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Para-Diplomacy and Border Security: A Kenyan Perspective

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Abstract

Purpose: Para-diplomacy empowers subnational governments to engage directly in international relations, including security policy-making. It operates outside traditional diplomatic channels, bridging gaps between subnational and national governments, and allowing for more nuanced and context-specific approaches to security policy-making. For subnational governments to actively participate in addressing security concerns and shaping security policies, the potential and efficacy of para-diplomacy should be carefully understood and therefore managed. This research explores para-diplomacy and its potential impact on border security in Kenya, particularly the role of border counties.

Methodology: Using mixed research methods, the study examines the mechanisms of border management and the important, yet undefined role of border counties. By applying purposive sampling technique, the research selected a sample of 76 individuals from 23 border counties and 6 national government departments all of which are part of Kenya's governance structure. Questionnaires and interview guides were adopted to gather primary data and both qualitative and quantitative methods of analysis were employed.

Findings: It uncovers an institutional gap that

fails to clearly define or utilize the potential of these counties in boosting border security. The study also delves into track one diplomacy, delineating its significance in maintaining border stability. It found out that diplomacy appears to produce positive results by transforming conflicts into opportunities for integration through peace building, and conflict management. Additionally, the study investigates the transformative power of neofunctionalism theory, demonstrating how diplomacy can be used to resolve conflicts and foster regional integration. The research suggests that para-diplomacy, the involvement of subnational regions in international affairs, could enhance border security by leveraging the contribution of border counties towards regional integration.

Recommendations: In conclusion, the study recommends frameworks promoting collaboration between the central government and border counties to improve border management mechanisms and strengthen Kenya's border security. The research highlights the need for a paradigm shift in understanding and utilizing para-diplomacy in border security management.

Keywords: *Border County, Functionalism, Neo-functionalism, Federalism, and Devolution*

1.0 INTRODUCTION

The significance of para-diplomacy, a term coined to describe the diplomatic activities conducted by sub-national governments (Kuznetsov, 2015), has increasingly come under the spotlight in recent years. This article specifically delves into the implications of para-diplomacy for border security in Kenya, offering fresh insights into the potential of this approach to address ongoing challenges in the country's border regions.

Borders play an important role in global politics. For many countries, therefore, border security is a national security matter because it hinges on sovereignty and safeguards territorial integrity (Mwanzia, 2015). Many nations accordingly place border security as a preoccupation of their foreign policy and diplomacy. Besides, because of their origin, borders are important foreign policy matters. For many states, borders are a result of war or conquests, delineated by judicial processes, through the process of colonization and decolonization, or delineated when a country became independent when a larger central state disintegrated or dissolved. In several of these cases, boundaries split communities and placed them in different states. Precisely because of the arbitrariness of borders and the communities straddling the borders, conflict often arises and many states have gone to war as a result of disagreements over questions of ethnic identity and territorial concerns.

Many countries have resolved border conflicts in several ways, including resorting to the International Court of Justice (ICJ), going to war, or deploying diplomatic methods with cross-border communities playing a significant role (The Carter Centre, 2010). According to neo-functionalism, which has been applied in this research, cooperation among states on lower-level issues, such as cross-border trade, creates peaceful conditions among communities and more cooperation in other areas would eventually facilitate regional integration (Mebard-Hill, 2017).

Although Kenya is relatively peaceful in the region, the country faces a myriad of challenges related to international borders, many of which could threaten the stability of the nation and the sub-region. The major challenges related to borders revolve around border delimitation, demarcation, identity, and migration. For instance, intercommunal clashes over resources between the *Karamoja* cluster of communities straddling the Kenya, Uganda, and South Sudan boundary take an ethnic dimension whenever they occur. Further, the conflict over *Migingo* Island disrupts Kenya-Uganda relations. The claimed territories at the *Ilemi Triangle* remain unresolved between Kenya and South Sudan. More recently, Somalia's maritime claim over Kenya's territorial waters and terrorism as a result of *Al-Shabaab* characterize the Kenya-Somalia relations and continue to threaten regional peace and security (Kiplagat, 2015). In a sense, such intercommunal conflicts, claimed territories and terrorism are at the heart of the sovereignty and territorial integrity of the affected nations. Other conflicts orbit around the use of resources, land use, trade, and movement of goods and services across the country's borders, which sometimes morph into tensions and diplomatic tussles that threaten regional integration and therefore regional peace and security.

