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Toward Actualizing the Africa Continental Free Trade Area (AfCFTA)

A Critical Examination of the Policy Issues and Negotiation Options



The HORN Bulletin is a bi-monthly publication by the HORN Institute. It contains thematic articles mainly on issues affecting the Horn of Africa region.

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By Mumo Nzau, Ph.D. and Edmond Pamba

Abstract

The signing of, and overwhelming support for the Africa Continental Free Trade Area (AfCFTA) Agreement in 2018 not only sparked many debates but also heightened expectations among ordinary citizens, scholars and practitioners alike on matters to do with international trade, investment and exchange, among other aspects and dynamics of economic integration in the continent. The promise of a functional AfCFTA endures. Nonetheless, major gaps and challenges still linger as far as the actualization of AfCFTA is concerned. Taking on a conceptual and analytical approach, this article undertakes a critical examination of the policy issues and negotiation options thereof. The article begins by re-examining the logic behind the

operationalization roadmap for the Trade Area. It then zeroes in on the sticky policy issues that stand in the way, as well as interrogating the negotiation options thereof. It concludes by proffering sound and sustainable options on the same.

Introduction

The African Continental Free Trade Area (AfCFTA) came into effect in May 2019 as part of the fulfilment of Africa's aspirational goals of regional integration, *Agenda 2063* (Nubong, 2021). The merger of more than 40 African economies into AfCFTA will create one large economy with a gross domestic product (GDP) size of USD 3.4 trillion and 1.3 billion people (World Bank, 2020). AfCFTA is also a merger of the existing eight (8) regional economic blocs of Africa's eastern, northern, western, central, southern and northern sub-regions, and other overlapping blocs. The main purpose of AfCFTA is to create a single market and combine industrial capacities to boost trade and investment and spur economic

growth on the continent (Nubong, 2021). By estimates, Africa's trade would grow by 52.3 per cent (\$34.6 billion) and industrial exports by 53.3 per cent (\$27.9 billion) by 2022 (Nubong, 2021). In terms of volume and market share, intra-regional trade is projected to grow by 29 per cent and extra-regional trade by 19 per cent at least by 2035 (World Bank, 2020). The variance in growth value can be explained in temporal terms since the immediate rebound effect of rapid elimination of tariffs unlocks high flows of trade in the short term, and volumes of flows begin to grow slowly in the medium and long term.

For instance, the World Bank (2020) further estimates that AfCFTA would further boost sector performance (in trade) especially for manufacturing which would grow by 62 per cent, pushing intra-Africa manufactured exports up by 110 per cent and extra-Africa by 46 per cent. Intra-Africa agricultural trade would increase by 49 per cent and extra-Africa trade by 10 per cent, and services by 14 per cent and four per cent respectively. Beyond trade expansion, sector output was further projected to improve by 2035 especially for services by 1.7 per cent (\$147 billion), manufacturing by 1.2 per cent (\$56 billion) and natural resources by 1.7 per cent (17 billion), with a slight contraction in agriculture of 0.5 per cent (\$8 billion). Tariff revenues were also projected to rise in the medium and long run by three per cent by 2035, and 60 per cent of the participating countries would experience growth in sector output value. Other distributional gains from full implementation



A map showing the status of AfCFTA membership as of July 2019, the first month of AfCFTA in effect (Photo Credit: Evan Centanni/Eric Gaba/polgeonow.com)

of AfCFTA by 2035 include economic growth by \$212 billion, poverty alleviation among 120 million people and employment creation in the agricultural sector in 60 per cent of the countries, and an increase in incomes.

Regional economic integration in Africa is part of the global trend of regionalism and is argued to promote economic growth for participating countries. The process aggregates human capital and physical resources, leveraging economies of scale, promoting technological transfer through foreign investment and facilitating market integration (Busto, 2011; Gamadigbe, 2021). The specific strategic objective of AfCFTA is thus to achieve economic development through economic integration. The reasoning flows from theoretical arguments and imperial evidence from the Asian economic integration experience, where high economic growth rates, a fast increase in incomes have been sustained since the inception of the Association of Southeast Asian Nations (ASEAN) (Pomfret & Sourdin, 2018). AfCFTA is therefore hoped to create both positive accumulative and distributional or allocative effects across the participating countries (Fofack & Mold, 2021). In essence, the regional industrial, agricultural and service sectors, and trade (sector level), as well as a human capacity, physical capital, technology, and market (factor level) accumulatively expand, while causing distributional gains in physical productive capacity (gross domestic product), income, capital mobility, poverty reduction, employment, technology transfer, economies of scale (competitiveness), skills and more (Fofack & Mold, 2021; Fofack, 2018).

On the investment dimension of gains of economic integration, Fofack and Mold (2021) argue that while joining a free trade area (FTA) can secure about 25 per cent increase in foreign direct investment (FDI), for Africa, the capacity to attract FDI relates to the degree of intra-Africa trade expansion as a result of trade liberalization. FDI would then inject technology transfers, boost employment and effect intra-regional division of labor as a result of regional value chains (RVCs) (Rodrick, 2018). Both accumulative and distributional gains of AfCFTA hinge on the fast operationalization of the AfCFTA agreement and component pillars, institutions, processes, procedures, rules and regulations which lead to market integration and trade liberalization. Necessary policy, legal and institutional reforms should thus be implemented to fast-track the operationalization process, through negotiations among participating member

countries. Negotiations are important for ironing out positional differences and assessing the impacts of the FTA on existing differences in industrial capacity, human capital, skills, technology, and comparative advantages, among other national economic, political and legal differentials. Such negotiations, therefore, secure win-win implementation options, especially a sustainable implementation roadmap, for negotiated issues in terms of scope, volumes and time.

Phased Negotiation Process and Principled Implementation of AfCFTA

The negotiations for the implementation of AfCFTA protocols followed traditional procedures of creation of a single market or economic integration, and principles informed by existing differences and realities as well as interests of participating countries. In terms of procedure, AfCFTA adopted a phased roadmap for negotiations, while in terms of principle, special commitments and schedules for implementation of negotiated protocols were adopted. Negotiations for full implementation of AfCFTA were thus phased into two: phase I (liberalization of goods and services) covers protocols on trade in goods and trade in services, dispute settlement procedures, trade facilitation, customs cooperation, sanitary and phytosanitary measures, non-tariff barriers, transit trade and transit facilitation, trade remedies (to off-set costs) and rules of origin (Abrego et al., 2019; Signé & van der Ven, 2019).

For trade in goods, the agreement sets the path for eliminating tariffs on 90 per cent of product categories by July 2020, to allow operationalization of AfCFTA and commencement of trading (Abrego et al., 2019). Other aspects of phase I items include schedules for tariff concessions and schedules for specific commitments in services; these aspects are in fact important as they determine when and what nature of goods and services should be liberalized (Signé & van der Ven, 2019). Trade liberalization was phased in first since it is the primary



The African Continental Free Trade Area (AfCFTA) came into effect in May 2019 as part of the fulfilment of Africa's aspirational goals of regional integration, Agenda 2063

driving force of rebound and is mainly hindered by “on the border” policy barriers. On the liberalisation of trade in services, member countries have also agreed to a request-and-offer approach, based on seven identified priority sectors: logistics and transport, financial services, tourism, professional services, energy services, construction, and communications (Albert, 2019). On the other hand, phase II items for negotiations include the protocol on competition policy, the protocol on intellectual property, and the protocol on investment (Albert, 2019; Abrego et al., 2019; Signé & van der Ven, 2019). The phase II items understandably come second because they are mostly to do with “behind the border” policy barriers. The logic here was to first open up borders for trade flows, then fix national investment and competition environments, to unlock investment flows as well.

In terms of principle, negotiations for critical protocols of AfCFTA were to ensure the implementation roadmap does not significantly expose smaller economies to unfair competition from larger economies, by distributing preferential treatment applications in longer periods on smaller economies and shorter periods for larger economies (Albert, 2019). Accordingly, a classification of countries was carried out, to determine what class of countries would liberalize what products in a space of

how long, and in what manner. AfCFTA’s participating members were thus classified into non-least developed countries, and least developed countries in terms of levels of economic development, incomes and factor-sector level productivity. The classification was to help allocate preferential treatment schedules in a manner to protect smaller economies (least developed) from adverse transition shocks such as trade diversion or trade losses and other trade costs, and to secure their competitiveness (Albert, 2019).

The non-least developed countries are thus scheduled to implement full liberalization of non-sensitive products in 5 years and sensitive products in 10 years, while the least developed countries in 10 years and 13 years respectively (Signé & van der Ven, 2019). Further, the “Group of Seven” which consists of Zimbabwe, Zambia, Malawi, Sudan, Ethiopia, Djibouti, and Madagascar are members which raised reservations with the AfCFTA agreement, thereby being flexibly allowed a longer period of compliance, especially in specific areas of concern (Signé & van der Ven, 2019). The Group of Seven members are required to implement trade liberalization over a longer period, starting with 85 per cent of non-sensitive products in 10 years, an additional five per cent in 15 years, and sensitive products in 13 years as shown below (Albert, 2019).

		Tariff Reductions		
		For non-sensitive products	For sensitive products	For excluded products
Country Classification	Non-least Developed Countries	Fully liberalized over 5 years (linear cut)	Fully liberalized over 10 years (linear cut)	no cut
	Least Developed Countries	Fully liberalized over 10 years (linear cut)	Fully liberalized over 13 years (linear cut)	no cut
	Group of seven (<i>i.e.</i> , Djibouti, Ethiopia, Madagascar, Malawi, Sudan, Zambia, Zimbabwe)	85% fully liberalized over 10 years (linear cut): an additional 5% fully liberalized over 15 years (linear cut)	Fully liberalized over 13 years (linear cut)	no cut

Figure 1: AfCFTA Trade in goods liberalization roadmap (Source: Signé and van der Ven, 2019; Albert, 2019)

Sticking Points

As discussed above, AfCFTA is operating at a level below its projected capacity. First, while the agreement was aimed at bringing all African countries into creation and participation in a single market, only 39 (70 per cent) have fully ratified the AfCFTA Treaty (Ighobor, 2020), despite the deadline of January 2021. The slow progress in terms

of membership and participation thus undercuts trading performance by 30 per cent. There is a need to speed up ratifications by addressing reservations held by the remaining countries, to allow them to join the single market, and also addressing the following sticking points to ensure the success of AfCFTA.

a. Outstanding Issues

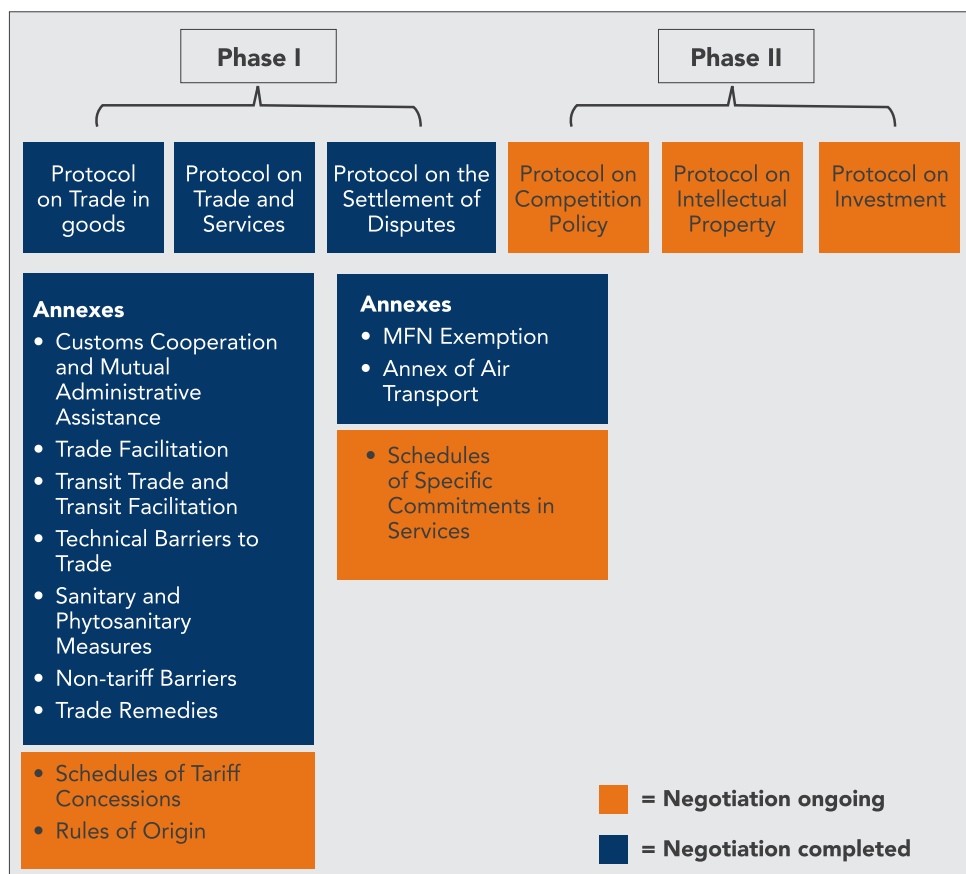


Figure 2: Status of AfCFTA negotiations

Negotiations for both Phase I and Phase II are lagging despite the deadline of 2022 for the full operationalization of AfCFTA as shown in figure 2 above. In Phase I, outstanding issues include rules of origin, schedules for tariff concessions and services commitments. The gaps created by the lack of schedules of tariff concessions in goods and services, affect trade by obfuscating the application of the most favored nation (MFN), especially on the 10 per cent excluded products from liberalization and its implication on regional trade. The impact here is significant for intra-Africa trade in that, the 10 per cent excluded products, if imported from an extra-regional third party and without MFN, would be more costly to import from another African country than from outside Africa (Signé & van der Ven, 2019). The end result would be an increase in extra-Africa imports and a reduction intra-Africa imports and exports (Signé & van der Ven, 2019).

The other important pending phase I item is the rules of origin, which are at least 80 per cent negotiated (Signé and van der Ven, 2019). While they must not necessarily be 100 per cent negotiated to allow trading, rules of origin affect both intra-Africa trade and Africa's industrial capacity. The remaining 20 per cent rules of origin, for instance, can undermine intra-region trade in the following ways: first, strict and complex rules of trade may fail to promote Africa's industrial growth by failing to properly address the issue of global value chains (GVCs), whose component parts may have been manufactured in the participating member countries (Albert, 2019). Rules of origin that do not specify with realistic measure the proportion of global value chains that benefit from preferential tariffs, undermine Africa's industrial productivity whereby certain local manufacturers risk losing preferential tariffs and being subjected to restrictive external tariffs.

Secondly, the lack of clear and simple rules of origin introduces unpredictability in trade and diminishes the participation of medium, small and micro enterprises (MSMEs), which cannot afford such trade costs (Albert, 2019). Thirdly, as the former United Nations Convention on Trade and Development (UNCTAD) former Secretary General Mukhisa Kituyi in Albert (2019) notes, costly rules of origin may reduce intra-Africa imports and push companies to import from outside Africa, thereby undermining both intra-Africa trade and subsequently economic development. Lastly, with varying industrial capacities among participating countries, strict rules of origin automatically disadvantage smaller economies from participating in trade in manufactures and thus being dominated by larger economies in the FTA.

