





Borderland infrastructure and livelihoods: a review of implications for the development of formal border crossings in Mandera County, Kenya

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List of acronyms

AfCFTA	African Continental Free Trade Area
APPENOKI	Association des Petits Petroliers du Nord Kivu
ASAL	Arid and Semi-Arid Lands
СВТ	Cross-Border Trade
CBSG	Cross-Border Security Governance
СТС	Counter Terrorism Centre
EAC	East African Community
EALA	East African Legislative Assembly
EU	European Union
FGS	Federal Government of Somalia
HoA	Horn of Africa
ICBT	Informal Cross-Border Trade
ICU	Islamic Courts Union
IGAD	Intergovernmental Authority on Development
KDF	Kenya Defence Forces
KII	Key Informant Interview
KRA	Kenya Revenue Authority
ONLF	Oromo National Liberation Front
OSBP	One-Stop Border Post

Executive summary

This paper examines the impacts of the development of formal border crossings on the economy of borderlands, especially in remote, rural areas of Africa, where local people's livelihoods often depend on informal cross-border trade and exchange. The study focuses on Mandera County, which sits at the centre of the Mandera Triangle – the cross-border area between Kenya, Somalia and Ethiopia – and explores the implications of potential developments to establish new formal crossing points from Kenya into Ethiopia and Somalia. The review collates and analyses experiences from across Southern, West and East Africa, and the Horn of Africa (HoA), in order to reflect on the current situation in Mandera County. Kenya's border with Somalia remains officially closed, and insecurity in the area has resulted in the official relocation of the Kenya Immigration Department from Mandera to Wajir.

The paper draws on the latest cross-border developments in the area, a synthesis of the literature, and 10 key informant interviews with NGO representatives, local business people and journalists working in Mandera County. It proposes a series of recommendations to help ensure any changes in border infrastructure in Mandera will have a positive impact on the lives and livelihoods of local residents. Specifically, the review investigates the impacts of expanding the capacity of existing formal border crossings or introducing new formal border-crossing points on the livelihoods of local people, cross-border movements, trade and local markets and security in Mandera. How will these impacts affect different stakeholders? How will these be moderated by such factors as physical infrastructure development, investments in staff capacity and procedural innovation at border crossings?

Key Findings

Informality and procedural innovation are vital to borderland livelihoods

Despite the ratification of the African Continental Free Trade Area (AfCFTA), aimed at addressing the challenges of Cross-Border Trade (CBT), and the signing of the Inter-Governmental Authority on Development (IGAD) draft regional policy framework on Informal Cross-Border Trade (ICBT) and Cross-Border Security Governance (CBSG), much cross-border life in Mandera continues to be conducted through informal, often unsanctioned local conventions. A Petty Periphery Trade Initiative launched by the Ethiopian government in 1994, and which specifies the goods that can be traded duty-free, the maximum monthly value of imported and exported goods, and the number of times a trader is allowed entry into either Kenya, Somalia, Somaliland and/or Djibouti, has been revised only once (OSSREA, 2020). Most local traders seem unaware of the existence of such regulations. Generally, much CBT and other cross-border agreements regarding the sharing of natural (water and pasture) and social (such as educational and health facilities) resources, including joint vaccination of livestock and measures to tame cross-border clan conflict, depend on procedural innovation and informal 'pacts' unsanctioned by national or regional governments.

These adaptive and flexible local strategies are often developed and agreed upon by various local actors namely clan elders, businesspeople, local administrators and politicians, the police and border guards. However, it is important to note that residents of Mandera and elsewhere often take advantage of some of these local conventions, especially regarding free cross-border movement, for

subversive ends. The evidence shows that local residents often assist migrants to cross the border illegally, especially at the Moyale and Busia One-Stop Border Posts (OSBPs); or help truckers avoid taxation by off-loading large quantities of goods, which are then repackaged into smaller quantities for residents to ferry them across.

Borderland livelihoods are shaped by the actions of multiple actors

Borders are not mere markers of the end of state sovereignty, and the beginning of a break between two countries. Instead, the existence of a border gives rise to a variety of roles: those of border guards, cross-border traders, brokers, smugglers, immigration and customs officials. These actors create relationships that organise local power structures and modes of governance that may be largely independent of national government control, sometimes operating in collaboration, sometimes in competition with the national government's officers. Local residents, in particular, take advantage of their knowledge of the area to either help or undercut official authority.

In Mandera, the activities of businesspeople, local politicians, violent extremists, clan militia, livestock marketing agents (known as *Dilaal* in Somalia and Kenya, *Dalala* in Ethiopia), community members, clan elders, national and county government administrators, border guards and the police all influence local livelihoods and the outcomes of cross-border relationships. It is these actors who have entered into multiple cross-border alliances, some established to create a suitable environment for ICBT, some for the peaceful sharing of grazing areas, some for the use of common water resources such as the River Daua.

A culture of corruption, intimidation and violence often persists at border crossings

Formal border crossings are meant to stop the common tradition of unofficial land crossings, which are usually associated with corruption, intimidation and violence. They also aim to boost CBT, formalise ICBT (including contraband trade), increase revenue collection and curb irregular migration. A review of experiences from a diverse set of borderland regions in Africa where formal border crossings have been introduced suggests that this is not always the case.

In Mandera, where no official border crossing currently exists, respondents reported various acts of corruption, bribery, intimidation and violence, carried out especially by border guards on the Kenya—Ethiopia border — at Malkamari and Rhamu on the Kenyan side, and Suftu town on the Ethiopian side. On the Kenya—Somalia border at Bulla Hawa, officers of the Kenya police and the Kenya Defence Forces (KDF) are allegedly seeking out bribes from cross-border traders and other border-crossers at what is an officially closed border by erecting roadblocks at back roads. There were also allegations of threats of violence, and forcible seizures or burning of cross-border goods after failure to pay bribes.

The situation in Mandera compares to that of Moyale, where an OSBP – funded by the African Development Bank and the UK government – was opened in December 2020. Officials at Moyale continue to be concerned by a significant level of ICBT at unofficial border crossings, where Ethiopian authorities are known to "collect revenue". This is in addition to the continuation of irregular migration and trade in illicit goods (especially marijuana). Cases of threats of violence, intimidation and corruption, such as those that occur in Mandera, have also been reported at Moyale and at other points with OSBPs, such as Busia.

Recommendations

1) The introduction of formal border crossings, or any improvement of the border infrastructure in Mandera must be sensitive to the local context, locally applied conventions and adaptive strategies

Border management authorities (at the national and county levels) and representatives should appreciate and account for the transit needs of communities in Mandera (and cross-border communities in Bulla Hawa) *vis-à-vis* trade and access to goods and services in the conception or improvement of border infrastructure. This could be in the form of introducing trade licences for specific types and amounts of goods, and the formalisation of trade and peace pacts among various local actors, such as local government, businesspeople, clan elders, traders, and others.

2) The involvement of local actors in the introduction of formal border crossings, or in the improvement of other aspects of border infrastructure is critical

Whereas border management is within the remit of national governments, civil society and county government representatives must promote and advocate for the active involvement of and consultation with local communities, especially clan elders, women and youth committee representatives. This could be done through the establishment of standardised consultation processes between local communities, a Border Management Committee (chaired by the County Commissioner) and county- and national-level border security and management agencies (such as Kenya's Border Management Secretariat).

3) There is a need to raise awareness on national ethics and anti-corruption policy and human rights-based approaches among border officials

Donor agencies and civil society actors working in Mandera should channel their efforts into widespread awareness-raising campaigns on anti-corruption and training on rights-based policing. In addition, engagement and specific deliberations should be undertaken with the anti-corruption commissions of the respective regional governments (Kenya, Ethiopia and Somalia), which can be achieved under the auspices of IGAD. Efforts to bridge the gap between local community representatives and border management officials (particularly at the county level and those belonging to the police, military, special forces and other designations) should also be undertaken by civil society and government representatives in the form of regular dialogue and consultation.

