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Police and Legal Response to Stock Theft in Kenya and Botswana: A Comparative Analysis

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ABSTRACT

Theft of livestock is regarded as a serious crime in Kenya and Botswana. This paper explores the police response regarding cattle theft in both countries, with special emphasis on whether the laws in these jurisdictions are effective in curbing cattle rustling. The paper is based on a desk review of legal texts, data, and approaches drawn from court and police statistics. The findings suggest that despite both countries implementing initiatives such as special police units and community-policing, their responses to livestock theft differs in the two countries. Botswana's notable success stories have been achieved through the 'Kgomo Khumo' anti-stock theft unit and the use of RFID technology for livestock tracking, supported by better technological infrastructure and active community participation. In contrast, Kenya's Anti-Stock Theft Unit has faced challenges, including limited community support and cross-border militia activities. Though both countries have well-developed legal frameworks, Botswana's inclusion of customary law courts provides an enforcement mechanism that respects local culture - an aspect that is lacking in Kenya's approach. The study concludes that the success of anti-stock theft strategies depends on community engagement, the adoption of modern technology, and the integration of traditional legal systems. The paper recommends that Kenya incorporate some form of traditional law court into its legal system and work toward strengthening and harmonizing legal response across the region.

INTRODUCTION

Stock theft is a major challenge in Africa, undermining household livelihoods and national stability. In countries like Botswana and Kenya where livestock is central to both socioeconomic and social life, the crime has created enormous sociopolitical and socio-economic impacts, including monetary losses to job instability to conflict to even insecurity. These impacts are often worsened by outdated cultural practices (Gumbo, 2020).

Globally, livestock theft has risen in farming communities in the United States and in the United Kingdom, where incidents increased 24% in 2013, as farmers recorded more than 90,000 stolen livestock in a single year (Clack, 2022). This increase in livestock theft underscores the need to understand how the law enforcement and criminal justice system responds to livestock theft on a global level.

Stock theft attracts different names often based on different regions. In European usage, the act is generally referred to as "cattle raiding", whereas in Australia, it is commonly known as "cattle duffing" (Bone, 2019). In India, the stock theft is synonymous with "cattle lifting" (Singh, 2020), while in Northern and Eastern Africa is commonly known as "cattle rustling" (Aiyzhy *et al.*, 2021). From the perspectives of West Africa, especially Nigeria, stock theft has negatively affected the country's economy and, by extension, its role in the disruption of peace and tranquility. In South Africa, and more specifically the border between Lesotho and South Africa, it has led to annual losses of more than a billion Rands (Enact Africa, 2023). Maluleke (2020) explains that livestock theft poses

a serious threat to South Africa's agricultural sector, particularly in rural provinces such as Limpopo and KwaZulu-Natal, where it disrupts community livelihoods and causes estimated economic losses of up to R878 million annually

In Eastern Africa, stock theft has led to loss of lives, resources, and displacement of people (Daghar, 2021). Cattle rustling, which was seen as normal during periods of drought, has transformed into an organized crime, where stolen cattle are sold in cities' markets or butcheries. This change, driven by the increased demand for beef, makes it hard to handle this crime (Musau *et al.*, 2023). In 2008, the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) introduced a protocol to implement livestock identification systems and harmonize legislative frameworks across member states. This was only accompanied with little success because only one country, Uganda was able to ratify the protocol (Kelly, 2023). To date, the Stock theft menace remains a persistent in most countries in East African particularly Ethiopia, South Sudan and Uganda (Marigat, 2023).

The problem of stock theft has been worsened by quick sale of stolen livestock and the increase of organized crime. A case in point is the 2019 cattle raid in Kenya, which resulted in civilian casualties, highlighting the lethal risks associated with livestock theft in pastoral communities. Such incidents have increased the violence associated with livestock raiding. Similarly, Rostow notes that Botswana has also been grappling with many theft issues (Steffensmeier *et al.*, 2024). Therefore, this paper

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looks at approaches taken by the two countries in dealing with the stock theft menace, their effectiveness and recommend areas for improvement in addressing the issue.

