A CRITICAL ANALYSIS OF THE IMPACTS OF THE MARITIME TERRITORIAL DISPUTES ON BILATERAL RELATIONS OF STATES:
THE CASE OF KENYA AND SOMALIA (2009-2021)

BY

IFESA TINNIE ALI

C50/7284/2017

DR.C. A. MUMMA-

MARTINON SUPERVISOR

MASTERS PROJECT PRESENTED IN PARTIAL FULFILMENT OF THE

REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS IN INTERNATIONAL RELATIONS

DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION

FACULTY OF ARTS AND SOCIAL SCIENCES

UNIVERSITY OF NAIROBI

NOVEMBER 2023

Student Declaration

This project is my original work and has never been presented before in any other University or institution of higher learning.

Ifesa Tinnie Ali (C50/7284/2017)

Signature: Date: 9th November, 2023

Supervisor's Declaration

This project has been submitted for examination with my approval as the University Supervisor. **Dr. C.A. Mumma - Martinon (University Supervisor)**

Signature Date: 10th November, 2023

Dedication

This study is dedicated to my mother, Miriam L. Ali, whose continued support and prayers have finally got me to complete this study despite life's challenges. Without you, I would not be here, so thank you. For my daughter Aaraya, thank you for always asking when I will graduate; this among many reasons gave me the strength and zeal to complete.

TABLE OF CONTENTS

ABBREVIATIONS

AMISOM	African Union Mission in Somali
AU	African Union
BC	Before Christ
EA	East Africa
ECOWAS	Economic Community of West African States
EEZ	Exclusive Economic Zones
GDP	Gross Domestic Product
HOA	Horn of Africa
ICJ	International Court of Justice
IGAD	Intergovernmental Authority on Development
KDF	Kenya Defence Forces
MOU	Memorandum of Understanding
MTD	Maritime Territorial Disputes
NFD	Northern Frontier District
NFLM	Northern Frontier Liberation Movement
OEC	Observatory of Economic Complexity
TFG	Transition Federal Government
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNHCR	United Nations High Commission for Refugees
UON	University of Nairobi
USA	United States of America
USIU	United States International University
WB	World Bank
WOMESA	Women in the Maritime Sector in Eastern & Southern Africa

LIST OF FIGURES

LIST OF TABLES

CHAPTER ONE: INTRODUCTION

1.0 Background of the Study

Maritime Territorial Disputed originate from the partitioning of Africa that cut across communities. It all begun during the Berlin Conference of 1884-1885 where the ultimate point for the scramble for Africa was officially launched. Several European powers like Germany, Britain, France, Spain, Italy, Belgium, and Portugal came together to explore and divide the continent of Africa, that way, they avoided warring against each other (Lumen, 2019). Their drive for new markets, raw materials, land, competition and cheap labour was the primary motivator. The states present at the Berlin Conference mapped Africa and divided it into parts. Borders were drawn, and each power had a protectorate[1] which led to colonization.

With the Great World War (World War 1) of 1914 – 1919 and the Second World War of 1939-1945. The United Nations (UN) was formed in 1945 to avoid the occurrence of a third World War. The decisions made in the Atlantic Charter of 1941 led to the signing of the Declaration by the UN in 1942, in which all colonial powers would give up their colonies, and those colonies would now be independent States.

Therefore, the process of decolonization[2] started in 1945. Despite the European rule giving up colonies[3], they bred conflict within the continent. The conflicts sprung due to the territorial boundaries (TB) created during the decolonization in the mid-1950s. The TB cut across cultural groups[4], which in the onset brought conflict (Michalopoulos and Papaioannou, 2012).

One of the most significant conflict bases regarding territory in the East Africa (EA) region is the Federal Republic of Somalia. As demonstrated in the Somalia flag[5] Somalia believed it should unite all its five territories / five-star point flag. They include Somalis in the Ogaden Region of Ethiopia, the North Eastern region of Kenya (Former British Colony), the Former Somali Land (Djibouti), British Somalia and Southern Somalia (Former Italian Colony). With

---

1 Spain claimed Equatorial Guinea, Italy claimed a portion of East Africa, Italian Somaliland, Great Britain claimed Egypt, Sudan, Kenya, Uganda, Zimbabwe, Botswana, Nigeria and Ghana. France controlled most of West Africa known as French West Africa to the French Equatorial Africa. Belgium claimed the then Belgium Congo; Democratic Republic of Congo. Portugal controlled Angola and Mozambique.

2 The act by which colonies regained their right to self -govern from the colonial powers.

3 Ghana by the British, Algeria by the French, Angola by the Portuguese, Congo by the Belgium and Kenya by the British between 1950 and 1975

4 The Maasai were split between Kenya and Tanzania, the Nukwe were split among Zambia, Namibia, Angola and Botswana the Chewa split between Mozambique, Zimbabwe and Malawi and the Anyi between Ivory Coast and Ghana.

5 The flag (Star of Unity) has a White Star with five points indicating the five ethnic group location based on historical, cultural and racial reasons. The 5-pointed white star of unity in the flags centre represents the Somali ethnic groups. While the light blue was taken from the United Nation in honour of the United Nations role in Somalia gaining independence which later is said to represent the Indian Ocean.

this irredentism policy, there were tensions between Kenya and Somalia brewing from the onset. The Shifta War of 1963-1967 was an attempt by the ethnic Somalis of Kenya in the Northern Frontier District (NFD) to unite with the greater Somalia. The Kenya Army and the Northern Frontier Liberation Movement (NFLM) began a fight that led to Ethiopia (Haile Selassie Administration, 1930- 1974) and Kenya (Jomo Kenyatta Administration, 1964 - 1978) Mutual Defence Treaty of 1964. In 1967, a Memorandum of Understanding (MoU) signed by Kenya and Somalia resulted in a ceasefire. However, Somalia did not relinquish its declaration of a Greater Somalia.

As realism dictates, the State is the leading actor with the primary goal to survive in an anarchic system; therefore, states are driven to ensure their security. For a state to adequately secure its interests, it must obtain power. Access to international water has increasingly proven to be an avenue where coastal states can gain power and access resources in the seas. As a result, Kenya refused to let her sovereignty be shaken amidst the threat to its national security. As much as democracies do not go to war with each other (Democratic Peace Theory[6]), once militarized, the probability of escalation is higher; like in Ecuador and Peru, peaceful relations were interrupted by military conflicts that led to Ecuador withdrawing the demarcation. Later, in 1981(Paquisha Incident) and 1995(Cenepa war), yet another military clash occurred and was finally resolved through arbitration in 1998 by the signing of a decisive peace agreement by both countries over the Amazon River (Wikiwand, n.d.).

From the above evidence and markers, this study contends that there is a relationship between Kenya and Somalia. Therefore, the existing relationship may be impacted by the current maritime territorial dispute.

Kenya

The Republic of Kenya is a democratic state that lies across the equator on the Eastern coast of Africa at 580,367 square kilometres. Kenya is a tropical State with an arid area in the northeast.

Kenya's capital city is Nairobi, which has a population of over 49.7 million people (World Bank [WB], 2017) and the official language is English, and the national language is Kiswahili.

---

6 Talked of by both Immanuel Kant in his essay Perpetual Peace,1795 and Thomas Paine's pamphlet Common Sense,1776

It has 45 tribes[7] (Kenya Population and Housing Census, 2019) with numerous religions. According to Sawe (2020), Christians are 83%, Muslims are 11.1%, Atheists are 2.4%, traditional / Indigenous African Religions are 1.7%, and 1.8% are others. Kenya is a member of various International Organizations like the UN, WB, International Criminal Court, African Union, and East Africa Community among others. Kenya borders five States[8]. (See Appendix 5, Figure 2)

Federal Republic of Somalia

The Federal Republic of Somalia is located in the Horn of Africa[9]. Somalia has the longest coastline in Africa (3,333 kilometres). Somalia experiences a hot climate year-round with irregular rainfall. Mogadishu is Somalia's capital city. Somalia has a total population of 15.44 million people (World Bank, 2019), and the official languages are Somali and Arabic. Somalia is the most culturally homogeneous state in Africa, with 85% of its citizens being ethnic Somalis (World Population Review, 2021). The predominant religion is Islam. Somalia is a member state of various International Organizations like the Arab League, UN and The African Union. Somalia borders three States.

1.1 Statement of the Research Problem

The Conflict between Kenya and Somalia had brewed at the inception of Kenya as a state. Since the independence of both states, their relations could have been better. On the eve of Kenya's independence in August 1963, Kenya was unwilling to give up its control of the NFD to Somalia that Britain had granted Kenya prior. According to the Daily Nation (Collective Punishment of Muslim Unwise, 2013), with the conflict came a range of skirmishes, violence, terrorist attacks, police harassment, home invasions, and the *Wagalla* massacres[10] among others in the efforts to halt the irredentism within the Kenya-Somali Community (Ayman, 2013). However, through the years, Kenya and Somalia have found an equilibrium in their relations with each other in several dimensions: Political, Security, Diplomatic, Economic and

---

7 Kikuyu, Luhya, Kamba, Luo, Kalenjin, Aweer, Bajuni, Borana, Burji, Dahalo, Dasenach, Dorobo, El Molo, Embu,

Gabra, Gosha, Njemps, Kenya Somalis, Kisii, Konso, Kuria, Maasai, Makonde, Mbeera, Meru, Mijikenda, Nubi, Pokomo, Orma, Rendile, Sakuye, Suba, Swahili, Taita, Taveta, Teso, Tharaka, Turkana, Malakote, Wayyu, KenyaAsians, Kenya-American, Kenya-Arabs and Kenya-Europeans.

8 Somalia, Uganda, Tanzania, Ethiopia and South Sudan

9 Somalia, Ethiopia, Eritrea and Djibouti

10 Wagalla Massacre of 1984 at the Wagalla Airstrip in Wajir in the North Eastern Province in Kenya with casualties of around 5,000 ethnic Somali men

Social. Before the MTD, the International Court of Justice (ICJ) case of 2014, Kenya and Somalia had worked together in various security, trade and political interests. Insecurity due to the rise of terrorism in the Horn of Africa and the larger East Africa region prompted the formation of the African Union Mission in Somalia (AMISOM) in 2007. Kenya has been a massive supporter of the Somali Government to contain the terror group *Al-Shabaab*, while expanding its control over its compromised territory.

Despite this equilibrium, Kenya and Somalia have been subjected to a maritime territorial dispute. Kenya and Somalia have a tussle over a narrow triangle off the coast of approximately 100,000 square kilometres[11] containing oil and gas, with both States claiming ownership. Somalia claims it should be an extension of its land boundary, which presses diagonally (equidistance) down the Kenyan coast. Kenya claims it should run parallel to the line of latitude, as the boundaries are with Kenya, Tanzania, Mozambique and South Africa. Thus, the ICJ judgement in favour of Somalia (21st October 2021) could have a ripple effect on several countries

Somalia unilaterally filed an application at the ICJ in 2014 over the disputed area, accusing Kenya of allegedly being in Somalia's Maritime space. Notwithstanding the numerous legal instruments both governments issued in 1979, 1989 and 2005, Kenya established its Exclusive Economic Zone (EEZ), the parallel of latitude running east, which Somalia did not dispute. A Memorandum of Understanding (MOU) of 2009 was negotiated and signed by Kenya's Minister of Foreign Affairs, Hon. Moses Wetangula, and the Somali Minister of National Planning and Internal Cooperation, Abdurrahman Abdishakur Warsame settled between the two coastal states, but the Somalia Parliament later rejected saying it was null since the minister, Hon. Abdurrahman Abdishakur Warsame had no jurisdiction to sign a bilateral agreement. However, in Kenya's defence, the ICJ halted this on the basis that Kenya could not have possibly been aware that the Minister's signature would be insufficient (Chan, 2018). This charge was viewed as a hostile move on the part of Somalia, denying Kenya the right to negotiate the disputed area between itself and Somalia. [12]

With the case at the ICJ, Kenya, through its Attorney General Kihara Kariuki (2021), informed the country and the ICJ that it shall not be participating in the hearing that was expected to

---

11 The area between the Kenya border parallel to the line of latitude and Somalia land border extension towards the Exclusive Economic Zone

12 See Appendices 5, Figure 4: Map of disputed area between Kenya and Somalia

proceed from the 15th of March 2021 (Mboga,2021). Kenya stated that the decision was derived from the courts without her consent, and thus she perceived this decision as being biased and that she needed to be given adequate time to prepare for the proceedings.

Due to the COVID-19 pandemic, the legal team was deprived of the opportunity to meet and engage on the issue (Kuria, 2021). On the 12th of October 2021, the ICJ delivered its verdict to determine the maritime boundary between Kenya and Somalia. It was determined that "there is no agreed maritime boundary between Somalia- Kenya that follows the parallel of latitude described in paragraph 35 [of the Judgment]" (International Court of Justice [ICJ] 2021, para 6). Kenya's decision to withdraw from the court meant that it ceased to participate and recognise both the case and the court's verdict. The Government of Kenya, through the Foreign Affairs Cabinet Secretary, Dr. Monica Juma, had stated in a press conference (*K24 TV,*2019) and later presented a budget policy statement to the Defence and Foreign Relations Committee reinstating that Kenya's position in the case is inevitable and not an inch of Kenya's territory will be ceded to anyone (Vidija, 2019). This was reinforced in October 2021 again after the ruling by the President and Commander-in-Chief, H.E Uhuru Kenyatta. He refused to accept or recognise the 'Zero-sum" ruling. He further stated that he will not abrogate his solemn oath to preserve the territory of the Republic of Kenya and will hand down the same; intact and unencumbered (East African, 2021).

According to Timothy Walker (2016), the verdict of the court case is high risk for both countries. The judgment will further lead to the deterioration of relations between Kenya and Somalia. As much as both countries are decisive on an either/or verdict, the verdict will be wrong for both countries. One country may win, but both will lose, leaving the Islamic extremists, *Al-Shabaab* to benefit (Shahow, 2019). An amicable solution for both countries is needed urgently. In an audio by Ahmed Diriye, an *Al-Shabaab,* leader in 2016, stated that if the verdict from the ICJ favours Kenya, they would not recognize any verdict from the ICJ (AFP, 2019). Due to the statement given through audio, terror attacks against Kenya would be expected if the court ruled in favour of Kenya. As a result, the Government of Kenya may pull the KDF out of Somalia and close the Dadaab Refugee Camp. A ripple effect may be brewed with Kenya contesting its borders with Tanzania, Tanzania and Mozambique, Mozambique and South Africa to South Africa and Madagascar (Shahow, 2019). Since Somalia has little to

non-navy capacity, insecurity in the region will be heightened, and Kenya will make its naval power presence known at the sea.

Therefore, the main aim of this study is to determine how much the MTDs have affected the bilateral relations between Kenya and Somalia, focusing on security, economic and diplomatic indicators. The study aims to stir more research on the causal relationship between MTDs and bilateral relations and offer policy recommendations.

1.2 Research Questions

1. To what extent has the Maritime Territorial Dispute affected Kenya's bilateral relations with Somalia?
2. To what extent has the Maritime Territorial Dispute affected Somalia's bilateral relations with Kenya?
3. What institutional frameworks should exist towards managing the MTDs between Kenya and Somalia?

1.3 Research Objectives

The overall objective is to evaluate the impacts of the MTDs on the Kenya-Somalia bilateral relations.

Specific Objectives:

1. To evaluate the extent to which the Maritime Territorial Dispute have affected Kenya's bilateral relations with Somalia.
2. To evaluate the extent to which the Maritime Territorial Dispute have affected Somalia's bilateral relations with Kenya.
3. To determine what institutional frameworks should exist towards managing the Maritime Territorial Dispute between Kenya and Somalia.

1.4 Justification of the Study

1.4.1 Academic Justification

Globally, scholars have written on the interactions of MTD and other factors. Such factors include maritime law Hassan et al. (2019), historical and legal interactions Courmont (2018), sovereignty and capacity of international regimes Strating (2019) foreign policy Kim (2019), willingness to fight (attitude and strong attachment) Kim (2019) bilateral trade Hensel et Al (2013) and Nagy (2013) regional consequences Sakuwa (2017) implication on security Kim (2015) bilateral relations in terms of confidence-building measures Wiegand and Powell, (2015) to vast interrelated factors like geology, technology, money, diplomacy, oceanography, law, history and politics (Newman,2017)

Continentally, focus runs through the causes and threats of MTDs in Africa, Wambua (2009), relations between MTDs and norms, Kornprobst (2002), legal, political and historic nature of the dispute in the resolution of African territorial boundary disputes, Oduntan (2015), the role of negotiations, arbitrations and ICJ in resolving the MTD and highlight the possibility and feasibility of the Joint Maritime Development, Ifesinachi (2015), the threats on maritime security, Walker (2015), the practice of joint development agreements, Marshall (2014), the delimitation and the management of Africa's maritime boundaries, Okonkwo (2017) and on how exploration of disputed seabed resources have fuelled maritime disputes and how African states have attempted to resolve, Khalfaoui and Yiallourides (2019).

The above scholars have delved into and provided insightful knowledge on the relationship between MTDs and various factors with little focus on bilateral relations, specifically, the indicators; economy, security and diplomatic relations concerning MTD.

Particularly, this study seeks to fill in the literature gap that lacks to highlight the impacts of MTD on bilateral relations between states. With the completion of this study, academic literature will be enriched with vital data on how states can curb impacts of the MTD on bilateral relations and specific references will be given to aid conflict resolution and management.

1.4.2 Policy Justification

The study will provide valuable recommendations for policymakers and stakeholders at various levels. These recommendations will offer actionable insights and suggestions on how to better manage and control the impacts of MTDs on bilateral relations. By providing short-term, mid-term, and long-term recommendations, the research aims to empower decision-makers with the

necessary tools to navigate the complexities of MTDs and ensure that bilateral relations are effectively maintained.

In summary, this research seeks to bridge the existing gap in understanding bilateral relations in MTDs. Its findings will have far-reaching implications for government officials, state representatives, non-state actors, and the wider public. By serving as a foundation for future research, improving public awareness, and offering practical recommendations, this study aims to contribute to more effective and informed policy formulation regarding the impacts of MTDs on bilateral relations.

1.5 Scope and Limitations of the Study

The study will be carried out in the capital city of Kenya, Nairobi since most of the individuals to be interviewed reside therein.

It is with no doubt that the study of the implications of the MTD on bilateral relations between Kenya and Somalia (2009-2022) will lack challenges. Time, finances, administrative jams and other unforeseen challenges will be imminent to data collection. Proper planning, prior consultations and researcher's neutrality however will ease these. Despite the challenges, objective conclusions and recommendations will be made by the end of the three months.

1.6 Definition and Operationalization of Key Concepts

Territorial Disputes

Territorial disputes occur when statesmen of one sovereign entity claim ownership of territory claimed and administered by another sovereign entity (Mitchell, 2018). Ward (2008) defines territorial disputes as a disagreement over the possession and control of territory between two or more states. The study will adopt Mitchell's definition of understanding the territorial dispute between Kenya and Somalia. Maritime Territorial Disputes refers to disputes relating to the demarcations of different maritime zones between and among states (Hasan et al., 2019)

Bilateral Relations

Norway Grant Mechanism (2009) defines Bilateral Relations as the manner of political, economic, or cultural relations characterized by cooperation between two institutions and self-governing States. While Azad (2017) views bilateral relations as a relationship between two states sharing political-economic ties. The study will adopt the Norway Grant Mechanism definition.

National Interest

Morgenthau (1948) defines National Interest as the protection of physical, political and cultural identity against infringement by any other state. Whereas Naaz (2012) defines National Interest as what a state seeks to protect in its relation with other states. The study will adopt a blend of both definitions, that a country's goals and ambitions are to protect its economic, military, cultural or political ambitions from encroachment for its survival is paramount in its relations with other States.

Exclusive Economic Zone

According to the United Nations Convention on the Law of the Sea UNCLOS (1982), it is the sea zone over which a state has distinctive rights regarding the exploration and use of maritime resources, including energy creation. The study adopts the UNCLOS definition because it's an international legal agreement for all marine activities in the international system.

1.7 Chapter Outline

This section briefly explains the chapters in the Research Project. Chapter One introduced the study background, problem statement, research questions, and research objectives, justification of the study, scope and limitations and finally definition and operationalization of key terms. Chapter two focused on the literature review and the theoretical framework. Chapter three presented the methodology, while Chapter Four critically analysed the research hypotheses and objectives. Chapter Five presented the summary, conclusions and recommendation.

CHAPTER TWO: LITERATURE REVIEW

2.0 Introduction

In Africa, the major cause for MTDs arises from maritime rights and control, and overlapping rights[13] (Anderson, 2006). The importance of national interests like economic, security and commercial interests have led more and more states to seek their legitimacy over the maritime zones. According to Newman (2017), out of 512 possible maritime boundaries, less than half of the cases have been decided on since 1947. According to the United Nations Convention on the Law of the Sea (UNCLOS, 1982), under the law of the sea convention, there are two ways in which states can resolve their maritime disputes; through non-compulsory procedures and compulsory procedures. The non-compulsory procedures include negotiations, mediation and conciliation while compulsory procedures include the International Tribunal for the Law of Sea, the ICJ and the Arbitral Tribunal, Hasan et al. (2019). UN Charter, Article 92 in the case where states cannot settle the dispute, an application should be made to the tribunal or court. The Court resolves rows bow to by states in harmony with international law.

