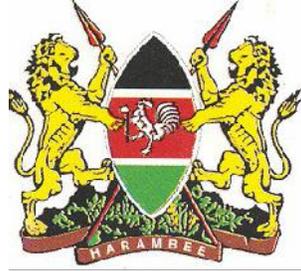


**REPUBLIC OF KENYA**



**NATIONAL POLICY ON SMALL ARMS AND LIGHT WEAPONS**

**OFFICE OF THE PRESIDENT**

**MINISTRY OF STATE FOR PROVINCIAL ADMINISTRATION AND  
INTERNAL SECURITY**

**(FINAL VERSION – JUNE 2011)**



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## **Abbreviations**

ASAL	Arid and Semi Arid Lands
CFA	Chief Force Armourer
CFB	Central Firearms Bureau
CLO	Chief Licensing Officer
CSO	Civil Society Organisation
DOD	Department of Defence
EAPCCO	Eastern Africa Police Chiefs Cooperation Organisation
DTF	District Task Force
FFA	Firearms Free Areas
GOK	Government of Kenya
ICT	Information and Communication Technology
LEA	Law Enforcement Agency
NAP	National Action Plan
NFP	National Focal Point on Small Arms and Light Weapons
PDC	Policy Drafting Committee
PTF	Provincial Task Force
RECSA	Regional Centre on Small Arms
SALW	Small Arms and Light Weapons
UNPOA	United Nations Programme of Action

## **Glossary of terms**

**Ammunition:** the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a small arm or light weapon;

**Armoury:** a place where SALW, ammunitions and any other related materials are securely kept

**Broker:** a person who acts for a commission, advantage or cause, whether monetary or otherwise to facilitate the transfer, documentation and/or payment in respect of any transaction, relating to the buying or selling of small arms and light weapons (SALW); or as an intermediary between any manufacturer, or supplier of, or dealer in small arms and light weapons and any buyer or recipient thereof.

**Brokering:** acting for a commission, advantage or cause whether pecuniary or otherwise to facilitate the transfer, documentation and/or payment in respect of any transaction relating to the buying or selling of SALW; or acting as intermediary between any manufacturer, or supplier of, or dealer in SALW and any buyer or recipient thereof.

**Cattle rustling:** the stealing or planning, organising, attempting, aiding or abetting the stealing of livestock by any person from one country or community to another, where the theft is accompanied by dangerous weapon and/or violence

**Dealer:** a person that has been authorized by a competent authority to trade, buy and sell small arms, ammunition and other related materials.

**End-user:** the person or institution identified by the competent authority as the designated user of transferred SALW, ammunition or other related materials.

**Export:** to take ammunition and/or licensed or registered SALW out of one country to another country, or cause them to be taken out of a country to another country through any harbour, airport, roads, rail or other place on board any motor vehicle, vessel or aircraft, or by any other means of conveyance

**Firearm:** any portable barrelled weapon that propels, is designed to propel or may be readily converted to propel a shot, bullet or projectile by the action of an explosive, including antique firearms; any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine; any airgun, air rifle, air pistol, revolver, crossbow, laser gun or any other similar weapons; the barrel, bolt, chamber, silencer, muffler, flash-guard, or any other accessory designed or adapted to diminish the noise or flash caused by firing a weapon and also other essential component of any weapon.

**Gunsmith:** a person who is duly registered and licensed to repair and modify small arms

**Import:** to bring SALW and/or ammunition, or cause them to be brought, from outside the

country into the country, and includes the bringing thereof into the country at any harbour, airport, rail, road or other place on board any motor vehicle, vessel or aircraft, or other means of conveyance, irrespective of whether or not the SALW and/or ammunition are off-loaded from such a motor vehicle, vessel, aircraft or other means of conveyance for conveyance through the country to any place outside the country or for any other purpose, or are intended to be so off-loaded

**Illicit manufacture:** the manufacturing or assembly of SALW; from parts and components illicitly trafficked; or without a licence or authorisation from a competent authority; or without marking the SALW at the time of manufacture in accordance with the specified marking procedures.

**Light weapon:** portable weapons designed for use by several persons serving as a crew including heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air defence weapons; and shall include other related materials

**Marking:** the inscription of a permanent unique identifying alpha-numeric mark on the metal part of a SALW or ammunition

**Other related materials:** any components, parts or replacement parts of a SALW that is essential to its operation; including clothing specifically designed or modified to protect against the penetration of a bullet (including bullet-proof vests and helmets).

**Possession:** Any person who, without reasonable excuse, carries or has in their possession or under their control any SALW in circumstances which raise a reasonable presumption that the SALW is intended to be used or has recently been used in a manner or for a purpose prejudicial to public order is said to be in Possession of SALW and this includes a person to whom the owner has transferred possession of a firearm has possession of the firearm, while it is in his/her physical possession or under his/her control.

The following acts do not constitute possession, where a person:

- i. Has possession of, or use a firearm on the range of an accredited institution, while undergoing training in the safe handling and firing of that firearm, under direct supervision of the instructor of that institution and providing that the institution holds a licence for the said firearm
- ii. Has possession of that firearm in the ordinary course of the business of carrying or storing goods on the premises of a licensed manufacturer, dealer or gunsmith, under the direct order and/or supervision of the licence holder
- iii. has possession of a firearm as the administrator, committee or guardian or manager of the estate of a deceased person

- iv. has possession of a firearm as the administrator, committee or guardian or manager of the estate of a person who is unable to manage his/her own affairs
- v. has possession of a firearm as the Official Trustee or Registered Trustee of a bankrupt estate
- vi. handles a firearm in the presence, and with the consent, of a person who is the owner of the firearm, and who holds a licence for that firearm,
- vii. handles a firearm in the registered premises of a licensed firearm dealer, and with the consent of the dealer, for the purpose of inspecting the firearm

**Small arms:** weapons designed for personal use and shall include light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles; and other related materials. Small arms also include firearms.

**Stockpile management:** the planning, acquisition, possession, recordkeeping, safe storage, control, maintenance, refurbishment, production and disposal of large accumulated stocks of SALW in state and non-state possession.

**Tracing:** the systematic tracking of SALW and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities in detecting, investigating and analyzing illicit manufacturing and trafficking.

**Trafficking:** The import, export, acquisition, sale, delivery, movement or transfer of SALW, ammunition and/or other related materials from or across the territory of one state to that of another state if any one of the states concerned does not authorize it, or the small arms, light weapons and ammunition are not marked.

**Transit:** the conveyance of SALW, ammunition and other related materials that have been legally imported and exported through the country, to another country

**Transfer:** the movement of SALW from the possession of one actor to another

## **Foreword**

The single most serious security challenge facing Kenya, the Great Lakes and the Horn of Africa regions is the illicit proliferation and misuse of Small Arms and Light Weapons (SALW). By virtue of their easy availability, relative affordability, technical simplicity and concealability, these weapons have become tools of violence and crime in urban and rural areas.

