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Kenya's Role in Curbing Transnational Organized Crimes
(TOCs) within East Africa Region



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Kenya's Role in Curbing Transnational Organized Crimes (TOCs) within East Africa Region

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Abstract

Purpose: The purpose of this study was to examine the role the Kenyan state has played in curbing the Transnational Organised Crimes (TNOCs) within the region. The increasing internationalized markets and the development of regional economic communities (RECs) have led to the emergence of regional integration agreements, such as the East African Community.

Methodology: The study gathered information from crucial government informants within the Ministry of EAC, the Ministry of Industrialization, Trade and Development, and the Ministry of Foreign Affairs and Immigration. The researcher also engaged academic experts in the area of study. Other respondents included the County Commissioners, Senior County security officials and Immigration officers in the border towns along Kenya–Uganda (Busia and Malaba) and Kenya–Tanzania (Isebania and Namanga) borders. The study adopted the post-positivistic paradigm. The mixed methods design was embraced in the study. The research used questionnaires, semi-structured interviews, surveys and focus group discussions (FGD) on collecting primary data. The study obtained secondary data through a review of documents on EAC regional integration and TNOCs in the custody of EAC and the Ministry of Foreign Affairs. The study utilized content analysis techniques to analyse the data. The presentation of the data was continuously based on the themes developed.

Findings: The study found that the Kenyan state (Kenya's Intelligence Community) has contributed to curbing TNOCs within the region. The intelligence community plays a crucial role in these efforts by gathering and analyzing information and intelligence to support investigations and operations aimed at disrupting and dismantling criminal organizations. The EAC has created the Joint Intelligence and Operations Centre (JIOC) to coordinate and share intelligence among member states and has also developed a regional action plan to enhance collaboration on counterterrorism efforts.

Unique Contribution to Theory, Policy and Practice: The study contributes to the theory by applying constructivism to explain the effects of regional norms and cooperation on the response to transnational organized crime. It trains policy through enhancing more efficient intelligence-sharing and regional capacity such as a Joint Intelligence and Operations Centre. In practice, it focuses on the increased inter-agency cooperation, implementation of AML frameworks, and strengthening of security institutions capacity. It also educates future research on the impact of regional organizations and the impact of integration on the effectiveness of crime control.

Keywords: *Transnational Organised Crimes, Regional Integration, Kenya's Intelligence Community, Joint Intelligence and Operations Centre*

Introduction

Transnational Organized Crimes (TNOCs) pose significant security challenges to the East African Community (EAC). Within the EAC, Kenya serves as a key transit point for many transnational criminal networks due to its geographical location and status as a regional hub. On its part, Kenya, being a key member states play a crucial role in addressing these threats (Ikanda & Atieno, 2019). Thus, it is vital to examine the role the Kenyan state has played in curbing TNOCs within the region (Acharya, 2014; Kihoro & Mukuria, 2019; Akoth, 2017). TNOCs encompass a wide range of criminal activities, including drug trafficking, human trafficking, arms smuggling, terrorism, and financial crimes (Kamau, 2017; Interpol, 2018). Over the years, Kenya has recognized the urgency of combating TNOCs and has taken measures to address these security challenges. The Kenyan government has enacted legislation, established specialized law enforcement units, and cooperated with regional and international partners to tackle transnational crimes (Kagiri & Njenga, 2018). However, the effectiveness of these efforts and the role played by the Kenyan state in curbing TNOCs within the region requires comprehensive examination.

Hence, this study sought to analyse the actions and strategies employed by the Kenya in countering TNOCs and assess their impact on regional security. By investigating the measures taken by Kenyan authorities, such as border control, intelligence sharing, and prosecution of criminals involved in transnational crimes, the study aims to shed light on the state's level of commitment and effectiveness in curbing these criminal activities within its borders and beyond (EAC Secretariat, 2009). The study explores the challenges faced by the Kenya in addressing TNOCs and the barriers to effective law enforcement. These challenges may include resource constraints, corruption, weak institutions, and cross-border complexities that TNOCs exploit to operate within and across state boundaries (Adar, 2011; Babatunde, 2014; Kayumba, 2016; Kithinji & Ndwiga, 2021). Understanding these challenges is crucial for designing targeted strategies and enhancing the capacity of the Kenyan state to counter TNOCs and bolster regional security cooperation (EAC Secretariat, 2010).

