

# Changes and Challenges of the Kenya Police Reserve: The Case of Turkana County

Kennedy Mkutu Agade

**Abstract:** In rural Kenya, the main visible security force is the Kenya Police Reserve, an unpaid force guarding localities and armed by the state. Turkana County faces challenges of low state penetration, small arms flows, and armed intercommunal conflict. The state has a weak hold on Kenya Police Reservists (KPRs) and their arms, and this situation is weakening further as many move into paid private security roles, including guarding oil exploration and drilling sites. Security is critical in view of the recent oil discovery and ensuing land disputes which could trigger widespread conflict, and the recent devolution of development and administrative functions to counties in Kenya.

**Résumé:** Dans le Kenya rural, la force principale visible de sécurité est la police réserviste du Kenya, une force non rémunérée armée par l'État, engagée pour protéger les localités. Le comté de Turkana fait face à des problèmes de faible pénétration de l'État dans les réseaux criminels, d'échanges d'armes légères, et de conflits armés intercommunaux. L'État a une faible emprise sur la police du Kenya (les réservistes KPR) et leurs armes, et celle-ci diminue encore depuis le départ de policiers vers des postes rémunérés dans le secteur privé, y compris celui de la surveillance de sites d'exploration et de forage de pétrole. La sécurité de ces sites est essentielle compte-tenu que la découverte récente de pétrole a engendré des

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**Kennedy Mkutu Agade** is an associate professor in International Relations and Peacebuilding at United States International University, Nairobi. He manages the Crime Prevention Training program run by the Kenya School of Government/USIU, sponsored by Open Society Initiative East Africa (OSIEA), and is a technical consultant to Open Society in Tanzania on crime and violence prevention. He is also a consultant for the Danish Demining Group in Turkana on the security implications of the oil industry. He is the author of *Guns and Governance: Small Arms in Kenya's Rift Valley* (James Currey, 2008). E-mail: [kmkutu@yahoo.com](mailto:kmkutu@yahoo.com)

conflits fonciers qui pourraient déclencher un conflit généralisé, et compte tenu de la décentralisation récente au Kenya des fonctions de développement et d'administration vers les comtés.

**Keywords:** Pastoralism; Turkana; Kenya; police reserve; KPR; oil; security; governance; conflict

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## Introduction

In 2001 in Nauyapong center, a small isolated town on the Kenya–Uganda border and the frequent site of cross-border cattle raids, a lone Kenya Police Reservist (KPR) was guarding cattle. He wore plain clothes with an army beret and was carrying an old-fashioned rifle. He had been doing the same work for forty years. The police station in Nauyapong, a mud house with no windows, had been unmanned for some months, and the next police station was in Kachileba, around fifty miles away.

Over 80 percent of Kenya consists of arid and semi-arid lands (WRI 2007; MDNKAL 2008) (see map below), and in much of these areas the main visible security force is not the police, but KPRs. The Kenya Police Reserve is an auxiliary force separate from the National Police Service, made up of volunteers operating within their own localities and armed by the state to supplement the police in the provision of security where police presence is low.<sup>1</sup> They guard pastoralist cattle *kraals* (enclosures) and move with cattle caravans to protect against raids by other pastoral groups. For many, KPRs provide an important first response to insecurity in remote, marginalized communities where there is a heavy reliance upon their local knowledge and ability to operate in harsh climates and over difficult terrain. However, many concerns exist about the lack of control over KPRs and their arms (Mkutu 2008; Wepundi et al. 2012). The media report almost daily problems of arms misuse by KPRs in banditry, the hiring out of arms, and livestock raiding (Gettleman 2012; Campbell et al. 2009). Moreover, in recent years KPRs have been taking on new paid roles as private security guards, and some have been redeployed to guard oil exploration and drilling sites, moving them further away from their envisaged functions of community safety and security.

This article considers the lack of state control and changing role of the KPRs and the resulting security challenges. It first considers the context of the historical marginalization of peripheral parts of Kenya in relation to state policing. Second, it describes the supervision and operations of the Kenya Police Reserve, demonstrating its increasing separation from the state. Finally, it looks at new factors such as the discovery of oil in Turkana, the security implications of this discovery, and the devolution of power to counties, all of which offer both a challenge and an opportunity to rethink policing in peripheral areas.

## Arid and Semi-arid Lands in Kenya



Source: Mkutu and Wandera (2013)

The topic is significant for several reasons. In the geographical area of study, multiple conflicts are waged at different levels (national, regional, district, local, and interethnic) and affect one another, forming what Buzan (1998) has termed a “security complex.” Related ethnic groups live on different sides of international borders. These are unpoliced and porous, and they have no immigration points, allowing pastoral groups to wage cross-border resource-based conflicts, facilitating a steady arms trade from areas of intrastate conflict, and allowing movements of refugees, militia groups (such as the Oromo Liberation Front of Ethiopia and the Lord’s Resistance Army in Northern Uganda), and criminals. Such fluidity has never been contained by any government of Kenya.

The area is also resource rich, a factor that exacerbates conflict among local interest groups and brings in national and international players. The last two years have seen significant oil and natural gas discoveries in Uganda, Mozambique, Tanzania, Somalia, and Kenya, with oil in Turkana, Kenya,

expected to flow by 2018 (Sambu 2014). In addition, an oil pipeline and refinery network with associated road, rail, and resort cities known as the LAPPSET corridor (Lamu Port Southern Sudan–Ethiopia Transport) has been planned with a view to connecting Uganda, Southern Sudan, and Lamu on the Kenyan coast (Mkutu & Marani 2014). Oil blocks and associated infrastructure will significantly encroach upon pastoral communal lands, threatening livelihoods and increasing the risk of conflict. On a regional level, other discoveries threaten to cause land and territorial disputes (Mutambo et al. 2012). Thus in this marginal area, which was previously considered of low economic importance, stakes have risen, demanding a fresh look at security dynamics.