2.1 Territorial disputes and their impact on Bilateral Relations of States: Global Perspectives

According to Courmont (2018), maritime disputes have been an issue in the International System since the 19th C; Senkaku/Diaoyu Islands in 1895 between China and Japan. East and South Asia has been an important area of concern, with the economic growth and rise of the People's Republic of China[14]. In addition, the importance of islands like the Spratly and Paracel Islands in the South China Sea area and what resources[15] they may hold came into play in the 1982 United Nations Convention on the Law of the Sea. Tensions in China vs. Philippines (The Scarborough Shoal standoff in 2012) and China vs. Vietnam (vessel standoff between both states in 2019) have brewed. Amidst the current Covid-19 pandemic, tensions are still present. According to Courmont (2018), Hasan et al. (2019) and Newman (2017) law plays an important role in MTDs. All three realize that for an agreement on maritime disputes to be met, the rule of law is crucial. Courmont (2018) adds historians and strategists while Newman

---

13 Kenya Vs Somalia, Cameroon Vs Nigeria, Ghana Vs Cote d'Ivoire, Gabon Vs Equatorial Guinea among others.

14 Factors that led to the rapid economic growth and rise of China include; strong leadership, labour supply, free market economy, export – led growth, political system, naval power, economic diversification, investment in infrastructure, geographical location and population growth (tutor2U,2020)

15 Oil and natural gas reserves, Commercial fishing areas busiest shipping routes in the world

(2017) identifies more factors like politics, diplomacy, history, money, geology, oceanography and technology. However, Wiegand and Powell (2015) focus on bilateral relations in assessing how MTDs are resolved. Gomez (2020) reported that a Vietnamese fishing vessel was sunk by a Chinese surveillance vessel in the assertion that the Vietnamese vessel illegally and dangerously entered the area and collided with a Chinese vessel. This supports the claim that territorial disputes affect bilateral relations and disputants are trapped in a pattern of ongoing discord (Wiegand and Powell, 2015)

Kim (2019) states that tension in the South China Sea dispute is brought around by China's ambitions to re-establish itself as a great power and act rationally in its pursuit of power in an anarchic environment. Unlike land boundaries where disputes may be between contested states, MTDs are broader. Maritime territories in the South China Sea are disputed by six countries; China, Taiwan, Malaysia, Philippines, Vietnam, and Brunei. Not only have bilateral relations been tampered with, but the stability of the region. Sakuwa (2017) states that due to geographic proximity, rivalry between states creates tense relations that spark conflict-prone states. For instance, the power balance in the region through military capabilities. With China's military expansion policy[16], Realism dictates that other neighbouring countries will be under constant suspicion. Nonetheless, Hensel et Al (2013) and Wiegand and Powell (2015) view it economically. Wiegand and Powell (2015) voice that increased bilateral cooperation in matters exclusive to the dispute improves the willingness of target states to potential peaceful settlements.

However, Kim (2019) emphasizes that the sole purpose of States is geostrategic influence and National Interest. Hensel et Al (2013) acknowledge that the world economy has turned to ocean-based resources; China uses the maritime routes to import large amounts of oil from the Middle East over the Indian Ocean and the South China Sea. Neighbouring States have a stake in the geopolitical status quo of coastal States by securing trade routes and so forth. Maritime dispute interferes with regional integration and access to resources the oceans may offer. Sakuwa (2017) recognizes the external threat environment and talks of war-making and state-making States. He states that this hostile environment forces states to prepare for war. In the South China Sea, security relations have been modified by the presence of arms races and

---

16 According to the Pacific Council of International Policy, 2019, After President Xi Jinping assumed power in 2012; his vision was to restore China's influence and status. One of the major factors was China's military capabilities. China has undertaken measures to expand its military presence in the South China Sea through land reclamation, installation military jamming equipment's and of anti-Ship missiles and the construction of military outposts.

military build-ups. During the disputes[17], China took a delay strategy in resolving the disputes as they built their military capacity. Despite the claims that the military proficiencies are directed to opposing States, proximal States will resolve to mistrust thus start arming themselves against potential threats. Kim (2019) however mentions globalization and "Capitalist peace" where State actions will be motivated by technology and human capital rather than territorial expansion thus creating deterrence to any war.

Newman (2017) and Courmont (2018) appreciated the role of diplomacy in MTD settlements and understood that different actors are tangled in the rows. Diplomatically, China in the area has experienced heightened military capabilities and nationalism. Due to the lack of transparency in its strategic intentions, other States in the International System have invited international involvement and formed diplomatic defence pacts and alliances. Kim (2019) observed that the United States of America safeguards its supremacy and keeps conducive and strategic partnerships in the region through pacts; United States of America-Japan and USA-Philippines in Tokyo and Manila respectively. The only resolved maritime boundary is the agreement in 1993 signed by both countries in the year 2000, delimiting the Sino-Vietnamese maritime territory dispute in the Gulf of Tonkin. Most disputes are still present. It is clear to see that the concept of maritime territory correlates with the rise of power. According to Horn (2019), this validates and reinstates Sir Walter Raleigh's idea and Prof. Jonyo's view on how trade is commanded by the State that commands the ocean. Predominantly, scholars on MTDs in the South China Sea emphasized State-to-State relations and how China's foreign policy is centred on its ambitions as a great power in the region and in an anarchic world. Various factors and actors are vital to the settlement of the dispute and cooperation in the region.

2.2 Territorial disputes and their impact on Bilateral Relations of States: Continental Perspectives

Focus on MTDs has been heightened with increased population, political awareness, environmental challenges and now, the discovery of oil and gas (Wambua, 2019). According to Okonkwo (2017) and Khalfaoui and Yiallourides (2019), since the Independence of African States, poorly defined borders and territorial disputes have always been a source of conflict and war. MTDs have been emerging with the rise of the blue economy. International waters

---

17 Paracel Island, Spartly Island, Borneo Island ,Luzon Islands, Natuna Island and the nine-dash line.

have been a growing interest to African States over the years thus heightened tension among the coastal African States. In the African continent, 38 coastal states share maritime boundaries with only 30% being demarcated; despite the African Union setting up the African Union Border Program in 2007 which fixed 2010 and 2017 as the closing date for African States to demarcate their land and nautical limits. According to Khalfaoui and Yiallourides (2019), this however can be justified by the fact that the delay was due to factors like lack of funding and technical expertise. They also agree that un-delimited maritime limits and the presence of abundant resources are key motivators in raising conflict. African heads of state met in Lomé, Togo in 2016 and signed the African Charter on Maritime Security, Safety and Development to curb any repercussions of maritime concerns that may arise (Economic Community of West African States [ECOWAS], 2016).

The core issue of MTDs in Africa is natural resources. With globalization, states in the International System are becoming exceedingly interdependent, thus introducing international interest in African waters. Maritime boundaries have not been a priority to the African States until the need for power (goal to be regional hegemons) arose. Okonkwo (2017) states that 90% of the Continent's imports and exports are by sea. Economies are boosted by the control of trading routes, fishing grounds, and oil and gas exploration, among others. The major motivation for economic development lies in the maritime space. Trade decreases the likelihood of disputes between and among states. However, economic relations and cooperation have not guaranteed a conflict-free environment since states operate as rational actors with selfish interests. According to the BP Statistical Review of World Energy (2018), in 2017, Africa produced 8072 thousand barrels of oil daily, totalling 8.7% of world oil production, estimated to be 8.5% of world-proven oil reserves. Khalfaoui and Yiallourides (2019) concur with the effects of maritime disputed areas with economic drop as seen between Cote d'Ivoire and Ghana, where the profitability of gas and oil discoveries with Tullow Oil lost 308 million US Dollars due to delays. Marshall (2014) stated that in the Gulf of Guinea alone, more than 2 billion US Dollars have been lost because of the state's inability to exercise control and provide security from piracy, which has hampered investment flow. Due to maritime insecurity, licenses given to companies operating in the disputed areas are particularly susceptible. According to Wambua (2010), Nigeria alone loses at least 1.5 billion dollars yearly on stolen crude oil.

Security has been and still is a vital concern to the continent and its relations. The presence of piracy, terrorism, illegal fishing, trafficking of people, illicit goods and narcotics, kidnappings

and environmental crimes like illegal dumping among others, have cost the continent billions of dollars. Various scholars Wambua (2010, 2019) and Khalfaoui and Yiallourides (2019) acknowledge the impacts of border delimitation on disputes and security as a whole. Wambua (2010), demonstrates various settings where insecurity has been inhibited, such as the MV Treasure sank, thus releasing 1300 tons of oil in the ocean and damaging sea life, MV Faina, a Ukraine-owned vessel hijacked in 2008, and the MV Sirius Star, a Saudi Arabia hijacked the same year, 2008. These are a few of the damages due to insecurity that have caused repercussions that transcend national, political, geographical and transnational spheres.

Some, unfortunately have led to tense relationships like Kenya vs Somalia, Cameroon vs. Nigeria over the Bakassi Peninsula since 1994- 2002, Nigeria and Equatorial Guinea, Senegal and Cape Verde, Burkina Faso and Niger, among others that have led to skirmishes over fishing grounds and natural resources ownerships. The UN mediated the case of Guinea and Gabon, the ICJ successfully ruled over Nigeria and Cameroon's case over the Bakassi Peninsula in 2002 and Guinea Bissau and Senegal in 1998 where both states signed a "Management and Co-operation Agreement" in Dakar. Several scholars have proposed Joint Maritime Development zones/agreements concerning resolving MTDs. Leaders such as Prince Bola Ajibola, Head of Nigeria Consular, emphasized the importance of setting up joint ventures to exploit the discoveries of oil and gas for the mutual benefit of the people. He stressed the advantages of being a better, cheaper and faster venture. Joint Development Agreements have been successful in countries like Nigeria and Sao Tome, 60% - 40% respectively, Nigeria and Ghana in 2017, Nigeria and Benin in 2006, Saudi Arabia and Egypt in 2014 and in earlier years, Sudan and Saudi Arabia in 1974. The possibility and feasibility of Joint Maritime Developments have been a key recommendation by many scholars on resolving maritime disputes. Such scholars are; Ifesinachi (2015), Wambua (2019) and Khalfaoui and Yiallourides (2019). While Scholars such as Kornprobst (2002) and Oduntan (2015) focus primarily on the norms and identity of the people and their perceptions of the other is crucial in the success or failure of border dispute management and the impacts of international law in the resolution of African territorial border disputes respectively. In Africa, vast studies have been carried out on the relations between MTDs and various aspects but few have focused on state dealings in terms of the economy, security and diplomatic relations of states.

2.3 Territorial disputes and their impact on Bilateral Relations of States: Kenya – Somalia Perspectives

According to William (2018), the Kenya Defence Forces (KDF) in AMISOM has brought peace and security back to Somalia by repulsing *Al-Shabaab* militants and destabilizing their strongholds. In the intelligent brief (KDF Record Successful Operations since Somalia Entry), Megged (2016) indicated that the KDF has had successes, from the victory at the Seaport of Kismayo in 2012 to the capture of Badhadhe town in the Gedo region where the militants were primarily launching attacks from. The KDF has facilitated humanitarian assistance, assisted Somalia's National Security forces, supported Somalia's Transition Federal Government (TFG) in 2011 and supported their electoral process.

Economic Relations between Kenya and Somalia

Both states have been trading together with other states; according to the leading data visualization by the Observatory of Economic Complexity (OEC, 2021), Somalia exports and imports from Kenya. Exports are approximated to be 116M US Dollars, including across-the-border trade (goats and sheep), while imports go as high as 4.32M US Dollars in 2019. The Intergovernmental Authority on Development (IGAD) facilitates trade between Kenya Somalia, and other countries in the East African Region. With the presence of ethnic Somalis in Somalia and Kenya, social relations have been fostered since the independence of Somalia (1960) and Kenya (1963). More relations have been fostered with the presence of the Dadaab Refugee Camp since 1992, which holds an average of 218,873 registered asylum seekers and refugees spread across the three camps, according to the United Nations High Commissioner for Refugees (UNHCR, 2020). The MTD between Kenya and Somalia has intensified relations between the two states and among other states in the international system. The conflict was motivated by a dream to unify the Somali state and was fuelled by the discoveries of oil and gas blocks in the disputed maritime territory. Regional integration is crucial in the growth of economies, peace, security and diplomatic relations. Therefore, the need to research the phenomenon to create both awareness and recommend ways in which parties involved can effectively control the impacts of MTD on bilateral relations.

Both Kenya and Somalia have substantial advantages geographically. Kenya is the gateway to East Africa and Somalia has the second-largest coast in Africa. Since the independence of both states, intrastate border clan-to-clan disputes in Somalia among local communities tend to spill

over across States, thus making it an inter-state conflict. The *Shifta* War and the response of the Kenyan government against the succeeding pleads of the Northern Frontier District to Somalia was a brutal massacre. In addition, Somalia's request at the Lancaster Conference concerning the NFD territorial claims was denied. Kenya's priority of territorial integrity has been reflected in many occurrences like that of Kenya and Uganda during the rule of President Daniel Moi of Kenya and President Idi Amin of Uganda, where Kenya's troops and tanks were put on high alert at the Kenya-Uganda border. Focus is emphasized on the African Union's decision for African states to adhere to the boundaries inherited at independence. Furthermore, Kenya's foreign policy has always been guided by the belief that her prosperity and survival are indivisible from the security and stability of her environment, and the Constitution of Kenya has created various institutions to enforce these beliefs. Institutions like the National Police Service Commission, Defence Council, National Intelligence Service, National Security Council and others.

For Somalia, Hawalla, an informal banking system was suspended in Kenya due to security issues. It was believed that funds sent to Kenya were linked to terror activities. This crippled many as it's a lifeline for most Somali residents in Kenya. This further indicates the diplomatic row between the two states. On the other side, Somalia has a lot to gain from the MTD in its relation to Kenya. With access to newly found resources at the coast, the GDP of the country is expected to increase significantly. Somalia's relations with Kenya are pegged on the vision of what Somalia can be in the region. Employment for the Somali people will rise, and the aspiration to unify the state as per their national flag may be reborn. Its bilateral relations with Kenya would be trifling since Somalia will have gained more significant relations with more powerful states as a partner. Unfortunately, due to the state's instability and the government's inability to control the terror group, Al-Shabaab, the economy will continue to suffer the blow. With Kenya's threats to closing the refugee camp, the influx of citizens will also be challenging for the government leading to security repercussions.

Security Relations between Kenya and Somalia

According to Catham (2016), Kenya invests 50% of its time dealing with regional peace process and support. As a hegemon in the region, Kenya goes the extra mile particularly on the international community's efforts to achieve peace in Somalia. Conflict in states with close

proximity tends to spill over. In the case of Kenya, since the fall of President Barre of Somalia, the civil war and shortly after the great famine forced Somali citizens into Kenya's border. Due to humanitarian laws, the international community rallied to assist the state, UN Operation in Somalia and others. Kenya was left the burden of a refugee camp's incurred costs and impacts. Kenya has been largely destabilized by terrorists who project attacks, supply small weapons and light arms from the ocean, and use the Dadaab refugee camp as a platform for terror attacks.

With Kenya's open-door policy and as a signatory of UN Refugee Convention (1951) and African Union Refugee Convention (1969), Kenya's efforts to close the Dadaab refugee camp came into strong opposition from the international community on humanitarian grounds. What's more is it increases the probability of terror retaliation due to the closure of the refugee camp. Terror attacks from Al-Shabaab terrorist group in Somalia have affected Kenya's National security. Additionally, Kenya's inability to control the disputed area will increase terror attacks on nationals and tourists as it were before the Kenyan military went into Somalia. Similarly, piracy comes into play with the lack of monitoring in the disputed areas, which will further damage the economy. As Professor Jonyo indicates, the national interests of states, especially the economy especially tourism, can be damaged by piracy (Horn, 2019). According to Buzan (1983), a Regional Security Complex is a group of countries whose principal security concerns tie together so their national security cannot be viewed as isolated but mutually. Various pacts and forces have been established to maintain and enforce regional peace. With Kenya's role in the Africa Union Mission in Somalia and the Inter-Governmental Authority on Development, she has paid the price by losing troops, citizens and resources. The MTD limits the jurisdiction of the Kenyan Navy until the case can be settled. This is a security consequence. With Kenya's soft power being tested, the Foreign Affairs Cabinet Secretary, Monica Juma, notes that Kenya's think tanks and universities, as the white Knights should search for durable solutions to the MTD. Scholars like Mumma (2019) questioned the motive behind Somalia taking Kenya to the ICJ and delved into its advantages and limitations and the various modes of peaceful settlement.

Kenya – Somalia relations have had negative security impacts in regards to piracy. With the instability and security breach in Somalia, Kenya was forced to get involved with Somalia's internal affairs to protect its national interests. Piracy is a transnational problem to the world's shipping industry and national, regional and global economies. Kenya and South Africa are the two African States with a working and effective navy, as Somalia lacks a navy to deal with the

increase of piracy cases. Professor Namsonga (Horn, 2019) listed factors contributing to piracy's rise. Piracy further finances the criminal activities at sea and land. They include the proliferation of small weapons and light arms, which leads to terrorism. Activities like illegal dumping at the coast due to weak surveillance and the absence of a navy in the disputed area may occur as it did in 1973, where an enormous environmental disaster known as the Love Canal disaster, the United States dumped toxic waste disposal in Italy that affected 60% of the babies born with defects (Dabkowski, 2018). Similarly, an arms race may be a phenomenon that proves fatal.

According to Büşra Nur Bilgiç, (2019) 152 Somalians graduated from Turkish military camp. Mogadishu holds a Turkish military training camp that was opened in 2017. The Turkish government delivered 450 MPT-76 assault rifles to curb unrest after AMISOM (Fight against Al-Shabaab). This may lead to a situation where Kenya will acquire and invest in more military equipment and training. Somalia is also aware of the military pact between Kenya and Ethiopia.

Diplomatic Relations between Kenya and Somalia

Regional integration and friendly relationship secure the mutual National interests of States in East Africa, Africa and the world. According to Maluki (2019), Dr. Maluki notes that the Kenya–Somalia diplomatic relationship has been on a steep decline since 2019. Throughout the Somali gas and oil conference in London, Somalia presented maps and interests to auction oil blocks that belong to Kenya. This resulted in Kenya's ambassador to Somalia being recalled, and the Somali ambassador to Kenya departed for consultation. In addition, a diplomatic row was seen when the Kenyan government re-routed flights to Kenya carrying Somali dignitaries. The Kenya–Somalia MTD has attracted global interest. Multilateral relations strengthened and presented themselves when powerful states like the United Kingdom, France, Turkey, The United States of America, Norway, Qatar, Saudi Arabia, and Italy, among others, got involved in the conflict by focusing on Africa's resources to gain relative gains.

The MTD hinders regional cooperation within the region and is predominantly the responsibility of hegemon to influence cooperation. As a member State in the AU, IGAD and the EAC, Kenya has great influence that it can use to frustrate Somalia's effort to join the East Africa Community. As the gateway of East Africa and a hegemon in the region, it will

definitely impact its status quo. Similarly, due to President Uhuru's Administration on the look East Policy and the dropped charges on alleged violations against humanity, the West's support has decreased. The United Kingdom, Norway, Saudi Arabia, France and the rest are all taking sides due to the oil block's value, war on terrorism, among others. This may have a large impact on bilateral relations and multilateral relations. However, Economic diplomacy is a strategic pillar in the Kenya Foreign Policy document of 2014. Kenya realizes its key concerns are peace, security and wealth. Kenya's foreign policy boasts in its diplomatic and peace role in the region. According to Catham (2016), HE Dr. Amina Mohamed, the then Cabinet Secretary of Foreign Affairs, stated in 2016 that Kenya's future domestic development depends on the reinforcement of peace, security and prosperity as a member of the international community.

Maluki (2019), notes that the Kenya-Somalia diplomatic relationship has been on steep decline since 2019. Throughout the Somali gas and oil conference in London, Somalia presented maps and interests to auction oil blocks that belong to Kenya. This resulted in Kenya's ambassador to Somalia being recalled and the Somali ambassador to Kenya departing for consultation. This later resulted in flight restrictions to and from Somalia. This diplomatic row is believed to be fuelled by external powers whose national interests are quickly focusing on Africa's resources. With the threats made by Kenya to withdraw its troops from AMISOM, diplomatic relations will clearly take a hit since the Somali government has proved to curb the terror group. Equally, the Arab League and parliament have already warned Kenya about the MTD with Somalia and assured Somalia of its Arab support. The Arab League, through the member of the Arab parliament, Dahur Amin Jesow, further threatened Kenya with claims that Kenya should know that Somalia has friends all over the world (CGTN, 2019). With such stun claims and tension thrown around in an anarchic international system, relations with several states are at stake. Diplomacy therefore has and remained the centre stage. The Kenya – Somalia MTD has serious implications for bilateral relations between Kenya and Somalia, and it's slowly going from bad to worse, and the results may be altering Kenya and Somalia's economy, security and diplomatic relations with each other.

