UNIVERSITY OF NAIROBI

Institute of Diplomacy and International Studies

HUMANITARIAN INTERVENTION AND COUNTER-TERRORISM: A CASE STUDY OF KENYA'S INTERVENTION IN SOMALIA

By

MUTUA MERCY NDULULU

R50/81492/2015

A Research Proposal submitted to the Institute of Diplomacy and International studies in partial fulfillment of the requirements for the award of Masters of Arts Degree in International Studies of the University of Nairobi.

October 30, 2018

DECLARATION

I declare that this research project is my original work and has not been presented for another academic award in any other University or Institution. Any thoughts from others or literal quotations are clearly acknowledged

Signature -------------------------------------   Date ---- 17/12/ 2018

MUTUA MERCY NDULULU

R50/81492/2015

This Research Project has been submitted for examination with my approval as University Supervisor.

Signature---------------------   Date ------------- 17/12/2018

DR. SHAZIA CHAUDRY

Lecturer,

DEDICATION

I wish to dedicate this research project to my parents Mr.Joseph Mutua Kaindi and Mrs Eunice Mutua, my siblings Fredrick Maundu, Charles Sila and Maureen Ndinda who have been a constant source of support and encouragement during the challenges of school and life. I am truly thankful for having you in my life and for always loving me unconditionally and your good examples have taught me to work hard for the things that I aspire to achieve.

ACKNOWLEDGEMENT

TABLE OF CONTENTS

ABBREVIATIONS

AMISOM	African Union Mission in Somalia
AU	African Union
ICISS	International Commission on Intervention and State Sovereignty
ICU	Islamic Courts Union
IGAD	Intergovernmental Authority for Development
IGASOM	IGAD Support Mission in Somalia
IHL	International humanitarian law
KDF	Kenya Defence Forces
NGOs	Non-governmental organizations
UN	United Nations
UNSC	United Nations Security Council
US	United States of America

ABSTRACT

The objective of this study was to examine humanitarian intervention in countering terrorism: a case study of the Kenyan intervention in Somalia. The study was guided by three specific objectives which are to evaluate the role of national and international politics in the establishment of humanitarian intervention; to examine the effects of humanitarian intervention in countering terrorism in Somalia and to establish the implications and challenges of the humanitarian intervention in Somalia. The study was guided by three hypothesis which are; there has been national and international politics of humanitarian intervention in the international arena; humanitarian intervention has been an influence in tackling terrorism and the application of humanitarian intervention by Kenya to Somalia has affected both countries. The study was guided by the international relations theory and data collected for the study was purely secondary data gathered form books, journal, internet and other scholarly publications.

The study found out that the purpose of the humanitarian intervention is to stop significant and specific human rights violations. They are under obligation to prevent widespread human suffering. These results are mass murder, ethnic cleansing and genocide. National systems of justice should act to prevent or stop large scale crimes against humanity and this is where universal justice and other international obligations should come into play. The study also found out that in Somalia and elsewhere, the potential and actual response against humanitarian actors considered to have provided support to terrorist groups thus contravening the various domestic, regional and international laws include sanctions and criminal proceedings. Finally, the study also found out that indeed, the then state of lawlessness in Somalia was on the world's radar and has brought undesirable effects on its immediate neighbor, Kenya and the entire HoA. It is confirmed that humanitarian intervention through the use of extreme force can result in short term desired results but cannot guarantee sustainable outcomes.

The study recommends that;

(I)Kenya should assist Somalia in taking steps to address its internal divides and to build a united Somalia through inclusivity of Somali nationals who don't rely on clan divides and factions.
(II) Somalia's neighbors should complement it's efforts in promoting peace and stability to ensure sustainable harmony and hence spur economic growth in the Horn of Africa region and the larger East Africa.

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1. Background of the Study

There has been quite a number of humanitarian interventions in Somalia since the Second World War.[1]

Humanitarian intervention involves the use of military power by a state to protect the people of another state facing atrocities and grave injustices endangering their lives and wellbeing.

These interventions were both with and without United Nations approval. They were lawfully undertaken after participation of all stakeholders and after observation of grave infringement of basic human rights.[2]

As indicated by Bettina, humanitarian intervention must have as it's motivation, the reduction of human casualties in the state undergoing conflict or the easing of human rights violations upon the citizenry. Humanitarian intervention usually happens without the consent of the objective state since consent suggests lack of drive or commitment on the part of the state undergoing strife.[3] Standard worldwide law constantly perceives humanitarian intervention as military intercession. There are examples of successful and helpful military intercessions in the 19th century when Britain interceded in Greece in 1830; France sent a military expedition to Syria and Lebanon in 1860 and again Britain sent troops to Crete in 1866.[4]

Somalia has been carrying the tag of a lawless and failed stated since 1991 when the Military Junta (Military dictatorship)of General Siad Barre was overthrown by clan based armed

---

[1] Adam Roberts, *The so-called "right" of humanitarian intervention*, Year of International Humanitarian Law, volume 3-2000

[2] Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities*. Cambridge: Polity Press, 2009

[3] Ibid Adam Roberts

[4] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), 6.

factions.[5] These armed factions began fighting for the control of the country and influence leading to the complete shutdown of law and order. Without lack of a central government, Somalia generated to complete chaos with clan leaders, religious organizations and regional leaders all fighting for influence, control and power.[6] This fighting led to an all-out war pitting all the warring factions against real or perceived enemies, many Somalis fled the country to live as refugees in other countries, while back home, military might was used to control the country's resources and wealth.[7]

The International Community has tried severally to establish peace and order in Somalia. For example, in 1992, the United Nations Security Council (UNSC) sent a team of United Nations Military Observers to Somalia, followed by a large expedition of a peacekeeping force.[8] The Force was, however, forced to pull out in 1995 after suffering significant casualties and having failed to stop or ease the fighting. The African Union (AU) with the help of other organizations has made about fifteen peacekeeping intercessions to help establish a functional government in Somalia.[9] Likewise, the Intergovernmental Authority for Development (IGAD) which has close ties to the AU has tried to 'quietly' intervene in the Somali situation with little success.[10] Somalia's neighboring states have also made individual efforts to end Somalia's conflict. These endeavors unfortunately been hindered by a number of challenges, for example, varying positions among the interceding states, infighting and monetary difficulties[11]. This study therefore focuses on the politics of humanitarian intervention in counter terrorism: a case study of Kenya and Somalia. It specifically addresses

[5] Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities*. Cambridge: Polity Press, 2009
[6] Ibid Bellamy
[7] Adam Roberts, *The so-called "right" of humanitarian intervention*, Year of International Humanitarian Law, volume 3-2000
[8] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations*, June. 2010
[9] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[10] Ibid Adam Roberts
[11] Adam Roberts, *The so-called "right" of humanitarian intervention*, Year of International Humanitarian Law, volume 3-2000

the recent humanitarian intervention in Somalia by Kenya initiated in October 2011, formally known as Operation Linda Nchi.[12] The intervention symbolizes an increasingly independent regional force in Africa and a step forward in terms of African nations attempting to solve regional crises.[13]

1.2 Statement of the Research Problem

Somalia is characterized by acute human suffering with citizens living in a dangerous environment.A number of interventions have been attempted but to no avail. Chronic insecurity in Somalia caused by inter-clan conflicts have diverted the attention of international and regional bodies from nation building to focusing on trying to end the fighting.[14] Conflicts that have taken place in Somalia contain elements of legal ramifications based on the massive violations of human rights before and after Operation Linda Nchi by the Kenya Defense Forces.[15] The main bone of contention therefore, is whether it was appropriate and necessary for the Kenyan government to take the decisive action of making the military incursion into Somalia primarily to secure its southern border with Somalia and to pacify conflicted areas. Further, there are a number of arguments and criticism that have emerged touching on international humanitarian intervention and the right to protect affected civilians in Somalia.[16]

One of the main causes of concern is the use of force by KDF through the famous *Operation Linda Nchi operation* and questions have been raised as to whether humanitarian intervention legitimizes the use of force by one state upon the other and whether the use of force is

---

[12] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations*, June. 2010
[13] Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities*. Cambridge: Polity Press, 2009
[14] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[15] Mulugeta, Kidist. 2009. The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD. Friedrish-Ebert-Stiftung. Addis Ababa
[16] Mogire, E., & Agade, K. M. 2011.Counter-terrorism in Kenya. *Journal of Contemporary African Studies, 29(4)*, 473-491.

justified in the name of humanitarian intervention[17]. Similarly, the argument touching on humanitarian intervention and the right to protect is whether it amounts to a right to save or to punish. This study therefore seeks to discuss the moral and ethical dilemma that arise from humanitarian intervention and other ethical frameworks to measure the morality of Kenya's decision to intervene in Somalia.[18]

1.3 Research Questions

i. What is the role of national and international politics in the establishment of humanitarian intervention?

ii. What are the effects of humanitarian intervention in countering terrorism in the case of Somalia?

iii. What are the implications and challenges of humanitarian intervention in Somalia?

1.4 Research Objectives

1.4.1 Main objectives

To examine humanitarian intervention in countering terrorism: a case study of Kenya's intervention in Somalia

1.4.2 Specific Objectives

i. To evaluate the role of national and international politics in the establishment of humanitarian intervention

ii. To examine the effects of humanitarian intervention in countering terrorism in Somalia.

iii. To establish the implication and challenges of humanitarian intervention in Somalia.