Kenya's foreign policy behavior in a regional context can be understood through neoliberal institutionalism, which explains how international institutions and norms impact foreign policy and sovereignty. However, this study adopts neo-functionalism, focusing on the role of border counties in border security and regional integration. Neo-functionalism suggests that sub-national units, through devolution and federalism, cooperate over time to achieve higher levels of regional integration.

Originally proposed by David Mitrany in the 1930s, functionalism emphasizes low-level technical cooperation in areas like water, safety, and weather forecasting instead of creating an international

government (Mebard-Hill, 2017). Over time, cooperation expands to more challenging issues, reducing nationalism and sovereignty concerns. Neofunctionalism, developed by Ernst B. Haas in the 1950s, argues that cooperation in one area can spill over into related sectors, deepening cooperation within the same sector (Haas, Summer, 1961).

Applying neo-functionalism, this research examines the cooperation between border counties and neighboring countries in cross-border relations, aiming to enhance the role of border counties in border security and regional integration. This research, which was conducted in the unique context of Kenya, designed at filling the existing gap in the institutional structure and exploring how para-diplomacy could play a transformative role in bolstering border security. The research findings indicate that there is potential to adopt and or develop frameworks that harness the contribution of border counties in border security. The major findings of each of the research objectives are explored in this article.

Statement of the Problem

The research problem in this study revolved around the role of sub-national units, specifically county governments, in achieving border security in Kenya. While the contribution of traditional diplomacy is well understood, the significance of these sub-national units and their impact on border security remains unexplained and unexploited. The complex interplay between central government mechanisms and devolved functions, as well as the cross-border interactions of people, goods, and services, highlight the gap between official foreign policy expectations and the reality on the ground. The research aimed at understanding the nature and character of cross-border challenges faced by county governments in pursuing cross-border security, the extent to which traditional diplomacy promotes border security, and the involvement of border county governments in Kenya's border security.

To effectively explore this broad concern, the researcher distilled the research objective into three specific research questions. Primarily, what is the nature and character of cross-border challenges and experiences by county governments in the pursuit of cross-border security in Kenya? Secondly, to what extent has Kenya's diplomacy, or the so-called 'Track One diplomacy' contributed to border security? Thirdly, what role do border counties play and how can their contribution be adapted to promote border security?

2.0 METHODOLOGY

The study employed a mixed research method, combining qualitative interviews with quantitative data analysis. The qualitative interviews were conducted with key stakeholders involved in border management and security, including representatives from border counties, central government officials, and officials from the Ministry of Foreign and Diaspora Affairs of Kenya.

The quantitative data analysis involved gathering and analyzing data on four major categories of challenges which include identity frame ('us vs them'), migration, trade, and political issues, and other security-related incidents in Kenyan border counties. The study applied purposive sampling technique, and selected a sample of 76 individuals from 23 border counties and 6 national government departments. Five of the departments are part of Kenya's governance structure and the Ministry of Foreign and Diaspora Affairs was the sixth because it is mandated with the management of Kenya's external relations. Questionnaires and interview guides were adopted to gather primary data and both qualitative and quantitative methods of analysis were employed.

The data shows that there were thirty-seven (37) responses in total, spanning all Ministries, Departments, and Agencies (MDAs) and all twenty-four (24) border counties under study. Border counties in Kenya include Wajir, Mandera, Garissa, Tana River, Lamu, Mombasa, Kilifi, Taita Taveta, Kwale, Kajiado,

Narok, Migori, Homa Bay, Kisumu, Siaya, Busia, Bungoma, Trans Nzoia, West Pokot, Turkana and Marsabit as well as Nairobi, Isiolo and Uasin Gichu counties hosting international airports. The most common responses were related to county government (22.4%), followed by the Ministry of Foreign Affairs (8.6%), other MDAs (6.9%), and the Department of Immigration (3.4%). Additionally, there were responses related to specific units or departments such as the Border Police Unit, Kenya Airports Authority (KAA), and the National Police Service (NPS). The secondary data was sourced from various governmental and non-governmental reports, academic studies, books, and news articles.