Problem Statement

The stock theft menace is a big threat to Kenya and Botswana's economic development including social stability and food security. Despite strong police actions and laws, this issue remains critical. In Kenya, livestock theft and the resulting displacement from cattle rustling have a huge economic cost, billions of dollars (IGAD, 2022). Botswana faces repeated incidents of livestock theft, which still impacts its communities and economy (Manyeruke *et al.*, 2023). The persistence of the problem underscores the limitations of existing programs hence the need for a better or a more effective strategy.

The two countries have put in place several legislations on stock theft. For instance, in Botswana proposed and passed into law, the Stock theft Act of 1996 which facilitated stiffer penalties and prosecution (Nsereko *et al.*, 2023). Similarly, in 2023, the government of Kenya adopted the Animal and Produce Theft Bill which with a view of reducing stealing of livestock through the introduction of locally bred animals. Unfortunately, stock theft persists in the two countries, a sign that the legislations are not working.

Studies done so far tend to focus on local context. For instance, Bunei (2018) looked at reasons, forms and the challenge of stock theft. Similarly, Dambe and Fombad (2020) researched on stock theft act and local courts in Botswana. However, little or no studies have focused on comparing the two countries in terms of their police and legislative approaches. This is not only important in identifying strengths of their policies but also the social-economic motivations for livestock theft. It is against this backdrop that this paper fills the existing gap by an assessment of regulatory frameworks of Kenya and Botswana in order to provide actionable recommendations to better deal with stock theft, together with its socioeconomic effects.

Research Objectives

The study was guided by the following research objectives:

- a) To find out how the police deal with stock theft in both Botswana and Kenya.
- b) To compare the legal frameworks addressing stock theft in both countries, with emphasis on their effectiveness in prevention and prosecution.

LITERATURE REVIEW

Global Ideas on Stock Theft and Police Work

Stock theft, or cattle rustling, hurts farming and food safety all over the world. It's more than just a crime; it's a big issue causing trouble and fights in rural areas (Aiyzhy *et al.*, 2021; Mzingelwa & Mutula, 2025).. Studies say that animal theft disrupts the way of life for people in these areas, making them lose a lot and raising the chance

of being poor. For instance, the Food and Agriculture Organization (FAO) says about 30% of losses in these places are because of this theft, showing we need stronger police work to tackle this big problem (FAO, 2018).

Stock theft represents a significant threat to rural livelihoods and national agricultural productivity, yet few studies systematically evaluate the effectiveness of different policing strategies in addressing it. Most research focuses on the money loss and social impacts, but not much on how effective police actions are. This shows that more studies are needed, not just on how often it happens and the monetary effects, but also on how police units deal with these problems. Global initiatives, such as the United Nations Sustainable Development Goals, aim to reduce livestock theft, yet there is little evidence on how these strategies are applied at the local level. Worldwide studies are limited by small samples or anecdotal data, making it difficult to identify trends or assess effectiveness. Approaches that succeed in wealthier countries may not translate to regions with different social, economic, or political conditions, raising questions about the transferability of policing strategies and legal frameworks. Research should focus on locally adapted interventions and systematically examine how social and economic factors influence both livestock theft and the effectiveness of law enforcement across different contexts.

Police Strategies

Police responses to livestock theft in the literature emphasize a combination of technological tools and community engagement. Studies from developed countries such as the United States and Australia highlight the use of GPS tracking, CCTV, and specialized farm crime units to monitor livestock and respond to theft (Maluleke *et al.*, 2021). However, research also indicates that over-reliance on technology may erode community trust and reduce cooperation, as policing that lacks personal engagement can undermine intelligence sharing (Aston *et al.*, 2022). Community policing, which emphasizes local networks and proactive engagement, is consistently identified as a complementary strategy to technological interventions (Southerland, 2023). Despite these advancements, studies note persistent service gaps in rural areas, with slower response times and fewer avenues for reporting crimes compared to urban centers (Abraham & Ceccato, 2022). In Asia and the Near East, the literature underscores the role of cultural and tribal dynamics in shaping enforcement challenges. Research in Pakistan and Afghanistan suggests that livestock theft often arises from entrenched tribal feuds, limiting the applicability of conventional policing methods (Nemat *et al.*, 2022). In India, experiments with community policing are emerging, yet the literature reflects uncertainty regarding the long-term sustainability and effectiveness of these approaches (de Maillard, 2022). Overall, studies highlight that successful police-community collaboration in these contexts depends heavily on local leadership and social

structures.

