) 'Criminals running the show as boda-boda killings escalates'. County Guardian. 1 July

⁴¹⁶ FGD, youths (ex-SLDF), Cheptais, Mt Elgon, 7 June, 2016

Community Policing

Nyumba Kumi is Kenya's community policing model based on groupings of 10 households, through which security concerns are reported to the police; Bungoma County has 2,950 Nyumba Kumi representatives.⁴¹⁷ However a number of problems were noted with regard to Nyumba Kumi. In Mt Elgon in particular, women explained that fear and lack of security prevented people from reporting.⁴¹⁸ This was confirmed by security officers who said that the fear of militia and gangs limited the effectiveness of the strategy.⁴¹⁹ Another respondent noted that impartiality is a problem leading to protection of criminals.⁴²⁰ A chairman of a taxi drivers' association suggested that community policing has been assisted by the involvement of chiefs and *mukasa* (village elders) in *barazas* (open meetings) on security.⁴²¹

Findings: Potentials for Prevention

A number of ideas and some activities were revealed by the survey with potentials for crime and violence prevention. Some of these addressed specific crimes while others addressed underlying risk factors or drivers for crime. They have been grouped according to the main players involved.

County and National Administration priorities

While the problems of insecurity, crime and violence feature very rarely in the Bungoma Integrated County Development Plan, a number of development priorities may assist to address these problems (see figure 13) .

Figure 13: Priorities outlined in Bungoma Integrated County Development Plan

- Supporting investments to ensure food security and value addition
- Supporting investments in pro-youth, women and disadvantaged groups
- Provision of adequate, affordable and accessible county public services including; water and sanitation services
- Improving urban and rural road infrastructure and amenities
- Promoting local economic development (LED) and job creation
- Diversifying the county economy to foster sustainable development
- Environmental protection and conservation
- Improving access to quality and affordable health care
- Improving access to quality and affordable pre-primary education, village polytechnics and supporting other levels of education and training.
- Promoting value addition and agri-business.
- Promote intergovernmental co-ordination and relations.
- Support sub-counties, wards, urban areas and towns to offer sustainable services to citizens.

⁴¹⁷ Standard Team (2016) 'Kenya: One person killed in Bungoma, houses torched by 'fake' security officials' 27 January

⁴¹⁸ FGD, women, Kibuk Parish Catholic Church, Kapsokwony, Mt Elgon, 6 June, 2016

⁴¹⁹ Interview Senior security, Mt Elgon, 7 June, 2016

⁴²⁰ Group interview, BK 98.2 FM (Bekapkoret) community radio station, Kapsokwony, Mt Elgon, 6 June, 2016

⁴²¹ Interview, Kevin Kandu, chairman of CBD taxi drivers' association, Bungoma town, 9 June, 2016

- Promotion of quality and adequate county integrated services in line with the constitutional and legal mandate.
- Urban-based developments are planned to be funded through private-public partnerships and through working with development partners.

National and government administrators, together with police also noted the importance of ensuring the return of children who have dropped out, back into schools and other educational institutions. Policy and facilities for street children and families, and rehabilitation centers for alcoholics and drug addicts were other priorities. Lastly administrators note the need for effective regulation of the boda-boda motorcycle sector.

In terms of supporting the youth, the county government has a Department for Youth Affairs under the Ministry of Culture, and a Department for Youth Polytechnics under the Ministry of Education. Youths themselves expressed a desire for county or national government to set up technical and vocational colleges/ polytechnics and agri-industries, as well as supporting youth talent in athletics and football. They pointed to a need for youth-centered civic education programs on politics, governance, peace building, as well as access to youth funds. They requested that land be allocated to youths and that the county government ensures sharing of employment opportunities in the County, as well as calling for general infrastructural improvements.⁴²²

Urban planning is an important aspect of crime prevention, and falls within the remit of county governments. Open spaces, avoidance of walls and blind corners and street lighting can all reduce opportunities for criminals to hide and attack. In Milikamwizi in Bungoma Town city center street lighting has already improved the crime rate.⁴²³

Policing

In terms of policing, the following priority suggestions for the county were made.