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On the other hand, negotiations on all Phase II issues are ongoing, especially on the protocol on competition policy, protocol on intellectual property and protocol on investment are ongoing (Signé and van der Ven, 2019; Albert, 2019; World Bank, 2020). Regional small or infant industries or companies are exposed to unfair competition from larger companies and multinationals, under AfCFTA, given that the protocol on competition at the regional level has not been concluded and may lack MFN provision (Signé and van der Ven, 2019). Similarly, intra-Africa investment will be undermined by the lack of the protocol on investment and the attendant lack of MFN; intra-Africa investment sources would thus incur higher costs to invest compared to third-party investment sources with MFN arrangement with a participating country (Lex Africa, 2018). As a result, intra-Africa investment will decline or grow slowly compared to investments from outside Africa which eventually promote capital flight through repatriation of profits. Slow investment in Africa would in turn impact negatively on incomes, employment, and economic growth.

b. Infrastructure

Beyond the institutional issues daunting the AfCFTA project, structural challenges such as infrastructural gaps, further reduce the speed of operationalization and effective realization of AfCFTA objectives. Infrastructure not only bridges geographical (spatial), temporal and institutional gaps in promoting regional integration, but it also bears a catalytic effect on trade by affecting competitiveness (comparative advantages) and prices (Roland-Holst, 2009). First, good infrastructure streamlines distribution aspects of the trade of goods, ensuring market access for goods and services as well as labor mobility (Roland-Holst, 2009). Second, good infrastructure reduces the cost of transport, and subsequently lowers the prices on goods and increases the comparative advantage and competitiveness of well-connected countries and sub-regions (Roland-Holst, 2009). As such, improved infrastructure connectivity across Africa will be a critical asset to AfCFTA and a critical factor in trade facilitation, regional economic integration

and pro-poor growth (increased incomes, reduced prices of services and products, and reduced transport costs).

However, infrastructure has not featured prominently as it deserves in AfCFTA negotiations, which indicates a dangerous under-prioritization of such structural and economic fundamentals. Instead, infrastructure development and connectivity of all African countries to rail, road, ports, and energy grids, is treated as a general regional integration aspect without realizing the immediate role it occupies in AfCFTA's success. As a result, Africa's infrastructure spending as a share of GDP is 3.5 per cent since 2000, which has created an annual financing gap of \$150 billion at least until 2025. With AfCFTA increasing productivity and trade volumes in the region, transport services will increase by 50 per cent, with freight between the region's 65 ports increasing as a share of intra-regional trade to 22.7 per cent from 22.1 per cent, and air transport volumes doubling to 4.5 million tonnes from 2.3 million tonnes by 2030 (Africa Finance Corporation, n.d.). It is therefore important to prioritize infrastructure financing discussions within AfCFTA, since the region has the inadequate infrastructure to catalyze trade (Economic Commission for Africa, 2010).

c. Low Industrial Capacity

While AfCFTA is seen as boosting intra-African trade in terms of volumes and market share, the output value of the trade and the level of participation of member countries might be uninspiringly low to sustain economic growth in the region. First, the region's main exports are primary commodities, which make 80 per cent of its exports with overreliance on commodities, the international price volatility is bound to limit economic growth with this model of production (Sindzingre, 2011). It is also difficult, therefore, to expand intra-Africa exports if 80 per cent of extra-regional exports are primary commodities since the region lacks the industrial capacity of value addition to import from itself to such a magnitude. More than 80 per cent of the region's exports will still be outbound (for extra-regional markets) (Hartzenberg, 2011). Similarly, extra-Africa imports will remain higher than intra-Africa



Moussa Faki Mahamat, the Chairperson of the African Union Commission, in a cheerful mood during the launch of AfCFTA in Kigali on March 21, 2018 (Photo Credit: The New Times)

imports of non-commodity supplies, given the low level of manufacturing in the region, and intra-African trade remains characteristically at 18 per cent (Ighobor, 2020).

Secondly, with the low industrial capacity, only a few countries are ready to fully participate in trade in manufactures, leaving behind the majority which lacks the industrial capacity. As such, AfCFTA will only escalate the economic inequalities between 'more industrialized' members and 'less industrialized' members. The participation in terms of industrial production and manufacturing as well as economic benefit from trade by the latter is most likely to fall far behind, thereby slowing growth at the regional level. Such realities vindicate arguments doubting the capacity of AfCFTA to achieve its own objectives. For instance, Ubi (2018), argues that Africa's development cannot be attained by free trade agreements such as AfCFTA, in his justification of Nigeria, Africa's largest economy, abstaining from AfCFTA initially. Ubi argues that most African countries are not (industrially) mature enough for free trade and cites the low sector performance of the industry in Africa's trade as a share of GDP, which has plateaued at 10 per cent well since the 1970s. AfCFTA should thus discuss modalities of boosting regional industrial capacity, alongside traditional institutional and policy reforms necessary for regional economic and market integration.

d. The Regional Economic Communities (RECs)

Africa's long history of regional integration has over time been fundamentally driven by regional economic communities (RECs). Today, there are eight RECs in Africa: the Arab Maghreb Union (AMU) in North Africa, the Community of Sahel-Saharan States (CEN-SAD) in the Sahel, the Common Market for Eastern and Southern Africa (COMESA), the Inter-governmental Authority on Development (IGAD), the Economic Community of Central African States (ECCAS), the East African Community (EAC), the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) (Gumede, 2020). The RECs have, in their own parallel processes, created a problem for AfCFTA to solve leading to macroeconomic and monetary convergence. The problem here is that RECs still operate as distinct sub-regional identities and economic collectivities, at various stages of economic integration ranging (Gumede, 2020). Some RECs are thus political federations and have customs unions with fully liberalized trade (EAC and ECOWAS), as well as financial and monetary unions (COMESA by 2025) (Gumede, 2020). Again, there are overlapping memberships with only 12 countries belonging to one REC, 33 to two, eight to three, and one to four (Gumede, 2020).

In negotiating AfCFTA, do participating countries represent their RECs, or should RECs represent countries? After full operationalization of AfCFTA, where do RECs go? Some RECs have already entered into external trade agreements with European Union for instance, such as EAC; with AfCFTA, what becomes of the external third party trade agreements for instance between Kenya and the United States of America, and EAC and the European Union economic partnership agreements (EPAs)? The conundrum between RECs and the AfCFTA also speaks to the fact that Africa is fragmented and trapped between maintaining RECs or evolving and becoming larger to merge into AfCFTA. The

RECs are however more effective in liberalizing trade within their memberships, while AfCFTA's fate remains uncertain given the still-birth of the tripartite free trade area agreement between EAC-SADC-COMESA of 20 countries in 2015, and has remained ineffectual with only four out of 14 required countries ratifying pending conclusion of negotiations on aspects of the FTA (Gumede, 2020).

Negotiation Options

Given the challenging issues and opportunities as discussed, it is important to similarly focus on options for solving the challenges and optimally exploiting the opportunities for AfCFTA as follows:

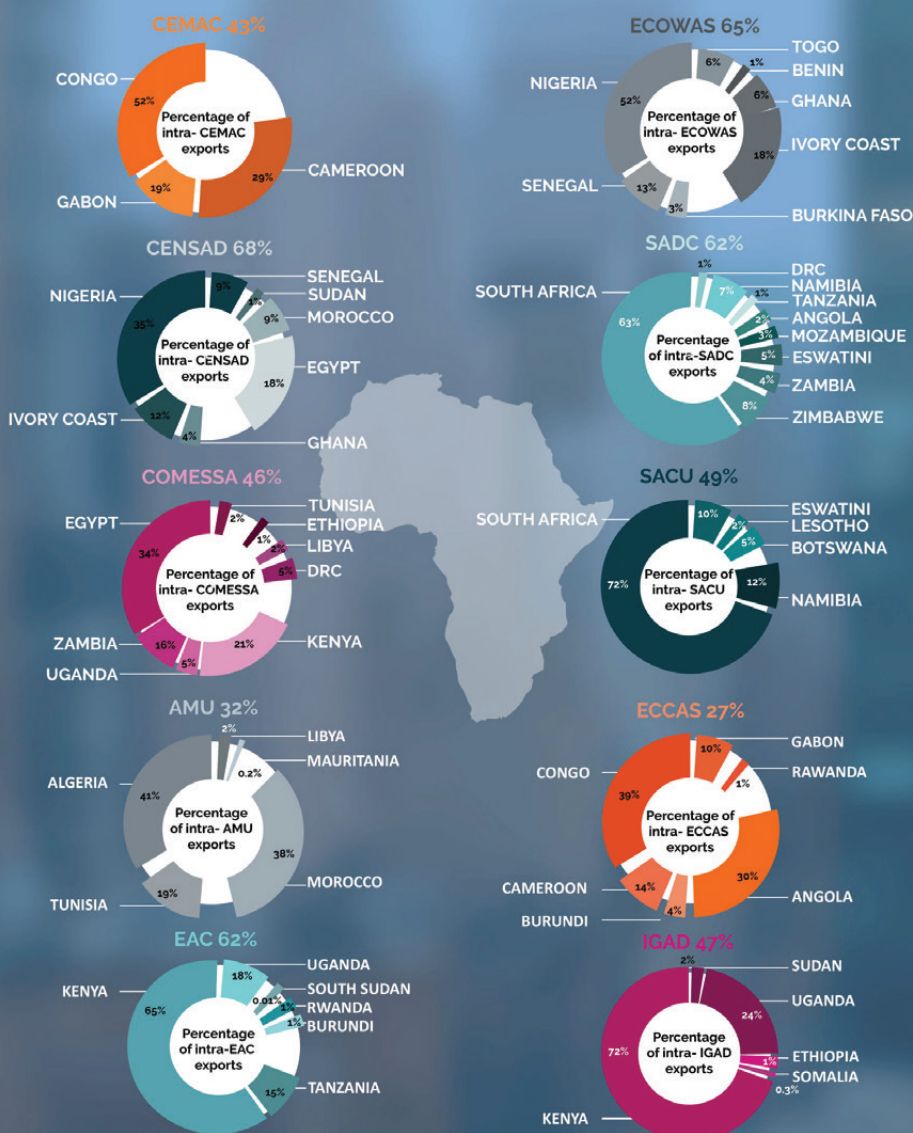
Rules of origin

About rules of origin, the clearer, simpler and more predictable they are, the better they facilitate trade. In the context of GVCs, MSMEs and least developed countries (LDCs) among participating countries, it is important to adopt achievable ad valorem thresholds to boost trade participation (Signé and van der Ven, 2019). Lower thresholds for rules of origin imply easier participation by MSMEs and LDCs in international trade especially within the AfCFTA framework because they will be able to afford such levels of value addition. However, because rules of origin are tied to the region's industrial sector growth, schedules should be developed alongside ad valorem thresholds indicating predictable reviews.

Trade Agreements

Concerning the third party and external trade agreements such as Kenya – United States of America

EXISTING AFRICAN REGIONAL ECONOMIC COMMUNITIES



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- (1) Overall % shown (e.g. CEMAC 43%) is the percentage of total intra-African exports made by REC members which remained exclusively within this REC.
- (2) Data Source: 'The African Continental Free Trade Area - A Tralac Guide (7th Edition)' August 2020: <https://www.tralac.org/documents/resources/booklets/4062-afcfta-a-tralac-guide-7th-edition-august-2020/file.html>

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An infographic showing existing African regional economic communities
(Photo Credit: Africa Legal)

Free Trade Area agreement which is in its final stages, can be amended to reflect AfCFTA's protocols or to include a sunset clause to allow schedule cessation or expiry. Given the hurdles of such an approach, AfCFTA should further develop a protocol protecting prior third-party trade agreements from retroactivity of the AfCFTA agreement.

Non-Tariff Barriers (NTBs)

Looking at tariff barriers, the majority of these constraints have a clear roadmap for liberalization. However, another bigger impact on trade liberalization under AfCFTA can be created by the removal of NTBs. Removal of NTBs will drastically bring down trade costs, reducing transactional time and eliminating the majority of constraining limitations to free trade.

Industrial Capacity

To boost the industrial capacity of AfCFTA member countries, first, negotiations on the protocol on investment, the protocol of competition and the protocol of disputes resolution should be fast-tracked. The conclusion of the protocols will help to boost foreign direct investment and intra-Africa investments in the manufacturing sector. Second, AfCFTA should adopt GVCs and RVCs so as to break down the process of manufacturing into component parts to allow various countries to specialize and to develop a regional division of labor based on comparative advantages for optimal industrialization.

Regional Economic Communities (RECs)

To speed up the operationalization of AfCFTA, the AfCFTA should work in cooperation with RECs on a complementarity basis. While negotiations continue under AfCFTA, RECs can act as implementing partners harmonization of AfCFTA policy reforms for respective schedules.

Common Customs Union and Common Currency

AfCFTA should move with speed to implement the Abuja Treaty of establishing the African Economic Community of 1991 and develop a common customs union and common external tariff to facilitate trade. Further, establishing a common currency will reduce convertibility costs. AfCFTA may also implement monetary unions at the REC levels to standardize the shilling for instance, as currency in eastern Africa.



Infrastructure

Africa through the AfCFTA and African Union should work towards eliminating the infrastructure deficit, to establish structural support for AfCFTA's success. Such an endeavour can benefit from options such as up-scaling continental infrastructure projects, opening up new trade corridors, roads and ports, as well as improving rural-urban connectivity and telecommunications coverage. More fundamentally, Africa should boost its electricity or energy production, to be able to power its infrastructure and modernize transport to radically reduce transport costs and stabilize the prices of products.

Diversification

Africa's trade is mainly in primary commodities which make up about 80 per cent of its extra-regional exports. Manufacturing as a share of Africa's trade is between 17-18 per cent, with the sector stagnating at 10 per cent as a share of GDP. By pursuing diversification of the African economies, it is possible for participating countries to develop various comparative advantages, develop a new regional division of labor, and increase the participation of more sectors, countries and companies in the trade. For instance, the service sector is under-emphasized in the AfCFTA negotiations and hence deserves equal focus.

Peace and Security

Trade and development are not isolated processes, they are significantly determined and affected by peace and security. By ensuring the stability of governments and reduction in disruptive conflicts, trade routes and supply chains remain secure to facilitate trade. AfCFTA should thus incorporate a strong peace and security component.

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Type of Governments

Economic integration is not just a process of the physical merging of economies and their productive capacities but also a political process, which benefits from the normative support of participating governments. The many typologies of governments in Africa introduce normative differences and perspectives to economic integration, which slow progress, introduce clashing interests, and slam institutional rigidities on reforms. It is therefore important to elevate the role of democratic

governance in Africa, to allow for democratization to distribute common values among African governments to make it possible for cooperation on modalities of integration.