Within Africa, livestock theft is widely recognized as a significant threat to rural livelihoods and national economies, with scholars emphasizing the need for legislative and policing reforms (IGAD, 2022). Literature reviews identify multiple challenges, including under-resourced units, corruption, and weak political commitment, which collectively hinder the implementation of community-based or government-led interventions (Maluleke, 2020; Southerland, 2023). Studies also note inconsistent integration of traditional justice mechanisms, such as dispute resolution by local leaders, with formal law enforcement, limiting overall effectiveness (Gondo & Kolawole, 2019).

Country-specific studies further illustrate these dynamics. In Kenya, the literature documents high-risk counties, economic losses, and relocation costs linked to livestock theft (IGAD, 2022). Research highlights that policing relies on patrols, community initiatives, and collaboration with traditional leaders, but under-resourced units and limited investigative capacity remain barriers. In Botswana, studies describe a comparatively integrated model, combining formal law enforcement with community engagement, livestock identification systems, and regional intelligence-sharing through EAPCCO. The literature suggests that Botswana's approach provides a potential model for balancing formal and informal mechanisms in African contexts.

Overall, the literature consistently underscores that while technology can enhance policing efficiency, sustainable livestock theft prevention requires strong community ties, trust, and coordination between formal and traditional justice systems. Comparative studies indicate that context-specific blending of these approaches is critical, yet empirical evaluations of long-term effectiveness and scalability remain limited.

Legal Rules for Stock Theft

Legal ways to deal with stock theft are changing rapidly in different countries and are often shaped by social and money-related factors. There's a growing understanding worldwide that we need full legal plans to fight stock theft. A 2018 FAO report pointed out that good legal systems should have ways to stop theft before it happens, like getting the community involved and teaching them, not just punishing the thieves. Countries like Australia and the US have made laws that try to stop theft and address the root causes by getting the community to help (Gacinya, 2024). Still, many places find it hard to get good legal answers because they don't have enough resources or strong political support.

Research by Manyeruke (2023) reveals that even if some places make tough laws against stock theft, putting these laws into action doesn't always work well and attributes this to poor monitoring of the policing process and corruption among the officers. Clack (2024) explains that with limited data base on stock theft, it is not easy to assess effectiveness of existing laws in dealing with the

crime. So, while there are global legal plans, they don't all work the same way and need to be made to fit local needs and issues.

In Africa, stealing livestock is a big problem for people who raise animals, causing them money and social trouble. Most countries in Africa have formulated good laws and legislations to fight stock theft. However, effectiveness of these laws has always been influenced by social cultural and political context. A good case in point is South Africa's special groups formed to fight stock theft (Clark, 2022), although the effectiveness of these groups can be debated. Unresolved Issues remain, especially in places far from cities where there aren't enough resources. How people think the police can also make it hard to report crimes or work with the law.

A big problem is how old local rules and new national laws fit together. For instance, Yazew and Kassa (2023) using perspectives from customary law and social relationship practices of Afar pastorals in Nigeria, explain that in most parts of Africa, local traditions tend to dictate on how to deal with stock related crimes with some advocating from local dispute resolutions, which may not be aligned with formal legal system. Aiyzhy *et al.* (2021) disclose that although some countries are making progress in the formulation of effective legislations to tackle stock theft, they have always been held back by inadequate resources, poor political will and corruption. This highlights the need for a better mix formal and traditional laws to effectively tackle the crime

In Kenya, stealing livestock has been an ongoing issue, mostly in areas with a lot of cattle rustling. The Kenyan Penal Code sees stock theft as a big crime and has tough penalties, but these laws don't work well sometimes because of corruption and weak law enforcement (Mazuri *et al.*, 2022). A study by Gumbo (2020) reveals that historical and long-standing social issues significantly influence stock theft. The author insists that solving the crime requires more than just setting up legislative framework. Masuku and Motlalekgosi (2023) explain that community policing has become a good alternative. The authors explain that it leads to better results because the community members cooperate and trust the police, and give important leads in catching the criminals. Nevertheless, this might not be the case in the Kenyan set-up, particularly in rural areas that are resource-poor.