The findings of this research have important implications for both Kenya and the broader EAC region. By assessing the role played by the Kenya in curbing TNOCs, policymakers can identify areas that require improvement and implement targeted interventions to strengthen law enforcement and regional cooperation. Moreover, the study's outcomes provide insights into the interplay between state capacity, regional security dynamics, and the prevalence of TNOCs, which can inform the development of more effective strategies to combat transnational crimes in the EAC and beyond. Ultimately, this research contributes to a deeper understanding of the complexities surrounding TNOCs and the efforts of individual states like Kenya in addressing these crimes within the regional context. By examining the role played by the Kenya in curbing TNOCs, this study seeks to contribute to the broader knowledge base on the role of state actors in countering transnational organized crimes and advancing regional security cooperation

Statement of the Problem

The increasing internationalized markets and the development of regional economic communities (RECs) have led to the emergence of regional integration agreements, such as the East African Community (EAC) (Lisakafu, 2018). As regional integration becomes a vehicle for economic and political cooperation, member states are subscribing to multilateral and regional trade arrangements to enhance economic development and competitiveness (UNCTAD, 2018a). However, the expansion of regional integration has inadvertently opened up markets for illicit goods and services, including Transnational Organized Crimes (TNOCs) within the member states (Odero, 2020). Despite commitments towards regional security approaches, the East African region still faces considerable insecurity and threats from TNOCs, posing challenges to the success of integration within the EAC (Kimani & Waweru, 2021; Wasike, 2018). The proliferation of transnational crime is not limited to the EAC alone but is a global challenge for the 21st century, with organized crime exerting a highly destabilizing and corrupting influence on social, economic, and political institutions worldwide (Kamau & Githae, 2018). Within the EAC, member states like Kenya are determined to strengthen socio-economic and political integration. However, TNOCs remain a significant security threat and have exponentially grown over the past decade due to factors such as open borders, globalization, and technological advancements that facilitate easier movement of funds, goods, and people in the region (National Crime Research Centre Report, 2012).

Kenya has witnessed a sharp increase in organized crime within its borders, leading to national security concerns (Mathuva, Kiragu & Barako, 2020; Mureithi, 2019; Odero, 2020). It has been identified as a transit point for human trafficking victims, with various border towns serving as entry and exit points for traffickers and victims from neighboring countries (U.S. Trafficking in Persons Report, 2020). This study aims to examine the role played by the Kenyan state in curbing TNOCs within the East African region. It seeks to understand the effectiveness of Kenya's efforts in countering transnational organized crime and its impact on regional security. Despite the adoption of regional integration agreements and strategies for peace and security within the EAC, the persistence of TNOCs remains a challenge for the region (EAC, 2009).

Hence, the study explored the specific measures and policies implemented by Kenya to combat TNOCs and their effectiveness in reducing transnational crime within its borders and the broader EAC region. It also investigated the challenges faced by the Kenya in addressing TNOCs and how these challenges may affect regional cooperation and security. Understanding Kenya's role in curbing TNOCs is crucial for assessing the overall effectiveness of regional integration in addressing transnational crime and its impact on regional security. By analyzing Kenya's efforts and experiences, the study aims to provide insights into potential strategies and policies that can enhance regional cooperation and strengthen the fight against TNOCs within the East African region.

Objective of the Study

To examine the role the Kenyan state has played in curbing the TNOCs within the East Africa Community.

Review of the Literature

Transnational organized crime (TNOc) has been a major challenge in the East African Community (EAC) region, with Kenya being one of the most affected countries. In an effort to curb TNOcs, several studies have been conducted on the role of Kenya in the region. Agutu and Mwangi (2021) find that intelligence-led policing has effectively reduced TNOcs, particularly disrupting drug trafficking networks. A study by Ouma and Mwangi (2020) finds that corruption has undermined efforts to combat TNOcs, particularly concerning money laundering. Kiptui and Kibe (2020) find that while border control has been effective in some areas, more needs to be done to improve coordination and information sharing among border agencies.

Study by Musyoki and Mutuku (2020) indicates that while some progress has been made, more needs to be done to address the root causes of human trafficking and to improve victim support services. Githinji and Ngugi (2019) find that technology has been effective in improving intelligence gathering and sharing, but more needs to be done to enhance the capacity of law enforcement agencies to use technology effectively. Karanja and Ondieki (2019) find that international cooperation has been essential in disrupting TNOc networks and providing technical assistance and capacity building to law enforcement agencies. Mburugu and Kariuki (2019) indicate that asset recovery has effectively disrupted TNOc networks, particularly with money laundering and corruption. Kinyua and Githae (2018) find that community policing has effectively improved trust between communities and law enforcement agencies and provided valuable intelligence on TNOc activities.

Transnational organized crimes (TOCs) and security threats are increasingly becoming a matter of concern in Kenya. TOCs committed in Kenya include terrorism, human/drugs/arms trafficking, money laundering, smuggling, and cybercrime, among others. According to the ENACT Index 2025, Kenya ranks top in the East Africa region. The country is ranked 9th out of 54 countries in Africa, and at the global level, it is ranked 35th out of 194. Implicitly, Kenya is a significant hub for organized crime despite the regulatory and institutional frameworks to address organized crime. Consequently, these security threats continue to threaten peace and stability, which is the core ingredient for national development. The crimes and security threats have also continued to hurt the economy in other ways, such as reduced international confidence and reputation in Kenya and slowed foreign investment. The situation of border-related crimes and security threats is aggravated by porous borders and political instability in both South Sudan and Somalia.