1. Establish and equip more police stations in Bungoma County.
2. Issue licenses for *busaa* brewing to regulate the sub-sector.
3. Make finances available to facilitate the entrenchment of Nyumba Kumi initiatives.
4. Deal firmly with political incitement to violence in the County.
5. Ensure stringent migration and immigration policy to control and regulate the border with Uganda.
6. Ensure oversight over security officers to prevent complicity in crime.⁴²⁴

Chiefs also revealed their involvement in security duties, and in the provision of letters of good conduct for employment seekers, along with liaison with employers. This has reduced theft by shop workers.⁴²⁵ Chiefs' presence on the ground makes them important players in policing, particularly in rural areas.

⁴²² FGD, youths, Kibuk Parish Catholic Church Kapsokwony, Mt Elgon, 6 June, 2016

⁴²³ FGD, chiefs, Bungoma Town, 8 June, 2016

⁴²⁴ FGD, security and national/county administrators, Bungoma town, 8 June, 2016

⁴²⁵ Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

Elders

Following the conflict in Mt Elgon, the Mabanga Peace Accord between Sabaot, Bukusu and Ateso elders was signed in October 2011, the culmination of a long negotiation process. The Accord was sponsored by a faith-based organization, the Free Pentecostal Fellowship Kenya. It involved elders and local administrators. The agreement contained 17 points covering: assistance for the displaced; an end to prejudice and tribalism; inclusiveness and equity between tribes in sharing of opportunities including political appointments; lobbying of the government on resettlement issues; disarmament, demobilization and rehabilitation of militias, and working with the government on firearms monitoring and control.⁴²⁶

An elder shared that one of the limitations of the Accord was its emphasis on the main ethnic groups, to the exclusion of smaller minorities such as the Kikuyu and Maragoli communities. However, in 2014 some Kikuyu and Luo businessmen were also given appointments.⁴²⁷ Another concern mentioned was that politicians can spoil such agreements if they do not feel that they benefit from them. Elders do not have any means of controlling this.

The Abbey Resort Resolution signed in March 2015 was led by the National Cohesion and Integration Commission and Bungoma County Government, along with the County Commissioner (of the National Government Administration Office). It was the result of community dialogue processes and a leaders' peace forum, which was also attended by the rival politicians Kapondi and Serut, amongst others. The latter however, did not sign the resolution. In the forum some of the key drivers of conflict identified included poor leadership and governance, competition between national and county government, inequitable distribution of resources, land related problems, increased insecurity and allegations of the re-emergence of militia groups. The resolution contained 12 points covering: commitment to non-violence; opposition to hate speech and funding of violence; constructive dialogue between national and county leaders and others; investigation of human rights violations; resettlement of displaced persons; facilitation of the Sabaot Supreme Council of Elders in peace-building; equitable sharing of human and other resources, and adoption and approval of the Truth, Justice and Reconciliation Commission report's recommendations on Bungoma (TJRC, 2013).

Bukusu council of elders is a non-political forum of community members, organized at national, county and sub-county levels, to discuss issues that affect them. The Council advises Bukusu people, ensures participation in economic ventures, protects local businesses, has represented communities to government, and encourages education. It also encourages cultural preservation, as the Chair noted, 'youths are embracing foreign ideas, detrimental to Bukusu culture'. The Council involves itself in the circumcision month (August) when elders engage at ward level. Here direction is given in clan disputes. There are 170 clans, divided into 6 clusters and they strengthen the clan system as a tool to manage

⁴²⁶ See <http://www.acordinternational.org/silo/files/mabanga-peace-accord.pdf> accessed 6 July 2016

⁴²⁷ Interview, Richard Walukano, chair of Bukusu Council of Elders (also joint chair of Mabanga Peace Accord and president elect of Bungoma Rotary Club), Bungoma town, 8 June, 2016

community and culture. The Council played a large part in the Mabanga Peace Accord mentioned previously.⁴²⁸

A Saboot Supreme Council of elders also exists, uniting all the Saboot clans under itself. It was also a signatory to the Accord, among its stated aims are: equity in sharing of resources and opportunities among the Saboot clans; promoting better relationships between elders and youths, and preserving valuable aspects of the culture while providing alternative rites of passage to avoid FGM. The council is facilitated by the Free Pentecostal Fellowship of Kenya.⁴²⁹