From this background, this paper intends to fill the literature gap on impacts of MTD and add on to the body of knowledge presented. The study will examine the impacts of the MTD of Kenya – Somalia bilateral relations through the lens of the economy, security and diplomacy.

2.4 Theoretical Framework

A theory explains a phenomenon that has been continually tested and widely accepted (Kibagendi, 2009). Theoretical framework in research entails using a theory or theories to direct a study to a present body of knowledge. This section will identify two theories that will assist in understanding the relationship between MTDs and bilateral relations. The MTDs and how they affect bilateral relations between Kenya and Somalia can be explained through **Realism and Social Constructivism**. The research will be dominantly guided by Realism in the study of MTD and its implications on Kenya – Somalia relations. Social constructivism will fill in any gaps presented by realism .

2.4.1 Realism

Realism theory's first debate came about in the late 1930s. The first debate in the international system was on whether or not we should understand international politics as how it should be or what we hope for, reality and utopia, respectively. It was a critique of Woodrow Wilson's (U.S. then President) idea of Idealism and spreading democracy through a world government. Realism argues that the world should be viewed based on reality, thus a significant critic to liberals (Idealists). Realism can be mapped back to the early Greeks, Thucydides (416 BC), through his works on the Peloponnesian War (431-404 BC). He is known for the Melian dialogue, where the concept of power preceding ethics is clearly seen in the quote, "The strong do what they can and the weak suffer what they must" (416BC). The Prince by Machiavelli (1513) advises leaders on how to govern and how to stay in power. He emphasizes that it is better to be feared than to be loved, if not both. Here we see that power is central to his thought. Hobbes (1651), in his book, Leviathan, talks of the state of nature and civilization; life is anarchic, that is, short, brutish and selfish and for men to survive is to bestow an absolute sovereign. Power to the sovereign leader is paramount for survival. Other scholars from the 19th century, like Clausewitz (1832) in his book "Of War", War is the continuation of politics in other means. Classical Realism was very popular in the 1900s.

Scholars like Carr (1939); Twenty Year Crisis, Morgenthau (1948); Politics among Nations, and Kennan (1956); Russia leaves the War takes the perspective of diplomats. Morgenthau (1948), in his work Politics Among Nations believes politics has its roots in human nature and

that it is always centred on power. State interests are paramount. Thus, states act rationally. In his book, Theory of International Politics, Waltz (1979) presented structural realism. Unlike the Classical Realists, Waltz views power through the International System rather than States. The balance of power in the International System is exhibited in how states compete to gain power at the expense of other states. Survival is paramount for all states. Dissimilar to the Classical Realist, Structural realism asserts that power is just but a means for survival and not a means to the end. He brings in the idea of polarity international structures. Namely: Unipolar, bipolar and multipolar. Waltz believes that the polarity of the International System dictates states' behaviour. Neorealism's main focus is on the role of great powers and how they interact in the international system. Its fundamental assumptions revolve around power distribution structure, anarchy, suspicion, national interests and centrality of the State.

This research will use structural realism to study the impacts of the MTD on bilateral relations between Kenya and Somalia. Mearsheimer's (2001) Tragedy of Great Power Politics discusses offensive and defensive realism. The various scholars and proponents have similarities in their basic assumptions. Assumptions that cut across include the centrality of the State, The International System being anarchic, the utility of force, suspicion of other states, the rationality of the State, power politics and survival as central. Structural realism best explains the phenomena of state-to-state relations regarding the MTD in the international system. Due to the principle of state survival, conflict is eminent since suspicion of each other is seen through the attempted auctioning of oil blocks in the disputed area. Somalia taking Kenya to the ICJ in the hopes of winning the case and Somalia acquiring more military in an anarchic international system is based on its struggle to acquire more power. Due to the principle of survival, conflict is imminent between the two states.

Achieng' (2017), in her study, a critical re-examination of Kenya's approaches to threats to her territorial integrity, investigated Kenya's methods on threats to her territorial integrity due to boundary demarcations. She was able to examine the nature of the State and conflict in regard to territorial integrity with a clear focus on national interests, peace and security. The Principle of Territorial Integrity as a Determinant of Kenya's National Security Policy. Achieng' (2017) studied The Relationship between Kenya's National Security policy and Territorial Integrity with realism as a lens. Power is essential in the international system. Unlike the liberalist assumptions, which state that states seek absolute gain and balance power in the international system through cooperation, realism believes that states seek relative gain and secure their

national interests at the expense of others. The above studies shed clear light on how realism explains how states operate and interact in an anarchic international system to maximize gains.

Tenets of structural realism explain the complexities of the MTD on the bilateral relations between Kenya and Somalia. The effects of the MTDs on the economy, security and diplomatic relations of both states feature aspects of State survival, struggle for power, suspicion of state intentions, anarchic international system, rationality of states, war as a continuation of politics in other means and the reality of issues at hand rather than wishful thoughts and relations.

Closure of Dadaab refugee camp, recall of Ambassadors, East Africa hegemon threat, withdrawal from AMISOM, access to the blue economy, terrorism and the recent ICJ ruling threaten bilateral relations between Kenya and Somalia. Nonetheless, structural realism has its shortcomings. Realism ignores the role of non-state actors in State operations. Realists believe that non-state actors[18] are created by States to push for their agendas in the International System and cannot operate without State legitimacy and financial support. To tackle this limitation, the study will apply the assumptions of social constructivism to fill the gap presented by structural realism. Social constructivism is a middle-ground theory that adds to structural realism.

2.4.2 Social Constructivism

Social constructivism emerged in the 1980's and came into play in the early 1990's. Social constructivism has two approaches; conventional and critical constructivism. This study, however will focus on the conventional constructivism that is based on the role of social construct in political settings.

A leading proponent of conventional constructivism is an American scholar, Alexander Wendt, author of 'Anarchy is What States Make of It' of 1991. He believes that anarchy is much more complex in that states behave the way they want to behave. He also believes states dictate how they behave in the international system, not vice versa. He focuses on the role of social fact, identities, values, norms, and traditions in international politics. Emphases are on social agreements and the role of culture and not material and tangible things like military capabilities.

---

18 International Organizations, civil societies, Non- Governmental Organizations etc.

Assumptions of social constructivism include; identity and norms shaping how states think of the international system, international relations are not static but dynamic, the international system is much more complex and ideas are powerful enough to change its realities, states behave differently, others may prefer competition while others cooperation and States are not always rational. Kenya's and Somalia's realities, history, beliefs, perception and images of the MTD vary broadly, thus determining action and policy.

It is key to note that the Greentree Agreement between Nigeria and Cameroon over the Bakassi Peninsular was driven and shaped by not only the social agreements held by the states in respect to the International System but also the mutual development of both states in resolving the conflict.

The theory of social constructivism therefore will further assist in filling the gaps of the various aspects, characteristics and nature of the MTD between the two states missed by the structural realist theory.

Hence, the study on the implications of Kenya- Somalia MTD on bilateral relations in regards to the economy, security and diplomacy are best explained through both structural realism and social constructivism.

2.5 Research Hypotheses

The study aims to test the following hypotheses:

1. H1: The Maritime Territorial Dispute has affected Kenya's bilateral relationship with Somalia.
2. H2: The Maritime Territorial Dispute has affected Somalia's bilateral relationship with Kenya.
3. H3: Institutional frameworks are lacking in managing the Maritime Territorial Dispute between Kenya and Somalia.

2.6 Conceptual Framework

This section. Analyses the correlation between the independent and dependent variables (Economic relations, security relations, diplomatic relations and proxy war). This section further examines the indicators associated with each pair, as shown below.

Independent Variable	Dependent Variable	Indicators
Maritime Territorial Dispute	**Economic Relations** Kenya-Somalia	• Access to the Blue Economy • Economic Hegemony • Hawala closures
	Security Relations Kenya-Somalia	• Terrorism (*Al-Shabaab*) • Piracy • KDF withdrawal from AMISOM • Arms race
	Diplomatic Relations Kenya- Somalia	• Closure of Dadaab Refugee Camp • Recall of Ambassadors • Rerouting of flights
	Others Proxy War	• Alliances

The Conceptual Framework Explained

Based on the table, we can observe the following correlations:

1. Maritime Territorial Dispute and Economic Relations:

   - The dispute has an impact on access to the Blue Economy.
   - The dispute affects economic hegemony.
   - The dispute leads to Hawala closures.

2. Maritime Territorial Dispute and Security Relations:

   - The dispute contributes to terrorism (Al-Shabaab) activities.
   - The dispute leads to piracy incidents.

- The dispute results in the withdrawal of Kenyan Defence Forces (KDF) from AMISOM.
- The dispute triggers an arms race.

3. Maritime Territorial Dispute and Diplomatic Relations:

- The dispute results in the closure of the Dadaab Refugee Camp.
- The dispute leads to ambassadors being recalled.
- The dispute causes flight reroutes.

4. Maritime Territorial Dispute and Proxy War:

- The dispute contributes to the formation of alliances that engage in a proxy war.

These correlations demonstrate how the maritime territorial dispute impacts various aspects of the relationship between Kenya and Somalia, including economic, security, diplomatic, and proxy war-related dimensions.

CHAPTER THREE: METHODOLOGY

3.0 Introduction

This section discussed the methodology the researcher adopted in carrying out the research. The research methodology is presented in the following order: study area, research design, sampling technique, data collection method, data analysis, data validity and reliability and ethical consideration.

3.1 Study Area

The research was conducted in Nairobi. With Nairobi being the capital city of Kenya and the central business district, most of the key respondents with detailed information reside and operate therein. Both the Tanzanian and Somali Embassy are located in Nairobi as well as the leading universities in Kenya. In addition, the researcher had access to more information and was in close proximity (resides in Nairobi) to the Kenya-Somalia dispute, thus the study was convenient.

3.2 Research Design

A research design is the conceptual structure of how the study will be conducted. The research design detailed the methods that were used, the instruments for data collection and the interpretation thereafter. Since the study focussed on the implications of the MTD on Kenya – Somalia relations on bilateral relations of the two countries, data was mainly collected through the descriptive research design. According to Kothari (1990), descriptive research entails those studies that describe characteristics of particular groups or persons. The benefits of the descriptive research design are that it is open and flexible. It incorporated a vast perspective through its data collection methods, where details of the study were discussed extensively in an open-ended questionnaire/interview.

3.3 The Target Population

The study targeted individuals from government ministries of Foreign Affairs, Defence, Trade and Transport and security officials. The study also targeted lawyers, researchers, politicians, businesspersons, diplomats and news reporters. Additionally, the study engaged other

respondents like political scientists, historians, communication strategists, political risk analysts, political commentators, and international relations scholars, among others.

3.4 Sample Size and Sampling Technique

Sampling techniques entail the plans the researcher puts in place to obtain a sample from a given population (Kothari,1990). The research was carried out through non-probability sampling, also known as deliberate sampling, purposive sampling and judgment sampling. Non-probability sampling is a sampling procedure whereby particular units are selected deliberately by the researcher because of the nature of the research questions (Kothari, 1990). Rather than the representativeness of the whole population, the study employed a judgmental sample technique where a reasonable representative sample (specific people approached) was chosen due to their personal elements- expertise and relevance to the research. This type of sampling technique is convenient and inexpensive. However, the researcher was objective since the sampling selection was at the discretion and judgement of the researcher. (See Sample Size: Interview Respondents Schedule on appendices)

3.5 Data Collection Technique

This study used both primary data and secondary data. Primary data was collected through a survey- open-ended questionnaires and personal interviews in a structural way since the output largely depends on the respondent's beliefs and opinions. Open-ended questions were administered to various people to have a greater depth of understanding of the subject matter. Namely: official reports from state officials, security analysts, lawyers, historians, diplomats and original documents. Secondary data was acquired through Scholarly journals, theses and dissertations, present television excerpts, government documents, UN signed treaties, Defence pacts, Institution websites, i.e., the Somalia Federal Government official Web Portal, GOV Somaliland.org, reports from the ICJ, Kenya Foreign Policy document, data from seminars and visit to the Somali Embassy in Nairobi. Though scholarly works on the Kenya-Somalia MTD are a few, contemporary newspaper articles, publications, and journals were greatly used. The instruments used to collect data were reliable techniques that sought to answer the research questions to achieve the study objectives. Due to the sampling technique used, the researcher made sure it was free from bias.

3.6 Data Analysis and Presentation

The researcher reported to the supervisor after coming back from collecting data (fieldwork). The data analysis followed a six-point procedure of Jwan & Ong'ondo (2011). The first stage involved transcribing data from verbal and nonverbal communication to the written form by the researcher. Information gathered was recorded and reported in its primary source without omission or adding. The second stage of the data analysis entailed re-familiarizing with the data gathered, also known as the pre-coding stage. In this stage, the researcher read and filtered through all the manuscripts and copied the data in a separate file retaining the original manuscript. After the pre-coding stage, the researcher moved to the third stage, the coding stage. According to Jwan & Ong'ondo, (1990) coding is the process of obtaining transcribed data and naming them in an easily grouped format to create relevance to the study. The fourth stage entailed creating a Microsoft Word document copied from the cleaned manuscript, then perusing through the document and highlighting distinct matters related to the study. The focus remained on working with the research questions and research objectives to limit the researcher to the research study area. The fifth stage involved sorting the codes generated in the previous stage to avoid overlaps and duplications. Here codes emerged, some downgraded while others advanced to other groupings. In the final stage of the analysis process, the researcher grouped the categories into themes that were later organized according to the various research questions that formed chapters in which findings were presented.

3.7 Data Validity and Reliability

According to Ghauri & Gronhaug (2005) Validity describes how well collected data shelters the said area of research, while Altheide & Johnson (1994) view validity as the truthfulness of the findings. There are types of validity in research. On the other hand, Altheide & Johnson (1994) state that reliability is concerned with the stability of findings, whereas Carmines & Zeller (1979) refer to reliability as the extent to which data measurement is stable and consistent, and its repeatability. Validity and Reliability are both essential thus increasing transparency and decreasing the chances of the researcher's bias in qualitative research (Singh, 2014). In a seminal work, according to Guba and Lincoln (1985), validity and reliability in qualitative research are indicated by its credibility, dependability, transferability and confirmability and further gave strategies that will attain trustworthiness throughout the

research. In this research, the researcher made sure that validity and reliability is paramount. Due to the researcher's choice of sampling technique and data collection methods, the validity and reliability of the results may have been compromised. To curb that, editing of the collected raw data was analysed to detect and correct errors and biases by the supervisor and a central editor who reviewed all information. The presentation was aided by various diagrams for a better understanding of the disputed area, jurisdictions and maritime rights. The relationship between the variables was accurately and clearly presented with the Structural Realist lens of view. The researcher ensured that by dealing with any threats that arose and sought the help and advice of her supervisor.

3.8 Ethical Consideration

Ethics are crucial to any research, especially academic discipline. The benefits of ethics in research are; the researcher is held responsible and accountable for their actions. According to Fouka & Mantzorou (2011), Research Ethics includes protecting the dignity of the subject and publishing the information that has been researched well. Ethics refers to the code of behaviour that dictates that a researcher should respect the rights of the participant (Gatara, 2010). Ethical consideration was paramount in this research, and no findings were based on unethical practices.

The study adopted the deontology view, that is, the study adopts the view that ethical actions follow a universal moral law. Additionally, the research was carried out based on the University of Nairobi code of conduct. All this was to avoid unpremeditated physical, psychological, legal, financial or social harm. Research ethics promotes the purpose of the research in expanding knowledge. Ethical consideration in research supports collaborations between the researcher and the participants regarding mutual respect, fairness and honesty. Research run on ethics ensures that the study holds the principle of beneficence high. Lastly, ensures and supports that the research carried out can be trusted by the public and future research. Not including ethics in the research has implications for the researcher, the participants, and the University. The researcher respected the integrity of all participants and strived not to harm anyone, be it physically, psychologically or morally, during the study to avoid any legal action or the University's codes and policy breach.

This research was conducted with volunteer participants who gave their approval to be interviewed. The researcher clearly explained the purpose and objective of the study in advance. The research Consent Form observed honesty, conflict of interest, privacy, no maleficence, and plagiarism check.

CHAPTER FOUR: DATA PRESENTATION, ANALYSIS AND DISCUSSIONS

4.0 Introduction

This chapter presents the study results and it begins with a description of variables used followed by the result and discussion of results.

4.1 Descriptive Statistics

This study included 58 respondents. Majority of the respondents were males at 74% and females at 24%. One respondent preferred not to mention their gender. The study consisted of majorly Kenyans at 76% followed by Somalis at 21%. There was 1 dual nationality respondent and 1 European.

In terms of education attainment, half of the respondents had at least a bachelor's degree while 25% had a Master's Degree. Half of the respondents were very familiar with the Kenya-Somalia MTD while 40% were slightly familiar.

Table 4.1 Background Characteristics of respondents

| Variable	%	N
Gender		
Male	74.1%	43
Female	24.1%	14
Chose not to answer	1.7%	1
Nationality		
Kenyan	75.9%	44
Somali	20.7%	12
Others	3.4%	2
Level of familiarity with the MSD		
Very familiar	50%	29
Slightly familiar	41.4%	24
Not familiar	5.2%	3
Prefer not to say	3.4%	2

Source: Author, 2023

4.2 Presentation of Findings

The study sought to investigate how the MTD has damaged bilateral relations between Kenya and Somalia, guided by three objectives. The first objective sought to evaluate how the MTD has affected Kenya's economic, security and diplomatic relations with Somalia.

The second objective sought to evaluate how the MTD has affected Somalia's economic, security and diplomatic relations with Kenya and the third sought to formulate a better mechanism for future management of the MTD between Kenya and Somalia.

Figure 4.1: The Maritime Territorial Dispute between Kenya and Somalia has affected Kenya's economic, security and diplomatic relations with Somalia
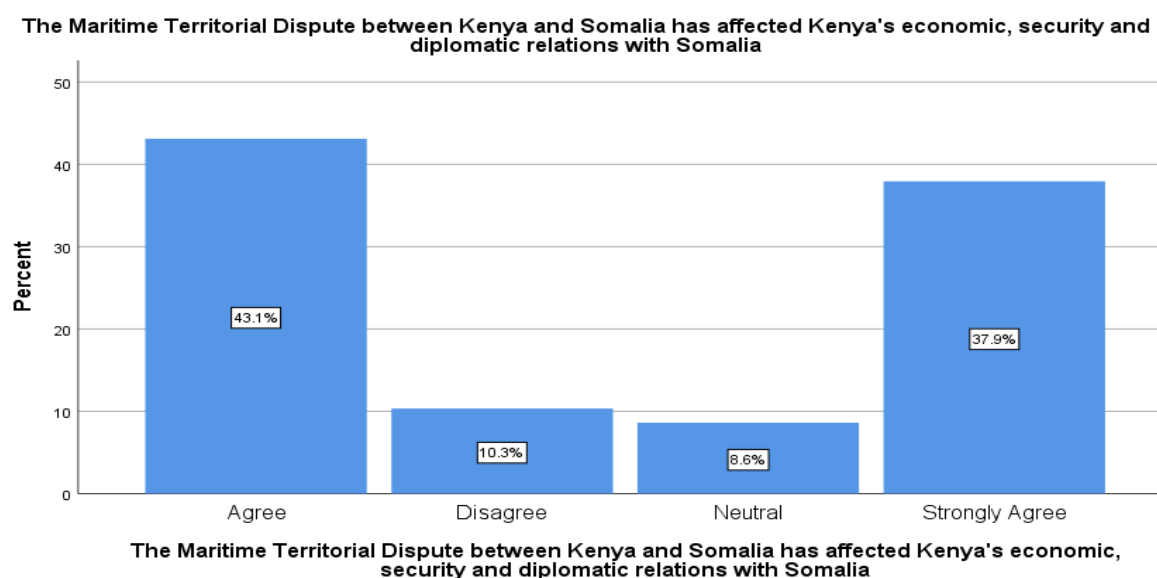
Source: Author, 2023

A majority of the respondents at 80% affirmed that the MTD had affected Kenya's economic, security and diplomatic relations with Somalia.

A chi-square test of independence was conducted to establish whether there was a significant association between the demographic variables and affirmation of MTD impact on Kenya. With a p-value of 0.933 there was no significant association between nationality of the respondents and affirmation that MTD had affected Kenya's relations with Somalia. With a p-value of 0.008 there was a significant relationship between gender of the respondents and affirmation that the MTD has affected Kenya's relations with Somalia.

With a p-value of 0.263, there was no significant association between familiarity with Kenya-Somalia MTD and affirmation that the MTD had affected Kenya's relations with Somalia.