4) Support for both formal and informal cross-border trade must be bolstered in line with IGAD's policy framework on Informal Cross Border Trade (ICBT) and Cross Border Security Governance (CBSG), which promotes, among other things, strengthening border security systems and supporting trade facilitation at border-crossing points

In the Mandera context, working for the uptake and implementation of the ICBT–CBSG policy framework is particularly crucial given the fragile security context and the high dependence of local communities on ICBT. As such, government, civil society, donors and other stakeholders must coordinate efforts to support context-specific and gender-sensitive livelihood strategies, all the while promoting community involvement in border management strategies and plans. Consideration should also be given – by the Kenya Revenue Authority and the Commissioner of Customs and Border Control – to the development of a Cross Border Trade Charter and other tools, such as Simplified Certificates of Origin, for goods allowed in untaxed for local cross-border trade.

1 Introduction

Borders and borderlands have increasingly generated special attention in both scholarly and policy circles, especially since the 1990s. Many of the international borders of the greater Horn of Africa (HoA) region run through peripheral areas located far away from state centres of population and power, making cross-border exchange a vital part of local livelihoods. As a result, these border areas play host to productive cross-border interactions of trade, exchange and mobility, but they are also associated with multiple forms of illegal activity, including informal trade that escapes official channels of taxation, trade in illicit goods and irregular migration. In addition, some borders of the region, such as those between Kenya and South Sudan, Kenya and Ethiopia, Kenya and Somalia, and Somalia and Ethiopia, have also been sites of civil strife and state-instigated violence, at times seeing casualty and displacement levels typically associated with civil wars. The civil war in Somalia has had wide-ranging repercussions for the region's political, economic and peace dynamics – undermining cohesion and triggering communal conflicts (ICG, 2012; Menkhaus, 2015). In addition to the refugee crisis associated with the collapse of the state in Somalia since the 1990s, both the Ethiopian and Kenyan governments have become particularly concerned about the threat of violent extremism, emanating especially from the Somalia-based Al-Shabaab group since 2007. The Mandera Triangle, and Mandera County, Kenya, in particular, are places where these wider security and conflict trends have intersected.

It is also important to consider that, in many parts, the borders of the HoA region run through arid and semi-arid lands (ASAL) — marginal, sparsely populated territories marked by environmental stress and limited livelihood opportunities. For most of their length, they are not demarcated on the ground. However, despite their remoteness, these borders are far from being simply imaginary lines that define the edge of state sovereignty. They are zones of significant interaction (formal or informal), where multiple ties of kinship, trade and culture overlap to create distinctive patterns of social, economic and political exchange. The introduction of formal border crossings brings changes to this borderland political economy. Drawing on experiences from across the HoA region (and other parts of Africa), this paper examines the impacts of the development of formal border crossings on the economy of the Mandera Triangle, especially in Mandera County, Kenya.

The paper draws primarily from a literature review and from interviews with NGO representatives, local businesspeople and journalists working in Mandera County. From the perspective of local people, the border marks both a barrier, which potentially inhibits lives and livelihoods as their crossing is constrained, but also an opportunity, as people can use their knowledge and proximity to take advantage of the different conditions on each side. Opportunities may include trading (legally or through smuggling) and providing services to travellers (ranging from hospitality, guiding them through bureaucracy or helping them avoid it altogether by smuggling them across). On the other hand, to the state (especially Kenya), the border remains a line to be defended, a zone of potential insecurity or a conduit for hostile forces to enter (and escape across). It also, concurrently, remains an important site for raising revenue from those crossing, especially by border guards and customs officials.

There has been rising concern across the HoA regarding the insecurity that is now currently associated with the region's borders, but also because of an increase in irregular migration. As a result, there is a growing impetus to expand the use of formal border crossings and reduce the flows of people and goods across the back roads that are beyond the reach of state surveillance. This entails building new border posts and increasing the capacity of border guards and other state actors

to efficiently and effectively regulate these large-scale movements.

Research from other settings reviewed in this paper suggests that taking such steps to discourage irregular movement can create new opportunities for corruption – making irregular movement more expensive and dangerous – but may do little to reduce its scale. At the same time, measures to introduce formal border crossings that are not informed by a careful examination of local dynamics may disrupt the existing political economy 'ecosystem' that balances the interests of multiple stakeholders. Furthermore, establishing a new border post that enables people to cross more easily in regular ways may undercut the market for those involved in people smuggling.

1.1 Research aims

This review examines the existing evidence on the impacts of establishing new formal border-crossing points and other elements of border infrastructure on both the scale and form of cross-border movement and the wider economy of Mandera County. Currently, there is only one official border-crossing point (Moyale) on the 830-km border between Kenya and Ethiopia, and none on the officially closed 682-km border between Kenya and Somalia. The unofficial border-crossing points in Mandera are Malkamari and Rhamu (Kenya), both of which border Suftu Town (Ethiopia). On the Kenya—Somalia border, the former unofficial border-crossing points were Mandera Town near Bulla Hawa, Somalia; Damasa off the Mandera—Arabiya—Fino—Lafey road; and El Wak (see map on p. 16).

The primary questions that this review addresses are as follows:

- 1. What are the implications of lessons from across Africa, and in particular the HoA, for the introduction of formal border crossings and development of border infrastructure in Mandera County?
- 2. What will be the impacts with respect to livelihoods, cross-border movements, trade and local markets, and security of expanding the capacity of existing informal border crossings or introducing new formal border-crossing points at Mandera?
- 3. How do these impacts affect different stakeholders, including borderland communities, local and national government, local and national businesses and civil society? How are these impacts moderated by different balances between physical infrastructure development, investments in staff capacity and procedural innovation at border crossings?

1.2 Research methodology

The review draws on an analysis of grey and published literature from academic journals, government reports and policies, and reports and project information from NGOs and civil society organisations, regional bodies and international organisations. This extensive desk-based review has been triangulated with 10 Key Informant Interviews (KIIs) conducted by the author with NGO representatives, local businesspeople and local journalists working in Mandera County.

1.3 Research limitations

Because of the ongoing restrictions (at the time of writing) imposed as a result of the Covid-19 pandemic, a majority of the interviews were conducted via phone and online channels. The original intention was to conduct an extensive desk-based review, coupled with up to 15 telephone and online-based KIIs. Unfortunately, the Covid-19 pandemic meant that many informants were out of their offices by early December 2020. While this means that generally this rapid review may not be informed by the very latest dynamics in Mandera (at least from the perspectives of respondents),

this limitation was addressed by the extensive desk-based review involving grey literature, government documents, media reports and scholarly work.

1.4 Report structure

The first part of the paper presents a literature review, examining broad lines of enquiry in border research and specific research that examines different aspects of African borders, with a focus on the nature of borderland areas in Southern Africa, West Africa, East Africa and the Horn. A careful review of experiences from these borderland areas suggests that they can be categorised under the three following themes: adaptation and flexibility; undercutting and/or sharing of official authority; and intimidation and violence.

The second part of the review focuses on the dynamics of Mandera County, first locating it and the Mandera Triangle in general within a historical context, considering how local, national and regional developments over time have shaped local cross-border dynamics. This is followed by an examination of how this paper's aforementioned central themes – adaptation and flexibility; undercutting and/or sharing of official authority; and intimidation and violence – play out in the Mandera Triangle. The review ends with a number of conclusions and specific recommendations for interventions.

2 Borders and border research

2.1 Global perspectives

In 2006, political geographer David Newman, reflecting on the increasing number of conferences, workshops and scholarly publications on borders, spoke of a renaissance in the general study of borders (Newman, 2006). Within the context of this increased importance, driven by a post-9/11 global security regime, the resurgence in border studies was influenced by the growth of counternarratives to the idea of a borderless and de-territorialised world that had accompanied much of globalisation theory since the 1990s. With the end of the Cold War, the collapse of the Soviet Union and the symbolic fall of the Berlin Wall, commentators predicted that "nation states [would] lose their role as meaningful units of participation in the global economy of [a] borderless world" (Ohmae, 1995, p 11). From this perspective, some argued that advances in free trade, transportation and communication – commonly lumped together under the rubric of globalisation – would generate unparalleled economic prosperity (see Diener & Hagen, 2009). Conversely, others predicted that the impending borderless world would occasion overpopulation, environmental degradation and competition for natural resources, which would also lead to a general breakdown of state control around the world (Kaplan, 1994).