This state of affairs has exacerbated poverty, a state of insecurity and underdevelopment in most parts of this country. In realisation of this devastation, Kenya among other states is a signatory to regional and international instruments that seek to combat and eradicate illicit proliferations of SALW: the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW, the UN Firearms Protocol, the Nairobi Declaration on the Problem of the Proliferation of Illicit SALW in the Great Lakes Regions and the Nairobi Protocol. Kenya has continued to assert its position in the current Geneva Declaration on Armed Violence and Development and the Arms Trade Treaty. In all these Kenya has been in the fore front to resolve conflicts and particularly tackle the illicit proliferation of SALW.

The success of the First Medium Term Plan and Vision 2030 depends on the implementation of these instruments hence the National Policy on SALW. The development of this policy is a great stride towards attaining a society free of illicit SALW and an enabling environment for peace and development.

The development of this policy is a step towards domestication of policies and legislations in accordance with the Best Practice Guidelines on SALW. It suffices to note that the success of the government in addressing the illicit proliferation of SALW and implementation of the policy will depend on concerted efforts and sustained multi-sectoral partnerships at various levels.

## EXECUTIVE SUMMARY

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The National Policy on Small Arms and Light weapons (SALW) provides a framework with guidelines to manage and coordinate all actions addressing the problem of SALW in all its aspects in Kenya

The policy seeks to attain four objectives: reduce all forms of proliferation of SALW and related materials; provide synergy and coordination for the management and control of SALW through legal, institutional and regulatory frameworks; coordinate and promote public awareness raising, education and sensitization on SALW; and provide for measures to harmonize legislation and enhance international cooperation and information exchange on SALW.

This policy is divided into four main chapters. Chapter one on the policy context introduces the policy development process steered by the Kenya National Focal Point on SALW. It sets the values and guiding principles within which the policy shall be implemented and establishes the linkages with relevant national, regional and global instruments. The chapter specifies that the Government will undertake to prevent, combat and eradicate illicit trafficking and misuse of SALW through strengthening the legal, regulatory and institutional frameworks.

Chapter two of the Policy sets guidelines for control and management of illicit proliferation and misuse of SALW based on the provisions of the National Action Plan for Arms Control and Management and the Best Practice Guidelines for the implementation of the Nairobi Declaration and the Nairobi Protocol on SALW.

Fundamental to the policy is the implementation framework prescribed in Chapter three. This chapter articulates the various institutional frameworks that will facilitate coordination and enable agencies to work in congruence. The agencies established by the policy include the SALW Directorate, the Inter-Agency Committee on SALW, a SALW Inspectorate, Provincial and District Task Forces on SALW. It defines the transitional mechanisms from the current secretariat to the envisaged directorate.

The last Chapter makes provisions for financing, monitoring, evaluation and policy review. The annexure illustrates the proposed institutional framework for policy implementation.

# CHAPTER ONE

## POLICY CONTEXT

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### 1.1 Introduction

The uncontrolled proliferation of illicit SALW poses a significant challenge to the safety, security and development in Kenya. This policy sets forth the approach the Government will undertake to prevent, combat and eradicate illicit trafficking and misuse of SALW through strengthening the legal, regulatory and institutional frameworks.

It also takes into account and establishes linkages with a range of other policies aimed at tackling insecurity, conflict, marginalization and gender inequalities. Further, it focuses on regional and international dimensions of the SALW problem and provides mechanisms for cooperation with other states to address them.

### 1.2 Policy development process

The process of developing this policy was steered by the KNFP through the Policy Drafting Committee (PDC) established in 2005. The PDC drew upon a range of sources to inform the development of the policy. Foremost was the outcome of the national assessment of the SALW problem in Kenya.

This policy document has gone through a series of consultations with key Government officials and the general public. Between January 2005 and March 2006, copies of the Draft National Policy on SALW were sent out to stakeholders for their input. Thereafter, a series of consultations were conducted with Government representatives and other non-state actors.

### 1.3 Contextual analysis

The illicit proliferation and misuse of SALW has had negative humanitarian consequences and gross human rights abuses across Kenya.

Kenya currently faces security challenges posed by illicit SALW. They are the preferred tools in robberies, acts of terrorism, cattle-rustling, poaching, inter-ethnic strife and other violent crimes.

The presence of SALW in conflict situations escalates the risk of injury, death, destruction of property and heightens the sense of fear and insecurity. They have specifically exacerbated conflict by making recourse to violence more likely among communities.

Political instability in some of the neighbouring states continues to catalyse the threats posed by the illicit proliferation of SALW. The problem is compounded by the easy entry of illicit SALW through porous borders. Many of the illicit SALW in Kenya originate from beyond the sub-region, and indeed, the African continent.

The national assessment on SALW highlighted a range of issues and challenges the Government needed to address, including;

- i. High levels of illegally owned small arms
- ii. Inadequate legislation governing civilian possession of small arms
- iii. The need for improved record keeping and data collection on SALW
- iv. High levels of public concern about the SALW problem in the country
- v. The need for tightened procedures and improved facilities for the control of all state owned SALW
- vi. Cross-border conflict over livestock and other resources and high-levels of civilian possession of small arms in pastoralist communities
- vii. High levels of urban armed violent crime
- viii. The use of illegally owned small arms to carry out poaching in wildlife conservation areas
- ix. Low levels of confidence in the Law Enforcement Agencies
- x. The need for training and capacity building of police, customs and immigration officials to better control the movement and possession of illegally held SALW
- xi. The use of SALW in commission of acts of terrorism
- xii. The need for strengthened controls on the international movement of SALW, through enhanced national controls on the import, export and transit of small arms, and the introduction of provisions to control the activities of arms brokers
- xiii. The need for enhanced regional and bilateral co-operation, which includes information exchange and law enforcement operations
- xiv. The impact of small arms-related insecurity through crime, terrorism and localised conflict on economic development: reducing livelihood options, discouraging local and international investment and deterring tourism

#### **1.4 Existing legal and policy framework for SALW control and management in Kenya**

Kenya currently has a wide range of pieces of legislation with relevance to SALW including the Firearms Act, Police Act, Explosives Act, Armed Forces Act, Customs and Excise Act, Wildlife Act, Extradition Act, Penal Code, Immigration Act, Administration Police Act, Prisons Act, Forests Act and Refugee Act.

Despite the existence of these pieces of legislation, there is disjointed and cumbersome approach to addressing the problem of SALW in all its aspects.