Theoretical Framework

Constructivist theory was regarded the most relevant to inform the study. In the last decade, constructivism has become one of the major approaches for the study of political phenomena that take place within the sphere of International Relations (IR) (Nyikos & Hashimoto, 1997). The approach developed out of a set of events in world politics, notably the disintegration of the Soviet empire. Constructivist research heavily borrows from modernist and postmodernist

thinking, with heavy doses from the works of Michel Foucault on the relations between power and knowledge and that of Jacques Derrida (Brandon & All, 2010).

Constructivism is an international relations theory that emphasizes the social construction of reality and how ideas, norms, and values shape the behavior of actors in the international system (Hein, 1991). It challenges mainstream perspectives by focusing on the puzzle of change and how identities are constructed and reproduced, leading to interest formation and subsequent action. Constructivism views crime, including transnational organized crime, as a social phenomenon embedded within specific social and political contexts. It highlights the role of ideas and values in regional integration processes and reconceptualizes security to encompass a broad range of challenges and threats, beyond traditional notions of security (Mills, Bonner, & Francis, 2006).

In the context of this research, constructivism provides a transdisciplinary approach to understanding transnational organized crime, recognizing its dynamic nature as a product of human social behavior and interactions (Von Glasersfeld, 2012). It proposes a deeper understanding of regional integration by exploring identity and culture. While constructivism acknowledges the importance of material factors, it places greater emphasis on ideational elements such as ideas, norms, and values (Fosnot, 2013). However, in border regions, pragmatic and realistic thinking still plays a significant role in shaping foreign policies and cross-border cooperation.

The constructivist theory is highly relevant in examining the role of the Kenyan state in curbing transnational organized crime (TNOCs) within the region. By adopting a constructivist approach, the study can gain a comprehensive understanding of how the Kenyan state's identity, ideas, and norms influence its responses and actions in tackling TNOCs. Constructivism allows for the exploration of how the social construction of reality and the interactions between different actors shape the state's strategies and policies towards combating organized crime. Furthermore, the theory's focus on the importance of ideas and values can shed light on how the Kenyan state cooperates with other regional actors, international organizations, and neighboring countries in addressing TNOCs as a collective challenge. This approach is particularly valuable in revealing the broader social and political context in which the state operates, providing insights into the complexities and nuances of its efforts to combat transnational organized crime effectively.

Methodology

The study employed an exploratory research design with a mixed methods approach, combining qualitative and quantitative data collection methods to examine the role the Kenyan state has played in curbing the TNOCs within the region. The research methodology utilized in this study involved a post-positivist approach. The primary data was gathered through questionnaires, semi-structured interviews, surveys, and focus group discussions, while secondary data was obtained through a review of relevant documents. The study gathered information from crucial government informants within the Ministry of EAC, the Ministry of Industrialization, Trade and Development, and the Ministry of Foreign Affairs and Immigration. The researcher also

engaged academic experts in the area of study. Other respondents included the County Commissioners, Senior County security officials and Immigration officers in the border towns along Kenya–Uganda (Busia and Malaba) and Kenya–Tanzania (Isebania and Namanga) borders. The research used questionnaires, semi-structured interviews, surveys and focus group discussions (FGD) on collecting primary data. The research used triangulation to ensure validity, comparing data from multiple sources and perspectives. The sample frame included officials from various government departments, experts in security studies, and relevant stakeholders. Data analysis involved content analysis techniques, thematic analysis, and word frequency analysis to identify recurring themes and patterns. The research upheld ethical considerations, seeking informed consent, ensuring confidentiality, and safeguarding the well-being of the research subjects.

Findings

The study discussed the role Kenyan state has played in curbing TNOCs. The presentation of the results is from the key respondent and the existing literature. The analysis is done in depth to show its relevance for inclusion in the study.

Response Rate

The study interviewed and held focus group discussions from a population of twenty-two (22) respondents. The coding of the respondents was as follows; two (2) officers from the Ministry of Foreign Affairs were coded as participant 1 and participant 2, three (3) officers from the Ministry of EAC and Regional Development as participant 3, participant 4 and participant 5, three (3) Academic experts in the area of study as participant 6, participant 7 and participant 8. In addition, the researcher interviewed three (3) Regional County Commissioners and were coded as participant 9, participant 10 and participant 11. Besides, four (4) County Police Commanders were coded as participant 12, participant 13, participant 14 and participant 15. In addition, four (4) immigration officers in the border points of Namanga, Isebania, Busia, and Malaba were coded as participant 16, participant 17, participant 18 and participant 19. Finally, three (3) officers from the EAC secretariat in Arusha, Tanzania were coded as participant 20, participant 21 and participant 22.