In this way, the increasing importance of borders has been felt in a context where states around the world, often cheered on by their citizens, have welcomed stricter border restrictions and are determined to exert greater control over their external borders. Indeed, there has been a trend around the world for diverse states such as India, the United States, Pakistan, Israel, Saudi Arabia, Brazil, China and Botswana to all embark on a new spate of border walls (Diener & Hagen, 2009). While global flows of people, capital and ideas remain unprecedented, the recent trend towards border closures and restriction of movement cannot be ignored – a trend that escalated during the worldwide spread of the Covid-19 virus (Mallapaty, 2020).

Even more nuanced are recent studies that focus on the process of 'bordering', or how borders influence people's daily lives (Newman & Passi, 1998; van Houtum et al, 2005). African studies have contributed immensely to this perspective, with a growing body of research examining different aspects of borders on the continent, especially how they play critical roles in the local economy and mark out distinctive areas we have now come to describe as 'borderlands' or 'borderscapes' (Feyissa & Hoehne, 2010; van Wolputte, 2013; Bakewell, 2015). ¹

Seen in this way, borders are institutions and borderlands are territories in their own right (Feyissa & Hoehne, 2010). Research on borderlands has shown that the mere existence of a border gives rise to a variety of roles, all of which are welded together in an intricate web of alliance, resistance, subversion, consent, cooperation and power at different levels (Nugent & Asiwaju, 1996). As the examples highlighted in the next section will show, the actors involved create relationships that organise local power structures and modes of governance that may act largely independently of

¹ 'Borderlands' normally refers to geographical zones spanning national boundaries that involve significant cross-border interactions through trade, kinship, and sharing of resources. The parts bordering each other are usually co-dependent, and cross-border linkages are socio-economically crucial. 'Borderscape' – portmanteau combining "border" and "landscape" - can be broadly understood as an area that is shaped and reshaped by transnational flows of relationships, goods and experiences, defying ideas about clearly defined national territories.

state control, sometimes operating in conjunction, sometimes in competition with powers emanating from state centres (Bierschenk & de Sardan, 1997; Lund, 2006). In sum, in borderlands, the state's role cannot be understood "without pointing to its relations with local authorities and 'common' people who inhabit the borderland, weaving its social history and geography" (Baud & van Schendel, cited in Brambilla, 2007, p 23).

Therefore, borderlands are places where the state, local leadership and different communities interact to develop ways of accommodating each other's interests and negotiating locally applied conventions. Some of these have come to be formally sanctioned – such as the border markets that enable local traders to work on both sides without immigration or customs formalities and to cross without formal papers (Walther, 2014) - while others operate without formal endorsement (Raeymaekers, 2009), such as sale of livestock at informal markets, which often end up in formal/terminal markets in large cities (Little et al., 2015).

As Newman (2006, p 1) notes, "borders should be understood not only from a top-down perspective [or from the perspective of state sovereignty and security agendas alone], but also from the bottomup, with a focus on the individual border narratives and experiences, reflecting the ways in which borders impact upon the daily life practises of people living in and around the borderland and transboundary transition zones". To use Walther's (2014, p 8) words, "[borderlands] are not just places where truck drivers wait endlessly with their vehicles because of administrative red-tape, corruption and lack of basic standards. They are important for local communities and producers as well."

In this wider context, borderlands have come to be viewed by scholars not as "marginal and sometimes exotic parts of national economies" (Walther, 2014, p 7) but as economically important. Their development should be of concern to countries of the world. However, while borderlands have received strong impetus from the liberalisation of trade since the 1990s, public investments in their physical infrastructure and human capital have remained more limited than their importance to national economies would suggest (Walther, 2014, p 7).

Across Africa, the importance of border crossings has been linked to large-scale infrastructural development across major transport corridors and to regional integration agendas being pursued by the African Union (AU), such as through the African Continental Free Trade Area (AfCFTA), and Regional Economic Communities. Such development aims to address the historical legacies of economic fragmentation by facilitating the unhindered flow of commodities and free movement of people. In 2012, the East African Legislative Assembly (EALA), a body of the East African Community (EAC), passed legislation that listed 15 One-Stop Border Posts (OSBPs). These area form of formal border crossing, targeted for implementation (TradeMark East Africa, 2014). Alongside financing committed by the governments of member states, donors including the World Bank, the European Union and the Japan International Co-operation Agency, the governments of Canada and the United Kingdom have since contributed to the funding of particular OSBPs within the EAC (Nugent & Soi, 2020, p 438). TradeMark East Africa, a donor-funded non-profit organisation supporting the roll-out of OSBPs, has funded the development of infrastructure and information systems at Busia and Malaba, along the border of Kenya and Uganda (TradeMark East Africa, 2014).

It is this review's main objective to examine the implications of the introduction of formal border crossings, or development of formal border infrastructure, at the border crossings in Mandera (that is, the actual physical building housing multiple state agencies involved in border governance and human resource capacity) for livelihoods and the cross-border economy.

2.2 Borders and borderland livelihoods: perspectives from the region

Borderlands – in Africa and elsewhere – refer first and foremost to the area inhabited by communities that are located near states' territorial limits (Stoddard, 1989). Borders are also paradoxical or contradictory, with the capacity to unite and divide, exclude and include, or to promote mobility and enforce enclosure (Cunningham & Heyman, 2004). As is highlighted by the examples shown in the section below, it is this complex nature of borders, brought about by cultural and institutional differences, that has combined with regulatory differences between countries in Africa to produce rather productive cross-border imbalances – such as when price differentials make it profitable to buy products from one country and sell them in the other. Neighbouring populations, as a result, are brought closer together by their privileged access "to the best of both worlds" (Feyissa & Hoehne, 2010).

As suggested by Newman (2006), the renewed interest in border research has highlighted the existence of borderlands, which challenge the perspective of borders as mere markers of the end of state sovereignty and the beginning of a break between two political units. Examples highlighted in this review from across Africa show that a series of accommodations are often struck among borderland actors so as to address many of the incompatible roles borders are meant to play.

The complexity of local dynamics at borderlands, as the next three sub-sections show, require place-based policies aimed at maximising the positive consequences of border settings (such as cross-border arrangements among local elders for achieving inter-ethnic harmony and producing a suitable environment for CBT), and minimising their negative consequences (as when locals take advantage of free cross-border movement to engage in trade in illicit goods). Indeed, it is through such local arrangements – where the state, local leadership and different communities interact to develop ways of accommodating each other's interests – that cross-border life evolves.

Drawing on examples from a number of borderland areas in Africa, the review discusses these broad and diverse experiences under the following themes: adaptation and flexibility; undercutting and/or sharing of official authority; and intimidation and violence.

Adaptation and flexibility

Given the complexity of borderlands as highlighted above, border officials, cross-border traders, elders, etc. commonly enter into informal arrangements (some of which may be officially sanctioned) that aim to strike a balance between the often incompatible and contradictory roles of borders. In particular, such local understandings and 'pacts' seek to balance the needs for mobility, state security and government taxation, especially of long-distance or international trade.

In Africa, this practice, as the anthropologist Donna Flynn observed at the Benin–Nigeria border – the Okpara river in the Yoruba-speaking Shabe region of West Africa – is as old as the predictions of a 'borderless' world in the early 1990s (Flynn, 1997). The Nigerian government established a full-time customs post in 1990 in this borderland region. Soon after the first team of officials arrived at the newly constructed barracks, local elders in the border town of Ogbori invited them to a meeting to negotiate a working agreement between the guards and locals (Flynn, 1997, p 323). A 'free-trade' pact was immediately established, with the understanding that residents would not interfere with the guards' role in regulating long-distance trade as long as local market-women and petty traders were allowed to move freely across the border for purposes of local distribution without filling out paperwork.

At the Busia crossing on the Kenya–Uganda border, a similar arrangement has existed for decades. As William Allen has reported, when residents of Busia, Kenya or Busia, Uganda, cross the border, there is an understanding that they do not always have to show officials any documentation (Allen, 2012, p 10). For foreigners, i.e. non-residents of the borderland zone, the requirement, which varies according to other, wider considerations (such as concerns for security) or the mere discretion of the migration official on duty, has been simply to leave one's passport at the border crossing if the visit is for less than one day. Even after the 2010 twin suicide attack in Kampala – the suicide vests had been transported across the Busia border post – the local understanding was that, if the intention was to simply cross the border to purchase small items or visit family members, residents would not need to show passports, and could simply walk through the crossing (Allen, 2012, p 10).