Impact on Economic Relations

Table 4.2 MSD Impact on Kenya's economic relations with Somalia

Economic aspect	N	%
Business	34	58.6
Currency	2	3.4
Miraa	17	29.3
Transport	10	17.2
Blue economy	1	1.7

Source: Author, 2023

Majority of the respondents at 60% affirmed that business aspect of Kenya's economic relations was the most affected by the MTD followed by Miraa trading (29.3%), transportation (17.2%), currency (3.4%) and blue economy at 1.7%. "The former President Farmajo cut ties with Kenya halting all imports and exports between the countries in 2016". The tensions brought about by the MTD led to the temporary ban on trade between the two states, which greatly affected Kenya's economy. Trade of commodities such as *Khat*, milk and fish. Banning Khat (a mild stimulant leaf) exports from Kenya to Somalia resulted in Kenya's economy dwindling. According to AfricNews, in May 2021, Khat exports from Kenya to Somalia were more than 110 million dollars. The banning of Khat in March 2022 costed Kenya 50,000 dollars daily in June. With the lifting of the ban, Khat export brought 1.9 million dollars into Kenya's economy in four days. Somalia's banning and prohibiting *khat* from entering their country caused Kenya's agricultural sector to lose close to one billion Kenya shillings a month with no alternative market. This is further negatively experienced in the local revenue by farmers who depended on the sale of *Khat* to operate, that is, to meet their basic needs, i.e., shelter, food, clothing, school fees, and medical care, among others. They had experienced the loss of market and the investments put in place to plant *Khat*. Employment in the *Khat* farms had also decreased, which with time, increased the rate of poverty and subsequently increased crime in the region. Another respondent added that halting of fish imports to Kenya was another

commodity that jolted Kenya's hospitality sector. Milk was another commodity that a respondent said had affected Kenya's economy. Another respondent mentioned, "Although the ban has been lifted, the quantities are capped to half of what Kenya used to import. Kenya cross border trade has been hampered".

The transport sector had also been affected since cross-border crossing was strained by air (Kenya Airways), on land and on sea. Movement via aviation experienced direct flight cancellations and suspensions from Kenya to Somalia, translating to less revenue. Somalia halted visas on arrival for Kenyan citizens thus Kenyan business professionals endured losses. This was further injured when Ethiopia Airlines took over the business. This lucratively added revenue to present competitors in the region. Respondent X believed that "Reduced coordination might likely increase illicit trade across the border". Respondent X further stated that the reduced coordination between the two states led to corruption at border points, infiltration of *Al-Shabaab*, decline in socio-economic activities at the border towns. Increase in death due to border conflicts, the introduction of diseases and the overall economic decline of the Kenyan-Somali community.

The dispute had also affected Kenya's multibillion-shilling maritime economy since either operation in the disputed area had either been halted, or there was high tension. Fishing and any deep diving had been replaced by law enforcement surveillance (Kenyan Navy). Business through fishing and tourism had been strained, thus causing major revenue cuts for Kenya. Respondent X mentioned that Kenya's reliance on disputed fishing grounds belonging to Somalia immediately brought tension and desperation since it directly affected Kenyan revenues. Respondent X stated that Kenya experienced downward impacts due to the slowdown and exploration of development activities at the disputed area. Due to the MTD, Kenya could not explore their options regarding their ability to expand their economic gains due to the legal battles and security tied to the area. Kenya missed opportunities for mining and tapping into the offshore resources that could generate huge revenues in the disputed area.

Kenya's investments in Somalia were also affected. One of the most affected was the hospitality and business sector, where Kenya has invested heavily in Somalia. Kenyan-owned businesses in Somalia were hit directly, and hostility was at an all-time high. This double-sided coin affected businesses in Kenya run by Somali ethnic communities. Areas like Eastleigh,

Kilimani and South C suffered major discrimination from the Kenyan government. Numerous crackdowns were carried out, which targeted the Somali ethnic communities. This instability affected operations, and ultimately the tax and revenues Kenya received declined. Worse still, the constant harassment by the Kenya Police towards Kenya-Somali nationals in the city (Eastleigh) forced businesses to close down due to the frequent raids. Which translated to unemployment rate, insecurity and crime in the area increased. Due to this, respondent X alleged that "Hostility between the two nations rose and investments dropped at a high rate."

The researcher noted that most if not all of the economic impacts was closely tied to the socio-economic impacts. One of the respondents summed it up by inputting that "It, (the MTD) has made it difficult to co-operate effectively in other areas of mutual interest such as the adverse effects of the current drought/famine in the Horn of Africa".

Generally, most respondents believed there was poor business and strained relations between the two states, ultimately slowing down the trading of commodities. Most believe due to the MTD, Kenya is losing both taxes and revenue.

Despite the above responses taken, some, however, did not see any major effects since relations were resolved and are currently present. "It hasn't actually affected anything in my opinion; still two friendly neighbours", mentioned one respondent, while another said, "There were no businesses and flights between the two countries but finally, the two countries are doing business.". Another respondent believed there haven't been any impacts yet but will come up eventually – "There are no effects now, but maybe in the long run it will."

Impact on Security Relations

Table 4.3 MSD Impact on Kenya' s Security Relations with Somalia

Security Aspect	N	%
Alshabab	8	13.8
Amisom	5	8.6
Piracy	4	6.9
Instability	1	1.7

Border	4	6.9
Radicalisation	1	1.7

Source: Author, 2023

Majority of the respondents' opined Al-Shabaab as the greatest consequence of the MTD on Kenya's security relations with Somalia. In terms of security, according to respondent X, "The Kenya and Somalia Security relation had experienced tension for many years, even during the 1970s when Mohamed Siyad Barre was dictating the country. The two countries are in bilateral security Co-operation regulated by the United Nations and the African Union; African Union Mission to Somalia (AMISOM). When trust between the two states was compromised, it was likely that Somalia would not have cooperate with KDF in the strategies adopted to fight *Al-Shabaab*. Such a situation which was already evident, would result in a very polarized cross-border security and conspiracies' putting the communities living in the Somali border in a continuous security threat.". Several respondents recognized the prominent role the *Al-Shabaab* play in the insecurity of Kenya. Kenya has experienced numerous terror attacks from the insurgent group *Al-Shabaab* for quite a while. One respondent cited that "The *Al-Shabaab* threat has always affected Kenya's security.". Respondent Y believes *Al-Shabaab* have now managed to use the MTD between the two states as a new heightened playing ground to cause more terror as quoted, "It (The MTD) had created tensions between security partners, and this gave Al-Shabaab confidence since both Kenya and Somalia joined in cracking them down.". Due to the emergence of the MTD, security in Kenya and the Horn of Africa (HOA) had been compromised due to the threat and emergence of new terrorist acts.

Respondent X brought out the aspect of border zone conflict as "the maritime territorial dispute between Somalia and Kenya had affected the national security situation in Kenya, at the border zones like Beled Hawo in Gedo region, where clashes between the two parties occurred. As some respondents mentioned, due to the MTD, security breaches in the northern side of the country created further tension. The issue of border zone conflicts transcended overall movement across the border, like reduced and strict visas on flight travel between the two states.

The presence of AMISOM troops in Somalia had always been a leading reason for terror attacks in Kenya. Increased instability due to the MTD had prompted Kenya to threaten to

leave AMISOM several times, and the chance of Kenya withdrawing her troops would have intensified the situation. Another respondent revealed that Somalia's threats to leave IGAD would have further weakened and undermined the institution. One respondent mentioned state-sponsored attacks experienced in the Boni Forest, Lamu by Kenya would have been a catalyst to cause more terror in the region in Kenya. Fear of terror attacks and loss of lives and property in Kenya heightened tensions which may had affected the war on terror.

According to respondent X, threats to Close of Dadaab refugee camp due to the tension between the two states heightened the insecurity in Kenya. Terrorist attacks in the country had been traced back to the refugee camp by Kenyan intelligence. Threats to close the camp not only encouraged the radicalization and recruitment but also worsened the already dire humanitarian and security situation in the Horn of Africa. Radicalization and recruitment of youth in the insurgent group had also been a security impact Kenya had faced due to the MTD as one respondent further quotes "Feelings of unfair treatment of Kenyan Somalis could lead to radicalization."

The MTD had negatively impacted Kenya's security relations with other countries. Due to the MTD, The Arab League strongly warned Kenya on infringing on Somalia's territory. Clear and outward support of one state on the disputed area has a ripple effect on the other state. Respondent X believes that the MTD not only fuelled conflict with Somalia but also Ethiopia. This subsequently made the security of the region unstable. Another respondent mentioned that Qatar and Turkey buying the soul of Somalia by providing arms may have been a catalyst to more conflict. Additionally, Djibouti being a military base, would have caused disunity and instability in the region.

Insecurity in the disputed triangle enhanced threats to vessels crossing the area coming to Kenya. Maritime security in the disputed area had been unpleasant since the MTD and Kenya had been forced to deploy its Navy to defend the area, which led to significant fishing disruptions, which was a livelihood for many fishermen. The question and existence of piracy and organized crime in the disputed area instigated insecurity in Kenya. Additionally, respondent X was quoted as saying, "there was a period of militarization of the Kilifi coastline under president Uhuru where he also visited the coast guard with top generals somewhere last year, which might had been escalated to a possible war."

Insecurity and unstable environment often than not ripple the effects on the neighbouring states. Somalia's instability escalated security in proximity states. Suspicions and doubts between the two countries were brewed by Kenya's involvement in Somalia's politics. Respondent X claimed that Somalia saw Kenya's role in forcefully supporting the Madobe Administration as an interference. The motive behind the move had heightened suspicions between the countries' security organs which had a tremendous setback in the fight against terror. "Because both troops were working within security together, but now each one is feeling the other is his enemy, the security and relation became low. Criminals in Somalia have had a reason to incite violence and hate for Kenya." said another respondent. As the dispute continues, the tension increased, and the security sector was inevitably at risk for decline.

Due to tension and the opaque nature of the situation brought by the MTD, some respondents claimed that insecurity in Kenya had been intensified. Owing to the decline in diplomatic relations, intelligence sharing between the two countries was low. As one respondent mentioned "…after the diplomatic ties went bad, it also affected the security relation with Somalia. Reduced diplomatic relations might relate to less coordination in security and peacekeeping. Mutual security arrangements between the countries became strained.... furthermore, both countries have one enemy (*Al-Shabaab*), and after the dispute, they stopped sharing of intelligence information which is big risk to the security of both nations."

Despite most respondents having had the belief that the MTD between the two countries had impacted Kenya's security, some believed that it had not, since Kenya still works closely in deepening aid to Somalia despite the dispute, and the presence of KDF is still part of the peace effort in Somalia. So, for these respondents, there haven't been any major impacts on Kenya's security as insecurity of Kenya's citizens brought by the terror attacks have always been present before the MTD

Impact on Diplomatic Relations

Table 4.4 MSD impact on Kenya's' diplomatic relations with Somalia

Diplomatic aspect	N	%
Diplomatic tension	21	36.2

Ambassadors recall	8	13.8
Visa requirements	3	5.2%

Source: Author, 2023

Among the survey respondents, 36.2% reported that the MTD created diplomatic tensions for Kenya's relationship with Somalia. A total of 13.8% of the participants indicated that the recall of ambassadors was a result of the MTD on Kenya. A smaller proportion, 5.2% to be precise, pointed to visa requirements as a negative consequence on diplomatic relations for Kenya.

The diplomatic relations between Kenya and Somalia had suffered greatly due to imposed visas and the recalling of ambassadors and diplomats, thus reducing bilateral diplomatic relations. As one respondent said, "Starting from the day when Somalia brought the maritime case before ICJ, the diplomatic relations between these two states went in the wrong direction. Somalia ordered the Kenyan ambassador to leave the country due to the frequent conflict with the Kenyan government, while Kenya ordered Somalia diplomats to leave the country reciprocally (2020). Kenya imposed a strict visa application process while Somalia imposed similar procedures for Kenyan applicants specifically those working with international organizations". While another respondent said "the Kenya government couldn't allow honoured guests from Somali to be in Kenya and saw to the downfall of the embassies since the ambassadors were targeted. Second, in May 2019, Kenya deported two Somali legislators and, went to a point of discussing the closure of the Dadaab refugee camp located in northern Kenya.

 The threat to close the refugee camp was deemed illegal and against the international community on the rights of refugees and also worsened the relations between Kenya and Somalia, which may had led to potential radicalization and recruitment of refugees to the insurgent group *Al-Shabaab*. Rather than being cordial, diplomatic relations were characterized by unpleasant impressions. "The diplomatic relations have been severed since Somalia did not abide by the MOU but decided to take Kenya to ICJ", said respondent X. That led to the mistreatment of Somali diplomats and the Somali ethnic group in Kenya. With the borders frequently being closed and the recalling of ambassadors, the tense diplomatic relations injured Kenya diplomatically across the globe. The tense relationship between the two states was

further fostered by the upcoming elections held in Somalia. Presidential candidates often used the conflict as an agenda to garner voter numbers.

The MTD between the two states was escalated by distrust. According to respondent X "The Somali Government does not trust Kenya's intentions for Somalia, and following its accusation that Kenya is interfering with its internal affairs, it cannot be clear enough that there is a long diplomatic way to cover to restore the destroyed trust; Relations have deteriorated with Kenya trying to influence Somalia's politics e.g., interference over Jubaland elections and inviting Somaliland leaders to Kenya." This interference affected the relations negatively. Kenya interfered in the internal politics of Somalia by picking candidates to support in Somali politics. This precipitated the decline of further diplomatic relations. The MTD just so happened to advance the suspicions and distrust.

Kenya's diplomatic relations with the international community deteriorated further as it defiantly threatened to protect its borders regardless of the outcome from the ICJ. Even after the court ruling, tensions escalated as Kenya refused to withdraw from Somalia's territorial waters as mandated by the ICJ. The refusal to acknowledge the ruling, coupled with the ICJ's lack of enforcement mechanisms, strained regional diplomacy and undermined the court's authority. Respondent X pointed out that Somalia's accusations of Kenya's influence over the IGAD report, declared by Djibouti, reflected Somalia's deepening distrust and strained relations with Kenya. This situation also indicated the potential failure of IGAD to resolve the dispute, hindering Kenya's intended financial gains and damaging its diplomatic relations with Somalia. The decline in Kenya's interest and participation in the United Nations Security Council resolution (UNSCR) on piracy and its behaviour as the chair of the Contact Group on Piracy off the Coast of Somalia (CGCPCS) further contributed to the decline in diplomatic relations. However, some respondents still regarded the diplomatic relations between Kenya and Somalia as satisfactory while acknowledging that the two countries had a strained relationship since Kenya's independence. Overall, respondents agreed that the maritime dispute had significantly impacted Kenya's diplomatic relations with Somalia, affecting various aspects such as the economy, security, and socio-cultural ties.

Objective two: To what extent has the MTD affected Somalia's economic, security and diplomatic relations with Kenya?

Figure 4.2: The Maritime Territorial Dispute between Kenya and Somalia has affected Somalia's economic, security and diplomatic relations with Somalia

The Maritime Territorial Dispute between Kenya and Somalia has affected Somalia's economic, security and diplomatic relations with Kenya
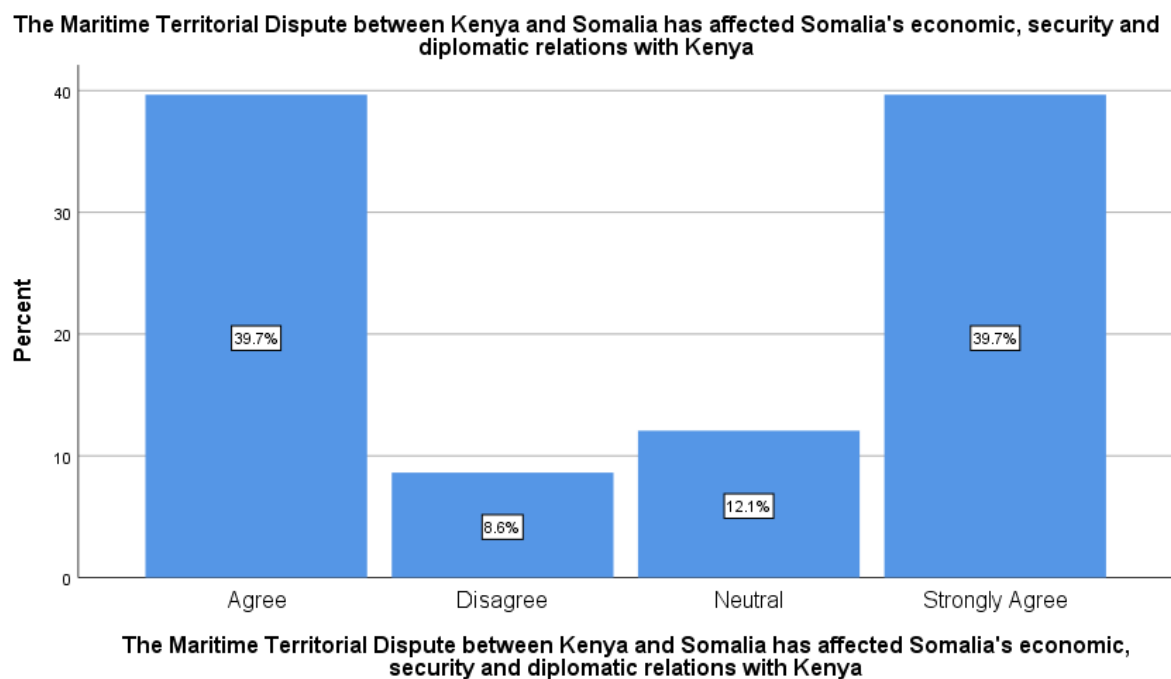
Source: Author, 2023

The majority of survey participants, accounting for 80.4%, acknowledged that the Maritime Territorial Dispute (MTD) had an impact on Somalia's economic, security, and diplomatic relations with Kenya. A smaller proportion, 12.1% of the respondents, expressed neutrality regarding the MTD's effect on Somalia's relations with Kenya, while 8.6% of the respondents did not perceive the MTD as influencing Somalia's relations with Kenya. A chi-square test of independence was employed to examine the potential associations between demographic variables and Likert responses regarding the impact of the Maritime Territorial Dispute (MTD) on Kenya's relations with Somalia. The results are as follows:

A p-value of 0.933 suggests that there was no significant association between respondents' nationality and their affirmation of the MTD affecting Kenya's relations with Somalia. In contrast, a p-value of 0.008 indicated a significant relationship between respondents' gender

and their affirmation of the MTD affecting Kenya's relations with Somalia. Finally, with a p-value of 0.263, there was no significant relationship between respondents' familiarity with the Kenya-Somalia MTD and their affirmation that the MTD had affected Kenya's relations with Somalia.

Impact on Economic Relations

Table 4.5 MTD Impact on Somalia's Economic Relations with Kenya

Economic aspect	N	%
Business	23	39.7
Shillings	0	0.0
Miraa	6	10.3
Transport	3	5.2
Blue economy	1	1.7

Source: Author, 2023

Among the respondents, 23 individuals (39.7%) affirmed that the MTD had a notable impact on the business aspect of Somalia's economic relations with Kenya. No respondent (0.0%) indicated that the MTD had an impact on the value of the shilling. A total of 6 respondents (10.3%) acknowledged the MTD impact on Miraa while 5.2% reported that MTD influenced the transportation aspects of Somalia's relationship with Kenya. 1 respondent (1.7%) recognized the impact on the blue economy aspect."

In terms of the economy, the dispute over the maritime territory had significant consequences. Respondent X highlighted Somalia's recent focus on the blue economy, considering the possibility of auctioning oil wells in the disputed area to foreign countries. This development was a major setback that halted ongoing plans. Another respondent pointed out that the conflict resulted in many Somali fishermen losing their livelihoods. The fear of potential conflict in the region also had economic repercussions, as it led to the loss of breadwinners for many families and a decline in community and national revenue. This exacerbated the already dire situation in the country, characterized by a low GDP. Respondent Y mentioned that Somalia had to

spend a considerable amount of money on legal representation, flight tickets, and hotel accommodations for the ICJ trial proceedings. However, the researcher encountered one respondent who viewed the situation positively, seeing an opportunity for the Somali people to engage in fishing and boost the economy by selling their catch. In summary, one respondent aptly described the challenging circumstances faced by Somalia: "Somalia is in a very difficult situation, and it is only getting worse. The poverty rate in the country has been increasing, with around 69% of the population living in poverty in 2017. The Maritime Territorial Dispute undoubtedly limited Somalia's export opportunities and investments in sea-related industries. Kenya was already the best option for Somalia compared to Ethiopia and Djibouti for imports and exports. The ongoing dispute further restricted the import and export market for the country. The disputed zone, which was still undergoing judicial settlement procedures at the international level, delayed Somalia's maritime development, including mineral mining, fishing, and port operations.

Kenyan citizens of the Somali ethnic group or Somalis working in Kenya were severely hit by the MTD. As one respondent put it, "Many Somalis are living in Kenya; they are businessmen working in different sectors. when the dispute started, Kenya imposed strict laws regarding the movement of Somali people, specifically visa application procedures. Many Somalis faced real problems from that decision because their economic activities depended on movement between the two countries. ". Flight cancellations were numerous, and various Somali entrepreneurs were denied visas. All this negatively affected the Somali economy. Owing to the constraints of travelling to and from Somalia and Kenya, several travel agencies were closed, and those working with and in that sector became unemployed. One respondent noted, "Somalia as a country is building itself up economically. The dispute occurring might as well deter their growth and make them crumble even further." Loss of taxes and revenue on imports and exports, especially agricultural, was experienced and thus strained the already fragile state.