---

[17] United Nations Global Counter-Terrorism Strategy by the General Assembly in its resolution 60/288 (2006)
[18] Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities*. Cambridge: Polity Press, 2009

1.5 Hypotheses of the study

(Hypotheses should follow the literature review)

The study will be based on the following hypothesis

i.   There has been national and international politics of humanitarian intervention in the international arena

ii. Humanitarian intervention has been influential in tackling terrorism

iii. The application of humanitarian intervention by Kenya to Somalia has impacted both countries

1.6 Literature Review
1.5.1. Humanitarian Intervention

Humanitarian mediation is a temporary intercession with limited political targets. It is intended to stop or reduce the most extreme human suffering.[19] Other than the establishment of peace and order, it does not intend to put up or reestablish any political structure or set up. The intervention intends to set up a working peaceful frame work through which individuals can co-exist freely and not just basic survival.[20]

Political objectives in many ways become enjoined with the initial humane goals of the intervention. The humanitarian intervention's goals becomes distinctly obscured when policymakers require the intercession to alleviate human suffering and there after crane a political establishment to handle conflict.[21] The UN-led interventions in Somalia and Bosnia and Herzegovina have tried the above approaches. The similarity between humanity-based objectives and political goals was clear in Kosovo and East Timor, where the humanitarian

---

[19] Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities.* Cambridge: Polity Press, 2009
[20] Adam Roberts, *The so-called "right" of humanitarian intervention,* Year of International Humanitarian Law, volume 3-2000
[21] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.

intervention immediately led to the establishment of political structures and units.[22] In a nutshell, Humanitarian efforts are meant to protect and enable enjoyment of fundamental human rights and establish conditions fit for proper human survival and wellbeing; it should not be launched to promote or drive typical political entities or structures.[23]

Military intervention for humanitarian purposes happens in the most dire situations, where political interests are rife and the national government does not have the means or resources for containing the situation nor the willpower to see to needs of the people i.e.providing security,food,water and a conducive environment where they(people) can earn a daily living.[24]

Situations sometimes arise where the intervening state or organization is itself accountable for creating or escalating conflicts in its ambition to smash revolts or initiating power sharing arrangements through killings and obliged evacuation of populations in the affected state. Officials call these conditions crises or wars; philanthropic experts call them complex emergencies; contenders used to call them military tasks other than war and now refer to them as peacekeeping activities. In circumstances where sympathetic intervention to the dispute have gone to a temporary but masterminded settlement, ministers and military officers suggest peacekeeping[25].

The UN constitution disallows the use of military force except in times of self-defense or after being sanctioned by the UN Security Council in situations that pose a threat to

---

[22] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations*, June. 2010

[23] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In the International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.

[24] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *the Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.

[25] Wheeler, J., "Saving Strangers:" Humanitarian Intervention in International Society, (Oxford: Oxford University Press, pp., 21-40, 200

worldwide peace and security.[26] So far, legal researchers have unanimously agreed that military intercession against the will of the objective state isn't always lawful unless on the strength of the two exemptions mentioned above.[27] The sovereignty of any nation depends on the belief,upheld for years before the Treaty of Westphalia that external interference to internal strife will enhance and escalate a conflict.[28] In support of this belief, time-honored laws give privileges to citizens of a nation to exercise their political rights without interference from external forces and right to self-governance[29].

These rights are enjoyed by virtue of one being a human being and the right to life is among these provisions, therefore crimes such as genocide, terrorism, war crimes and crimes against humanity that adverserly affect large populations are outlawed.[30] Further. internal conflicts are not entirely internal because human rights are universal. The common belief that all conflicts have internal sources, the involvement of foreign third parties, the media, refugees, humanitarian aid and modern technology all [31] necessitate humanitarian intervention. Diverse differences promote dictatorial and oppressive acts by those wielding power and influence the way Siad Barre did while in power in Somalia.[32]

The application of power in such an environment will be viewed as real and a 'demonstration of law and order'. There are agreements in the global society about what constitutes helpful intervention and honest demonstration of intercession.[33] This proof is found in contemporary human rights application which incorporates agreed benchmarks of

[26] Ibid Wheeler
[27] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations*, June. 2010
[28] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In The International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.
[29] Charter of the United Nations, Article 1(3); and United Nations, Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III), 10 Dec. 1948.
[30] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[31] Wall, J., "Mediation: An Analysis, Review and Proposed Research", Journal of Conflict Resolution, vol. 25, pp. 157-80., 1981.
[32] Dunne, T., & et al, "The New Humanitarian Interventionism" in M. Hanson and W. Tow (eds), International
[33] Ibid Dunne

accommodating conduct, acknowledged strategies for legislative and non-legislative surveys and accommodation of all interested parties.[34] The Rome statute which set up the International Criminal Court (ICC) was as a result of numerous nations agreeing that there was the urgent need of compassionate interventions in dire situations.[35]

Supporters of the non-political intervention detest the probability of military mediation being used to force the people to oblige or yield to a particular political structure, which is particularly not a sudden surprise or sudden announcement (since military intercession is mostly political) yet military intervention in a way increases liberal thoughts and actions aimed at the creation of a stable political structure or Government system.[36] In instances where foreign forces intercede and subsequently take an interest in politics of power, their supporters and backers have a difficult time differentiating between them and their oppressors. The politicization and militarization of an intervention creates complex issues and can turn the interceding force into the enemy.[37]

For instance, the differences between liberal voices and staunch political views were observed in Afghanistan in 2003 when US forces set up the PRTs(Provisional Reconstruction Teams) to work on reconstructing Afghanistan in non-military operations.[38] This initiative was successful at the beginning but local politics pitting two sides against each other interfered greatly.The fighting that ensued some of which targeted the interceding elements

[34] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." in the International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.
[35] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[36] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations,* June. 2010
[37] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In The International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.
[38] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.

i.e aid workers, US personnel and UN staff led to a such a state of violence that the UN, international aid workers and NGOs had to pull out of the Nation[39].

The choice to intervene in a war zone, where the worst humanitarian crises happen is a political choice. Therefore, any humanitarian intervention will probably succeed when the intervener has clearly outlined political objectives that complement the humanitarian intervention (as long as the political intentions are not in conflict with the humanitarian intervention) than when the political interests are hidden or biased to some parties.[40] From this point of view therefore, military activity should only be embraced when the political concerns in play do not counter or supersede the moral concerns.[41]

1.5.2 Humanitarian Intervention as a counter Terrorism Strategy

There have been arguments and agreements among militaries in the world over concerning the rules of engagement that have been given top priority at a time when the world is fighting the war against terrorism.[42] These concerns have revived the subject of how to follow and uphold the legal guidelines of warfare in a worrying trend where the primary fighting factions are receiving illegal military knowledge and support which are not part of their mandate as per IHL, and in which counter-terrorism operations are being pushed via a country with powerful military capabilities through a few different state.[43] Anderson takes note that there is unequality of military strength amongst insurgents and counter-terrorist forces. The suicide

---

[39] Royo, J., "Afghanistan Part II: the Reoccurrence of International Terrorism in Somalia." *Small Wars Journal.* August 30, 2012.
[40] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[41] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations,* June. 2010
[42] Ibid Cohn, Julie
[43] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In the International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.

attackers wearing civilian attire who fling themselves at security forces aid staff are tough to protect against.[44]

As it is, a substantial lot of the groups under intense scrutiny on the ongoing global warfare against terrorism have associated themselves with radical Islamic beliefs, the connection between Islam and wide-spread humanitarian intervention is also important in any changes to the legal provisions of the conflict.[45] Cockayne contends that, in the mid-sixties, states and freedom fighters inside the Islamic world had a motivating mission of putting resources into the creation of present day states and promoting cooperation with international legitimate structures.[46] However, Cockayne points out that, due to events in the seventies, political views in the Islamic world have evolved to radical and extremist Islamism, which supposedly offers alternative political views and international associations different from other states in the world.[47]

After 9/11(terror attacks in the US),concerns and issues which had been discussed overtime were soon renamed 'terrorism' and 'counter-terrorism' operations. These include events in Chechnya, the Palestinian region and Kashmir.[48] In China the government's crackdown has clearly increased within the Muslim dominated territory of Xinjiang, and in Uzbekistan the legislature has dealt ruthlessly with political dissenters, these cases have led to the increase of terror related activities.[49] In countries that are even far apart geographically, for example Tunisia, Colombia and Uganda, the term 'terrorism' has been exploited by governments to

---

[44] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[45] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations,* June. 2010
[46] Ibid Cohn, Julie
[47] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[48] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies.* Institute for Security Studies, Volume 15, pp. 32-54
[49] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93

crackdown on opponents and those with divergent views to the rulers as a legitimate reason for disregarding human rights and acting with unchequered force.[50]

Yugoslavias former President Slobodan Milosevic has disguised atrocities against humanity commited under his orders by posing as a leader who's troops have been combating terror and organized crime. What is strikingly worrying in the worldwide understanding of terrorism.[51]

It is complex and diverse structure. It's far much related to in depth ideological structures, especially due to the resurgence of Islamism as a means of acquiring political power. Terrorism also thrives in areas where Governments are not stable or are facing rebellions and insurgencies.[52] It also deals in and survives on trafficking of illegal merchandise and unlawful businesses. The worldwide war on terror therefore offers a term of reference which can be used in connection with extensive forms of political and military clashes.[53] There are those players in this complex situation who fight the actual war while there are those who create policies and are in administration positions in their countries and worldwide.[54]

States, however expose themselves to a certain amount of risk when they give consent to be protected. the trajectory which these civil conflicts take seem to get infused with the USA-led war on terror and differ with normal US security operations, worldwide peace and general safety measures at large.[55] Thus from these observations, there are efforts and even chances for peaceful and bloodless resolutions to these conflicts, however powerful countries which

---

[50] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[51] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies.* Institute for Security Studies, Volume 15, pp. 32-54
[52] Ibid Elmi, Afyare Abdi and Barise Abdullahi
[53] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas,* ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8
[54] Ibid Elmi, Afyare Abdi and Barise Abdullahi
[55] Ibid Holzgrefe,

are involved in these battles in a way play a small role in escalating the fighting.[56] At the end of the day, whilst the geographical nature of the war against terror is probably international, the 'global war on Terrorism' is in reality carefully related with the national interests of America[57].