Faith-based, civil society and community-based organizations

During the land conflicts in Mt Elgon, the Catholic church played an important role in giving shelter, food, medicine and counselling to the many traumatized people. The church also gave out seeds and 100 acres of land in Sikhendu in Trans Nzoia and settled 96 families. The church is well respected by the youths and has carried out various supportive interventions over the years.⁴³⁰ Youths also noted the role of the Catholic church in resettlement and peace-building.⁴³¹

Chwele Youths noted that they desire rehabilitation programs to address ongoing mental health issues from what they had witnessed and taken part in, and peace, justice and reconciliation initiatives which properly involve them. Alongside these, practical assistance with land, livelihoods, and education for those who dropped out of school to join the SLDF are important needs.⁴³² Action Aid and Free Pentecostal Church Kenya and Rural Women Peace Link have carried out some interventions involving counselling and forgiveness.⁴³³ A Rural Women Peace Link representative noted that 350 people in Kapsoro and Cheptais were trained. Among these around 120-150 came from remand, and around 30-40 had returned from Uganda.⁴³⁴ The Free Pentecostal Fellowship Kenya have also facilitated the Mabanga Peace Accord, as noted.

The RWPL also commented that women had helped to bring peace through dialogue and, from 2009 had been travelling around and speaking in the constituency with the District Peace Committees, supported by the National Cohesion and Integration Commission. NGOs had been very helpful in supporting the initiative (especially in terms of lunch and transport) but that after their funding had ended it was difficult to sustain the intervention. The national administration also held *barazas* for reconciliation, however, while women attended these, youths did not, thus limiting their effectiveness.⁴³⁵

⁴²⁸ Interview, Richard Walukano, chair of Bukusu Council of Elders (also joint chair of Mabanga Peace Accord and president elect of Bungoma Rotary Club), Bungoma town, 8 June, 2016

⁴²⁹ See <http://psirmoi.blogspot.co.uk/2011/08/ne-on-one-with-mzee-butaki-chairman-of.html>

⁴³⁰ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

⁴³¹ FGD, youths, Kibuk Parish Catholic Church Kapsokwony, Mt Elgon, 6 June, 2016

⁴³² FGD, youths (ex-SLDF), Cheptais, Mt Elgon, 7 June, 2016

⁴³³ Salome Matakwei, widow of late SLDF commander, Cheptais, Mt Elgon, 7 June, 2016

⁴³⁴ Rural Women Peace Link Treasurer, at FGD with women leaders, Cheptais, Mt Elgon, 7 June, 2016

⁴³⁵ Rural Women Peace Link Treasurer, at FGD with women leaders, Cheptais, Mt Elgon, 7 June, 2016

Salome Matakwei, widow of the slain SLDF commander noted that she became a businesswomen and a farmer, supporting five children. She recently registered a CBO known as Salome Matawei Peace Foundation, which works with ex-SLDF youths, trying to encourage diversification of livelihoods beyond the focus upon land. The Foundation attempts to combat the stigma faced by the youths and their families, and also plans to establish a prayer center.⁴³⁶

The Catholic Church have been able to provide a girls school in Kibuk, which is currently a day school with 280 pupils, 10 of whom are sponsored by the church. It is well equipped with toilets and bathrooms (important for keeping girls in school) and there are plans to turn it into a boarding school in order to maximize learning opportunities, promote a culture of learning, and also to reduce the risk of early pregnancy by minimizing travel and contact with the outside world.⁴³⁷ Lastly, in Bungoma Town the church was playing an important role in building a place to house street children and provide training in skills.⁴³⁸

Self-help initiatives

In the transport sector SACCOs or cooperatives are providing a means of self-help for boda-boda operators. Out of the 6,000 boda-bodas within the city environs, 2000 are members of a SACCO (a cooperative) and contribute 50 shillings per day (50 US cents). The registered members are 2000 with the SACCO so far they have 14 million banked and they have 2 buses on the road, and plan to buy land and build an estate. BUCOMOT it operates between Bungoma and Nairobi.⁴³⁹ The SACCO allows a person without a bike to get started, paying a deposit of 13,000 (130 USD) to get a loan of 115,000 Kshs (1,150 USD) to buy the motorbike. Repayments are slowly made until the bike is fully owned by the operator. Members without bikes can act as conductors.

