

**THE IMPACT OF MIGRATION GOVERNANCE ON NATIONAL SECURITY
IN AFRICA: A CASE OF KENYA**

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DECLARATION

I, Dan O. Opon, hereby declare that this thesis is my original work and has not been presented for award of a degree at any university.

Sign  Date 03/12/2021

Dan O. Opon

This thesis has been submitted for examination with my approval as the University supervisor.

Sign  Date 03/12/2021

Dr. Mumo Nzau

LIST OF ABBREVIATIONS AND ACRONYMS

AFIC	Africa Intelligence Community
AMU	Arab Maghreb Union
APS	Administration Police Service
AU	African Union
AU (R) MPFA	Revised Migration Policy Framework for Africa
BCOCC	Border Control Operation Coordination Committee
BMM	Better Migration Management
BMS	Border Management Secretariat
COMESA	Common Market for East and Southern Africa
CSOs	Civil Society Organizations
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
GCM	Global Compact on Migration
GCR	Global Compact on Refugees
GIZ-EU	German International Cooperation/ European Union
HAART	Awareness against Trafficking in Kenya
IGAD	Intergovernmental Authority on Development
IGADMPPF	Migration Policy Framework
IOM	International Organization for Migration
KHRC	Kenya Human Rights Commission
MDGs	Millennium Development Goals
MFA	Ministry of Foreign Affairs
MGI	Migration Governance Indicators
MiGOF	Migration Governance Framework
NCM	National Coordination Mechanism
NCRC	National Crime Research Centre
NCTC	National Counter Terrorism Center
NEA	National Employment Authority
NPS	National Police Service
NSAC	National Security Advisory Committee
OAG&JO	Office of the Attorney General and Justice Office
OAU	Organization of African Unity
ODPP	Office of the Director of Public Prosecutions
RAS	Refugee Affairs Secretariat
RDU	Rapid Deployment Unit
SADC	South African Development Community
SDGs	Sustainable Development Goals
SLAA	Security Laws Amendment Act 2014
UNHCR	United Nations High Commissioner for Refugees

DEDICATION

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ABSTRACT

The study investigates the impact of migration governance on national security in Africa with specific reference to Kenya. The problem is that migration governance in Africa generally and Kenya in particular, has been an area at the periphery of national security discourse. Migration has also been an exclusive domain of state actors excluding significant non-state actors. The objectives of this study were to: reassess the theoretical nexus between migration governance and national security, evaluate how migration governance affects national security in Africa, and critically analyze how migration governance influences national security in Kenya. This study applies globalization and securitization approaches to explain the impact of migration governance on national security. Mixed method design was adopted in which quantitative and qualitative data were collected and analyzed to demonstrate the correlation of migration governance and national security. The study population comprised 45 key informants from government, international organizations, and civil society. Using contents analysis for qualitative data and ANOVA for quantitative data, the study established a gap in understanding the theoretical nexus between migration governance and national security. The study established a theoretical nexus between migration governance and national security. This connection is demonstrated by theoretical reference to similar events and happenings. The study also established the impact of migration governance on national security in Africa through strengthened institutional, legal and policy infrastructure as well as improved capacity of Africans governments in management of migration. Lastly, the study established a positive impact of migration governance on national security in Kenya. The migration governance affects national security directly leading to strengthen or weakened national security system. The study concludes that migration governance in Kenya requires legal, policy and new organizational structures to enhance national security and to conform to the new devolved government structure. Based on the findings and conclusions, the study made policy recommendations and suggestion for further academic research. These were to : develop national migration policy for evidence-based migration policy decision making; institutionalize a whole of nation migration governance coordination framework anchored in law; decentralize migration functions in tandem with national administrative units; adopt post-entry technological tracking system to curb irregular migration; reduce border porosity by use of technology to police the ungoverned border spaces and finally, undertake a comparative analysis of the impact of migration governance on human security between Kenya and South Africa for good practices.

Chapter One

INTRODUCTION

Migration governance is one of the contemporary non-traditional security issue areas that preoccupy security and development discourse in 21st-century international relations. States have avoided the topic including in their international commitments because traditionally, migration has been treated as an area within the exclusive sovereign jurisdiction of the state. This, perhaps, explains why migration did not have a slot in the Millennium Development Goals (MDGs). Because of its multi-dimensional nature (security, development, health, education, labour, and international cooperation among others), migration became one of the targets of the United Nations Agenda 2030 on the Sustainable Development Goals (SDGs).

Despite its inclusion in the SDGs, the same realist nationalistic appetite for sovereignty made some states, led by the United States of America, Poland, and Hungary among others to pull out of the negotiations for the December 2018 adoption of the Global Compact on Migration (GCM) and Global Compact on Refugees (GCR) in Marrakesh, Morocco. The dissenting states expressed concerns that some of the objectives of the GCM and GCR were inconsistent with their national immigration and security policies.

This research project seeks to discern the facts from the myths about migration governance and national security in Africa with specific reference to Kenya. Chapter one discusses the background of the study, statement of the problem, research objectives,

research questions, study justifications, literature review, theoretical framework, the hypothesis of the study, research methodology. Chapters: two, three, and four address the first, second, and third objectives. Chapter 5 entails a summary of findings, conclusion, and recommendations.

1.1 Background to the Study

Global migration trends continue to rise from antiquity. The UN Department of Economic and Social Affairs, reports, “The global migrant population was approximated at 272 million migrants representing 3.5% of the global population UN DESA, (2019a).¹ Africa accounts for 10% of 272 million of the total world migrant population or 27.2 million migrants compared to Europe 82 million and Asia 84 million according to Africa Migration Report 2020². Aware of this, African states have taken a keen interest in migrations not just because of the numbers per se, but also for economic and political considerations of migrations.

In Kenya, the World Migration Report 2020³ shows the total population of international migrants at 1.3 million people. DIS estimates the number of migrants to 1.2 million⁴. CIA

¹ United Nations, Department of Economic and Social Affairs (UNDESA), Population Division: International Migrant Stock 2019, UN Database accessed at www.un.org/en/development/desa/population/migration/data/estimates2/estimate19.asp see also World Population Prospects 2019 revision. Available at <http://population.un.org/wpp/>. Also International Organization for Migration: Global Migration Report 2020 IOM, Geneva, 2020, p. 24.

²International Organization for Migration 2020: African migration report: challenging the narrative. IOM, Addis Ababa.

³ International Organization for Migration: Global Migration Report 2020 IOM, Geneva, 2020, p. 24.

⁴ Directorate of Immigration Services: Administrative data. 2020

World Meters⁵ estimates migrant population in Kenya to be 443, 140 meaning Kenya, while, UNHCR estimates the number of refugees and asylum seekers in Kenya at 496,000 by December 2020 while there are an estimated 12000 IDPs as of 2019.

Global migrations are shaped along with power relations⁶ between regions/states as moderated by the drivers and the governance architecture therein in facilitating these migrations. These factors can be political, sometimes leading to conflicts, politically instigated displacements, economic factors such as relative disparities, lack of livelihood and economic displacements as well as the promise of better opportunities in destination countries, may also lead to movement of persons from their habitual residences while ecological factors such as natural disasters which are environmentally generated, but also institutional and legal failures of incentives meant to attract migration can also lead to migration⁷

Owing to the preponderance of migration, efforts to mainstream international migration in global development and security agenda have been ongoing from the early 1990s. Betts presents a “timeline” of migration governance that captures major events that shape

⁵ Accessed <https://www.worldometers.info/> on 1/09/2020

⁶ Radel, C., Schmook, B., Carte, L. and Mardero, S., 2017: Towards a political ecology of migration: land, labor migration, and climate change in Northwestern Nicaragua. Elsevier free user, accessed at <https://www.elsevier.com/open-access/userlicense/1.0/> on 1/9/2020.

⁷ Castles, S., de Haas, H. and Miller, M. J 2014: *The Age of Migration: International Population Movements in the modern world*, fifth ed. Palgrave, Macmillan , p 28-31, see also Bauer, T and Zimmermann, K, 1998: ‘Causes of International Migration: A Survey’ in Gorter, P., Nijmkamp, P. and Poot, J. (eds) *Crossing Borders: Regional and Urban Perspectives on International Migration* (Aldershot: Ashgate), p. 103

what is considered as migration governance⁸ today. He argues that the development of global migration governance architecture is in response to the migration challenge on one hand and to harness the migration potential for development purposes on the other. Ingrained in the migration challenge are security fears that obtain from migration.

The UN General Assembly⁹ in 2006 advanced the debate on international migration and development during the 61st session. These were part of continuing efforts at the UN level to promote migration debate to the attention of global political and policy leadership that begun in the 1990s with the adoption of the UN Convention on the Rights of all Migrant Workers¹⁰ and subsequent migration-related discussions. These discussions and many others culminated in the adoption of the Global Compact on Migration and Refugees¹¹ (GCM/GCR) on December 18, 2018, in Marrakech Morocco. These efforts are informed by increasing global migration flows and the resultant challenges regarding migration governance. The literature review explores more about the GCM in detail.

Hitherto known as a migrant-sending continent, the African continent through the African Union (AU) adopted initiatives in addressing migration. This is despite what some critics call domestication of imperialist migration control by the North through activities meant

⁸ Betts, A.: Global Migration Governance 2011, Oxford Scholarship online. Accessed on DOI:10.1093/acprof.oso/9780199600458.003.0001

⁹United Nations 2004: “International Migration and Development”, A/58/208, accessed at [http://un.esa.population/publications/GA59/GA Resolution](http://un.esa.population/publications/GA59/GA%20Resolution).

¹⁰ United Nations, 1990: International Convention on the Rights of All Migrant Workers and Members of their Families. Accessed at [http//UNDESA](http://UNDESA)

¹¹ United Nations, 2018: Global Compact on Refugees. Accessed at https://www.unhcr.org/5c658aed4_on_13/9/2020 at 1045hrs, see also UN A/73/L.66: Global Compact on Migration accessed at https://www.un.org/en/ga_on_13/9/2020 at 1050hrs

to support African countries to develop migration management capacity. Coming from the spirit of Pan-Africanism¹², which envisaged a single African continent without national borders, freedom of movement without restrictions, and a governance structure that caters to all Africans¹³, the AU started the process of development of continent-wide migration policy.

Through the Council of Ministers of the African Union (AU),¹⁴ the now revised Migration Policy Framework for Africa that can help address challenges resulting from migration and ensure mainstreaming of migration into regional and national policy. The MPFA addresses nine thematic areas namely: internal migration, labour migration, border management, irregular migration, forced migration; migrants' rights; migration data; migration and development, and inter-state cooperation and partnerships¹⁵.

At the sub-regional level, the 2012 IGAD Regional Migration Policy Framework was adopted¹⁶, aligning the continental framework. The framework recognizes the predominance of the migration phenomenon. IGAD region has unique security and migration characteristics that need policy intervention, among them then interventions on irregular migration, and coordination mechanisms bringing together all governmental and

¹² Spel, C.: Pan-Africanism and Migration Management in Africa, 2019, University of Helsinki, Finland. 1, see also Pailey, R.N. How Africa Can Adopt a Pan-African Migration and Development Agenda, The African Policy Journal 2019: 3

¹³ Mukeredzi T, 2016: [Pan-Africa passport to open up borders](#), AU launches a continental passport while Brexit closes doors in *African Renewal August-December 2016*, Kituyi, M 2018: Redefining African Migration Accessed On Project-Syndicate.Org On 14/9/2020 1548hrs

¹⁴ African Union: African Common Position on Migration and Development Executive Council Ninth Ordinary Session 25 – 29 June, 2006 Banjul, The Gambia Ex Cl/277 (IX), see also AU EX.CL/276 (IX) The Migration Policy Framework for Africa

¹⁵ African Union: (Revised) Migration Policy Framework for Africa, 2008

¹⁶ Inter-Governmental Authority on Development (IGAD) 2012: IGAD Regional Migration Policy Framework, Adopted by the 45th Ordinary Session of the IGAD Council of Ministers July 11th 2012, Addis Ababa, Ethiopia. See also African Union Revised Migration Policy Framework for Africa, 2018.

non-governmental agencies in the coherent and holistic management of migration in the region.

Historically, EAC was mooted to be a single entity/state¹⁷ founded on the free movement of its people. In 2009, Heads of States of EAC adopted the EAC treaty with a commitment to establish a common market for the community. In 2010, the EAC Common Market Protocol was adopted and ratified by all member states. To implement the protocol, regulations such as regulations IV on the free movement of persons, and rights of residence and establishment¹⁸ were adopted. These developments ushered in an EAC migration governance framework. Chapter 4 explores these migration governance structures in Kenya in detail.

1.2 Statement of the Research Problem

Few, if any, African countries have well-articulated migration governance policies linked to their national security policies and strategies. In most cases, colonial migration governance legacies have continued to be used with little amendments, which are not based on any policy anchorage. Besides this anomaly, migration governance is delinked from the mainstream national security architecture and treated more as facilitation function of the state yet it is vested with security powers to determine who gains territorial access. Management of foreign nationals in the country is also a significant domain of migration governance with security implications.

¹⁷ East African Community Treaty, Article 5(2) adopted November 30, 1999 , p 15

¹⁸ East African Community: Protocol on the Establishment of the East African African Community Common Market, 2010, Arusha, Tanzania

Examining Kenya as the study focus of analysis reveals that the Kenya Citizenship and Immigration Act, 2011,¹⁹ empowers Immigration Officers to undertake security functions. Such functions include regulation of border entry and exit formalities, investigation and prosecute in consultation with the ODPP, search premises, vessels and arresting suspects of immigration offenses, administration of summons to suspects of immigration offences and removal of undesirable persons. Migration governance functions are multi-agency in nature, cutting across Government Ministries, Departments, Agencies and society as a whole.

Another problem of interest to this study is inadequate institutional coordination mechanism anchored on a legal framework that would ensure effective migration governance to contribute to overall national security. Realizing the existing gap in the execution of immigration mandate as largely a security function, the Government of Kenya sponsored the Security Laws Amendment Act 2014²⁰ in which a close working relationship between the Immigration Directorate and security apparatus of the state was buttressed. Despite these efforts, the gap between migration governance and national security persists because of ineffective whole-of-nation institutional coordination framework and these are the problems which this research undertaking addresses.

¹⁹ Government of Kenya 2011: Kenya Citizenship and Immigration Act, Laws of Kenya. Government Printer Nairobi, Kenya

²⁰ Government of Kenya 2014: Security Laws Amendment Act, Laws of Kenya. Government Press, Nairobi, Kenya

1.3 Objectives of the Study

The overriding objective of this study is to assess the interplay between migration governance and national security in Africa with a focus on Kenya. The study specifically seeks to:

1.3.1 Reassess the theoretical nexus between migration governance and national security.

1.3.2 Evaluate the impact of migration governance on national security in Africa.

1.3.3 Critically analyze the impact of migration governance on national security in Kenya

1.4 Research Questions

1.4.1 Is there any nexus between migration governance and national security?

1.4.2 Does migration governance affect national security in Africa?

1.4.3 Does migration governance have a positive impact on national security in Kenya?

1.5 Justification of the Study

Very few, if any, research studies have been undertaken to examine the correlation between migration governance and national security in Africa. This study forms the ground breaking and pioneer academic effort in this area of national security. First, migration is not only a neglected component of demography itself, coming third after fertility (birth) and mortality (death), but also condemned to the back banner in the field of international relations and security studies in Africa. This state of affairs denies our contemporary world of critical analysis of development and security concerns influencing many states at the local, regional and international levels. Security dialogues, which

ignore migration discourse, are incomplete. In his tribute to the doyen of migration studies in Africa, Oucho posits that Aderanti Adepaju plunged into migration scholarship in the early 1970s, a time when migration was considered a mere stepchild of demography.²¹ It is by assessing the impact of migration governance on national security in Africa that this study aims to contribute to new and often neglected knowledge and deeper appreciation of migration governance as part of national security. Additionally, most scholarships in migration studies take a Euro-American approach to the whole discipline of migration and by extension to migration governance and national security. This study will close the literature gap by examining migration governance from an African perspective.

This study thus aims to inform policymakers on emerging trends for countering the threats and challenges associated with migration, in the process thus the research aims to enrich existing strategies, which can draw from examples and be applied to improve migration policy-making and action in Africa.

1.6 Scope and Limitations of the Study

The study covers mainly international migration rather than internal migration. Although Kenya is the focus area, other Africa's regions are generally included. The study population was also limited to migration and stakeholders in different parts of Kenya. The highlight is given to the historical evolution of the migration phenomenon but the

²¹ Oucho, J.O., Migration in the Service of African Development : Essays in honour of Professor Aderanti Adepaju (Ibadan: Safari Books Ltd, 2011), p.1

period from the 1990s carries more weight since it marks the era of serious Africa's concern with migration governance through its regional economic communities.

1.7 Literature Review

1.7.1 Theoretical Nexus between Migration Governance and National Security

Migration is an inherent human urge²², and inevitable, inalienable human right. It is continuous practice whose governance can only seek to manage it. It has acquired international political, economic and security prominence in the past two decades since the early 2000 with the bombing of USA by al Qaeda terror group. Migration converges with national security around a number of theories. These include Macro theories, micro theories and meso theories²³.

Macro theories examine the structural elements, which act as the drivers of migration. These are captured in the pull-pull factor theories²⁴. These theories look at the push factors of migration in the context of structural divergence between origin and destination countries. They assume the political theory of structuralism that divides migration cycle into the core versus the periphery, the core being the destination countries that enjoy comparative advantage in development terms compared to countries of origin that are structurally underdeveloped and therefore described as periphery. The push factors

²² Bohning W.R. 1984: Studies in International Labour Migration. New York, St.Martin's Press. p 12-13 as quoted in Moses W.J 2006: International Migration: Globalization's Last Frontier. Zed Books London p 35

²³ Boswell, C.: Addressing the causes of migratory and refugee movements: the role of the European Union, *New Issues In Refugee Research* Working Paper No. 73 Humburg 2002 Incomplete Referencing

²⁴ Lee, E.S.: 'A Theory of Migration' *Demography*, Vol 3: Issue 1, 1966, p 47-57. See also Passaris, C.: Immigration and the Evolution of Economic Theory, *International Migration*, Vol 27, issue 4, 1989, p524-542

constitute conditions such as (under)unemployment, low wages or per capita income relative to the country of destination. On the other hand, pull factors may include migration governance framework, and the labour market situation in destination countries. Forced displacement is generalized as a push factor, whether manmade or environmentally instigated displacement. These theories explain pertinent factors that have significant security imperatives. The role of push factors in national security as causative elements are explored by among others Retter et al,²⁵ Nanto,²⁶ Menshikov,²⁷ see also Mark,²⁸ and the Africa Center for Strategic Studies.²⁹

Meso theories³⁰ on the other hand while rejecting macro theories seek to explain the differences outlined by macro theories and instead locate migration within a complex system of linkages between spaces. Example of meso theories are the systems theory³¹ that views migration and national security as happening within a complex system where migration is intrinsically linked to other forms of exchanges such as flows of capital and goods, technology, and knowledge. Migration thus, occurs within a migration system, linked by economic, socio-cultural and political, environmental, ecological, and historical

²⁵ Retter, L et al: Relationships between the economy and national security Analysis and considerations for economic security policy in the Netherlands Cambridge UK, 2020

²⁶ Nanto D.K: Economics and National Security: Issues and Implications for U.S. Policy, CRS Report for Congress, 2011.

²⁷ Menshikov V, et al: *Social Economy as A Tool to Ensure National Security*, Journal of Security and Sustainability Issues, 2017 December Volume 7 Number 2. Accessed online on 25/4/2021 at 0600hrs

²⁸ Mark, P: *Environmental Disruption: Push/Pull Factors, Human Migration, and Homeland Security*, Journal of Political Sciences & Public Affairs, Texas, 2017

²⁹ The Africa Center for Strategic Studies: Understanding Terrorist Threats in Africa, AQIM, 2014

³⁰ de Haas, H.: Migration Theory. Working Papers Paper 100, International Migration Institute, Oxford, November 2014

³¹ Mabogunje, A.L.: Systems Approach to a Theory of Rural-Urban Migration, Geographical Analysis, 2,1,1-18

relations. Migration is thus, understood as taking place between two or more spaces and times from the origin to the destination space through a transit space.

Another aspect of systems theory³² is the issue of networks in what has come to be called the networks theory of migration³³. Networks³⁴ are a set of individual and collective actors usually defined as migrants or potential migrants, their families and social groups including religious affiliation existing singly or in multiplicity and glued together by common course. Networks are formed and reformed constantly depending on the occasion or the issue to be tackled or shared³⁵. The existence of networks has bearing on the migration flows including the direction of flows from origin to destination countries and the spaces the migrants occupy the cities of migration, the length of stay and the level and kind of engagement. Networks are thus a resource in migration cycle. Networks transmit resources, distribute them and sometimes provide the much-needed resources for migration to occur. Macro theories have found relevance in the analysis of Buzan and Weaver³⁶, and Miller³⁷.

³² Bilborrow, R. E. and Zlotnik, H.: “The Systems Approach and the Measurement of the Determinants of International Migration”, Workshop on the Root Causes of International Migration, Luxembourg, 14-16 December 1994. P 5

³³ Massey et al: *Worlds in Motion: Understanding International Migration at the End of the Millennium*, Oxford, Clarendon Press 1998. See also by the same author : *Theories of International Migration: A Review and Appraisal*, *Population and Development Review* 1993, 19:3,431-466

³⁴ Skeldon R: *Migration and Development: A Global Perspective*. Harlow-Addison Wesley Longman

³⁵ Faist, T.: *The Volume and Dynamics of International Migration and Transnational Social Spaces* Oxford and New York: Oxford University Press 2000 p 7234

³⁶ Buzan B and Weaver Ole: *Macrosecuritisation and Security Constellations: Reconsidering Scale in Securitisation Theory*, *Review of International Studies* , Cambridge University Press, UK, 2009, Vol. 35, No. 2 (Apr., 2009), pp. 253- 276

³⁷ Miller, S.: *Rethinking the Just Intelligence Theory of National Security Intelligence Collection and Analysis: The Principles of Discrimination, Necessity, Proportionality and Reciprocity*, *Social Epistemology*, Oxford University Press, UK, Vol. 35: Issue 3, p 211-231, accessed on <https://doi.org/10.1080/02691728.2020.1855484>

Lastly, the Micro³⁸ theories are relevant in creating the nexus between migration and national security governance. Premised on theories such as the rational choice theory³⁹, which prescribes the conditions under which the decision to migrate is done. The theory examines the internal processes prior to an individual decision to migrate and the role of the social networks including family capital in this decision. Micro theories reject the generalized approach to migration, and propensity to migrate as described by both the macro and meso theories and instead locate this human endeavour within the individual level processes and decision. According to one of the micro theories herein the rational choice theory, an individual is assumed rational enough and capable of making conscious decisions based on facts and evidence. The level of rationality of individual is understood to mean the ability to scientifically using deductive reasoning to make the decision to migrate.

