

// THE SIGNIFICANCE OF THE LEGAL PRINCIPLE OF
'TERRITORIAL INTEGRITY' AS THE MODAL DETERMINANT OF RELATIONS:
A CASE STUDY OF KENYA'S FOREIGN POLICY TOWARDS SOMALIA, 1963-1983 //

by

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CHAPTER ONE

INTRODUCTION

Whereas much has been written about the conflict in the Horn of Africa involving the Eastern African countries, particularly between Ethiopia and Somalia, scholars have largely ignored the foreign relations between Kenya and Somalia. The purpose of this study is to bridge the above [?]lacuna_{gap} by analyzing empirical materials on Kenya and Somalia.

Territorial integrity is the fulcrum around which Kenya's foreign policy vis-a-vis Somalia has largely been based since 1963. Indeed, this study attempts to focus our attention on the principle of territorial integrity as the determinant of Kenya-Somalia relations. The principle of territorial integrity is based on the assumption that each state has fixed and safe boundaries which are not subject to any external violation. Thus, the right to defend territory in the possession of a state clearly belongs to that state.¹ This principle has been inscribed in various documents pertaining to bilateral, regional, and international agreements. For example, Article X of the League Covenant states that:

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and political independence of all Members of the League.

Similarly, the United Nations (UN) Charter, Article 2(4) states that:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.

The members of the UN hoped that all contracting parties to the Charter would adhere to the Purposes and Principles of the Charter. In practice, however, this has been very problematic.

Thomas M. Franck states that Article 2(4) of the UN Charter is dead.² Franck argues that "what killed Article 2(4) was the wide disparity between the norms it sought to establish and the practical goals the nations are pursuing in defense of their national interest."³ He argues further that the prohibition of the use of force in relations between states as stipulated in Article 2(4) has been eroded beyond recognition because of the rise of wars of national liberation; the rising threat of wars of total destruction; and the increasing authoritarianism of regional systems dominated by a super-power.⁴ Louis Henkin, however, disagrees with Franck's diagnosis of Article 2(4) on the ground that the latter "judges the vitality of the law by looking only at its failures."⁵ Henkin argues that "the purpose of Article 2(4) was to establish a norm of national behavior and to help deter violation of it. Despite common misimpressions, Article 2(4) has indeed been a norm of behavior and has deterred violations."⁶

For the African states the principle of territorial integrity has been widely invoked in their relations. The artificial boundaries of African states were "drawn by Europeans, to serve European

purposes, on the bases of European power politics. Very little concern for African interests or needs was included in the process."⁷ Michael M. Gunter argues that "since many international borders are artificial creations in the sense that they do not reflect geographic, ethnic, or historic facts, we may only be seeing the tip of the iceberg. Beneath it may lay almost limitless insecurity, chaos, and war."⁸ Faced with this problem, among others, the African states inscribed in the Charter of the Organization of African Unity (OAU) Article III which stipulates that:

Member States . . . solemnly affirm and declare their . . . respect for the sovereignty and territorial integrity of each State for its inalienable right to independent existence.

African states have consistently reaffirmed their adherence to the pre-independence boundaries. They, therefore, argue that the boundaries acquired at the time of independence are to remain uti possidetis. Their acceptance of the artificial boundaries is largely based on a domino effect. It is assumed that allowing changes of boundaries of a state or states through conflicts or otherwise, no matter how legitimate such claims might be, would lead to similar demands among other contested boundaries in Africa. Second, if a state succeeds in incorporating ethnic groups (or part of another state's territory) subdivided by the artificial boundaries among other neighboring states, similar demands might engulf the whole of Africa. Third, acquiescence to a secessionist group's desire to secede might also trigger similar actions.

Most African states have therefore been very sensitive toward the demands for changes in their artificial boundaries. They are against both so-called wars of liberation, if directed against them, and subversive activities which "might prove dangerous to their political independence and territorial integrity."⁹ The Kenya Government, being one of the "victims" of this colonial legacy, has constantly maintained its respect for the legitimacy of the boundaries at the time of uhuru (Swahili for independence). This policy, as has been noted, is in conformity with the UN and OAU Charters.

x There has been, since 1963, continuity in Kenya's foreign policy behavior towards Somalia. "Kenya's basic position is that of territorial integrity."¹⁰ Indeed, "Kenya favours the crystallization of national boundaries in the positions they occupied at the time of independence."¹¹ The position is influenced by the relatively consistent strained relations between her and Somalia. The strained relations are products of the Somalian insistence on incorporating what was formerly known as the Northern Frontier District of Kenya, or NFD, which is inhabited mainly by the Somali-speaking peoples. Since 1963 the NFD was officially divided into the Eastern, North-Eastern, and Coast Regions (or Provinces).¹²

Kenya's insistence on adherence to the principle of territorial integrity with respect to her relations with Somalia has been emphasized even prior to independence. At the summit conference of the Independent African States held in Addis Ababa, Ethiopia, in May 1963, the Kenya

delegate representing the Kenya African National Union (KANU) stressed the importance of respect for "territorial⁽¹⁾ integrity of all states."¹³ This position runs counter to the Somalian desire to reunify all the Somalis.

fresh Makinda argues that the unification of all the Somali-speaking peoples under one flag has been the cornerstone of the foreign policy of Somalia since her independence in 1960.¹⁴ President Osman of Somalia said in a speech at the end of Jomo Kenyatta's (leader of KANU) and Ronald Ngala's (leader of Kenya African Democratic Union, KADU) visit to Somalia in 1962 that Somalis, not only in the Northern Frontier District (NFD) of Kenya, but in French Somaliland (now Djibouti) and in Ethiopia, "have longed in their hearts to be reunited." He went on to explain "that we, in this Republic, are impelled by the same spirit to go out and give succour to those who are in need of us."¹⁵ President Osman made a similar demand during the first Summit Conference of Independent African States in Addis Ababa, Ethiopia, in which he stated that "the Somali population in Kenya's Northern Frontier District, French Somaliland and Ethiopia be allowed self-determination and decide if they wish to unite with Somalia."¹⁶

The Kenyan delegation, attending the Addis Ababa Conference as observers since Kenya was not yet independent, argued that "if every territory to which people of the Somali tribe migrate is to become part of the Republic of Somalia, in accordance to Pan-Somalism and the policy of creating Greater Somalia, then the concept of territorial integrity

of any other state becomes meaningless."¹⁷ On the issue of self-determination of the Somalis in NFD, the Kenyan delegation argued that "the principle of self-determination has relevance where foreign domination is the issue"¹⁸ (their emphasis).

The claim by the Somalian leaders has been based on, among other things, their desire to reunite all Somalis in the area; second, the desire of the Somalis in the Northeastern region of Kenya to reunite with Somalia; and third, the 1962 NFD Commission Report which concluded in its findings that over 87 per cent of the total population of the area favored reunification with Somalia.¹⁹ In this context, Kenya's involvement in the conflict in the region dates back to her pre-independence years. At the same time her involvement in the area stems from her concern for national security, that is protecting her borders and retaining her identity as an independent sovereign state. For a better understanding of the Somalian claim and its continued influence on Kenyan policy we shall use some hypotheses which will guide our analysis.

Research Design

From a review of the literature, various explanations emerge regarding the determinants of Kenyan insistence on the principle of territorial integrity. It has been explained that the artificial boundaries, a colonial legacy, drawn without regard to ethnic divisions, created centrifugal and centripetal forces prior to and after Kenya's

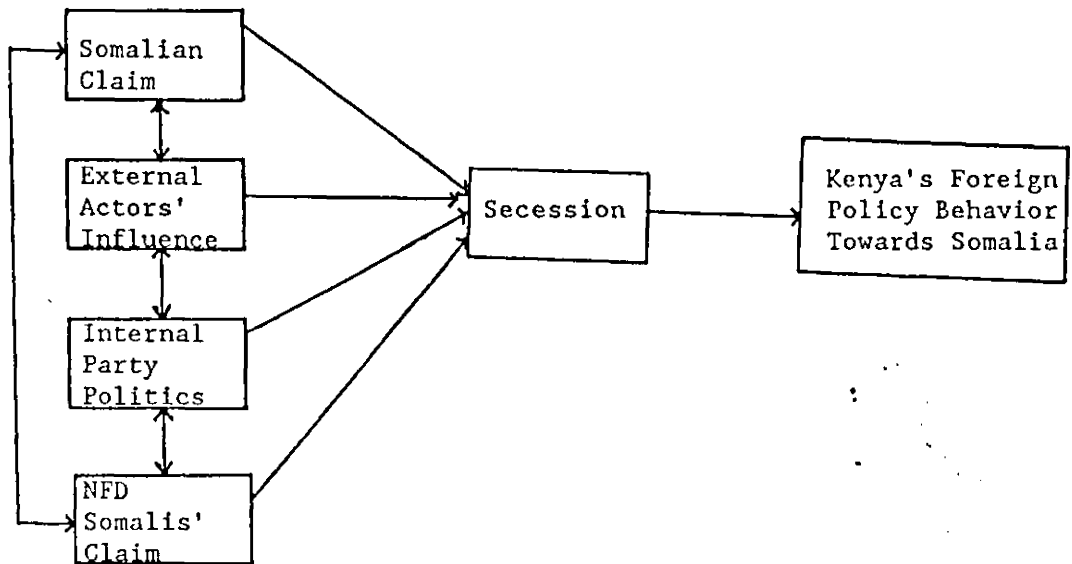
independence. Similarly, the Somalis' secessionist movement, one of Kenya's domestic constraints, had forced a chilling effect upon the Republic. The Somalian support for and claim of sovereignty over the Northern Frontier District of Kenya also moved Kenya closer to Ethiopia. Is the Somalian claim the main variable that influences Kenya's foreign policy behavior vis-a-vis Somalia? What other possible variables, if any, exist that might shape Kenya's foreign policy behavior? How do such additional variables influence Kenya's foreign policy behavior towards Somalia? What happens to the explanatory power of the Somalian claim if additional variables are introduced? We shall examine in detail the relational effects of the variables below. Specifically, the variables will be examined in accordance with their effects on Kenya's foreign policy behavior towards Somalia.

Kenya's foreign policy behavior can therefore be illustrated as indicated in Figure One. Figure One assumes that the Somalian claim and support for secession has influence on Kenya's policy vis-a-vis Somalia. Similarly, the figure assumes that the Northern Frontier District Somalis' irredentism has an impact on Kenya's foreign policy behavior towards Somalia. The figure also suggests that together the Somalian claim and the Northern Frontier District Somalis' claim shape Kenya's foreign policy behavior towards Somalia. Figure One also suggests that the internal party politics influence Kenya's foreign policy behavior towards Somalia based on the respect for the principle of territorial integrity. As will be explained in Chapter Six KADU threatened to form

Figure One

Dynamics of Interaction

that Shape Kenya's Foreign Policy Behavior Towards Somalia



a separatist Republic in Kenya. KADU's threat was made during the 1963 London Constitutional Conference attended by KANU and KADU representatives. The Mwambao United Front, dominated by the Arabs, also demanded autonomy of the Coastal Strip. Finally, Figure One also assumes an external actors' influence on Kenya's foreign policy behavior towards Somalia. As will be explained in Chapter Five the external actors refer to countries which have given Somalia economic and military support between 1963 and 1983.

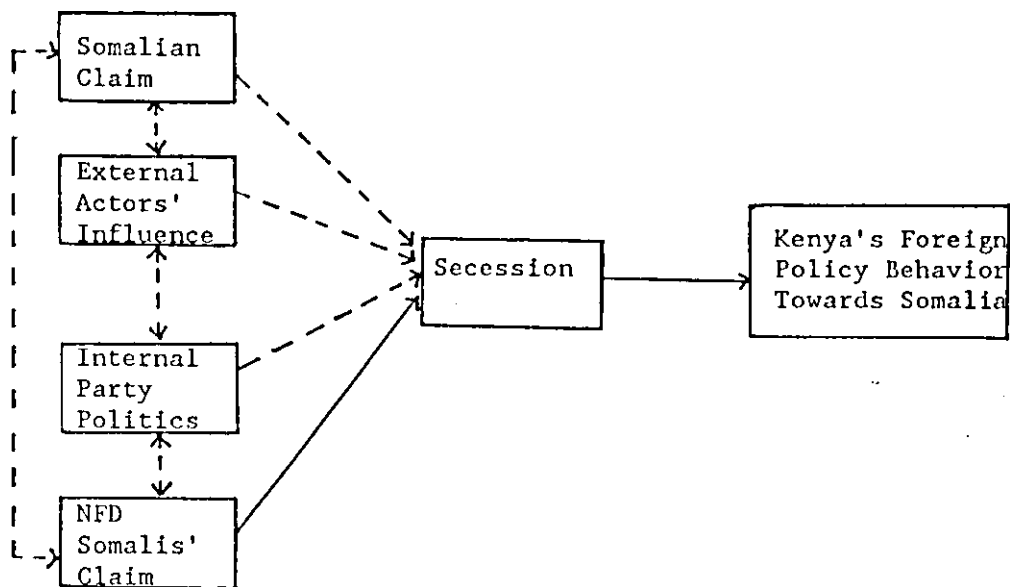
The arrows in Figure One indicate the direction of interaction. For example, the external actors interact with Somalia, which in turn advocates secession. The result is Kenya's foreign policy behavior towards Somalia based on respect for the principle of territorial integrity. Second, both Somalia and the NFD Somalis interact with one another in the form of secessionist desires forcing Kenya to exhibit similar foreign policy behavior. Third, Somalia, with neither the external actors' influence nor the interaction with the NFD Somalis, independently claims secession causing Kenya to exhibit foreign policy behavior towards Somalia based on respect for territorial integrity. Fourth, in a similar way the NFD Somalis independently demand secession which also shapes Kenya's foreign policy behavior towards Somalia based on respect for territorial integrity. Fifth, KADU's demand to form a separatist Republic (Internal Party Politics) comprising of the Rift Valley, Western, Coast, and Northeastern Regions also influences Kenya's policy towards Somalia.

These explanations can be represented as competing hypotheses. For the purposes of this study five such hypotheses will be examined. The five hypotheses are chosen because they are directly derived from the framework.

Hypothesis One

In Hypothesis One it is proposed that Kenya's foreign policy behavior vis-a-vis Somalia is influenced by the secessionist Somalis of

the NFD of Kenya. Thus, it is assumed that the NFD Somalis, in this case the independent variable, shape Kenya's policy towards Somalia based on respect for the principle of territorial integrity. The explanation can be illustrated as indicated below.

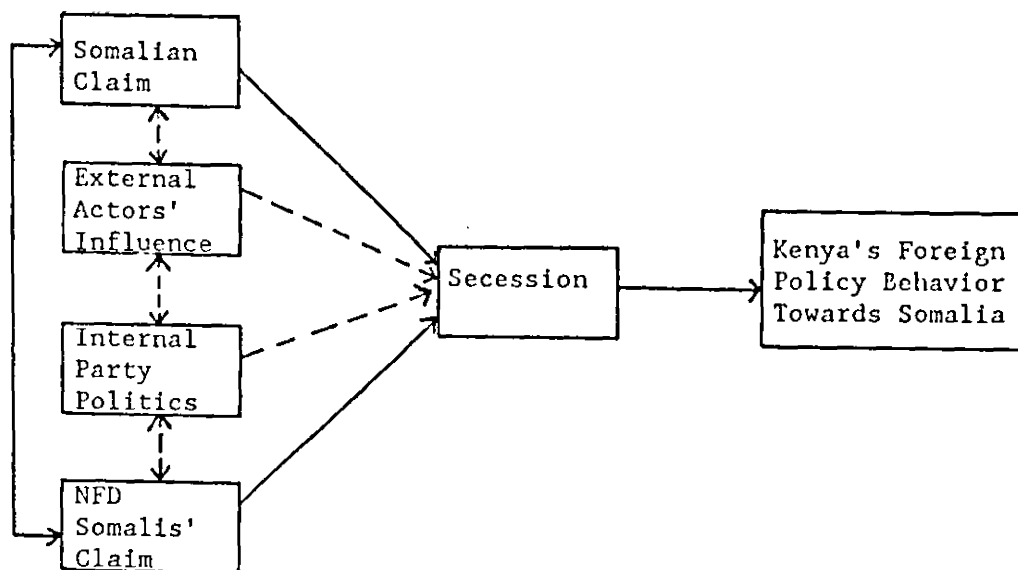


The figure assumes that the Somalian claim, the external actor's influence, and the internal party politics, both intervening variables, have no direct impact (or less direct impact) on Kenya's foreign policy behavior towards Somalia. The interaction of the intervening variables are therefore illustrated by dotted lines. Thus, the origin of Kenya's policy towards Somalia, it is assumed, resides in Kenya's NFD. This proposition assumes that when the Somalis of the NFD interact with Somalia, external actors and the

internal party politics their (NFD Somalis') original claim does not necessarily change. Thus, it is hypothesized that irrespective of the Somalian claim and the external actors' influence the Somalis of the NFD would still advocate irredentism.

Hypothesis Two

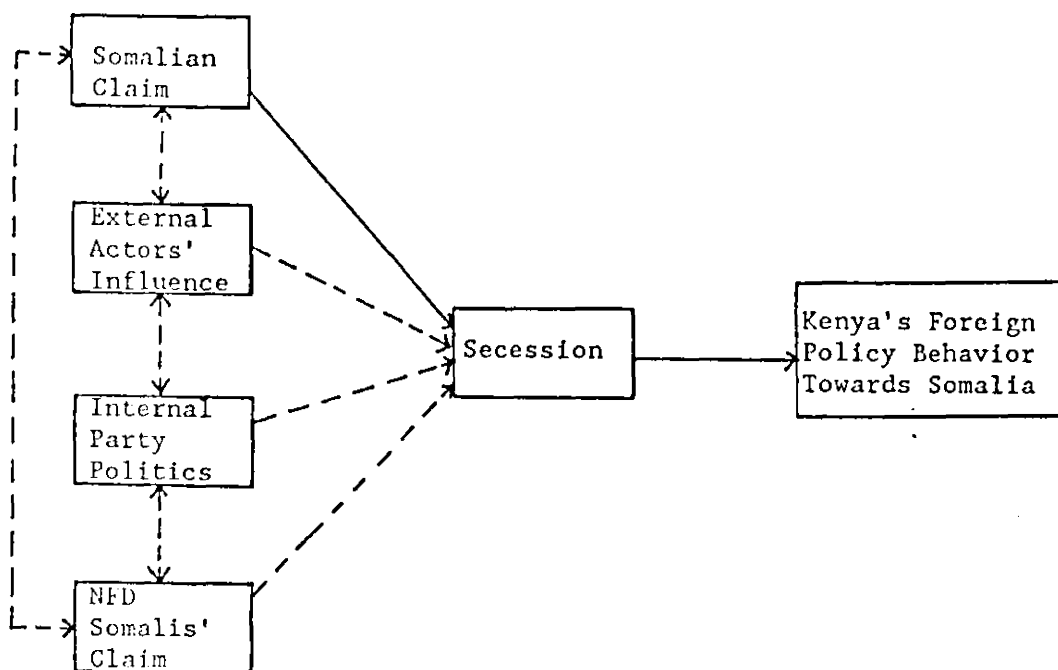
It is assumed in Hypothesis Two that both the Somalian and the NFD Somalis' claims have direct influence on Kenya's foreign policy behavior towards Somalia. The hypothesis assumes that Somalia and the NFD Somalis, the independent variables, have the same interests in secession. This in turn influences Kenya's insistence on adherence to the principle of territorial integrity as the mode of her foreign policy behavior towards Somalia. Hypothesis Two can be illustrated as indicated below. The figure assumes that the external actors' influence has less direct impact on Kenya's foreign policy behavior towards Somalia. Similarly, it is assumed that the internal party politics plays very little role in shaping Kenya's policy behavior towards Somalia based on respect for the principle of territorial integrity. The impact of the external actors and the internal party politics is therefore indicated by the dotted lines. This assumption is thus designed to capture the influence Somalia and the Somalis in the NFD have vis-a-vis Kenya over the conflict in the NFD.



Hypothesis Three

It is hypothesized that Kenya's continuous invocation of the doctrine of territorial integrity is influenced by the Somalian claim on her Northern Frontier District. The assumption in hypothesis three is that because of the Somalian claim on the NFD, Kenya's foreign policy behavior vis-a-vis Somalia revolves around her sovereign rights over the area. In this frame of analysis the Somalian claim and Kenya's foreign policy behavior are treated as the independent and dependent variables respectively. Thus, it is assumed that the secessionist tendencies of the Somalis of NFD, the external actors' influence and the internal party politics, both the intervening variables in this case, have less impact on Somalia. Similarly, it is assumed that the NFD Somalis' claim, the external actors' influence and the internal party politics exhibit less direct impact on Kenya's foreign policy behavior towards

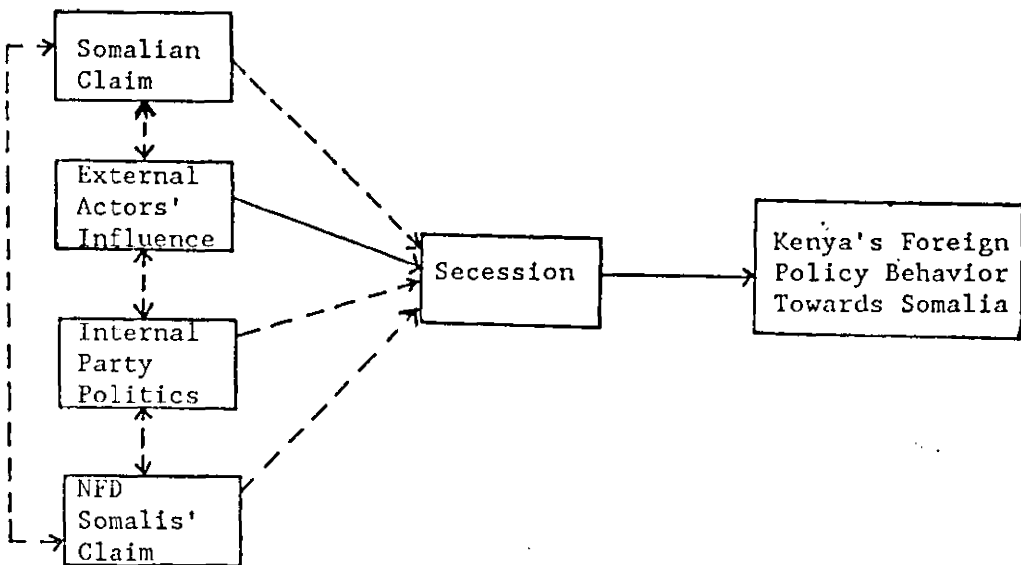
Somalia. The flow of the interaction of the intervening variables are therefore represented by dotted lines.



Hypothesis Four

Hypothesis Four assumes that Kenya's foreign policy behavior towards Somalia is exhibited as a result of the external actors' influence. It is hypothesized that because Somalia and the NFD Somalis receive economic, political, and military aid from external actors the demand for secession is perpetuated. Thus, it is assumed that the source of Kenya's foreign policy behavior towards Somalia is influenced by the external actors, the independent variable. The dotted lines indicate

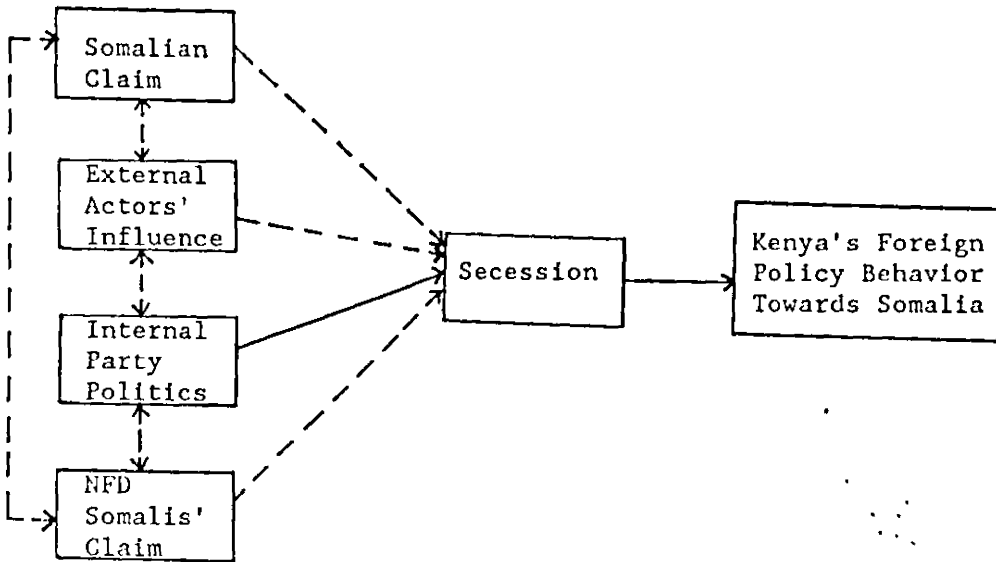
that the Somalian claim, the NFD Somalis' claim and the internal party politics, the intervening variables, exhibit less direct impact on Kenya's foreign policy behavior towards Somalia. It is therefore assumed that it is the flow of the interaction from the external actors which has direct influence on Kenya's adherence to the doctrine of territorial integrity.



Hypothesis Five

Hypothesis Five assumes that Kenya's foreign policy behavior towards Somalia based on the respect for the principle of territorial integrity is influenced by the internal party politics. It is hypothesized that because KADU threatened to form a separate Republic and thereafter insisted on majimbo (regionalism) the demand for secession is

maintained. It is, therefore, assumed that Kenya's foreign policy behavior towards Somalia is influenced by the internal party politics.



The dotted lines indicate that the Somalian claim, the external actors' influence and the NFD Somalis' claim, the intervening variables, have less direct impact on Kenya's foreign policy behavior towards Somalia. Thus, it is the internal party politics which have direct impact on Kenya's insistence on the respect for the principle of territorial integrity.

The author takes as a working hypothesis that the Somalian claim on the NFD influences Kenya's persistence on adherence to the principle of territorial integrity as a basis of her relations vis-a-vis Somalia. This corresponds to Hypothesis Three which assumes that the Somalian claims take precedence over the impact of the Somalis of the NFD, the

that Kenya would have not been insisting on the policy of respect for the principle of territorial integrity vis-a-vis Somalia. Second, had the NFD Somalis insisted only on autonomy or independence (as was the case of Katanga or Biafra) and not reunification with Somalia it can be assumed that Kenya's foreign policy towards Somalia would have taken a different form. The other four hypotheses are however used to enable us to identify other alternative variables which we need to explore in order to clarify the validity of the working hypothesis. Within this framework of analysis we can therefore state explicitly the purpose of the research question of this study.

Purpose and Research Question of the Study

The research question which will be examined in this study is why since her independence in 1963 Kenya has exhibited foreign policy behavior towards Somalia based on adherence to the doctrine of territorial integrity. In order to examine this question we shall isolate our analysis within the confines of the relatively consistent strained relations between Kenya and Somalia. In examining this question the variables which give rise to conflicts, for example the Somalian claim, the NFD Somalis' claim, the internal party politics and the influence of the external actors through economic, political, and military aid will be analyzed in detail. Five main questions can therefore be generated.

1. Is Kenya's foreign policy behavior of territorial integrity influenced by the Somalian claim as assumed in Hypothesis One?
2. Is Kenya's foreign policy behavior of territorial integrity influenced by the NFD Somalis' claim as in Hypothesis Two?
3. Is Kenya's foreign policy behavior of territorial integrity actually influenced by both the NFD Somalian claim and Somalis' claim as proposed in Hypothesis Three?
4. Is Kenya's foreign policy behavior towards Somalia influenced by external actors as suggested in Hypothesis Four?
5. Is Kenya's foreign policy behavior towards Somalia based on the respect for the principle of territorial integrity influenced by KADU's demand for regional autonomy?

The conflict between Kenya and Somalia, as has been mentioned, is part of a wider conflict which prevails in the Horn of Africa. However, the two countries' relations have largely been ignored by scholars.

The purpose of this study, therefore, is to try to bridge that gap. In so doing, we shall answer the above questions while relying heavily on such primary sources such as Kenya and Somalia Government documents, UN documents, OAU documents, and British Parliamentary Debates, newspapers, and secondary sources. The sources will be used to analyze Kenya's foreign policy behavior towards Somalia. The study has utilized the territorial integrity concept as its basic unit of analysis for studying Kenya's foreign policy towards Somalia.

Chapter Two examines the principle of territorial integrity and self-determination in general. This will clarify our understanding of Kenya's insistence on its use in international relations. It will be argued that Kenya invokes the doctrine of territorial integrity as it is stipulated within the framework of the UN and the OAU Charters. If Kenya's use of the doctrine at critical times is supported regionally, continentally, and worldwide then we would argue that her position is consistent with international law and the international community. *italics* Kenya has insisted on adherence to the principle of territorial integrity because of her strained relations vis-a-vis Somalia.

Chapter Three provides a detailed historical discussion of the origins of the question of the NFD. The chapter will encompass the general interests of Somalis in the area with regard to their desire to reunite with Somalia. Some scholars argue that the Somalis of the NFD have for many years advocated reunion with Somalia.²⁰ Either hypothesis one or two seems to be most appropriate to the analysis in this chapter. Hypothesis one assumes that the NFD Somalis' claim to secede has a direct influence on Kenya's foreign policy behavior towards Somalia. Hypothesis Two, however, assumes that both the Somalian and the NFD Somalis' claims have direct influence on Kenya's policy towards Somalia.

Chapter Four examines the Somalian view with regard to the NFD conflict. It provides a detailed historical discussion of the origins of the Kenya-Somalia border conflict. As explained elsewhere, Somalia has historically advocated a desire to reunite all Somalis within one

republic. The reunification of Somalis does not exclude territories in which Somalis live. It is mainly for this reason that Kenya has maintained her policy of respect for territorial integrity vis-a-vis Somalia. The discussions in this chapter appear to be in conformity with Hypothesis Three. In Hypothesis Three it is assumed that the Somalian claim over Kenya's NFD influences her foreign policy behavior towards Somalia.

Chapter Five provides a thorough discussion of the military and economic support both Kenya and Somalia have been receiving from the external sources, 1963-1983. Specifically, the chapter provides a comparative analysis of the military and economic aid which the two countries have received within that period.

Between 1963-1983 several factors occurred which will merit our examination. First, after Kenya achieved her independence in 1963 she had to take arms and fight a protracted war against what she called shiftras (Somali bandits or insurgents). Second, in 1964 Kenya and Ethiopia concluded a mutual defense pact as a deterrence against the Somalian claims on their territories. Third, after the military takeover in Somalia in 1969 the Soviet Union became heavily involved in Somalia. This not only countered the United States' interests in Ethiopia and Kenya but it also increased the two latter countries' suspicions about Somalian intentions. Fourth, after the military coup in Ethiopia in 1974 and the eventual military clash between Ethiopia and Somalia (1977-1978) the latter expelled the Soviets.

What emerged was an interesting intermarriage. The Soviet Union and the United States swapped partners thereafter supporting Ethiopia and Somalia respectively. Another interesting development was that Kenya's persistent Russophobia became irrelevant since she continued to have relatively good relations with Ethiopia, a Soviet ally. For example, during the Ethiopia-Somalian conflict "a joint Ethiopia-Kenya statement was issued condemning Somalia's brazen and naked aggression". Kenya also continued to denounce Somalian aggression and allowed Ethiopia to import munitions through the port of Mombasa while denying overflying rights to air consignments of weapons for Somalia. Makinda argues that "Kenya considers the Somalian threat to be more serious and immediate than the Soviet threat". It can be argued that the principle of territorial integrity prevailed over Russophobia.

The explanations in Chapter Five analyze the assumptions stipulated in Hypothesis Four. Hypothesis Four assumes that the external actors' influence has impact on Kenya's policy towards Somalia. It can be assumed that Somalia acquires military aid in order to further her interests in the area. This chapter will also cover the policies of the major powers with respect to the conflict in the area.

Chapter Six provides a thorough discussion of Kenya's foreign policy vis-a-vis Somalia with respect to what has been examined in other chapters. Specifically, the chapter examines the Kenya Government's official position with respect to the issue of the NFD. Chapter Six, therefore, covers Kenya's insistence on respect for the principle of

territorial integrity vis-a-vis Somalia between 1963 and 1983. It is in this chapter that the validity of Hypothesis Five will be examined. Hypothesis Five assumes that Kenya's foreign policy behavior towards Somalia is influenced by the internal party politics. An attempt will also be made to determine the validity of the principle of territorial integrity with regard to its application by Kenya. This chapter will also examine, in a comparative framework, the economic trade between Kenya and Somalia.

Chapter Seven is the summary and conclusion of the study. The assessment of the study will be based largely on the author's interpretation.

Summary

The aim of this study is to provide an understanding of the factors which influence Kenya's foreign policy behavior towards Somalia based on respect for the principle of territorial integrity. This concept, territorial integrity, is used as the unit of analysis. The study has therefore been narrowly defined to include only the variables which have given rise to the strained relations between the two countries from 1963 to 1983.

In this framework of analysis four hypotheses are generated to guide the study. Hypothesis One assumes that Kenya's foreign policy behavior towards Somalia is influenced by the NFD Somalis' demands to secede. Hypothesis Two assumes that Kenya's foreign policy behavior towards

Somalia is influenced by both the NFD Somalis' and the Somalian claims. It is assumed in Hypothesis Three that the Somalian claim to incorporate the NFD has impact on Kenya's foreign policy behavior towards Somalia. Hypothesis Four assumes that Kenya's foreign policy behavior towards Somalia is influenced by the economic and military aid the latter receives from the external actors. Thus, it is the external actors which influence Kenya's foreign policy behavior towards Somalia. Hypothesis Five assumes that Kenya's foreign policy behavior towards Somalia is influenced by the internal party politics. It is assumed in Hypothesis Five that KADU's demand for regional autonomy and the Mwambao United Front's demand for the autonomy of the Coastal Strip influence Kenya's foreign policy towards Somalia.

FOOTNOTES AND READINGS

¹D.W. Bowett, Self-Defence in International Law (Manchester: Manchester University Press, 1958), p. 38. For further readings on self-defense see, for example, Burns H. Weston, Richard A. Falk, and Anthony A. D'Amato, International Law and World Order (St. Paul: West Publishing Co., 1980), pp. 310-313; William W. Bishop, International Law: Cases and Materials (Boston: Little, Brown, 1971), especially pp. 422-459.

²Thomas M. Franck, "Who Killed Article 2(4)?", American Journal of International Law, 64, October 1970, pp. 809-837.

³Ibid., p. 837.

⁴Ibid., p. 835.

⁵Louis Henkin, "The Reports of the Death of Article 2(4) are Greatly Exaggerated", American Journal of International Law, 65, July 1971, p. 544.

⁶Ibid.

⁷Mark W. DeLancey, ed., Aspects of International Relations in Africa (Bloomington: African Studies Program, Indiana University, 1979), p. 7.

⁸Michael M. Gunter, "Self-Determination or Territorial Integrity: The United Nations in Confusion", World Affairs, 141, Winter 1979, p. 212.

⁹Weston, Falk, and D'Amato, International Law and World Order, p. 313.

¹⁰A.C. McEwen, International Boundaries of East Africa, (London: Clarendon Press, 1971), p. 113.

¹¹Ibid.

¹²For the sake of consistency this study will use the original name, NFD, which is still claimed by Somalia. The former name, NFD, also appears in various Kenya documents. It should be noted that reference to the three regions (later renamed Provinces) will also be made in the study as may be necessary. Only a small section of the NFD was incorporated into the Coast Region.

¹³Saadia Touval, The Boundary Politics of Independent Africa (Cambridge: Harvard University Press, 1972), p. 84.

¹⁴Samuel Makinda, "Kenya's Role in the Somali-Ethiopian Conflict", Working Paper No. 55, Strategic and Defence Studies Centre (Australia), 1982, p. 2.

¹⁵Catherine Hoskyns, Case Studies in African Diplomacy, (Dar-es-Salaam: Oxford University Press, 1969), p. 25.

¹⁶Proceedings of the Summit Conference of Independent African States, Document CIAS./GEN./INF./25 p. 2. See also Norman J. Padelford, "The Organization of African Unity", *International Organization*, 18, July 1964, p. 527.

¹⁷Hoskyns, Case Studies in African Diplomacy, p. 37. The members of KANU delegation who attended the conference were: Oginga Odinga (leader); Mbiyu Koinange; J.G. Kiano; Galgallo Godana; O.A. Araru; and Othigo Othieno. The terms Pan-Somalism and Greater Somalia are used interchangeably to refer to the idea of uniting the Somali-speaking people under one Republic.

¹⁸Ibid., p. 39.

¹⁹John Drysdale, The Somali Dispute (London: Pall Mall Press, 1964), pp. 128-129. The figure of 87 per cent was provided by the Somali Government and appears to be in conformity with the Kenya Government statistics if it includes both the Muslim Boran and the Rendille.

²⁰Drysdale, The Somali Dispute; A.A. Castagno, "The Somali-Kenya Controversy: Implications for the Future", Journal of Modern African Studies, 2(2), 1964; I.M. Lewis, A Modern History of Somalia, (London: Longman, 1980).

CHAPTER TWO

APPLICATION OF THE PRINCIPLES OF TERRITORIAL

INTEGRITY AND SELF-DETERMINATION IN INTERNATIONAL RELATIONS

Kenya invokes the principle of territorial integrity vis-a-vis Somalia on the grounds of the latter's claim on her former Northern Frontier District (NFD). Territorial integrity is used here to refer to the power of a sovereign state to exercise supreme authority over all persons and things within its territory. Sovereignty, on the other hand, is "an attribute of the will of the people of the nation, and which consists in its supreme juridical authority, based on natural law and exercised in the framework of the rules necessary for the peaceful and harmonious co-existence of nations."¹

Respect for territorial integrity and non-intervention in the internal affairs of states are considered some of the key principles for the maintenance of peace and security within the world community.² Indeed, "the members of the United Nations appear to have, in general, supported self-determination for colonial peoples only, as shown by repeated failures to accord recognition to secessionist groups."³ It is within this general understanding that Kenya invokes the doctrine of territorial integrity vis-a-vis Somalia.

Self-determination, Higgins argues, is "the right of the majority within a generally accepted political unit to the exercise of power."⁴ Suzuki however, defines it "as community response to a process of consociation, or group formation."⁵ Self-determination of the Somalis of the NFD is viewed by Somalia as the best gateway toward reaching her goal of Greater Somalia.

The purpose of this chapter is to examine the application of the principles of self-determination and territorial integrity in international relations. Specifically, the chapter attempts to establish how the two principles have generally been applied by the United Nations and the Organization of African Unity. This will provide a basis for understanding whether Kenya and Somalia respectively invoke the doctrines of territorial integrity and self-determination within this generally accepted conduct in international relations.

For a better understanding of the application of the principles of self-determination and territorial integrity in international relations, the chapter is divided fourfold. The first part examines the application of the two principles prior to the League of Nations. Second, the principles of self-determination and territorial integrity are examined within the context of the League of Nations. Third, the two principles are treated within the framework of the UN. Three disputes regarding the rights to self-determination and territorial integrity are examined in this section. For the purposes of this study

the questions of the Falkland Islands (Malvinas), Gibraltar, and Belize are used to support the discussion. The fourth part examines Kenya's interpretation of the doctrine of territorial integrity.

Kenya argues that the Somalis in the Northern Frontier District are part and parcel of Kenya and urges Somalia to respect her sovereignty and territorial integrity. What emerges, therefore, is a conflict between the interpretations of the doctrines of territorial integrity and self-determination.

The Status of Territorial Integrity and Self-Determination:
Prelude to the League of Nations

The principles of territorial integrity and self-determination have played central roles in the conduct of inter-state relations. Prior to the end of the eighteenth century self-determination was mainly applied to domestic politics.⁶ Although the concept of self-determination as a modern political principle can be traced to the seventeenth century, particularly after the 1648 Peace of Westphalia, its application is deeply Westphalia, its application is deeply "rooted in man's moral feelings."⁷ Thus, it can be traced beyond the seventeenth century to primordial biological needs.⁸

The Peace of Westphalia also legitimized the authority of the sovereigns within their own territories. Non-intervention in the internal affairs of sovereign states and respect for the territorial

integrity of states became norms of behavior in international affairs.⁹ Thus, the Peace of Westphalia brought with it standards of behavior among sovereign states.¹⁰

Self-determination gained recognition after the American (1775) and the French (1789) revolutions. These revolutions achieved for the people better constitutional order; people's representation in the government; and administration by the government in the interest of the people.¹¹ What is important after the emancipation of peoples under the rubric of self-determination is the maintenance of a stable territorial base for their activities.

The theories of self-determination and territorial integrity acquired momentum in the nineteenth century. This century also witnessed a "strong appearance of the nationality principle under which ethnic factors determined a nation, and a nation thus conceived defined a people as a conscious unit of the national culture."¹² Any territorial community, the members of which are conscious of themselves as members of a community, and wish to maintain the identity of their community, is a nation.¹³ The term nation as it is used in the theory of self-determination is mainly political. A state, on the other hand, is a juridically organized nation. Underlying the nationality principle was the emancipation of the ethnic groups under one nation-state.¹⁴ This ethnic self-determination was propounded by the Italian Jurist P.C. Mancini in his famous lecture, On Nationality as the Foundation of

International Law (Della nazionalita come fondamento del diritto delle genti), 1851. Mancini declared that "a state in which several nationalities found themselves forced into a union was not a political body but a monster incapable of life."¹⁵

In Europe, Italy's Guiseppe Mazzini sought "ethnic uniformity even if this meant cultural and linguistic denationalization of foreign populations."¹⁶ Similar demands were made by the Poles, Slavs, the Greeks, and the Rumanians, among others. What emerged in this period was a conflict between the theories of nationality and multi-nationality principles.¹⁷ The main victims of the two principles were minority groups.

Minority rights were given more favor in the twentieth century.¹⁸ By 1917 self-determination had become a catchword of international politics finding its stipulations, for example, in the 1917 Proclamation of Rights of the Peoples of Russia. The principle also became a means of settling territorial disputes between and within nations. In this context, President Wilson declared that:

No peace can last, or ought to last, which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand people about from sovereignty to sovereignty as if they were property.¹⁹

President Wilson incorporated the principles of territorial integrity and self-determination in his famous Fourteen Points.

In his Fourteenth Point, President Wilson stated that "a general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike."²⁰ Addressing the U.S. Congress in February, 1918 President Wilson states, inter alia, "the right of nations to free self-determination is no mere phrase, it is an imperative principle of action, which will be disregarded by statesmen in the future only at their own risk."²¹

President Wilson's concept of self-determination consisted of the notion of self-government of peoples. In this context self-determination can be viewed as a process of interaction and as an "integral part of a more comprehensive social process in which groups and individuals employ strategies, affecting resources, through institutions to obtain their goals."²³ The realization of self-determination brings with it the need for law and order, good government and efficient administration, national unity and territorial integrity.²⁴

What has been discussed thus far indicates a lack of consensus on the correct application of the concept of self-determination in international relations. The concept, as it refers to the American and French Revolutions, simply means democracy. In Central Europe, however, "the idea of the culture nation acquired priority over the political conception of the nation."²⁵ The idea of culture nation refers to

people sharing the same culture, language, religion, among other things, and forming a nation-state. In other words it is the culture which takes precedence in the formation of the nationstate. Mancini's conception of self-determination takes this form of argument.

The Wilsonian conception of self-determination emphasized the political fact of statehood and the liberation of small peoples and the strengthening of democracy.²⁶ It should be emphasized that neither the "culture nation" nor "political nation" is divorced from the other. What differs is the emphasis or priority.