Conclusion

AfCFTA is a revolutionary development in Africa, and attempts for the first time, to aggregate all of Africa's human, physical capita, industrial capacity, and markets, in what will bring down hard borders and ensure free-flowing cross-border trade. However, Africa should move with speed to conclude negotiations on pending issues to secure a workable roadmap for full implementation of the AfCFTA agreement. Concluding talks on rules of origin and developing lower ad valorem thresholds for rules of origin allows greater participation and further boosts intra-African trade. Other protocols of phase II such as protocols on investment, competition and intellectual property rights, if concluded, can also help to encourage more countries to ratify the agreement and willingly participate in the AfCFTA. Lastly, the economic integration process should equally focus on economic fundamentals such as infrastructure improvement, and sector and factor level performance to help anchor AfCFTA on a realistic and sustainable implementation roadmap.

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The Knock-On Effects of the Russia–Ukraine War on Food Security in the Horn of Africa

By Mariah Faridah Muli

Abstract

The Horn of Africa is one of the world's most food-insecure regions. The eight countries – Djibouti, Ethiopia, Eritrea, Kenya, Somalia, Sudan, South Sudan and Uganda – have a combined population of 160 million people, 70 million of whom (nearly 44 per cent) live in areas prone to extreme food shortages. A devastating climate-induced drought is affecting the Horn of Africa. The situation was worsened by the impact of COVID-19, the conflict and insecurity situation in the region, as well as by the expected aggravation of food insecurity due to Russia's invasion of Ukraine. In addition, the dependency on Ukrainian and Russian imports already adversely impacts food availability and affordability in this region. A variety of factors contribute to food insecurity in the Horn of Africa, including, but not limited to drought, environmental degradation, poverty, conflict, population growth, land fragmentation and stagnating agricultural development. This article focuses on the impact of the conflict between Russia and Ukraine on food security in the Horn of Africa while establishing medium to long-term strategies to avert a further crisis and some recommendations to some of these countries for the future.

Introduction

Russia's invasion of Ukraine has had a significant impact on many African nations, especially in the Horn of Africa. The disruption of energy markets and shipping routes, the shortage of fertilizers, and the unfavorable 'third-party' consequences of sanctions placed on Russia and by Russia are some of the biggest challenges to food security in Africa. According to the World Bank, the conflict in Ukraine has upended international trade, affected production, and altered consumption patterns and it is expected to keep prices at historically high levels through the end of 2024, worsening food insecurity and inflation. The UN has acknowledged the gravity of the crisis and ensured that high-level political leadership conduct a harmonized global response to stem these continuing crises (World Bank, 2022).

The Russia–Ukraine conflict presents another significant challenge to Africa's economy as it comes on the back of the far-reaching economic implications of the COVID-19 pandemic. During the pandemic, key measures adopted by most African countries to stop the spread of the virus included the closure of borders and partial or complete lockdowns of economies which among other things, saw the temporary closure of businesses, schools, and social services. These measures generated significant

setbacks for African economies mainly in terms of lost productivity and trade both within and among countries. Specifically, these measures significantly strained almost all key growth-enhancing sectors of many economies, and ultimately, affected their overall income (Gondwe, 2020). The pandemic also had a critical impact on food security on the continent. The supply chains, food and nutrition security, as well as current and future production functions, were negatively impacted by a host of factors related to the COVID-19 crisis. "Food security is a basic human need and a basic requirement for survival in difficult times. Several studies of food policies, food security and nutrition outcomes in Africa seem to show that lack of access to sufficient nutritious food leads to health problems including under-nourishment, immune deficiencies, stunting, illnesses and higher child mortality rates" (African Economic Research Consortium, 2020, para 1).

The ongoing conflict between Russia and Ukraine, therefore, adds another layer of challenges to the global food supply affecting Africa the most. The two countries in conflict are both known as the world's breadbasket and are major suppliers of wheat, which is a global staple food, and of agricultural inputs for many developing



Combine harvesters in Poltava Oblast wheat fields – Ukraine, harvesting wheat, July, 2020 (Photo Credits: Astarta-Kyiv Press Service)

countries. This disruption has led to a rise in the cost of food, high fuel prices, and high inflation rates. Millions in Africa have been pushed into poverty and their situation has been worsened by a lack of agricultural inputs.

Food Security Situation in the Horn of Africa

Wheat, sunflower, and oil prices have all reached record high months after the war started, and because of the heavy reliance on food imports from both Russia and Ukraine, the Horn of Africa countries are already experiencing price shocks and disruptions in the commodity supply chain (Ben & El Bilali, 2022). The huge impact the war has had on food security in the Horn of Africa is not only due to the availability and pricing of some food crops, particularly wheat and sunflower, but also because of the socioeconomic recovery and growth which has been triggered by rising uncertainties in the global financial markets and supply chain systems. The Horn of Africa is currently experiencing its worst drought in forty years, affecting Ethiopia as well as neighboring Somalia and Kenya (Abu Hatab, 2022).

Well into the third year of consecutive failed rain seasons, the perspective of a new famine in Somalia is looming, while food and nutrition insecurity continues to grow

exponentially in Ethiopia and the arid and semi-arid lands of Kenya. The humanitarian situation in the Horn of Africa continues to worsen as forecasts for the first rainy season of 2022 predict, overall, below-average rainfall, making this drought the longest and the most severe in the last 40 years (McDonough & Zhou, 2022). Countries such as Ethiopia, Kenya, and Somalia recently faced one of the worst desert locust infestations in decades. Coupled with the impact of COVID-19, experts argue (Integrated Food Security Phase Classification, 2022) that the health crisis in those countries would transform into a food crisis, unless global, regional, and country-level coordinated action takes place to control the economic crisis. The East Africa region's six infested countries host 25.3 million people facing high levels of acute food insecurity. This is equivalent to 28 per cent of the caseload of Africa. In addition, five of the desert locust-affected countries have 35 million people under stress and these populations lack resilience to further disruption of their livelihoods, such as lack of economic and physical access to food due to COVID-19 containment measures (IPC, 2022).

According to weather forecasts, a fifth consecutive rainy season will not materialize for the first time in the region. Millions of animals have already died while a recent analysis by the Famine Early Warning Systems Network state that millions of households would struggle to deal

with these shocks, especially in Ethiopia where up to 15 million individuals need food assistance (World Food Program, 2022).

The Hunger Crisis

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the number of people facing acute food insecurity and rising malnutrition in Ethiopia, Kenya, and Somalia could reach 20 million by September 2022. Inflation has also skyrocketed in the region as a result of macroeconomic challenges, below-average harvests, and rising prices on international markets. Rising famine and hunger hazards are being caused by climate calamity, conflict, and displacement around the Horn of Africa. The region is currently experiencing one of the greatest climate-related emergencies in recent times, and because of this over 13 million people in Ethiopia, Kenya, and Somalia experience acute food insecurity. These countries have not experienced conditions this dry in over 40 years. Six million people are anticipated to die hungry in Somalia alone from April to June 2022 (Public, 2022)

The drought has left millions of people hungry in Somalia, Ethiopia, and Kenya. This prompted the African Union's (AU) current leader, Senegalese President Macky Sall, to pay a visit to Russia in June 2022 to discuss the release of grain and fertilizer stocks whose embargo had begun to have an impact on the world economy, particularly on that of African nations—another trip that was scheduled, to Ukraine, was cancelled. As a result, of the visit to Russia on Sunday, August 14, 2022, the first grain shipment under the accord that was signed by various parties in June—Russia, Ukraine, Turkey, and the UN—left Ukraine for the Horn of Africa. The UN made the information public in a press release that was released on August 16. The shipment contained 23,000 tons of grain destined for regional food assistance. This marked another important

milestone in efforts to get much-needed Ukrainian grain out of the war-torn country and back into global markets, to reach people most affected by the global food crisis. Displacements brought about by drought are also rising; in February 2022, 671,000 individuals were displaced. The most vulnerable to the crisis and in urgent need of life-saving aid are women and children. The likelihood of gender-based violence has grown due to the drought as women and girls have to walk longer to get water, child marriage is already more common, people are turning to unhealthy coping mechanisms, and girls are being forced to drop out of school. Pastoralists are coping by feeding livestock on the already scarce grain stores, adding pressure to the scarce cereal stocks and raising the risk of famine, especially for children and women, in an effort to rescue their valuable animal assets from the drought's lack of pasture (Africa Renewal, 2022).

Russia and Ukraine are major suppliers of energy, food, and fertilizers globally. Food exports from Ukraine and Russia account for 12 per cent of the total calories consumed worldwide. A combination of disruptions to Ukrainian supply chains and export limitations imposed by Russia and Ukraine has led to a substantial increase in the cost of commodities. The planting of crucial agricultural products that feed millions throughout the world has already started to drop as Ukraine's grain fields turn into battlegrounds and millions of Ukrainians are forced to flee their homes. Ports along the Black Sea, such as Odesa, which facilitate the export of 98 per cent of Ukraine's grain, were closed, disrupting supply to regions of the world that rely on imported food (AMIS, 2022b). This has affected food prices and as of early May 2022, the Agricultural Price Index was up 41 per cent from January 2021, with maize and wheat prices up 54 per cent and 60 per cent, respectively. The demand for cereal crops, such as wheat and sunflower, has increased across the continent during the past ten years, supported more by imports than local production. Between 2007 and 2019, the amount of wheat imported into Africa rose by 68 per cent, reaching 47 million tonnes (Vos, Glauber, Hernandez & Laborde, 2022b).

Due to the shutdown of crucial port operations in the Black Sea, the sanctions placed on Russia by Western nations would worsen the commercial flows between Russia and Africa which is one of the largest fertilizer exporters to Africa. In addition, Russia is the world's third-largest oil producer after Saudi Arabia and the United States. It is anticipated that the fluctuation in oil prices

“Due to the shutdown of crucial port operations in the Black Sea, the sanctions placed on Russia by Western nations would worsen the commercial flows between Russia and Africa which is one of the largest fertilizer exporters to Africa

on the global market will increase fuel expenses and it will raise the price of producing food. The Horn of Africa has thus become more vulnerable to food insecurity as a result of country-specific shocks, climate change and export restrictions, particularly in the rise of fertilizer and other energy-intensive input costs that have hurt the next agricultural season as a result of the ongoing conflict.

The Knock-On Effects of the War in Ukraine

The longevity of the warfare precipitates many scenarios centered on three elements that will determine how the war affects the world's food supply. First, the war-related decline in exports and production of basic goods from both Ukraine and Russia as opposed to sanctions placed on Russia that, on purpose, did not target the agricultural sector. Overall, the European Parliament estimates that up to 25 million tonnes of wheat would need to be substituted to meet worldwide food needs in the current and the next season (European Parliament, 2022). Second, there is a global increase in the cost of food supplies and the energy and fertilizer inputs required for agri-food production, which was already at record levels before the war. Third, the global response to the aforementioned might either exacerbate the impact of the crisis (mostly through uncoordinated export prohibitions and other speculative measures) or lessen them (applying lessons learnt from the 2007-2008 food crisis). Other than Russia and Ukraine, several nations, including "Egypt, Argentina, Indonesia, Serbia, Turkey, and Hungary in the EU, have already implemented or declared their intention to implement some control on exports of important agricultural goods" (European Parliament, 2022, p. 1). The Horn of Africa is especially at risk from the effects of the war in Ukraine on rising wheat and oil prices as well as on supply chain disruptions. One-third of the region's average national cereal consumption is made up of wheat and its products, which it imports from Russia and Ukraine at a rate of about 90 per cent. Of the wheat in Somalia for example, 92 per cent is imported from Russia and Ukraine. The United Nations High Commissioner for Refugees has estimated that the cost of a food basket has already increased by 66 per cent in Ethiopia and by 36 per cent in Somalia (*Al Jazeera*, 2022).

Inflation and Poverty

According to the World Food Programme (2022), "the average monthly price of the local food basket reached USD 17 per capita across the Eastern African countries – representing an increase of 51.1 percent from the same

period last year (USD 12.2) and 18.4 per cent from pre-war prices (USD 15.1 in January 2022). South Sudan, Somalia and Rwanda recording the highest percentage increase between January and May 2022" (p. 2). All the countries in the region saw an increase in the price of the food basket compared to pre-war levels, with Sudan and South Sudan seeing the biggest percentage increases (up 44, 22 and 16 per cent, respectively) between January and May 2022 (World Food Programme, 2022). Cereals (sorghum) in Sudan and Somalia saw the most increases in price in the basket in May 2022 compared to pre-war January prices by 174 per cent and 36 per cent respectively. Between January and May 2022, the price of milk in Sudan increased by 157 per cent, and the price of vegetable oil in Djibouti increased by 12 per cent (up 72 per cent). The costliest food baskets were found in South Sudan (USD 28.3) and Somalia in May 2022 (USD 19.6). The price of the food basket increased between April and May 2022 in all of the nations in the region (up 4.0 per cent on average), with South Sudan (up 9.7 per cent) and Ethiopia experiencing the largest increases (up 9.0 per cent). "Regarding the year-over-year fluctuations, the cost of a food basket peaked in Sudan (up 138 per cent), primarily as a result of an increase in grain and milk prices, then Ethiopia (up 73.8 per cent) and Somalia (up 40.5 per cent) were next, both of which had a considerable increase in the prices of cereals and vegetable oil" (World Food Programme, 2022, p. 6).

Both Russia and Ukraine are major providers to several nations that are heavily reliant on imported food and fertilizer and are net exporters of agricultural goods. For instance, in 2021, more than 30 per cent of the wheat imported by Uganda, Sudan, and Kenya came from both Russia and Ukraine, as did more than 90 per cent of the wheat imported by Somalia, Djibouti, and Ethiopia. The war influences production levels, interrupt supply chains, and trading of critical materials, thus pushing up prices, especially in net importer nations that depend on the resources of both countries. The increase in fuel and food prices in particular drove up inflation rates in the nations of the Horn of Africa. Inflation in Uganda's inflation rate jumped from 2.7 per cent in January 2022 to 6.3 per cent in May 2022. The impact of these inflationary pressures will be worse on low-income households, which are already struggling to put food on the table, as they will have less money to spend on basic food and non-food requirements. Real household incomes could decrease by 1.59 per cent on average in Ethiopia and 0.84 per cent on average in Kenya, according to a simulation by Centre

for Economic Policy Research that was run to evaluate the welfare effects of the war's effects on wheat and corn prices (VoxEU, 2022).

Crude Oil and Fuel Prices

Fuel shortages and price rises are also a byproduct of multiple crises exacerbated by COVID-19 and the Russia-Ukraine conflict. Due to the fuel crisis that some of the region's countries are experiencing, pump prices on the market rose by 89 per cent in April 2022 compared to March 2022. Although they stabilized in May, pump prices were still high at USD/liter 2.3. Due to increasing manufacturing and transportation costs brought on by the increase in fuel prices, food availability and access for households are likely to be hampered. Despite implementing gasoline subsidies to protect consumers, Kenya's fuel costs continue to grow, reaching USD/liter 1.3 in May 2022. This increase is being driven by rising global oil prices and a decline in exports from Kenya (Organization of the Petroleum Exporting Countries [OPEC], 2022)

Fertilizer Export Trade Restrictions

Global fertilizer prices have also increased by almost 30 per cent since the beginning of 2022, according to the World Bank, as a result of rising input costs, supply disruptions brought on by sanctions (against Belarus and Russia), and export limitations. As a result, the proportion of fertilizers shipped into the area decreased, which also coincided with the primary planting season's peak in March, April, and May. The impact of banned fertilizer imports was highest in Kenya and Ethiopia in particular. Fertilizer prices consequently increased in domestic markets in line with global trends, having doubled in the majority of countries, due to lower supply and increasing demand in the region (World Bank, 2022).

