

**IMPLICATIONS OF BORDER SECURITY  
MANAGEMENT DYNAMICS ON NATIONAL  
SECURITY AT MOYALE ONE STOP  
BORDER POST -KENYA**

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degree of Master of Science in Governance Peace and Security of the Department of  
Governance Peace and Security Studies, School of Humanities and Social Sciences  
of Africa Nazarene University**

**APRIL 2022**

**DECLARATION**

I declare that this thesis is the result of my own work and any information obtained from other sources has been duly acknowledged and that it has not been presented either in part or in full to any other university or institution of higher learning.



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**DEDICATION**

To my wife, better half and friend Mary, my children Alicia, Barbara, Douglas and Edna for your understanding and patience with my frequent travels away from home.

## **ACKNOWLEDGEMENT**

I am most grateful to God and the larger ANU family with special thanks to Dr Okuto, the chair of Governance, Peace and Security department for her encouragement whenever I faltered in the course of the program. A special mention to my supervisors, Dr Simon Muthomi and Dr Joseph Mutungi for steady support and guidance; they have always been on my speed dial throughout the writing process. Further gratitude is to my classmates for providing a forum to discuss pertinent issues in a logical approach, my employer for providing an enabling environment for the program, my research assistants for their untiring effort and lastly my spouse Mary whose encouragement has been persistent. I would not have done it without all of you. Your support and assistance will always be appreciated.

## ABSTRACT

Border security management practices adopted by states vary, depending on the ever evolving international system characterized by increased legal and illegal movement of people and goods. The illegal movement of both people and goods across borders has been of concern. The purpose of this study was to examine the implications of the border security management on Kenya's national security. Specifically, the study assesses the effectiveness of measures adopted by Kenya's border security management actors at Moyale land post in enhancing national security, evaluates the existing legal and policy border security management framework in enhancing Kenya's national security, examines select socio cultural aspects at play and seeks to determine the challenges that border security management actors at Moyale land post may contend with in their efforts to enhance Kenya's national security. Based on the realism and Regional Security Complex theories, the study adopted a descriptive research design, mixing both quantitative and qualitative approaches to data collection. The study targeted a total of 493 respondents out of which a sample of 220 was obtained using Yamane Formula. The respondents were sampled, using purposive, stratified and simple random sampling methods. Primary data was collected using both questionnaires and Key Informant Interview (KII) guide. Reliability was ensured using the test-retest method while face and content validity were ensured through consultations with supervisors. The collected quantitative data was analysed using descriptive statistics and presented in tables and figures while qualitative data was organized into themes for analysis and reported through narratives and verbatim. The study established that despite the increased revenues and a reduction in insecurity incidents within the territory of Kenya as reported by 64% and 79% of the respondents respectively, incidents of insecurity continued to occur. This points to gaps in the enforcement process, attributable to the absence of a functioning border management committee. The study also established that about a third of the respondents or 27.4% had little knowledge of the specific laws governing border security management, thereby making their enforcement mandate a challenge. The situation is compounded by low levels of education among the respondents as indicated by 34.7 % and 28.9 % who had O-level and certificate levels respectively hence inability to comprehend applicable law. Lack of cooperation from the local community in providing information on illegal immigrants living among the community due to cross border family ties whose social capital superseded their nationality was found to imperil national security. This was illustrated by 34 % of the respondents who strongly agreed. The study recommends that the border security management committee be activated in practice with clear terms of reference and standard operating procedures to ensure that all border security agencies operate within a multi-agency framework in the execution of their mandate. Further, the national and county governments should collaborate in implementing the AUBP's third pillar of community development in order to incentivize the border community to own the border security management initiative through deliberate effort such as apportioning a fraction of the revenue generated at the OSBP to the local community via quick impact projects in order to hasten the community's buy-in of the border security management program. Finally, the study recommends the border management actors to benchmark with well-established OSBPs elsewhere to borrow best practices.

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## OPERATIONALIZATION OF TERMS

For the purposes of this study, the terms below will apply in the context defined against each.

<b>Border Community</b>	The community inhabiting the borderlands often affected by how border management is exercised hence have an interest in management of the border.
<b>Border Control</b>	Activities executed at the crossing point of two neighbouring countries by appointed agents to facilitate those persons and goods that want to cross into or out of one country to another and consists of checks, screening of persons and their registration.
<b>Border Management</b>	The activities, procedures and regulations put in place to manage the movement of persons and goods across international borders often executed by appointed persons working under various border agencies.
<b>Border Security</b>	Border security is a situational awareness of the border that thwarts the ability of the criminally inclined elements to operate by reducing the vulnerability of the uncontrolled border hence minimize risk to the economic vitality of the nation through ensuring that persons and goods that enter the country do so legally.
<b>Borderland</b>	An area proximal to an international boundary of two neighbouring Countries.

<b>Economic Security</b>	This is a concept that espouses the basic social security illustrated by access to basic needs including infrastructure, education, health, information, social protection, dwelling and employment.
<b>Immigration Policy</b>	A policy guiding the entry of both citizens and non-citizens into the territory of state.
<b>Integrated Border Management (IBM)</b>	IBM is a concept that pursues a strategy of reinforcement of the security rationale at territorial borders coupled with a global approach on migration in order to ensure effective protection of borders. This is done by considering five dimensions namely; first, border control through checks and surveillance, secondly, detection and investigation of cross border crime through the cooperation of all relevant agencies; thirdly, use of the four tier filter control model which includes measures in third countries of origin, neighbouring countries, and control of movement within the country; fourth, ensuring interagency cooperation in border management including border guards, customs and police, and other relevant authorities and fifth; coordination and coherence at the national and transnational level.
<b>Land Entry Point</b>	An officially designated point of entry/exit at the international border of a country.
<b>National Security</b>	For purposes of this study, National security is conceptualized as the mix of physical, and economic security of the country with the physical dimension referring to the country's power to

control its sovereignty and destiny through control of the extent to which external forces can harm the country.

- One Stop Border Point (OSBP)** The OSBP is concept of border land entry point that enables goods and people crossing a border to stop only once in the country of entry where they undergo necessary regulatory controls under applicable regional and national laws to exit the adjoining state and enter the host state. The concept is a bilateral whole of government approach that avails a complete system, where travelers and cargo go through border crossing exit and entry formalities only once in the country of entry.
- Pushing Out Borders** A concept that entails the acquisition of information and details of passengers and goods at the point of origin in a third country or transit point prior to their arrival at the destination country's entry point.

**ABBREVIATIONS AND ACRONYMS**

<b>AfDB:</b>	African Development Bank
<b>AU:</b>	African Union
<b>BC:</b>	Before Christ
<b>CBM:</b>	Coordinated Border Management
<b>CSDP:</b>	Common Security and Defence Policy
<b>CUSP:</b>	Canada-US Border Partnership Program
<b>ECOWAS:</b>	Economic Community of West African States
<b>ESA:</b>	Eastern and Southern Africa
<b>EU:</b>	European Union
<b>EUROPOL:</b>	European Police
<b>EUTF:</b>	European Union Task Force
<b>GDP:</b>	Gross Domestic Product
<b>IBM:</b>	Integrated Border Management
<b>ID</b>	Identification Card
<b>IOM:</b>	International Office of Migration
<b>IR:</b>	International Relations
<b>IT:</b>	Information Technology
<b>JBP:</b>	Joint Border Posts
<b>JHA:</b>	Justice and Home Affairs
<b>KEBS:</b>	Kenya Bureau of Standards
<b>KEPHIS:</b>	Kenya Plant Health Inspectorate Service
<b>KFS:</b>	Kenya Forest Service
<b>KRA:</b>	Kenya Revenue Authority
<b>KWS:</b>	Kenya Wildlife Service

<b>NAFTA:</b>	North American Free Trade Area
<b>NIS:</b>	National Intelligence Service
<b>OAU:</b>	Organisation African Union
<b>OSBP:</b>	One Stop Border Post
<b>PJC:</b>	Police and Justice Cooperation
<b>RSC:</b>	Regional Security Complex
<b>SOP:</b>	Standard Operating Procedures
<b>TOR:</b>	Terms of Reference
<b>UAV:</b>	Unmanned Aerial Vehicles
<b>UNSC:</b>	United Nations Security Council
<b>US:</b>	United States
<b>USA:</b>	United States of America
<b>USD:</b>	United States Dollar
<b>WB:</b>	World Bank
<b>WTO:</b>	World Trade Organisation

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## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Introduction**

The claim to sovereignty confers certain responsibilities and roles to the state including control of access and exit for both citizens and aliens through enactment of certain laws, rules and procedures. This calls for the management of borders at designated entry and exit points. This chapter will discuss the background to the study, statement of the problem, objectives of the study, the research questions under consideration, significance of the study, limitations, delimitations, scope, theoretical framework and the conceptual framework anchoring the study.

#### **1.2 Background of the Study**

The concept of borders goes back several centuries and Kenya's case is no different. Bellezza (2013) avers that the earliest communities that comprised hunter gatherers protected their borders without necessarily marking them out like modern society through the use of a broad no-man's land which was respected by respective communities. Each community minimised entry into the said spaces as any attempt was considered dangerous at best and fatal at worst. Territorial delimitations were by natural features such as deserts, mountain ranges and rivers as the environment played a critical role in delimiting. Borders have therefore come to express the territoriality and sovereignty of states.

While this has been the case, globalization has seen interactions among states increase. The World Trade Organization (2019) Report observes that the global trade in 2019 amounted to 24.949 Trillion USD comprising goods and related services. It is argued that all these goods, services and persons have to move and be moved from areas



of production to areas of consumption under certain trade arrangements with some destinations beyond national borders. Accordingly, the destination countries have to receive the goods, services and persons through designated entry points hence the need for border control points. Inevitably, there those in society that may seek to circumvent established entry points hence the need for cross border security management at great risk to the affected nation. The persistence and spread of terrorism in the last three decades has not made matters any easier (WTO, 2019).

Globally, the state of border security management varies depending on the prevailing situation. However, challenges abound as increased movement of people and goods across borders both legal and illegal continue to be experienced world-wide. Nevertheless, it is the illegal movement of both people and goods across borders that is of concern. Argueta (2016), Cote-Boucher, Infantino, Salter (2014) Okumu (2016), and Rosenblum (2013) observe that border security has different connotations but generally refers to control, management, monitoring and protection of borders in order to regulate movement of goods and people into and out of a given territorial jurisdiction. Border control serves a number of purposes among them imposing conditions that people must meet before crossing, ensuring that taxes and levies are paid in respect of goods being moved across borders, minimizing disease transmission by animals and plants, and elimination of illegal activities.

Further, the contemporary management of borders has been influenced by three trends namely the increased criminalization of migrants by tighter border control practices aimed at keeping out terrorists and criminal elements, the fortification of borders and tighter controls with the net effect of increased expenditure on border security with more border infrastructure, personnel and sensors being employed and finally, the externalized immigration policies in a concept whereby the responsibility

of border control is shifted to third countries. This third trend is practiced by the wealthier countries who provide financial incentives to third countries often used as transit points to curb migration.

Williams (2011) in Okumu (2016) observes that this third trend is pursued by countries that believe in the ‘... technique of upstream disruption based on the thinking that the nearer to the source, the more effective the outcome...’. Williams cites the example of Spain among other European countries that have engaged Morocco and other countries in the Maghreb in minimizing illegal migrants trying to reach the Spanish territory. As a consequence of externalized border policies, the increased movement of people and goods have resulted in a review of the border architecture to facilitate mobility while managing the associated risk that emanates from terrorism, cross border crime and illegal migration. Milner (1992) in Belleza (2013) argues that the modern state exists in a socio-spatial organization that has transformed over time due to the globalization phenomenon which increases the opportunity of breaches to national security. In cases where national security seems to be under threat due to globalization, some countries have resorted to building walls to control entry and exit (Oommen, 1995 in Belleza, 2013).

Border security efforts caught the global attention when the United States government under President Trump began the construction of a border wall along her southern border with Mexico to stem illegal entry in 2017. This was a furtherance of the heavy investments the country had made after the 9/11 experience where more than 3000 lives were lost not to mention the destruction of property. Four border management trends embraced by the US post 9/11 include; collection and sharing of a traveller’s details data, use of new technology to verify the identity of the individual,

deploying new technology to monitor physical borders, and building partnerships to realise border management goals (Collet, 2011).

Anderson (1996) in Carrera (2007) argues that border security management should be viewed as a process in order to appreciate the attendant dynamics. The European Union (EU) for instance has adopted a common border management strategy characterised by integration in a response premised on two distinct but complimentary and interrelated approaches namely; an integrated approach that covers common territorial borders while similarly having a global policy that addresses migration. One of the basis of this new approach is the EU's emphasis on the concept of an Integrated Border Management (IBM) aimed at making the EU an area of freedom, justice and security. The IBM has resulted in the Schengen border code vide Article 13 which strengthens the principle of territoriality and securitization hence enabling the EU to address the challenges posed by modernity and globalisation. While this is the case, Collet (2011) observes that EU member states retain ultimate control of their own borders by retaining the right of admission into their territories in line with the realism theory.

Elsewhere, the African continent, unlike the EU and the US-Canadian borders have less developed border security management systems. Okumu (2016), and Rosenblum (2013) observe that many of the African countries face numerous challenges in managing their borders hence affecting the territorial integrity and sovereignty of states, provide opportunity for illegal entry and exit of people and goods, and facilitate cross border criminal activity. These illegal activities compromise national security. Okumu (2016) goes on to explain that the challenges are compounded by the phenomenon of globalization which has challenged the traditional state border set up through the diffusion of technology and transformed international relations

which has been exploited to execute crimes while similarly utilising the same platforms to buy and sell goods through the cyber space.

In West Africa, Adepoju (2005) maintains that migration has been a way of life for centuries due to economic, political, demographic and related factors in a search for security. In contemporary times, intra and inter country movements remain a central feature in the region with the inhabitants who have always considered the entire region as an economic unit in which movement of people and goods took place freely. Amin (1974) in Adepoju (2005) observes that the onset of colonisation failed to take into account the local ethnic and social set ups and consequently split communities into adjacent countries. For example, on the borders between Ghana/Togo and Nigeria/Benin, frontier workers commute from - to either country to their places of employment. The onset of independence had little impact on the cross border migration as the extensive borders could not be policed effectively.

Nevertheless, national governments put in place rules and regulations to manage entry and exit. Cognisant of the need to regulate movement in the region, the treaty of the Economic Community of West African States (ECOWAS) was signed in May 1975 with Article 27 of the treaty committing to enable free movement of people, goods and capital. The right of entry, residence and establishment was agreed to but in a typical realist approach, member states reserved the right to deny admission to individuals deemed inadmissible under national laws. A major challenge for ECOWAS is the multiple memberships that the states belong to, different ideologies and political systems, and varying levels of development. Political instability and interstate border disputes have not helped matters when it comes to border security management. Matters were worsened by the conflict emanating from Liberia's civil war which spread to Sierra Leone, Guinea Conakry, Guinea Bissau, and Cote d'Ivoire. Likewise, the border

disputes between Nigeria and Cameroon over the Bakassi peninsula did not help matters. In the same vein, sporadic border disputes between Mauritania and Senegal, Togo and Ghana, and Guinea and Liberia resulted in refugee flows making border management a challenge (ibid).

The magnitude of the cross border challenges in the region were captured by no less than the United Nations Security Council (UNSC) in its report on 'Items Relating to West Africa: Cross border Issues' in the 4933<sup>rd</sup> meeting by the President of the council. In a statement, that echoed Barry Buzan's Regional Security Complex Theory, the UNSC (2004) observed that the problems in West Africa were cross border in nature and interlinked to the extent that none could be solved at the national level alone hence the need for a regional approach. The report alluded to the proliferation of small arms and light weapons, the need for disarmament, demobilization and reintegration, the challenges of mercenaries and child soldiers while cognisant of the need to observe the sovereignty of each state in order to holistically address cross border problems.

In East and Southern Africa (ESA) Barka (2012) observes that delays by customs and other border agencies costs the region 56 Million dollars annually due to delays, lack of coordination by government agencies on either side of the border, duplication of procedures hence raising the likelihood of risk and fraud, minimum integration of processes and procedures between border checkpoints on either side of the borders, shortage of Information Technology-based customs management systems resulting in use of inefficient manual procedures by officials and travellers, and where computerised systems exist, there is a challenge of incompatible platforms compounded by unreliable networks.

While the African continent has challenges at the border posts, a constant problem is the informal cross border trade. Barka (2012) maintains that the challenges

at the official border posts are catalysts for the high volumes of informal cross border trade. Informal trade comprises the trade in goods among neighboring countries that does not go through the formal customs control and accounts for 60-70 percent of the livelihoods of African households and one third of the GDP. This trade is preferred by the small traders who seek to avoid complicated regulations and procedures at the customs and the high levels of 'facilitation payments' characteristic of such locations.

Such trade pose challenges by way of weakening the formal trade while lessening government revenue such as value added tax, minimizes the potential investment in local economies, and remains invisible in official national statistics hence making forward planning and formulation of policy difficult. In the same vein, the trade presents a health and safety concern when agricultural commodities by-pass sanitary measures. Arising from the above it is evident that the cost of informal cross border trade significantly impacts the overall socio-economic development. as illustrated in the case of Uganda in 2006, where the total value of informal cross border trade to five neighboring countries was USD 231 Million, a figure equivalent to 86 percent of the formal exports to the said countries. Were such trade to pass through formal channels, its contribution to the national coffers would be substantial with a positive impact on national security. Accordingly, to address this challenges, there is need to establish an effective cross border security management system.

Kenya is no exception to these dynamics hence the need for effective measures by Kenya's border security management actors to ensure national security. This implies a review of the adequacy of current legal and policy frameworks on border security management. In the case of Moyale land entry point on the Kenya-Ethiopia border, Makokha (2020) observes that this stretch of real estate experiences smuggling and human trafficking by criminal networks in addition to other illegal activities. IOM

(2018) in Makokha (2020) estimate that approximately 20,000 people and associated illegal merchandise are smuggled through the area annually at an estimated cost of 40 Million USD which roughly translates to slightly over Ksh 4 Billion. This figure is four times the KRA cumulative revenue collection over the 2016-2020 period at slightly over Ksh 1 Billion (KRA Report, 2016-2020). Accordingly, the revenue disparity makes the case for better cross border security management. Further, cognisant of the interests of communities inhabiting the borderlands, it is imperative that the mechanism of border security management be reviewed in the context of the inhabitants' interests in order to incentivize them as partners in border security in an effort to enhance national security. Arising from the foregoing, there is a need for policy harmonisation between the two states that share the OSBP in order to ensure congruence in cross border management bearing in mind that Kenya is a member of the EAC while Ethiopia is not. Bilateral policy approach is vital for seamless cross border movement to ensure the national security of the two countries using the OSBP.

As argued by Holmes (2015), national security is a term that incorporates several concepts. First is the concept of power which is defined as '...the nation's possession of control of its sovereignty and destiny...' including '...control of the extent to which external forces can harm a country...' with available instruments of control ranging from the use of force to use of diplomacy. These instruments could include use of the defense forces, intelligence and enforcement agencies, international financial controls and diplomacy. A second term within the concept of power is military strength which refers to the capacity and capability of the nation's military which may be deployed to achieve a certain objective for coercive purposes. National security is therefore '...the safekeeping of a nation as a whole with the end state being the protection of the state and its citizens from attack and other external dangers...' in

addition to ‘...protection of a series of geopolitical, economic and other interests...’including defense, foreign and other interests (Holmes, 2015).

Meanwhile Retter et al (2020) in discussing the relationship between the economy and national security observes that there is no consensus of the definition of national security as the concept has evolved over time shaped by interpretations of international relations, trends and events in history. Nevertheless, the concept of national security broadly comprises the following core themes that are examined by policy makers when considering national security; protection, stability, safety, freedom from conflict, fear and threat. This is in addition to the values that people hold dear such as autonomy, economic welfare, physical safety and psychological well-being. This expanded version of national security is less state-centric and more human centric which in turn calls for the prevention of disruptive effects on society, critical processes and economic performance. While this is the case, human centric aspects are yet to get the full attention of the governments in its approach to addressing national security (Retter et a, 2020). To address the above aspects, there have to be measures put in place to address the administrative, legal and socio-cultural dynamics of the nation, region or locality to cater for both the external and internal factors. This is the context in which border security management in the case of Moyale OSBP should be appreciated.

### **1.3 Statement of the Problem**

The management of cross border movement of goods and persons who wish to legally enter or leave the territory of Kenya has been fraught with many challenges. These include the presence of illegal armed groups, the porous and un-demarcated nature of the borders, lack of adequate border posts, poorly equipped personnel, and marginalized communities in the borderlands. The challenges portend an existential threat to Kenya’s national security as typified by the presence of a flourishing informal



cross border trade which denies the exchequer the needed revenue for national development thereby impacting negatively on national security (Barka, 2012).

Further, such informal cross border trade has been exploited by the criminal networks to traffic arms. Such weapons have found their way into the hands of the pastoralist communities inhabiting the area who have stepped up cattle rustling. The rustling has become more daring and deadly with each mission. Consequently, a 'mini arms race' has emerged as pastoralist communities seek to arm themselves against perceived adversaries. Meantime, ethnic conflicts over resources have become more deadly as illegally acquired arms are put to use. Some communities feel fairly well equipped to confront government security agencies deployed to restore peace. Such a case in mid-2021 was in Baringo and Laikipia counties in Kenya where security agents were felled by illegally armed bandits.

Makokha (2020) writing on Kenya's border security management observes that the Kenya Ethiopia border along which the Moyale OSBP is located experiences smuggling and human trafficking by criminal networks in addition to other illegal activities. IOM (2018) estimated that approximately 20,000 people and associated illegal merchandise were being smuggled through the area annually at an estimated cost of 40 Million USD which roughly translates to slightly over Ksh 4 Billion. This figure is four times the KRA cumulative revenue collection over the 2016-2020 period at slightly over Ksh 1 Billion (KRA Report, 2016-2020). Accordingly, the revenue disparity makes the case for better cross border security management.

While in theory there is a border committee to coordinate border security actors, there is no evidence of coordinated border security management by the committee. The challenges highlighted herein elicit critical questions regarding the effectiveness of measures adopted by Kenya's border security management actors; the nature of the

legal framework under which these actors operate; and whether the challenges that border security management actors face have been adequately addressed by the government. Further, cognisant of the interests of communities inhabiting the borderlands, it is imperative that the mechanism of border security management be reviewed in the context of the inhabitants to incentivize them as partners in border security in an effort to enhance national security.

#### **1.4 Purpose of the Study**

To determine how border security management at Moyale One Stop Border Post (OSBP) impacts on Kenya's national security.

#### **1.5 Objectives of the Study**

The main objective of this research was to examine the influence of the border security management on Kenya's national security. The specific objectives of the study were to:

- i. Determine the existing measures adopted by Kenya's border security management actors in enhancing national security at the Moyale one stop border post.
- ii. Understanding the legal framework of border security management in enhancing Kenya's national security at the Moyale one stop border post.
- iii. Examine select socio-cultural dynamics that influence the interactions of the border communities and how they impact on border security management.
- iv. Document challenges facing border security management actors at the Moyale one stop border post.

#### **1.6 Research Questions**

- i. What are the existing border security management practices adopted for use in promoting national security at land border posts in Kenya, and in particular at the Moyale one stop border post?

- ii. Is the current legal framework adequate in addressing border security management practices aimed at enhancing Kenya's national security especially in the northern region?
- iii. What are some of the socio-cultural dynamics that inform the interactions of the border communities and how do they impact border security management?
- iv. What challenges do border security management actors at Moyale one stop border post contend with in their effort to enhance Kenya's national security?

### **1.7 Significance of the Study**

This study sought to identify the gaps in current border security management with a view to recommending a policy change on how it can better be undertaken in furtherance of national security. De Groot (1956) avers that significance of the study aims to make clear why the study is needed and the specific contribution the research will make to furthering academic knowledge in the field. It explains the need for the research and justifies its importance and impact in the chosen field, the contribution to new knowledge and how others will benefit from it. Overall it provides the rationale of the study, helping bring out gaps in knowledge in the research field. Additionally, it highlights areas that are poorly understood with little or no previously published literature or what topics others have previously published on that still require further work (De Groot, 1956).

This study examined the effectiveness of existing measures on border security management and their impact on Kenya's national security, sought to understand the legal framework covering border management, examined selected socio-cultural dynamics at the Moyale OSBP and finally documented the challenges prevailing with a view to informing future review. This research will further augment existing literature on the effects of an ineffective border security management system to national security.

Finally, the research will contribute to current literature and stimulate further research in border security management systems' effect to national security. This is significant to policy makers, scholars, researchers and the community keen to identify and seal gaps that have compromised border security management in the past.

### **1.8 Scope of the Study**

As observed by Simon and Goes (2013) the scope of the study refers to the parameters within which the research will be carried out and outlines the acceptable range and applicable factors within which the study will be undertaken. The research dwelt on Kenya's geographical landmass, with a specific focus on pre-selected gazetted one stop border posts. The content of the scope was limited to border security management with its implications for national security in the context of border security management, the agencies involved, infrastructure in place and the processes and procedures used in the 2020-2022 period with a view to improving their output.