Throughout the previous decade, humanitarian intervention activities have been progressively implanted in theory, socially and operationally - inside a structure of universal peace and security.[58] Most international associations, including aid agencies, at first respected this more coordinated way in line with universally acceptable approaches when it was exhibited in respect to human security[59]. In the aftermath of 9/11, though, it has become increasingly difficult to recognize this plan, and the systems by which it will be accomplished, considering the highly politicized and challenging security motivation of the worldwide war on terror[60]. In any case they (international organisations and relief assosiactions) may try to separate themselves from the laws governing the worldwide war on terror, in operational terms humanitarian intercessors have assumed a key part in the theatres of conflict.[61]

1.5.3 Implication and Challenges of Humanitarian Intervention in Somalia

The situation in Somalia is the very condition that was envisaged when the policy of the right to security was created.[62] There is widespread suffering and strong proof of war crimes as well as crimes against humanity. President Sharif, Somalia's leader, recently visited the USA where he bluntly pointed out that the International community and the United Nations in

[56] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[57] Human Rights Watch *Human Rights Watch World Report 2003*. New York: Human Rights Watch
[58] Ibid Human Rights Watch
[59] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia, Unanimously Adopting Resolution 1744," UN Security Councils
[60] Open Society Institute/International Medical Corps 'Development and Humanitarian Assistance Post-September 11: Sharing Perspectives', conference of US NGO CEOs hosted by the Open Society Institute and International Medical Corps, New York, (2001) 5 October 5.
[61] Ibid Open Society Institute/International Medical Corps
[62] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.

particular had abandoned Somalia and were not offering significant aid to the country under strife.[63] Again in April 2009, there was a donor meeting attended by 'friends of Somalia' in Brussels, Belgium which raised about $213 million in pledges towards Somalia's aid. Strangely, after the meet, only a small amount of the promised funds were channeled to Somalia.[64]

The lack of significant reaction from the international community and the United Nations to the large scale humanitarian crisis in Somalia is striking for a number of reasons. To begin with, the circumstances in Somalia positively qualify as the situation envisaged in the creation of humanitarian aid policies.[65] The fundamental rule as expressed by ICISS is that when a populace is facing genuine suffering, violence and insecurity caused by either civil war[66], insurrection, suppression, or state disapproval and the state is unwilling or unable to contain the volatile situation, the guidelines of non-intercession respects the universal necessity to provide security and aid[67]. Somalia has been going through an unending civil war for about twenty-three years, and a large portion of the population depends on aid for survival.[68]

In addition, concerned organizations are occasionally delaying or hindering the access to the guiding principles by non-military personnel in the affected population[69]. Secondly, if the United Nations led by Kenya and the greater AMISOM strengthened their resolve to mitigate the crisis in Somalia it would be substantially safer for the population i.e. from a hypothetical

[63] Ibid Bettina Dahl
[64] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[65] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[66] ICISS Report, p. 56-68, 2002
[67] Royo, J., "Afghanistan Part II: the Reoccurrence of International Terrorism in Somalia." *Small Wars Journal.* August 30, 2012.
[68] Ibid Royo
[69] Paul W., "Into the Mogadishu Maelstrom: The African Union Mission in Somalia." International Peacekeeping, 2009.

point of view.[70] Somalia has not had any significant working administration that can represent or even control large parts of the country for a long time. The TFG would no doubt welcome universal recognition and support to help it take control of the country and end the never-ending politics of power and war.[71]

The United Nations had already interceded in Somalia and later the intercession was pushed through by Kenya, Ethiopia, Rwanda, and Burundi in 2011. In 2005, the Intergovernmental Authority on Development (IGAD) proposed the IGAD led aid and relief and peace keeping mission in Somalia (IGASOM).[72] This mission was able to offer some help to the Somali people through aid and a peacekeeping force although it (IGASOM) could not gain a firm foothold in Somalia and its numbers had not been increased for the 12months it had been in operation.[73] Meanwhile, The Islamic Courts Union (ICU) was fighting for the control of Mogadishu and other regions of Somalia. Neighbouring states and the International community saw the ICU as a danger to their own national interests and safety due to their extreme Islamic doctrinations and practices.[74]

Ethiopian troops backed by the US invaded Somalia in August 2006 ostensibly to protect it's own borders and it's sovereignty from the danger posed by islamist ICU militants and also to prop up the TGF.IGASOM faced a lot of hostilities from the ICU which made it turn to the AU and the UN security council for further instructions and help.[75] It had also become

---

[70] Ibid Paul
[71] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[72] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies.* Institute for Security Studies, Volume 15, pp. 32-54
[73] Ibid Dunne, Tim, Brian C. Schimdt
[74] Dunne, Tim, Brian C. Schimdt, 92-93
[75] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas,* ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8

increasingly hard for IGAD to meet the budgetary allocations for the mission and troop numbers were few and faced heavily armed ICU militants.[76]

Following these developments the United Nations Security council in January 2007 passed a resolution to authorize the African Union(AU) to deploy a peace keeping force into Somalia.[77] The AU mission in Somalia (AMISOM) mandate was to provide security and humanitarian aid to the Somali citizens, to help prop up the TGF and to assist the TGF in its desire to initiate long term programmes and measures that would finally put Somalia on the path to stability, normalcy and the presence of a functional Government.[78]

AMISOM was given the duty of training and helping the TFG workforce so as to enable it perform and complete it's administrative roles and assist it in re-training Somali defence forces.The UN Security Council passed resolution 1744 outlining the scope of AMISOMs mission and expected challenges in the undertaking of the mission.[79] The UN security council also requested the UN secretary general to look into the probability of the deployment of a broader UN peacekeeping mission to take over from AMISOM.[80]

Despite the UN security council's resolution and support, AMISOM experienced challenges in raising a sufficient number number of troops to sustain it's peacekeeping efforts The expected number of troops was expected to reach up to 8000 personnel in the course of the mission.[81] The problem was that member states of the AU could not say with certainty that

---

[76] Ibid Elmi, Afyare Abdi and Barise Abdullahi
[77] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas*, ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8
[78] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[79] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[80] Ibid Bettina Dahl
[81] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93

they would provide their armies for the mission.[82] The AU however gave its guarantee for the availability of around 60% of the expected troops, and by April 2009 were about 4300 convened forces, which were drawn from Uganda and Burundi. In 2007, the UN Secretariat declined to send a delegation into Somalia to do a review of the feasibility and success of a UN takeover of peacekeeping operations commenting that a UN led operation was unrealistic and did not make much sense.[83]

The UN efforts in creating a multi-national peacekeeping force came to light after the Djibouti agreement was signed in August 2008. This agreement called for the ceasation of all armed conflicts in Somalia ,all inclusivity in representation for all Somalis, the gradual withdrawal of Ethiopian troops among other agreements.[84] This state of the situation was however disrupted by a seemingly unenthuastic UN in overseeing the agreement it had helped draft.[85] About 50 states, mostly from Africa came together with a view of drafting up a multi national force to Somalia, about 14 of the participating states promised to send help while 2 states promised to provide logistical support, no particular state promised to send it's troops.[86]

Generally, AMISOM was drawn up and deployed without adequate means with which to carry out it's mandate i.e troops, equipment, logistical support,etc. The AU peacekeepers were forced to operate in very hostile and harsh conditions and face a hardened battle enemy with no conventional war guidelines.[87] It should be noted that by acting sluggishly and unenthuastically in handling the Somalia situation, the International community failed to

---

[82] Ibid Dunne, Tim, Brian
[83] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[84] Ibid United Nations
[85] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies*. Institute for Security Studies, Volume 15, pp. 32-54
[86] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas*, ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8
[87] Ibid Holzgrefe

prevail upon the UN[88] assembly to act decisively on the Somali situation, a decisive action from the UN would have led to a semblance of normalcy in Somalia and it's people,[89] such an action would have given Somalia hope in stabilizing the country and enjoying lasting peace.