Micro theories similarly assume that states are rational entities and make migration governance decisions deductively. This supports the call for evidence-based policies as opposed to based-evident policies. However, it is clear that most migration policies are a product of emotions arising out of the securitization and politicization of migration-by-migration interest groups including states. Some of the policies are a reflection of the political leadership style and regime in power. This partly explains the reason behind the

³⁸ Faist and Faist, 2000, *ibid* p 723

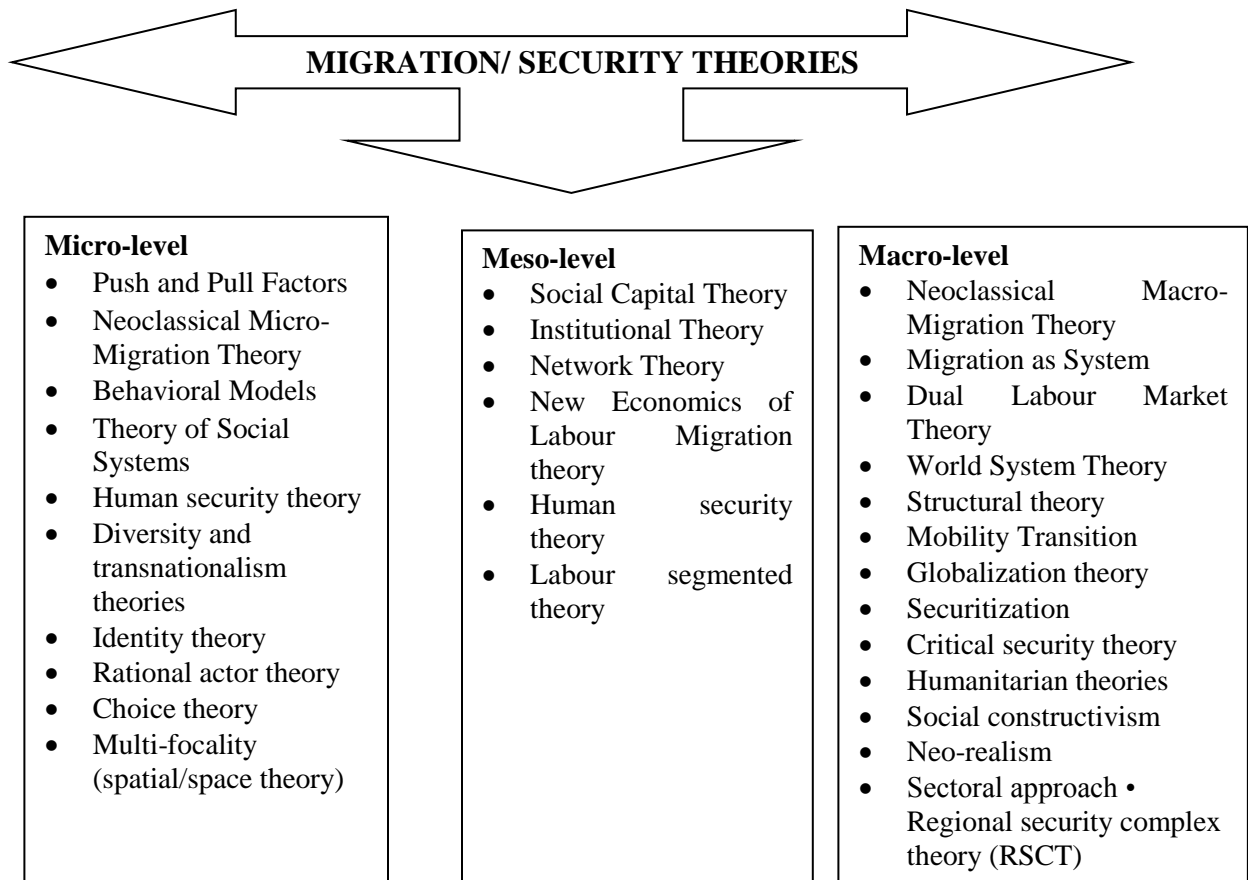
³⁹ Levin, J and Milgrom, P.: Introduction to Choice Theory. 2004, accessed on <https://web.stanford.edu/~jdlevin/Econ%20202/Choice%20Theory.pdf>

fragmentalization of migration governance⁴⁰, the unpredictability and uncertainty in migration governance⁴¹ and the dynamism of these policies. These factors affect the national security as well thus the manner of management of national security imperatives.

A typology of these theories is important in exploring the interfaces between migration governance and national security on a number of factors namely: first, the theoretical similarity and differences in interpretation witnessed in this section shows how connected the two factors are. Secondly, the referential element of the individual and the central role individuals' play in migration cycle and in guaranteeing national security needs to be undergirded. Lastly, is the timelessness of the theories, often times referred to as foundational theories, they are still relevant to the current analytical exploration of phenomena. The figure below concisely presents theoretical interface.

⁴⁰ Betts A and Kainz L: *Power and proliferation: Explaining the fragmentation of global migration governance*. *Migration Studies*, Volume 9, Issue 1, March 2021, Pages 65–89 Accessed at <https://doi.org/10.1093/migration/mnaa015> on 15 March 2021

⁴¹ Barker, E and Bijak, J.: *Conceptualisation and Analysis of Migration Uncertainty: Insights from Macroeconomics*. QuantMig Project Deliverable D9.1. Southampton: University of Southampton. 2020 p 8



Adapted from: Faist & Faist, 2000⁴²; Hagen-Zanker, 2008⁴³; Hammar et al., 1997⁴⁴, and own contribution

Figure 1: Theoretical framework on nexus between migration governance and national security

⁴²Faist, T., & Faist, T.: The volume and dynamics of international migration and transnational social spaces. Oxford: Oxford University Press, 2000 p 723

⁴³ Hagen-Zanker, J.: Why do people migrate? A Review of the Theoretical Literature. *Maastricht Graduate School of Governance Working Paper No. 2008/WP002* p 8.

⁴⁴Hammar, T., Brochmann, G., Tamas, K., & Faist, T.: International Migration Immobility and Development: Multidisciplinary Perspectives. London: Bloomsbury Academic, 1997 p. 316

1.7.2 The Impact of Migration Governance on National Security in Africa

An understanding of African migration situation is dependent on the bias and origin of commentator. While the North perceive Africa as a migrant-sending continent and put in place governance structures to tackle what they call the Africa “migration crisis⁴⁵” owing to generate complexities of migration, evidence point to the reverse. Evidence shows that most African migration takes place within Africa. Migration within Africa is first regional and then international. The largest movements are within regions, within the Africa region and then outside Africa. For instance, many migrations into Kenya is from the East African region, followed by African region, before extending outside the region. The same is found across all regions of Africa pushing the South-South migration narrative even strongly compared to the traditional North-South migration. Due to nature of migration in the continent, the AU and its building blocks the Regional Economic Communities (RECs) have demonstrated their commitment to this feature by developing and adopting comprehensive governance frameworks on migration and labour⁴⁶.

As intimated above, most migrations takes place within Africa thus intra-African migration. Shimeles⁴⁷ agrees with this view stating that notwithstanding the increase in migrant numbers, Africa, and especially Sub-Saharan Africa has the lowest emigration of in the world. Majority of them migrate to other African countries reiterating the importance of south-south migration. Poorer countries on the whole have higher

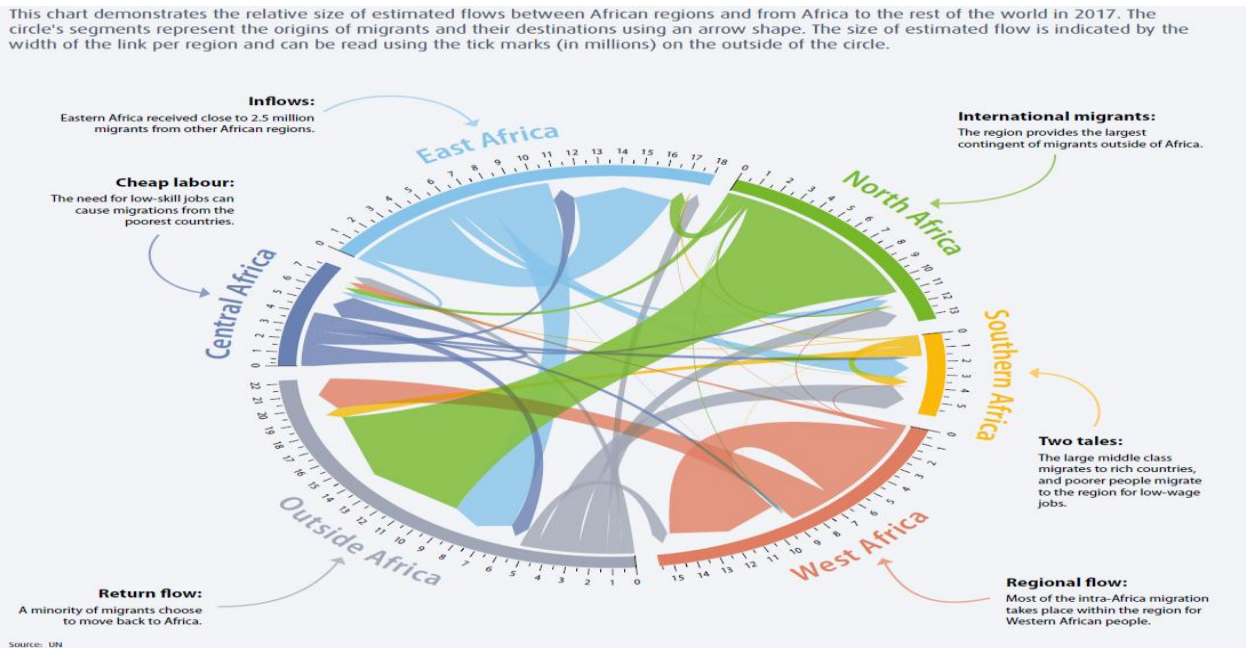
⁴⁵ Metcalfe-Hough, V.: The Migration Crisis? Facts, Challenges and Possible Solutions. London 2015 p 2p

⁴⁶ African Union: (Revised) Migration Policy Framework for Africa 2018-2027. Addis Ababa, 2008

⁴⁷ Shimeles, A.: Migration Patterns, Trends and Policy Issues in Africa. Working Papers Series N° 119, African Development Bank, Tunis, Tunisia. 2010 p 5

emigration rate, translating to higher rate of intra-African migrant. Poor socio-economic conditions generally drive the higher emigration rates of skilled individuals⁴⁸. Consequently, socio-economic conditions may also lead to lower rate of emigration especially in North and Southern hemisphere. The figure below demonstrates intra-African migration scenario⁴⁹. This migration patterns affect the national security standpoint at national, regional and international levels and significantly determine the policy direction adopted at a particular time.

1.7.2.1 The African Migration Wheel⁵⁰



Source: Adapted from ADB: Annual Development Effectiveness Reviews 2018

Figure 2: African Migration Wheel

⁴⁸ Op Cit

⁴⁹ African Development Bank (ADB): Annual Effectiveness Review: “Made in Africa” – Industrializing the Continent. ADB, 2018, P 47

⁵⁰ Ibid ADB p 47

These concur with data from UNDESA⁵¹ that puts migration of African migrants in Africa at 53% of the total migration from and to Africa, which is estimated at 27.7 million. By accounting for more than half of the continental migration, this demonstrates that African migration is inter-and intra-regional within Africa. As such, the governance of these movements is important for national security and the security of the continent. The AU plays the role of regional norm-setting, coordinator and bridge-builder between national, regional and continental efforts in governance of migration, a role emulated by other regional and sub-regional organisations.

Continental and regional migration and security agendas require different aspects to be dealt with individually⁵². However, challenges persist in the comprehensive and inclusive implementation of continent-wide migration governance, capable of significantly enhancing continental security. Due to these challenges, sub-regional and national level strategies have been adopted that sometimes impede the implementation of continental agenda. Embedding national security into regional and sub-regional context of security whether regional or sub-regional security similarly poses another challenge thus favoring individual state approaches. This is because it is possible to measurably define national at state level than it is to do the same in reference to a region or sub-region. Regional and sub-regional security just as migration is the sum total of state security/migration.

⁵¹ United Nations, Department of Economic and Social Affairs (UNDESA), Population Division: international migrant stock 2019 available at www.un.org/en/development/desa/population/migration/data. See also World Population Prospects 2019 available at www.https://population.un.org/wpp/ and Hovy B, Laczko, F., Kouassi, R.N 2020: African Migration: An Overview of Key Trends. In African Migration Report: Challenging the Narrative, IOM Addis Ababa, 2020.

⁵² African Union Op Cit p 17

International migration and national security issues require regional and sub-regional interventions. The AU and its constituent RECs, have developed governance structures in countless migration and national security issues. The AU also facilitates national and regional processes, organises and coordinates joint positions on various migration themes among member states⁵³. It also supports building of capacity of RECs and member states in migration governance. Yet African states continue to hold firmly to sovereignty on migration and national security issues. AU's attempts to create compliance fall short making continental efforts generally weak.

The role of RECs in migration governance and national security in Africa cannot be overemphasized. This is complemented by continental and sub-regional progressive policy and legal instruments supporting migration governance such as the Migration policy framework for Africa and plan of action 2018-2030, the policy framework is underpinned of the following key pillars relevant not only to migration governance but to national security as well. These include Migration Governance, Labour Migration and Education, Diaspora Engagement, Border Governance, Irregular Migration, Forced Displacement, Internal Migration, and Migration and Trade. One of the most pertinent legal documents leading in migration governance is the African Charter on Human and People's Rights⁵⁴ that can be said to be the African form of migration bill of rights. The charter makes reference to human and people rights, which must be protected at all times.

⁵³Knoll, A and Byiers, B.: The Policy Brief and background paper were prepared under the BMZ-financed project on the Political Economy Dynamics of Regional Organisations (PEDRO). available at www.ecdpm.org/pedro/backgroundpapers 2017

⁵⁴ African Charter on Human and People's Rights, United Nations Treaty Series. Adopted at Nairobi on 27 June 1981, and entered into force on 21 October 1986.

Thirdly, there is The African Common Position on Migration and Development⁵⁵ adopted in 2006, the document mainstreams migration into continental developing by outlining relevant areas. Fourth, is the AU adopted the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa⁵⁶, which is the first legally binding document on internal displacement worldwide.

1.7.3 The Impact of Migration Governance on National Security in Kenya

(a) Institutional Framework

In an assessment report of the systems and practices in immigration department, KACC⁵⁷ notes that institutionally, colonial migration governance was a function of the Police Department where immigration was a unit within the police service, tasked with control of migration. Thus, migration was a security function seen in the same line as other police functions of control. Migration governance activities were centralized in major towns such as: Nairobi, Mombasa and Kisumu with minister as the top management and clerks at the lower cadres. This structural arrangement was reiterated in the Immigration Control Regulations, 1948, the Department of Immigration was under the Immigration Police branch with a specific number and category of staff in Nairobi, Mombasa and Kisumu.

⁵⁵ African Union: The African Common Position on Migration and Development⁵⁵ adopted during the 9th Ordinary Session, 25-29 June, Banjul, The Gambia, 2006

⁵⁶ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (The Kampala Convention), adopted in Kampala on 23 October, 2009

⁵⁷ Kenya Anti-Corruption Commission: Examination Report on the Systems, Policies, Procedures and Practices in the Ministry of Immigration and Registration of Persons, Department of Immigration, Nairobi, KACC, 2006, p 5

The transition of migration governance from police to civilian organization began at independence and is still in progress as most of the police powers have been retained. At independence, migration governance was placed under the Office of the Vice President though the personnel were mostly drawn from the police department. This arrangement continued until 1980s when civilian officers began to replace police officers. The migration docket shifted back and forth between the Office of the Vice President and the Office of President. Currently it is under the Ministry of Interior and Coordination of National Government. This has effect on both the governance of migration in the country and by extension the national security.

Chapter 14 of the Constitution establishes the national security organs for the country to include the Kenya Defense Forces (KDF), National Intelligence Service (NIS), and National Police Service (NPS)⁵⁸. These agencies play a crucial role in ensuring security and safety of all persons in the country both from internal and external threats. The proliferation of transnational crimes is thus a form of external threat to national security. The national security organs are key members of the National Security Advisory Council (NSAC). The Directorate of Immigration Services, which is the key agency determining admissions into the country, is only a coopted and peripheral member of the Council. This security gap requires attention.

⁵⁸ Government of Kenya: the Constitution of Kenya. Government Press, Nairobi, 2010 p 143-149. See also Kenya Defense Forces Act. Government Printer, Nairobi, 2012, the National Intelligence Service Act, Government Printer, Nairobi, 2012, and the National Police Service (Amendment) Act. Government Printer, Nairobi, 2014 p 39

Currently, the Ministry of Interior and Coordination of National Government manages the national security organs with regard to policy formulation and implementation. It does this in collaboration with other relevant Ministries and Agencies. The Ministry is the lead agency in national security matters. As such, it coordinates all national security functions in liaison with other relevant ministries such as the Ministry of Defense.

The Ministry's leadership is pivotal in the National Security Advisory Committee, a committee charged with duties of daily preparation national security briefs issues in the country. Since Immigration Directorate is within the ministry, its role in national security cannot be gainsaid as migration situational reports are daily provided through BCOCC that receives briefs from BMCs, BMS, and JOCs for transmission to the NSAC. This administratively put migration governance into the national security architecture but outside the constitutional legal framework of the national security organs.

(b) Policy and Legal Migration frameworks

Migration governance frameworks have evolved over time since the early colonial ordinance in 1948. Until today, migration governance has continued to grow in response to emerging national and regional dynamics⁵⁹. Other factors pertinent to national direction on migration governance are the security situation both within the country and in the region and globally, economic factors such as recessions, labour force demand and

⁵⁹ Koser, Khalid.:Introduction: International Migration and Global Governance. *Global Governance*, vol. 16, no. 3, 2010, pp. 301–315. *JSTOR*, www.jstor.org/stable/29764947. Accessed 17 June 2021.

supply and natural resource exploitation. Globalization⁶⁰ factors have also contributed to the stance of the national migration governance through enablers such as technological advancement⁶¹, the internet of things⁶², infrastructural projects⁶³ and digitalization. Environmental dynamics⁶⁴ have similarly played crucial role in the migration governance approach in Kenya. Migration and national security policies have sought to address the need for environmental security through mainstreaming issues of environmental protection into both the migration and national security policies. To Tayebi, Moosavi and Poorhashemi environmental security and diplomacy⁶⁵, and migration are emerging important policy domains for the government, as highlighted in various policy documents including the draft National Migration Policy and the Kenya Foreign Policy.

The terrorist bombing in 1998 and the September 2001 bombing of USA world trade centre had profound impacts on migration governance and national security. These events

⁶⁰ Castles, S, de Haas H, and Miller M.: 6th ed, 2020 Op Cit p 17

Eicher, T.S, Mutti,J.H., and Turnovsky,M,H.: International Economics 7th ed, Routlrdge London 2009 p 1,221

⁶¹Vu, K., Hanafizadeh, P., & Bohlin, E. (2020). "ICT as A Driver of Economic Growth: A Survey of the Literature and Directions for Future Research." *Telecommunication Policy*, 44(2), March. Downloadable (before March 27, 2020) at <https://authors.elsevier.com/a/1aW%7Ed16AgY8Ifq> (2020), Harindranath & Sein.: *Revisiting the Role of ICT in Development: Proceedings of the 9th International Conference on Social Implications of Computers in Developing Countries*, São Paulo, Brazil, May 2007

⁶² Kumar, Tiwari and Zymbler Kumar, S., Tiwari, P., and Zymbler M.: *Internet of Things is A Revolutionary Approach for the Future Technology Enhancement: A Review*. Accessed on <http://creativecommons.org/licenses/by/4.0/>. See also Mehta R, Sahni, J. and Khanna K.: *Internet of Things: Vision, Applications and Challenges*. ICCIDS, Elsevier Ltd 2018

⁶³Cross, C., Mngadi,T., & Mbhele, T.: *Constructing migration: Infrastructure, poverty and development in KwaZulu- Natal, Development Southern Africa*, 1998 15:4, 635 659, DOI: 10.1080/03768359808440036 see also International Finance Corporation: *Projects and People: A Handbook for Addressing Project-Induced In-Migration*. IFC, Washington, 2009

⁶⁴ Jónsson, G.: *The environmental factor in migration dynamics – a review of African case studies*. International Migration Institute, Oxford Working Paper No. 21, 2010. See also; Hugo, G.: *Migration, Development and Environment*. International Organization for Migration, Geneva 2008

⁶⁵ Tayebi, S , Moosavi, S.F, & PoorhashemiS.A.: *Environmental Diplomacy: A Framework for Growth of International Interaction and Cooperation for Achievement of Global Peace*. *Journal of Politics and Law*; Vol. 9, No. 9; 2016 p 150

resulted in more stringent migration policies and regulations to control foreigners who were associated with terrorism. Mainstreaming efforts to combat terror threats led to various changes in migration laws and practice leading to increased restrictions on migration and mobility in effort to bolster national security.

The enactment of security laws has similarly led to improvement in migration governance. For instance the Security Laws Amendment Act 2014⁶⁶ was enacted to fill the gaps identified in management of national security. This gap was reminiscent also in migration governance leading to inclusion of provisions relevant to migration management including enhancement of border controls. A number of migration governance initiatives have so far been instituted to bolster national security. These include digitalization of various operations at the Directorate of Immigration such as issuance of passports, permits and visas and digitization of immigration registry. These efforts were meant to boost national security by creating environment within which authenticity of Kenyan documents is guaranteed while checking of mala fide obtaining from failure of such structures.

1.8 Research Gaps

There is lack of single migration and national security theory explaining either of the phenomena. Since these are social happenings, there is no single theory explaining these. The majority of African Union initiatives focus on capacity building and standard setting,

⁶⁶ Government of Kenya: Security Laws Amendment Act, Government Printer, Nairobi 2014

and on cheering RECs and member states to cooperation initiatives. An assessment of whether AU and REC initiatives have led to actual changes in member states' legal regimes, thereby improving human security lives of migrants, refugees and IDPs identifies fragmented nature of migration governance architecture across all themes from global, regional and national levels.

From the literature reviewed, it is clear that migration governance and national security at the global, regional and local levels is fragmented leading to policy incoherence. Multi-stakeholders involved in migration governance in Kenya face similar gaps in both the institutional structure and the policy and legal frameworks on migration governance and national security.

1.9 Theoretical Framework

Securitization, a contemporary realist view of states and society, and globalization, a liberalist understanding are two theories juxtaposed on two conflicting poles. While realism theory gives prominence to the role of the state in the daily lives of the people as an arbitrator and arbiter, liberalism does the opposite by urging for relaxation of states control of the lives of citizens and allowing laws to operate without influence from the state.