According to WFP, the high cost of fuel and fertilizer may cause a 16 per cent decline in cereal production for the 2022 crop year. From 45.2 million Metric Ton (MT) in 2021 to around 37.8 million MT in 2022, cereal production will decrease. This results in a 7.4 million decrease in crop production. By the end of the year, the number of people



Women wait in line for food distribution in Daynile, on the outskirts of the capital Mogadishu, in Somalia May, 18 2019 (Photo Credit: Africanews Farah Abdi Warsameh/The Associated Press)

... the average monthly price of the local food basket reached USD 17 per capita across the Eastern African countries – representing an increase of 51.1 percent from the same period last year (USD 12.2) and 18.4 percent from pre-war prices ...

in the region who lack access to enough food is likely to increase by almost 6 to 7 million, due simply to the decreased crop production brought on by the increase in fertilizer prices and a corresponding decrease in use (WFP, 2022).

Economic Vulnerability

The ongoing Russia-Ukraine crisis is already having an extensive effect on the economy, including trade interruptions and rising food, fertilizer, and crude oil prices worldwide.

Direct Economic Exposure

Countries dependent on their bilateral economic exposure to Russia and Ukraine will be directly impacted by decreased economic activity in both of those nations (for example through trade, FDI, and remittances). Raga and Pettinotti (2022) claim that Sudan is one of the countries directly affected by the economic repercussions of the war due to its high level of wheat imports, which reach around 85 per cent, and its reliance on imports from Russia and Ukraine for roughly 35% of its wheat needs. In Sudan's internal markets, wheat prices have more than doubled, and the trend is expected to continue rising throughout the year.

Indirect Economic Exposure

Depending on the level of overall economic openness, all nations in the horn of Africa have been and will continue to be indirectly impacted by the war in Ukraine (such as trade, tourism, and investment). The indirect economic exposure index demonstrates how all of the countries in the region have been indirectly impacted by the shortage and rising costs of petroleum, food (especially wheat and corn), and other commodities. Weak international trade, tourism, and new investment will be other indirect pathways.

Economic Resilience

Economic resilience is the capacity of a nation to recover from shocks, and it encompasses indices of food security,

governance, and progress on the energy transition in line with climate goals. Sudan, Burundi, Kenya, and Djibouti are among the nations in the region with the lowest levels of resilience. In addition to having weak economic fundamentals (high inflation, weak currency, large external debt, low foreign reserves, and limited fiscal flexibility), Sudan also has a fragile economy that is heavily dependent on imports of food and fuel. One of the largest budget deficits in the region is in Kenya.

Financial Instability

A country's overall economic sensitivity to the conflict in Ukraine is determined by adding up the three sub-indices (direct and indirect exposure, level of resilience, and exposure level). The economic vulnerability index, which ranges from 0 to 27, is an accumulation of the three sub-indices mentioned above and provides a country's overall economic vulnerability score. The lower the number, the less economically vulnerable the country is, and the higher the number, the more economically vulnerable the country is, in particular now to the war in Ukraine. In terms of the effects of the war in Ukraine, the countries Sudan, Kenya, and Djibouti are the top three most susceptible ones in the horn of Africa since they are net importers of fuel, wheat, corn, and metal and have weak economies.

Country Context

Somalia

Prior to the Ukraine crisis, the Horn of Africa had high cereal prices as a result of the interplay between macroeconomic hardships and drought. Between October 2021 and January 2022, sorghum prices in the sorghum belt cities of Baidoa and Dinsoor (both in Somalia), increased by 55 per cent and 105 per cent, respectively (Food and Agriculture Organization, 2022). These prices were close to record highs in 2011 when famine was proclaimed and was greater than those recorded during the 2017 drought and the 2008 global food price crisis. Cereal prices are expected to continue to grow dramatically, according to price predictions.

The consequences extend beyond cereals. Due to the continued drought, rising fuel costs, increased transport costs in both the local and international markets, and disruptions in the supply chains of key imported food commodities, prices of other imported and local food commodities are also rising. Compared to the same period last year, the minimum expenditure basket for food increased nationwide in Somalia, with price increases of more than 50 per cent in some areas. The cost of water trucking is rising in some places as the water shortage persists (Food and Agriculture Organization, 2022).

Access to the humanitarian response in Somalia is hampered by violence, environmental problems, and administrative red tape. Currently, more than 900,000 people are without access to humanitarian aid because they live in regions that are under the control of terrorist organizations like al Shabab. Organizations working in the humanitarian sector must pay double taxes and deal with government meddling in hiring and contracting procedures. The transportation of agricultural products to markets, limits on movement, interruption of import and local supply chains, and availability of basic necessities are all caused by flimsy infrastructure and seasonal flooding. In a region where climate change will cause more frequent and severe droughts, heat stress, illness, and a loss of biodiversity, building drought resilience must be hastened while responding quickly to the immediate needs of communities in the Horn of Africa that are food insecure.

Ethiopia

In Ethiopia, millions of households are finding it difficult to deal with these shocks, according to a recent analysis by the Famine Early Warning Systems Network. Up to 15

African nations must increase their oil and gas production and exploration capability to fill any gaps that may arise as a result of supply chain disruption among the major global producers to prevent future food price shocks brought on by rising oil and gas prices on the global market

million individuals need food aid, which is a record number of requests for assistance. Ethiopia is experiencing a sharp rise in prices of key commodities since February 2022 when the war started. The 12-month moving average price of crude brent petroleum in June 2022 increased by 64 per cent from June 2021 while the price of wheat increased by 48 per cent, with edible oil prices increasing by roughly 49 per cent in the same period. Similarly, given that Russia is the biggest exporter of nitrogen-based fertiliser, and the second and third most important global supplier of potassium and phosphate respectively, the Russia-Ukraine war has impeded supply and led to global increases in their prices (Tamru & Gebrewolde, 2022).

Kenya

In Kenya, where nearly seven out of ten people were food insecure prior to the war but only one out of ten is covered by at least one form of social protection, the price of cooking oil increased by 6.5 per cent between February and March alone. In March 2022, the Kenya National Bureau of Statistics reported a year-on-year inflation rate of 5.56 per cent. The increase in overall inflation was primarily due to an increase in food and non-alcoholic beverage prices (9.92 per cent). Wheat (17.68 per cent), cooking oil (35.15 per cent), spinach (19.96 per cent), and kale are the foods that have increased the most (20.15 per cent) (HRW, 2022).

Since Kenya is a net importer of food, cereal products like wheat are among the top imports in terms of both volume and price. Kenya purchased 1.9 million tons of wheat in 2020 as opposed to producing slightly over 400,000 tons. 90 per cent of the wheat consumed in Kenya, according to the Agriculture and Food Authority of Kenya, is imported from Russia and Ukraine. The cost of fertilizers, which climbed by 70 per cent from the previous year, is another input cost. The pandemic's impact on the supply chain caused major problems that contributed to the surge that began in 2021. Russia was the source of 17 per cent of the nation's fertilizer imports in 2020 (AGRA, 2022). According to a March 2022 report by Oxfam and other foreign aid agencies, Kenya has experienced a 70 per cent decline in food production and has declared a national disaster, with 3.1 million people now in need of assistance. In Kenya, almost half of all households must borrow food or purchase it on credit.

Generally, in the Horn of Africa, extreme weather events and climate change continue to pose challenges to African food systems, as do limited adoption of yield-



Women argue over the distribution of yellow split pea in northern Ethiopian town of Agula, by the Relief Society of Tigray, May 8, 2021 (Photo Credit: Associated Press)

increasing technologies, reliance on rain-fed agriculture and low levels of irrigation, and, most recently, the spread of fall armyworm in parts of the continent. The Horn of Africa and Africa at large must also see the current geopolitical crisis as a chance to lessen its dependency on food imports from outside the Continent, even though the socio-economic repercussions are already significant and the situation is still quite unpredictable. The Horn of Africa nations must make the most of their 60 per cent worldwide share of arable land to increase domestic food production and exports to other countries and the world market. As a result, fewer people would experience food and nutrition insecurity as a result of external shocks.

Conclusion

Russia and Ukraine's exports including wheat, corn, sunflower oil, and fertilizer have been disrupted since the invasion began. As such, it has forced some countries in the Horn of Africa region – Ethiopia, Kenya, and Sudan – which also happen to be the region's three largest wheat importers – to diversify their external wheat supply from other sources to meet domestic demand. This has precipitated higher domestic pricing raising the potential of regional food price inflation which is already high in nations dealing with internal shocks like drought, economic crisis, and conflict as well as in nations where imports account for practically all of the demand for

wheat. The war in Ukraine should be an opportunity for African countries to strengthen their food production and trade systems to avoid future repercussions.

Recommendations

The conflict between Russia and Ukraine has once again highlighted the critical need for policy change to sustain and build viable, resilient, and inclusive food systems in the region and continent at large.

Rapid expansion in agricultural and food productivity and production should be one of the policy priorities for Africa to forestall similar food shocks in the future. To avoid disruptions in the supply chain for wheat and sunflower across the Horn of Africa region, producers of these cereals must increase their capacity to produce and supply to other countries via intra-African trade. Those who do not should think about incorporating specific food crops into their agriculture value chain. This will reduce reliance on wheat and grain imports from Russia and Ukraine while also encouraging intra-African trade and expanding Africa's agri-business sectors.

African nations must increase their oil and gas production and exploration capability to fill any gaps that may arise as a result of supply chain disruption among the major global producers to prevent future food price shocks



... there is need for international cooperation to strengthen the productive capacities of African food systems, their resilience, and preparedness to deal with future shocks

brought on by rising oil and gas prices on the global market. Some of the Horn of Africa countries such as Sudan and Kenya and other countries in Africa such as Algeria, Angola, Cameroon, Republic of Congo, Egypt, Equatorial Guinea, Libya, Mozambique, Nigeria, Senegal, and Tanzania are among the African nations that produce oil and gas. By increasing production and bridging the continent's and global gas and oil gaps, these nations can lessen the shocks associated with fuel prices, which

may lead to lower food prices. Additionally, African governments ought to support or encourage more foreign funding for oil and gas exploration, particularly in nations with subterranean oil reserves.

To improve food and nutrition security and strengthen food systems, African governments and development partners must act quickly and decisively on short-term issues while also addressing long-term issues. In the short term, efforts should be directed toward strengthening social protection systems in order to improve food access and the purchasing power of vulnerable groups. In the long-term, there is need for international cooperation to strengthen the productive capacities of African food systems, their resilience, and preparedness to deal with future shocks. Also, due to the current geopolitical environment, African nations must actively participate in international politics and diplomacy. In particular, the African Union's initiatives to lessen the effects of war on food supply chains are crucial for reducing food insecurity.

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Kenya: Framing the Three Securities of the State and their Constitutional Institutional Relationship

By Prof. Makumi Mwangiru, Ph.D.

Abstract

Proceeding from the accepted macro-delineation of international, regional, and domestic security domains, this article concentrates its analysis on security issues in the national domain. It develops the themes of the three securities of the state: national, domestic and intermestic security. While it proceeds from the international law framework of the characteristics of the state, and contextualizes the three securities on that basis, it takes note of the contributions of other disciplines like conflict studies and international relations, and the lessons of history. It concludes that the Constitution of Kenya of 2010's attempt at merging the institutional management of national and domestic security has led to downgrading national security at the expense of domestic security, and almost totally ignored the third, intermestic security. It proposes the establishment of a Domestic Security Council along the existing National Security Council, and a secretariat to flag intermestic security issues for both.

Introduction

Security studies contain some of the most contested concepts in any discipline. While there are multiple reasons for these contestations, two stand out clearly. One is that the development and growth of security studies has roped in perspectives from other areas, ranging from science to the humanities. Another is that the formation of the United Nations (UN) and the UN Charter's framing of international security as the UNSC's core concern, while realizing the connections between them. These domains of security operate in a complex world where the distinctions between them have increasingly been dissolved.

These three securities of the international system informed its operations ever since. In time they have encountered conceptual and practical problems of how to operate smoothly together. Nowhere has this been more evident than in discourses on the use of force internationally. The United Nations system is one of states, and indeed membership of the UN consists of states. States were traditionally considered the only – and later with the recognition of others - the most important actors in the international system. In international law, this traditional perspective was reflected in the recognition of states as the only subjects, or addressees, of international law. Later, the International Court of Justice (ICJ) in the *Reparations* case recognized international organizations

as subjects of international law, and to a lesser extent, individuals (ICJ, 1949).

This expansion of the subjects of international law had far-reaching implications. It led to debates about the political standing of international organizations, and especially their comparison as actors, with states. But it was clear in the ensuing debates that, while subjects, international organizations did not, and could never, enjoy the same status as states. They are created by states, funded by them, and draw their mandates from states. Hence, the very reasons for their recognition as subjects of international law – they were made up of states, who were individually subjects, and it made no sense for their creations not to be subjects – operated against their being competitors of states. Increasingly however, when

... the Constitution of Kenya of 2010's attempt at merging the institutional management of national and domestic security has led to downgrading national security at the expense of domestic security, and almost totally ignored



A person carries dummy of the 2010 Constitution of Kenya at a past function (Photo Credit: Yasuyoshi Chiba/AFP/Getty Images)

states do not wish to go to war individually – as is the case in the Russia-Ukraine war, they instead plead that international organizations they created are mandated to do so.

The recognition of individuals as subjects to some extent faced similar, though conceptually more difficult problems. Especially, the ensuing debates were conditioned in important aspects by the fact that the UN and its Charter presupposed the creation of a new international order in which individuals and their rights were central. Thus, the post-second world war period, especially the post-cold war period, witnessed increasing challenges to the superiority of the state as an actor, and its supposed diminishment. Nowhere has this been more evident than in the expansion and growth of international human rights law, fired at its commencement by the Universal Declaration of Human Rights [1948], and the golden age of human rights law of multiple treaties supposedly reducing the power and influence of the state, and increasingly its governments and leaders.

These developments led in time to the recognition of new aspects of security, including most strikingly, human security. The latter has been touted by some to be a replacement for national security of the state. It is

sometimes also argued that the traditional or classical notion of state's security has been overtaken by human security. However, classical, or traditional security does not mean outdated, something that has outlived its sell-by date. It just means that new facets of security have been identified, to form part of ideas about national, regional, and international security. It is not a new paradigm of security, but a new way of broadening appreciation of the concept, in the domains of its operations. In its best practice, it is a cross-cutting security, more like all the other securities that emerged over the last half century. And neither, eventually does it, or can it, replace the three securities of the state that are the theme of this article.

Framework for Analysis

This article identifies the three international domains of the security of the state. Its essence is that the three domains of security (international, regional, and national) provide a broad picture of security and the canvass it operates on. They however need to be supported by identifying and analyzing what security in each of those environments represents. Hence this article analyses the securities in the national or individual state domain. It recognizes that there is no hard and fast separation among the three securities, and that they intersect. However, there is a clear conceptual delineation between

the three securities which is important for national security organization, planning and policy, strategy and law making.