The research for this article took place from October 2011 to June 2014, comprising observation and in-depth interviews with officials from the community, civil society, local and national government, and police. A structured open questionnaire was administered between September and November 2011 to thirty-four provincial administrative officers attending a government training institute. The work also draws on a workshop organized in Turkana with the community, county officials, and civil society to share the findings from the field and to garner feedback from the participants. The sensitive nature of security issues, as well as geographical challenges, led to difficulties in accessing information, problems that were overcome in part by repeated visits. In general, responses to the study were very open and supportive, indicating a high level of concern surrounding the issues.

## Background to Policing in Rural Kenya

From the time of the Imperial British East African Company's interest in the region and the building of the Kenya–Uganda railway, private police forces were formed to protect these enterprises. With the establishment of Kenya as a colony in 1920, these were absorbed into the Kenya Police. Until the end of colonial rule in 1963, the Kenya Police had the main function of serving the economic and political interests of the regime, such as protection of property of European settlers and enforcement of tax collection and labor laws. Policing by the force was limited to urban and white highlands, although after World War II this was gradually extended to include the “native reserves” (nonwhite areas) (Deflem 1994; Anderson & Killingray 1991; Clayton & Killingray 1989).

A system of indirect rule was considered the most efficient way of governing rural areas and the frontier districts through the Provincial Administration hierarchy of district commissioners, district officers, and chiefs (Deflem 1994; Anderson 1991), who in the early days supervised a force known as the Tribal Police. These were recruited from among local people and “occupied a crucial if uncertain middle ground between state and community in ways which the Kenya Police could not” (Waller 2010:531). This force became more professionalized as time went on and was renamed the Administration Police in 1958 (Mkutu & Wandera 2013).

The nature of the most remote frontier areas, however, meant that they were largely “unpoliced” and the rule of law by the state was irrelevant. Livestock and natural resource conflicts were common (Lamphear 1992) and community protection was often a self-help affair, although from time to time the state (through the military) could “summon resources and strike hard if it saw the need to do so (Waller 2010:526). The administration of the arid north was supported by the military, with a few African constables also seconded there (Anderson & Killingray 1991). To this day, the state continues to use the military in periodic disarmament and “pacification” operations to subdue intercommunal conflict in North Turkana.

Thus rural parts of Kenya have received scanty state policing, with military intervention responding to the demands of national security. However, state policing in Africa has never fully penetrated peripheral areas (Hill 2012). The notion of “policing,” as Baker (2009) reminds us, needs to be considered as a broad concept incorporating precolonial, colonial, and contemporary responses to community security challenges. Where the reach of the state is limited, many areas rely on nonstate entities to provide security (Baker & Scheye 2007). Various groups and terminologies exist, including paramilitaries, militias, vigilantes, reservists, auxiliary forces, civilian defense forces, and community police, all of which may be linked in varying degrees to the state or regime. These include the Mungiki in Kenya, the homegrown Sungu Sungu in Tanzania (which operates under the “Peoples Militia Act”), Arrow and Amuka groups in northern Uganda, People’s Defence Forces and Janjaweed in Sudan, and the Mayi Mayi in Congo.<sup>2</sup> These may be established to serve the interests of a particular administration more than the state as a whole, and may also serve private interests and self-interests, with loyalties changing according to circumstances (Hill 2007).

The Kenya Police Reserve is interesting because it is a well-established force that is enshrined in law as a provider of community security, although in practice it is inadequately overseen by the state and only partly carries out this assigned function. It has been described as “security on the cheap” (Mkutu 2001) for rural areas owing to the voluntary nature of the force, and as will be seen, a lack of resourcing that severely curtails its effectiveness. The Reserve is often considered a “homeguard”—that is, a voluntary force created and armed by the state to supplement police activities. However, historically, homeguard units were a separate entity in Kenya and were distinctly different from Reserve units. Homeguards in Turkana and other northern border areas have been in operation since the 1940s under the supervision of the provincial administration to protect locals from raiding threats. In 1952 in Central Province homeguards were created as self-protection groups in a response to the nationalist militant Mau Mau rebellion. In the settler areas of the White Highlands, these were paid units from among the labor forces of the property owners. Together with Tribal Police personnel, they were used as guides, trackers, and collectors of information

for the state, and later undertook night patrols to enforce government curfews or other regulations (Mkutu 2005). Later the homeguards joined the assault against the Mau Mau.

The Kenya Police Reserve, by contrast, was established in 1948 as a body of unpaid volunteers, a large number of whom were Europeans (around 35% in 1952) (Clayton & Killingray 1989). The duty of the Kenya Police Reservists (KPRs) was to provide assistance to the regular police in the maintenance of law and order, but they acted rather autonomously, leading to concern from some (Clayton & Killingray 1989). They were also used in supporting the resistance against the Mau Mau insurgency from 1952, particularly through air attacks carried out by the Reserve air wing. After independence the Kenya Police Reserve was retained, but its presence in urban areas was withdrawn in 2003 by the Kenya government, which noted that it had become corrupt and unmanageable (GoK 2004).

The National Police Service Act of 2011 notes that the Kenya Police Reserve may be deployed to “assist the National Police Service or Administration Police Service in their respective mandates, including the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws and regulations” (GoK 2011). As security personnel, KPRs are authorized to hold firearms, which are to be managed by police officers in charge of the localities, although not all are armed. The oversight of KPRs is not carried out by police alone; chiefs and national government administrators also currently play a role.<sup>3</sup>

Determining the number of KPRs is a challenge due to incomplete records and frequent reshuffling of senior officers. The estimated 16,500 KPRs may be compared to approximately forty thousand each of the Administration Police and Kenya Police officers, which are responsible for a population of nearly thirty-eight million people.