Media

Media is a potentially powerful tool which can be used to disseminate information or warnings, promote positive messages and even collect information. BK Radio Station broadcasts from Mt Elgon area and has been able to play a part in combatting crime and violence. Staff described how the first quarter of 2016 saw an increase in rape, robbery and assault for reasons not clear. The radio station collaborated with the police, and broadcasts were carried out to increase awareness about the problem. This they felt, helped to reduce the incidents.⁴⁴⁰

⁴³⁶ Salome Matakwei, widow of late SLDF commander, Cheptais, Mt Elgon, 7 June, 2016

⁴³⁷ Interviews, Father Oscar Justin, and Albinus Muga (Coordinator for Catholic Justice and Peace), Kibuk Parish Catholic Church Center, Mt Elgon, 6 June, 2016

⁴³⁸ Moses Wanakawa – Bungoma town central, in FGD with chiefs, Bungoma Town 8 June, 2016

⁴³⁹ FGD, boda-boda operators, Bungoma town, 9 June, 2016

⁴⁴⁰ Group interview, BK 98.2 FM (Bekapkoret) community radio station, Kapsokwony, Mt Elgon, 6 June, 2016

Conclusion

Kwale and Bungoma Counties have a number of pressing crime and violence dynamics explored in this work, and risk factors or drivers which underlie these were consistently identified by informants. Marginalization and the related problem of land injustice were the most important drivers of crime and violence identified in both counties. Land issues became politicized and ethnicized and led to terror and carnage during the Mt Elgon conflict as well as many incidences of gang violence and mutilation elsewhere in Bungoma county, while ongoing landlessness and poverty continues to drive young people into dangerous or even criminal activities. In Kwale, land injustice and the resulting poverty and lack of opportunity has contributed to several youth uprisings, to MRC's narrative to support secession and to the Al Shabaab recruitment drive.

Clearly these are complex issues which will not change overnight. It is hoped that devolution with its budgetary allocation and development role will help mitigate this to some extent but there is a need for capacity-building for county staff, similar to that of national government administration staff. County Integrated Development Plans certainly identify many development needs and it remains to be seen how much will be implemented. Devolution also affords several opportunities for short term interventions by government and non-governmental sectors which can make a difference, such as training opportunities for young people. In Kwale, such opportunities, could halt the radicalization of the next generation and could even incorporate identified returnees. There is a technical college in Pwani which could develop a program to link youths with willing hotel employers. Similarly, boda boda is a cross-cutting issue in both counties which cannot be ignored, being a major youth employer in which training could go far. An online course could be made available in internet cafes and certification could be a helpful short-term step in regulating and raising the profile of the industry, reducing the related problems of road traffic accidents, crime and violence. SACCOs in this sector are valuable and should be supported and considered in any intervention.

Also relevant to devolved county governments are the principles of crime and violence prevention through environmental design (CPTED) which has proved to be of value in Bungoma town and is a vital consideration to mitigate crime and violence at bus stages and other places used by public transport operators. There is an opportunity to sensitize county administrators and planners in this area, in particular members of newly created urban boards.

Police have voiced the difficulty they are facing in addressing the social issues in Kwale and acknowledge the need for a range of different sectors to be involved. At this stage it would be important to work with police, to continue to build on the understanding of the various potentials for crime and violence prevention, to reinforce the need for multi-sectoral partnerships, and to explore platforms for such partnerships. The relationship between youths and police (and to a lesser extent, the administration) was an important theme in both counties. In Bungoma, a poor community-police relationship in the county is characterized by under-resourcing, lack of professionalism of the police in handling people and

information and consequently, lack of information-sharing by local people. As a result mob-justice is thriving in the county, especially in the public transport sector. In Kwale, where active recruitment into terrorist activities is taking place, a punitive or indiscriminate approach plays into hands of Al Shabaab and MRC, by reinforcing the narrative of marginalization by recruiters, hardening young people and limiting the sharing of intelligence. Likewise managing returnees is one of the most pressing issues and requires a holistic approach. Sensitivity to the local context is important and could be a focus for training: crime and violence prevention training endeavors to meet this very need. Also in Kwale, the peace committee under the previous dispensation has done valuable work but leaders are under threat and require recognition of the danger they face and protection by the police.