Liberalism argues that people should be allowed free will to choose, act, commit and omit as they wish provided this does not aggress on another persons' rights. Realism argues for state control of movements. These theories are relevant in migration studies; however, as foundational theories, this study only mentions them. For this study

securitization, a more recent strand of realism and globalization, a form of liberalism are adopted.

1.9.1 Securitization Theory

Originally developed by Ole Wæver and advanced by Buzan⁶⁷, securitization provided a fresh look on the debate between, those who viewed threats as objective (that is, what constitutes a threat to international security) on the one hand, and those that maintained that security is subjective (what is perceived to be a threat) on the other.⁶⁸ Commenting on the debate, the Copenhagen school argues that security is constructed as a speech act, where the central issue is not if threats are real or not, but how a certain issue (troop movements, migration, or environmental degradation) can be socially constructed as a threat.

Securitization theory assumes that migration is a national security threat that needs a control strategy, in terms of the technologies for controlling the movement of persons including borders and related border bodies and surveillance technologies. To securitization theorists, the state plays a pivotal role in securitizing by deciding what and when something is a security threat. Thus to securitization, migration is a security threat.

⁶⁷Balzacq, Thierry: *Constructivism and Securitization Studies*. In *The Routledge Handbook of Security Studies*. In Cavelti and Mauer (eds), 56–72. Abingdon, UK, and New York: Routledge, (2010), pp. 17-19.

⁶⁸Buzan, Barry, Ole Wæver, and Jaap de Wilde. *Security: A New Framework for Analysis*. Boulder, CO: Lynne Rienner, (1998), p. 4.

1.9.2 Globalization Theory

Globalization theory⁶⁹ assumes various forms such as; the widening, the deepening, embedding, and spreading of worldwide interconnectedness⁷⁰ leading to increased cross-border movements of factors of production⁷¹ and includes crossing of borders of new cultural values, practices, ideals (including political ideals), religion, beliefs among others. Therefore, globalization is an important political, economic, social, and cultural transformation process.

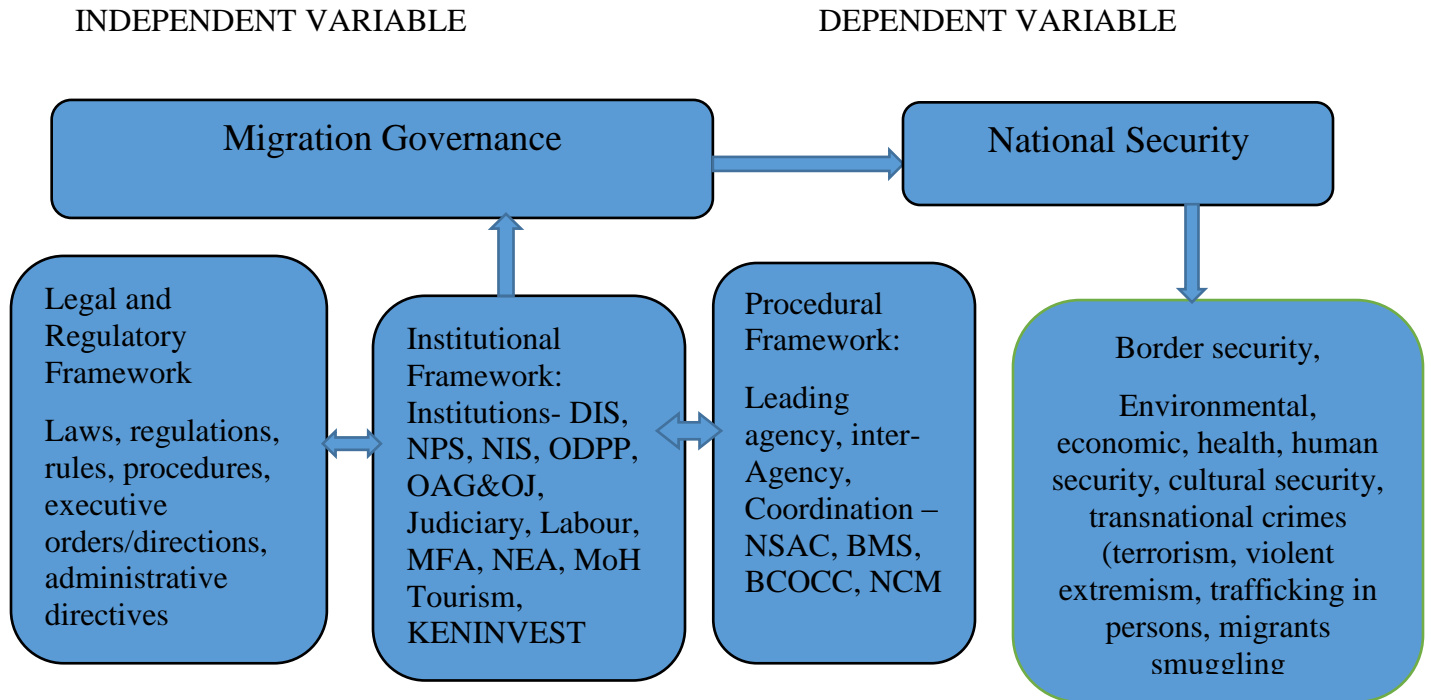
Contemporarily, globalism is understood as a new world order that manifests as regionalism, and the establishment of trading blocs, global partnerships such as GCM, and various collaboration initiatives show characteristics of globalism. While acknowledging the reality that migration is beneficial to states (sending, transit, and receiving), securitization of migration for control purposes persists, more than development. For this study, globalization theory is preferred as a more appropriate tool of analysis than securitization theory.

⁶⁹ Castles. deHaas and Miller., Op Cit p33

⁷⁰ Ibid p 33

⁷¹ Eicher, T.S., Mutti, J.H., and Turnovsky, M.H.: International Economics, 7th eds Routledge, 2009, 68-70

1.10 Conceptualization of the Study



Source: Author's Construct 2021

Figure 3: Conceptual Framework

1.10.1 Operationalization of Variables

In this study, migration governance is the independent variable while national security is the dependent variable. The independent variable is undergirded by factors such as the existing substantive environment/framework within which migration governance occurs. For this, the quest is to establish the laws, regulations and rules, procedures and administrative orders, and declaration guiding migration management and governance in Kenya. Secondly, the institutional framework of the actors involved in migration governance and how this institutional setup impedes or facilitates migration governance.

Leadership including style, hierarchies, command structure, and unity of command within the institutional set up affects the outcome of governance.

Last, there is the procedural or the operative element of governance, which looks at the implementation of the laws and procedures by the various institutions established. This is an important question in any governance endeavour. In this study, migration governance is a shared responsibility. Various institutions with different mandates work together in collaboration and cooperation to facilitate governance. Therefore, efforts should be built around creating institutional and substantive as well as procedural coherence for effective migration governance.

The dependent variable relies on the independent variable to establish how it is affected by the existing condition(s). For this study, the dependent variable, national security is underpinned by other enabling factors such as border security and safety, which is determined by issues such as geostrategic location, the geopolitics of the regions and neighbourhoods, length, and porosity of borders, border topography among others. The economic and social situations also determine national security as well as environmental factors, diversity, and proliferation of transnational crimes.

1.11 Hypotheses

1.11.1 A positive nexus exists between migration governance and national security

1.11.2 Migration governance is likely to have a strong impact on national security in Africa.

1.11.3 Migration governance is likely to have a positive impact on national security in Kenya

1.12 Study Methodology

This section presents the methodology used in the study and data collection, analysis, and interpretation for this study. This section comprises research design, type of data collection, data collection methods, data collection instruments, data analysis, and presentation.

1.12.1 Research Design

The study is a descriptive study in which an understanding of the impact of migration governance on national security in Kenya is sought. The study describes migration governance and national security in general before appreciating the specific governance and national security interfaces at global, regional, and national levels

Being a descriptive study, a qualitative research design with open-ended questions was used to capture responses on migration governance in Kenya. Key informants' interviews schedules were administered through interview method. This design was suitable because it enabled the researcher to pick appropriate qualitative responses by guiding the informants on the open-ended questions. The questions sought to solicit the opinion of the informants and not to establish their competence given that they were already authorities in migration governance. This made it easier to analyze the variables in the study.

Key informants were important because they enabled the researcher to obtain an in-depth understanding of the questions on migration governance and national security. The researcher made appropriate interview scheduling with the key informants thus benefiting from the flexibility the design offers. Importantly, this study happened at a time when caution was required in the conduct of personal affairs due to the COVID-19 pandemic. Scheduled interviews enabled the researcher to observe the health protocols in place while being able to undertake the interviews.

Secondary data was collected from desktop review of journals, books, policy briefs, working papers, resolutions among others. This data helped corroborate the collected primary data from the key informants.

1.12.2 Study Population

This study was about the impact of migration governance on national security in Kenya. Kenya occupies a geostrategic position in international migration both as a sending, transit, and destination country of international migrants from many parts of the world.

Kenya Census 2019⁷² shows the population at 48 million people hosts approximately 1.3 million migrants⁷³. The exact number of these migrants cannot be ascertained. According to DIS, immigration in Kenya stood at 1.2 million as of December 2019⁷⁴. Data from KNBS 2019⁷⁵ showed Kenya received 6 million arrivals while emigration (departures) almost the same figure. Additionally, Kenya is home to approximately 496,289 refugees

⁷² Kenya National Bureau of Statistics: 2019 National Population Census. Government Press, Nairobi

⁷³ IOM Op Cit

⁷⁴ Directorate of Immigration Services 2019, Op Cit

⁷⁵ Kenya National Bureau of Statistics Op Cit

(UNHCR 2020)⁷⁶ from Somalia and Great Lakes region. There were approximately 80,750 urban refugees in various towns in the country. The study is relevant to this population.

1.12.3 Study Sample

Table 1 below shows the sample population. The study aimed to interview 60 key informants on migration governance and national security in Kenya. These respondents were drawn from the government with a target in Ministries, Departments, and Agencies directly involved in migration governance and national security. The study also sought the views of international organizations relevant to the study. Lastly, civil society organizations play a significant role in being a watchdog to government actions or inactions.

Purposive sampling of migration experts was used to capture the target population for the study. Structured interviews using a structured interview guide to key informants were conducted with relevant state and non-state actors. Among the state actors targeted owing to their relevance in migration governance and national security are: DIS, RAS, NPS, and APS- border patrol unit, MFA, Labour, NEA, NCRC, NCTC, ODPP and the Judiciary. Others include NSAC, BMS, BCOCC, and NCM. International collaborates such as United Nations High Commissioner for Refugees (UNHCR), IOM, GIZ-EU, and civil society organizations (CSOs) e.g. HAART Kenya, KNHRC while private corporates like

⁷⁶ UNHCR 2020: Refugees: Facts and Figures. accessed on www.unhcr.org on 20/01/2-21

Fragomen, Kenya, and PWC was considered as they provided outside view on migration governance and national security.

Table 1: Sampling Population

Departmental section	Staff establishment	Percentage
Headquarter sections	20	33.4
Airport	10	16.7
Land borders	10	16.7
Other government	10	16.7
Other actors	10	16.7
Total	60	100

Source: Researcher, (2021)

1.12.3 Data Collection Instruments

This study relied on administration of structured interviews with key informants on migration governance in Africa, and Kenya for the collection of primary data. The study employed an interview schedule method in collecting data from key informants. Interview schedules allow key informants to answer questions relating to the topic of study in a face-to-face situation. The researcher's target was to interview 60 key informants involved in migration governance at various stages and levels.

1.12.4 Interviews

Interview schedules address four topics:

The interview schedule addressed four research topics of inquiry such as outlined below:

Socio-demographic information about affiliation, gender, age, years of service in the organization, and education level.

The theoretical understanding of migration and national security in the context of applicable theoretical frameworks help understand the nexus between migration and national security

The migration and national security nexus in Africa contextualized the connection of migration governance to security at the continental level. Several questions to help understand this connection were posed to the respondents.

Lastly, the discussion focused on the impact of migration governance on national security in Kenya. Various variables were investigated in form of questions to respondents for an answer.

1.12.5 Data Analysis Procedures

The researcher collected data, coded, cleaned, and entered them into ANOVA data analysis software for quantitative data analysis. Qualitative data collection was done using the interview schedule method where key informants were required to give their opinion on theoretical nexus between migration governance and national security, the impact of migration governance on national security in Africa and lastly comment on the impact of migration governance on national security in Kenya. This implies that the research design adopted mixed methods.

The researcher then proceeded to code the responses by providing appropriate codes for each variable to enable easy analysis. The researcher combined the two methods of analysis.

The first, method of analysis was the thematic content analysis method. Marks and Yardley (2004)⁷⁷ emphasize that thematic content analysis (TCA) moves beyond counting explicit words or phrases and focuses on locating and explaining explicit and implicit thoughts. Codes are developed from ideas or themes and applied or linked to raw data in form of summary markers for analysis. This includes comparing frequencies of themes or topics within a data set, looking for code co-occurrence, or graphically displaying code relationships.

The researcher collected all the interview transcripts and by perusing through each transcript, identified common themes and sub-themes, and noted them separately on the transcript. This was done for all the transcripts. The transcript information was then grouped according to the relevant themes

After identifying the themes in all the transcripts, the researcher picked on common themes and sub-themes appearing in all the transcripts. This process was repeated to make sure all details gleaned from transcripts were captured. After identifying the themes and sub-themes, the researcher proceeded to group them to ensure related themes and sub-themes were put together. Discussion of these themes and sub-themes was then done in alignment with study objectives.

Where quantitative questions were included in the study, the researcher employed the ANOVA, a tool for analyzing covariation (relationship) between independent and

⁷⁷ Marks, D. and Yardley, L.: Research methods for clinical and health psychology. SAGE, 2004,184.

dependent variables in a set of data for analysis. This is a suitable test for the impact between variables or the relationships. This involved keying in the responses into the ANOVA software, querying the software, and retrieving the results for interpretation.

1.12.11 Ethical Considerations

This research is about migration governance and national security. Both fields are about human beings. Both fields involve sensitive information exchanges. The study targets higher-level individuals in both fields whose opinions must be treated with care. Utmost regard to ethics and confidentiality was observed. All material reviewed was cited appropriately according to citation rules.

The study avoided the use of personal identifiers such as names to reduce exposure to the respondents. This was to ensure confidentiality of information given by respondents to guarantee their privacy.

This study sought to fully procure relevant authorization for it to be conducted. It was considered ethical to obtain relevant authorizations to protect both the researcher while collecting data in the field and to adhere to data protection to avoid misuse of information from the research project.

The research was also subjected to originality testing to ensure orthodox standards of conduct of research were adhered to and following the university and research regulations.

1.12.12 Scope and Limitations of the Study

The first limitation to this study was the inadequacy of empirical scholarly literature on the dependent and independent variables. Being a pioneer attempt on this new topic of security study, the problem of finding secondary theoretical and methodological approaches was experienced. This limitation was overcome by resort to peripheral general literature on the study topic to lay the foundation upon which future studies on this and related topics will be based. . Other issues limiting seamless conduct of this study were vastness of the study population spread across many counties and offices. This was overcome by the use of technologies such as telephone and e-mail interviews.

Additionally, respondents' availability was not assured due to their specific personal reasons. This was overcome by making proper and solid prior appointments with the respondents and in cases where this was not possible, technology was used to reach the respondents.

Lastly, the prevailing health security threat due to the COVID-19 situation in Kenya limiting movements and physical contacts partly affected this study. This was overcome by adopting innovative strategies in the conduct of the research such as the use of telephone calls, virtual interviews using the Zoom platform, and use of interview emails.

These limitations affected the sample size. It is expected that this research would reach the full sample size as captured under the study sample subtheme above, however, given intervening factors, this study revised the sample size purposively to an appropriate number.

Chapter Two

THEORETICAL NEXUS BETWEEN MIGRATION GOVERNANCE AND NATIONAL SECURITY

Migration continues to be viewed from the context of security in all countries at different times due to a host of factors including globalization, state desire to regulate human life and mobility among others. Thus, discussions about migration and national security have always been about states' aspiration to dominate. States hold the view that migration is a security threat/object that should be controlled through the institutionalization of appropriate governance frameworks and institutions. There is also little understanding of the migration-development nexus, which hampers appropriate policy responses. This chapter seeks to provide an understanding of the relationship between migration and national security from a theoretical foundation.

2.1 The Migration- National Security Nexus

Migrations result in demographic and economic changes that sometimes constitute emotive discussion in the contemporary world. While global migration trends have remained stable over the past century, their political importance has continued to grow. This politicization of migration pushed debates on this phenomenon from policy-makers control to political podiums. This affects security response to migration. The securitization approach to migration identifies it as a threat that should be stopped or controlled. The politicization of migration is common in many countries with different migration profiles; as migrant sending or receiving, during electioneering periods has

elevated migration issues to political podiums and town halls⁷⁸. Political leaders sometimes whip up emotions from their communities in exchange for votes.

Due in part to negative construction of migrations by political leaders and negative, sensational, biased media reporting, migrants have in some countries been presented as a threat to national homogeneity, identity, values, economic stability and national security, economic pressure, as well as, more broadly, a threat to social cohesion and inclusion. Social cohesion embodies the notions of “solidarity, togetherness, tolerance and harmonious co-existence”⁷⁹, which denotes the absence of threat to national security, a usual midwife by a common framework.

Wealth and income disparities, poverty, inter-communal, ethnic or racial, and linguistic differences compromise social bonds and by extension the national security. These disparities have a significant impact on national security and migration, thus this study on migration governance. Despite positive socio-economic, political, and ecological contributions of migrations to sending and receiving communities⁸⁰, political class oftentimes take the negative impact of migration rather than the positive depicting migration as a security threat.

⁷⁸ van der Brug, W et al *The Politicization of Migration* Routledge 2015 see also Grande, E, Schwarzbozl, T, and Fatke, M.: *Politicizing Immigration in Western Europe*. *Journal of European Public Policy*, 2019 available at doi:10.1080/13501763.2018.1531909

⁷⁹ Demireva, N and Heath, A.: *Diversity and the Civic Spirit in British Neighbourhoods: An Investigation with MCDS and EMBES 2010 Data*. *Sociology* 20142019 pg3

⁸⁰ Ratha, D., Plaza S. and Navarrete M.: *Migration and Remittances Household Surveys in Sub-Saharan Africa: Methodological Aspects and Main Findings* paper prepared for the African Development Bank 2011.

The consequence of this has been endemic anti-immigration sentiments that sometimes result in intolerance to diversity, migrants' discrimination, racism, xenophobia, and even acts of violence towards migrants especially in countries where re-nationalism and populism are disguised as patriotism have been on the rise. These pose a challenge to national security in cases where migrants have to resist or protest some of the actions.

2.2 Theoretical Nexus: Globalization and Securitization Theories

Globalization theory is premised on the idea of openness, unrestricted borders/ open borders, facilitation of travel in a super harmonious peaceful global community guided by fair, humane laws and regulations universally acceptable and applicable to all. The significant feature of globalization theory is the "rapid increase in cross-border flows of all sorts including people"⁸¹. Securitization theory proffers the opposite by advocating for closed borders, control of movements across borders, restricting international travel citing security reasons, and strict application of entry/exit.

Globalization is understood as the widening, deepening, and speeding up of worldwide interconnectedness in all aspects of current social life⁸² Global governance seeks to achieve the same results by deepening relations among state and non-state actors in migration management and increasing interconnectedness between governments, partners, and migrants for effective migration management.

⁸¹ Castles S, de Haas, Hand Miller, M, J.: The Age of Migration: International Populations Movements in the Modern World. Palgrave Macmillan. 5th Edition 2014 P 33

⁸² Held, D and McGrew, A.: Global Transformation: Politics, Economics and Culture. Polity Press, Cambridge UK 2000

States are comfortable with globalization but not happy with a few features such as the increased free flow of people. Therefore, states are in a dialectic dilemma as to how best to balance security imperatives and globalization. In migration governance, globalization implies the opening of borders and procedures for nationals and foreigners into and out of state territory. Proponents of open borders proponents, states are urged to reduce entry requirements and procedures to a territory (liberalization of entry requirements including review of entry regime and increased immigration schemes)⁸³. States are encouraged to institute flexible, humane, and less restricted regimes in the managing movement of people through cooperative and collaborative schemes, bilaterally and multilaterally, at regional and supranational levels. Migration governance promotes widely used migration control tools at the disposal of all countries for national security purposes. This in contrast to securitization theorists who are supported by the proponents of “closed” borders⁸⁴, which advocates for stricter administration of national borders without regard to other sovereigns.

Globalization can be embedded through the establishment of regional blocs, adoption of free trade areas, harmonization of migration governance through the adoption of common frameworks such as on free movements⁸⁵, adoption of less restrictive visa regime and

⁸³ Lenard, P.T.: Culture, Free Movement, and Open Borders in *The Review of Politics* Vol. 72, No. 4, p. 627-652 Cambridge University Press, 2010

⁸⁴ La Boltz, D.: *Ten Arguments for Open Borders, the Abolition of ICE, and an Internationalist Labor Movement*, DSA, 2019

⁸⁵ Molchanov, M.A.: *Regionalism and Globalization: The Case of the European Union Perspectives on Global Development and Technology*, Volume 4, issue 3-4. See also Idrees, M.: *From Globalization to*

regionalization, and expansion of entry regimes among others⁸⁶. These strategies enhance the national security of any state through migration governance.

2.3 Critical Security Approach to Migration governance and National Security

The traditional understanding of security is considered military power and internal policed harmony undergirded by socio-economic stability. Security studies during this era would look at how states exercise power: military, economic, or diplomatic. Buzan categorizes security as military, political, economic, environmental, and social⁸⁷. Stephen Walt posits that security studies “explore the conditions that make the use of force more likely, the ways that the use of force affects individuals, states, and societies, and the specific policies that states adopt to prepare for, prevent, or engage in war”⁸⁸. Walt’s is a static view of security, which advances Hobbesian philosophy on states, power, and security.

Critical security is an important theoretical nexus between migration and national security, which argues that national security, is both a practice just like migrations and a theory such as this theory. This approach triangulates all the key intersection points such as space, agencies/ bodies, and technologies that play a critical role in migration and national security. Spaces according to this approach are the migration spaces where

Regionalism and Inter-Regionalism: A Study of SAARC in *Journal of Political Sciences & Public Affairs*, 2017.

⁸⁶ Czaika, M., de Haas, H. and Villares-Varela, M.: The Global Evolution of Travel Visa Regimes. In *population and Development Review* no 44 (3) P589, 2018

⁸⁷ Buzan B., Waever O., & Wilde de J.: *Security: A New Framework for Analysis*. Lynne Rienner Publishers, London 1998

⁸⁸ Walt S.M., “The Renaissance of Security Studies,” *International Studies Quarterly* 35 (2), 1991, p. 212. 9

migration takes place, while agencies are the institutions and individuals⁸⁹ involved in migration governance. Technologies⁹⁰ constitute borders and border technologies⁹¹, visas, passports, biometrics⁹², camera regulations among others.