### **1.9 Limitations of the Study**

According to Simon and Goes (2013), limitations are variables in a study that are out of the control of the researcher which limit the extent the research can go and could affect the outcome of the research and the conclusions drawn. Due to the inability of the researcher to travel to all the land border crossing points, data was collected from one land border post only. Moreover, the vast nature of the unmarked borders with most of the countries neighbouring Kenya could not all be covered. Accordingly, available research resource efforts were focused on one border crossing point of One Stop Border Post (OSBP) Moyale - Marsabit County Kenya as this was assumed to be representative of the rest of the authorized one stop border posts established on Kenya's borders with the neighbouring countries. Moreover, any concerns about the secrecy of information

related to border security management was cured by highlighting the benefits of the research to the border security agencies and policy makers at national level supported by the authority obtained from NACOSTI to conduct the research. Additionally, accessing Ethiopian government representatives across the international border was a limitation to the research. However this was cured by enlisting the assistance of the Kenya Defense Forces Liaison officers deployed in Ethiopian territory under bilateral arrangements between Addis Ababa and Nairobi.

### **1.10 Delimitations of the Study**

Baron (2009) in Akanle, Ademuson & Shittu (2020) maintain that delimitations of the study are boundaries a researcher sets on a study that are within the researcher's control and may include aspects such as the research questions a researcher may put across, research objectives' details, the theoretical position adopted by the researcher and the population relevant for the research. Due to the expansive nature of the unmarked borders since independence, the study limited itself to select gazetted crossing points particularly Moyale, while cognisant of the several un-gazetted land crossing points. The timelines for progressing with the research were critical in delimiting the research.

### **1.11 Assumptions of the Study**

This study assumed that all relevant border security agencies were deployed at the research site. The research further expected that all staff of the border security management agencies were conversant with the laws, policies, regulations and procedures of border security management. Finally, the study assumed that the principle of reciprocity in border security management exists between the neighbouring countries of Kenya and Ethiopia who use the Moyale OSBP.

## **1.12 Theoretical Framework**

A number of theories were used to contextualise the border security management system. In view of the fact that the border security management system operates at the border between states, it was inevitable that the relations between the states would come into play. These relations will be greatly informed by the realism theory whose main thrust is national interests that come first in the race for state survival while remaining cognisant of globalisation which has seen increased interdependence. As such, state borders out of necessity have to remain open, compelling countries to come together in regional clusters in order to address transnational challenges for their common good. This regional clustering of states effectively buys into Barry Buzan's Regional Security Complex theory that largely explains why states in a particular region come together to address common transnational challenges. Consequently, relevant theories have to be considered in order to appreciate the dynamics inherent in border security management. Some of the theories alluded to above included Realism and Barry Buzan's Regional Security Complex theories discussed hereunder.

### **1.12.1 Realism Theory**

Antunes & Camisão (2018) posit that realism is a school of thought with emphasis on the competitive and conflictual nature of international relations (IR) in which the state is the main actor. The theory of realism has origins in Thucydides' writings who penned the history of the Peloponnesian War of 431-404 BC. While IR theory did not exist in Thucydides' time, latter scholars and theorists of IR noticed similarities in the thoughts that have endured the relations between states and named the theory realism. The basics of realism are; firstly, the state is the main actor in international relations and while other actors may exist, their power is limited. This is

exemplified in the management of cross border movement of people and goods where states set the rules governing such activity due to safety and security concerns.

Secondly, the state is a unitary actor who acts in the national interest. It is argued that this is best illustrated by the existence of border control points where states determine who gains entry and who does not, and what goods are authorised entry and those that are not. Thirdly, all decision makers in a state are rational actors in pursuit of national interests in a competitive environment. It is opined that rational decision making is premised on the benefits accrued from entry and where a nation is likely to benefit most, entry is likely to be authorised and any likely losses will be stymied at the earliest opportunity for national good. Fourthly, the international system is anarchical as there is no hierarchy compelling states to be self-reliant however self-reliance has increasingly become a challenge due to globalisation hence compelling states to come together under clusters of regional economic blocs (RECs) for self-interest.

According to realism, human beings are egoistic and selfish with predictable outcomes. Since humans are organised in states, this selfishness impacts on the behaviour of states as expounded on by Nicholo Machiavelli in his works the 'The Prince' (1532). Machiavelli emphasised the promotion of national security as a leader's primary concern through power and deception. Machiavelli stated that rulers obeyed the ethics of responsibility and not the religious morality that guided the average person and must use violence when necessary to guarantee the survival of the state. This is illustrated by the deployment of agencies with kinetic capability at border areas where force may be used to prevent unauthorised entry for national security reasons. Consequently, the 'raison de tre' has compelled states to take actions in certain circumstances that fail the morality test. As argued by Atkins (2021) such an approach was demonstrated by the Hiroshima and Nagasaki bombing during World War 2 where

approximately 120,000 people were killed while tens of thousands fell ill later due to exposure to radiation.

Meantime, in the post-World War II period, Morgenthau (1948) embarked on a comprehensive theory as he believed that politics and society were governed by laws whose origin was human nature. Morgenthau drew heavily on Thucydides' and Machiavelli's thoughts and emphasised power over morality since every political action was geared to maintaining, increasing or demonstrating power. In Morgenthau's view, any political action based on morality led to weakness and could result in the destruction or domination of the state by a competitor hence, pursuit of national interest must be amoral and not encumbered by calculations of morality.

Morgenthau's thoughts were later taken up by Waltz (1979), when he sought to move the theory from the persuasive but unprovable assumptions about human nature and laid emphasis on the notion of structure through which nations based their decisions. This was based on two premises firstly, that nations were constrained by the international anarchic system in which they existed and secondly, any course of action a state pursued was based on their relative power. It is argued that nations interact based on relative power which often favours the more powerful even within the regional organisations where the more powerful will often set the pace and agenda of the region. This has been well illustrated in the West African region under ECOWAS where Nigeria has often taken the lead in regional security matters. Taking the lead enables the country to shape the cluster's agenda to the benefit of the hegemon even as the other member states tag along.

Nevertheless realism has weaknesses including the following; realism encourages the violent and confrontational world it describes consequently, most border security management systems put in place by states has a large kinetic



component to enforce the rules and regulations put in place where force can be used when necessary; that it could not explain or predict major world events such as the end of the cold war; it helps encourage leaders to behave in ways that are based on force, power and suspicion. It is therefore opined that force, power and suspicion enable states to maintain an upper hand on matters of national interest. Accordingly, the borders become an arena where these three variables play out to ensure whatever comes across is not to the detriment of the state. To ensure this, an array of security agencies are deployed. Accordingly, the theory is too pessimistic as it sees the confrontational nature of the international system as inevitable. Acknowledging that the international system is confrontational in nature is a first step to ensuring national security through use of mechanisms that minimise threats. This is where border security management comes into play.

Nevertheless, the theory focuses too much on the state as the main actor to the exclusion of other actors while ignoring international issues not linked to state survival. Indeed, the state remains the main actor and while there are many non-state actors in the international system, they operate from one or other state. To that extent, border management issues can only be best addressed by states and not non state actors. However, non-state actors wishing to influence border management would have to lobby the country they are domiciled in. Accordingly, border security management finds expression in several aspects of the realism theory.

Overall, the theory of realism offers insights about policy making by states as it provides tools for statecraft (Waltz, 1979). Arising from the above, it is evident that the theory of realism can explain international relations in the context of border security management given that states will always act in self-interest. As earlier indicated in the EU border management, although the right to entry is codified in law, individual

countries retain the right of admission for national security reasons to those inbound. Meantime, this study attempted to cure some of the weaknesses in realism theory whose main thrust on national security is state centric as practiced by Ethiopia when it comes to cross border movement in the larger Moyale area and through the OSBP, by borrowing concepts from Barry Buzan's Regional Security Complex (RSC) theory explored hereunder.

### **1.12.2 Regional Security Complex (RSC) Theory**

Cruden (2011) avers that the traditional security complex theory was propounded by Barry Buzan with emphasis on security interdependence. The interdependence accrues from the realisation that transnational threats cannot be addressed without cooperation due to the propensity of security threats moving over short distances while the capacity of individual states to project power beyond their borders is limited. Consequently, regional security complexes (RSC) bound by geographical proximity and regional dynamics emerge with a conflictual or cooperative arrangement. The RSC seeks to ensure that all the security issues of the members are addressed collectively. Therefore, the need for regional approaches to common security challenges that transcend borders has given rise to the theoretical approach for analysis of the international system using the region as a unit of analysis because proximate states have historical and geographical dynamics that compel interdependence due to security connectedness resulting in threats being felt strongly at close range (Buzan,1991).

The foregoing is the central thrust of Barry Buzan's regional Security Complex theory. Arising from the foregoing, it is apparent that transnational threats can only be addressed through coordination and cooperation of all actors in an area (Buzan,

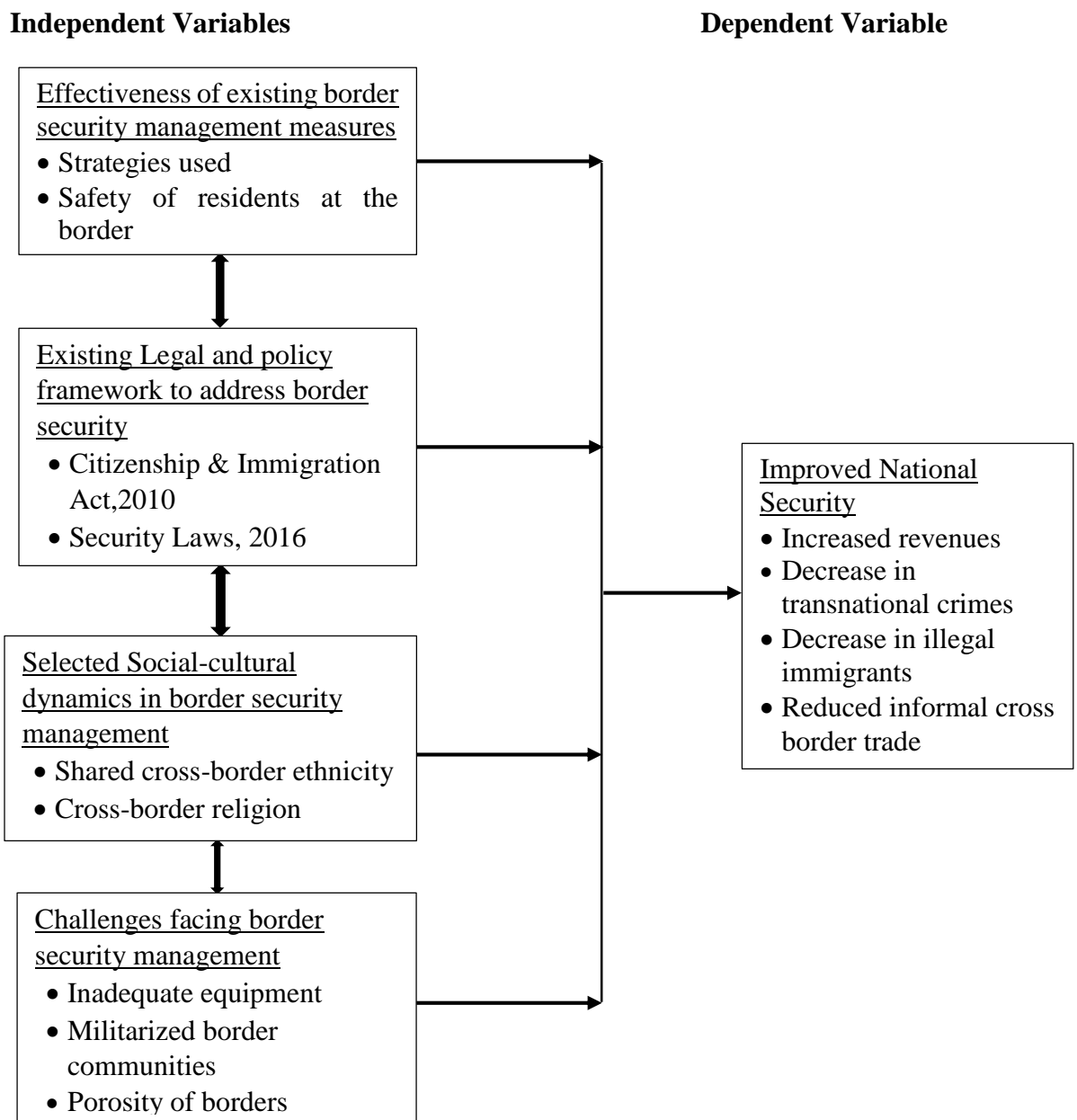
Waeber, & Wilde, 1998). This is the context in which cross border security management systems should be appreciated. Nevertheless, Buzan's Regional Security Complex (RSC) theory has gaps. The RSC theory is biased to the military-political domains and explains how that is still relevant and rightly so however, it does not take into account the changes in the security agenda especially the increased prominence of economic, societal and environmental security and the arising threats thereof, the implications of these new security threat areas and how they impact on the regional dynamics against a backdrop of declining military-political threats (Cruden, 2011). Arising from the above, it is evident that the dynamics of the border security management can be appreciated better when several theories are considered together since each has some explanation for the dynamics in the context of border security management.

### **1.13 Conceptual Framework**

Cross border security management is a framework of interdependent variables that require to be synchronised in order to realise the end state of an effective border security architecture that ensures national security of a state. Each variable has a cause and effect on the other. The framework looks at the current problem, objectives, gaps identified, and recommendations with a view to realising the end state of an effective border security management that ensures national security. An omission of any of the independent variables has a bearing on the overall effectiveness of the border security management hence impacting on the degree of national security realised. The conceptual framework is outlined in Figure 1.1.

The independent variables originate from the border security management actors' roles and how their actions impact on the dependent variable of national

security. National security if realised should be signified by increased revenue, reduced transnational crime, decreased illegal immigration, and minimum informal cross border trade. Consequently, the strategies used by the actors, safety of residents at the border, challenges arising from inadequate equipment and manning levels, the porous nature of the borders, and the legal frame work under which the actors operate have a direct bearing on the national security of Kenya. It is argued that were the independent variables at their optimum, then the end state of national security (dependent variable) would be realised and demonstrated by an optimum return in revenue and security hence national development.



**Figure 1. 1: Conceptual Framework**

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

Border security management challenges continue to confront nations globally ranging from the most developed to the least developed. A global scan reveals the steps various countries have undertaken either individually or in clusters under regional organizations to address the challenges. In Europe, a region with one of the most developed traditions of a Westphalian state system on which border security management revolves, perspectives on border management have undergone transformation from a state-centric position albeit not fully, to a gradual acceptance of the effects of globalization has called for a reset on how cross border management has to be handled. This chapter will cover review of literature including effectiveness of current border security management practices, adequacy of legal and policy framework in border security management, challenges of border security management, and the gap in the literature.

#### **2.2 Review of Literature**

This review is based on previous studies undertaken in various parts of the world including Western Europe, the North American sub-continent, West, East and Southern Africa and nationally in Kenya. The studies will be reviewed under the objectives earlier outlined.

##### **2.2.1 Effectiveness of Existing Border Security Management Practices**

In Western Europe, Carrera (2007) avers that due to the challenges arising from illegal immigration, human trafficking, and contraband among other transnational challenges, the European Union (EU) has had to develop a strategy to address the

problem emanating from the common external borders by maximizing the capacities of the agencies responsible for external borders of member states under the framework of FRONTEX. FRONTEX is an institution of the EU that seeks to implement an integrated border management (IBM) strategy that leverages ‘...a tiered response covering all the dimensions relevant to migration, with particular attention to irregular mobility and trafficking by third-country nationals...’. The FRONTEX concept is premised on enhancing security at the EU external borders through application of coercive measures and use of technology, to ensure that the EU is an ‘...area of freedom, security and justice for all...’. Conceptually, FRONTEX seeks to externalize borders by expanding control beyond the EU to third countries that are considered the source of illegal immigrants such as Africa (Carrera, 2007). All these measures can be appreciated in the context of realism and Barry Buzan’s regional security complex (RSC) theories alluded to in the preceding chapter which attempt to explain the dynamics of the border environment at an individual, state and regional levels. The measures are further anchored on three components as part of IBM namely; a common corpus of legislation, operational cooperation among EU members under the framework of FRONTEX, and the principle of solidarity.

Meantime, Carrera (2007) points out that the concept of FRONTEX entails coordination of intelligence driven operations after a threat assessment and analysis to determine routes, root causes, modus operandi, patterns of irregular movements, conditions of the countries of transit, statistics of irregular flows and displacement, contraband, human trafficking and the fight against terrorism among others to enable appropriate responses. For effectiveness, FRONTEX cooperates with other entities such as Europol, the European Anti-Fraud Office, the Police Chief’s Task Force and

Interpol as well as other actors at community level responsible for customs, veterinary and other controls at the external borders (Carrera, 2007).

In the case of Africa, the issue of border security management finally caught the attention of the African Union when the continental body put forth a strategy under the African Union Border Program (AUBP, 2012) to manage the challenges of borders in Africa. The strategy is a 'de rigueur' instrument or custom put forth to improve border security management in an effort to enhance movement of goods and persons across borders on the continent hence improve regional cooperation and integration. The need for the strategy arose following the realization that most African countries had not secured their borders sufficiently to ensure national security. A declaration in 2010 by the AU on the need to accelerate and implement a border program called for a strategy. Accordingly, the strategy was developed around three pillars namely; cooperation and coordination; capacity building; and community development. The first pillar of coordination and cooperation lays emphasis on collaboration at all levels by border security management actors similar to the EUs integrated border management (IBM) approach under the FRONTEX framework. The second pillar of capacity building focuses on training, institutional reforms, and adoption of technology while the third pillar recognizes the vital role of the border communities and advocates for their inclusion in any border security management plans. Actualizing the three pillars would enable the border security management actors enhance their efficiency and effectiveness thereby realizing national security (AUBP, 2012).

The strategy serves two main purposes firstly, prevention and elimination of cross border crime including illegal trafficking of weapons, drugs, people, illegal migration, terrorism, insurgency, and cattle rustling among others. The second purpose is the facilitation of legal movement of goods and people failure to which insecurity at



the border would see legitimate trade stifled with a spike in illegal activity. This would in turn deny the government and local community the economic benefits. Ultimately, this impacts on national security.

Elsewhere, Karkare et al (2021) observe that a substantial part of intra African trade is small scale, informal, unrecorded and cross border in character arguing that the visible aspects of informal cross border trade that hinders formalization is just a tip of the iceberg due to the less visible but critical factors and relationships that keep the trade going. Karkare et al (2021) therefore surmises that while capacity building and simplification of complex border procedures will alter the current dynamics of informal cross border trade to a certain extent, they are unlikely to substantially change the character of the trade due to deep rooted relational structures. Consequently, border specific approaches are recommended due to the unique dynamics of each border area or point. For instance, apart from time and cost factors, information and capacity to adhere to border procedures, informal cross border trade is also motivated by concern for social capital and networks in addition to negative perceptions of state regulation of cross border movement. This is the case especially where the border community has a common ethnicity and straddle the borders of more than one country.

Conversely, the regulation by the state is informed by revenue, health risks from traded goods, and security concerns for overall economic development while local concerns are informed by the social capital and networks in existence. Meantime the border agencies' operatives charged with implementing national policies have to balance their mandate with local social realities which results in '...an idiosyncratic interaction...' between the agencies and the local community. Consequently, Karkare et al (2021) argues that although several formal policy frameworks exist at the continental and regional level under regional economic blocs, informal cross border

trade is unlikely to decline and observes that the restriction on movement due to Covid-19 pandemic even served to ‘...create more dynamics in some places to support cooperation among informal traders...’ This therefore calls for policies and approaches on cross border management that are specific to each border area.

### **2.2.2 Adequacy of Legal and Policy Framework in Border Security Management**

Tholen (2010) observes that the intensified border control measures were triggered by the 9/11 events as nations moved to improve security and combat terrorism. Nevertheless, Polner (2019) observes that globalization has prompted policy makers to realize the need to accelerate trans-border regulatory reforms to keep up with increased volumes in order to remove unnecessary barriers to trade and the travelling public hence the call for coordinated border management (CBM).

As a concept, CBM envisages improved efficiency and effectiveness through greater coordination between border agencies. The CBM concept seeks to ensure increased joint patrol teams, joint risk management, coupled with information exchange at border points that are safe and efficient. This is vital in view of what O’Dowd (2002) in Polner (2019) has referred to as borders being ‘...places of economic and political opportunity for nations and states as well as for a host of other interest groups and agencies both legal and illegal...’

Within the EU, FRONTEX as an institution for border security management has not been without challenges as outlined by Carrera (2007) thus: first; while FRONTEX as an institution was established to prevent illegal entry and trafficking into EU at the external borders, countries affected within the EU have had to institute bilateral arrangements with third countries to deal with the problem as the experience of Spain with some African countries has shown when dealing with illegal migrants through the

canary islands. Secondly, such bilateral agreements are highly politicized and take long to conclude due to varying demands with contents of the agreements kept secret, hence making likely policy alignments with other EU member countries and third countries difficult. This effectively obscures the principles of democratic scrutiny and transparency at the national and European levels; thirdly competition among agencies involved in the border management affect efficiency due to ‘turf wars’ among agencies involved; fourthly, FRONTEX has resorted to externalization of the EU borders by preventing mobility of third country nationals thereby bringing the concept’s legality into question especially where the principle of ‘non refoulement’ in respect of the Geneva Convention on the status of refugees of 1951 is concerned. This, in effect makes it difficult to distinguish between those persons in need of international protection from the rest due to lack of state jurisdiction to such persons as borders are externalized. As a consequence, applicable international law is breached including the EU law on asylum. Finally, due to the externalized nature of the EU borders through FRONTEX, the Schengen Borders Code and the guarantees presented therein do not apply because controls to prevent arrivals under FRONTEX fall outside the Schengen Borders Code and its Art. 13.3 which provides persons denied entry the right to appeal.

At the policy level, Carrera (2007) observes that the EU IBM pursues a twin strategy of a reinforcement of the security rationale at common EU external territorial borders coupled with a global approach on migration in order to ensure effective protection of external borders. This is done by considering five dimensions namely; first, border control through checks and surveillance, secondly, detection and investigation of cross border crime through the cooperation of all relevant agencies; thirdly, use of the four tier filter control model which includes measures in third countries of origin, neighbouring countries, measures at the borders of EU members

and control of movement within EU members; fourth, ensuring interagency cooperation in border management to include border guards, customs and police, national security and other relevant authorities and fifth; coordination and coherence at the national and transnational level. Effecting these five dimensions requires coordinated policing, exchange of information, and management of risk and threats to border security (Carrera, 2007).

The common EU legislation has resulted in the adoption of the Schengen borders code that compel the European parliament to be involved in decision making and ensuring that there is a wider set of guarantees and rights of an individual before being refused entry into the EU including the right to appeal. As argued by Carrera (2007), the FRONTEX approach gives prominence to the border as a dividing line within the context of realism theory although emphasis is also on EU security in an effort to deal with the dilemma of globalization in the context Barry Buzan's regional security complex (RSC) theory.

It can therefore be argued that a strengthened EU border management strategy within the framework of FRONTEX entails a policy approach that espouses an integrated border management of the EU external borders and a global approach to migration. While it is a significant step in cross border management in the context of the regional security complex theory (RSC) of Barry Buzan, the approach remains over politicized with individual countries that are most affected taking on more responsibility unilaterally in line with the realist theory of state sovereignty as illustrated by the Spanish response to the migrant problem in the Canary Islands (Carrera, 2007).

Meantime, as earlier indicated, the operations of FRONTEX in EU are anchored in a corpus of legislation. Karioth (n.d) outlines the legislative steps taken to ensure

proper border security management including: the Schengen treaty that abolishes the borders between EU member countries, the treaty of Amsterdam that incorporated the Schengen Treaty into the legal system of the EU, including exceptions such as applicable transitional period, the treaty of Nice that addresses issues like Common Security and Defense Policy (CSDP) on border issues, the Justice and Home Affairs (JHA) sector, and Police and Justice Cooperation in Criminal Matters (PJC), the treaty of Lisbon that saw the establishment of the EU foreign minister's post for global coordination of the border issues, the Hague program of 2004 whose focus is on human rights in counter terrorism efforts, proper management of migration flows, a common EU procedure for asylum seekers, and an integrated protection of the external borders of the EU while encouraging data protection and information exchange in the fight against organized crime; the Stockholm program of 2009 that outlines the European security and defense policy which mainly deals with internal and public security issues, migration policy, combatting organized crime such as human trafficking and human smuggling, in addition to matters asylum and immigration. FRONTEX's operations are anchored in the European Council regulation 2007/2004 which ensures control of borders through operational cooperation, risk analysis and exchange of information however, member states exercise aspects of sovereignty internally by retaining the right to deny or authorize admission.

According to Bigo (2009), from a policy and legal point of view, the principle of free movement in the EU is enshrined in the treaty of Rome that established the European Economic Community that came into force in 1958, covering all citizens of the EU member countries and third country nationals who legally live in the EU. This principle effectively demarcated EU borders into internal and external where the former refers to borders between EU countries while the latter refers to borders between the

EU and non EU countries. The mechanism for cross border movement whether internal or external are codified in the Schengen agreement of 1995 that provided for elimination of controls within the EU while reinforcing controls at the EU external borders. While the principle of free movement within the EU looks simple as anchored in the Schengen code, it has been difficult to effect in practice due to increased legislative effort at the individual country and the EU parliament, legal uncertainty arising from the type of law applicable in a given case, and ambiguous procedures that give enforcement agencies a wide latitude exacerbated by a lack of effective implementation of policy decisions. Further, while national sentiments to limit immigration has been high, the market economy has compelled the borders to remain open to capital, services and goods in order for them to remain viable. The Council of the EU (2006) in Bigo (2009) also observes that the union has had to focus on state security after the 9/11 terror attack in the USA which resulted in calls for an integrated border management where all EU members have a common interest stemming from the Schengen arrangement.