Presentation and Discussions of Findings

The study examined Kenya's role as an EAC partner state in curbing the TNOCs within the region. The study notably sought to examine the role played by the Kenya intelligence services. The study found that the Kenyan government has taken various steps to curb transnational organized crime in the region, including establishing specialized units such as the Anti-Terror Police Unit and the Economic Crimes Unit. Participant 18 observed, "*The Central Bank of Kenya has a regulation that requires a bank depositor to explain the source of money when banking more than Kshs. 1 million. Nonetheless, in some instances, several cases have been reported to the anti-fraud police unit and action has been taken. The CBK has also sanctioned several local banks for sanctions such as the theft in Kenya Youth Service Unit and other government agencies*".

The Kenyan state has been enhancing border security through increased patrols and the deployment of technology such as X-ray scanners as reported by Oywech (2017). There is strengthening international cooperation through active participation in regional and international networks, such as Interpol and the Eastern African Police Chiefs Cooperation Organization. The country has been enforcing existing laws, such as the Anti-Money Laundering Act and the Proceeds of Crime and Anti-Money Laundering Act (Gikonyo, 2020). Launching public awareness campaigns to educate the public regarding the repercussions of the money laundering.

Participant 1 corroborated this, *“The local banks have reported many suspicious cases even before the capping of deposits. The cases have been on the rise since 2006, when sea piracy was high and since 2009, when the property and construction boom set in. But it is difficult to link this money to illicit activities”*. Kenyan banks are required by law to report suspicious transactions to the Financial Reporting Centre (FRC) if the customer cannot explain the source of funds (Fernandez, 2017). This is in line with the Proceeds of Crime and Anti-Money Laundering Act, which aims to combat money laundering and financing terrorism in Kenya. Under this Act, banks and other financial institutions must establish and implement systems to identify and report suspicious transactions and are also required to maintain records of all transactions for a minimum of five years. By reporting such cases, the banks assist the government in investigating and prosecuting individuals involved in transnational organized crime and preventing the proceeds of such crimes from being laundered through the financial system (Kevins, 2022).

Participant 11 emphasized, *“banks have been requested to report cases where customers cannot explain their source of money”*. Further, even customers opt out from opening accounts once they realize that the banks are seeking to know their money's source. This follows their obligations under the Proceeds of Crime and Anti-Money Laundering Act, which requires financial institutions to report suspicious transactions to the Financial Reporting Centre (FRC) (Gikonyo, 2020). These reports help the government in its efforts to investigate and prosecute individuals involved in transnational organized crime and to prevent the proceeds of such crimes from being laundered through the financial system.

The study found that several people have been interrogated on suspicious money. Some have been charged in court and even jailed, and some have got out Scot free. This helps the government in its efforts to combat money laundering and financing of terrorism and to prevent the proceeds of illegal activities from being laundered through the financial system. The study did not get specific examples of Kenyan banks reporting cases where customers cannot explain their source of money, as this information is typically confidential and not publicly disclosed.

The study established that the department of Immigration has played a role in Kenya's efforts to combat money laundering in the region. Participant 21 affirmed that, *“By controlling the flow of people into and out of the country, the Department of Immigration can help to prevent individuals involved in illegal activities, including money laundering, from entering or leaving the country. The department can also assist in investigations into transnational organized crime by providing information on individuals who have entered or exited the country and facilitating*

the extradition of suspects to other countries". The Department of Immigration can help prevent the use of false or fraudulent travel documents, often used by individuals involved in money laundering and other illegal activities, to cross international borders.

The study established that many people have been arrested carrying cash in large suitcases in the Kenya airports at Jomo Kenyatta and Wilson, and asked to explain the source of the money and where they are taking it. In some instances, the study found that some even attempt to ship out local currency. Overall, while the Department of Immigration is just one of many agencies involved in the fight against money laundering in Kenya and the region, its role in controlling the flow of people and preventing the use of false or fraudulent documents is essential (Mbutia, 2016).

The study found that immigration departments have been known to play a role in the fight against drug trafficking by implementing measures such as increased border security, interagency cooperation, and visa screening to reduce the illegal flow of drugs and associated criminal activity. They have done a wonderful job. Although some drugs still find their way to the market, the officials from the department have arrested many traffickers at the airports, the port of Mombasa, and the northern, eastern, western and southern borders.

Nonetheless, the study found that the effectiveness of the Kenyan immigration department in the fight against drug trafficking in the region is subject to varying opinions. While the department has implemented border security and visa screening measures, the illegal drug trade remains a persistent issue in Kenya and the larger East African region. Some believe that the department's efforts have been limited by corruption, underfunding, and other systemic challenges, while others believe that the department has been an asset in the fight against drug trafficking.