Critics of Walt's conception of security⁹³ favor a "widening and broadening" of security from the mere use of force, on an individual by the state to other emerging threats at state and international levels. Migrations are one of the emerging threats at national, regional, and global levels that have been incorporated into discussions at national, regional, and global levels with the intent of finding its management strategy. Migrations cannot be managed by use of force or violence but by soft power of governance architecture thus a migration governance framework.

Security studies, critical security, and securitization approaches give an overarching role to states in migration governance by making migration a security issue. States are the ultimate guarantors of security of the state⁹⁴, in which case states, however, conceived are

⁸⁹ Bigo, D and Guild, E. (eds): *Controlling Frontiers, Free Movement Into And Within Europe*, Aldershot: Ashgate 2005, see also Muller, B: *Borders, Bodies and Biometrics: Towards Identity Management In* Zureik, E and Salter, M.B: *Global Surveillance and Policing: Borders, Security, Identity* . Devon: William Publishing, 2005, P 83-96

⁹⁰Zureik, E and Salter, M.B: *Global Surveillance and Policing: Borders, Security, and Identity*. Devon: William Publishing, 2005, P 66-82; Salter 2003 Op Cit

⁹¹ Lyon, D.: *The Border Is Everywhere: ID Cards, Surveillance and the Other*, In Zureik, E and Salter, M.B: *Global Surveillance and Policing: Borders, Security, and Identity*. Devon: William Publishing, 2005, P 66-82; Salter 2003 Op Cit

⁹² Lewis, N.: *Expanding Surveillance: Connecting Biometric Information Systems to International Police Cooperation In* Zureik, E and Salter, M.B: *Global Surveillance and Policing: Borders, Security, Identity*. Devon: William Publishing, 2005, P 97-112

⁹³ Krause, K. & Williams, M. C., "Broadening the Agenda of Security Studies: Politics and Methods", *Mershon International Studies Review*, 40 (2), 1996, p.229–254. 36 Unauthenticated Download Date | 11/20/15 11:21 PM

⁹⁴Corbett A.S: *National Security and the National Interest; the derivation and implementation of the UK National Security Strategy*, MIPHIL International Relations, Cambridge, 2010, see also, Rubenstein R.E.;

beneficiaries of securitization while people are recipients of indirect benefits of securitization. Globalization counters securitization by promoting a normative approach that is humanely all-inclusive and development-oriented.

2.4 Migration Governance and Human Security Nexus

The traditional view of security in the prism of state security is fast being replaced by other conceptions from scholars covering other fields of human life. The shift from state security to human security⁹⁵ is fast gaining traction as the appropriate way of analyzing security. The United Nations Development Program (UNDP) defines human security as: “An analytical tool that focuses on ensuring the security of the individual and not the state...an expanded definition of human security, the causes of insecurity are broadened to include socio-economic and political conditions, food, health and environmental, community and personal safety. Human security is thus people-centric, multidimensional, interconnected, and universal”⁹⁶

This conception of security from state-centric to people-centric approaches finds relevance among humanists. They believe that state security is not just about the state as conceived under the Westphalian understanding but that a state is a conglomeration of people with different dreams and needs they seek refuge from. Not all states guarantee

State Security, Human Security, and the Problem Of Complementarity

⁹⁵ Poku, N and Graham, D. (eds): *Redefining Security: Population Movements and National Security*, Westport CT: Praeger 1998, 245

⁹⁶ Jolly, R and Ray, D.B.: *The Human Security Framework and National Human Development Reports*, New York, UNDP, 2005, P 5

human security, they become insecure themselves thus forcing people to move. A lot of migration from the Southern countries is caused by a lack of human security.

Human security has also been explored in the North-South divide where the South is defined by lack of functional governments due to political instability, regimentation of development leading to sometimes coups and counter-coups that characterize an unstable state unable to guarantee human security to the people resident in it. A lot of movement of persons happens within these states in search of human security and safety either within the state or beyond borders leading to various cases of migration.

Human displacements⁹⁷ during natural or political instability cause insecurity of people forcing them to relocate to relatively better places. Other factors such as underdevelopment⁹⁸ due to historical conditions such as colonialism, structural inequalities courtesy of various enabling factors that result from political and economic exclusion and segregation/alienation⁹⁹ cause people to move to better places thus causing migration. Sometimes these structural insecurities¹⁰⁰ lead up to other forms of insecurities such as the proliferation of immigration enterprise through transnational crimes such as human trafficking, smuggling of migrants, money laundering, trophy smuggling among others. The state seeks to guarantee security by responding to some of these conditions

⁹⁷ Crisp, J.: Africa's Refugees: Patterns, Problems and Policy Challenges. Working paper. UNHCR, Geneva 2000

⁹⁸ Webster A.: Theories of Underdevelopment. In: Introduction to the Sociology of Development. London Palgrave. https://doi.org/10.1007/978-1-349-20584-4_4 1990, p 218

⁹⁹Institute of Economic Affairs (IEA- Kenya) and Society for International Development (SID): Kenya at the Crossroads: Scenarios for our Future, 2000, 6-40

¹⁰⁰ Luhmann, N. Introduction to Systems Theory. Polity Press, Cambridge, 2013, p 83

salvaging either the situation or aggravating it, which consequently aggravates or causes migration.

Concern with human security continues to be a major issue. Protection of human life from both natural and synthetic calamities poses a serious threat to state security even as they collectively attempt to provide conditions ideal for human security. Such threats as climate change likely to cause more migrations due to mass displacements of people than any other. Whether it is due to increased desertification, flooding, rising sea levels, climate change poses the greatest threat to human security and is likely to result in mass migration. Increased international migration caused by all factors such as socio-economic, cultural, and political threats translates to increased securitization of the same, thus increasing the nexus between migration and security. The more the migrants' arrivals at countries borders, the more the feeling of the threat posed by migrants and the need to respond by securing themselves. This process goes on in perpetuity.

2.5 Disconnect between National Interest as National Security and Migration Governance

Is it in the interest of a state to have a secure state? Similarly, it is the goal of any national security strategy to protect the national interest. The national interest of any state is dynamic and ambiguous to the extent that it has no clear definition. States thus pursue what is expedient to them, what the political class declares as the national interest becomes as such. This is the predicament of national security and national interest. While

it is in a state interest to facilitate and permit migrations into its territory, this interest becomes hampered by other unforeseen factors such as a change in pull factors.

The conception of national interest is articulated by Morgenthau in his aversion that “And, above all, remember always that it is not only a political necessity but also a moral duty for a nation to always follow in its dealings with other nations but one guiding star, one standard for thought, one rule for action: The National Interest”¹⁰¹. That a national must follow a single ideal is significant in distinguishing that state from others. It is in the interest of all states to be safe and free from threats both internal and external. As well, it is in the interest of states to have the best migration governance architecture, to attract the best out of the migration process. Thus, it might be in the interest of the state to control migrations into its territory. It might as well be in a state’s interest not to declare any discussion. Thus, migration is decided as both a security threat and a national interest issue respectively.

National interests are not uniform among all states nor are they constants in any state architecture¹⁰². The national interest is a vaguely conceived, non-tangible reason for the existence and survival of any state. It is the reason for state establishment. It is the determinant of states’ action to promote or prohibit actions of other states and individuals. The national interest is not subject bargain and is unilateral in origin, not expressed in any governmental documentation but perceived to be a national interest by

¹⁰¹ Hans J. Morgenthau.: *In Defense of the National Interest: A Critical Examination of American Foreign Policy* New York, 1951, 545

¹⁰² Corbett A.S: National Security and the National Interest Op Cit

outside observers. Thus, a state is first established to pursue an established interest such as identity, economic inclusion, and to provide nationhood to people.

States in seeking to promote statehood have sought to limit or control migrations arguing that doing so is in their interest. That it is the state's discretion to decide who enters its territory and who does not¹⁰³. This power to decide migration in a state territory cannot be shared by any other entity, state or non-state. It is the absolute responsibility of states¹⁰⁴ to control entry, including the exit of persons from their territory so as to preserve its national interest. It is in the national interest of states to control migrations into their territories. This is a demonstration of sovereignty¹⁰⁵ thus the observation from scholars¹⁰⁶ that migrations are the last bastion of sovereignty. That migration is the last evidence of sovereignty of states is demonstrated normatively¹⁰⁷ through international

¹⁰³ Researcher's own interpretation: International law places restrictions on the executive exercise of discretion. Admission in a state is at the discretion and subject to individual state conditions but expulsion is highly protected by international law. It must satisfy legal conditions and must be seen to be fair and reasonable. Collective expulsion of aliens and communities is prohibited in international law. This is well expounded in the works of: UN Focus Treaties on the protection of civilians. New York 2004, and Perruchoud R. and Tomolova K.: Compendium of International Migration Law Instruments. T.M.C. Asser Press 2007. See also the Universal Declaration for Human Rights 1948 Article 12.

¹⁰⁴ Hurst H.: The Right to Leave and Return in International Law and Practice. Martinus Nijhoff publishers, 1987 p 22, 150; Liu Guofu: The Right to Leave and Return and Chinese Migration Law. Martinus Nijhoff Publishers Leiden, 2007.

¹⁰⁵ The rights to enter one's own country was a subject of UN General Comment. The contention was on the meaning of own country and whose own country it refers to. Those who fall in own country category broadly include nationals of a given state, long term residents and asylum seekers and refugees. Reference to own country of nationality would therefore mean only nationals/citizens of any state have the exclusive right to enter/ return. see CCPR General comment no. 27 article 12(freedom of movement 1999) Adopted at the 1783rd meeting 67 session held in October 1999 and adopted on 1st November 1999 in Perruchoud R and Tomolova K. 2007: Compendium Of International Migration Law Instruments. T.M.C Asser press. P135

¹⁰⁶ Perruchoud R and Tomolova K., 2007 supra; Hurst, H. 1987, 150 Op Cit; Guofu, L, 2007, Op Cit, see also Birgo 2008, p 86 Op Cit

¹⁰⁷ Researcher's definition. There is emerging a kind of public international law particular to migration alone. This is the international migration law. It is a branch of public international law which seeks to establish a whole body of laws on international migrations. This body of law borrows from all other international legal norms established for the guidance of conduct of states.

agreements on migration. All these discourses have not agreed on the limits of a state in migration governance as far as the power and authority to determine and decide who enters the territory of another state and who does not, on what conditionality. Clayton¹⁰⁸ sees control of immigration as an exercise of executive power. Nevertheless, the source and limits to this power are not clear. Thus, there is too much discretion upon which immigration practice is founded.

2.6 Migration Governance, National Security and Development Perspectives

Various schools of thought have variously examined drivers of migration; structural, economic, personal. One of the approaches has been the development or sometimes called development economics school. This branch of economics deals with economic elements of development particularly for low-income countries and uses both economic, political, and social factors to explain the development in third world countries. It combines mercantilist theories such as structural change theories, dependency theories, neoclassical theories, and linear-growth models.

Development or lack of it is a driver of migrations and a challenge to the national security. Thus, development is both a national security issue as it is a causative factor for migrations. Whether occurring within the regions or internationally defined as the North versus the South in development and migration literature, these two pose a serious challenge to the fabric of the state and deserve attention. Discussion of development

¹⁰⁸ Clayton G.: Textbook on Immigration and Asylum Law. 3rd edition Oxford University Press, 2008 p 25

includes many other subjects such as law, economics, social science, politics, and even anthropology.

For instance, Thomas,¹⁰⁹ *Economics of International Migration* is one attempt to interweave the relationship of economics to migration. According to classical economics, the relative economic disparities and comparative advantages create suitable conditions for migration from places with relatively low economic potential to places with higher economic potential. Economists, therefore, argue that migration is important in addressing structural disparities between labor-dependent/importing and labor-independent countries.¹¹⁰ Migrants move from areas economically unviable to those with high comparative advantage in search of better economic conditions. For instance, migrations take place from low-income countries to high-income countries. This is the real image of migrations in Africa as well demonstrated by the migration wheel¹¹¹, which shows the extent of intra-regional migrations. Those regions with better economic development receive more migrations than those that do not. The increased migrations have national security imperatives in that they pose management and demographic challenge to the state. Any change in demographic makeup must be clearly understood to avoid alienating the nationals from the demographic dividends.

¹⁰⁹ Thomas B.: *Economics of International Migration*. London, Macmillan and Co. Limited, 1955

¹¹⁰ Todaro, M 1992: *Economics for Developing Countries: An Introduction to Principles, Problems and Policies for Development*. Prentice Hall, London. p 143,165

¹¹¹ African Development Bank, p 47, Op Cit

Migrations play a critical role in national development and security. As a supplier of labor, skills, capital, divergent economic activities, migrations cannot be ignored by states. To this end, all attempts must be made to govern this. Birks¹¹² advances this debate in his discussion of the role of migration in development in the case of the Arab region. In ‘International Migration and Development in the Arab Region, Birks highlights the importance of labor migration to the growth and development of both the receiving and sending countries through labor supplements and remittances. He criticizes restrictive policies where “labor-importing countries adopt policies oriented towards limiting the duration of stay of foreign workers.¹¹³” He argues that the trend towards limiting immigration and selectivity in admitting immigrants given the receiving states’ inability to cope with the influx and offer social security to migrants is anathema to development.

Crush and Tevera¹¹⁴ identify ‘push-pull factors’ migration in Zimbabwean exodus. The authors note the long history of Zimbabwe’s migration and argue that it should not be linked to the recent political instability and economic crisis of 2010, but should be seen from the perspective of a long history of Zimbabwe’s engagement with the world especially South Africa. They note the importance of migrants to Zimbabwe thus; ‘without the involvement of Zimbabwe Diaspora the country would be in an even more

¹¹² Birks J.S.: International Migration and Development in the Arab Region. ILO Geneva, 1980

¹¹³ Supra

¹¹⁴ Crush J. and Tevera D. (eds): Zimbabwe’s Exodus: Crisis, Migration, Survival. SAMP. Kingston. 2010, p 52 see also Skeldon R.: Migration and Development: a Global Perspective. Longman.1997 p 26

desperate situation. Migration ensures the survival of those who leave and those who stay.¹¹⁵ This demonstrates the economic importance of migration.

Through development theories such as new economics of labor migration (NELM), push-pull theories as well as all the structural theories, the nexus between migrations and development is established. National development is an aspect of national security that migration fits into from all approaches; development, security, or identity approaches. This study, therefore, establishes a clear nexus between migration and national security from theoretical perspectives explored in this chapter.

2.7 Diversity and Transnationalism Challenge to Migration Governance and National Security

Is Kenyan society worried about diversity and transnationalism resulting from migration? This perhaps is not an important question. However, to the policymaker or politician, this is a matter of urgent concern. Castles, de Haas, and Miller argue that these are beneficial processes¹¹⁶ since both can be used to reduce internal conflicts. Diversity and transnationalism have been a subject of discussion in Kenya, touted as important ingredients into the national demographic and socio-political space facilitating peaceful coexistence in the society.

¹¹⁵ Crush J. and Tevera D. 2010 Op Cit

¹¹⁶ Castles, S., de Haas, H. and Miller, M.J.: The Age of Migration: International Population Movements in The Modern World 5th ed. Palgrave, P 6

As concerns transnationalism, this has been touted too as a development enabler through skills acquisition, transfer, and adoption of transnational characteristics and life. Transnationals are therefore development conscious, identify not with a particular tribe nor political leaning, display important tolerance and resilience even in difficult situations and propagate civil and democratic ideals. Transnationalism and diversity challenge nationalism tendencies and policies are seen as critical for national security. Thus, transnationalism and diversity have also been linked with national insecurity from dual perspectives of cross-border crimes penetrating another jurisdiction and foreign persons committing criminal activities in foreign lands. However, there is increasing discontent with arguments for transnationalism owing to clash over scarce resources; allegations of an increase in racial slurs from foreign nationals, politicization of the same create a serious challenge to national security for fear of degeneration and normalization of xenophobic tendencies in the Kenya social fabric. The transnationalism hitherto thought of as good for national development displays the wrong side of it. This has resulted in the government actively prosecuting and sometimes deporting perpetrators of negative aspects of transnationalism, both corporates/states (transnationalism from above) and individuals (transnationalism from below).

Debates on transnationalism as a development imperative abound. Special reference is made to Diasporas and their important complementary role in national development and security. The emergence of transnational communities (Diasporas) of different categories poses a challenge to states in providing social services to them. Protection of transnational though supported by global diplomatic arrangements is insufficient owing

to the difficulty in localizing transnationals to only areas that states feel can offer protection. As such, transnationals find themselves between host and home states.

Recent efforts by all states in recognition of the importance of transnational communities are informed by their development drive. Transnationals supplement national budgets through their remittances, in exchange for allegiance, belonging, and identity to their parent states. They influence national policy direction including security policy, thus are important players in the national security of all states.

Transnationals can also be a security threat through their activities in their host or sending countries. Concerns have been raised about transnationals assembling for political reasons in host states to the extent of forming satellite armies and governments in foreign countries with intent of overthrowing sitting regimes back home. An example is the Oromiya Liberation Front (OLF), which is agitating for the establishment of a separate Oromiya state from Ethiopia¹¹⁷. This group is alleged to have a full government (state) waiting in Germany. The same was the case for the South Sudanese Diaspora leading up to the separation of the country from main Sudan. Such activities pose a security threat to both the host and countries of origin.

This chapter attempted to explore the theoretical interconnectedness between migration governance and national security. Various theories were used as referent points to

¹¹⁷Woldemariam Y: State Formation and Disintegration in Ethiopia, London, November 2019

establish the theoretical link. So many theories and approaches could be applied. This study economically chose a few most appropriate as a subject of analysis. After theoretical expose, the next chapter thrust this study into an appreciation of the migration governance national security dynamics in Africa as a way of recognizing the empirical element of the subject of study.

2.8 General findings

2.8.1 on the Theoretical Nexus between Migration Governance and National Security

Analyses of the interviews with key informants show there is positive nexus between migration governance and national security. Respondents directly identified the relation between migration governance and national security. At least more than 36 representing 80% of respondents replied positively to the connection of migration and national security while only 9 or 20% of respondents failed to provide such indication. The table below presents the findings of the relationship between migration governance and national security.

Table 2: Analysis of the Nexus between Migration Governance and National Security

Summary Output								
<i>Regression Statistics</i>								
Multiple R	0.999233							
R Square	0.998467							
Adjusted R Square	0.997956							
Standard Error	0.188025							
Observation	5							
ANOVA								
	<i>Df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	69.09394	69.09394	1954.371	2.55E-05			
Residual	3	0.106061	0.035354					
Total	4	69.2						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	-0.09091	0.149992	-0.60609	0.587239	-0.56825	0.386434	-0.56825	0.386434
33	2.287879	0.051752	44.20827	2.55E-05	2.12318	2.452578	2.12318	2.452578
RESIDUAL OUTPUT								
<i>Observation</i>	<i>Predicted</i>	<i>Residuals</i>						
	<i>73</i>							
1	9.060606	-0.0606						
2	-0.09091	0.09090						
3	2.19697	-0.1969						
4	6.772727	0.22727						
5	9.060606	-0.0606						

The table above provides a regression analysis of the relationship between migration governance and national security. The regression is based on 5 observations by respondents that represent 45 statistical responses from the key informants. The regression shows the multiple R at 0.999233. this shows the theoretical correlation

between migration governance and national security. This finding of multiple R shows a positive relationship in same direction between the independent and dependent variables at theoretical level relationship in which migration governance and national security is intercepted by various factors. The regression squared of 0.998467 shows a perfect regression or line of fit since the values of R and R-Square are almost similar. This study analysed a number of dependent variables. Theoretically, several theories explain the interrelation between migration governance and national security. This is confirmed by the adjusted regression square in the analysis. The table shows a value of 0.997956 showing that even theoretically, the nexus exists at a perfect level.

The table shows a standard error of 0.188025. This shows that the study is right in establishing a strong nexus between migration governance and national security. With an error of 0.188 above, the analysis provides a very slim margin of error that could be used for other purposes. The regression degree of freedom is 1 meaning that while there is a direct correlation between migration governance and national security *ceteris paribus*, the two variables may exist without depending on each other. Intervening factors do not have statistical significance on the relationship and therefore do not affect the regression difference or slope. The slope-intercept ranges between -0.0909 and a standard error of 0.15, meaning that the slope does not cross the y-intercept at point zero (0). This means there can be no situation of the existence of a migration governance framework in any country. The graph below is consistent with the intercept values.

Graph of Nexus between Migration Governance and National Security

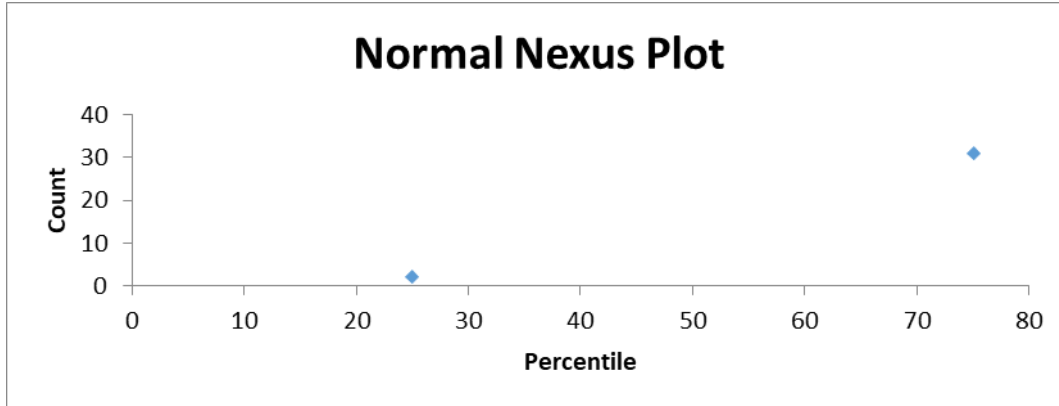


Figure 3: Presentation of Nexus between Migration Governance and National Security

From the plot above, it is evident the nexus between migration governance and national security is a direct relationship under normal conditions thus the straight-line graph. The introduction of other conditions (intervening factors) does not significantly affect the slope. This is supported by respondents' reactions to the discussion. For instance, respondent¹¹⁸ argues, "the correlation is somehow appropriate, except the insinuation that migrants, in particular, the immigrants always pose security risk to a country. However, the security of a country is both impacted by both the citizens and the migrants differently."

There is a need to understand what security is all about, beyond the traditional definition. Use of comprehensive paradigms such as rights-based to evaluate the security threats that arise from internal and cross border migration irrespective of the merits and demerits. A

¹¹⁸ Research Respondent 2021

balance is needed this approach is people-centered thus looks at all the critical elements that impact on the security of a person, thus the security of a nation and personal security also perceived as 'state security

Migration is a societal activity that has security implications such as displacement conflicts, international terrorism, trafficking and smuggling of persons, etc. International and cross-border criminal activities, other than cybercrime, are actualized through migration. One of the respondents clearly described the link between migration and national security in the following statement "Migration does impact on a country's security in many ways, starting from the entry of migrants, movement within the country, residency and or exit. Migrants like any persons are bound by the law to keep peace and observe the rule of law." This reflects the theoretical preference in this discussion as that on security more than on migration.