#### **1.5 Justification for policy**

Kenya has no comprehensive policy on SALW problem at national and regional dimensions. The existing legal regime does not adequately provide for comprehensive control and management of the SALW in all its aspects. The existing institutions charged with the responsibility of controlling and managing SALW have inadequate legal authority and limited institutional and administrative capacity to deal with SALW problem in all its aspects.

This policy seeks to put in place a framework for effective legislative, institutional and regulatory measures on control and management of SALW in Kenya covering domestic and regional perspectives.

The Government shall, through this policy, undertake a range of measures classified into two broad areas: those that seek to address the demand for illicit SALW and those that seek to regulate their supply and use. The Government's approach is founded on the recognition that sustainable development and prosperity for all citizens can only be ensured in a safe and secure environment. This approach shall incorporate technical responses and broader initiatives to address the social, cultural and economic factors contributing to the illicit proliferation of SALW.

### **1.6 Vision**

A peaceful, secure and prosperous society free of illicit SALW

### **1.7 Mission**

To manage and coordinate all actions addressing the problem of SALW in all its aspects in Kenya

### **1.8 Objectives**

- i. Reduce all forms of illicit proliferation of SALW and related materials
- ii. Provide synergy and coordination for the management and control of SALW through legal, institutional and regulatory frameworks
- iii. Coordinate and promote public awareness raising, education and sensitization on SALW
- iv. Provide for measures to harmonize legislation and enhance international cooperation and information exchange on SALW

### **1.9 Guiding values**

The processes of development, review, interpretation and implementation of this policy on SALW shall be guided by the values of;

- i. Integrity
- ii. Respect for the rule of law
- iii. Respect for diversity of opinion
- iv. Transparency and accountability
- v. Respect for human rights

### **1.10 Guiding Principles**

In view of the need for cooperative inter-agency engagement and coordination in addressing the SALW problem, interpretation and implementation of this National policy on SALW shall at all times be guided and informed by the following principles;

- i. **Safety and Security for all:** SALW held by state agencies in Kenya shall be managed and controlled solely for the purpose of improving and ensuring the safety and security for all persons in Kenya.
- ii. **Inclusivity:** addressing all aspects of the SALW problem in Kenya require active participation of all stakeholders; state and non-state working in the security and non-security sectors. This policy shall seek to provide avenue for their participation at all levels.
- iii. **Conflict sensitivity:** SALW reduction measures in the communities shall be accompanied by comprehensive conflict transformation initiatives; including infrastructural development.
- iv. **Gender sensitivity:** SALW reduction, control and management measures have peculiar gender dimensions that must be considered at policy, institutional and programmatic levels. In implementing this policy, gender analysis shall remain an integral part
- v. **Complimentarity:** building synergies among agencies and sectors and promoting cooperation among them is crucial in attaining the objectives of this policy and shall be encouraged all the time.
- vi. **International Cooperation:** SALW problem in Kenya has a regional dimension. All SALW reduction measures in communities living along international borders shall have a cooperative engagement between states, including improving border controls and policing along the international borders as well as mutual legal assistance.

### **1.11 Linkages with other legal and policy frameworks**

At the national level, there are several policy and legal regimes that shall be critical to the implementation of this policy. Its interpretation and implementation shall seek to link with these policies and legislations including the Kenya Vision 2030, ICT Policy, the ASAL Development Policy, the Peace Building and Conflict Management Policy and the Gender Policy.

### **1.12 Linkages with regional and international SALW instruments**

The Government is now party to a number of regional and international agreements and legal instruments on SALW control that set forth a common understanding both of the nature of the problem and how it impacts on societies, as well as the measures that need to be taken to effectively tackle it from a global and regional dimension.

The development of this policy was significantly informed by these instruments and it shall be linked in its interpretation and implementation to the EAPCCO-Cattle Rustling Protocol; Nairobi Protocol for the Prevention, control and reduction of SALW in the Great Lakes and the Horn of Africa; the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects; The Bamako Declaration On An African Common Position On The Illicit Proliferation, Circulation And Trafficking Of Small

Arms And Light Weapons; The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa; Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa; and Implementation Plan of the Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa.

## CHAPTER TWO

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### POLICY GUIDELINES

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#### 2.1 Control and management of State owned SALW

Effective control and management of SALW held by state agencies as well as sound administration of control measures by other non-holding agencies aimed at curbing spillage of these SALW and their components into the illegal market is the most fundamental building block towards addressing the problems associated with SALW.

##### a) Planning and forecasting

Joint planning and forecasting is possible in a collaborative environment, within the directorate on SALW, where all departments and agencies of the state that hold SALW assess the current stocks, and determine the short, medium terms needs, as the basis for planning of utilisation of stocks. Towards this end, the Government, through the envisaged Directorate in chapter 4 shall;

- i. Issue regulations for review of stocks, including documentation of the existing stocks detailing their status, current and future needs based on a thorough analysis of the domestic security needs, the budgetary implications including human security needs as well as mechanisms for handling the surplus SALW
- ii. Undertake regular audit of the SALW needs of the various state agencies, other than the military to enable planners and decision makers to make informed choices on stockpiles, budget and human resource needs.

##### b) Acquisition management

Acquiring SALW for the national inventory is a critical policy concern as it relates to the very complex aspect of meeting national needs within the framework of free trade. The Government, in executing its commitment to internationally acceptable practice and standards for trade in SALW to facilitate smooth acquisition of SALW shall;

- i. Establish legislation providing for regulations for acquisition management by state actors authorised to acquire and hold SALW;
- ii. Establish and maintain an effective national system of export and import licensing or authorisation, as well as measures on international transit, for the transfer of all SALW, with a view to combating illicit trade in SALW;
- iii. Establish regulations for determining sourcing of SALW based on specified standards on the manufacture, record of possession, import, export, transfer, transit, transport and control of SALW;
- iv. Establish regulations to control transfers by manufacturers, suppliers, traders, brokers, as well as shipping and transit agents, in a transparent fashion; and
- v. Establish regulations and legislation to require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit

through its territory; and to increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs trans-border cooperation.