In 2010, a new constitution in Kenya provided for a devolved system of government under forty-seven counties to be enacted following the 2013 general elections. It is hoped by many to provide a solution to the long-standing marginalization and underdevelopment of many parts of Kenya. County governors now have important roles in development planning and spending, priority setting for security, and oversight of community policing (Mkutu & Marani 2014). However, security remains a core function of the national government. The head of the National Police Service is the Inspector General of Police, who oversees both the Kenya Police and the Administration Police, both of which have county commanders in each county. The former provincial administration office in Kenya has been rebranded as the National Government Administration Office (NGAO) and is likely to continue in its longstanding role of mobilizing the Administration Police and the Kenya Police Reserve at ground level (Mkutu & Marani 2014) (see table below).

Security and Government Structures in Kenya since the 2010 Constitution

Security/Government Structure	National Police Service	Kenya Police Reserve	National Government	County Government
County-Level Structure	Kenya Police	Administration Police	National Government Administration Office (former provincial administration)	County Government
Tiers of authority	County Commandant, Officer Commanding the Police Department (OCPD), Officer Commanding the Station (OCS)	KPRs answerable to OCPD and also to chiefs	County commissioner, sub-county commissioners, chiefs	Governor, sub-county and ward administrators

## Security Dynamics of Turkana and Its Neighbors

Turkana is Kenya's second largest county with an area of 77,000 square kilometers (equivalent to Belgium and Netherlands combined), situated in northwest Kenya, bordering Uganda, Southern Sudan, and Ethiopia. It is largely occupied by pastoralists, who number around nine hundred thousand (GoK 2011b) and are widely dispersed. Most are pastoral Turkana, but there is seasonal movement of various other pastoral groups across local and international borders. Turkana presents a challenge to administrators due to its remoteness and poor infrastructure; in a government survey in 2011 it was ranked the poorest county, with 94.3 percent of the people living in poverty (Omari 2011). Both colonial and postcolonial governments have marginalized Turkana, and pastoralist issues are not adequately articulated in the national strategy. Resource-based conflict between Turkana and its neighbors (Pokot, Dodoth, Toposa, Nyangatom, Merille, and to some extent Karimojong) has discouraged development and investment in the region, in which some areas may be considered as "no man's land." With little development there has been no incentive to provide security beyond the urban centers.

In some ways, Turkana may be considered as having had a recent change of fortunes. Turkana's oil find came at the same time as the constitutional change to devolution, and the discovery of a huge aquifer in Lotikipi basin may bring hope to the drought-ridden county. Turkana is also the site of the largest wind farm in Africa (Gisesa 2014). Nevertheless, how the oil discovery in particular will benefit Turkanans remains to be seen. Prior to the discovery of oil in several areas in Turkana, pastoralists moved freely over land in search of water and pasture, albeit restricted by competition with the Karimojong and Pokot communities. The discovery of oil has brought uncertainty and the very real fear of loss of land and restrictions to grazing, which would directly affect their livelihoods. An NGO worker (Aukot 2013) noted that nearly 63,000 square kilometers (82% of Turkana's land mass) have been given out as blocks to oil prospectors. When prospecting begins, areas are fenced off (around 13 acres at a time) with three hundred such areas planned in and around Lokichar. According to a local community leader and *emuron* (seer),

Oil installations are blocking paths, which should have been discussed with the community. Animals will be diminished. . . . All the land is oil and it is being fenced. In the future there should be areas reserved for animals and people. We are not eating oil but animals, something should be done as we cannot eat oil. What is the value of this discovery if we are sitting under the trees with nothing to eat? We do not have power and have been pushed away. If there is nothing for compensation, and if you can get nothing from ancestral land, what is good about that? You are coming from all over the world, whites and blacks, for what good are they coming? Are they just coming to take our oil? Why are you guys coming to talk to us?



Our children have been finished in Turkana. . . . The future is hunger, animals being finished, no rain and conflict [with Pokot]. I see nothing good. (Interview, Feb. 23, 2014)

It must be said that land ownership is one of the most sensitive issues in Kenya and a chief driver of interethnic violence. Almost all of Turkana land is classified under community land, otherwise known as trust land; this is land that is managed for the community by Turkana County. Article 63 of the Constitution of Kenya states that “Community land shall not be disposed of, or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively.” A new Mining Act (2014), to be debated by Parliament, notes that permission from the “authority obligated by the law (County Government) must be sought in order to obtain a Mineral Right,” but that such permission may be overridden if the cabinet secretary deems it to have been “unreasonably withheld” or withholding it is “contrary to the national interests.” In neighboring Tanzania, similar loopholes allow community land to be transformed into public land at the president’s order and then subsequently allocated to investors in mining, conservation, and agricultural sectors. The result is displacement of communities and conflict between them and the state and investors, which is difficult to mitigate (Reisman et al. 2013).

