

KENYA'S OVERLAPPING MEMBERSHIP IN REGIONAL ORGANISATIONS

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State interests are similar especially within a region as they have a lot of common objectives, and regional integration is the common avenue that most states have adopted for pursuing and achieving these shared objectives. However, it's important to note that regardless of the shared objectives, most states will pursue their own national interests first before anything else. This has led to some countries choosing the strategy of overlapping membership hence belonging to multiple organizations within the region as is with the case of Kenya. Using realist theory and theories of integration, this article will analyse the overlapping membership of Kenya in the different regional organizations of economy and peace and security which have similar objectives. I will evaluate the commitment challenges it faces both politically and institutionally within the multiple organizations. In its quest to fulfill its vision 2030 objectives, Kenya has taken some measures which sometimes pose a challenge to integration in the region, but it has to find ways to balance them out. While trying to pursue their own "personal" interests as a country through other organizations outside the region and continent, such as the European Union, Kenya faces particular challenges in the region. Since Kenya economically is already stronger than other countries in East Africa, it is inevitable for it to not constantly face competition so it has to continually improve and better itself to maintain its status in the region. Finally, the author concludes with the measures Kenya can take to maximize and achieve its interests without compromising the need and importance of regional integration but mainly without jeopardizing its strategic and economic position in the region.

Keywords: Kenya, regional integration, regional organizations, regional economic communities, peace and security, multiplicity and overlapping membership

Regional integration has changed its traditional meaning and does not necessarily mean geographically bound member states. Over the past decade regional integration has become a different phenomenon which undermines the geographical location and puts shared, common objectives and interests within independent states to be of greater concern. This does not mean geographical location is not important, it still is, but there are more and more organisations coming up that are not necessarily geographically bound as expected.

For example, "The membership of the Organisation of American States includes all states within North, South, and Central America, but geographers have never viewed both continents as a single well-defined region" [5]. So is the case with the Commonwealth, a regional organisation with the membership dispersed around the globe. Or the case of Russia which not only focusses on the Commonwealth of Independent States but also such Asian countries as Japan and South Korea [4].

It is easier for smaller sub-regional organisations to work and implement issues faster as compared to a regional organisation which has more members. As a result, there has been an increase in sub-regional organisations like the African Economic Community established by the African Union (AU) through the

1991 Abuja Treaty with the goal of achieving a single monetary zone for Africa by 2028. Various sub-regional groupings have proceeded highly unevenly, however, and some states have sought to break free of the laggards by creating their own fast tracks towards greater monetary cooperation with regional organisations like East African Community being among the first to form a customs union.

This means that in countries trying to pursue their own interests, overlapping membership with similar roles has become common all over the world and it is not unique to one region. Russia belongs to the Collective Security Treaty Organization (CSTO), Eurasian Economic Community (EurAsEC) and Shanghai Cooperation Organization (SCO); CSTO and SCO both seek to enhance

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regional security, but there is a divergence in their approaches and aims in this regard. CSTO is focussed on more traditional military coordination, while SCO is aimed at harmonizing approaches to non-traditional security challenges. EurAsEC and SCO both seek to foster economic coordination, but EurAsEC is focussed on micro-level customs coordination, while SCO is currently centred on large-scale projects and energy cooperation. This split in functions allows Russia to keep certain “strategic” areas of multilateral coordination within frameworks it has strong control over. So one state can belong to as many regional organisations it wishes to as long as it is able to achieve its objectives without compromising its interests and relationships with other states.

WHY OVERLAPPING MEMBERSHIP FOR KENYA

The quest for regional integration in Africa has long been entrenched in the history of the continent. Anchored in its diversities, regional integration in Africa has been emerging from the politics of anti-colonialism, but on the basis of pre-existing colonial arrangements [10]. Such is the case of the East African Community where Kenya has always been a dominant member right from its inception in 1919 by the colonialists, to the collapse after independence and the revival towards the end of the 20th century.

Most countries in the region got independence almost at the same time and the progress in development has been slow for all, leading to the states realising the most rational thing to do is to integrate as they have common interests. Daughert and Pfalzgraff define integration as “a process leading to a condition of political community”. The integration process is perceived by integrations theorists as consensual, based principally on the development of shared norms, values, interests or goals [9].

Kenya is a developing country but regionally it is one of the countries with a strong economy and it is projected to grow even faster. This has resulted in a number of measures taken by the country. The key one is Vision 2030, which outlines some of the achievements that the country needs to obtain by that year. As a result, the most rational and realistic response has been that it has ended up in multiple overlapping regional organisations (herein after referred to as RO's) as a strategy for achieving the several objectives at the same time.