Prescriptions of Territorial Integrity and Self-Determination: The League of Nations in Perspective

The principle of self-determination took the Wilsonian conception during the Peace Treaties of 1919. The doctrine became internationalized during this period. For Wilson, self-determination "was entirely corollary of democratic theory. His political thinking derived, by way of the American political tradition, from the democratic and national ideals of the French and American Revolutions."²⁷ He once stated that "if the desire for self-determination of any people in the world is likely to affect the peace of the world or the good understanding between nations, it becomes the business of the League."²⁸ Self-determination, therefore, was to become one of the essential functions of the League. President Wilson, Jessup argues, "believed an

international organization was needed to transform the doctrine of self-determination into political reality."²⁹

Article X of the League of Nations clearly urges the Member States "to respect and preserve as against external aggression the territorial integrity and political independence of all Members of the League." The Covenant, however, did not contain any explicit reference to the principle of self-determination. Irrespective of its exclusion in the League Covenant, President Wilson commented, that:

Then there was the question as to whether it inter fered with self-determination; that is to say, whether there was anything in the guarantee of Article X about territorial integrity and political independence which would interfere with the assertion of the right of great populations anywhere to change their governments. . . . There is absolutely no such restraints. . . . ³⁰

It should, however, be mentioned that President Wilson's original draft stipulated explicitly the doctrines of self-determination and territorial integrity. Article 3 of his original draft stated that:

The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may . . . be demanded by the welfare and manifest interest of the peoples concerned, may be affected if agreeable to those peoples. . . . ³¹

The representatives from the British Empire opposed the inclusion of the principle of self-determination in the Covenant.³² However, recognition

of self-determination was partially met in Article 22 of the Covenant which provided for the question of the Mandated territories.

The application of the principles of territorial integrity and self-determination was tested immediately following the inception of the League of Nations. In 1920 a dispute arose between Finland and Sweden over the question of the Aaland Islands. An International Committee of Jurists was appointed by the League of Nations to determine the causes and the remedies of the conflict. The decision arrived therein merits an elaborative quotation. The Committee observed that:

Although the principle of self-determination of peoples plays an important part in modern political thought, especially since the Great War, it must be pointed out that there is no mention of it in the Covenant of the League of Nations. The recognition of this principle in a certain number of international treaties cannot be considered as sufficient to put it upon the same footing as a positive rule of the Law of Nations.

On the contrary, in the absence of express provisions in international treaties, the right of disposing of national territory is essentially an attribute of the sovereignty of every State. Positive International Law does not recognize the right of national groups, as such, to separate themselves from the State of which they form part by the simple expression of a wish, any more than it recognizes the right of other States to claim such a separation.³³

In the preceding dispute Finland based her argument on the principle of territorial integrity by maintaining that since her independence following the Russian Revolution, the Aaland Islands continued to form part of her territory. Sweden, however, invoked the principle of self-determination arguing that "over 95 percent of the inhabitants were altogether Swedish in origin, in habits, in language, and in culture,

and informal plebiscites as well as other evidence confirmed their desire for incorporation in Sweden."³⁴ In this dispute, the principle of territorial integrity prevailed over that of self-determination.

In a similar fashion the Commission of Rapporteurs in its 1921 report to the Council concerning a general rule that a minority can separate to join another state or become independent explained that:

The answer can only be in the negative. To concede to minorities either of language or religion, or to any fractions of a population, the right of withdrawing from the community to which they belong, because it is their wish or their good pleasure, would be to destroy order and stability within States and to inaugurate anarchy in international life; it would be to uphold a theory incompatible with the very idea of the State as a territorial and political entity.³⁵

It appears from the preceding reports that if the principle of self-determination runs counter to that of territorial integrity, the practice is that the latter prevails. Thus, self-determination as a process of community consociation or group formation cannot be invoked if it is perceived to jeopardize international peace and security.³⁶ Our interpretations of the verdicts arrived at by the Committee and the Commission appointed by the League are in conformity with the Wilsonian concept of self-determination. The latter concept, according to Wilson, took the form of democratic principles, law and order, and statehood.

According to Cobban "the gradual realization of the extent to which self-determination had not been put into practice, played a large part in undermining the moral foundation of the League."³⁷ Our concern here,

however, is largely with application of the concepts of territorial integrity and self-determination and not their successes and failures.

Territorial Integrity and Self-Determination;
Trends in the United Nations Practice

Article 2(4) of the UN Charter, as indicated in chapter one, envisages a possible existence of amicable relations among Member States based on, among other things, adherence to the principle of territorial integrity and political independence of any state. Thus, the existing territorial entities of members of the UN are viewed to remain inviolable. Juxtaposed to the principle of territorial integrity is the doctrine of self-determination stipulated in Articles 1(2) and 55 of the UN Charter.³⁸

Article 1(2) states that the purposes of the UN are: to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.

Article 55 also calls for:

the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.

It can therefore be stated that self-determination occupies a far more important position in the UN Charter than it did in the League of Nations Covenant.

The original draft of Articles 1(2) and 55 at the Dumbarton Oaks Conference did not contain any reference to self-determination. It only provided for the development of "friendly relations among nations and to take other appropriate measures to strengthen international peace."³⁹ However, the principle of self-determination received an express boost at the San Francisco Conference following the insistence of the four sponsoring powers, China, the United Kingdom, the United States, and the Soviet Union to incorporate it.⁴⁰ Contrary to the 1919 League of Nations negotiations, the United Kingdom did not oppose the inclusion of the principle of self-determination in the UN Charter.

In the clarification of the concept, the committee dealing with self-determination stated that:

Concerning the principle of self-determination, it was strongly emphasized on the one side that this principle corresponded closely to the will and desires of peoples everywhere and . . . that the principle conformed to the purposes of the Charter only insofar as it implied the right of self-government of peoples and not the right of secession.⁴¹

The UN practice has generally been that the principle of territorial integrity takes precedence over that of self-determination if the issue of secession involves a member state.

When a sovereign state applies for membership to join the UN and the latter accepts the membership of that applicant all the Members tacitly accept the principle that that particular State is an entity or has unity. In such an instance, there is the implied acceptance by the

entire membership of the principle of territorial integrity, independence, and sovereignty of that particular State. Once the majority have exercised their right to self-determination in an accepted political unit and thereafter the independent state is admitted as a Member in the UN, "the United Nations has never accepted and does not accept and I do not believe it will ever accept the principle of secession of a part of its Member State. The United Nations spent over \$500 million in the Congo primarily to prevent secession of Katanga from the Congo."⁴³

In an effort to augment the validity and clarity of the two principles of territorial integrity and self-determination the 1960 UN General Assembly (hereinafter, UNGA) resolution 1514 (XV) dealing with the Declaration on the Granting of Independence to Colonial Countries and Peoples provided that:

All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.⁴⁴

Paragraph 6 of resolution 1514 (XV) also stated that:

Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.⁴⁵

A question which arises is whether the UNGA resolutions laying down principles automatically create international law. Higgins, by arguing

that self-determination has developed into an international legal right, stated that:

What is required is an examination of whether resolutions with similar content, repeated through time, voted for by overwhelming majorities, giving rise to a general opinio juris, have created the norm in question.⁴⁷

Higgins categorically argued that "it seems academic to argue that as Assembly resolutions are not binding nothing has changed, and that self-determination remains a mere principle. To insist upon this interpretation is to fail to give any weight either to the doctrine of bona fides, or to the practice of states."⁴⁸ Our view is that if we define self-determination as a "community response to a process of consociation" or "the right of the majority within a generally accepted political unit to the exercise of power" then the UN practice has generally been in support of territorial integrity of member states.⁴⁹ The two definitions take the Wilsonian conception in which democracy is the core of the issue. The definitions are as well compatible with U Thant's position referred to previously. U Thant welcomed the right to self-determination provided that it did not jeopardize the territorial integrity, the political independence, and the sovereignty of any particular state.

According to one scholar, the member states of the UN were more inclined to address themselves to existing political realities and to give greater weight to recent historical considerations. The underlying

consideration is obviously to stabilize community expectations on the basis of current history.⁵⁰ Thus, it is incumbent upon the UN to guard against community consociations that would dislocate international peace. Similarly, Van Dyke argues that "the United Nations would be in an extremely difficult position if it were to interpret the right of self-determination in such a way as to invite or justify attacks on the territorial integrity of its own members."⁵¹ An analysis of a few disputes will help illustrate the UN practice with regard to the two principles of self-determination and territorial integrity.

The Falkland Islands (Malvinas) Dispute: Argentina vs. Britain

Without going into historical details about the dispute our purpose here is mainly to provide the negotiating positions of the two litigants, Argentina and Britain. The invasion of the islands by Argentina in April, 1982 was part of a long standing claim regarding her sovereign rights over the islands.

The position of Argentina has been that the islanders' expressed desire to remain linked to Britain cannot be used to by-pass Argentina's historical right to sovereignty over the islands and to disrupt Argentina's territorial integrity. Argentina argues that paragraph 6 of Resolution 1514 (XV), referred to earlier, explicitly states that self-determination may not be used to destroy the territorial integrity of a member state.⁵² Argentina bases her claim over the islands under

the principle of uti possidetis, ita possideatis (Latin for, "as you possess, so may you possess") dating back to 1820 when Argentina officially claimed sovereignty over the islands. Argentina effectively administered the islands until 1833 when British troops invaded the islands and expelled the Argentine authorities and inhabitants.⁵³ Since then Argentina has upheld continuous claim to its rights throughout.⁵⁴

Argentina's other position is that the inhabitants of the islands are not entitled to the right of self-determination because they are small settler populations that forcefully replaced the Argentine inhabitants.⁵⁵ Thus, according to Argentina, evidence of the right of self-determination to the islanders is non-existent because there is lack of "legitimate relationship of the population to the territory".⁵⁶

The British position on the issue has been that Argentina should respect the right of the islanders to self-determination in accordance with the UN principles and resolution 1514 (XV).⁵⁷ This position is based on the islanders' wish neither to become integrated into Argentina nor to become an independent state.⁵⁸ Thus, because they wish to remain British subjects the islanders' wish, according to the British, is crucial in any negotiations. This view appears to be in conformity with Principle VII(a) of the 1960 Resolution 1514 (XV) which states that:

Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed and democratic processes. It should be one which respects the individuality and the cultural characteristics of the territory and its peoples, and retains for the peoples of the territory which is

associated with an independent State the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes.⁵⁹

Since the islanders wish to remain British subjects through their own choice, the British therefore invoke the doctrine of sovereignty. In this regard Britain urges Argentina to respect her sovereignty and territorial integrity and interprets the latter principle as follows:

The term territorial integrity as used in paragraph 6 of Resolution 1514 (XV), referred to the wholeness and indivisibility of Territories which had been administered as a single unit. . . . That had to be distinguished from the principle of geographic integrity, which applied to adjacent areas, or areas apparently forming part of a single geographic unit. The latter meaning had clearly never been intended in resolution 1514 (XV) since that would have meant that almost any colonial territory would have become subject to a claim by an immediate neighbour.⁶⁰

In a way the British invoke both the principles of self-determination and territorial integrity. Since the islanders have chosen to remain British subjects that in itself constitutes an expression of self-determination. Thus, Argentina's invasion of the islands was considered by the British as a violation of her sovereignty and territorial integrity.

The UN has, between 1965 and 1982, passed four resolutions urging Argentina and Britain to seek redress to their dispute bearing in mind the interests of the islanders. Sanchez argues that "the language of the resolutions makes it clear that the sovereignty dispute takes precedence over self-determination."⁶¹ Argentina maintains that the principle of self-determination should never be used to legitimize what

she considers to be an illegal British occupation of the islands. In her contribution to the 1960 UN resolution 1514 Guatemala argued that "the principle of the self-determination of peoples may in no case impair the right of territorial integrity of any State or its right to the recovery of territory."⁶²

Some scholars do not concur with the British position. For example, C.M. Velazquez argues "that the strict application of the principle of self-determination would put the destiny of small and weak territories in the hands of colonialists whom the conquering power had installed there, generally after the native populations had been forced to retreat."⁶³ Cardenas also states that "the principle of self-determination is an instrument of decolonization and not a vehicle to perpetuate colonial situations which the overwhelming majority of the countries wish and have wished to see terminated."⁶⁴ The UNGA resolutions on the dispute remained largely silent on paragraph 6 clause of resolution 1514 (XV).

The Question of Gibraltar: Spain vs. Britain

The dispute between Spain and Britain over Gibraltar offers another example of the conflict of the interpretations of the principles of self-determination and territorial integrity. Great Britain based her arguments on respect of the principle of self-determination to the people of Gibraltar who are mainly of British origin.⁶⁵ In order to

supplement their case Britain held a referendum on December 19, 1967 in which the people of Gibraltar voted overwhelmingly to remain British subjects.⁶⁶ Thus, for the British self-determination or "the wishes of the inhabitants were paramount."⁶⁷

Spain, on the other hand, argued that she has sovereign rights over Gibraltar basing her argument on the provisions of the Treaty of Utrecht of 1713 in which Spain maintained reversionary rights to the event that Britain should ever relinquish sovereignty.⁶⁸ The treaty provided that once Gibraltar ceased to be a colonial territory, Gibraltar was to revert back to Spain.⁶⁹ Spain, therefore, has maintained that she would respect the interests of the people of Gibraltar. However, she argued that allowing the people of Gibraltar to remain British subjects constitutes a violation of Spain's territorial integrity. In the same manner the British action would violate the provisions of paragraph 6 of resolution 1514.⁷⁰ This view by Spain was recognized by the 1967 UNGA resolution 2353 in which it was clearly provided that:

Any colonial situation which partially or completely destroys the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations, and specifically with paragraph 6 of the General Assembly resolution 1514 (XV).⁷¹

Paragraph 5 of resolution 2353, therefore, clearly interprets paragraph 6 of resolution 1514 in such a way as to subordinate the people of Gibaltars' right of self-determination based on claims of pre-colonial sovereignty.⁷² The UNGA view over Gibraltar can therefore

be interpreted to mean that the interests of the people of Gibraltar to remain British subjects should not be the exclusive deciding factor. Thus, it appears again that the principle of territorial integrity took precedence over that of self-determination.

The Question of Belize: Britain vs. Guatemala .

In this dispute the right of self-determination was clearly invoked by the 1979 UNGA resolution 3438. The resolution provided that "the inalienable right of the people of Belize to self-determination, independence and the preservation of the inviolability and territorial integrity of Belize" was of paramount importance.⁷³

Guatemala, in opposing the relevance and validity of the right of self-determination and independence to the people of Belize argued that exercising such rights would impair Guatemala's territorial integrity and thus constitute a violation of paragraph 6 of resolution 1514.⁷⁴ Guatemala also claimed that: "Upon attaining its independence in 1821, Guatemala had succeeded to the rights of Spain over Belize under the uti possidetis principle."⁷⁵ It regards the "Territory of Belize as an integral part of Guatemala, bearing in mind that their historic ties go back to times before Columbus when Guatemala and Belize were part of the ancient Maya Empire and these ties continue to exist today in spite of the territorial usurpation of the last century."⁷⁶ Thus,

self-determination, according to Guatemala, would be met by allowing it to exercise sovereign rights impaired by Britain.⁷⁷

Britain together with Belize argued that the UN should "consider the situation of Belize in the light of resolution 1514 (XV) as a whole, and not just on the basis of paragraph 6."⁷⁸ In this regard Belize argued that:

In accordance with established United Nations practice, the principle of territorial integrity was applied in cases where an existing State was confronted with a secession of part of its territory which was, or had been, under its control. . . . However Belize was . . . a land with people who constituted a nation. . . . The principle, correctly applied in this situation, would guarantee and protect the sovereignty of Belize.⁷⁹

Thus, as far as the people and Government of Belize were concerned, "the question at issue was the denial of their right to self-determination and independence."⁸⁰ The question of Belize therefore also represents the clash between the two principles under examination. The UNGA, however, reaffirmed the inalienable right of the people of Belize to self-determination.⁸¹

The Principles of Territorial Integrity and Self-Determination in the UN: A Recapitulation

The discussions in the above disputes indicate lack of consistency in the UN regarding the right applications of the principles of territorial integrity and self-determination. In each of the preceding disputes different interpretations by the UNGA arose with respect to the

claims of the disputants. Obviously, the varying positions arrived at in the General Assembly were influenced by, inter alia, circumstantial evidence inherent in each of the disputes. That is to say, each dispute carried with it different claims.

The UN, however, still remains as a kind of guide and monitor of the principles and plays an important role in shaping their directions.⁸²

Gunter argues that "the two doctrines of self-determination and territorial integrity defined the right of colonies to become independent within their already established colonial boundaries."⁸³ Thus, if a colony wished to exercise its right of self-determination by splitting into several states or joining a neighboring state, it could do so only by the democratic vote of all its people and never as a result of the pressures or claims of neighboring states.

Gunter observes: "it appears that the majority of the delegates at San Francisco were of the opinion that self-determination did not imply the right of secession⁸⁴ (his emphasis). In general terms the UN practice does not deviate radically from the Wilsonian conception in which democracy was the dominant denominator. Once the majority have exercised their right to self-determination within a geographical entity the UN has generally supported the peaceful existence of the sovereign state. Whether the application of the principle of self-determination is still inchoate⁸⁵ or it has developed into an international legal

right,⁸⁶ the UN seems to be reluctant to redraw the political map of the world.

In light of the above explanations Eagleton has observed that:

International law holds that a state which intervenes to aid a rebellious group to break away from another state is itself committing an illegal act. . . . Secession or revolution could not be recognized as a legal right.⁸⁷

In a similar way most leaders of newly independent states have consistently taken the same position that the right of self-determination does not include the right of secession.⁸⁸ Yet the events which led to Indo-Pakistan War in December, 1971 and the eventual establishment of Bangladesh (formerly East Pakistan) as a sovereign state bring still more confusion regarding application of territorial integrity and self-determination.⁸⁹

It needs to be emphasized again that the purpose of the UN with respect to the two doctrines is, among other things, to establish a norm of international behavior and to bar their infringements. On this basis it can be argued that while the principle of self-determination acts as the standard for the acquisition of rights, territorial integrity deters the violations of those rights. "Territorial integrity, therefore, along with non-intervention are considered key principles for the maintenance of peace and security within the world community."⁹⁰ Thus, the UN practice has generally conformed to the basic policy in prohibiting the threat or use of force against the territorial integrity

or political independence of any state as stipulated in its Article 2(4).

Territorial Integrity as the Constitutive Process of International Peace and Security: Kenya in Perspective

This section covers Kenya's adherence to the principle of territorial integrity as the basic norm of international behavior with regard to her dispute with Somalia. Specifically, it deals with Kenya's interpretation of the principle of territorial integrity as it is generally applied in the UN and OAU Charters. This interpretation of territorial integrity runs counter to Somalia's insistence on the use of self-determination with regard to the same dispute. Thus, Somalia's claim to the Northern Frontier District of Kenya has been the cornerstone of the conflict of the interpretation of the principles of territorial integrity and self-determination by the two countries. This section will therefore also include Somalian insistence on the principle of self-determination. This will provide balanced interpretations of the conflict by the two countries.

In his address in the House of Commons in April 1960 the then British Prime Minister, Mr. Macmillan, said: "Her Majesty's Government do not and will not encourage or support any claim affecting the territorial integrity of French Somaliland, Kenya or Ethiopia. This is a matter which could only be considered if that were the wish of the

Government and peoples concerned."⁹¹ In this regard the Prime Minister was expressing a theme which was consistent with the UN position over similar issues. Kenya has generally expressed her position with regard to respect of territorial integrity and independence of sovereign states in a manner consistent with the UN and the OAU Charters.

Addressing the Pan-African Freedom Movement for East and Central and Southern Africa (PAFMECA) in 1962 the head of the KANU . delegation called for peaceful co-existence among independent African states. The KANU delegate argued that:

Independent African countries must not only find ways to a peaceful co-existence, they must forge positive unity of purpose and action amongst themselves. . . . Africa was divided by the greedy imperialist powers in the 19th Century into territories and spheres of influence without any reference to the wishes or interests of her people. Through the struggle for liberation these originally artificial creations have acquired a large measure of self-identity and in some cases may be unwilling to merge with their neighbors.⁹²

The head of the Somali delegation to the same PAFMECA Conference expressed a theme which was in conformity with Somalian policy. He stated that:

The 19th century saw the tragic fragmentation of the land of the Somali people divided . . . into territories and spheres of influence without any reference to the wishes or interests of her people. For 80 years now the Somali people have been labouring to regain their national unity and identity. . . . Mohamed Abdulla Hassan fought for 24 years . . . not . . . to see his people and land ruled and exploited by foreign powers.⁹³

One of the objectives of Mohamed Abdulla Hassan was not only to rid Somalia of non-Somalis but also to unify the Somali people.⁹⁴ Both the

Somali Youth League (SYL) and Somali National League (SNL) had "two identical goals and policies: the liberation and unity of the Somali Nation. The first article of the constitution of each party revealed its aspiration to work for and bring about the unity of all the parts of the Somali country and people which were divided by the colonialists."⁹⁵

The conflictual interpretations by Kenya and Somalia of the doctrines of self-determination and territorial integrity also surfaced in the 1963 Afro-Asian Solidarity Conference in Moshi, Tanzania. The Somalian delegate said that "it is manifestly wrong that our brothers in other parts of Kenya, who are struggling for their own self-determination, should wish, on spurious grounds of prestige, to deny to the people of the Northern Frontier District of Kenya the right to their own self-determination."⁹⁶ The head of the Kenyan delegation to the same conference argued that "if ~~ethnic~~ considerations of this kind were to be taken into account the boundaries of Kenya and Tanganyika would have to be re-drawn for the Masai and the Luo, between Kenya and Uganda for the Teso. Kenya had a more valid argument to demand the return of Jubaland."⁹⁷

During his address to the State Opening of Parliament President Kenyatta, implicitly referring to Somalia state that:

Kenya wishes to live in harmony with all her neighbors. We covet no inch of their territory. We will yield no inch of ours. We stand loyal to the Organization for African Unity and to its solemn decision that all African States shall adhere to the boundaries inherited at independence. We pray that the day is not far distant

when all African States will see the wisdom of honouring to the full that decision of the Organization. All that Kenya wants is an end to the bloodshed, misery and waste, so that our people in the north-eastern areas may play a full part in our Government's plans for development, and so that they may enjoy peace in the area and share in full, the benefits of our national prosperity.⁹⁸

The policy of adherence to the boundaries inherited at independence and thus respect for the territorial integrity of sovereign states was carried on to the current Kenyan administration.

On the day of his inauguration as the President of the Republic of Kenya, President Moi stated that "to sacrifice oneself in the defence of the territorial integrity of one's motherland is an extremely noble and honourable deed. It calls for absolute dedication and deep love for one's country and its future."⁹⁹ At a dinner hosted by Lt. Colonel Mengistu Haile Mariam, President Moi said that "the excellent relations that exist between Ethiopia and Kenya started long before Kenya's independence. It is founded on geographical, historical and political realities. Kenya and Ethiopia share a long, well recognized and peaceful border. We are concerned that inter-African wars based on territorial claims must be avoided at all costs."¹⁰⁰

What has been discussed thus far indicates that as far as Kenya is concerned amicable relations between her and Somalia cannot come into being unless the latter adheres to the UN and OAU calls for respect of territorial integrity of sovereign states. Somalia, on the other hand, has maintained her desire for re-uniting all Somalis.

After his 1966 re-election as the Secretary of the SYL, the Prime Minister, Mr. Abdirizak Haji Hussein, stated that:

The Government has, under our Constitution, the obligation to seek through peaceful means the unification under a single flag of all Somalis who are now under the rule of alien countries. But the unification of the Somalis who are under alien countries completely depends on the Somalis who live in those territories, and will be pursued whether these Somalis would like it or not.¹⁰¹

In a reply to a joint Ethiopian-Kenyan communique issued in Nairobi in December 1980, the Somalian Minister of Political and Social Affairs stated that "Abyssinians (Ethiopians) have misled Kenya with the aim of presenting her own colonialism as something similar to problems inherited from colonial rule such as the case between Kenya and the ethnic Somalis in NFD which requires a responsible and just solution in accordance with article three of the OAU Charter."¹⁰² This basic policy was once elaborated on by President Siyad Barre in one of his speeches.

The policy of the Revolution towards the parts of our country occupied by foreign powers, is that our people should be allowed peaceful self-determination, to gain their freedom. Since the birth of the Revolution, we have been calling upon Ethiopia, Kenya and France to respect this principle.¹⁰³

The Somalian view of the principle of self-determination is in conformity with the 19th century views of Mancini and Mazzini discussed earlier in this chapter. Mancini argued that a state in which several nationalities found themselves forced into a union was not a political body but a monster incapable of life. In other words a state has no chance of survival if it is not ethnically homogenous. In a similar

fashion Mazzini sought ethnic uniformity even if this meant cultural and linguistic denationalization of foreign populations. Thus, Sheikh Mohammed Abdilla Hassan's campaign to rid Somalia of non-Somalis and to unify the Somali people was of the same approach. It was the nation (people) therefore, which determined a state and not vice versa.

As the Kenyan and Somalian leaders referred to earlier stated, the balkanization of Africa by colonialists into spheres of influence largely ignored ethnic demarcations. The states which were formed thereafter reflected European and not African ethnic interests. Self-determination in Africa has therefore followed the artificial boundaries drawn by Europeans.

It has been stated that the Somali goal for the reunification of the Somalis is historical in origin. It did not begin with Kenya's independence in 1963. It is also deeply rooted in the Somalis' moral feelings as a people. The dispute is therefore centered on the people rather than the artificial boundaries. This is not to argue that the dispute has nothing to do with the borders. One scholar has noted that "it is a mistake to suppose that the present territorial argument (between Kenya and Somalia) rests solely on the validity and interpretation of boundary agreements, though these must of necessity be considered."¹⁰⁴

Respect for ~~the~~ territorial integrity of states carries with it the inherent idea of non-interference in the internal affairs of states.

Kenya's insistence on the application of the concept of territorial integrity vis-a-vis Somalia takes this form of international behavior.^A On the issue of non-interference in domestic affairs of states the Somali Prime Minister, Mr. Shermarke, once argued that "any external opposition to Somali reunification is considered as interference in the domestic affairs of the Somali people."¹⁰⁵ Both the OAU and the UN, however, have upheld the sanctity of the national sovereignty of states and non-interference in the internal affairs of member states. In this regard Kenya's interpretation and application of the principle of territorial integrity is in conformity with the general positions of the two international governmental organizations.

When the dispute between Kenya and Somalia was first referred to the OAU in 1964, its Council of Ministers meeting in Dar-es-Salaam (Tanzania) called upon the two litigants to seek redress in accordance with "the principles of the Charter of the Organization of African Unity, and in particular, paragraph 4 of Article III."¹⁰⁶ Article 111(4) of the OAU Charter referred to herein states that "the Member States solemnly affirm and declare their adherences to peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration."

Both the OAU and the UN have upheld the sanctity of the national sovereignty of states and non-interference in the internal affairs of member states. In this regard the two organizations have not accepted

or supported self-determination in the Northern Frontier District of Kenya as it is understood by Somalia. Similarly, not a "single Black African member state of the OAU supported Somalia's use of force to claim the Ethiopian territory in their 1977-78 war."¹⁰⁷ During this war "Ethiopia had obtained permission from Kenya to use the port of Mombasa for the importation of vital supplies, to be conveyed to Addis Ababa by air, while the Kenyan Air Force compelled an Egyptian aircraft carrying arms to Somalia to land at Nairobi airport."¹⁰⁸

The conflict of the interpretations of the principles of self-determination and territorial integrity leaves the OAU with no choice but to be conservative. Conservative in the sense that in most cases strict adherence to the principle of territorial integrity has taken precedence over self-determination. Thus, maintenance of the artificial boundaries drawn by the colonialists usually carries the day.

When civil war broke out in Nigeria in 1967 the Fourth Summit meeting of Heads of State and Government of the OAU held in Kinshasa (Zaire) unanimously adopted an eight-point Resolution sponsored by Cameroon, Ethiopia, Ghana, Liberia, Niger, Sierra Leone, Uganda, Zaire and Zambia. The Resolution reaffirmed "their adherence to the principle of respect for the sovereignty and territorial integrity of member states; their condemnation of secession in any member state; and their trust and confidence in the Federal Government of Nigeria."¹⁰⁹ Despite the human tragedy and a protracted struggle for almost three years, only

five states, Gabon, Haiti, Ivory Coast, Tanzania and Zambia, formally recognized the Biafran claim to self-determination.

The OAU's position with regard to self-determination is that once the peoples had availed themselves of this right and become independent, the principle had little further relevance. The right to self-determination, therefore, became identified with colonialism. It can therefore be argued that "the principle of African uti possidetis was adopted at Addis Ababa" at the time of the initiation of the OAU.¹¹⁰

The arguments inherent in the statements made during the formation of the OAU in 1963 clearly indicate continuity in African states' behavior with respect to the doctrines of territorial integrity and self-determination. The Nigerian Prime Minister argued that "African States must respect one another. . . . Nigeria recognizes all the existing boundaries in Africa."¹¹¹ President Keita of Mali declared that "we must renounce territorial claims if we do not wish to introduce what one might call black imperialism in Africa."¹¹² In a similar tone President Tsiranana stated in the Conference that:

It is no longer possible, nor desirable, to modify the boundaries of Nations, on the pretext of racial, religious or linguistic criteria. . . . Should we take these as criteria for setting our boundaries, a few States in Africa would be blotted out from the map.¹¹³

The OAU's practice, therefore, indicates that any threat to the territorial integrity of member states is ipso facto illegitimate.

Conclusion

Our main concern in this chapter has been to offer a better understanding of the application of the principle of territorial integrity in international relations--particularly in UN and OAU practice. Within this general international behavior we were also concerned with Kenya's interpretation of the concept of territorial integrity. Besides the latter concept we were also concerned with the general application of the principle of self-determination within the framework of the UN and the OAU Charters. It was necessary to provide a better understanding of the two concepts because Kenya invokes the principle of territorial integrity vis-a-vis Somalia. Somalia claims the right of self-determination for the Somalis in the NFD:

We found out that there was lack of unanimity with respect to the exact application of the principles of territorial integrity and self-determination in international relations. However, there was a general consensus both within the UN and the OAU with regard to the accepted standard application of the two concepts. For example, we found out that the UN and the OAU member states were reluctant to redraw the map of the world. They adhere to the principle of uti possidetis on the ground that redrawing the boundaries would jeopardize international peace and security. We found that it has been in this generally accepted norm of international behavior that Kenya's insistence on

respect for territorial integrity as her mode of foreign policy behavior towards Somalia has received favorable support among the UN and the OAU member states.

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CHAPTER THREE

CENTRIFUGAL AND CENTRIPETAL FORCES:

THE QUESTION OF KENYA'S NORTHERN FRONTIER DISTRICT

The purpose of the chapter is to examine the views which have been expressed by the inhabitants of the area regarding the status of the former Northern Frontier District (NFD). The chapter specifically traces the positions of the inhabitants prior to and after Kenya's independence, 1963-1983. Since the NFD has been the core cause of the conflict between Kenya and Somalia, it is of paramount importance to understand the wishes of the inhabitants therein. The chapter has therefore been divided six-fold.

The first section examines the NFD in a geographic and ethnic setting; three maps are provided to help the reader in locating some of the factors discussed. The second part treats the NFD in a historical perspective. Third, the political forces in the NFD which supported and opposed secession are examined separately. This is done in order to provide a better picture of the views of the leaders in the NFD with respect to the status of the area. Fourth, the views of the opposing forces in the NFD before Kenya's independence are examined together. Fifth, the situation in the NFD from 1963 to 1983 is treated in detail. It is in this section where the impact of the shifita activities is X

examined. The sixth part covers how the shifita activities have influenced Kenya's foreign policy behavior towards Somalia.

Is there continuity and/or change regarding the wishes of the peoples of the NFD? How has that influenced the official position of Kenya? It is assumed in hypothesis one that Kenya's foreign policy behavior towards Somalia ~~behavior towards Somalia~~ is influenced by the desire of the NFD inhabitants, particularly the Somalis, to secede. Hypothesis one also assumes that the Somalian claim, the internal party politics and the external actors' influence have less direct impact on Kenya's foreign policy behavior towards Somalia. The hypothesis further assumes that there is a relative consistency regarding the secessionist demands of the peoples of the NFD. It can therefore be assumed that their continuous demand for secession influences Kenya's foreign policy behavior towards Somalia. If there is a lack of consistency regarding secessionist demands by the NFD inhabitants, then it can be argued that Kenya's foreign policy behavior towards Somalia, based on respect for the doctrine of territorial integrity, is influenced by other variables.

The NFD: Its Geographical and Ethnic Setting

Of Kenya's total area of about 224,960 square miles the NFD covers an area of about 102,000 square miles. This is more than one quarter of the total area of Kenya. The NFD, as indicated in Map 1, comprises the Districts of Garissa, Isiolo, Mandera, Marsabit, Moyale and Wajir. Map

1 also indicates that the NFD is now divided into North-Eastern, parts of Eastern, and Coast Provinces (formerly Regions).

There are two main ethnic groups in the area, the Somali and the Galla, as well as numerous smaller groups. Of the total population of over 388,000 about 280,000 are of Somali ethnic origin. The dominant groups of these Somali-speaking peoples are the Darod, Hawiye and Sab, who also occupy parts of Somalia as indicated in Map 2. The Kenya-Somalia boundary, therefore cuts across these Somali-speaking peoples.

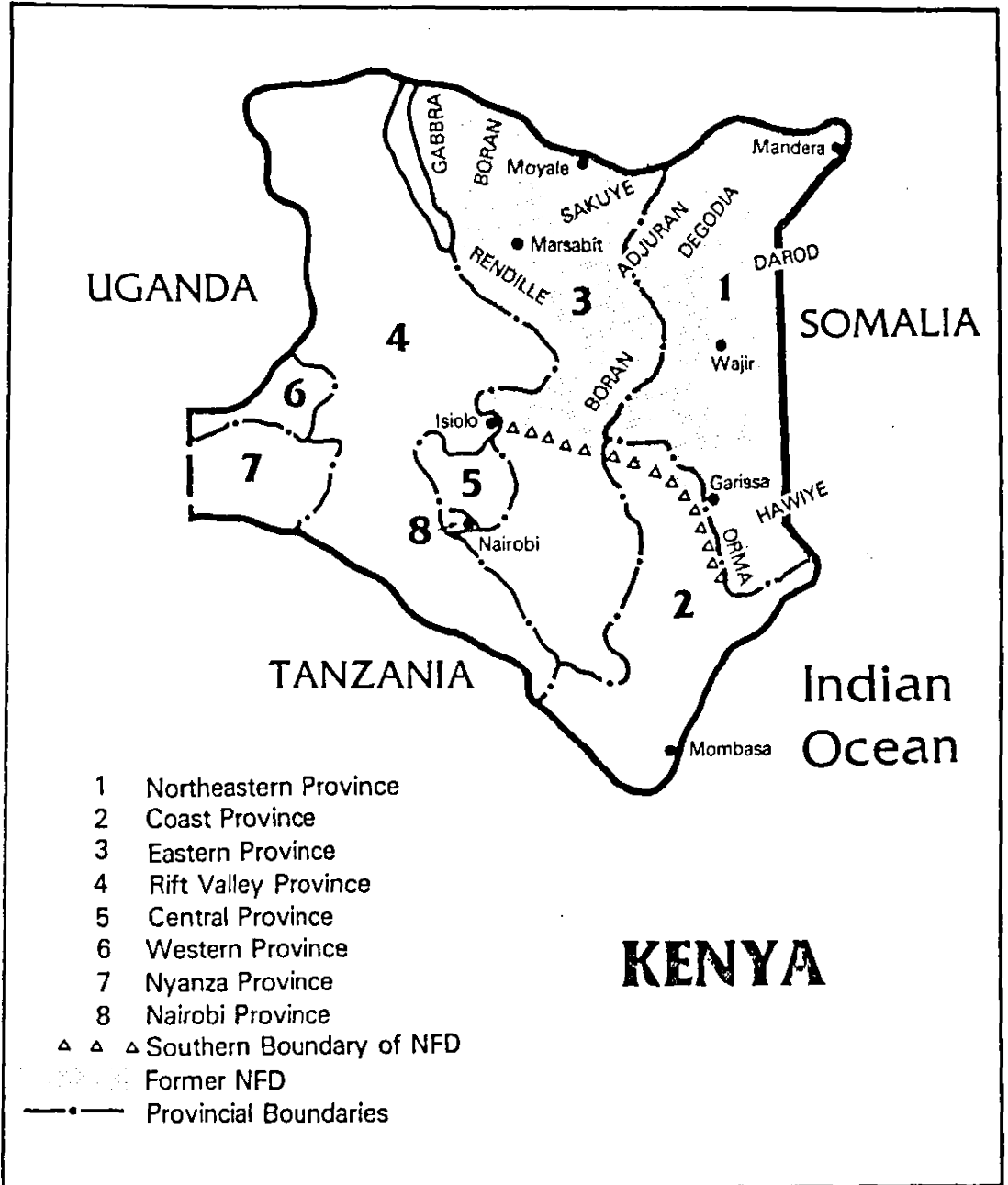
The Darod are split into the subdivisions of Aulihan, Abdallah, Abdwak, and Mohamed Zubeir, and they straddle the Kenya boundaries into Somalia and Ethiopia (Ogaden) where their kinsmen live. The Hawiye are subdivided into Abjuran, Degodia, Murille and Gurreh, who also move across the Ethiopian and Somalian boundaries. The Sab are represented by Rahanwein and Laisan. Within the Adjuran and Gurreh subdivisions there are the Walamogeh who are described as "half-Somalis". The Somalis described above occupy mainly the Districts of Garissa, Wajir, Mandera, and Moyale and are of Islamic faith.¹ Thus, geographically, the Somalis in the NFD of Kenya mostly occupy the eastern part of Kenya, now known as the North-Eastern Province.²

The largest group of the Galla peoples are the Boran, most of whom live in Ethiopia. The other Boran occupy areas around Isiolo and Marsabit Districts. Besides the Boran, the other Galla peoples include

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MAP 1

ETHNIC DISTRIBUTION IN THE NFD

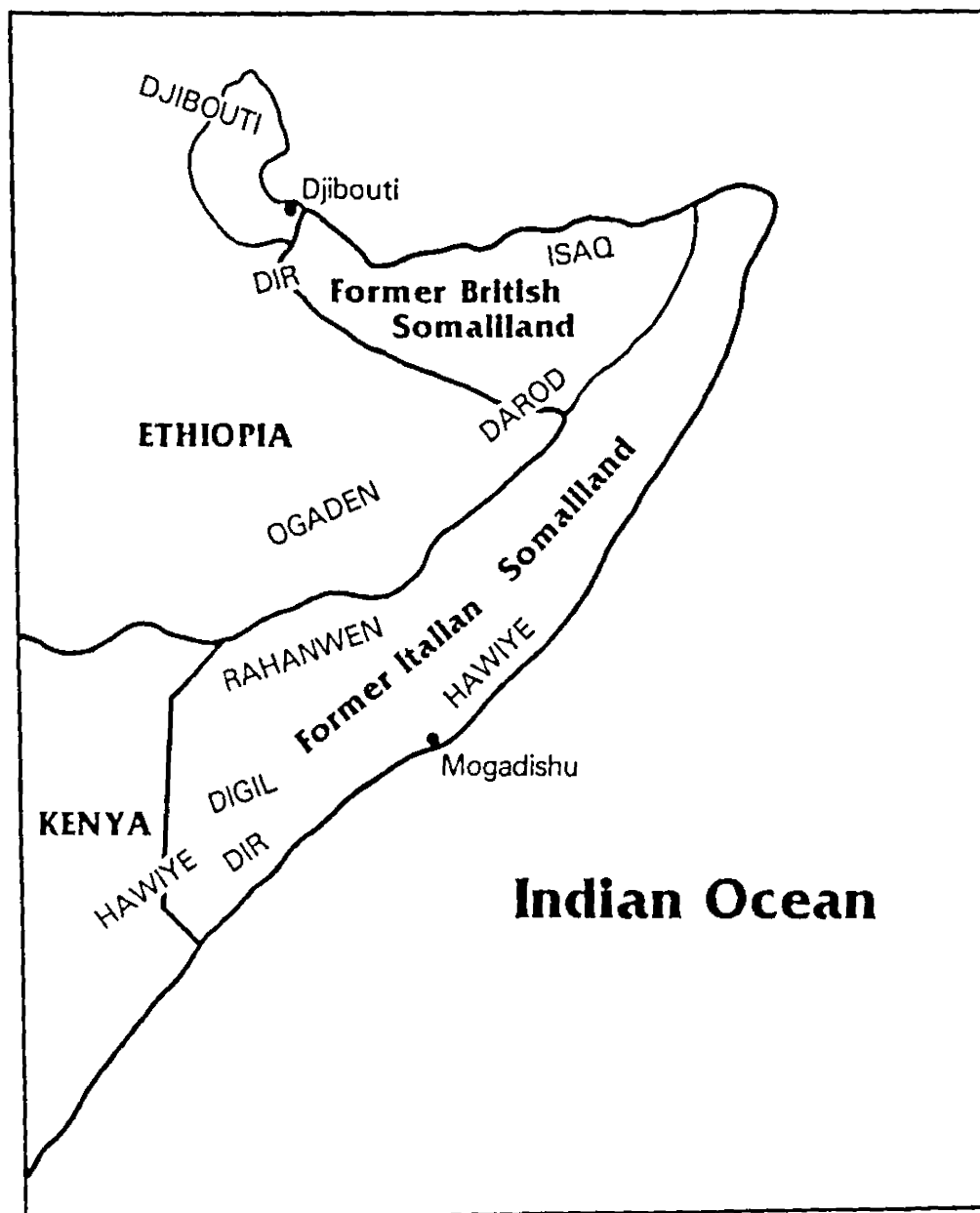


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MAP 2

SOMALIA ETHNIC DISTRIBUTION



Source: I.M. Lewis, A Modern History of Somalia, (London: Longman, 1980), p. 253

the Gabbra, the Orma, the Sakuye and the Wata. Numbering about 80,000, most of the Galla peoples occupy the north and north-west of the area, especially the Marsabit, Moyale and Isiolo Districts.³ The Galla languages belong to the Cushitic group of languages which are mainly spoken in Ethiopia. They are not part of the Somali ethnic group.⁴

Among the smaller ethnic groups are the Rendille, who number about 10,000. As indicated in Maps 1 and 3 they live mainly around Marsabit District. Although the Rendille are of Somali Hamitic origin, they show traces of Masai culture.⁵ Others are the Riverines (Korokoro, Boni, Malakoti, Malabulu), collectively known as the Pokomo; the Gelubba or Merille; the Burji; the Konso; and the Turkana.⁶ These peoples number about 6,500 and occupy the Districts of Marsabit and Garissa. Table 1 illustrates the percentage of the distribution of the peoples of the NFD.

Table 1 indicates the high concentration of Somalis in the North-Eastern Province--which comprises the Districts of Garissa, Wajir, and Mandera. However, the Somalis are also unevenly spread in almost every District in the area under study.

