

A SUSTAINABLE WMD NONPROLIFERATION STRATEGY FOR EAST AFRICA

CONNECTING THE WMD NONRPFERATION AGENDA WITH LOCAL BORDER SECURITY NEEDS TO ACHIEVE MUTUALLY BENEFICIAL OUTCOMES*

By

Brian Finlay and Johan Bergenas[†]

Introduction

Over the course of the last 60 years, the international community built a weapons of mass destruction (WMD) nonproliferation regime aimed at preventing the spread of nuclear, biological and chemical weapons. The Nuclear Nonproliferation Treaty and the Conventions on Chemical and Biological Weapons are key pillars of that regime. More recent additions include such measures as United Nations Security Council Resolution 1540 and the Proliferation Security Initiative.

Despite the myriad of national and international measures to prevent the spread of WMD, there are significant problems on the horizon. Like his predecessors, President Barack Obama has stated unequivocally that the American people face no greater danger than a terrorist attack with a nuclear weapon. He has further asserted that the success in preventing terrorist acquisition of a WMD depends upon broad consensus of all nations. Many other world leaders have joined President Obama in his call to action.

* This research project was conducted in partnership with the Africa Peace Forum (AFPO). Stimson primarily assisted AFPO and Government of Kenya stakeholders with providing a framework for analysis by engaging with a wide range of border security experts from key donor states. Local actors were responsible for providing content from within their own area of responsibility. Over a dozen government agencies participated. Specific references about current capabilities and forthcoming capacity building work have been excluded due to the sensitive nature of this type of security capacity building.

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In 2010, over 45 countries gathered at the Nuclear Security Summit in Washington, DC and declared that securing all vulnerable nuclear materials around the world within four years would be paramount to global security. Despite good faith efforts since then, the International Atomic Energy Agency (IAEA) continues to report serious incidents of diversion, theft or loss of nuclear and other radioactive materials. Last year alone, the IAEA’s Nuclear Incident and Trafficking Database (ITDB) confirmed 146 such cases. That figure included 6 instances involving possession and related criminal activities, 47 involving theft or loss of material, and 95 involving other unauthorized activities—and these are the incidents about which we are aware. Organizations charged with preventing the spread of chemical and biological weapons note similarly worrisome incidents.

The continued and accelerating spread of materials associated with WMD is partly due to the changing proliferation environment. First, the licit and illicit trade of WMD and related materials is increasingly moving southward, meaning that, to a greater extent, emerging and developing countries are part – wittingly or unwittingly – of the WMD supply chain, as dual-use innovators and manufacturers, critical transshipment points and financial centers, or breeding grounds for terrorist sympathies (see map 1). In such a proliferation environment, absent participation by all countries that represent links in the global proliferation supply chain – from Southeast Asia, Africa, the Caribbean and Latin America – increase the probability that international efforts to curb the terrorist threat and prevent WMD proliferation will fail.

The Modern Proliferation Supply Chain

STIMSON



Regardless of intent or foreknowledge, countries in red have been implicated in the A.Q. Khan Affair and/or listed in the IAEA Illicit Trafficking Database.

Second, the international community has largely failed to develop a long term and sustainable WMD nonproliferation strategy that is suitable for emerging and developing countries. To date, the great majority of WMD nonproliferation programming, particularly in Africa, are seen as Western-imposed measures that are ill-connected to national and regional priorities. These

governments – in Southeast Asia, Africa and the Caribbean and Latin America – seek capacity building assistance and partnerships to address more critical national needs, such as improved border control, policing and judicial capabilities, which more directly apply to broader global challenges like conventional arms and drug trafficking, growing energy needs, human smuggling, piracy, environmental crime, public health issues and securing the supply chain to facilitate more efficient trade relationships with countries around the world.

In recent decades, this disconnect between the Global North and South has resulted in wasted resources, siloed approaches to mitigating these challenges, a lack of local ownership and, as such, ineffective partnerships. Indeed, today there exists widespread confusion among the WMD nonproliferation donor community on how to effectively engage Southern countries that – for good reasons – do not view the proliferation of biological, chemical and nuclear weapons as an immediate threat to their societies and the well-being of its citizens.

In this light, it is clear that we need a wider discussion on WMD nonproliferation capacity building, which considers the higher priorities of emerging economies and developing regions. In short, the next generation WMD nonproliferation regime must include pragmatic programs, which simultaneously address local and national priorities in emerging and developing countries, with the important mission of preventing the proliferation of WMDs.