Moreover, the deployment of AU peacekeepers was seen by many as having a particular focus on the capital Mogadishu, and it's intention was taken to be mainly fighting against the ICUs takeover of Mogadishu . Somalia was thus seen as a huge security threat by it's neighbours , particulary Ethiopia.[90] This suspicion of Somalia by it's neighbours become the key point on discussions on Somalia and they led to the creation of IGASOM which metamorphosed to AMISOM. Peacekeeping troops were mostly overwhelmed by unending heavy attacks from the ICU and a sense of mistrust arose from some neighbouring states about AMISOMS forces.In the end the AMISOM mission faced uncertainty on its survival and relevance in light of the truth that the operation did not sufficient assets under its command to fully carry out it's obligation and it also faced opposition from some quarters who were not comfortable with some contributing governments and the activities and strategies of the soldiers on the ground[91].

1.5.4 Knowledge gap

What has clearly emerged from this literature overview is the lack of a general consensus and the absence of a strong framework concerning the humanitarian intervention in

---

[88] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[89] Mulugeta, Kidist. 2009. The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD. Friedrish-Ebert-Stiftung. Addis Ababa
[90] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[91] Norris, J., & Bronwyn B., "Twenty Years of Collapse and Counting:" *The Cost of a Failing Somalia.* The Center for American Progress and the One Earth Future Foundation, Washington, 2011.

tackling terrorism.[92] Despite numerous debates among the scholarly community on the subject of humanitarian intervention, and the exponential growth of published material on the same, there seems to be a lack of consistency among scholars regarding even the most fundamental issues touching on humanitarian intervention in tackling terrorism.[93] This loss of an agreement within the scholarly groups have been felt on the ground, as the humanitarian intervention in tackling terrorism presently being executed mirror the chaos, misunderstandings and disagreements exposed in the research work being carried out. This study will therefore deal with this omission of a consensus through analyzing humanitarian intervention in taclking terrorism.[94]

Literature gaps

Plenty has been written about how and why states use force in fighting terrorism, but questions remain. These concerns arise mostly from military operations. For example, only few studies speak on the exact military actions in the conflict.[95] Alternative researchers have paid a lot attention to the use of force, but their focus on the criminality of the excess use of force by the troops which leads them to ignore the political interests justifying the use of force.[96] The use of force and military might has been the norm in interventions by the international community. A lot of studies have been done which explore the cons and pros of humanitarian intervention and the changing nature of 'responsibility to protect' (R2P).[97]

---

[92] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas*, ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8
[93] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies.* Institute for Security Studies, Volume 15, pp. 32-54
[94] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[95] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas*, ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8
[96] Ibid Holzgrefe
[97] Mulugeta, Kidist. 2009. The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD. Friedrish-Ebert-Stiftung. Addis Ababa

However, the scholarly works mentioned above are predominantly characterized by whether or not Nations should sent their militaries into other countries and why states deploy militaries to crisis zones, the studies do not state how Nations apply humanitarian intervention to address terrorism[98].

1.7 Justification of the study

It is important to examine how Kenya's provision of humanitarian intervention to Somali may affect its national security given the relations between these two countries and with other actors in the international community.[99] The outcome of the study will therefore be helpful to national security policy makers and analysts who may be interested in getting new insights about how the interaction of Kenya and Somalia can impact the national security of both countries[100].

Both the traditional and contemporary literature particularly on humanitarian intervention has been dominated by Western voices. While those voices have made commendable contributions, it is important that the academic discourse on this subject be enriched with African perspectives.[101] This study also endeavors to make African academic contributions on humanitarian intervention and national security that will influence scholarly debates within institutions of higher learning.[102]

---

[99] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[100] Paul W., "Into the Mogadishu Maelstrom: The African Union Mission in Somalia." International Peacekeeping, 2009.
[101] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical Legal and Political Dilemmas*, ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003),8
[102] Mulugeta, Kidist. 2009. The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD. Friedrish-Ebert-Stiftung. Addis Ababa

1.8 Theoretical Frameworks

This study follows an international relations theory. It recognizes that apart from the legal issues, there are long standing concerns, moral values and humanity. States cannot stand by and watch gross violations of human rights and people being killed on a large scale without any reaction in the name of respect for state sovereignty. [103] The international relations framework partly depends two contradicting hypotheses on universal relations, to be specific authenticity and radicalism.[104] For improvement, pragmatist speculations. in this theory, envelop established originality as well as secondary methodologies, for example, subordinate realities and pluralism. These thus portray advancements made on the pragmatists' perspective significant to the topic.[105] The subordinate improvements straightforwardly identify with the liberal perspective, and the importance of these propositions are, liberal-institutionalism, optimism, humanitarian and unity. These three plus the traditional approach will in the future be alluded to as liberal hypotheses.[106]

1.8.1 International Relations Theory

The realistic way to deal with Humanitarian intervention depends on the center principles of authenticity, to be specific Nationalism, survival and self-improvement. As indicated by pragmatist hypotheses the state is the sole source of truth to this general population it speaks to, this forms the main foundation that ought to be permitted to exhibit power to the general population of any given state.[107] Due to this pragmatist perspective of the nation, stateism majorly affects the manner pragmatists consider the worldwide subject. As indicated by means of pragmatist hypotheses worldwide, legislative issues depend on

[103] Ibid Paul
[104] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[105] Cockayne, J. 'Islam and Humanitarian Law: From a Clash to a Conversation between Civilisations', *International Review of the Red Cross,* (2002) vol. 84, no. 847, pp. 597-625.
[106] Ibid Cockayne
[107] Mulugeta, Kidist. 2009. The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD. Friedrish-Ebert-Stiftung. Addis Ababa

situations that are worrying where every powerful nation perceives itself as the ultimate authority given the absence of factual "world authorities or ultimate superstates".[108]

Consequently each country's most noteworthy obligation is to guarantee its personal survival, which in these confusing times of insurgency is a long way from assured. In the race for survival therefore, states are focusing most of their efforts in strengthening themselves in all fields and preserving their own interests.[109] due to the preliminary pragmatist requirements self-sufficiency happens where each Nation's leadership is usually engrossed with its own security apparatus and prosperity and should not by proxy use or exploit another state or any global organisation in its quest for its personal specific prosperity.[110]

The tenets of pragmatist hypothesis take the shape of the pragmatist body of evidence and contentions in opposition to the achievability of Humanitarian intervention. It opines that it is no longer in the best interests of any sovereign country to interfere or meddle in the affairs of another nation. Providing material support, officials on the ground and unguaranteed safety for the sole goal of supposedly protecting or supporting citizens of any other state is not a really realistic plan or ambition for any sovereign state.[111] The pragmatic theory has it that any attempt of Humanitarian intervention is usually a form of trick or a 'double cross' designed by other ulterior motives which best serve the interest of the intervening nation.

The mediating teams and players are therefore insincere in their compassionate endeavors apart from a few humanitarian acts which are clearly seen and acknowledged and pre empt any doubts on the sincerity of the intervention. Every other pragmatist concerns

---

[108] Ibid Mulugeta, Kidist.
[109] Cockayne, J. 'Islam and Humanitarian Law: From a Clash to a Conversation between Civilisations', *International Review of the Red Cross*, (2002) vol. 84, no. 847, pp. 597-625.
[110] Ibid Cockayne
[111] Glanville, L., "The Responsibilities of Sovereignty." *International Journal of Human Rights* 15.3, 462-480, 2011

against the utilization of compassionate mediation relies upon on the statism factor[112]. Pragmatist speculations contend that administrations cannot guarantee their moral honesty in absconding from their own specific aspirations with the aim of helping other nations in distress. In the event of a breakdown of the political structure of any given country, it is the duty of the state policies and frameworks, and particularly that states political stakeholders, to manage the chaos on their own.[113]

These National interests are clearly evident from a few actual situations ,for example, Hitler's declaration that an invasion of Czechoslovakia,on the onset of the second world war,would pose a threat to German speaking population on the country's borders. The absence of a clear and unbiased policy and framework for State interventions, from the pragmatist factor of view, gives powerful and able states the leeway to embark on these interventions as a smokescreen for serving their own national interests.[114]

Interventions measures are universally acknowledged ,however other issue arises that speak out against compassionate mediation. Pragmatist hypotheses propose that when self-interests super cede the worldwide objectives there may be no true consensus on when to take part in any meaningful mediation.[115] The agreeable ethics and traits each entity proposes are keenly observed because the purposes at the back of any sort of mediation shift inadvertently. This lack of concession on what magnitude of human distress is necessary for intercession may encourage powerful states into imposing the adoption of their ethics, beliefs and traits upon weaker states.[116]

---

[112] Dunne, T., & et al, "The New Humanitarian Interventionism" in M. Hanson and W. Tow (eds), Internatio

[113] Glanville, L., "The Responsibilities of Sovereignty." *International Journal of Human Rights* 15.3, 462–480, 2011
[114] Anderson, K. 'Who Owns the Laws of War?' *New York Times* (13 April 2003)
[115] Mulugeta, Kidist. 2009. The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD. Friedrish-Ebert-Stiftung. Addis Ababa
[116] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve

The challenge faced by pragmatists is usually from liberal voices. Liberals in a way adopt their traditional methods of management and policy making, beliefs and moral values and apply them on the world events. The liberal approach at its best is essentialy a fourfold guideline to human possibilities. These four (4) principles are in a way not only a depiction of the vital components of liberal-majority political and social systems, but in addition make the disputed view that a popular government is the principle approach to governance.[117] The first fundamental assertion is the right to protest, right to free media and religious tolerance. The second one outlines that any administrative officer is answerable to the people and ought to respect their rights and should never abuse these rights. The third view places administrative obligations to the rights and needs of the people as the center element of freedom while the fourth guideline calls for a free economy and right to own property and wealth without interference or manipulation from the authorities.[118]