The Somali, the Rendille, and the Galla speaking peoples are pastoral nomads who share many cultural similarities. They all belong to the Cushitic linguistic family. Although most of the Galla have accepted the Islamic faith, some of them still follow ancient Cushitic religious traditions. The Galla who have accepted Islam are the Boran of Isiolo District and the Orma of Garissa District. Although some of

Table One
Ethnic Composition in the NFD

<u>District (Place)</u>	<u>Peoples</u>	<u>Percent.</u>	<u>Total</u>
Garissa	Somali	72	100
	Galla (Orma)	7	
	Riverines	21	
Wajir	Somali	88	100
	Half-Somali	12	
Mandera	Somali	49	
	Half-Somali	51	
Moyale	Galla (Boran and Gabbra)	49	100
	Rendille	50.5	
	Elmolo	0.5	
Isiolo	Galla (Boran)	71	100
	Somali	19	
	Turkana	10	

Northern Frontier District

Somali	46	100
Half-Somali	16	
Boran, Gabbra and Sakuye	22	
Rendille	9	
Riverines	4	
Orma	2	
Turkana	1	

Source: Great Britain, Report of the Northern Frontier District,
Command 1900 (London: 1962), Appendix D.

the Rendille and the Riverines have accepted the Islamic faith, others still maintain their traditional religious beliefs.⁷

The NFD in a Historical Perspective

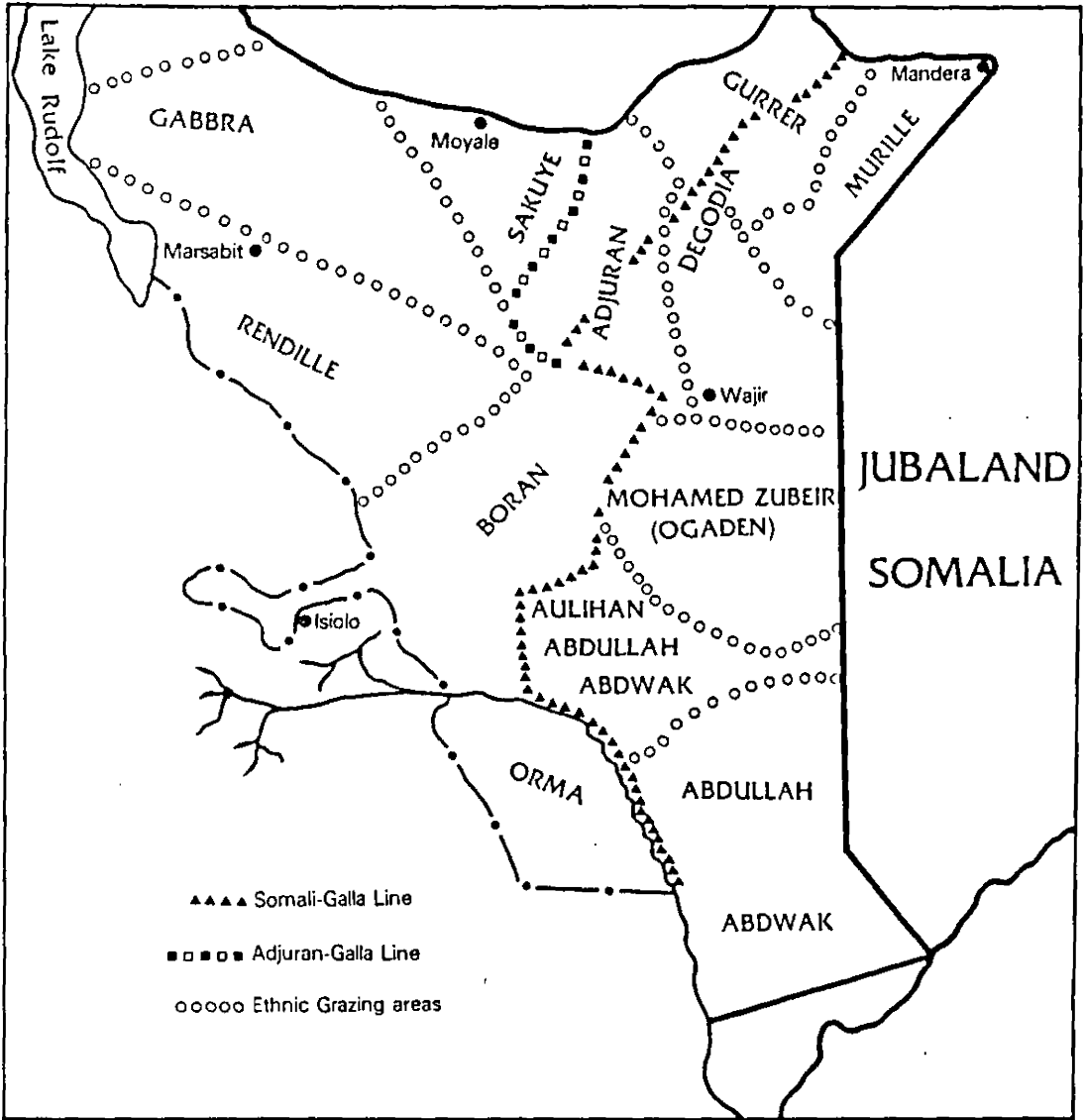
The Galla and the Somalis occupied what became known as the NFD in the early nineteenth century. It was not until 1919 that regular British troops garrisoned Moyale and Wajir.⁸ However, the British presence in the Somali-inhabited areas (Somaliland, Jubaland and NFD) came as early as between 1884 and 1897. The Somali-inhabited area of Jubaland was ceded to Italy in 1925 in conformity with the 1915 Anglo-Italian Treaty of London. The Treaty of London stipulated, inter alia, that if Italy participated in World War I against Germany, Britain would compensate Italy. The Treaty of London also stated that in the event of Great Britain increasing her colonial territory in Africa at the expense of Germany, Her Majesty's Government would agree in principle that Italy might claim some equitable compensation.⁹ It was in this context that the British ceded Jubaland to Italy.

Castagno argues that there were several reasons which necessitated the British extension of her domain over the NFD. First, the British wished "to provide a buffer between Italian Somaliland and Ethiopia on the one side, and the East African railway and the white settlers in the highlands on the other." Second, the British also wanted to bar the "Ethiopians from gaining control over the Boran and Gabbra and towards stemming the Somali south-westward expansion."¹⁰

The British had great difficulty administering the NFD for several reasons. First, there was widespread inter-clan warfare which was also supported by kinsmen living across the borders. Second, the British had inadequate administrative personnel and police to control the nomadic inhabitants.¹¹ Between 1895 and 1912 the British moved further into the NFD "to counter continuing Somali westward expansion against the Galla, and to prevent Ethiopian armed raids on the livestock and inhabitants of these regions."¹²

In an attempt to curb ethnic clashes in the NFD, the British introduced the Outlying Districts Ordinance (or Closed District) in 1926. Under this proclamation all persons entering or leaving the NFD had to obtain prior permission from the administering officer in the area.¹³ In 1934 the Provincial Commissioner was further given power under the Special Districts (Administration) Ordinance to define grazing boundaries for the pastoral nomadic inhabitants of the NFD.¹⁴ The grazing areas are shown in Map 3. It was hoped that the demarcation of grazing lands for the NFD peoples would reduce conflicts about grazing areas. Under the 1934 Special Districts Ordinance, holders of visas to Kenya Colony were not entitled to travel to the NFD without special permission. Besides that, the Somalis could not visit other areas without special approval. This administrative restriction was meant to place control on the water supplies and pasturage, and was also designed to close some grazing areas which were deteriorating through overstocking.¹⁵

MAP 3 THE NFD ETHNIC GRAZING AREAS



Source: Great Britain, Report of the Northern Frontier District, p. 36.

It needs to be emphasized that the NFD was separately administered as part of Kenya. In other words the NFD administrator was answerable to the Governor of Kenya who in turn reported the colony's affairs to the British Colonial Secretary. Thus, although the NFD was administered as a closed district its administrative affairs were not considered exclusive from those of the Kenya Colony. This distinction is important to note because many writers have not clarified it. The explanations by the writers only state that the NFD was administered as a closed district and leave it as such. In short, the NFD was not an exclusive object of international law as was the case of the colonies such as Kenya Colony, British Somaliland, Italian Somaliland, or Uganda Protectorate, among others.

* After the Somali Youth Club, later renamed Somali Youth League (SYL), was founded in Somalia in 1943 it opened branches in Ethiopia and the NFD. The SYL operated in the NFD until June 1948, when its campaign for Somali unification led to a clash with the British administration. It was thereafter declared an illegal political party until 1960, when the ban was lifted.¹⁶ The 1950s was therefore marked with less political activities in the NFD.

The 1960s witnessed a turn of events in Kenya. First, the British were preparing to grant Kenya independence. Second, the NFD inhabitants, dominated by the Somalis, intensified their campaign for secession. Third, Somalia increased her call for Somali unification. Fourth, the Kenyan dominant political parties, the Kenya African

National Union (KANU) and the Kenya African Democratic Union (KADU) were united against secession. What emerged at the time of Kenya's independence in 1963 was a clash between the Kenyan leaders and the NFD secessionists. On the other hand, there was a conflict between Kenya and Somalia over the latter's demand for the secession of the NFD.

For a better understanding of the conflicts which emerged in the NFD prior to Kenya's independence, we shall separately examine the political parties which supported secession as well as those which opposed it. A separate examination of their views will guide the reader's understanding of the next sections in which their attitudes towards the NFD are treated together.

The Centrifugal Forces: The Case of the Secessionists

The lifting of the ban on political parties in the NFD in 1960 triggered wide interest in political activities. Four main political parties were formed with the aim of reuniting the Somalis of the NFD with Somalia. Except for the National Political Movement (NPM) with its center in Nairobi, the secessionist parties were formed in the NFD.

Of the three NFD-based secessionist parties the Northern Province Peoples³ Progressive Party (NPPPP) was the largest and most active. During the 1961 Kenya elections the predominantly Somali Districts of Garissa, Wajir, Mandera and Moyale formed a single constituency from which a member of parliament was to be elected. The Somalis in these districts, except for 1,622 people, boycotted the elections.¹⁷ Thus, the

President of the NPPPP, Mr. Ali Adan Lord "was elected unopposed to Kenya's Legislature on a secessionist ticket."¹⁸ This party not only brought the Somali together, but it also united them with the half-Somalis (Gurreh and Adjuran). The party also had influence among the "Islamised Boran of Isiolo District and the Rendille of Marsabit."¹⁹

The NPPPP party leaders and elders often visited Mogadishu in order to seek support for the campaign for self-determination. The policy of the NPPPP stipulated that it:

stands for secession of the Northern Frontier District from Kenya before it attains independence, thereafter creation of a special regime for the Northern Frontier District under the British, during which period the people of the Northern Frontier District would develop their political institutions, and eventually union with the Somali Republic as an autonomous unit.²⁰

With its headquarters in Garissa, the Northern Frontier Democratic Party (NFDP) originally drew its support from the Abdullah section of the Somalis. Its original platform, though supporting secession, did not favor union with the Somali Republic. However, because of the momentum for union with Somalia, the NFDP supported the NPPPP platform.²¹

The Peoples National League (PNL), with its headquarters in Garissa, was dominated by the Orma (who are of the Galla) and supported the views of the NPPPP and NFDP with regard to self-determination. The National Political Movement (NPM), the only dominant secessionist party operating outside NFD, was founded in Nairobi to unite the Somalis in the South of NFD. Its views regarding secession were in conformity with those of the

NPPPP and the NFDP.²² Thus, the NPPPP, the NFDF, the PNL and the NPM represented what was referred to by the NFD Commission as the "Somali Opinion".

The Somali Opinion was clearly expressed by the secessionist delegates from the NFD in the 1962 London Constitutional Conference. They demanded that:

before any further constitutional changes affecting Kenya were made, autonomy should be granted to the area which they represented (namely the districts of Isiolo, Garissa, Marsabit, Mandera, Moyale and Wajir) as a territory wholly independent of Kenya, in order that it might join in an Act of Union with the Somali Republic when Kenya became independent.²³

It should be emphasized that it was because of the secessionist demands by the NFD inhabitants that the British appointed the Commission to ascertain public opinion in the area.

A similar skepticism about joining the rest of Kenya was expressed by the secessionists during a tour of the NFD by the Regional Boundaries Commission. The Commission stated that:

the Somali delegations seen by us in these areas (NFD) were unanimous in their desire not to be included in any region of Kenya. Apart from one of these delegations, which wished the area to remain under British control for the time being, all these delegations wished the Northern Frontier District to be joined with the Somali Republic.²⁴

The preceding analysis indicate the desire of most of the inhabitants in the NFD to secede. As stated earlier, the Somalis who constitute the majority of the population in the NFD are unevenly distributed throughout the area. Self-determination of the Somalis, therefore, carried with it the right to acquire the whole territory of

the NFD. What right did the anti-secessionists have with regard to the NFD? The analysis which follows provides a clash of the right to self-determination with regard to the area in dispute. This counter opinion to the question of secession is what the 1962 NFD Commission called the "Kenya Opinion".

The Centripetal Forces: The Anti-Secessionists

The anti-secessionists were mainly represented by the non-Somalis in the area. In opposition to the Somali secessionist movements, the Northern Province United Association (NPUA) with its headquarters at Marsabit was founded to unite the Boran, the Gabbra and other Galla-speaking peoples, including the Burji and Konso. Led by Mr. Galgallo Godana, NPUA was also supported by the same peoples in Nairobi.²⁵ NPUA opposed secession of any form and thus wanted the NFD "to remain part of Kenya and to advance to independence with it."²⁶

The other anti-secessionist parties were the Northern Province Peoples National Union (NPPNU) and the Galla Political Union (GPU). With its headquarters in Garissa and a branch in Nairobi, the NPPNU was formed in an effort to unite the Riverine and the Orma peoples in the area against the Somali Opinion. The GPU operated out of Nairobi, where it had strong support, mainly from the Galla peoples. Both the NPPNU and the GPU supported the Kenya Opinion. Finally, the United Ogaden Somali Association (UOSA), with its headquarters in Nairobi and a branch in Garissa and led by Ali Abdi, represented a group of Somalis who

opposed union with Somalia. Its platform was not consistent in that some of its followers supported secession from Kenya, thereafter developing the NFD into some kind of East African Federation without any affiliation.²⁷ The others supported Abdi's camp, in which union with Kenya prevailed.²⁸ It is interesting to note, as the NFD Commission has stated, that whereas the Somalis in the NFD expressed the need for reunification with Somalia, there was no suggestion among the Boran Galla to reunite with their kinsmen in Ethiopia.²⁹ Who then had the right to self-determination in the NFD, the Somali Opinion or the Kenya Opinion?

Table 2 summarizes the preceding discussions of the NFD inhabitants' opinions. There are several observations which can be drawn from the table. First, most of the NFD inhabitants expressed a desire to secede. Second, both the Boran and the Gabbra Moslems supported the Somali Opinion; however, the non-Moslem Boran and Gabbra supported the Kenya Opinion. Third, the Sakuye were also divided between the Somali and Kenya Opinions. Fourth, the Somali Opinion was unevenly distributed throughout the NFD. The biggest concentration of the irredentist movement was in the Garissa, Wajir, and Mandera Districts which form the 500-mile Kenya-Somali border. The Kenya and Somali Opinions were carried into the era of Kenya's independence.

The section which follows will be divided threefold. The first part is concerned with the situation in the NFD prior to Kenya's independence in 1963. The second part covers the situation in the NFD between 1963

Table 2
A Summary of Ethnic Opinions in the NFD

	Garissa		Wajir		Mandera		Marsabit		Moyale		Isiolo	
	Peoples	Political Party	Peoples	Political Party	Peoples	Political Party	Peoples	Political Party	Peoples	Political Party	Peoples	Political Party
Somali Opinion	Somali	NPPPP	Somali Half- Somali	NPPPP	Somali Half- Somali	NPPPP	Rendille	NPPPP	Half-Somali Moslem Boran		Moslem Boran Somalis	NPPPP
	Abdulla	NFDP	Abdulla	NFDP					Moselm Gabbra Sakuye	NPPPP		
	Orma	PNL							Somalis			
Kenya Opinion	Riverines Orma	NPPNU					Boran Gabbra Burji	NPUA	Boran Burji Sakuye	NPUA	Turkana Meru Kikuyu	KANU
	Somali	UOSA					Konso					

Sources: Compiled from various sources, namely:

1. Great Britain, Report of the Northern Frontier District, pp. 8-19.
2. Lewis, "The Problem of the Northern Frontier District", pp. 57-58.
3. Castagno, "The Kenya-Somali Controversy," pp. 178-180.

to 1983. As will be indicated, the 1960s were marked with intensive shifita activities in the area. The third part treats the impact of the situation in the NFD on Kenya's foreign policy behavior towards Somalia based on respect of territorial integrity.

The NFD in a Quagmire and Transformation: Prelude to 1963

The hope of the NFD inhabitants to secede was officially recognized as early as 1961. During his visit to Kenya in late 1961, the British Secretary of State for Colonial Affairs, Mr. Reginald Maudling met with the NPPPP President, Mr. Ali Adan Lord. The Colonial Secretary agreed that the secessionist parties could attend the London Constitutional Conference scheduled for early 1962, which was arranged for the purpose of discussing Kenya's independence. Besides KANU and KADU, the NFD secessionist parties, the NPPPP, the NFDP, and the PNL also attended the conference.³⁰ The anti-secessionist groups did not attend the conference because their ally, KANU, represented their views.

Drysdale argues that "by admitting to the conference an official delegation from the NFD, all of whom were pro-secessionist, the British Government appeared to give tacit acknowledgement that there was a case to answer."³¹ However, as early as 1960, the British Prime Minister, Mr. MacMillan, stated that "his government would not encourage or support any claim affecting the integrity of Kenya unless it were the wish of the governments and peoples concerned".³² Since the dominant

political parties, KANU and KADU, were opposed to the NFD secession, it can be argued that the British position endorsed their views.

At the London Constitutional Conference, the NFD secessionists stressed the desire for reunification with Somalia on the principle of the right to self-determination. The NFD delegates argued that "by racial stock and by language the people of the NFD are kindred with the people of the Somali Republic, but alien to the peoples of Kenya."³³ The NFD pro-secessionist delegates, therefore, regarded the rest of the Kenyans as distinct from them and saw no reason for forming part of Kenya.

The pro-secessionist delegates proposed that the NFD should be "granted autonomy as a territory wholly independent of Kenya, before any further constitutional changes affecting Kenya were made, so that the territory may join in an act of Union with the Somali Republic when Kenya becomes independent."³⁴ On the issue of secession one London newspaper, The Observer, while supporting the Somali cause for reunification, stated that:

If London were unilaterally to offer the Somalis the right to secession, this would provoke a major crisis with the African parties and undo the hard-won constitutional progress of recent months. The best way out is to place the matter in the hands of an outside arbiter who cannot be accused of perpetuating African differences for neo-colonialist self-interest.³⁵

It was the London Constitutional Conference which precipitated the departure of the 1962 NFD Commission to ascertain the views of the inhabitants. Mr. Maudling stated in London that:

As there is no question of fixing a date for independence, we do not need to decide now the Somali claims regarding the NFD. I am setting up some sort of commission to enquire into the problems and see what people's views are. If it seems wise we will find out their views by a series of plebiscites.³⁶

At the Conference, while the NFD delegation demanded secession, KANU and KADU indicated that they were not willing to accept the dismemberment of Kenya. The British Government stated that "there would be no change in the status of the Northern Frontier District or in the arrangement for its administration" until after the findings of the Commission.³⁷

After the recommendation by the Report of the Regional Boundaries Commission in 1962 a seventh administrative region (later Province) comprising the Districts of Garissa, Mandera, and Wajir was created. This new area, the North-Eastern Region, is inhabited mainly by the Somalis. The Somalis of Isiolo and the Muslim Boran of Isiolo and Moyale were placed in the Eastern Region.³⁸ According to the British Government, "the creation of the new region will give to its inhabitants greater freedom in the management of their own affairs and more effective means of safeguarding their interests and maintaining their way of life."³⁹ This position was again reaffirmed by the new British Colonial Secretary.

During his visit to Kenya in early 1963, the new British Commonwealth and Colonial Secretary, Mr. Sandys, explicitly stated the British Government's position concerning the NFD question. He stated that:

We, not only the British Government but both parties here in Kenya, understand the desire of Somali people to express their own identities particularly when you get people of one race living in a country with people of another race. But Kenya is a country which depends for its future on being able to recognize people of different races and prove it is capable of providing a home where people of different races can live honourably and amicably together.⁴⁰

The Colonial Secretary explained the British decision to create the seventh region in the NFD in the following terms.

It was because we recognized the desire of these people to express their own identity that we decided it would be right to create a seventh region which would embrace those elements in the NFD who felt most strongly on this issue.⁴¹

To an extent the British position was in conformity with KADU's call for majimbo (Swahili for regionalism). Majimbo was meant to maintain some form of ethnic autonomy. It was to establish a bicameral legislature, with the Senate being representative of regional interests.⁴² The creation of the regions did not debar the NFD secessionists from pressing for reunification.

While the issue of the NFD was still being debated by the parties concerned, the pro-secessionists in the area issued a statement titled "A People in Isolation." It stated that:

We, the political parties of the Northern Frontier District of Kenya (NFD), will not permit anyone, European or African, to play about with our destiny. We have been divided from our brother for long enough. We refuse to be balkanized. We are members of a single Somali nation. Somali is our language, spoken from the Gulf of Aden to the NFD. Islam is our culture, pastoralism our way. Not only do we want to be freed from an outmoded form of Colonial Administration in the Northern Frontier District of Kenya, but we want to reunite with our brothers with whom we can evolve an administration suited to our way of life . . . This is centred on Mogadishu and we shall unite with it.⁴³

The preceding passage is an indication of the determination of the pro-secessionists to secede.

Whereas the NFD secessionists travelled to Somalia on many occasions to seek support, the anti-secessionists not only received support from KANU and KADU but also from Ethiopia. Emperor Haile Selassie told a delegation of the NPUA who visited him that his country would not agree to any change in the boundaries between Kenya and Somalia.⁴⁴ The NPUA leaders told Emperor Selassie that the NFD of Kenya belonged historically to the Galla, not to Somalia. They also asked the Emperor to help the Galla in Kenya against Somalia, because there were many Galla in Ethiopia.⁴⁵ Unlike the secessionists, the NPUA leaders did not seek unification with Ethiopia.

The Somali drive for reunification reached its peak in March, 1963. After the British announcement of the creation of the seventh region in the Somali dominated areas in the NFD, Somalia severed diplomatic relations with Britain. Meanwhile about 300 supporters of the NFD secession reacted by tearing the British Union Jack in Isiolo.⁴⁶ In Wajir over 4,000 secessionists demonstrated against the British decision to create the North-Eastern Region. While the riot troops were quickly moved into the NFD, the Governor of Kenya, Malcolm MacDonald, also put 1,800 British troops of the Kings African Rifles (K.A.R.) on a twelve-hour standby alert.

Meanwhile, one of the biggest military exercises ever carried out by the British Army in East Africa began in the NFD. It involved more than 4,200 troops in what was called "Operation Sharp Panga." The troops also included the Royal Air Force and the Kenya Police. The objectives of "Operation Sharp Panga" were to acclimatize the troops to the intense heat and the semi-desert conditions in the NFD and to give the troops experience with operations in a non-nuclear limited war setting.⁴⁷ British troops were also flown from Cyprus and Aden. The Colonial Secretary, on the other hand, defended his decision to create the North-Eastern Region by stating that: "it seems fair for the Kenya Somalis to give a fair trial to the new Constitution with a wide degree of local autonomy it would confer."⁴⁸

The anger among the NFD secessionists concerning the British decision continued to grow. In Moyale about 200 pro-secessionists freed by force one of their colleagues who had been arrested. The District Commissioner for the area (Moyale), Lieutenant-Colonel John Balfour, also was wounded during the incident.⁴⁹ The pro-secessionists continued to take a violent cause for their demands. It has also been observed that the idea of "secessionism was officially began in the NFD by Mr. Bevin (in 1946). Since then the British have been encouraging the Somalis to go on hoping for secession."⁵⁰ In 1946 the British Foreign Secretary Ernst Bevin proposed during a Four Power (Russia, France, Britain and the United States) meeting that "the interests of the Somali

people would be best served if the existing union of Somali territories were continued."⁵¹ This proposal will be explored in the next chapter.

The delegates from the secessionist political parties later met with the NFD Provincial Commissioner, Mr. Peter Walters. They told him that they had demonstrated to show that they did not accept the decision of the British Government not to allow them to secede.⁵² "The people of the NFD are ready to die if the British Government does not reconsider. We want nothing less than immediate secession and union with our motherland, Somalia."⁵³ Meanwhile, the preparations for the general elections in Kenya continued.

The NFD secessionist leaders met in Wajir to decide on a strategy to take with regard to the forthcoming Kenya elections. The sixty political leaders, chiefs and elders passed four resolutions. First, it was agreed that immediate secession and making the NFD a separate state was to be adhered to by the Government of Kenya. Second, it was resolved that all Government-appointed officials, such as in the African District Councils, the Legislative Council, the African Courts, Muslim religious courts, and chiefs, must resign. Third, they agreed not to take part in discussions with the Kenya Governor, Mr. MacDonald, unless Britain changed her decision. Fourth, the leaders decided to send a delegation to Somalia to put forward demands to the Somali Government.⁵⁴

Meanwhile, the anti-secessionists in the NFD warned people in the area against accepting offers of money from Somalia. The Vice-President of the UOSA alleged that over £2,000 had been given to the secessionists

in the NFD by Somalia.⁵⁵ The pro-secessionists, on the other hand, met again to decide on what further steps they should take. After the meeting "the 34 leading chiefs, who included Boran, Rendille, Orma, Sakuye and Somalis delivered their letter of mass resignation to the District Commissioner, Mr. John Golds, for communication to the Governor."⁵⁶ Their letter of resignation stated that:

Since Her Majesty's Government has now finally decided against our desire to re-unite with our bretheren in the Republic, we are left with no alternative but to tender resignations to you as a sign of protest against Her Majesty's Government decision. Our resignations can only be withdrawn on condition that Her Majesty's Government concedes to our legitimate demand for secession from Kenya and unification with the Somali Republic.⁵⁷

The Provincial Commissioner (PC) in the NFD in response to the resignation threat, stated that chiefs in the area were carrying out their duties despite a letter of mass resignation delivered to the District Commissioner (DC) at Wajir. The PC argued that civil servants cannot resign en masse and that a letter written and signed by each one of the chiefs would have been acceptable.⁵⁸

Mr. Sandys' handling of the NFD question was criticized strongly in the British House of Lords. The Earl of Lytton, in his speech in the House of Lords, argued that the Colonial Secretary had no right to announce the creation of the seventh region in the NFD. Referring to the Colonial Secretary, the Earl of Lytton stated that "the wrong decision was given by the wrong Minister in the wrong place. A decision of this importance should surely be made by the Foreign Secretary to Parliament, and not by the Colonial Secretary in Nairobi."⁵⁹ He further

argued that international problems are not the business of the Colonial Secretary and that "he has not done it well."⁶⁰

On the same issue of the decision to create the seventh region, the Earl of Huntington stated that: "unless we see a policy change and some new steps taken, the results may be highly disastrous, not only for that part of Africa but for ourselves and for other parts of the world."⁶¹ The Earl of Listowel, however, argued that "it would be hard for anyone to imagine that it would be possible for the Government of Kenya to acknowledge the claim of the Somalis" by signing "away almost one-third of their territory."⁶² Irrespective of the different views about the decision on the NFD, preparations for the Kenyan elections continued.

After a series of clashes occurred in Isiolo between the pro-secessionists and anti-secessionists, a dusk-to-dawn curfew was imposed in the area. The clashes occurred when the KANU supporters were choosing their candidates for the forthcoming general elections.⁶³ The candidates were to be nominated nationwide for the Regional and National Assemblies. In the North-Eastern Region, predominated by the Somalis, no candidates for the Assemblies were nominated because of their determination to boycott the elections. The seats for the Regional and National Assemblies in the North-Eastern Region were allocated as follows--eighteen for the Regional Assembly, three for the Senate (or Upper House) and five for the House of Representatives (or Lower House).⁶⁴

The British Government announced again that elections in the North-Eastern Region were to be held before or after Kenya's independence. The Colonial Secretary made the announcement through the acting Governor of Kenya, Sir Eric Griffith-Jones. After the announcement the President of the Somali Independent Union, the least militant of the secessionist parties, welcomed it. He appealed to Somalia to advise Somalis in the region to take part in the elections in order to help keep out what he called "stooge candidates" put up by anti-secessionist groups. The executive officer of NPUA, one of the anti-secessionist political parties also welcomed the idea and stated that over 50 per cent of the political leaders in the region accepted the offer. The NPPPP, however, rejected the offer.⁶⁵ The NPPPP also warned that:

If Kenya is granted full independence under the present constitution it will become another Congo [now Zaire] with the NFD as Katanga. If we fail to get what we want we will form a government for the NFD at Garba Tulla [an important watering place 100 miles east of Isiolo].⁶⁶

The threat to boycott the May, 1963, elections was fulfilled in the whole of the North-Eastern region.

The President of NPUA stated that his party was preparing to speak against secession during the conference of the Heads of State and Governments to be held in Addis Ababa, Ethiopia. Kenya was to attend the conference as an observer since she had not attained her independence. NPUA's petition, which was to be read in Addis Ababa, stated that:

Somalia's claim to the NFD is a negation of Pan-Africanism. For all intents and purposes the NFD is an integral part of Kenya. We consider ourselves Kenyans with sincerity and honesty and have all along believed that our backwardness and exploitation would end with Kenya's uhuru [Swahili for independence].⁶⁷

Together with the KANU delegation, the NPUA representatives presented the NFD question to the conference in Addis Ababa. They argued against secession of the NFD on the grounds that it is an integral part of Kenya.⁶⁸

Meanwhile the date for the Kenyan elections drew nearer. The pro-secessionists prepared for a total boycott of the elections in the North-Eastern Region. In the other parts of the former NFD, however, candidates were nominated for National and Regional seats. But, in the Eastern Region no nominations were made for six out of thirty Regional Assembly seats in the areas around eastern Moyale and Isiolo Districts --formerly part of the NFD.⁶⁹

On election day (May 18, 1963), the secessionists surrounded the polling station at Isiolo to prevent the anti-secessionists from casting their votes. A crowd of about 1,000, mainly Somalis, clashed with 100 riot policemen stationed in Isiolo to guard the electoral process. In addition to the four Somalis killed and nine wounded during the incident, seventeen policemen were also injured.⁷⁰ At the end of the elections on May 26, 1963 it was estimated that about 80,000 voters in the NFD--mainly the North-Eastern Region--had boycotted the elections.⁷¹

KANU won most of the seats in the National and Regional Assemblies, thereby forming an internal self-government in June 1963 under the Prime

Minister, Mr. Kenyatta. Because of the political climate in the former NFD, Britain offered to provide staff in the area. Meanwhile, the people in the North-Eastern Region were given another chance to elect their Regional and National representatives.⁷² The secessionists, however, stepped up their violent campaign in the NFD against the supporters of the Kenya Government in the area. It was estimated that there were between 800 and 1,000 shiftas (bandits or insurgents) with about 750 firearms.⁷³

The NFD in Perspective, 1963-1983

The first Government administrators to be victims of violence caused by the NFD secessionists were the District Commissioner of Isiolo, Mr. Wabera, and Chief Haji Galma Dido--both Borans. The killing of the two administrators prompted Senator Lawi, Isiolo (KANU) to suggest that "all political parties demanding secession in the NFD should be banned."⁷⁴ Senator Galgallo, Marsabit (NPUA-pro-KANU) stated that the Somalis who were now causing trouble in the NFD had migrated from the former Italian and British Somalilands. He stated that these Somalis had established trading centers throughout the NFD and had their relatives in Somalia who supported them. He argued that the pastoral Somalis who lived in the reserves with their stock "support the secessionists for fear that the Government is not strong enough." He stated that the pastoralists were "told that all Muslims must be united in supporting the secessionist movement."⁷⁵

As violence continued, the Kenya Government banned all non-essential travel to the North-Eastern Region and parts of the Eastern Region which fall within the former NFD. Three battalions of the King's African Rifles were put on three-hour standby alert. Meanwhile about two companies of the General Service Unit were moved to the Kenya-Somali border and Isiolo.⁷⁶

A new radical splinter group from the NPPPP, calling itself the NFD Liberation Party, was established. It pledged to carry out increased violent campaigns against the Government and its supporters unless they were allowed to secede.⁷⁷ In the meantime, about thirty Somali elders from the Abdullah in the North-Eastern Region signed a letter of petition promising to support the Kenya Government. They agreed to restore law and order under the Kenya Government; to help the Government in the control of shifta (bandits or insurgents); and to elect representatives to the National and Regional Assemblies.⁷⁸

However, because of the continued shifta activities in the NFD, the Governor-General, through the advice of the Prime Minister, Mr. Kenyatta, declared a State of Emergency in the North-Eastern Region on December 25, 1963. The Prime Minister stated in the National Assembly that:

My hopes and expectations of a peaceful settlement have been frustrated by a mounting wave of terrorism and banditry. Since November 13th, when the shifta gangsters commenced their activities, there have been 33 incidents involving the use of firearms. Figures in my possession show that about 2,000 shifta are based in Somalia and about 700 are operating within the Northeastern Region. A prohibited area five miles wide along the

Kenya-Somalia border has been marked out. The Northeastern Region is part of our country, so that any problems arising there are internal and domestic. We cannot compromise on that.⁷⁹

The armed forces operating in the area were permitted to arrest or shoot at anyone seen in the prohibited area without a lawful excuse.

After Prime Minister Kenyatta's speech in the House of Representatives, the term shifita was used officially by the Kenya Government. It was because of the shifita attacks that the midnight flag-raising at the time of Kenya's independence on December 12, 1963, was not arranged in the Northeastern Region as in the other parts of Kenya.⁸⁰ The request by the Government to extend the Emergency powers caused a conflict between KANU and KADU in the Senate.

Although the ruling party, KANU, received the support of 65 percent of the votes in the House of Representatives, it failed to get that percentage in the Senate. At the heart of the crisis was a constitutional requirement that the Government has to obtain the support of 65 per cent of the members of both chambers of Parliament before Emergency powers can be extended. The House of Representatives passed the request by a vote of 87 to 13, but the supporters of the request in the Senate obtained only 23 to 14 votes. However, after a personal intervention by the Minister for Justice and Constitutional Affairs, Mr. Mboya, the Senate was reconvened in an emergency session. The request was then passed overwhelmingly in the Senate.⁸¹

Several points need to be clarified. First, in normal times regional duties are left for the Regional Administration. Once an

emergency is declared in a region, as was the case in the Northeastern Region, the administrative duties are thereafter vested in the National Government. Second, Sections 29 and 69 empowered the Governor-General to declare an emergency. The emergency may lapse after seven days unless approved by a resolution of the Senate and the House, supported in each case by the votes of 65 percent.⁸²

Section 29 enabled the Government to apply the necessary Emergency measures and also to establish the five-mile prohibited area zone along the Kenya-Somalia border. Within the prohibited area zone the security forces were empowered to arrest and keep in detention, for at least 28 days, any persons suspected of involvement in any subversive activities, without necessarily taking them to court. Section 29 also empowered the security forces to challenge persons in the area and to shoot in response if the suspected person(s) did not respond. Section 69, on the other hand, enabled Parliament to take over all the powers which were vested in the Regional Assembly. Thus, Parliament would make all laws which would govern the Northeastern Region instead of the Regional Assembly.⁸³ It was this mandate vested in Parliament which the Government sought before declaring an emergency.

The shifita attacks in the area continued to cause problems to the security forces. The shifita efforts were now directed at both the Government and those of their own people whom they considered to be cooperating with the Government. In early 1964, after Abdi Rashid Khalif, President of the Frontier Independent Party (moderate

secessionist party), and Muhammad Ali Haji, Vice-President of the NFDP (secessionist party) were abducted to Somalia, the Senior Somali Chief, Omar Shuria, was killed.⁸⁴

After the killing of the Chief, Omar Shuria, leaders of three political parties in the NFD, NPPPP, NPDP, and United Congress Party issued a joint statement condemning the shifta activities in the area. The statement stipulated that:

We, the leaders of this region, also deplore the assassinations, abductions and violence which have taken place in the region during the past twelve months. We also register strong disapproval of the tactics employed by the shifta and ask for permission to make a strong representation to the Somali Government to apprehend those responsible for these evils and to return all the people who have been abducted from Kenya.⁸⁵

Meanwhile about 600 Somalis of the Ogaden (Map 3) also demonstrated in Garissa against the killing of Chief Shuria.⁸⁶

As the momentum grew against the shifta in the Northeastern Region arrangements for elections in the area were announced for February, 1964 and carried out as scheduled. While three candidates were returned unopposed to the House of Representatives, five candidates were returned to the Senate.⁸⁷ Even after the elections were held in the Northeastern Region the shifta continued to attack not only in the Northeastern region but in other parts of the former NFD as well. It was estimated that "the British airlift, arms, and administrators, costing about £50,000 a month helped Kenya in the NFD."⁸⁸

Whereas the NPPPP was one of the political parties which condemned the shifta menace in the NFD, it also sent a delegation to the 1964

World Muslim Conference which was being held in Mogadishu, Somalia. The NPPPP delegate stated in the Conference that the NFD "is inhabited by Somali people and historically and geographically, culturally and religiously is an integral part of Somalia. The British Government is anxious to preserve British interests and keep independent Kenya in the British Commonwealth."⁸⁹ The NPPPP delegate stated that the British colonialists reached a compromise with Kenya leaders and turned over their rule of the NFD to the Kenya leaders. He argued that the British took that decision on the conditions that they (Kenya) will preserve the economic interests of the European farmers in Kenya.⁹⁰

The NPPPP submitted a memorandum to the World Muslim Conference which was designed to encourage the delegates' support. It stated that:

While Islam and the spread of its teachings are suppressed, the establishment of Christian churches are being undertaken in the country. New Christian missionaries have now been introduced in Marsabit, Moyale and Isiolo Districts of the NFD, while on the other hand no Muslims are permitted to propagate the teachings of their religion among the Boran pagans in the country [NFD].⁹¹

At the end of the Conference the delegates adopted resolutions stipulating the rights of self-determination for Somalis and its corollary, the reunification.⁹² The details of the resolutions will be discussed in the next chapter since they relate more directly to Somalia.

It needs to be emphasized that the year 1964 (or perhaps even earlier) marked the beginning of the split between the secessionists in the NFD. First, some members from the area were elected to the Kenya

Senate and House of Representatives. Second, the shiftas were now condemned not only by the Kenya Government but also by the former advocates of secession. It is possible that those who did not support the Government saw no possibility of achieving their demands. It is also possible that the secessionists realized that Somalia was not willing to provide them with massive military support.

Table 3 indicates the seriousness of the situation in the NFD. Whereas most of the shiftas were Somalis some of them were also from the Boran.⁹³ Table 4 indicates the increasingly tense situation in the NFD.

Table 3

The Status of the Shiftas, June 1963-June 1965

<u>Year</u>	<u>Shifta</u>	<u>Total</u>
June 1963 - June 1965	killed	396
June 1963 - June 1965	captured wounded	10
June 1963 - June 1965	captured unwounded	23
June 1963 - June 1965	surrenders	260
<u>June 1963 - June 1965</u>	<u>still at large</u>	<u>200</u>

Source: Kenya, National Assembly, Senate, Official Report, vol. 4, July 1965, cols. 610-611.

Despite the cooperation of some of the former secessionists with the Government the shiftas continued with their fight. The Kenya Government released figures on the shiftas who had been either killed or captured. The figures on the casualties of the civilians and the security forces were not released. Table 4 shows that the number of shiftas who have been killed has increased over the years. On the other hand the number

Table 4

Casualties Caused by the Shifta Activities in the NFD

<u>Year</u>	<u>Kenya</u>		
	<u>Civil Servants</u>	<u>Kenya Police</u>	<u>Shiftas</u>
1963-1964	11	17	198
1964-1965	4	7	721
1965-1966	2	7	732
<u>TOTALS</u>	<u>17</u>	<u>31</u>	<u>1,651</u>

Source: Kenya, National Assembly, House of Representatives, Official Report, vol. 10, April 1966, col. 1447.

of the police and the civil servants killed decreased over time. The total number of the Kenya armed forces killed by the shifta between 1963 and 1966 was estimated to be 21.⁹⁴ It was also estimated that between 1963 and 1964 alone, about 1,000 families had been removed from their

homes in the Northeastern region because of shifita activities. They left their homes because of fear of shifita attacks.⁹⁵ The civilian casualties in the Northeastern Region (or Province) was estimated at 500.⁹⁶ These estimates exclude thousands of livestock which were taken by the shifita whenever they made successful raids in the former NFD.

Because of the continued shifita attacks in the former NFD several actions were taken by the Kenya Government, some of which are still in operation. In addition to the actions taken by the Government members of the National Assembly proposed some possible solutions to the shifita problem. Some of these proposals were later implemented by the Government.

First, after the approval by the National Assembly the Government declared a State of Emergency in the Northeastern Region (or Province). The powers extended to the security forces operating in the prohibited areas have already been discussed. Although the Emergency measures applied mainly to the Northeastern Province, "the Government extended these emergency powers to the Districts of Marsabit, Isiolo, Tana River and Lamu by a constitutional amendment in 1966" (or the whole of the former NFD).⁹⁷ These powers are now provided for in Chapter XI, Section 127 of the Constitution of Kenya. Section 127(1) states that:

The president may, by regulations which shall be published in the Kenya Gazette, make such provision as appears to him to be necessary or expedient for the purpose of ensuring effective government in or in relation to the North-Eastern Province and the Districts of Marsabit, Isiolo, Tana River and Lamu and, without prejudice to the generality of that power, he may by such regulations make such temporary adaptations, modifications or

qualifications of or exceptions to the provisions of this Constitution or of any other law as appears to him to be necessary or expedient for that purpose.⁹⁸

In other words, emergency powers have since 1966 been vested in the Presidency.

In 1966 the emergency prohibited zone was extended from five to fifteen miles along the entire 500 mile Kenya-Somalia border. This decision was taken after the shiftas increased their attacks in the area. The emergency measures in the 15-mile prohibited zone issued by President Kenyatta included an automatic death sentence against those found guilty of carrying arms, ammunition, or explosives without legal authority in the Northeastern Province and the neighboring districts. The death sentence was also to be imposed on anyone consorting with a person carrying arms, ammunition, or explosives in circumstances which give rise to justifiable fears for public security. The other measures included mandatory life imprisonment and permission for security forces to shoot to kill those involved in shifita activities.⁹⁹

After Kenya and Somalia signed the 1967 Arusha Memorandum of Understanding, the situation in the area gradually normalized. As will be discussed in Chapter 4 the Arusha Agreement was reached as a result of the Shermarke-Egal Administration's willingness to create a detente in the Horn of Africa. Although the NFD Liberation Front announced in early 1967 in Mogadishu that it would step up its shifita war against the Kenya Government, it later endorsed the Kenya-Somalia rapprochement

created in Arusha.¹⁰⁰ Thus, in early 1969 the emergency regulations were lifted in the Northeastern Province.¹⁰¹

The second action which the Government of Kenya has taken has been to offer general amnesty to the shiftas. On December 12, 1964, when Kenya became a Republic, President Kenyatta announced a state of amnesty for the shiftas who were still at large. It was estimated that about 100 shiftas surrendered in early 1965 following the announcement.¹⁰² Again, after meeting with a group of Somali elders from the former NFD who visited him, President Kenyatta agreed to extend the period of amnesty to the shiftas. President Kenyatta later agreed to release all the shiftas who were detained under emergency regulations. The President's decision came after more than 200 delegates from the Northeastern Province presented such a proposal to him.¹⁰³

Third, some members of Parliament suggested immediately after Kenya's independence that the Government ought to Africanize the armed forces as well as civil servants--particularly in the former NFD. It was argued that it was the European officials who abetted secession activities in the former NFD, and that the Europeans in Kenya encouraged the chiefs in the area to demand secession. Hope for secession, they argued, was encouraged through referendum and meetings. It has also been suggested that "the agreement to allow British troops to hold joint exercises with the Kenya army serves not only as a warning to Somalia but to raise the morale of the white farmers."¹⁰⁵ Thus, one of the solutions to the shifita problem was to Africanize the security forces

and the civil servants serving in the area. Indeed, this suggestion was gradually implemented.

Fourth, some of the members of Parliament proposed that all Somalis should be issued with identification cards. This proposal was based on the fact that it was difficult to distinguish the shifita from the loyal Somalis, and on the fact that the Government would be able to identify the loyal Somalis. Because of the continued shifita activities in the Northeastern Province, President Kenyatta issued a policy which required that all residents of the area had to register between July 1 and July 31, 1966. To register meant that the person would have renounced all loyalty to any other country.¹⁰⁶ Registration was carried out as planned.