An East African Case Study in Dual-Benefit Assistance

Solving the problem of bridging the security/development divide, which prevents sustainable WMD nonproliferation engagement and programming, begins with understanding the overlapping opportunities on issue and pragmatic engagement. In 2012, the Stimson Center worked with the Office of the President in the Government of Kenya and a wide range of regional experts and organizations, including most prominently the Africa Peace Forum (AFPO) as a local partner, in a research program to that end.

Through a series of workshops, seminars and interviews with East African security and development experts, a sub-regional list of priorities emerged that included transnational organized crime, proliferation of small arms, human and drug trafficking, underdevelopment, wildlife crime and terrorist activities. WMD proliferation or the region being used as a transshipment point for WMD related materials were notably absent from that agenda. However, programming to understand and deal with the issues that the agenda identified shares key aspects of WMD nonproliferation capacity building, most notably border security. It was noted that building border capacity advances national and international objectives, such as advancing security sector reform; strengthening institutions, including police and other law enforcement organizations; and the implementation of Kenya's development blueprint, Kenya Vision 2030, as well as international mandates, such as the Arms Trade Treaty (ATT).

Of course, border security capacity building is a critical component of any strategy to prevent the spread of WMD, such as the United Nations Security Council Resolution 1540. Recognizing that the vast majority of donor resources are currently focused on such issues as WMD nonproliferation work, it was agreed upon that more holistic border security strategies in the

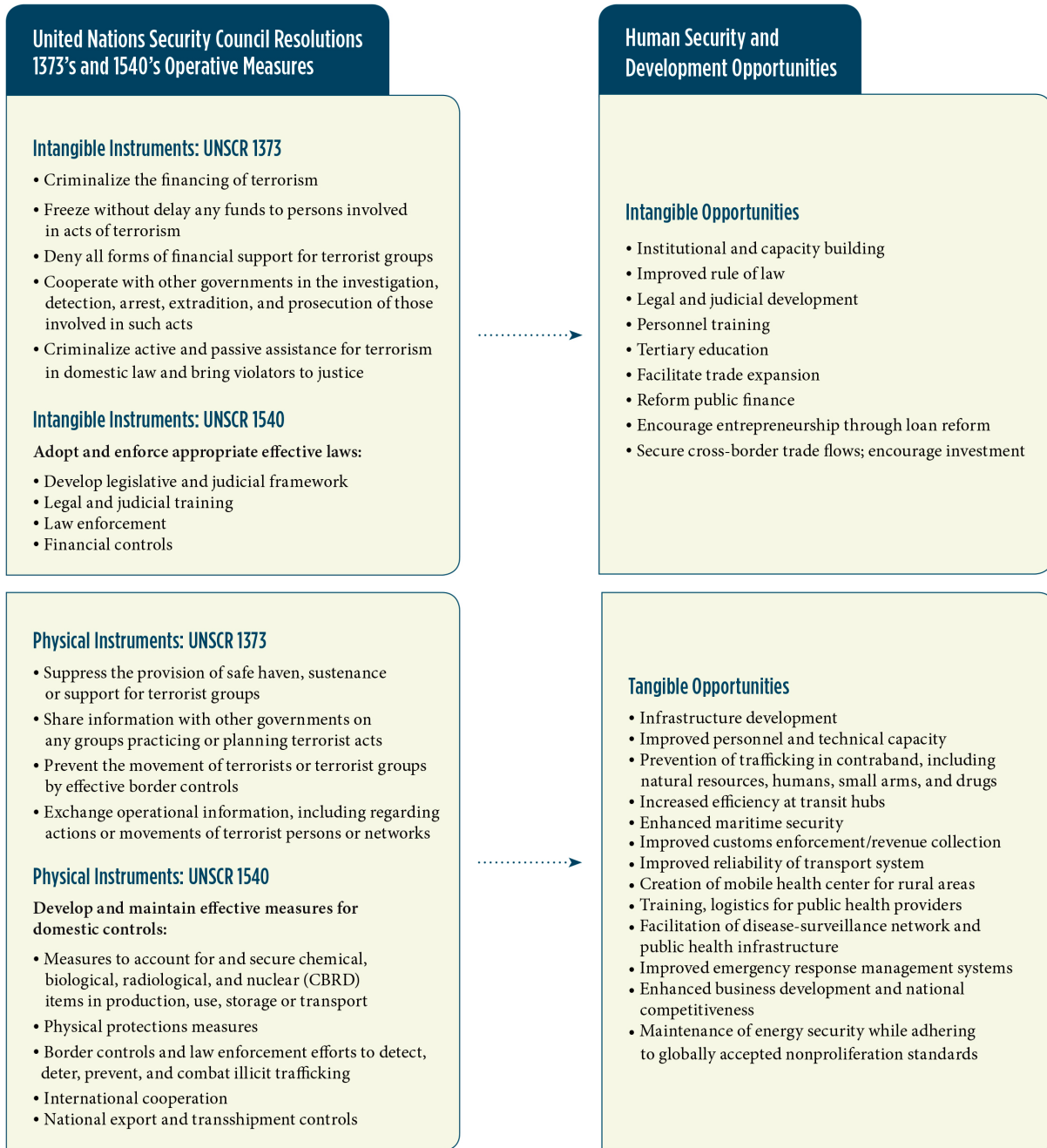
region would have a dual benefit for the local priorities as well as against global nonproliferation efforts. A wide range of overlaps were considered, including:

- Many of the resources required to limit dual-use nuclear products from being trafficked throughout Eastern Africa are the same as those needed for the capacity-building necessary to combat conventional arms and drug smuggling;
- Assistance with strategic trade controls at national boundaries (land, sea and air) promotes efficiencies at transit hubs that in turn facilitates trade expansion and business development; and
- Detecting and responding to biological weapons requires sophisticated equipment and training that is similar to building a functional disease surveillance network and a public health infrastructure.

To that end, the Stimson Center and AFPO began hosting an inter-agency group of Kenyan Government stakeholders in charge of a wide range of border strategies. These bi-monthly meetings were aimed at understanding the country's and region's ability to capitalize on assistance and partnerships available across the defense, security and development spheres. It was concluded that a more holistic national border security action plan and gap analysis were necessary to simultaneously deal with the global WMD nonproliferation agenda and local softer security and development challenges. An inter-agency group was formally created and chaired out of the Office of the President. Its mission was to improve the internal processes for building and maintaining an effective border management process to the benefit of efficient trade and development, as well as security objectives, including the nonproliferation of weapons of mass destruction. The Stimson Center followed these efforts from a research and analysis vantage point. The underlying idea was that Kenya, through this border security action plan and gap analysis, would be able to partner with a wider group of donors – including those focused on WMD nonproliferation – in achieving its border security objectives. As such, a more holistic and sustainable WMD nonproliferation approach would emerge.

The vision identified behind this project was that modern nonproliferation mechanisms, such as UN Security Council Resolution 1540, could dually prevent the spread of WMDs as well as further higher priorities of the Kenyan Government.

Dual Benefit International Security Assistance



A Border Security Action Plan and Gap Analysis Emerge

Following the preliminary work in identifying security and development agendas and overlaps in capacity building, project partners engaged a wide range of Kenyan security and development actors to design a multi-purpose border security action plan. A key objective for the work was to

pull together the multiple border security action plans and gap analyses that already existed within the Government of Kenya and synthesize them into one guiding strategy and call for partnerships. This would result in better national coordination and assistance opportunities. Simultaneously as this process was ongoing in Nairobi, the Stimson Center reached out to a dozen border security related agencies in several countries to survey how WMD nonproliferation programming could further other such initiatives. It was important that initiatives throughout emerging and developing parts of the world were also informed by the plethora of capacity building strategies that exist throughout the Global North.

The work throughout 2013 culminated in a series of workshops attended by a wide range of Kenyan ministries, which reached as many as 15 entities during certain sessions. These workshops finalized the border security action plan that emphasized a holistic strategy to the benefit of the following objectives:

- An administrative framework that facilitates economic development;
- Prevention of entry of terrorists and criminals and obstructing their activities;
- Prevention of illicit trafficking in small arms, drugs and people;
- Reduction in poaching and smuggling of all items prohibited under the Convention on International Trade in Endangered Species in Flora and Fauna (CITES);
- Prevention of WMD and related materials and equipment from being transferred or transshipped on Kenyan territory; and
- Implementation of the United Nations Security Council Resolution (UNSCR) 1540 in collaboration with the 1540 Committee.[‡]

As can be seen, the exercise conceptualized that border insecurity poses a central threat to Kenya's higher priority national interests, as well as to the global WMD nonproliferation regime. Perhaps even more importantly, the plan noted advanced opportunities for partnership with the donor community resulting in the recognition of these shared interests. The gap analysis presented pragmatic capacity building opportunities.