On the contrary, Botswana has a relatively good and balanced method of dealing with stock theft through its justice system. To that end, it has formed a specialized police unit to deal with only livestock crimes, which indicates the value it gives to targeted law enforcement (Kuwali, 2024). The country's legal system also lets local leaders help handle stock theft cases (Balkakedi, 2023). The community-oriented approach has succeeded over more centralized methods as revealed by Mouhanna *et al.* (2022), although this may be challenged due to lack of confidence in the way that the study was done. Yet, Botswana still faces many hardships, primarily those linked by the social and economic factors relating directly

to stock theft. Even with strong laws, dealing with issues like poverty and lack of schooling is key to finding lasting answers.

In general, the most effective legal system to deal with stock theft varies from one area to the other. In the African way of doing things, laws might be rendered ineffective due to issues such as corruption, inadequate resources, and clashes between traditional systems and modern laws. In Botswana and Kenya, enforcement outcomes are strongly shaped by local realities. Community cooperation or resistance determines whether formal policing gains traction (Yazew & Kassa, 2023). At the same time, poverty, livestock dependency, and limited state resources influence how laws are applied and sustained (Maluleke, 2020).

Studies from Kenya and Botswana show that the effectiveness of police and legal responses to stock theft is shaped by concrete factors such as community cooperation, poverty, livestock dependence, and limited state resources (Yazew & Kassa, 2023; Maluleke, 2020). Research has documented these pressures separately, often stressing how poverty undermines the sustainability of legal measures, or how weak cooperation limits police reach. Yet, these issues are usually treated in isolation within single-country analyses. This leaves a broader gap in comparative evidence on how integrated police, legal responses operate under such constraints.

Summary and Research Gaps

Stock theft is a serious crime that has a negative economic impact on people around the world. In developed countries like Australia and the United States, modern policing has managed to reduce theft, but there are still concerns to be mentioned regarding whether there are mechanisms in place to transfer the human dimension of police work (Clack, 2020). In Africa, stock theft is an even greater challenge. Existing systems of governance, legal systems, corruption, and political will all provide conditions for poorly conceived or unstable policies and interventions (Maluleke, 2020). It does not take long for even well-thought-out programmes to collapse when the police lack resources to embed initiatives or exercise authority. In Kenya, stock theft losses reached Ksh 6.05 billion between 2014 and 2016 alone and resettlement costs for the estimated 500,000 livestock which were displaced were projected to be Ksh 37.2 billion (IGAD, 2022). There is little reliability on the police, and perceptions of their corruptibility discourage reporting, which limits state intervention opportunity (Southerland, 2023). In addition, the role of customary justice cannot be overlooked. Customary leaders run mediation processes that end up resolving disputes before statutory courts get involved, which engenders a contradiction between customary and formal law (Yazew & Kassa, 2023). Countries like South Africa and others have laboured with community policing and policing units with mixed results (Masuku & Motlalekgosi, 2023), yet there is scant evidence regarding how these approaches

suffice in different social and political contexts. There are few studies testing long-term outcomes, the relationship between policing and socioeconomic environment, or whether a community-based intervention is sustainable. This evidence gap shows that it is necessary to undertake rigorous comparative studies to determine which approaches work and under what governance and social conditions.

MATERIALS AND METHODS

To achieve the goals of the study, we compared how police and laws tackle stock theft in Kenya and Botswana. This qualitative research was based on a detailed review of existing literature, as described by Leedy and Ormrod (2015). The study relied on secondary sourced of data including parliamentary sessions reports, existing legislations on stock theft, policy documents and government agreements. The study relied on peer-reviewed journals and prior research on stock theft and legal measures in Kenya and Botswana. This assisted in saving associated costs while ensuring comprehensive collection of information from secondary sources.