Fifth, the continuation of the shifita activities necessitated the introduction of villagization in the Northeastern Province. In the Districts of Isiolo, Marsabit, Tana River, and Lamu it was decided that the people there were required to live in specified manyattas (nomadic homes). Villagization was introduced by the Government as one of the main weapons in its efforts to curb the shifita problem. It was explained that the security measures and development projects involved in the campaign cost the Government over £300,000 a year. The project was also seen as a shield against the shifita attacks on the civilian population. It was also envisaged as a means of preventing the shifita from obtaining food by intimidation or from sympathizers and at the same

time providing much needed educational, social, and health services.¹⁰⁷
The villages later developed into trading centers.

The explanations thus far indicate the continued security problems in the area--particularly in the Northeastern Province. However, after the signing of the 1967 Arusha Memorandum of Understanding by Kenya and Somalia a period of calmness existed. This was marked by the endorsement of the Arusha Agreement by the Somalia based NFD Liberation Front. It was also because of the normal situation in the area which led to the lifting of the emergency measures.

It was provided for in the Arusha Agreement that the two Governments (Kenya and Somalia) would "refrain from conducting hostile propaganda through mass media such as radio and the press, against each other."¹⁰⁸ The two Governments also agreed to "the gradual suspension of any emergency regulations imposed on either side of the border."¹⁰⁹ The new military leadership which came to power following the October, 1969, military coup promised to honor the existing treaties but to continue the struggle for Somali unification.¹¹⁰

In one of his public speeches President Barre stated that:

The policy of the Revolution towards the parts of our country occupied by foreign powers, is that our people should be allowed, peaceful self-determination, to gain their freedom. This is an internationally accepted principle: that each people and nation should gain self-determination a principle sanctified in the Chapter of the United Nations and other international organizations. Since the birth of the Revolution, we have been calling upon Ethiopia, Kenya and France to respect this principle.¹¹¹

As will be discussed in Chapter Four, there emerged a lack of restraint

on the part of Somalia with regard to the public demands for unification. In other words, the Somali leaders began to make public statements on the issue of Greater Somalia. However, a period of lull continued to prevail in the former NFD.

The low profile of shifta attacks in the former NFD can be attributed to several factors. First, as has been explained, the Kenya Government increased her efforts to eliminate the shifta activities through registration and villagization of the residents of the area. Second, "the morale of the Somali populations in these areas [NFD] was low, and they gradually ceased to provide the shifta with the local support they required."¹¹² It has been estimated that the shifta attacks claimed the lives of about 5,000 Somali between 1963 and 1967.¹¹³ Third, the leaders in the former NFD were by now generally united in supporting the Kenya Government's efforts to eliminate the problem.

The 1970s and the 1980s were therefore marked with relative calmness. Occasionally, however, the peace in the former NFD was shattered by renewed skirmishing.¹¹⁴ During the Ethiopian-Somalian War of 1977-1978 the Kenya-Somali Members of Parliament stated that "they regard themselves as part and parcel of Kenya."¹¹⁵ Demonstrations in Isiolo, Marsabit, Moyale, Mandera, Wajir and Garissa warned Somalia that they "do not want a second coloniser."¹¹⁶ However, following the killing by shifta of six people, four of whom were civil servants, the

Government imposed a twelve-hour curfew in the Northeastern Province. People in the area were also put in protected villages.¹¹⁷

In 1981 the Mogadishu based NFD Liberation Front re-emerged in Somalia. Its leaders began touring Arab countries asking for financial support. Meanwhile, the Kenya Somalis who were members of Parliament condemned the new movement and "appealed to Governments and the inter-national community to avoid being taken for a ride by these elements."¹¹⁸

The efforts to bring peace in the former NFD also were begun in 1981. The District Commissioner for Mandera met with his Somalian counterpart at the Kenya-Somalia border in an attempt "to bring an end to any kind of provocation that might strain relations between the two border districts. It was aimed at resolving the shifita problems."¹¹⁹ As a show of cooperation between Kenya and Somalia, the Somali security forces killed two shifita who had stolen over 295 cattle from Kenya. The Somali security forces had been alerted earlier when the shifita were crossing the border. This was the first tangible evidence of the Somalian cooperation with Kenya in eliminating the shifita menace.¹²⁰

The gesture of cooperation between Kenya and Somalia was, however, shattered in 1982 when the shifita struck again in Wajir, killing three Kenyan officials. The officials killed in the ambush were the District Officer for Wajir, an Administration policeman, and an official of the Presidential Commission for soil conservation and afforestation. The curfew which was relaxed in the area was thereafter reimposed.¹²¹ Kenya

and Somalia, however, pledged to continue their cooperation. In 1984 a total of 313 people from the Northeastern Province returned to Kenya in response to the Kenya Government's amnesty. The NFD Liberation Front also closed its Headquarters in Mogadishu, as the "former officials decided to return to their homeland after a twenty-two year stay in Somalia."¹²²

The Diagnosis of the NFD vs. Kenya's Foreign Policy Behavior Towards Somalia

What have we learnt from the preceding discussions that would conform to Hypothesis One? It is assumed in Hypothesis One that irredentism in the NFD influences Kenya's insistence on respect for the doctrine of territorial integrity in her foreign policy towards Somalia. The discussions in this chapter indicate that the period between the 1960s and 1980s witnessed competing forces among the inhabitants of the NFD with regard to secession. On the one hand there were forces which advocated secession to join Somalia. On the other hand there were those who sought to remain part and parcel of Kenya. At the beginning of the period the secessionists constituted the majority of the NFD population and were largely, but not solely, of the Somali ethnic group.

The secessionists in the NFD argued that their right to self-determination would be denied if they were not allowed to secede and join their kinsmen in Somalia. To them the right of self-determination could only be applicable if it was expressed with the

assurance of joining Somalia. Thus, participation in Kenya elections, they argued, was ipso facto illegitimate. They demonstrated their argument by boycotting the 1963 Kenya elections. On the other extreme there were the anti-secessionists who argued that the process of self-determination would be satisfactorily met at the time of Kenya's independence. Thus, decolonization would take precedence over secession. The conflict therefore centered around a desire for joining Somalia (secessionists) and remaining part of Kenya (anti-secessionists).

Was the right of self-determination of the secessionists denied at the time of Kenya's independence? The conflict which emerges in this question is that between secession and self-determination. Unfortunately, specific answers to such questions cannot be found. Buchheit argues that in a "legitimate claim to secessionist self-determination the claimant must demonstrate that it is in fact a 'self' capable of independent existence or willing to annex itself to an existing, viable entity and that the claimant must show that acquiescence in its demand would be likely to result in a greater degree of world harmony (or less global and societal disruption) than would be the case if the existing union were preserved."¹²³

Turning to our case of study, the dominant groups in the NFD have argued for secession on the grounds that it would not cause any economic or political harm to Kenya. Such arguments, as have been explained elsewhere run counter to the OAU Charter, which is reluctant to re-draw

the map of Africa. Allowing secession in any form, it is feared, would trigger a domino effect in the whole continent. The persistence of the inhabitants of the NFD to secede prompted then Prime Minister Kenyatta to state that they were free to "pack up their camels and leave". In a way Prime Minister Kenyatta's statement can be interpreted to mean a willingness to allow secession from the governing population politically but not territorially.¹²⁴ However, there is no evidence which indicates that Prime Minister Kenyatta's statement was seriously used as Kenya's negotiating position at any time.

It was explained elsewhere in this chapter that for a period of time a conflict prevailed between the centrifugal and centripetal forces in the NFD. However, since the late 1960s the secessionist demands seemed to have lessened. This was demonstrated by several factors. First, the NFD leaders (politicians, chiefs, and elders, among others) publicly denounced Somalian support for the shifta incursions in the area. Second, the leaders in the area agreed to support the Kenya Government's efforts to curb the shiftas from terrorizing the area. Third, the people in the NFD joined with the rest of the Kenyans in electing their representatives to the National and Regional Assemblies. Fourth, the NFD Liberation Front supported the Kenya-Somalia rapprochement.

The 1970s and 1980s were marked with relative calmness in the NFD. The calmness, we would argue, must be attributed to the efforts of both the Kenya Government and the NFD leaders. This is important to note because "there were indications that even the Egal government, before

being deposed, had become disillusioned with its policy of detente. There was a sense that it had been used by Kenya and Ethiopia to strengthen their military position along the frontiers."¹²⁵ Thus, between 1980 and 1981 the NFD Liberation Front re-emerged in Mogadishu to carry out its shifta activities. We argue, however, that the NFDLF activities were not as intense as they were during the 1960s, although as stated earlier, they closed down their headquarters in Mogadishu and decided to return to Kenya. The preceding analysis can be illustrated as indicated below.

In the process of elucidating the model, the interplay between the NFD and external (Somalia, SYL) factors in the development of conflict relations has been discussed. Specifically, the interaction of factors that generate conflict in the NFD has been explained in detail. We have summarized them in three different phases in Figure One.

Phase I: The inception of the Somali Youth League (SYL) in 1943 and the eventual Somalian independence in 1960 not only triggered nationalism in the NFD but it also increased secessionist demands.

Phase II: At the time of Kenya's independence and a few years thereafter, the Kenya Government security forces were engaged with the intense shifta attacks in the NFD. The conflict between the anti-secessionists and secessionists in the NFD eventually produced an atmosphere of rapproachment between them and the rest of Kenya. This was marked by their participation in the political process in Kenya.

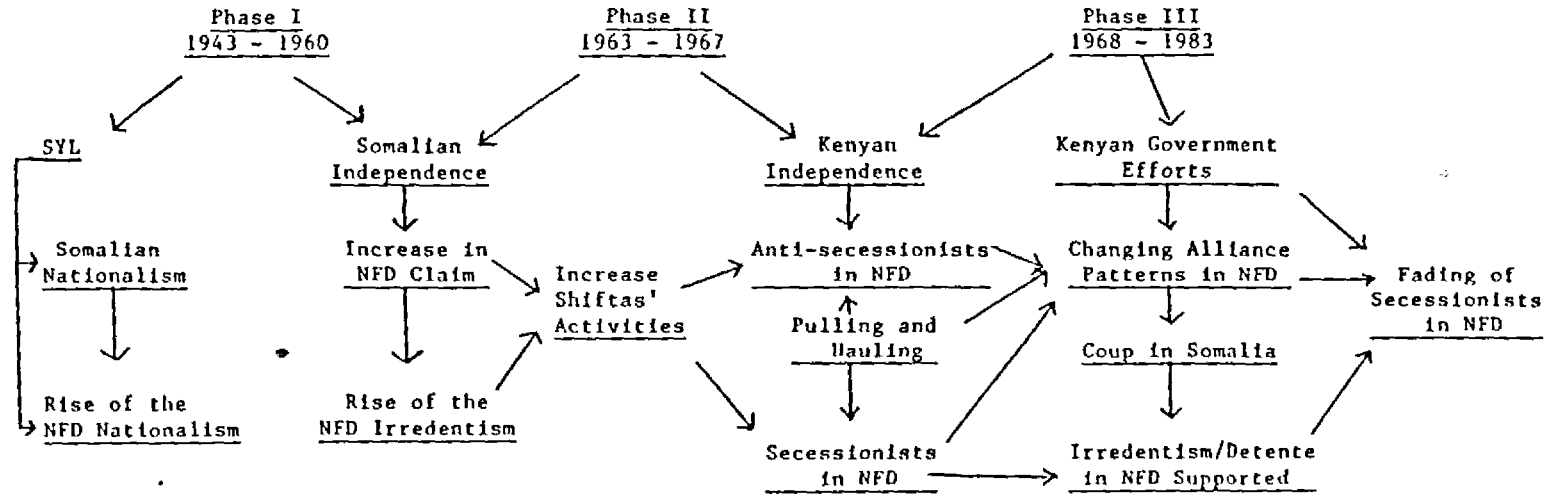
Phase III: The majority opinion in the NFD now supported the Kenya Government in an effort to reduce human suffering caused by the shifitas. After the 1969 Somalian coup, however, a campaign to re-unite the Somalis in the Horn was reactivated. However, the change of attitudes toward secession among the peoples of the NFD has since 1967 retarded secessionist activities in the area.

The growth of demand for self-determination in the NFD and the contradictions which arose therefrom have gradually faded since Kenya's independence. Colonial self-determination has since independence been replaced by the legitimacy of respect for sovereignty and territorial integrity. The expressed will of the peoples of the NFD to participate in the political processes with the rest of the Kenyans further legitimizes Kenya's obligation to ensure stability of her territory as required in the international community of states. Sovereign states, as persons of international law, are obligated to safeguard their territorial integrity as stipulated in the UN Charter among other international organizations.

Conclusion

This chapter has examined the views of the NFD inhabitants with respect to their demands. The evidence indicates that two dominant opinions emerged prior to and after the 1963 Kenya independence. While the "Kenya Opinion" opposed the dismemberment of the NFD, the "Somali Opinion" called for its independence and thereafter unification with

Figure Two

A Model of Conflict Patterns in the NFD

Somalia. The British position on the issue changed somewhat. It ranged between accommodating the "Somali Opinion" in 1962 to a position of full support of the "Kenya Opinion" in 1963 and thereafter.

The evidence also shows that the shifita activities were intensified between 1963 and 1967, resulting in the loss of property and thousands of human lives. Since 1964 two opinion emerged among the secessionists. First, some secessionists joined hands with the Kenya Government in condemning the shifita activities. This action was reinforced by the election in the Northeastern Province of representatives to the Regional and National Assemblies. Second, the other group of secessionists continued their demand for unification with Somalia. For example, the supporters of secession sent a delegation to the 1964 World Muslim Council Conference held in Mogadishu, Somalia to present their case.

It can therefore be argued that Kenya invoked the doctrine of territorial integrity vis-a-vis Somalia within this period, 1963 and 1967. This supports Hypothesis One which assumes that Kenya's foreign policy behavior towards Somalia based on respect of the principle of territorial integrity is influenced by the NFD secessionists. However, we cannot completely rule out the applicability of Hypotheses Three and Two. While Hypothesis Three assumes that Kenya's foreign policy behavior towards Somalia is influenced by the latter's claim on the NFD, Hypothesis Two assumes that both the Somalian claim and the NFD Somalis' claim influence Kenya's foreign policy behavior.

After the 1967 Arusha Agreement between Kenya and Somalia, the shifita activities in the NFD decreased considerably over time. This suggests that cordial relations between Kenya and Somalia had a positive effect on the NFD inhabitants. It can therefore be stated that Hypothesis One was most applicable between 1963 and 1967.

The analysis in the chapter also indicates that the NFD was marked with relative calmness even after the 1969 military coup in Somalia. However, we have shown that the period of calmness in the NFD, 1969 to 1983, was punctuated with irregular shifita activities. Thus, consistency on Kenya's foreign policy behavior towards Somalia based on respect of the doctrine of territorial integrity is influenced by other variables. This leads us to the next chapter in which we shall analyze the Somalian view with respect to the NFD issue.

FOOTNOTES AND READINGS

- ¹Great Britain, Kenya: Report of the Northern Frontier District, Command 1900 (London: 1962), pp. 2-3; See also, Kenya-Somalia Relations, (Nairobi: Government Printer, 1967), p. 2.
- ²Great Britain, Report of the Northern Frontier District, p. 4
- ³I. M. Lewis, "The Problem of the Northern Frontier District", Race and Class, 5(1), July 1963, pp. 52-53.
- ⁴John Drysdale, The Somali Dispute (London: Pall Mall Press, 1964), p. 35.
- ⁵Kenya, Kenya-Somalia Relations, p. 2. Half-Somalis are the Adjuran and Gurreh who have absorbed some features of the Galla culture. They speak either Galla, Somali or both. However, they regard themselves as Somalis.
- ⁶Ibid.
- ⁷Lewis, "The Problem of the Northern Frontier District," p. 52.
- ⁸Ibid., p. 54. For details regarding the historical movements of the Somalis in the Horn of Africa see for example, I. M. Lewis, "The Somali Conquest of the Horn of Africa," Journal of African History, 1(2), 1960, pp. 213-230; I. M. Lewis, Peoples of the Horn of Africa, (London: International African Institute, 1955).
- ⁹Great Britain, Treaty Between the United Kingdom and Italy, Her Majesty's Stationery Office, Command 2194, (London: 1924).
- ¹⁰A. A. Castagno, "The Somali-Kenya Controversy: Implications for the Future," Journal of Modern African Studies, 2(2), 1964, p. 169.
- ¹¹Ibid., p. 170.
- ¹²Drysdale, The Somali Dispute, pp. 37-38.
- ¹³Castagno, "The Somali-Kenya Controversy," p. 171.
- ¹⁴Great Britain, Report of the Northern Frontier District, p. 7.
- ¹⁵Castagno, "The Somali-Kenya Controversy," p. 171.
- ¹⁶Lewis, "The Problem of the Northern Frontier District," p. 56.

¹⁷Ibid.

¹⁸Drysdale, The Somali Dispute, p. 104. See also Lewis, A Modern History of Somalia, p. 186.

¹⁹Ibid.

²⁰"Kenya's Seventh Region," East African Standard (Nairobi) March 11, 1963, p. 1.

²¹Great Britain, Report of the Northern Frontier District, p. 9.

²²Ibid., p. 10.

²³Great Britain, Report of the Kenya Constitutional Conference, Her Majesty's Stationery Office, Command 1700, (London: 1962), p. 11.

²⁴Great Britain, Report of the Regional Boundaries Commission, Her Majesty's Stationery Office, Command 1899, (London: 1962), p. 16.

²⁵Drysdale, The Somali Dispute, p. 106.

²⁶Great Britain, Report of the Northern Frontier District, p. 10.

²⁷Castagno, "The Somali-Kenya Controversy," p. 175; Great Britain, Report of the Northern Frontier District, p. 11.

²⁸"Somali Covets the NFD as Third Point of Star," East African Standard (Nairobi), March 12, 1963, p. 4.

²⁹Great Britain, Report of the Northern Frontier District, p. 68. See also Lewis, "The Problem of the Northern Frontier District," p. 57.

³⁰Drysdale, The Somali Dispute, p. 105.

³¹Ibid., p. 106.

³²Ibid.

³³Somalia, The Issue of the Northern Frontier District (White Paper), (Mogadishu, May 1963), pp. 15-16.

³⁴Ibid., p. 16.

³⁵Quoted from Colin Legum, "Reactions in Kenya", Africa Report, 8(4), April 1963, p. 6.

- ³⁶Quoted from Drysdale, The Somali Dispute, p. 109.
- ³⁷Great Britain, Report of the Kenya Constitutional Conference, p. 11.
- ³⁸Castagno, "The Somali-Kenya Controversy," p. 179. See also Lewis, "The Problem of the Northern Frontier District of Kenya," p. 58.
- ³⁹Great Britain, House of Commons. Debates, Official Report, 673 (1963), p. 100.
- ⁴⁰"Kenya Self-Rule After May Elections: Somali Trouble Area to Become Seventh Region," The Times (London), March 9, 1963, p. 8. See also "Kenya", Facts on File: World News Digest, Vol. 23 (1167), 1963, p. 91.
- ⁴¹"Kenya Self-Rule After May Elections: Somali Trouble Area to Become Seventh Region," The Times (London), March 9, 1963, p. 8.
- ⁴²Donald Rothchild, "Majimbo Schemes in Kenya and Uganda," in Transition in African Politics, eds. Jeffrey Butler and A. A. Castagno, (New York: Praeger, 1967).
- ⁴³Somalia, The Somali Republic and African Unity, (Mogadishu, 1962), p. 33.
- ⁴⁴"Ethiopia Concern Over Border Changes with Somalia," African Recorder, vol. 2, January 1963, p. 317.
- ⁴⁵Ibid.
- ⁴⁶"Kenya Somalis Tear British Flag Down," The Times (London), March 13, 1963, p. 12. See also, "Somalia: Severance of Ties with Britain," African Recorder, vol. 2, January 1963, p. 446.
- ⁴⁷"Riot Troops Go to Frontier," The New York Times, March 12, 1963, p. 40. For details about the "Operation Sharp Panga," see, "Big Army Exercise in Kenya," The Times (London), February 23, 1963, p. 7.
- ⁴⁸"Mr. Sandys Defends NFD Action," East African Standard (Nairobi), March 13, 1963, p. 1.
- ⁴⁹Commissioner Wounded in Kenya: Riot Squad Clash with Tribesmen," The Times (London), March 14, 1963, p. 12. The freed man was later rearrested after a clash with riot police.

- 50"Kenya: Deft Duncan," The Economist (London), March 16, 1963, p. 987.
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CHAPTER FOUR

SOMALIA AND THE ISSUE OF THE FORMER NORTHERN FRONTIER DISTRICT OF KENYA

The unification of the Somalis in the Horn of Africa has for many years been the aim of the Somali leaders. The efforts to unify the Somalis have been centered on the principle of self-determination. This principle, therefore, plays an important legal, moral, and political role in the Somalian drive to unify the Somalis. Article 6(4) of the Constitution of the Somali Republic, adopted in July 1960, stipulates that:

The Somali Republic shall promote, by legal and peaceful means, the union of Somali territories and encourage solidarity among the peoples of the world, and in particular among African and Islamic people.¹

This article reveals that union of the territories inhabited by Somalis became an official commitment of the Somali Republic.

Similarly, Article 16 of the 1979 Constitution adopted by the Military Administration provides that:

The Somali Democratic Republic adopting peaceful and legal means shall support the liberation of the Somali territories under colonial occupation and shall encourage the unity of the Somali people through peaceful means and their free will.²

The unification of the territories occupied by Somalis has therefore been the cornerstone of the foreign policy of Somalia since her independence in 1960.³

The purpose of this chapter is to examine the Somalian claim to self-determination of Somalis in the NFD as part of her larger aim of Somali unification. What this chapter intends to establish, therefore, is the recurring need by Somalia to incorporate the NFD. By isolating the Somalian claim in this context, we wish to demonstrate that her claim on the NFD influences Kenya's foreign policy behavior based on respect for the principle of territorial integrity. The chapter is meant neither to support nor to criticize the Somalian official position on the issue of the NFD. Except where it is necessary to support the argument, the Somalian claim for self-determination of the Somalis in Ethiopia and Djibouti (formerly French Somaliland) is ignored.

In order to provide a better understanding of the need to unify the Somalis in the area, the chapter will be divided threefold. The first part covers the historical origins of the struggle to unite the Somalis from the time of Sheik Mohammed Abdullah Hassan to the 1960 Somalian independence. The second part deals with the official positions of the Civilian Administrations, 1960 to 1969, regarding the issue of the NFD. The third part analyzes the position of the Military Administration, 1969 to 1983, on the question of the NFD.

For the purpose of this chapter the analysis covering the period 1960 to 1983 is mainly based on the Somalian official statements. Specifically, we shall examine such statements both in Somalia and in international forums on the issue of the NFD. This is not to argue, however, that we shall ignore other variables exhibited by Somalia or

the Somalian people which relate to the issue of the NFD. Indeed, the views which have been expressed by the scholars who have written on the issue under study will form part of the analysis.

The Somali Unity Drive: From Abdullah Hassan to the 1960 Somali Independence

The 1885 Treaty of Berlin marked the beginning of the institutionalization of the colonial powers' control of Africa. The Europeans set the rules for the claims of sovereignty into what they called "spheres of influence." Virtually all of Africa was either directly or indirectly colonized for some years. In this process of colonization the African "states" became objects of international law. Abi-Saab, however, argues that "the newly independent Afro-Asian nations qualified as "states" before their colonization even by the standard of European international law prevailing at the time.⁴ However, the African States and peoples were subdivided by the artificial boundaries demarcated by the European colonialists, and the African peoples' resistance to the process of colonization was suppressed.

One such resistance to the British, Italians, and Ethiopians was that led by Sheikh Mohammed Abdullah Hassan (also known as the "Mad Mullah") from 1900 to 1920. Thus, the "modern Somali nationalism is said to commence with Sheikh Mohammed Abdullah Hassan."⁵ Abdullah Hassan organized his followers into a religious-nationalistic movement known as the Dervishes. Ethnically, Sheikh Mohammed belonged to the Ogaadeen (Ogaden) clan-family.⁶ Without going into historical details

about Sheikh Mohammed's religious and military campaigns, we shall only summarize his objectives and accomplishments.⁷

The objectives of Sheikh Mohammed were mainly fourfold. First, in order to purify Islam, he waged holy wars (jihads) against the Somali kaffirs or infidels who did not follow his teachings. Second, he was determined to rid Somaliland of what he called European Christian infidels who were destroying the Muslim faith of his people. Third, he organized military campaigns against foreigners in the Somali territories. Fourth, he was determined to unify the Somalis under Islamic nation.⁸ Sheikh Mohammed can therefore be viewed not only as a religious leader but also as a political figure.

The major accomplishments of Sheikh Mohammed were three. First, he set the stage for the Somali consciousness against the colonial rule. Second, by attracting large followers who supported his religious teachings and holy wars, he established what has become known as Pan-Somalism. Third, he was seen by Somalis "as a natural figure appeal to the patriotic sentiments of Somali as Muslims irrespective of their clan or lineage allegiance."⁹ After his death in December, 1920, Abdullah Hassan's campaign for Somali unification was taken over by political parties from 1930s and beyond.

After existing under various titles the Somaliland National League (SNL) was founded in British Somaliland in 1935. Its programs pledged:

To work for the unification of the Somali race and Somali territories; to work for the advancement of the Somali race by abolishing clan fanaticism and encouraging brotherly relations among

Somalis; to encourage the spread of education and the economic and political development of the country; and to cooperate with the British Government or any other local body whose aims are the welfare of the inhabitants of the country.¹⁰

The SNL therefore carried on with the policy of Pan-Somalism established by Sheikh Mohammed Abdullah Hassan. The SNL was supported mostly by the Ishaaq clan (Isaq) in the British Somaliland. It also had "some connexion with the Ishaqiya of Kenya" in the NFD.

After the defeat of the Italians in 1941, Italian Somaliland fell under the British Military Administration. It was in this part of Somalia that the Somali Youth Club (later renamed Somali Youth League) was founded in 1943. By 1947 the Somali Youth League (SYL) was organized as a dominant political party. The SYL sought:

To unite all Somalis generally and the youth especially, with the consequent repudiation of all harmful old prejudices, such for example as tribal distinctions. To educate the youth in modern civilization by means of schools and by cultural and propaganda circles.¹²

The "paramount importance which the SYL attached at this early period (1940s) to the Pan-Somali ideal was made more explicit" during the Four Power visit to Somalia.¹³ The SYL stated that: "The union of Italian Somaliland with the other Somalilands was their primary objective, for which they were prepared to sacrifice any other demand standing in the way of the achievement of Greater Somalia."¹⁴ In a joint statement to the Four Power Commission the SYL and the SNL reaffirmed their wish to "be united as one Somali Nation" consisting "of all areas at present predominantly populated by Somalis."¹⁵

Meanwhile in the 1950s the preparations for the independence of the British Somaliland and the Italian Somaliland were under way.¹⁶ The two dominant political parties, the SYL and the SNL, continued to advocate the Pan-Somali cause. Lewis argues that the SYL, the most influential political party in Somalia, sought to link "together under one Somali government of all the Somali territories from French Somaliland (now Djibouti) to the Northern Province of Kenya."¹⁷ It has also been observed that "the call to Pan-Somali nationalism is to a large extent founded on the Islamic ideal of the brotherhood of Muslims within the Somali community."¹⁸

The SYL won the first general elections held in 1956 in Somalia. Its first Prime Minister, Mr. Abdullahi Issa, stated his government's commitment to Somali unification. He stated that:

The Somali form a single race, practice the same religion and speak a single language. They inhabit a vast territory which, in its turn, constitutes a well-defined geographic unit. All must know that the Government of Somalia will strive its utmost with the legal and peaceful means which are its democratic prerogative to attain this end: the union of Somalis, until all Somali form a single Greater Somalia.¹⁹

The Somali cause for self-determination received an endorsement from the first Conference of the Afro-Asian Peoples' Solidarity Organization (AAPSO) held in Cairo, Egypt, 1957. Although its resolution did not specifically refer to Somali unification, it stated that: "the Conference supports the struggle of the Somali people for their independence and recognizes their right to self-determination."²⁰

Touval, however, argues that this resolution was ambiguous and could be interpreted to imply "support for secession as an expression of self-determination."²¹ However, the Russian delegate, who headed the Supreme Soviet team to the Conference, was more explicit in his reference to the Somali desire for unification. Sharaf Rashidov stated that: "not only the people of Somali are deprived of the opportunity of reuniting but also were the peoples of French Equatorial Africa, Cameroons, Taiwan, India, Indonesia, Yemen, Okinawa, Vietnam and Korea."²²

The Somali drive for unification also received an explicit endorsement at the first All-African Peoples Conference (AAPC) held in Accra, Ghana, in 1958. This non-governmental body of political parties and organizations was initiated by President Kwame Nkrumah of Ghana.

One of its resolutions stated that All-African People Conference:

denounces artificial frontiers drawn by imperialist powers to divide the people of Africa, particularly those which cut across ethnic groups and divide people of the same stock; calls for the abolition or adjustment of such frontiers at an early date; calls upon the Independent States of Africa to support permanent solution to this problem founded upon the true wishes of the people.²³

The resolution appears to be reconciliatory and idealistic in its call for the abolition of the colonial boundaries.

The 1958 AAPC resolution gave the principle of self-determination a meaning which conformed with that advocated by the Somali leaders. In its second meeting in Tunis, Tunisia, in January 1960, the AAPC again adopted a resolution which endorsed the Somalian view. The resolution

called for the support for the Somali struggle "for independence and unity in order to give birth to a bigger Somaliland."²⁴

Similarly, at the second AAPSO held in Conakry, Guinea, in April, 1960, a resolution was adopted which, according to Touval, "endorsed Somali claims to parts of Ethiopia and Kenya."²⁵ The resolution provided for "the glorious struggle of the Somali people for their freedom, independence, and unification."²⁶ The Somali drive for unification appeared to have gained favorable momentum in the non-governmental organizations' conferences.

The hope for Somali unification achieved its first success in July, 1960, when British Somaliland and Italian Somaliland were amalgamated into a Republic. The Somali Republic now assumed the responsibility as an independent state to pursue its goal of self-determination for the Somalis. It is the views of the Somali Administrations with respect to the NFD issue which we now seek to analyze.

The Osman-Shermarke Administration and the NFD Conflict, 1960-1964

Our dear brothers in Mandera, Marsabit, Moyale, the honorable people of the NFD. We thank you and you deserve a tremendous welcome. If you do not change your course today, you will achieve your purpose and be free. Then we shall be together in a freedom that is sweet. And as for our people in Mogadishu, I can say this much to them: We as leaders are still continuing with the job. Many of our lands are still missing.²⁷

The words of the above Liberation Song espouse the theme for the Somali unification drive which was carried into the 1960 independence. One of the major tasks which faced President Osman and Prime Minister

Shermarke was how to win African and world opinion on the issue of Pan-Somalism. The new Republic's Constitution referred to earlier in this chapter reflects this strategy. It calls for "Solidarity among the peoples of the world, and in particular among African and Islamic peoples."²⁸

At this 1960 Addis Ababa (Ethiopia) Conference of Independent African States, the Somali delegate stated that:

We find ourselves facing today problems of boundaries all over the continent; these will endanger our African unity. These problems should be treated urgently by the interested States in a friendly and cooperative manner in the African spirit and justice.²⁹

The Somali position, though not completely abandoning its drive for unification, appears to have shifted somewhat. It did not explicitly mention the need for Somali unification as was the case in nongovernmental bodies already discussed. Perhaps, the Osman-Shermarke leadership was still defining a strategy to adopt before the creation of the OAU. Alternatively, the momentum which was building against the redrawing of the boundaries of the African States may have necessitated such a strategy.

President Osman clearly stated his administration's position with regard to the NFD. In a statement released by the Embassy of the Republic of Somalia he stated that:

With regard to the Somalis in Kenya, the view of the Somali Republic is that the future of the NFD remains one for final settlement by the British Government before Kenya achieves independence. It believes that the British should apply the principle of self-determination to the Somalis in the NFD, permitting them to become a

part of the Somali Republic or part of independent Kenya according to the wishes of the majority of the people in the area.³⁰

As discussed in Chapter Three, the majority of the inhabitants in the NFD expressed the desire for secession and unification with Somalia.

As one scholar argues, Somalia linked the principle of self-determination with "the revision of colonial boundaries following the independence of African States."³¹ At a dinner hosted in honor of Mr. Kenyatta in Mogadishu, President Osman explained the Somali view of self-determination in the following manner. He stated that:

The principle of self-determination, when used properly to unify and enlarge an existing state with a view towards its absorption in a federal system of government is neither balkanisation nor fragmentation. It is a major contribution to unity and stability, and totally consistent with the concept of Pan-Africanism.³²

According to President Osman, therefore, "a desire for unity must be matched by a willingness to sacrifice a measure of sovereignty."³³ He also argued that "the outmoded concept of territorial integrity must vanish from our habitual thinking because its roots are embedded in colonialism."³⁴ The Somalian position with respect to self-determination, therefore, subordinates territorial integrity to Pan-Somalism. As will be explained in Chapter Six, this view runs counter to Kenyan interpretation of the principles of self-determination and territorial integrity.

Since Pan-Africanism is simply geared toward the federation or unity of African States, Pan-Somalism is seen by Somalia in the same context. Thus, strict adherence to sovereignty and territorial integrity is

interpreted by Somalia as a negation of the Pan-African goal. On the other hand, Contini argues that "Greater Somalia is the only issue that moves all Somalis and is the ultimate political yardstick by which the worth of every man in Somali public life is measured."³⁵

Taking a similar view, Legum argues that "Somali popular opinion is in support of the demand by the Kenya Somalis to be united with their homeland."³⁶ He finds no other alternative for the Osman-Shermarke Administration but to acquiesce to the Somali public demand. Legum further argues that "had the Somali Government refused to take a tough stand it would certainly have fallen."³⁷

The visit to Somalia by the leaders of Kenya's two dominant political parties, KANU and KADU, in 1962 was an indication of their concern about the Somalian interests in the NFD. The Somalian interests were expressed again after the 1962 NFD Commission reported its findings. The details of the report were discussed in Chapter Three and need not be stated here again. It can only be stated that the NFD Commission found out that most of the people of the NFD favored secession and its corollary, unification with Somalia.

Following the release of the NFD Commission's findings, Somalia clearly expressed her position on the issue. The Somali Government published a document in May 1963 on the NFD issue, in which her position was explained in this terms. It stipulated that "as evidence of the will of an overwhelming majority of the people of the NFD for unity with the Somali Republic" and "in recognising the right of self-determination

of the people of the NFD" the Government of Somalia was "prepared to accept as its own duty the assumption of sovereignty over the territory and people in question.³⁸ Meanwhile a large crowd of Somalis greeted the NFD delegates who visited Somalia for consultations on the issue.³⁹

The link between Somalia and the NFD secessionists supports hypothesis two which assumes that the two variables (Somalia and NFD Somalis) influence Kenya's foreign policy behavior towards Somalia based on respect of territorial integrity. As Kenya's independence approached, both Somalia and the NFD pro-secessionists intensified their campaign for reunification. Thus, the announcement by the British Government to carry out the plans for elections in Kenya was rebuffed in Somalia.

The Somali Prime Minister, Dr. Shermarke, stated that:

The only way in which Her Majesty's Government could avoid an outright and public charge of breach of faith would be to postpone all forthcoming elections in the Northern Frontier District (but not of course in Kenya proper) in accordance with the undertaking that there will be no change in the status of the Northern Frontier District until a decision has been taken on the political future of the territory. I cannot see that a postponement of elections in the Northern Frontier District will in any way prejudice Kenya's constitutional progress towards independence which we have no desire to impede.⁴⁰

The statement is a clear indication of the consistency in the Somali interest to incorporate the NFD. This interest was reaffirmed even after the British Government decided to create a seventh region from the NFD.

The British Colonial Secretary, Mr. Sandys, released an official statement which stated that:

Her Majesty's Government have now decided that, as part of the constitutional arrangements for internal self-government in Kenya, the predominantly Somali areas referred to in the report of the Regional Boundaries Commission should be formed into a separate seventh region, a status equal to that of other regions in Kenya.⁴¹

The predominantly Somali areas, Wajir, Garissa, and Mandera, became the Northeastern Region or the seventh region. The decision to create the seventh region, the statement explained, would "give to its inhabitants greater freedom in the management of their own affairs and more effective means of safeguarding their interests and maintaining their way of life."⁴²

Following the British decision to create the Northeastern Region (seventh region) from the NFD, there were widespread violent demonstrations in Somalia against Britain.⁴³ The Somali Government reacted by severing diplomatic relations. In a vote of 74 to 14 the Somali National Assembly approved a motion to break diplomatic relations with Great Britain. The motion stated that:

The National Assembly of the Somali Republic noting with deep regret that the foreign policy conducted by the United Kingdom damages the interests of the Somali nation, supports the decision of the Government to break diplomatic relations with the United Kingdom.⁴⁴

This was a clear indication of the determination of the Osman-Shermarke Administration to incorporate the NFD. It was estimated that Somalia lost aid worth about \$3.6 million from Britain as a result of the decision.⁴⁵

While the Osman-Shermarke Administration gained strong support from the Somali people and the National Assembly on the NFD, world opinion on Pan-Somalism was not favorable. This can be attributed to the emergence of newly independent states, particularly in Africa. At the AAPSO Conference held in Moshi, Tanganyika, in 1963, the Kenyan and Somalian delegates clashed over the issue of the NFD. The head of the Somali delegation argued that "it is manifestly wrong that our brothers in other part of Kenya, who are struggling for their own self-determination, should wish, on spurious grounds of prestige, to deny the people of the NFD of Kenya the right to their own self-determination."⁴⁶ The Kenya delegation's response, which will be discussed in Chapter Six, was equally against secession. Thus, the "Somali argument with Kenya over the NFD was not allowed to be placed on the agenda."⁴⁷

The greatest setback for the Pan-Somali cause, however, began with the foundation of the OAU. As discussed in Chapter Two, the newly independent African States strongly supported the principle of uti possidetis. This position was reflected in the OAU Charter which, in its Article III(3) called for "respect for the sovereignty and territorial integrity of each State."

At the OAU summit, President Osman stated that:

It has been suggested by some that any attempt to adjust existing boundary arrangements would aggravate rather than ease the situation, and for that reason matters should remain as they are. We do not subscribe to that view for several reasons: It would amount to us condoning actions and policies which we know very well are wrong and unjust. It would, too, admit a defeatist attitude and imply a lack of courage to solve African problems. Finally, it

would show that we are shortsighted to think that African Unity can be achieved by sidetracking the contentious issues that are the realities of the African scene.⁴⁸

President Osman's statement was a clear indication of his administration's determination to pursue self-determination for the Somalis in the Horn of Africa. The Kenyan position, which will be discussed in Chapter Six, was equally against such a position.

In an attempt to create a better understanding between Kenya and Somalia, the Ugandan Prime Minister, Mr. Obote, sent a letter to the Somali Prime Minister urging his government to drop its demands on the NFD. The letter stated that "in almost every country in Africa there are minority groups having racial, religious and tribal affinities with neighbouring countries, but we should exercise great caution in considering revision of boundaries purely on those grounds."⁴⁹ In his reply, the Somali Prime Minister, Dr. Shermarke, repeated his Government's firmness on the NFD question. He stated in the letter that the NFD was the outcome of the British colonial bargain and need not be ignored by the parties concerned.⁵⁰

Further negotiations on the NFD issue were arranged by the British Government. The Conference was held in Rome on August 25, 1963, between the Governments of Britain, Kenya, and Somalia. It was meant to find a formula for settling the dispute. In his opening address the leader of the British delegation stated that "the British Government considered that it would be wrong to take a unilateral decision about the frontiers of Kenya without reference to the wishes of the government of that

country; and that agreement should be sought by the African governments concerned working and negotiating within an African framework."⁵¹

The British statement redirected the Kenya-Somali dispute over the NFD within the OAU framework. This appears to be a new position advocated by the British. As already discussed, the OAU had endorsed the uti possidetis principle in Addis Ababa. Thus, any dispute regarding the territorial integrity of a Member State was viewed to constitute a violation of the Addis Ababa spirit.

The preamble to the proposal tabled by the Somali Prime Minister, Dr. Shermarke, at the Conference in Rome stated that:

The Northern Frontier District is, and always has been, historically, geographically, economically, ethnically and culturally a separate entity from Kenya proper; the overwhelming majority of the inhabitants of this area expressed to the recent Independent Commission, which ascertained their wishes as to their political future, their desire to unite with Somali Republic; Her Majesty's Government . . . has an obligation to take a final decision on its political future in accordance with declared wishes of the people.⁵²

The Somali statement reiterated her position, which had been pursued even prior to her independence.

The Somali Government's proposals at the Rome Conference were as follows:

the whole of the Northern Frontier District with its six districts (Wajir, Garissa, Mandera, Moyale, Marsabit, and Isiolo), being the disputed area, should be placed under a special administration. Such administration should be either: (i) a joint Somali/Kenya administration, or (ii) placed under United Nations administration.⁵³

The Somali proposal carefully avoided mentioning the OAU as its alternative forum. The Kenya Government's proposals will be discussed in Chapter Six. However, there were two elements in the proposal which are relevant here.

First, the Kenya Government agreed to "recognise the interest of Somalia in the future on any people of Somali origin residing in Kenya."⁵⁴ Second, the Kenya Government was willing to "accept that the Somali Government will be free after Kenya's independence to bring the matter to the notice of African states within the spirit of the Addis Ababa resolutions."⁵⁵ Indeed, the Addis Ababa spirit, as mentioned elsewhere, is in conformity with Kenya's insistence on respect for the principle of territorial integrity.

The issue of the NFD was also discussed in the United Nations General Assembly. The British representative stated his government's position again on the NFD question. He reiterated that his government "was convinced that it would be wrong for it to take a unilateral and arbitrary decision about the frontiers of Kenya contrary to the wishes of the Kenya Government."⁵⁶ He again emphasized that "it is in the interest of everyone that a solution should be sought by the African countries concerned, in an African framework."⁵⁷

The Somali delegate to the UN General Assembly reaffirmed his government's position on the NFD issue. He stated that "it is the United Kingdom that has annexed the Northern Frontier District to Kenya, and therefore there is an inescapable obligation on the part of that

government to correct the unlawful usurpation of the territory of the Northern Frontier District."⁵⁸ On the suggestion by the British that the NFD issue should be discussed within the framework of the Addis Ababa spirit, the Somali delegate stated that the OAU Charter does not "conflict with our position on this problem." He further stated that "the African Charter specifically accepts without any qualification the right to self-determination and freedom for all the people of Africa."⁵⁹

The Kenya-Somali dispute over the NFD question was discussed again by the OAU Council of Ministers in February, 1964. The meeting which was held between 12-15 February in Dar-es-Salaam, Tanzania, was called mainly because of hostilities which broke out between Ethiopia and Somalia. Since there were tensions between Kenya and Somalia the Extraordinary Session of the Council of Ministers also adopted resolutions addressed to those tensions. The resolution adopted on the Kenya-Somalia dispute stated that:

Having heard the statements of the delegates of Kenya and Somalia on the question of frequent border incidents in the North-Eastern Region of Kenya, bordering on Somalia . . . (1) Calls upon the Governments of Somalia and Kenya to take the necessary steps to settle the present dispute in the spirit of paragraph 4 of article III of the Charter; (2) Calls upon the Governments of Somalia and Kenya to refrain from further provocative actions and propaganda while a peaceful settlement of the dispute is being sought.⁶⁰

Article III (4) referred to in the above resolution calls upon Member States to declare their adherence to "peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration."