### **c) Stockpile management**

The Government is committed to ensuring that all state agencies holding SALW observe strict accountability and adopt standardised systems for securing and tracing all SALW held and distributed by them. Towards this end, the Government shall:

- i. Develop and implement a Stockpile Management Plan on basis of the Best Practice Guidelines for Stockpile Management
- ii. Require the CFB to keep and maintain a register of all SALW in State possession, with the exception of those in the possession of the DoD, who shall also maintain a register of SALW in its possession. While this will mean the existence of two separate databases, to enable the effective tracing of SALW, there shall be a link to allow exchange of information.
- iii. Empower the CFB, under the framework of the envisaged Directorate on SALW, to undertake regulatory functions over the records and tracing of SALW in state possession, including those licensed to civilians.
- iv. Establish and regularly review procedures relating to the management and security of SALW by all agencies including appropriate locations for stockpiles, physical security measures, control of access to stocks, inventory management and accounting control, staff training, procedures and sanctions.
- v. Establish regulatory measures to prevent and eliminate theft, loss or diversion of SALW, their parts and components and ammunition and procedures and sanctions for such theft, loss or diversion.
- vi. Establish an electronic record keeping regulation which is accessible on a 24-hour basis by competent authorities and which will provide the basic detail of every SALW on the register
- vii. Establish a research section, which shall be responsible for continuous research into matters informing the SALW policy and technical aspects that impact on the administration and control of SALW.
- viii. Strengthen the capacity of the Integrated Ballistics Identification System (Firearms laboratory) to accommodate ballistic data on all small arms to be licensed.

#### **d) Determination of surplus**

Kenya shall assess, in accordance with its legitimate security needs, whether its holdings of SALW include a surplus. Towards this end, the government shall develop and implement a national regulation and programme for the identification of surplus, obsolete SALW in state possession and their secure storage in a way that prevents them from entering the illicit market.

When assessing whether it has a surplus of SALW, Kenya shall take into account the following indicators:

- i. changes of national defence policies;
- ii. the size, structure and operational concept of the military and security forces;
- iii. the modernization of SALW stocks, or the acquisition of additional SALW
- iv. the geopolitical and geostrategic context, including the size of the State's territory and population;
- v. the internal and external security situation;
- vi. international commitments, including international peacekeeping operations; and
- vii. SALW no longer used for military purposes in accordance with national regulations and practices.

#### **e) Destruction and disposal**

The preferred method for the disposal of small arms is destruction which shall render the weapon inoperable. Towards this end, the Government shall establish and implement legislation and regulations;

- i. requiring destruction of all surplus, redundant, obsolete, surrendered and forfeited SALW and ammunition
- ii. to ensure that disposal of surplus SALW through export is undertaken in accordance with the export criteria contained in this policy
- iii. to ensure the destruction of SALW is conducted with reference to the Best Practice Guidelines for the Implementation of the Nairobi Protocol
- iv. for decentralising public destruction to the district level as a means for public awareness raising and confidence building
- v. on penalties for unauthorized possession of SALW and/or ammunition after they have been authorised for destruction
- vi. on comprehensive records on SALW and ammunition destroyed
- vii. De-activation as a form of disposal shall not be allowed

### **2.2 International cooperation**

International cooperation is critical in addressing proliferation of illicit SALW. Towards this end, the Government shall strengthen sub-regional and international co-operation among police, intelligence, customs and border control officials in combating the illicit circulation and

trafficking in SALW and suppressing criminal activities relating to the use of these weapons through;

**a) Cross border cooperation**

Through cross border cooperation, the government shall establish and, or improve;

- i. communication systems and equipment for monitoring and controlling SALW movements across borders;
- ii. programmes for enhancing the capacity of national law enforcement and security agencies in border control and law enforcement techniques
- iii. programmes of engagement with neighbouring states on cross border disarmament and arms reduction
- iv. programmes for ensuring the timely dissemination of information on issues relevant to the control of SALW to provincial and local Government officials and security agents
- v. regulations for immigration with respect to SALW;

**b) Mutual legal cooperation**

Through mutual legal cooperation, the government shall:

- i. Establish and implement bilateral programmes with other states for promoting legal uniformity, subject to Kenya's constitutional limitations, in the sphere of sentencing, minimum standards regarding the manufacture, control, possession, import, export, re-export, transit, transport and transfer of small arms and light weapons;
- ii. Make available to all parties involved in import, export and transit all relevant laws, regulations, procedures and documentation relating to the import, export and transit of SALW.

**2.3 . Controlling manufacturing of SALW**

The Government of Kenya, through a national assessment on the problem of SALW established the need for policy directives on production of SALW in Kenya.

Towards this end, the Government shall develop legislative framework or procedure for;

- i. proper controls over the manufacturing of small arms and light weapons
- ii. authorising state manufacturing of SALW
- iii. certifying and licensing private manufacturer's in accordance with the requirements of this policy specific to civilian possession of small arms
- iv. restrictions on the type of SALW and ammunition that may be manufactured in accordance with international law
- v. record keeping for manufacturers including indelible marking of all SALW at the point of manufacture in accordance with the provisions of this policy
- vi. routine and extraordinary inspections of premises to evaluate adherence to standard manufacturing requirements

- vii. the seizure, confiscation, and forfeiture to the State of all SALW manufactured or conveyed in transit without or in contravention of the law, relevant regulations and procedures

## **2.4 . Controlling trade in SALW**

### **a) Trade by manufacturer**

In regard to trading by manufacturers Government shall develop:

- i. Legislation to provide for an effective system of export, import and transit licensing, or authorisation for the transfer of SALW
- ii. Regulations requiring all manufacturers' transactions to be maintained in a centralised database, including those involving SALW, ammunition, propellant, black powder, and primers held in stock, purchased or sold by manufacturers, and information on the end-user.
- iii. Regulation requiring that a manufacturer shall only sell SALW to a licensed dealer or as an approved export consignment.

### **b) Dealer**

1. In regard to dealers Government shall:

- i. Establish compliance regulation for all persons wishing to conduct business as firearms dealers; incorporating requirements for fulfilling procedures with respect to possession of a firearm.
  - ii. Establish a centralised dealer-database to be linked to the CFB with information on Firearms and ammunition in stock at any firearm dealer; all transactions involving firearms and ammunition at any dealer, at the time of the transaction; and Licence application information.
  - iii. Establish regulations with adequate inspection requirements on Dealer's premises compliance with physical safety standards, and inspection
2. Dealers shall only trade in those small arms that may be legally possessed by civilians.