Meanwhile, the North American continent is no different with systems put in place to manage the borders between Canada and the United States on one hand and between Mexico and the United States on the other. Management of the borders in the North American sub-continent has been anchored in agreements and legislation backed by funding to put in place robust cross border mechanisms and infrastructure to manage the flow of goods and persons.

Segghetti (2004) avers that three countries, the USA, Mexico and Canada have taken a keen interest in cross border mobility with emphasis on striking a balance between border security and facilitation of cross border travel and commerce. In the case of the US, congress has taken steps to improve border facility infrastructure and

manpower including patrol agents and inspectors in addition to upgrading the equipment in use. These measures were taken in the wake of the September 11 terror attack that brought to the fore the evolving nature of threats to national security after massive loss in lives and property following the terror attack in which more than 3000 people lost their lives and property worth billions destroyed.

Legislative measures to ensure proper cross border movement covered areas such as joint intelligence sharing, joint use of technology in fingerprint data and passport readers, off-site pre-inspection and pre-clearance areas for cargo, improving infrastructure at the border and ports of entry, and availing an easier cross border movement procedure for low risk frequent travelers. The stepped up measures at the border is meant to minimize ease of entry for illegals and criminals who pose a threat to the nation. The legislative measures that strengthened border security are outlined in the PARTRiot Act (P.L. 107-56) that authorized the tripling of border patrol and immigration personnel in addition to improvement in technology. In an illustration of the importance of border security to national security, between 2002-2005, there was an additional allocation of 586.66 million USD to cater for manpower and equipment with an annual authorized funding increase pegged at 20 % annually to address the increased volume of travelers and commerce. Further, there was a legislative provision for funding and testing of advanced technologies for border surveillance such as sensors, videos and Unmanned Aerial Vehicles (UAV). This provides an opportunity to the border security agencies to commission new technology relevant to border security management as it emerges while keeping abreast with current technology as a consequence of the 'raison de tre'. The legislation also authorizes coordination among state, federal and trans-border security agencies. Other measures introduced include use of biometrics and smart passports (Seghetti,2004).

All these measures between the USA and Canada have been firmed up in what Seghetti (2004) calls the 'the smart border accord' that is a derivative of policy guidance on issues ranging from coordination of law enforcement operations at the international borders, sharing of intelligence, improvement of infrastructure, improvement of compatible immigration data base systems, coordination of visa policy, common biometric identifiers, air passengers pre-screening, and improved processing of refugees and asylum seekers. Further, the two countries have established a mechanism for addressing border communities' concerns peculiar to the border lands under the Canada-US Border Partnership program (CUSP). The policy congruence between the two countries has seen establishment of integrated border enforcement teams, shared facilities, and pre-inspections of cargo. Nevertheless, the USA and Canada have begun considering the concept of North American Security Perimeter with the objective of 'pushing out the borders' similar to the concept of the EU FRONTEX so that movement of people and cargo is made easier while ensuring security of the destination countries (Seghetti, 2004)

It is opined that the foregoing is an approach that other regions and countries under regional bodies can adopt to address cross border security management in the context of Regional Security Complexes (RSC) as argued by Barry Buzan. Tholen (2010) concurs with Seghetti (2004), observing that recent decades have seen a new approach to regulation of migration and border control in the Americas, Europe and Australia as other regions play catch up. While the focus is still on physical crossing of territories, more attention is paid to the entire process ranging from the ticketing, airline reservations to monitoring individuals at their destinations. This results in a 'multiplication of borders' as there are several tiers of control established both in the country and in third and transit countries (Tholen, 2010).



In the case of Africa, the strategy for enhancing border management as per the African Union Border Program (2012) draws its legitimacy from several agreements, conventions and resolutions including the following; the Constitutive Act of the African Union (CAAU), the OAU's resolution CM/Res1069 XLIV on peace and security in Africa (1986), the memorandum of understanding on security, stability, development and cooperation in Africa (CSSDCA, 2002), the decision (Assembly/AU/Dec.145 (VIII) of the 8<sup>th</sup> ordinary session of the heads of state and government of the African Union (2007), the AUBP Declaration of 2007 that gave rise to the AU border security and management strategy, and the 2010 declaration that called for the African countries to strengthen cross border cooperation in order to combat cross border threats (AUBP, 2012).

It is argued that the above agreements, resolutions and conventions together with the treaties of Regional Economic Communities (RECs) such as EAC, ECOWAS and SADC discussed elsewhere in this study provides a corpus of legal instruments designed to enhance border security management among African countries. While there is no shortage of legal instruments to manage cross border security management, Herbert (2020) observes that borders in Africa have come to be viewed by most governments as places of vulnerability and threat hence their penchant for stepping up security. Further, although border security varies a great deal from other security situations, most border security plans are rarely tailored to meet local border security requirements. Moreover, the borders have communities who inhabit the areas and whose interaction is transnational hence contributing to stability or lack thereof. Additionally, the security architecture of the border areas is generally characterized '...by security pluralism with many different law enforcement agencies reporting to different ministries, often with overlapping mandates...' hence posing a challenge to a

coherent enforcement mechanism. Nevertheless, cross border engagement by border actors cannot be avoided by agencies of neighbouring countries. This is because they impact on the national security outcomes of affected states. Arguably, collaboration and coordination among affected countries is ideal for mutual benefit (Herbert, 2020).

Gerstein et al (2018) concurs with Herbert (2020) maintaining that border security management requires a balance between security and the licit movement of people and goods. The said balance varies according to perceived risks, threats and vulnerabilities in a given border area and may require collaboration and coordination domestically and transnationally. Further, generalizing all international border areas is not advisable due to the uniqueness of each border environment. A possible common factor is the likelihood of border communities having more in common due to ethnicity and social linkages than the countries they belong to. Consequently, any border security management frameworks have to factor cross border ethnicity in their approach (Gerstein et al, 2018)

In the West African region, measures have been put in place under the ECOWAS Treaty (1975) and revised (1993) in Cotonou, Benin. The treaty was mooted to address border challenges in order to reduce the cost of transactions, increase intra-regional trade, while enhancing the competitiveness of the exports. The treaty Articles anchoring the cross border management are to be found in Chapters VII, Articles 32-34 that lays out co-operation in transport, communications and tourism ; Chapter VIII, Articles 35-53 that outlines co-operation in trade, customs, taxation, statistics, money and payments, Chapter X, Articles 56-59 that dwells on Co-operation in Political, Judicial and Legal Affairs, Regional Security and Immigration and Chapter XVIII Article 79 that outlines relations between the community and other regional economic communities (ECOWAS Treaty, 1993).

Clearly, there is an adequate and applicable legal framework to manage various aspects of cross border movement. The anticipated net effect is a positive impact on national security as more resources can be availed for other priority areas. To ensure smooth border crossings, ECOWAS has taken steps to collectively harmonize customs procedures by the establishment of One Stop Border Posts (OSBP) or Joint Border Posts (JBP) on land in several locations with at least four OSBPs having been constructed on the borders between Benin and Nigeria (Krake Plage), Niger and Benin (Malanville), Togo and Ghana (Akuna-Noepe), and Togo and Burkina Faso (Cinkansé).

These border posts should gradually be increased to cover all the major transport corridors and crossing points in order to improve border security management at the 13 official crossing points in the region. The completion of the joint Border Posts will result in better service and quicker regional transportation, reduced waiting time at the border points, improved security for freight and passengers, faster flow of exchanges, and greater volumes of trade, harmonized procedures for control and increased revenue (ECOWAS Treaty, 1993).

Elsewhere, in the East African region, People (2011) avers that the EAC Treaty established under Article 2 of the treaty for the establishment of the EAC came into force in 2000. Further, under Article 5(2) of the treaty, the member states comprising Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda ‘...undertook to establish a customs union, a common market, subsequently a monetary union and ultimately a political federation...’. There has been a substantial shift from the negative mindset on the concept of the community to a positive attitude resulting in increased cross border movement and trade. Most critical for cross border interaction is Article 82 and 104 of the East Africa Community Treaty (People, 2011). These articles outline the scope of cooperation for smooth cross border movement of goods and persons in

the partner states. Article 82 of the treaty on financial and monetary cooperation entails removal of obstacles to the free movement of goods, services and capital among member states by taking measures to facilitate trade and capital movement in the community (People, 2011).

Meanwhile Article 104 of the EAC Treaty outlines the scope of cooperation to enable free movement of persons, labour, services and the right of establishment and residence. Key in article 104 is the agreement to ease border crossing by citizens of the partner states, use of standard travel documents for the citizens, reciprocal opening of border posts and keeping the posts opened and manned 24hours a day among others. It is observed that while the above treaty articles are in place, national sensitivities have come into play among some member states where leaders have made pronouncements that contradict the letter and spirit of the treaty. Nowhere was this more obvious than between Kenya and her southern neighbour Tanzania under the leadership of late President Magufuli. The bilateral spat saw reduced cross border movement of goods and persons however, following Magufuli's demise, there has been a rapprochement between the two countries' leadership to facilitate free movement of goods and people under the EAC protocols. Nevertheless, the legal institutional frameworks and systems overseeing the delivery of the EAC Treaty agenda finds expression at the regional and national levels following the establishment of the East African Legislative Assembly (EALA) and the East African Court of Justice (EACJ) for regional legislative oversight and jurisprudence (People, 2011).

Most critical is Article 104 of the Treaty that outlines the scope of cooperation to enable free movement of persons, labour and services and the right of establishment and residence. Key in article 104 is the agreement to ease border crossing by citizens of the partner states, use of standard travel documents for the citizens, reciprocal

opening of border posts and keeping the posts opened and manned 24hours a day among others. Meantime under Article 82 of the treaty on financial and monetary cooperation, the scope of cooperation entails removal of obstacles to the free movement of goods, services and capital among member states by taking measures to facilitate trade and capital movement in the community (People, 2011).

In the case of non EAC members such as Ethiopia, cross border security management is addressed through bilateral arrangements. For example on the Kenya-Ethiopia border, Altai Consulting(2021) aver that there are bilateral instruments on cross border management including; the 2012 Ethiopia-Kenya Special Status Agreement whose objective is to facilitate trade between the two countries by providing a framework for engagement with bilateral investors while enhancing commercial and economic relations; the Kenya-Ethiopia MOU on Cross Border Cooperation in Animal health and Sanitary Measures of 2016 and the Policy Framework on the Nexus Between Informal Cross Border Trade and Cross Border Security Governance (2018) under the IGAD framework. However as observed by Altai Consulting (2021), the operationalisation of the above bilateral instruments has been minimal owing to ignorance of the local population and local actors of the instruments' existence, and a shortage of resources to implement them (Altai Consulting, 2021).

Nevertheless, the OSBP concept once fully embraced by will ensure that border officials of both countries will clear cargo and travelers from one facility, side by side and execute entry and exit formalities in a joint and sequenced manner hence boosting trade while enhancing security. A fully functional OSBP reduces crossing time by 30 % hence enabling faster cross border movement for mutual benefit. Having been formally launched, the Kenya Revenue Authority(KRA) observes that the OSBP at

Moyale in Marsabit County, is subject to the customs and regulations outlined in the East African Customs Management Act 2004 and other Revenue Acts that impose taxes or levies on imports and exports such as the VAT Act 2013, Excise Act 2015 and miscellaneous Act 2016 with the mandate to facilitate trade, border control, collect revenue, protection of society and environment through enforcement of prohibitions and restrictions and compile trade statistics (KRA).

### **2.2.3 Selected Socio-Cultural Dynamics in Cross Border Security Management**

Altai Consulting (2021) observes that there are always socio-cultural factors at play in cross border security management including multi-country conflict actors, common livelihoods and resilience patterns, different political and administrative structures, in addition to weak and informal governance actors who lack the capacity to address cross border issues. Further, in most cases, cross border activity has often been constrained by government laws, priorities and policies that gave rise to frameworks and perceptions resulting in harmful high level decisions and inadequate laws that are only biased to the security dimension of cross border management. Pavanello (2010) concurs with Altai Consulting (2021) observing that mobile pastoralist systems move across international borders and advises that governments especially in the Horn of Africa region should endeavor to cooperate to grant legal backing to informal cross border trade. This is vital due to what Karkare et al (2021) has argued that informal cross border trade is also motivated by concern for social capital and networks. This is in addition to negative perceptions by the border communities of state regulation of such movement especially in cases where the border community has similar ethnicity. Conversely, while the regulation by the state is informed by desire for revenue, concern for health risks from traded goods, and security for overall economic development,

local concerns on the other hand are informed by the social capital and networks in existence. This is characteristic of all border areas (Karkare et al ,2021).

It is argued that cases where the cross border community is of the same ethnicity only heightens the gravity of the social capital and networks whose exercise may be in contravention of the rules and regulations of the countries affected. The existing networks often result in activities such as sharing of grazing land and water, opportunistic use of natural resources through cross border mobility, trading of livestock and other commodities. Pavannello (2010) further observes that there is little recognition by national decision makers on the important contribution of cross border dynamics by ‘...regional, national and local economies, and cross-border movements and exchanges. Consequently, such movements are often hampered by adverse national policies...’ This requires that the unexplored potential of cross border activities need to be harnessed for the good of the local community and the respective countries. However, effective harnessing requires deeper understanding of the wide range of activities, vulnerabilities and risks that cross international borders within the socio-cultural context (Pavannello, 2010).

Meanwhile, Shikuku, Okoth and Kimokoti (2020) aver that the OSBP at Moyale in Marsabit County- Kenya borders Ethiopia for a stretch of approximately 500 km. The Moyale area is sandwiched between the Oromia region of Southern Ethiopia and Marsabit County of Kenya. Marsabit County comprises several constituencies namely Laisamis, Moyale, North Horr, and Saku. Moyale Constituency has seven wards namely Butiye, Golbo, Heillu, Obbu, Sololo, Township and Uran. Yohannes et al (2005) in Shikuku, Okoth and Kimokoti (2020) posit that Moyale Ethiopia that borders its Kenyan namesake is one of the administrative areas referred to in Ethiopia as a Woreda in Oromia region of Ethiopia. Both sides of the Kenya Ethiopia border have a

similar environment characterized by arid and semi-arid conditions with the same ethnic groups, culture and customs. The ethnic groups comprise the Borana, Burji, Gabra and Garre (Yohannes et al, 2005 in Shikuku, Okoth, Kimokoti, 2020).

The drivers of instability in the area are scarce resources especially pasture and water which are critical for the pastoralist lifestyle of the communities. Consequently, a recourse to violence to gain access to the scarce resources is an option routinely adopted. Whenever the conflict is protracted, inter cultural clan dynamics come into play. Further, in neighbouring Oromia region of Ethiopia, the Oromo Liberation Front (OLF), an illegal armed group is resident and when engaging the Ethiopian security elements and are pursued, they cross the border to find refuge among their Borana cousins in Moyale Kenya. The assistance of this group is sometimes enlisted by the Borana whenever interethnic conflict erupts between the other clans and the Borana in the larger Moyale area (Shikuku, Okoth, Kimokoti, 2020). It can be argued that the Kenya-Ethiopia border region is therefore a microcosm of the larger Horn of Africa security complex where conflict inevitably becomes transnational due to social-cultural links. Often, the conflict among communities in the border areas is either a derivative of competition for scarce resources, political competition and incitement, or presence of militia groups such as the OLF and other clan based militia.

Accordingly, Shikuku, Okoth and Kimokoti (2020) maintain that the seasonal migration that was previously a coping mechanism for scarce resources has become a source of conflict among the border communities especially when those of one ethnic group venture into another ethnic group's perceived area. As argued by Haggmann, (2003) in Shikuku, Okoth and Kimokoti, (2020), resource-based conflicts permeate '...both the direct resource users, including pastoralists, cultivators or developers and indirect users such as businessmen involved in livestock trade; sale of harvested fodder;



harvesting and marketing of natural salt-licks; politicians, warlords, chiefs and other local administrators...’ Consequently, the entire strata of society get involved in the conflict as each tries to protect its interests. Eventually, cross border coordination is inevitable due to the unique border environment failure to which national security is negatively impacted.

From the political perspective, conflict emerges when administrative borders are imposed by the government without due consideration to local sensitivities such as communal land ownership and access to resources. When such land is alienated, songs inciting the local leaders and taunting of youth by women for the loss become drivers of conflict. In a highly patriarchal society such as the Moyale area, taunting by women is considered one of the worst insults to the menfolk who take up arms to protect their interests. Further as observed by Cilliers (2018) in Shikuku, Okoth, Kimokoti (2020) politics continue to be a driver of conflict as each clan seeks to establish supremacy in the area. People seeking political leadership rally their clans against others which results in politics of exclusiveness. Consequently, those who feel aggrieved resort to use of arms to assert ‘their rights or perceived entitlement’, leading to conflict. The end result is violence, psychological and societal destruction. Events in the larger Marsabit county in the month of November 2021 in which clans were pitted against one another, lives lost followed by political leaders pointing fingers at each other, and widely captured in mainstream media is illustrative of the political dynamics prevailing in the border county. The latest was the incident of Moyale where the OLF assistance was sought by the Borana community in their feud against the Gabra (Walter & Komu, 2021). From the foregoing, it is evident that within the socio-cultural context, natural resources, political dynamics, and presence of militia groups both local and foreign, and easy access to firearms, are some of the drivers of conflict in the border area. The conflict

assumes a transnational dimension due to the social networks and ethnicity that straddle the Kenya-Ethiopia border (Hagmann, 2003 in Shikuku, Okoth and Kimokoti, 2020).

Additionally, as argued by Little (2005) in Shikuku, Okoth and Kimokoti, (2020), the larger Moyale area has experienced political violence and insecurity emanating from the insurgency in Ethiopia which often spill over to Kenya where the insurgent group OLF has ethnic affinity to the Borana of Kenya. It is observed that while the OLF does not directly base operations out of Kenya, its supporters are able to reside in Kenya, fundraise and do business among the Borana community and elsewhere. (Little, 2005 in Shikuku, Okoth and Kimokoti, 2020). According to Abdulrahman (2006), in an attempt to address the cross border security challenge posed by the OLF along the Kenya Ethiopia border in Moyale area, the Ethiopian security elements have at times crossed into Kenyan territory in pursuit of the OLF causing casualties to Kenyans. The Ethiopian security agents comprise local para militaries known as the Tabaka who are clan based and rivals to the OLF. The Tabakas target the OLF and their perceived sympathizers who normally comprise the Borana of Kenya. The targeting of the Borana serves a dual purpose of fulfilling the Ethiopian government's desire to neutralize the OLF while advancing the clan interests of the Oromo/Borana border communities. The targeting has at times taken the form of assassinations and abductions (Abdulrahman, 2006 in Shikuku, Okoth and Kimokoti, 2020).

It is therefore opined that the spillover of Ethiopian security and insurgency violence into Moyale area of Kenya is dangerous when clan or ethnic paramilitaries are used as tools of government security objectives. This is because as such involvement occurs, it inflames wider communal violence of the targeted communities who resort to illegal acquisition of arms to defend themselves. Such cross border incursions have a

direct bearing on cross border security management thereby impacting on national security. It can therefore be surmised that cross border conflict on the Kenya-Ethiopia border is community driven and ethnic in nature with resources, politics, and illegal arms being the main drivers among others. As a consequence, any cross border security management has of necessity to take the social-cultural dimension into account.

While the focus of study is the Moyale OSBP, a review of a similar facility has been done in respect of Namanga OSBP. Ndunda (2013) maintains that international cross border management is increasingly becoming complex due to the many state agencies involved and observes that 25 % of border delays in Africa is due to infrastructure challenges while 75% is due to poor trade facilitation courtesy of the agencies involved. These challenges result in reduced efficiency hence higher costs and loss of revenue. Kieck (2010) in Ndunda (2013) aver that many countries having realized this gap have embarked on the establishment of OSBP points as a mechanism to improve cross border movement of goods and persons. Odero (2020) concurs arguing that meaningful development and regional integration will only be possible if their border crossing points are modernized. This is the only way to facilitate faster movement of goods and persons while ensuring the security of the countries concerned through control of negative effects of increased movements. Masinde (2015) also argues that in the case of Namanga OSBP maize is one of the major commodities that is moved across the border into Kenya but is often impeded by non-tariff barriers, lack of harmonized non- tariff charges, and complicated customs procedures which need simplification. However, the World Bank (2012) in Masinde (2015) observes that trade policy restrictions have often driven the maize traders from the formal to the informal channels thereby resulting in loss of revenue to the government while posing health

hazards due to non-inspection. This is the context in which the Namanga OSBP was established.

From a regional perspective, Wafula (2012) states that the re-establishment of the EAC common market protocol to enable free movement of goods and persons gave impetus to the OSBP concept in the region. Namanga OSBP is a critical center on the Kenya –Tanzania Border which serves as a transit point for goods and people to and from Tanzania. This has been realized by harmonizing and simplifying border clearance procedures into an interface of one window. At the core of the OSBP of Namanga is the ability of the two countries' border authorities to carry out joint patrols for enforcement functions to curb smuggling and entry of illegal substances resulting in interception of illicit traders and smugglers. The joint patrol has resulted in increased legitimate trade translating to more revenue hence contributing to national security of the two countries.

Masinde (2015) avers that while the OSBP concept has taken root at Namanga, it has not been without challenges which can broadly be categorized into two; Institutional and operational challenges. Institutionally, the organizational culture among the individual border agencies poses a challenge as some fear losing the authoritative control they exercise to a collective approach under the OSBP concept. Private sector actors had concerns about the security of their livelihoods under the OSBP concept. Border actors who benefited from smuggling and contraband see the OSBP concept as a threat to their livelihood. Further the beauracatic systems that preceded the OSBP concept conferred a lot of clout to the civil servants which many feared would be watered down under the new concept hence some element of resistance came into play. Moreover, lack of a clear line of autonomy in decision making and conflict of mandate among the various agencies has seen some deviate from their

functions leading to turf wars. This has negatively affected the optimum functioning of the OSBP. Further, some border agencies have been more concerned with the results of their individual organizations to the detriment of the overall functioning of the OSBP that requires a whole of systems approach to succeed.

Meanwhile, from an operational perspective, the main challenges include inadequate human and IT resources which impact on efficiency, use of manual records, low IT literacy levels and exclusion of some stakeholders especially the private sector (Masinde,2015). It is surmised that while Namanga is geographically different from Moyale OSBP, the border dynamics are similar to the socio-cultural aspects of Moyale which has the dominant communities leading a pastoral lifestyle and normally move across international borders.

#### **2.2.4 Challenges of Border Security Management**

Due to the many challenges confronting border management globally, a need for an integrated solution arises to enable different agencies with specific specialties to be deployed to enable a whole of systems approach that includes border police, criminal investigation, customs, national police, regional police where applicable, and the national defence forces among others. Using these array of agencies ensures that surveillance and control of borders is comprehensive. This is what integrated border management entails whereby several tiers are used to minimize the likelihood of an infraction while enhancing efficiency. Such an integrated approach for example has seen Germany within a year, stop more than 20,000 inadmissible passengers with improper documents by employing only nineteen border police liaison officers and 39 document and visa advisers. This has been possible due to the coordination of FRONTEX with EU member nations' capitals (Karioth, n.d).

As summed up by Marenin (2010), the EU which continues to expand with new members joining has compelled a review on how external borders can best be protected against an array of threats ranging from trafficking in goods and people, transnational crime, illegal immigration, among others. Securing the expanding external borders of the EU called for an integrated border management (IBM) strategy that found expression in FRONTEX, an institution that continues to collectively refine EU's border management while insuring national sensitivities of member countries.

In Western Europe, the EU has taken a collective approach to address the challenges of cross border movement albeit with caveats by individual countries reserving the right of admission for national security reasons. Bigo (2009) argues that the effective control of cross border activities in a market economy regime such as the EU is challenging since the success for such an economy is dependent on borders being open to capital, services and goods, and yet the evolution of threats including emergence of terrorism compels nations to put in place stringent measures in the national interest. This is the dilemma that currently confronts the European Union and other regions that have collectively embraced a market economy. As a consequence of the dilemma of security concerns versus a free market regime, there exists a tension between a legal system that advocates for openness and the increasing calls for coercive measures and practices to keep foreigners, illegal migrants and contraband out of the territory.

Elsewhere in North America, Andreas (2003) poses the question on how the security of national borders can be ensured in the age of globalization. The question is relevant in view of the character of globalization which advocates for opening of borders due to increased economic integration and interdependence hence compelling harmonized cross border relations to manage movement. This is vital because as seen

in North America, the concept of 'open borders' between US-Mexico on one hand and US-Canada on the other saw trade volumes triple following the establishment of the North American Free Trade Area (NAFTA) in 1994. However, the September 11, 2001 terrorist attacks poured cold water on the proponents of NAFTA and saw a return of stringent security controls at border crossings with traditional border issues now evaluated through the security lens, including trade and migration. This approach presents a dilemma since the stringent measures to check the transport and communication arteries through which terrorists travel are the same platforms through which legitimate travelers and commerce flow (Andreas, 2003).