Similarly, the Council of Ministers meeting in Lagos, Nigeria, redirected the attention of Kenya and Somalia to adhere to the Addis Ababa spirit with respect to their dispute. The Council of Ministers adopted a resolution stipulating that:

Recalling paragraph 4 or Article III of the Charter: (2) Invites the Governments of Kenya and Somalia to open as soon as possible direct negotiations with due respect to paragraph 3 of Article III of the Charter with a view to finding a peaceful and lasting solution to differences between them.⁶¹

The resolution was adopted as a result of "the border incidents which occurred between Kenya and Somalia" because of shifita activities in the NFD.

In a separate meeting during the Lagos Conference, the Kenya and Somali delegates reaffirmed their positions. The Somali delegate "claimed the right of self-determination for its (NFD) population."⁶² The Kenyan delegate, however, argued that "the principle of self-determination was inapplicable to people living in an independent state, and that the redrawing of borders on ethnic grounds would affect many African states."⁶³ Touval argues that "the outcome of the Lagos meeting seemed to indicate that an important number of states sympathized with the Ethiopian and Kenyan positions."⁶⁴

Somalia, however, interpreted the outcome of the Lagos Conference differently. In a statement published by the Somali Ministry of Information, it was stated that:

For the first time in recent history, the existence of a problem along Somalia's borders had been openly recognized at an international level. So Africa and the world now know that the

rightful claim of the Somalis still under foreign rule must be accepted before there can be a just and permanent peace in East Africa, and the OAU Charter becomes a reality.⁶⁶

Somalia was prepared to pursue this position further in the next OAU Conference scheduled for July, 1964, in Cairo, Egypt. However, because of constitutional developments in the Somali Republic necessitating the formation of a new government, Somalia requested that the agenda be deleted.

Whereas the OAU Heads of State and Government did not discuss the dispute in the Horn of Africa, a resolution was, however, adopted to that effect. It stated that:

Considering that border problems constitute a grave and permanent factor of dissension, Conscious of the existence of extra-African manoeuvres aimed at dividing African States, considering further that the borders of African States, 'on the day of their independence, constitute a tangible reality . . . (1) Solemnly reaffirms the strict respect by all Member States of the Organization for the principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity; (2) Solemnly declares that all Member States pledge themselves to respect the borders existing on their achievement of national independence.⁶⁷

This resolution was, of course, repudiated by Somalia. The new Somali administration which came to power was therefore faced with the problem of how to approach the NFD question.

Before analyzing the position of the new administration with respect to the NFD issue, several observations relating to the Osman-Shermarke term in office are necessary. First, it has been demonstrated that there was consistency regarding the position of the Osman-Shermarke leadership on the NFD question. Specifically, this administration

consistently pursued self-determination for the Somalis in the NFD. It can be argued that this policy influenced Kenya's foreign policy behavior towards Somalia based on respect for the principle of territorial integrity.

Second, the Osman-Shermarke Administration advocated self-determination for the Somalis in the NFD, not only in Somalia but also in international forums. The Administration received wide support at home for its position. Whereas the Administration received favorable hearing in nongovernmental organizations (AAPSO and AAPC), particularly in the early 1960s, the creation of the OAU in 1963 reversed the momentum. It was indicated that the newly independent states adopted the principle of uti possidetis in Addis Ababa.

Third, the British policy with respect to the NFD question was inconsistent. We discussed elsewhere the fact that in 1962 the British dispatched a Commission to the NFD to determine the wishes of the inhabitants therein. Judging from that position alone, it can be argued that the British were prepared to be neutral on the findings. The British also stated that no decision would be made on the issue of the NFD until after the Commission's report. After the findings of the report were made public the British, at the recommendation of the 1962 Regional Boundaries Commission, created the seventh region from the NFD. It can be argued that the British now expressly supported the Kenya position. In 1963, the British made it clear that the NFD issue could be solved between Kenya and Somalia within the framework of the OAU. In

short, the British positions on the NFD can be identified as follows: neutral (1962), Kenya oriented (1962), and international oriented (OAU framework, 1963 and beyond).

The Osman-Hussein Administration vs. the NFD, 1964-1967

The Osman-Hussein Administration inherited a consistent policy on the issue of the NFD. The previous administration had pursued a policy based on self-determination for Somalis not only in Kenya but in the Horn of Africa in general. The principle of self-determination played a major role in the previous administration. According to Drysdale, "the Somali belief is founded on the principle that the right of self-determination does not end with the transfer of power from a colonial to a national government."⁶⁷ Indeed, our analysis of the previous administration supports this view. What is the view of the Osman-Hussein Administration on the issue of self-determination?

In one of his first press conferences held after his nomination as Prime Minister, Mr. Hussein stated his government's policy with regard to self-determination. He said that:

The right to self-determination of the inhabitants of the Somali territories still under foreign rule will continue to be the prime consideration of my government during its term of office. The government's policy will be to intensify our activities of enlightening world opinion on the righteousness of the Somali case.⁶⁸

The Prime Minister further explained that: "In regard to the dispute with Kenya over the Somali territory of the NFD, my Government affirms

that the only acceptable solution is one that takes into account the wishes of the inhabitants of the area."⁶⁹

The new Somali leadership was therefore determined to pursue a policy consistent with that of the previous administration. On the issue of territorial integrity as invoked by Kenya, among other African states, Prime Minister Hussein stated that:

The principle of respect for another state's territorial integrity presupposes that the state is in lawful possession of that territory. The Somalis maintain that the homogeneity of their nation is unique in Africa, and their demand, that the principle of self-determination be exercised, need provide no precedent elsewhere in Africa.⁷⁰

However, as explained earlier, the 1964 OAU Conference in Cairo explicitly reaffirmed the maintenance of borders as acquired at the time of independence.

It was because of the 1964 OAU resolution that the Somali National Assembly passed a motion rejecting the decision. The motion stated that the OAU resolution on:

the frontiers is in no way binding on the Somali Republic or applicable to the present disputes which the Somali Republic has with Kenya and Ethiopia. Such disputes can only be satisfactorily settled by a recognition of the right of self-determination of peoples and the denunciation of all forms of colonialism or oppression, and that oppression of a people by an African State is no less oppression than when effected by a colonial power.⁷¹

This decision, to our knowledge, has never been reversed. One scholar has argued that "only a minority of African boundary disputes have an ethnic or irredentist basis. However, if the status of the principle of the 1964 resolution were undermined either by divergent practice or

cogent objections of principle, then no doubt more quasi-historical irredentist claims might be made."⁷²

The 1964 OAU resolution on frontiers was reinforced by the Non-Aligned Conference. Meeting in Cairo in October, 1964, the Conference adopted a resolution which reaffirmed "their determination to oppose by every means in their power any attempt to compromise their sovereignty or territorial integrity. They pledged themselves to respect frontiers as they existed when the states gained independence."⁷³ Somalia strongly opposed the resolution on the grounds that it jeopardizes her legitimate right to seek self-determination for Somalis.

Prime Minister Hussein argued that respect for frontiers as they existed at the time of independence "could imply legal recognition or acceptance of existing de facto frontiers which are under current international disputes."⁷⁴ He also argued that while states have accepted "no other part of the colonial legacy without question, it appears that members at the conference are prepared to accept the artificial political frontiers."⁷⁵

In his speech at the Non-Aligned Conference, President Osman also restated the Somali position on the issue of self-determination. He emphasized that "until the Somali people, a nation bound by the strongest links of race, tradition, culture, language and religion, are allowed to achieve their unity in the exercise of their right of self-determination," the border problems would not be solved.⁷⁶

Thus, as one Somali scholar has put it: "the Somali-Kenya and Somali-Ethiopia disputes result from the Somali refusal to recognize the European-drawn boundaries and from the Somali claim of the right to self-determination."⁷⁷ The term "Somali," therefore, "includes all Somalis, whether in Somalia or in the disputed territories."⁷⁸ Indeed, the Osman-Hussein Administration has thus far demonstrated consistency in the pursuit of the Pan-Somali cause.

The President of the German Federal Parliament expressed a sympathetic view about Pan-Somalism when he visited Somalia in December, 1964. In his address to the Somali National Assembly, he stated that "Germany is divided like Somalia, and we are trying to achieve our unity by peaceful means. This shows that we share the same problems. We must work together for the recovery of our lands."⁷⁹ On his part the President of the Somali National Assembly said that:

Both our peoples and territories have been unjustly and brutally partitioned, and they are being denied the basic and inalienable right to self-determination. We Somalis have an unswerving faith in that sooner or later justice will be done, and brother will be reunited to brother, parents to children. Neither walls nor weapons can ever permanently separate a family or a nation.⁸⁰

The statements by the two leaders demonstrate policies pursued by their respective countries both at home and abroad.

At the inauguration ceremony after his election as the Secretary-General of the Somali Youth League, Prime Minister Hussein specified the party's view with respect to Pan-Somalism. He said that "one of the very reason of life for our party, is the legitimate and strong wish for

reunification of all Somali territories and brothers arbitrarily severed from their motherland."⁸¹

When members of KADU crossed the floor in Kenya's Parliament to join KANU, thus making Kenya a de facto one-party state, Somalia expressed its unhappiness. The major concern by Somalia was that the new political development in Kenya was bound to require the elimination of majimbo (regionalism). Somalia argued that in the Kenyan Regional Constitution "there was at least some possibility of the interests of the Somali peoples in these areas (NFD) to be partially represented and protected."⁸²

Somalia also argued that the elimination of regionalism in Kenya was bound to lead to a situation in which the political views of the NFD Somalis were going to be regarded as criminal acts.⁸³ The Somali Republic also maintained that it "has both an interest and a duty to oppose any measures which may affect the right of the Somali people of the former NFD, to self-determination."⁸⁴ Kenya's decision to eliminate regionalism was therefore described by Somalia as contrary to international law.

Two events occurred in Somalia which also provided a forum for the Osman-Hussein Administration to express its desire to unify the Somalis. At a dinner for the visiting Soviet Parliamentarians, Prime Minister Hussein criticized what he called "arbitrary partition of the motherland and its people into five parts by white and black colonialists towards the end of the last century."⁸⁵ He told the visiting Soviet delegation

that two parts of Somalilands have been joined "but the other three parts still remain under foreign domination."⁸⁶ The three parts of the Somalilands referred to in the speech were the NFD, Ogaden (Ethiopia), and French Somaliland (now Djibouti).

In reply, one of the Soviet Parliamentarians acknowledged the artificial boundaries in Africa created by the colonialists. However, he suggested that "the African states united in the framework of the OAU will find a way" of resolving the disputable questions.⁸⁷ Indeed, the Soviet Parliamentarian was careful not to trigger criticisms among most OAU members who had endorsed the uti possidetis principle. He therefore chose to refer the Somali leader to the OAU framework.

However, the Somali desire for unification got a better hearing in the World Muslim Congress held in Mogadishu. The delegates at the Conference adopted a resolution which provided that the Congress:

1. Fully supports the lawful rights of Somalia in realising the unity of its lands and requests France, Ethiopia and Kenya to the Somali people and the occupied parts the right of self-determination in accordance with the UN Charter, the OAU Charter and that of Human Rights.
2. Condemns the acts of mass extermination and the brutal atrocities committed by Ethiopia and Kenya forces against peaceful unarmed muslims.
3. Requests the governments of Ethiopia, Kenya and France to release all political and civil muslim detainees.⁸⁸

Though the resolution was not binding on the members, it showed a degree of solidarity among the Muslim countries with regard to the Somali desire for unification. The Secretary-General of the World Muslim Congress also stated at the end of the Conference that "we have

unanimously agreed that the Somali people should come under a single government and pray that God would make it easy for the Somalis to achieve their unification."⁸⁹ The outcome of the conference can be considered as a triumph for the Osman-Hussein Administration in its pursuit to incorporate the NFD and other parts of Somalilands.

When asked by a Voice of America correspondent about what kind of Africa he would like to see in ten years, Prime Minister Hussein dwelt on the arbitrary colonial boundaries. In his statement he expressed a hope that all bad heritage which colonialism had left behind in the continent such as "artificial lines between countries or between people who used to belong to one nation and who today seem to be two different nations" would be solved.⁹⁰

Similarly, when Prime Minister Hussein was interviewed by the East African Bureau Chief, Time-Life, on the issue of Greater Somalia, he clearly stated his Administration's position, saying that:

The desire of all the Somalis to re-unite their people in their own homeland and to live under one national flag is not a desire that has been promoted by the actions of any one man or by any given group, but one which springs spontaneously from the hearts of all Somalis wherever they may be. In advocating the cause for re-united Somalia, the Somali Government is simply giving expression to the general will of the Somali nation. This, in fact, is one of the Government's first mandates.⁹¹

Prime Minister Hussein's statement can be analyzed twofold. First, it is an indication that the foreign policy behavior of Somalia regarding the issue of Greater Somalia is influenced by the public's interest in reuniting with other Somalis. Second, it is the official position of

the Republic of Somalia to pursue the policy of Pan-Somalism, irrespective of the public's demand. Thus, the goal of the unification of the Somalis can be regarded as an internal matter. On the other hand, externally, the goal of the unification of the Somalis has strong international "overtones since Somalia can achieve the union of all Somalis only with the voluntary or forced acceptance of that goal by Kenya, Ethiopia, and France."⁹² Thus, unification of Somalis is "not simply a question of 'gathering in' the Somalis but actually of enlarging the Somali state."⁹³

Prime Minister Hussein emphasized that the term "re-united" is more applicable to the Somali case than "Greater Somalia." He argued that "we are neither pursuing a policy of territorial aggrandisement as some unfriendly states would like others to believe, nor are we being motivated in the attainment of our national objective by schemes of political grandiose."⁹⁴ He also outlined the reasons why the Somalis seek re-unification. His reasons included Somali homogeneity; the character of the land of the Somalis; common ethnic and cultural origins; the unique political institutions of Somali society; and the according of a status of second class citizens to Somalis in the areas ruled by foreign powers.⁹⁵ He therefore predicted that the "prospects for Somali unification will continue to improve, and that in the long run the will of the Somali people will rule supreme in the determination of their destiny."⁹⁶

In an interview with a Special Correspondent of the Guardian and the BBC, the Somali Affairs Minister explained that the formation of his ministry "is based on the Somali Constitution which says that every Somali Government should make effort to unite the Somali territories."⁹⁷ He argued that "it is a matter of Somali territories under foreign rule and not a mere border dispute between neighbouring countries. What is happening in NFD today is the unfortunate inheritance from the colonialists and imperialists."⁹⁸ As opposed to Prime Minister Hussein's explanation about the concept, Greater Somalia, the Somali Affairs Minister stated that "the slogan of Greater Somalia was our motto before independence and still is, despite the threats of our enemies."⁹⁹

The Osman-Hussein Administration, as was the case of the Osman-Shermarke leadership, disregarded territorial integrity--particularly if it conflicted with self-determination of Somalis in the NFD and other disputed areas. A former Somali Member of Parliament has argued that "Greater Somalia constitutes no challenge to the territorial integrity of neither Ethiopia nor Kenya."¹⁰⁰ Similarly, the Somali Foreign Affairs Minister has emphasized that:

The Somali Government is determined to oppose, and can never accept, any attempt by the UN or any other organization to pervert the principles of the territorial integrity of states into a principle that all existing territorial holdings are sacrosanct, irrespective of their legality.¹⁰¹

When the AAPSO met in Ghana in May 1965, the conference strongly reaffirmed the "right of peoples and nations to self-determination."¹⁰²

The conference also endorsed the unification of the Somalis. The resolution dealing with the Somali question stated that the conference:

Fully supports the right of the Somali territories to self-determination so that these could realize their national aims for freedom and over-all Somali unity. It has become doubtlessly clear that it is the wish of all the Somali people to realize their independence and unity.¹⁰³

Although the above resolution was adopted to deal specifically with the question of French Somaliland, which was still under French colonial rule, it endorsed the general view of Somali unification. Indeed, as discussed in Chapter Three Kenya was still involved in a protracted war with the shiftas.

In an attempt to create better relations between Kenya and Somalia, President Nyerere of Tanzania offered to resolve the dispute. The talks were held in December, 1965, between Presidents Kenyatta (Kenya) and Osman (Somalia) under the chairmanship of President Nyerere. The discussions, however, ended in a deadlock, with each team accusing the other of not offering concessions. The Kenya delegation's proposal will be discussed in detail in Chapter Six. However, for the purposes of the discussions here it can be mentioned only that the Kenyan delegation charged the Somali team with intention to "revive old arguments for territorial expansion by incorporating certain areas in Kenya into Somalia."¹⁰⁴

The Somali proposals were mainly threefold. First, the Government of Somalia stated that it "makes it public that she does not profess any policy of territorial expansionism nor she believes in the use of and/or

the resort to violence as a necessary means for the solution of international problems."¹⁰⁵ Second, the Government of Somalia also "gave its pledge to cooperate fully with the Government of Kenya in bringing about peace and order in the area in question where public security is reported to have been disturbed."¹⁰⁶ Third, the Government of Kenya, on its part, "recognises the interest of the Somali Republic in the welfare and destiny of the Somali people in Kenya."¹⁰⁷ Kenya's Minister for Foreign Affairs explained that the main reason why the conference failed was the Somali Government's insistence on self-determination of the Somalis in the NFD.

Although Somalia appears to have softened her position on the NFD issue during the Arusha meeting, her insistence that Kenya should recognize her (Somalian) interest in the NFD, in the Kenyan view, negated her concessions. During his visit to the Federal Republic of Germany, Prime Minister Hussein stated that:

The Somali Republic's claim was not in the first instance a claim to Ethiopian or Kenyan territory. It is primarily a claim that the Somali people and territory under foreign domination should, as part of the evolution of African territories towards freedom from the former colonialist rule, be allowed to choose their own political future. This is the right of self-determination of the peoples in these areas and should they express a genuine desire to remain under Ethiopian and Kenyan Administrations and control, then there would be no question of a Somali claim of any kind. But the people in the territories must be given opportunity to express their own free choice.¹⁰⁸

Somalia views President Osman's statement as realistic in the sense that it does not directly claim Kenyan territory. In other words, the claim is directed on the people of Somali origin and not necessarily the

Kenyan territory.¹⁰⁹ However, the relations between Kenya and Somalia continued to deteriorate because of what Somalia called "escalation of raids against Somalis resident in the Northern Frontier District and the actual declaration of war on Somalia."¹¹⁰ The Osman-Hussein Administration, therefore, pursued a policy of self-determination for the Somalis in the NFD without reservations. This was reinforced by President Osman in Moscow when he stated that: "We believe that eventually the desire of these people and their right to self-determination will be satisfied as in other parts of the world."¹¹¹

Prime Minister Hussein again emphasized the need for Somali unification when he addressed the SYL officials and other dignitaries. He said that "political freedom had been considered a necessary condition for the unification of the Somali people."¹¹² President Osman, however, did not survive the presidential elections which were carried out in June, 1967. After the election of Shermarke, considered a militant on Pan-Somali affairs, the latter nominated Mohamed Ibrahim Egal, a moderate, as prime minister.¹¹³ Before analyzing the Shermarke-Egal Administration's policy towards the NFD, a summary is necessary here.

First, the Osman-Hussein Administration's policy vis-a-vis the NFD was based mainly on the call for self-determination of the Somalis in the area. The policy was, therefore, a continuation of the Osman-Shermarke policy with respect to the NFD. Thus, there was

consistency on the issue of the NFD between 1960 and 1967, putting the first two Somali Administrations together.

Second, it has been demonstrated that the Osman-Hussein Administration, like the previous leadership, pursued self-determination for the Somalis in the NFD and in other areas in the Horn of Africa. This effort was carried out both at home and in international forums. It was indicated that the Osman-Hussein leadership received a favorable endorsement in the World Muslim Council with respect to its dispute with Kenya over the NFD. However, the OAU's positions on border disputes were still based on respect for territorial integrity is influenced by the Somalian claim on the NFD. We now turn to the Shermarke-Egal Administration.

The Shermarke-Egal Administration vs. the NFD Question, 1967-1969

The events which led to the defeat of Osman by Shermarke in the 1967 presidential election are outside the scope of this study. However, it can briefly be stated that there was an apparent growing disillusion among the urban elite about the effectiveness of militancy in pursuit of Pan-Somalism.¹¹⁴ A change of tactics was therefore brewing in Somalia. The Prime Minister, Mr. Egal, who was considered a moderate, sought to embark on a policy of detente vis-a-vis Kenya and Ethiopia.¹¹⁵ The purpose of this section, therefore, is to put into perspective the views of the Shermarke-Egal Administration with respect to the NFD.

After his nomination as the Prime Minister, Mr. Egal stated that "the Republic's foreign policy could not be separated from the Somalis under foreign rule. Its policy towards Ethiopia, Kenya, and France could not ignore the Somali lands they occupied."¹¹⁶ On the issue of Pan-Somalism he stated that "Somali unification, as set forth in the Constitution, meant the uniting of Somalis of their own free will, after they had achieved independence."¹¹⁷ He further explained that "Somalia did not seek to annex Kenyan or Ethiopian territory. What we seek is a Somali territory inhabited by Somalis, which belongs to Somalia."¹¹⁸ This position conforms to the policy pursued by the previous leaderships. The policy simply means that any territory inhabited by Somalis is regarded as part of Somalia.

The policy of detente which was pursued by the Shermarke-Egal Administration was not meant to abandon the Somalian primary objective of unification. Prime Minister Egal explained that "it was however open to us to alter the policy of confrontation and to seek accomodation for a detente with our neighbours as a preliminary to creating a suitable atmosphere without abandoning the context of our political aspirations and objectives."¹¹⁹ He emphasized that "we shall continue to put pressure on those countries to this end through diplomatic channels and through the appropriate organs of such international bodies as the UN and the OAU."¹²⁰ Thus, as far as the Shermarke-Egal Administration was concerned, the unification of Somalis could be realized through the process of accommodation of the neighbors.

The negotiations for a peaceful solution to the Kenya-Somali dispute began during the OAU conference in Kinshasa, Zaire, 1967.¹²¹ Both Kenya and Somalia produced a declaration which paved the way for further negotiations. The declaration stated that:

1. Both Governments have expressed their desire to respect each other's sovereignty and territorial integrity in the spirit of Paragraph 3 of Article III of the OAU Charter.
2. The two Governments have further undertaken to resolve any outstanding differences between them in the spirit of Paragraph 4 of Article III of the OAU Charter;
3. The two Governments have pledged to ensure maintenance of peace and security on both sides of the border by preventing destruction of human life and property;
4. The Two Governments have agreed to refrain from conducting hostile propaganda through mass media such as radio and the press against each other.¹²²

The declaration was a clear indication of concessions by the two countries. Kenya had often insisted that the NFD issue is an internal matter and in that regard is not subject to negotiation. That is not to say that two attempts (one in Cairo, 1964 and the other in Tanzania in 1965) had not been made by Kenya to resolve her dispute with Somalia. This policy position will be explored in Chapter Six. Somalia, on her part, agreed to respect Kenya's sovereignty and territorial integrity. This could be interpreted to mean recognition of Kenya's territorial integrity as it is understood by Kenya. The next meeting took place in Arusha, Tanzania, under the chairmanship of President Kaunda, Zambia.

The Arusha Memorandum of Understanding which was signed by President Kenyatta and Prime Minister Egal stipulated that:

1. Both Governments will exert all efforts and do their utmost to create good neighbourly relations between Kenya and Somalia, in accordance with the OAU Charter;
2. The two Governments agree that the interests of the people of Kenya and Somalia were not served by the continuance of tension between the two countries;
3. They therefore reaffirm their adherence to the declaration of the OAU conference at Kinshasa.¹²³

Article 4 of the Arusha Agreement, while reaffirming the two countries' commitment to the Kinshasa declaration adopted earlier, also provided that both Governments agree to:

- (c) the gradual suspension of any emergency regulations imposed on either side of the border;
- (d) the reopening of diplomatic relations between the two countries;
- (e) the consideration of measures encouraging the development of economic and trade relations.¹²⁴

The Arusha Agreement was a clear indication of the determination of the two countries to resolve their dispute over the NFD amicably.

After the Arusha Agreement some demonstrators and leaders in Somalia accused Prime Minister Egal of what they called a "sell-out."¹²⁵ The accusation was based on the Shermarke-Egal Government's acquiescence to "respect each other's sovereignty and territorial integrity."¹²⁶ The Secretary-General of the SYL, Mr. Hussein, former Somali Prime Minister, stated that the Somali-Kenya peace accord "created a grave threat to the peace and security of the country."¹²⁷ Thus, the SYL Central Committee met in a closed session and agreed to expel Prime Minister Egal from the

party. The SYL conflict was resolved after a 19-man committee including the former President, Mr. Osman, met to seek reconciliation.

Prime Minister Egal's detente with Kenya over the NFD issue received an endorsement in the Somali National Assembly. Two motions were tabled in the Somali National Assembly. One motion was introduced by eight Members of Parliament who sought to declare the Arusha Agreement null and void. The second motion was introduced by thirty-five Members of Parliament, and it called for the implementation of the Arusha Agreement. The second motion was carried by a vote of 89 to 1 with 4 abstentions.¹²⁸ The decision in the National Assembly was also approved by the SYL, the Socialist National Congress, the Somali Democratic Union, and other political parties.¹²⁹

Prime Minister Egal explained his Administration's policy with respect to the NFD. He emphasized that his Government "had no intention of snatching territories belonging to others, but we intend to support the just case of the Somalis and their territories which are still under foreign rule and their demand for freedom and self-determination."¹³⁰ He also argued that the fact that Kenya has accepted to open her door for negotiations was a step forward. Prime Minister Egal also defended his policy of detente and saw no validity in the arguments of his opponents. He saw no reason why the "fact that Kenya has accepted to leave in peace the Somali inhabitants of the NFD, while at the same time the doors remain open for talks and negotiations on their future, be described as a sell-out."¹³¹

The Arusha Agreement also paved the way for visits to the respective countries by the leaders of the two countries. When President Shermarke and Prime Minister Egal visited Kenya in July 1968, they met with President Kenyatta and other Kenyan officials to discuss issues affecting relations of the two countries. They agreed that a Tripartite Working Committee consisting of Somalia, Kenya, and Zambia be convened. They also agreed to promote trade, cultural exchanges, and economic cooperation.¹³² It was also reported that a large number of Somalis from the NFD met with President Shermarke and Prime Minister Egal while they were in Nairobi, Kenya.¹³³

In his address to the SYL, Prime Minister Egal explained the differences between his administration and those of the previous administrations. Referring to the 1960-1964 Shermarke Premiership, he said that the latter embarked on a peaceful settlement of the issue of the Somali territories under alien rule. However, when the Osman-Shermarke Administration realized that such a policy was not fruitful, it decided to sever diplomatic relations with Britain. He explained that the administration "resorted to violence and that its motto was vote with one hand and shoot the enemy with the other."¹³⁴

On Prime Minister Hussein's Government (1964-1967), Mr. Egal explained that the policy destroyed all the Liberation Movements and that their activities were confined to Mogadishu. He also said that Hussein's policy was nonexistent and that "the only weapons used were

hollow and strident radio programmes that resulted in massacres and arrests."¹³⁵

As far as his Government's policy was concerned, Prime Minister Egal compared it with a Somali proverb: "to stand with one leg ready for war and with the other ready for peace."¹³⁶ He explained his administration's policy towards the NFD in the following way.

Our policy toward the NFD, we elicited an admission first that the case was open to debate, and secondly that until such time as a fully negotiated settlement could be reached we could have a say in its affairs and its welfare. It cannot be denied that the NFD was formerly nothing but a hunting-ground for our Somali brothers who were considered synonymous with wild game, and that today it is an open and free country where anyone of us may cross over fearlessly. We will not compromise the religion, the lives and the property of our Somali brothers in the NFD who now lead a peaceful existence.¹³⁷

Prime Minister Egal's policy, while not completely abandoning self-determination for the Somalis in the NFD, took positive steps towards a peaceful solution to the dispute. The Kenya-Somali rapprochement also led to the resumption of diplomatic relations between the two countries, as well as between Somalia and Britain, which had been severed in 1963 following the British decision to create a seventh region in the NFD.

Somalia claimed that the 1967 Arusha Agreement contained two major gains for the Somalis. First, it was argued that Kenya and Ethiopia "now explicitly recognize the existence of a dispute and both have expressed willingness to try to find ways of solving it."¹³⁸ This was the Somalian interpretation of Article 4(f), which called for the "appointment of a Working Committee consisting of Somalia, Kenya, and Zambia, which will meet periodically to review the implementation by

Somalia and Kenya of the points agreed."¹³⁹ Second, Prime Minister Egal stated that Somalia now had a say by way of consultation in the affairs of the administration of the NFD.¹⁴⁰

Prime Minister Egal also argued that the cooperation that existed at both the lower and higher levels had given him a sincere hope that "it could possibly lead to a federation of the two countries."¹⁴¹ After the meeting between Presidents Kenyatta and Kaunda and Prime Minister Egal in Nairobi, the two leaders (Kenyatta and Egal) agreed to ease restrictions on the movement of livestock across the border, and cooperate in improving communications and joint development projects. Kenya also agreed to grant an amnesty to political offenders who had fled the country and to lift the state of emergency in the NFD.¹⁴² Indeed, as indicated in Chapter Three, the emergency regulations were lifted in March, 1969.

After the SYL swept the 1969 Parliamentary elections Prime Minister Egal formed a new cabinet. He again reiterated his Government's policy with respect to the NFD. He stated that his "Government's policy had been to create an atmosphere in which reasonably constructive negotiations could be conducted with our neighbours over the granting of the right of self-determination to Somali people living in these territories."¹⁴³ President Shermarke, in his speech during the confirmation of Prime Minister Egal, outlined the reasons why he re-nominated Mr. Egal. He said that Prime Minister Egal "has made a new approach to the problem of those Somali territories which are not yet

independent." He also stated that this "approach has opened new vistas, improving relations with our neighbours in the wider framework of African cooperation and solidarity."¹⁴⁴

On the occasion of the presentation of the new Cabinet, Prime Minister Egal reemphasized his Government's policy regarding the NFD and other disputed areas. He said that:

The essence of the Somali problem is the desire of a people to participate in the spirit of the age old and the post-colonial aspirations of Africans everywhere to decide their own destiny. Here are people who find themselves denied the fundamental right of self-determination to link their date, their lives and their destinies with wherever they saw their interests, their traditions and their ethnical origins. I have also realized that these points cannot be adequately conveyed to our neighbours except in an atmosphere in each other, of trust between our leaders and in the closeness of enduring friendlier ties.¹⁴⁵

The above speech indicates a belief in achieving self-determination for the Somalis through the process of peaceful negotiation. Indeed, as Prime Minister Egal has emphasized, the policy was not meant to ignore the major substantive issue, that is, self-determination of the Somalis in the NFD and elsewhere. It was this latter substantive issue that Prime Minister Egal sought to pursue in his second term of office. Thus, he stressed that:

Now that the first phase of this understanding had successfully been accomplished, it would be most important task of a future government to seek the implementation of the second phase, the crux of which would be direct negotiation on the right of the people to self-determination.¹⁴⁶

However, Prime Minister Egal's efforts to pursue Pan-Somali cause within the framework of detente was untested. This was because of the military

coup which toppled his government on 21 October, 1969. It is the Military Administration's policy, under Siad Barre, that we now seek to analyze.

The Military Administration and the NFD Question, 1969-1983

On the same day that the military took power from the civilian administration, the new Government announced that it would honor existing treaties, continue the struggle for Somali unification, and oppose the fight against all forms of colonials, and neo-colonialism.¹⁴⁷ A few days afterwards, as a gesture of goodwill in the diplomatic milieu, the Kenyan ambassador to Somali called on the leader of the Revolutionary Council, Siad Barre, "to extend his Government's recognition of the new regime."¹⁴⁸

The purpose of this section is to identify the official policy position of the Military Administration, 1969 to 1983, with respect to the NFD issue. The policy position of the Administration beyond 1983 is considered outside the scope of this study. An understanding of the Somali policy position with respect to the NFD between 1960 and 1983 will in turn help in understanding Kenya's foreign policy behavior (1963 to 1983) vis-a-vis Somalia, based on respect for the principle of territorial integrity. As stated above, Prime Minister Egal viewed his agreement with Kenya as the first phase towards resolving the substantive issue of self-determination for the NFD Somalis. He hoped to accomplish the latter during his second term in office.

The Military Administration, however, categorized the previous Civilian Administrations as "reactionary groups and self-seeking cliques closely linked to world imperialism."¹⁴⁹ This state of affairs, according to the Military leadership, "made impossible the reunification of the Somali nation."¹⁵⁰ Thus, Siad Barre, in one of his public speeches in 1970, stated that:

Although at the time when the popular October Revolution took place, our relations with the neighbouring countries were friendly, yet no final agreement was reached on the well known disputes. . . . The Revolutionary Government in accordance with its pronouncements intends to find ways and means of settling our disputes with the neighbouring countries in a responsible manner . . . in accordance with the Organisation for African Unity Charter.¹⁵¹

Siad Barre's statement actually reflects what Prime Minister Egal intended to pursue, that is, self-determination for the Somalis.

The President of the Supreme Revolutionary Council also emphasized that:

We shall no longer content ourselves with diplomatic and hypocritical statements to our neighbours. We shall bring to the round-table conference concrete and bold proposals that touch the crux of our disputes with our neighbours, aimed at creating prosperity, progress and everlasting peace in the Horn of Africa.¹⁵²

Referring to the "Somalilands under Ethiopian and Kenyan rule," President Barre suggested that the leaders of the two countries, together with Somalia, "should come together and achieve a just settlement of the disputes in an amicable and good neighbourly manner."¹⁵³

Similarly, a spokesman for the Supreme Revolutionary Council in Somalia stated that the "Council strongly supported the principle of

self-determination and would exert every effort to bring about the unification of the Somali people."¹⁵⁴ It was therefore emphasized that while supporting the desire for unification, "the Somali Revolutionary Government is willing to maintain good and peaceful relations with the Governments concerned and expects that the Somali territories' problem be solved in a friendly and just manner."¹⁵⁵ It was further stated that "peaceful processes are going on, concerning the Somali territory with Kenya."¹⁵⁶

On his way to attend the 1970 East and Central African Foreign Ministers' Conference in Lusaka, Zambia, the Somali Minister for Foreign Affairs state din Nairobi that "the Somali Revolutionary Council respects and adheres to the Arusha Memorandum which ended the shifita troubles in Kenya."¹⁵⁷ However, he emphasized that:

It must be clearly understood that the nature of the problem is deep-rooted. We have decided to depart from the past hypocritical policy of saying on thing in one capital and saying another in another capital. We cannot simply carry on choosing to say something just to please someone at certain times. It is not necessary to make well-sounding statements about.¹⁵⁸

When he was asked by reporters why Kenya's NFD could still be a problem since his Government had accepted the Arusha Memorandum, the Somali Foreign Affairs Minister argued that: "We adhere to any detente or agreement or understanding which has been made, but we are not stopping there. There must be more action and this will be done at a later stage."¹⁵⁹

The Somali Foreign Affairs Minister's statement was an indication of his Government's policy position that the NFD was still a contentious issue in the Somalian view. In other words, even if the Arusha Memorandum ended the shifta activities, pursuit of self-determination for the Somalis in the NFD was still a priority for Somalia. Indeed this policy position, as was stated earlier, is in conformity with that of the Shermarke-Egal Administration. Similarly, President Barre in one of his speeches emphasized the need to solve territorial problems with the Somalian neighbors created by what he called "imperialists in pursuit of their colonialists schemes."¹⁶⁰

President Barre also clarified his administration's policy with respect to the Somalian dispute with its neighbors. He said that:

I have stated before and I am saying again that the territorial dispute between Somalia and its neighbors should be settled realistically, sincerely and in an atmosphere of brotherhood without outside interference so that everybody can get what is rightfully his. After differences have been ironed out, the real African unity can be forged. This is our policy (my emphasis).¹⁶¹

The phrase, "rightfully his," can be interpreted to mean that President Barre viewed the NFD and other Somali territorial claims as part of Somalia. This view becomes even clearer when he emphasized that "Somalia wants to regain what had been taken away from it, through peaceful means; it does not gain anything through the gun."¹⁶² It has been observed that "the Siad administration has continued the efforts of the former regimes to find a peaceful solution to the border problem

with Kenya and Ethiopia. Nonetheless, the disagreement is a serious one and considerable potential for conflict exists."¹⁶³

Indeed, one of the more militant views with respect to the Somali territories claimed by Somalia was issued over Radio Mogadishu. It said that "although only two parts of the Somali territories have achieved their independence so far, the liberation of the remaining parts is quite a possibility in the same way as we were able to chase the Britons and the Italians out of our country."¹⁶⁴ It was also stated that:

To the Somali people independence was always synonymous with unity. The consistent struggle of the Somali people seems to surprise our enemies. They do not realise that the Somali people cannot be dissuaded from pursuing their freedom. . . . The liberation struggle was always part of the ordinary life of the Somali man, and, however long it takes him, he will never forget the stage of the struggle remaining.¹⁶⁵

The 21 October Revolution of 1969 was, therefore, viewed as one of a number of Somali revolutions "intended to liberate our people and re-unite them."¹⁶⁶

President Barre also said that his administration was pursuing three main objectives, namely: "to make Somalia reach a state of prosperity, economically, socially and politically; to unite the five parts of Somalia and to make sure that no Somalis live under imperialism; to make Somalia a respectable member of the nations in the world."¹⁶⁷ In this case the NFD was still viewed to be under imperialism. Therefore, self-determination for the Somalis in the NFD was of paramount importance to Somalia. President Barre emphasized that "the right of the Somali people under foreign rule to self-determination can never be

denied."¹⁶⁸ Thus, he said that "since the birth of the Revolution we have been calling upon Ethiopia, Kenya and France to respect this principle."¹⁶⁹

The view of the Military Administration, and indeed the Civilian Administrations discussed earlier, is that Somalia has: "no claim over anyone's territory and that all they seek is the right of self-determination for a people who are being denied their basic rights under the cloak of the noble principles of African unity."¹⁷⁰ The dispute which exists between Kenya and Somalia was also expressed by a Somali Minister when he visited Kenya for talks with Kenyan officials.

When asked by reporters about the Somalian view of the status of Kenya's Northeastern Province, part of the former NFD, the Somali Minister for Mines stated only that "there was a problem to be solved."¹⁷¹ He also said that the problem could be solved "in the spirit of African brotherhood and in accordance with the basic principles enshrined in the OAU Charter."¹⁷² He was implying that Kenya ought to respect the principle of self-determination. Somalia had earlier denied Kenyan claims that 3,000 Somali troops attacked a border post in Northern Kenya during the 1977-78 Somali-Ethiopian war.¹⁷³ To reaffirm their position Somalia sent a delegation to Kenya "to establish a border commission to normalise relations" between Somalia and Kenya.¹⁷⁴ The two countries agreed to work in the spirit of the 1967 Arusha Agreement.

With reference to Article 3 of the OAU Charter which concerns "respect for the sovereignty and territorial integrity of each state,"¹⁷⁵ the Somali Minister of Foreign Affairs disagreed with its application. Specifically, he argued against the opponents of Somalia who take the view that Article 3 of the OAU Charter "has the effect of freezing issues in which the exercise of the right to self-determination is applicable."¹⁷⁶ He further argued that the validity of Article 3 "pre-supposes that the nation whose integrity and sovereignty is to be respected must enjoy the status of nationhood and sovereignty over all parts of its territory through self-determination, be it tacit or openly expressed."¹⁷⁷ Thus, according to the Somali Foreign Affairs Minister "the term territorial integrity is in effect question begging, since it assumes that the object concerned is ascertained."¹⁷⁸

As far as Somalia is concerned, therefore, the validity of territorial integrity is questionable, particularly with respect to her neighbors. This interpretation arises because of the Somalian claim of self-determination for the Somalis in the NFD and elsewhere in the Horn of Africa. As explained earlier, this view is in conformity with those expressed by the Somali Civilian Administration.

The period 1979 to 1983 was marked by both conflict and cooperation between Kenya and Somalia. The conflict was caused by two new factors. First, it was caused by the Somalia-Ethiopian war of 1977 to 1978. As stated earlier, Kenya accused the Somalian troops of attacking a border post in the NFD. This was denied categorically by Somalia.¹⁷⁹ Second,

after Kenya's President Moi visited Ethiopia in 1979 the two leaders signed a Treaty of Friendship and Cooperation. The Ethiopian leader reciprocated by visiting Kenya in 1980. These actions were strongly attacked by Somalia as a threat to peace and security in the Horn of Africa.

After a joint communique was issued by Ethiopia and Kenya in Nairobi in 1980, the Somali Supreme Revolutionary Council met in an urgent meeting to review the two countries' statement. The Council's response stated that "the Somali nation has never, and will not in future succumb to any outside pressure or dictatorship in the preservation of her independence."¹⁸⁰ It was further stated that:

What is really surprising is how easily Kenya fell prey into Abyssinian intrigues, and subsequently create in her country unwarranted instability and chaos and at the same time invite enmity from the Somali Government and people which hitherto had not existed.¹⁸¹

The Somalian communique also "called on Abyssinia and Kenya to immediately recant their unscrupulous and unrealistic statements."¹⁸²

Similarly, the Somali Minister for Political and Social Affairs condemned the joint communique issued by Kenya and Ethiopia. He said that:

The Kenya Government has participated in the propaganda campaign carried out by Abyssinia and its allies on the normal agreement of cooperation between the Somali Democratic Republic and the United States of America, while Kenya itself had signed similar agreement granting the Americans military facilities in Mombasa.¹⁸³

The Minister emphasized that the "problems inherited from colonial rule such as the case between Kenya and the ethnic Somalis in NFD requires a

responsible and just solution in accordance with Article 3 of the OAU Charter."¹⁸⁴

On the issue of the NFD the Somali Minister stated: "Somalia does not nurse any territorial claims against Kenya. But the question of the NFD is a matter between the Kenyan Government and the local people and the Kenya Government alone can find a just solution."¹⁸⁵ Somalia, therefore, rejected Kenya's link of the NFD problems which erupted with Somalian involvement. Somalia stated that "local elements within that country (Kenya) and Abyssinian-inspired forces from without are conspiring in an effort to entangle Somalia in what is essentially an internal problem of Kenya."¹⁸⁶

President Barre also stated that "Somalia does not have any acute disputes with Kenya whatsoever but all are images and reflections of the past European colonialism."¹⁸⁷ He explained that "Ethiopia tried many times to deteriorate the good friendly relations between SDR and Kenya Republic by false and cheap propaganda."¹⁸⁸

The 1980s witnessed Somalian interest to pursue closer relations with Kenya. In 1981, for example, Ministerial level meetings were held between the two countries. After a meeting with his Kenyan counterpart, the Somali Information Minister stated in Nairobi that: "Although there had been misunderstanding before, it was important at the moment to cooperate and work together in good neighbourliness."¹⁸⁹ This policy statement appears to be a tangible evidence of a shift in the Somali policy towards her claims for self-determination for Somalis in the NFD.

One Somali official in the Ministry of Foreign Affairs stated to me during my interview with him that if the Somalis in the NFD are satisfied with being part of Kenya then Somalia has no objection.¹⁹⁰

In one of his public speeches in 1982 President Barre stated that "the talks held between the Governments of Kenya and SDR have resulted in the improvement of relations between the two countries."¹⁹¹ He further stated that "this will no doubt pave the way for more cooperative relations between the two countries."¹⁹² He also blamed Ethiopia for jeopardizing the relations between Somalia and Kenya. He stated that "for a long time we had been trying to reach good understanding with our neighbour, Kenya, but Abyssinian intrigues and hostile tactics had been blocking the way to good understanding and neighbourliness between Somalia and Kenya."¹⁹³ He further stated that "the two sides have already reached agreement to end hostile propaganda against each other, to cooperate in keeping peace and security in the friendly talks on the remaining points."¹⁹⁴

After the meeting between Presidents Moi and Barre during the OAU Conference in Nairobi, the two leaders' joint communique stated, inter alia, that: "a commitment to promise better understanding and collaboration in the interest and welfare of the two nations" should be maintained.¹⁹⁵ It was because of the improved relations between Somalia and Kenya that President Barre only implicated Ethiopia with regard to self-determination of Somalis during his speech on the anniversary of the Somali Revolution.¹⁹⁶ Although the Military Administration at first

actively pursued self-determination for the Somalis in the NFD, that position changed to one of cooperation with Kenya in the 1980s.