### **c) Gunsmiths**

In regard to Gunsmiths Government shall:

- i. Establish procedure and minimum conditions for application and certification as a gunsmith
- ii. Establish, through legislation, penalties for gunsmiths working on illegal firearms
- iii. Establish a register of stock and/or work done by the gunsmiths,
- iv. Develop regulations for handling parts of firearms which in the opinion of the gunsmith is not serviceable for destruction

- v. Develop regulations for testing a repaired firearms including the ammunitions to be used
- vi. Develop regulations on storage of firearms, ammunition and parts, when not being worked on
- vii. Establish administrative procedures on site inspection of a gunsmith's premises as part of the evaluation of a gunsmith's licence

#### **d) Brokerage**

In regard to brokerage Government shall develop:

- i. Regulatory controls on all brokering activities of SALW, ammunition and related material, as defined by this policy to apply to individuals and institutions registered or incorporated in the Republic of Kenya.
- ii. Regulatory requirements for authorisation and licensing as broker
- iii. Regulations for maintaining a database of all brokers
- iv. Regulations on brokering transaction, including permit for every individual brokering transaction, irrespective of the source and destination of the SALW, ammunition and/or related material, and irrespective of whether the SALW, ammunition and/or related material will touch Kenyan territory.
- v. Legislative penalties for unlicensed brokerage

#### **e) Import, export and transit**

In regard to the questions of import, export and transit, Government shall establish regulations and legislation to provide for:

- i. Authorisation to import and export SALW for both commercial and non-profit use
- ii. A data base management on all transactions involving the import and export of SALW and ammunition to, from and in transit through the Republic of Kenya,
- iii. Facilitating tracing of SALW internationally through requirements for marking of SALW as a bare minimum condition for qualification as a good for trading.
- iv. Security of all official documents relating to import, export and transit of SALW
- v. Penalties in case of violations of laws and regulations on import, export and transit of SALW
- vi. Seizure, destruction, disposal of illicitly imported, exported or transited SALW.
- vii. circumstances and criteria for revocation of an export, import and transit permit

#### **f) Implementation of SALW Transfer Criteria**

With regard to SALW transfer criteria, the Government shall;

- i. Establish regulation to apply in equal force to transfers of small arms, light weapons, ammunition, other related materials (components or parts) and military technology or know-how
- ii. Establish a regulatory framework for acquisition of a transfer licence including declaration of ultimate end-user

- iii. Establish specific procedures for the temporary import, export and transit of SALW for verifiable and lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.
- iv. Develop procedures for informing the relevant States and International Agencies in the event of denial and or cancelation of a transfer permit

**g) Prohibitions on transfers**

1. Kenya shall not authorise transfers which would violate direct obligations under the following regional and international commitments:
  - i. Under the Charter of the United Nations
  - ii. Decisions of the Security Council imposing arms embargoes
  - iii. the prohibition on the use or threat of force and the prohibition on intervention in the internal affairs of another State
  - iv. Any other treaty or legal obligations to which Kenya is bound
  - v. Binding decisions adopted by relevant international, regional and sub-regional bodies to which Kenya is party,
  - vi. Universally accepted principles of international humanitarian law.
2. Kenya shall not authorize transfers which are likely to be used for:
  - i. Violation or suppression of human and peoples' rights and freedoms, or for the purpose of oppression;
  - ii. Commission of serious violations of international humanitarian law, including genocide and crimes against humanity;
  - iii. Acts of aggression against another State or population, threatening the national security or territorial integrity of another State, or threatening compliance with international law governing the conduct of armed conflict;
  - iv. Worsening the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts or aggravating existing tensions;
  - v. Carrying out terrorist acts or support or encourage terrorism;
  - vi. Purposes other than for the legitimate defence and security needs of the recipient country.
3. Kenya shall before authorizing an arms transfer further take into account whether the SALW in question are likely to be used in:
  - i. Facilitating the commission of violent crimes;
  - ii. Adversely affecting regional security; endanger peace, introduce destabilizing accumulations of arms or military capabilities into a region, or otherwise contribute to regional instability;
  - iii. Adversely affecting sustainable development through the excessive or unjustifiable diversion of resources from social expenditure to military expenditure;

- iv. Corrupt practices at any stage from the supplier, through any middlemen or brokers, to the recipient;
  - v. Contravening other international, regional or sub-regional commitments or decisions made, or agreements on non proliferation, arms control and disarmament.
  - vi. Diversion within the recipient country, or re-exportation to any other user than the stated final end-user.
4. Kenya shall take into account the recipient's:
- i. Record on compliance with end-use undertakings and diversion;
  - ii. Stockpile management and security procedures;
  - iii. Ability and willingness to protect against unauthorized transfers, loss, theft, and diversion
  - iv. Record of compliance with commitments and transparency in the field of non-proliferation, arms control and disarmament.
5. Kenya shall not authorize transfers if the SALW have not been marked in accordance with the provisions of this policy.

#### **h) Transportation**

In regard to transportation of SALW, Government shall:

- i. Establish regulations and conditions for transportation of SALW in Kenya
- ii. Establish regulations for the safety and security requirements of the vehicle or vessel in which the SALW and ammunition are transported

#### **i) End user Certificate**

The Government shall develop;

- i. security features and regulation on End User Certificates for use in Kenya
- ii. regulation on End-User Certificates with respect to import, export, re-export, transit and transfer of SALW
- iii. processes and procedures to enable officials to verify the authenticity of End-User Certificates
- iv. procedures to be followed in the event of re-export, transfer and export in relation to approvals from the original exporting country

#### **j) Sanctions on illegal production, trade and possession of SALW**

Taking into account the increasing extent to which SALW represent a significant problem in Kenya

- a) The Government shall establish legislative sanctions on;
  - i. Illegal manufacture of SALW
  - ii. Illegal trade in SALW
  - iii. Illegal trafficking in SALW
  - iv. Falsifying or illicitly obliterating, removing or altering the markings on SALW
  - v. Illegal modifications of SALW
- b) The penalties associated with illegal SALW related activities shall be reviewed, and the concept of minimum sentences for certain offences considered,
- c) The review of penalties will consider introducing a system whereby fines are not specified within the legislation itself, but reference is made only to a period of imprisonment. In this case, provision would then be made for the Minister, by notice in the Gazette, to publish the monetary value equating to a particular period of imprisonment.

**g) Powers of search, seizure, confiscation and forfeiture**

Government shall through legislation provide for powers for authorised officers for search, seizure, confiscation and forfeiture including the powers to:

- i. Require the owner of a firearm to answer questions relating to the whereabouts of the firearm or relating to the person or persons who have, or had, possession of the firearm.
- ii. Inspect consignments of SALW, ammunition and other related material that are in transit through the territory of the Republic of Kenya, to verify that the goods in transit conform to the relevant documentation, and that the necessary authorization has been obtained.
- iii. Seize firearms or ammunition if he/she suspects upon reasonable grounds that: a firearm is unlicensed; an offence has been committed, or is about to be committed, with respect to a firearm or ammunition; a firearm has been forfeited to the State; a person who has possession of a firearm is not fit or proper to have possession of that firearm or ammunition; continued possession of a firearm by a person would be likely to result in undue danger to life or property; a person has possession of a firearm or ammunition in contravention of an order of a court, or domestic violence restraint order of a court; a firearm is mechanically unsafe, a firearm is of a prohibited type; a person who has possession of that firearm is apparently under the influence of an intoxicating liquor or drug; or a person has ammunition that has been acquired or is held in contravention of the legislation.
- iv. Require persons to deliver their licenses to him/her forthwith and, if the person refuses or fails to comply with such a request, may seize the licence if he/she suspects on reasonable grounds that: a person has possession of a licence that has been cancelled or suspended, or a person has possession of a licence for an illegal purpose, or a person who has

possession of a small arm licence is not fit to have possession of the small arm to which the licence refers.