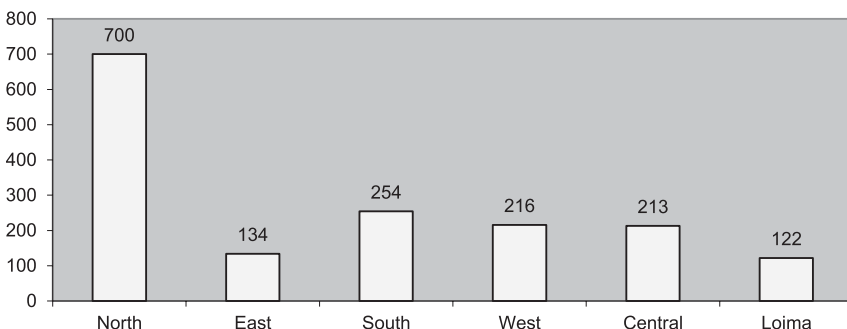
With these new challenges, Turkana’s history of weak governance and lack of security provision are all the more a matter of concern. Turkana depends heavily on the Kenya Police Reserve as the first line of security (Bevan 2008). Only eight police stations exist (interview with senior police officer, Lodwar, April 20, 2013). The county suffers high levels of intra- and inter-communal resource-based conflict (which may cross international borders), cattle raiding between pastoral groups, road banditry, and spill-over of conflicts from its immediate neighbors. In the first four months of 2010, according to police records, there were nine notable cross-border conflicts between pastoral groups, in which a total of thirty people died (GoK 2011c). In June 2014 more than two hundred suspected Turkana raiders armed with AK47s were believed to have attacked at least ten villages and made away with large numbers of cattle, goats, camels, and donkeys (Kipsang 2014). The current civil war in South Sudan has led to a further proliferation of arms in the area, which may serve to increase pastoral conflict (Lutta 2014) and has resulted in a massive influx of refugees into Kakuma camp in northern Turkana (*Daily Nation* 2014). A new camp in Kakuma is planned to open in January 2015 and is currently the cause of resistance by the community. This brings its own insecurities, as the camp houses those identified with both warring factions (telephone interviews, former Turkana police officer, June 29, Dec. 30, 2014). From precolonial times, raiding and counterraidering of livestock have been characteristic of the pastoral people living in northern Kenya, northwestern Uganda, Southern Sudan, southern Ethiopia, and northern parts of Tanzania (Lamphear 1992,

McCabe 2011). Raids have had the vital function of restocking after loss due to droughts and disease, and conflicts are incurred in the process of migration and gaining access to grazing lands (McCabe 1990; Dietz 1987). Raids also have great cultural value. Lamphear (1992:83) describes organized raids as “sport to which the young men devote themselves to acquire fame” and which were blessed by elders and diviners. Payment of brideprice with large numbers of cattle is another important factor in raiding (Bollig 1990; Mkutu 2008; McCabe 2011).

The technological change from the spear to the gun has allowed raiding to become a more violent and mercenary activity (Mkutu 2008). Small arms have been present in Turkana since 1900 as part of the ivory hunting and trade (Lamphear 1992), and they were used by the Turkana to mount a resistance against the British in the early colonial period. In recent years conflict and unrest in the region have allowed a steady flow of arms into Turkana (HRW 2002), such that around one-third of Turkana men are armed (interviews with administrator and security officer, March and April 2012). Thus young people are increasingly organizing themselves to raid without the consent of elders or diviners, and selling cattle off quickly for cash (Fleisher 1999; Hendrickson et al. 1998). The same dynamics allow black markets and racketeering to flourish (see Mkutu 2005), and arms exacerbate banditry on roads (interview with an acting district officer in Turkana South, Lokichar, March 17, 2012). Several heavy-handed attempts at disarmament by the state have met with strong resistance. Despite this situation, as well as the presence of a large number of peace NGOs and humanitarian agencies and the investment of large sums of donor money in Turkana, peace has been elusive (Eaton 2008).

Many KPRs provide security for kraals and caravans in rural areas and are relied on heavily to deter cross-border intercommunal conflict. Increasingly, KPRs are moving into urban areas such as Lodwar, where it is

**KPR numbers in Turkana**



Source: Mkutu and Wandera (2013)

said that they perform 90 percent of the work usually designated to police but also have the opportunity to use their arms to carry out paid work as private security guards and escorts. Interviewees noted that there are more than sixteen hundred armed KPRs spread through the six districts of Turkana (see graph above), with a further nine hundred or more people who have applied to become KPRs in the last two years and whose applications are still being “processed.”<sup>4</sup> In the North, applicants have been fast tracked through the process due to high insecurity on the conflict-prone border with Ethiopia.

A retired administration police officer noted, “In Lodwar, the majority of people patrolling or helping are KPR[s] as there are not enough [police] personnel” (interview, Lodwar, March 15, 2013). Many KPRs now take paid work as security guards for army operations traveling from Lodwar to Kitale and provide most of the security on the trans-African road from Kitale to South Sudan. A district livestock officer in Lodwar noted, “During livestock recording we pay the KPR to give us escorts. The district is so vast and when you go out there, it’s risky” (interview, Lodwar, March 16, 2012). KPRs are paid to guard schools, churches, businesses, and private organizations such as NGOs, particularly those outside urban centers. Some are guards for private homes, including homes of members of Parliament. A Turkana-based Catholic priest noted,

In urban areas they do the arrests and they are used by police on most missions. In some areas they act as spies for the police and General Service Unit [a paramilitary wing of the Kenya Police brought in for more risky operations]. In the conflicts between Turkana and Merrille and Turkana and Nyangatom, they fight on the front line. They are acting as kraal scouts, animals scouts, spies, and inform police patrol. . . . (Interview, Nairobi, April 2012)

KPRs noted that they do this work when they are “economically down” (interviews, Lodwar, March 17, 2012). A retired provincial commissioner with years of experience in Turkana acknowledged that the gun is used as a livelihood strategy by KPRs in various contexts (interview, Nairobi, Oct. 4, 2011), and a former police officer in Turkana took this assertion a step further, stating, “KPR is now a commercialized force which is armed by the state. In Lodwar they are smarter than the normal police” (telephone communication, Dec. 19, 2011).

In early 2012 when oil was discovered at Kodekode, near Lokichar, Turkana South, several police officers and twenty-four KPRs were redeployed to protect the site and the workers: twelve KPRs from Turkana South, and twelve from Turkana East districts (Focus Group Discussions with KPRs, Kodekode, South Turkana, March 18, 2012). In mid June 2012, when another oil deposit (Twega 1) was discovered near Lokichar, more KPRs were recruited (telephone communication with Turkana government officer, June 16, 2012; see also Thiong’o 2012). In Loima fifteen KPRs are employed

to guard the oil prospecting site (interview with administration police officer, Aug. 29, 2012). In Kalokol, where the U.K. company Tullow Oil has contracted the Chinese company BGP to undertake exploration, thirty KPRs and thirty administration police patrol the site, along with fifteen marine police guarding the exploration of Lake Turkana (interviews with security officers, Daraja, Kalokol, Feb. 8, 2013).