Those crucial requirements regularly put liberal views and assertions in contradiction with itself. Liberal views tend to disagree between the rights to own property, freedom to representation and enjoying these rights but through reinforcement from well set up and firm foundations. In respect to the international community, liberal supporters have at some point understood the possibility and importance of political institutions being the fundamental base to harmonious human existence.[119] Regardless of the truth that liberals have on various events that are well recorded. They had proposed the possibility of a multinational political union where negotiated power is delegated to authority by Governments of member states with the expectation of creating 'permanent peace'. This view however does not suggest that liberal

[117] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve
[118] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[119] ibid Dunne, Tim, Brian C. Schimdt. 2008

majority governments are less forceful in their actions and modes of operation than the Nations who do not identify with the liberal mode of systems.[120]

In a permanently globalized world the 4 liberal aspects in tangent with the regulations, regulation laws, freedom and a free economy field have succeeded in line with the advancement of worldwide organizations. The institutions being stated however have been susceptible to short term longevity and limited success in advancing the ones liberal policies.[121] The lack of the powerful United States' interest and enthusiasm in the League of nations ended up exposing damage and pragmatist self-interests kept on overwhelming the worldwide goals. At beginning of the cold war that took place after the second world war, the UN did not have any ground for the advancement of liberal dreams.[122] The extended advancement of friendly multinational companies and distinct relationship, free to operate and separated from the UN framework, has but brought about the idea that of opting out of international collaboration is better than true cooperation, for most countries, bringing about the expansion of mutual friendliness.[123] Liberal speculation has in this scenario, possessed the ability to effectively increase liberal political systems and "westernized" human rights because of it's excellent approach for administration.[124] The strong duty of the researchers and legislators who promoted liberal hypotheses in an unstoppable globalized world paid off during the cold war.

The United Nations sanctions have restrained the force of pragmatist notion of strength and distinct advances in the improvement of widely accepted human rights asserations have

---

[120] Adam Roberts, *The so-called "right" of humanitarian intervention*, Year of International Humanitarian Law, volume 3-2000

[121] Mulugeta, Kidist. 2009. The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD. Friedrish-Ebert-Stiftung. Addis Ababa
[122] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[123] Ibid Mulugeta, Kidist. 2009
[124] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations*, June. 2010\

precipitated the strengthening of the liberal global view.[125] Other liberal non-administrative organizations and associations, for instance, Amnesty worldwide have likewise executed their part in advancing the liberal "international society". The global society imagined from early liberal masterminds that liberalism is not just a trustworthy question of provision of security but in lots of cases and with the problem of intercession to strengthen liberal beliefs, with human rights and majority rule government at the front line, for all of mankind[126]

The advancement of liberal institutions and administrations,have,with each of their requirements, controls and methods, precipitated increased collaboration among states and moreover non-state performers. Human rights traditions and the expansion in compassionate frameworks of law being drawn up have now not only set off a concerns in otherwise uninterested states to the beneficial area but in addition cemented the United nations and other intergovernmental organization due to meetings and discussions on Humanitarian intervention[127]

While Liberal backers are the greatest supporters of the critical selfless intervention it is interesting to observe that even liberal specialists have conducted grievance-based intercession and in some case, liberal techniques have at times turned and create absolute power structures and dictatorships.[128] As earlier stated, through liberal formalities, states are the results of the informed consent of their own society. This leads liberal hypotheses to strongly believe that the primary way a country can gain assertive governance is from within its own state and that any undertaking to invite external governance roles and human rights advocates from outside causes disillusionment.[129] This would require any challenge to

---

[125] Human Rights Watch *Human Rights Watch World Report 2003*. New York: Human Rights Watch

[126] Kenneth N. Waltz, *Theory of International Politics* (Illinois: Waveland Press, Inc, 1979), p.109
[127] Menkhaus, Ken.. *After the Kenyan Intervention in Somalia*. Publication. Washington: The Center for American Progress and the Enough Project 2012
[128] Human Rights Watch *Human Rights Watch World Report 2003*. New York: Human Rights Watch
[129] Ibid Kenneth N. Waltz

merciful intervention require unending campaigns or the complete noninterference of the liberal angle even after the mediation ends. The US external approach during the Bush administration is a classic situation of a government's misrepresentation of liberal intervention. State security and the development of a free economy becomes successful after a few improvements to liberal techniques in interventions[130]

States determinedly try to protect their interests and to ensure their survival in the belief of the statement, "it is not possible for everybody to be relied upon to do it for them." Tucker argues that states' factors of interests are managed as in normal legislative troubles. Like Morgenthau, Waltz points out that accomplishment infers protection and strengthening of the nation's potential.[131] People have "important specific rights to do what they possibly can to protect themselves and ensure their survival as long as they do not harm the interests and practices of others except if their own security is threatened. Human beings likewise have the right "to be controlled and a commitment to view others as fellow human beings and not 'lesser people'.[132] This hypothesis will thus be used to find information into states global interests and their yearning to create governance.

1.9 Methodology of the Research

Research design

The study will use the Case Study design. Case study design is used to query contemporary phenomena in the ordinary setting and is relevant when the researcher wishes to study contextual conditions.[133] Case study research aims to answer the how and why questions

[130] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009
[131] Ibid Wairagala
[132] Norris, J., & Bronwyn B., "Twenty Years of Collapse and Counting:" *The Cost of a Failing Somalia*. The Center for American Progress and the One Earth Future Foundation, Washington, 2011
[133] Ibid Norris, J., & Bronwyn

without the manipulation of behavioral goings-on.[134] The design will permit the study to elicit comprehensive data from respondents. The study's focus will be Kenya and Somalia

Study site

The study will be conducted in the Kenyan ministry of Foreign Affairs, the Somali embassy and the military based in Somali and Kenya units.

Methods of data collection

Data collection will include primary and secondary information. Primary information concerned methods such as private interviews from Humanitarian organizations which have been based in Somali and Kenya,[135] where the researcher will get firsthand facts. Private and guided interview can be via cellphone or face to face; this relies upon at the availability of the interviewee.

Secondary data will be received from analyzing publications of students, journals, internet websites, government reviews posted and unpublished substances, newsletters and newspapers.[136] Several government establishments including the Ministry of Interior and Coordination and the Ministry of Defence may be contacted to offer applicable facts worth looking at

Tools for the study

The study will use an interview guide to collect primary data. The interviews will be face to face interviews from the Kenyan ministry of Foreign Affairs, the Somali embassy and the military based in Somali and Kenya units.

Target population

---

[134]Yin, Robert K. *Case Study Research: Design and Methods*. Sage publications, (2013), p. 3-10

[135] Norris, J., & Bronwyn B., "Twenty Years of Collapse and Counting:" *The Cost of a Failing Somalia*. The Center for American Progress and the One Earth Future Foundation, Washington, 2011

[136] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009

The population of the study will be drawn from all members of the military working in Nairobi and Somalia. The composition of the population will consists of all ages from 20 – 60, with diverse qualifications, gender and exposure. They therefore provide a fair representation of the military.

Sampling techniques

Sampling layout of the study will be proportional, stratified sampling approach. As argued the pattern size is almost continually an account of judgment instead of calculation. In view of this rivalry and the reality that any sample size above 30 is considered a massive sample, a pattern length of 70 individuals of the military from Nairobi and Somalia based totally units, of the suitable stratification is suitable for this study.

Data analysis

Data analysis is a method of interpreting facts. Qualitative information evaluation could be used to get targeted statistics to attain all the set targets. Statistics could be coded, edited, analyzed and interpreted. The collection evaluation of records can be guided with the aid of the research objectives. Amassed data might be demonstrated earlier than subjecting it to the theoretical framework and analyzed through analytical and logical arguments via the use of qualitative methods.

1.10 Scope and Limitations of the research

This study is based on Humanitarian intervention in Somalia by Kenya. It takes into account and studies of the intervention by Kenya since 2011 in view of breaching the existing gap on the subject matter. The literature on humanitarian intervention are plenty but with a lot of gaps. The duration of research is short and only rely on a very complex economic, political

and social fabric within and without. Due to the time constraint in this research, only intervention by Kenya in Somali will be taken into account as a case study. It is arguably important to limit the study to the subject matter for convenience and for better understanding of the subject matter. The literature review does not give a wider scope to make generalizations on humanitarian intervention in Somalia by Kenya. Also the issue of cost will limit the scope of the study.

Ethical consideration

This work will be wholly conducted by the researcher in constant consultation with the supervisor, also a second defense to defend the project will be carried out before a defense panel of highly knowledgeable scholars in international relations.

1.11 Chapter Outline

Chapter One introduces the study, statement of the problem, research objectives and highlights the hypothesis to guide the study, literature review, and methodology to be applied in the study. Chapter two will evaluate the role of national and international politics in the establishment of humanitarian intervention. Chapter Three examine the effects of humanitarian intervention in countering terrorism in Somalia. Chapter four will establish implication and challenges of humanitarian intervention in Somalia. It will also discusses the key findings and critical analysis of humanitarian intervention and terrorism. Chapter five will presents conclusions and recommendations of the study.