- v. Stop, detain and search any vehicle, vessel or aircraft upon which the officer suspects on reasonable grounds that there is a firearm, licence or ammunition liable to seizure; any person whom the officer suspects on reasonable grounds has possession of a firearm, licence or ammunition liable to seizure under this section; Any law enforcement officer seizing a firearm, licence or ammunition under this section shall be held responsible for the securing and safekeeping of that firearm, licence or ammunition, until he/she hands it over for safekeeping at a police station.

#### **h) Offences**

Government shall through legislation prescribe penalties for offences in relation to the following acts:

- i. Possession of a firearm and, or ammunition and other related materials without holding a valid firearm licence or permit
- ii. Possession of a prohibited firearm and, or ammunition and other related materials
- iii. Possession of more than the stipulated amount of ammunition
- iv. Use of a firearm for a purpose that is not authorised by the firearm licence
- v. Provision of information required under law to the CFB, or any other person, that is false or misleading
- vi. Handling a firearm, or physically possessing a firearm, while under the influence of intoxicating liquor or drug that has a narcotic effect
- vii. Transferring possession of a firearm to a person who is under the influence of intoxicating liquor or drug that has a narcotic effect
- viii. Involvement in the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organizations by: any Kenyan wherever located; any foreign national who is resident in the Republic of Kenya; or any company which is registered or incorporated in the Republic of Kenya. Establish specific offences to prevent the illicit reactivation of deactivated firearms;
- ix. Illegal possession of a firearm or prohibited firearm shall be deemed a non-bail able offence. The conviction of any person for any offence under legislation relating to firearms control shall result in the compulsory revocation of any licence(s) issued to that person

#### **2.5 . Civilian possession of Small Arms**

The extent to which small arms are available to citizens and the existing legal framework controlling this access impacts significantly on any efforts aimed at dealing with problems associated with demand and supply of such arms. The Government is concerned with the rising illegal ownership of small arms and the inadequacy of the current legislation governing the civilian possession and use of small arms.

The Government shall;

- a) Establish legislation to provide for:
  - i. Strict access to and restrictions on possession of small arms by civilians detailing eligibility, competency tests, declaration of fitness, secure storage, holding a firearm issued to a deceased person
  - ii. Procedure for renewal of a licence to possess a small arm
  - iii. Controls relating to the markings, quantity and classifications of ammunition in the possession of a licence holder
  - iv. appropriate markings to necessitate tracing and monitoring of end use,
  - v. legitimacy threshold, licensing, handling and carrying firearms,
  - vi. Firearm Free Areas such as hospitals, schools, theatres, clinics, museums, places of entertainment, places of worship and other places of social interaction and necessary exemptions.
  - vii. the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns
  - viii. the storage and usage, competency testing of prospective small arms owners and restriction on owners' rights to relinquish control, use, and possession of small arms
  - ix. Regulations and a procedure for reviewing and maintaining a comprehensive and up to date database of all arms held by civilians
  - x. Establish administrative mechanism to avail this record to LEAs at provincial and district levels
  - xi. Reporting of loss and/or theft of small arms
  
- b) Establish regulations and a procedure for;
  - i. centralised registration of all civilian-owned small arms in Kenya by the CFB
  - ii. reviewing and maintaining a comprehensive and up to date database of all arms held by civilians
  - iii. making database on small arms held by civilians available to Law enforcement Agencies at provincial and district levels
  - iv. monitoring and auditing of licenses held in a person's possession and the restriction on the number of small arms that may be owned
  
- c) Establish sanctions on;
  - i. Illicit possession and misuse of small arms
  - ii. minimum sentences for small arms crimes and the carrying of unlicensed small arms;

- iii. prohibition of civilian possession of semi-automatic and automatic rifles and Machine guns and all light weapons
- iv. provisions prohibiting the pawning and pledging of small arms; provisions prohibiting the misrepresentation or withholding of any information given with a view to obtain any license or permit; provisions promoting legal uniformity in the sphere of sentencing.
- v. Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms and ammunition required by the protocols or the act.
- vi. Attempt to commit or participate as an accomplice in any of the offences mentioned above.
- vii. Organising, directing, aiding, abetting, facilitating or counselling the participation of any offence mentioned above.
- viii. violations of arms embargoes mandated by the United Nations Security Council
- ix. Prohibition on silencers, flash hiders and laser sights and
- x. Prohibition of Telescopes except for sport shooting and hunting purposes, subject to endorsement by the CLO.
- xi. Procedure for appeal to the Minister In Charge where the CLO refuses an application for a licence, or an application to renew a licence to possess a small arm

## **2.6 . Addressing demand factors for illicit SALW**

### **a) Linkages with development programs**

Armed violence destroys lives and livelihoods, breeds insecurity and has a profoundly negative impact on human development; impeding realisation of both micro and macro-economic development policies. Whether in situations of conflict or crime, armed violence imposes enormous costs on the state, communities and individuals. It closes schools, empties markets, burdens health services, destroys families and weakens the rule of law.

The Government recognises that living free from the threat of armed violence is a basic human need and a precondition for human development, dignity and well-being. Towards this end, the Government shall;

- i. Prepare and implement national Action Plans (NAPs) on control and management of SALW in Kenya incorporating measures for integrating efforts at combating proliferation of illicit SALW into the national and local level socio-economic development agenda
- ii. Establishing regulation to mainstream security sector reform in the wider national development policies and programmes
- iii. Developing programmes to reduce vulnerabilities associated with armed animal rustling through technology based tracking devices

- iv. Developing programmes that would reduce conflict over scarce resources and diversify economic opportunities for communities dependent on natural resources.

**b) Strengthening and promoting community security**

The long term success of any efforts at reduction and ultimately elimination of illicit SALW from Kenya shall rely on the ability of law enforcement agencies to provide satisfactory security management and policing services especially in the marginal areas. Enhancing the capacity and ability of the police to provide security removes the need or incentive for civilians to arm themselves in order to provide for their own security

The Government shall, towards this end;

- i. Develop and implement a programme to enhance cooperation between the public and the police in enhancing community and individual security,
- ii. Develop and implement a strategy to improve the capacity of the police and other LEAs to prevent and tackle crime, including visible policing in the rural areas, and provision of police infrastructure, including appropriate training on investigative procedures, border control and law enforcement techniques, and upgrading of equipment and resources”
- iii. Establish, in coordination with law enforcement agencies, mechanisms and plans of action for improving security presence and governance in areas worst affected by the SALW problem as a basis for reducing and ultimately, eliminating illicit SALW in Kenya

**c) Strengthen Community Peace Agreements**

Traditional dispute resolution and peace committee mechanisms imbued in peace declarations have been instrumental in reducing armed conflict between communities. In some of these communities, the enforcement of peace declarations has witnessed substantial reduction of SALW, thereby considerably reducing the cost of security operations and opening up opportunities for public investment in socio-economic ventures with a positive impact on the populace.