Sources were selected for their direct relevance to stock theft and legal responses in Kenya and Botswana. The review focused on studies, articles, and reports covering statutory and customary laws, police operations and specialized units, community policing, and livestock tracking technology. Each source was assessed for credibility, recency, and direct relevance to enforcement and legal outcomes. Data was organized thematically to compare effectiveness, challenges, and policy implications across the two countries. Snyder (2019) notes that secondary data can be used effectively when procedures mirror or those in primary research, allowing assessment of stock theft under different legal systems.

This paper adhered to strict ethical procedures and guidelines. For instance, all sources used in this study are well acknowledged to avoid plagiarism and misrepresentation. Government reports and scholarly work are cited appropriately to enhance reliability and transparency of the study. Although the use of secondary data reduced the need to seek approval from participants to ensure confidentiality, were addressed potential issues associated with this approach such as outdated or incomplete records (Ruggiano & Perry, 2019) by focusing on reliable and respected sources. Despite some limitations, this research offers valuable insights into the laws and law enforcement strategies for fighting stock theft in both countries, and a comprehensive understanding of the legal and cultural factors affecting livestock protection.

RESULTS AND DISCUSSION

Police Strategies in Kenya and Botswana

In Kenya and Botswana, specialized police units have been an important approach to combating stock theft. A notable case is “Kgommo Khumo”, a specialized unit formed in Botswana, to deal with the increased stock

theft cases. The officers train on skill enhancement in investigations and responding to threats. This unit was expanded in 2022/23, adding 1,000 officers to enhance police presence in rural areas for the purpose of dismantling theft groups, especially within the southern region of Botswana. Kgomo Khumo has been very inspirational because a large number of outputs from arrests to convictions has already been witnessed under him. This indicates that focused police work, in conjunction with communities, works quite well. However, the success of this initiative would depend on continuous community support as well as regular checks of unit performance to respond to new challenges within Botswana's overall strategy for crime prevention. In Kenya, the Anti-Stock Theft Unit (ASTU), established in 1965, operates alongside the General Service Unit (GSU) and other security agencies under the National Police Service Act (2011). Despite clear mandates and operational frameworks, ASTU faces persistent challenges, including community mistrust, perceived biases, and the complicating presence of cross-border militias. These limitations underscore that specialized units alone cannot fully address the multifaceted problem of stock theft without sustained local cooperation and regional intelligence-sharing.

Community policing complements specialized units by fostering collaboration between citizens and law enforcement (Dumbe, 2020). In Botswana, neighborhood groups focused on stock theft have positioned the country as a regional leader in community-based crime prevention (Mashaka *et al.*, 2024). Kenya adopted the approach in 2005 via the Nyumba Kumi initiative, initially targeting urban crime-prone areas like Kibera, Mombasa, and Kisumu, before gradually extending to pastoralist communities (Musau *et al.*, 2023; Marigat, 2023). Yet both countries face major challenges. Distrust between police and citizens, weak legal frameworks, negative perceptions, and resource constraints limit effectiveness (Mwaura, 2014). In Kenya, empirical evidence on community policing's impact on stock theft is scarce, as Okwoyo (2022) highlights, leaving a critical gap in understanding how local involvement could strengthen prevention. Without addressing these trust and resource deficits, community policing risks remaining symbolic rather than substantive.

Technology offers another layer of intervention but exposes stark contrasts between Botswana and Kenya. Botswana's Livestock Identification Trace-back System (LITS), launched in 2001, uses RFID and rumen boluses to track individual animals and maintain central databases in Gaborone (Kampan *et al.*, 2022). This system has demonstrably reduced cattle rustling and protected export markets. Kenya, by contrast, struggles with fragmented, outdated technology despite Ksh. 200 million allocated for livestock tagging in 2010, relying on terrestrial tracking rather than modern air-enabled systems (Marigat, 2023; Chepyegon, 2023). The lack of robust technology means stolen livestock often cannot be traced, allowing rustling

networks to persist unchecked. Without substantial investment and technical capacity, technology risks being underutilized or mismanaged, undermining its potential to reduce crime.