Conclusion

This chapter has examined the context in which Somalia has claimed self-determination for the Somalis in the NFD. Within this context the official positions of the four Somali administrations with respect to the NFD have been examined. Our findings indicated that none of the four Somali administrations officially renounced its claim of the NFD, thus supporting Hypothesis Three. However, each administration pursued the issue militantly and/or moderately. Figure Three helps in summarizing the view of each administration regarding the NFD question. In Figure Three the terms moderate and/or militant refer to the views of the Somali leaders vis-a-vis the issue of Somali unification. Italian Somaliland or British Somaliland indicates the geographic ties of the leaders.

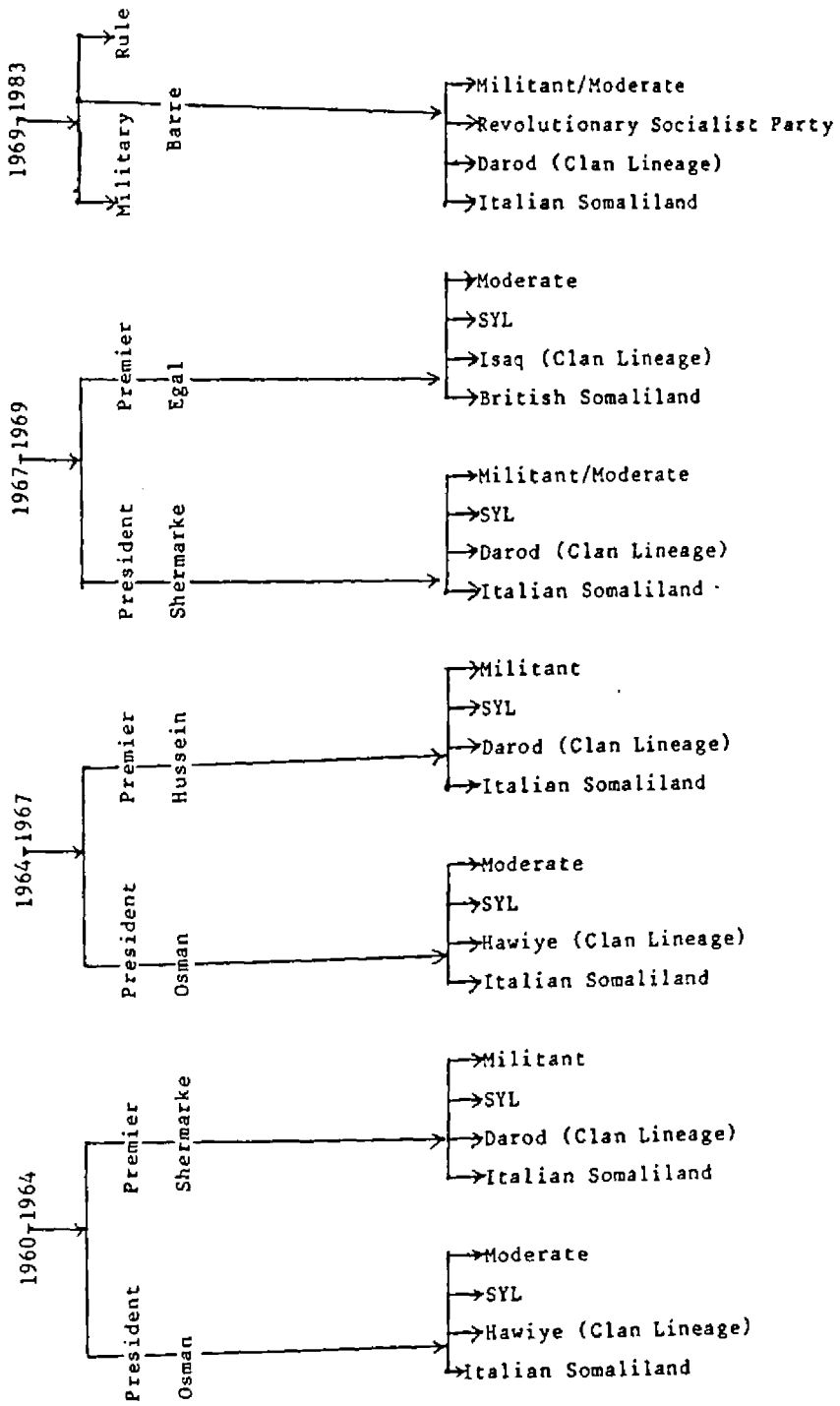
The Osman-Shermarke Administration (1960-1964) pursued a militant policy position with respect to the NFD issue. Similarly, the Osman-Hussein Administration (1964-1967) also pursued a militant policy position regarding the question of the NFD. These positions are shown on Figure Three as far as the leaders are concerned. It should be noted that matters relating to foreign policy were mainly vested on the Prime Minister. Thus, the policy positions of the Civilian Administrations vis-a-vis the NFD reflected mainly those of the Prime Ministers.

It was indicated that a policy shift emerged during the Shermarke-Egal Administration (1967-1969). The administration, for the first time since Somalian independence, pursued a policy of reconciliation with Kenya. This policy of detente made it possible for the two countries to establish trade and diplomatic relations. However, Prime Minister Egal emphasized that his policy did not ignore the issue of self-determination for the Somalis in the NFD. The latter issue was to be pursued by his administration's second term in office. This did not materialize because of the 1969 military coup.

Figure Three indicates that the Military Administration has pursued both militant and moderate policies. Our findings indicated that while the former policy position was pursued in the 1970s the latter became more apparent in the 1980s. Although the Military Administration at the time of the coup accused Prime Minister Egal of ignoring the main Kenya-Somali dispute, it has also fallen in the same trap in the 1980s. Specifically, the discussions between Kenya and Somalia in 1980s have centered mainly on economic, cultural, and social matters. Thus, the long-standing Kenya-Somali dispute regarding the NFD Somalis has, as of 1983, been ignored.

Figure Three also indicates that the views of both Presidents Shermarke and Barre changed over time. During his Premiership (1960-1964) Shermarke pursued a militant policy vis-a-vis the NFD; however, he changed his view during his presidency (1967-1969). This was probably because of Prime Minister Egal's approach to the NFD issue.

Figure Three
 A Schematic Model of the Somalian Leadership Variables 197



Similarly, President Barre changed his tactic vis-a-vis the NFD from a militant position in the 1970s to a moderate position in the 1980s.

Since the Somali leaders consistently claimed the NFD, it can be argued that Kenya invoked the doctrine of territorial integrity vis-a-vis Somalia. It was indicated that the reconciliatory policies pursued by Prime Minister Egal (1967-1969) and President Barre (1980-1983) did not mean that the two leaders abandoned the Somali cause for unification. President Barre's shift in strategy vis-a-vis the NFD might have been caused by two factors. First, he might have been angered by the Soviet support of Ethiopia during the 1977-78 Somali-Ethiopian war. Second, since both Kenya and Somalia are recipients of the U.S. economic and military aid the latter might have played a role in resolving the issue. This leads us to the next chapter, in which we shall discuss the role the external actors play that influence Kenya's foreign policy behavior towards Somalia based on respect of territorial integrity.

FOOTNOTES AND READINGS

¹Somalia, The Constitution (Mogadishu, 1960), p. 3.

²Somali Democratic Republic, The Constitution (Mogadishu, 1979), p. 7. Since the 1969 military coup the name Somalia has been changed to Somali Democratic Republic. For the sake of consistency and convenience we shall stick to its original name, Somalia, in this study.

³Samuel Makinda, "Kenya's Role in the Somali-Ethiopian Conflict," Working Paper No. 55, Strategic and Defence Studies Centre (Australia), 1982, p. 2.

⁴Georges M. Abi-Saab, "The Newly Independent States and the Rules of International Law: An Outline," Howard Law Journal, Spring 1962, p. 96.

⁵Michael Reisman, "Self-Determination in Western Somalia: An International Legal Perspective," in Hussein M. Adam, ed., Somalia and the World, vol. II (Mogadishu: Halgan Publication, 1979), p. 2167.

⁶Samatar, "The Somali Dilemma: Nation in Search of a State," in A.I. Asiwaju, ed. Partitioned Africans, p. 174. The term Dervish is derived from the Arabic Darawish, meaning one who has taken vows of poverty and service to his community.

⁷For the detailed accounts of Sheikh Mohammed's military campaigns between 1900 to 1920, see for example Lewis, A Modern History of Somalia, pp. 63-91; Douglas Jardine, The Mad Mullah of Somaliland (London: Herbert Jenkins, 1923); Great Britain, Correspondence Respecting the Rising of the Mullah Muhamad Abdal-Allah Hassan in Somaliland and Consequent Military Operations (London: His Majesty's Stationery Office, Command 597, 1901).

⁸See generally, I.M. Lewis, A Modern History of Somalia (London: Longman, 1980), pp. 63-91.

⁹Ibid.; See also, Robert Rinehard, "Historical Setting," in Somalia: A Country Survey, ed. Harold D. Nelson (Washington, D.C.: American University Press, 1982), pp. 18-19.

¹⁰I.M. Lewis, "Modern Political Movements in Somaliland," Part I, Africa (London), 28(3), July 1958, p. 255.

¹¹Ibid.

¹²I.M. Lewis, "Pan-Africanism and Pan-Somalism," Journal of Modern African Studies, 1(2), August 1963, p. 149.

¹³Ibid. The Four Powers were Great Britain, France, Soviet Union and the United States. The Commission was empowered by the UN General Assembly to determine the future of Italian Somaliland.

¹⁴Ibid. See also Sally Healy, "The Changing Idiom of Self-Determination in the Horn of Africa," in Nationalism and Self-Determination in the Horn of Africa, ed. I.M. Lewis (London: Ithaca Press, 1983), p. 97.

¹⁵Somalia, The Somali Peninsula: A New Light on Imperial Motives (London, 1962), p. 71.

¹⁶Italy administered Somalia as a Trust Territory under the UN Trusteeship Council.

¹⁷Lewis, "Modern Political Movements in Somaliland," Part I, p. 257.

¹⁸I.M. Lewis, "Modern Political Movements in Somaliland," Part II, Africa (London), 28(4), October 1958, p. 358. Religion also plays an important role in reducing clan rivalries.

¹⁹Lewis, "Pan-Africanism and Pan-Somalism," p. 150.

²⁰Quoted in Touval, The Boundary Politics of Independent Africa, p. 52.

²¹Ibid., p. 53.

²²Sharaf Rashidov, Afro-Asian Peoples' Solidarity Conference (Moscow: Foreign Languages Publishing House, 1958), p. 14.

²³Colin Legum, Pan-Africanism (London: Pall Mall, 1962), p. 231.

²⁴Ibid., p. 246.

²⁵Touval, The Boundary Politics of Independent Africa, p. 63.

²⁶Second Afro-Asian Peoples' Solidarity Conference (Cairo: The Permanent Secretariat of the Organization for Afro-Asian Peoples' Solidarity, n.d.).

²⁷Radio Mogadishu, quoted in Colin Legum, "Somali Liberation Songs," Journal of Modern African Studies, 1(4), December, 1963, p. 513.

²⁸Somalia, The Constitution, Article 6.

²⁹Second Conference of Independence African States, Addis Ababa, 14-26 June 1960 (Addis Ababa: Ministry of Information of the Imperial Ethiopian Government, n.d.), p. 73.

³⁰Somalia, Embassy of the Republic of Somalia (Washington, D.C., 1962).

³¹Robert E. Gorelick, "Pan-Somalism vs. Territorial Integrity," Horn of Africa Journal (3(4), 1980/81, p. 31.

³²Somalia, The Somali Republic and African Unity (Mogadishu, 1962). See also, Drysdale, The Somali Dispute, pp. 113-116; A.A. Castagno, "The Somali Republic in Transition," Africa Special Report, 7(1), December 1962, p. 5.

³³Drysdale, The Somali Dispute, p. 115.

³⁴Ibid.

³⁵Jeanne Contini, "The Somali Republic: Politics with a Difference," Africa Report, 9(10), November 1964, p. 6.

³⁶Colin Legum, "Reactions in Kenya," Africa Report, 8(4), April 1963, p. 6.

³⁷Ibid. See also Lewis, "The Problem of the Northern Frontier District of Kenya,"

³⁸Somalia, The Issue of the Northern Frontier District (White Paper), Mogadishu, May 1963), p. 59.

³⁹Drysdale, The Somali Dispute, p. 131.

⁴⁰Somalia, The Issue of the Northern Frontier District, pp. 54-55.

⁴¹Great Britain, Parliamentary Debates, House of Commons, Official Report, vol. 673, 1963, cols. 99-100.

⁴²Ibid., col. 100.

⁴³Ibid., cols. 30-31. See also "Somali Rioters Stone Embassy," The Times (London), February 25, 1963, p. 9.

⁴⁴"Somali Break with Britain Confirmed," The Times (London), March 15, 1963, p. 12. See also Great Britain, Parliamentary Debates, House

of Commons, Official Report, vol. 674, col. 946. Mr. Egal, who later became the Somali Prime Minister in 1967, was one of the 14 Members of Parliament who voted against the motion. For this information, see, "Kenya Somalis Tear British Flag," The Times (London), March 13, 1963, p. 12.

⁴⁵"Somalia Considers a Socialist Course," 11, New York Times, April 7, 1963, p. 1.

⁴⁶"Conference Clash Over NFD: East African Delegates Walk Out in Protest," East African Standard (Nairobi), February 7, 1963, p. 5. During the speech by the Somalian delegate the Kenyan, Tanganyikan, and Ugandan delegations walked out of the conference until he finished his speech. Kenya had not then achieved her independence.

⁴⁷Manfred Halpern, "Afro-Asians at Moshi," Africa Report, 7(2), March 1963, pp. 21-22.

⁴⁸Proceedings of the Summit Conference of Independent African States (SCIAS/GEN/INF, May 1963), at 25. For the analysis of the OAU Conference in Addis Ababa in May 1963, see generally, Boutros-Ghali, "The Addis Ababa Conference"; N.J. Padelford, "The Organization of African Unity," International Organization, 18 (1964), pp. 525-536; T.O. Elias, "The Charter of the Organization of African Unity," American Journal of International Law 59 (April 1965), pp. 243-267.

⁴⁹"Somalia Rebuff for Uganda," The Times (London), May, 1963, p. 10.

⁵⁰Ibid.

⁵¹Final communique of the British delegation. Quoted in Drysdale, The Somali Dispute, p. 154.

⁵²Ibid, p. 156.

⁵³Ibid., p. 157.

⁵⁴"Ministers Hopeful on NFD: But Somalis Hint at Chance of Violence," East African Standard (Nairobi), August 30, 1963, p. 1. See also Drysdale, The Somali Dispute, pp. 155-156.

⁵⁵Ibid.

⁵⁶United Nations, General Assembly, General Debates, Eighteenth Session, 1222ns Plenary Meeting (UN Doc. A/PV. 1222), 1963, p. 8.

⁵⁷Ibid.

⁵⁸United Nations, General Assembly, General Debates, Eighteenth Session, 1237th Plenary Meeting (UN DOC. A/PV. 1237), 1963, p. 6.

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⁶⁰Organization of African Unity, Resolutions and Recommendations of the Second Extraordinary Session of Council of Ministers, Dar-es-Salaam, 12-15 February 1964 (OAU Mimeographed Texts, February 1964), OAU DOC. ECM/Res. 3(II).

⁶¹Organization of African Unity, Resolutions and Recommendations of the Second Ordinary Session of the Council of Ministers, Lagos, 24-29 February (OAU Mimeographed Texts, February 1964), OAU Doc. CM/Res. 17(II), p. 25.

⁶²Ibid.

⁶³Touval, The Boundary Politics of Independent Africa, p. 220.

⁶⁴Ibid.

⁶⁵Ibid.

⁶⁶Somalia, National Review (Mogadishu: Ministry of Information, March 1964), p. 1.

⁶⁷Drysdale, The Somali Dispute, p. 162. Morocco also joined Somalia in rejecting the resolution.

⁶⁸"Self-Determination: A National Responsibility," Somali News (Mogadishu), September 25, 1964, p. 1.

⁶⁹Ibid, p. 10.

⁷⁰Africa Research Bulletin (Political, Social and Cultural), 3(5), May 1966, p. 532.

⁷¹"Resolution Not Binding," Somali News (Mogadishu), October 9, 1964, p. 5. See also, "Somalia To Ignore OAU On Frontiers," East African Standard (Nairobi), October 1, 1964, p. 1.

⁷²Ian Brownlie, African Boundaries: A Legal and Diplomatic Encyclopedia (London: C. Hurst and Company, 1979), p. 12. See also generally, Reper Emerson, Self-Determination Revisited in the Era of Decolonization (Cambridge: Occasional Papers in International Affairs, Harvard University, 1964).

⁷³Odette Jankowitsch and Karl P. Sauvart, The Third World Without Superpowers: The Collected Documents of the Non-Aligned Countries (New York: Oceana Publications, Inc., 1978), pp. 51-52. Somalia, Afghanistan, Saudi Arabia, Cambodia, Morocco, Syria and Jordan filed their reservations on the resolution dealing with frontiers.

⁷⁴"Right to Frontier Changes Cannot be Prejudiced," Somali News (Mogadishu), October 16, 1964, p. 1.

⁷⁵Ibid., p. 2.

⁷⁶Somalia, National Review (Mogadishu: Ministry of Information, November 1964), pp. 13-14. See also, Africa Research Bulletin (Political, Social and Cultural), 1(10), 1964, p. 166.

⁷⁷Yousuf Jama Ali Duhul, "Appraisal by a Somali," in Resolving Conflict in Africa, ed. Leonard W. Doob (New Haven: Yale University Press, 1970), p. 41.

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⁷⁹"We Share Same Problem," Somali News (Mogadishu), December 4, 1964, p. 1.

⁸⁰Ibid., p. 2.

⁸¹"Reunification of All Somalis is the Very Reason of Life for Our Party: Premier's Speech at SYL Ceremony," Somali News (Mogadishu), December 11, 1964, p. 1.

⁸²"White Paper on NFD: The Kenya Constitutional Amendment and Its Effect on the Right of the People of the NFD to Self-Determination," Somali News (Mogadishu), December 18, 1964, p. 2. See also, "Stand Unchanged on NFD," Somali News (Mogadishu), November 13, 1964, p. 1.

⁸³Ibid.

⁸⁴Ibid.

⁸⁵"Partition of Motherland by White and Black Colonialists," Somali News (Mogadishu), December 25, 1964, p. 1.

⁸⁶Ibid.

⁸⁷Ibid., p. 8.

⁸⁸"World Muslim Congress Supports Lawful Rights of Somalia in Realising Unity," Somali News (Mogadishu), January 2, 1965, pp. 1-2. See also, Africa Research Bulletin (Political, Social and Cultural), 2 (1), 1965, pp. 220-221. Thirty-three delegates from Africa, Asia and Europe attended the Conference.

⁸⁹Africa Research Bulletin (Political, Social and Cultural), 2(1), 1965, p. 221.

⁹⁰"PM's Africa in Ten Years' Time: An Interview with VOA Correspondent," Somali News (Mogadishu), January 8, 1965), p. 1.

⁹¹Embassy of the Somali Republic, H.E. Abdirizak Haji Hussein, Prime Minister of the Somali Republic (Washington, D.C., 1965), p. 1.

⁹²Christian P. Potholm, Four African Political Systems (Englewood Cliffs: Prentice Hall, 1970), p. 222.

⁹³Ibid., p. 223.

⁹⁴Embassy of the Somali Republic, H.E. Abdirizak Haji Hussein, p. 1.

⁹⁵Ibid.

⁹⁶Ibid., p. 2.

⁹⁷"Foreign Rule over Somalis Not a Mere Border Dispute," Somali News (Mogadishu), February 12, 1965, p. 2. See also, African Research Bulletin (Political, Social and Cultural), 2(II), 1965), p. 396.

⁹⁸Ibid.

⁹⁹"Minister Says: Somalis Should Be United," Somali News (Mogadishu), July 30, 1965, p. 1.

¹⁰⁰Ibrahim Idd Ahmed, "Danger in the Horn of Africa," Somali News (Mogadishu), October 15, 1965, p. 1.

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¹⁰³Ibid., p. 50.

¹⁰⁴Hoskyns, Case Studies in African Diplomacy, p. 73.

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- 113 Robert Rinehart, "Historical Setting," in Somali: A Country Study, ed. Harold D. Nelson (Washington, D.C.: American University Press, 1982), p. 42.
- 114 Lewis, A Modern History of Somalia, p. 203.
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- 120 Hoskyns, Case Studies in African Diplomacy, p. 79.
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- 122 Quoted in Hoskyns, Case Studies in African Diplomacy, p. 82. See also Colin Legum and John Drysdale, "Somali-Kenya Border Agreement:

Rapprochement Over Territorial Dispute," Africa Contemporary Record, 1968-69, pp. 624-625.

123Ibid.

124Ibid., p. 83. See also, Legum and Drysdale, "Somali-Kenya Border Agreement," p. 625; Africa Research Bulletin (Political, Social and Cultural), 4(10), 1967, p. 881; "Kenya-Somalia Peace Accord: Zambia Mediate's Pact," Facts on File: World News Digest, 27 (1418), 1967, p. 559. The meeting was held at the presence of Presidents Nyerere and Obote as observers.

125Lewis, A Modern History of Somalia, p. 203.

126Hoskyns, Case Studies in African Diplomacy, p. 86.

127Africa Research Bulletin (Political, Social and Cultural), 4(11), 1967, p. 907.

128Ibid.

129Ibid., The Shermarke-Egal Arusha Agreement was also supported by other leaders in Somalia such as: Aden Yaval; Somali Youth Organization at Atmedu; Women Association in Mogadishu; Somali Youth Association; District Councillors and Elders of Merca; the inhabitants of Belet Weine, Abdulasis Village, Galkayu, Berbera, Jamama, Jowhar, Merca, Balad, Hargesia, Erigavo, Eil and Mogadishu. For this information, see "Arusha Talks," Somali News (Mogadishu), November 10, 1967, p. 10. The Agreement was also hailed by Tanzania, Zambia, Uganda and Radio Moscow. In a broadcast Radio Moscow commented that "the new policy enjoyed the support of public opinion at home and demonstrated that public opinion opposed to Haji Hussein's and their dead-end policy which antagonised neighbouring States, thus violating the decisions of the OAU on the settlement of disputes." For the preceding quotation, see Africa Research Bulletin (Political, Social and Cultural), 4(11), 1967, p. 907.

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- 149Somalia, New Era (Mogadishu: Ministry of Information and National Guidance, August 1976), p. 8.
- 150Ibid.

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154 Africa Research Bulletin (Political, Social and Cultural), 7(10), 1970, p. 1551.

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156 Somalia, My Country and My People: Selected Speeches of President Siad Barre, 1969-1979 (Mogadishu: Ministry of Information and National Guidance,), p.

157 "Border Problem Still Intricate, Says Somalia," East African Standard (Nairobi), January 3, 1970), p. 5.

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159 Ibid.

160 Somalia, My Country and My People: Collection Speeches of President Siad Barre, 1971-1972 (Mogadishu: Ministry of Information and National Guidance, October, 1973), p. 35.

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169 Somalia, The Speech of the General Secretary of the Somali Revolutionary Socialist Party on the Occasion of the Seventh Anniversary of the October 21st Revolution (Mogadishu: October 21, 1976), p. 12. Reference to France is made in his statement, because of French Somaliland, now Djibouti.

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185Ibid., p. 4.

186"SDR Rejects Kenyan Allegations," Daily News Bulletin (Mogadishu: Somali National News Agency, 12 November 1980), p. 3.

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189Africa Research Bulletin (Political, Social and Cultural), 18(9), 1981, p. 6166.

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¹⁹⁴Ibid. See also, Somalia, Speech Delivered by the Secretary General of the S.R.S.P., President Siad Barre of the Occasion of the 14th Anniversary of the October 21 Revolution (Mogadishu, October 1983), p. 3.

¹⁹⁵"Improvement of Relations with Kenya," Keesing's Contemporary Archives, September 10, 1982, p. 31691.

¹⁹⁶Somalia, Speech Delivered by the Secretary General of the S.R.S.P., President Siad Barre of the Occasion of the 14th Anniversary of the October Revolution, p. 3.

¹⁹⁷Although Siad Barre is still the President of Somalia his administration's policy towards the NFD has been limited to the time frame of this study, 1983.

CHAPTER FIVE
THE EXTERNAL ACTORS AS DETERMINANTS OF
KENYA'S FOREIGN POLICY BEHAVIOR TOWARDS SOMALIA

It has been suggested that the conflicts between Kenya and Somalia, or the Horn of Africa in general, "are exacerbated by outside factors."¹ These include the "Russian and Chinese involvement in Somalia and Egyptian intent on extending their influence down the Red Sea and the Nile."² However, the external actors' influence in the area, as will be explained later, is not limited to the Soviet Union and Egypt. Indeed, as early as 1967 the Kenya Government dispatched high level delegations to some countries suspected of supplying arms to the shiftas in the NFD and to Somalia.

While the Kenyan Vice-President left for Cairo to hold talks with President Nasser about the Egyptian shipments of arms to Somalia and the shiftas, the Defense Minister went to the Middle East on the same mission.³ It was reported that Saudi Arabia, Jordan, Kuwait, and Iran were engaged in arms shipments to Somalia.⁴ It is this kind of external actors' influence on Kenya which this chapter seeks to examine.

The purpose of this chapter is to examine the impact of the external actors on Kenya's foreign policy behavior towards Somalia. Specifically, the chapter seeks to establish whether the economic and military aid Somalia received between 1963 and 1983 enhanced its claim

on the NFD. By linking the external actors with the Somalian claim on the NFD, we wish to demonstrate that it is the external actors which influence Kenya's foreign policy behavior towards Somalia. It is assumed in Hypothesis Four that Kenya's foreign policy behavior towards Somalia is influenced by the external actors. Thus, the donor countries implicitly and/or explicitly endorse the Somalian claim on the NFD.

Although the emphasis is based on Somalia, the economic and military aid which Kenya has received between 1963 and 1983 will also be used to support the analysis related to Kenya. Whereas Somalia has received economic and military aid from both the Western and the Eastern countries, Kenya has consistently done so mainly from the Western industrialized countries. For the purposes of this study the external actors dealt with are sovereign states. Thus, the economic and military aid which Kenya and Somalia have received from non-state actors are considered outside the scope of this study. This is not to argue, however, that they are not important.

For a better understanding of the external actors' influence on Kenya's foreign policy behavior towards Somalia, the chapter is divided into two parts. The first part analyzes the economic and military aid Somalia has received from the U.S. and her allies in relation to Kenya's foreign policy behavior towards Somalia. The second part covers the economic and military aid Somalia has received from the Soviet Union and her allies. The analysis is also treated in relation to Kenya's foreign policy behavior. It should be emphasized that the interests of the

donor countries in the area in general will also form part of the analysis.

Before discussing the first part of this chapter, it is necessary to establish the Kenyan position with respect to the economic and military aid Somalia receives. This will provide a basis for understanding the analysis which follows. Kenya has on many occasions expressed its fear of the military aid Somalia receives from the external actors. Speaking in the Kenya National Assembly one Member of Parliament stated that:

We have been told in various reports of ships that lie out of the port of Mogadishu. We have been told of assistance to the armies of this neighbouring territory. We have read that there is even the suggestion of substantial financial assistance. How much of this is all directed at Kenya? I believe that this may well be the root of the trouble.

The above quotation clearly suggests that the basic cause of the dispute between Kenya and Somalia is the assistance the latter receives from the external actors. Similarly, another Member of Kenya's Parliament reiterated the Kenyan dislike of the military support Somalia receives from the external actors. He stated that "we understand that there is a base already built in Somalia by Russia and the Chinese, and we know very well that these people are well trained with modern weapons."⁶ Indeed, this was confirmed by Somali Prime Minister Hussein at a press conference in Mogadishu. He said that "we now have at our disposal a generous supply of latest military arms and equipments which have been supplied by a number of friendly nations, in particular the Soviet Union and the United Arab Republic" (Egypt).⁷

The supply of modern weapons to Somalia was therefore viewed by Kenya as a threat to its territorial integrity. Indeed, the continued conflict in the NFD between the shifita and the Kenya security forces was also blamed on not only Somalia but other external actors. The Kenya Minister for Defense stated in Parliament that:

So long as the Somalia Government continues to get weapons from overseas, they get a lot from the Soviet Union, they are able to release some of the weapons. They give these to the shifita and they give them protection from Somalia and thus they keep crossing into Kenya to attack.⁸

The statement clearly reflects Kenya's view of the support Somalia receives from external actors. Such support is therefore viewed by Kenya as part of the cause of the conflict in the NFD.

It has also been argued that Kenya was instrumental in convincing the Western industrialized countries not to supply Somalia with weapons during the 1977-78 Somali-Ethiopian war.⁹ Ottaway also argues that, since Somalia claims part of the Kenyan territory, it would have been a "poor decision for the United States to rush to the aid of Somalia just because the Soviet Union had taken the side of Ethiopia."¹⁰ She bases her argument on the fact that Kenya is a pro-Western country.

When Kenya learned that the Shah of Iran was supporting Somalia with arms during the 1977-78 war between the latter and Ethiopia, Kenya reacted by closing the Iranian Embassy in Nairobi.¹¹ The discussions thus far indicate that Kenya is not supportive of the external actors' military aid to Somalia. After having demonstrated the Kenyan position

on this issue, it is now necessary to turn to the part dealing with the U.S. and her allies.

Kenyan Reaction to the Western Economic
and Military Aid to Somalia

The Horn of Africa is generally viewed by the Western industrialized countries, particularly the U.S., as a region of "strategic importance and one where both superpowers are engaged."¹² This view is based on what is often referred to as East-West chessboard, that is, to deter the Soviet influence in the region. The Horn of Africa is important for the West because of the oil in the Gulf region. It was because of Western European dependence on the Gulf oil, among other reasons, that when the British pulled out of the Indian Ocean in 1968 the U.S. moved in to fill the vacuum.¹³

In order to protect their interests in the area, the U.S. and other Western countries have provided the countries in the Horn of Africa with economic and military aid.¹⁴ However, since this study is mainly concerned with Kenya and Somalia, the analysis which follows is based on these two countries. The Western countries' aid to Somalia has mainly been economic. As mentioned elsewhere Somalia has since the early 1960s received her military support from the Soviet Union. However, the Soviet-Somali military cooperation, as will be mentioned in the next section, was severed in 1977, giving room for the West.

The U.S. economic assistance to Somalia between 1960 and 1971 amounted to about \$76.9 million.¹⁵ After 1971 the U.S. terminated the assistance to Somalia because of the latter's trade with North Vietnam.¹⁶ Within that same period (1960 to 1971) Somalia received military aid from the U.S. worth only \$1 million.¹⁷ Only the Federal Republic of Germany, among the Western European countries, provided Somalia with \$3 million of military aid between 1964 and 1973.¹⁸ As mentioned in Chapter Four, the Federal Republic of Germany was sympathetic to the Somali policy of unification. However, it would be unrealistic to suggest that the military aid provided by West Germany was enough for the Somali unification efforts.

Touval argues that the "Western economic and military support Somalia has received did not entail support of Somali irredentist claims." He further argues that it was because of this Western position that "in 1961 Somalia began to develop its relations with the communist countries. This was done not only to obtain more aid, but also to prod the West into showing greater sympathy for Somali aspirations."¹⁹ Legum, however, argues that Somalia turned to the communist world for military aid because all three parts of the territories Somalia was claiming "lay in countries heavily supported by the West."²⁰

What is evident is that in the 1960s the Western countries were not deeply involved in Somalia in terms of providing military aid. Even Italy, the traditional trading partner of Somalia, had provided the latter with economic aid of only \$95 million between 1960 and 1967.²¹

Economic assistance from Britain was of no significant volume in the 1960s. As mentioned earlier the diplomatic relations between the two countries had been severed in 1963 because of the NFD issue.

There is no evidence to suggest that Kenya's security concerns were a result of the economic and military support Somalia received from the West in the 1960s. Yet Kenya concluded two military agreements because of the threat from Somalia and the NFD situation. The first agreement, as indicated earlier, was concluded with Britain in 1964. Under the agreement Kenya was to: receive about \$6 million military aid; have its armed forces trained in Britain; and continue joint military operations with Britain in the NFD.²² The second military agreement was between Kenya and Ethiopia. The Kenyan-Ethiopian military agreement provided that it:

- (a) was not directed against the national sovereignty and territorial integrity of any state, African or non-African;
- (b) was solely a defence treaty and will only become operative in the event of the territorial integrity and political independence of either contracting party is threatened by external forces;
- (c) was in conformity with both the UN Charter Article 51 and the Charter of the OAU.²³

Article 51 of the UN Charter, mentioned in the agreement states, in part, that: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations."

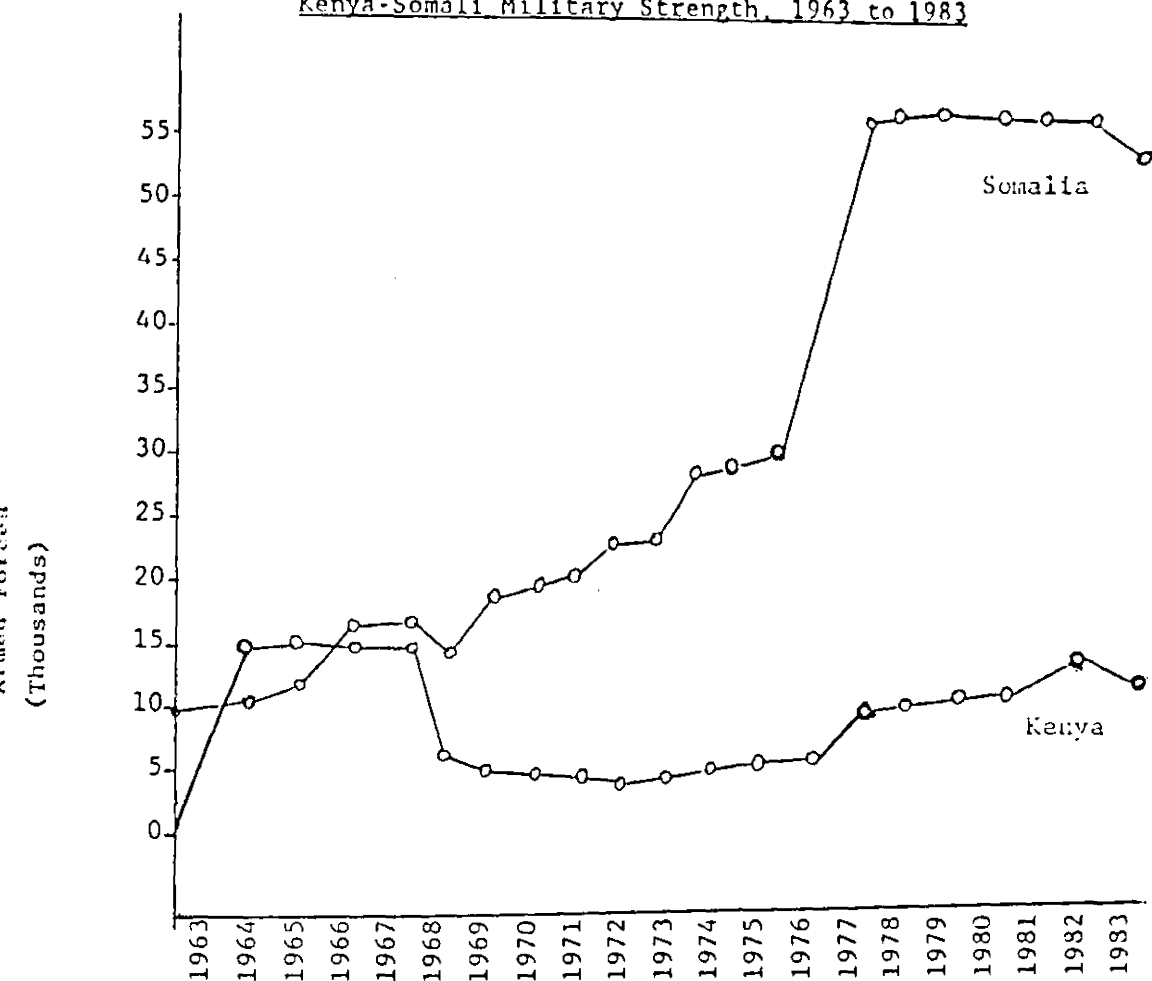
The provisions of the Kenya-Ethiopia agreement are a clear indication of their concern for respect for the principle of territorial

integrity. Thus, Kenya's insistence on maintaining its territorial integrity vis-a-vis Somalia was even linked with a defense pact. The suspicion by Kenya of the Soviet intentions in the area was based on the fact that "the shiftas were usually armed with weapons made in communist countries."²⁴ This implicates the countries which supply arms either directly or indirectly to the shiftas. However, the Soviet military involvement in Somalia will be examined in detail in the next section.

One of the major concerns of the Kenya Government has been the military build-up Somalia has embarked on since the early 1960s. This concern has also been based on Somalia's acquisition of modern weapons. Figure Four represents a comparison of the Kenya-Somali military strength, 1963 to 1983. Figure Five, on the other hand, shows the money spent by the two countries on imports of military equipment.

Several observations can be drawn from Figure Four. First, between 1964 and 1967 the Kenya military forces were supported by the police in fighting the shifita in the NFD.²⁵ Second, after the 1967 Kenya-Somali Arusha Agreement, Kenya's armed forces were reduced from 15,000 in 1967 to 7,000 in 1968. Similarly, Somalia's armed forces were reduced from 20,000 in 1967 to 15,000 in 1968. Third, whereas Kenya's military strength remained steadily at about 9,000 between 1969 and 1976, Somalia's military forces increased from 18,000 to 30,000 in the same period. Fourth, whereas Kenya's armed forces remained at an average of 15,000 between 1977 and 1983, Somalia increased its armed forces to over 50,000 in the same period. The dramatic increase was most likely

Figure Four

Kenya-Somali Military Strength, 1963 to 1983Sources:

1. U.S., World Expenditures and Arms Trade, 1963-1973 (Washington, D.C.: Arms Control and Disarmament Agency, 1974).
2. U.S., World Expenditures and Arms Transfers, 1967-1976 (Washington, D.C.: Arms Control and Disarmament Agency, 1978).
3. U.S., World Expenditures and Arms Transfers, 1985 (Washington, D.C.: Arms Control and Disarmament Agency, 1985).

Note: The figures for Kenya between 1965 and 1967 include police forces engaged in the NFD security measures. Figures for 1963 are not included because Kenya achieved its independence in December of the same year.

motivated by the Somali-Ethiopian war of 1977-78. It can be argued that the 1967 Kenya-Somali Arusha Agreement relieved Kenya of the burden of maintaining a large police force in the NFD. This argument is also reflected in Figure Five.

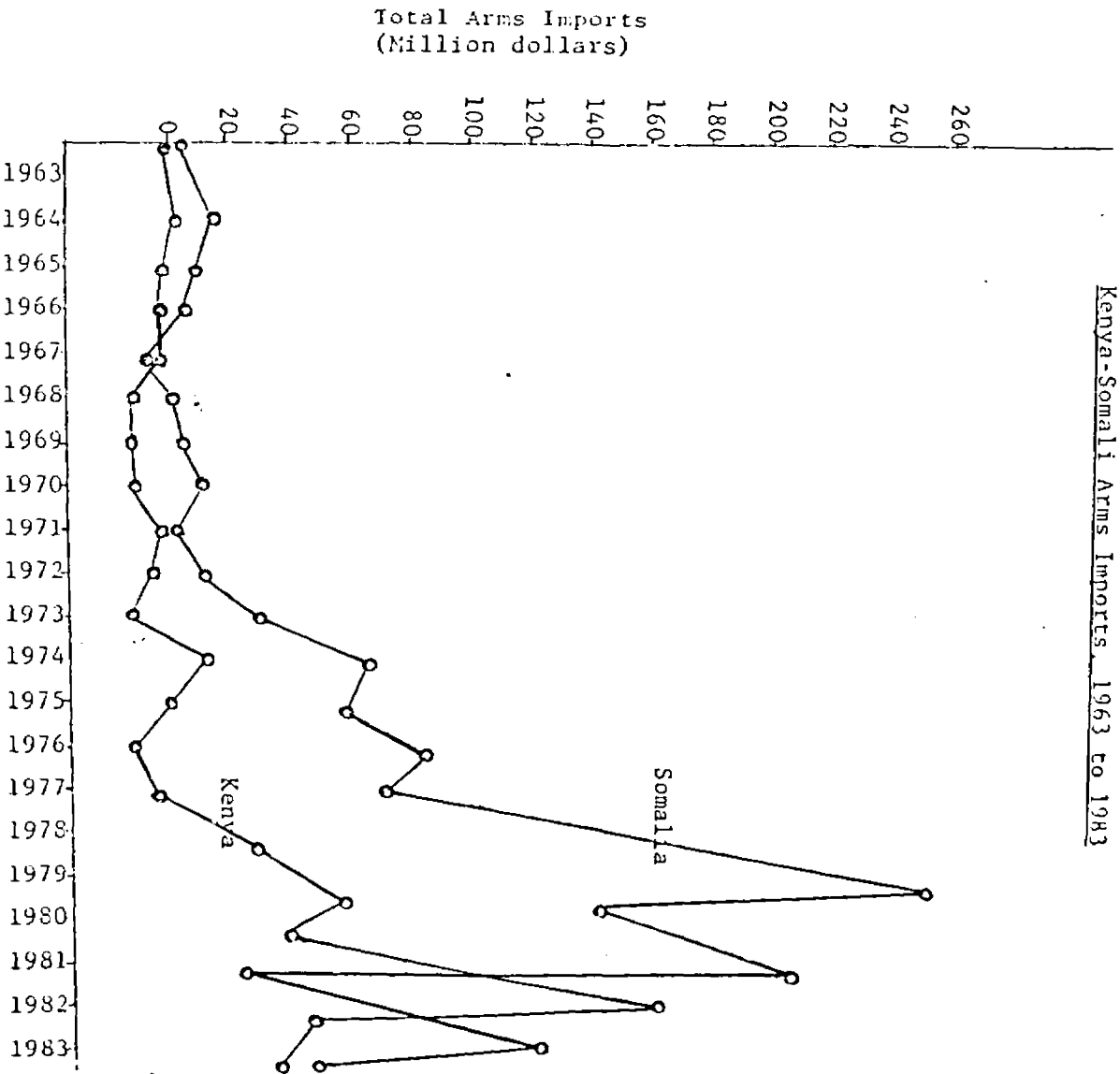
Figure Five indicates that after the 1967 Arusha Agreement between Kenya and Somalia, Kenya showed no signs of having imported arms--particularly between 1968 and 1970. The other possible explanation is that the shifita activities in the NFD were well contained following the 1967 Arusha Agreement. However, as a reaction to the 1977-78 Somali-Ethiopian war, Kenya dramatically increased arms imports. This aspect of Kenya's behavior vis-a-vis Somalia will be discussed shortly.

The late 1970s and early 1980s marked a major change in Somalian external relations. The change was caused mainly by the 1977-78 Somali-Ethiopian war. Several factors have emerged since then which require identification. First, after the Soviet Union and Cuba strongly supported Ethiopia during the conflict Somalia expelled the Soviets, paving the way for the U.S. to fill the vacuum. Second, Somalia thereafter began to seek economic and military aid from the Western industrialized countries, thus joining Kenya in the same camp. Third, as stated earlier, Somalia began to seek detente with Kenya in the early 1980s.