Key Components of a Holistic Border Security Action Plan

The Kenyan border security action plan is designed to integrate existing border action strategies across multiple stakeholder communities within the Government of Kenya. It identifies strengths and weaknesses with regard to Kenyan resources to implement a robust border management model, with focus on its economy, population and infrastructure networks.

[‡] The basic framework for this plan can be found as an Annex to this paper. Because of the sensitive nature of border security capacity building and because some parts of this plan are under review by the Government of Kenya, the Annex represents the broad strokes of the plan. The reader should consider the Annex as a framework for analysis, and not as the complete piece of work.

The inter-agency group leading the work also identified a wide range of actors with shared interest in border security cooperation, including the Ministry of Interior and Coordination of National Government, Kenya Police Service, Administration Police Service, Immigration, Kenya National Focal Point on Small Arms & Light Weapons, National Steering Committee on Peacebuilding & Conflict Management, National Treasury, Kenya Revenue Authority (Customs), Ministry of Foreign Affairs & International Trade, Kenya Defense Force, Ministry of Agriculture, Ministry of Transport and Infrastructure, Kenya Bureau of Standards, Kenya Ports Authority, Kenyan Wildlife Services, National Intelligence Service, Kenya Civil Aviation Authority, Kenya Airports Authority, Kenya Maritime Authority, Department of Refugee Affairs, Agency of Port Health, Weights & Measures, and County Government Departments.

Key capabilities and border components were also thoroughly examined, including surveillance, detection and assessment, interdiction, disposition, sanctions, emergency response, deterrence, various institution, legal, infrastructure frameworks, technology integration, personnel, equipment and partnerships.

In one particular data collection instance associated with the gap analysis in the southern part of Kenya, a 2-year bottom-up technological and training approach was recognized as an advisable modus operandi. A team of technical experts as well as law enforcement government authorities conducted a feasibility study in a specific border security context and determined the infrastructure and training needs required for a holistic and sustainable border security solution. The first step of this exercise was to identify the border parameter, entrance/intrusion points and key areas of vulnerability, critical protection areas, current level of, for example, training and equipment among law enforcement personnel and coordination with other law enforcement agencies. From that baseline a layered border security system was designed and a timeline for implementation stretching over two years.

This gap analysis exercise determined that capacity building is mainly a matter of selecting the right technological and training combination to give an adequate level of situational awareness, and to deploy the systems gradually in the right order. This is a major challenge in Kenya today when it comes to the donor community offering border security assistance. A key point identified is to integrate all technology in one surveillance system they can operate on a desktop computer.

In a first step, the surveillance system can keep track of the law enforcement personnel and vehicles using GPS through a secure software platform including analytics functions. It can also assist in logging the position of intrusion attempts or irregularities during law enforcement daily patrolling. The second step would entail integrating unmanned ground sensor networks and radars to detect and track dangerous technologies and intruders. Training is of high importance in this phase, and a surveillance system can also be used to simulate different scenarios for the purpose of preparing the law enforcement offices for different situations while simultaneously training them to operate the new technology.

This part of the gap analysis determined that today, the technologically most advanced equipment may not be the right way to start because of inadequate levels of training on how to use the technology. A gradual and carefully introduced system is advantageous.

Pragmatic Implementation Opportunities: UN Security Council Resolution 1540 as a Platform