3.0 FINDINGS

Significance of Border Counties

Kenya's border counties play a pivotal role in the country's peace and stability. Acting as the nation's frontline, these regions are instrumental in safeguarding against external threats, thereby contributing significantly to national security. However, they are not without their set of unique challenges.

The study highlighted four key categories of challenges impacting these regions - Identity Frame, Migration, Trade, and Political issues. The Identity Frame challenge has been reported to affect 25% of the respondents, with Migration impacting 30%, Trade concerns affecting 20%, and Political issues influencing a considerable 25%. Primary, Identity Frame in the context of this research implied the notions of kinship or historical family relations such as family ties, clans, ethnic groups, tribes or communities and their collective cultural beliefs. Religion refers to Christian, Muslim, Hindu, traditional or any other religious groupings in Kenya and among its neighbours. Demographic variables such as gender and age are also important determinants of identity and therefore is a complex consideration in border security. Secondly, Migration issues explored included refugees, returnees, Internally Displaced Persons (IDPS), Asylum seekers, statelessness and multiculturalism as well as their implications for border security. Thirdly, Cross Border Trade (CBT) challenges relating to non-tariff barriers and infrastructure linkages, devolution and border counties, and informal cross border trade were revealed as issues of concern. Finally, political and diplomatic challenges relating to border security including issues such as public participation among border communities, participation in politics and elections by border communities, cross border shared resources, and electoral representation were among issues experienced by border counties and which impacted on the state of border stability.

In terms of the Identity Frame, the study revealed that several ethnic communities straddle Kenya's international boundaries with all five neighbouring countries and demonstrated how complex the resultant challenges appear. Out of the respondents, 77.6% answered yes to the question of whether they face challenges and experiences as a result of the international boundaries between their country and another country about identity issues such as ethnicity, religion, age, culture, and gender, among others. This indicates that several people and counties are impacted by Identity Frame-related challenges and experiences due to the international boundary.

In addition to identity-related challenges, International Migration poses a significant threat due to associated issues of illegal migration, refugees, and human trafficking. Illegal migration can result in an undermining of the nation's sovereignty and potential security risks. The influx of refugees often places a strain on the host county's resources, while human trafficking stands as a stark violation of human rights and dignity. Eighty-one percent (81%) of respondents answered in the affirmative to the question of whether they face challenges and experiences related to migration issues as a result of the international boundaries between their country and another country. These challenges may include managing refugee populations, accommodating returnees and internally displaced persons, addressing issues of

statelessness, and navigating multiculturalism. This result indicates that the presence of refugees in their counties and related challenges such as resource-based conflicts and overuse of social amenities is a major challenge and experience of border counties. Other challenges enumerated include demographic pressures and criminal activities. Besides, due to common cross-border identities, or transhumance, it poses challenges to the management of border entry and exit because documentation and identification become an arduous task.

In other words, international migration has perhaps worsened the status of security in Kenya and impacted the regional peace situation (Muteshi, 2019). It was further revealed that the management of migration-related issues is vested solely in the national government and yet border counties interact with the challenge of illegal migration and refugees with severe consequences to local communities. According to the United Nations High Commissioner for Refugees (UNHCR), as of April 2022, Kenya was home to an estimated 18,500 stateless people and 550,817 refugees spread across the country, with the majority in camps located in Kakuma, Turkana County, and Daadab, in Garissa County (UNHCR, 2022). Since 1963, Kenya has been a host for refugees from Uganda, Burundi, Rwanda, Congo, Ethiopia and Somalia. Due to the long-drawn-out conflicts especially in Somalia and South Sudan, two of Kenya's neighbours, there has been a repeated influx of refugees and illegal immigrants into Kenya. What is worse is the porosity of Kenya's borders and the nuisance of global human trafficking networks which have made Kenya a transit country for human trafficking. The complexity of this problem can only be seen in the overloaded Refugee Status Determination (RSD) process, available social amenities in urban centres, and adverse effects on the property market among many other costs in Kenya (Gituanja, 2013). Many of the illegal migrants have fraudulently acquired Kenya's identification documents such as passports and Identification cards threatening to redefine national identity in Kenya.