After the 1979 fall of the Shah of Iran and the Soviet invasion of Afghanistan, the U.S. successfully negotiated the use of military

Figure Five:

Kenya-Somali Arms Imports, 1963 to 1983

Sources:

1. U.S., World Expenditures and Arms Trade, 1963-1973 (Washington, D.C.: Arms Control and Disarmament Agency, 1974).
2. U.S., World Expenditures and Arms Transfers, 1967-1975 (Washington, D.C.: Arms Control and Disarmament Agency, 1978).
3. U.S., World Expenditures and Arms Transfers, 1985 (Washington, D.C.: Arms Control and Disarmament Agency, 1985).

facilities in Kenya, Somalia, and Oman. In "return for having access to facilities in Kenya and Somalia the U.S. agreed to provide them with \$53 million and \$40 million" respectively.²⁶ These figures were increased to \$57 million (Kenya) and \$95.5 million (Somalia) during the 1982 and 1983 Fiscal Years, an indication of the Reagan Administration's determination to strengthen the U.S. presence in the two countries.²⁷ The U.S. military supplies to Somalia consisted mainly of air defensive weapons, meant to deter the Ethiopian threat against Somalia.

Although both Kenya and Somalia received arms from the U.S. after the Soviet departure, Kenya still expressed unhappiness. In reaction to the U.S. military aid to Somalia one Kenyan official said that: "You supply us with planes and the Somalis with equipment to shoot them down."²⁹ The Kenyan official's statement is a clear indication of a concern that external actors' arms transfer to Somalia threatens Kenya's security. During the 1977-78 Somali-Ethiopian conflict Kenya had accused Somalia of invading the northern part of Kenya. The Kenyan Foreign Minister stated that Somali troops, 10,000 men, were involved in the violation of Kenya's territory, in which "six Somali and six Kenyan soldiers had been killed."³⁰

Kenya received an assurance that the economic and military aid Somalia received would not be used against it. Speaking at a press conference in Washington, D.C., President Carter said that "before the United States would be ready to discuss providing economic aid or selling defensive weapons to Somalia there would have to be a tangible

withdrawal of Somali forces from the Ogaden (Ethiopia) and a renewed commitment not to dishonor the international boundaries of either Ethiopia or Kenya."³¹

Similarly, the U.S. Deputy Secretary of State for Africa assured Kenya that the "U.S. arms to Somalia would not be used against her (Kenya) or other Somalian neighbours."³² The U.S. also made it clear that the "military aid would be dependent on Somalia renouncing its traditional claims to territory in Ethiopia, Kenya and Djibouti."³³

However, Kenya was still not certain about Somalian compliance with the proposals. It was because of their security concerns that Kenya and Ethiopia extended their defense pact for a period of ten years. Article 2 of the 1979 Treaty of Friendship and Cooperation states that the two countries:

Strive for the strengthening of peace and friendship on the basis of equality, mutual interest and cooperation, in keeping with the principles of the inviolability of territorial integrity and the sacredness of borders and non-interference in the internal affairs of others.³⁴

Article 6 of the same Treaty states that:

In order to safeguard their independence, territorial integrity and the inviolability of their borders, the two contracting parties will continue their cooperation in the political, diplomatic and military fields. They will exchange information in the internal affairs of others.³⁵

Military aid to Somalia is therefore viewed by Kenya as a threat to its sovereignty and territorial integrity. Thus, in 1980 Kenya and Ethiopia issued a joint communique which "called upon all states to refrain from arming Somalia."³⁶ During his visit to Kenya, Djibouti's

President Gouled expressed a concern over a military build-up in the area. In reply President Moi said that:

It is no longer tolerable for our region, or any other part of Africa, to be regarded as a sort of theatre in which major powers may put on rival military displays--or make dramatic bids for local political influence.³⁷

Between 1979 and 1983 Italy assisted Somalia with military aid totalling \$410 million.³⁸ On the other hand, Italy signed a \$200 million economic aid with Somalia.³⁹ In the same period Kenya received \$30 million military aid from Italy. However, the largest supplier of military aid to Kenya in that same period was Britain. Whereas Kenya received military aid worth \$130 million from Britain, Somalia was provided with military aid totalling \$5 million. France also supplied Kenya and Somalia with military aid amounting to \$110 million and \$5 million respectively.⁴⁰ This is a clear indication that the Western industrialized countries assumed the responsibility of supplying Somalia with economic and military aid.

As Figure Five indicates, Kenya increased its military imports in the late 1970s and beyond. The increase was more significant in 1981 when it jumped from \$60 million in 1980 to \$180 million in 1981. It is likely that the increase was motivated by hostilities in the Horn of Africa--particularly between Ethiopia and Somalia. Kenya was also concerned about its relations with Tanzania and Uganda. Whereas Tanzania closed her border with Kenya after the break-up of the East

African Community in 1977, Uganda's Idi Amin claimed a large portion of Kenya's territory.⁴¹

The U.S. economic and military aid to Somalia between 1979 and 1983 totalled \$122 million and \$99 million respectively. On the other hand, Kenya received economic and military aid worth \$169 million and \$93 million in the same period.⁴² It was also estimated that "the U.S. planned to invest up to about \$100 million in the modernization of Kenyan airfields and port facilities at Mombasa."⁴³ Even with the U.S. expanded economic and military assistance to Kenya the latter still "warned Washington that the Somalis, who previously had sold themselves to the Russians could not be trusted."⁴⁴

The Kenyan view with respect to the effects of external actors' economic and military aid to Somalia was again expressed in early 1983. In a joint communique Kenya and Ethiopia "unreservedly condemned the Somali regime for its expansionist activities and reaffirmed their commitment to preserving their territorial integrity and sanctity of boundaries as enshrined in the OAU and UN Charters."⁴⁵ Both countries "strongly urged all countries to desist from arming the Somalia expansionist regime under any pretext whatsoever."⁴⁶

It should also be stated that the pro-Western Arab states have also been supportive of Somalia in its desire for unification of the Somalis. Two of the major reasons for this support stem from the fact that Somalia is both a Muslim state and also a member of the Arab League. The Arab states support for Somalia was most evident during the 1977-78

Somali-Ethiopian war. Saudi Arabia, Egypt and Sudan offered to come to the aid of Somalia in the event of the Ethiopian invasion of Somalia.⁴⁷ Saudi Arabia had also offered Somalia over \$400 million provided the latter agreed to break away from the Soviet bloc and seek Western support. Saudi Arabia had previously provided Somalia with \$60 million in financial assistance--most of which was used for buying arms.⁴⁸ Saudi Arabia's economic and military aid to Somalia created some suspicion in both Kenya and Ethiopia. As indicated earlier, Saudi Arabia attempted to bring together Presidents Moi and Barre in 1980.⁴⁹

In 1977 when Kenya learned that Saudi Arabia was providing arms to Somalia, the Minister for Foreign Affairs commented that: "We do not want Saudis to pay for guns which in the present climate in the Horn of Africa could be turned against us."⁵⁰ It was because of the Kenyan concern that Vice-President (now President) Moi visited Saudi Arabia to discuss the situation in the region. A few months later the Kenyan airforce intercepted and detained an Egyptian cargo plane destined for Somalia.⁵¹ It can therefore be argued that the pro-Western Arab states' support for Somalia influences Kenya's foreign policy behavior towards Somalia.

In this section it has been demonstrated that Kenya's security concerns are extended to the external actors' supply of economic and military aid to Somalia. Specifically, it has been indicated that Kenya's foreign policy behavior towards Somalia based on respect for territorial integrity is influenced by the external actors' economic and

military aid to Somalia. This finding was more apparent between 1977 and 1983. It is now necessary to turn to the part dealing with the Soviet Union and its allies.

The Soviet Union and its Allies vs. Somalia: Kenya's Response

It has been indicated that the Soviet Union's military aid to Somalia began in the early 1960s. The Somali-Soviet relations continued until 1978. However, it is necessary, first, to identify the Soviet interests in the Horn of Africa. The Soviet interests in the area are mainly geopolitical. Specifically, its interests derive from its "proximity to the strategic shipping lanes of the Red Sea, its strategic position on the Indian Ocean, its peripheral position to the Middle East, and its midway position between the Soviet Union and the strategic and troubled southern tier of Africa."⁵² The Soviet Union's presence in the area can therefore be understood on these terms. That is not to argue, however, that these are the only reasons why the Soviet Union has tried to maintain its presence in the area for more than two decades.

Between 1964 and 1974 Somalia received military aid from the Soviet Union worth between \$300 million and \$1 billion.⁵³ Within this period Somali armed forces, as Figure 4 indicates, rose from 10,000 men in 1963 to 25,000 in 1974. In the same period the Soviet military personnel based in Somalia were estimated at 1,000.⁵⁴ It should also be restated that within this period, particularly between 1963 and 1967, Kenya fought a protracted war against the shifita in the NFD. Kenya had also

concluded a defense pact with Ethiopia in 1964 which was until 1974 a pro-Western state.⁵⁵ Thus, Kenya's strong opposition to the Soviet Union's influence in the area stems from two factors.

First, Kenya was opposed to the Somali military buildup--supported mainly by the Soviet Union. This view was based on the fact that Somalia has historically claimed the NFD. It has been documented by the Kenya Government that "large quantities of arms and ammunition, and medical supplies of Russian manufacture" were being used by the shifita in the NFD. The items were reported to have been supplied by Somalia.⁵⁶ Second, "apart from the common Somali threat to Kenya and Ethiopia," Makinda argues, the two countries were close together because of the anti-Soviet feelings.⁵⁷

It was because of the Somali-Soviet military cooperation that Kenya expressed its concerns in the following terms in 1966:

Somalia was building up an army and air force--with the help of Russia--which was far in excess of her own domestic needs. . . . The only outcome of all consultations on the boundary problem was to reveal that what Somalia really wanted was to incorporate a part of Kenya into her own territory.⁵⁸

It can therefore be argued that Kenya's concern for her security is influenced by the external actor, in this case the Soviet Union. Indeed, as Makinda argues, Kenya has insisted that "the Soviet military presence in--and Soviet arms aid to--Somalia" is "the greatest destabilising factor in the Horn of Africa."⁵⁹

It has been stated that by "1975 the Somali army was now better equipped than the Ethiopian one"--let alone that of Kenya, which was

lagging behind the two. In terms of number, the Kenyan, Somalian, and Ethiopian armed forces were in 1975 estimated at 9,000, 30,000 and 50,000 respectively.⁶⁰ It has been stated that "Somalia sought a Soviet statement supporting Somalia's irredentism, but the Soviets declined."⁶¹ The Soviet Union is, of course, aware of reactions which would come from African states regarding the sanctity of the artificial boundaries.

As early as 1961 Somalia received economic aid from the Soviet Union totalling \$50 million--the largest amount of aid per capita any African country was then receiving, except Liberia."⁶² However, the Soviet economic aid to Somalia was not comparable to military aid. By 1972 the Soviet economic aid to Somalia was estimated at \$90 million.⁶³ The economic support was mainly used by Somalia to sustain its military efforts. The Soviet economic aid changed somewhat in the mid 1970s. By 1976 the Soviet economic aid to Somalia had reached \$154 million.⁶⁴ The Soviet economic and military aid in the area, it has been suggested, were targetted "on Kenya, the last pro-Western state from the Cape to the Horn."⁶⁵ Whereas this view appears to be a little exaggerated, Kenya has for some years maintained a Russophobic stance.⁶⁶

However, as stated earlier, Kenya supported Ethiopia during the latter's war between 1977 and 1978. Whereas Kenya continued to condemn Somalian intentions on the NFD, she also maintained her relations with Ethiopia, a Soviet ally. As indicated earlier, Kenya's fear of the external actors with respect to its security was now directed at the Western industrialized countries. We indicated earlier that Kenya was

instrumental in influencing the Western countries to halt the supply of arms to Somalia which would be used against her. In short, it was the Western countries which were perceived by Kenya as a threat to its territorial integrity.

Makinda offers several reasons for Kenya's maintenance of its ties with Ethiopia, a Soviet ally. First, he argues that Kenya views the Somali threat as more serious and immediate than the Soviet threat. Second, Kenya's relations with its neighbors, except Sudan and Ethiopia, had deteriorated by 1976. Third, Kenya benefitted more from Ethiopia since the latter had stronger military forces in terms of number and equipment.⁶⁷ By 1980 Kenya, Ethiopia, and Somalia had military forces numbering over 14,000, 250,000, and 54,000 respectively.⁶⁸ It has also been suggested that it was because of Somalian quality and quantity of weapons that it was able to score victories in the early stages of its conflict with Ethiopia.⁶⁹

During the 1977-78 Somali-Ethiopian war President Kenyatta stated that "Somalia should renounce its claims on territory in North-Eastern Kenya." He also stated that "it had been hoped that this treaty (the 1967 Arusha Agreement) would pave the way for mutual cooperation but now ten years later, it is surprising to learn that maps circulating within Somalia still lay false claim on Kenya territory."⁷⁰ The Kenyan Minister for Foreign Affairs also confirmed that "Kenya gave Ethiopia material support and if the Ethiopians now required transport including trucks and tanks, Kenya was ready to supply" them.⁷¹

Some scholars argue that, since the Soviet Union began to supply arms to Somalia, Kenya linked the Soviet Union with Somali claims on Kenyan territory.⁷² It has also been argued that one of the Soviet Union's intentions was "to neutralize Kenya, thus retarding access to the port of Mombasa, the only major port open to Western navies on the east coast of Africa."⁷³ This reasoning does not appear to conform to Kenya's support for Ethiopia during the latter's conflict with Somalia. During the Somali-Ethiopian conflict the Soviet Union supplied Ethiopia with arms totalling \$1.3 billion and there were over 13,000 Cuban troops and over 1,500 Soviet military advisers.⁷⁴ Within this Soviet-Cuban support for Ethiopia, Libya also surfaced as a strong supporter of Ethiopia. Kenya, therefore, found herself on the wrong side of the war, at least ideologically.

One Kenyan newspaper commented after Somalia expelled the Soviet Union that:

It was Somalia who first invited the Soviet Union to secure a firm foothold in the Horn of Africa. Somalia has now fallen out with Moscow and Russia has switched horses, giving military and other assistance in vast quantities to Ethiopia. . . . The time has come for Somalia, enmeshed as it is in its dreams of territorial aggrandisement in pursuance of the Greater Somalia ideal, to swallow its medicine--no matter how bitter it may be.⁷⁵

Besides the Soviet Union and Cuba, Libya and the Peoples' Democratic Republic of Yemen also supported Ethiopia.

Several observations can be drawn from this section. First, between 1963 and 1977 Kenya was concerned about the Soviet economic and military aid to Somalia. The latter has over the years claimed the NFD. Kenya's

security concerns were also influenced by its weak military capability compared to Somalia. Thus, Kenya concluded a military pact with Ethiopia in 1964. The Soviet Union's presence in Somalia was therefore not viewed favorably. This finding supports hypothesis four, which assumes that Kenya's foreign policy behavior towards Somalia is influenced by the external actors. In other words the Soviet Union's economic and military support for Somalia enhance the latter's claim on the NFD. This, in turn, influences Kenya's foreign policy behavior towards Somalia based on respect for the principle of territorial integrity.

Second, it has been stated that after Somalia expelled the Soviet Union in 1977 Kenya continued to invoke the doctrine of territorial integrity vis-a-vis Somalia. Kenya also maintained its military relations with Ethiopia, a Soviet ally. Thus, between 1978 and 1983 Kenya's security concerns were not directed at the Soviet Union. It can be argued that Kenya's security concerns were directed at the Western industrialized countries supplying Somalia with economic and military support. This finding also supports hypothesis four.

Conclusion

This chapter has examined the external actors' influence on Kenya's foreign policy behavior towards Somalia based on respect for territorial integrity. The Western and Eastern countries which have supported Somalia with economic and military aid were examined. Our findings

indicated that the external actors had influence on Kenya's foreign policy behavior towards Somalia. We found out that between 1963 and 1977 Kenya's foreign policy behavior towards Somalia was influenced by the Soviet economic and military support of Somalia. However, after the Soviets were expelled from Somalia and the Western countries assumed their position, Kenya again urged the Western countries not to supply Somalia with arms. Thus, the Western countries' economic and military support for Somalia between 1978 and 1983 has been viewed suspiciously by Kenya. It can therefore be argued that between 1963 and 1983 the external actors have influenced Kenya's foreign policy behavior towards Somalia based on respect for the principle of territorial integrity. This leads us to, the next chapter, in which we shall analyze Kenya's insistence on respect for the principle of territorial integrity.

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- ²⁰Colin Legum, "The Soviet Union's Encounter with Africa, in Kraig and Kauppi, eds., The Soviet Impact in Africa, p. 23.
- ²¹Irving Kaplan, et al., Area Handbook for Somalia (Washington, D.C.: Government Printing Office, 1969), p. 353.
- ²²Touval, The Boundary Politics of Independent Africa, p. 148.
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- ²⁴Touval, The Boundary Politics of Independent Africa, p. 150.
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CHAPTER SIX

TERRITORIAL INTEGRITY AS THE BASIC MODE OF FOREIGN POLICY BEHAVIOR: KENYA VIS-A-VIS SOMALIA

Kenya's insistence on respect for the principle of territorial integrity as the basic instrument of its foreign policy behavior towards Somalia dates back to its pre-independence years. As early as 1962, Jomo Kenyatta, leader of KANU, and Ronald Ngala, leader of KADU, travelled to Somalia to try to convince the Somali leaders to drop their claim on the NFD. Although their mission was not successful, their statements in Somalia laid the groundwork for what was to become Kenya's mode of foreign policy behavior towards Somalia. Whereas Mr. Ngala saw the solution on the NFD question in a constitutional framework--based largely on majimbo (regionalism), Mr. Kenyatta viewed the issue as Kenya's internal responsibility.

In his speech in Mogadishu Mr. Ngala stated that:

With regard to the question . . . about the NFD, we have given the people of that area an opportunity to say what they wish, and with further discussions I hope we can come to some arrangements satisfactory to all parties concerned. . . . Autonomous region, comprising the people who wish to live together in Kenya, and providing for the rights of minorities, can be a solution to the problems of suspicion, problems of fear, problems of insecurity, and even problems of secession.¹

As far as Mr. Ngala was concerned, regional autonomy was the best way to eliminate irredentism in the NFD.

Mr. Kenyatta, on his part, stated in Mogadishu that:

We, and especially KANU, feel, and we have put it clearly before the Somali Government, that we regard the NFD as part of Kenya. We also regard the Somalis who live in the NFD and elsewhere in Kenya as our brothers. They are part and parcel of Kenya and we would like them to live in Kenya in that fashion. . . . This is a question which we can discuss with the Somalis in the NFD, this being a domestic affair~~s~~ of Kenya.²

Mr. Kenyatta's phrase, "this being a domestic affairs of Kenya," was carefully linked with the doctrine of territorial integrity.

Specifically, any claim to the NFD, in Kenyatta's view, constituted a violation of Kenya's sovereignty and territorial integrity. It is this latter view that this chapter seeks to address.

The purpose of this chapter is to examine Kenya's official position with respect to the NFD. The chapter will also examine Hypothesis Five which assumes that Kenya's foreign policy towards Somalia is influenced by the internal party politics. Specifically, the chapter seeks to demonstrate that since its independence in 1963 Kenya has persistently invoked the principle of territorial integrity vis-a-vis Somalia. It was established in Chapter Four that Somalia has since 1960 invoked the principle of self-determination for the Somalis in the NFD. Thus, foreign policy behavior towards Somalia, based on respect for the principle of territorial integrity, is a product of the latter's claim on the NFD.

For the purposes of this chapter the analysis which follows is divided threefold. The first part covers internal factors which have influenced Kenya's policy towards Somalia. It has been demonstrated in

Chapter Three that the NFD secessionist demands influenced Kenya's foreign policy behavior toward Somalia. However, there were other internal factors which influenced Kenya's view with respect to secession. They include such factors as party politics and the claim by the Arabs on the Coast for some form of autonomy. The second part examines Kenya's application of the principle of territorial integrity vis-a-vis Somalia. The analysis is mainly based on the official policy statements by the Kenyan leaders both at home and in international forums on the issue of the NFD. The arguments of scholars who have contributed on the subject under study will also form part of the analysis. The third part covers the trade relations between Kenya and Somalia, 1963 to 1983. This section is meant to determine the effects the strained relations between the two countries have had on their trade.

The Impact of the Internal Factors on Kenya's Foreign Policy Behavior Towards Somalia

As will be mentioned in this section a split occurred between KANU and KADU during the early 1960s. The KANU-KADU conflict was centered on the constitutional powers to be vested on the Regional Assemblies. As a result of the disagreement KADU threatened to form its own Republic. The KADU leadership was unhappy with the outcome of the 1960s London Constitutional conferences. This internal party conflict came at a time when the shifita activities were gaining momentum.

Party Politics

This section is not meant to trace the historical origins of the political parties in Kenya. Its main purpose is to analyze the different platforms pursued by the political parties which influenced Kenya's foreign policy behavior towards Somalia. Whereas the ruling party, KANU, advocated a unicameral legislature, its chief party rival, KADU, called for majimbo (Swahili for regionalism or regional autonomy). KADU's insistence on regional autonomy was based on the fear that an independent Kenya would be dominated by the larger ethnic groups, the Luo-Kikuyu matrix. The latter two ethnic groups constituted the majority of the KANU leadership and the followers.³

The emergence of KADU as a political party came as a result of the conglomeration of the smaller parties originally formed on ethnic lines. These smaller ethnic-oriented political parties included, for example, the Kalenjin Political Alliance, the Masai United Front, the Coast People's Union, and the Somali National Association.⁴ KADU's insistence on regional autonomy became more apparent during the 1960-63 London Constitutional Conferences.

The KANU-KADU disagreement was centered on the constitutional issue of how much power was to be vested in the Regional Assemblies. Whereas KANU proposed that more authority should be bestowed on the National Assembly, KADU insisted that Regional Assemblies should have more power.⁵ The split between the two political parties became more

serious when KADU announced in London that it was going "to form a separatist Republic comprising of the Rift Valley, Western, Coast, and Northeastern Regions."⁶

Mr. Ngala, the leader of KADU, stated that: "I think the move is very serious and we do not intend to make it vague as to who is responsible. The Kenya African National Union, the Government party, and the British Government must bear the responsibility."⁷ He also stated that "KADU's feeling was that the constitution, which was intended to carry the minorities in the regional system was being purposely destroyed. Therefore the only alternative is to take this action."⁸ Meanwhile the KADU leaders who did not accompany Mr. Ngala to the 1963 London Constitutional Conference sent a telegram to Mr. Ngala and Mr. Sandys, the British Colonial Secretary. The telegram urged Mr. Ngala to "return immediately for republic declaration."⁹

However, an agreement was finally reached in which both parties claimed victories. Since KANU was more interested in a unicameral legislature, it can be argued that KADU prevailed. The final Constitution provided for majimbo or regional legislature. KADU was still not happy with the final outcome of the constitution. On his arrival in Kenya Mr. Ngala still "reserved for his followers the right to self-determination." He also said that "in the interests of minorities of Kenya I personally favoured partition. The British Government may have to use their arms in Kenya to uphold their dishonour."¹⁰ KANU's leader, Mr. Kenyatta, on the other hand, stated

that "there is no room for autonomy or secession. Such talk is idle and will lead nowhere."¹¹

The conflict between KANU and KADU, it can be argued, reinforced secession by the NFD inhabitants. Indeed, Kenya's Prime Minister once blamed the advocates of regionalism for encouraging secession in the NFD. During the debate on the Northeastern Region Emergency Order request, Prime Minister Kenyatta stated that:

This, of course, was a part of a creation of the leader of the Opposition when he asked for Majimbo, Coastal Strip, and all other kinds of things. If we did not have this idea of dismembering Kenya, led by the Opposition, we would not be in the position in which we are now in the Northeastern Region.¹²

Since Kenya was faced with the problem of secession in the NFD the idea of majimbo was viewed by the Government as a barrier to national unity. Thus, the ruling party KANU viewed majimbo as a traditional aspiration, intended to perpetuate ethnic autonomy.¹³

Some scholars argue that acceptance of a bicameral legislature (KADU's platform) was done by KANU as the price of independence.¹⁴ Indeed, before Kenya became a Republic in December, 1964, the Prime Minister expressed a desire to eliminate regionalism in order to lessen the Constitutional difficulties encountered when dealing with the NFD question.¹⁵ It was stated in Chapter Three that Members of the Opposition in the Senate defeated a Government motion requesting to extend the Emergency measures in the NFD. However, after consultations between KANU and KADU leaders, the motion was reintroduced and passed. Later, however, Mr. Ngala dissolved his party, KADU, and asked all

Members of the National Assembly "to forget the past and work together to build the country."¹⁶ Kenya, therefore, became a Republic as a de facto one-party state.

Although KADU had advocated regional autonomy, it did not specifically favor secession of the NFD and its unification with Somalia. However, KADU's insistence on regional autonomy based on ethnic grounds created differences within Kenya at a time when the NFD Somalis' demand for secession was at its peak. It can be argued that KANU's concern with respect to the issue of regional autonomy conforms to Hypothesis Five. This hypothesis assumes that Kenya's foreign policy behavior towards Somalia is influenced by the internal party politics, particularly before KADU was dissolved in 1964. The other party which demanded some form of autonomy was Mwambao United Front.¹⁷

The Coastal Strip

Under the Mwambao United Front, the Arabs of the Coastal Strip sought some form of autonomy before Kenya's independence. The ten mile Coastal Strip had been leased to the British in 1895 by the Sultan of Zanzibar.¹⁸ In order to determine the validity of their demands, the British colonial administration sent a commission of enquiry. Besides recommending that the 1895 Agreement be abrogated, the Commissioner's Report concluded that the Coastal Strip should be integrated with Kenya before Kenya's independence. Part of the reasoning behind such a conclusion was that Mombasa, located in the Coastal Strip, not only

served as Kenya's chief port but that it also served Uganda, Congo (now ^{now democratic republic of Congo - Kabila} Zaire), and Tanzania.¹⁹ The agreement was afterwards signed by Mr. Sandys, Mr. Kenyatta, and Mr. Shante, Prime Minister of Zanzibar in London.²⁰ The demands by the Mwambao United Front ceased after the signing of the agreement in 1963. Although the Arabs' irredentism gradually faded, it would be wrong to assume that the Kenyan leaders, particularly KANU, did not remain sensitive to secession.

In concluding this section it can be argued that KADU's demand to form a separatist Republic influenced Kenya's foreign policy towards Somalia. This is because KADU's intended Republic was to include, among others, the Northeastern and the Coastal Regions, the inhabitants of which demanded secession. Thus, the demand for partition by KADU in 1963 was likely to perpetuate irredentism in the two regions. The Kenya Government, therefore, persistently invoked the doctrine of territorial integrity vis-a-vis Somalia.

Territorial Integrity: Kenya's Policy vs. Somalia

This part of the chapter focuses our attention on the principle of territorial integrity and how the concept has been invoked by Kenya vis-a-vis Somalia since 1963. The concept, territorial integrity, is analyzed within the context of the NFD dispute between the two countries.

During the First Summit Conference of the Independent African States held in Addis Ababa, Ethiopia, in 1963, the Kenya delegation, attending

the conference as an observer since Kenya was not yet independent, said that:

The Government of Somalia states that the principle of self-determination should be followed in the case of NFD The new constitution leading to Kenya's self-government . . . makes no provisions for referendum and secessions and such other disruptive activities. The question of a referendum and the principle of self-determination for the NFD Somalis is therefore ultra vires and therefore does not arise. . . The NFD is a part of Kenya and shall always remain as such.²¹

This speech conforms with that expressed by Mr. Kenyatta in Mogadishu in 1962. It is a clear indication that the Kenyan leaders viewed the Somalian claim on the NFD as a violation of Kenyan territorial integrity. Thus, Kenya's diplomatic initiative to maintain its sovereign rights over the NFD dates back to its pre-independence years.

The same theme was expressed by the Kenyan leaders when they met with the Somali leaders in Rome, August 1963. The Rome negotiations did not solve the NFD dispute. The Kenyan draft proposal stated as follows:

Primary consideration will be given to the welfare of the inhabitants of the Northeastern Region; Agreement shall be sought by peaceful and lawful means and all concerned will co-operate to reduce tension in the area; Her Majesty's Government will take no unilateral decision involving a change in the frontiers of Kenya before independence.²²

The Kenyan proposal, while rejecting the dismemberment of the NFD, accepted to negotiate with Somalia.

Kenya achieved its independence on December 12, 1963, thus joining the community of nations as a sovereign state. "Once Kenya's sovereignty became a fact, any further claims to this territory [NFD] by the Republic of Somalia were seen as a direct threat to Kenya's

territorial integrity and an interference in her internal affairs."²³ Therefore, after its independence, Okumu argues, "Kenya became determined to preserve her territorial integrity."²⁴ This conservative policy position was influenced by the shifita activities in the NFD (Chapter Three), the Somalian claim on the NFD (Chapter Four), the Somali military build-up (Chapter Five), and Kenya's internal situation.

During his address to the Kenya National Assembly in December 1963, the Prime Minister specified his Government's policy with respect to the NFD:

The Northeastern Region is part of our country and any problems arising there are internal and domestic. We cannot compromise on that. Being a believer in Pan-Africanism, and as one of its founders, I went out of my way to discuss this matter thoroughly with the Somali Government. . . . We, the African Governments, guided with the determination of the policy of African unity, ought to be one, ought to be friends, ought to settle our problems peacefully.²⁵

Mr. Kenyatta's statement is an indication that his Government viewed the NFD situation as domestic. Thus, the Somalian claim on the NFD was considered a violation of Kenya's sovereign rights and territorial integrity.

The Prime Minister accused Somalia of causing violence in the NFD. Speaking in the National Assembly, Mr. Kenyatta stated that "there is no doubt at all that the Somali Government policy of territorial expansionism has led to the killing of peaceful Kenya citizens, straining our relations with that government."²⁶

Kenya's view with respect to the principle of territorial integrity vis-a-vis Somalia was clearly stated in the National Assembly.

Contributing on the debate dealing with the Northeastern Region Emergency measures, one Member of Parliament stated that:

People who talk of African unity must accept the integrity of the sovereign states in Africa first. . . . The Kenya leaders should not sit with the Somali leaders in conferences unless they are prepared to listen and respect the sovereignty and integrity of Kenya's territorial boundaries. Until the five stars on the flag of the Somalia Republic are reduced to three we will never have peace in the Northeastern Region.²⁷

The speech by the Kenya Member of Parliament clearly implicated Somalia as the main source of conflict in the NFD. Thus, peace in the area could only prevail if Somalia respected Kenya's territorial integrity.

The Member of Parliament also argued that:

We, too, could also have territorial claims on Somalia--Jubaland ceded to Somalia in 1925 and 1926. . . . But in the interests of African unity and in agreement with the Charter of the OAU, we respect Somalia's rights to that territory, because that is a fundamental principal of the OAU.²⁸

It appears that the Kenyan leaders were mostly unhappy with Somalia regarding the shifita activities in the NFD.

In his address to the Kenya Senate the Minister for Justice and Constitutional Affairs expressed the same opinion with respect to the situation in the NFD. He emphasized that:

The Northeastern Region must always be regarded as the domestic responsibility of the Kenya Government, a responsibility which we refuse to share with Somalia or any other foreign Government because the Northeastern Region is in Kenya. . . . We do not consider that they [Somalia] have any legal, direct or indirect, responsibility over the Northeastern Region.²⁹

What is interesting to note is that the Kenyan leaders associate the shifita activities in the NFD with the Somalian claim. This is important to note because of consistency of Kenya's policy based on respect for the principle of territorial integrity vis-a-vis Somalia.

McEwen also argues that "Kenya's basic position is that of territorial integrity." He further argues that Kenya's policy position is "in common with most other new African countries" which favor "the crystallization of national boundaries in the positions they occupied at the time of independence."³⁰ Makinda, on the other hand, argues that the shifita "war in the Northeastern province tended to undermine Kenya's territorial integrity and threatened her survival as a national entity."³¹ Indeed, it is because of the shifita threat that Kenya has persisted on adherence to the principle of territorial integrity vis-a-vis Somalia.

Kenya's efforts to link her relations with Somalia to the concept of territorial integrity were pursued throughout the 1960s both internally and externally. As stated in Chapter Four, the OAU Council of Ministers meeting in Dar-es-Salaam, Tanzania, and also in Lagos, Nigeria, in 1964 urged Kenya and Somalia to settle their differences peacefully. The Council of Ministers also urged the two countries to observe Article III paragraph 3 of the OAU Charter which calls on Member States to respect each other's territorial integrity. Similarly, the Assembly of Heads of State and government meeting in Cairo, Egypt, in July 1964 declared that

"all Member States pledge themselves to respect the borders existing on their achievement of national independence."³²

The 1964 Non-Aligned meeting in Cairo also adopted the uti possidetis principle with respect to borders.³³ These were clear victories for Kenya and other states involved in similar disputes. The Kenyan leaders also emphasized their strict adherence to the principle of territorial integrity.

An Assistant Minister in the President's Office stated that:

The Kenya Government believes in maintaining the integrity and sovereignty of the Republic of Kenya by excluding all external influences which are destructive or abortive, whether these influences emanate from Somalia or from any other foreign power.³⁴

The Assistant Minister also stated that "we believe it is the duty of the Kenya Government to uphold the integrity, independence and sovereignty of the Republic of Kenya by keeping the hands of Somalia off the Northeastern Region."³⁵

On the issue of negotiations between Kenya and Somalia to resolve the NFD, the Minister for Internal Security and Defense expressed an uncompromising opinion. He stated that:

The Kenya Government is not about to sit down with the Somali Government to talk about the Northeastern Region. The Northeastern Region is part of Kenya and there is no time today or tomorrow when our Government is going to approach Somalia to talk on the Northeastern Region disputes. . . . Every inch of the Northeastern Region is a part of Kenya and not a part of Somalia and there is no negotiation on that basis.³⁶

Acceptance to negotiate with Somalia, it is argued, implies Kenya's tacit recognition of Somali claims of the NFD. On the other hand, Kenya

was prepared to negotiate with Somalia provided the latter recognized Kenya's sovereign rights over the NFD.

On the initiative of President Nyerere of Tanzania, the leaders of Kenya and Somalia met at Arusha, Tanzania, to resolve their dispute. The meeting ended in a deadlock. The Somali proposals at the 1965 Arusha meeting were discussed in Chapter Four. Kenya on the other hand, "made it clear that Kenya will not allow any part of its territory to be dismembered and will defend her territorial integrity by every means."³⁷ Kenya's proposals contained five points.

First, "that the Somali Government should condemn the shifta in the Northeastern Region and cease to aid them in any way."³⁸ The Government, on this point, wanted to ascertain the sincerity of Somalia with respect to its support of the shifta. Second, that "the Somali Government should cease all hostile propaganda directed towards inciting shifta against the Kenya Government."³⁹ Third, "that Somalia should instruct its administrative, army and police units to co-operate with their opposite numbers across the border to jointly suppress shifta operations."⁴⁰ It was hoped that a joint effort would stop the shifta from crossing into Somalia after their attacks in Kenya. Fourth, that after a period mutually agreed, and if there was evidence on the Kenya side of the termination of shifta incidents, Kenya would consider the establishment of diplomatic relations with Somalia."⁴¹ Fifth, that both Governments would use all forms of publicity to make it known they are opposed to violence and are determined to use all means to end the

shifta operations."⁴² On this point the Kenya Government wanted to be assured that Somalia was not still pressing for self-determination for the NFD Somalis.

Somalia rejected the Kenya proposals on the ground that they were "tantamount to a public retraction of its policies."⁴³ After the conference in Arusha the relations between the two countries deteriorated. President Kenyatta expressed his frustration regarding the situation in the NFD. In a speech to the two Houses of the National Assembly he stated that:

Ever since my speech in this House in February 1964, on the whole issue of Somali aggression and shifta unrest in Northern Kenya, we have pursued a policy based on defence of our rights and our territory, human tolerance and understanding, and belief that justice and patience would together bring about a return to normal conditions. . . . We can no longer permit the complete frustration of economic and social development in this huge area.⁴⁴

President Kenyatta's speech clearly implicates Somalia as the main cause of shifta activities in the NFD. Thus, Kenya's foreign policy behavior towards Somalia based on respect for the principle of territorial integrity is derived from such causal relations.

It is important to understand that while Kenya regards the NFD issue as internal the conflicts in the area are viewed by the Kenyan leaders as external. The major cause, as far as the Kenya Government is concerned, is Somalia. One Member of Parliament argued that:

Somalis in Kenya are not shifta. The Somalis who are shifta are those who have been forced at rifle point to do certain things by the Somalis from Somalia. Not only the Somalis are forced but Borana and others as well.⁴⁵

Although the statement appears to be exaggerated since there were Somalis in Kenya who were shiftas, there were also Somalis from Somalia who posed as Kenyans. The Kenyan authorities at times had difficulties identifying Somalis from Kenya and those from Somalia.⁴⁶

Since the relations between Kenya and Somalia had deteriorated in 1966, an Assistant Minister for Defense suggested in Parliament that: "Although we have not declared war on Somalia we must act as if we are on a war basis by doing all that is possible to build the confidence of the people in the Northeastern Province."⁴⁷ The relations between the two countries deteriorated after their 1965 disagreement in Arusha, Tanzania. Meanwhile the Kenya Minister of Information and Broadcasting said that "since Kenya had severed all relations with Somalia the Government would not allow any Somali Minister to land at or pass through Nairobi Airport."⁴⁸

Despite the bad relations between Kenya and Somalia, the Prime Minister of Somalia attended the East and Central African States meeting in Nairobi, Kenya. The resolutions adopted endorsed the Kenyan view. One of the resolutions, relevant for this study, stated that:

All the States represented undertake to avoid in future any propaganda campaign by press, radio or otherwise against a neighbouring State. . . . All States represented at the meeting will work together to eliminate border incidents and create machinery for improving neighbourly relations.⁴⁹

The Conference also urged the members to observe the principles stipulated in the Charter of the OAU.

In his address to the Kenya National Assembly, President Kenyatta stated that:

Kenya wishes to live in harmony with all her neighbours. We covet no inch of their territory. We will yield no inch of ours. We stand loyal to the Organization of African Unity and to its solemn decision that all African States shall adhere to the boundaries inherited at independence.⁵⁰

President Kenyatta, implicitly referring to Somalia, reiterated Kenya's position of respect for the principle of territorial integrity. As has been seen in this discussion thus far, the Kenyan leaders link the concept of territorial integrity with that of good neighborliness. At the same time a violation of Kenyan territory in the NFD is also linked with Somalian interference.

In 1967, the Kenya Government published a document in which it accused Somalia of encouraging the shifta activities. It outlined specific prerequisites before it could negotiate with Somalia. The prerequisites merit elaborate quotation. It was provided that:

1. The Government of the Somali Republic should renounce all territorial aspirations . . . declaring concurrently its readiness to recognize--
 - (a) that the Northern Frontier District of Kenya is an integral and de jure part of the Kenya Republic;
 - (b) that this recognition implies the launching of an era of peaceful and constructive co-existence between Kenya and Somalia.
2. The Government of the Somali Republic should . . . disband the . . . High Command of the Northern Frontier District Liberation Movement in Mogadishu.
3. The Government of the Somali Republic should . . . halt the supply of arms and ammunition, plastic land mines and demolition material to shifta. . . .
4. The Government of the Somali Republic should close down the shifta training centres. . . .

5. The Government of the Somali Republic should recognize the right of those Somalis who are citizens of Kenya. . . .⁵¹

The abridged prerequisites indicate Kenya's hardened position vis-a-vis Somalia. What is important to note is the consistency with regard to the Kenya government's view of Somalian involvement in the NFD. It is this view which influences Kenya's foreign policy behavior towards Somalia based on respect for the principle of territorial integrity. If the Somali Government agreed with the prerequisites, the document stated, the Kenya Government would be ready to: reopen diplomatic relations; lift the 1966 trade ban between the two countries; draft a report to the OAU stipulating the details of the bilateral agreement; and continue discussions of mutual benefit.⁵²

After the 1967 elections in Somalia which brought into office President Shermarke and Prime Minister Egal, a period of rapprochement was created. The 1967 Kinshasa, Zaire, and Arusha, Tanzania, Agreements were discussed in Chapter Four. What needs to be stated here is that the two countries agreed to "respect each other's sovereignty and territorial integrity in the spirit of Paragraph 3 of Article III of the OAU Charter."⁵³ Indeed, the statement can be interpreted to mean that Somalia, for the first time, recognized Kenya's territorial integrity as understood by Kenya. After the Kinshasa OAU Conference the Kenyan Minister for Defense commented that "during our talks with Prime Minister Egal and other Somali leaders we were left in no doubt their

sincerity."⁵⁴ Similar agreement was also reached between Ethiopia and Somalia.

During his state visit to Addis Ababa, Ethiopia, President Kenyatta stated that the Kenya-Somali Agreement was a victory for the two countries and Africa.⁵⁵ When Prime Minister Egal arrived in Kampala, Uganda, to meet the East African leaders in order to formally apply to join the East African Community, President Kenyatta thanked him for his courage. Mr. Egal said that:

We have at long last brought this crowd of mercenaries to heel. The Somali and Kenya dispute has been amicably brought to the conference table . . . and an atmosphere of confidence has now been established between the Governments of the two countries.⁵⁶

The arrangements to admit Somalia to the East African Community did not materialize because of the military coup which toppled the Egal Administration in 1969.

It was estimated that the shifita activities cost Kenya £4,500,000 in 1967 and £6 million in 1968.⁵⁷ Thus, the Arusha Agreement brought financial relief, among other things, to the Kenya Government. As stated in Chapter Four, diplomatic and trade relations between the two countries resumed. The 1970s and 1980s, however, witnessed fluctuations in terms of the relations between the two countries. The Military Administration in Somalia was not open with respect to its position on the issue of Kenya's territorial integrity. The Somali Foreign Affairs Minister clearly stated that "we adhere to any detente or agreement or understanding which has been made, but we are not stopping there."⁵⁸ The

Supreme Revolutionary Council had also announced that it "strongly supported the principle of self-determination and would exert every effort to bring about the unification of the Somali people."⁵⁹

A few months after the Somali military coup, Kenya and Ethiopia signed a border agreement. The joint communique stated that the agreement represented a "triumph for the cause of good neighbourliness, harmony, and understanding between neighbouring states." It also emphasized the need for maintaining "secure and recognized borders which helped to foster friendship and cooperation between sovereign states with common borders."⁶⁰ It can be argued that the agreement was a reaction created by the uncertainty which existed in the region after the coup in Somalia.

It was because of the Somali Military Administration's call for self-determination of the Somalis that Kenya re-emphasized the need for respect of territorial integrity. During the 1973 OAU meeting in Addis Ababa, Ethiopia, Kenya's Vice-President stated that:

Kenya cannot be party to opening up issues concerning territorial claims against sister states. Kenya does not have and will not make any territorial claims on any of her neighbours; and in the same spirit Kenya cannot and shall not recognize or even consider boundary claims by any African country against its sister country.⁶¹

This was the first time since the 1967 Arusha Agreement that Kenya made a strongly worded statement regarding territorial claims.

In his speech in the Kenya National Assembly the Attorney-General circulated a map in the House which he said had been distributed in the 1974 OAU meeting in Mogadishu. He said that "the Government would

sacrifice everything to maintain the country's territorial integrity."⁶² The map which covered portions of Kenya's NFD was alleged to have been distributed by the United Liberation Front of Western Somalia (Ogaden, Ethiopia).⁶³

Kenya's concern about its sovereignty and territorial integrity was again reiterated during the 1977-78 Somali-Ethiopian war. President Kenyatta stated that "Somalia should renounce its claims on territory in Northeastern Kenya." He further said that Kenya hoped that the 1967 Arusha Agreement paved the way for mutual cooperation, and yet "ten years later it is surprising to learn that maps circulating within Somalia still lay false claim on Kenya territory."⁶⁴ Kenya and Ethiopia also issued a joint communique strongly rejecting territorial claims on their respective countries by Somalia.⁶⁵

In this address to the nation President Kenyatta stated in October, 1977, that:

External threats were created by aggression and subversion mounted by the Somali Republic against the Government and people of Kenya. . . . My Government will continue to be vigilant at all times. One clear thing about the Republic of Kenya is that our national integrity must be defended at all costs.⁶⁶

President Kenyatta's speech reaffirmed Kenya's insistence on respect for the principle of territorial integrity. As has been explained thus far, it is a reaction specifically against Somalia.