Trade between Somalia and other states had been greatly affected by the presence of the conflict. Due to the MTD, several respondents believed that Somalia lost a lot of revenue due to reduced imports which generated revenue in the country. Khat being one of the greatest named commodities that was prohibited, caused huge negative impacts on the economy. As one respondent said, "Hundreds of Somali people became unemployed, most of them were family workers, specifically women. The government also lost a huge source of revenue

because Miraa generates a lot of tax for the government when landing in national airports. Milk, fish and also export of sugar from Somalia to Kenya." Due to this disruption, there was a rise in the smuggled goods in the black market, which further crippled the economy and exposed citizens from both countries to counterfeit goods.

The tension between the two countries due to the MTD threatened Somalia's economy. Threats to close the Dadaab refugee camp due to the MTD would result in dire constraints. Kenya is a core country in assisting the humanitarian and security situation of the Horn of Africa. Respondent X believed that Somalia was not yet stable enough to welcome all the refugees being housed by Kenya. Refugee assistance by Kenya came not only an economic burden lifted but a security one. Closure of the refugee camp would have greatly compromised the stability and further sever the ties with an anchor state, Kenya.

The Kenya Defense Forces are part of AMISOM mandated to help Somalia in its fight against terror. However, the KDF are not only in Somalia for peace keeping mission but are also empowering the state. Many of the armed forces doubled as health care providers and educationists in Somalia and the threat of recalling the soldiers back to Kenya possed additional threats to Somalia. As respondent X put it "KDF is a source of schools and hospitals. So, if they are out, economy down".

Somalia's bid to join the East Africa Community will unfortunately be one of the consequences of Somalia taking Kenya to the ICJ. According to respondent X, the moment Somalia took Kenya to the ICJ, is the moment Kenya strived to make sure that the fragile state would not be included. As a hegemon in the region, Kenya has a lot of say on who joins and who will face difficulties joining. Having this limitation translates to slower economic growth and inclusion in the affairs of East Africa.

However, according to some respondents, the two states only experienced a small hurdle but relations were back to normal. Despite the MTD, the two states were still trading, which was the most important thing. On the other hand, respondent X mentioned that "Kenya and Somalia never actually had real tangible economic relations between the two" Therefore, if there were any impacts of the MTD, those impacts were already being experienced.

Table 4.6 MTD Impact on Somalia's Security Relations with Kenya

Security aspect	N	%
Al-Shabaab	8	13.8
AMISOM	1	1.7
Piracy	0	0.0
Instability	0	0.0
Border	3	5.2
Radicalisation	0	0.0

Source: Author, 2023

Approximately 13.8% of the respondents acknowledged that the MTD has affected security relations with regard to the Al-Shabaab insurgency. A smaller proportion, 1.7%, indicated that the MTD has influenced security relations concerning the African Union Mission in Somalia (AMISOM). Interestingly, there were no reported impacts on security relations related to piracy, with 0.0% of respondents mentioning this factor. Similarly, 0.0% of respondents identified instability as a factor affected by the MTD in terms of security relations. The highest percentage, 35.2%, pointed to border security as an area significantly influenced by the MTD. Notably, no respondents (0.0%) associated the MTD with the radicalization aspect of security relations."

The war on terror has over the years been a pact between the two states. However, due to the MTD, security relations have been tense. According to respondent X, "Security is on high alert due to the al-Shabaab threat and also, Somalis living in Kenya are highly profiled as suspicious"., Somalia has been affected by internal armed conflict, and the MTD has given the *Al-Shabaab* a chance and opportunity to regroup and strategize. "Poor security relation was an advantage to *Al-Shabaab* Clashes erupted at the Mandera border between Kenyan-backed militia and Somalian Army/militias" said respondent Y. According to another respondent, "…in addition, sharing of intelligence information was affected by the worst diplomatic relations. *Al-Shabaab* will leverage these security lapses and continue to expand in the country.". Another respondent is quoted as having said "*Al-Shabaab* would possibly have an

easy way into this dispute and cause more chaos, thus having each country point fingers when a war occurs." War on terror has been largely altered due to the MTD.

Due to the MTD between the two States, Somalia severed ties with an anchor state involved in bringing stability to its country. The threat to leave AMISOM by the Kenya Defense Forces would tamper with the peacekeeping mission. Due to the strains in relations between the two states, there has been reduced coordination in security intelligence sharing between the two countries. The KDF being on bad terms with the Somali security team is a disaster in itself. Respondent X said "The Somali Government has for many years accused Kenya Defence Forces (KDF) for engaging in to economic activities in Somali and interfering in to its internal affairs in an attempt to disrupt the country's political stability. This move will be followed by America removing its soldiers from Somalia. The Somali security relations with Kenya cannot be that easily destroyed, even though there will be limited political coordination. This is because the threats may pave the way for *Al-Shabaab* retaliation as a consequence. The security relations between the two countries are multiagency and multi-functional in nature, and there is a very long protocol for any of the two countries to make any decision that may put either Kenya or Somalia at risk." Also, with the militarization of the Kenyan navy at the port between Kenya, it was "a confidence-building with Kenya feeling that it must continue to intervene in Somali internal security affairs for the foreseeable future." This shows Kenya's preparedness to protect its border.

Somali citizens and Kenyan Somalis endured harrowing maltreatment from the Kenya security agencies. Due to the conflict, the minority group has been forced to experience second class treatment by the random crackdowns, loss of life and property during the raids. Business have been affected and livelihood affected. This comes as a snowball effect in that it is fostering the notion of radicalization of the affected group to join the terror group.

The economy of a country depends on a safe, thriving environment. According to respondent X, there is fear of porous borders and loss of taxes on import and export. Another respondent was keen to notice that "direct armed clashes took place at the border areas where Kenyan supported Juba land allied to Ahmad Madobe where Kenya security personnel attacked Baled Hawo and other areas in Gedo region." With such dangerous borders, the economy went down.

However, some respondents believed that there were no security impacts on Somalia brought by the MTD. As respondent X put it, KDF is still in Somalia, therefore whatever impact the MTD may have on the two states, it didn't substantially affect Somalia's security relation with Kenya. Another respondent mentioned that the security relations between the two states has not changed due to the Turkish military base in Somalia. This has been a deterrence to war between the two states. While other respondent believe that the security relations remain the same as always.

Impact on Diplomatic Relations

Table 4.7 MTD Impact on Somalia's Diplomatic Relations with Kenya

Diplomatic aspect	N	%
Diplomatic tension	16	27.6
Ambassadors recall	3	5.2
Visa requirements	4	6.9

Source: Author, 2023

Approximately 27.6% of the respondents acknowledged that the MTD led to diplomatic tension in Somalia's international relations. A smaller proportion, 5.2%, indicated that the MTD had resulted in the recalling of ambassadors from diplomatic missions. A noteworthy 6.9% of respondents identified visa requirements as an area influenced by the MTD in terms of diplomatic relations.

Diplomatically, the MTD between Kenya and Somalia had the biggest setback. Since the case was tabled to the ICJ, relations turned tense rather than cordial. Frequent negative diplomatic exchanges between the Kenya government and Somali government and the ending of diplomatic relations by recalling of ambassadors and diplomats was order of the day. Closure of the embassies was also a hindrance to negotiations between the two states. Further deterioration of diplomatic relations was seen when the borders were closed, and the element of discord reigned.

Due to the worsening diplomatic ties between the two states, ambassadors, diplomats, business people and citizens from both countries were denied visas and entry to the other country and some complained of harassment. Respondent X said "The maritime dispute between the states

seriously affected Somalia's diplomatic relation with Kenya. For the first time, Kenya imposed strict visa application procedures to the Somali political leaders and all Somali citizens. apart from the aforementioned effect, Kenya ordered Somali diplomats to leave the country due to the worst diplomatic relations. At some point, we saw the Somali government expelling Kenya's ambassador and Kenya on the other hand, detaining government delegations at the airport as well as mandatory stopovers in Wajir for flights from Somalia. Kenya banned the issuance of visas from Somali nationals. Both countries had no good diplomatic relations at all, and borders are closed frequently."

According to respondent X "Somalia, again as a country that's trying to rebuild itself, was not in good terms with the bordering countries only made it appear weak and unsupported should any diplomatic afflictions occur". Kenya being a neighboring and supporting state to Somalia, made it difficult for Kenya to offer assistance to Somalia. Due to the deteriorated diplomatic ties, it was imminent that the impact would be felt for a long time. Future diplomatic ties and assistance would be sparingly given if given at all. Also, Somalia's threat to leave IGAD threatened to destabilize its diplomatic relations with Kenya further. Respondent Y was keen to notice that "Somali Diplomatic relations with Kenya are compromised and may continue getting weaker if Somali leaves IGAD or if Somali maintain its position that Kenya is interfering with its internal affairs. However, it should be noted that the two countries have common interests that Somalia cannot let go easily. Somalia has historical territorial interest in Northern Kenya, and separating the Kenyan Somali from their country of origin may not be successful…. However, there is no clear indicator to project if this will lead to a threatening conflict at this stage"

However, respondent X mentioned that "during previous government, the relations were almost nonexistent or informal This delays any non-judicial solution." This shows the deteriorated diplomatic relations between the two states did not start after the case was taken to the ICJ but before. While another respondent believed that relations still held well despite the disputes. Although they shared the same sentiments, another respondent mentioned that Somalia wouldn't care much about its diplomatic relations with Kenya since "Somalia has friends"

Ttest on Economic Impact

Hypothesis Testing:

The null hypothesis (H0) for our study posited that there is no significant difference in the impact of the Maritime Territorial Dispute (MTD) on the economies of Kenya and Somalia. The alternative hypothesis (Ha), on the other hand, suggested that there is a significant difference in the impact of the MTD on the two economies.

Interpretation of Results:

With a p-value of 0.118027063, which was greater than the commonly chosen significance level of 0.05 (or any other predetermined significance level), there was insufficient evidence to reject the null hypothesis. In other words, the t-test did not provide strong statistical support for the idea that there was a significant difference in the impact of the MTD on Kenya's economy compared to Somalia's economy.

Implications:

Based on these results, it was reasonably to concluded that the data did not provide strong support for the hypothesis that the MTD had a significantly different impact on the economies of Kenya and Somalia. This suggests that, as per the data analyzed in this study, both economies might have experienced similar economic effects resulting from the MTD.

TTest on security relations

Hypothesis Testing:

The null hypothesis (H0) for our study posited that there was no significant difference in the impact of the Maritime Territorial Dispute (MTD) on the security relations of Kenya and Somalia. The alternative hypothesis (Ha), on the other hand, suggests that there was a significant difference in the impact of the MTD on the security relations of the two countries.

Interpretation of Results:

With a p-value of 0.3347, which was greater than the commonly chosen significance level of 0.05 (or any other predetermined significance level), there was insufficient evidence to reject the null hypothesis. In other words, the t-test did not provide strong statistical support for the idea that there was a significant difference in the impact of the MTD on Kenya's security compared to Somalia's security.

Implications:

Based on these results, it was reasonably to concluded that the data did not provide strong support for the hypothesis that the MTD had a significantly different impact on the security of Kenya and Somalia. This suggested that, as per the data analyzed in this study, both countries may have experienced similar security effects resulting from the MTD.

Ttest on diplomatic relations

Hypothesis Testing:

The null hypothesis (H0) for our study posits that there was no significant difference in the impact of the Maritime Territorial Dispute (MTD) on the diplomatic relations of Kenya and Somalia. The alternative hypothesis (Ha), on the other hand, suggests that there was a significant difference in the impact of the MTD on the diplomatic relations of the two countries.

Interpretation of Results:

With a p-value of 0.067, which was greater than the commonly chosen significance level of 0.05 (or any other predetermined significance level), there was insufficient evidence to reject the null hypothesis. In other words, the t-test did not provide strong statistical support for the idea that there was a significant difference in the impact of the MTD on Kenya's diplomatic relations compared to Somalia's diplomatic relations

Implications:

Based on these results, it was reasonable to conclude that the data did not provide strong support for the hypothesis that the MTD had a significantly different impact on the diplomatic relations of Kenya and Somalia. This suggests that, as per the data analyzed in this study, both countries may have experienced similar diplomacy effects resulting from the MTD.

Objective three: Mechanisms in place to deal with the MTD between Kenya and Somalia?

Figure 4.3 Kenya's approach to the MTD based on national interest

In your opinion do you think Kenya's approach towards the Maritime Territorial Dispute with Somalia is driven by its National Interest?
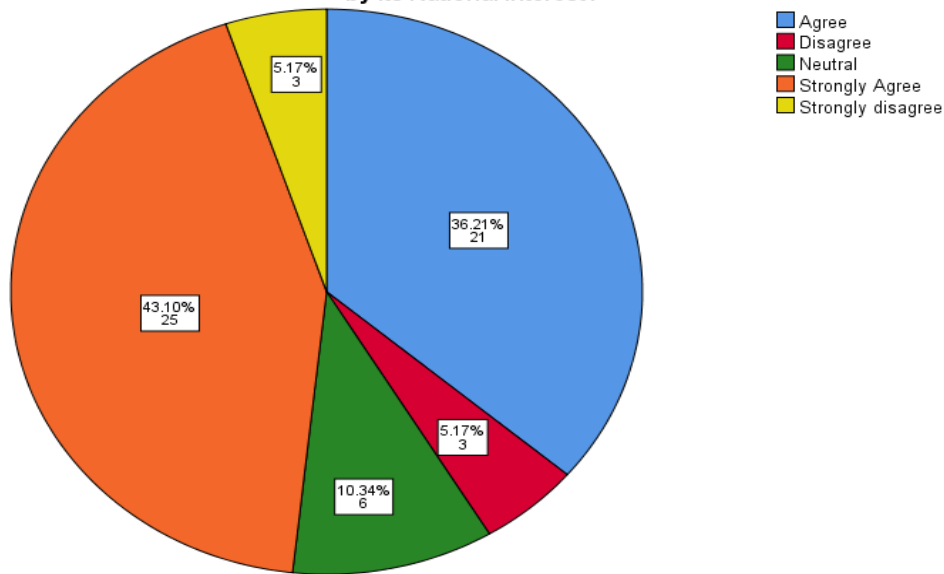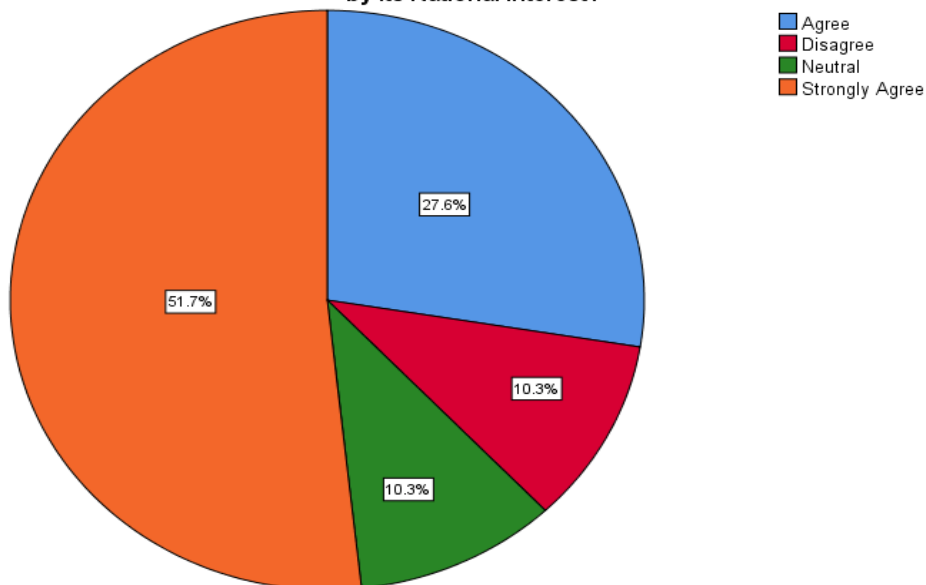
Source: Author, 2023

The researcher established that 43.1% of the respondents strongly agreed, 36.2 % of the respondents agreed, 10.3% of the respondents were neutral, 5.2% of the respondents disagreed and 5.2% of the respondents strongly agreed that Kenya's approach toward the MTD was driven by its National Interest.

Figure 4.4 Somalia's approach to the MTD based on national interest

In your opinion do you think Somalia's approach towards the Maritime Territorial Dispute with Kenya is driven by its National Interest?
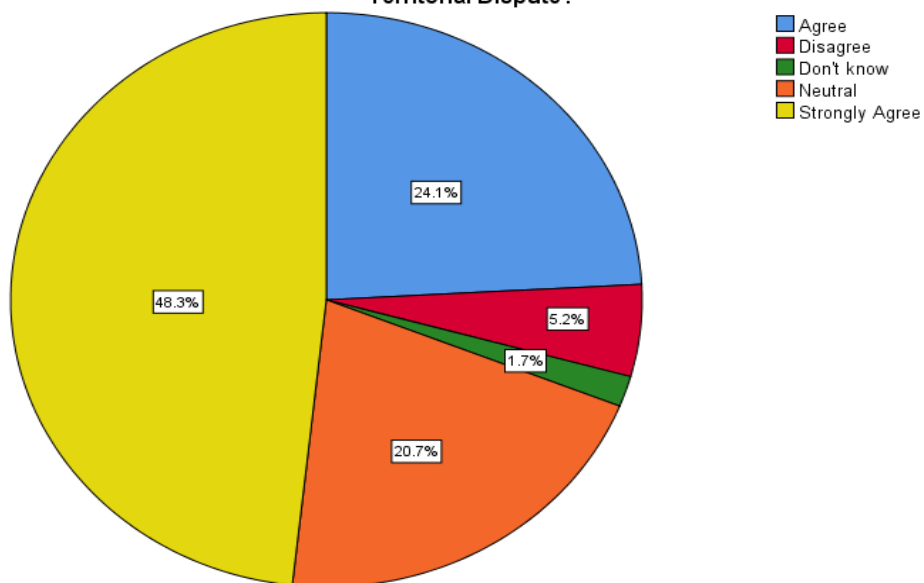
Source: Author, 2023

From the chart above, the researcher established that while 51.7% of the respondents strongly agreed, 27.6% of the respondent agreed, 10.3% of the respondent were neutral, and 10.3% of the respondents disagreed with none strongly disagreeing that Somalia's approach toward the MTD was driven by its National Interest

The respondents believed that other foreign states had hidden interests in the MTD between Kenya and Somalia, with 48.3% strongly agreeing, 24.1% agreeing, 20.7% of the respondents being neutral, 5.2% of the respondents disagreeing, none strongly disagreeing, and 1.7% of the respondents not knowing as shown in the figure below.

Figure 4.5 Both countries have hidden national interest in the MTD

In your opinion do you think other States have hidden National Interests in the Kenya- Somalia Maritime Territorial Dispute?

Source: Author, 2023

The respondents also believed that if the conflict is not resolved, there would be long-term repercussions. Of the respondents, 65.5% believed that if the conflict is not resolved, it was very likely to have long term repercussion, while 24.1% of the respondent believed it was somewhat likely, 5.2% of the respondent believed neither likely or unlikely, 5.2% of the respondents believed it was somewhat unlikely while none believed it was very unlikely as shown below.

Figure 4.6 Long term Impact of the MTD on bilateral relations

Are there long term repercussions of the maritime Territorial Dispute on bilateral relations between Kenya and Somalia if the conflict is not resolved?

- Neither likely nor unlikely
- Somewhat likely
- Somewhat unlikely
- Very Likely

5.2%

24.1%

65.5%

5.2%
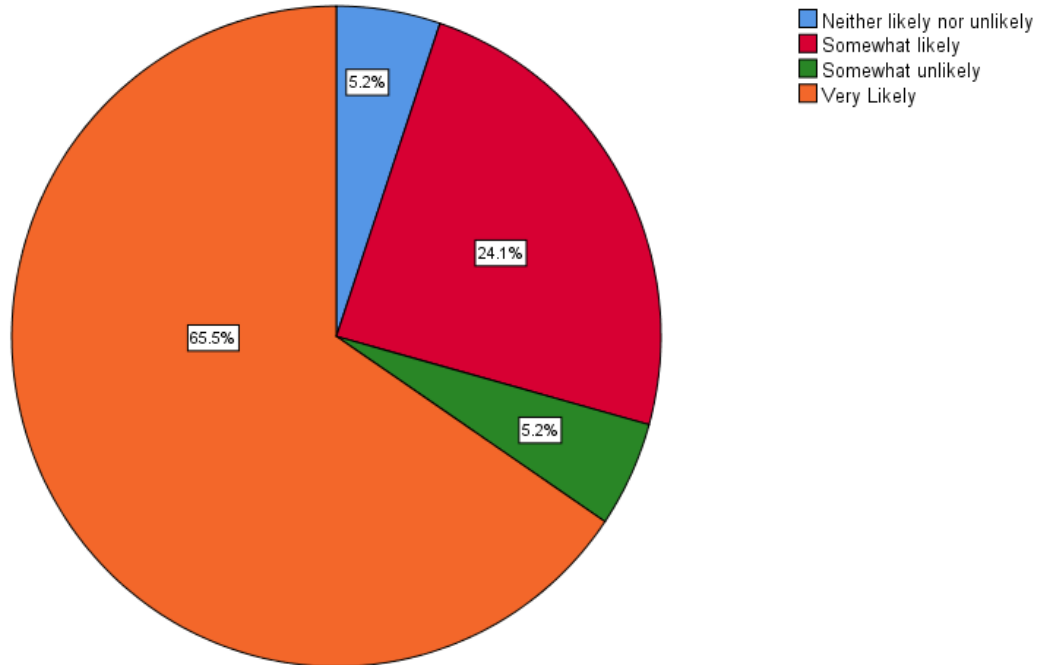
Source: Author, 2023

The researcher reported that 84.5% of the respondents believed that the MTD should be resolved through different approaches of diplomacy. Respondents suggested approaches from mediation by statesmen/stateswomen or the use of regional bodies like the EAC, AU or IGAD, conciliation with both states agreeing on the best way forward without the influence of external influence, increased economic relations through trade and mutual understanding, proper and peaceful negotiations, benchmarking with neighboring coastal states along the south on borders and arbitration. The results are shown below:

Figure 4.7 How the MTD should be resolved

In your opinion, how should the Maritime Territorial Dispute between Kenya and Somalia be resolved?