Similar arrangements are known to exist on the Ethiopia–Sudan border, as was reported in Metema and Gallabat towns by REF (2020). The authors note that cross-border trade is widely practised along many parts of the international border between Sudan and Ethiopia, but that it is particularly concentrated in and around the district of Metema (REF, 2020, p 5). In addition to the existence of an important highway, border markets and border cooperation agreements between Sudan and Ethiopia allow for joint market days, and a cross-border agreement allows trucks and drivers from both sides of the border to pass through Gallabat and Metema without the need to carry passports or obtain a visa (REF, 2020, p 5).

Brought closer together by their privileged access to the best of both worlds, as pointed out earlier, the everyday economic lives of residents of African borderlands depend on the ability to cross the border relatively quickly and frequently. For instance, between the Kunene River, in the west, and the Okavango River, in the east, at the international border between Namibia and Angola, a dense commercial network is known to have thrived, defined by differences in the regulatory environment of the two countries, demographic characteristics and physical features on one side of the border to the other (Brambilla, 2007). People on both sides of this borderland zone are known as Kwanyama (the local ethnic group). Angolan Kwanyama cross the border to sell cattle at various bush markets located in many Kwanyama villages on the Namibian side of the border. They earn Namibian rands but they do not take them back to the Angolan side of the border, where goods are scarce; rather, they use them to purchase household items, foodstuffs and clothes (Brambilla, 2007, p 33). Namibian Kwanyama, on the other hand, who inhabit a better-watered environment but have a higher population density, usually cross the border into Angola with their cattle for grazing (Brambilla, 2007, p 33).

Similarly, in the Mandera Triangle, multiple communal pacts exist to allow for such transhumance to proceed without conflict over grazing areas (NGO official, author interview, 19 January 2021). At Busia, on the Kenya–Uganda border, Allen (2012, p 11) found that residents on the Ugandan side preferred to purchase cooking oil and paraffin on the Kenyan side, as these were significantly cheaper there, while residents on the Kenyan side would cross to buy maize in Uganda, as it was not only cheap but of higher quality. Ethiopians are allowed to cross the bridge that marks the border between Metema (Ethiopia) and Gallabat (Sudan) and use the market in Gallabat, where they can buy manufactured goods, most of which are cheaper than they are in Ethiopia (REF, 2020, p 6). Both Sudanese and Ethiopian nationals are allowed to cross the border and spend the whole day (8:30 am–5:50 pm) in the other country (REF, 2020, p 6).

These localised cross-border arrangements that are used by the residents of many borderland zones in Africa have created multiple opportunities for residents but have often been implemented within a general environment of unpredictability and informality. Border officials may disregard the arrangements at times, pushing local residents to use unofficial border routes; or they may ask for bribes from local residents ferrying goods across the border. In many borderland zones, border

officials are normally comfortable exercising a degree of flexibility, depending on the circumstances and stated reason for travel. To be discussed in greater detail below, officials are also known to exercise forcible seizures of goods.

However, residents also benefit from their knowledge of borderland zones, and of local arrangements with borderland officials. In the Shabe region of West Africa, Ogbori residents took advantage of their 'free-trade pact' with border officials to manipulate them into relationships of brokerage between the officials and non-local border-crossers, especially long-distance traders (Flynn, 1997, p 323). This meant that local residents maintained a degree of control over the passage of goods and people through the border.

At the Busia border-crossing, both Ugandan and Kenyan border officials tax goods being transported in trucks in large quantities (Allen, 2012, p 3). However, locals have taken advantage of the arrangement allowing them to cross the border freely to help truckers avoid this taxation, by working as informal transporters delivering small amounts of the goods via bicycles or motorcycles (locally referred to as *bodaboda*), using either the official crossing, or the multiple, unpoliced (*panya*) routes found outside the Town Council's jurisdiction (Allen, 2012 p 3).

The lesson these experiences from diverse borderland zones in Africa offer is that local arrangements, especially those allowing residents to cross the border freely, often address the need to balance the interests of the state (security and revenue collection, for instance) and local people (trade, exchange, kinship networks). However, such arrangements are also normally applied in a climate of unpredictability and informality, with border officials exercising discretion regarding what and/or who can cross the border. Under such unpredictability, local residents either pay bribes to cross with goods, or avoid the official crossing altogether. It is also important to note that residents often take advantage of local conventions, especially regarding free cross-border movement, for subversive ends, such as assisting migrants to cross the border illegally.

Undercutting and/or sharing of official authority

In the Goma–Gisenyi borderland, that is, the boundary between Rwanda and the Democratic Republic of Congo (DRC), an association of fuel traders known as the Association des Petits Petroliers du Nord Kivu (APPENOKI), has, as Hugh Lamarque (2014) has shown, taken advantage of the regulatory differences between Rwanda and the DRC to not only distribute petrol in Goma at cheaper prices, but to use its power to influence the regulation of the trade, set prices and discipline its members – sharing authority at multiple levels of officialdom with the DRC state.

Normally, fuel destined for Goma and Gisenyi arrives into the ports of Mombasa and Dar es Salaam, after which it is refined and shipped over land. On arrival at the DRC border, it is distributed by local petrol stations and networks of traders. At Congolese border posts, fuel truck drivers are known to be able to negotiate favourable deals with border officials (Lamarque, 2014, p 6). Often, truck drivers call members of APPENOKI to come to the border and assist in upfront payments, after which APPENOKI distributes the fuel in Goma via a network of street vendors knowns as *Kadhafis*. APPENOKI, whose rank-and-file members are former students, artisans, cross-border traders, smugglers or shop owners, then takes advantage of the largely deregulated fuel sector in Goma to keep prices low, such that drivers in Gisenyi (the Rwandan side of the border) normally cross over just to fuel their vehicles in Goma (the DRC side of the border), evading the highly regulated and, hence, more expensive fuel in Rwanda (Lamarque, 2014, p 7). Fuel in Goma is sold by APPENOKI street vendors, who sell it by the litre on street corners, carrying the fuel in 20-litre jerry cans. Respondents who spoke to Lamarque (2014, p 10) also mentioned the constant interaction of APPENOKI with state officials at every level of their operations: negotiations with customs agents as

petrol crosses the border; with local police officers as it is sold in fuel stations and on street corners; and with local administrators and local politicians.

This inter-locking of local business operations and government agencies in borderland zones was also reported by Flynn (1997, p 323) in the Shabe region of West Africa. Ogbori residents in this borderland zone took advantage of their knowledge and rootedness in the area to mediate between guards and non-local, long-distance traders. At this border between Benin and Nigeria, non-local traders sought the brokerage services of locals in negotiating bribes with guards (Flynn, 1997, p 321). The greater the value and quantity of goods, the more tedious and lengthy the negotiations. Locals participated in brokering a price between traders and guards, while others specialised in networking and maintaining relationships with both parties (Flynn, 1997, p 322). At times, to maintain their relationship with locals, guards would insist that traders seek the mediation services of locals before allowing them to pass, firmly retaining local residents in an (un)official position just below the guards.

At Busia, the border between Kenya and Uganda, 'hangers-on' are known to mill around the official border crossing offering unsolicited help (for a fee) to foreigners to complete their documents (Allen, 2012, p 10). These men – and they are often men – are akin to what Giorgio Blundo (2006, p 799) described as "auxiliary staff", who contribute both to the daily (dis-)functioning of the (African) state and to its circumvention. At the DRC–Rwanda border, APPENOKI members negotiate, and then pay for "informal tariffs" (bribes) to border officials for fuel trucks crossing the border into Goma (Lamarque, 2014, p 10). In the Shabe region of West Africa, locals were also known to enable non-local traders avoid confrontation with border officials by leading them along secret paths around the border post (Flynn, 1997, p 324); and in Busia, the 'hangers on' would do the same, especially if requested by non-locals needing to avoid official channels while crossing the border (Allen, 2012, p 13). For the Ethiopia–Sudan border in Metema–Gallabat, REF researchers (2020) offer details of the operations of a local network of brokers (human traffickers), members of an anti-human-smuggling association set up by the government known as *Shanta Mahiber*, and border guards, who all take advantage of the precarious position of migrants to exploit the latter while attempting to cross the border (legally or illegally).