It was established that the department of Immigration has been an asset in the fight against terrorism in the region. The police at the borders have managed to arrest many terrorist suspects after a tip off from immigration officials (Koros, 2018). But there are a few greedy officials who make a kill by allowing terror criminals to make it to their destinations. The role of the Kenyan immigration department in the fight against terrorism in the East African Community is complex and multifaceted. On one hand, the department has implemented measures such as biometric screening and enhanced border security to detect and prevent the entry of individuals with links to terrorist organizations (Koros, 2018). On the other hand, the department has faced criticism for failing to adequately screen individuals entering the country, leading to the entry of individuals with ties to terrorism. Overall, the effectiveness of the Kenyan immigration department in the fight against terrorism in the EAC is a matter of ongoing debate and evaluation (Maobe, 2020).

The study established that in some instances; the department of Immigration has been an asset in the fight against motor-vehicle thefts in the region. The recovery of stolen vehicles has also improved. There are many government-to-government cooperations to stem the vice, notably Kenya-UK and Kenya-South Africa. Kenya has utilized the Proceeds of Crime and Anti-Money Laundering Act to target individuals and organizations involved in money laundering, drug

trafficking, terrorism and other crimes, including motor vehicle theft. Participant 13 said, *The Proceeds of Crime and Anti-Money Laundering Act created the semi-autonomous body referred to Assets Recovery Agency. In 2015, the Agency filed its first cases and froze assets under the Proceeds of Crime and Anti-Money Laundering Act (POCAML) based on investigations conducted by the Agency in the NYS-1 case*".

The Agency has successfully filed cases for recovery of proceeds of crime using civil forfeiture proceedings as provided under POCAML. In addition, the Act empowers the Director General of the Financial Reporting Centre to send reports received under the Act to the appropriate law enforcement authorities for action. The Agency has made tremendous success in asset seizure and recovery. Participant 1 said, *"The law allows for the seizure and forfeiture of assets obtained through illegal activities"*. Kenya has also established a Financial Reporting Centre to receive and analyze suspicious transaction reports and take action to prevent and combat money laundering and terrorist financing (Maobe, 2020). The Kenya Intelligence and the Department of Immigration have helped the border patrol police to arrest many suspected criminals, engaged in money laundering, drug trafficking, terrorism, motor vehicle thefts, maritime piracy, arms trafficking and many other TNOCs during this time of EAC integration (Diblawe, 2021).

The study found that Kenya Police Service has been an asset in the fight against money laundering, drug trafficking, terrorism and motor vehicle thefts in the region. Participant 3 stated, *"The Kenya Police Service has conducted several raids as directed by DCI and the National Intelligence and arrested criminals charged in courts of law and finally convicted. However, there are few instances where terrorists have escaped from police cells and even crossed the national borders of where they came from. These cases have been quite frustrating"*. The Kenya Police Service is responsible for investigating and enforcing laws related to these crimes and has collaborated with other law enforcement agencies and international partners to tackle these issues.

The effectiveness of the Kenya Police Service in the fight against money laundering, drug trafficking, terrorism, and motor vehicle theft in the East African Community can be considered mixed. While the police have made efforts and arrests related to these crimes, they persist and pose a challenge to the region. Various factors impact the effectiveness of law enforcement efforts, including the sophistication of criminal networks, the availability of resources, and the level of cooperation and coordination with other agencies. Nevertheless, the Kenya Police Service and other law enforcement agencies in the East African Community continue to work towards improving their efforts in combating these crimes.

The study found that the extent of money laundering in Kenya can compromise the nation's security. Money laundering can be used to finance illegal activities, threaten national security, and weaken the country's financial system and economy. Money Laundering and Financial Crimes are of Primary Concern concerning Kenya's Security (Koech, 2019). Kenya is a financial hub of East Africa and is at the forefront of mobile banking. Participant 1 explained, *"Unfortunately, Kenya remains vulnerable to money laundering, financial fraud, and terrorism financing. Similarly, Kenya faces numerous illicit financial risks that expose its society to crime*

and deprive it of public services". These risks include domestic corruption, terrorist financing, environmental crimes, illegal trafficking, tax evasion, and the misuse of digital finance, such as mobile banking and crypto-currency. The country requires strong political will to respond to existing threats, plus additional training and technology resources to tackle cyber risks (Chapia, 2015).

Drug trafficking in Kenya poses a threat to the country's security. First, fighting drug trafficking means more policing resources. Second, the expansion of drug trafficking activities means increased corruption in every government area trafficker gets into contact. Third, traffickers move to other areas within the country or the region whenever police get ahead of them. The danger with this is that they might cover a significant region, thus endangering large areas insecure. It can lead to increased organized crime, violence, and corruption, undermining the nation's stability.