2.8.2 Migration Governance-National Interest-National Security Nexus

Similarly, one respondent described the connection between migration and security as: "crimes do not have boundaries. Criminals commit crimes regardless of their nationality and boundaries as long as there is an opportunity and justification to engage in such crimes. Some crimes threaten national security such as terrorism, drug trafficking, piracy, smuggling of illegal firearms, poaching human trafficking and smuggling in migrants." These crimes jeopardize national security. The security approach helps to manage these

crimes. This is a holistic mastery of the connection between migration and national security.

Theoretically, there is general agreement by all respondents that there is a theoretical connection between migration and national security through the following theories among others: globalization theory, which views the world as, interconnected in various socio-economic, political, and cultural aspects. It is referred to as a global village. Any new development, including development that is of security concern in any part of the world, is within a short period adopted elsewhere. In many cases, migrants play significant roles in the diffusion of technologies and ideologies, some linked to the crime. The figure below presents respondents' reactions to the nexus between migration governance and national security on several theories.

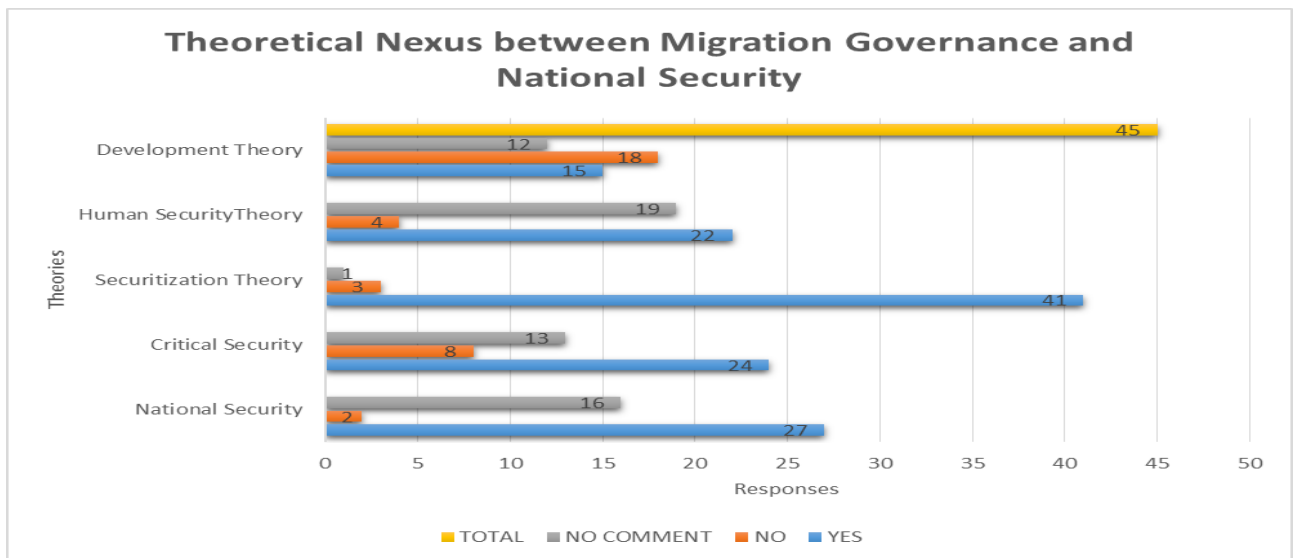


Figure 4: Presentation of Theoretical Nexus between Migration Governance and National Security.

From the graph, out of 45 respondents interviewed, 27 respondents agreed there is a nexus between migration governance and national security. This agreement was found on other relevant theories as well such as 24 for critical security theory, 41 for securitization, 22 for human security, and 15 for development theories respectively. This general agreement is comparable to the number of reactions that had no opinion on this nexus ranging from 16, 13, 19, 12, and 1 respectively on various theoretical propositions highlighted in the graph above. However, the opinion that there is no theoretical connection between migration governance and national security was generally low on various theoretical proposals considered ranging from a low of 2 and a high of 18.

Additionally, securitization theory is viewed to have the strongest links with migration. This theory is important for an understanding of migration governance and national security. The underlying argument of this connection is to deviate from the military-informed school of thought on security and bring on board other aspects such as economy, society, and environment and how these affects the human person.

Respondents acknowledged the import of critical studies on security as providing a more nuanced understanding of the national security-migration nexus. This approach argues for a constructivist approach on security and not relying solely on military and political science studies. This means other societal engagements have security implications including migration. The nexus between migration and security in migration governance is aimed at curbing migration-related criminal acts such as terrorism, human trafficking

and smuggling, and migration fraud incidences such as identity theft in migration for criminal intent. The statist conception of security, where the referent object is only the State has been challenged in favor of other aspects inclined on human security, such as health, economy, environment, etc.

As for the theoretical link of migration and human security, respondents agree that migration is one area that has links with human security. One of the respondents named¹¹⁹ argues, “human beings are ever migrating and within that migration are security concerns such as environmental degradation, economic and health issues which in turn affect state security”. The recent case of Covid-19 is a case in point where the health and economy of states have been negatively affected. Human security has come under threat owing to health uncertainty as it happened with the unfolding pandemic. Thus, it is plausible to argue that human security is linked to migration both at theoretical and empirical levels.

In understanding the drivers of migration and therefore the theoretical and empirical response in form of theories, the researcher sought to establish the continental priorities often defined by political scientists such as Hans Morgenthau as “national interest”. These national/ continental interests drive the response to relevant phenomena and determine the policy approach adopted.

Respondents often cited the following as continental interests that drive the continent’s response to migration. These are sovereignty, economic stability/security, and political

¹¹⁹ Research Respondent 2021

stability/security, social security in areas such as health, poverty eradication, and education. These form major debate themes at the continental level culminating in the AU Agenda 2063, a comprehensive roadmap to the development of the African continent that identifies and deeply explains the named priorities on the continent. This confirms respondents' understanding of their surroundings including continental geopolitical and economic dynamics.

Respondents concurred that national interest determines the national security and migration governance approach of any region and state. Asked to indicate whether this is true, respondents overwhelmingly agreed, arguing that: “Security and migration nexus in a country is informed more by national than international interests. Countries accept those international provisions on migration which do not conflict with their national security interests, for example, GCM has been watered down by some countries partly based on how to address irregular migration, which conflicts with their national immigration policy priorities.

While countries seek to reinforce their global power among the community of states, there is the preoccupation with the need to develop as a primary strategy towards self-realization and recognition. States thus pursue the development agenda to improve both the country's international image but also to improve the well-being of its citizens. The development aspect aptly addresses the drivers of migration. This study sought to establish the correlation between migration and development by requiring the respondents the comment on the simple statement that migration leads to development or

development leads to migration. One of the respondents argues that: “Both lead to each other.” The figure above shows the nexus between migration governance and development theories.

Migration enables the exchange of important cultural elements, skills, labour force, and enhances foreign investments, which are important to a country’s development. Development also influences migration in situations where labour migration is skewed towards entry into the more developed economies, and other situations where medication is sought in economies with better-developed health systems.

However, two central arguments support some double poles of the migration-development continuum that predominate migration debate. About the “Global North” proponents, their development attracts migration to their countries. As such, they seek to stop this migration by supporting less developed regions to develop so that migrants do not realize the push factor to migrate. Such gestures can be found in various western programmes such as Direct Foreign Investments (FDI), Overseas Development Aid (ODA), while in migration, various programmes such as Better Migration Management (BMM), various migration processes such as Khartoum Process, Rabat Process, and Valletta Action Plan among others seek to address root causes of perceived migration from the global South to the global North.

On the other hand, proponents of the “Global South” argue that migration leads to development. As such, the South population migrates in search of better livelihood, which translates to development. Therefore, migration should be unrestricted to allow less developed countries to migrate into developed areas to redistribute economic

dividends. Some in the North support this view by arguing that their migration into the South is important in providing the development capital including expert labour and capital.

2.8.3 The Development Approaches to National Security and Migration Governance

The study also sought to establish how development influences national security and therefore, migration. When asked whether development, therefore, guarantees national security or national security guarantees development, the responses were as varied reflecting the different worldviews and intellectual openness and resourcefulness of the respondents. While some respondents felt that national security guarantees development, others argue that development guarantees national security. This is seemingly debatable depending on one's worldview and theoretical standpoint.

One respondent put this discussion simply as: "This depends on one's appreciation of migration and how it influences development. For instance, if a country is well developed it then creates better pull factors that promote migration into that country and in doing so then the migration trends increase boosting the development of that country." Studies show that migration trends are often high to countries perceived to be safe, economically able, and those that provide potential opportunity for migrants. Thus, one can argue that migration does follow the development and has the possibility of boosting that development.

The words of the former UN Secretary General, the late Kofi Annan succinctly summarizes this discussion on migration development, human security thus: “The human family will not enjoy development without security, will not enjoy security without development, and will not enjoy either without respect for human rights.”¹²⁰ Conversely, development is contingent upon national security and hence the need to handle it properly and comprehensively including the human rights component that ensures that the dignity of humans is respected at all times for sustainable development.

2.8.4 Nexus between Diversity-Transnationalism Theories to Migration Governance and National Security

Diversity and transnationalism are important elements of migration that lead to specific development. Migration enhances diversity in areas such as religion, ethnic, cultural aspects, etc. This fits squarely within the diversity and transnationalism theories on migration and compromise national security of states through the introduction of new minority groups and societies. One Respondent concurs that: “This leads to fusion of ideologies some of which can raise security concerns.” For example, some homegrown terrorists are in contact with foreign-based terrorists. Transnationalism has linkages with the security of a country, especially where particular ethnicities do not assimilate well as well as cases where they might harbour secessionist ideologies. Often the migration trends, national interests, priorities, and security measures put in places like immigration or business or education policies will influence specifically the pull factors.

¹²⁰ Kofi Annan 2018: UN Secretary General’s Remarks to the High-Level Event marking the 70th anniversary of the UDHR. New York, United Nations

2.9 Chapter Summary

This chapter explored and established the theoretical interconnectedness between migration governance and national security. Various theories were used as referent points to establish the theoretical link. So many theories and approaches could be applied. This study economically chose a few most appropriate to analysis of the correlation. The next chapter discusses migration governance and national security dynamics in Africa.

Chapter Three

MIGRATION GOVERNANCE AND NATIONAL SECURITY IN AFRICA

Migration governance in Africa remains a jurisdiction of individual states that are expressed depending on prevailing national circumstances, time, and security imperatives. Migration thus is securitized in some countries by having the immigration services under mainstream national security organs like the paramilitary Immigration Service in Ghana while it is largely civilian in other countries such as Kenya. Inter and Intra African migration is a critical part of this global migration topography. By looking at African migration, the hitherto held view that migration from Africa targets the North is challenged by studying this evidence. This chapter provides a comprehension of the Africa migration governance frameworks using continental and regional frameworks, and the interface between national security and larger continental security.

3.1 The Role of African Union in Migration Governance

The AU, in recognition of the preponderance of migration in the continent, has consistently provided leadership in shaping the migration governance landscape. Several initiatives at this level generously propagate the migration governance debate while seeking to promote the socio-economic development of the region. One of these initiatives is the African Continental Free Trade Area (AfCFTA). The AfCFTA was adopted by the AU assembly in Kigali Rwanda on March 21, 2018, during the 10th Extraordinary Session of the Assembly, and came into force on May 30, 2019 after receiving 54 signatures from member states. Among the key highlights of the AfCFTA is

the promise of free trade area tapping into Africa's 1.5 billion populations. However, a free trade area does not occur on its own in the silo. It must be supported by other pertinent freedoms such as free movements/ migration

The AU has continually been at the forefront of promoting free movements at the continental level. AU protocols on free movements of persons must accompany the AfCFTA¹²¹. For instance Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Rights of Residence and Right of Establishment, 2018¹²² and Statute of the African Institute of Remittances, 2018¹²³ among others.

Advancing migration governance further, the AU in July 2016 during the 27th Summit in Kigali launched the AU passport. The regulations governing the acquisition and use of this passport advance national level and sub-regional passport regime. The AU passport was adopted in furtherance of aspiration 2 of Agenda 2063, which envisions an, “integrated continent, politically united and based on the ideals of Pan-Africanism, and the vision of Africa's Renaissance”, and Aspiration 5, that envisions “An Africa with a strong cultural identity, common heritage, shared values and ethics¹²⁴”. This, therefore, aims to make Africans see themselves as one people. The African passport normatively creates a sense of citizenship, belonging, and nationalism. Possession of the African

¹²¹ AU: Agreement Establishing the African Continental Free Trade Area, 2018

¹²² AU: Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment 2018

¹²³ AU: Statute of the African Institute for Remittances (AIR), 2018

¹²⁴ AU: Agenda 2063 Op Cit

passport thus can be interpreted as a way of expanding the prior nation-states constituent of the African continent to establish a super state of African with citizenship and identity of Africans and finally a super nation of Africa. The “colonial” borders in present-day Africa and other barriers, such as language, colonial vestiges, and internal disparities that prevented African integration could be weakened and eliminated by this approach. The African security question could as well be tackled in the same manner.

The AU passport aims to implement the protocol on Free Movement of People¹²⁵ in Africa and encourage the realization of the rights of establishment and residence by reducing barriers on Africans travel rights, economic engagement and livelihood. The passport aims to establish an African citizen’s regime and facilitate free movement of Africans within the continent as economically and politically homogenous and borderless super-state¹²⁶. By transforming African laws on migration, this initiative is by extension establishing and embedding a migration governance framework that can be referred to by individual member states on the continent.

The protocols on free movement in Africa and the AU adoption of a Continental Free Trade Area (AfCFTA) that rides on the back of free movement and establishment and residence rights are undergirded by the potential benefits from these frameworks. Such benefits are the facilitation of labor mobility and morbidity, skills and knowledge exchanges and transfers, boost to intra-Africa trade, commerce, and tourism, promotion

¹²⁵ African Union: 27th Ordinary Session of the AU head of states and Governments, African Passport, Launched July 27, 2016

¹²⁶ AU Press Release on Launch of the African passport. Accessed at <http://www.au.int> on 3rd October 2020 at 2300hrs

of African identity, and social integration. Additionally, this will boost the development of ongoing African continental infrastructural projects such as trans-African highways. In the context of borders, national borders will be eliminated or weakened for greater and better African wide borders thus making border management easier.

The efforts of the AU in promoting migration governance culminated in the development of the AU migration policy framework. In 2001, the OAU Council of Ministers adopted Decision CM/Dec 614 (LXXIV) during the 74th Ordinary Session in Lusaka, Zambia. This resolution, called for the establishment of a Migration Policy Framework, which would propose strategic interventions on migration management in Africa. This framework provides interventions to migration related challenges, and ensuring mainstreaming of migration, into national, and regional agenda for security, development, and cooperation, towards the free movement of people. Additionally, policy will strengthen intra and inter-regional cooperation on migration, based on the established processes of migration at regional and sub-regional levels; and create conducive environment for migrants' participation, including the Diaspora, in the development of their countries of origin¹²⁷. The policy condenses all processes, statements, declarations of the AU into a single policy framework.

Revised in 2018, this framework provides the normative approach of the continent to migration governance for continental and national security. The policy framework covers critical areas of governance such as Migration Governance; Labour migration and Education; Diaspora Engagement; Border Governance; Irregular Migration, which entails

¹²⁷ OAU, 74TH Ordinary Session of Council of Ministers Decision CM/Dec614(LXXIV), 2001

national and international security and stability among others; Forced Displacement; Internal Migration; and Migration and Trade. It also captures crosscutting themes, including Migration and Development, Migration Data and Research, Human Rights of Migrants, Migration, Poverty and Conflict, Migration and Health, Migration and Environment, Migration and Gender, Migration, Children, Adolescent and Youth, Migration and the Elderly and Inter-State and Inter-Regional Cooperation¹²⁸

The AU migration governance framework promotes safe intra-African migration that reduces the perilous irregular trans-Sahara and trans-Mediterranean migration into Europe that often ends up with remarkable human insecurity.

3.2 Migration Governance, National Security and Regionalism

Having demonstrated that migration in Africa happens within the African continent with a significant number to outside Africa; it is worth noting that most of these migrations are inter-regional, happening in West Africa under the Economic Community of West African States (ECOWAS), Central Africa under the Economic Community of Central African States (ECCAS), North Africa has the Arab Maghreb Union (AMU), Southern Africa South African Development Community (SADC). And Common Market for East and Central Africa (COMESA) while East and Horn of Africa countries have Intergovernmental Authority of Development (IGAD) that developed the IGAD Migration Policy Framework and East African Community (EAC).

¹²⁸ AU: (Revised) Migration Policy Framework for Africa, 2018-2027

In West Africa, since the formation of ECOWAS in 1975, the region has been at the forefront in promoting regional migration governance undergirded by strong partnerships and political will. In 1979, the ECOWAS, Protocol on the Free Movement of Persons, the Right of Residence, and Establishment¹²⁹, and subsequent supplementary Protocols, were adopted together with decisions on common travel certificate and harmonized immigration and emigration forms¹³⁰, providing the regional migration policy framework.

Since then, other migration processes have reinforced the importance of free movement for socio-economic development of respective regions. Examples include the ECOWAS Strategic Plan 2011–2015¹³¹ and the ECOWAS Common Approach on Migration 2008¹³². The launch of the ECOWAS passport similarly reinforced the regional approach to migration governance and national security.

The migration ADB migration wheel presents a snap view of migration corridors in Africa. It is evident that migration in Africa is inter-regional for instance there is large migration within all the regions of Africa except the North African region with a concentration in West and East Africa, the two regions that affects the kind of migration governance, therefore.

¹²⁹ ECOWAS: Protocol on the Free Movement of Persons, the rights of Residence and Establishment, 1979

¹³⁰ ICMPD and IOM: A Survey on Migration Policies in West Africa, 2015

¹³¹ ECOWAS: Strategic Plan 2011-2015, Lagos Nigeria

¹³² ECOWAS: Common Approach to Migration. Lagos, Nigeria

The central African region has its share of migration and national security challenges thus the adoption of various migration national security governance frameworks. The migration wheel shows moderate migration flows within the region and to other African regions compared to regions of East and West Africa. The same is noted of migration outside Africa from the region and from outside the region.

For this reason, the ECCAS region has some of the least developed migration governance frameworks. The significance of migrations in the region is marginal just the same way integration is low. The regional approach to migration and security including all other aspects of cooperation is low. Therefore, individual states still play a significant influence on socio-economic development, migration, and security. The security situation in ECCAS is still uncertain with a lot of insurgencies, warlordism, coups, and counter-coups. This region can best be described as a reeling scramble for resources and control of external forces. However, chapter 5 of the treaty establishing ECCAS provides a regional migration governance framework by providing for freedom of movement, residence, and rights of establishment¹³³ just like its standard in other regional treaties and protocols.

Migration in the North of Africa under the Arab Maghreb Union assumes a different dynamic from other regions. Thus, it is important to look at migration governance from the context of regionalism. The AMU migration can be described as “outbound” migration. The region's migration is largely focusing on emigration to Europe given its

¹³³ ECCAS, Treaty Establishing the Economic Community of Central African States, 1983

geopolitical and economic dynamics. Our migration wheel captures a better showing that approximately 10 million migrants cross over to Europe from the region yearly¹³⁴.

Therefore, the migration governance framework adopted in the region is keen on managing emigration to Europe. This framework has great influence from the European countries, whose aim is to reduce arrivals of migrants at their borders. For this to occur, strong partnerships between the regions will be crucial in all sectors especially in security, migration, and economic development. Apart from the treaties establishing the AMU¹³⁵ region, bilateral and multilateral cross-country and inter-country, inter-regional agreements on migration governance and security abound. The EU/North Africa countries' treaties and agreements speak to the sensitivity of the issues and the interests thereto. Notable from the treaty is its consideration of security issues more than migration to the extent that it does not even refer to migration.

The migrations outlook in Southern Africa region falling under the Southern Africa Development Cooperation (SADC)¹³⁶ displays similar characteristics to the Central African region. Intra-regional migration is significant amounting to approximately 4 million; the regions have the larger emigration numbers to outside Africa than within Africa while immigration into the region is high from East African and Outside African regions respectively. The SADC enjoys relatively stable security and economic development. These are key pull factors of migration. Similarly, the regional

¹³⁴ ADB, 2018 Op Cit

¹³⁵ Arab Maghreb Union (AMU), Treaty Instituting the Arab Maghreb Union, 1989

¹³⁶ Declaration and Treaty of the Southern African Development Community, signed in 1992, Windhoek, Namibia

“independence” depicted in the region due to the South African hegemony that anchors the regional economic health, complemented by Botswana and Namibia’s minerals creates an image of the well of the region. For these reasons, migration is localized and intra-regional constituting low-skilled migrants from neighboring countries to the South African hegemon in informal and agricultural sectors.

In the East African community, migration discussions can be said to be part of the regional development. The development of the region was hitherto hinged on the entry of foreign workers laying the Kenya-Uganda railway of 1902. Migration in the region was a replica of the colonial legacy of control. Many migrations in this region are intra-regional just like other regions with most movements being within and between the member states of the community. Outside the region, many migrations happen with the destination being Gulf Cooperation Countries (GCC) apart from the traditional former colonies and the Americas.

The East Africa community prides itself as one of the regions with the longest history of cooperation owing to many similarities. The colonial administrators intended to make it a single state. Due to this history, the region has been alive to cooperation and collaboration. Despite the collapse of the earlier community in 1977, the regional countries continued to cooperate at bilateral levels. It was not until the year 2010 that the new East African Community was relaunched with new structures and momentum for cooperation. The economic and security situation in the region and within individual states played a significant role in pushing member states to consider cooperation.

The East African Community Treaty¹⁹⁹⁹¹³⁷ provides the legal mandate for the cooperation of member states on several issues. The treaty recognizes regional and national security as pivotal for the effective functioning of the community. The treaty recognizes cooperation in areas of the economy, social development, international relations including security and migration. Coming into force in 2001, the objectives were among others; “to establish a Customs Union, a Common Market, a Monetary Union and ultimately a Political Federation¹³⁸, to strengthen and regulate the industrial, commercial, and socio-politico-cultural relations among Partner States to maximize integration benefits.

The treaty guards “good governance through observing democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, and respect for human rights as the pillars of integration. It proclaims free movement of goods, persons, labor services, capital, and rights of residence and establishment within the community as preconditions for solidarity in security and migration governance.

Article 104, urges “Partner States to agree to adopt measures to achieve the free movement of persons, labor, and services and to ensure the enjoyment of the right of

¹³⁷ East African Community: Treaty for the Establishment of the East African Community, EAC Publication No. 1, Arusha, EAC, 2002 XIV.