According to the African Development Bank (AfDB), benefits may also accrue at the organisational level, with one institution benefiting from the experiences of another regional economic

community that has completed a particular process through having access to its members. This may be the case for tariffs, such as the design and implementation of a common tariff nomenclature or a tariff phase-down process; a plan, such as a regional infrastructure master plan; or an instrument, such as the design and implementation of overload controls and axle-load limits [6]. Even though AfDB is mainly addressing the issue of economic objectives but experience especially of methods that have worked on another RO transported to another is very important especially since the issues are almost similar across the RO's.

While overlapping membership can be costly, belonging to more than one regional economic community offers multiple benefits, since most of them were established for specific purposes rather than as a building block toward the African Economic Community [6].

But though many countries belong to multiple ROs, which not only diverts willingness to act but further complicates funding because states that belong to these multiple groups have to pay their dues to all the regional organisations to which they belong [7]. Kenya is still developing, meaning it does not have lots of money to spare and even though regionally, especially in East Africa, it is the strongest economy, the funds it is spending on the RO's could be channeled into other development areas within the country.

Other than funding, the other problem of overlapping membership is conflicts in jurisdiction that emerge where two different integration organisations have similar mandates, or where a country belongs to two or more integration organisations with conflicting policies. Similarly, as the integration agendas and obligations differ from one regional economic community (REC) to the next, multiple memberships often lead to a country having to implement conflicting obligations, like in the case of Kenya in EAC and COMESA, which have conflicting policies.

In Africa RO's are taking a new shape compared to the rest of the world, as the continent is taking a new approach in understanding what cooperation within the region is and embracing it as compared to the rest of the world who have taken a more relaxed approach to RO's. But it also reflects wider regional cooperation dynamics taking place in Africa; while the rest of the world is apparently retreating from international cooperation, African countries seem to be moving in the opposite direction. The Tripartite Free-Trade Agreement (TFTA) was launched in 2015 to combine the markets of the Common Market for Eastern and Southern Africa (COMESA), the

East African Community (EAC) and the Southern African Development Community (SADC), while negotiations are currently ongoing for an even more ambitious Continental FTA (CFTA) due to be launched by the end of 2017 [3].

As stated before Kenya belongs to multiple organisations which could not be uniquely said to be in East Africa geographically. Some of the organisations include countries in Central Africa like the Democratic Republic of Congo, which is a member of International Conference of Great Lakes Region, or Angola in Southern Africa. This is also one of the unique qualities of membership in Africa as a region: it is no longer about geographic location but only about a country's own interests. As Byiers stated, "regional integration processes are not only about geographical logic and formal statements, but also about how interests and incentives play out on the ground" [3].

KENYA IN REGIONAL ECONOMIC ORGANISATIONS

Economy is one of the strongest ways for any country or region to have a say in international matters while safeguarding itself from outside influence. Africa in trying to pursue its place in the international scene has advanced the formation of several economic organisations because formation of a regional unit can increase the bargaining strength of the member countries. This requires an ability to adopt a unified regional position on the relevant issues. This is particularly important for negotiating trade and international commodity agreements with third parties. A prerequisite for this, however, is the coordination of national agricultural and industrial policies. It may be possible to obtain more trade concessions en bloc as opposed to individually [2].

The several recognised regional economic organisations in Africa are the COMESA, the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), the Arab Maghreb Union (AMU), SADC, EAC, the Intergovernmental Authority on Development (IGAD) and the Community of Sahel Saharan States (CEN-SAD).

Kenya is a member of three of the eight regional economic organisations, the main reason being that Kenya's location is strategic and has good infrastructure. Kenya boasts East Africa's strongest international trade and investment links, and serves as its transport, logistics, tourism, banking and services hub, all underpinned by major infrastructure development.

But there are other major reasons for Kenya's

multiple membership as there are things that it can do in one organisation but not the other or it has better market for its products in one compared to the other. For example, Kenya's membership of nine regional organisations rather reflects the different benefits that different regional communities can offer. COMESA allows Kenya to protect itself from dumping, which cannot be done under the EAC. That has been used to protect its sugar and wheat sectors. Its interests in IGAD are more related to peace and security in the Horn of Africa rather than the economic agenda [3].

Since most African countries are still developing, there is constant need of funds to help in various state projects. This has led to countries like Kenya owing international organisations like World Bank and IMF lots of money and because of the huge debt, they are not credit worthy.

The alternative and easiest way to access the funds with lesser interest rates is through the regional organisations. These organisations have more access to external funds as compared to individual states. Since Kenya has its own targets but it might not get funding from the international organisations for one reason or another, then they can easily access the funds through the RO's as they have more bargaining power.