Central to the frame of this discussion is the concept of the state. Different disciplines are concerned with different, but coinciding ideas of the state: its formation, history, organization and the like. However, this discussion accepts that the state is a legal creation, and as such, essentially a metaphysical construction. Given this, four characteristics have been identified that identify an entity as a state. Two of these (population and government) also identify the agents and creations through which it performs its security and other obligations. From this perspective, three securities of the state are identified. They emerged to address the state's security concerns in different environments. National security focusses on the external environment, domestic security on the internal environment, and intermestic security cuts across both.

The State in International Law

Customary international law long recognized the characteristics of statehood. But they were first codified in treaty form by Article 1 of the Montevideo Convention on the Rights and Duties of States [1933], a regional treaty among American states (Castellino, 2000, p.77). These characteristics are a permanent population, a defined territory, a government, and the capacity to establish relations with other states. While the codification of the provisions of Article 1 have not raised controversy, those of Article 3 (that a state's existence does not depend on recognition by others) has been controversial. While Article 3 essentially codified the declaratory view of the emergence and recognition of a new state (Lauterpacht, 2012, p. 419), it has been challenged by the constitutive view that a state becomes such in international law only through recognition by other states. This view is problematical, in that it can lead to the creation of legal curiosities. For example, in the Nigerian Civil War, Biafra

was recognized as a state by some, but not by many others. Strictly, that meant Biafra was a state, but not a state since others did not recognize it. The same applies to the Saharawi Democratic Republic in west Africa, recognized by African states but not others. At the same time, Somaliland, while meeting the requirements of statehood, is not recognized as state. That case illustrates well the tensions that exists between the international, regional, and national dimensions of security.

Once an entity qualifies for statehood, it is entitled to the protection of international law. It is accorded certain rights and duties by international law and is entitled to the courtesies of diplomacy. The four requirements of statehood constitute the aspects of statehood attracting the protection of international law. They stand at the threshold of a state's interactions as it navigates the international and regional systems. They represent important the core themes of the operations of the state as an entity. These themes are territorial integrity, the centrality of their population aka citizens, the integrity of their governments, and the ability and right to pursue their national interests in pursuit of their vision and national dreams, in their external environment.

Sovereignty is not mentioned as a requisite of statehood in the Montevideo Convention. However, territorial integrity and sovereignty operate in the same epistemological frame, and mention of one immediately entails the other. A deconstruction of colonial epistemology however explains its exclusion. Colonial states and peoples were not configured in customary international law. After all, the older customary international law was essentially a law of European relations. And the implementers of those relations did not believe that owners and populations of territories that formed their empires and colonies in the Americas, Africa, and Asia were entitled to these "waste and unoccupied territories". But following decolonization in these areas, the protection of territorial integrity and sovereignty became a right, just as it was for their early usurpers.

Populations or citizens comprise the human form the state and define its extent. They are also the sovereign as many constitutions including the Constitution of Kenya (2010) affirm. They decide through periodic elections who shall form the government. They also provide the state with its wherewithal, financially through taxes, and in human resources as civil servants, representatives abroad, and for their defence through recruitment into militaries, police

“Sovereignty is not mentioned as a requisite of statehood in the Montevideo Convention. However, territorial integrity and sovereignty operate in the same epistemological frame ...”

The capacity to enter relations with other states is a core characteristic of the state; indeed, it is critical to the existence of the state. It is also the core business of one of the sources of national power, diplomacy

services, and the like. But as states exist and survive, they are open to influences from the external environment, just as that environment is also influenced by domestic influences. Indeed, international relations have always been about making known, and often spreading, national philosophies and identities across other worlds. That was for example, the basis of the reproduction of metropolises in colonies and empire (Mwagiru, 2013).

The capacity to enter relations with other states is a core characteristic of the state; indeed, it is critical to the existence of the state. It is also the core business of one of the sources of national power, diplomacy. States survive or fail to do so in their external environment. Diplomacy has always been concerned with issues of conflict [armed, structural, or other] and cooperation. Relations with others include trade and commerce, mutual defence, scientific, political, and all the variety of things states do with and amongst each other. The ability to enter relations, negotiate, and influence others is hence clearly much of the essence for a state to endure.

This framework of analysis embodies the epistemology underlying the three securities of the state. A fourth one, international security, is not included. There are three reasons for this. One is because as the UN Charter makes clear, the safeguarding of international security is assigned to the UN Security Council. Secondly, as this article argues, since national security is concerned with the external environment of states, international security issues fall within its domain. And thirdly, the third security (intermestic) is closely connected to the two other securities of the state (national and domestic). Thus, within the state, emerging intermestic security issues are managed by either of these two, or both.

Context of the Three Securities

The three securities are conceptualized as the major security domains a state is engaged in. This contextualization avoids the unhelpful tendency to analyze the domains of security based on which is more important, or which of their agendas tramples the others.

Above all, this contextualization of the three securities of the state is concerned mostly in the strategic aspects and perspectives of the three securities. Hence, it does not enter the various though important components of their operationalization, except in describing the organs and institutions established to lend life to them.

The contextualization of the three securities of the state has repercussions for their institutional management. In Kenya for example, the 2010 Constitution made an important contribution in creating the National Security Council (Mwagiru, 2020, pp.126-172). Since the constitutional framework was not informed by the concepts of the three securities of the state, it provided for the institutional management of one facet of security; physical security. This was because the Constitution [2010] embedded a constitutional philosophy of security in Kenya as being largely physical security and is largely concerned with protection against threats (Mwagiru, 2016; 2020).

Largely resulting from this, the important contribution of the Constitution in establishing a National Security Council fell a little short of its dreams. The membership of National Security Councils is now universally recognized and appreciated and reflects the proper definition of that security of the state. Clearly however, the Constitution of Kenya's essence of what constitutes national security while matched by some of its membership Cabinet Secretaries for Foreign Affairs and Defence, the Director General of the National Intelligence Service, and Commander of the Kenya Defence Forces was watered down by the inclusion of the Cabinet Secretary for Internal Affairs, and the Inspector General of the National Police Service. It would have been better to also establish a Domestic Security Council in which the latter two would have been the core members. The offshoot of all this has been the tendency to mis-define what constitutes national security and all too often confound it with domestic security.

This contextualization of the three securities of the state is hence about the epistemology informing them. It is also

about why it is important to secure them institutionally, to better appreciate their functions as the state navigates the quest of its ultimate, and most important concern of survival in its external environment. In this context, survival means survival as a state, and hence as an actor in the complex VUCA (volatile, uncertain, challenging, and ambiguous) environment in which states conduct their business. And importantly, survival entails much more than just a state protecting its physical, territorial existence. It also entails developing infrastructure through which statehood can be enhanced, its institutions developed, and its citizens prosper.

National Security

National security has for long been marked by contentions revolving around certain issues. The first is that its definition has been misunderstood both by academics and practitioners. As a result, definitions of national security have been entrenched that are incommensurable with its real purpose. Secondly, following misunderstandings about its content and scope, the concept has been used for the pursuit of interests of personal, group,

ethnic, religious, and the like at the expense of national interests. Appending the name “national security” to all manner of things has thus been used to muzzle critics, and silence opposing views. Third, misleading definitions of national security have bred misunderstandings of the proper role of security institutions and organs. This in turn has led to misallocation of resources, all in the name of national security. Besides these, misunderstandings of the concept have tended to dissolve the core differences between operational and strategic national security institutions. The effect of this is that such organs like the Police Service have lent strategic descriptions to their role, while failing to maintain operational excellence. This theme partly informed the constitution making process in Kenya, and the rebranding of the erstwhile Police Force into the Police Service. The “Police Service” brand was intended to return it to its proper operational role.

National security is the premier security concern of the state. Every state is, and must be, concerned about the prospects of its existence as a state, a nation, or a nation



Police officers from Kenya's General Service Unit get ready to disperse demonstrators protesting against police brutality in Nairobi in July 2020. The “Police Service” brand was intended to return it to its proper operational role (Photo Credit: Tony Karumba/AFP via Getty Images).

state. Such prospects and possibilities are played out and defined in its external environment. From independence, national security was embedded in the nationalist spirit that had informed demands for freedom. Indeed, in the formation of the “modern” African state – the post-colonial one - nationalism provided the clarion call as the emerging states sought to be liberated from the nightmare of colonialism. But the clarion call seemed to have faded with the delivery of liberation; and instead in the guise of ethnicity, was turned into a tool for domestic oppression. And that was a starting point for the conflation of domestic with national security.

Some countries in Africa have constitutionally recognized the existence of multiple “nations” and hence nationalisms in the state. In Ethiopia, these have been recognized by allowing them to demand self-determination; but it has gone further and recognized even the result of the self-determination *process*, secession. Ethiopian governments, while recognizing this, have also striven to inbuild what they considered the greater Ethiopian nationalism, to be prescribed through a central national unity, considered to be greater than the sum of all other nationalisms recognized in the constitution. However, the full recognition of domestic nationalisms threatens the very existence of the state of Ethiopia.

In many ways, international law recognized the same problem. Hence, while it supports self-determination as a due right, it does not recognize the eventual end of the self-determination process, secession (Mustafa, 1979). Secession after all threatens the integrity of the unit recognized as a state in international law. It invariably changes the geography of territory, divides sovereignty, and forces formerly citizens of one state into different, sometimes competing aspirations of the emergent states. And from the former single state unit searching for survival in the external environment, it brings in another, or multiple others, into the frame.

National security is core to the whole configuration of states because, as the poet said, no state exists in an island, “entire of itself”. Indeed, the survival of states is prosecuted and preserved in interactions with its external environment. It is only in that environment that states *qua* states, interact and “pal around” with each other. That is the essential character of state interactions, and they have no options. For interacting states to make prescriptions about others domestic environments is to forge environments for unending schisms and conflicts. The norms of international law especially that forbidding

While the core calling of militaries is the defence of territory and sovereignty from external threats, some countries, like Kenya have added a subordinate function of the military

states from interfering in each other's domestic affairs enshrined in Article 2(7) of the UN Charter, and in treaties establishing regional organizations fortify this reality. Survival of the state in that environment entails a panoply of things, all summarized in the age-old concerns of diplomacy of cooperation and the resolution of conflicts, possible only through negotiation. This explains why diplomacy and the military are the major actors in national security; one to secure cooperation, the other to defend the attributes of territorial integrity and sovereignty, critical prerequisites for meaningful cooperation.

While the core calling of militaries is the defence of territory and sovereignty from external threats, some countries, like Kenya have added a subordinate function of the military, protection against threats emerging domestically. Although some read this subordinate function too liberally, its proper reading from the perspective of national security is clear, and indeed, the only possible one. The proper reading and interpretation are a direct extension of the primary duty of the military, protection of territory and sovereignty. Thus, its internal tasks mean protecting against internal threats to its core domain of territory and sovereignty. It does not and can never have been intended to entail involvement in any other domestic issues, for which other organs exist to protect against. These other organs include for example the judiciary and the police services.

The 2007/8 presidential elections in Kenya for example resulted in violent post-electoral conflict, verging onto civil war. Such conflicts are a direct threat to the state's territory and sovereignty. They could, for example threaten the territory of the state, and lead to its dismemberment through secession and the like. Domestically, they also offend the sovereignty of the citizens and of the country; and externally threaten the sovereign interactions of the state. These two thus embody existential threats to state existence and justified the involvement of the military in its secondary role of ending the violent conflict. This was

consistent with the proper and sole interpretation of the domestic role of the military.

Domestic Security of the State

The second security of the state is domestic, or internal security. In Kenya, domestic security is taken conceptually to mean the same thing as national security. This effect of this is to downgrade the domain of national security. As the Arab springs in Tunisia, Egypt, Sudan, and other locations elsewhere demonstrated, whenever and wherever national security is degraded in favor of domestic security, the consequences have been dismal. And such attempts invariably lead to demands prosecuted by citizen "Arab" and other seasonal springs and summer fountains.

Before the emergence of intermestic security, domestic component was the other half of the security of the state. But now domestic security constitutes a third of the securities of the state. Like national security, it too is also concerned with the core elements of statehood, sovereignty, and territorial integrity and their protection. While national security is concerned with the survival of the state in its external environment, domestic security is concerned with survival of the state in its domestic environment. The main organs in the execution of domestic security are ministries of domestic security, as variously configured in different countries: internal security, homeland security, among others. The main operationalizing institutions for domestic security include the police service, the judiciary, criminal investigations departments, prisons services, and intelligence agencies. Many others, indeed, all ministries are to some extent concerned with facets of domestic security. This depends on the domestic security issues flagged as being the most important at a particular time, and the way ministerial mandates are framed. Thus, for example, ministries of agriculture are almost always concerned with domestic

security concerns, as are those concerned with water, health, education, and others that governments create.

Like national security, domestic security operates under the final authority of the constitution. Unlike national security whose domain and operational environment is the international environment, domestic security is restricted to the national jurisdiction and territory of the state. The buck of domestic security stops where the country's borders end, and where citizen's freedom of movement starts to be regulated by domestic nationality and visa laws of neighboring states. This is because states have no authority to create laws and policies for areas beyond their jurisdiction. Even if they tried to do so, they would never be implemented, and would also create serious concerns for national security.

National and Domestic Security: Antecedents of an Unhappy Relationship

The African experience of the relationship between national and domestic security has been an unhappy one. In immediate post-independence Africa but in other regions also the only domains of security largely practiced was domestic security. The foundations of national security were suspected, but never acknowledged since all countries had and have ministries of foreign affairs. In that setting, domestic security embraced, was confounded for, and virtually suffocated national security. One clear evidence of this were the proliferation of military *coup d'états*, in the continent, for a while seemingly gone forever, but now returning. The other was that there was no seriously articulated policy internationally or continentally against such happenings, or about the non-acceptance of military regimes. The cold war contributed to this because having allies was considered more important than their states' survival and stability. Military regimes entrenched the tendency to see the military as an organ to support regimes. Civil regimes adopted this tendency and used the military for regime survival: which lasted only for as long as the blink of a political eyelid.

This merger of the security gap between the internal and external environment led to conceptual confusion of the security of the two domains. It led to national security being conceptually misapprehended, and indeed considered to be an unacknowledged, non-security concept. Security also came to be seen as a domain wholly defined by arms and the unreason of force. Distinctions



Before the emergence of intermestic security, domestic component was the other half of the security of the state. But now domestic security constitutes a third of the securities of the state

The buck of domestic security stops where the country's borders end, and where citizen's freedom of movement starts to be regulated by domestic nationality and visa laws of neighboring states

were not made between military forces and police forces, or only that one was better armed. It encouraged the development of the secondary role of militaries to the extent of equating it with the primary one. The lore of regimes like those of Idi Amin, Bokassa, Doe and many others, are legion.