¹³⁸ Ibid EAC Treaty Art 74-76

establishment and residence of their citizens within the Community¹³⁹. Therefore, national laws of member states should have provisions on the free movement of persons. The treaty implementation required the establishment of a customs union. Through the Protocol Establishing the East African Community Customs Union¹⁴⁰, in 2004, this was achieved. The objectives of the customs union were to facilitate the free flow of goods and services among member states to help realize economic growth and development that is important for national security and migration. The customs union intends to eliminate trade barriers through harmonization of trade regimes including duty, management of ports, and border points¹⁴¹ among others. These are important for the national security of the region at large.

Apart from the customs union, the treaty in articles 76 and 104 also called for the establishment of a Common Market Protocol Establishing the East African Community Common Market¹⁴²

Economically, a common market presupposes freedom of movement of production factors across borders. The protocol provides for freedom of movement of goods, persons, labor, services, and capital including the rights to establishment and residence. Partner states undertook to cooperate, integrate and harmonize their policies as called for by the protocol. Thus, domestic policies and laws were aligned to regional policies to

¹³⁹ Ibid EAC Treaty, Art 104

¹⁴⁰ Op Cit EAC Treaty, Art 76.

¹⁴¹ East African Community: Protocol on the Establishment of the East African Community Customs Union, EAC Publications, Arusha, 2004

¹⁴² EAC, Protocol on the Establishment of the East African Community Common Market, EAC Publication, Arusha, 2009

reduce potential areas of conflict and create synergies.

To actualize free movement of persons, partner states committed to cooperate in elimination of all barriers. Additionally, harmonization and common standards, and implementing common trade policy; easing cross- border movement of persons and adopting integrated border management system in the region. The community also aims to remove restrictions on the movement of labor, harmonize labor policies, provide for social security benefits and establish common migration standards. These are pertinent requirements for guaranteeing national security and a safe migration control framework.

The Inter-Governmental Authority on Development (IGAD)¹⁴³, is an important sub-regional arrangement that has played a momentous role in the development of migration governance structure. Picking cue from the AU, IGAD member states have severally adopted decisions, declarations, agreements, and protocols that promote national security and migration governance. The example of the IGAD regional migration policy, which provides a guideline within the IGAD region presents a holistic migration policy structure that considers regional security imperatives. The security situation in IGAD can be described as fluid and unpredictable. It is replete with structural insecurities courtesy of drought, rations, and other conflicts that challenge the security of the state.

¹⁴³ Agreement Establishing the Inter-Governmental Authority on Development (IGAD), Nairobi, 1996. Accessed on www.igadregion.org on 20 February 2021 at 21:00 hours

The Common Market for Eastern and Southern Africa (COMESA)¹⁴⁴ has several similarities to IGAD as being regions that have overlapping memberships. As such, migration issues straddle across regions and individual states in compliance with a certain policy. As noted in other migration governance initiatives. The COMESA treaty recognizes the import of freedom of movement as a panacea to the functional regional arrangement while recognizing the security implications of the same at state and regional levels. Important to note is the ongoing process of establishing a COMESA visa-free regime that can be authoritatively and aesthetically acceptable.

Most migration issues are regionalized, this correlates with national/ regional security thus the nexus between migration and national security, and the reason why national security forms an important part of all migration governance frameworks national, regional, and globally.

3.3 Emerging Good Practices in Migration Governance: Migration Governance Indicators (MGI)

Migration Governance Indicators (MGI)¹⁴⁵ were generally adopted to take stoke of progress in migration governance towards the achievement of Sustainable Development Goals (SDGs)¹⁴⁶, including the SDGs' central to migration is in Target 10.7, which calls on countries to facilitate orderly, safe, regular and responsible migration and the mobility,

¹⁴⁴ Treaty establishing the Common Market for Eastern and Southern Africa, Lusaka, 1994. Accessed at www.comesa.int.com on 20 February 2021 at 2100 hours

¹⁴⁵International Organization for Migration (IOM): Migration Governance Indicators: A Global Perspective, IOM, Geneva, 2019

¹⁴⁶ International Organization for Migration (IOM): Migration and the Agenda 2030: a Guide for Practitioners, Geneva, IOM, 2018

including through the implementation of planned and well-managed migration policies. well managed policies presents pertinent elements including promotion of migrants' rights¹⁴⁷, whole of government and society approaches, partnerships building, promotion of the well-being of migrants¹⁴⁸, and managing mobility dimensions of crises, and ultimately ensuring safe, orderly, and dignified migration

The MGI helps provides monitoring mechanism on progress concerning other migration-relevant SDG targets, such as reducing remittance transaction costs, reducing recruitment costs, and eradicating human trafficking and smuggling in migrants.¹⁴⁹ National security is the protection against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity, and other national interests.

The African continent faces various security challenges of varying magnitudes; natural, manmade, internal, or exported. Being an important factor in the global political economy, the security imperatives outside the continents more than once finds a footprint in Africa. Africa governments have bestowed more of their time and resources on managing these security challenges. In the backdrop of these efforts, migration has been silently going on. With its potential ramifications, a migration governance framework addressing the migration challenge in Africa is inevitable. One important aspect of this

¹⁴⁷ Op cit IOM, 2019

¹⁴⁸ United Nations: Global Compact for Safe, Orderly and Regular Migration, Marrakech, 2018

¹⁴⁹ Ibid, 2018, p. 17.

governance intervention is its ability to affect security imperatives in the continent. This and other themes were explored in detail in this chapter.

3.4 The Impact of Migration Governance on National Security in Africa

3.4.1 General Findings

The study sought to establish the impact of migration governance on national security in Africa. Respondents were requested to express their opinion on several variables/questions targeting a variety of pertinent referent topics relevant to migration governance in Africa. Importantly, respondents were asked to share their understanding of the African migration situation to be able to reflect on the governance part of these phenomena regarding national security.

One respondent describes migration in Africa as “mixed migration involving various reasons (push-pull factors) and various routes and destinations” (XB, 2021). The respondent describes African migration as follows: “migrations within Africa, migration from Africa to other continents, mainly for labor; migrations triggered by displacements; migrations based on transhumance; cross-border irregular migrations; and regular migration for socio-economic reasons” (XB. 2021). Nevertheless, 20 respondents, representing 44.4% believed that migration incidents are within Africa as compared to 8 or 17.8% who argued that migration is from Africa to other continents. Six (6) respondents, representing 13.3% opined that African migration is both characterized by intra-African migration and migration from Africa to the rest of the world. Eleven (11) or 24.4% of respondents could not comment on this question.

Another respondent XN describes African migration as “intra-Africa” meaning that migration that takes place within and among African territories. Yet another XA describes migration in Africa as being “influenced by largely globalization as the youthful population move in search of greener pastures and lifestyle, migration into and out of Africa influenced by the need for peace, economic, political stability and personal security.” These are the pull and push factors of African migration. These respondents in 113 (44.4% or 20) above are right in describing African migration because migration in Africa is first inter and intra-regional and therefore intra-African across African borders for African purposes. The figure above shows the migration wheel depicts this picture.

3.4.2 Migration Governance and National Security in Africa

When asked to express their opinion on migration governance in Africa, opinion was divided on whether Africa had a governance strategy or not. Respondents singled out the formulation and implementation of policies aimed at addressing migration in a cooperative and collaborative approach among all countries. Africa like many other western countries has adopted a traditional security approach to migration. This limits the opportunities presented by migration to foster development, respect for human dignity, and the well-being of states and migrants. This is because immigration laws are securitized narrowly focused on immigrants (coming in) while failing to address the needs and rights of emigrants (who go out) to secure Diaspora remittances for Africa development at large, and the undergirding human security through supplementing resilience and livelihoods.

Table 3: The Impact of Migration Governance on National Security in Africa

SUMMARY OUTPUT								
<i>Regression Statistics</i>								
Multiple F	1							
R Square	1							
Adjusted R Square	-4.7E-07							
Standard Error	0.021374							
Observations	2							
<i>ANOVA</i>								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	972.0495	972.0495	2127708	#NUM!			
Residual	1	0.000457	0.000457					
Total	2	972.05						
<i>Coefficients</i>								
	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>	
Intercept	0	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
	30	2.22132	0.001523	1458.667	0.000436	2.20197	2.240669	2.20197
<i>PROBABILITY OUTPUT</i>								
<i>Percentile</i>	<i>66.7</i>							
25	2.2							
75	31.1							

The study also sought to examine the impact of migration governance on national security in Africa. The ANOVA table above presents the findings. From the analysis, the multiple regression between national security and migration governance in Africa was computed to 1. This demonstrates positive same directional movement between the dependent variable (national security/ continental security) and independent variables (migration governance). The analysis similarly established a regression-square (r-square) of 1. This shows that the regression test is sufficient in establishing the relationship between the two variables of migration governance and national security (independent and dependent) respectively. The relation is thus, confirmed. However, this test turns out

to be a linear regression as opposed to multiple regression discussed in 2.8.1 above. This analysis returned an error on adjusted regression squared. Therefore, regression analysis was not the best tool to analyse the impact of migration governance on national security in Africa. This failure is further explained by the standard error by 0.0217.

The findings from this ANOVA demonstrate no relationship between migration governance and national security in Africa. These findings are consistent with the continental reality where there is no functional continental security cooperation framework. Additionally, the security situation on the continent presents the dicey security situation replete with conflicts. This situation impedes the development of tacit migration governance framework.

Respondents outlined some of Africa's legal and policy frameworks relevant to migration governance among them treaties, declarations, and statements; multilateral and bilateral in framework aligning to national laws migration. Respondents agreed that the Global Compact on Migration (GCM) is an important international multilateral non-binding agreement and statement of intent on better migration management and that the Migration Policy Framework for Africa (MPFA), IGAD Regional Migration Policy Framework (RMPF) play a crucial role at regional level in providing policy guidance on good practice of migration policy.

Similarly, institutions both national, regional and international such as the National Coordination Mechanism on Migration (NCM), IGAD Secretariat, African Union

Commission (AUC), International Organization for Migration (IOM), German Agency for International Cooperation (GIZ) among others have been established to assist states in migration governance through capacity building for improved national security. Other institutions include border agencies, immigration institutions Intra and inter-agency such as ministries in a whole of government and whole of society approach to migration governance, both multilateral and bilateral levels.

3.4.3 Role of RECs on Migration Governance and National Security in Africa

Regionalism plays a crucial role in the development of various migration governance instruments that have both local and regional implications on migrations and national security. One respondent opines: “Regional economic communities enhance cooperation on addressing migration issues¹⁵⁰.” This ensures coordinated efforts and resources for better governance of both migration and regional security, which in turn enhances each partner states’ national security. Migration in Africa is much seen within regional blocs since migration-related regulations are relaxed among partner states. Regional Economic Communities (RECs) hitherto focus more on economic security and political security. There is a need to adopt the human security approach to strengthen the RECs' role and benefits. Regional economic communities enhance cooperation in addressing migration issues. This ensures coordinated efforts and resources for better governance of both migration and regional security, (this, in turn, enhances each partner’s national security).

¹⁵⁰ Interview Respondent 2021

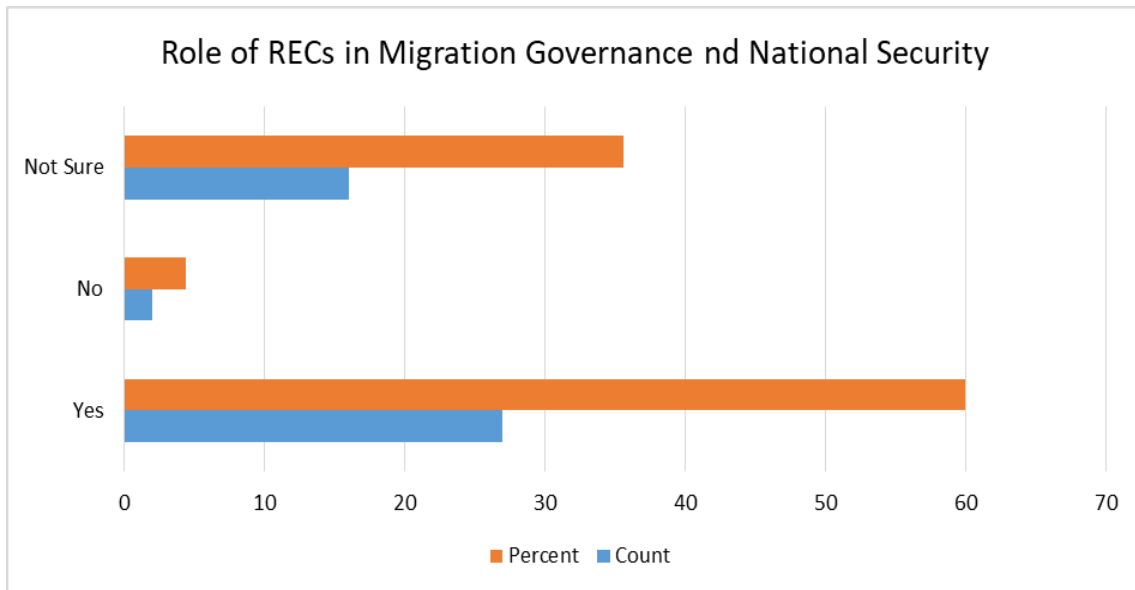


Figure 5: Respondents’ Reactions to the Role of RECs in Migration Governance and National Security in Africa

From the figure above, 60% of respondents representative of 27 agreed to the role RECs play in migration Governance, and national security in the continent. While 16 respondents, representing 35.6%, were not sure if this role seemingly because they could not point out the role of RECs in migration governance and national security arguing that migration governance is a jurisdiction of national authorities and as such, RECs play no known role. This argument coheres with the arguments of two, respondents, representing 4.4% who averred that RECs have no role in migration governance and national security.

Respondents were also required to provide their considered opinion on measuring migration governance. To appreciate the impact, it is important to have tools for the measurement of the phenomena and their impact. In migration, migration governance indicators, developed by the Global Forum on Migration and Development (GFMD)

provide a systematic methodology of measuring migration governance based on many parameters such as respect for human rights and rule of law, well-being of migrants, the whole of society and government approach and partnerships.

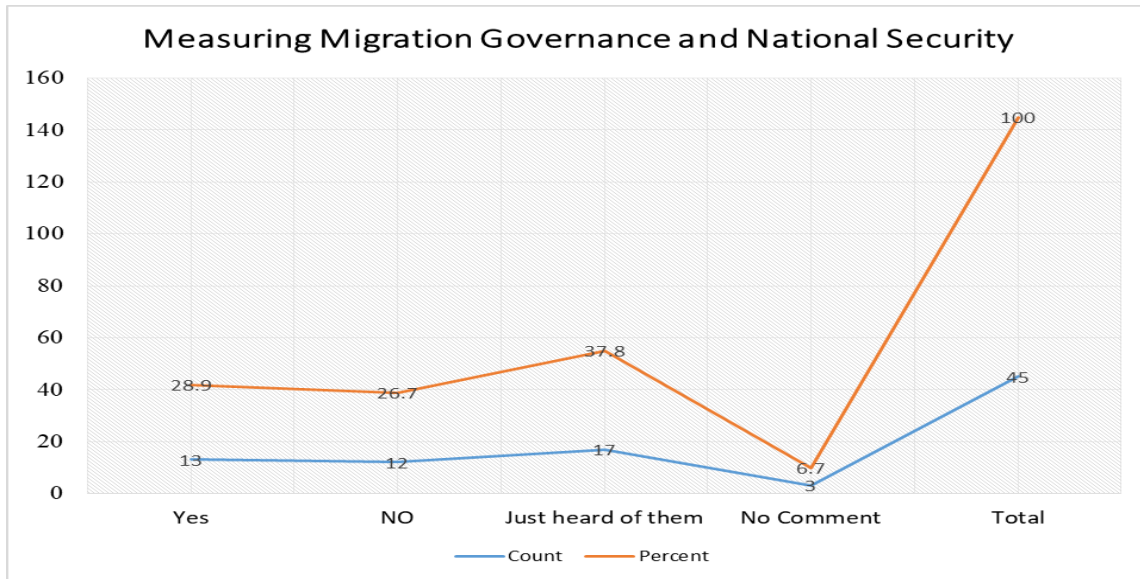


Figure 6: Presentation of Respondents Reaction to Measurement of Migration and National Security Governance

From the figure above, only 13 respondents, representing 28.9% were familiar with migration governance measurement parameters; ostensibly, these are the respondents aware of the importance of measurement in governance as a deliberate means of monitoring and evaluation of success and/or failure of certain interventions. This is compared to 12 respondents or 26.7% of respondents who were not aware of such parameters and need to measure governance. At the same time, 17 respondents, or 37.8% of respondents had heard of the concept of measuring migration and national security governance. However, they neither had sufficient information nor knowledge of the

parameters used in measurement, neither were they aware of the reasons for measurement of governance. Lastly, three respondents, representing 6.7% abstained from making any comments on the indicators.

One of the interviewed respondents¹⁵¹ points out the indicators on adherence to rule of law to ensure political and socio-economic development is evenly distributed in a country to avoid migration triggered by conflicts or economic marginalization as being a particularly important indicator in the African context. Another respondent sees “The migration governance indicators provided in the GCM are of great help.¹⁵²” However, there is a need for clarity on how the measurements can be supported to also enable peer review of the source and destination countries on key aspects of migration governance and national security to get rid of systemic violations of migrants’ rights under the excuse of national security and identification of migration governance gaps.

Security in Africa is a thorny issue. Many African states are still enmeshed in one security challenge or the other. Therefore, African states understand national security from the traditional concept of security, often associated with military and police might. Evidence on military expenditures across the continent confirms this argument. For instance, SSA spends \$17.6 billion for the year ending 2019¹⁵³. This is expected to drop

¹⁵¹ Interview Respondent 2021

¹⁵² Interview Respondent 2021

¹⁵³ World Bank 2019. Accessed at www.worldbank.org on 5/4/2021 at 0127hours

in 2020 owing to among others the effect of COVID-19 that affected government priorities.

They spend more on the military, intelligence, and police and less on human security, and environmental security, which, in the end, can enhance overall security in a country. There are efforts to enhance human security but some non-traditional security domains are beneficiaries of external development partners, meaning the country is still not stable. A good example is a heavy reliance from development partners in combating Covid-19. These efforts are courtesy of development partners interested in empowering communities to boost their resilience, especially in precarious situations. However, it is paramount that Africa marshals local resources for migration governance and national security, reducing dependency on external partners, therefore reducing external influence on resultant policies.

3.4.4 Impact of Migration Governance on National Security

Migration in Africa does dictate the security situation if not well managed and that is why the migration policies need to be comprehensive to address the entire spectrum of the human security approach and enable the government to enact laws, administrative systems, and structures that can connect migration to human security. This is meant to reverse the trend on migration management that has a traditional state security approach, which only focuses more on entry and exit, and fails to underscore the importance of migration to development, rule of law, and human dignity.

Migration governance policies in Africa focus on migration as a threat, hence they impose stringent rules on migrants especially those in an irregular situation. This factor threatens security by increased expenditure on migrants' detention, repatriation, and judicial processes.

3.5 Chapter Summary

This chapter examined the interplay between migration governance and national security in Africa. The chapter examined the migration governance frameworks in Africa at the continental and sub-regional levels. It established a disjointed and insufficient continental migration institutional coordination mechanism, save for the non-binding migration policy framework and the sub-regional frameworks anchored on free movement of persons protocols. It also revealed migration push and pull factors and that migrations in Africa are more of intra-regional than international in which human mobility circulate more within the regional economic communities. This chapter further reveals that migration governance in Africa is embracing global good practices such as the migration governance indicators (MGI), adopted from the United Nations Global Compact on Migration (GCM) which stresses: respect for migrants' rights; partnerships; Whole-of-Government Approach; wellbeing of migrants; mobility dimension of crises; safe, orderly and dignified migration. The next chapter critically analyses a specific country study of the dynamics of migration governance and national security in Kenya.

Chapter Four

THE IMPACT OF MIGRATION GOVERNANCE ON NATIONAL SECURITY IN KENYA: A CRITICAL ANALYSIS

This chapter critically analyses the impact of migration governance on national security in Kenya. The chapter looks at the historical evolution of migration governance from pre-independence to the period culminating in the constitution of Kenya 2010 and beyond. The chapter also analyses respondents' views on migration governance and national security at the national level. The chapter is organized into two broad parts. Part one dealing with general literature appreciation of migration governance and national security in Kenya and part two provides an analysis of findings from respondents.

4.1 Migration Governance and National Security in Pre-Independence Kenya

In the period preceding independence, migration governance was skewed towards a “control” approach. The governance structure emphasized limiting and screening entry and residency of non-Kenyans through elaborate administrative procedures and regulations established by the colonial regime.

Colonial infrastructural projects of the time such as Kenya-Uganda Railways in 1901 played a key role necessitating increased use of foreign labor. Thus, the first migration governance in Kenya was meant to control foreign labor, give remaining foreigners regularity, and save the colony from foreign competition. The first Immigration

Ordinance was pronounced in 1906, followed by others ordinances in 1940, 1944, 1948, and 1956 all extending more restrictions and controls on foreigners entering the country.

The 1948 ordinance is cited as the genesis of modern-day immigration laws in the country. This is because the ordinance covered such pertinent topics as citizenship that is still relevant to migration governance today. The ordinance of 1948¹⁵⁴ was later to be revised in 1956, 1962, and in 1967 after Kenya gained independence to become the Kenya Immigration Act Cap 172 Laws of Kenya. Opon captures colonial influence on Kenya's immigration laws¹⁵⁵ in his thesis: *Africa Immigration Policies the case of Kenya 1906-2000*. It is evident in this work that Kenya Immigration Laws from 1963-2000 were a replica of the British colonial immigration policies. They were inconsistent with the Kenyan post-colonial immigration and national security situations, which necessitated urgent need for reforms. The recommendations in this thesis formed the foundation for a series of migration governance reforms in Kenya culminating in the current Kenya Citizenship and Immigration Act, 2011.

The independence constitution of 1963¹⁵⁶ provided the initial foundation for migration governance. In chapter one,¹⁵⁷ on citizenship, the constitution provides for the administration of citizenship in the new country. This is evidence of migration

¹⁵⁴ Government of Kenya: Kenya Immigration Ordinance. Government Press, Nairobi, 1948

¹⁵⁵ Opon, D.O.: *African Immigration Policies: The case of Kenya, 1906-2000*. MA thesis, University of Nairobi, 2003

¹⁵⁶ Government of Kenya: *The Constitution of Kenya*. Government Printer, Nairobi, 1963

¹⁵⁷ *Ibid*, Chapter 1

governance in the constitution at the time. Section 7¹⁵⁸ of the independence constitution provides for qualifications for registration and conferment of citizenship, which provision commutes the first mobility rights into practice with the hindsight of keeping away/securing the locals from foreigners. The influence of national security on immigration control begins to grow its head again.