Accordingly, a need to balance between ensuring security while facilitating trade and movement of legitimate persons and goods is an ever present dilemma with the net effect of increased costs for cross border movement. This dilemma is weighty because the growth of any country relies on access to global networks of transport, energy, information, finance, and labour. Stringent measures are therefore self-defeating for any country as it increases isolation from these networks (Andreas, 2003).

Consequently, for some countries, borders have lost their primary function as barriers and acquired a bridging role while in others, the borders retain their role as primary indicators of sovereignty. However, Bowman (2006) in Polner (2019) states that the border dynamics shifted drastically following the 9/11 event during which the meaning of borders changed for both passenger and cargo transport with the emergence of the concept of 'pushing out borders'. Moreover, the benefits of globalization have seen greater cross border movement which have also been exploited by terrorists and criminals. Unlike terrorists, criminal groups have a profit motive through illegal activities that deny the exchequer the requisite revenue besides threatening consumer safety and health with an overall impact on security. The regulators of this complex

environment are border agencies with the remit to oversee security, revenue collection, migration, phyto-sanitary, radiological, transport, ecological and food safety controls. As observed by Doyle (2011) in Polner (2019), these tasks have to be undertaken amid pressure due to financial and staffing shortages, obscure legislation, challenges of intra-agency and inter agency cooperation, poor information sharing and increased demands from the private sector.

In Africa's case, the continent has not been spared the challenges of border security management either. Ikome (2012) observes that in the post-colonial period, most African states have been susceptible to conflict and political instability however, the Organization of African Unity (OAU), a precursor to the African Union (AU) opted for the status quo of borders as at independence to avert conflict. Despite the declaration by the OAU, conflict over borders emerged in addition to an increasing population and high levels of migration. Consequently, demarcation and effective border management remains critical in realizing the continent's peace, security and development.

Nevertheless, Ikome (2012) argues that legitimate government programs cannot be executed unless the territory where such authority is to be exercised is clearly defined and understood in typical Weberian dictum that '... for a state to be a true state, it must claim the monopoly of legitimate use of physical force within a territory'. This is where borders and border control comes in. As stated by Nugent and Asiwaju (n.d) in Ikome (2012), a major challenge of the African states' borders has been their arbitrary and colonial origin compounded by their porous nature hence posing a challenge to appropriate state jurisdiction. Consequently, Nordquist (2010) in Ikome (2012) observes that a number of African countries have been in conflict over borders with at least seventeen being registered between 1950 - 2000. The conflict over borders complicates any effort at cross border security management with available data



indicating that no region in Africa has escaped a border related conflict with at least 38 countries being affected. The conflict has been at a cost to the states involved.

According to Aning and Pokoo (2017), while it is recognized that the management of borders is critical for cross border security management, many of the borders in Africa remain contested spaces that impact on the security of the states involved. The impact is a derivative of the colonial legacy of arbitrary borders that split homogeneous communities into different states leaving them under different jurisdictions. As a consequence, border issues and their subsequent management have become a source of conflict and dispute due to their arbitrary establishment courtesy of the scramble for Africa by European powers in the 1884 Berlin conference. Accordingly, the borders as they currently exist ‘...do not reflect African political and cultural identities, realities and lived experiences ...’. Arising from the scramble, post-independence Africa has witnessed border related disputes including Algeria and Morocco in North Africa, Somalia-Ethiopia, Ethiopia-Eritrea in East Africa, while the West African region has witnessed disputes between Mali-Burkina Faso, Nigeria-Cameroon, Nigeria-Chad, Senegal-Mauritania, and Ghana-Ivory Coast (Aning & Pokoo, 2017). The disputes have been exacerbated by the discovery of resources in the disputed area, with the most recent being the Kenya-Somalia maritime dispute that ended up at the International Court of Justice (ICJ).

Anning and Pokoo (2017) further maintain that the importance of borders received continental recognition following ‘...the acknowledgment and insertion of Article 3 of the Charter of the defunct Organization of African Unity (OAU); Article 4c of the African Union Constitutive Act (2000), the special focus on the issue in the Cairo Declaration of July 1964...’ and the eventual adoption of the African Union Border Program (AUBP) in 2007. The broad aim of the AUBP at continental level is to

ensure structured cross border management through agreed protocols in order to prevent conflict through several initiatives including; advising the AU organs on border related matters; delimitation and demarcation of boundaries where this is yet to be done; reinforcing cross border movement and integration in the context of RECs, and building the capacity of member states in cross border management (Aning & Pokoo, 2017). It is opined that while the protocols are entered into at national and regional levels, the same may not have been sufficiently cascaded to the local levels for implementation by cross border management actors. Arising from this, Anning and Pokoo (2017) argue that the prevailing border situation comprises an environment of weak cooperation between the border management actors domestically and transnationally.

Nevertheless, Barka (2012) observes that Africa's borders through regional and national policy guidance have embarked on the establishment of checkpoints and border posts '...where a country's authority over goods and persons ends and another country's authority begins...' Unfortunately, such checkpoints are manned by a host of agencies on both sides of the border, increasing the beauracracy that translates to delays and congestion. ESA BMO Network (2010) in Barka (2012) maintains that it can take an average of between 3 minutes to 2.8 days for a truck to be processed through a customs checkpoint at the border at a cost of 185 USD for each day delayed. Further, compared to other regions in the world the average cost of exporting a container from Africa is 2000 USD while other regions of the globe cost half the amount. This is due to the checkpoints being encumbered by man power and infrastructure challenges. Although the objective of the checkpoints is to minimize entry of undesirable elements such as criminals and contraband, there remains a number of obstacles to entry of goods, provision of services and flow of people that the checkpoints continue to suffer from. These include congestion arising from increased traffic volumes, poor

infrastructure, and delays occasioned by use of outdated manual procedures. This impacts on the efficiency and ultimately national security as some of the users resort to unorthodox means to enter and exit.

In the West African region Barka (2012) avers that goods along trade corridors have an average of a seven-hour delay per round trip compounded by long durations of inspection by multiple agencies. In East and Southern Africa, Barka (2012) notes that there are ten major trade corridors with many border posts encumbered by inefficient procedures where delays at the customs cost the region 56 Million USD annually. The costs arise out of a lack of coordination among government agencies on both sides of the border, the duplication of procedures on either side of the border hence, increased potential for fraud and risk. While some countries have entered into agreements to standardize and coordinate customs procedures and government agencies respectively, no substantial progress has been made at the border check points. Absence of computerized customs systems exacerbates the situation and where the IT based platforms are available, they are incompatible and without reliable networks hence loading an additional cost to the operations of the border posts.

Consequently, Barka (2012) and Aning and Pokoo (2017) observe that ineffective border security management on the continent has seen informal cross border trade thrive. Informal cross border trade is that trade between two countries that is not handled through customs controls. Although informal trade undertaken by micro, small and medium-sized enterprises provides employment to approximately 70 percent of the households on the continent, and represents about one third of the continent's official GDP, policy makers are yet to provide incentives to bring this category into the tax bracket. This omission impacts negatively on government revenue and ultimately on national security. The thriving informal cross border trade is therefore a derivative of

the complex regulations and duties levied in formal trade, customs procedures that are cumbersome, high levels of corruption and persistent demand for ‘facilitation fee’ experienced by traders at border posts, and existing social-cultural networks of cross border communities.

Just like West Africa, East and Southern Africa countries have a high incidence of informal cross-border trade. Such informal cross border trade has a number of drawbacks including, the reduced revenue to the government, a reduction of the potential investment in the local economy, invisibility of the trade in the official national statistics hence preventing appropriate forward planning and policy making by the government, and a lowering of the efficiency of any policy measures that may be in place to guarantee health, safety and environmental protection especially in primary agro-based goods. This makes the impact of informal trade substantial. For instance, in 2006 the cost of informal cross border trade from Uganda to five neighbouring countries cost Uganda 231 Million USD, an amount equivalent to 86 percent of the official exports to those countries. Little (2007) agrees but estimates that the informal cross border trade in the region constitutes 95 percent of the total trade volume.

Accordingly, Barka (2012) argues that there is a clear economic and security case for bringing this type of trade into the formal tax bracket through appropriate incentives and policies. To address the foregoing challenge, the East and Southern Africa (ESA) region has begun establishing the One Stop Border Posts (OSBP) among neighbouring countries with Kenya and Ethiopia at Moyale-Marsabit County, Uganda and Kenya at Malaba and Busia, Zambia and Zimbabwe at Chirundu, Zimbabwe and South Africa at Beitbridge, and Zimbabwe and Mozambique at Forbes-Machipanda. As opposed to Western Africa that adopted a regional approach, the establishment of one stop border posts in East and Southern Africa is on a bilateral basis while the

regional economic organizations provide technical support to the agencies of concerned governments. An example of bilateral arrangements in Southern Africa is the border crossing point between Zimbabwe and South Africa at Beitbridge.

Trade Mark Southern Africa (2011) observes that Beitbridge is a border crossing point on Africa's North-South Corridor that is used by substantial passenger and cargo traffic from ports in South Africa to countries in the north among them Zimbabwe, Zambia, D R Congo and Malawi. This land route is an alternative to the sea route for traffic destined further North into Tanzania and Sudan. In peak periods, the border post experiences congestion. Having been identified by the continental organizations COMESA, EAC and SADC as a land crossing point that needed attention to ease transaction costs and improve service delivery, the concept of an efficiency management system was mooted resulting in the creation of the Beitbridge Efficiency Management System (BBEMS) whose objective is to lower transaction costs at the crossing point, reduce congestion, minimize waiting time and increase operational efficiency. Illustrating the critical role of the border post at Beitbridge, the system was created under the joint framework of the COMESA-EAC-SADC Tripartite program in order to improve economic integration, regional trade and facilitation. Consultation between South Africa and Zimbabwe saw the establishment of institutional structures, an MOU and works program. Nevertheless, implementation of the BBEMS has been slow due to a number of factors which have resulted in cases of congestion, delays in clearance, and inefficient service delivery hence reducing the overall efficiency of the north-south corridor. Accordingly, there is need for commitment from the highest offices in all affected countries if border crossing points are to operate efficiently after simplifying and harmonizing procedures. This should be combined with constant consultations (Trade Mark Southern Africa, 2011).

Meantime, Meetsi (n.d) observes that the Beitbridge crossing point on the South Africa-Zimbabwe border poses security challenges arising from cross border criminal activity characterized by smuggling, corruption, human smuggling, drug smuggling, counterfeit goods and poaching. Smuggling from South Africa into Zimbabwe is mainly vehicles that are driven across the Limpopo river destined for markets in Zimbabwe, Zambia and Malawi. Between three to six vehicles are smuggled into Zimbabwe daily while the goods smuggled from Zimbabwe to South Africa comprise explosives from the dwindling mining sector in Zimbabwe, and contraband cigarettes. The explosives are used in illegal mining in South Africa in addition to other crimes such as cash in transit heists. The Beitbridge border area also experiences human smuggling which has become one of the most profitable to the cartels. Those smuggled comprise people from neighbouring countries and from as far north as Ethiopia. Drug smuggling syndicates have also exploited the gaps on the border to ferry illegal drugs by exploiting corrupt officials and lax border control mechanisms. Counterfeit goods are also smuggled across the border in the environs of Beitbridge. Such goods are not only substandard but pose a health and financial risk as they do not meet required standards in addition to denying revenue to the government. The foregoing cross border criminal activities are a consequence of corruption, rapid migration, weak cross border management systems, and a porous borderline. Meetsi (n.d) therefore proffers some intervention measures to address the cross border criminal activities. The measures include; multi-agency cooperation among border management actors; regional collaboration; improved intelligence sharing; dealing with corruption decisively; and promoting stability in the region.

Manyeruke (2019) agrees with Meetsi (n.d) and maintains that border security and management is critical in Africa as it impacts on economic development with a

direct bearing on national security. Accordingly border security management has to be taken seriously in order to address the security threats that are experienced at Beitbridge. To ensure this is done, all government agencies who are key actors on cross border management need to collaborate and coordinate their activities. However, lack of clarity on who is the lead agency in the case of Beitbridge crossing point continues to pose a challenge due to turf wars (Chilunka, Manyeruke, 2019).

In the case of Moyale OSBP, the Kenyan government signed an MOU with Ethiopia, on the operationalization of the Moyale OSBP in September 2021. The document referred to as the Moyale OSBP Procedure Manual is a joint commitment between the two countries to boost economic growth and security through enhanced cross border trade and movement (KRA Press Release, September 2021).

Aning and Pokoo (2017) therefore surmise that although there has been progress in agreements and protocols established to manage cross border movement, over-centralization at the national level pervades most countries with little attention to the ‘...operational and experiential realities of local communities far removed from the center...’ Issues undermining bilateral and multilateral arrangements of cross border security management include: first, the notion of sovereignty which seeks to trump over multilateralism resulting in low levels of accession and compliance with official instruments; secondly; the securitization of cross border challenges that are considered a threat to national security; and thirdly, a vacuum between the decisions taken at the national level and their implementation at the local level in addition to the extent of community involvement in the implementation of such decisions by the border management actors.

### 2.3 Gaps in the Literature

Müller-Bloch & Kranz (2015) posit that a fundamental goal of reviewing literature is the identification of gaps. As argued by Webster and Watson (2002) in Müller-Bloch & Kranz (2015), review of literature is a key feature of any academic project that aims to identify critical gaps in the knowledge ‘...in order to close the identified breach...’ Hart (2009) in Müller-Bloch & Kranz (2015) therefore argues that literature review entails the selection of available documents whether published or not on a given topic in order to look at the information therein, the data available, and evidence from a given perspective. Additionally, the review involves considering the views expressed on a topic under consideration, how it is to be investigated and ‘... the effective evaluation of these documents in relation to the research being proposed...’ (Hart, 2009). It is this review that enables a researcher to identify gaps. Meantime, Moyale OSBP in Marsabit County is the only gazetted crossing point between Kenya and Ethiopia whose border stretches for approximately 500km. The 500km stretch is inadequately policed and porous hence exploited by smuggling and trafficking cartels which results in security breaches.

It is argued that the porosity of the extensive border is an existential national security threat. There is therefore need to protect the border against security breaches while promoting lawful entry and exit. Although theoretically there is a Joint Border Committee (JBM) where Customs, Partner Government Agencies such as the Kenya Defense Forces (KDF), The National Police Service (NPS), The Kenya Wildlife Service (KWS), the National Intelligence Service (NIS), Immigration and the private sector sits with the objective of trade facilitation and securing the border, these agencies are yet to demonstrate full functionality in minimizing the loopholes arising from a porous border due to an obscure working mechanism often riddled with turf wars.



This research seeks to identify the prevailing omissions in the current cross border security management architecture of the OSBP in Moyale that negatively impacts on national security. Although as earlier pointed out there is a joint border committee in principle, available studies have not examined how effectively the border management committee comprising several state border agencies function to ensure effective cross border security management as recent studies conducted on the Kenya-Ethiopia border at Moyale dwelt on the security challenges only (Makokha,2020). From the foregoing, it is apparent that Makokha (2020) dwelt on the cross border security challenges, the case of Moyale but did not bring out how the border security agencies under the joint border committee should coordinate their activities in execution of their mandate and ensure an effective OSBP. This is the gap that this study seeks fill.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

Irny & Rose (2005) in Igwenagu (2016) observes that research emerged following man's quest to understand the nature of his environment by applying the tools of experience and knowledge at his disposal, experience and authoritative sources beyond his immediate circle. Research relies on scientific reasoning that is either deductive, inductive or both whereby it combines both experience and reasoning hence making it the most appropriate way of discovering the truth in the natural sciences. The research methodology comprised; the research design, the research site, target population, study sample and sample size, the procedure for sampling, data collection and data collection instruments, questionnaire, interview schedule, pilot testing of research instruments, instrument reliability, instrument validity, data collection procedures, data analysis and presentation, legal and ethical considerations. The foregoing was appropriately undertaken to ensure the integrity desired.

#### **3.2 Research Design**

Akhtar (2016) maintains that research design is a conceptual blue print within which one conducts research in order for it to be valid and accurate in its conclusions. The design is the 'spinal cord' that holds all the elements in a research project together. The design had an action plan, comprising the outline of collection, measurement and analysis of data. As argued by Asenahabi (2019), the research design did not just anticipate and specify the seemingly countless decisions connected with carrying out data collection, processing and analysis, but presented a logical basis for these decisions. Equally critical, the research design was not exclusive to a particular technique of collecting data or a particular type of data. Nevertheless, as pointed out by

Ram (2010) in Akhtar (2016), when designing the research, the researcher remained cognizant of the type of evidence required to answer the research question reasonably. The study used the descriptive research design because it allowed the researcher to paint an actual picture of the situation as it is to answer to questions of what, when, where, why and how.

### **3.3 Research Site**

The research site is the area or locality where the research is conducted. The research was conducted in the greater Northern area of Kenya, specifically in the Moyale OSBP-Marsabit County, which is located along the Kenya-Ethiopia border. This border post was selected because it is the only gazetted One Stop Border Post (OSBP) along the Kenya-Ethiopia border. Data from the Kenya Revenue Authority (KRA) indicated that the country generated revenue to the tune of Ksh.1 billion during the 2016-2020 period, a sum that could potentially be higher if leakages resulting from illegal entry and exit were sealed (KRA, 2020). Moreover, there is that common heritage between the Borana of Kenya and the Oromo of Ethiopia, both of who share various social characteristics such as language and family ties. There were reports too that the Oromo of Ethiopia cross over into Kenya whenever there are violent conflicts between the Borana and the Gabbra, ostensibly to support their kin.

### **3.4 Target Population**

According to Mugenda and Mugenda (2003), a population is an entire group of individuals, objects or events that have a common observable characteristic. A target population is therefore the focus of a given research. The target population in this study comprised the persons employed by the security and border agencies operating in Moyale namely the County administration, Kenya Defense Forces, the National Police

Service, The National Intelligence Service, the Kenya Wildlife Service, Kenya Forest Service, customs, immigration and the local community. For the local community, the study specifically engaged the community opinion leaders comprising of the chairs of the councils of elders for the Borana and Gabbra ethnic groups, the elected political leaders and members of the business community. This was informed by the sparse population inhabiting the area. The summary of the target population is as presented in Table 3.1. below.

**Table 3. 1: Target Population**

<b>Population Category</b>	<b>Actual Population</b>	<b>Proportion/ Percentage</b>
Kenya Defense Forces	145	29.4 %
National Police Service	266	54 %
National Intelligence Service	4	0.8%
Kenya Wildlife Service	10	2.0%
KEBS	2	0.4%
KEPHIS	4	0.8%
Kenya Forest Service	10	2.0%
Local Elected Community Leaders	5	1.0%
Elders	2	0.4%
Business community Leaders	1	0.2%
Immigration Department	8	1.6%
Kenya Revenue Authority	36	7.3%
<b>Total</b>	<b>493</b>	<b>100 %</b>

**Source:** KDF, NPS, IEBC, KRA, KWS, KEBS, KEPHIS, NIS, Immigration Department (2021).

### 3.5 Study Sample

#### 3.5.1 Sample Size

Mugenda and Mugenda (2003) aver that a sample is a smaller group that is obtained from the population. A study sample is therefore the sample size obtained from the population under study. Taherdoost (2018) argues that the size of the sample is a critical feature of any target population where inferences about a population have to be made from a given sample. A random sample needs to be of adequate size in order to

generalize and avoid sampling errors or biases. Accordingly, this study used the Yamane (1967) formula to obtain the sample size from the target population. The formula and the calculation are as presented below:

$$n = \frac{N}{1 + N(e)^2}$$

Where:

n= sample size

N= Target population

e= level of precision

Applying the formula:

$$\begin{aligned} n &= \frac{493}{1+493(0.05*0.05)} \\ &= \frac{493}{1 + 1.2325} \\ &= \frac{493}{2.2325} \\ &= 220.82 \\ n &= \sim 220 \end{aligned}$$

This sample size was proportionately distributed across the strata comprising the sample as shown in Table 3.2.

**Table 3. 2: Table 3.2: Sample Size**

<b>Population Category</b>	<b>Population</b>	<b>Proportionate Percentage (%)</b>	<b>Sample size</b>
Kenya Defense Forces	145	29.4 %	65
National Police Service	266	54 %	118
National Intelligence Service	4	0.8%	2
Kenya Wildlife Service (KWS)	10	2.0%	4
KEBS	2	0.4%	1
KEPHIS	4	0.8%	2
Kenya Forest Service (KFS)	10	2.0%	4

Local	Elected	5	1.0%	2
Community	Leaders			
	Elders	2	0.4%	2
	Business	1	0.2%	1
	community			
Immigration Department		8	1.6%	3
Kenya Revenue Authority		36	7.3%	16
<b>Total</b>		<b>493</b>	<b>100.00%</b>	<b>220</b>

### 3.5.2 Sampling Procedure

According to Mugenda and Mugenda (2003), sampling procedures are those methods used to select the cases or subjects to be included in the sample. This study used a mix of sampling procedures namely; stratified sampling, simple random sampling and purposive sampling. The sample size was broken down into the constituent groups, where each group was treated as a stratum according to task specialty such as immigration, wildlife, quality standards, customs, KDF, NPS among others.

The stratified sampling procedure was used to ensure that each stratum is given adequate representation in the sample. Because of the nature of the research, the study went for some specific respondents who were thought to hold critical information that the study required. Hence, the purposive sampling procedure was used to sample the heads of the various state institutions participating in the study such as the KDF, NPS, NIS, Immigration, Customs, County administration, chairs of the council of elders, the chair of the business community and the elected leaders such as MPs and MCAs. This was done on the assumption that as heads of their respective agencies or organizations, they had access to crucial information that their juniors or ordinary members may not have. Simple random sampling was used to obtain responses from the rest of the strata comprising the sample that included the NPS, the KDF, KWS, KFS, immigration, community leaders, MPs, MCAs, customs and county administration.

This procedure was used to ensure that all members of the target population other than those purposively obtained had an equal chance of selection into the sample, thus reducing bias.

### **3.6 Data Collection**

McLaughli (n.d) defines data collection as the systematic approach to get a complete and accurate picture of an area of study through the gathering and measuring of information from a variety of sources which consequently enables a researcher to answer relevant questions, make predictions and evaluate outcomes.

#### **3.6.1 Data Collection Instruments**

Data collection instruments are those that are used to collect necessary information in an area of interest (Mugenda & Mugenda, 2003). This study used two data collection instruments namely a questionnaire and an interview guide.

##### **3.6.1.1 Questionnaire**

According to Mugenda and Mugenda (2003), a questionnaire is a data collection tool that comprises a set of questions reflecting the research question for which the researcher seeks answers. The questionnaire used in this study comprised of open ended and closed ended questions. The closed questions intended to guide the respondent on the range of responses to give while the open questions provided the respondent an opportunity to express their views in respect of the questions posed to them. The questionnaire was used to collect data from all respondents, other than those that are heads (or their representatives) of the respective agency or groups. The questionnaires were administered with the support of three research assistants who were trained on the objectives of the study before deployment.

##### **3.6.1.2 Interview Schedule**

An interview schedule comprises a list of questions that guide a researcher in collecting data from a key informant (Nachmias & Nachmias, 2012). For this study, the

researcher used a list of standardized questions to guide the interviews with the key informants who were purposively selected on account of the offices that they occupy. The choice of this category of respondents was grounded on the assumption that they have more information regarding the study questions compared to their juniors or members. However, the researcher maintained flexibility to go off the script to tap into new, but crucial information that had not been factored in at the design stage of the schedule. The interviews were done through face to face sessions but where the interviewee preferred alternative methods, the researcher was flexible to adapt.

### **3.6.2 Pilot Testing of Research Instruments**

Eldridge et al (2016) in Fraser et al (2018) state that a pilot study usually precedes and is closely linked to a larger study and is often synonymous with a feasibility that is used to guide the planning of an investigation on a larger scale with an intention to mitigate risk hence minimize failure in a larger project. The focus of a pilot study is on an experiment, development or project undertaken prior to a future undertaking and therefore facilitates decision making. For purposes of this study, the data collection tools were piloted at the Namanga OSBP. This is because the Namanga OSBP shares similar socio-cultural characteristics as those projected in the case of the Moyale OSBP. The purpose of the piloting was to ensure that the data collection tools are clear and can be well understood by the targeted respondents. Any areas that required clarifications were thus adjusted based on the feedback from the pilot study.

### **3.6.3 Instrument Reliability**

Crocker and Algina (1986) in Kimberlin & Winterstein (2008) state that according to classical test theory, any scores obtained using a measuring instrument hence the observed score comprises two parts, the true score and the error arising from the measuring process. The true score is the result that would be obtained if the measurement was perfect and accurate. It is the responsibility of the test developer to



identify sources of measurement error that would affect the interpretation of the scores. Pilot testing an instrument enables identification of such sources in order to minimize error hence improve the reliability. Bollen (1989) in Konjengbam and Meitei (2020) maintains that reliability is the extent to which measurements can be repeated if different researchers carry out the same experiment or measurement at different intervals of time and under varying conditions. As summed up by Nunnally (1978) in Konjengbam and Meitei (2020), reliability is the consistency or stability of measurement in different conditions during which the same results are obtained. In this study, the test retest method was used to ensure reliability where the same people and same measurement would be taken on more than one occasion.