However, it should be noted that the main challenge is not for a country like Kenya to pay membership or the other individual financial issues; the main challenge is within the organisations themselves. Mainly between EAC and COMESA.

On the regional trade front the EAC overlaps a number of other regional bodies. Kenya, Uganda, Rwanda, and Burundi are also part of COMESA, while Tanzania is also part of SADC. Kenya and Uganda are additionally members of IGAD, and Rwanda and Burundi are further part of ECCAS. Furthermore, Rwanda, Burundi, and the Democratic Republic of the Congo are members of an economic community called the Economic Community of the Great Lakes Countries (CEPGL) that was only recently revived in 2004. The most significant and challenging overlaps or multiple memberships are however with COMESA and SADC.

The overlapping membership has also made it difficult for the RO's to make economic partnership in international scene with other RO's like the EU, leading to the formation of further regional partnerships. At the same time, countries in eastern and southern Africa have formed regional groupings for the purpose of negotiating EPAs with the EU. However, due to the overlaps in membership of the existing regional organisations, they could not be used as vehicles for this purpose,

resulting in a split into two additional negotiating configurations.

Sometimes states choose RO's not necessarily for the economic sense. Tanzania, for example, is the only EAC member that is in SADC after its withdrawal from COMESA. Even though studies reveal that it will benefit more in COMESA than SADC, it has ignored those facts just because of Kenya's dominance in EAC. In this respect Tanzania's continued membership in SADC reveals most clearly that it is not economic arguments alone that play a role in regional trade bloc membership choices. The parallel memberships are usually because a single bloc does not satisfy all the strategic, political, and economic needs and objectives of the member state. It is perhaps in the historical economic relationship between Kenya and Tanzania that part of the answer lies.

Unlike EAC, the other blocs are in the process of establishing either a free trade area or Customs Union. Of the eight, it is only EAC that has commenced establishing a common market, which is a challenge to Kenya as in COMESA it has more market but because of not all EAC members being COMESA members then it is difficult for it to expand its influence because Kenya, for example, can receive the benefits of deeper integration from its membership in the EAC, while receiving the benefits of a larger market offered by its membership to COMESA.

KENYA IN PEACE AND SECURITY REGIONAL ORGANISATIONS (ICGLR, EASF, IGAD)

Africa sadly is a continent that is constantly characterised by conflicts. According to available estimates, in 2000-2014, Africa accounted for up to 85% of the annual number of victims of armed conflicts around the world [12], but despite this it has tried to resolve its conflicts. Several decades ago though things took a turn with different kinds of conflicts coming up like genocide and terrorism which has led to different approaches to conflict resolutions to be adopted.

Cases like Darfur in then Sudan and Rwanda where there was a delayed intervention, Somalia where the international organisations were unable to resolve the conflict and most recently in Libya where the intervention was done by an organisation outside the region (NATO) with conflicting reports that was no need for intervention and that African leaders were opposed to it have led to Africa rethinking its strategies on peace and security.

The result has been, Africa strengthening its own regional peace and security organisations to guard

itself from outside interference. Other than the African Union other small regional peace organisations have come up like Eastern Africa Standby Force, Northern Standby Brigade, Western Africa Standby Brigade, Central African Standby Brigade, Southern Africa Standby Brigade, but other than these, there are other regional organisations like G5 Sahel, International Conference on Great Lakes Region and the Inter-Governmental Authority for Development.

The region surrounding Kenya or that Kenya has an interest in is no different. Among its immediate neighbours - South Sudan, Rwanda, Burundi, Democratic Republic of the Congo, but most notably Somalia - Kenya is actually known as a peace oasis in Eastern Africa region and it is one of the ways it markets itself. Factors such as cross border conflict issues have led to Kenya recognizing the need to be part of conflict resolution and humanitarian activities in the region not only to protect its borders but also for its own internal interests.

As host of African Union headquarters, Eastern Africa is the center of continental cooperation and peace and security efforts. Yet, the region itself faces serious challenges for state and human security caused by armed conflict, political crisis, democracy and governance deficits. Due to competing ambitions for hegemony between states in the region, there is no principal organisation for security cooperation. Instead, there are different regional structures with varying mandates that jointly constitute Eastern Africa's contribution to the African Peace and Security Architecture (APSA) [7].

As a result, since as stated before conflict covers the wider part of Eastern Africa to Central and parts of southern Africa, Kenya because of its location is very much affected by instability. The result has been overlapping membership in peace and security organisations. Kenya is a member of Eastern Africa Standby Force which consists of nine other countries which are Seychelles, Djibouti, Burundi, Rwanda, Somalia, Sudan, Uganda, Ethiopia and Comoros.