Legend:
- a combination of both
- Diplomatically
- Militarily
- There should be a multifaceted approach including judicial
- Through ICCJ court
- Through the decision of international court (ICJ)
- Use of an independent international court.
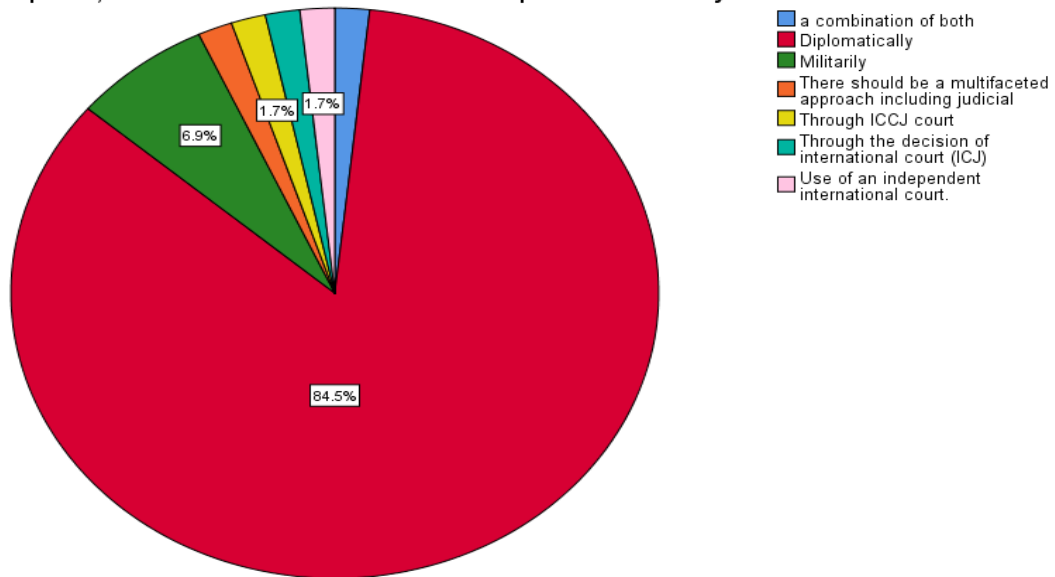
Values shown on chart: 84.5%, 6.9%, 1.7%, 1.7%, 1.7%

Source: Author, 2023

The researcher reported that 6.9% of the respondents believed that the MTD should be resolved through military approaches. Respondent X was quoted "It is high time for them (Kenya) to accept that they cannot have everything." While another respondent mentioned that Somalia has enough backing to take Kenya on so war it is."

The researcher reported that 8.6% of the respondents believed the MTD should be resolved through other approaches, such as diplomacy or militarily. Respondent X advocated for Kenya to accept the decision of ICJ, which "looks to be a win-win solution for the two nations. Just agreeing the court's verdict". While another suggested the case should be taken to the East African Court of Justice. Different views were held by a different respondent as follows; "Somalia should look into other options other than the ICJ. Yes, Somalia has to focus on the implementation of the ICJ decision announced by the court in 2021" and "The current approach is not sustainable. This means it may not result in a long-lasting achievement for Kenya. An inclusive approach where community representatives from the two countries, civil society representatives and political institutions playing active roles may be more efficient. The closed-door approach where only high-level state representative influence decisions may lead to more corrupt results and violations of rights in the settlement procedures". Other respondents believe that both diplomacy and military mechanisms should be used to resolve the MTD. While respondent Y was concerned by the immense foreign influence on the MTD, and suggested that that should be addressed first before solving the case.

Respondents were given a chance to give recommendations and comments, and they are as follows:

"They should use non-violet mechanisms like public diplomacy, private sector such as the Somali business community in Nairobi and media instead of coercive means."

"The disputed area between Kenya and Somalia is an issue that will set precedence on how Kenya handles its disputes and issues. The Elemi triangle dispute will always be simmering therefore, there is a need for Kenya to be ready to tackle and end those disputes militarily."

"Break down in information sharing on terrorism"

"The maritime dispute between Somalia and Kenya will affect their diplomatic relations. if not resolved, it will also affect the life of upcoming generations. so, my idea is; both state leaders have to think wisely and discuss how they can implement the decision of ICJ which is win-win solution for the two states."

"Both countries have taken a heavy toll on bilateral trade from Nairobi stopping to issue visas on arrival to Somalis to Somali banning the sale of khat. The economy of both countries is already suffering as Somalia is a big market for Kenya's exports. There is a threat to regional development projects such as the LAPSET."

"We are one family; this dispute will be resolved."

"We are brothers and ought to know that international involvement comes with a price."

"African borders should be done away with. From Cairo to Cape Town, from Gulf of Aden to Port Noire."

"Both countries should seek to resolve this dispute and give each their due."

"This dispute should not take decades like the Kashmir dispute."

"Only that we are the proud that the ICJ is not biased!"

"To ensure that Somalia and Kenya are neighbours for a long time so they have to solve the conflict."

"A neutral think-tank should be tasked with a mandate to provide a report on the matter."

"Well, there is a likelihood of influencing intra-community and religious conflict as a result of the Maritime Territorial Dispute in Kenya. This may erupt as propaganda driven by Al-Shabaab to insist that Kenya joined AMISOM to destroy Somalia and the Muslim communities and not in favour of the Government and use the Maritime dispute and evidence."

4.3 Confirmation of Hypotheses

Based on the t-test conducted to assess the impact of maritime disputes on the economic relations of Kenya and Somalia, the obtained p-value is 0.118. This p-value represents the probability of observing the data (or more extreme data) if there were no significant difference in the economic relations of the two countries due to the maritime dispute.

Interpreting a p-value of 0.118:

With a p-value of 0.118, which was greater than the commonly chosen significance level of 0.05, we did not have strong statistical evidence to conclude that the maritime dispute had a significant impact on the economic relations of Kenya and Somalia. In other words, the observed difference in economic relations between the two countries may not be statistically significant, and it could potentially be attributed to random variation rather than a true population difference.

While this analysis does not provide strong support for a significant impact of the maritime dispute on economic relations, it's important to consider the broader context and additional factors that may influence economic relations between the two nations. Economic relations are multifaceted and can be influenced by various geopolitical, economic, and diplomatic factors beyond the scope of the maritime dispute alone.

Further research and analysis, including qualitative assessments and a consideration of historical and political factors, may be needed to gain a more comprehensive understanding of the dynamics affecting the economic relations between Kenya and Somalia.

In the undertaking of the study, the researcher sort to test the following hypothesis;

H1: The Maritime Territorial Dispute has affected Kenya's bilateral relationship with Somalia.

H2: The Maritime Territorial Dispute has affected Somalia's bilateral relationship with Kenya.

H3: Institutional frameworks are lacking in managing the Maritime Territorial Dispute between Kenya and Somalia.

Due to the developments the MTD has brought, questions have been raised about the utility and importance of African regional bodies. Bodies like the African Union and the Intergovernmental Authority on Development pose a significant failure in their inability to resolve regional conflicts. The question of why Somalia did not consult them but went straight to the ICJ demonstrates how Somalia doesn't trust the bodies put in place. Criticism has been about the lack of commitment by African statesmen and women and poor governance of the institution, with its weakest performing department being that of regional economic development and its inability to resolve state-to-state conflicts. The institutions' inability to implement set-up frameworks lingers on, thus not shocking why African States lack confidence in the body. IGAD, on the other hand, is no different. Member states don't have trust in it, it doesn't own autonomous decision-making powers, nor does it have instruments to enforce regional agreements, relies on foreign financing and is mainly seen as a security agency used on weaker states by stronger States. Examples and reasons have been set as to why regional bodies fail. Therefore, more reason for Kenya and Somalia to embrace diplomacy in settling their MTD to the best of their ability before seeking assistance from international institutions. Foreign involvement in the MTD will tend to worsen everything, not only for the foreign states but Kenya and Somalia.

Kenya and Somalia are in close proximity to each other, and there is no way they can live in total isolation from each other. Leaders need to be altruistic and not consider their absolute benefits but the regional benefits. Lessons learnt from West Africa can be incorporated, or at

least mechanisms for solving their conflict can be beneficial. Joint management of the disputed area is the best gamble both states can embrace. An equal share of resources within the disputed area and proper collaboration will benefit both states. Soft diplomacy is paramount for the peace and security of the Horn of Africa. Once this is achieved, critical investigation and reforms within the state's leadership toward the unification and strengthening of the regional bodies need to be addressed. Task forces and think tanks must be revived, and Africa must stand as a block.

Dialogue has to continue between the two states without interference from outside influence. Both states ought to appoint diplomats who have the best interests of their countries to come together at the drawing table and pitch their arguments respectfully. The media, too, needs to be trained to report and educate the public on what is going on in the country and its relation with its neighbours. The role of the community is paramount in educating and sensitizing the public from fighting and discrimination against any person rather, listen to everybody with an open and sober mind. Bilateral relations need not be tromped on. Mechanisms should be put in place to ensure bilateral relations run smoothly and further relations need be fostered.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECCOMENDATIONS

5.0 Introduction

The principal objective of the study was to critically analyse the impacts of the MTD on the bilateral relations between Kenya and Somalia from 2009 to 2021. This chapter summarises the research that was guided by three objectives. The first objective was to investigate how the MTD affected Kenya's economic, security and diplomatic relations with Somalia. The second objective was to investigate to what extent the MTD has affected Somalia's economic, security and diplomatic relations with Kenya, and the third objective was to investigate what mechanism ought to be formulated for better management of the MTD between Kenya and Somalia. The researcher utilised the use of expert interviews and structured questionnaires. This was further aided by secondary data from journals, articles, policy documents, and internet sources, among others. The chapter also provides extensive conclusions drawn from the findings of the research and provides recommendations on further research as obtained in the course of the study.

5.1 Summary of Findings

5.1.1 To what extent has the MTD affected Kenya's economic, security and diplomatic relations with Somalia?

Kenya's relations with Somalia have undoubtedly faced challenges due to the MTD. The researcher was able to collect data from the research findings. The majority of the respondents believed that the MTD has had major impacts on bilateral relations in various spheres or relation ranging from economic, security, diplomatic, and social among others, between 2009 and 2021.

The study established that the MTD has impacted Kenya's economic, security and diplomatic relations with Somalia. Economic relations have been characterized by trade barriers, movement and transport limitations, restrictions on access to the disputed area, discontinued and halted investments, regional security and other socio-economic developments. The study findings revealed that the majority of the respondents are of the opinion that the above constraints brought about by the MTD have costed Kenya revenue and taxes. A small minority

of the respondents were of the opinion that the economic relations have not been tampered and if they were, it was just for a short while.

The impacts of the MTD on the security relations between the two states are palpable. Security relations between the two states began way back in the 1960's. The most privilege is the bilateral security cooperation, AMISOM. The fight against terror, Al-Shabaab, has been hit hard due to the tension brought about by the MTD. The MTD has impacted various measures of Kenya's security relations with Somalia, portrayed by slow intelligence sharing, border conflicts and restrictions, threats to withdraw the KDF from the peacekeeping mission in Somalia, Dadaab refugee camp closure threats, radicalization and recruitment of youth, involvement of foreign states into the MTD, militarization of the two States, unstable environment and overall tension between the two states have resulted to the decline in Kenya's security relations with Somalia. However, some respondents believed that the security relations between the two states have not drastically changed since the KDF is still part of AMISOM and that most of the said challenges have always been present before the MTD.

According to the study finding, the majority of the respondents are of the opinion that Kenya's diplomatic relations with Somalia have declined greatly due to MTD. From recalling ambassadors and diplomats, imposed visa restrictions, threats to close the refugee camp, suspicion and distrust and Kenya's role in not recognizing the ICJ court verdict regarding the MTD has altered and heightened the decline of diplomatic relations between Kenya and Somalia. A few of the respondents believe that even before the MTD, diplomatic relations were already dwindling.

5.1.2 To what extent has the MTD affected Somalia's economic, security and diplomatic relations with Kenya?

According to the study findings, the majority of respondents agreed that Somalia's economic relations with Kenya have been damaged. With the existence of the blue economy, due to the MTD, Somalia's access to resources in the disputed triangle translated to loss of jobs and potential revenue, targeted crackdowns on Somalis and ethnic Somalis businesses in Kenya, trade restrictions between the two states, threats to close the Dadaab refugee camp, potential halts to benefits tied to the KDF like health care and education and Somalia's bid to join the

EAC have been impacted negatively. Few respondents believe that Somalia's economic relation with Kenya was not greatly affected by the MTD because both states only experienced a bump but are currently back to normal business

Majority of the respondents were of the impression that Somalia's security relation with Kenya was negatively impacted by the MTD. Due to poor security relations, Al-Shabaab had the opportunity to regroup since its adversaries, Kenya and the Somali government were now in conflict. Owing to the case being taken to the ICJ, Somalia severed ties with an anchor state that greatly supports them in the quest to stabilize their territory. Mistreatment of Somali ethnic groups in Kenya by security personnel opened wounds from the Shifta wars. The presence of suspicion dating back to Kenya's involvement with Jubaland's politics, Kenya's militarization at the coast of Kilifi and the Turkish military base in Somalia have been made worse due to the MTD. Nonetheless, some respondents believed that that the security relations between the two states have not changed since the KDF are still present in Somalia.

According to the study findings, the MTD between Kenya and Somalia has had the biggest setback. Reasons stemming from Somalia's decision to take the case to the ICJ and its threat to leave IGAD. Cordial relationships turned tense as Somalia's seemingly disregarded effort to keep the case out of court were unheeded. Some respondents are of the opinion that Somalia gained from the MTD due to the support they have received from foreign states.

5.1.3 What mechanism exist for better management of the MTD between Kenya and Somalia?

According to the finding, 79.3% of the respondents agreed that Kenya's and Somalia's approach toward the MTD was driven by their national interests. The respondents also believed that if the conflict is not resolved, there will be long-term repercussions. Of the respondents, 89.6% believed that if the conflict is not resolved, it was likely to have long term repercussions. The researcher reported that 84.5% of the respondents believed that the MTD should be resolved through mediation by statesmen/statewomen or the use of regional bodies like the EAC, AU or IGAD, conciliation with both states agreeing on the best way forward without the influence of external influence, increased economic relations through trade and mutual understanding, proper and peaceful negotiations, benchmarking with neighboring coastal states along the south on borders and arbitration while 6.9% of the respondents believed that the

MTD should be resolved through military approaches. The researcher also reported that 8.6% of the respondents believed that the MTD should be resolved through other approaches apart from diplomacy or military intervention.

5.2 Conclusions

In the quest to critically analyze how the MTD has impacted the bilateral relations between Kenya and Somalia, the study findings did demonstrate that the MTD impacted bilateral relations between Kenya and Somalia.

Bilateral relations between the two states have been impacted negatively and need to resolve the MTD is crucial to reestablish cordial relations between the two states. The study hypotheses were tested and indeed confirmed that economic, diplomatic and security relations between Kenya and Somalia are driven by various features of the International System.

It was established that due to the MTD, Kenya's economic relations with Somalia were affected by revenue disruptions, trade barriers, halted investments, access restrictions on the disputed area, movement and transport limitations, development slowdowns and interruptions that stretched to socio economic constrains. Kenya's security relations were also affected by the tension brought about by the MTD in that the fight against terrorism was affected due to the reduced intelligence sharing. The security relationship was further characterized by border conflicts and restrictions, threats to close the refugee camp, threats to withdraw Kenyan troops from AMISOM and the targeted attacks on the Kenyan Somali community. These factors heighten the probability of the insurgent group Al-Shabaab gaining quorum through youth radicalization and recruitment in the country and beyond. Diplomatically, Kenya's relations with Somalia have been ascertained to be declining since the MTD. Recalling of diplomats, visa restrictions, ill treatment of Somali nationals and ethnic groups in Kenya, threats to close the refugee camp and the general suspicions of Somalia's intentions to take the cased to the ICJ without going through the available regional bodies has ultimately affected and further injured the already declining diplomatic relationship with its neighbor, Somalia.

The study also presented to what extent the MTD had affected Somalia's economic, diplomatic and security relations with Kenya. It was established that due to the MTD, Somalia's economic

relations with Kenya has been damaged. From loss of jobs and revenue, random targeted crackdowns on Somalis and ethnic Somalis businesses in Kenya, trade restrictions and threats to close the refugee camp and KDF assistance on war on terror, to blockages on Somalia's bid to join the EAC the hostility has been felt. Inevitably, these impacts have precipitated and affected the security relations Somalia has with Kenya whereby the *Al-Shabaab* were able to regroup due to the security vacuum presented by reduced intelligence sharing between the two states. Ill treatment of the Somali ethnic group in Kenya has also revived the wound brought by the Shifta wars and Kenya's involvement with Jubaland politics. Security relations were amplified with the Kenya's militarization at the coast of Kilifi. Correspondingly, the Somalia diplomatic relations with Kenya have also faced its fair challenges from the onset of Somalia filling the case at the ICJ. Their cordial relationship was strained further as Somalia threatened to leave IGAD thus creating a tense relationship not only with Kenya but with foreign states. Ultimately, through the study, Somalia was seen to be receiving support from foreign states which may hinder bilateral discussions between the two states without the interference of foreign bodies and entities.

The study additionally highlighted a few suggestions for future management of the MTD between Kenya and Somalia with majority respondents recognizing the role of national interest in the MTD. Respondents were keen to notice that if the MTD is not resolved, there may be long-term repercussions. The majority (84.5%) of the suggested resolution approaches were mediation, conciliation, increased economic relations and peaceful negotiations while only a handful (6.9%) suggested using military power to resolve the MTD.

5.3 Recommendations

MTD in Africa need not to be left unresolved. The development of states and the effort on maritime security will be compromised. According to Walker (2015) not solving MTD has a great impact on the politics and economies of states and, ultimately on regional cooperation. It is important to note that Ásgeirsdóttir and Steinwand (2015) state that the cost of choosing one choice of conflict resolution over another is significant. The cost may hinder or smoothen the process. Both Kenya and Somalia are third world countries with developing economies. The choice of resolution mechanism matters. Despite the cost repercussions, the Center (2010) states like Kenya and Somalia who have a MTD should strive to resolve the conflict and avoid a case like Peru and Ecuador that resulted in over 30 bloody military confrontations.

This study has proven the strong relationship between the MTD and its impacts on bilateral relations. Thus, the study proposes both academic and policy recommendations that correspond to the objectives of the study sought to achieve. The recommendations will be grouped as short, middle and long term recommendations.

Short term recommendations

    1. **Avoidant conversation approach.**

According to Okano (2010) border disputes do not fit in a one size fits all spectrum. He believes that each dispute is unique. Therefore, the Kenya- Somalia MTD is different and inimitable. However, this does not imply that resolution mechanisms used in other states won't benefit the case of Kenya and Somalia. Kenya not recognising the ruling made by the ICJ speaks volumes about the inability of the ICJ to command submission and the fact that Kenya is maintaining its status quo in the region. Kenya, by not engaging in talks with Somalia, is embracing the avoidant conversation approach and is aggravating tensions by occupying the disputed area with her military. This will help cool down the tension as both states form effective and neutral teams for discussions. However, this approach need not be used for a long period of time. Further, Okano (2010) states that with this kind of approach, progress will not be achieved and may tamper with international peace and security. In the time being, trade barriers should be lifted, halted investments revived and development of socio-economic activities fostered and nurtured during this period lapses.