Another relevant finding from the fieldwork is that women are now applying to become KPRs (Focus Group Discussion with KPRs, Lodwar, March 18 and Aug. 28, 2012).<sup>5</sup> At present around thirty women in Turkana have made applications to the Officer Commanding the Police Division (OCPD), although none have yet been accepted (interview with OCS, Lodwar, March 17 and 18, 2012). One local small businesswoman with young children noted,

When the men go for [operations] I am left in the village as security. . . . For us to learn how to shoot, we will go to the bush and teach each other how to use the gun. If God helps me to become a KPR [officer], I will help my family. No one will reach me. (Interview, Lodwar, March 18, 2012)

A former deputy OCPD in Turkana was of the view that a few women should be among the next KPRs recruited, as some security issues require a female member of staff. However, he felt that not all areas in Turkana were suitable for women due to the harsh environment and extreme conditions of insecurity (telephone interview, June 24, 2014).

### **Features of KPRs in Turkana: Recruitment, Training, and Compensation**

The Kenya Police Reserve is thus a dynamic phenomenon facing a number of changes and challenges at present, and many of these challenges are also distancing it from the state. The following examination of recruitment, training, professionalism, compensation, and supervision helps to explain how and why the state has little hold on the force.

The criteria and process of selection begins with a letter of recommendation from a local chief, a decision that may not be subject to appropriate controls. As one security officer noted, "You are recruited on the basis that you are Turkana and can fire the gun" (interview, South Turkana, March 18, 2012). Training does not appear to be standardized, and varies from a few weeks to longer according to the region. Refresher training is not provided. Accordingly, many interviewees felt that KPRs are ill-prepared for security assignments and are prone to misuse of arms. According to the same security officer, "They use the firearm to harass or kill their people as they are not trained on police work. They do not know how to handle people and they do not know about the law." Funds once available to OCPDs for training purposes no longer exist. Furthermore, during military operations there is no available money for food to give KPRs, and no specific budget for the Reserve at all.<sup>6</sup>

Uniforms are not usually available to Turkana KPRs. In rural areas the usual attire (shuka and open shoes) is worn by most. In urban areas most wear some kind of uniform, although according to observations, the exact type is very variable and it is often borrowed from friends in the army or police. According to a Focus Group Discussion with KPRs in Lodwar (Turkana Central, March 18, 2012), two types of uniforms are most common—"jungle" and "army"—but this leads to problems with the regular army personnel who have been known to "punish" them by removing their clothes. In South Turkana a sixty-year-old KPR said that the last time he had been issued a uniform and shoes was in 1997. Despite a requirement by law for all security personnel to carry ID cards, he added that "We have no IDs, my identification is the gun and national ID" (interview, Kodekode, South Turkana, March 17, 2012). According to one intelligence officer, out of the 254 KPRs in the South Turkana subcounty, only four possessed security ID cards (interview, Lokichar, December 2012). In a focus group in Lodwar four of the eight men had ID cards.

KPRs do not receive a salary from the state, although they may receive some compensation in the form of cattle from the community after a successful recovery operation (interview with Catholic priest, Nairobi, April 2012; KIA 2011). In the 2014–15 Turkana budget, the county government made the decision to provide allowances for the KPRs in order to bolster security in the county (Wesonga 2014). KPRs themselves perceive the current situation as unjust. In Loima they referred to themselves as "askari ya deni," meaning "security on credit," expressing the idea that they ought to be paid like any other security personnel. Others joked that the initials KPR stand for "kufa pamoja na raia" (die together with the citizens) (Focus Group Discussions, Lorengippi, Loima, Aug. 29, 2012; Lodwar, Turkana Central, March 18, 2012). A reservist noted, "I got my gun on the border in 2007 where we fought with Toposa day and night. We are working on the front line and we go for the operations without any assistance. We are on the border and we are not paid. In case there is relief that is what we get" (interview, Lodwar, March 17, 2012). Furthermore, according to the 2011 survey of the Kenya Institute of Administration (KIA), there is no policy regarding compensation of the family in the case of death. KPRs noted that they had been used to provide security during the 2005 referendum on the proposed constitution, during the 2007 disputed election, and during the recent national population census—but they had not been paid. Their complaints were heard by the OCPD who forwarded them to the central government, but they had not been dealt with (Focus Group Discussion, Lodwar, Turkana Central, March 18, 2012).

For escort duties, KPRs are paid 700 shillings (just over U.S.\$8.00), and are second choice for the job after the officers of the Administration Police (who receive bonuses to their normal salary). In February 2012 KPRs guarding oil exploration sites in South Turkana went on strike, citing unfair payments. They argued that they were paid 500 shillings (U.S.\$6.00) a day while the police are paid 1,000 shillings (U.S.\$12.00) on top of a regular salary.

They added that their pay was being shared with bosses in the security sector. In the North in December 2012, KPRs at the BGP site in Kalokol raised the same issue during a three-day strike. It is also the case at the oil sites that the benefit is not sustained, since KPRs are moved to other work after thirty days. Allegedly, one group of KPRs, upon returning to Kalokol after thirty days of service guarding oil fields and angry about their pay, were responsible for episodes of roadside banditry (interviews with community members, Kalokol, Feb. 8, 2013, and with provincial administration and security officers, Lodwar, February 7–9, 2013).

The Kenyan Senate in 2013 unanimously passed a motion on structured training and remuneration for KPRs, compensation for loss in the line of duty, and their inclusion under the National Police Service. They argued that most KPRs lead “a deplorable life even after volunteering to offer security to their communities” (Njagih 2013). The National Police Service (Amendment) Bill containing these provisions was passed by Parliament in May 2014. It is notable, however, that even good laws have frequently failed at the implementation stage (Obala 2014).