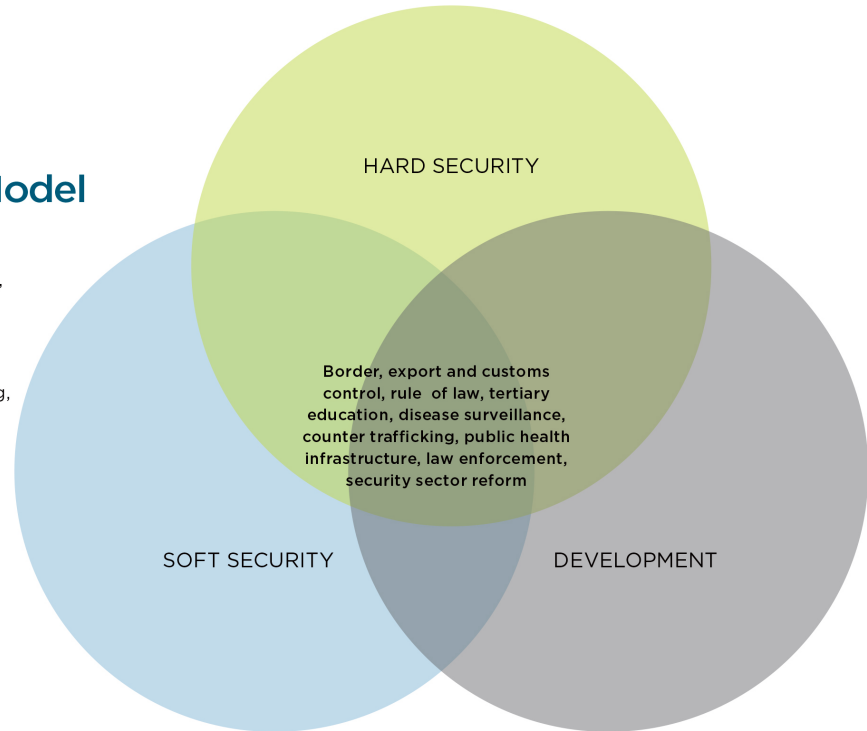
Over the course of the year, members of the working group and other project partners were invited to speak at a wide range of WMD nonproliferation and security/development conferences organized by donor countries and multilateral organizations. These experiences led to the realization that UN Security Council Resolution 1540 represents a good platform for implementing components of the then-emerging border security strategy. Resolution 1540 is a newer WMD nonproliferation platform and was a reaction to the 2004 revelation that A.Q. Khan was able to establish a sophisticated proliferation network that spread WMD technology throughout the world. The UN Security Council unanimously adopted Resolution 1540 in April 2004 and mandated that all member states implement a set of supply-side controls related to the nonproliferation of chemical, biological and nuclear weapons. Criminalization and enforcement provisions vis-à-vis proliferant activities within national territories are also key components of Resolution 1540. Specifically, this legally binding resolution calls upon states to:

- Adopt and enforce laws that prohibit any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical or biological weapons and their means of delivery;
- Develop and maintain measures to account for and secure such items in production, use, storage or transport;
- Develop and maintain effective physical protection measures;
- Develop and maintain effective border controls and law-enforcement efforts to detect, deter, prevent and combat illicit trafficking;
- Establish, develop, review and maintain appropriate effective national export and transshipment controls over such items.

While targeting the spread of WMD to non-state actors, the provisions of Resolution 1540 have a myriad of applications that can counter a wide range of other security and development challenges as noted in the graph below. It is this recognition that will lead to more inclusive security and development partnerships that benefit both the WMD nonproliferation regime and the higher priorities of emerging and developing countries. The Kenyan border security action plan noting of Resolution 1540 as a platform for partnership is an important realization. Indeed, the content of that action is in many regards very well synchronized with several provisions of Resolution 1540. As such, there are ample opportunities for countries to work together on both building a robust WMD nonproliferation environment in Kenya and achieving that country's higher priority security goals. It is now up to the WMD donor community and the Government of Kenya to build effective programs that fit their WMD agenda with their softer security and development aspirations.

The Dual Benefit Model

- **HARD SECURITY**
Proliferation of biological, chemical, and nuclear weapons, terrorism
- **SOFT SECURITY**
Arms proliferation, illicit trafficking, Regional terrorism, youth gangs, crime, human insecurity
- **DEVELOPMENT**
Economic and rural development, public health, education, good governance, rule of law



Further Research Opportunities

More extensive research and analysis are necessary to better understand how WMD nonproliferation financial, technical and human resources can dually assist local security and development agendas throughout the Global South. Only with that model can the global community build a nonproliferation regime that is valuable to countries that face a wide variety of security challenges and are in various stages of societal development.

Regional efforts could be particularly helpful due to the transnational nature of many of the threats that the world is facing today. A continued focus on East Africa – seen as a current and potentially further emerging transshipment area for dangerous technologies – and border security could significantly advance our understanding on how to build a truly global 21st century nonproliferation regime that takes into consideration a more complex security and development landscape.