Disarmament has been central to Kenya's anti-stock theft strategy, especially in northern pastoralist areas where raids are often armed (McDonnell, 2020; Marigat, 2023). Programs have oscillated between forceful and voluntary approaches, with voluntary disarmament involving local leaders showing better compliance. Forced disarmament often provokes resistance, illustrating the limits of coercive measures in culturally armed communities. Botswana has not prioritized disarmament for stock theft, instead emphasizing technology and community engagement. This contrast underscores that interventions cannot be transplanted without adapting to local socio-political and cultural realities. Attempts to enforce disarmament without deep community buy-in risk undermining trust and provoking further conflict, rather than increasing security.

Parallel proceedings and investigations represent an advanced approach, exemplified by Botswana's use of Act No. 29 of 2014, which targets not just theft but the financial networks supporting rustling (Leslie, 2024). Confiscation of illicit profits and revocation of trade licenses disrupts the economic incentives for crime and engages businesses and communities in enforcement. Kenya has yet to implement such comprehensive parallel strategies, missing an opportunity to target the root causes of stock theft beyond the immediate act. Without attacking the underlying financial and logistical networks, law enforcement may repeatedly confront the same actors, rendering conventional arrests and prosecutions only partially effective. Effective deployment of parallel proceedings requires substantial investigative capacity, inter-agency coordination, and sustained political will, factors that, if neglected, can limit success and allow organized rustling networks to continue operating.

Legal Approaches to Stock Theft in Botswana and Kenya

Botswana and Kenya have both established formal legal frameworks to combat stock theft, but enforcement remains a persistent challenge. In Botswana, the Stock Theft Act imposes heavy penalties, 5 to 12 years for first-time offenders and 7 to 15 years for repeat offenders (Ben *et al.*, 2018). In practice, however, fragmented ranching and difficulties in proving ownership severely limit the effectiveness of these laws (Werbner & Werbner, 2020). Kenya has similarly strict legislation, updated in 2012 and 2021, prescribing a minimum of 15 years' imprisonment for offenders, yet livestock theft continues at high levels (Chepyegon, 2023). These patterns suggest that penalties alone do not address the underlying economic, social, and enforcement constraints that perpetuate theft, highlighting a gap between legal theory and operational realities.

Customary courts further expose the limitations of

existing legal approaches. Botswana's Kgotla system, established in 1934, is accessible, inexpensive, and culturally grounded, emphasizing compensation over punitive measures (Werbner & Werbner, 2020). While this builds community trust, the system is inadequate for serious crimes such as stock theft due to weak legal protections and lack of trained personnel. Experts recommend transferring such cases to Magistrate Courts to ensure fairness and proper adjudication. Kenya's customary law, by contrast, is largely restricted to marriage and succession matters and can be overturned by formal courts (Diala & Kangwa, 2019). This leaves stock theft cases without effective recourse in traditional legal structures, illustrating a failure to integrate cultural practices with formal law.

Together, these experiences reveal that neither formal statutes nor customary courts adequately address the complexity of stock theft. Heavy penalties are insufficient without reliable enforcement, and culturally grounded systems lack the capacity for serious crime adjudication. The situation in both countries points to the need for a combined approach that links legal frameworks with proactive policing, community engagement, and cross-border cooperation. Even then, challenges remain: fragmented ranching, ownership disputes, limited resources, and mistrust between authorities and communities could undermine any strategy. Any reform must account for these practical barriers, or risk producing another layer of ineffective legislation that fails to reduce theft or protect vulnerable rural livelihoods.

CONCLUSION

The study was conducted with the aim of comparing the legal framework on stock theft in Botswana and Kenya. It was found that whereas Botswana and Kenya have laws against stock theft, these stock theft laws were inherently ineffective with Kenya following the reactive approach and Botswana following the proactive. Customary laws, on the other hand, operate differently, being recognized and incorporated into Botswana's legal system but almost absent from Kenyan courts. Yet, stock theft cannot be addressed by laws alone. Both countries have set up specialized police units (Kgomo Khumo in Botswana and ASTU in Kenya), community policing programs, and technological interventions such as LITS in Botswana. All these show that mere legislation, although important, is not enough if it is not combined with enforcement, community collaboration, and technology.

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