CHAPTER TWO

THE ROLE OF INTERNATIONAL POLITICS IN THE ESTABLISHMENT OF HUMANITARIAN INTERVENTION

2.1 Introduction

The problem of intervention is at the center of every debate on international order. In the 19th century, instances of armed interventions were advocated by means of the humanitarian intentions of the sizeable forces, however it protected the political interests of the interceding chracters.[137] "towards the end of the nineteenth century, numerous legal observers held that a convention of humanitarian intervention existed in modern moral laws." but, several legal researchers objected to this, in light of the fact that agreements and treaties made earlier than 1945 changed into conflicts and humanitarian intervention guidelines became mistaken.[138]

Considering the fact that 1990 humanitarian interventions have extra authenticity inside the global area. Humanitarian interventions before the nineteen nineties to apparently provide security and provide human rights became a way of hiding the real intentions of the intercessors.[139] Powerful states used humanitarian interventions as a lawful means of their mediations. Dominant states that resolve to mediate in less powerful states have no deficiency of valid rationalizations for their activities.[140] The substitute to the worldwide view of the two-sided cold war has shaped into multistate post-cold war syndrome, because of those expanding rationalizations that pose a greater problem and gain attention of the worldwide

---

[137] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009
[138] Anderson, K. 'Who Owns the Laws of War?' *New York Times* (13 April 2003)
[139] Ibid Anderson
[140] Ayoob, M., Third World Perspectives on Humanitarian Intervention and International Administration", *Global Governance* Vol.10. Issue No. 1, p. 101, 2014

community. The governmental problems of the nineteen nineties have moved humanitarian intervention to the focal point of global undertakings.[141]

2.2 Norm of Humanitarian Intervention

Finnemore argues that, concerning supportive intercession, the nature of popular demand after the cold war is up 'till now growing in the midst of the cold war the "scopes of unmistakable machinations became upheld as a lifestlye to a large extent because of the ability of powerful states to separate positive components of the inner original states from critiques of the external entities they spoke to.[142]" The estimation of inner authoritative structures of states had little effect to matters of two states. As alliances and scopes of expertise were set between the 2 superpowers, "for the most past, strong states assertions showed that the way in which states treated their population was an internal affair." furthermore, scientists assert that resistance from various states become visible as a fundamental encroachment of power.[143]

Finnemore contends this isn't genuine anymore: "states that oppress citizens on a large scale are currently visible as the offer of protection risks each due to the fact that the streams of lawlessness and social strains that such preparations make are destabilizing to neighbors[144] and in light of the truth that use of force internally is viewed as a marker of the capability to behave forcefully elsewhere. It is not evident that inter restrictions imposed on displaced

---

[141] Bryan Hehir, J. "Military intervention and National Sovereignty: Recasting the Relationship," in *Hard Choices: Moral Dilemmas in Humanitarian Intervention* , ed. Jonathan Moore (Lanham Maryland: Rowman & Littlefield Publishers, 1998), 52
[142] Anderson, K. 'Who Owns the Laws of War?' *New York Times* (13 April 2003)
[143] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens, 522-541. New York: Oxford University Press
[144] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.

people are requirements for beneficial catastrophes to be named dangers to international peace and protection.[145]

Several researchers point out that due to the growth of modern applications of mediation the "legitimacy of intercession for humanitarian purposes now rests upon the seat of the security Council." The importance of multilateralism in the utilization of military might has increased since the end of the cold war.[146] Alluding to multilateralism, the international Committee on Intervention and nation Sovereignty (ICISS) document of 2001 expressed that there is no favored or authority greater than the UN security council in approval of military intercession for humanitarian activities. The challenge isn't always to signify other options to the security Council as an alternative authority, but to improve the Councils ability.[147]

Within the UN parameters, a confirmation of the chance of international peace and security mixed with multilateralism has achieved a degree of authenticity in individual states, as exemplified via the regional assault of Kuwait led by Iraq in 1991.[148] The US in this instance , forcefully searched for a multilateral reaction, through the UN, to the specific infringement of Iraqs laws. Finnemore contends that "even in such an unmistakable example of animosity while incitements were obvious and infringement uncontested, "Washington's endeavors to fabricate a multilateral military force alongside the UN" points to a significantly extra distinguished significance for multilateralism norms.[149]

Mandle states that the problem of mediation "can on occasion be moderated when the utilization of military might is authorized through what supposedly is a true blueprint, (for

---

[145] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.

[146] Cockayne, J. 'Islam and Humanitarian Law: From a Clash to a Conversation between Civilisations', *International Review of the Red Cross*, (2002) vol. 84, no. 847, pp. 597-625.

[147] Ibid Bettina Dahl.

[148] Glanville, L., "The Responsibilities of Sovereignty." *International Journal of Human Rights* 15.3, 462-480, 2011.

[149] Ibid Cockayne,

example, the UN security Council) or a customary partner, or when the utilization of strength is from a traditional foe or when the goals of the force are unclear are sketchy.[150] but, not all researchers understand the authenticity of multilateralism and the UN security Council. Henry Shue underlines that the security Council is far from perfect as a sincere body to decide the lawful use of power apart from self-security.[151]

Shue contends that the UN security Council is highly undemocratic with veto power enjoyed by an association of 5 nation. Each individual powerful state ,50 years before wield the same power now since the main component of this power is 'measured' in terms of nuclear weapons capabilities,, incorporating autocracy with pre-present day aspirations of controlling nations and unclear use of extreme force on regions with little populaces and immaterial economies.[152]

2.3 Influence of Norms on Behavior in International Arena

The changing concept of the worldwide framework because of the consequences of the cold war is visible due to the regular shift in internal security with the entrenchment of human rights policies and the development of a fear for human protection.[153] Researchers take note that the human security worldview has multiplied the volume of safety by means of broadening the dangers and advanced it by using increasing reference points on protection other than the conventional state-pushed view to the affected parties and merged it to international gatherings.[154]

---

[150] Dunne, T., & et al, "The New Humanitarian Interventionism" in M. Hanson and W. Tow (eds), Internatio
[151] Cockayne, J. 'Islam and Humanitarian Law: From a Clash to a Conversation between Civilisations', *International Review of the Red Cross*, (2002) vol. 84, no. 847, pp. 597-625.
[152] Ibid Dunne, T., & et al
[153] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528
[154] Glanville, L., "The Responsibilities of Sovereignty." *International Journal of Human Rights* 15.3, 462-480, 2011.

Researchers contend that this move within the standard guidelines of protection and the adjustment to reference terms stress a universe facing the growth of non-common players, abnormal situations and multinational concerns.[155] The growing motion in the typical standards of connection between the depth of the nation and non-state characters in a global view "leaves a reasonable message that the state isn't ready to face the concept and ordinary terms in regards to security.[156] The term "modernised" is characterized with the aid of Finnemore and Sikkink as "a preferred and suitable conduct for stakeholders with a given identification. Scholars perceive numerous forms of requirements. The most broadly recognized qualification "is among regulated requirements, which set up and accept behavioral and constitutional requirements, which make new players,interests, or instructions of interest.[157]

Finnemore and Sikkink pay attention to the fact that it surpasses the prescriptive nature of "readiness" that separates standards from one of a kind of principles and Annika Bjorkdahl accentuates that an "element of redundant pastime is frequently concerned as important to the development of a global norm.[158] Whilst neorealism and neoliberalism have regularly come to understand the part of requirements in the ordinary framework, neither one of the theories offers lots importance to their upward thrust, development and enterprise. The pragmatist worldview proposes that standards are even at their minimum acceptable and in a reasonable help the states standing among nations. To neoliberals, the significance of requirements

[155] Harper, Mary.2012. Getting Somalia Wrong. International African Institute, *The Royal African Society and Social Research Council*, Cynthia Street. London
[156] John Charvet and Elisa Kaczynska-Nay, *The Liberal Project and Human Rights: Theory and Practice of a New World Order* (London: Cambridge University Press, 2008), p.3.
[157]Open Society Institute/International Medical Corps 'Development and Humanitarian Assistance Post-September 11: Sharing Perspectives', conference of US NGO CEOs
[158] Paul W., "Into the Mogadishu Maelstrom: The African Union Mission in Somalia." International Peacekeeping, 2009.

includes the ability to make a country's behavior more straightforward and predictable to the international framework.[159]

Jeffrey Checkel states, "neoliberal and governance scholars accord a component to standards, it's further restricted: they encourage participation amongst interested parties." But for researchers, standards are social pillars in the global framework, and unsimilar to neorealism's and neoliberals,they maintain the view that requirements structure and form the impact of what constitutes a Nations uniqueness.[160] Neorealism and neoliberalism survive by emphasizing nation -driven methodologies,for instance the passing of the international definition of strength, the development of the expanding significance of international institutions, or the gradual spread of democracy. That aside, "such methodologies demonstrate lack of creating understable information for the regulation of international frameworks."[161]

Ordinary scientists, for instance, Finnemore and Sikkink, have made advances especially in view of the reality that specific standards were not able or were unwilling to provide tangible solutions to problems in worldwide relations.[162] From a layman's point of view, "the shape of the worldwide framework is dictated by means of the global conveyance of thoughts, common beliefs, desires and convictions ,ultimately proper conduct is what give the global overview structure, request and power.[163]