### **Features of KPRs in Turkana: Problems with Accountability and Arms Supervision**

Records on the original recruitment of KPRs in 1980s and 1990s are difficult to obtain. The high turnover of OCPDs and provincial administrators, the creation of new districts and jurisdictions, and the lack of modern technology in peripheral areas have further challenged record keeping. There is also movement of KPRs with pastoralists across districts and even international borders in search of pasture and water or because of displacement by insecurity. Turkana South (which is now a subcounty) was a newly created district in 2010. Although the OCPD was appointed in September 2010, he only reported to the South in 2011, and during the time of the research the files and records were still in Lodwar (Central District). For Loima subcounty, created in 2009, the police still operate from Lodwar. The OCPD has no transport and is unable to know first hand exactly what is going on.

In the context of this general lack of accountability and clear record-keeping, it is no surprise that the supervision and distribution of firearms are similarly lax. OCPDs are required to send monthly reports on numbers of KPRs and arms held by the Kenya Police Reserve, but except in Central District, where arms are held in an armory overnight, it is unusual for them to physically check these details. One OCPD noted, with particular reference to the handover of arms from one OCPD to his successor, that “since 1986 when the KPRs were given arms, . . . handing over is not clear. It’s based on a monthly report which is just a paper as opposed to physically seeing the gun and the individual” (interview, Turkana, March 18, 2012). Weekly meetings with the OCS (Officer Commanding the Station) are supposed to take place, but in peripheral areas where there is high mobility, periodic reporting back to police stations may not take place. Therefore, according

to this informant, the OCPD tends to view the KPRs opportunistically. In the absence of supervision, chiefs may use the government weapons to arm people of their own choice.<sup>7</sup> A prominent security official noted that “KPRs do not strictly follow police orders or firearms handling procedures. This is because they are not in constant touch with police and they are left to self-regulate” (interview, Nairobi, November 2011).

Arms owned by the Kenya Police Reserve also may change hands. For example, they are sometimes taken by enemy raiders (Osinde 2012), and KPR arms have been traced to crimes in different parts of Kenya. According to a senior security officer, a gun seized in Narok was traced back to Central Turkana District where it had been issued to a KPR (interview, Turkana, March 2012). The first generation of KPRs were armed in the 1970s. Thus many have retired or died and arms have changed hands without the OCPD's records being updated. The new owner will not necessarily use the guns for public service. The senior security officer noted, “The young generation are not willing to go and take care of the animals; they look at things differently and do not see the need.”

Bribery is often required to obtain arms from the state. A former Turkana-based police officer noted, “Now KPRs are in towns. Police are very reluctant and they do not check the gun, they may do it only once a year. The worst place is Lodwar, where everyone is a KPR. You are given a gun provided you are able to give ‘something’ to the OCPD. . . . The issue now is you have money, you get the gun, and the same gun will refund your money” (telephone interview, Dec.19, 2011). The Catholic clergyman mentioned above confirmed this.

My brother wanted to be a KPR. He was trained in Lokitaung and not given a gun because he did not bribe. He came to Lodwar to try and obtain a gun but the OCPD needed money. I approached a prison officer and an administration police officer who both confirmed the need to bribe. Around 2007–2008 you had to pay between 9,000 and 10,000, so we managed to raise 9,000 shillings (U.S.\$107.00) and he was given an official gun. He is now in Kibish area working as a KPR. (Interview, Turkana, Nairobi, April 2012)

Another matter revealed by the priest's comment is the chaotic movement and relative untraceability of guns; here a gun acquired in Central Turkana moved to Kibish in the North District (on the border with Ethiopia) with no record. Other KPRs concurred that they have moved with their guns from one district to another.

The law does not make provision for KPRs to use their arms for purposes other than supporting police work. It states that a police officer or other public officer may possess a firearm “for the purposes of his duty,” and must give it up “upon ceasing to be in the public service” (GoK 2012). Related to this, the Police Act of 2011, Sixth Schedule 8 (c), states that the cabinet secretary in consultation with the inspector general, will “regulate

the control, storage and issuing of firearms, including procedures that ensure that officers are accountable for the weapons and ammunition issued to them.” Officers are not allowed to take firearms home and are provided by their superior with a fixed amount of ammunition. If bullets are missing an explanation is required. This implies the need for an armory for overnight storage—obviously an impractical regulation, however, in the case of KPRs who move with caravan and live in temporary shelters. Even in Lodwar, where arms are indeed brought back to an armory at night, it is likely that KPRs are moonlighting using their own arms. A retired district commissioner said that “the arms KPRs are given are simple arms. They are just window dressing. They often have illegal arms which are sophisticated” (Focus Group Discussion, Kenya School of Government, Nairobi, Aug. 23, 2011). To KPRs, the need to make a living as security guards or escorts justifies the possession of a “home gun” (i.e., an illegal gun). They felt that even if the regular police are not given this freedom, an exception should be made for KPRs precisely because they are not salaried (Focus Group Discussion, Lodwar, March 17, 2012).

Ammunition controls are also weak. For example, while several KPRs possess Mark 4 (MK4) guns, these are old and bullets are now scarce (Focus Group Discussion, Lorengippi, Loima, Aug. 29, 2012). A senior security officer noted that the state does not even have access to the bullets, raising two issues: first, that KPRs who are on the front line in many conflict situations are not adequately equipped; and second, that there is likely to be an illegal source for the bullets. According to Bevan (2008), although the ammunition factory in Eldoret stopped producing the 7.62 bullets for the AK47, ammunition supplies have continued to flow through nonstate channels. A former police officer for Turkana West mentioned that “KPRs are given ten to twenty rounds of ammunition. But they get others by other means from the police by using their own resources to get them” (interview, Turkana, March 18, 2012).