The early antecedents of this tendency were evident from the colonial period. The colonial government in Kenya was an early culprit. It refused to recognize publicly the Mau Mau uprising as a liberation war and preferred to call it a restoration of law-and-order operation. But while denying its character publicly, internally, and operationally it realized what it was about and resorted to the colonial military. Kenya's first war starting almost immediately (two weeks) of independence, the *Shifta War* had similar but different responses. This could be attributed to what Katumanga calls an inheritance of colonial strategic culture by the independence governments in Kenya (Katumanga, 2021). But while the new government called it a restoration of law-and-order operation for diplomatic strategic reasons, its provenance was evident, and not disputed. Hence its use of the military, since it realized that it was a war. While the *Shifta War* was operationalized in the domestic arena, it was funded and trained and lent its ideology from externally. Hence it was properly a proxy war with Somalia (Mwagiru, 2021), which used the *Shifta* as its proxy. The Kenya government's reluctance to describe it as such was that the erstwhile colonial power and its allies would typify it as a specific type of war, an insurgency or civil war. They would offer to "support" the government in combating it, thereby finding an early diplomatic and military opportunity to interfere with the fortunes of the new state. Faced with this quandary, the new government dug into the antecedents of the colonial government's earlier description of its response to the Mau Mau war of liberation as restoration of law and order.

All this surely set the scene for the interpretation of the secondary role of the military in the republican and later 2010 Constitution. It means that even in domestic unrest

or instability, the secondary role of the military can only be activated *where there is a threat to the sovereignty and territorial integrity* of the republic. Deviance from that duty to the use of force for other purposes is not sanctioned by interpretation of the constitution. Other non-military uses of force are the business of police forces and related agencies.

The second problem is really a creature of the colonial antecedents. All this put the interpretation of the concept of national security on the conceptual line. It led to a reinvention of the definition of national security. Such a definition is constructed in the context of local politics. Its other provenance is constitutional, arising from the composition of the National Security Council specified in Article 241 of the Constitution of 2010. That composition includes the ministry responsible for domestic security, and its' operational arm, the National Police Service. The inclusion of the ministry responsible for domestic security and its operational arm wrecked conceptual havoc to the concept and domain of national security. It also added fuel to the bureaucratic wars made evident in the National Security Council Act meant to operationalize the functioning of the NSC (Mwagiru, 2020). It is no wonder that the NSC has not matured into the fulness of its core concern and preoccupation of national security, given the imposition of domestic security into its domain.

This impediment to the growth of the NSC as a national security - properly defined – institution will not go away. The way out is to consider the possibility of a Domestic Security Council, as indeed some other countries have established. Such an establishment leaves a national security council to manage its already full tray of the complex dynamics of national security. Only in this way can the aspects and contents of the third security of the state, intermestic security, effectively emerge and be appreciated. Intermestic security is a concern of national security and domestic security. It establishes the gray areas of its provenance and requires cooperation between the two domains.

Antecedents of Intermeistic Security

While relations among states are implemented in the external environment, those amongst and between individuals and groups are operationalized in internal environments. Businesses, companies and their contracts are operationalized transnationally, and often enforced in common parlance internationally, but in truth in domestic regional environments. All these relations (individual, transnational, or international) are highly dynamic and volatile.

Developments in various aspects of international relations have increased these dynamic uncertainties of the external environment. Certain developments hastened the emergence of the third security of the state, intermeistic or internationalized security. In this third security, certain issues have both domestic and international provenance that help to blur the distinction between the domestic and international environments. This intermeisticity was not created by the linguistically and political volatile terminology of globalization. It arose earlier, as the reality of cross-issue complex interdependence emerged and deepened.

The partition of Africa into different colonial zones at Berlin in 1884/5 provided the first colonial antecedent of the shoots of intermeistic security. The process entailed dividing the same ethnic community into different states. The development and growth of international human rights law especially after the Second World War quickened that pace. The growth of communication, and the development of communication technology like computers, internet, television and similar, enabled the third security to soar over the earlier horizon of the domestic-international dichotomy. The fast development of the media into new forms beyond the printed word in television; and information technology, and computers enabled individuals to participate with no restriction in interactions across borders.

The thematic concern of intermeistic security is its threat with the state's survival and indeed existence and its effects on the international environment

All these and later more sophisticated developments ensured that issues in domestic environments like conflicts, raised concerns in the external environment. It is here that the third security first gained a clear identity. Conflict studies particularly created the then new concept of the internationalization of internal conflict. It recognized that internal conflicts, like international ones, immediately become internationalized through the new media and technology. Thus, the conviction emerged that no internal conflict is purely internal, or domestic: they are all internationalized in some or all aspects. Similarly, given these connections, international conflicts are also internalized. These developments impacted on the classical dichotomization of internal and international conflict. A new category of internationalized internal conflict, or internalized international conflict, and hence security thereby emerged.

In International Relations, this phenomenon was recognized as intermeisticity. This describes the removal or dilution of distinctions between international and domestic issues and is a marriage of both "inter" as international, and "mestic" as domestic giving birth to their offspring of intermeisticity. The main difference between internationalization and intermeisticity is that while one conceptualizes dynamics in conflict environments, the other conceptualizes them from the wider perspective of broad and complex international relations, and hence its preference in usage.

For Africa the reality of intermeisticity happened a century or so earlier. It did so through the colonial and imperial map-making of the Berlin Conference, 1884/5. In that conference, imperial aspirations of Europeans to steal or otherwise grab African land through the colonial process led to reproducing images of their states in Africa. The process had no regard to established practices of being guided by geography, culture, and established relation patterns (Asiwaju, 1994). Thus, the new states created divided ethnic groups into two or more states. This created specifically African states problems in their international relations after independence, like the civil wars marking the early post-independence years in Africa. The antecedents of these are to be found in the structural map-making violence of the Berlin Conference.

The thematic concern of intermeistic security is its threat with the state's survival and indeed existence and its effects on the international environment. While these issues are not necessarily always founded on the use



The Kenya Defence Forces (KDF) marching during Madaraka Day in 2019 in Narok (Photo Credit: Ministry of Defence, Kenya)

of force, they threaten to force it. They are hinged on diverse concerns, like the environment and related issues of climate change, drought, economy, and the like. Issues like the threat of submergence of Pacific Island states occasioned by climate change are an excellent example of intermestic security. Pandemics like COVID-19 that affect international intercourse and destabilize states domestically in their economic and social relations are another example. Issues of livestock rustling which happens across territorial borders and is almost a specifically African security concern, is yet another. Refugee issues that begin with internal problems in one state, that traverse territorial borders to generate an internal problem in other states, is another intermestic security issue. Their conceptual danger is that they may blind policy makers to be blinded to what are essentially national and domestic security issues.

Conclusion

These three securities of the state now define the broad spectrum of challenges that states face. They each present difficult security problems for states. But together, they help underline the complexity of issues underlying the security framework of states. Because of these, the three securities pose equally complex problems for the strategic and operational management of security and its institutions in the state.

In a world now gone, never to resurface, much less return, the securities of the state were considerably easier to manage. The institutions for their management were easy to identify and pick, because security meant either peace or war. While individual states could practice both simultaneously peace with some and war with others externally such a framework is challenged in common contemporary relations in external environments. Even then however, the internal management of national and domestic security still posed a problem. Not having individual facilities to manage both, states chose one or the other. But the human resource paucity of informed personnel nationally meant, and still does, that individuals had to move from one domain to the other, interchangeably. The posed, and still does, clear risks: leave a domestic security inclined person to manage national security, and the state would be at war with everybody, the skills, and temperaments of one unable to fit into the other. And *vice versa*, except that the wars in the other will be civil wars.

States have tried to move round this problem by creating institutions for the management of their securities. This has gone a long way to addressing these earlier problems. However, the institutional arrangements are constantly caught off-guard. This is because the framers of these institutions were ignorant of emerging

securities of the state and could not therefore cater for them institutionally. Another reason is that establishing documents like the Constitution of Kenya 2010, tried to merge the management of the then two securities in a framework that has not quite worked. And yet another reason are the bureaucratic wars that disturb all bureaucracies universally. The end game of these is not to deliver functional state securities management, but to knock out competitors or conceived competitors, to enhance the bureaucratic sovereignty of one department over others.

Recommendations

The major lesson to be learned from the experiences of the constitutional management prescribed by the Constitution of Kenya 2010, is that undoubtedly national and domestic security require their own councils, namely a National Security Council for national security, and a Domestic Security Council for domestic security. These cannot ever operate in splendid isolation of one from the other. They thus require a linkage, a liaison between

them. The linkage is not so much an institution, and indeed, should not be. It is rather a flagging secretariat made up of between one and two dozen *working* people aka workaholics - to bring to the attention of both those issues (now known as intermestic security issues) that require the agency of both. It must not ever be converted into a decision-making enterprise, or one that aspires to be such. And it should never challenge or aspire to, the prerogatives of either or both these councils. This might sound like something that is only made in heaven. Indeed. It is conceived as precisely being that: the heaven of the supremacy, inviolability, and majesty of the constitution.

On such flagging, there should be a joint meeting of both national and domestic councils to analyze the intermestic issues arising and decide which of the two will be assigned to which of them. Since intermestic issues are so diverse, there will never be a shortage of intermestic security issues for each to manage and drive the responses: not to mention the already extremely daunting schedules of their security responsibilities in their individual domains.

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Conceptualising Externalization Migration Management Strategy in the East and Horn of Africa Region

By Claire Amuhaya, Ph.D.

Abstract

This article traces the evolution of the externalization migration management strategy within the context of migration flows and route trends in the East and Horn of Africa region. In doing so, this article sets forth several types of externalization migration management strategies used, especially by the European countries, to regulate migrant flows from the East and Horn of Africa region before they arrive at their borders. The new trend, however, is not only on those yet to arrive on their territories but also on how to regulate those migrants, especially failed asylum seekers already present in their territories. In this regard, the article critically analyses Rwanda's acceptance to be a resettlement hub, questioning its reasons for accepting to share such a burden yet it is not one of the strongest economies in Africa. Despite the strong criticism that several externalization management strategies face, especially resettlement and offshore interception, the evidence suggests they are increasingly becoming the most common strategies employed by the European countries to regulate migrants from accessing their borders as well as from staying within their borders.

Introduction

Migration can be conceptualized as the movement of persons or populations over significant distance or long distances that results in a change of residence (Kok, 1997). Large-scale African migration is believed to have begun over 200,000 years ago with the linguistic origin and patterns reflecting the movement of the people. For example, Semitic and Berber languages spread from Ethiopia throughout the Horn of Africa, while Nilo-Saharan languages travelled from Sudan to the Northern part of Lake Chad. Bantu, which originated in present-day Cameroon at least 5,000 years ago, reached the Natal region in South Africa (Hein & Miller, 2019) with several populations settling along the way including the present-day East Africa region.

The comprehension, therefore, is that migration may be difficult to restrict as it is inherent in human nature and development, especially in a globalized environment. As such, both state and non-state actors understand that they cannot stop people from migrating due to their importance, as they seek trade, new market opportunities, human capital and labour among others in their day-to-day interactions. However, with the formation of modern-nation states and the establishment

of borders and boundaries, migration has taken a new turn, resulting in states taking an active role in controlling what happens within their borders, including who gets in. This might have been exacerbated by the movement of large populations, especially from the Global South seeking settlement in the Global North in the recent past.

The challenge of migration lies in the fact that these populations over time need to be integrated into their host economies and communities as they seek access to basic needs such as food, health and education. This is further complicated by the rise of illegal migration (also referred to as irregular migration), which is not accounted for in host government integration schemes and thus the rise of migration management. According to the European Union, migration management is an approach used by states to structure governance addressing all aspects of migration "particularly the entry, admission, residence, integration and return, as well as of refugees and others in need of protection" (European Commission [EC] n.d. a) into their territories. In essence, migration management is a strategy used by states to control what happens within their borders by controlling inflows and outflows.



Young Ethiopians immigrants arrive at the IOM transit centre in Obock, Djibouti, having fled from Yemen waiting to return home (Photo Credits: The Guradian/Charlie Rosser)

The most common management tools implemented to control illegal migration, particularly by Europe include the building of border fences. For example, from the start of Europe's 'migrant crisis' in 2015 to 2018, several European countries erected seven migration fences, which are estimated to be approximately 1,000 miles long. In 2018, the US also embarked on constructing the US-Mexico border wall famously referred to as the Trump wall. Apart from walls, states have also increased both land border and coast guard patrols, labour regulations have also been toughened by enacting new regulations as deliberate attempts to toughen asylum applications (Amuhaya & Moraru, 2020).

Despite all these management strategies, states are still increasingly facing the challenges of migration, compelling them to devise even more ingenious methods to manage their borders. As a result, in the recent past, more states are increasingly adopting different externalization management strategies despite the heavy criticism that it faces. Externalization is a migration management strategy adopted mainly by some European countries to prevent migrants, especially from African countries, by implementing various strategies, for example, intercepting asylum seekers, especially those en route to their territories, through various water

vessels from reaching their territories by enlisting the help of third countries or transit countries (Frelick, Kysel & Podkul, 2016).

This article traces the evolution of the externalization migration management strategy by contextualising it within the context of migration flows and routes in the East and Horn of Africa region hereinafter referred to EHoA. The EHoA region member states referred to in this article are Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, South Sudan, Sudan, Tanzania and Uganda according to the United Nations High Commissioner for Refugees classification (United Nations High Commissioner for Refugees [UNHCR] n.d.). The article traces the migration flows and routes in this region within the context of the different types of externalization management strategies used by some European countries to control migrants from this region into their territories. In this regard, Rwanda, which has made headlines in the recent past after accepting to resettle asylum seekers from the UK, is the case study in conceptualising the resettlement externalization management strategy adopted by some states, questioning the real reasons behind Rwanda's acceptance of sharing the burden of asylum seekers from some European countries.

Migration flows and routes in the East and Horn of Africa (EHOA) region

Migration flows refer to the number of migrants entering (inflow) or leaving (outflow) a given country during a given period of time, usually one calendar year (Migration Data Portal, 2020). Usually, this takes place through a migration route defined as “The geographic route along which migrants and refugees move via hubs in transit areas from their country of origin to their country of destination often travelling in mixed migration flows” (EC n.d. b).

According to IOM, migrants in the Horn of Africa move primarily along four routes in the EHOA region: the *Horn of Africa route*, the *Eastern route*, the *Southern route* and the *Northern route* (Migration Data Portal, 2021). The *Horn of Africa Route* is popular among Somalis and Ethiopians, and the movement is mainly towards and within the Horn of Africa. In this context, Ethiopia was the second-highest country hosting the highest number of migrants in 2020 in the EHOA Region after Uganda at 1.7 million, but the first in the Horn of Africa hosting an estimated 1.1 million migrants (ibid). It is also the most popular route, representing 52.41 per cent of the total movements in the region (International Organization for Migration [IOM], 2018).

The *Eastern Route* is used by migrants moving between countries in the EHOA region and towards countries on the Arab Peninsula. The exit points from the Horn of Africa are Djibouti and Somalia, then onto Yemen and finally Saudi Arabia, the main intended destination point. It is the second most popular route in the region, representing 37.76 per cent of the total movements (ibid).