Values empower or oblige nations conduct and are essential to states interests and goals. Researchers have shown that the development of standards within the global framework have

---

[159] Paul W., "Into the Mogadishu Maelstrom: The African Union Mission in Somalia." International Peacekeeping, 2009.
[160] Robert Jackson and Georg Sørensen, *Introduction to International Relations: Theories &Approaches*, 4th ed (New York: Oxford University Press, 2010), p.66
[161] Wall, J., "Mediation: An Analysis, Review and Proposed Research", Journal of Conflict Resolution, vol. 25, pp. 157-80., 1981
[162] The Kenyan Military Intervention in Somalia. 2012. Publication. No.184. Nairobi, United Kingdom: International Crisis Group
[163] Simms, B., & Trim D., "Humanitarian Intervention:" *a History*, Cambridge University Press, 2011.

persuaded states mode of conduct. for example, Finnemore contends that requirements have molded behaviour the world over, territorially and locally to reactions on such problems as subjection, expansionism, women' inclusivity,poverty, and useful mediation. In the end, it is practical to contend that standards matter within the world-wide frameworks.[164]

2.4-Armed Humanitarian Intervention

Humanitarian intervention is seen as military action of one state, a gathering of states, or an international organization to end or reduce the flare up of dangerous conflicts in another state. The reason for an intervention is to stop acknowledged and particular human rights infringement.[165] The world has a commitment to prevent extreme human rights violations such as mass murder, ethnic cleansing and genocide. Human lives can also be endangered by external hostilities as well as internal clashes which the law may have no control over.[166] In a situation where national frameworks of equity either can't or won't act to dissuade or end large scale crimes against humanity that regional blocs and international bodies take decisive actions.

Humanitarian intervention has unexpected outcomes in comparison to both customary wars and conventional peacekeeping tasks. It is essential to take note of how helpful mediations are recognized from different kinds of military activities and customary peacekeeping.[167] The objective is to secure populations and not to vanquish or demolish an adversary militarily. As opposed to UN sanctioned instances of Humanitarian intervention, peacekeeping tasks are approved by the Security Council under Chapter VI of the Charter – instead of Chapter VII,

---

[164] Wall, J., "Mediation: An Analysis, Review and Proposed Research", Journal of Conflict Resolution, vol. 25, pp. 157-80., 1981.
[165] Charter of the United Nations, articles 2(4), 39, 42 and 51
[166] Ibid Wall
[167] African Union, "AMISOM Mandate," African Union Mission in Somalia, http://www.africaunion.org/root/AU/AUC/Departments/PSC/AMISOM/AMISOM_Mandat.htm, 2011

which considers the "utilization of every single significant policy" to reestablish universal peace and security, including military power.[168]

The adoption of military power as an alternative is bolstered by the fact that in a some situations only military power can achieve the objective of securing casualties of human rights violations and guaranteeing safety for them. The fact that developing nations do not have the ability to successfully anchor human rights is basic hence outside help may be the only alternative to save the lives of affected populations. However, compassionate providers come up against issues in a complex security scenario.[169] The conditions in the expansive lakes districts of Africa is such a case. "Since 1998 fatalities in the Democratic Republic of the Congo alone are approaching 5.4 million."

Humanitarians acting to secure and safeguard casualties defy imposing issues in a war-torn society. Despots do not usually agree to or permit the entry and arrangement of intercessions. Furthermore, they, for the most part, have no regard for human rights practices and universal agreements.[170] They are regularly ignorant of them or are not signatories to international statutes. The emotional strain due to the increase in citizen fatalities and human rights violations has increased compassionate calls for military assets to secure casualties and guarantee the respect of their rights. In such conditions, the most essential assignment for intervening agencies is to create secure working areas for themselves, aid specialists require safe zones in which to work from.[171]

[168] ICISS Report, p. 56-68, 2002
[169] Møller, Bjørn. 2009:3. The Somalia Conflict, the Role of External Actors. Danish Institute for International Studies, 34. PP.
[170] Ibid Møller, Bjørn. 2009
[171] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council

2.5 Humanitarian Intervention during the Cold War

The United Nations has recently been an ineffective partner in settling clashes, bringing universal peace and protection as roundly relied upon to be. The reason is that it does not have a multinational official force to execute its wishes and furthermore act in the interests of the states that form the Security Council.[172] The might of different states places a significant burden on the UN. The United Nations recommended that the use of power by United States was to the detriment of the charter on human rights. In the Article 2(four) of the UN constitution it clearly expressed that "All individuals will ensure the return of their generic relations from the risk or usage of power towards the local values or political freedom of any kingdom." Enforcement of human rights law is left to the agreement of the component states inclusive of Security Council members.[173]

The recurrent threat is that national interests of sovereign states who are part of the UN, mainly states forming the security Council, are undermined via infringement of human rights, at that point actions towards aggressors turn into a choice. At that point, the question becomes "will measures other than the UNs directives be applied if they are important in upholding and recognizing human rights."[174]

In the 1980s, the vast majority of the Western leaning states were not in support of Humanitarian intervention, in view of the fact that they disliked universal discussions over the choice to intercede and on the grounds that there were not denouncing infringement of human rights in numerous nations thus mediation in these states was unthinkable.[175] Worldwide human rights associations couldn't intercede in the internal afffairs of these states to shield individuals from inhuman treatment by sovereign governments particularly before

[172] Wheeler, J., "Saving Strangers:" *Humanitarian Intervention in International Society*, (Oxford: Oxford University Press, pp., 21-40, 200
[173] Wall, J., "Mediation: An Analysis, Review and Proposed Research", Journal of Conflict Resolution, vol. 25, pp. 157-80., 1981.
[174] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[175] Ibid Wheeler

1990s. Simply put, after the end of the Cold War and the speeding up of the impacts of globalization, Humanitarian intervention offered more help and universal associations started to play a powerful part in securing human rights.[176]

2.6 Humanitarian Intervention after the End of the Cold War

The actions of humanitarian intervention within the cold war era have been modified progessively. The widespread conflict saw the increase of intra-nation clashes in places like the former Yugoslavia, Somalia, Liberia, Rwanda, Afghanistan and so forth.[177] Again, the UN Security Council turned out to be extra adaptable in characterizing risks to common world security, peace, and safety and to incorporate refugee and asylum avenues, classifying helpful intervention and abuse of human rights.[178]

Likewise with the end of the cold war, there may be an increasing collaboration among the usual members forming the Security Council, so it ended up less stressful to make choices on whether to intercede giving thoughts to the aim of ending commonplace wars and intervention conflicts.[179] "The most noticeable change from the post cold war era remains the security Council's readiness to approve military action in the event of conflicts happening inside a states[180] territory." due to these factors, the amount of Humanitarian interventions has increased significantly.

The end of the cold war elevated the extent of humanitarian mediation, due to the fact that a number of bans e.g. on sporting events were lifted, increase of ethnic clashes, hunger and human rights violations caused by dictatorships who led to an increase of failed states. These

[176] Robert H. Jackson, *Quasi-States: Sovereignty, International Relations, and The Third World* (Cambridge: Cambridge University Press, 1990) , 160
[177] United Nations Global Counter-Terrorism Strategy by the General Assembly in its resolution 60/288 (2006)
[178] Simms, B., & Trim D., "Humanitarian Intervention:" *a History*, Cambridge University Press, 2011.
[179] Ibid Robert H. Jackson
[180] Royo, J., "Afghanistan Part II: the Reoccurrence of International Terrorism in Somalia." *Small Wars Journal*. August 30, 20

types of situations led to the advancement of the scopes of humanitarian intervention.[181] East vs West conflicts during the cold war obstructed any probability of making choices in the security council on parameters of Humanitarian intervention. Underdeveloped nations and tyrant administrations took advantage of the two conflicting superpowers to convince them of their support as a way of hindering any intercession in their local undertakings.[182]

After the end of the cold war, it ended up less complicated to make choices on direct Humanitarian intervention or to meddle in the internal affairs of states. While that was achievable, the worldwide community encountered an outstanding disillusionment during Humanitarian interventions in Somalia, Haiti, and Bosnia in the first half of Nineties as the interventions did not accomplish their objectives and triggered the withdrawal of the UN from compassionate mediations.[183]

However, a few years ago, there has been an expanding inclination to mediate in the internal problems of weak and failing states. In the period of globalization, the considerable majority of the conflicts are internal. State vs state clashes and wars dwindled while civil conflicts accelerated quickly.[184] When the superpower rivalry enend, most ethnic groupings voiced their desire to be self-governed. Subsequently, unpredictable warfare in weak 3rd world states started to have considerable impacts and ramifications have on the global stage, due to the fact that unstable states have issues that can spill from a single country to the region and in the long run undermine the security and peace in the world gravely.[185]

In the event that states conflicts pose a threat to global peace and security, external intercession to the internal issues of states may be taken into consideration as anticipatory and

[181] Møller, Bjørn. 2009:3. The Somalia Conflict, the Role of External Actors. Danish Institute for International Studies, 34. PP.
[182] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[183] Ibid Møller, Bjørn. 2009
[184] ICISS Report, p. 56-68, 2002
[185] Ibid United Nations

probably vital steps. In chapter VII of the UN charter the points of confinement to state powers are perceived. Those cutoff points are on the focuses "at which the UN protection Council makes a decision due to a danger to global peace and security below bankruptcy VII." Article II (VII) which sets down the leader of non-mediation inside the internal affairs of states likewise offers the breaking factors to this well-known: "This rule will be impartial to the execution of requirement measures underneath chapter VII."