Violence data is important for planning, monitoring and dialogue (Morel 2016), but there is a lack of data on crime and violence in general in Kenya; this work uses police data and data from health facilities but these are likely only to represent a small part of the problem. Information from KDHS does not explore crime and violence specifically except the issue of domestic violence which has been covered by this agency. Counties will require assistance to develop datasets which will supplement those of the police and help to target interventions for community safety at the same time as development. This is an important role for County Policing Authorities which are in the process of formation and one which donors may choose to supplement.

Prevention activities are taking place, but are in need of documentation, coordination and strengthening of those with value. In particular the relationship between NGOs and administrators could be improved. The peace committee, CPA and community policing initiatives are all potential areas for coordination and collaboration. Faith-based and community organizations are having some successes which although small, are a valuable place to start as the county government attempts to form partnerships for prevention. Local media is an important way of disseminating information and raising awareness in crime and violence prevention issues in Bungoma and therefore, Kwale County youth could be assisted in this kind of venture which would help youths to network, discuss important issues and help one another.

Several specific issues are amenable to a multi-sectoral approach: Much crime and violence takes place in the home, and impacts the next generation through the normalization of such activities, and through social breakdown and desperation. Therefore protecting girls, assisting women, and also strengthening families will impact the community and society. Programmes which assist girls to complete school even when they have become pregnant are an important part of this which may include specialized boarding facilities and trained staff. Drugs are both a cause and effect of poverty and need to be declared a national disaster and dealt with at the highest level. However the drug issue may also be addressed at the lower levels, and through a number of stakeholders.

Crime and violence stemming from cultural practices such as male circumcision and female genital cutting, as well as early sexual activity for young girls are important themes in the work. Elders have always been considered an important group for those involved in peace-building and managing cultural practices which may contribute to crime and violence. In Bungoma, elders influenced the youth through oathing ceremonies, but also came on board in the peace processes while in Kwale there are similar

accounts of the power of elders over young people which may be used for either purpose – conflict or peace. On the other hand there is a generation gap and conflict between elders and youths which this work brings out in both counties. It is therefore important to continue to consider all sectors of the community in a sensitive way in any mitigation or prevention efforts. Facilitation of all useful community-based activities is needed if they are not to fizzle out for lack of funding.

These identified issues have assisted to contextualize the workshop-style crime and violence prevention training held in October-November 2016 at Kenya School of Government, Nairobi. Here they have facilitated discussion and capacity building and assisted to promote valuable networking and cooperation whose impact will reach far beyond the training period. The work has also created a platform and framework for further research which many participants expressed their desire to carry out. This in turn will assist to develop thoughtful and targeted interventions at the county level by a variety of sectors and partners with the aim of a safer Kenya.

Bibliography

Bungoma County (2013) First Integrated County Development Plan, 2013, Bungoma County Government

Goldsmith, P. (2011). *The Mombasa Republican Council Conflict Assessment: threats and opportunities for engagement*. Kenya Civil Society Strengthening Program.

Government of Kenya (2015) Crime Situation Report, 2015, Government Printers, Nairobi

Haki Center (2013). *Beacons of conflict: land Irregularities within the settlement schemes of Kwale County*, Haki Center, Mombasa.

HRW (2008) 'All the men have gone: war crimes in Kenya's Mt Elgon conflict', Human Rights Watch, New York

HRW (2014) 'We were sent to kill you: gang attacks in Western Kenya and the government's failed response.' Human Rights Watch, New York.

Human Rights Watch (2008) 'All the men have gone': war crimes in Kenya's Mt. Elgon conflict' Human Rights Watch, New York.

IEBC (2012) Preliminary Report On The First Review Relating To The Delimitation Of Boundaries Of Constituencies And Wards, Government of Kenya

International Rescue Committee (2014) 'My action counts: an assessment of gender based violence responses in nine counties of Kenya, IRC

Ipsos (2013). *Kenya Coast Survey: Development, Marginalization, Security and Participation*. Ipsos, Paris.