Indeed, East Africa and border security capacity building remain good research targets to extrapolate broader lessons on modern security and development capacity building that will simultaneously benefit the WMD nonproliferation agenda and local priorities. First, there is a growing threat in the region from transnational militant organizations like the al Qaeda affiliated al Shabaab, which easily moves across national boundaries and successfully carries out terrorist attacks. Second, US policymakers and elected officials have noted the elevated threats stemming from ungoverned territories, insufficient capacity – including border capacity – and increased flows of WMD-related materials throughout emerging and developing countries, like those in Eastern Africa.

Third, border insecurity is a critical piece of the WMD nonproliferation puzzle in East Africa. Importantly, border security is also central to achieving higher priority security and development objectives. For example, porous borders facilitate the smuggling of arms, drugs, humans, wildlife and counterfeit goods, which are key sources of income for terrorist organizations and transnational organized criminals in East Africa.

A research agenda should examine the following key areas:

- Surveys of East African national border security strategies and ongoing capacity building projects;
- Analysis of how these strategies and projects correspond with the breadth of US and international WMD nonproliferation programming that is focused on the countries in question;
- Identification of pragmatic “dual-benefit” assistance that aids local priorities, as well as the WMD nonproliferation agenda;

A more sophisticated understanding will help build a sustainable WMD nonproliferation agenda in the decades ahead.

Annex

Border Security Action Plan[§]

1.0. Introduction: Security and Development Challenges Resulting from Border Insecurity

The Government of Kenya recognizes that border insecurity poses a central threat to its critical national interests. Porous international boundaries significantly challenge our national, economic, social and political objectives, as laid out in Vision 2030. The vision aims at transforming Kenya into an industrialized middle-income country providing a high quality of life to all Kenyans by 2030.

The current state of insecurity along Kenya's international borders facilitates a wide range of challenges that directly impinge upon Kenya's ability to meet these objectives. The challenges range from terrorism to piracy, influx of refugees, proliferation of illicit trafficking in small arms, drugs and people, as well as poaching and the smuggling of goods. Insecure borders help promote criminality related to armed conflict, which in turn negatively impacts national development.

Kenya's vast and porous international boundaries, therefore, can have significant implications on regional and international peace and security. If inadequately managed, criminals can exploit security gaps to plan and execute criminal activities worldwide.

In the worst case scenario, porous international borders can further the likelihood that non-state actors acquire chemical, biological, radiological or nuclear weapons (WMD) that, if used, would have adverse political, economic and social consequences worldwide.

Enhanced border security is a bridge to both development and security, neither of which can be achieved without the other. The Government of Kenya is committed to meeting all of its national and international obligations with a view to contributing to global peace and prosperity.

The Government of Kenya Border Security Action Plan envisages securing and managing its territorial boundaries (air, land and sea) by ensuring:

- An administrative framework that facilitates economic development;
- Prevention of entry of terrorists and criminals and obstructing their activities;
- Prevention of illicit trafficking in small arms, drugs and people;

[§] Stimson primarily assisted AFPO and Government of Kenya stakeholders with providing a framework for analysis by engaging with a wide range of border security experts from key donor states. Stimson also surveyed and identified a wide range of WMD nonproliferation assistance opportunities based on these local border efforts. Local actors were responsible for providing content from within their own area of responsibility, including generating a gap analysis. Because border security capacity building is sensitive in nature, the plan in this Annex communicates the framework of the research and analysis. The gap analysis has been excluded.

- Reduction in poaching and smuggling of all items prohibited under Convention on International Trade in Endangered Species in Flora and Fauna (CITES);
- Prevention of WMD and related materials and equipment from being transferred or transshipped on Kenyan territory; and
- Implementation of the United Nations Security Council Resolution (UNSCR) 1540 in collaboration with 1540 Committee.

In order to achieve the above, the Government of Kenya is committed to working with all sectors of Kenyan society, as well as its neighbors and the international community.

Kenya Border Security Action Plan (BSAP) is therefore designed to integrate existing border action strategies across multiple stakeholder communities within the Government of Kenya.

2.0. Border Security Resources: Strength and Weaknesses

There are a number of categories of resources that Kenya can leverage for border security.

Economy

Kenya serves as a regional hub for trade and finance in East Africa – the Horn of Africa and Great Lakes region. Kenya has well-developed infrastructures, road and railway networks, sea ports, airports, communication networks and skilled human resources. Kenya has a great potential for natural resource exploitation. Based on 2012 World Bank data, Kenya’s population has a population size of 43.18 M with \$40.70 billion GDP and a 5 percent real growth rate. The country’s leading industries include small-scale consumer goods production, agriculture, horticulture, oil refining, metals, cement, commercial ship repair and tourism. Kenya’s main commodity exports are primarily agricultural, including tea and coffee. Natural resources in the country include wildlife, soda ash, land and some mineral resources.