Trade, another critical area, influences both economic growth and societal stability. While it serves as a vital economic engine, unlawful trade practices can lead to local economic disruption and give rise to corruption and criminal activities. Thus, promoting legal and efficient trade practices in border areas becomes paramount. In addition, the research highlighted issues such as non-tariff barriers, infrastructure linkages, the complexity of devolution mandates against national government functions, and informal border trade as the major trade-related challenges (Trademarkea, 2019). Significantly, the gender-based vulnerability of the majority of the cross-border traders and the applicability of multiple overlapping trade arrangements impede border trade and affect the livelihoods of border communities (Kamba, 2019). More than 85 % of the respondents considered trade-related issues as a challenge to border security. The data provided pertains to the challenges and issues faced in trade at border areas in Kenya. Some of the major challenges mentioned include illegal trade practices, smuggling, counterfeit products, tax evasion, and porous borders. The need for one-stop border points and the impact of closed borders on trade were also highlighted. It's imperative to respond to these challenges to promote legal and efficient trade practices in border areas.

Furthermore, the research highlights several complex challenges that affect border security, such as limited public participation in politics and elections by cross-border communities, the management of shared resources across borders, and representation. The implications of these issues are not just local, they can also impact national sovereignty, territorial integrity, and security. For instance, the outcome of an election can be influenced by foreign nationals voting as citizens (Hirbo, 2018). In the study, over 78% of respondents identified political issues as a significant challenge to border security in their counties. These issues include conflicts over shared resources, election-related tensions, and interference in local politics by cross-border communities.

Moreover, respondents expressed concerns about terrorism and the absence of diplomatic ties with neighbouring countries. Some underscored the importance of adhering to international agreements and protocols, while others emphasized the difficulties of balancing national interests with regional cooperation. Clearly, political and diplomatic issues in border regions are intricate and multifaceted.

A particularly noteworthy challenge is the ability of cross-border communities to influence local political choices and opinions. This sensitivity often results in government inaction, leaving the situation to local political discourse which often escalates into a contentious issue during elections. For instance, in Wajir, allegations have been made that Somali citizens living across the border have acquired Kenyan identification documents and vote in elections. If unaddressed, these local political grievances can escalate into diplomatic issues affecting Kenya's relations with its neighbours.

Additionally, conflicts related to maritime, lake, and river boundaries or trade disputes create constant tension among cross-border communities. Kenya's involvement in Somalia has further heightened tensions and insecurity in border areas. Respondents also raised concerns about the lack of information on mechanisms to address complaints over harassment across the border, leaving communities to fend for themselves. Certain marginalized ethnic communities, such as the Pokot, feel more welcomed in neighbouring countries than in Kenya due to difficulties in obtaining Kenyan identification documents, which adds another layer of complexity.

Finally, insecurity due to the proliferation of light weapons, Kenya's war on terror - particularly in Somalia under the African Union Transition Mission in Somalia (ATMIS) - and resource scarcity induced by climate change, were identified as major concerns. While these issues may seem insignificant individually, they can potentially foster regional integration where mutuality among nations exists, as propagated by the neo-functionalism theory.

Gaps in the Border Institutional Structure

The study revealed a significant gap in the institutional structure responsible for border security. It found that the central government had not fully integrated border counties into the national security framework, leading to a lack of coordination and inefficiencies in response to security threats. Having explored the challenges and experiences of border security faced by border counties along Kenya's international boundaries, it examined Kenya's border management mechanisms which include borderline and points of entry, border governance structures, and boundary delineation and demarcation. The investigation revealed the underpinnings of border management mechanisms and the significant, yet undefined, role of border counties. The research further explored the challenges of border management and demonstrated how they play out in the counties.