Individuals, such as some members of the *Shanta Mahiber*, the 'hangers-on' of Busia or the local residents of the Shabe region of West Africa, normally help non-local border-crossers mitigate the difficulties of access to bureaucratic institutions, while at the same time are used as a conduit for corrupt practices (Blundo, 2006, p 799). They are also the channels through which official power gets parcelled out down to the lowest and most local levels (Englebert, 2009, p 63), where non-state actors share and undercut official responsibility and authority at the same time.

While it is often expected that the introduction of formal border crossings provides a more conducive and formalised crossing environment, the lessons learned from these experiences from diverse borderland zones in Africa is that the mere existence of a formal border-crossing does not guarantee increased barriers to irregular movement, or the end of corrupt practices. Formal border crossings, as Nugent and Soi (2000, p 432) note, rarely make a break with entrenched institutional and cultural patterns in the respective borderland zone. Instead, their operations are normally subsumed and directed by a balance of multiple local interests. Locals take advantage of their knowledge of the area to both help and undercut the authority of border officials; border officials seek personal enrichment by taking bribes and denying the government revenue; while border-crossers seek out the easiest, cheapest and most hassle-free ways of crossing the border, even if this means going through unofficial channels.

Intimidation and violence

Border guards and other security forces, that is, the police and military officers, have all been implicated in one or another form of intimidation and violence, which they mete out against borderland residents, migrants and cross-border traders. Experiences in different border zones in Africa are, however, diverse, from violent and repressive to relatively peaceful and stable.

Writing about the Semiliki Basin on the international boundary between Uganda and Congo, Raeymaekers and Jordan (2009) highlight the various predatory practices by the Congolese and Ugandan armies on cross-border trade involving smuggled contraband, cash crops and minerals in the resource-rich region. Expecting to lose their belongings to soldiers at any time, smugglers and traders turned to a host of rebel armies operating in the region, which then produced a profitable protection economy on the border that subsequently offered an opportunity for various "gatekeepers" to exploit the lack of official security (Raeymaekers & Jordan, 2009, p 324).

Employing a historical analysis, Neto (2017) has shown how experiences on the Angola–Zambian border have been shaped by wartime episodes, forced displacement and smuggling. Suspicions springing from the long and protracted Angolan civil war had a strong influence on how people on the border identified themselves, in a way that strengthened national identities. In the post-conflict environment, Angolans displaced by the war, and who took refuge in Zambia, referred to themselves as Zambians, fearing retribution (Neto, 2017, p 313; see also Bakewell, 2012, p 14). This is said to have gradually affected population movements and restrained adaptive identities and livelihoods.

Even in other more peaceful and stable borderland zones, intimidation and violence by border security officials is also reported, albeit on a much lower scale. At Busia on the Kenya–Uganda border, local residents crossing for trade reasons have complained of forcible seizures and harassment, and guards have demanded small payments (or bribes) in order to allow safe passage (Allen, 2012, p 12). At Metema–Gallabat towns on the border between Sudan and Ethiopia, security guards known to engage in corrupt practices have also been reported to force confessions from suspected traffickers using physical violence, while migrants constantly find themselves at the mercy of a host of other actors (traffickers and smugglers, plus security officials), all of whom may inflict violence, or other forms of abuse, on their victims or captives (REF, 2020).

Forms of intimidation and violence in borderland zones tend to drive cross-border traffic in goods and people through remote routes in the face of border controls, sometimes leaving irregular migrants exposed to forms of abuse by their traffickers, or cross-border traders at the risk of forcible seizures by border patrol officers, when caught. In the Shabe region of West Africa bordering Benin and Nigeria, local residents were known to have resented the state's intensified presence in the area (through the establishment of an official border post), despite the existence of arrangements to accommodate local interests (Flynn, 1997). In fact, residents burnt down two additional border posts away from the main one, and continued to avoid official channels of cross-border trade, citing the corruption (especially demands for bribes) by border officials (Flynn, 1997, pp 323–324).

The lesson from these experiences of intimidation and violence in diverse borderland zones in Africa, therefore, is that they constrain cross-border exchanges, limiting the livelihood options of local residents. For those who are determined, this means that cross-border exchanges will be pushed into back roads beyond the reach of state surveillance. The participation of border officials and guards in the generation of this economy of intimidation, fear and violence is key, as it suggests that the introduction of, or improvement in border infrastructure, whether in physical or staff capacity,

are not in itself enough to improve safe passage. In this way, there is a need to raise awareness on national ethics and anti-corruption policy and human rights-based approaches among border officials.

The next section focuses on the dynamics in Mandera County, first locating it and the Mandera Triangle in general within a historical context, before examining how this paper's central themes of adaptation and flexibility, undercutting and/or sharing of official authority, and intimidation and violence play out in the Mandera Triangle.

3 Dynamics in Mandera County

3.1 Kenya and its northern borders

Hara Huri **ETHIOPIA** Mandera North **MANDERA** Wajir North aardhe Elda Khorof Harar Waiir East Girift SOMALIA Wajir West **KENYA** WAJIR Wajir South Habaswe Mado Gash Dhobley Town Dadaab Major road Administrative boundary County boundary 150 km International boundary

Figure 1: Map of Mandera County

Source: Danish Demining Group/Danish Refugee Council, Kenya

Northern Kenya forms part of dryland East Africa, which is home to the largest population in the world still active in pastoralism, estimated at between 12 million and 22 million people and accounting for more than 60% of the world's total surface area supporting pastoral production systems (World Bank, 2014). Many areas of Northern Kenya, including Mandera County, have historically been associated with marginalisation, civil strife and state-instigated violence, at times seeing casualty and displacement levels typically associated with civil wars (Menkhaus, 2015). Three

trends have shaped the political history of the region: restriction of movement, denial of political voice, and militarisation (Lochery, 2012). In recent years, changes in Northern Kenya – especially livestock commercialisation, increased sedentarisation and the dependence on rain-fed agriculture (Catley & Aklilu, 2013) – have come to greatly influence the region's politics, conflict trends and livelihoods. These changes have been coupled with recent investments in land (or land-use change), resources and infrastructure (Lind et al, 2020).

Moreover, droughts in the early 1980s devastated livestock herds throughout the region, precipitating the migration of destitute herders in search of new livelihoods and relief (Adepoju, 1995). Combined with other demographic and social trends, many pastoralists began to settle. State, NGO and church efforts to provide services – schools, health centres and water points – encouraged wider sedentarisation and the growth of small towns (Lind et al, 2020). It is from these small towns, fuelled by a surge in refugee populations, that commercialisation of the pastoral economy, associated with the development of other sectors from rental housing and hotels to transport business, has developed and accelerated. In spite of the region's poor infrastructure, transport services have expanded to include motorbikes, public service vehicles and lorries. This has been followed by new marketing and trading activities in livestock, building materials, wild foods and charcoal (Lind et al, 2020).

The perspective of the Kenyan state regarding the recent changes in its Northern region has been captured in recent plans to develop the region's infrastructure, unlock its economic potential and link its pastoral economy to regional and global economies. However, official thinking on Northern Kenya has also been accompanied by rising concerns about insecurity, especially on the Kenya—Somalia border. The spread of violent extremism, especially linked to the Somalia-based group Al-Shabaab, has often been conflated by Kenyan officials with the ease of movement of people from Somalia into Kenya.

From as early as 2002, official perspectives regarding the threat of violent extremism defined it as an external problem, with Kenya's border with Somalia in the northeast of the country seen as a conduit for hostile forces. For Kenya, the proposals of a report from the US Military Academy's Combating Terrorism Centre (CTC) – which summed up the American perspective – would turn out to be influential. According to the report, Kenya's lax security, open borders and proximity to Somalia, were all considered particularly attractive factors for terrorist groups (Prestholdt, 2011, p 10). In 2007, when a new wave of Somali refugees arrived in Kenya following the US-backed military intervention by Ethiopian proxy forces against the Islamic Courts Union (ICU) in Mogadishu, the Kenyan government responded by shutting the Kenya–Somalia border citing security reasons (Lind et al, 2017, p 121). In addition, refugee registration services were suspended, leaving thousands stranded and hundreds of asylum seekers forcibly returned by Kenyan authorities. The apex of these policy actions against the threat of violent extremism in Kenya was Nairobi's decision to intervene militarily in Southern Somalia in late 2011, when the border with Somalia was, yet again, closed (ICG, 2012).