Regionally, Kenya is pursuing economic integration under the umbrella of East African Community (EAC). Kenya maintains relations with its neighbors, although it bears a significant burden from the instability in Somalia.

Population

Kenya has a young population; 42.5 percent of the population is under 15 years old. Out of Kenya’s estimated 43 million people, the labor force is an estimated 18.39 million with a 40% unemployment rate. The literacy rate for the total population over the age of 15 is 87.4 percent.

Networks

Of a total 160,966 km of roadways in the country, 149,689 km are unpaved. Kenya’s major seaport is the port of Mombasa, with a second Port of Lamu undergoing development to serve both South Sudan and Ethiopia (LAPSSSET). The Kenyan Port Authority operates inland container depots in both the capital city Nairobi and the city of Kisumu, located on the shores of Lake Victoria, that are connected to the port of Mombasa by rail. Kenya has relatively high mobile phone usage with an estimated 29.9 million users in 2012. There are a large number of private radio stations and regional and local services broadcast in multiple local languages. Also,

in 2012 Kenyan internet users increased by 95.63% to 17.38 m compared to 8.89 m users in the previous year.

3.0. Border Security Framework: Actors, Capabilities, Component

Border Security Actors

The Government of Kenya is committed to a holistic Border Security Action Plan. The following actors within the Kenyan Government are part of fulfilling this Action Plan.

- Ministry of Interior and Coordination of National Government
 - Kenya Police Service
 - Administration Police Service
 - Immigration
 - Kenya National Focal Point on Small Arms & Light Weapons (KNFP)
 - National Steering Committee on Peacebuilding & Conflict Management (NSC)
- National Treasury/Finance
- Kenya Revenue Authority (Customs)
- Ministry of Foreign Affairs & International Trade
- Kenya Defence Force (KDF)
- Agriculture (Fisheries, Kephis, Livestock, Veterinary)
- Ministry of Transport and Infrastructure
- Kenya Bureau of Standards (KEBS)
- Kenya Ports Authority (KPA)
- Kenyan Wildlife Services (KWS)
- National Intelligence Service (NIS)
- Kenya Civil Aviation Authority (KCAA)
- Kenya Airports Authority (KAA)
- Kenya Maritime Authority (KMA)
- Department of Refugee Affairs
- Agency of Port Health
- Weights & Measures
- County Government Departments
- Local Communities

Border Security Capabilities

The Government of Kenya recognizes the following seven critical capabilities in order to execute the Border Security Action Plan:

- Surveillance
The capability to obtain knowledge about everything that is moving across a border through visual or other means
- Detection and Assessment
The capability to identify an anomaly and evaluate anomalies

- **Interdiction**
The capability, once a commodity or person of concern is detected, to engage and neutralize the threat
- **Disposition**
The capability to control, confine or otherwise secure the individual or commodity
- **Sanctions**
The capability to take action against cargo or persons
- **Emergency Response**
The capability to appropriately respond to emergency circumstances, such as search and rescue and other life/safety situations
- **Deterrence**
The capability to dissuade or deter illicit activity

Border Security Components

The Government of Kenya prioritizes the following seven critical capabilities and components in order to execute the Border Security Action Plan:

- **Institutional Framework**
The governance, the authority and organization that provides the legal justification and chain of command for conducting border security operations
- **Legal Framework**
Comprehensive laws and regulations that prohibit certain activities and designate authorities for surveillance, search and seizure, use of force, detention, prosecution and punishment.
- **Infrastructure**
Provides the backbone which supports all the other components and includes physical barriers and outposts, power lines and roads, supply systems and security
- **Technology Integration**
Includes all methods of passing information across the border security force from voice radios to digital data streams. Effective technology integration is required for synchronizing actions and employing dispersed resources: Inclusion of the communication equipment
- **Personnel**
Highly trained professionals that possess integrity, excellent cognitive skills and the ability to adjust and adapt rapidly to emerging situations

- **Equipment**
Material that provides enhanced capability to the border officials
- **Partnerships**
Cooperative agreements for achieving border security objectives, including agreements with neighbor governments, national agencies, private sector organizations, local communities and other stakeholders