The drug trafficking in Kenya can compromise the nation's security because it fuels organized crime and violence as rival drug gangs compete for trade control. It diverts resources from more essential security needs and undermines law enforcement efforts. It creates an environment of corruption, as law enforcement officials and other government officials become involved in the trade (Ondieki, 2017). It contributes to the spread of HIV/AIDS and other diseases as drug users engage in risky behaviours. It damages the nation's economic development by reducing investment and discouraging tourists.

The study found that the extent of terrorism in Kenya compromises the nation's security. It is a security scare to the stock markets, tourism, financial markets, school institutions, bus parks, train stations, and gathering for leisure or political activities. Police are also stretched mentally whenever there are alerts of the bombing. Participant 18 stated, *Terrorism in Kenya poses a significant threat to the security of the nation by causing loss of life and injury to innocent people, damaging critical infrastructure and disrupting economic activities, instilling fear and creating a sense of insecurity among the population, diverting resources and attention away from other pressing national issues and destabilizing the region and potentially leading to further conflict*". Efforts to combat terrorism in Kenya include strengthening border security, intelligence gathering and sharing, and cooperation with international partners.

The study revealed that the extent of motor vehicle theft in Kenya concerns the nation's security. The nation continues to invest in security surveillance infrastructure. The insurance companies in Kenya have made considerable losses to car thefts. The Association of Kenya Insurers (AKI) 2018 report says that at least 100 cars are reported stolen to insurance companies monthly. Car hire companies have borne the highest brunt, as robbers prefer the hired vehicles because documents from car hire firms enable them to cross borders easily. This means that Kenya cannot attract large overseas companies engaged in car hire.

The study found that foreigners and EAC benefit from the proceeds of money laundering, terrorism, drug trafficking and motor vehicle thefts in the region. Nonetheless, it is difficult to establish who the major beneficiaries are. The concern is tracking all illicit money movements within and without our financial systems. It is difficult to determine who benefits more from

the proceeds of illegal activities such as money laundering, terrorism financing, drug trafficking, and motor vehicle theft, as these activities often involve complex networks of individuals and organizations with varying motivations and goals (Diblawe, 2021). In most cases, the primary beneficiaries are the individuals and organizations directly involved in these illegal activities, who use the proceeds to fund their operations, acquire assets, and maintain their power and influence (Chapia, 2015).

It is important to note that both foreigners and members of the EAC are involved in these activities and potentially benefit from the proceeds. The impact of illegal activities on the EAC region and its communities can be devastating, leading to increased crime and violence, weakened economies, and reduced stability and security (Ondieki, 2017). Ultimately, it is essential to take a comprehensive and coordinated approach to address these challenges, including strengthened law enforcement and judicial systems, increased international cooperation, and efforts to disrupt and dismantle the networks responsible for these illegal activities.

The study noted that it is difficult to know if Nairobi Securities Exchange (NSE) is an attractive destination or transit point for the proceeds of money laundering, drug trafficking, terrorism and motor vehicle thefts in the region. However, the study established that NSE had witnessed volatility over the years, but it cannot be certain whether it has been normal or it is associated with crime. It is possible that the NSE could be used as a destination or transit point for the proceeds of illegal activities such as money laundering, drug trafficking, terrorism financing and motor vehicle theft (Ondieki, 2017). Financial markets, including stock exchanges, can be vulnerable to money laundering and other illicit financial activities, as they offer a means to legitimize and conceal illegal proceeds by incorporating them into the legitimate financial system.

It is important to note that the NSE and other financial institutions in Kenya have implemented anti-money laundering and countering the financing of terrorism (AML/CFT) measures to detect and prevent such activities. Participant 2 observed, "*The Central Bank of Kenya, the Capital Markets Authority, and the Financial Reporting Centre are the key regulators and authorities responsible for enforcing these measures and ensuring compliance with AML/CFT standard.*" Therefore, while the NSE and other financial institutions may face risks related to money laundering and other illicit financial activities, they are also actively working to mitigate these risks and maintain a secure and transparent financial system.

Kenya's government has taken several measures to make it more difficult for criminals to abuse the country's financial system (Ondieki, 2017). Some of these measures include enacting good financial laws and having police reforms. The most important thing is to have a system that seals all the loopholes that arise due to weak institutional, legal, policy and administrative frameworks that are in place. Although Kenya has adopted several initiatives to tackle illicit financial flow (IFFs) like the Global Forum on Transparency and Exchange of Information for Tax Purposes; the Base Erosion and Profit Shifting Project (BEPS); and the Multilateral Convention on Mutual Administrative Assistance in Tax Matters, real people who abuse

Kenya's financial systems may not be the criminals, but rather it is the Kenya elite, local firms and MNCs who manipulate the tax systems which loses about Kshs. 40 billion a year.