The cross-border nature of developed functions in Counties is immense. The research compellingly argued that in the execution of their respective devolved functions, border counties, inadvertently undertake some of the functions which fall in the realm of the national government. The research found that this reality is very important to the promotion of border security in Kenya. Although several mechanisms have been established for collaboration between the national and county governments, the participation of border counties in border security is inadvertent. Even when they are involved, they come in as an afterthought. Furthermore, when there are structures such as the County Intergovernmental Forums, the participation of counties in such matters is befuddled by bureaucratic challenges, especially the notion of 'Group Think' and the failure of departments to cede departmental independence. There is need for border counties to play a more effective role if border security is to be enhanced.

Role of Track One Diplomacy

Track One diplomacy, which involves a structured direct communication between top government officials, was found to be pivotal in resolving border disputes and enhancing border security. However, the study also emphasized the need for supplementing track one diplomacy with track two (informal) and track three (people-to-people) diplomacy for a more holistic approach.

It appears that border commissions have assisted in fostering cross-border peace and security among the cross-border communities along the Kenya-Tanzania border, as well as Kenya-Uganda, and Kenya-Ethiopia. Although there is no formal border commission between South Sudan and Kenya, the presence of South Sudan in the East African Community has helped to ease tensions because other existing diplomatic structures have been deployed. Somalia is the only country where Kenya has closed its border, intermittently for the longest time, and it is perhaps an indicator of the need for mechanisms within the border commissions to formally recognize the pivotal contribution of border counties.

In addition to the bilateral frameworks, Kenya deploys several multilateral frameworks to foster border security, directly or indirectly. The study evaluated the role of global and regional multilateral frameworks which include the United Nations (UN) and its Agencies, the African Peace and Security Architecture (APSA), the Intergovernmental Authority and Development (IGAD) mechanisms, East African Community (EAC) and the Common Market for East and Central Africa (COMESA) frameworks, Summit on the Northern Corridor Integration Projects, the ICGLR and other mechanisms deployed. The study revealed that all these programmes represent a comprehensive regional approach to integration and development aimed at supporting member states to achieve higher levels of development and stability, which in turn secures the border. What is more, the approach appears to produce results as envisaged by neo-functionalism where countries take advantage of conflicts and transform them into opportunities for integration through peace-building, and conflict management.

Although only 51% of the respondents confirmed to have been involved/participated in official cross-border discussions between Kenya and the five neighbouring countries, the research revealed a range of issues discussed during cross-border peace and security initiatives, which in their very nature are diverse. The issues range from trade and sharing of information vital to peaceful co-existence, agriculture, cattle rustling, and banditry. Other issues include infrastructure linkages with neighbouring countries, smuggling of goods across the border, diversion of goods, and unsustainable fishing practices. Additionally, the respondents informed that such initiatives focused on sharing transboundary resources, particularly between Kenya, Somalia, and Ethiopia, including water and pasture during drought. Other topics included border security, illegal entry into the country, COVID-19 control, immigration and customs issues, and illegal small and light weapons trafficking control. The research alluded to discussions that focused on working collaboratively towards healthy, productive, and globally competitive relationships between countries. Research also revealed that discussions revolved around challenges such as political issues, economic disparities, and cross-border conflicts, and efforts to address them. Overall, the initiatives helped to foster regional cohesion through sports and cultural exchange activities and wide-ranging bilateral issues, including economic and trade, political cooperation, training, security matters, tourism, and diplomatic relations.

Transformative Power of Neofunctionalism Theory

The study underscored the groundbreaking potential of Neofunctionalism theory in understanding the workings of para-diplomacy. This theory posits that political integration is a by-product of economic

integration, suggesting that cross-border commerce and partnerships may indirectly fortify border security protocols.

For border counties to effectively partake in para-diplomacy and bolster border security, national and county governments must implement formal structures that optimize the capabilities of individual MDAs and counties, while also addressing possible issues with groupthink. By leveraging comparative advantage and utilizing the strengths of all levels of government, the national government can utilize the cross-border roles assigned to individual counties to encourage regional integration. According to the Neofunctionalism theory, this initial cooperation in foundational areas such as devolved functions can catalyze increased collaboration in related sectors and domains. This effect, which Ernst B. Haas referred to as spill-over, force, or influence cooperation in other sectors to further deepen cooperation in the same sector (Haas, Summer, 1961).