4.2 Migration Governance and National Security in Post-Independence Kenya

With the attainment of independence, Kenya acquired a new constitutional dispensation for her migration and national security governance. This was the 1963 independence constitution. This constitution provided comprehensive provisions on a host of pertinent constitutional issues including governance, administration of the country, public finances among others. Chapter 1 deals with the administration of citizenship while chapter 2 provides for citizenship freedoms including mobility rights. The 1963 constitution underwent several amendments on various aspects including citizenship in 1985 constitutional amendment. These amendments targeted one provision or another, including immigration management, and aimed at making administration of the same easier.

However, the Constitution did not provide any national security framework. The role of national security was largely embedded within the executive functions and powers leaving this critical function at the jurisdiction of the executive, who often construed national security from political (sometimes individual political interests) rather than

¹⁵⁸ Op Cit section 7

nationalistic economic and social security underpinned by regional and global security imperatives. Provisions on public service as outlined in chapter 11 established the office of inspector general of the police force and by extension regulated the functions of this office.

The Constitution of 2001¹⁵⁹, amending the 1963 constitution and all constitutional amendments thereto, ushered in a new constitutional and political dispensation. The political changes in this constitution signifying the repeal of infamous section 2A to allow for multiparty democracy resulted in significant national security adjustments to respond to the reality of multiparty democracy. In total, this constitution underwent 26 amendments before it was again amended in 2001.

The constitution provided for citizenship in chapter 3¹⁶⁰, unlike the previous constitution that made the chapter on citizenship be the first chapter. While this chaptering can be taken to be ranking of constitutional provisions, and therefore meaning the citizenship in 2001 constitution receives lower status compared to 1963 constitution, the 2001 constitution contains a progressive provision in section 97 on dual citizenship¹⁶¹ that is not featured in the earlier constitution. The chapter enhances and streamlines the management of citizenship in the country. In chapter 14, the Constitution¹⁶² introduces national security architecture within the provision of public service. The national police

¹⁵⁹ Government of Kenya: The Constitution of Kenya, Government Printer, Nairobi, 2001

¹⁶⁰ Ibid Cap 3 p 16-19

¹⁶¹ Supra

¹⁶² Ibid Cap 14 p 143

are recognized in this chapter and their specific functions. There is neither reference made on other national security apparatus nor robust provisions of national security.

4.3 Migration Governance, National Security and the Constitution of Kenya 2010

The adoption of the constitution of Kenya in August 2010¹⁶³ ushered in a paradigm shift in the general governance architecture of the country. The constitution expanded both the approach to national security and migration. The constitution further elevates migration matters by having a referral chapter 3 on citizenship and related migration topics. The chapter provides for citizenship by birth and registration.

In contrast, Chapter 14¹⁶⁴ provides for national security governance framework. The chapter proceeds to lay down the principles of national security as (1) protection against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity, and other national interests. These principles are part of migration threats as well as opportunities. For instance, external threats are managed by the presence of borders. Immigration Directorate is a stakeholder in the management of Kenyan borders. Migration, it is argued, is the last bastion of sovereignty¹⁶⁵. As such, migration governance has a role to play in national security sovereignty preservation.

¹⁶³ Government of the Republic of Kenya: The Constitution of Kenya. Government Printer, Nairobi, 2010

¹⁶⁴ *supra*

¹⁶⁵ International Organization for Migration (IOM): Border Security, Migration Governance and Sovereignty. IOM Geneva, 2017

Apart from the constitution, there are several implementing legislations regulating migration and national security in the country.

4.4 Legislations Relating to Migration Governance and Implications on National Security in Kenya

The genesis of immigration legislations in Kenya dates back to the Immigration Ordinance of 1901, which was amended severally culminating in the 1948 ordinance, expanding immigration functions and powers. These ordinances gave birth to the first migration governance frameworks relevant for national security preservation. Three key migration frameworks were the repealed Kenya Immigration Act 1967, Cap 172 Laws of Kenya. This Act was enacted in 1967 to regulate immigration into the country. The Act would serve the country for five decades, and thrust migration functions into critical national security. The Aliens Restriction Act Cap 173, enacted in 1973 provided for the imposition of restrictions to aliens in Kenya; while Kenya Citizenship Act, Cap 170 was enacted in 1963 to administer issues of citizenship including acquisition and loss of citizenship and other matters thereto.

The Kenya Citizenship and Immigration Act 2011¹⁶⁶, implements chapter 3 of the Constitution. It is complemented by the Kenya Citizenship and Immigration Regulations

¹⁶⁶ Government of Kenya: Kenya Citizenships and Immigration Act. Government Printer Nairobi, 2011

2012¹⁶⁷ and the Kenya Citizens and Foreign Nationals Management Service Act 2011¹⁶⁸. These legislations provide a holistic description of migration governance of nationals and foreign nationals alike. The Acts provide the framework and nexus of migration governance and national security in Kenya.

The adoption of the Security Laws Amendment Act 2014¹⁶⁹ sought to fill in the security gaps identified in the migration management, that were identified from the migration Acts outlined above. This law embedded the influence of security functions into migration governance by sharing some of the migration functions with national security agencies. Some of these roles include arrests, patrols, and prosecutions that have to be undertaken in collaboration with the police department. The use of security agencies in migration enforcement further enhances the justification of migration governance more as security than pure civilian facilitation affair. Additionally, the adoption of the One-Stop Border (OSBP) framework in 2016¹⁷⁰ and the creation of the Border Management Secretariat (BMS), Border Control Operations Coordination Committee (BCOCC) provides a common approach to migration governance and national security.

¹⁶⁷ Government of Kenya: Citizenship and Immigration Regulations Government Printer, Nairobi, 2012

¹⁶⁸ Government of Kenya: Kenya Citizens and Foreign Nationals Management Service Act. Government Printer, Nairobi 2011

¹⁶⁹ Government of Kenya: Security Laws Amendment Act. Laws of Kenya. Nairobi 2014.

¹⁷⁰ Government of Kenya: the One Stop Border Act. Government Press, Nairobi, 2016.

4.5 Relevant Policy Guidelines Promoting Migration Governance and National Security in Kenya

From a policy perspective, Kenya has neither a written national migration policy nor an immigration policy. Efforts are underway to develop a National Migration Policy that is still in draft form. The Draft Policy¹⁷¹ captures robust migration themes including migration and security; migration and development; facilitation of international mobility; forced migration and displacement; crosscutting issues in migration such as migration and health, migration and environment, migration and ethics; national coordination and international cooperation; migration data, information management, and capacity building. The draft policy is aligned to national, regional, and international migration good practices such as the EAC- Protocol on the free movement of persons, IGAD-RMPF, AU-MPFA, and GCM.

4.6 Procedural Framework of Migration Governance and National Security in Kenya

The Directorate of Immigration and Citizens Services (DIS) is the lead agency in migration governance and coordination. The Directorate is responsible for migration policy development, enforcement of (im) migration laws and regulations, management of staff discharging migration functions, research and training of migration human resources, and coordination of a whole of government approach and a whole of society approaches in governing migration in Kenya. In collaboration with other governmental agencies, the Directorate is responsible for the management of all gazetted border points,

¹⁷¹ Draft Kenya National Migration Policy, 2018 (Nairobi: Directorate of Immigration Services, Kenya).

the establishment of new points of entry, consular protection for Kenyan nationals abroad, offering consular services, and other services assigned from time to time.

Since 2010, the government of Kenya, informed by several factors embraced an inter-agency coordination framework to streamline and harmonize institutional working relations for maximum results. This realization gave rise to the establishment of coordination frameworks such as the National Coordination Mechanism on Migration (NCM), Border Control Operation Coordination Committee (BCOCC), Border Management Secretariat (BMS), which oversees working of Border Management Committees (BMC) and Joint Operations Committees (JOC).

4.7 Institutional Evolution of Migration Governance and National Security in Kenya

Institutionally, colonial migration governance was a function of the Police Department. As a unit in the police department¹⁷², migration was a security function that was seen in the same line as another police function of control. Migration governance structures were based in Nairobi, Mombasa, and Kisumu with a minister as the top management and clerks at the lower cadres.

At independence, migration governance was placed under the Office of the Vice President through the personnel were mostly drawn from the police department. This arrangement continued until the 1980s when civilian officers began to replace police

¹⁷² Examination Report on the Systems, Policies, Procedures and Practices in the Ministry of Immigration And Registration Of Persons: Department Of Immigration, KACC, Nairobi, April 2006

officers. The migration docket was shifted back and forth between the Office of the Vice President and the Office of President. Currently, it is under the Ministry of Interior and Coordination of National Government.

The national security responsibility currently belongs to the Ministry of Interior and Coordination of the National Government. Chapter 14¹⁷³ of the Constitution establishes the national security organs for the country to include the Kenya Defense Forces (KDF)¹⁷⁴, National Intelligence Service (NIS)¹⁷⁵, and National Police Service (NPS)¹⁷⁶. These agencies play a crucial role in ensuring the security and safety of all persons in the country both from internal and external threats. The proliferation of transnational crimes is thus a form of external threat to the national security of the country. The national security organs are key members of the National Security Advisory Council (NSAC). The Directorate of Immigration Services, which is the key agency determining admissions into the country, is only a coopted and peripheral member of the Council.

Currently, the Ministry of Interior and Coordination of the National Government manages the national security organs concerning policy formulation and implementation. It does this in collaboration with other relevant Ministries and Agencies. The Ministry is the lead agency in national security matters. As such, it coordinates all national security functions in liaison with other relevant ministries such as the Ministry of Defense.

¹⁷³ Government of the Republic of Kenya: The Constitution of Kenya. Government Printer, Nairobi, 2010

¹⁷⁴ Government of Kenya: Kenya Defense Forces Act, Government Printer, Nairobi 2012

¹⁷⁵ Government of Kenya: The National Intelligence Service Act, Government Printer, 2012

¹⁷⁶ Government of Kenya: National Police Service Act. Published by the National Council for Law Reporting, 2012, Chapter 84

The Ministry's leadership is pivotal in the National Security Advisory Committee, a committee charged with duties of daily preparation of national security briefs in the country. Since Immigration Directorate is within the ministry, its role in national security cannot be gainsaid as migration situational reports are daily provided through BCOCC that receives briefs from BMCs, BMS, and JOCs for transmission to the NSAC. This administratively put migration governance into the national security architecture but outside the constitutional legal framework of the national security organs.

4.8 Data Presentation and Analysis

4.8.1 General Findings

The last objective and key to this study was to critically examine the impact of migration governance on national security in Kenya. This study sought to appreciate how migration governance architecture in Kenya contributes to national security. Migration governance interfaces with national security through many strategies such as laws, regulations, and institutional frameworks, and administrative/procedures. These three pillars provide a framework of analysis of the impact of migration governance on national security.

As preliminary, the researcher inquired about the general understanding of the respondents on migrations and national security in Kenya. This was aimed at obtaining their practitioners' views on the implication of their roles in national security.

Migration in Kenya is described as mixed migration involving various factors, routes, and destinations. Respondents described migration in Kenya as: "there are migrations within

Kenya or from Kenya to other continents, mainly for labor; there are migrations triggered by displacements; there are migrations based on transhumance; there are cross-border irregular migrations; and there are regular migrations for socio-economic reasons” (Research Interviews, 2021). This is similar to migration in Africa where the majority of migration incidents are within Africa as compared to migration from Africa to other continents. Kenya is also described as a source, destination, and transit country of migrants. This includes forced migrants who enter Kenya to seek protection. Others enter for criminal reasons through trafficking in persons and migrants smuggling.

Evidence of migration in Kenya exists in form of various data profiles in different forms and sources. These include PISCES data, residence data, passport data, and visa data among other forms of data. This data is available at various points held by various institutions such as the Directorate of Immigration, National Employment Authority, Ministry of Labour, and Ministry of Foreign Affairs among others. This data is crucial in developing migration governance architecture as it provides pertinent evidence base required for the development of planned policies for effective migration management.

4.8.2 Migration Data and Policy Making

Migration data is fast becoming an important element in policymaking. This is informed by the need for evidence for policymaking rather than policy-making for evidence. The migration governance and national security frameworks in the country are particularly challenged by a lack of sufficient, verifiable, and scientifically generated evidence, in

form of data or arguments for policy purposes of understanding the need for policy intervention required. This is even worse in migration governance where the country operates without a tacit migration policy, arguably obtaining from the paucity of evidence in form of data. Respondents however mentioned some of the data sources available in the country as; administrative sources including various records from the Directorate of Immigration and relevant government agencies, data in possession of international organizations such as the IOM and UNDESA. However, a lot of government focus is underway to strengthen the data component in migration and national security governance to build a sustainable repository for evident, well-planned policies and research.

4.8.2 Respondents' Opinions on Migration Governance and National Security

In terms of migration governance for national security, respondents unanimously agreed that the Directorate of Immigration is mandated with the functions of formulation and implementation of policies aimed at addressing migration from an inter-agency approach among government Ministries and relevant agencies. These policies must adhere to good practice by reflecting acceptable standards, local, national, sub-regional, regional, and global. These “standards” were established in instruments such as the IGAD-RMPF, AU-MPFA, and GCM/GCR. Additionally, the AU (revised) Migration Policy Framework for Africa (MPFA)¹⁷⁷, Addis Ababa Action Plan on Sustainable Funding of African

¹⁷⁷ The Revised Migration Policy Framework for Africa and Plan of Action (2018-2030), Addis Ababa, Ethiopia.

Development (AAA)¹⁷⁸, and IGAD Regional Migration Policy Framework¹⁷⁹, EAC Common Market Protocol¹⁸⁰ and its Regulations on Free Movement, Rights of Residence and Establishment, Draft EAC Labour Migration Policy¹⁸¹ at regional levels. Bilateral migration governance arrangements such as Visa abolition agreements between Kenya and Ethiopia, border security Commissions between Kenya and Uganda, Northern Transit Transport Corridor (NTTC)¹⁸², various other country-specific legal and policy frameworks on migration such as the draft Kenya National Migration Policy, draft labor migration policy, Diaspora Policy 2015¹⁸³, draft employment policy, proposed refugee policy.

Respondents were unanimous in agreement on the existence of various institutions and platforms to facilitate the development of these policies. They include; National Coordination Mechanism on Migration (NCM), International Organization for Migration and other UN organizations, the EU, the African Union, IGAD, EAC, COMESA, among

¹⁷⁸ Addis Ababa Action Agenda adopted during the Third International Conference on Financing for Development (FfD3) (Addis Ababa, 13-16 July 2015)

¹⁷⁹IGAD Regional Migration Policy Framework, Adopted by the 45th Ordinary Session of the IGAD Council of Ministers July 11th, 2012 Addis Ababa, Ethiopia.

¹⁸⁰ EAC, Common Market Protocol, Arusha, 2009

¹⁸¹ East African Community: Regional Draft E-Immigration Policy, 2018

¹⁸²

¹⁸³Diaspora Policy, Op Cit

others are instrumental in migration governance and national security through policy development and capacity building.

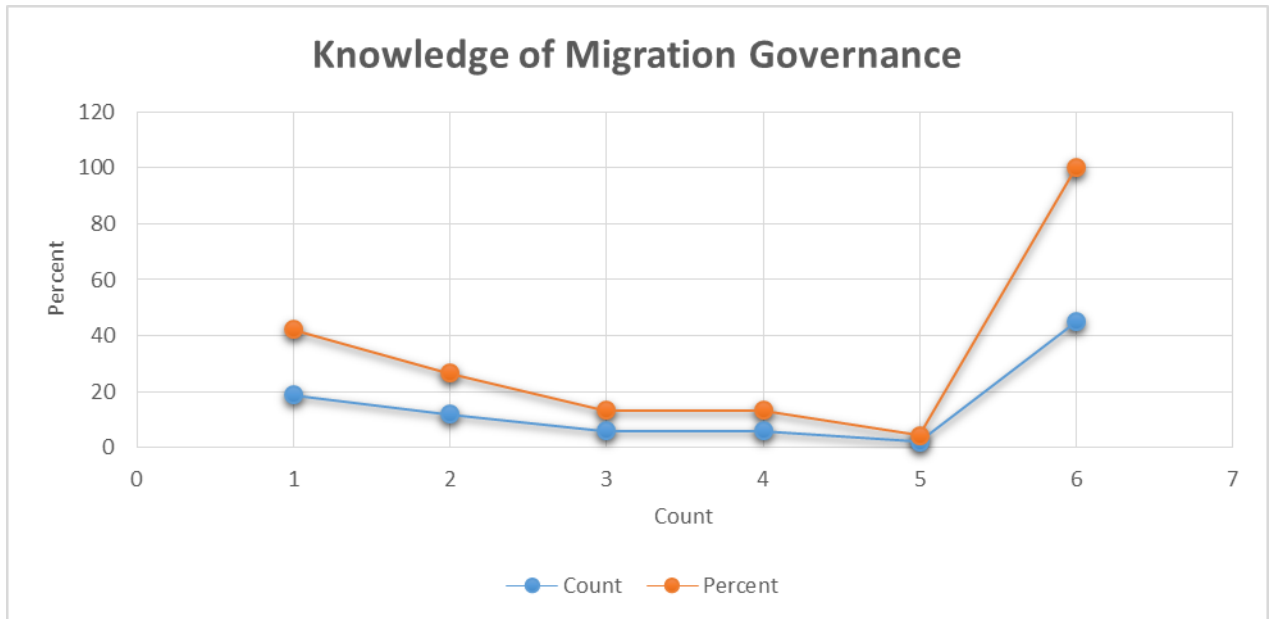


Figure 7: Respondents Opinion on Knowledge of Relevant Migration Governance Framework in Kenya

From the figure, 19 respondents, representing 42.2% demonstrated basic knowledge of migration governance framework in the country compared to 12 or 26.7% who had foundational knowledge. Six (6) respondents representing 13.3% possess professional knowledge same as those who possess expert knowledge of migration governance in the country. 2 respondents representing 4.4% abstained from making indulgence on the question. From these findings, it is clear that there is insufficient knowledge on migration governance frameworks and therefore those on national security. This situation makes it difficult to thrive a robust migration governance framework guiding migration in the

country. This is partly to blame for the low uptake of migration opportunities including responses to migration challenges that have over the years been securitized at the expense of migration practitioners and migrants.

4.8.3 Respondents' Opinion on Impacts of Migration Governance on National Security

When asked to comment on national security in Kenya, the respondent stated that: “National security in Kenya is largely defined by the leadership of the nation, the value system, respect for rule of law, involvement of communities in fostering harmonious existence and poverty levels.¹⁸⁴” In Kenya, national security is both a pull and push factor for migration, since it promotes stability and security of persons and businesses for all.

National security affects the type of laws enacted, directives issued, and enforcement philosophy within the relevant institution of migration governance. It does affect the handling of migration-related challenges like human trafficking, and targeting the cartels that increase insecurity by taking advantage of migration governance loopholes.

This study noted by observation, which was confirmed by the respondents during the interviews that there have been profound institutional changes in the past ten years since the adoption of the Constitution of Kenya 2010 that have changed not only the design but also the functioning of these institutions. Other changes in the law for instance the

¹⁸⁴ Interview Respondent 2021

Security Laws Amendment Act 2014 ushered in a paradigm shift in the migration governance and national security architecture through the creation of collaboration and inter-agency working frameworks including new institutions such as the Border Management Secretariat (BMS) that are mandated with oversight border management in the country. This has been a big boost to national security.

Table 4: Impact of Migration Governance on National Security in Kenya

SUMMARY OUTPUT								
<i>Regression Statistics</i>								
Multiple R	0.220564							
R Square	0.048649							
Adjusted R Square	-0.18919							
Standard Error	3.425395							
Observations	6							
<i>ANOVA</i>								
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>			
Regression	1	2.4	2.4	0.204545	0.674518			
Residual	4	46.93333	11.73333					
Total	5	49.33333						
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	<i>Lower 95.0%</i>	<i>Upper 95.0%</i>
Intercept	7.266667	1.654623	4.391735	0.011767	2.672696	11.86064	2.672696	11.86064
1	0.2	0.442217	0.452267	0.674518	-1.02779	1.42779	-1.02779	1.42779

From the ANOVA above, there is a weak correlation between national security and migration governance in Kenya. The analysis presents a weak regression value of 0.220564. This affects all the other parameters such as regression-square, regression-adjusted and standard deviation.

The following degrees of freedom (df) can be observed. The regression df is the number of independent variables. This study has only one independent variable: migration governance. The independent variable is described in section 1.7.1 of chapter 1 of this study. In the ANOVA above the regression, df for the independent variable is 1. The residual also called the residual factor df defined as the number of observed data rows by the number of variables being estimated. This study has 4 rows of observed data, therefore, giving a residual of 4.

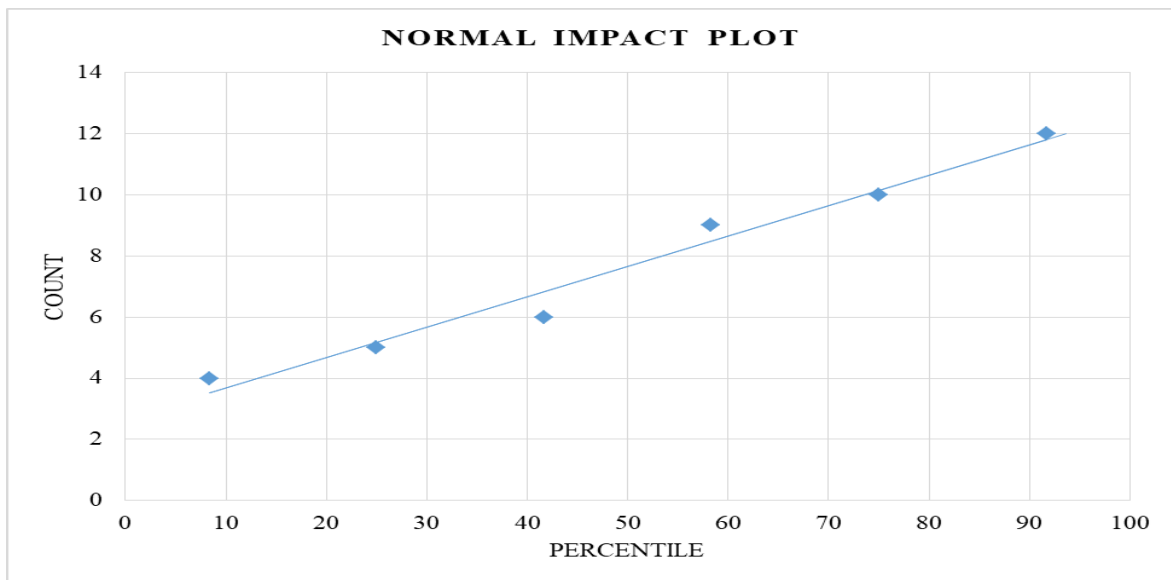


Figure 8: Presentation of the Impact of Migration Governance on National Security in Kenya

From the figure above, there is a direct positive affecting of migration governance to national security all other intercepts being constant such as the geostrategic, political, and economic interventions. The straight slope of the graph demonstrates this. The slope

intercepts the y-axis at a low of 2.6 according to the ANOVA table above confirming the understanding that no country operates without any form of the governance framework. For instance, despite the country not having a tacit written migration policy, some laws and regulations govern migration. The same can be said about national security, which does not have a policy, but laws are guiding the protection of the country.