Based on the focused group discussions, the study found that Kenya has enacted the Anti-Money Laundering and Prevention of Organised Crime Law as a deterrence against TNOCs. The requirement by the CBK that anyone depositing or withdrawing Ksh. 1 million must state where he is got it or taking it has also lessened money laundering. But still, banks are circumventing the process and letting people bring or take huge amounts of money without this proof. Participant 4 emphasized, *“indeed, Anti-Money Laundering as it is popularly known, has contributed to slowing down money laundering in the country. The requirement by the CBK that anyone depositing or withdrawing Ksh. 1 million must state where he is got it or taking it, has also lessened money laundering. But still banks are circumventing the process and letting people bring or take huge amounts of money without this proof”*.

The study further indicated that CBK has problems applying its prudential regulations on international money transfers because there are no restrictions on Kenyans borrowing from or receiving funds from overseas. Participant 2 confirmed, *“CBK has problems in applying its prudential regulations on international money transfers because there are no restrictions on Kenyans borrowing from or receiving funds from overseas. For one, Kenya is an attractive destination for portfolio investors. Second, there are many Kenyans living abroad and can easily convert money through the numerous, officially licensed, forex bureau at every centre in the country. One Imam in Nairobi spoke to Citizen TV last year and said they are able to assist their members to the tune of Kshs. 15 million a day courtesy of Hawala money transfer system. These systems are easily abused by terrorists and other criminal groups”* Thus, we need more legislation to arrest money laundering and finance of terrorism (Koros, 2018).

Kenya has implemented AML/CFT regulations requiring financial institutions and other regulated entities to implement due diligence measures and reporting requirements to detect and prevent money laundering and terrorism financing. Kenya has also established a Financial Intelligence Unit (FIU), responsible for receiving, analysing and disseminating suspicious transaction reports (STRs) and other information related to money laundering and terrorism financing. Financial institutions and other regulated entities are required to implement customer due diligence measures, including the identification and verification of their customers and the monitoring of transactions for suspicious activity (Ondieki, 2017).

Kenya has increased the penalties for money laundering and terrorism financing, which include fines, imprisonment and the forfeiture of assets (Koech, 2019). Kenya has signed several international treaties and agreements to facilitate cross-border cooperation and information sharing to detect and prevent money laundering and terrorism financing. These measures, along with ongoing efforts to improve the enforcement of AML/CFT regulations and the strengthening of the financial sector, are aimed at reducing the risk of abuse of Kenya's financial system and ensuring its stability and integrity.

The study noted that it is widely reported that many countries, including Kenya, face challenges with illicit financial activities such as money laundering and terrorism financing. The extent to

which the real estate market is specifically targeted in Kenya for these purposes is not clear and would likely vary depending on various factors, such as the specific laws and regulations in place, the level of enforcement, and the state of the market itself (Koros, 2018). Nonetheless, the prices for land in nearly all parts surrounding Nairobi and the coastal areas of Kenya are no longer a reflection of actual land prices. Land value has increased the net value of land owners many folds. It is important for governments and relevant authorities to continuously assess and address these types of risks to ensure a safe and stable financial system (Koech, 2019).

Based on the focused group discussion, it was established that the main challenge in fighting drug trafficking in Kenya is the long borders we share with all our five neighbours. Participant 6 stated, *“The main challenge in fighting drug trafficking in Kenya is the long borders we share with all our five neighbours. These long borders are impossible to police 24 hours seven days of the week. As such drug traffickers can pass through the Ethiopian border, the Somali border, the Ugandan border, and even from Indian Ocean undetected. Even on licit goods, the KRA loses a lot of money from untaxed goods that enter the country through Somalia. However, we have not given up on drug traffickers. We are improving on police training, patrol and going physical against terrorists. We also are training the locals living near the borders and inducing them to report to police on any suspicious activities within their neighbourhoods”*.

Besides, the main challenge at the port is fictitious declarations. Some traders have loaded drugs in a container or a portion of the container and then declare that the items are rice or wheat imports. A person may organize with friends at the port that the material is entered as such during clearing. And because such products are not imported by individuals but rather in the name of a company, these people are very quick to kill the company when things get sour. As such, the owners of the consignment become faceless, and the clearing agents vanish in thin air. This is a real challenge to the police and the port management

The study found that accounting professionals, legal professionals and estate agents are sometimes criminally exploited by money launderers, drug traffickers, terrorists, and motor-vehicles thieves to allow highly complex structures to move large amounts of money within and without EAC (Mugarura, 2016). The Financial Reporting Centre (FRC) requested the parliament to pass proposed changes to the law compelling advocates to disclose suspicious financial dealings of clients to help keep Kenya off the list of high-risk countries. FRC fears not designating advocates among reporting agents for dirty cash deals might injure Kenya's global rating. These professionals, due to their expertise and access to financial systems, can be used as conduits for moving large amounts of money and hiding the source of these funds. However, it's important to note that this exploitation is not limited to the East African Community but can occur in other regions as well.