Gun misuse by KPRs is widely recognized and has been the subject of numerous media reports. Gettleman (2012), referring to KPRs in Laikipia, notes that “once guns are in the hands of roaming citizen-rangers . . . there is little direct government oversight.” In 2003 the then Nairobi provincial police chief noted that some KPRs were “not conversant with the Firearms Act and misuse arms and abuse human rights” (*Daily Nation* 2003). In the same year the minister for internal security said that “the government will no longer entrust the security of its people [to] non-uniformed officers and armed civilians” (*Daily Nation* 2003). He accused them of being partisan in the war against crime and announced that all of the police reservists would be disarmed—although clearly this has not happened. The Catholic clergyman from Turkana said that “KPRs are the commanders of *ngorokos* (thugs). They are key organizers and even raiders. Some are the most respected commanders” (interview, Nairobi, April 2012). A district commissioner lamented, “although started with good intentions, it must be categorically stated that the Kenya Police Reserve have on the contrary, fueled



crime and livestock thefts among pastoralist communities” (interview, Nanyuki, February 2012).

Banditry on the roads is indeed well organized, especially between Lokichogio and Kakuma, and it was noted by civil society representatives and some security officers that some bandits are well known KPRs who collude with police and others (Focus Group Discussion, KPRs Lodwar, March 18, 2012; interview with Catholic clergyman, Lodwar and Nairobi, April 2012). A South Turkana senior police officer gave the following story: “In May 2011, a lorry driver was approaching Kapoliyang when three uniformed armed men shot at the lorry, killing the driver instantly. They stole 4,600 shillings cash and a Nokia 310. Two suspects were arrested, one of whom was an armed KPR” (interview, Turkana, March 17, 2012). In East Turkana a chief concurred that many KPRs have moved from kraals to carry out banditry on roads (telephone communication, Turkana, June 16, 2012). A district commissioner noted that this occurred because they are not paid (interview, Turkana, March 17, 2012). And a retired district commissioner said, “While I served in North-Eastern, we gave them arms and they disappeared into Somalia, we gave them ammunition and they sold them” (Focus Group Discussion, Nairobi, Aug. 23, 2011). Bevan (2008) corroborates the selling of ammunition by KPRs and notes the weakness of institutional controls to prevent it. According to the Catholic clergyman from Turkana, bullets are used as a convertible currency in many places, and often to buy alcohol.

An alternative to disarming the KPRs that has been proposed is to turn them in to a fully fledged force; this apparently has been proposed by the member of Parliament for South Turkana (Wesonga 2014). However, this announced goal has raised a number of objections, mostly having to do with the extent to which KPRs as a force are vulnerable to politicization. While the national police service employs individuals from the entire country, KPRs in a particular area are mainly from a single ethnic group. They are also based in constituencies of local politicians. A district commissioner noted that “if a member of Parliament requests ordinary police, it’s not a problem, but if a KPR is employed and recruited in the constituency of the politician, he takes orders from the politician, and gives allegiance and loyalty to the politician” (interview, Turkana, March 17, 2012). In Turkana, the arming of KPRs at the request of politicians is creating groups that are ready to be used as private armies. An OCPD with years of experience in Turkana noted that political elites are able to put forward the names of people who they want to be KPRs so that their own homes and businesses can be protected (interview, Turkana, January 2012). In the context of the new devolution of power to local governments, some county governments have expressed a desire to manage their own security forces. Thus, potentially, an elected governor could galvanize KPRs or other militias in intrastate conflict. This concern was raised by eleven administrators surveyed, who also confirmed the existence within the Kenya Police Reserve of partisanship, clanism, politicization, demanding of favors, and conflicts of interest.

## Discussion

Security in Turkana has been a challenge to successive governments. Geographical and climatic challenges, regional instability, porous borders, and mobile populations all contribute to the difficulties of extending governance, security, and basic services to these areas, and political and economical marginalization is longstanding. The fieldwork found that KPRs are poorly trained, unpaid, and operate outside of state control much of the time, due in part to lack of detailed policy and no budget. As a result they frequently misuse their guns, acting in the interests of neither community nor state, and ironically, some of the crimes committed in the county are being carried out with state-provided arms. The OCPD faces multiple challenges of infrastructure, technology, and insecurity, which leads to difficulties in tracking KPRs and their arms.

In other parts of Kenya, KPRs are repeatedly implicated in criminality and intertribal conflict, leading to calls for disarmament. In January 2012, one hundred and seventy KPRs were disarmed in Moyale, with the district commissioner claiming that they had been fueling clashes by hiring out their weapons to criminals (Ombati 2012). In May 2012 an acting district commissioner noted that disarmament was being undertaken in Marsabit County because some of the KPRs were using their government guns to carry out attacks against rival communities. A private consultant said that fifty-five KPRs in the Central District of Marsabit County were disarmed after two KPRs were arrested in connection with a murder of three primary school pupils (interview, Nairobi, July 19, 2012).<sup>8</sup> Likewise, in September 2012 KPRs were implicated in the interethnic violence in Tana River in which more than a hundred people were killed and several thousand displaced. The three hundred KPRs in the area were the first to be disarmed (Angira & Kitimo 2012; Onsarigo 2012). This was not the first occasion in Tana River when KPRs were implicated in violence (Maridanyi 2001).

However, while some KPRs are being disarmed, new KPRs are also being created. In Rift Valley in 2011 the provincial commissioner announced a plan to increase police posts and numbers of KPRs in volatile areas to restore security (K24 TV 2011). Similarly, in May 2012, following an armed attack on Turkana by Ethiopian Merrile militias in which at least forty people died, the district commissioner for Turkana North announced that one hundred and fifty reservists were to be recruited and armed by the state to “intensify the security along South Sudan and Ethiopia borders” (Bii & Kipsang 2012). With the increased attacks in northeastern parts of Kenya and attacks on churches in Garissa (where seventeen people were killed and sixty-six were injured) (Wachira 2012), three hundred regular police officers and an additional one hundred administration police have been posted to the area, with promises to arm three hundred KPRs to serve on the front line alongside other security officers (*Daily Nation*, 2012a).