4.9 Chapter Summary

This Chapter has established that migration governance in Kenya is undertaken through the various laws, regulations policies, administrative and standard operating procedures from the leadership responsible for migration governance. The study also established a positive correlation between migration governance and national security in Kenya. From the legal, institutional and procedural framework, migration governance is a central element of national security in Kenya. The management of migration in the country gives precedence to national security in the context of safe and regular migration. This chapter analyzed the impact of migration governance on the national security of Kenya. Migration governance is part parcel of the national security framework. Thus, migration management is a security function more than it is a facilitation function.

Chapter Five

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

This chapter presents summary of the research findings, conclusions about the nexus between migration governance and national security in Kenya and lastly provides policy recommendations and suggestion for further academic research on a related migration issue area identified by this study.

5.1 Summary of Findings

Migration governance is shaped and shapes the national security approach. First migration governance influences the national security approach and the consequent interventions. Secondly, the migration governance approach is a product of the national security framework. This has been demonstrated throughout this study.

The research findings summarized in this chapter are based on the three objectives, research questions and hypotheses outlined in chapter one. These objectives were inter alia to: Reassess the theoretical nexus between migration governance and national security; examine the impact of migration governance on national security in Africa, and critically analyze the impact of migration governance on national security in Kenya

5.1.1 Theoretical Nexus between Migration Governance and National Security

This study established locus between migration governance and national security. The globalization facilitates human mobility and undermines state sovereignty and territorial

integrity through infiltration of national borders by elements with harmful implications for the state and its people. Negative impacts of globalization such as health pandemics and environmental hazards can be real threat to core, vital and impotent national interests. Other theoretical frameworks were also explored to establish their connection to migration governance and national security. These are transnationalism, diversity, identity theories among others. The study could not establish a direct connection with the latter theories.

5.1.2 The Impact of Migration Governance and Security in Africa

The study sought to establish the impact of migration governance on security in Africa. The study established that there are many migration governance activities in the forms of policies and laws, regulations statements, practices, processes, and agreements on migration governance at the continental level. Additionally, the study noted the increased number of institutions in migration governance at national, regional, and international levels. The study also established the increasing collaboration and cooperation arrangements on migration at the continental level. These are complemented by regional, sub-regional, multilateral and bilateral efforts to promote safe migration governance in Africa. The objective is to promote intra-African migration to reduce the human security threats associated with the perilous trans-Mediterranean irregular migration of Africans migrants from Africa to Europe in search of better livelihoods.

The study also established that there is a significant impact of migration governance on security at continental levels leading to innovations such as the growth of regional

grouping with mandates on regional security, focus on addressing the drivers of migration on the continent through development of continental development and security frameworks such as the Agenda 2063, and AfCFTA.

The study also noted the streamlining of procedural issues in migration governance including the various designations of lead institutions and agencies on various migration topics at national and regional levels. Examples of this are the Migration Dialogue in West Africa (MIDWA), Migration Dialogue in the Southern African States (MIDSA), and the Horn of Africa initiatives. These regional initiatives are meant to streamline migration governance in relations to national security development and human rights.

5.1.3 Impact of Migration Governance on National security in Kenya

The study established that there is a direct correlation between migration governance and national security through inter-agency coordination mechanisms including the establishment and operationalization of frameworks like One Stop Border Posts, BCOCC, BMS, BMCs, JOCs, and NCM. Bilateral arrangements such as the Joint Border Commission between Kenya and Ethiopia, Uganda, Tanzania, and other bilateral working relations with countries like the United States Department of Homeland Security have resulted in better border and migration management and hence national security. Multilateral partnerships with international organizations such as the UN Migration (IOM), GIZ, are all meant to enhance national migration governance capacity building for national security and development. Through these partnerships, Kenya has acquired state of the art border technologies such as facial recognition systems cameras, Personal Identification Secure Comparison and Evaluation System (PISCES), and Fraud Detection

Unit laboratory, which are important modern technologies for migration governance and national security. These technologies play a critical role in national security since they are linked and interconnected to all relevant national migration and security agencies.

Respondents were also required to comment on the state of national security in Kenya to appreciate their understanding of this element. According to three different respondents' views concurred that, "National security in Kenya is largely defined by the leadership of the nation, the value system, respect for rule of law, involvement of communities in fostering harmonious existence and poverty levels."¹⁸⁵ In Kenya, national security encourages migration, since it promotes stability and security of persons and businesses for all.

However, an overly securitized approach to migration management does impede national security due to overemphasis on migrants coming in and forgetting to cater for the rights of those Kenyan migrants abroad. Further, the approach encourages human rights violations, interference with good neighbourliness, national security impacts on the type of laws enacted, directives issued, and enforcement too. It does affect how migration-related challenges like human trafficking are handled and targeting the cartels that increase insecurity by taking advantage of migration governance loopholes.

Lastly, this study acknowledges the impact of migration governance on national security in Kenya. The enactment of the SLAA in 2014 had a profound impact in infusing

¹⁸⁵ Interview Respondents 2021

migration obligations into national security to mitigate threats to security emanating from gaps in migration governance.

The Draft National Migration Policy, and other policy initiatives, concluded and in the process are important in strengthening migration governance and have a great influence on national security through mainstreaming national security provisions. This is meant to ensure policy coherence for easier coordination and implementation. It is established that the draft policy has unduly taken considerably long to be adopted and implemented while the institutional migration governance coordination mechanism has not been reinforced by a legal framework implying its fragility.

5.2 Conclusions

This study sought to analyse the impact of migration governance on national security in Africa with specific reference to Kenya.

The study adopted the key informant style for data collection whereby key informants were purposively identified and approached for interviews. However, the key informant guide combined both qualitative and quantitative questions and measures from social sciences to realize the interaction between the two. The research identified 60 respondents drawn from government, international organizations, and corporate and academia.

Statistically non-representative purposive sampling approach was used to select government officials while stratified sampling strategy for international organizations, corporate and academia respectively, to establish the impact interaction between them. The study managed to interview 45 key informants out of the targeted 60 informants.

In conclusion, this study took the following approach. The first chapter developed the background of the study by providing an in-depth analysis of the theoretical understanding of migration and national security generally. This was meant to bring out the theoretical problem. This was captured in the section on the problem statement.

The objectives of the study were set out inter alia: to reassess the theoretical nexus between migration governance and national security, to evaluate the impact of migration governance on national security in Africa, to critically analyze the impact of migration governance on national security in Kenya.

The objectives were connected to the research questions as a guide to the inquiry. The chapter proceeded to provide systematic literature appreciation of existing scholarly and policy contributions on migration theories, national security, the impact of migration governance on national security among other themes, and theoretical model providing the study with an important philosophical foundation without which the study would be unscientific. The chapter also provided the study methodology for executing the research. It provided answers on how this study was to be conducted. The sampling technique adopted enabled the achievement of this task.

The second chapter provided an exposition of the theoretical nexus between migration governance and national security. The third chapter provides a synthesis of migration governance and security in the African context appreciating the migration and security situation on the continent and how this affects governance including some of the governance innovations on the continent such as security partnerships. The study proceeded to the fourth chapter with the analysis and presentation of the third objective on the impact of migration governance on national security in Kenya and based this discussion on three pillars of an institutional framework, legal framework, and procedural frameworks. The fifth last chapter of this study provided a summary of findings, conclusion and finally made policy recommendations and suggestions for further academic research.

5.3 Recommendations

Arising from the findings, the following recommendations are made:

- Develop a national migration policy for evidence-based migration policy making
- Institutionalize a whole of nation migration governance coordination framework anchored in law
- Decentralize migration functions in tandem with national administrative units
- Adopt post-entry technological tracking system to curb irregular migration
- Reduce border porosity by use of technology and improved infrastructure to police the ungoverned border spaces
- Undertake a comparative analysis of the impact of migration governance on human security between Kenya and South Africa for good practices

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APPENDICES

Appendix 1: Researcher's introduction letter

Dan O.Opon
National Defense College
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Nairobi, Kenya
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danopon@yahoo.com
10/1/2021

The County Commissioner
County Government of Nairobi
Nyayo House Nairobi,
Kenya

Dear Sir,

RE: RESEARCH AUTHORIZATION

Reference is made to my **Research License Number NACOSTI/P/21/8327** of 6th January 2021 licensing me to research: "The Impact of Migration Governance on National Security in Africa, the Case of Kenya". I am a student at the National Defense College, University of Nairobi, undertaking a course leading to the award of Master of Arts degree in International Studies. Part of the requirement for this course is to obtain empirical experts opinion in the field of migration governance and national security. Relevant Government Ministries, Departments, Agencies, International and Civil Society Organizations in your administrative, among other, jurisdictions have been selected to provide the necessary empirical experts' opinion for corroboration and triangulation of the desktop reviews and library sources. It is my sincere assurance that the information obtained will not be used for any intent and purposes other than the academic for which they were sought.

The purpose of this letter is to request you to authorize this research activity in your jurisdiction for the period indicated in the attached Research License.

Dr. Dan O. Opon

Cc: Inspector General, National Police Service
Director-General, National Intelligence Service
Director-General, Immigration, and Citizen Services
County Director of Education
Chief of Mission, IOM, Kenya Country Office
Project Coordinator, GIZ, Kenya
Heads of selected Regional Organizations
Heads of selected Civil Society Organizations

Appendix 3: Work Plan

Phase	Activity	Months: June 2020-May 2021										Responsibility			
		6	7	8	9	10	11	12	1	2	3		4	5	
1	Proposal writing	■	■	■											Researcher
2	Literature review	■	■	■	■	■	■								Researcher
3	Development of Research Instruments						■	■							Researcher
4	Proposal Defense at Departmental level						■								Researcher
5	Proposal corrections						■								Researcher
7	Data collection								■						Researcher/ Research Assistants
8	Data Analysis								■	■					Researcher
9	Thesis writing								■	■	■	■	■		Researcher
10	Thesis presented to the supervisor										■	■	■		Researcher and Supervisor
11	Thesis defense at Institute level											■	■		Researcher and Supervisor

Appendix 4: Budget

Activity	Item	Item No	Total (Kshs)
Proposal Development	Internet Airtime		2000
	Printing	6 Copies @ 500	3000
	Binding	6 Copies @50	300
Data Collection	Stationery	Assorted	5,000
	Transport / stipend	@5000x5x2	50,000
	Research permit	1	2,000
	Airtime	2x 2000	4000
	Printing Costs (Interview Schedules)	80 copies x 12@60	4,800
Report preparation	Printing services	Drafts for Examination 450 Pages	5,000
	Preparation	15	7,500
Other Consumables	Photocopying		2000
	Computer Expenses		2500
	Production of final reports	6 books	10,000
Defence	Hire of audio/visual aids	5	2,000
Activity Total			100,100
10% contingency			10,050

Appendix 5: Interview Guide

KEY INFORMANT INTERVIEW QUESTIONS

Dear respondent,

This study examines the impact of migration governance on national security in Africa with a focus on Kenya, in fulfillment of the requirement for the award of Master of Arts degree in International Studies of the University of Nairobi. In your capacity as a senior strategic manager/leader of a key agency involved in migration/national security matters, you have been sampled, based on your wealth of knowledge and information to contribute to the successful completion of the study. We will ask you questions on migration governance and national security in Kenya and selected regions to generate empirical new knowledge on how national and regional migration governance has been successful or unsuccessful concerning regional security in its wider dimensions. We would be very grateful if you could answer the following questions in the interview schedule and any other information relevant to the study.

Confidentiality and informed consent note. Whatever information you provide will be treated and kept strictly confidential. You can stop the interview at any time. However, we hope that you will participate in the interview because your views are extremely important to this study. Will you participate in this study?

Yes (Signature)

No.....

(Signature)..... (Date)

KEY INFORMANTS

Affiliation	LIST OF DEPARTMENTS
Government entity	Directorate of immigration and citizens services, focus Directors, Heads of Regions (HR), Section Heads (SH), Heads of select entry points- Namanga, Moyale, Lunga Lunga, Nadapal, Busia, and JKIA. Interior- Interior, NGAO, NIS. National Police Service- NCTC, NCRC, ATPU, APS, APS- border patrol unit, RDU, KNCHR, NCM, KIMS KNCHR
Regional, sub-regional and supra-regional	EAC, IGAD, ECOWAS, AU.
International organizations	IOM, EU-GIZ, FAO,
Civil society organizations, academia, research bodies, corporations	Katiba Institute, KNHRC, Fragomen, PWC, Africa Nazarene University.

SECTION A: INTRODUCTION

Affiliation: (Government, regional organization, international organization, civil society, academia, corporate)	Answer:
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Please pick suitable category	
Organization/Unit: (Specify name and unit of organization)	Answer:

SECTION B: Personal Characteristics

- Gender Male () Female ()
- Kindly specify your appropriate age
Below 18 Yrs. () 18 – 30 Yrs. () 31 – 40Yrs () 41 – 50 Yrs. () Over 50 Yrs. ()
- Kindly specify your years of service in current institution
Below 5 Yrs. (), 6 – 10 Yrs. (), 11 – 15Yrs (), 16 – 20 Yrs. (), Over 20 Yrs. ().
- Please indicate your Education level according to the parameters below
(Low= basic degree and below e.g. Bachelor degree, Medium= second degree e.g. Master’s degree, High= second Master’s degree, Masters with a post-graduate diploma, Doctorate)

Low [], Medium [], High []

Section B: Interview Issues

Objective 1: To Establish the Theoretical Nexus between Migration Governance and National Security		
Issue of discussion	Theme/Concepts to be Explored	Questions
Migration governance is connected to national security theoretically	a) Migration is connected to national security b) Globalization and securitization	1) a) In your opinion, is migration connected to national security? Yes[] No[] b) Please explain the connection _____ 2) In your understanding, how appropriate do globalization and securitization theories show the correlation between migration and national security? _____

	<p>theories explain the interconnection between migration and national security</p> <p>c) Critical security approaches aptly demonstrate migration - security interconnection</p> <p>d) Human security is the best framework to explain the migration - national security nexus</p> <p>e) National interest drives the</p>	<p>3) a) Critical security studies arose as a challenge to the traditional conception of security. This has a significant influence on states' approach to security in unpredictable situations. Migration is one of the unpredictable situations that challenge the traditional understanding of security. In your opinion, does critical security demonstrate the nexus between migration governance and national security? Yes[] No[]</p> <p>b) _____ Please explain _____</p> <p>4) a) Human security approach is a challenge to the statist conception of security. It argues that security is about people (human) being and the freedoms from want and lack, from threats to "self" and surrounding. Migration is an irrepressible human urge¹⁸⁶. As such it's part of human nature. In your opinion, does the human security framework aptly explain migration and national security connections? Yes[] No[]</p> <p>b) _____ Please explain _____</p> <p>5) a) Please identify the continental interests as "national interests" in Africa.1. _____ 2. _____ 3. _____</p> <p>b) Do you think national interest determines national security and migration governance outlook? Yes[] No []</p> <p>c) Please elaborate your response to (b) above. _____</p> <p>6) a) Critical debate has been on whether development leads to migration or migration leads to development. What is your opinion on this contradiction? _____</p> <p>b) In your opinion, does national security guarantee development or development guarantees national security? _____</p> <p>7) a) Other perspectives for example the diversity and transnationalism perspectives have been used to explain the migration national security nexus. What are your thoughts on these two perspectives? _____</p> <p>b) Do you have further theoretical suggestions?</p>
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¹⁸⁶ Bohning, W.R.: Studies in International Labour Migration. New York, St Martin's press, 1984, P 12-13 as quoted in Moses, W.J.: International Migration: Globalization's; Last Frontiers. Zed Books, London 2006, P. 35

	<p>national security approach of a state to migration governance</p> <p>f) Development theories aptly explain the interconnection between migration and national security</p> <p>g) There are other theoretical approaches that demonstrate nexus between migration and national security</p>	
<p>Objective 2: Examine the Impact of Migration Governance on National Security in Africa</p>		

Issue of Discussion	Concepts/ Themes for Discussion	Questions
Migration governance is a critical element of national security in Africa.	<p>a) Understanding of migration in Africa</p> <p>b) Understanding of migration governance in Africa</p> <p>c) Understanding the role of RECs in migration governance in Africa</p> <p>d) Measuring migration governance in Africa</p>	<p>1. In your own words, how would you describe migration in Africa? _____</p> <p>2. How do you understand migration governance in Africa? _____</p> <p>b) Could you give some examples of governance frameworks? (i) laws, _____ decisions, _____ treaties, _____ declarations _____</p> <p>(ii) _____ Institutions _____ and _____ processes _____</p> <p>3. a) Regional Economic Communities play important role in migration governance and national security. Do you agree with this statement? Yes[<input type="checkbox"/>] No[<input type="checkbox"/>] Not sure [<input type="checkbox"/>] b) Briefly _____ elaborate _____ further _____</p> <p>c) In your opinion, how would you compare the RECs in Africa in terms of their role in security? _____</p> <p>d) In the same token, how would you describe their role in migration governance? _____</p> <p>4. To appreciate the extent to which migration governance takes place, it is important to measure it. There are global indicators that can be used to measure migration governance. Are you familiar with these indicators? Yes[<input type="checkbox"/>] No [<input type="checkbox"/>] Just heard of them [<input type="checkbox"/>]</p> <p>b) Do you have your own suggestions on how to measure migration governance _____ in _____ general? Please elaborate. _____</p> <p>5. a) In your own words, how would you describe African</p>

	<p>e) The African security situation</p> <p>f) Understanding an African security approach</p> <p>g) Impact of migration on security in Africa</p> <p>h) Impact of migration governance on African security</p> <p>i) The good practices on migration governance and security in Africa</p>	<p>security?</p> <hr/> <p>b) How does the African situation compare at state level, e.g. Kenya?</p> <hr/> <p>6. Pan-Africanists argue for African solutions to African problems. What do you think is/should be the African approach to security?</p> <hr/> <p>7. In your opinion, referring to your responses in question 1 and 5 above, describe the impact of migration on security and/or security on migration in Africa.</p> <hr/> <p>8. a) How has security situation impacted on the kind of migration governance framework existent in Africa?</p> <hr/> <p>b) Similarly, how would you describe the impact of migration governance on security in Africa?</p> <hr/> <p>9. a) Are you aware of any good practices in migration governance in Africa? Yes [] No []</p> <p>b) Please mention any three 1 _____ 2 _____</p> <hr/>

Objective 3: Critically Analyze the Impact of Migration Governance on National Security in Kenya

Discussion Issue	Key concepts/Themes	Questions										
<p>Migration governance impacts severally on the national security of Kenya</p>	<p>a) Demonstrate understanding of migration in Kenya</p> <p>b) Understanding of migration governance in Kenya</p> <p>c) Understanding of national security in Kenya</p>	<p>1. a) In your opinion, how would you accurately describe migration in Kenya? _____</p> <p>b) Is there any evidence, for example in form of data that supports your description in 1 above? Yes [] No []</p> <p>c) What are the available sources of this data? _____</p> <p>d) Do you think this data is relevant in migration governance? _____</p> <p>2. What is your level of understanding of migration governance in Kenya? Base your response on the parameters below: Basic-0-2, Foundational 3-5, Professional – 6-8, Expert 9-10.</p> <table border="1" data-bbox="667 999 1092 1209"> <thead> <tr> <th>Parameter</th> <th>Rate</th> </tr> </thead> <tbody> <tr> <td>Basic</td> <td></td> </tr> <tr> <td>Foundational</td> <td></td> </tr> <tr> <td>Professional</td> <td></td> </tr> <tr> <td>Expert</td> <td></td> </tr> </tbody> </table> <p>3. a) In your understanding, what determines the national security in Kenya? _____</p> <p>b) How, in your opinion would you say that national security impedes or encourages migration in Kenya? _____</p> <p>4. a) Migration (governance) impacts national security and vice versa. Comment on this statement _____</p> <p>b) In what ways does migration governance impact national security? _____</p> <p>c) The Directorate of immigration's mission is to enhance</p>	Parameter	Rate	Basic		Foundational		Professional		Expert	
Parameter	Rate											
Basic												
Foundational												
Professional												
Expert												

d) Impact of migration governance on national security in Kenya

national security and economic development through proper migration management and other related activities.

i) What do you think about the role of the directorate of Immigration in national security in Kenya?

ii) In your opinion, how does the directorate structure fit within the national security architecture?

iii) Comment on the argument that the role of immigration in national security is embedded rather than infused.

iv) In your opinion, how does the Directorate facilitate national security through the following activities?

(a) border security

(b) issuance of personal documents(Visas/passports/ permits/passes)

(c) passenger/ person screening (PISCES/FDU)

(d) migration enforcement (investigations/detentions/deportations)

v) What would you say is the role of the Directorate in ensuring the economic security of the country

4) The Kenya Citizenship and Immigration Act 2011, provides the legal anchorage for the Directorate of Immigration. In your understanding of this Act, how appropriate is it in promoting national security?

5) The Directorate tasked the NCM to develop a national migration policy that is currently at cabinet for adoption.

(i) What would you say is your level of awareness of this policy? Base your response on the parameters below: Basic-0-2, Foundational 3-5, Professional – 6-8, Expert 9-10.

Parameter	Rate
Basic	
Foundational	
Professional	
Expert	

(ii) The policy tries to expand the role of the directorate in national security through provisions on migration and national security. How sufficient is this provision?

		<p>(iii) To what extent does this policy enhance migration role in national security? _____</p> <p>(5) In your opinion, how do you understand the proposed policy indicators below compared to “other” policies before it in terms of:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Category/value</th> <th style="width: 15%;">Bad</th> <th style="width: 15%;">Poor</th> <th style="width: 15%;">Fair</th> <th style="width: 15%;">Good</th> </tr> </thead> <tbody> <tr> <td>Institutions</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Laws/policies /regulations/procedures</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mainstreamed migration in development (labor migration)</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Human rights</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Border management (safe, orderly responsible migration)</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Partnerships</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>(v) From your reflection in (iv) above, how does the difference affect national security _____</p> <p>5. a) Please, name some migration related interventions, national, regional or global that you consider good practice in migration governance. 1. _____ 2. _____ 3. _____</p> <p>b) How do these good practices affect national security? _____</p>	Category/value	Bad	Poor	Fair	Good	Institutions					Laws/policies /regulations/procedures					Mainstreamed migration in development (labor migration)					Human rights					Border management (safe, orderly responsible migration)					Partnerships				
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