At the Kenya–Somalia border in Mandera County (which continues to bear the brunt of Al-Shabaab's attacks along the border), the immigration office was moved to Wajir county, located south of Mandera, and a border fence was built in Mandera town. Only the field branch of the Kenya Revenue Authority (KRA) remained in Mandera. Despite these changes, Mandera has continued to suffer from repeated attacks, targeting civil servants and telecommunication masts, and leading journalists to proclaim Mandera "Al-Shabaab's paradise" (Mungai & Wesangula, 2021). An additional trend in the security dynamics of Mandera County is the ongoing conflict between the Federal Government of Somalia (FGS) and the Jubaland state-government based in Kismayo, which is headed by Ahmed Madobe. The FGS is also in conflict with forces loyal to Jubaland State's security minister,

Abdirashid Hassan Nuur, popularly known as 'Janaan', for control of Gedo region, which lies across the border from Mandera (Valar, 2020). The latter conflict has led to a diplomatic tiff between Kenya and Somalia, and Somalia has, as a result, severed its diplomatic ties with Kenya citing the latter's alleged political interference in Somalia (Sheikh Nor, 2021).

Combined with the failure of seasonal rains, a locust invasion and new border closures to contain the spread of Covid-19, these conflict and security dynamics are reportedly constraining movement across the border as insecurity increases, negatively affecting the ICBT of the area, and other cross-border relationships. It is these cross-border dynamics in Mandera County that will now be considered.

3.2 Cross-border experiences in Mandera

There is only one official border-crossing point at Moyale on the 830-km border between Kenya and Ethiopia, and none on the officially closed 682-km border between Kenya and Somalia. In the Mandera Triangle, where both these borders meet, Mandera County, Ethiopia's Dollo Ado woreda (district) and the Gedo region of Somalia are all distant from the centres of authority, business and trade in their own countries. All are marginal areas cut off from most of their respective countries by poor transport infrastructure. This means that sourcing goods from Nairobi, Addis Ababa or Mogadishu is far more expensive than obtaining them from just across the border — making ICBT crucial to the livelihoods of residents.

Trade in the Mandera Triangle includes consumer goods imported through Mogadishu into Kenya; livestock from the Lower and Middle Juba regions of Southern Somalia into Mandera; camels from Mandera County sold in Dollo Ado and Gedo, often to be shipped to the Gulf; and khat from Kenya into Ethiopia and Somalia (BORESHA, 2020a). Despite the official closure of the Kenya–Somalia border, commodities from Somalia have continued to find their way into Mandera. Foodstuffs and household items, including motor vehicles, arrive in Mandera from Somalia, while wheat, beans, natural herbs and cement, arrive from Ethiopia (EUTF, 2016).

The town of Mandera is also a transit zone for goods destined for Ethiopia from Somalia, such as tea leaves, sugar and processed products like biscuits, juice and cooking oil (EUTF, 2016). Goods from Mandera traded in Somalia include construction materials such as timber, metallic items, steel, iron sheets, paint, etc. Thanks to this significant volume of ICBT in the Mandera Triangle, small towns and settlements have sprung up, especially in its section of the Kenya–Somalia border. Most of these towns and settlements are within walking distance from each other, and some, like Bulla Hawa and Mandera, actually straddle the border, making it difficult to police cross-border movement.

Residents on both sides of the border also make use of each other's social services, especially livestock markets, abattoirs, schools, hospitals and airstrips. Thanks to the relatively more developed infrastructure in Mandera County (with the only tarmac road in the Triangle) people tend to move from Dollo Ado and Gedo region into Kenya so as to access markets, hospitals and schools. Traders in Dollo Ado and Gedo use banking services available in Mandera County. Hundreds of Ethiopian students and thousands of Somali students have been known to cross the border to Mandera and enrol in Kenyan schools (EUTF, 2016).

The fact that the Kenya–Ethiopia–Somalia border in the Mandera Triangle has long been prone to fragility, recurrent external shocks, humanitarian disasters, drought, famine and poverty makes cross-border relationships extremely important for the survival and resilience of Mandera Triangle residents. It is also important to consider the Triangle's conflict trends, where clan conflict, especially over political power and natural resources such as pasture and water, have persisted over the years

(Chome, 2016). Other powerful actors in the conflict and security landscape of the Mandera Triangle include Somalia's Al-Shabaab (which has also recruited Kenyans among its membership ranks), Ethiopia's Oromo National Liberation Front (ONLF) and Janaan Forces from the Gedo region of Somalia. The activities of all these actors have influenced the nature of cross-border experiences in Mandera, to which we shall now turn.

Adaptation and flexibility

The closure of the Kenya–Ethiopia border at Mandera in 2020, which was meant to stop the spread of the Covid-19 pandemic, in addition to the official closure of the Kenya–Somalia border, have not put an end to cross-border movement, including cross-border trade. Despite a rise in insecurity in 2020 (discussed below), the closure of the Kenya–Somalia border and other shocks such as the locust invasion, activity continues. An NGO official who was born and raised in Mandera stated the following:

the border remains closed but people still cross. In fact, officials of the customs office at Mandera town collect something [unofficial taxation] from those who cross at what used to be the official crossing points [Mandera Town near Bulla Hawa, Somalia; Damasa off Mandera—Arabiya—Fino—Lafey road; and El Wak], but a lot of movement takes place on unofficial crossing points. This movement may have gone down at the moment due to the insecurity, but those who are confident, they just cross. (Author interview, 19 January 2021)

ICBT remains a vital part of the economy of the Mandera Triangle. Residents make use of official border crossings at Malkamari and Rhamu on the Kenya–Ethiopia border for small-scale cross-border trade. However, the lack of formal regulations, guidelines and legal procedures on ICBT has pushed some residents into smuggling, that is, illegal activities, not out of choice, but due to the lack of an enabling legal and policy environment that allows for small-scale ICBT to take place. As a result, , residents have continued to make use of both what used to be formal crossing points on the Kenya–Somalia border (now officially closed) as well as unofficial crossing points along the border between Mandera and Gedo region and, at times, between Mandera and Dollo Ado.

This necessitates the adoption of procedural innovation and adaptive strategies by border guards and local administrators, in agreement with influential local businesspeople and clan elders. Other arrangements, including the sharing of livestock markets on the Kenya–Somalia border (at El Wak and Mandera), joint vaccination of livestock and measures to tame cross-border clan conflict (such as a recent agreement to share pasture lands between the Degodia clan in Mandera and the Marehan clan in Gedo), are also dependent on procedural innovation on the ground, where such informal 'pacts' remain unsanctioned by national governments, but receive the unofficial blessing of local administrators of national governments.