It was established that in this era of internet banking, where large amounts of money can be transferred at the click of a button, the financial reforms that have been recommended to the financial institutions to check the inflows of illicit money into the country. Participant 2 noted, *“The anti-fraud, anti-money laundering and financial crime regulations known as The Proceeds of Crime and Anti Money Laundering Act 2009, which came into effect in 2010 also applies to fintech. It targets money laundering, tax evasion, financial theft and fraud,*

terrorist financing, drug trafficking, piracy, bribery and corruption. Again, the Anti-corruption and Economic Crimes Act provides for the prevention, investigation and punishment of corruption, economic crime and related offences. The National Payment System Guidelines 2013 provide guidance to mobile payment services on the monitoring and reporting of suspected money laundering activities within their platforms. Further, the Prevention of Terrorism Act requires entities to monitor their products and services for possible use in aiding and facilitating terrorist activities. And finally, the Bribery Act requires private entities to put in place procedures appropriate to their size and to the nature of the operation for the prevention of bribery and corruption. However, the challenge is even bigger from people who carry large amounts of money in their suitcases”.

The anti-fraud, anti-money laundering and financial crime regulation known as The Proceeds of Crime and Anti Money Laundering Act 2009, which came into effect in 2010 applies to fintech (Koech, 2019). The National Payment System Guidelines 2013 guide mobile payment services on the monitoring and reporting of suspected money laundering activities within their platforms. Further, the Prevention of Terrorism Act requires entities to monitor their products and services for possible use in aiding and facilitating terrorist activities. Finally, the Bribery Act requires private entities to put procedures appropriate to their size and the nature of the operation to prevent bribery and corruption. However, the challenge is even bigger for people who carry large amounts of money in their suitcases.

The study established that Kenya Intelligence has been an asset to EAC, AU and the world. It has helped tame Al Shabab, Al Qaeda, and other allied terrorist groups. It has also been at the forefront of breaking cells involved in drug trafficking, human trafficking, cybercrime, wildlife trafficking, and maritime piracy, among many vices. Kenya's intelligence agencies have played a significant role in providing intelligence support to various regional and international organizations, including the EAC and the African Union (AU) (Diblawe, 2021).

Kenya's intelligence services have been instrumental in maintaining regional security, countering terrorism and other transnational crimes, and promoting stability in the East African region. The country is also known for its intelligence-sharing partnerships with other nations, which have helped to enhance the security of Kenya and the wider international community (Mogire & Mkutu Agade, 2011). Finally, the study found that the highest scorecard from most respondents regarding the government organizations' performance in the fight against money laundering, drug trafficking, terrorism, and motor vehicle thefts in the EAC region was 6 out of 10. The ranking of the score scorecard was; “Participant 1: 7 out of 10; Participant 2: 6 out of 10; Participant 3: 5 out of 10; Participant 4: 6 out of 10; Participant 5: 8 out of 10; Participant 6: 5 out of 10; Participant 7: 6 out of 10; Participant 8: 6 out of 10; Participant 9: 7 out of 10”

Conclusion

It is concluded that the Kenyan state (Kenya's Intelligence Community) has contributed to curbing TNOCs within the region. Governments and law enforcement agencies are actively working to combat transnational organized crimes, such as human trafficking, drug trafficking, and arms trafficking, among others. The intelligence community plays a crucial role in these

efforts by gathering and analysing information and intelligence to support investigations and operations aimed at disrupting and dismantling criminal organizations. The EAC has created the Joint Intelligence and Operations Centre (JIOC) to coordinate and share intelligence among member states and has also developed a regional action plan to enhance collaboration on counterterrorism efforts. The EAC member states have also embraced the one-stop-border-post (OSBP) policy along their land borderlines

Recommendations

It is recommended that the Kenyan state, specifically Kenya's Intelligence Community, continue to contribute to the efforts to curb Transnational Organized Crimes within the East African Community (EAC) region. The intelligence community plays a crucial role in gathering and analyzing information, identifying threats and supporting law enforcement agencies to prevent and combat TNOCs. By participating in regional efforts to tackle these crimes, Kenya can improve its own security and contribute to the EAC region's collective security. This can be achieved through increased cooperation and information sharing with other EAC member states, as well as through implementing effective and coordinated strategies to prevent and combat TNOCs. There is a need to create a Joint Intelligence and Operations Centre (JIOC) to coordinate and share intelligence among member states. It is suggested that a further study can be conducted to examine the role of regional organizations, such as the African Union and Interpol, in supporting the EAC's efforts to tackle transnational organized crimes. In addition, another study can be conducted to compare the EAC region with other regional organizations that have undergone integration and assess the impact of integration on the fight against transnational organized crimes. Besides, a study can examine the effects of regional cooperation on the effectiveness of law enforcement in combating transnational organized crime in the East African Community.

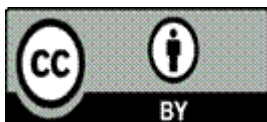
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