The Government shall improve legislation to strengthen the community peace building initiatives through strengthening moral empowerment of the peace declarations

**d) Amnesties, collection, disarmament, and rehabilitation**

Owing to uncontrolled proliferation of illicit SALW, some regions of Kenya have been adversely affected by armed conflict and marginalised from mainstream national socio-economic development. To reverse this trend, the Government shall, through the envisaged Directorate in article 4.1(b):

- i. Coordinate and oversee all civilian disarmament processes in Kenya
- ii. Establish necessary legislation to enable confiscation of SALW, their parts and components and ammunition that have been illicitly manufactured or trafficked;

- iii. Develop and implement a voluntary amnesty and surrender programme for illicit firearms in civilian possession. This will include developing models for encouraging law enforcement agencies to work with communities to identify SALW caches and remove them from society;
- iv. Establish an effective mechanism for storing impounded, recovered or unlicensed illicit SALW pending the investigations that will release them for destruction.
- v. Develop and implement comprehensive public awareness programmes to enhance the involvement of the public and communities and support for efforts to tackle the proliferation and illicit trafficking of SALW and to encourage responsible ownership and management of small arms.
- vi. Identify and publish collection procedures, and the location of collection points.
- vii. Develop amnesty and surrender programmes in cooperation with neighbouring states, including mechanisms for locating, seizing and destroying caches of SALW left over after conflicts and civil wars;

#### **e) Immigration and refugees**

The administration and management of refugee affairs is an important international obligation of the republic of Kenya. Kenya already has a Refugee Act. For the purposes of Arms Management and Control, considering that illicit arms proliferation into Kenya is mainly from the conflict zones in the neighbouring countries in which some of the refugees may be active participants, the Government shall;

- i. Review the existing refugee policy and law, and ensure that it links with the objectives of this Policy on SALW
- ii. Establish an interagency co-ordination committee in the Ministry responsible for Refugee affairs to share information and enhance Governmental responses to SALW related issues in the refugee management and administration
- iii. Develop and implement a developmental arms reduction programme in and around refugee communities to address armed violence, reduce demand for SALW, and establish a culture of peace, in accordance the provision of this policy

#### **2.7 . Gender mainstreaming**

The Government shall mainstream gender dimensions in addressing the SALW problem by establishing:

- i. Legislative and regulatory provisions for equitable representation of all genders at all levels of decision making and programming in the implementation of this policy.
- ii. Guidelines on undertaking gender analysis of all programmes geared towards attaining the objectives of this policy at design, implementation, monitoring and evaluation.

## **2.8 . Private security providers**

- i. In line with current practice, private security officers shall not be armed with firearms.
- ii. Government shall develop a legal framework to regulate private security providers.

## CHAPTER THREE

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### POLICY IMPLEMENTATION FRAMEWORK

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#### 3.1 . Institutional Framework

The Government shall establish an overarching, coordinating institutional framework that shall enable agencies work in congruence. The institutional framework shall be guided by five key principles of decentralisation of authority and responsibility; community /stakeholder participation and representation; operational and resources autonomy for new structures; effective surveillance and performance monitoring systems for all aspects of SALW; and smooth transition from the current to the proposed institutional arrangements on control and management of SALW.

In order to address the SALW policy issues articulated in this policy, the Government will set up five key SALW institutions: The Directorate on SALW; The Provincial and District Task Forces on SALW. There shall be a policy organ of the Directorate, to be called an Inter-Agency Committee on SALW and a SALW Inspectorate.

#### a) Establishment, mandate and Functions of the Inter-Agency Committee on SALW

An institution established to coordinate multi-agency intervention on a peculiar problem like SALW needs to have a policy organ drawn from all the concerned agencies and stakeholders with a view to ensure that policies adopted and implemented are representative of all relevant agencies and stakeholders in the sector.

Towards this end, the Government shall, through legislation, establish an Inter-Agency Committee on Small Arms bringing together agencies holding and with a responsibility over SALW control and management affairs as well as the non-state actors and development partners

1. Functions and operations of the Inter-Agency committee
  - i. The principal function of the Inter-Agency Committee shall be to advise the Directorate in the exercise of its powers and in the performance of its functions as provided for under this Policy and any other relevant legislation.
  - ii. For the better performance of its functions, the Committee may establish specialized committees and task groups.
2. Mandate of the Inter-agency Committee:
  - i. Formulate and adopt policies and regulations for proper functioning of the Directorate
  - ii. Receive, consider and adopt regulations for the proper control and management of SALW in Kenya for onward transmission to the Minister for gazettment
  - iii. Consider and approve inter-agency strategies and plans of action for the Directorate
  - iv. Improve policy co-ordination and action among State agencies and other non-state actors,

- v. Develop regulatory guidelines for the Provincial and District Task Forces on SALW

#### **b) The Directorate on SALW**

The Government of Kenya, with a view to harnessing synergies of various State agencies and other non-state actors for the effective control and management of SALW in Kenya in all its aspects shall:

- i. Through legislation, establish a Directorate to be located within the ministry responsible for Provincial Administration and Internal Security to coordinate control and management functions over SALW
- ii. Empower the Directorate to function within existing frameworks of security and law enforcement in the country but with a capacity for strengthening effective engagement across ministries and with non-state actors in addressing the SALW problem in a holistic manner
- iii. Empower the Directorate to coordinating regional and international cooperation, including mutual legal assistance on SALW in all its aspects.
- iv. Have a wide mandate covering policy, inter-agency coordination, programme development and implementation.

#### **c) Staffing of the Directorate**

To discharge its functions, the Directorate shall;

- i. Have its own staff comprising the Director appointed through a competitive process, who shall be the chief executive officer of the Directorate
- ii. Through legislation, establish the mechanism for recruitment, removal and terms of service of officers of the Directorate
- iii. Determine the number of departments, divisions and sections that will be required to execute its mandate. These shall be reflected, as appropriate through necessary regulatory framework, at the lower structures of the Directorate at county and district levels.

#### **d) County and District Task forces on SALW**

In responding to and addressing the SALW problem comprehensively, the Government shall;

- i. Establish District level decentralised structures of the Directorate with functions as those of the national structure and organised to respond to specific SALW concerns in the respective districts and counties.
- ii. Establish District level Inter-Agency taskforces representation shall reflect national level membership to perform similar functions at the counties and district level.