All these examples show the significance of cross-border relationships to local livelihoods in the Mandera Triangle. An NGO senior official working in Mandera remarked:

There are some traders in Mandera who know people in Somalia, know people in Ethiopia, have both Hormuud [for Ethiopia, Somalia and Kenya] and Safaricom [for Kenya] mobile telephone lines, they know how exchange rates [between the Kenyan shilling and the US dollar, the main currencies used in the area] shift, they own wholesale businesses in both Somalia and Kenya, some of them even have national IDs in both Kenya and Somalia. It is a very interesting place. (Author interview, 23 January 2021)

It is the importance of ICBT and other cross-border linkages (especially of kin), coupled with the limited state presence along the officially closed Kenya–Somalia border, that has made the implementation of such closures difficult. Administrators, customs and security officials have had to become adaptive to the local situation, and to come up with novel ways of ensuring that the

concerns (mainly over insecurity) of the national state centre are met, while at the same time allowing cross-border movement and trade to continue. According to another NGO official: "the county commissioners [on the Kenyan side] usually give us letters if we want to cross to Somalia and supervise our programmes there." (Author interview, 21 January 2021)

During field research conducted for a related study funded by the EUTF in 2016, details emerged regarding regular and rotational meetings between Kenyan and Ethiopian security officials, which also involved officials from Somalia (EUTF, 2016, p 7). While the meetings between Kenyan and Ethiopian officials may have been legally backed by a 1971 Kenya–Ethiopia treaty, the participation of Somali officials in the meetings was an administrative innovation. An administration official who was interviewed in the 2016 study stated:

To foster good relationship and interaction we have separate monthly meetings with the administration and security team from Suftu [Ethiopia] and Beled Hawo [Somalia]. For the Ethiopian meeting, it is rotational, one time held in Mandera town and the other time held in Suftu, but for Somalia they come to our side. (Senior Government Official in Mandera, quoted in EUTF, 2016, p7)

Residents crossing the Kenya–Ethiopia border at Malkamari and Rhamu, across the River Daua, are allowed to cross without any paper checks (a simple security check is conducted on the Ethiopian side of the border by village police) if crossing between 8 am and 5 pm. While this convention applies only to local residents, determining who is a local resident is often a matter of administrative discretion, and border guards often subject some crossers whose point of origin they are not certain about to lengthy interrogations; in some cases these examinations turn violent. This tradition of allowing free cross-border movement by local residents across the Kenya–Ethiopia border was agreed upon, and is monitored, during the monthly meetings described by the Kenya administrative official above.

For cross-border trade on the Kenya–Ethiopia border, a Petty Periphery Trade Initiative, launched by the Ethiopian government in 1994, which has been revised only once, exists (OSSREA, 2020). The initiative specifies the goods that can be traded duty-free, the maximum monthly value of import and export goods and the number of times a trader is allowed entry into either Kenya, Somalia, Somaliland and/or Djibouti. Most local traders seem unaware of the existence of the regulations (OSSREA, 2020). As a result, much CBT and any cross-border movement is in the hands of administrative officials and border guards, who collect unofficial taxation at the crossing. Officers of the Kenya police and KDF are allegedly erecting road blocks on back routes on the Kenya–Somalia border and collecting bribes from cross-border traders, at times confiscating goods, or burning them (NGO official, author interview, 21 January 2021).

Generally, the lack of official border trade agreements between the countries in the Mandera Triangle, coupled with the official closure of the Kenya–Somalia border and the absence of functional regulatory authorities (that is, agencies such as the Kenya Bureau of Standards and Immigration Department) at the local level induces adaptive strategies on the part of local residents, and administrative flexibility on the part of local administrators and border guards.

Undercutting and/or sharing official authority

Unlike the current situation in the Goma—Gisenyi borderlands, the boundary between Rwanda and the DRC, where APPENOKI associates share authority at multiple levels of officialdom with the DRC state, there is no single organised association in the Mandera Triangle that either undercuts or shares official authority with government institutions and structures. Nevertheless, this is done by some influential, entrepreneurial individuals.

Of the three borders in the Mandera Triangle, the Kenya–Ethiopia and the Ethiopia–Somalia borders are the most effectively guarded, partly thanks to the empowerment of local village police (essentially clan militia) in Ethiopia who guard the border against the security threats presented by Al-Shabaab, the ONLF and, most recently, Janaan forces. Compared to Ethiopian border guards, the local perception is that Kenyan border guards, most of whom are police reservists (a unit of former police officers within the Kenya Police Service), are often corrupt and have a strong penchant for taking bribes. This was expressed to this author by Ethiopian border guards in Suftu town during a field visit there in August 2016 (see also EUTF, 2016).

Despite this, in the Mandera Triangle, no strong association of local residents like the APPENOKI has emerged to control any vital sector of the local economy, either in conjunction or in competition with their respective governments. However, a host of entrepreneurial individuals, especially livestock marketing agents, wholesale traders and clan elders controlling grazing areas, are exercising a strong influence over the nature of labour migration, cross-border trade, clan conflict and transhumance (BORESHA, 2020b). In this way, cross-border business partnerships, often reinforced by kin ties across the border (the majority of the clans in the Mandera Triangle straddle all three borders) are vital to the Triangle's economy. These business partnerships are crucial for value chains that bring local producers and especially pastoralists, closer to international markets (BORESHA, 2020b).

The Mandera Triangle is one of the most important nodes of the international livestock trade emanating from the HoA, where annual exports of livestock and livestock products are estimated at US\$1 billion, with domestic production and trade in the region as much as three times that amount (Catley et al, 2012). The bulk of this thriving export trade originates from Somalia (especially Somaliland) and depends on ICBT with neighbouring Ethiopia (Teka & Azeze, 2002). Kenya also offers a market for livestock sourced from Somalia that gets to markets in Nairobi and Mombasa and further afield. The livestock is usually unofficially trekked across the Kenya–Somalia border at unofficial border crossings, to be sold in Kenya and, once there, officially taxed in different market places (at El-Wak in Mandera, Garissa and Isiolo for instance). It is eventually sold through formal market chains in Nairobi and Mombasa (Little et al, 2015). Official information about the prices of different types of livestock is often difficult to find and transactions across the market chain usually need to be done quickly, necessitating the presence of marketing agents (*Dilaal* in Kenya and Somalia and *Dilala* in Ethiopia), upon whom both sellers and buyers depend (Little et al, 2015, p 3).

Pastoralism and livestock trade are a significant livelihood strategy for residents of the Mandera Triangle, despite the shrinking sizes of herds in Kenya over the years. Households depend on camels, goats, sheep and cattle to meet their daily needs (EUTF, 2016, p 8). It is the significance of livestock trade that contributes to the power of brokers, livestock marketing agents and clan elders controlling grazing lands. Administration officials have been known to openly discuss the importance of CBT for the livestock trade, despite the official closure of the border. They often meet livestock traders, large-scale pastoralists and clan elders (individuals often straddle these roles) in their offices to discuss the unofficial trade: which markets, and which overland transportation routes to be used for transportation to urban centres in the rest of the country and so on. It is also these same actors who are important when it comes to the resolution of inter-clan conflict, especially since conflict disrupts livestock trade. As a result of the ongoing security situation in the Mandera Triangle, herders and other traders are said to be making greater use of the Western route to Moyale, and then south to the major urban centres of Kenya (NGO official, author interview, 21 January 2021; NGO official, author interview, 23 January 2021).

Through NGO support, there have been attempts to regularise and formalise such relationships between influential local residents and the administration, including border guards and customs

officials. Livestock traders have established a semi-formal Livestock Marketing Council, which has received donor support, to help traders across the Mandera Triangle with capacity building and education on different stock breeds (OSSREA, 2020, p 18). The Mandera chapter of the Kenya Chamber of Commerce and Industries remains dormant because of a lack of institutional support from the national and county governments. In addition to these efforts, the EU Trust Fund-financed BORESHA and RASMI programmes continue to work with traders, medium-sized businesses and the local population so as to formalise trade in the borderland zone and increase the local communities' resilience to shocks such as drought, conflict and famine, respectively. In particular, the Building Opportunities for Resilience in the Horn of Africa (BORESHA) Programme, implemented in the cross-border areas of the Mandera Triangle, has created an online SMS platform to provide. The platform, launched in July 2020, had signed up to 1,029 users by November of the same year. (Author interview, 23 January 2021).

Recently, a Cross-Border Traders committee was jointly created by Pact's PEACE III programme, but this is yet to be commissioned because of the current diplomatic rift between Kenya and Somalia. Through Pact's PEACE II programme, a cross-border meeting hall was constructed in 2016, located in Suftu town, Ethiopia (EUTF, 2016, p 7).

Other local actors in the Mandera Triangle have continued to engage in criminal activities, however, by taking advantage of the informal local arrangements that allow local residents to cross the border for purposes of trade and pasture. These actors often smuggle illicit goods and traffic human beings across the borders. In some cases, they use back routes away from state surveillance, but these also usually involve the tacit knowledge of other border residents using these routes for ICBT. In some cases, competition for smuggling and trafficking routes has led to inter-clan conflict at some border crossings, including El Wak on the Kenya–Somalia border, and further north in the Somaliland–Djibouti–Ethiopia borderland zone, where the Afar and Somalis have competed over smuggling routes (EUTF, 2016, p 9).