Kenya Red Cross Society (2007)'Mt, Elgon clashes status report' 4 April

Kiptugen, D. and Agoda, E. (2013) 'Rapid conflict and security analysis report: Bungoma' Draft report for Saferworld, London, Available at https://www.academia.edu/8325775/Bungoma_County_Conflict_analysis_Report accessed 5 July, 2016

KNBS and SID (2013) Exploring Kenya's Inequality: pulling apart or pooling together? (Kenya National Bureau of Statistics, Nairobi/ Society for International Development- East Africa, Nairobi) http://www.knbs.or.ke/index.php?option=com_phocadownload&view=category&id=115:county-report&Itemid=599

KNCHR (2008) 'The mountain of terror: a report on the investigation of torture by the military at Mt Elgon' Kenya National Commission of Human Rights, Nairobi.

Kwale County (2013) Integrated County Development Plan, 2013, Kwale County Government

Ministry of Health (2013) Kenya Service Availability and Readiness Assessment Mapping (SARAM), Ministry of Health, Nairobi.

Mkutu, M. and Marani, M. (2014) Securing the Counties: options for Kenya after devolution, Commission for Human Rights and Policy Studies, Nairobi.

Morel, A. (2014). 'VIMS: Violent Incidents Monitoring Systems', World Bank, Washington DC.

Moyo, S. (2007). 'Land policy, poverty reduction and public action in Zimbabwe', in A.H. Akram-Lodhi, S.M. Borras Jr. and C. Kay (eds) Land, Poverty and Livelihood in an Era of Globalization, London and New York: Routledge. Pp.344-82

NACADA (2012) 'Rapid situation assessment of the status of drug and substance abuse in Kenya, 2012' National Authority for the campaign against Drug and Alcohol Abuse, Nairobi.

Nasser-Eddine, M., Garnham, B., Agostino, K and Caluya, G. (2011) Countering violent extremism (CVE) literature review. Counter Terrorism and Security Technology Center, DSTO Defence Science and Technology Organisation, Edinburgh, Australia

Njanye, M. (2010) *Poverty in the Midst of Wealth: The case of natural resources in Coast Province*, Ilishe Trust, Mombasa

Ochieng, W. (1975). *Eastern Kenya and its Invaders*. Nairobi: Eastern Africa Literature Bureau.

Okoth-Ogendo, H. (1999). *Land Issues in Kenya: Agenda Items from the 20th Century*. Department of International Development, Eastern Africa.

OSAC (2015) Kenya 2015 Crime and Safety Report.

<https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17289> Accessed 6 May 2016

Ruteere and Pomerolle (2003) Democratizing Security or Decentralizing Repression? The ambiguities of community policing in Kenya, *African Affairs*, 102 (409): 587-604

SUPKEM, IOM and Ministry of Interior (2015). Socioeconomic and demographic survey of Kenyan returnees, Supreme Council of Kenya Muslims, International Organization for Migration and Ministry of the Interior, Nairobi

United Nations (1995) The Copenhagen Declaration and Program of Action, World Summit for Social Development, 6-12 March 1995, United Nations, New York

Wachira, K., Muluka, B., and Wepundi, M. (2010) 'Mt. Elgon conflict: a rapid assessment of the underpinning socio-economic, governance and security factors' Amani Papers, UNDP, 1 (1)

WHO, UNDOC and UNDP (2014) 'Global Status Report On Violence Prevention 2014' World Health Organization/UNDOC/United Nations Office on Drugs and Crime/United Nations Development Program)

Willis, J and Gona, G (2013) 'Pwani C Kenya? Memory, documents and secessionist politics in Coastal Kenya' *African Affairs*, 112 (446) pp 48-71

Zeleezer, T. (1989) The establishment of colonial rule:1905-1920. In W. Ochieng, *A Modern History of Kenya, 1895-198*, Evans Brothers, Nairobi

Appendix 1:

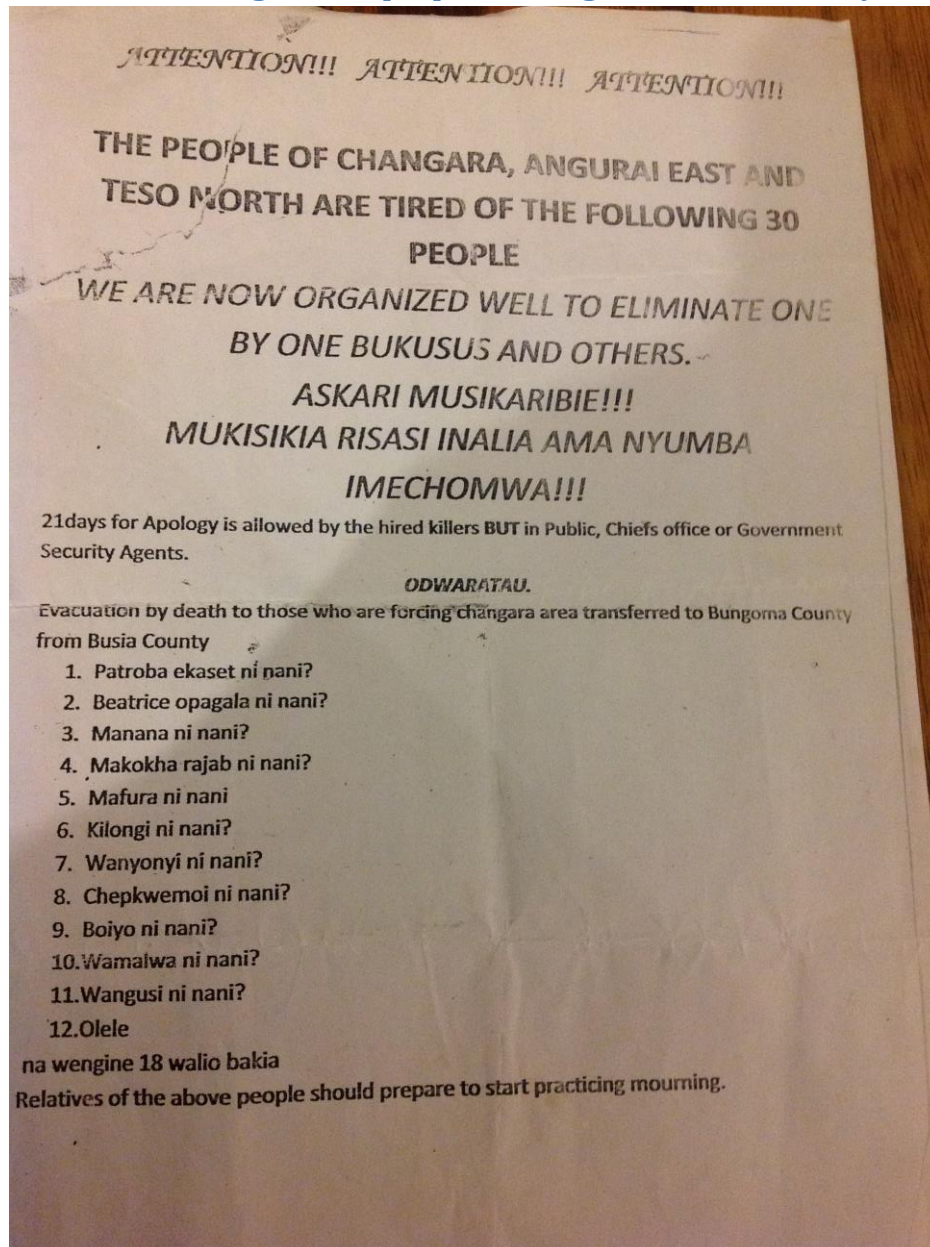
List of Civil Society Organizations in Bungoma

- Catholic Justice and Peace Commission
- Mwalie Health
- Jukua La Katiba
- Heritage Center
- Citizens for Good Governance
- Stakeholders Forum
- Forward Kenya
- Bungoma County Disability Forum
- Bungoma County Peace Committee
- Mwatikho Torture Survivors Organization
- Western Kenya Human Rights Watch
- Vi- Agro Forestry
- Kimilili Stakeholders /Chamber Of Commerce Industry
- Kimilili Residence Association
- AOET Kenya
- Agro-Enviromental Farmers Association
- Malakisi CIC
- Kecocast
- Rucebo
- Kenya National Union of Teachers
- Regional Organization for Conflict Analysis & Resolution

- Community Research Environment & Development Initiative
- People Against Corruption
- Community for Center Education And Development
- Reengineering Organization

Appendix 2:

Leaflet threatening Bukusu people in Changara, Teso sub-county, Busia



*