#### **3.6.4 Instrument Validity**

Kimberlin and Winterstein (2008) state that validity is the extent to which an instrument measures what it is supposed to measure and requires that the instrument is reliable. ‘...validity is the extent to which the interpretations of the result of a test are warranted, and depends on the test’s intended use...’ Validity of the instruments in this study was ensured by regular consultation with the supervisors after taking into account the various types of validity. Middleton (2020) proffers four types of validity namely construct, content, face and criterion validity. Construct validity enables a researcher to determine whether the test measures the concept that it is intended to measure. It enables this by looking at the characteristics of individuals such as intelligence, job satisfaction, depression, levels of education, age among others. More broadly, the construct validity can be applied to organizations or social groups by considering factors such as gender equality, corporate social responsibility, or freedom of speech. Construct validity therefore applies in the population under study which includes the

KDF, NPS, KWS, KFS, the local administration, local leaders and the community in the area of study.

The second type of validity is content validity which seeks to determine whether the test fully represents what it aims to measure by covering all relevant parts of the research it aims to measure. On the third type of face validity, it considers how suitable the content of a given test seems to be on the surface and is similar to content validity although face validity is a more subjective and informal assessment. The fourth type of criterion validity seeks to evaluate how closely the results of a research test corresponds to the results of a different test. This is achieved by calculating the correlation between the results of a researcher's measurement and the results of the criterion measurement. If the correlation is high, then the criterion validity is a good indicator that the test is measuring what it was it intended to measure in the study (Middleton, 2020).

### **3.6.5 Data Collection Procedures**

Kabir (2016) observes that conceptually, data collection procedures are the procedures observed in the process of gathering and measuring of information on variables of interest in a systematic manner in order for a researcher to answer the research question and evaluate an outcome. This ensures that quality evidence is captured and translates to a rich data analysis so that a credible and convincing response is built to answer the research question. This study undertook actual data collection through recruitment and training of research assistants, use of questionnaires, and through interviews.

### **3.7 Data Analysis and Presentation**

Kinyongo (2020) states that data obtained from the field is usually in a raw form that makes it difficult to interpret. Accordingly, the data has to be cleaned, coded and analyzed. The results of the analysis enable the researcher to make sense of the data having subjected the data to statistical procedures and analysis. Subsequently, the

analyzed data can then be presented in a format that the reader can understand. For purposes of this study, the researcher winnowed the collected data and checked it for completeness and accuracy. After this stage, the researcher then coded the data in readiness to input it in the data analysis software for purposes of content analysis. The researcher thereby ended up with quantitative and qualitative data sets.

The qualitative data was analyzed through content analysis and presented in the form of narratives and verbatim. On the other hand, quantitative data was fed into the SPSS program and analyzed using descriptive statistics such as frequencies, percentages and means. This was done having taken into account, the confidence interval or margin of error, confidence level, the standard deviation and the population size. Once the quantitative data was analyzed, it was presented using tables, graphs and charts. As argued earlier by Peersman (2014), good data management is part of ensuring quality in data analysis. This was realized by looking out for the strengths and limitations of each data source combined with proper use and interpretation. By purposeful integration and triangulation of different data sources, any limitations in any one of the data sources was cured. Such a mixed approach improved the credibility of the research findings when information from different data sources converged. The value of such a mixed method lies in its ability to enrich, examine, explain and triangulate to either confirm or reject any findings arrived at after due analysis whether quantitative or qualitative (Peersman, 2014).

### **3.8 Legal and Ethical Considerations**

Camille, Han and Sng (2016) maintain that there are ethical and legal considerations to be borne in mind in the conduct of a research guided by the ethical principles namely; respect of persons, beneficence where the researcher ensures that he/she does no harm, maximises benefits and minimises possible harm, and finally

justice at the individual and societal levels. Other guiding principles include; autonomy, free and informed consent, veracity, justice and inclusiveness, privacy and confidentiality and respect for vulnerable persons. Adhering to these principles was in line with the reasons for the research which broadly sought to alleviate human suffering, validate social and scientific theories, dispel ignorance, analyse and evaluate policy and understand human behaviour and the evolving human condition. Ethical issues within the research process itself revolved around the research design, sample, data collection and unforeseen contingencies. Under the research design, it was necessary to ensure that potential harm to participants is minimised to the greatest extent possible while the size of the sample was considered and justified to ensure generalizable and valid results.

In data collection, care was exercised to ensure that the research questions were appropriate. Under unforeseen needs, plans were made to address needs that emerged in the course of the research but had been beyond the researcher's knowledge, skills and expertise (Canterbury Christ Church University, 2018). For purposes of this study, the researcher sought authorization from Africa Nazarene University (ANU) and the National Council for Science Technology and Innovation (NACOSTI). The researcher further ensured that all respondents gave informed consent before they could be engaged to participate in the research. Once the research is completed, the researcher with the help of the supervisors' intents to disseminate the new knowledge emerging from the study to an ethical committee and by way of a scholarly publication. Finally, the study ensured that all cited works were duly acknowledged and referenced in compliance with the rules of academic writing.

## **CHAPTER FOUR**

### **DATA ANALYSIS AND FINDINGS**

#### **4.1 Introduction**

The main objective of this research was to examine the influence of the border security management on Kenya's national security with a focus on the Moyale one-stop-border-post. Thus, four specific objectives were developed to guide the research namely: a determination of the effectiveness of measures adopted by Kenya's border security management actors in enhancing national security at the Moyale one stop border post, an evaluation of the adequacy of the existing legal framework of border security management in enhancing Kenya's national security at the Moyale one stop border post, to examine the socio-cultural dynamics that influence the interactions of the border communities and how they impact on border security management and to determine the challenges facing border security management actors at the Moyale one stop border post. This chapter thus presents an analysis of the findings wherein qualitative data has been integrated into the quantitative data as appropriate.

#### **4.2 Response Rate**

The study comprised of a sample size of 220 respondents. Out of this number, 206 who were not heads of the respective institutions were issued with questionnaires while 14 who were the heads of departments or their representatives were scheduled for key informant interviews. Of the 206 questionnaires issued, 190 were returned, representing a return rate of 92% as illustrated in Figure 4.1. This return rate was considered excellent to warrant analysis in line with Kumar (2018) recommendation of 70%. The high rate of return was attributed to the support rendered by the research assistants who were at hand to clarify where respondents had questions. All the KIIs participated in the interviews in person or through their appointed representatives, thus returning 100% success rate.

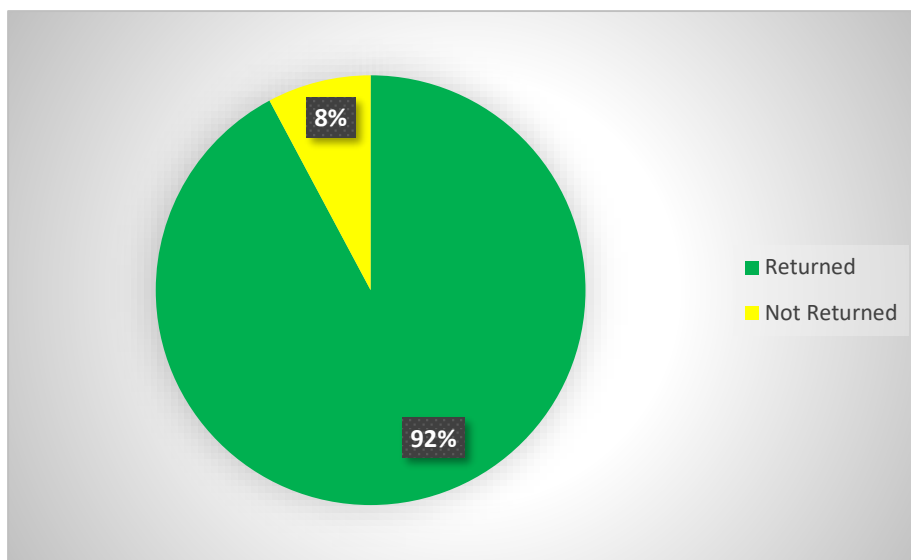


Figure 4. 1: Response Rate (Source: Field Data, 2022).

### 4.3 Biodata of the Respondents

The respondents for this study comprised employees of government security agencies and departments with the responsibility for border management, county administration, elected leaders, community and business leaders. This section presents the biodata results of the respondents in respect of their sex, age and level of education.

#### 4.3.1 Sex of Respondents

The study sought to determine the spread of the respondents with regard to their sex. It was established that a total of 153 respondents equivalent to 80.5% were males while 37 translating to 19.5% were females as shown in Table 4.1. This implies that over three quarters of the actors involved in various facets of border security management were males, meaning that the sector may not be benefitting from adequate insights from the viewpoint of women. This is an area that needs attention so that a balanced perspective through gender lens is incorporated.

Table 4. 1: *Sex of Respondents*

<b>Sex</b>	<b>Frequency</b>	<b>Percent (%)</b>
Male	153	80.5
Female	37	19.5
<b>Total</b>	<b>190</b>	<b>100.0</b>

Source: Field Data, 2022.

### 4.3.2 Age of Respondents

This question aimed at establishing the distribution of the respondents in light of their age ranges. The findings were as presented in Table 4.2. Their ages ranged from 18 years to over 58 years. From this data set, the age range that formed the majority representation of 45.3% was 28-37 years range, followed by 18 to 27 year at 33.2%, 38 to 47 years at 14.7%, and 48-57 years at 5.8%. Only 2 (1.1%) respondents were found to be aged over 58 years. Thus the study presents the outliers in age as those aged 48 years and beyond as shown in Figure 4.2. With a cumulative majority of over 78% being aged between 18-37 years, the study argues that respondents may not have had the long experience and institutional memory necessary for handling cross border security challenges and hence the recurrent security breaches reported in the larger study area. The study holds the view that while it may be standard practice to post young and presumably energetic officers to border areas, experienced commanders and departmental heads ought to be posted there to guide the younger officers through their mandate.

Table 4. 2: *Age Range of Respondents*

<b>Age Range</b>	<b>Frequency</b>	<b>Percent (%)</b>
18-27	63	33.2
28-37	86	45.3
38-47	28	14.7
48-57	11	5.8
above 58	2	1.1
<b>Total</b>	<b>190</b>	<b>100.0</b>

Source: Field Data, 2022

### 4.3.3 Highest Level of Education

The respondent's level of education was sought to help provide insights on the depth of the responses provided. A majority of respondents at 34.7% indicated that they had attained an O-level of education closely followed by those that had attained a post-secondary certificate level of education at 28.9%, degree at 21.6%, diploma at 11.6%

and postgraduate at 3.2%. This data was as presented in Figure 4.2. The relatively low levels of education among the respondents as indicated by a cumulative percentage of 63% may have been a factor in their limited understanding, interpretation and enforcement of applicable border security management laws and policies. This perspective was corroborated by a key informant who stated as follows:

most of our officers have a fairly low level of education and this in my opinion may be contributing to their limited comprehension of the body of laws and policies on border security management. Remember for most of them, they learn these laws on the job. (KII G, 10<sup>th</sup> February 2022)

The study attributes these findings to the low academic requirements for one to be recruited into the disciplined forces in Kenya, save for specialized and small cadre of officers who join them as cadets. On this account, the study may not have benefitted from the analytical skills expected of a person holding superior academic qualifications. Ultimately this impacted in the execution of the measures to ensure the border security management mandate is achieved.

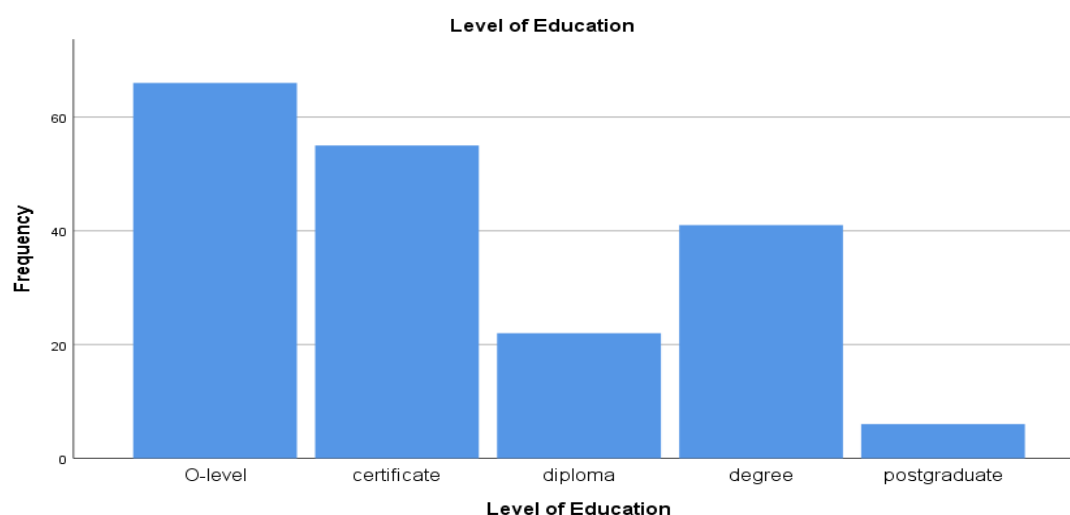


Figure 4. 2: Highest Education Level (Source Field Data, 2022)



#### **4.4 Presentation of the Research Analysis, Findings and Interpretations**

The study findings are presented, analyzed and interpreted in this section in line with the objectives. The Objectives of the research were four fold: a determination of the effectiveness of measures adopted by Kenya's border security management actors in enhancing national security at the Moyale one stop border post, an evaluation of the adequacy of the existing legal framework of border security management in enhancing Kenya's national security at the Moyale one stop border post, to examine the socio-cultural dynamics that influence the interactions of the border communities and how they impact on border security management and to determine the challenges facing border security management actors at the Moyale one stop border post.

##### **4.4.1. Effectiveness of measures adopted by Kenya's border security management actors**

The objective aimed at determining the effectiveness of measures adopted by Kenya's border security management actors in enhancing national security at the Moyale one stop border post. In line with this objective, the study sought to establish the most common national security threats that border security management actors dealt with on a regular basis. Out of 190 respondents, the spread of most common national security threats in decreasing order were as follows; human trafficking – forty five (45=23.8%), cattle rustling - twenty seven (27=14.3%), community conflict - twenty five (25=13.2%), drug trafficking- twenty four (24=12.7%), terrorism – thirteen (13=6.9%), illegal firearms - twelve (12=6.3%), others- twelve (12=6.3%), illegal crossing – eleven (11=6.2%) contraband – nine (9=4.8%), no response - seven (7=3.7%), tribalism – four (4=2.1%). This data was as presented in Table 4.3. More than two thirds of the respondents singled out human trafficking, cattle rustling, community conflict, contraband and drug trafficking as the major national security

threats within the vicinity of the study area. On matters contraband, a key informant maintained that:

while the OSBP is operational, Ethiopia still maintains their security posture even in matters that do not require such a measure. For example, movement of goods for new business people is rebuffed and they are compelled to use known business people at a cost. Those not comfortable opt to use illegal routes to move their merchandise across the border into Kenya. (KII D, 14th February 2022)

These findings suggest that any interventions by the government through the border security management leadership should prioritize these four illegal activities if national security is to be improved.

Table 4. 3: *National Security Treats*

<b>National Security threats</b>	<b>Frequency</b>	<b>Percent (%)</b>
Cattle rustling	27	14.3
Community conflicts	25	13.2
Drug trafficking and abuse	24	12.7
Contraband	9	4.8
Illegal firearms	12	6.3
Terrorism	14	6.9
Illegal crossing	8	4.2
Tribalism	4	2.1
Human trafficking	45	23.8
Undocumented persons	3	1.6
Did not answer	7	3.7
Others	12	6.3
<b>Total</b>	<b>190</b>	<b>100.0</b>

Source: Field Data, 2022

The second question intended to find out emerging security threats within the larger Horn of Africa region of which Kenya is part which should concern national security actors. This question elicited the following responses: Drug smuggling and drug use –twenty six (26=13.7%), terrorism-twenty five (25=13.2%), human trafficking – twenty (20=10%), corruption – eighteen (18=9.5%), no answer – sixteen (16=8.5%), drought and famine – twelve (12=5.8%), others- eleven (11=5.8%), food insecurity- ten (10=5.3%), clan wars – nine (9=4.7%), illiteracy – eight (8=4.2%), money laundering

–seven(7=3.7%) , fire arms smuggling – seven (7=3.7%), beef up security- four (4=2.1%), technology upgrade –three (3=1.6%). These are illustrated in Figure 4.3 below. The respondents view that drug smuggling and drug use, terrorism, human trafficking, corruption as emerging regional security threats imply the need for intergovernmental collaboration to put in place interventions that prevent and neutralize these transnational threats.

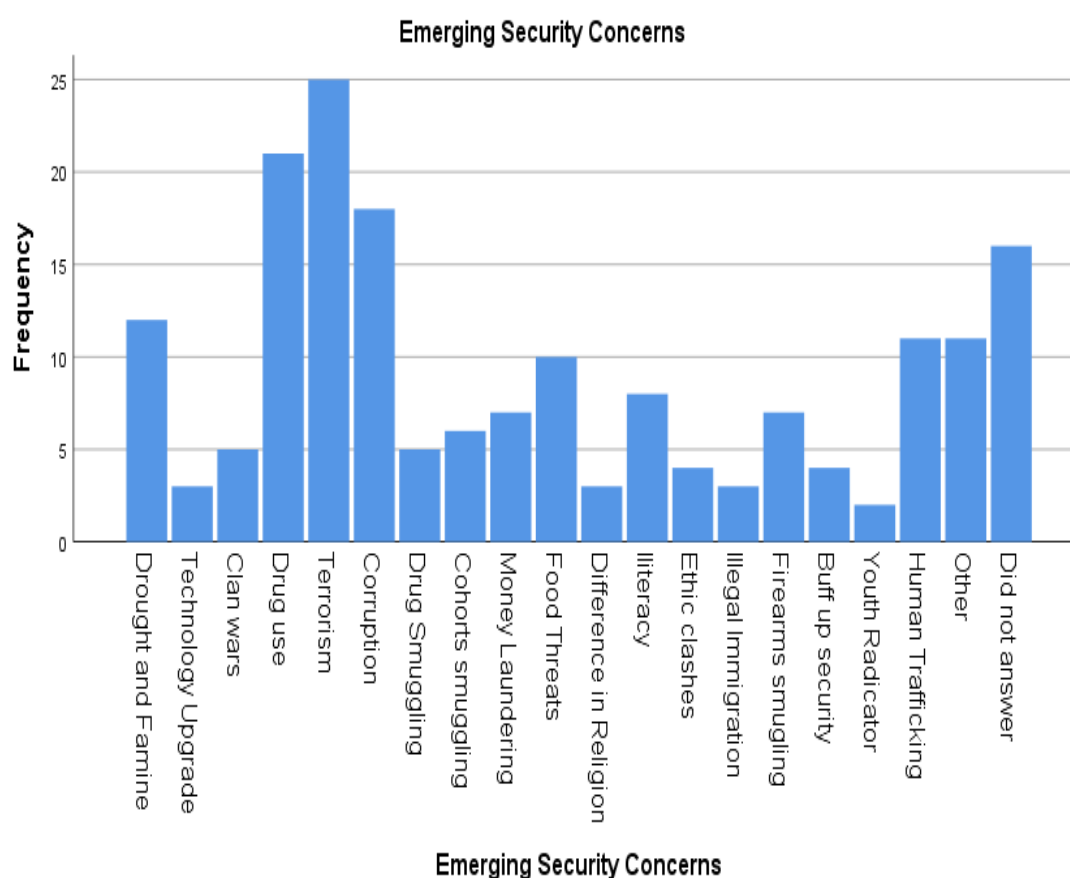


Figure 4. 3: Regional/Emerging security threats (Source: Field Data, 2022)

The study further sought to determine the specific measures that have been adopted by Kenya's border security management actors in enhancing national security along the Kenya-Ethiopia border. The findings were as presented in Figure 4.4. A majority of the respondents at 25.9% cited patrols by the security personnel, 15.3% gave roadblocks, 10.6% multiagency stops, 9.2% manned OSBP, 6.9% civil military

activities, 5.8% peacekeeping, 7.4% others. Establishment of military camps and medical covers were cited by 3.2% of respondents each. The four strategies of patrols by security personnel at 25.9%, roadblocks at 15.3% respondents, multiagency stops by 10.6%, and manned OSBP at 9.2% of the respondents were found to aid in border security management. These measures were corroborated by the various KIIs during the interviews where one noted as follows:

The government is very aware of the security challenges in this region, some which are internal while others are transboundary in nature. This has resulted in the institution of a range of measures such as the establishment of the OSBP, increment in security patrols, establishment of a military camp and police posts as well as the cooperation and collaboration of the security teams in a multiagency team. (KII K, 7<sup>th</sup> March 2022)

These findings were as presented in Table 4.4. When prodded to justify why those measures had been taken, the respondents argued that the patrols, police and military camps for instance deterred potential criminals from engaging in activities that undermined national security as previously presented in this section. Other respondents argued that the roadblocks aimed at ensuring that illegal persons did not enter the country while the peacekeeping efforts kept warring clans away from each other as soft power measures were being rolled out to secure the people in the study area. The study findings imply that the government was well aware of the national security threats emanating from the Kenya-Ethiopia border and was taking a variety of steps to address them.

Table 4. 4: *Measures adopted to enhance national security*

<b>Measures adopted</b>	<b>Frequency</b>	<b>Percent</b>
Patrolling	49	25.9
Establishing Military camps	6	3.2
Roadblocks	29	15.3
Civil military Activities	13	6.9
Peace Keeping	11	5.8
Medical cover	6	3.2
Manned Border Post	18	9.2

Multiagency stops and buildings	20	10.6
other	14	7.4
Did not answer	24	12.7
<b>Total</b>	<b>190</b>	<b>100.0</b>

Source: Field Data, 2022

Finally, the study put forward a set of six statements with a view to determining the respondents' perspectives on the effectiveness of the measures adopted by the government along the Kenya-Ethiopia border to enhance national security using a five point Likert scale where SA=Strongly Agree, A=Agree, N=Not Sure, D=Disagree and SD=Strongly Disagree. The findings in respect of these statements were as presented in Table 4.5. The study findings indicated that cumulatively, all but one of the measures adopted by the border security actors had been effective as evidenced by a reduction in incidences of cross border insecurity happening in the territory of the republic of Kenya (79.4%), increase in revenue accruing to Kenya from international trade (64.2%), drastic reduction in illegal immigration from Ethiopia due to the presence of a manned one stop border post (67.9%), satisfaction among travellers with the security protocols they underwent before being allowed into the country (60.5%) and the coordination between various state agencies at the Moyale one stop border post contributing to national security (72.7%). On whether the technology used in driving the security component at the Moyale one stop border post was slow, outdated and prone to infiltration by hackers, 37.4% of the respondents returned a neutral response which was significant because if it was added to the cumulative positive or negative responses, it could tilt them in the opposite direction.

The majority responses were corroborated during the KIIs as exhibited by the excerpts below:

The efforts put in place by the government have seen a significant reduction in the number of illegal immigrants in the country from Ethiopia as well as an

increase in revenues accruing to the country from the trade activities transacted across the border. (KII A, 9<sup>th</sup> February 2022)

For me, I would say that the measures adopted by the security actors have been effective because business people can trade in peace and we also get a lot of intelligence information which helps us foil potential security breaches. (KII M, 22<sup>nd</sup> February 2022)

For those that thought that some of the measures were ineffective, a variety of justification was provided as alluded to by the respondent hereunder:

even as the OSPB has become operational, the illegal crossing points where contraband and human trafficking takes place are still operating within Moyale because the local county administration has set up cess collection points along the contraband routes; the local militia on the Ethiopian side encourage the use of the routes as they collect revenue on the said routes; the Ethiopian government does not support small scale traders and informal business men who are prevented from passing through the OSBP due to their small volumes. This policy pushes the small scale and informal traders to use the illegal entry points. However, there are no such restrictions on the Kenyan side (KII D, 14<sup>th</sup> February 2022).

Overall, the study findings are emphatic that the state strategies deployed in the study area were contributing significantly to the enhancement of national security. The study however argues that more personnel need to be deployed to the study area to check the illegal activities that continue to feature in the area of study area. The findings also seem to suggest the need for a regional approach to containing insecurity given the transboundary nature of some of the threats and the adverse effects they have on the national security of each country.