    2. **Joint Commission Teams.**

Both states should come up with a joint commission team that'll work together in stating their interests in relation to resolving the MTD. Okano (2010) identified a few key indicators that are relevant to the Kenya and Somalia case, such as economic gains, political agendas, involvement of a third party, international reputation and reduction of military threats from other states in the resolution of the MTD. The team should be able to come up with options for the government decision-makers on how to settle the MTD politically rather than legally, away from media outlets until an agreement has been made. According to Walker (2015), political goodwill is a crucial step towards resolving the dispute at both national and regional levels. Political leaders with a strong desire to foster relations should be selected to have the MTD settled and increase public opinion on the same. According to Catham (2006), skilful appointed

diplomats and negotiators from both states should be mandated to guide the political leaders. Mutual goal-sharing by leaders from both nations should work together to influence public opinion on the MTD and educate the public on how the MTD is affecting their bilateral relations. Both governments ought to establish a conducive environment for negotiations to be established. The African Union ought to be mandated in easing this process by providing expertise and resources to promote the idea of mutual agreements and joint commissions for the betterment of the whole.

Mid-term recommendations

    1. **Bilateral Negotiations and Conciliations.**

Some scholars like Wiegand (2014) believe that militarization and the disputed area are of great importance, and its lack of militarization may decrease the need for mediators over conflicts. He noted that the probability of bilateral negotiations and the presence of mediators increases when the conflict heightens the threat of war. He further stated that states who militarise during a conflict force other states in the region and the international system to be involved in its resolution to avoid any escalations of force. Kenya being the gateway of East Africa, holds high prominence therefore, the conflict is highly important. With the Turkish government aiding Somalia in their military advancement and Kenya deploying its navy in the disputed area, this lays the foundation of an emergency situation. The vast resources in the disputed area are key to note as well. According to Centre (2010) the higher the salience of the resources, the higher the probability of negotiations. Wiegand (2014), on the other hand, believes that negotiations are more than three and a half times more likely, while mediation is reasonably more likely. Negotiations over the years have proven to have worked for other states with MTDs. Negotiations have succeeded in bringing forth agreements. China and Vietnam, South Korea and Japan, Pakistan and India, New Zealand and Australia, Brunei and Malaysia, Thailand and Vietnam, Nigeria and Sao Tome Principe, among others, reached an amicable agreement. Bilateral negotiations should be spearheaded by the African Union to ensure that conflict in the horn of Africa and around Africa can always be tabled and agreed upon rather than hasty consultations on the international levels.

However, if negotiations are not forthcoming, conciliation should be used. Iceland and Norway, in regards to Jan Mayen, are examples of States where conciliation has been forthcoming. Another option is that if negotiation fails, good offices stand a good chance in

the resolutions. Mumma (2019) noted the importance of Mr Wilson, the then Prime Minister of the United Kingdom in the Pakistan and India MTD. Kenya and Somalia ought to be open to the AU to send a representative who will help both parties embrace the strategic objectives of Africa's Integrated Maritime Strategy (AIMS 2050). Once the mediator progresses, they would move to the next alternative dispute resolution (ADR) of facilitating the process.

2. Joint Development Zones / Joint Management/ Joint Development Areas.

Mumma (2019) and Catham (2006) both noted that joint development areas / joint development zones show the willingness of both states to diplomatically settle their disputes and have significant success. Through the joint management/ joint development areas, both states are able to exploit resources in the disputed area and divide the natural resources output as agreed. Both states are actively involved with the development either directly or through an entity responsible, licensed and mandated to manage the disputed area for the two states just like the joint development zone between Nigeria and Sao Tome Principe. Okano (2010) denotes that the Japan-Republic of Korea fishery agreement established in the Sea of Japan was set up due to differing understandings by the states which made negotiations a problem. In the case of Kenya and Somalia where the ICJ has made a ruling, Kenya has outwardly stated that it doesn't recognise the ruling and that it will do what it takes to protect what she believes is Kenyan territory. Just like the Japan-Republic of Korea fishery agreement of 1965, the joint management between Japan and Korea was able to cooperate on the preservation and management of the resources at sea. Creating a zone where natural resources at sea are managed and shared, a working relationship will be fostered between the two states just as the Japan-Republic of Korea fishery agreement (1965), Saudi Arabia and Bahrain (1958), Iceland and Norway (1981) and the Japan-China fishery agreement (1997) with or without an agreed boundary delimitation. According to Osthagen (2020), by sharing the resources found in the disputed area, the contending states will inevitably view the disputed area with less importance. The agreement to a joint venture in resource management will ease the conflict and stabilise the relations between the states. States that have joint development areas are; Malaysia-Vietnam (1992), Australia-Indonesia (1989), and South Korea-Japan (1974), among others. Just as the Bakassi agreement between Nigeria and Cameroon, the African Union should table and support conflicting states to extend towards this approach.

Long term recommendations

1. **Lowering of Existing Border Barriers**

According to Okano (2010), when there are similarities in background, lowering existing border barriers might be the best plan. Kenya and Somalia are not only neighbours but are ethnically tied. Bilateral relations and some degree of co-dependency have over the years, created a situation whereby people, goods and services, among others, are often joint. Lowering existing borders may act as an immense resolution. Far from the traditional territorial disputes, with the lowering of borders, globalization is not only strengthened but is an effective way to resolve or at least lower the tension brought about by MTD. As the late Colonel Gaddafi, former Libyan president, said "I shall continue to insist that our sovereign countries work to achieve the United States of Africa." If this were to occur, the continent of Africa would undoubtedly resolve its colonial-bred borders with free movement of people and goods. A lot has to be done to bring back legitimacy to the African Union. African states are well equipped to venture into unity thus deal with their conflicts amicably and respectfully.

5.4 Suggestions for further research

Potential effects of negotiations in resolving MTD between conflicting States.

According to the research findings, the majority of respondents recommended the role of negotiation in resolving the MTD. Therefore, a study needs to be underway to investigate the potential effects of negotiation in resolving the MTD between conflicting States.

The role of International Organizations in enforcing ICJ court verdicts

The study findings established and confirmed that international organizations can only give direction and the rules of engagement but are rather powerless when it comes to implementing the same. A study ought to critically investigate how international organizations can enforce judgements without the use of coercion.

The social impacts of MTDs on societies in bilateral state relations.

The study investigated the impacts of the MTDs on economic, security and diplomatic bilateral relations of States. However, socio-cultural impacts emerged, and the need to investigate further arose.

The potential impacts of a joint development zone (JDZ) on the Kenya-Somalia maritime territorial dispute.

The study brought about the need for a joint development zone to resolve the Kenya-Somalia MTD. This mechanism has succeeded in other States with or without an agreed boundary delimitation. The Kenya-Somalia MTD has unique characteristics, and a study on how a JDZ would ease the bilateral relations is key.

The ripple effects of the Kenya-Somalia MTD on the eastern side of Africa coastal states.
Any agreed decision between Kenya and Somalia on how the border should either follow a parallel of latitude (Kenya) or be an adjustment equidistance line (Somalia). Ripple effects will be stretched to a potential MTD between Kenya and Tanzania, Tanzania and Mozambique, Mozambique and potentially South Africa and Madagascar as well.

REFERENCE

Achieng' (2017) -, A Critical Re-Examination Of Kenya's Approaches To Threats To Her Territorial Integrity.http://erepository.uonbi.ac.ke/bitstream/handle/11295/109758/Achieng_A%20Critical%_20Re-Examination%20Of%20Kenya%E2%80%99s%20%20Approaches%20To%20Threats%20To%20Her%20Territorial%20Integrity.pdf?sequence=1&isAllowed=y

Achieng', S.G. (2017). The Principle of Territorial Integrity As A Determinant Of Kenya's National Security Policy 2002-2016 . University of Nairobi. http://erepo.usiu.ac.ke/bitstream/handle/11732/3938/ACHIENG%E2%80%99%20SHIRLEY%20GABRIELLA%20MAIR%202018.pdf?sequence=1&isAllowed=y

Agence France –Press. (2019, September 20). Al-Shabaab leader slams Kenya's claims on Somali waters. *East African*. https://www.theeastafrican.co.ke/news/ea/al-shabaab-leader-slams-kenya-claimssomali-waters/4552908-5280770-i0r8ok/index.html

Altheide, D. L., Johnson, J. M. (1994). Criteria for assessing interpretive validity in qualitative research. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (pp. 485–499). Sage Publications, Inc. https://psycnet.apa.org/record/1994-98625-029

Anderson, D. (2006). Negotiating Maritime Boundary Agreements: A Personal View). Brill Nijhoff. https://brill.com/downloadpdf/book/edcoll/9789047418344/Bej.9789004150331.1-254_008.pdf

Ásgeirsdóttir, Á., & Steinwand, M. (2015). Dispute settlement mechanisms and maritime boundary settlements. The Review of International Organizations, 10(2), 119-143. https://core.ac.uk/download/pdf/230695483.pdf

Aslaug & Martin. (2013) in Anderson, D. (2006). Negotiating Maritime Boundary Agreements: A Personal View). Brill Nijhoff. https://brill.com/downloadpdf/book/edcoll/9789047418344/Bej.9789004150331.1-254_008.pdf

Ayman,A. (2013). Collective Punishment of Muslim Unwise, Nairobi. *Daily Nation.*

BP   Statistical review of   World   energy   (2018),*BP Statistical Review   of World Energy*.https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/energyeconomics/statistical-review/bp-stats-review-2018-full-report.pdf

Büşra Nur Bilgiç, (2019) - https://www.aa.com.tr/en/africa/152-somalians-graduate-from-turkishmilitary-camp/1541637

Buzan,B (1983). People, State and Fear: The National Security Problem in International Relations. Central University of South Bihar. https://www.cusb.ac.in/images/cusb-files/2020/el/psc/11Abhay%20Kr-MA-IV%20Sem.pdf

Carmines, E. G., & Zeller, R. A. (1979). *Reliability and validity assessment*. *Sage* publications.*https://books.google.com/books?hl=en&lr=&id=o5x1AwAAQBAJ&oi=fnd&pg=PA5&dq=Car mines+%26+Zeller+(1979)++-+reliability&ots=2L4JiwFIy0&sig=rquT3CUMVTCck9YVu0D0Ua2UB6M*

Catham House. (2016, September 15). *Kenya's Foreign Policy Priorities: Peace, Security and Prosperity* https://www.chathamhouse.org/sites/default/files/events/2016-09-15-Kenya-Foreign-PolicyPriorities-Peace-Security-and-Prosperity-Meeting-Summary.pdf

Center, C. (2010). Approaches to Solving Territorial Conflicts: Sources. Situations. https://www.cartercenter.org/resources/pdfs/news/peace_publications/conflict_resolution/solving_territorial_conflicts.pdf

CGTN,2019).- Kenya-Somalia Maritime Dispute: Somalia rallies support from Arab League-https://news.cgtn.com/news/78417a4d774d4464776c6d636a4e6e62684a4856/index.html

Chan,K.C. (2018). The ICJ's Judgement in Somalia v. Kenya and Its Implications for the Law of the Sea. *Utrech Journal of International and European Law*. https://utrechtjournal.org/articles/10.5334/ujiel.450/

Courmont,B.,Lasserre.F.,Mottet.E. (2018, March). Perspectives on Maritime Disputes in East Asia. *The French Institute for International and Strategic Affairs*,67   https://www.iris-france.org/wpcontent/uploads/2018/03/Asia-Focus-67.pdf

Dabkowski,C. (2018,August 4). A history of the Love Canal disaster, 1893 to 1998. *Buffalo News.* https://buffalonews.com/news/local/history/a-history-of-the-love-canal-disaster-1893-to-1998/article_5df93af9-e5fe-5ae4-be74-efed7dbf43ed.html

ECOWAS. (2016). African Leaders Adopt AU Charter on Maritime Security, Safety and Development https://www.ecowas.int/african-leaders-adopt-au-charter-on-maritime-security-safety-anddevelopment/

Fincham J. E. (2008). Response rates and responsiveness for surveys, standards, and the Journal. American journal of pharmaceutical education, 72(2), 43. https://doi.org/10.5688/aj720243

Fouka,G.,Mantzorou,M. (2011)- What are the Major Ethical Issues in Conducting Research? Is there a Conflict between the Research Ethics and the Nature of Nursing? Health Scieence Journal. https://www.researchgate.net/profile/Marianna-Mantzorou/publication/233959936_What_are_the_Major_Ethical_Issues_in_Conducting_Resear
ch_Is_there_a_Conflict_between_the_Research_Ethics_and_the_Nature_of_Nursing/links/09e4150d581afbed0c000000/What-are-the-Major-Ethical-Issues-in-Conducting-Research-Is-there-aConflict-between-the-Research-Ethics-and-the-Nature-of-Nursing.pdf

Ghauri & Gronhaug (2005)- Taherdoost, H.(August 10, 2016) Validity and Reliability of the Research Instrument; How to Test the Validation of a Questionnaire/Survey in a Research .*SSRN*.https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3205040

Gomez,J.(2020,April 8). Philippines backs Vietnam after China sinks fishing boat. *AP News.* https://apnews.com/article/98e24d71793c69c954b4922067c99013

Hassan,M., Jian,H., Alam.W.,Chowdhury.Azam. (2019, February, 28). Protracted Maritime Boundary Disputes and Maritime laws. *Journal of International Maritime Safety, Environmental Affairs, and Shipping 2:2.* https://doi.org/10.1080/25725084.2018.1564184

Hirbo, J. (2020). Assessment of the Nature of Security Challenges on the International Border Between Kenya And Somalia. *University of Nairobi.* http://erepository.uonbi.ac.ke/bitstream/handle/11295/105670/Hirbo_Assesment%20

Of%20The%20Nature%20Of%20Security%20Challenges%20On.pdf?sequence=1&is
Allowed=y

Horn Institute. (2019). - Maritime Border Challenges and Implications on Security: An
Experts Symposium-https://horninstitute.org/wp-
content/uploads/2019/09/Symposium-on-MaritimeBorder-Challenges-and-
Implications-on-Security.pdf

House, C. (2006). Methods of resolving maritime boundary disputes. In Summary of a
Meeting of the International Law Discussion Group (pp. 728-743).

https://www.sun.ac.za/english/faculty/milscience/sigla/Documents/Borders%202019/The%20
La nd%20and%20Maritime%20Domain%20Interface%20-
%20More%20of%20the%20Same%20-%20Professor%20Paul%20Wambua.pdf

Ifesinachi,Y.O. (2015, August). The Guinea-Bissau–Senegal Maritime Boundary Dispute.
Marine Policy. https://www.africanleadershipcentre.org/attachments/article/361/1-
s2.0-S0308597X15002274main.pdf

International Court of Justice. (2021). *Maritime Delimitation in the Indian Ocean (Somalia v.
Kenya).* https://www.icj-cij.org/en/case/161

Jamine, E. B. (2007). Maritime Boundaries Delimitation, Management and Dispute
Resolution. Division for Ocean Affairs and the Law of the Sea.
https://www.un.org/depts/los/nippon/unnff_programme_home/fellows_pages/fellows
_papers/jamine_0607_mozambique.pdf

Jwan, J.O.,Ong'ondo C.O.(2011). Qualitative research: An introduction to principles and
techniques. Eldoret: Moi University Press. K24   TV.   (2019, February   21).
Monica   Juma   on   Kenya Somalia   boarder.
https://www.youtube.com/watch?v=7ZqQAAY9sVM

Kennan, G. F. (1956). *Russia leaves the war* (Vol. 1). Princeton University Press.

Kenya National Bureau of Statistics. (2019). *Kenya Population and Housing Census* (Volume
IV). Distribution of Population by Socio- Economic Characteristics.

Khalfaoui,A.,Yiallourides,C. (2019,February). Maritime Disputes and Disputed Seabed
Resources   in   the   African   Continent.   SSRN.

https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID3347690_code2556439.pdf?abstractid=3330 555&mirid=1

Kibagendi (2009)-   mumma- Kibagendi, A. (2009). Millennium, Fundamentals of Research Methods, Introduction.

Kim,S.K. (2015). Territorial Disputes in the South China Sea: Implications for Security in Asia and Beyond. *Strategic Studies Quarterly.*https://www.airuniversity.af.edu/Portals/10/SSQ/documents/Volume-09_Issue-2/kim.pdf

Kornprobst,M.   (2002), - The Management of Border Disputes in African Regional Subsystems: comparing   West Africa and the Horn of Africa. Cambridge University Press. http://discovery.ucl.ac.uk/12048/1/12048.pdf

Kothari, C.R. (1990) Research Methodology: Methods and Techniques, Second Revised Edition. New Age International   Publishers. https://www.cusb.ac.in/images/cusb-files/2020/el/cbs/MCCOM2003C04%20(Business%20Research%20Methods)Research_Method ology_C_R_Kothari.pdf

Kuria,G. (2021, March 14). Kenya Withdraws from Maritime Dispute Case with Somalia. *CGTN.*   https://africa.cgtn.com/2021/03/14/kenya-withdraws-from-maritime-dispute-case-with-somalia/

Lincoln, Y. S., Guba, E. G. (1985). Naturalistic inquiry. *Beverly Hills, CA: Sage*

Machiavelli, N., & Bull, G. (2003). The Prince. Penguin ClassicsHobbes, T. (1969). *Leviathan, 1651*. Menston: Scolar P.

Marshall,J.B. (2014) - Joint Development of Offshore Oil and Gas in the Gulf of Guinea: A Case of Energy Security for Nigeria and Cameroon. Journal of Law, Policy and Globalization.
https://www.iiste.org/Journals/index.php/JLPG/article/download/18585/18722

Martinon, M. (2019) KENYA-SOMALIA MARITIME TERRITORIAL DISPUTE: WHY SOMALIA TOOK KENYA TO THE IINTERNATIONAL COURT OF JUSTICE, ADVANTAGES, LIMITATIONS AND EXISTING MODES OF PEACEFUL SETTLEMENT. Department of Political Science and Public Administration University of Nairobi.
https://profiles.uonbi.ac.ke/sites/default/files/conniem/files/1._kenya_-_somalia_-__territorial_disputes__-_21st__july_2019_-dr._c.a._mumma-martinon.pdf

Mboga,J. (2021, March 14). Kenya Withdraws from ICJ Maritime Border Case with Somalia. *The Standard*. https://www.standardmedia.co.ke/kenya/article/2001406314/kenya-withdraws-fromicj-maritime-border-case-with-somalia

Mearsheimer, J. J., & Alterman, G. (2001). *The tragedy of great power politics*. WW Norton & Company.

Megged,M. (2016, October 10). KDF Record Successful Operations since Somalia Entry. *Intelligence Briefs*. https://intelligencebriefs.com/kdf-record-successful-operations-since-somalia-entry/

Michalopoulos, S.,Papaioannou,E. (2012,January). The long-run effects of the Scramble for Africa.VOX EU. https://voxeu.org/article/long-run-effects-scramble-africa

Morgenthau, H. (1948). Politics among nations: The struggle for power and peace. New York: A.A. Knopf. https://old.tsu.ge/data/file_db/anthim/31.eng.pdf.