The *Southern Route*, which is the least studied route, runs from the EHOA region to Southern Africa. The exit points from the region are Kenya, then onto Tanzania and further down south through Malawi and Zambia. It represents 5.70 per cent of the total movements in the Horn of Africa (ibid). Tanzania is also the exit route for migrants from the Great Lakes region, predominantly migrants from the Democratic Republic of Congo (DRC) and Burundi.

Last, the *Northern Route* refers to movements from the EHOA region to the North of Africa; the exit country in the region is Sudan onto Libya and Egypt and then via the Mediterranean Sea to Europe and North America. It represents approximately 3.93 per cent of the total movements in the Horn of Africa (ibid).

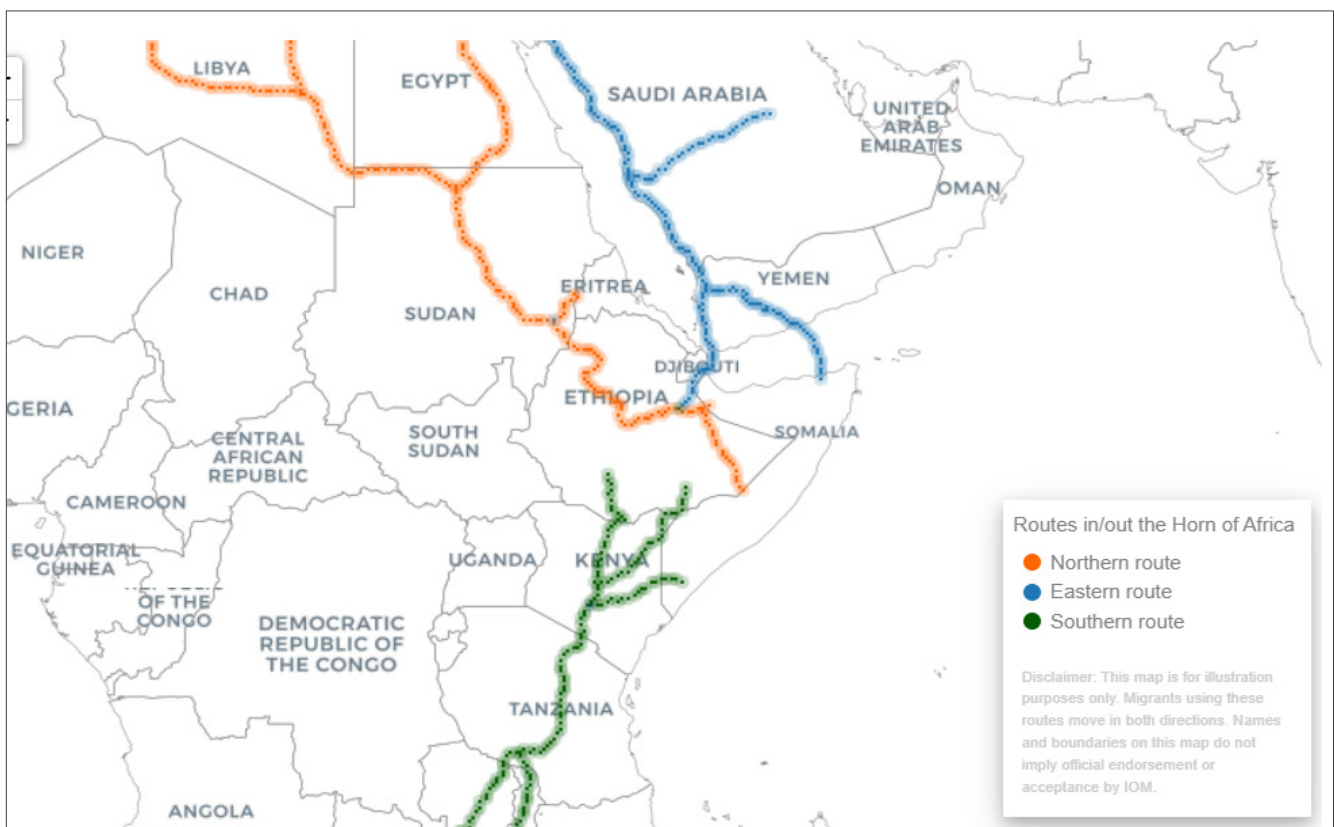


Figure 1 Migration routes in and out of Horn of Africa (Source: International Organization for Migration (2018))

Conceptualizing the Evolution of Externalization Migration Management Strategy in the Context of the East and Horn of Africa Region (EHoA)

Recently, in April 2022, the UK and Rwanda announced that they had reached a deal to send tens of thousands of asylum seekers to Rwanda for resettlement, sparking public criticism (*The Guardian*, 2022). However, resettlement is just one among the different categories of externalization migration management strategies that have been implemented before, especially by the European countries, decades ago. Externalization can be classified into five main categories: 1) Visas and the regulation of mobility 2) Overseas immigration officers and border preclearance 3) Offshore interdiction 4) Offshore detention and lastly externalized asylum processing and readmission agreements (Zaiotti, 2016).

While the visa requirement is not a new concept, especially for African countries to access European countries, this was always not the case for some African countries, mainly for the commonwealth countries' migration to the UK. The British Nationality Act of 1948 established the citizenship status as "Citizen of the United Kingdom and

Colonies", there were no restrictions on migration, and people were allowed to live and work anywhere within the territories of the United Kingdom and Colonies, including people from the Commonwealth, as they were regarded as British subjects (UK Public General Act, 1948).

This led to an increase in migration, especially from the colonies to the UK. However, over time, pressure to restrict migration grew, leading to the enactment of the Commonwealth Immigrants Act 1962 to restrict migration from commonwealth countries; nonetheless, there were a few exemptions, mainly East African Asians who were residents of Kenya, Uganda and Tanzania (Taylor, 2017). New Acts followed, for example, the Immigration Act 1971 and British Nationality Act 1981 as part of migration controls, but citizens of the commonwealth still had the right to abode in the UK. This meant that commonwealth citizens listed in Schedule 3 of the 1981 Act were free to live in, work in, enter and leave the UK without being subject to immigration controls such as visa requirements. Some



Immigrations liaison officers restrain Sudanese asylum seekers at the Offshore Detention Prisons (Photo Credits: EUNAVFOR MED)

In 2004, the EU established the European agency for the management of operational cooperation at the external borders of the EU member states. It was repealed in 2016 establishing Frontex, the European Border and Coast Guard Agency

of the EHoA region countries listed on the Schedule were Kenya, Uganda and Tanzania (UK Public General Acts, 1981). However, since 1983, the status of the right of abode has been limited to British citizens only; therefore, citizens of the three aforementioned countries need visas to enter the UK.

Overseas immigration officers and border pre-clearance externalization migration management have increasingly become a common trend in the United States and Europe. Apart from immigration officers at the embassies, these governments send civil servants abroad to assist in the coordination of their immigration activities, sometimes including in airports, to assist in checking documents as well as advising visa sections of their local consulates and embassies.

Europe in 2001 established a network of immigration liaison officers (ILOs), while the US in 2003 deployed the first customs and border protection (CBP) attachés overseas (Zaiotti, 2016). This strategy gained momentum, especially after 9/11, as migrants were considered a possible threat to security; as such, the externalization migration management strategy is regarded as a more security-related response rather than a humanitarian response.

The EU ILO officers are representatives of the EU Member States posted in non-EU countries to facilitate the measures taken by the EU to prevent irregular immigration. European countries started deploying liaison officers to third countries in the late 1980s and early 1990s, but the regulation was adopted in 2004. Some of the countries in the EHoA region where ILOs are located are Ethiopia and Kenya, including airports, and these ILOs have also travelled to Tanzania to train Tanzanian migration officers (European Commission, 2018). ILOs are also located in Egypt, the transit country on the Northern route for migrants from the EHoA region to Europe, as we have noted in the migration flows and routes section.

The United States CBP Attaché Offices are located in 23 countries around the world, including Kenya opened in 2007 and Egypt, the regional migrants' exit transit country opened in 2008. Their work is to inform and advise the U.S. Ambassador or Consul General on CBP programs and capabilities such as the Container Security Initiative (a bilateral information transfer between the US coast guard and a foreign port country to ensure American borders are the last line of defence and not the first) and the Immigration Advisory Program (US Customs and Border Protection, 2003).

Offshore interdiction, also referred to as interception, is the deliberate act of some European countries to prevent water vessels such as ships or boats containing migrants and asylum seekers from irregularly reaching their shores. The origin of this externalization management strategy can be traced back to the 1981 interdiction agreement between the United States and Haiti that authorized the US Coast Guard to interdict Haitian vessels on the high seas, detain the passengers, and return them to Haiti (Frelick, Kysel, & Podkul, 2016).

These continued through various US heads of state since then. However, the most recent controversial interdiction was the Australian case. In October 2001, Australia detained irregular maritime arrivals on Christmas Island on board Australian naval ships and then transferred them to Nauru or to Papua New Guinea-Global South countries, where Australian immigration officials conducted refugee status determinations not to grant them asylum but for resettlement; it also interdicted migrant boats and forcibly returned them to Indonesian waters (Frelick, Kysel, & Podkul, 2016).

Nevertheless, African migrants in the recent past have increasingly adopted this type of irregular migration into the EU through the Mediterranean Sea. In 2004, the EU established the European agency for the management of operational cooperation at the external borders of the EU member states. It was repealed in 2016 establishing Frontex, the European Border and Coast Guard Agency (EBCG, n.d.).

According to Frontex, interdiction or interception occurs when water vessels are suspected of carrying persons intending to circumvent the checks at border crossing points in EU territorial waters. In this regard, they may, inter alia, 1) stop, board and search the ships cargo and persons on board including questioning them 2) seize the ship and apprehend persons on board 3) order the ship to modify its course outside of or towards a destination other than the territorial waters of the EU (authors note) 4) conduct the ship or persons on board to a third country (European Union [EU], 2010).

Because of numerous criticisms, especially in regard to conducting the ship or persons on board to a third country, Frontex 2014's new regulation under Article 4 states that intercepted or rescued persons shall not be disembarked, forced to enter, conducted to or otherwise handed over to the authorities of a third country when the host Member State or the participating Member States are aware or ought to be aware that that third country, where, inter alia, there is a serious risk that he or she would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment (EU, 2014).

Despite this new regulation, interception of water vessels is still conducted. For example, in 2015, according to the UN Human Rights Council, 39,000 Eritreans crossed the Central Mediterranean to Italy, and more than one-quarter of all the arrivals were by sea (Hayden, 2022). In 2018, a group of 79 Eritrean refugees were intercepted on the Mediterranean Sea en route to Europe; they were brought back to the Libyan Coast, but they refused to disembark the boat citing inhumane conditions in Libya (Hagenberg, 2018).

Offshore detentions are essentially prisons located in transit countries where asylum seekers are either forced to enter the proposed processing centres or prevented from leaving them before their claims are processed.

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This can be traced back to 1991, when the US built a detention facility on its naval base in Guantanamo Bay in Cuba (Zaiotti, [Ed.]2016). It was closed down in 2017 by Obama's administration, but there are claims that the Biden administration wants to reopen it to handle the high number of recent Haiti migrants (The Guardian, 2021).

The EU has also adopted this strategy; however, to avoid criticism, it does not directly manage the facilities; instead, it funds the building and managing of the detention facilities in transit countries. North African countries seem to be the favourites so far; for example, in 1998, Italy provided financial support for the building of migrant detention facilities ('centri di permanenza') in Tunisia. In 2002, the Spanish agency for international development cooperation offered financial support to the Mauritanian government to build a detention centre for irregular migrants (known as 'El Guantanamito') in the city of Nouadhibou (Zaiotti, 2016).

While European countries have opted for offshore detention, most of the African countries have detention centres within their borders to handle irregular migrants. Saudi Arabia is the main destination for migrants from the EHoA region in the Eastern route, and it is documented to have more than twenty detention centres (Global detention project a, 2020). Most of the EHoA regional countries establish their detention centres on existing infrastructures to deal with a specific migrant crisis. Very few are still active at present; however, they have the potential to be reopened.

For example, Djibouti has two facilities, the Djibouti Coast Guard base and the Nagad detention Centre (Global detention project, 2020); Kenya has had approximately six detention centres, namely, Liboi transit facility, Jomo Kenyatta international airport, Voi prison, Kasarani stadium as well as Garissa detention centre and Garissa police station (Global detention project, 2020); Rwanda had an undocumented prison that was last documented in use in 2015 (Global detention project, 2020); Somalia Puntland had a Puntland Detention Camp located near the airport in Bossasso (Global detention project., 2020), while Somaliland has two detention centres, the Loya'ada (Loyada) police station and the Hargeisa central police station (Global detention project, 2020); Sudan has had three detention centres, Khartoum aliens detention centre that is in use since 2016, Kassala prison and Omdurman prison (Global detention project, 2020); Tanzania had two detention centres, Mwisu, which was closed in

2007, and Kibondo Police Station, which is currently in use (Global detention profile, 2020), and finally Uganda had the Entebbe Airport detention centre (detention suite), which was last in use in 2016 (Global detention project, 2020).

Externalized asylum processing and readmission or resettlement agreements: Externalization management strategy is our main focus area because most EHoA countries are becoming the favourite for this form of externalization management strategy with Rwanda in our next section as a case study.

Externalized asylum processing and readmission agreements were mainly advanced by the UK in 2003 when it released a policy paper called “A New Vision for Refugees”. It proposed establishing regional protection areas (RPAs) to contain refugees in countries of the first arrival, including processing applications in these source regions, because over 90% of refugees already remain in the regions close to their country of origin (UK Government; “New Vision for Refugees” from 7. March 2003).

The decision for the UK to develop such a policy could be justified by the fact that in 2002 and 2003, among all European countries, the UK had the highest number of refugees from the region, specifically, Somalia, recording 34,131 and 36,106 refugees, respectively (see Table 1). The UK was also the highest hosting refugee nation among all the European countries in those respective years. For example, in 2002, it hosted 34,131 Somali refugees, while the Netherlands followed at a distant second with less than half of the UK refugees at 15,688 Somali refugees. Among the other top 5 European refugee-hosting countries were 9,582 Somalis in Denmark, 8,134 Ethiopians in Germany and 7,370 refugees from the DRC who were seeking asylum in Germany (UNHCR, 2002).

In 2003, the same order was maintained, with the UK hosting 36,106 refugees, while Denmark still followed at a distant second with 14,046 Somali refugees, Denmark with 8,591 Somali refugees, Germany with 7,966 Ethiopian refugees and finally Germany with 7,096 refugees from DRC (UNHCR, 2003).