Alongside violent extremism (discussed below) the smuggling of guns and people are two of the most serious criminal activities in the Mandera Triangle. Major human trafficking routes involve bringing people from Ethiopia into Somalia, then Djibouti, with the aim of reaching the Middle East via Yemen; and bringing people from Somalia into Kenya, with the aim of onward travel across the Transafrican Highway to South Africa, and beyond to Europe or North America (EUTF, 2016, p 9). The main arms-smuggling routes, on the other hand, are between Somalia and Kenya but reach as far as Yemen (the Mandera Triangle's main source of small arms and light weapons), Uganda and South Sudan (EUTF, 2016, p 9). Allegations were routinely made by informants regarding the participation of corrupt administrative and security officials (especially in Mandera County) in these gunsmuggling and human trafficking networks, but these claims have not been substantiated. However, efforts to crack down on these criminal networks have been ineffective because of weak governance structures and the powerful local interests benefiting from this criminality.

The lesson is that local adaptation and procedural innovation are important to cross-border exchanges at the Mandera Triangle, and that through additional support, such mechanisms should be formalised. The latter could be in the form of introducing trade licences for specific types and amounts of goods, and the formalisation of trade and peace pacts among various local actors, such as local government, businesspeople, clan elders, traders, and others. However, caution should be taken not to encourage, or provide an enabling environment, for criminal activities.

 $^{^2}$ For further information, see here - https://boreshahoa.org/2020/09/03/boresha-mobile-platform-helps-cross-border-traders-know-commodity-prices/

Intimidation and violence

Border guards in Ethiopia and Kenya, including officers of the KDF, have all been accused of engaging in violent intimidation in the Mandera Triangle, especially against small-scale cross-border traders, herders and other border-crossers. In both Ethiopia and Kenya, such violent intimidation is part of a wider historical and ongoing exclusion of the country's pastoral lowlands and northeast regions, respectively, from national economic development programmes (Chome, 2016; Regassa & Korf, 2018).

In recent years, the threat posed by the operations of Somalia-based Al-Shabaab and the ONLF have served to heavily securitise the borders of the Mandera Triangle. This has been made worse by the ongoing conflict among Somalia's leaders, the new President Mohamed Abdullahi Faarmajo and the Jubaland Federal State under the leadership of Ahmed Madobe (Valar, 2020). The FGS is also in conflict with the abovementioned Janaan forces for control of Gedo region, Mandera's neighbour across the Kenya-Somalia border. This conflict has spilled into Kenya, especially Mandera County, where Janaan forces are said to be hiding (Sheikh Nor, 2021). This has happened at a time of increased Al-Shabaab activity in Mandera County, with claims that members of the group have currently inserted themselves deep into Mandera West, more than 100 kilometres from the Kenya-Somalia border (NGO official, author interview, 21 January 2021).

This wider militarisation of the politics of the Mandera Triangle means that border guards are likely to approach the enforcement of cross-border conventions with a security mind-set, even when this means people are crossing borders for small-scale trade, to see family members or simply to buy household items (local resident, Mandera County, author interview, 23 January 2021). Ethiopian border guards have been accused of occasional use of force when dealing with cross-border traders crossing at back routes away from the unofficial border crossings; such behaviour might range from beatings, forcible seizure of goods or burning of goods (local resident, Mandera County, author interview, 23 January 2021). In addition to claims that the Kenyan police and officers of the KDF are erecting roadblocks on back routes to collect bribes from cross-border traders, there are also allegations of their routinely resorting to violence, including forcible seizures, when people fail to pay the bribes demanded for them to cross (NGO official, author interview, 21 January 2021).

4 Conclusion

This paper has shown that borders are not mere markers of the end of state sovereignty, and the beginning of a break between two countries. Instead, the existence of a border gives rise to a variety of roles – those of border guards, cross-border traders, brokers, immigration and customs officials, smugglers and local residents – all of whom seek to benefit from the existence of the border. For local residents in particular, the existence of the border is vital, as it produces regulatory variations across it that residents take advantage of to make the best out of diverse legal, policy and economic environments. As such, local actors often create relationships that organise local power structures and modes of governance that may act largely independently of national government control, operating sometimes in conjunction, sometimes in competition with the national governments' officers.

Through a review of borderland experiences from across Africa, that is, Southern Africa, West and East Africa, and the HoA, the paper has explored the major themes of adaptation and flexibility; undercutting and/or sharing of official authority; and intimidation and violence. This analytical framework was then used to understand experiences in the Mandera Triangle, and how various actors in Mandera compete with and accommodate each other's interests. The paper found that, in Mandera and at other border crossings, informality and procedural innovation are vital to borderland livelihoods; that borderland livelihoods are shaped by the actions of multiple actors; and that a culture of corruption, intimidation and violence often persists at border crossings – even at formal ones.

To ensure that the introduction of formal border crossings, or the improvement of the existing, unofficial border crossings in Mandera do not disrupt local arrangements meant to sustain or improve local livelihoods, the paper has shown that such interventions should work through, not against, such local arrangements. Generally, respondents were of the view that any improvement of the existing border infrastructure at Mandera, or introduction of formal border crossings, should align with their transient needs as a borderland community. Caution, however, should be exercised in ensuring that the promotion of local solutions does not give space for actors who are already taking advantage of such arrangements to engage in criminal activities. In this way, the involvement of local influential actors during the introduction of formal border crossings, or the improvement of the existing, unofficial border crossings in Mandera should ensure that such actors work towards the general improvement of local livelihoods — and are not associated with criminal activities. Last but not least, the paper concludes that the introduction of formal border crossings or the improvement of the existing, unofficial border crossings in Mandera should be accompanied by measures that discourage corruption and bribery, and promote a culture of human rights.

5 Recommendations

1) The introduction of formal border crossings, or any improvement of the border infrastructure in Mandera must be sensitive to the local context, locally applied conventions and adaptive strategies

Border management authorities (at the national and county levels) and representatives should appreciate and account for the transit needs of communities in Mandera (and cross-border communities in Bulla Hawa) *vis-à-vis* trade and access to goods and services in the conception or improvement of border infrastructure. This could be in the form of introducing trade licences for specific types and amounts of goods, and the formalisation of trade and peace pacts among various local actors, such as local government, businesspeople, clan elders, traders, and others.

2) The involvement of local actors in the introduction of formal border crossings, or in the improvement of other aspects of border infrastructure is critical

Whereas border management is within the remit of national governments, civil society and county government representatives must promote and advocate for the active involvement of and consultation with local communities, especially clan elders, women and youth committee representatives. This could be done through the establishment of standardised consultation processes between local communities, a Border Management Committee (chaired by the County Commissioner) and county- and national-level border security and management agencies (such as Kenya's Border Management Secretariat).

3) There is a need to raise awareness on national ethics and anti-corruption policy and human rights-based approaches among border officials

Donor agencies and civil society actors working in Mandera should channel their efforts into widespread awareness-raising campaigns on anti-corruption and training on rights-based policing. In addition, engagement and specific deliberations should be undertaken with the anti-corruption commissions of the respective regional governments (Kenya, Ethiopia and Somalia), which can be achieved under the auspices of IGAD. Efforts to bridge the gap between local community representatives and border management officials (particularly at the county level and those belonging to the police, military, special forces and other designations) should also be undertaken by civil society and government representatives in the form of regular dialogue and consultation.

4) Support for both formal and informal cross-border trade must be bolstered in line with IGAD's policy framework on Informal Cross Border Trade (ICBT) and Cross Border Security Governance (CBSG), which promotes, among other things, strengthening border security systems and supporting trade facilitation at border-crossing points

In the Mandera context, working for the uptake and implementation of the ICBT–CBSG policy framework is particularly crucial given the fragile security context and the high dependence of local communities on ICBT. As such, government, civil society, donors and other stakeholders must coordinate efforts to support context-specific and gender-sensitive livelihood strategies, all the while promoting community involvement in border management strategies and plans. Consideration should also be given – by the Kenya Revenue Authority and the Commissioner of Customs and Border Control – to the development of a Cross Border Trade Charter and other tools, such as Simplified Certificates of Origin, for goods allowed in untaxed for local cross-border trade.

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