Turkana has been brought into the spotlight with the discovery of oil and the planned construction of an oil pipeline from South Sudan to a new

port in Lamu and a highway into Ethiopia. Investment and rapid development are expected, but as in previous contexts this is likely to increase inequality and fuel crime. Several sources of potential unrest surround the oil industry in Turkana, and KPRs could play a significant role. It is possible that the state, by means of the deployment of administration police and KPRs, could successfully exercise control of law and order over oil producing areas and private investors. But conversely, it could arm KPRs, and by failure to control them adequately, it could compromise their potential effectiveness and compound the established patterns of insecurity and banditry. As the oil industry potentially replaces the livestock economy, armed individuals such as KPRs could potentially drain oil from the planned pipeline from Sudan using their government-given arms. According to one Turkana County Council official, "When this cattle rustling ends, the arms will be used to get the oil" (interview, Lodwar, Feb. 8, 2013). Lastly, a concern was raised in several interviews, including one with a member of the County Assembly (March 28, 2014), that aggrieved KPR groups could turn their weapons against the government, allying with neighbors who share a common culture and language, to take control of certain areas and demand ransom from the government. Such developments would not be without precedent, having been observed in Democratic Republic of Congo and Sudan (Jourdan 2011; Vlassenroot, Koen, & van Acker 2001). Regional conflict dynamics such as the ongoing war between Sudan and South Sudan are relevant here as well; according to a prominent small arms expert (interview, Juba, Dec. 7, 2013), the latter imports arms through Uganda, Sudan, and Ethiopia. This is likely to increase arms proliferation in the region.

The movement of KPRs into a variety of private roles questions the original purpose of the force and raises a number of issues. First, this further complicates the state's regulation of arms and ammunition provided to KPRs. It is worth making the point that private security companies in Kenya are currently not armed, although this is a subject of debate (Mkutu & Sabala 2007). Therefore, the employment of KPRs as private security guards is an attractive option because they are licensed to carry arms, but this means that the state has allowed the distribution of its security provision to be dictated by private interests. Second, individual KPRs may face a conflict of interest when they are acting in a private capacity and their services are susceptible to misuse. KPRs have been known to move to the "other side of the fence," and in the potential conflicts over land use in Turkana they may even be engaged in fending off the communities they once protected. On a more subtle level, KPRs as community members are being "softened up" by oil companies by being given a small share of the wealth, although with no promise of permanent benefit. The livelihood factor is clearly an important one and a driver in both arms misuse and the metamorphosis of KPR roles. Third, pastoral communities may be left more unprotected than before, and another tier of security providers may become more necessary. Such a "vigilante" tier would be a challenge to state sovereignty and arms control in an already militarized situation.

This article highlights the latest developments in the longstanding pattern of underpenetration of state policing in peripheral areas. Several attempts to bolster the provision of policing through creation of more KPRs have been described. However, increasing KPR numbers in conflict-prone areas without a robust policy, strategy, and budget allocation is likely to fuel, rather than quell, crime. The state would do well to use the opportunity afforded by devolution to create a policy framework for security and “rein in” the Kenya Police Reserve to ensure its role as a public good. The changing needs of rural areas, in the context of oil, development, modernization, and urbanization, as well as globalization and the increasing technology of crime and violence, call into question the current default policy of allowing such communities to protect themselves.

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## Notes

1. Many changes in the organization of security and government have taken place since the adoption of the new Constitution of Kenya in 2010 and following the first election since then in March 2013. The National Police Service (NPS) brings together two previously separate branches; the Kenya Police and the Administration Police. Historically the Kenya Police were the more formal sector, guarding white settlers' interests, and the Administration Police dealt with the native provinces, overseen by provincial administrators instated by the colonial regime. In terms of government structures, Kenya's former provincial administration, which consisted of district commissioners, district officers of various tiers, and chiefs, has been rebranded as the National Government Administration Office (or NGAO). It retains its representatives down to the village level although with slightly altered names. Security provision continues to be the mandate of the central government,

and thus meetings of the County Security Committees, which make day-to-day security decisions in counties, are attended by heads of the National Administration Police in counties. Governors of counties (in place since March 2013) have a more indirect role in security decision-making through a structure known as the County Policing Authority, which has several lay members and aims to involve the public more in decisions about security.

2. See Anderson (2002); Salmon (2007); Vlassenroot and van Acker (2001); Jourdan (2011); Mkutu (2007); Heald (2006).
3. Seventy percent of crime is handled by chiefs, as noted in a Focus Group Discussion with district livestock officers from Turkana (Lodwar, March 16, 2012), Administrators also noted that chiefs exercise the most consistent authority over KPRs since police are transferred regularly (Survey, Kenya Institute of Administration, Nairobi, September 2011).
4. In a Focus Group Discussion with community members in Lorengippi (Aug. 29, 2012), elders noted that 56 people have applied for KPR status but they have not yet been accepted.
5. During a Focus Group Discussion in August 2012 with women in Lorengippi, Loima, participants argued strongly that disarmament had left their men as defenseless as women and they were demanding that the government arm them.
6. Information about selection and training also was derived from the following: KIA survey (Nairobi, September 2011); interviews with a chief in Ujuluk, Turkana South (Nov. 14 and 15, 2011); interview with an assistant chief of Lorengippi (Aug. 28, 2012); interview with a chief in Lokichar (March 16, 2012), interview with an OCPD in Turkana (March 17 and 18, 2012).
7. This was confirmed in a Focus Group Discussion with civil society representatives from Turkana (Kenya School of Government, Nairobi, April 2012).
8. He welcomed the disarmament, but said that the wrong KPRs were disarmed.