### **e) Inspectorate on SALW**

In order to ensure transparency, accountability and the effective tracing of all SALW owned and distributed by the State, the Government shall, by legislation;

- i. Establish a National SALW inspectorate to audit and verify whether the Directorate, all state agencies holding SALW and those with a responsibility over SALW, industry and end-users are complying with this Policy and all appropriate legislations and regulations.
- ii. Require the Inspectorate to be answerable to the Minister responsible for Internal Security in the discharge of its functions.

### **3.2 Legal Reform**

The Government shall review all current national legislation, regulations and administrative procedures that deal with SALW in all its aspects in accordance with the provisions of this Policy and the international and regional instruments on SALW management and control.

### **3.3 Transitional Provisions**

The Kenya National Focal Point on Small Arms and Light Weapons is a national co-ordinating body established in 2003 as an Inter-Agency committee to develop and lead the implementation of Kenya's NAP and co-ordinate Kenya's bi-lateral, regional and international engagement on SALW issues. The NFP falls under the Office of the President, within the Ministry of Provincial Administration and Internal Security. The Coordinator of the KNFP is drawn from the Kenya Police Department, and leads the NFP Secretariat

In the intervening period:

- a) The Kenya National Focal Point Secretariat shall continue to discharge the functions of the envisaged Directorate.
- b) Membership of the KNFP shall perform the functions of the Inter-Agency Committee until the committee shall be formally constituted. While constituting the inter-agency committee, the directorate shall consider the following:-
  - i. Number of representation of state and non-state actors
  - ii. Competencies of committee members on SALW
- c) The Central Firearms Bureau (CFB), Headed by a Chief Licensing Officer (CLO) shall continue to discharge the relevant functions of the envisaged Directorate, specifically;
  - i. Responsibility for the processes and administration of the Register, as detailed in this policy.

- ii. Developing and maintaining an accurate and up-to-date electronic information database which will provide the basic detail of every SALW on the register;
  - iii. Developing an administration system (both electronic and archival) to implement and support the policy on the control of SALW in the Republic of Kenya;
  - iv. Establish a research section, which shall be responsible for continuous research into matters informing the SALW policy and technical aspects that impact on the administration and control of SALW
- d) The Firearms Laboratory shall continue to discharge relevant functions of the envisaged Directorate, specifically;
- i. Increasing the capacity of the Integrated Ballistics Identification System to accommodate ballistic data on all small arms to be licensed.
  - ii. Establishing regulations and mechanisms for test-firing all small arms in order to obtain samples of ballistic information allowing for the identification of the firearm before they are licensed.
  - iii. Expanding the capacity of the Firearms Laboratory through the establishment of Regional Firearm Laboratories.

## CHAPTER FOUR

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### FINANCING, MONITORING AND EVALUATION

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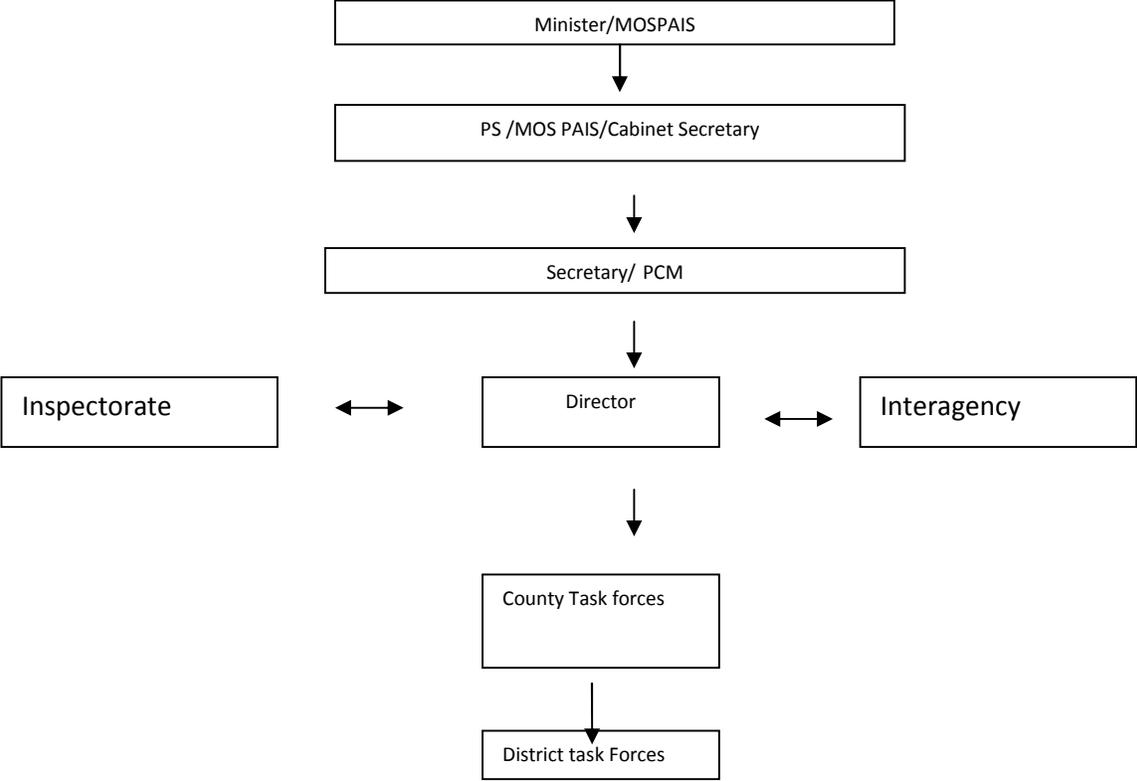
#### 4.1 Sources of funds

The Government shall establish a budgetary provision specifically for SALW Control and Management for the purposes of implementing this Policy to be funded from contributions by the Exchequer, development partners and penalties imposed in furtherance of this Policy

#### 4.2 Monitoring, evaluation, reporting and reviewing

- a) Monitoring, evaluation, reporting and reviewing shall be an integral part of this Policy on SALW. The Government shall establish mechanisms for
  - i. Tracking domestication and implementation of regional and international instruments that Kenya is party to
  - ii. Tracking the implementation and progress towards attainment of the objectives of this policy in the areas of legislative development, institutional and regulatory development
  - iii. Tracking implementation of the strategies and programmes adopted by the Directorate
  - iv. Providing feedback that will enable updating of the policy management and implementation.
  - v. Reviewing this policy after every three years or as need arises
- b) The Directorate shall establish an internal as well as external mechanism for monitoring, evaluating, reporting and reviewing its programmes, policies, regulations.

**ANNEX I: PROPOSED ORGANIZATIONAL STRUCTURE**



**ANNEX I: PROPOSED ORGANIZATIONAL STRUCTURE**