Table 1. Refugees in the United Kingdom of Great Britain and Northern Ireland in 2002 and 2003

	The Horn Institute classification of countries in the Horn of Africa and parts of African Great Lakes region	Refugees from the region seeking asylum in United Kingdom in 2002	Refugees from the region seeking asylum in United Kingdom in 2003
1.	Burundi	900	1,476
2.	Central African Republic	No data	No data
3.	DRC	4,330	5,376
4.	Djibouti	No data	
5.	Eritrea	975	1,748
6.	Ethiopia	3,345	2,228
7.	Kenya	1,305	
8.	Rwanda	1,635	1,872
9.	Somalia	34,131	36,106
10.	South Sudan	It was not a state	It was not a state
11.	Sudan	2,780	1,852
12.	Uganda	2,335	1,624
13.	Tanzania	260	291

Source: UNHCR 2002 and 2003 (Compiled by the author based on the UNHCR data using the HORN Institute classification of the greater Horn of Africa region and parts of the Great Lakes region)

Following the strategy proposed by the UK in 2003, the EU established regional protection programmes whose aim is to provide durable solutions such as repatriation, local integration or resettlement in a third country of refugee populations. The first EU regional protection

programmes established targeted Eastern Europe as a transit region and the African Great Lakes Region, particularly Tanzania, as a region of origin of refugees from Burundi and the Democratic Republic of Congo between 2001 and 2007 (EU, 2005).

Later, the EU regional development and protection programmes (RDDP) in the Horn of Africa were established in 2015 with the aim of offering an alternative to risks of irregular migration within the context of the Khartoum process. The Khartoum process is also sometimes referred to as the EU – Horn of Africa migration initiative, and it was established in 2014 and led by a Steering Committee comprising five EU Member States (Italy, France, Germany, The Netherlands, Sweden), five African countries (Egypt, Eritrea, Ethiopia, South Sudan, Sudan), the European Commission, the European External Action Service and the African Union Commission. The target for the RDDP in the Horn of Africa is Ethiopia, Sudan and Kenya as hosts to large numbers of refugees from Eritrea, Somalia and South Sudan. (The Khartoum Process, 2014). RDDP in the Horn of Africa falls within the larger part of the Khartoum process that is mandated to monitor the implementation of the initiatives. The Khartoum process member states work to create a framework for policy and dialogue to enhance cooperation on migration and mobility and regional collaboration between countries of origin, transit and destination on the migration routes between the Horn of Africa and the European Union (IOM, 2014).

Rwanda as the Resettlement Hub for Asylum Seekers: Shifting the Burden?

The recent UK Rwanda deal to resettle asylum seekers in Rwanda has sparked criticism, but this is not the first time that Rwanda has struck such a deal. In 2015, Israel reportedly sent asylum seekers and migrants to third countries. The scheme was shrouded in mystery, but several sources stated Israel had reached the deal with

Rwanda and Uganda reportedly for USD 5,000 per migrant (*The Guardian*, 2022). While both governments denied having struck any kind of arrangements, we noted on our offshore detention section that both Rwanda and Uganda had detention centres in 2015 and 2016, respectively. This might be evidence enough that perhaps Israel struck a deal with both Rwanda and Uganda to resettle its migrants.

The paradox is that while Rwanda was accepting this scheme with Israel, its citizens were also refugees and asylum seekers in other parts of the world. Globally, there were 268,357 Rwandese refugees and 15,842 Rwandese asylum seekers, and in the EHoA region, there were 10,489 Rwandese refugees and 3,817 Rwandese asylum seekers (see Table 2). It is important to note as well that most of these asylum seekers and migrants who were sent to Rwanda and Uganda from Israel are said to have been mostly from the Horn of Africa region, mainly Eritreans and Sudanese. In contrast, among all Rwandese refugees and asylum seekers globally, including those seeking asylum in the EHoA region, none of them was in Eritrea or Sudan. Rwandese migrants were mainly in Burundi (304 refugees and 574 asylum seekers) Ethiopia (11 refugees and 6 asylum seekers) Kenya (813 refugees and 796 asylum seekers), with Uganda hosting the highest number of Rwandese refugees and asylum seekers at 14,714 and 2,441, respectively (UNHCR, 2015).

In the same vein, Uganda, which was also accepting migrants from Israel, hosted the highest number of Rwandese migrants in the region in 2015 against a total of 477,187 refugees and 35,768 asylum seekers within its borders from all countries (UNHCR, 2015).

Table 2: Total Number of Rwandese Refugees and Asylum Seekers globally and in the East and Horn of Africa Region (EHoA) in 2015, 2019 and 2021.

Year	2015	2019	2021
Total number of Rwandese refugees globally	268, 357	246, 407	247, 947
Total number of Rwandese refugees in EHoA region	15, 842	16, 745	17, 895
Total number of Rwandese asylum seekers globally	10,948	15, 773	16, 559
Total number of Rwandese asylum seekers in EHoA region	3, 817	3, 635	2, 784

Source: UNHCR 2015, 2019 and 2021 Rwanda Refugee Statistics data (Compiled by the author based on the data)

In 2019, again, Rwanda signed a Memorandum of Understanding with the UN Refugee Agency (UNHCR) and the African Union to set up a transit mechanism for

evacuating refugees out of Libya, predominantly those who came from the Horn of Africa as in 2015 and resettle them in Rwanda (Amuhaya & Degterev, 2022).



Former British Home Secretary Priti Patel (left) and Rwandan Foreign Minister Vincent Biruta (right) enacting Illegal Immigrant Relocation Policy on 14 April, 2022 (Photo Credits: Simon Wohlfahrt/AFP via Getty Images)

Rwanda also had a considerable number of its citizens as migrants in other parts of the world, including in the EHoA region, but they were mainly in East African countries and not the Horn of Africa countries. Burundi was hosting (575 refugees and 780 asylum seekers), Kenya (732 refugees and 1,069 asylum seekers), Tanzania (65 refugees and 30 asylum seekers) and Uganda, which still hosted the highest number of Rwandese refugees and asylum seekers at 15,362 and 1,750, respectively. Ethiopia was the only Horn of Africa country but with the least only 17- 11 refugees and 6 asylum seekers (UNHCR, 2019).

Globally, an estimated 247,947 Rwandese were refugees, while 16,559 were asylum seekers (see Table 2). However, unlike the previous speculated deal with Israel, this has been made public. Rwanda will receive up to £120 million from the UK government to facilitate asylum operations, including accommodation and integration (Rédaction Africanews, 2022).

It could therefore be argued that Rwanda's move to resettle migrants might not be altruistic, but it is another source of government funding. This is a common strategy among the small economies in Africa, for example, Djibouti is constantly criticised for having the highest number of foreign military bases, but in fact, it

has become one of its main sources of revenue reportedly over \$125 million annually (Congressional Research Service, 2021).

According to the IMF, Rwanda's GDP in 2021 was estimated to be USD 12.060 billion, placing it at number 34 out of 54 African countries (International Monetary Fund, 2022). Therefore, this could be one of the strategies for the Rwandan government to expand its source of revenue. But with £120 million from the UK deal or the speculated \$5,000 per migrant one-off payment unlike the Djibouti annual payments, it is not enough to lure the government to accept such a burden especially when it means integrating the asylum seekers into its economy in the long term.

This is why it can be hypothesised that there might be other underlying reasons, especially for Rwanda and Uganda. These two countries have in the recent past been experiencing internal political tensions that are thought to have led to state-sponsored spying of Ugandan and Rwandese politicians, human rights activists and journalists, including those outside the country. This is done by Pegasus, a spyware developed and marketed by the Israeli technology firm NSO Group, which is also partly owned by a UK-based private equity group (Kodjani, 2021).



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This spyware has reportedly been used by at least six African governments, including Rwanda, Uganda, DR Congo, Egypt, Morocco, and Togo. However, this software is not cheap. Pegasus is estimated to cost \$500,000 just to install the software and \$650,000 to get into 10 devices as well as an annual maintenance fee of 17 per cent of the total price (DH Web Desk, 2021). As already noted, both Rwanda and Uganda are not among the top economies in Africa. Therefore, if they are willing to spend this colossal amount on technology, then the political reasons outweigh their financial burden.

Conclusion

It is important first to note that despite all these initiatives from European countries to stop African migrants from accessing their borders, according to a report released

recently jointly by the African Union Commission (AUC) and the International Organization for Migration (IOM), most migration in Africa occurs within the continent.

Second, it was noted that the exit point countries in the East and Horn of Africa (EHoA) regions are Djibouti and Somalia for the Eastern route, then Kenya and Tanzania for the Southern route and finally Sudan for the Northern route. While it was noted that the migration management strategy in the region is mainly employed by the EU, it targets its areas of interest, mainly the Northern route and Southern route, through its Khartoum process and the regional development and protection programmes (RDDP). However, the African member states of these initiatives are just eight from the region, but for these initiatives to be successful, all regional members from the East and Horn of Africa region as well as the African Great Lakes region should be included; otherwise, the aim for these initiatives will not be achieved.

Finally, as much as the externalization management strategy continually faces various criticisms, the evidence from our analysis by tracing its evolution suggests that it is fast becoming the favourite strategy. Therefore, it can be concluded that states will continually face the challenges of migration, especially irregular migration, externalization will soon be the model migration management strategy employed by most states globally.

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About the Authors

Mumo Nzau, Ph.D.

Mumo Nzau is a Consultant Researcher, Policy Advisor and Strategist on National Security, Defence and Foreign Relations, Conflict Analysis and Governance; and a Governance and Statecraft Expert at the HORN International Institute of Strategic Studies among other regional and international Think Tanks. He is a Fulbright scholar holding a Doctor of Philosophy degree in Political Science from the State University of New York at Buffalo; and a Lecturer at the University of Nairobi. He is the author of *Transitional Justice and After: Kenya's Experience with IDP Resettlement and Peacebuilding Since the 2007-2008 Post-Election Violence* (2016); and Co-editor (with Dr. Mustafa Y. Ali and Dr. Hassan Khannenje) of two book volumes, *The Changing Dynamics of Terrorism and Violent Extremism: An Analysis* (2018), and *The Changing Dynamics of Terrorism and Violent Extremism: Policy and Practice* (2018).

He can be reached at mumonzau@yahoo.com

Edmond J. Pamba

Pamba is a Research Assistant at the HORN Institute. He holds a Bachelor of Arts in International Relations and Diplomacy from Maseno University (Kenya). His areas of interest include International Security, Terrorism, Foreign Policy and Geopolitics.

He can be reached at edmondjohn01@gmail.com

Mariah Faridah Muli

Mariah Faridah Muli is a Paralegal and a Researcher. She holds a Bachelor of Arts in International Relations from University of Nairobi (Kenya) and currently undertaking Masters of Arts in Diplomacy at the University of Nairobi (Kenya). Her areas of interest include International Relations, Diplomacy, Gender, Terrorism, Conflict Management, Foreign Policy, Security and Geopolitics.

She can be reached at faridah.henry@gmail.com

Prof. Makumi Mwagiru, Ph.D.

Prof. Makumi Mwagiru began his career at the Legal Division of the Ministry of Foreign Affairs of Kenya. This was followed by appointments as Professor of Diplomacy and International Conflict Management and Director (2003-2012) of the Institute of Diplomacy and International Studies (IDIS) at the University of Nairobi. He has been Visiting Professor of Diplomacy and International Law at the Faculty of Law, Catholic University of Eastern Africa, and Adjunct Professor of Diplomacy at Strathmore University, Nairobi, and the National Defence College of Kenya. He has published widely in these and related areas. His latest books are *National Security Policy Making in Kenya* (2020), *Diplomacy of Responses to National Security Crises* (2021) and *Framing the House of Diplomacy: Unended Quest of Foreign Policy in Kenya* (2021).

He can be reached at makumimwagiru6@gmail.com

Claire A. Amuhaya, Ph.D.

Dr. Claire A. Amuhaya is a Researcher and Assistant Lecturer at the Department of Theory and History of International Relations, RUDN University, Moscow, Russia. She holds a degree in Education (Arts) from University of Nairobi, a Master's degree in International Relations and a Doctoral Degree in History of International Relations from RUDN University. She is the author of "A Century of East African Integration" book as well an organizing committee member of the annual international African conference AFNSIR <http://africa.rudn.ru/>.

She can be reached at ayuma2002@yahoo.com

Editor's Note

Dear Reader,

We are excited to release our 27th bi-monthly issue of *The HORN Bulletin* (Vol. V, Iss. V, 2022). We bring to you well-researched articles and analysis of topical issues and developments affecting the Horn of Africa. We welcome contributions from readers who wish to have their articles included in the HORN Bulletin. At HORN, we believe ideas are the currency of progress. Feel free to contact the Editor-in-Chief for more details at communications@horninstitute.org.

Hassan Khannenje, Ph.D.
Editor-in-Chief, The HORN Bulletin

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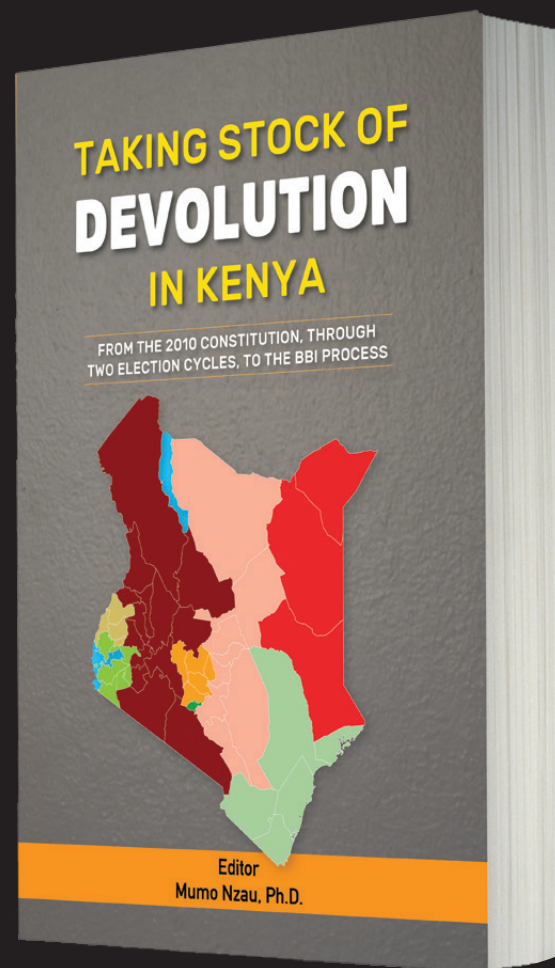
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TAKING STOCK OF DEVOLUTION IN KENYA

From the 2010 Constitution, Through Two Election Cycles,
to the BBI Process



The book *'Taking Stock of Devolution in Kenya: From the 2010 Constitution, Through Two Election Cycles, to the BBI Process'*. This book volume takes stock of devolution in Kenya with specific reference to theoretical, legal, constitutional and policy, leadership, governance, and development debates as well as experiences in the 47 counties.

Its scope falls within the 2010 Constitution, through two election cycles in 2013 and again in 2017, up to the transformative change proposals presented by the Building Bridges Initiative (BBI) and the ramifications that all these issues, events and processes portend for the future of devolved governance in Kenya.



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The HORN International Institute for Strategic Studies is a non-profit, applied research, and policy think-do tank based in Nairobi, Kenya. Its vision is a progressive Horn of Africa and the African continent, served by informed, evidence-based and problem-solving policy research and analysis. Its mission is to contribute to informed, objective, definitive research and analytical inquiry that positively informs policies of governments, intergovernmental and non-governmental organizations and spaces.

HORN
INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES

+254 720 323 896

+254 735 323 896

info@horninstitute.org

www.horninstitute.org

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