*Table 4. 5: Effectiveness of security enhancement measures adopted*

	<b>SA</b>	<b>A</b>	<b>N</b>	<b>D</b>	<b>SD</b>
i. The presence of armed security personnel has contributed to a reduction in incidences of cross border insecurity happening in the territory of the republic of Kenya	50.5%	28.9%	5.8%	8.9%	5.8%
ii. The presence of the one stop border post has contributed to increase in revenue accruing to Kenya from international trade	26.3%	37.9%	23.7%	5.8%	6.3%
iii. Illegal immigration into the republic of Kenya from Ethiopia	23.7%	44.2%	10%	14.7%	7.4%

has drastically reduced due to the presence of a manned one stop border post

iv. Travellers using the Moyale one stop border post are happy with the security measures they have to undergo before being let in or out of the country	27.9%	32.6%	7.4%	24.7%	7.4%
v. The technology used in driving the security component at the Moyale one stop border post is slow, outdated and prone to infiltration by hackers	17.4%	17.4%	37.4%	13.2%	14.7%
vi. Coordination between various state agencies at the Moyale one stop border post has greatly contributed to national security	41.1%	31.6%	14.2%	7.9%	5.3%

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#### 4.4.2 Adequacy of the border security management legal and policy framework

The second objective of the study sought to assess the adequacy of the existing legal and policy framework used by border security management actors in enhancing Kenya's national security. For this objective, the first question sought to establish the respondents' familiarity with border security management laws. The study found that 49 respondents (25.8%) were familiar with the immigration laws, 24 (12.6%) were familiar with anti-money laundering laws, 33 respondents (17.4%) familiar with human trafficking laws, 11 respondents (6.8%) familiar with the refugees' act; while 7 (3.7%) were familiar with international humanitarian law. Further, 24 (12.6%) respondents were familiar with the anti-drug laws. Instructively, 38 respondents (20%) indicated being unfamiliar with any specific border security management laws while another 14 respondents (7.4%) gave inappropriate answers indicating their unfamiliarity with the applicable laws or their misinterpretation of the question. The findings were as presented in Figure 4.4. That almost three quarters of the respondents gave a relevant response indicated a fairly high level of familiarity with the border security enabling framework. A comparison of the findings demonstrated that respondents tended to be

more familiar with laws aligned with their mandate within the framework of border security management. On aggregating those unfamiliar with the border security management laws and those whose responses were inappropriate, a total of 52 respondents translating to 27.4% demonstrated unfamiliarity with the border security management laws. This could be attributed to the substantial number of respondents with relatively low levels of education as presented in subsection 4.3.3. These findings point to the need for pre-deployment training through seminars to update the target personnel on relevant border security management laws. Otherwise, their lack of familiarity raises questions as to their competence to enforce the law. The study attributed the majority finding in favour of familiarity with immigration laws to the fact that the study area was a border area and that the principal duty was to safeguard the country from external threats that could undermine her very existence.

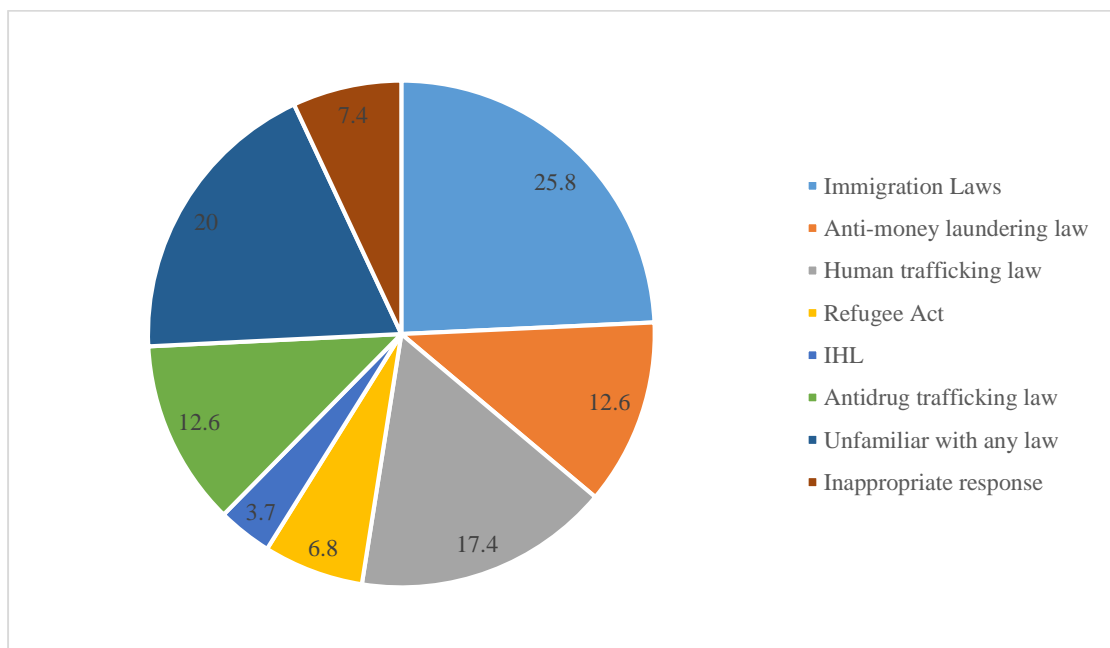


Figure 4. 4: Border security management laws as understood by Respondents

The second question sought to obtain the respondents views on whether the border security management legal and policy framework had been effective. Being a



closed question requiring a yes or no response, 75.3% of the respondents indicated the legal framework was effective while 24.7% were of the contrary view. These findings were as presented in Figure 4.5.

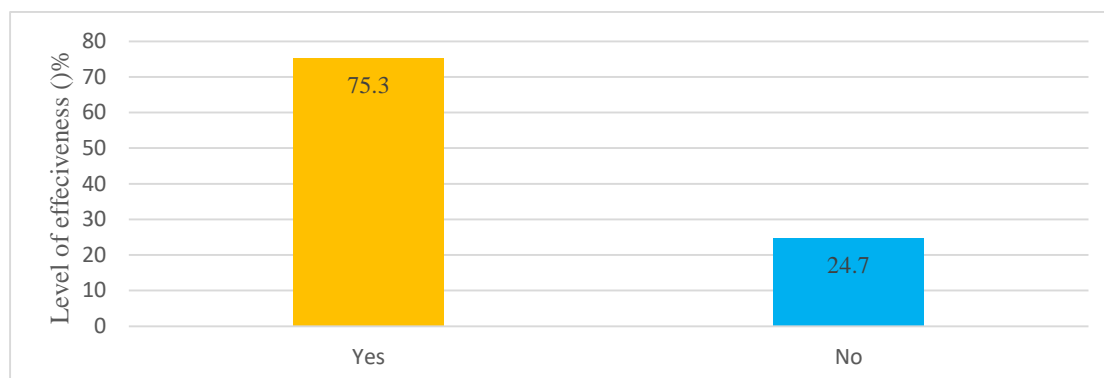


Figure 4. 5: Effectiveness of legal framework (Source: Field Data, 2022).

As a follow up on effectiveness of the legal framework as indicated by the majority of the respondents, the study sought to determine, the indicators of the framework's effectiveness. The major responses that were listed in the questionnaires included the prosecution of law breakers leading to various jail terms or fines, deportation of illegal immigrants, voluntary payment of custom duty to evade the harsh punishment associated with smuggling, possession of legit trading licenses and the increased traffic of travelers possessing valid travel documents. Other indicators that emerged from the KIIs included the alignment of Kenyan law with international law in respect of management of border security, refugee management among others. A KII emphasized thus:

Kenya is a member of the international community and she has domesticated various international conventions associated with border security management such as the international refugee law, and the protocols on deportation of illegal immigrants. The Kenyan law has been instrumental in jailing those that violate any of its provisions. (KII H, 10<sup>th</sup> February 2022).

This study argues that the indicators provided by the respondents were valid to the extent that they demonstrated how the law had contributed to national security.

Finally, the study sought to establish whether the legal and policy framework guiding border security management was being enforced and to what extent. In this regard the study findings were as illustrated in Figure 4.6. Majority of the respondents at 78.3% indicated that enforcement of the legal and policy framework for border security management was very strong, as 21.7% indicated enforcement was weak while none of the respondents indicated that there was no enforcement. The study attributed this finding to the nature of respondents where a majority of them were involved in enforcement of the law. This was captured by a KII thus:

State officers are natural law enforcers. For those of us in security, our work is simply to enforce the law. So yes, enforcement of border security legal framework is very strong in this area. We collaborate very much to ensure this happens. (KII B, 25<sup>th</sup> February 2022)

Although a majority of the respondents indicated that enforcement is strong, the prevalence of cross border illegal activity point to inability of the agencies to police the long border stretch due to likely inadequate numbers of deployed personnel and a shortage of appropriate equipment to monitor the entire border. Intervention measures may include increasing the strength of the personnel, availing adequate equipment that provides the agencies with the flexibility cover the entire border stretch.

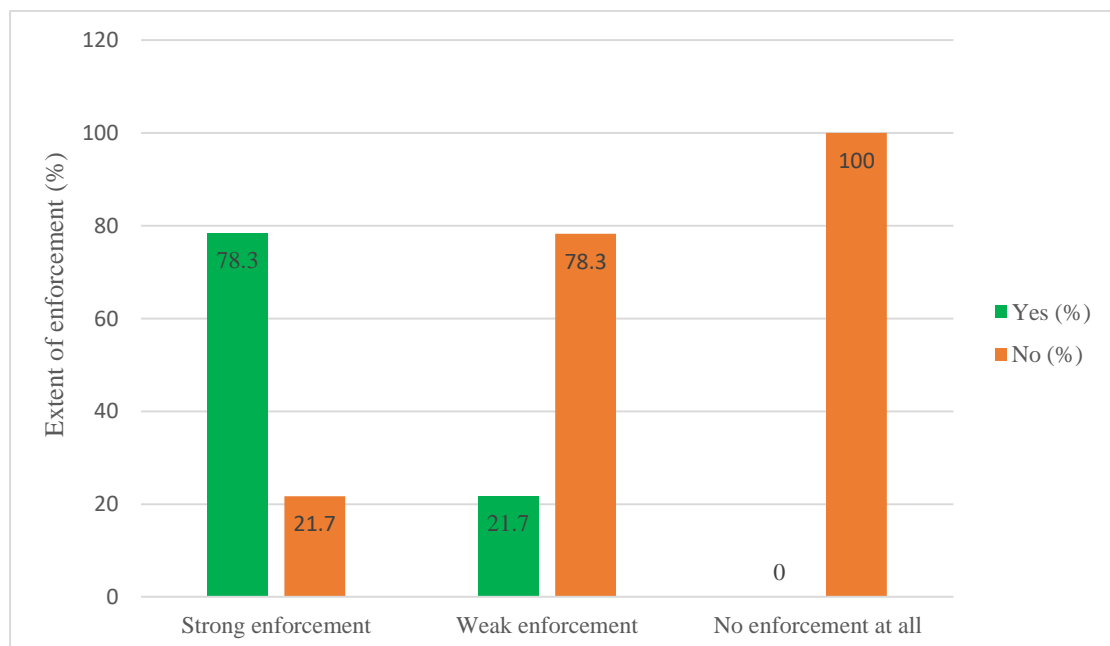


Figure 4. 6: Level of enforcement

In a nutshell, the study findings indicate that the target population was not only familiar with the legal framework governing border security management but were also confident that the law was being enforced studiously, thus contributing to the improvement in national security over time.

#### **4.4.3 Socio-cultural dynamics influencing border security management**

This objective sought to establish the socio-cultural dynamics that influence the interaction of the border communities and how those dynamics impact on border security management. The first question under this objective sought to obtain the respondents views on the ethnic composition of the population living in Marsabit County in which the Moyale one stop Border post is located. The study findings were as presented in Table 4.6. Out of the 190 respondents, 105 (55%) indicated Borana, 41 (22%) indicated Rendille, 17 (9%) indicated Somali and 26 (14%) indicated Gabra. A majority of the respondents, 55%, indicated the Borana as the major ethnic group in the area. This group has its Oromo cousins across the border in Ethiopia. A key informant explaining the ancestral dynamics noted as follows:

The Moyale region and the larger Marsabit County by extension is occupied by the Borana who are the majority, the Gabra and the Rendile. There are also Somalis and other communities such as the Turkana, Ameru and others who have largely come in for business. Being a border county, the Borana have their relatives called the Oromo living in Ethiopia with who they share many cultural markers like language, cross border marriage among others. (KII A, 9<sup>th</sup> April 2022)

The study further established from the KIIs that any interactions between the ethnic blocks including conflictual ones draws in the Ethiopian Oromo, some of whom could be members of the local militia group known as Tabakas or the Oromo Liberation Front (OLF) insurgents hence impacting on national security. Moreover, it is argued that ethnicity is linked to border security management from two perspectives filial and non

filial. In cases where cross border communities are from the same ethnic background coupled by filial links, the urge to shield one's kin from law enforcement is higher than would otherwise be if not related. Consequently, cooperation with law enforcement is affected thereby impacting national security. Thus, the Borana as the majority group with cross-border ties with the Oromo should be targeted when designing and executing any intervention measures which should include cross border liaison by the administration to minimize any negative effects arising.

Table 4. 6: *Ethnic composition of Moyale*

<b>Group</b>	<b>Frequency</b>	<b>Percentage (%)</b>
Borana	102	54
Gabra	26	14
Rendille	41	22
Somali	17	9
Others (Turkana, Samburu, Ameru)	4	1
<b>Total</b>	<b>190</b>	<b>100</b>

The second question sought to establish the religious affiliation of the population and the findings were as shown in Figure 4.7. The findings indicted that Christianity (48%) and Islam (43%) were the major religions practiced by the local communities, even though some respondents indicated there were other religious groupings such as the African Traditional Religions (9%). Places of worship such as churches and mosques were also observed, thus corroborating the finding that indeed the stated religions were practiced in the area.

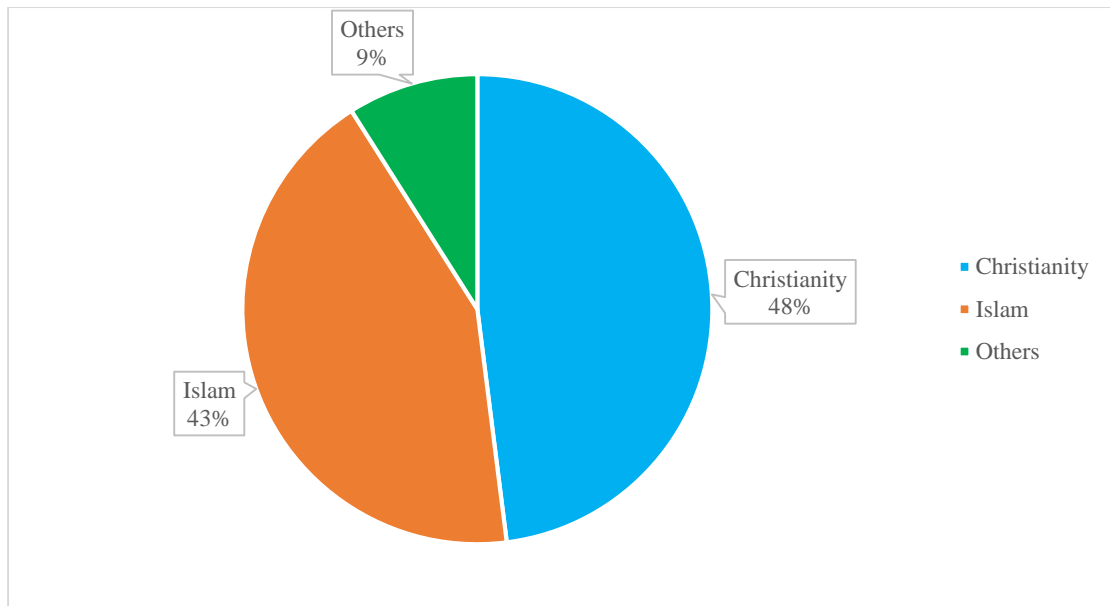


Figure 4. 7: Religious Affiliation

The third question on social dynamics was in the form of a five point likert scale where SA=Strongly Agree, A=Agree, N=Not Sure, D=Disagree and SD=Strongly Disagree. The question comprised of eight statements to which the respondents were asked to choose one answer that best captured their view in respect of the corresponding statement. The responses were as summarized and presented in Table 4.7. Out of the eight statements, six of them attracted strong majority responses of over 65% in favour of the assertion made by the statements, meaning that the six socio-cultural dynamics had a bearing on national security programming and thus any interventions had to be alive to them and the influence they had. The six statements were relating to inter-ethnic conflicts fought along ethnic lines, cattle rustling fueling proliferation of small arms and light weapons, cross-border marriages, role of elders in conflict management, cross-border pastoral migration in search of water and pasture during dry spells and cooperation between security agents and the local communities in driving the security agenda. In these six cases, the not sure responses were not significant enough to the extent of tilting the majority finding were that to happen. On whether religious

differences were fuelling violent clashes among the communities in Marsabit county leading to deaths and destruction of property, majority of the respondents at 55% disagreed. This implied that, religion was not a factor that could threaten national security in the study area. The statement on sense of patriotism and identification with the republic of Kenya among the communities living in Marsabit county attracted a split opinion as demonstrated by 47% of respondents concurring and 48% holding a contrary viewpoint. The not sure response was thus considered significant because it could tilt the split for and against responses either side. The responses in the Likert scale were corroborated by KIIs during the interviews as illustrated by the excerpts hereunder:

Conflicts in this county have often been fought along ethnic lines, with the major antagonists being the Borana and the Gabra. The Gabra have always been on the receiving end because of the Borana numerical strength and the potential back-up they get from their Oromo cousins from Ethiopia. (KII F, 3<sup>rd</sup> March 2022)

Many Borana men have married Oromo women from Ethiopia and the vice versa is true. So the cross-border marriages have strengthened the filial relations between the two communities. The fact that they share a language, despite the existence of dialects within it points to a possible common ancestry. (KII A, 9<sup>th</sup> February 2022)

Whenever there are intercommunal disputes, and especially during the dry season when herders are on the move looking for pasture and water, we coordinate with our colleagues from the other community to try solving it amicably because nearly every homestead has a firearm. So you can imagine how protracted a violent conflict can get under such circumstance. Security agents and the local administration are very helpful in coordinating the talks and acting as a buffer zone. (KII C, 10<sup>th</sup> March 2022)

Relations among the border communities matter more than what the national government policies are since the government is far removed from the local communities and the challenges that confront them. Often, when there is a problem, it is the relations who come in to assist well before any government assistance comes and when it does, it is often too little too late. (KII N, 22<sup>nd</sup> February 2022)

The need to protect self against perceived adversaries, presence of clan militia, and the presence of OLF in Oromia region of Ethiopia has compelled the border communities to seek and own illegal firearms to protect themselves. This could be informed by the

vast nature of the border stretch hence a challenge for security agencies to cover adequately. The deployment of more security personnel in addition to suitable equipment to cover the long distances could go a long way in handling the situation.

The occurrence of cross border marriages also presents a challenge as the communities have a long tradition of social capital that transcends national borders. It is this social capital that supersedes national security concerns whenever there are any illegal persons residing among the community and cannot be reported to the authorities. A KII suggested that the situation would require a policy change and use of a structured approach such as basic registration of those visiting instead of demanding official travel documents for one to cross international borders especially when visiting relatives in the border area. The study considered this as critical given what a key informant observed as:

the tight control of official travel documents such as passports by the Ethiopian authorities to minimize its citizens from travelling out of the country due to concern for the loss of manpower. (KII A, 9<sup>th</sup> February 2022)

This would incentivize the local community to be first responders in the event of any security breach hence enhance national security.

The study takes the view that cross border migration in search of pasture and water during dry spells is a coping mechanism for the communities' survival. Often, when there is scarcity of pasture, the few available ones become contested, leading to conflict which in turn triggers the demand for illegal weapons. The elders among the border communities are held in high esteem and their word is taken seriously by all members regardless of their status in the public service. They are therefore key opinion shapers. The study contends that any intervention that requires community wide acceptance would demand that the elders be brought on board and be the conveyers of the border security management program to ensure a quick buy in.

Table 4. 7: *Social cultural dynamics influencing border security*

	<b>SA</b>	<b>A</b>	<b>N</b>	<b>D</b>	<b>SD</b>
i. The communities living in Marsabit county often fight along ethnic lines	51%	36%	3%	7%	3%
ii. Religious differences have often fuelled violent clashes among the communities in Marsabit county leading to deaths and destruction of property	15%	18%	12%	27%	28%
iii. The practice of cattle rustling has fuelled the proliferation of small arms and light weapons	39%	42%	6%	10%	3%
iv. Cross-border marriages are common among the communities living on either side of the Kenya-Ethiopia border	29%	42%	15%	10%	4%
v. Pastoral communities on either side of the Kenya-Ethiopia border migrate across the borders in search of water and pasture for their animals during the dry spells	33%	47%	8%	10%	1%
vi. Community elders are responsible for resolving intra and inter communal conflicts	31%	45%	9%	14%	1%
vii. There is a very strong sense of patriotism and identification with the republic of Kenya among the communities living in Marsabit county	28%	19%	5%	19%	29%
viii. There is very strong cooperation between the security agencies and the local communities in driving the national security agenda	32%	34%	7%	21%	6%

Finally, in respect of this objective, the study sought to get the views of the respondents on socio-cultural practices that need to be changed so that they do not continue to undermine national security. The question was two in one as it highlighted the dynamics that undermined national security besides offering the respondents perspectives on what could turn the tide for an improved security situation. The respondents suggested the need to scale up education provision, stop early marriages, end cattle rustling, increase security agents presence and the empowerment of elders and the local communities to enhance peace within and between communities. The proposals suggest a systems approach to interventions.



#### **4.4.4 Challenges facing border security management actors in enhancing national security**

The fourth objective dwelt on challenges facing border security management actors in enhancing national security in the study area. To achieve this objective a five point likert scale comprising of six statements was developed, each statement having five responses, where SA=Strongly Agree, A=Agree, N=Not Sure, D=Disagree and SD=Strongly Disagree. The respondents were required to pick the response that expressed how they felt in respect of the corresponding statement. The findings were as presented in Table 4.8. Cumulatively, majority of the respondents agreed with each of the statements as a challenge that border security management actors must contend with, with the statement that obtained the highest acceptance level as a challenge being the similarity of the ethnic communities living on either side of the Kenya-Ethiopia border as reported by 75% of respondents. Though attracting a majority response in favour, the subject of corruption among the law enforcement agencies posted to the area found favour with 54% of the respondents.

Although a majority of the respondents agreed that corruption among law enforcement agencies undermines effective border security management, the same study sample had only 4 out of the respondents who expressed familiarity with anticorruption laws as established in section 4.4.2. Consequently, a majority of the respondents had no knowledge of anti-corruption laws. Implicit in this admission is the respondents' inability to identify a corrupt event in progress due to ignorance of the laws thereby making any intervention difficult.

The perception of the slow pace of issuing identification documents to the Kenyan communities living in Moyale and its environments on the Kenyan side as an impediment to the enhancement of national security was reiterated by a KII who explained the situation as follows:

there is a sense of marginalization pervading the local community... moreover... the sense of belonging is eroded hence making those affected susceptible to exploitation by cartels to the detriment of national security (KII G, 10<sup>th</sup> February 2022).

This study takes the view that this dynamic partly feeds the dithering patriotism of the Kenyans living in the study area as they are subjected to scrutiny that other Kenyans do not when seeking the same documents. Instituting a vetting mechanism comprising local elders and administrators who can recommend the processing of the ID cards quickly to the satisfaction of all may be helpful as it will give a sense of empowerment to the local community and make them take ownership of the border security program as first responders.

The similarities between the ethnic communities living on either side of the Kenya-Ethiopia border pose a challenge to law enforcement as it is difficult to distinguish a Kenyan Borana from an Ethiopian Oromo. Where a Kenyan without relevant documents is mishandled by the security agents, a sense of alienation takes root which may have a bearing on national security. A key intervention is to ensure the issuance of identification documents to distinguish one from the other. To this end, local committees comprising respected elders to assist local administrators to vet and recommend those to be issued with national ID cards would be a useful intervention.

The finding on inadequacy of personnel posted by the agencies mandated to ensure border security along the Kenya–Ethiopia border was an important challenge. The border between Kenya and Ethiopia stretches for over 500km translating to 1.25 km for every security agent deployed. This is an expansive area for the deployed personnel. A key intervention would be increase the number of personnel alongside suitable equipment that affords them flexibility to respond to emerging incidents to enable them cover the long border stretch effectively.

The study interprets the slow pace of the justice system as contributing to illegal activities continuing as no punishment is evident in the near term. It notes that were the justice system swift, it would deter any would be violators. A possible intervention would be the establishment of special courts to handle cross border breaches for deterrent purposes.

*Table 4. 8: Challenges faced by border security management actors*

		SA	A	N	D	SD
i.	The slow pace of issuing identification documents to the Kenyan communities living in Moyale and its environments on the Kenyan side	25%	36%	21%	8%	10%
ii.	The similarity of the ethnic communities living on either side of the Kenya-Ethiopia border	28%	47%	12%	9%	4%
iii.	Inadequate personnel posted by the agencies mandated to ensure border security along the Kenya-Ethiopia border	25%	38%	13%	18%	6%
iv.	Absence of a swift justice management system to handle cases related to border security breaches	27%	35%	9%	18%	11%
v.	Lack of cooperation from the local communities in terms of providing information of illegal immigrants living among them due to cross border family ties	31%	35%	13%	15%	6%
vi.	Corruption among the law enforcement agencies posted to the area undermines effective border security management	26%	28%	8%	28%	9%

Finally, the respondents pointed at language barrier, terrorism, illiteracy, poor infrastructure, poor terrain and lack of equipment as other difficulties border security management actors along the Kenya –Ethiopia border have to contend with in enhancing national security. In view of the numerous difficulties that security management actors face in enhancing national security, some that are not within their parent agencies and ministries, the adoption of a whole of government approach whereby relevant government agencies and departments other than the security agencies are brought on board to address the challenges specific to the individual

ministries and departments to make border security management effective in the context of a multi-agency framework may help transcend the difficulties.

## CHAPTER FIVE

### DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

#### 5.1 Introduction

This chapter presents a discussion, conclusions and recommendations of the research findings. The discussion is situated within the reviewed literature to help highlight the new knowledge. Recommendations are also made for policy makers on a range of areas that need to be attended to to alleviate the border security management challenges that are having an adverse effect on national security.