Mumma (2019)- Kenya-Somalia Maritime Territorial Dispute: Why Somalia Took Kenya To The International Court Of Justice, Advantages, Limitations And Existing Modes Of Peaceful

Nagy,S.R. (2013,April). Territorial Disputes, Trade and Diplomacy: Examining the repercussions of the Sino-Japanese territorial Dispute on Bilateral Trade. *Open Edition Journal*. https://journals.openedition.org/chinaperspectives/pdf/6321

Newman,N. (2017,July). *Maritime Boundary Dispute*. *Nicnewmanoxford*. https://www.nicnewmanoxford.com/maritime-boundary-disputes/

Observatory of Economic Complexity. (2017). *Bilateral Trade by Product.* https://oec.world/en/profile/bilateral-country/ken/partner/som#bi-trade-products

Oduntan, G. (2015). International Law and Boundary Disputes in Africa. Routledge Research in International Law. http://oceanlaw.ru/wp-content/uploads/2017/10/International-Law-and-Boundary-Disputes-in-Africa-by-Gbenga-Oduntanpradyutvam2CPUL2015.pdf

Okano, M. (2010). How to Deal With Border Issues: A Diplomat-Practitioner's Perspective. Eurasia Border Review, 1(1), 37-48. https://eprints.lib.hokudai.ac.jp/dspace/bitstream/2115/50842/1/EBR1-1_005.pdf

Okonkwo,T (2017,January). Maritime Boundaries Delimitation and Dispute Resolution in Africa. Beijing Law Review. https://www.researchgate.net/publication/315343650_Maritime_Boundaries_Delimitation_and_ Dispute_Resolution_in_Africa

Østhagen, A. (2020). Maritime boundary disputes: What are they and why do they matter?. Marine Policy, 120, 104118. https://www.sciencedirect.com/science/article/pii/S0308597X20302426

Republic of Kenya. (2014, November). *Kenya Foreign Policy.* https://www.mfa.go.ke/wpcontent/uploads/2016/09/Kenya-Foreign-Policy.pdf

Sakuwa,K. (2017, December 7). The Regional Consequences of Territorial Disputes: An Empirical Analysis of the South China Sea Disputes. *Journal of Asian Security and International Affairs*, *4*(3), 316–336. https://doi.org/10.1177/2347797017732228

Sawe,B.E (2020, November 9) Religious Beliefs in Kenya. *World Atlas*. https://www.worldatlas.com/articles/religious-beliefs-in-kenya.html Settlement? https://profiles.uonbi.ac.ke/sites/default/files/conniem/files/1._kenya_-_somalia_-_territorial_disputes_-_21st_july_2019_-dr._c.a._mumma-martinon.pdf

Shahow, A.A. (2019, October 30). Kenya and Somalia Maritime Dispute: One winner, Two Losers? *African Arguments*. https://africanarguments.org/2019/10/kenya-somalia-maritime-dispute-onewinner-two-losers/

Singh,A.S. (2014,January 7)- Conducting case study research in non-profit organizations. Emarald Insight. https://www.emerald.com/insight/content/doi/10.1108/QMR-04-2013-0024/full/html

Strating, R. (2019). Maritime Disputes, Sovereignty and the Rules-Based Order in East Asia. *Australian Journal of Politics and History* 65:3 https://onlinelibrary.wiley.com/doi/epdf/10.1111/ajph.12588

The HORN International Institute for Strategic Studies. (2019, September). *Maritime Border Challenges and Implications on Security: Kenya-Somalia dispute Perspective*. https://horninstitute.org/wpcontent/uploads/2019/09/Symposium-on-Maritime-Border-Challenges-and-Implications-onSecurity.pdf

Thucydides (460-400BC) - Thucydides, *The Peloponnesian War.* Indianapolis, Hackett (1998); translation by Steven Lattimore https://books.google.com/books?id=GP2Z7fIYJTwC&printsec=frontcover&dq=isbn:9780872203945&hl=en&sa=X&ved=2ahUKEwiO1NXZyID0AhUjxIUKHeeNA0sQ6AF6BAgCEAI

United Nation High Commissioner for Refugees. (2020). *Dadaab Refugee Complex*. https://www.unhcr.org/ke/dadaab-refugee-complex

United Nations. (1982). United Nations Convention on the Law of the Sea. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

United Nations. (n.d.). Charter of the United Nations, Article 92. https://legal.un.org/repertory/art92.shtml

Vidija,P. (2019, February 21). Kenya- Somalia Maritime Dispute: We will not Cede an Inch to anyone- CS Juma. *The Star*. https://www.the-star.co.ke/news/2019-02-21-kenya-somalia-maritimedispute-we-will-not-cede-an-inch-to-anyone-cs-juma/

Walker, (2016)- Maritime border row: Experts advise Kenya, Somalia to join hands-https://www.theeastafrican.co.ke/tea/news/east-africa/maritime-border-row-experts-advisekenya-somalia-to-join-hands--1355774

Walker, T. (2015). Why Africa must resolve its maritime boundary disputes. https://www.files.ethz.ch/isn/194507/PolBrief80.pdf

Walker,T. (2015,October). Enhancing Maritime Domain Awareness in Africa. *Institute for Security Studies (Policy Brief 79)*. https://www.files.ethz.ch/isn/194504/PolBrief79.pdf

Walker,T. (2015,October). Why Africa Must Resolve Its Maritime Boundary Disputes. *Institute for Security* Studies (Policy Brief 80). https://www.files.ethz.ch/isn/194507/PolBrief80.pdf

Waltz, K. N. (1979). Theory of international politics/Kenneth N. Waltz.

Wambua, P. M. (2015). Kenya's Role In Counter-Piracy And The Contact Group. *Cardiff University*. http://www.lessonsfrompiracy.net/files/2015/06/Wambua-Kenya.pdf

Wambua,M. (2019,July). Border Management Workshop. Stellenbosch University.

Wambua,M. (2019). Enhancing regional maritime cooperation in Africa: The planned end state. African Security Review.http://erepository.uonbi.ac.ke/bitstream/handle/11295/39125/Wambua_Enhancing%20regional%20maritime%20cooperation%20in%20Africa%20The%20planned%20end%20state.pdf?sequence=2

Wiegand, K. E. (2014). Mediation in territorial, maritime and river disputes. International Negotiation, 19(2), 343-370. https://www.researchgate.net/publication/275458397_Mediation_in_Territorial_Maritime_and_River_Disputes

Wiegand,E.,Powell,E.J. (2011, July 8). Unexpected Companions: Bilateral Cooperation between States Involved in Territorial Disputes. Sage Journals. https://journals.sagepub.com/doi/abs/10.1177/0738894211404792

Wikiwand. (n.d). *History of the Ecuadorian–Peruvian territorial dispute.* https://www.wikiwand.com/en/History_of_the_Ecuadorian%E2%80%93Peruvian_territorial_dis pute#/overview

Williams,P.D. (2018,July 19). Lessons Learned in Somalia: AMISOM and Contemporary Peace Enforcement. *Council on Foreign Relation*. https://www.cfr.org/blog/lessons-learned-somaliaamisom-and-contemporary-peace-enforcement

World Population Review. (2021). *Somalia Population 2021 (Live)* https://worldpopulationreview.com/countries/somalia-population

World Bank [WB], (2019). *World Data.* https://data.worldbank.org/country/SO

APPENDICES

Appendix 1: Introduction Letter

University of Nairobi: Department of Political Science and Public Administration.

My name is Ifesa Tinnie Ali, a Masters of Arts Student in the Department of Political Science and Public Administration at the University of Nairobi. I am conducting a study on *"The Impacts of the Maritime Territorial Dispute on Bilateral Relations of States: The case of Kenya- Somalia (2009-2021)"*, as a requisite for the award of Degree in Masters in International Relations. I kindly request for a short interview with you so as to better understand the impacts of the Kenya- Somalia Maritime Territorial Dispute on Kenya -Somalia relations.

Appendix 2: Questionnaire

A questionnaire is a research instrument or tool consisting of a set of closed and open-ended questions for the purpose of collecting relevant information from the respondent. (Saul McLeod, 2018) This questionnaire is solely for academia purposes.

1. I consent to participate in this survey

    Yes/No

2. Gender

    Woman/Man/Nonbinary/Prefer not to say

3. Nationality

    Kenya/Somali/Others

4. What is your highest education level?

    Highschool Diploma/Associate Degree/Bachelor's Degree/Master's degree/Prefer not to say

5. In what sector do you currently work?

    Law, Business, Security, Diplomacy, Politics, Student etc.

6. Are you aware when Kenya and Somalia begun Bilateral relations?

    Yes/No/Maybe

7. In your opinion, bilateral relations between Kenya and Somalia are?

    Poor/Fair/Good/Very Good

8. How familiar are you with the Kenya-Somalia Maritime Territorial dispute?
    Very familiar/Slightly Familiar/Not Familiar/Prefer not to say

9. With what intensity is Kenya is taking the Maritime Territorial Dispute with Somalia

    Range 1-10 (1 being the lowest and 10 being the highest)

10. With what intensity is Somalia taking the Maritime Territorial Dispute with Kenya

    Range 1-10 (1 being the lowest and 10 being the highest)

11. Kenya has demonstrated willingness to solve the Kenya-Somalia Maritime Territorial Dispute prior to the International court of Justice.

    1-5 (Disagree/Strongly Disagree /Neutral/Agree/ Strongly Agree)

12. Somalia has demonstrated willingness to solve the Kenya-Somalia Maritime Territorial Dispute prior to the International court of Justice.

    1-5 (Disagree/Strongly Disagree /Neutral/Agree/ Strongly Agree)

13. According to the framework of international peace and security Article 33[19] of the United Nations Charter,1945. What in your opinion would be the best measure to deal with the Kenya-Somalia Maritime Territorial Dispute?

---

[19] The Article 33 of the United Nations charter states that any dispute that is probable to jeopardize international peace and security should first be addressed though negotiations, mediations, enquiry,

Dialogue/Negotiations/Enquiry/Mediation/Conciliation/Arbitration/Judicial

Settlement

a) What is the best option?

b) Why that option?

14. In your opinion do you think Kenya and Somalia can resolve the Maritime Territorial Dispute without recourse to the International Court of Justice.

Very Likely/Somewhat Likely/Neither Likely nor Unlikely/Somewhat Unlikely/Very Unlikely

a) In your opinion, do you think there were any other options for Somalia?

b) In your opinion, do you think it was a good idea for Somalia to go to court?

15. The Maritime Territorial Dispute between Kenya and Somalia has affected Kenya's economy, security and diplomatic relations with Somalia.

1-5 (Disagree/Strongly Disagree /Neutral/Agree/ Strongly Agree)

16. In what ways has the Maritime Territorial Dispute between Kenya and Somalia affected Kenya's

a) economic relations with Somalia?

b) Security relations with Somalia?

c) Diplomatic relations with Somalia?

17. The Maritime Territorial Dispute between Kenya and Somalia has affected Somalia's economy, security and diplomatic relations with Kenya

1-5 (Disagree/Strongly Disagree /Neutral/Agree/ Strongly Agree)

---

conciliation, arbitration, judicial settlements, consult regional agencies or other peaceful means of choice.

18. In what ways has the Maritime Territorial Dispute between Kenya and Somalia affected Somalia's

a) Economic relations with Kenya?

b) Security relations with Kenya?

c) Diplomatic relations with Kenya?

19. In your opinion, do you think Kenya's approach towards the maritime Territorial Dispute with Somalia is driven by its national interest?

        1-5 (Disagree/Strongly Disagree /Neutral/Agree/ Strongly Agree)

20. In your opinion, do you think Somalia's approach towards the maritime Territorial Dispute with Kenya is driven by its national interest?

        1-5 (Disagree/Strongly Disagree /Neutral/Agree/ Strongly Agree)

21. In your opinion, do you think other states have hidden national interests in the Kenya – Somalia maritime Territorial Dispute

        1-5 (Disagree/Strongly Disagree /Neutral/Agree/ Strongly Agree)

22. Are there long-term repercussions of the Maritime Territorial Dispute on bilateral relations between Kenya and Somalia if the conflict is not resolved?

        Very Likely/Somewhat Likely/Neither Likely nor Unlikely/Somewhat Unlikely/Very Unlikely

23. n your opinion, how should the Maritime Territorial Dispute between Kenya and Somalia be resolved?

        Diplomatically/ Militarily/Others

24. Are there other better approaches that Kenya can adopt in handling this Maritime Territorial Dispute?

25. Are there other better approaches that Somalia can adopt in handling this Maritime Territorial Dispute?

26. Is there any information you'd want to add on the impacts of the Maritime Territorial Dispute on Kenya-Somalia Relations?

Appendix 3: University of Nairobi Authorization Letter

Kindly find the researcher's University of Nairobi Authorization letter in the link below;

https://drive.google.com/file/d/1FpjKg4xDccsuqoHOlGpilJ6-gP__LVk1/view?usp=sharing

Appendix 4: National Commission for Science and Technology and Innovation (NACOSTI) Approval

Kindly find the researcher's NACOSTI Approval letter in the link below;

https://drive.google.com/file/d/15MASgCVj6gjJAJoZvuVGETsT8JOGdcRs/view

Appendix 5: Figures
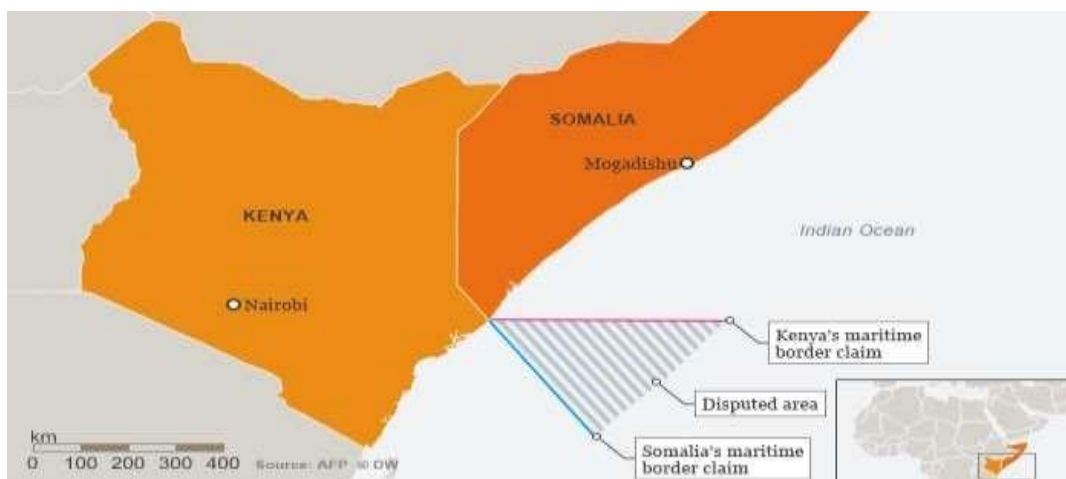
Map of East African Region
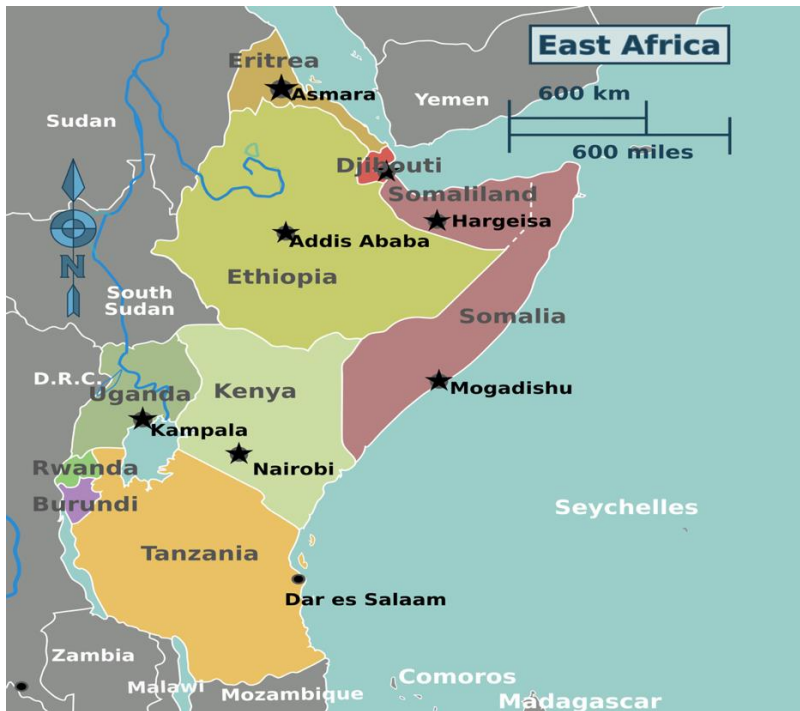
Map of Kenya

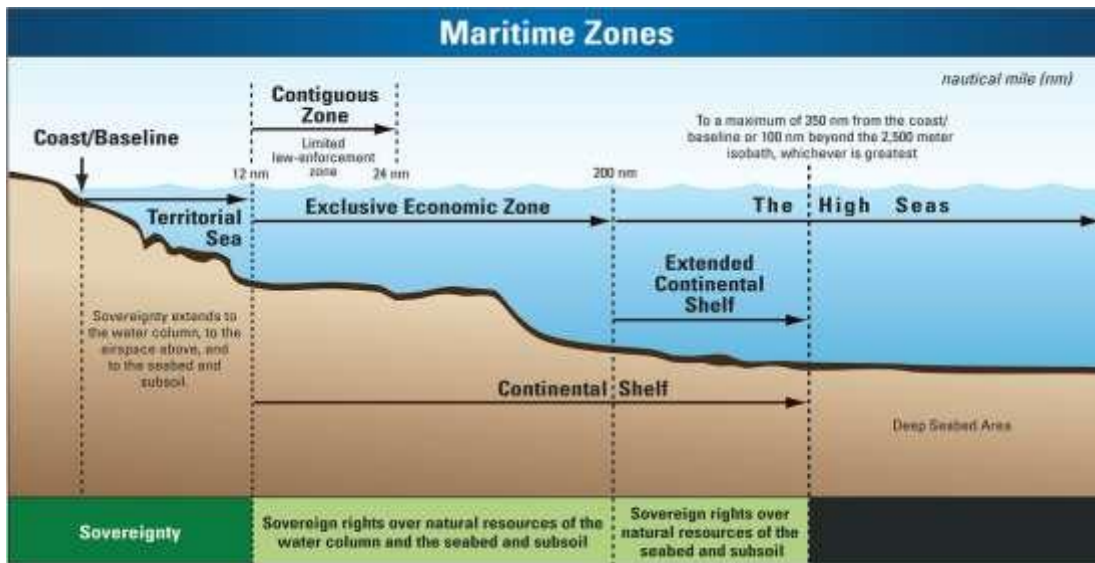Source: Maps of world (2020)

Map of Somali
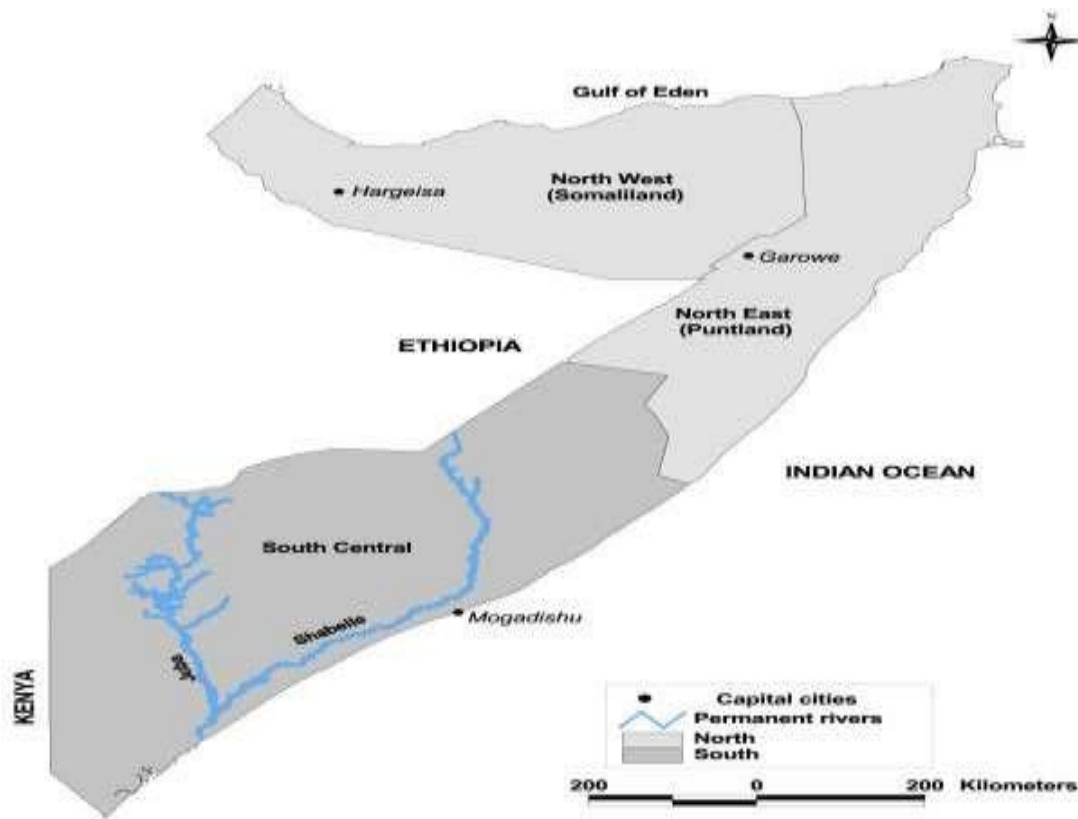
Source: Research Gate (2008)

Map Showing Disputed Area between Kenya and Somalia

Source: dw.com (2016)

Maritime Zones

Source: UNCLOS (1982)

Appendix 6: List of Tables

Table 1: Sample Size: Interview Respondents Schedule

	Kenya	Somalia
Security	• Ministry of Defence - 2 Kenya defence forces officials • 2 Politicians • 2 Security Analysts	• 2 Somali armed forces officers • 2 Politicians
Economic	• 2 Ministry of Trade Officials (Department of International Trade). • 2 Ministry of Transport official (State Department for Shipping and Maritime) • 2 Kenyan Businessmen engaging in Kenya-Somalia Trade.	☐ 4 Somali Businessmen engaging in Kenya Somalia Trade.
Diplomatic	• 2 Ministry of Foreign Affairs official • 1 Tanzanian embassy official • 1 Somali embassy official • 1 official from WOMESA • 1 News reporter	• 2 diplomats • 2 News reporters
Others	Experts of the maritime dispute. • 2 Political Scientists from University of Nairobi ☐ 1 Historian Lecturer from United States International University Africa ☐ 1 Communication Strategist. • 1 Political Risk Analyst and Political Commentator. • 1 Senior reporter with the Standard Group Limited and Senior Parliamentary Reporter and is part of the Kenya State House Corp • 1 Advocate and Political Commentator • 3 Researchers from Horn Institute, Africa Policy Initiative and International Peace Support Training Centre	• 3 Somali citizens • 2 Somali researchers
Respondents	**28**	**17**

Total Respondents	**45**

Probability of locating Somali sample will be challenge since the researcher is not in close proximity to the population. However, the researcher will rely on recommendations from a subject to nominate another subject with similar trait (expertise and nationality)