It is also a member of International Conference on Great Lakes Region which constitutes twelve member states: Kenya, Uganda, Tanzania, Rwanda, Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of the Congo, Republic of South Sudan, Sudan and Zambia.

IGAD has also taken an active role in peace and security in the region and other than Kenya the other members are Djibouti, Ethiopia, Eritrea, Sudan, Somalia and Uganda.

From the membership one can note the diversity of the countries, meaning that the issues are complex and the periods for the conflicts vary. To solve these

conflicts with one organisation is almost impossible, meaning overlapping membership is almost inevitable, especially for a country like Kenya because of its geographical location and interests.

Multiple membership may also simply be necessary given the multitude and complexity of the issues being addressed in some regions. Looking at the Horn of Africa, some find that it demands not only a multilateral approach, but also an approach of multiple and overlapping multilateralisms. With no single agreed regional peace and security forum, none plays the uncontested role of custodian of norms, forum for conflict management, and arbiter of disputes. Multiple approaches may therefore also help balance power and interests [3].

The main challenge for a country like Kenya has been the Somali issue. First because of the internal issues that the conflict brought to the country, from issues like terrorist attacks against Kenyans within its borders, to piracy which was affecting the ports and having an impact on import and export, and an influx of refugees in the country without enough facilities and funds to support it.

All this culminated with the country taking its own initiative with a program called "operation Linda Nchi" which was mainly to protect its borders. The problem is that Kenya is a member of IGAD, yet IGAD Peace Keeping Mission to Somalia already existed, in addition to the African Union Peacekeeping Mission in Somalia and not forgetting the United Nations Mission in Somalia (UNISOM). After the successful operation, Kenya then joined the African Union Peacekeeping Mission in Somalia, but is this the successful model to use in addressing the cross border conflict issues?

The reason why Kenya took an individual approach to the Somali issue is because even though IGAD has a peace keeping mission there it lacks the mandate, so Kenya had to sort it out itself. But in Sudan IGAD took an active role but mainly through Kenya which culminated in the peace deal. IGAD, mainly through Kenya, played a leading role in ensuring the Sudan peace agreement of 2005, which laid the ground for declaring South Sudan a new state [7].

Burundi which is not a member of any of the three mentioned peace keeping organisations but a member of the EAC has been a challenge to the region when it experienced the political crisis of attempted coup. The efforts to resolve the crisis are hindered, however, by weak institutional structures within the EAC secretariat, including in particular, the lack of a Directorate for Peace and Security and inadequate implementation of regional strategies and standards within the partner countries.

This led to the possibility of deploying the EASF in Burundi being discussed in the region, but it was eventually rejected at the AU level [7].

However, it is important to note that the main conflict over roles in peace and security matters in Africa is between the regional organisations and the United Nations. Chapter VIII of the UN Charter, of course, recognizes an important role for regional organizations, including in advancing peace and security. But it explicitly subordinates this function to the authority of the UN Security Council, which led to taking advantage of the rotating presidency of the UN Security Council (UNSC). South Africa introduced a resolution to tighten the relationship between the UNSC and regional organizations - and the African Union in particular - charging that Africa must not be a playground for furthering the interests of other regions ever again. The Security Council subsequently adopted Resolution 2033 (2012), which pledges to enhance cooperation with regional organizations, though its clauses remain extremely vague" [11] especially since most UN peace keeping operations are in Africa.

IGAD and other regional organisations continue to use the traditional methods of conflict resolution and if they do not adopt new methods of resolution then the conflicts will continue [13].

CONCLUSION

Due to its strategic location, surrounded by landlocked countries, least developing countries, conflict prone countries among other issues it is almost inevitable for Kenya to avoid overlapping membership. Coupled by its own needs and targets to achieve before 2030, the country will maximize all channels it can.

Since access to funds might be a challenge for it individually then it will use the avenue of the regional organisations to access the funds in order to achieve its goals. The challenge is Kenya has a commanding position in the region and it has to make sure that the regional organisations do not overshadow it, but do it without ruining the relationship with the regional partners.

The challenges include overlapping authority, especially in peace and security organisations, vis-a-vis states' own interests and the issue of customs union in economic organisations within a region where members of the same regional organisation such as EAC belong to other RECs such as is the case of Tanzania, which is in SADC whilst the rest are in COMESA. These issues need to be resolved so that overlapping or multiplication of organisations will not be an issue and countries can belong to as many as they wish as long as they are able to achieve their objectives.

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