#### 5.2 Discussion

This section is subdivided into the biodata and the substantive objectives anchoring the study. From the biodata findings, the study's finding that 80.5% of the respondents were males was insightful but not very surprising. This is because of the masculinization of the security sector, not just in Kenya but in many countries across the world (Huber & Karim, 2018). The effect of this skewness is the lack of a balanced gender lens through which to design and implement border security programs aimed at enhancing national security. This is an area that needs attention to address the gender imbalance.

The finding that majority of the respondents at over 78% cumulatively were aged between 18 to 37 years, means the government workforce deployed to the study area was fairly youthful, but lacking in the necessary experience needed to handle national security duties at an international border region. This may explain the recurrence of insecurity in the larger Marsabit county. This study takes the view that policy makers ought to strike a balance between experience and energy in the deployment of border security officers. Finally, the finding that over 63% of the respondents had either an O level or certificate as their highest education levels was insightful. The low levels of education were found to be prevalent among the

disciplined forces, who are supposed to play a leading role in law enforcement. It is argued that the low levels may impact on their analytical ability of border security management issues hence impacting their efficacy on the border mandate. The study argues for a need to change the recruitment policy so that education becomes a factor to consider. The better educated a security officer is, the more likely they are to temper hard security measures with diplomacy.

### **5.2.1 Effectiveness of the Existing Border Security Management Measures**

The first objective of the study sought to examine the effectiveness of the existing border security management measures in promoting national security at land border posts in Kenya, and in particular at the Moyale One Stop Border Post. Based on the first research question, the study found that in the case of the Moyale OSBP, there was no coherent approach by the border security management actors along the lines of the EU's FRONTEX as articulated by Carrera (2007), or Andreas (2007) in the case of North America between USA and Canada. Further, the border management committee alluded to by Makokha (2020) did not feature as one of the strategies used by the border security management actors. This is despite the level of coordination among the border management actors being pegged at 72.7% as indicated by 138 of the 190 respondents as shown at Table 4.5. While the findings indicated an increase in revenue to the country and a decrease in illegal immigration as reported by 64% and 68% of the respondents respectively, this study argues that far much more in these respect would have been attained if the number of illegal activities such as the thriving illegal trade and immigration across ungazetted entry and exit points along the border and away from the OSBP had been stemmed through the high level of coordination reported.

Moreover, while the framework of the AUBP (2012) exists on paper for member countries of the AU to apply, very little seems to have been done on the ground in the

case of Moyale OSBP. The three pillars as proffered by the AUBP (2012) namely; cooperation and coordination; capacity building; and community development have not been fully realized. The study found that cross border crime and illegal activity including illegal trafficking of weapons, drugs and people, illegal migration, terrorism, insurgency, and cattle rustling among others continued to take place at the Kenya-Ethiopia border as illustrated in Table 4.3 and Figure 4.3. For instance, illegal activities that featured prominently as threats to national security in the course of the study included: Human trafficking – 23.8%, cattle rustling- 14.3%, Community conflict – 13.2%. drug trafficking – 12.7%, terrorism -6.9 %, illegal trafficking of weapons - 6.3 %, contraband- 4.8%, and illegal migration -3 %; all accounting for 85 % of the border security breaches. These findings agree with previous studies among them Makokha (2020), Manyeruke (2019) and Abdulrahman (2006) on cross border movement.

It is argued that the levels noted in the research would have diminished considerably if the AUBP (2012) had been operationalized and all the program's three pillars of cooperation and coordination, capacity building and community development initiated fully. Nevertheless, moves to actualize the first pillar of cooperation and coordination seem to have been commenced among the border security management actors internally, including cross border liaison and bilateral arrangements between Kenya and Ethiopia externally; while the second pillar of capacity building commenced through operationalization of the OSBP. However, the study found that the third and most critical pillar of community development is lagging behind at the Moyale land border post unlike the USA-Canadian border where Andreas (2007) points out a high level of community involvement in the border management program. Hence absence of the third pillar negates the achievements of the first two pillars. This has an impact on

national security since the community at Moyale is yet to buy into the governments' border security program.

### **5.2.2 Understanding the Existing Legal Framework**

Tholen (2010) observes that the intensified border control measures were triggered by the 9/11 events as nations moved to improve security and combat terrorism. Nevertheless, Polner (2019) observes that globalization has prompted policy makers to realize the need to accelerate trans-border regulatory reforms to keep up with increased volumes of passenger and cargo in order to remove unnecessary barriers to trade and the travelling public hence the call for coordinated border management (CBM). As O'Dowd (2002) in Polner (2019) has observed, borders are '...places of economic and political opportunity for nations and states as well as for a host of other interest groups and agencies both legal and illegal...' These scholars' work have similar application to the findings of the study in view of the establishment of the OSBP whose main objective is to streamline movement of persons and goods between Kenya and Ethiopia.

In the case of Moyale area, the illegal activities that take place and impact on national security are illustrated at Table 4.3 and include cattle rustling, community conflict, drug trafficking and abuse, contraband, illegal firearms, terrorism, illegal crossings, and human trafficking. While these activities occur at Moyale, they are not unique to the said locality but are common in most border areas worldwide except cattle rustling that is localized as pointed out by Polner (2019), Tholen (2010), Carrera (2007), O'Dowd (2002) in Polner (2019) and Segghetti (2004). Moreover, the EU members had a common corpus of legislation. However, in the case of the Kenya –Ethiopia border, Kenya being a member of the EAC subscribes to the EAC protocols of free



movement of goods and persons while Ethiopia is a non EAC member. This has therefore called for bilateral arrangements to address cross border issues. Moreover, unlike in EAC, small traders from Ethiopia are not allowed to move their goods through the OSBP. And yet as argued by Barka (2012), the informal cross border trade carried out by a majority of African traders among them Ethiopians accounts for nearly 75 % of the total volume of trade. Denial of this category to use the OSBP pushes them into the illegal routes, denying the exchequer the needed revenue, providing an opportunity for illegal cartels to flourish which in turn undermines Kenya's economy and national security.

At the policy level, Carrera (2007) argues that the FRONTEX approach gives prominence to the border as a dividing line within the context of realism theory although emphasis is also on EU security in an effort to deal with the dilemma of globalization thereby embracing Barry Buzan's regional security complex theory. Unfortunately, the approach remains over politicized with individual countries that are most affected taking on more responsibility unilaterally in line with realism. The Kenya–Ethiopia situation is no different as the Ethiopian government restrictions on cross border movement by small scale informal traders is informed by national security concerns to minimize exit of its personnel who could take advantage of the opportunity to travel to third country destinations. Human trafficking cartels could also exploit this avenue to move hundreds of Ethiopians through Kenya to other countries.

As per the study findings illustrated at Figure 4.3, illegal cross border mobility comprising illegal crossing at 4.2 %, human trafficking at 23.8% and undocumented persons at 1.6 % make up one third of the national security threats in the larger Moyale area. Similar challenges were pointed out by Carrera (2007) in the case of the Spanish authorities arising from illegal movement into the Canary islands from the

Mediterranean sea by migrants from North Africa. This could inform the Ethiopian government's restriction on informal traders passing through the OSBP since once in Kenya, some could easily be trafficked to third countries. Moreover, crossing of the border requires the travelling public from Ethiopia to have passports that can be endorsed in line with Kenya's Immigration Act. The study argues that the strict control of the Ethiopian passport is an effort at stemming human trafficking of her citizens through Kenya, and by so doing enhances national security since Kenya has a subsisting antihuman trafficking law.

Meantime, as earlier indicated, the operations of FRONTEX in EU are anchored in a corpus of legislation. According to Bigo (2009), from a policy and legal point of view, the principle of free movement in the EU is enshrined in a set of treaties, conventions, laws and regulations. In the case of Africa, the strategy for enhancing border management is covered by a corpus of legal instruments designed to enhance border security management among African countries. Additionally, the security architecture of the border areas is generally characterized '...by security pluralism with many different law enforcement agencies reporting to different ministries, often with overlapping mandates...' hence posing a challenge to a coherent enforcement mechanism. Arguably, collaboration and coordination among affected countries is ideal for mutual benefit (Herbert, 2020). As argued by Bigo (2009) and Herbert (2020), their position was confirmed by the findings of the study where several security agencies, and departments including the KDF, NPS, Immigration, Customs, and County administration have been deployed in the study area although they have their independent reporting channels to higher headquarters. These array of agencies and departments require coordination and collaboration for synergy in realizing the border security mandate.

At the Moyale OSBP, the border management actors deployed by the national government are from different agencies ranging from the Kenya Defense Forces, the National Police Service which comprises the Administration police, the General Service unit, and the regular police. Other agencies include the immigration, customs, and local administration. All these agencies have their reporting lines to the headquarters at the national level where guidance on prevailing matters may be at variance. Moreover, they have their institutional customs and doctrines that vary from one agency to the next thereby making enforcement of the border security management mandate a challenge. Acknowledging this is critical to ensure border management tasks are streamlined.

Consequently, the challenges of free movement from Ethiopian small scale traders into Kenya should be understood in the same context of national sensitivities and security in addition to multiple security agencies executing the border security mandate. Inevitably, as argued by Gerstein et al (2018) and Herbert (2020) a tension arises from the need for a balance between security and the licit movement of people and goods. The said balance varies according to perceived risks, threats and vulnerabilities in a given border area and may require collaboration and coordination domestically and transnationally. A common factor is the likelihood of border communities having more in common due to ethnicity and social linkages such as the case for Moyale area where the OSBP is located, than the countries they belong. The prevailing tension between the need for security and facilitation of movement of licit goods and persons at border areas as argued by Gerstein et al (2018) and Herbert (2020), was confirmed as shown at table 4.8 when 66% of the respondents stated that the local community was unwilling to report any illegal immigrants and goods among them due to relational and filial factors arising from cross border marriages in total disregard of

national laws that required lawful entry of non-citizens. Clearly, while there is an adequate and applicable legal framework to manage various aspects of cross border movement, community and filial sensitivities may militate against the said laws.

In the case of non EAC members such as Ethiopia, cross border security management is addressed through bilateral arrangements and liaison officers in each country. In the course of the study, the respondents indicated that the border security management laws in place have been effective in enhancing Kenya's border security and that the policies in place on border security management are consistent with the laws. However, the study found that the number of respondents conversant with various border management laws to be low thereby making their enforcement mandate a challenge.

### **5.2.3 Examining Selected Socio-cultural Dynamics' Impact on Border Security Management.**

On the research question on selected socio-cultural dynamics, the study found that the Kenya-Ethiopia border at Moyale is inhabited by the Borana in Kenya and their Oromo cousins in Ethiopia. Other communities are the Gabra, Rendille and Somali, all having kinsmen on either side of the border as illustrated in Table 4.6. This finding was consistent with Herbert's (2020) assertion on border demographics; the common occurrence of separation of communities who share various socio-cultural aspects separated by international borders. Cross border movement therefore occurs irrespective of existing laws due to the cultural ties and social capital prevailing. This movement includes the community militia and OLF insurgents in the case of the Oromo whose Kenyan Borana cousins seek their support whenever there is conflict with other communities in the area as established by the study. This in itself undermines Kenya's national security.

This cross border filial phenomenon calls for close cross-border liaison and coordination of security agencies by both governments to minimize illegal movements. This finding is consistent with Altai Consulting (2021) who observes that there are always socio-cultural factors at play in cross border security management including multi-country conflict actors, common livelihoods and resilience patterns, different political and administrative structures, in addition to weak and informal governance actors who lack the capacity to address cross border issues. Further, in most cases, cross border activity has often been constrained by government laws, priorities and policies that gave rise to frameworks and perceptions resulting in harmful high level decisions and inappropriate laws that are only biased to the security dimension of cross border management.

The study findings are consistent with Pavanello (2010) and Altai Consulting (2021) who argue that mobile pastoralist systems move across international borders and advises that governments should endeavor to cooperate to grant legal backing to informal cross border trade. This is vital because as Karkare et al (2021) have argued, informal cross border trade is oftentimes motivated by concern for social capital and networks. The study notes that state regulation of such movement especially in cases where the border community have similar ethnicity breeds negativity towards government programs, and this has the effect of worsening rather than alleviating national security. The findings amplify this view point as they indicated the existence of strong cross border ties that hold sway over the border communities and supersede any government laws and regulations that manage cross border movement.

The study findings that regulation by the state is informed by the desire for revenue, concern for health risks from traded goods, and security for overall economic development are corroborated by Karkare et al (2021). The local concerns on the other

hand are informed by the social capital and networks in existence. This is characteristic of all border areas and Moyale is no exception. A key intervention would require bilateral arrangements to ensure the cross border movement of persons without breaching security since the movement will take place regardless of the laws in place. Karkare et al's (2021) observation that a substantial part of intra African trade is small scale, informal, unrecorded and cross border in character holds true based on the study findings. The study argues that while capacity building and simplification of complex border procedures may alter the current dynamics of informal cross border trade to a certain extent, they are unlikely to substantially change the character of the trade due to deep rooted relational structures. Consequently, border specific approaches are recommended due to the unique dynamics of each border area or point.

The shared history and culture with frequent cross border interactions between communities inhabiting Moyale cannot be wished away. Practices such as cross border marriages are common among the communities living on either side of Kenya-Ethiopia border. Further, the communities were unwilling to report to the authorities on the presence of any persons illegally in the area as illustrated at Table 4.7. The study further found that in environments where the cross border community is of the same ethnicity heightens the depth of the social capital and networks whose interaction may be in contravention of the rules and regulations of the countries affected. This therefore calls for policies and approaches on cross border management that are specific and sensitive to the local communities' socio-cultural dynamics. Adoption of the AUBP (2012) pillar three on community development would be a timely intervention in addition to ensuring that such movements are not hampered by adverse national policies.

As established by the study, the drivers of instability in the area are scarce resources especially pasture and water which are critical for the pastoral lifestyle of the

inhabitants. Consequently, a recourse to violence to gain access to the scarce resources is an option routinely adopted which in turn triggers the demand for illegal weapons. Further, when the conflict breaks out, it is often along clan lines as indicated in Table 4.7 by 87 % of the respondents. Whenever the conflict is protracted, community dynamics come into play with the OLF from the neighbouring Oromia region of Ethiopia, coming to the aid of their Borana cousins if they are affected. Their incursions impact on national security as casualties occur on the Kenyan side. Consequently, any conflict at the Kenya-Ethiopia border region inevitably becomes transnational due to social-cultural links thereby inflaming wider communal violence during which targeted communities resort to illegal acquisition of arms to defend themselves. This impacts national security. A key intervention measure would include cross border liaison and coordination by security agencies of both countries in addition to adequate manpower and equipment that is responsive to any security breaches arising.

#### **5.2.4 Challenges faced by Border Security Management Actors**

Bigo (2009), Marenin (2010), and Andreas (2003) observe that the EU and North America have in relative terms addressed the cross border security management to an advanced level through integrated solutions that enable different agencies with specific specialties to be deployed to enable a whole of systems approach that includes border police, criminal investigation, customs, national police, regional police where applicable, and the national defense forces among others. Using these array of agencies ensures that surveillance and control of borders is comprehensive.

While rudimentary, the case of Moyale OSBP is no different as the study found several security agencies deployed however, this is where the similarity ends. While Bigo (2009), Marenin (2010), and Andreas (2003) state that the North American and EU have integrated their border management, the study found no evidence of integrated

border management in Kenya's case. The earlier alluded presence of a border management committee by Makokha (2020) was not confirmed. Meantime, from a legal and policy perspective, while there is no shortage of laws on border security management, infractions still occur with breaches to national security including human trafficking at 23.8%, cattle rustling at 14.3 %, Community conflict at 13.2 % and drug trafficking at 12.7 %. These four breaches cumulatively make up 64 % of the national security threats in Moyale as shown in Table 4.3. Moreover, as argued by Manyeruke (2019), the border security agencies have their share of commissions and omissions including corruption, inadequate personnel, lack of equipment, illiteracy among others as shown in Table 4.8. Additionally, the study found that several factors contributed to the persistent illegal activity among them deployment of inadequate personnel as indicated by 63% of the respondents while 62 % cited absence of a swift justice management system to handle cases related to border security breaches as illustrated at Table 4.8. A further 66% cited lack of cooperation from the local community in providing information on illegal immigrants due to cross border family ties. Additionally, 54% of the respondents cited corruption among law enforcement agencies in the area that undermined effective border security management.

Overall, as argued by earlier studies in Makokha (2020), Shidane (2020), Manyeruke (2019), and Barka (2012), similar difficulties were noted by the respondents in this study who named ten difficulties experienced by the border security agencies including poor terrain, language barrier, terrorism, poor infrastructure, physical challenges, lack of equipment, inadequate security, corruption, lack of cooperation and illiteracy. An intervention to address the cocktail of challenges will require a whole of systems approach with all relevant ministries, departments and agencies taking corrective action within the context of a multi-agency framework.



### **5.3 Summary of Main Findings:**

Based on the first research question, despite the increased revenues and a reduction in insecurity incidences within the territory of Kenya, threats to national security persisted as demonstrated by the range of illegal activities such as human and drug trafficking. This was despite the level of coordination among the border management actors being pegged at 72.7%. This points to gaps in the enforcement process. The study also found that the functioning of the border management committee alluded to in previous research did not exist.

In response to the second research question on existing legal and policy framework, although a majority of the respondents as shown at table 4.8 agreed that corruption among the law enforcement agencies posted to the area undermines effective border security management, only a small segment of the study sample was familiar with the anti-corruption laws thereby making enforcement a challenge. Further, the study found that about half of the respondents had little knowledge of the specific laws governing border security management, thereby making their enforcement mandate a challenge. The situation was compounded by low levels of education among the respondents which could be a contributory factor in the personnel's lack of comprehension of the said laws.

The third research question on influence of a select number of socio-cultural dynamics at the border found a mixed sense of identification of the local community with the republic of Kenya. As shown at table 4.8 respondents indicated that there was a lack of cooperation from the local community in providing information on illegal immigrants living in the community due to cross border family ties whose social capital superseded their nationality. Instructively, the study established that the Oromo played

a role in the conflicts between the communities living in Kenya. This imperils national security.

Finally, the study found out that the major challenges undermining the efforts of border security actors were related to inadequacy of equipment, personnel, corruption and lack of cooperation between the local communities and the state security agents.

#### **5.4 Conclusion**

While the realism theory proffers that states are the main actors in international relations hence finding expression in the manner Ethiopia deals with issues of cross border movement into and out of Kenya, Barry Buzan's regional security complex seems to explain the dynamics of the border region more satisfactorily given the propensity for cross border movement to occur regardless of the laws in place mainly due to cross border social and filial ties. This study was conducted in Marsabit County where Moyale OSBP was operationalized in late 2021 to streamline cross border mobility of persons and goods. The study area experiences multiple security breaches due to the porous nature of the 500km stretch between Kenya and Ethiopia. The breaches include human and drug trafficking, contraband, cattle rustling, clan conflict among others. Further, as a current policy, most small scale traders from Ethiopia are not permitted to enter Kenya through the OSBP as only bulk cargo is authorized by Ethiopian authorities. This pushes the small scale informal traders into the illegal crossing points which are also exploited by smuggling syndicates thereby denying the exchequer revenue. This impacts on overall national security as less revenue is collected than would otherwise be the case. So while the OSBP is a very noble idea as it has contributed to a reduction in illegal immigration and driven revenues to the exchequer

upwards, it may not fully help in the effective management of the multifaceted security challenges along the expansive Kenya-Ethiopia border, some of which require interstate collaboration.

A majority of the personnel deployed for border security duties require familiarization with the laws governing border security management to enable them be more effective in enforcing them. They also need to be deployed in adequate numbers coupled with requisite equipment. Being from different security agencies and departments, their mandates need to be synchronized to generate synergy that will drive the national security mandate. At the socio-cultural level, adoption of the AUBP third pillar of community development is critical in ensuring that the local community own the border security management program hence making them first responders to any security breaches.

### **5.5 Recommendations**

In light of the study findings, the study recommends that the border security management committee be activated in practice with clear terms of reference (TOR) and standard operating procedures (SOP). The TORs and SOPs should stipulate that all border security agencies operate within a multi-agency framework in the execution of their mandate in furtherance of national security. Personnel earmarked for border security management should be familiarized with the relevant border laws through pre-deployment training to equip them with the basic knowledge to enforce existing laws. Drawbacks such as inadequacy of personnel and corruption could also be addressed in this set up. The FRONTEX model and the AUBP three pillar strategies be considered by the government to enhance national security.

Secondly, the study recommends that the national and county governments collaborate in implementing the AUBP's third pillar of community development in

order to incentivize the border community to own the border security management initiative. A deliberate effort could be made to apportion a fraction of the revenue generated at the OSBP to the local community via quick impact projects in order to hasten the community's speedy buy-in into the border security management program. The collaboration should also include Ethiopia so that there is unity of effort on both sides. This would see a drastic reduction in illegal activities, increase in revenue to the exchequer and minimize breaches of national security.

Third, the study recommends bilateral discussions leading to agreements with Ethiopia that allow small scale traders to pass through the OSBP as opposed to bulk cargo only. This will rope the informal traders into the tax bracket, providing the government with the much needed revenue hence positively impact her national security. The existing bilateral agreements between Kenya and Ethiopia could be reviewed to take into account the local socio-cultural sensitivities in order to improve the cross border security management.

This study further recommends that policy makers ought to strike a balance between experience and energy in the deployment of border security officers.

The study argues for a need to change the recruitment policy so that education becomes a factor to consider

Finally, the study further recommends that border security management actors should benchmark with well-established OSBPs elsewhere to borrow best practices that can facilitate easy entry and exit of persons and cargo while enhancing national security and returns to the exchequer. For the border security management strategy to work, both governments should ensure adequate resources are available in terms of manpower, equipment and facilities.

### **5.6 Suggested Area for Further Research**

The organization and functioning of an effective border security management committee is an area of further research if such an entity is to function. This is because the various border agencies deployed bring with them organizational cultures and doctrines that may be at variance with one another. These need to be harmonized to ensure synergy in delivery of the border security management mandate.

The study also suggests that a similar research be undertaken in border areas where the communities on either side of the border do not share common socio-cultural dynamics to help compare the results.

Given that research on Border security management is an affair of the two neighboring countries, the study recommends research be conducted on what is in place in Ethiopia that influence what happens in Kenya.

## REFERENCES

- Abdulrahman A. (2006). *Cross-Border Livestock Trade and Small Arms and Conflict In The Pastoral Areas Of The Horn Of Africa: Case Study From Southern Ethiopia and Northern Kenya*. Paper prepared for the IASCP's 11th Biennial Conference. As cited in Shikuku, F., Okoth, P. G., Kimokoti, S. (2020). *Nature of Cross-Border Conflicts Between the Communities at The Kenya and Ethiopia Border*.pdf. International Journal of Research and Innovation in Social Science (IJRISS)-Volume IV, Issue X, October 2020-ISSN 2454-6186. Accessed on 19 July 2021.
- Addis Standard (2021). News: *Moyale Starts Operating as a One Stop Border Crossing Point*.pdf. Addis Standard 8 June 2021.
- Adepoju, A. (2005). *Reflections On International Migration and Development in Sub Saharan Africa*.pdf.
- African Union Border Program-AUBP (2012). *Draft African Union Strategy for Enhancing Border Management in Africa*.pdf.
- Akanle, O., Ademuson, A.O., Shiittu, O.S. (2020). *Scope and Limitations of Study in Social Research*.pdf.
- Akhtar, I. (2016). *Research Design*.pdf. *Research in Social Science: Interdisciplinary Perspectives*. Accessed on 15 August 2021.
- Altai Consulting (2021). *Collaboration In Cross-Border Areas Of The Horn Of Africa Region. Case study on the EUTF Cross-Border Program*.pdf. Available at [www.altaiconsulting.com](http://www.altaiconsulting.com). Accessed on 07 November 2021.
- Amin, S. (1974). *Accumulation and Development: A Theoretical Model*.pdf.
- Anderson, R. (2016). *Europe's Failed Fight Against Irregular Migration. Ethnographic Notes on a Counter Productive Industry*.pdf.
- Andreas (2000) & Cornelius (2001) in Tholen, B. (2010). *The Changing Border: Developments and Risks in Border Control Management of Western Countries*.pdf. International Review of Administrative Sciences. <http://www.sagepub.co.uk/journalsPermissions.nav> Vol 76(2):259–278 (DOI:10.1177/0020852309365673). Accessed on 20 February 2021.
- Andreas, P. (2003). *Perspective. Border Security in The Age of Globalization: How Can We Protect Ourselves Without Losing the Benefits of Openness?* .pdf. Accessed on 12 June 2021.