Potential of Para-Diplomacy

Para-diplomacy emerged as a promising approach to bolstering border security. By allowing border countries to have a greater say in matters directly affecting them, para-diplomacy can lead to more effective and context-specific solutions. The research identified several ways in which border counties could be involved in border security. For instance, there was the need to enhance the participation of counties in bilateral frameworks. For instance, the respective county governors to co-chair joint border commissions. Furthermore, border counties to be part of the delegation and preparation of the country's position paper on relevant bilateral issues. Further, coordination and collaboration between county and national governments need to be strengthened. The research hinted at the need for continuous engagement through a structured framework between the national and county governments on the management of international boundaries. It therefore underscored the need for all activities on Kenya's bilateral relations with neighbouring countries should be coordinated through the Ministry of Foreign Affairs. Furthermore, the research identified the need for enhanced information sharing through digital platforms. Furthermore, the need for enhanced multi-agency border committees involving counties was emphasized.

The research calls for more meaningful public participation and public diplomacy both locally and abroad, including enhancing the role of community leaders in peace talks. What is more, the research indicates the need for organized visits by the diplomats of the neighbouring countries to border counties and the need for Kenyan citizens abroad and the respective embassies to undertake border visits. This is considered important to enhance cross-border understanding. In addition, the Ministry of Foreign and Diaspora Affairs should participate in sporting and cultural activities organized in the counties and draws the participation of neighbouring countries such as Kenya Inter County Sports and Cultural Association (KICOSCA) and the East Africa Local Authorities Cultural Association (EALASCA) games. Importantly, the research calls for more civic education, basic training, and capacity building on negotiation for community elders and representatives on border security should be enhanced. Other trainings such as protocol, foreign policy, and national interests should be considered. Border counties should seek technical support from the Ministry of Foreign and Diaspora Affairs to enable them to constructively engage with the international system.

The research revealed that government structures are riddled with bureaucratic officialdom so much so that in practice, County governments are left out of important decisions which, either affect the operations of their respective counties, or they could contribute positively to the advancement of relations between Kenya and her neighbours. The research hints that the participation of foreign affairs in county activities such as trade fairs, industrial parks, multi-agency frameworks in counties, and POEs should be enhanced. The research revealed the need for all activities including communication from Country governments to

any foreign governments to be processed through the Ministry of Foreign and Diaspora Affairs with coordination and collaboration being streamlined for consistency.

4.0 CONCLUSION AND RECOMMENDATIONS

Conclusion

In conclusion, this study has explored the potential of para-diplomacy in transforming border security in Kenya. The methodology employed for this study involved an extensive literature review, interviews with key stakeholders, and analysis of relevant case studies. Through the mixed research methods, several key findings have emerged.

The main point that emerges from this research is that para-diplomacy holds significant potential in transforming border security in Kenya. It offers a pragmatic and proactive approach that complements national efforts, leveraging the unique perspectives, and local expertise of subnational governments. Through para-diplomatic initiatives, such as the establishment of direct communication channels and cooperation agreements, Kenya can enhance its border security strategies and effectively address transnational threats. To realize the potential of para-diplomacy in transforming border security in Kenya, it is crucial for the central government and border counties to embrace mutual respect and cooperation.

Recommendations

The study recommends the adoption of frameworks that promote collaboration between the central government and border counties. Such partnerships could enhance the effectiveness of border security by harnessing local knowledge and resources. The central government should also consider empowering border counties through legislative reforms, capacity building, and resource allocation.

The study suggests that County Governors should co-chair Joint Border Commissions and border counties should be involved in drafting the country's position paper on pertinent bilateral issues. It also emphasizes the need for reinforced coordination and collaboration between County and National governments through ongoing engagement. The Ministry of Foreign Affairs is recommended to oversee all activities related to Kenya's bilateral relations, especially in counties. The research also underscores the significance of improving information sharing via digital platforms and establishing multi-agency border committees that include counties. Furthermore, the study advocates for increased public involvement and diplomacy at both local and international levels. This includes involving community leaders in peace negotiations and encouraging diplomatic visits to border counties and Kenyan citizens abroad visiting borders.

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