Similarly, in his speech in Addis Ababa the Kenyan Minister for Foreign Affairs said that:

Kenyans are overjoyed by your victory and just as your struggle was our struggle, so we now feel that your success is our success. Kenya's stand is not merely concerned with defending the principle of territorial integrity, but more so with defending the integrity of the Organization of African Unity.⁶⁷

The Kenyan Foreign Affairs Minister also emphasized that Kenya would never tolerate anyone who attempted to force "changes of territorial borders based on the mentality of ethnicity."⁶⁸ In a joint communique the Kenyan Foreign Minister and his Ethiopian counterpart outlined conditions to be met by Somalia before peace in the area could be achieved. They called on Somalia "to renounce all claims to the territories of Ethiopia, Kenya and Djibouti and that Somalia must openly declare its acceptance of all UN and OAU principles and decisions governing interstate relations including the principle of non-interference in the internal affairs of other countries."⁶⁹

When President Moi came to power in 1978, he pursued the policy of cooperation with Ethiopia previously initiated by President Kenyatta and Emperor Selassie in 1964. The defense treaty between the two countries was meant to deter Somalia which claims their territories. While on a state visit to Ethiopia in 1979, President Moi made the following remarks to the victims of the Ogaden (Ethiopia) war. He emphasized that:

To sacrifice oneself in the defense of the territorial integrity of one's motherland is an extremely noble and honourable deed. It calls for absolute dedication and deep love for one's country and its future.⁷⁰

President Moi's trip to Ethiopia immediately after the Ogaden war ended was an indication of his Administration's concern about the conflict in the area.

In a speech during a dinner hosted by the Ethiopian leader President Moi stated that:

The excellent relations that exist between Ethiopia and Kenya started long before Kenya's independence. . . . Kenya and Ethiopia share a long, well recognised and peaceful border while our two peoples have a long record of association and cooperation. . . . We are concerned that inter-African wars based on territorial claims must be avoided at all cost. In the past, Kenya has extended her hand of cooperation to all our brothers and sisters on our continent regardless of their political ideologies.⁷¹

President Moi, while expressing his concern with respect to Somalian territorial claims on both Kenya and Ethiopia, also reaffirmed his Administration's commitment to cooperate with Ethiopia irrespective of the latter's political ideology.

The period between 1980 and 1983 was marked with conflict and cooperation between Kenya and Somalia. As stated in Chapter Three, shifita activities reemerged in the NFD following the Ethiopian leader's state visit to Kenya in 1980. However, after the 1981 OAU meeting in Nairobi Presidents Moi and Barre issued a joint communique which stipulated their commitment to promote better understanding between the two countries.⁷² It has been suggested that President Barre's move to establish better relations is influenced by internal conflict in Somalia and Somalia's isolation diplomatically in Africa because of its territorial claims on neighbors.⁷³

However, in 1983 Kenya and Ethiopia issued a joint communique which again condemned what they called Somalia's expansionism. The communique stated that Kenya and Ethiopia:

Unreservedly condemned the Somali regime for its expansionist activities and . . . reaffirmed their commitment to preserving their territorial integrity and sanctity of boundaries as enshrined in the OAU and the UN Charters.⁷⁴

Indeed, in the 1983 KANU Manifesto it is provided that "Kenya values peace with her neighbours, and the KANU Government will continue to promote good neighbourliness in this region."⁷⁵ Before discussing the final section a brief summary is necessary here.

First, it has been demonstrated that Kenya has since 1963 insisted on maintaining its sovereignty and territorial integrity as acquired from the time of independence. Second, since Somalia claims the NFD, Kenya has consistently invoked her policy vis-a-vis Somalia based on respect for the principle of territorial integrity. This foreign policy behavior has been maintained between 1963 and 1983. Third, Kenya's policy vis-a-vis Somalia is largely a reaction to the latter's claim on the NFD. How has this policy affected the trade relations between the two countries? This leads us to the final section in which we shall examine their trade relations between 1963 and 1983.

Kenya-Somalia Trade Relations, 1963-1983

The main purpose of this section is to examine the impact the strained relations between the two countries have had on their

import and export trade. It was stated elsewhere that the period 1963 to 1967 was marked with strained relations between Kenya and Somalia (peak period). However, after signing the 1967 Arusha Declaration there was an atmosphere of rapprochement (thawing period) between Kenya and Somalia. This is not to argue, as it has been emphasized, that the Somali leaders abandoned the drive for Greater Somalia. The Arusha Agreement paved the way for the resumption of diplomatic intercourse between Kenya and Somalia in 1968. Somalia also resumed her diplomatic relations with Britain. After the 1969 military coup the new Somalian leadership revived the campaign for self-determination of the Somalis, which later in the 1970s lead to the military clash with Ethiopia. Thus, the 1970s can be counted as a peak period with respect to the strained relations between Kenya and Somalia. Specifically, since Kenya supported Ethiopia during the 1977-78 Ethiopian-Somalia war it can be argued that it was a peak period for strained relations between the two countries (Kenya and Somalia).

It can also be argued that 1979-80 also witnessed another peak period with respect to the strained relations between the two countries. This is because, apart from renewing the military pact between Kenya and Ethiopia, the leaders of the two countries exchanged visits. The reaction from Somalia, as has been stated elsewhere, was swift and clear. However, the relations between Kenya and Somalia improved in June 1981 when President Barre and President Moi signed a co-operation accord which ended several years of hostility between the two countries.

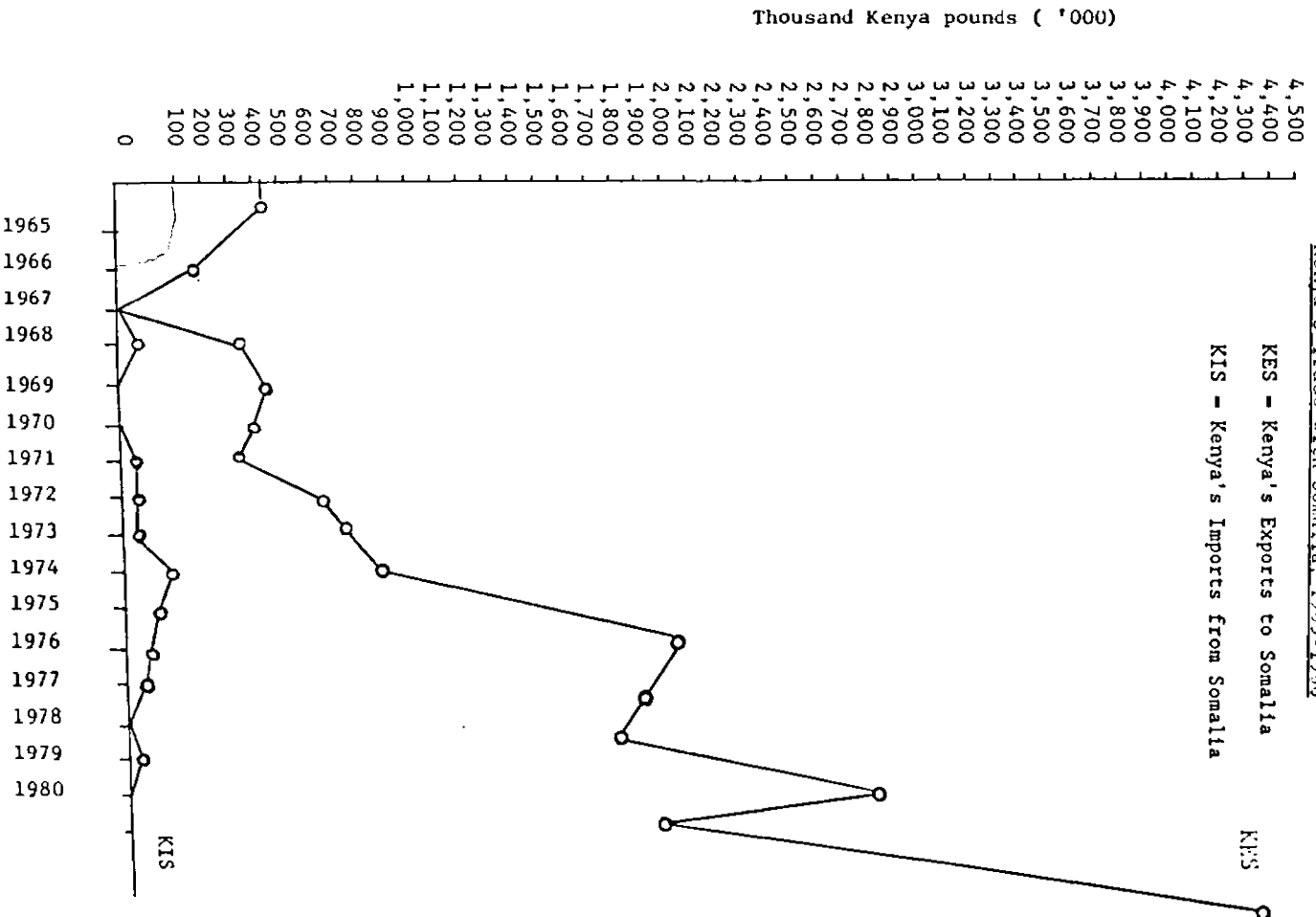
Nevertheless, the activities of the active Somali shiftras seeking the secession of Kenya's North-Eastern Province continued to present an underlying source of strain in Somali-Kenya relations.

The dominant peak periods of strained relations between Kenya and Somalia are: 1963-67; 1977-78; and 1979-80. The period between 1968 and 1969 is counted as a cooling down period. The period 1970-1976 was marked with military regime's preparedness and defining the domestic and external policies. This is not to argue that the policy of Greater Somalia was still being reformulated. It is assumed that the economic trade between the two countries will reflect the periods discussed above, with the trade relations falling during the peak periods.

In its report on the study about the road link between Kenya and Somalia, the United States Agency for International Development team concluded that an improved road link between the two countries would be economically, politically, and socially beneficial to them.⁷⁶ The argument was based on, among other things, the fact that most of the commodities from Nairobi to Mogadishu and vice versa are transported by road and sea-lanes connecting the ports of Mombasa and Mogadishu. Figures Six and Seven are based on Kenya's export and import to Somalia and Somalia's export and import to Kenya respectively.

Figure Six indicates that Kenya's imports from Somalia reflect the strained relations between Kenya and Somalia. Kenya's imports from Somalia remained insignificant up until 1974. Even after the 1967 Arusha Agreement between the two countries (thawing period), Kenya's

Figure Six
Kenya's Trade with Somalia, 1965-1980



Sources:

1. Kenya, Statistical Abstract, Ministry of Finance and Planning, 1975. Kenya, Statistical Abstract, Ministry of Economic Planning and Development, 1981.
2. Kenya, Statistical Abstract, Ministry of Economic Planning and Development, 1980.
3. Kenya, Statistical Abstract, Ministry of Economic Planning and Development, 1981.

Thousand Kenya pounds ('000)

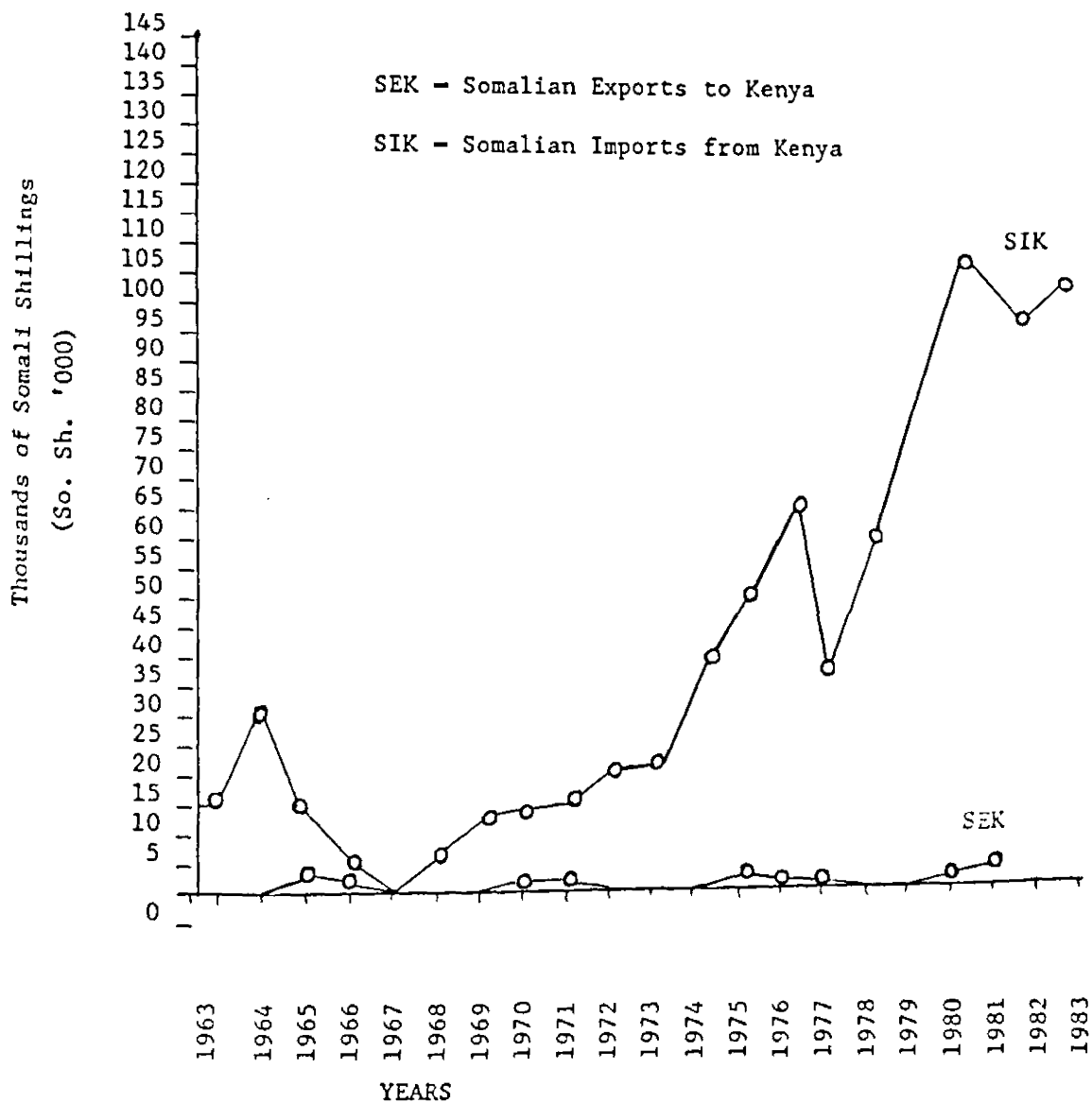
import volume stayed at a low profile. This may be attributed to the fact that Somalia's exports to Kenya are largely based on the dominant commodity, livestock. The other possible explanation is that large quantities of livestock are "bought by traders and driven across the border without passing customs points." It is "estimated that about 60,000 head per annum are exported in this manner from Somalia to Kenya" and vice versa.⁷⁷

Kenya's exports to Somalia have shown a fluctuating trend but a remarkable increase as compared to the imports from Somalia. The exports fell between 1965 and 1967 (peak period) reflecting the effects of the strained relations between the two countries. In 1966 Kenya Government imposed a ban on all trade transactions and all movement between Kenya and Somalia whether by land, sea or air.⁷⁸ These measures were lifted after the relations between the two countries were resumed in 1968. Similarly, immediately following the 1969 military coup the exports to Somalia dropped somewhat. While Kenya's exports to Somalia rose about 33 per cent from 1977 to 1978, they fell about 23 per cent from 1978 to 1979 and thereafter showed a remarkable increase. This suggests that exports to Somalia are not necessarily consistent with the peak and/or thawing periods. The possible explanations are that Kenya's exports to Somalia, manufactured goods, processed foods, tea and coffee, mineral fuels and lubricants, timber and wood products, oils and fats, and chemicals, are fairly diversified. This gives Kenya an advantage in both monetary and quantity aspects vis-a-vis Somalia.

Figure Seven depicts the Somalian trade with Kenya. The Somalian trade with Kenya was not combined with the Kenya-Somalia trade (Figure Six) for the following reasons. First, the volume of the Somalian trade with Kenya is comparatively less than that between Kenya and Somalia and therefore could not fit in the scale used in Figure Six. Second, the value of the Kenyan currency has for some years been stronger than that of Somalia, inflating the Kenyan trade with Somalia (Figure Six).

Figure Seven depicts a mirror image of Figure Six. Whereas the volume of Kenya's exports to Somalia since 1971 in monetary value has dwarfed that of her imports (Figure Six), Somalia's imports from Kenya have shown a great increase in the same period. As opposed to the Kenyan case, the Somali exports to Kenya tend to reflect the peak periods. Even after the 1968 Arusha Agreement, the Somali exports to Kenya have remained relatively low as compared to Kenya's exports to Somalia.

To an extent the economic variables reflect the strained relations between the two countries. Figure seven, as has been stated, depicts a low profile in Somalia's exports to Kenya. Similarly, Kenya's imports from Somalia have consistently been low as compared to her exports to Somalia (Figure Six). Although Kenya's exports to Somalia have shown some remarkable increase in monetary value, still they cannot be compared to her trade relations with Tanzania and Uganda prior to the fall of the East African Community in early 1977.

Figure sevenSomalia's Trade with Kenya, 1963-1981

- Sources:
1. Somalia, Chamber of Commerce Directory, 1983-84.
 2. Kenya, Statistical Abstract, 1975.
 3. Kenya, Statistical Abstract, 1980.
 4. Kenya, Statistical Abstract, 1981.

Kenya's trade with Tanzania and Uganda are much greater compared with that of Somalia. For example, Kenya's exports to Tanzania and Uganda in 1966 were about Kf14 million and Kf15 million respectively. Kenya's exports to Tanzania and Uganda in 1975 amounted to about Kf25 million and Kf30 million respectively.⁷⁹ Since the trade between Kenya and Somalia is not significant, it can be concluded that it is not a factor in influencing good relations between the two countries. However, since the two countries share a common border around which the climatic and physical conditions are similar, they can increase joint efforts in the area.

Conclusion

This chapter has examined consistency with respect to Kenya's foreign policy behavior towards Somalia based on respect for the principle of territorial integrity. Our findings indicated that between 1963 and 1983 Kenya persistently pursued the same policy vis-a-vis Somalia. The findings also showed that the policy is directly linked with events in the NFD. Once the shifita activities broke out in the NFD, Kenya quickly invoked the doctrine of territorial integrity vis-a-vis Somalia.

What is interesting to note is that although the shifita activities were greatly reduced after the 1967 Arusha Agreement, Kenya still continued to pursue its policy based on respect for territorial integrity vis-a-vis Somalia. This policy is therefore based on four

major factors. First, it is invoked whenever the shiftas have struck in the NFD. Second, it is invoked whenever there is a verbal or actual conflict between Ethiopia and Somalia. Third, it is invoked whenever Somalia makes verbal territorial claims on Kenya and/or Ethiopia. Fourth, Kenya invokes the principle of territorial integrity whenever Somalia makes a statement with respect to self-determination for the Somalis.

The findings also indicated that Kenya invoked the doctrine of territorial integrity vis-a-vis Somalia because of the internal party conflict, particularly between 1963 and 1964. This finding supported Hypothesis Five which assumes that Kenya invokes the principle of territorial integrity vis-a-vis Somalia because of the internal party politics.

FOOTNOTES AND READINGS

¹Somalia, The Somali Republic and African Unity, p. 21. See also, Hoskyns, Case Studies in African Diplomacy, p. 25.

²Ibid.

³George Bennett and Carl G. Rosberg, The Kenyatta Election: Kenya 1960-1961 (London: Oxford University Press, 1961), particularly Chapter 2.

⁴Y.P. Ghai and J.P.W.B. McAuslan, Public Law and Political Change in Kenya (London: Oxford University Press, 1970), p. 183.

⁵Ibid., pp. 190-207.

⁶"Kenya Troops Stand by After Secession Call," The Times (London), October 11, 1963, p. 89.

⁷Ibid.

⁸Ibid.

⁹"Somali Chiefs' Election Ban Disputed," The Times (London), October 19, 1963, p. 7.

¹⁰"Unity Appeal After Success of London Conference," The Times (London), October 21, 1963, p. 8.

¹¹Ibid.

¹²Kenya, National Assembly, House of Representatives, Official Report, vol. 2 (December 1963-March 1964), col. 41. See also, "Celebrations in Kenya Coast Region," The Times (London) January 2, 1964, p. 6.

¹³"The Constitution Must Justify Itself, Says KANU," East African Standard (Nairobi), April 4, 1963, p. 5.

¹⁴Cherry Gertzel, The Politics of Independent Kenya, 1963-8 (Evanston: Northwestern University Press, 1970); Y.P. Ghai, "Independence and Safeguards in Kenya," East African Law Journal 3(1), 1967, pp. 177-217.

¹⁵Kenya, National Assembly, House of Representatives, Official Report, vol. 3, March 1964, cols. 1707-1710.

¹⁶Africa Research Bulletin (Political, Social and Cultural), 1(11), November 1964, p. 188.

¹⁷Mwambao is swahili for coast.

¹⁸Ghai and McAuslan, Public Law and Political Change in Kenya, p. 186. The Sultan of Zanzibar had been receiving annual rent of £10,000 from the British.

¹⁹Great Britain, Report of the Commissioner on the Kenya Coastal Strip, Her Majesty's Stationery Office, Command 1585, 1960.

²⁰"Coastal Strip to be Part of Kenya," The Times (London), October 9, 1963, p. 9. See also, "Kenya: Agreement on Coastal Strip," African Recorder, October 1963, p. 603.

²¹Hoskyns, Case Studies in African Diplomacy, pp. 38-40.

²²Kenya, Kenya-Somali Relations, p. 8. See also, "Ministers Hopeful on NFD: But Somalis Hint at Chance of Violence," East African Standard (Nairobi), August 30, 1963, p. 1.

²³John J. Okumu, "Appraisal by a Kenyan," in Resolving Conflict in Africa, ed. Leonard W. Doob (New Haven: Yale University Press, 1970), p. 60.

²⁴Ibid., p. 61.

²⁵Kenya, National Assembly, House of Representatives, Official Report, vol. 2, December 1963, cols. 40-42.

²⁶Ibid., pp. 144-145.

²⁷Ibid., p. 146. The five stars on the Somali flag mentioned in the speech refers to the Somali Republic (British Somaliland and Italian Somaliland), Djibouti, Ogaden (Ethiopia) and NFD (Kenya).

²⁸Ibid., p. 147.

²⁹Kenya, National Assembly, Senate, Official Report, vol. 1, July-September 1963, p. 30. Under Section 57 of the 1963 Kenya Constitution a Minister could address the Senate on matters relating to their ministries.

- ³⁰McEwen, International Boundaries of East Africa, p. 113.
- ³¹Makinda, "From Quiet Diplomacy to Cold War Politics," p. 307.
- ³²Hoskyns, Case Studies in African Diplomacy, p. 68. For the interpretation of the 1964 OAU Conference, see Touval, The Boundary Politics of Independent Africa, pp. 89-90.
- ³³Kenya, National Assembly, House of Representatives, Official Report, vol. 4, December 1964-May 1965, col. 8.
- ³⁵*Ibid.*, col. 876.
- ³⁶*Ibid.*, col. 884. See also, Africa Research Bulletin (Political, Social and Cultural), 1(9), September 1964, p. 146.
- ³⁷Hoskyns, Case Studies in African Diplomacy, p. 73.
- ³⁸*Ibid.*
- ³⁹*Ibid.* See also, Africa Research Bulletin (Political, Social and Cultural), 1(2), December 1965, p. 426.
- ⁴⁰*Ibid.* See also, Saadia Touval, "The Organization of African Unity and African Borders," International Organization, 21(1), 1967, pp. 102-127.
- ⁴¹*Ibid.*
- ⁴²"Arusha Meeting in Deadlock," East African Standard (Nairobi), December 14, 1965, p. 1.
- ⁴³Touval, The Boundary Politics of Independent Africa, p. 225.
- ⁴⁴Kenya, National Assembly, Senate, Official Report, vol. 6, November 1965, cols. 12-13. See also, Kenya, National Assembly, House of Representatives, Official Report, vol. 7, November 1965-December 1965, col. 12.
- ⁴⁵Kenya, National Assembly, House of Representatives, Official Report, vol. 8, January-April 1966, col. 1216.
- ⁴⁶When the Kenya Government decided to issue identity cards to all Kenyans in the mid-1970s there were problems encountered in the Northeastern Province. Somalis from Somalia made efforts to get the cards either by posing as Kenyans or through their relatives in the Northeastern Province. Many of them succeeded in getting the cards.

This information is based on my interview with Peter O. Kobonyo who worked in Mandera from 1975-1978 as the District Officer. Peter Kobonyo is currently a lecturer at the University of Nairobi, Kenya.

⁴⁷Kenya, National Assembly, House of Representatives, Official Report, vol. 8, January-April 1966, col. 1455.

⁴⁸"Relations Deteriorate," East African Standard (Nairobi), June 25, 1966, p. 1. See also, Kenya, Kenya-Somalia Relations, p. 42.

⁴⁹Kenya, Kenya-Somalia Relations, p. 45. See also, Africa Research Bulletin (Political, Social and Cultural), 1(4), April 1966, p. 507.

⁵⁰Kenya, National Assembly, House of Representatives, Office Report, vol. 11, June 1967, col. 14. For details of President Kenyatta's address in Parliament consult, Main Address by Mzee Jomo Kenyatta at the State Opening of Parliament 1967 (Nairobi, 1967).

⁵¹Kenya, Kenya-Somalia Relations, pp. 64-65. See also, "Somalia Warned: We Will Retaliate," East African Standard (Nairobi), May 3, 1967, p. 1; Africa Research Bulletin (Political, Social and Cultural), 1(4), April 1967, pp. 755-756; "Kenya Outlines Policy," New York Times, May 3, 1967, p. 9.

⁵²Ibid., p. 65.

⁵³Hoskyns, Case Studies in African Diplomacy, p. 82.

⁵⁴"Kenyans, Our Brothers: Says Mogadishu," East African Standard (Nairobi), September 19, 1967, p. 1.

⁵⁵"Kenya-Somalia Pact Victory for Africa," East African Standard (Nairobi), November 1, 1967, p. 1.

⁵⁶"Mr. Kenyatta Welcomes My Brother Egal," East African Standard (Nairobi), December 16, 1967, p. 1.

⁵⁷Roy Lewis, "African Border War at Stalemate," The Times (London), March 30, 1967, p. 13.

⁵⁸"Border Problem Still Intricate, Says Somalia," East African Standard (Nairobi), January 3, 1970, p. 5.

⁵⁹Africa Research Bulletin (Political, Social and Cultural), 5(10), October 1969, p. 1551.

⁶⁰Africa Research Bulletin (Political, Social and Cultural), 7(6), June 1970, p. 1775; Also consult, "Border Treaty Signed: Landmark in Friendship with Ethiopia," East African Standard (Nairobi), June 10, 1970, p. 1.

⁶¹Organization of African Unity, Speeches of Heads of State and Government and Heads of Delegations (Doc. Con./AHG/SP./35(x)), (Addis Ababa: Secretariat, May 1973), p. 7; See also, "Kenya's Stand on Border Issues," Daily Nation (Nairobi), May 22, 1973, p. 24.

⁶²Kenya, National Assembly, House of Representatives, Official Report, vol. 12, June 1974, col. 32.

⁶³Africa Research Bulletin (Political, Social and Cultural), 11(6), June 1974, p. 3263.

⁶⁴"Kenyatta Hostile to Land Claim," The Guardian (London), October 21, 1977, p. 7.

⁶⁵Africa Research Bulletin (Political, Social and Cultural), 14(9), September 1977, p. 4557.

⁶⁶Africa Research Bulletin (Political, Social and Cultural), 14(10), October 1977, p. 4591.

⁶⁷Africa Research Bulletin (Political, Social and Cultural), 15(4), April 1978, p. 4807.

⁶⁸Ibid.

⁶⁹Ibid. See also, "Kenya Must Be Alert--Waiyaki," Daily Nation, April 3, 1978, p. 1.

⁷⁰Kenya, Transition and Continuity in Kenya: Selected Speeches of President Moi, August 1978 to October 1979 (Nairobi: East African Publishing House, 1979), pp. 12-13; See also, Kenya, KANU Manifesto, 1979 (Nairobi, 1979), p. 2.

⁷¹Ibid., p. 47.

⁷²Africa Research Bulletin (Political, Social and Cultural), 18(6), June 1981, p. 6074.

⁷³Ibid.

⁷⁴Africa Research Bulletin (Political, Social and Cultural), 20_1), January 1983, p. 6695. See also, Kenya, Continuity and Consolidation in Kenya: Selected Speeches of President Moi (Nairobi: East African Publishing House, 1982).

⁷⁵Kenya, KANU Manifesto, 1983 (Nairobi, 1983), p. 23.

⁷⁶USAID, A Report on an International Road Link Between the Republic of Kenya and the Somali Republic (Chicago: De Law, International Inc., October 1969), p. 21.

⁷⁷Ibid, p. 10.

⁷⁸Kenya, Kenya-Somalia Relations, p. 48.

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CHAPTER SEVEN

SUMMARY AND CONCLUSION

The major purpose of this study was to examine the factors which influenced Kenya's insistence on respect for the principle of territorial integrity as the basis of her foreign policy behavior towards Somalia. In this framework, the principle of territorial integrity was used as the unit of analysis. The findings indicated that within the timeframe chosen, 1963 and 1983, Kenya consistently invoked the doctrine of territorial integrity as the basis of her behavior vis-a-vis Somalia. This policy position was influenced mainly by the relatively consistent strained relations between the two countries. For the purposes of this study five hypotheses were used to guide the analysis.

In order to provide a clear picture of what has been done in this dissertation a summary of each hypothesis and the findings are first offered. Once this has been done, a question still remains to be answered. What does this study tell us about prospects for peace in the future? In order to answer this question several policy recommendations are offered. It is not assumed in any way that the policy recommendations provided here are the only ones available. However, it is hoped that they would shed some light on what can be done in order to achieve peace in the area.

Hypotheses and Findings

Hypothesis One

Hypothesis One assumed that Kenya's foreign policy behavior towards Somalia was influenced by the secessionist inhabitants of the NFD. It therefore assumed that the Somalian claim on the NFD had no direct impact on the inhabitants of the NFD with regard to their secessionist tendencies. The findings indicated that the shifita activities in the NFD were most intensive between 1963 and 1967. There were fewer incidents reported after the 1967 Arusha Memorandum of Understanding. However, after the 1969 military coup in Somalia the shifita activities started to reemerge. The emergence of the shifita activities in the NFD, it should be noted, were not as intensive as they were prior to the 1967 Arusha agreement.

The Somalian military leadership (1969-present) publicly claimed the right of self-determination for the Somalis in the NFD. This escalated conflictual verbal exchange between Kenya and Somalia which caused the reemergence of shifitas. The conflicts were mainly conducted through the press and the media. It was also indicated that the movement known as the Northern Frontier District Liberation Front (NFDLF) claiming the secession of the NFD reemerged in Mogadishu. However, the shifita activities after the 1969 military coup were not comparable to the preceding years. Hypothesis One was more applicable between 1963 and 1967 than the rest of the years. However, this generalization should not minimize the complexity of the NFD conflict. We indicated in Chapter

Three that it would be wrong to assume that there were no Somalis who still persisted in secession. The generalizations were solely based on the findings.

Hypothesis Two

This hypothesis assumed that both the Somalian and the NFD inhabitants' claims have direct influence on Kenya's foreign policy behavior towards Somalia based on respect for the principle of territorial integrity. The findings indicated that the Somalian claim on the NFD Somalis had more direct influence than the NFD inhabitants on Kenya's foreign policy behavior towards Somalia. However, the two variables, Somalia and the NFD Somalis, had influence on Kenya's foreign policy behavior towards Somalia, particularly between 1963 and 1967.

This finding, as in Hypothesis One, was based on the fact that the secessionist tendencies of the NFD inhabitants coincided with the Somalian verbal claims of the NFD. Again, this generalization should not be interpreted to mean that some of the inhabitants of the NFD did not independently claim secession after 1967. As was indicated, there were continuous pockets of shifita activities in the NFD even during Somalian cooperation with Kenya--particularly between 1968 to 1969 and 1981 to 1983.

Hypothesis Three

This hypothesis assumed that Kenya's insistence on respect for the principle of territorial integrity as the mode of her behavior towards Somalia was influenced by the latter's claim on Kenya's Northern Frontier District. The hypothesis was supported by the findings mainly between 1963 and 1967 when the shifita activities were at their peak. The Somali claims for reunification were at their highest between 1963-1967, covering the Osman-Shermarke (1960-1964), the Osman-Ilussein (1964-1967), and the earlier part of the Shermarke-Egal (1967) Administrations. Hypothesis Three was therefore most applicable during this period (1963-1967). The claims by the Somali leaders to reunify the Somalis in the NFD were considered moderate in the 1970s and the 1980s. However, the Somali claims to reunify the Somalis in the NFD were at their lowest during the latter part of the Shermarke-Egal (1967-1969) and the Barre (1982-1983) Administrations. Thus, whereas Hypothesis Three was less applicable in the 1970s and the 1980s it was least applicable between 1967-1969 and 1982-1983. It was stated that during the Shermarke-Egal leadership a rapprochement was reached between Kenya, Ethiopia and Somalia over the disputed areas. The detente, also known as the Arusha Memorandum of Understanding, was reached under the chairmanship of President Kaunda of Zambia in 1967.

The 1967 Arusha Memorandum of Understanding greatly reduced the war of words between Kenya and Somalia. This form of conflict was mainly conducted through the press and the media. Both President Shermarke and

Prime Minister Egal of Somalia visited Kenya on various occasions after the agreement. The findings also indicated that the intensified war waged by the shiftas in the NFD since 1963 was greatly reduced after the 1967 agreement in Arusha.

This is not to argue that the shiftas completely stopped their activities in the NFD. The reduction of the shifta activities in the NFD coinciding with the Kenya-Somalia rapprochement also supported hypothesis three. It supported Hypothesis Three in the sense that the intensified shifta attacks in the NFD were linked with the war of words between Somalia and Kenya. Thus, it was the Somalian claim on the NFD which influenced Kenya's foreign policy behavior towards Somalia based on the respect for the doctrine of territorial integrity.

Hypothesis Four

Hypothesis Four assumed that the external actors directly influenced Kenya's foreign policy behavior towards Somalia. It was assumed that because Somalia and the NFD inhabitants receive economic and military aid from the external actors the demand for secession was enhanced. This hypothesis, particularly with respect to Somalia, was supported by the findings, particularly during the 1960s and the 1970s.

It was indicated that in the 1960s, the Kenyan leaders travelled to Egypt and the Middle East to present Kenya's view with respect to supplying arms to Somalia and the NFD inhabitants. Similarly, in the 1970s, particularly during the 1977-78 Somali-Ethiopian war, Kenya was

instrumental in persuading the Western countries not to supply offensive weapons to Somalia. Indeed, the Western countries acquiesced to the Kenyan request. In this respect the external actors' support for Somalia influenced Kenya's foreign policy behavior towards Somalia.

Hypothesis Five

Hypothesis five assumed that Kenya's foreign policy behavior towards Somalia was influenced by the internal party politics. The findings indicated that KADU's insistence on regionalism created a concern among the Kenyan leaders. Prime Minister Kenyatta argued that had it not been for KADU's separatist tendencies the NFD issue could not have arisen. Hypothesis Five was, therefore, particularly applicable between 1963 and 1964. It was stated that KADU was dissolved in 1964 paving the way for KANU to pursue its unicameral policies.

Of the five hypotheses chosen for this study, Hypothesis Three, which was our working hypothesis, produced more consistent valid generalizations over time (1963-1983) than the other four. As already stated, this generalization is based on the fact that the Somali Administrations persistently pursued their claims on the NFD between 1963 and 1983. However, all the five hypotheses have policy implications which cannot be ignored. Several observations need to be made before offering policy recommendations.

Contributions of the Study

First, it was stated in Chapter One that although much has been written about the conflict between Ethiopia and Somalia, scholars have largely ignored the relations between Kenya and Somalia. This study, therefore, provides some modest contributions to the field of international relations in general and the study of African relations in particular. We found out that Kenya's concerns with regard to its national security was more influenced by the external factors than the internal ones. Specifically, the findings indicated that between 1963 and 1983 Kenya consistently invoked the principle of territorial integrity vis-a-vis Somalia. This policy was pursued as a result of the latter's claim on the NFD and its economic and military support by the external actors. Irrespective of their ideological differences Kenya has therefore maintained cordial relations with Ethiopia. It can therefore be argued that Kenya's security concerns are more important to her than her relations with the industrialized countries.

Second, the findings indicated that both Kenya and Somalia have persistently applied two principles of international law to suit their national interests. Whereas Somalia has constantly invoked the principle of self-determination for the Somalis in the NFD Kenya, on the other hand, has insisted on adherence to the principle of territorial integrity vis-a-vis Somalia. We found out that Kenya's view is generally in conformity with the UN and the OAU Charters. Somalia has also maintained that the principle of self-determination as stipulated

in the UN and the OAU Charters is applicable to the Somalis in the NFD. Both Kenya and Somalia have therefore claimed the legitimacy of their policies with respect to the dispute. It can therefore be argued that the African states, like the other members of the UN, invoke certain principles of international law discriminatingly to carryout their foreign policy objectives.

Policy Recommendations

Kenya and Somalia are already engaged in the process of promoting better relations between them. These include a visit to Somalia by President Moi in July 1984; border agreement reached between the two countries in 1984; cooperation on news and radio programs arrived at in late 1981; and regular meetings between other Kenyan and Somali officials at the national and regional (provincial) levels.¹ Several scholars have offered some remedies to the conflict in the area which need to be discussed first.

Said S. Samatar has suggested that Ethiopia and Kenya should:

Give internal autonomy to their Somali subjects, a limited self-rule which will give the inhabitants the opportunity to run their internal affairs, allowing them to remove border restrictions and to plan joint economic ventures with their neighbouring kinsmen in the Somali Republic.²

Such a suggestion, in our view, would not bring lasting peace in the area. First, acquiescence by Ethiopia and Kenya to pursue such a policy may trigger other ethnic groups to demand autonomy. Second, it would perpetuate ethnic thinking among not only the autonomous Somalis but

others in the area. Third, the other ethnic groups in Ethiopia and Kenya would view the autonomous areas as distinct from the rest of the two countries. Fourth, such a proposal would defeat the efforts of Ethiopia and Kenya to integrate their peoples. The proposal would therefore be self-defeating.

Samatar has also suggested that:

The interests and welfare of the Somali may ultimately be better served by their readiness to enter into larger political and economic compromises with their neighbours which could pave the way for an eventual bringing together of the various nations of the Horn in a federation worthy of the children of the Queen of Sheba.³

The proposal would be a workable one in terms of bringing a permanent solution to the conflict in the area. For example, it would increase normal interaction among the peoples of the area with less regard to the artificial boundaries.

Saadia Touval, on the other hand, has stated that:

The obvious remedies that could reduce strife are the fostering of liberal, pluralistic political systems within states, and the liberalisation of boundary regimes so as to minimise the hindrance to contact between groups living on opposite sides of the line. Such measures could reduce the incidence of disaffection and alienation of groups within states, and thus also reduce the frequency of irredentism, separatism and inter-state conflict.⁴

Touval, like Samatar, therefore, sees the solution to the conflict in the area as vested in the free interaction among the peoples in the Horn of Africa. Indeed the recommendations which are offered below take the same form of arguments.

First, for a lasting peace to occur in the area there should be periodical discussions between Ethiopia, Kenya and Somalia. Several factors merit trilateral discussions. One, since 1964 Kenya has had a defense pact with Ethiopia. The defense agreement has been maintained since that time. If Kenya moves closer to Somalia without including Ethiopia the latter may stir a border conflict with Kenya. On the other hand seclusion of Ethiopia may draw the latter even closer to the Soviet Union. Such a situation may cause not only tension in the area but military buildup--particularly Kenya. The resources could be used for other purposes. Two, Somalia would be viewed as a true peacemaker in the area. Since it is Somalia which claims portions of the territories of Kenya and Ethiopia the Somalia willingness to accommodate Ethiopia in the talks would improve her sincerity. However, as of 1985 President Barre still stated that "with the exception of Ethiopia, we greatly value the good relations which exist between Somalia and Kenya."⁵ This statement indicates the continued strained relations between Somalia and Ethiopia.

Second, the leaders of Kenya and Ethiopia should include the leaders of the disputed areas in the peace discussions. This should be done only after the leaders of the three countries have created better relations between them. Both Kenya and Ethiopia were viewed by Somalia and the shiftras as the main obstacle to the goal of Greater Somalia. We found out that the shiftras not only got support from Somalia but that the headquarters of the NFDLF was also established in Somalia.

Involving the leaders of the inhabitants of the disputed areas in the peace negotiations, we believe, would install confidence in them. Indeed, the inhabitants of the disputed areas are the core of the conflict.

Third, the three countries need to engage in some form of economic cooperation. As was explained in Chapter Six, trade relations between Kenya and Somalia are not conducive to peace. However, a way could be found in which the two countries could expand their trade relations. For example, Kenya could import more livestock and bananas from Somalia. These could be used for domestic consumption and/or processed and re-exported. On the other hand Somalia could buy more tea and coffee from Kenya. With Ethiopia included in these arrangements prospects for expanded trade between the three countries are likely to increase.

Adoption of any of the recommendations as official policy position, it can be argued, would increase contact between the countries. This, in turn, is likely to create conditions suitable for the liberalization of the borders. On the other hand, establishing cordial relations at bilateral level alone is not likely to bring permanent peace in the area. It is therefore important that all three countries should be involved in the peace process.

In summary, the study has shown that between 1963 and 1983 Kenya consistently invoked the doctrine of territorial integrity vis-a-vis Somalia. However, this generalization is still problematic. For example, we found out that the shifita activities in the NFD were more

intensive in the early 1960s than in the 1970s and 1980s. Similarly, the Osman-Shermarke (1960-1964) and the Osman-Hussein (1964-1967) Administrations pursued more militant policies with respect to the NFD question than the other Somali leaderships.

It has also been stated that Kenya maintained good relations with Ethiopia irrespective of the latter's Marxist leanings. It can therefore be argued that Kenya's national security concerns are more important to it than ideological leanings. The same argument can be applicable, and not limited to, other African states, particularly in conflict situations. Thus, issues of national security are much more important to the African states' relations than the commonly known East-West orientation.

The study has also demonstrated that Kenya's interpretation of the principle of territorial integrity is in conformity with the views of most members of the Organization of African Unity. Article III of the OAU calls for respect of the principle of territorial integrity. The OAU members, therefore, have advocated the principle of uti possidetis with respect to the colonial boundaries acquired at the time of independence. It is because of this conservative view that the Somalian claim for the reunification of the Somalis has often been unacceptable to the OAU member states.

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⁴Saadia Touval, "Partitioned Groups and Inter-State Relations," in Partitioned Africans, p. 232.

⁵Somalia, Speech Delivered by the Secretary General of the S.R.S.P., President of the Somali Democratic Republic, Siad Barre, on the Occasion of the 16th Anniversary of the October 21st Revolution (Mogadishu: State Printing Agency, 1985), p. 13.

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