- Aning, K., Pokoo, J. (2017). *Between Conflict and Integration: Border Governance In Africa In Times Of Migration*.pdf. Kofi Annan International Peacekeeping Training Centre (KAIPTC). Accessed on 21 November 2021.
- Antunes, S.E., Camisao, I. (2018). *Introducing Realism in International Relations*.pdf.
- Argueta, C.N. (2016). *Border Security: Immigration Enforcement Between Ports Of Entry*.pdf. Congressional Research Services. Accessed on 10 November 2021.
- Article.pdf. Accessed on 20 August 2021.
- Asenahabi, B.M. (2019). *Basics Of Research Design: A Guide To Selecting Appropriate Research Design*.pdf. International Journal of Contemporary Applied Researches.Vol.6, No. 5, May 2019. ISSN:2308-1365.
- Atkins, H. (2021).10 Facts About the Bombing of Hiroshima and Nagasaki.HistoryHit.tv
- Barka, H. B. (2012). *Border Posts, Checkpoints, and Intra-African Trade: Challenges and Solutions*.pdf. AfDB.
- Bigo, D. (2009). *Immigration Controls and Free Movement in Europe*.pdf. Volume 91 Number 875 September 2009. doi:10.1017/S1816383109990385. Accessed on 11 July 2021.
- Bowman, G.W. (2006). *Thinking Outside the Border: Homeland Security and The Forward Deployment of The US Border*. Houston Law Review, vol. 44, no. 2. As cited in Polner, M. (2019). *Coordinated Border Management: From Theory to Practice*.pdf. Volume 5, Number 2. World Customs Journal. Accessed on 20 February 2021.
- Buzan, B., Waver, O. (1991). *Regions and Powers: The Structure of International Security*.pdf
- Camille Y., Han, N., Sng, B.L. (2016). *Legal and Ethical Issues In Research*.pdf. doi: 10.4103/0019-5049.190627. Accessed on 23 August 2021.
- Canterbury Christ Church University-CCCU. (2018). *An Introduction To Ethics Issues And Principles In Research Involving Human and Animal Participants*.pdf. Accessed on 27 November 2021.
- Carrera, S. (2007). *The European Union Border Management Strategy: FRONTEX and The Challenges of Irregular Immigration in The Canary Islands*. CEPS Working Document No. 261/March 2007.pdf. ISBN 978-92-9079-702-9. Accessed on 05 June 2021. Available at <http://www.ceps.eu>.

- Chilunjika, A. (2019). *Dynamics of Contemporary Border Management in Zimbabwe Challenges, Benefits and Prospects*.pdf. Available at <https://www.researchgate.net/publication/333934423>. ISBN: 978-1-906704-90-2 Accessed on 27 November 2021.
- Cilliers, J. (2018). *Violence In Africa Trends, Drivers And Prospects To 2023*: Institute for African Studies, Africa Report 12. August 2018. As cited in Shikuku, F., Okoth, P. G., Kimokoti, S. (2020). Nature of Cross-Border Conflicts Between the Communities at The Kenya and Ethiopia Border.pdf. International Journal of Research and Innovation in Social Science (IJRISS)-Volume IV, Issue X, October 2020-ISSN 2454-6186. Accessed on 19 July 2021.
- Cote-Boucher, K., Infantino, F., Salter, M.B. (2014). *Border Security As Practice: An Agenda for Research*.pdf. Security Dialogue. Vol 45(3)195-208. DOI 10.1177/0967010614533243. Sage Publication. Available at <https://www.jstor.org>. Accessed on 10 November 2021.
- Council of the European Union (2006). *Integrated Border Management; Strategy Deliberations*, 13926/06, FRONT 207/COMIX 826, Brussels, 2006. As cited in Bigo, D. (2009). Immigration Controls and Free Movement in Europe.pdf. Volume 91 Number 875 September 2009. doi:10.1017/S1816383109990385. Accessed on 11 July 2021.
- Crocker, L., Algina J. (1986). *Introduction to Classical and Modern Test Theory*. Orlando, FL: Harcourt Brace Jovanovich. As cited in Kimberlin, C. L., Winterstein, A. G. (2008). Validity and Reliability of Measurement Instruments Used in Research.pdf. Research Fundamentals. Accessed on 19 August 2021.
- Doyle, T. (2011). *The Future of Border Management*. In G McLinden, E. Fanta, D. Widdowson & T Doyle (eds). Border Management Modernization. IBRD/World Bank, Washington, DC. As cited in Polner, M. (2019). Coordinated Border Management.pdf. Volume 5, Number 2. World Customs Journal. Accessed on 20 February 2021.
- ECOWAS Revised Treaty (2010).pdf. Available at: <http://www.ecowas.int>. Accessed on 15 August 2021.
- ESA BMO Network (2010). *Harmonizing Border Procedures in the ESA Region to Facilitate Trade*. November 2010. As cited in Barka, H. B. (2012). Border Posts, Checkpoints, and Intra-African Trade: Challenges and Solutions.pdf. AfDB.



- Fraser, J., Fahlman, D., Arscott, J., Guillot, I. (2018). *Pilot Testing for Feasibility in a Study of Student Retention and Attrition in Online Undergraduate Programs*.pdf. International Review of Research in Open and Distributed Learning Volume 19, Number 1. Accessed on 19 August 2021.
- Gerstein, D.M., Atler, A., Davenport, A. C., Grill, B., Kadlec, A., Young, W. (2018). *Managing International Borders. Balancing Security with The Licit Flow of People And Goods*.pdf. Rand Corporation. Available at [www.rand.org/t/PE290](http://www.rand.org/t/PE290). Accessed on 13 November 2021.
- Groot, A.D. (1956). *The Meaning Of Significance For The Different Types of Research*. pdf. Accessed on 18 April 2022.
- Hagmann, T. (2003). *Mitigating Violent Resource Conflicts In The Somali Region Of Ethiopia*; Lecture At ZEF Research Meeting, Center For Development Research, Bonn November 19, 2003. National Centre Of Competence In Research North-South. As cited in Shikuku, F., Okoth, P. G., Kimokoti, S. (2020). *Nature of Cross-Border Conflicts Between the Communities at The Kenya and Ethiopia Border*.pdf.(IJRISS)-Volume IV, Issue X, October 2020-ISSN 2454-6186. Accessed on 19 July 2021.
- Henry, M. (1977). *Sociological Research: Philosophy and Methods*, Illinois: The Dorsey Press. Cited in Akhtar, I. (2016). *Research Design*.pdf. Research in Social Science: Interdisciplinary Perspectives. Accessed on 15 August 2021.
- Hart, C. (2009). *Doing a Literature Review - Releasing the Social Science Research Imagination*, London et al.: SAGE Publications. Cited in Müller-Bloch, C., Kranz, J. (2015). *A Framework for Rigorously Identifying Research Gaps in Qualitative Literature Reviews*.pdf. Accessed on 03 August 2021.
- Herbert, M. (2020). *Securing and Stabilizing Borders in North and West Africa. Policy Brief*.pdf. Accessed on 13 November 2021.
- Holmes, K. R. (2015). *What Is National Security?* pdf. The Heritage Foundation. Accessed on 30 April 2022.
- Huber and Karim (2018). *Masculinization of the Security Sector*.
- Igwenagu, C. (2016). *Fundamentals of Research Methodology and Data Collection Book*.pdf. Accessed on 15 August 2021.
- Ikome, F.N. (2012). *Africa's International Borders as Potential Sources of Conflict and Future Threats to Peace and Security*.pdf. Institute for Security Studies. Paper 233. May 2012.

- Irny, S.I., Rose, A.A. (2005). *Designing a Strategic Information Systems Planning Methodology for Malaysian Institutes of Higher Learning* (isp- ipt), Issues in Information System, Volume VI, No. 1, 2005. Cited in Igwenagu, C. (2016). *Fundamentals of Research Methodology and Data Collection Book.pdf*. Accessed on 15 August 2021.
- Kabir, S. M. S. (2016). *Methods of Data Collection.pdf*. Accessed on 20 August 2021.
- Karkare, P., Byiers, B., Apiko, P., Kane, M. (2021). *A System, Not an Error: Informal Cross-Border Trade In West Africa.pdf*. Discussion Paper Number 300. Accessed on 14 November 2021.
- Kibuacha, F. (2021). *How to Determine Sample Size For a Research Study.pdf*. Research 101. Geopoll. Accessed on 27 November 2021.
- Kieck, E. (2010). *Coordinated Border Management: Unlocking Trade Opportunities through One Stop Border post*. World Customs Journal, 4(1). As cited in Ndunda, R. (2013). *Implementation Of One Stop Border Post Strategy At The Busia Border, Kenya.pdf*. Accessed on 27 November 2021.
- Kimberlin, C. L., Winterstein, A. G. (2008). *Validity and Reliability of Measurement Instruments Used in Research.pdf*. Research Fundamentals. Accessed on 19 August 2021.
- Kinyongo, T. (2020). *Chapter Four Data Presentation, Analysis and Interpretation.pdf*. Accessed on 25 November 2021.
- Konjengbam, H., Meitei, Y. (2020). *Test and Retest in Anthropological Research.pdf*. KRA Press Release (September 2021). *Kenya Confident on Trade with Ethiopia as Moyale OSBP Operational Manual is Signed.pdf*.
- Little, P. (2007). *Unofficial Cross-Border Trade in Eastern Africa*. Paper presented at the FAO 'Workshop On Staple Food Trade And Market Policy Options For Promoting Development In Eastern And Southern Africa', Rome, 1–2 March 2007.
- Little. P., Mahmoud, H.A. (2005). *Cross-Border Cattle Trade Along the Somalia/Kenya and Ethiopia/Kenya Borderlands*. Research Brief 05-03-PARIMA. As cited in Shikuku, F., Okoth, P. G., Kimokoti, S. (2020). *Nature of Cross-Border Conflicts Between the Communities at The Kenya and Ethiopia Border.pdf*. International Journal of Research and Innovation in Social Science (IJRISS)-Volume IV, Issue X, October 2020-ISSN 2454-6186. Accessed on 19 July 2021.

- Makokha, R.S. (2020). *Enforcement Challenges in Addressing Migrant Smuggling into Kenya: A Case of Moyale Border*.pdf. Accessed on 24 July 2021.
- Manyeruke, C. (2019) *The Nexus Between Security And Border Management In Zimbabwe: The Case Of Beitbridge Border Post*.pdf.
- Marenin, O. (2010). *Challenges for Integrated Border Management in the European Union*.pdf Geneva Centre for The Democratic Control of Armed Forces (DCAF). Occasional Paper - №17. Accessed on 10 June 2021. ISBN 92-9222-117-5.
- Masinde, J. (2015). *The Effect of Customs Procedures On Cross Border Maize Trade: A Case Study Of Namanga Border Post*.pdf. Accessed on 28 November 2021.
- McLaughli, E. (n.d.). *Data Collection*.pdf. Accessed on 19 August 2021.
- Meetsi, K.R. (n.d). *Border Security: Factors That Influence Cross-Border Criminal Activities: A South African Reality and Feasible Alternatives*.pdf. A South African Police Perspective. Accessed on 27 November 2021.
- Middleton, F. (2020). *The Four Types of Validity*.pdf. Accessed on 25 November 2021.
- Morgenthau, H.J. (1948). *Politics Among Nations*.
- Milner, H. (1992). *International Theories of Cooperation Among Nations: Strengths and Weaknesses. World Politics; Vol 44, No3*.pdf.
- Mugenda, A., Mugenda, O. (2003). *Research Methods. Quantitative and Qualitative Approaches*. African Centre for Technology Studies, Nairobi, Kenya.
- Müller-Bloch, C., Kranz, J. (2015). *A Framework for Rigorously Identifying Research Gaps in Qualitative Literature Reviews*.pdf. Accessed on 03 August 2021.
- Müller-Bloch, C., Kranz, J. (2015). *A Framework for Rigorously Identifying Research Gaps in Qualitative Literature Reviews*.pdf. Accessed on 03 August 2021.
- Ndunda, R.(2013). *Implementation Of One Stop Border Post Strategy At The Busia Border, Kenya*.pdf. Accessed on 27 November 2021.
- Nordquist, K. (2010). *Boundary Conflicts and Preventive Diplomacy*. As cited in Ikome, F.N. (2012). *Africa's International Borders as Potential Sources of Conflict and Future Threats To Peace And Security*.pdf. Institute for Security Studies. Paper 233. May 2012.
- Nugent & Asiwaju (n.d), *Partitioned Africans*. As cited in Ikome, F.N. (2012). *Africa's International Borders as Potential Sources of Conflict and Future Threats to Peace and Security*.pdf. Institute for Security Studies. Paper 233. May 2012.

- O'Dowd, L. (2002). *The Changing Significance of European Borders* in J Anderson, L O'Dowd & T Wilson (eds), *New Borders for A Changing Europe: Cross-Border Cooperation and Governance*, Frank Cass, London. As cited in Polner, M. (2019). *Coordinated Border Management: From Theory to Practice*.pdf. Volume 5, Number 2. *World Customs Journal*. Accessed on 20 February 2021.
- Odero, M.O. (2020). *One Stop Border Post As a Facilitator of Cross Border Mobility in East Africa Community: A Comparative Study of Busia and Oloitoktok Border Posts*.pdf. Accessed on 28 November 2021.
- Odessa, R. (2011 August). *Progress Report on Joint Border Operation at Border Stations. Joint Border Committee held at Busia Customs office, Kenya*. As cited in Ndunda, R. (2013). *Implementation Of One Stop Border Post Strategy At The Busia Border, Kenya*.pdf. Accessed on 27 November 2021.
- Okumu, W. (2016). *Border Management and Security in Africa*.pdf. The Border Institute.
- Oribhabor C.B., Anyanwu, C. A. (n.d). *Research Sampling and Sample Size Determination: A Practical Application*.pdf. Accessed on 19 August 2021.
- Parshotam, A., Balongo, S. (2020). *Women Traders In East Africa: The Case Study Of The Busia One Stop Border Post*.pdf. *African Perspectives: Global Insights*. Accessed on 27 November 2021.
- Pavanello, S. (2010). *Working Across Borders. Harnessing The Potential of Cross-Border Activities To Improve Livelihood Security In The Horn Of Africa Drylands*.pdf. Policy Brief 41. Humanitarian Policy Group. Accessed on 07 November 2021.
- Peersman, G. (2014). *Overview: Data Collection and Analysis Methods in Impact Evaluation. Methodological Briefs. Impact Evaluation No. 10*. pdf. UNICEF. Accessed on 25 November 2021. Available at <http://www.unicef-irc.org/KM/IE/>
- People. O. (2011). *The EAC Development Strategy (2011/12-2015/16)*.pdf. Accessed on 20 November 2021.
- Polner, M. (2019). *Coordinated Border Management: From Theory to Practice*.pdf. Volume 5, Number 2. *World Customs Journal*. Accessed on 20 February 2021.
- Ram, A. (2010). *Research Method*, New Delhi: Rawat Publication. Cited in Akhtar, I. (2016). *Research Design*.pdf. *Research in Social Science: Interdisciplinary Perspectives*. Accessed on 15 August 2021.

- Research & Evidence Facility-EU (2016). *Cross-Border Analysis and Mapping Final Report.pdf*. Accessed on 21 July 2021.
- Retter,L., Frinking,E., Hoorens,S., Lynch,A., Nederveen,F., Phillips,W.(2020). *Relationships Between the Economy and National Security: Analysis and Considerations for Economic Security Policy in the Netherlands.pdf*. Accessed on 30 April 2022. Available at [www.rand.org/t/RR4287](http://www.rand.org/t/RR4287).
- Roseblum, M.R. (2013). *Border Security: Understanding Threats at U.S Borders.pdf*. Accessed on 10 November 2021.
- Seghetti, L. M. (2004). *Border Security: U.S.-Canada Immigration Border Issues.pdf*. Order Code RS 21258. CRS Report for Congress. Library of Congress. Accessed on 12 June 2021.
- Shidane, J.M. (2020). *The Cross Border Challenges In The Horn Of Africa Region: A Case Study Of Kenya –Ethiopia Moyale Border Area.pdf*. Accessed on 13 November 2021.
- Shikuku, F., Okoth, P. G., Kimokoti, S. (2020). *Nature of Cross-Border Conflicts Between the Communities at The Kenya and Ethiopia Border.pdf*. International Journal of Research and Innovation in Social Science (IJRISS)-Volume IV, Issue X, October 2020-ISSN 2454-6186. Accessed on 19 July 2021.
- Simon, M.K., Goes, J. (2013). *Dissertation and Scholarly Research: Recipes for Success.pdf*.
- Taherdoost, H. (2018). *Determining Sample Size: How to Calculate Survey Sample Size.pdf*. International Journal of Economics and Management Systems. Available at <http://www.ias.org/ias/journals/ijems>. Accessed on 28 August 2021.
- Tholen, B. (2010). *The Changing Border: Developments and Risks in Border Control Management of Western Countries.pdf*. International Review of Administrative Sciences. Accessed on 12 June 2021.
- Trade Mark Southern Africa (2011). *Improving Service Delivery and Reducing Clearing Times at Beitbridge Border Post.pdf*. Accessed on 27 November 2021.
- USAID (2010). *Report on One Stop Border Posts 2012.pdf*. Retrieved in May 2013 from [www.competeusaid.com](http://www.competeusaid.com). As cited in Ndunda, R.(2013). *Implementation Of One Stop Border Post Strategy At The Busia Border, Kenya.pdf*. Accessed on 27 November 2021.

- Wafula, P. (2012, June 25). *Noose Tightens on Smugglers as Treasury Reforms KRA*.pdf. The Daily Nation on the Web. Retrieved June 2013 from <http://www.nation.co.ke/>. As cited in Ndunda, R. (2013). *Implementation Of One Stop Border Post Strategy At The Busia Border, Kenya*.pdf. Accessed on 27 November 2021.
- Walter, J. and Komu, N. (2021). *Foreign Fighters Fueling Ethnic Clashes in Marsabit*, Daily Nation Newspaper, Pg 8. 23 November 2021.
- Waltz, K.N. (1979). *Theory of International Politics*.
- Williams, K.C. (2011). *Five Ingredients of Improving Student Motivation. Research in Higher Education, Journal 12*.pdf.
- WTO (2019). *World Trade Organization 2019 Report*.pdf. Accessed on 31 July 2021.
- Yohannes, G. M., Kassaye, H. and Zerihun, A. (2005). *Addressing Pastoralist Conflict In Ethiopia: The Case Of The Kuraz And Hamer Sub-Districts Of South Omo Zone*.pdf. Africa Peace Forum, Ethiopian Pastoralist Research and Development Association, Inter-Africa Group, Safer-world.

## APPENDICES

### Appendix I: Questionnaire

My name is Christopher, a graduate student at African Nazarene University. I am conducting a study titled “Border Security Management Dynamics and its Implications for Kenya’s National Security: The Case of Moyale One Stop Border Post”. The study findings are strictly for academic purpose. I assure you that, if you elect to participate in the study, the responses you provide will be held in confidence and used for the stated purpose.

#### Section A: General Information

1. What is your sex?
  - a. Male ( )
  - b. Female ( )
  
2. What is your age?
  - a. 18-27 years ( )
  - b. 28-37 years ( )
  - c. 38-47 years ( )
  - d. 48-57 years ( )
  - e. Above 58 Years ( )
  
3. What is your highest level of education?
  - a. O-Level ( )
  - b. Certificate ( )
  - c. Diploma ( )
  - d. Degree ( )
  - e. Postgraduate ( )

**SECTION B: Effectiveness of Measures Adopted by Kenya’s Border Security Management Actors in Enhancing National Security**

4. What are the most common national security threats that border security management actors deal with on a regular basis?

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5. Other than the existing threats cited in question 5 above, are there emerging security concerns that you think should concern national security actors especially when you scan the larger horn of Africa region of which Kenya is a part?

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6. What specific measures have been adopted by Kenya’s Border Security Management Actors in Enhancing National Security along the Kenya-Ethiopia border?

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7. To what extent do you agree with the following statements in relation to the effectiveness of the measures adopted by Kenya’s border security management actors in enhancing national security at the Moyale one stop border post?

Key: 1-Strongly agree, 2- Agree, 3-Not sure, 4-Disagree, 5-Strongly disagree

	1	2	3	4	5
i. The presence of armed security personnel has contributed to a reduction in incidences of cross border insecurity happening in the territory of the republic of Kenya					
ii. The presence of the one stop border post has contributed to increase in revenue accruing to Kenya from international trade					
iii. Illegal immigration into the republic of Kenya from Ethiopia has drastically reduced due to the presence of a manned one stop border post					
iv. Travellers using the Moyale one stop border post are happy with the security measures they have to undergo before being let in or out of the country					
v. The technology used in driving the security component at the Moyale one stop border post is slow, outdated and prone to infiltration by hackers					
vi. Coordination between various state agencies at the Moyale one stop border post has greatly contributed to national security					

**SECTION C: Adequacy of the existing legal and policy framework of border security management actors in enhancing Kenya’s national security**

8. Which border security management laws are you familiar with?

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 .....

9. Have the laws cited in question 8 above been effective in enhancing Kenya’s border security, particularly with regard to the area served by the Moyale one stop border post?

Yes ( )

No ( )

10. If your answer in 9 above is yes, what indicators would you point out that demonstrate the efficacy of the existing laws stated in 8 above in terms of enhancing Kenya’s border security?

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11. In your opinion, are the policies put in place by the various state agencies involved in border security management consistent with the laws stated in question 8 above?

Yes ( )

No ( )

12. To what extent would you agree with the following statements in light of enforcement of the existing border security management legal and policy framework?

Key: 1-Strongly agree, 2- Agree, 3-Not sure, 4-Disagree, 5-Strongly disagree

	1	2	3	4	5
i. Enforcement is very strong					
ii. Enforcement is weak					
iii. There is no enforcement at all					

**SECTION D: Socio-cultural dynamics that influence the interactions of the border communities and how they impact on border security management**

13. What is the ethnic composition of the population living in Marsabit county in which the Moyale OSBP is located? Please list the ethnic groups.

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14. To which religious faith are you affiliated?

Christian ( )

Islam ( )

Others (please specify) .....

15. To what extent do you agree with the following statements in light of sociocultural dynamics influence on border security management and national security?

Key: 1-Strongly agree, 2- Agree, 3-Not sure, 4-Disagree, 5-Strongly disagree

	1	2	3	4	5
ix. The communities living in Marsabit county often fight along ethnic lines					
x. Religious differences have often fuelled violent clashes among the communities in Marsabit county leading to deaths and destruction of property					
xi. The practice of cattle rustling has fuelled the proliferation of small arms and light weapons					
xii. Crossborder marriages are common among the communities living on either side of the Kenya-Ethiopia border					
xiii. Pastoral communities on either side of the Kenya-Ethiopia border migrate across the borders in search of water and pasture for their animals during the dry spells					
xiv. Community elders are responsible for resolving intra and inter communal conflicts					

xv. There is a very strong sense of patriotism and identification with the republic of Kenya among the communities living in Marsabit county					
xvi. There is very strong cooperation between the security agencies and the local communities in driving the national security agenda					

16. What recommendations would you make in terms of socio-cultural practices that need to be changed so that they do not continue to undermine national security?

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**SECTION E: Challenges facing border security management actors in enhancing national security**

17. To what extent do you agree with the following statements in relation to the challenges facing Kenya' border security management actors in addressing national security concerns traceable to the Kenya-Ethiopia border?

Key: 1-Strongly agree, 2- Agree, 3-Not sure, 4-Disagree, 5-Strongly disagree

	1	2	3	4	5
vii. The slow pace of issuing identification documents to the Kenyan communities living in Moyale and its environments on the Kenyan side					
viii. The similarity of the ethnic communities living on either side of the Kenya-Ethiopia border					
ix. Inadequate personnel posted by the agencies mandated to ensure border security along the Kenya-Ethiopia border					
x. Absence of a swift justice management system to handle cases related to border security breaches					
xi. Lack of cooperation from the local communities in terms of providing information of illegal immigrants living among them due to cross border family ties					

xii. Corruption among the law enforcement agencies posted to the area undermines effective border security management					
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18. Other than the challenges presented in question 15 above, what other difficulties do border security management actors along the Kenya-Ethiopia border have to contend with in enhancing national security?

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Thank you for your time!

## **Appendix II: Interview Guide**

1. What are the most common national security threats that border security management actors deal with on a regular basis?
2. Beyond the threats you have just cited, are there emerging security concerns emanating from Ethiopia that worry you which you think should also concern national security actors?
3. Do you think the measures adopted by the border security management teams operating along the Kenya-Ethiopia border have been effective in securing Kenya and her interests from illegal immigrants?
4. What indicators can you point to in justifying your response of either effectiveness or ineffectiveness of the measures?
5. What specific laws have been used by the border security management teams in securing the country from any threats that could filter through the Kenya-Ethiopia border?
6. Have the laws you have pointed out been adequate in terms of ensuring optimal border security management? Please explain your response.
7. Beyond the measures being used and the laws in place intended to guide border security management, what challenges confront the security teams?
8. What socio-cultural aspects related to the border do you think influence the state of security in Kenya?
9. What suggestions or proposals can you recommend that can enhance either the effectiveness of the measures being used or the legal framework that guides the border security management teams?

Thank you for your time!

### Appendix III: ANU Introduction Letter



9<sup>th</sup> February 2022

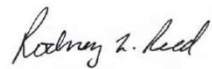
**RE: TO WHOM IT MAY CONCERN**

---

Christopher Lutomia Imboywa (19M03DMGP066) is a bonafide student at Africa Nazarene University. He has finished his course work and has defended his thesis proposal entitled: -

*“Implications of Border Security Management Dynamics on National Security at Moyale One Stop Border Post”.*

Any assistance accorded to him to facilitate data collection and finish his thesis is highly welcomed.



**Prof. Rodney Reed**  
**DVC, Academic & Student Affairs.**

### Appendix IV: NACOSTI Permit

  
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**This is to Certify that Mr.. CHRISTOPHER LUTOMIA IMBOYWA of Africa Nazarene University, has been licensed to conduct research in Marsabit on the topic: IMPLICATIONS OF BORDER SECURITY MANAGEMENT DYNAMICS ON NATIONAL SECURITY AT MOYALE ONE STOP BORDER POST for the period ending : 01/February/2023.**

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Appendix V: Map of Kenya showing existing and proposed Immigration control points