Since the end of the cold war, more substantial information of chapter VII of the UN charter brought approximately the extent of the expanse of Humanitarian interventions. The security Council met to choose what constitutes a chance to global peace and security in a more adaptable manner than during the cold war.[186] At the UN Security Council summit assembly of 31 January 1992, members of the Security Council expressed that "the non-participation in war and military clashes among states does not in itself guarantee global peace and security. The non-military causes of instability within the financial sectors, social factors, beneficial acts and natural events have progressed towards turning into dangers to peace and security. After the end of the cold war, the United Nations came up with other statutes that gave it the privilege to participate in internal affairs of states and to meddle in inward conflicts, in light of the reality that those risks have common worldwide concerns.

The Western views of a popularly elected government, regard for human rights and primary freedoms, capable administration, and monetary power are the most pertinent issues at the back of every push for Humanitarian interventions and with the advent of globalization the spread of these western views are spread quickly.[187] These views have been firmly

---

[186] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council

[187] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009

entrenched in most states but there is a part of these interventions that are frowned upon by states of the underdeveloped world: Humanitarian intervention is fraught with doubt and dread by these 3rd world states because it reminds them of painful memories of dominion, imperialism, and prejudice.[188]

This position of opposing Humanitarian intervention due to past grudges is evolving slowly. It's the aided by some under the belief that "compassion based decolonization of Africa is happening in members states of the continent once more."24 The 3rd world states are usually in support of non-mediation guidelines and are against Humanitarian interventions considering the fact that they feel undermined by means of dominion.[189] Nonetheless peace and security through using the United Nations in the intrastate clashes and human rights infringement has probably a better chance in third world countries as fears of imperialism authorities associated with compassionate mediation exist.[190]

A few projected objectives for the direction of Humanitarian intervention might be useful to overcome the feelings of fear of powerlessness by 3rd world countries. Placing of objective standards will likewise be useful in addressing the authenticity issue that is the main point of interest of the Humanitarian intervention debate. In analyzing the authenticity of Humanitarian interventions, breaking down of the perspectives of state power and non-mediation requirements can be useful.[191]

[188] *Ibid* Wairagala
[189] Olsson, Christian. December 2007. "The politics of the apolitical: private military companies, humanitarians and the quest for (anti-)politics in post-intervention environments." *Journal of International Relations and Development* 10, no. 4: 332-361
[190] Jonelle, L., "Neo-Realism and Humanitarian Action: From Cold War to Our Days," *Journal of Humanitarian Assistance*, 2011
[191] Ibid Jonelle

HUMANITARIAN INTERVENTION IN COUNTERING TERRORISM IN SOMALIA BY KENYA

3.1 Introduction

Governments around the world get genuine legitimacy from the approval of the population they represent and the principal duty of any government is to provide security for its subjects. A government that can't shield its people from external aggression has failed in its essential obligation, while a legislature that itself endangers the lives and security of its subjects relinquishes any claim to authenticity.[192]

Walzer mentions that compassionate mediation is recommended when it is a reaction to an act that threatens the sanctity of human lives. Since a state can't assault and execute subjects of other states in reality, it doesn't follow that they can visit atrocities upon their own citizens at will.[193] This study therefore doesn't seek to query whether a state can cause mayhem with no consequences, it questions on when the time for outside intervention is required. All things constant, the choice to intercede to ensure the safety of human lives incites protracted discussion and postponements while the affected populations continue to perish.[194]

In the midst of Somalia's long civil war, Al-Shabaab, a Somalia-based terror outfit with links to the global Al-Qaeda terror network, has risen to be a formidable enemy with regional and world bodies taking keen notice of its operations.[195] Neutral mediation, therefore, is not new to Somalia, on 16 October 2011, Kenyan troops made an incursion into Somalia. The conflict

---

[192] Kritsiotis, D. 'Reappraising Policy Objections to Humanitarian Intervention', *Michigan Journal of International Law*, (1998) 19(4)
[193] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009
[194] Norris, J., & Bronwyn B., "Twenty Years of Collapse and Counting:" *The Cost of a Failing Somalia*. The Center for American Progress and the One Earth Future Foundation, Washington, 2011.
[195] Ibid Kritsiotis

in Somalia is a long-standing one, which has had a significant regional effect.[196] The fundamental clashes in Somalia involve clan conflicts and competition for control of resources, warlords attempting to stamp their authority over different regions in the nation, theft of Somali's cash revenues, acts of terrorism perpetrated mostly the by Al-Shabaab and borderline clashes with neighboring states, especially Ethiopia and Kenya.[197]

Despite the fact that the war in Somalia began before 1991, the toppling of military despot Mohamed Siad Barre in 1991 and the ensuing breakdown of law and order hastened common unrest, plunging the country into decades long civil war.[198] The never ending war led to the loss of large numbers of lives, property was destroyed, individuals were forced to escape from their homes and look for safety and shelter in other nations, while others were uprooted from their homes to become internally displaced people (IDPs) living as refugees in their own country.[199]

In 2012, details showed that 1,017,649 Somali refugees were being hosted by different nations, mostly in Djibouti, Eritrea, Ethiopia, Kenya, Tanzania, Uganda and Yemen, while roughly 1.4 million individuals were internally displaced and were settled in Somaliland and the southern region of the nation.[200] It is significant to acknowledge that Somalia has come to a conclusion of its transitional period and has established new legislative measures, a new parliament and a new constitution.[201] This advancement has elevated the level of trust placed on local leaders and has brought hope that the steadily progressing Government will bring a permanent end to the war. As the military operation by Kenya in Somalia progresses, there are arguments on both sides of the divide, with some arguing that the invasion of Somalia is

[196] Jonelle, L., "Neo-Realism and Humanitarian Action: From Cold War to Our Days," *Journal of Humanitarian Assistance*, 2011
[197] Menkhaus, Ken.. *After the Kenyan Intervention in Somalia*. Publication. Washington: The Center for American Progress and the Enough Project 2012
[198] Ibid Menkhaus,
[199] Human Rights Watch Human *Rights Watch World Report 2003*. New York: Human Rights Watch
[200] Kenneth N. Waltz, *Theory of International Politics* (Illinois: Waveland Press, Inc, 1979), p.109.
[201] Ibid Kenneth

ethical and morally justifiable on the grounds of the just war theory,[202] and that the Kenyan government has acted morally, while others are categorical that Kenya's decision to intervene with military force in Somalia was immoral and unethical.[203]

3.2 Somalia humanitarian crisis

The humanitarian crisis in Somalia, which was at its most extreme in 2011 when a severe drought caused starvation in almost the whole country, gives a critical contextual analysis to evaluating the issues raised by counterterrorism laws and their consequences in matters of humanitarian intervention.[204] Somalia's history is characterized by instability, strife, and vulnerability. After the fall of Siad Barre's administration in 1991, different groups battled for power and control of the nation. Confidential talks held in Nairobi in 2004 initiated the formation of the Transitional Federal Government (TFG), which the U.N and the African Union perceived as the safest avenue to establish peace, law and order in Somalia. Different worldwide undertakings to support the TFG were established, for example, the formation of the African Union Mission to Somalia (AMISOM) which has been mostly unsuccessful in uniting the nation.In 2011, a harsh drought struck the Horn of Africa, worsening the humanitarian crisis characterized by political fragility.Reports by the U.N.[205]

Office for the Coordination of Humanitarian Affairs (OCHA) indicated that about 3.2 million individuals living in Somalia needed "urgent ,life-saving help" While the United Nations recognized the requirement for prompt compassionate aid, efforts to provide help to the Somali people were hindered by the Shabaab,[206] an al Qaeda affiliated terror group listed

---

[202] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal and Political Dilemmas*, ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8
[203] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[204] Adam Roberts, *The so-called "right" of humanitarian intervention*, Year of International Humanitarian Law, volume 3-2000
[205] Ibid Bettina Dahl
[206] Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities*. Cambridge: Polity Press, 2009.

by the U.N, and one that is supported by countries with terrorism records. The Al-Shabaab group also controlled vast areas of southern and central Somalia.[207] The Shabaab established various measures that complicated and blocked the conveyance of help to the Somali people for example, the burden of "levies" charged on organizations conveying help to Shabaab-controlled areas.[208]

These strategic difficulties notwithstanding, humanitarian associations confronted the burden of the legitimacy of the outcome of communicating with the militants. While U.S. government offices, for example, OFAC released statements and records with instructions to "give guidelines to the general population with respect to providing aid or undertaking the[209] conveyance of humanitarian aid to Somalia," these announcements and records did not give legitimate protection to organizations trying to work in Shabaab-controlled zones of Somalia. Numerous compassionate associations started founding or reinforcing contingency programs or other internal arrangements to help guarantee that aid reached the intended recipients.[210]

3.3 Somalia/Kenya relations

There are countries that have not entirely cut off their relations with Somalia, which was expected especially following the Somalia- Ethiopia clash following Ethiopia's intercession in 2006.[211] Kenya's relations with Somalia have been guided for the most part by its policy of limited internal intercession on Somalia, which includes the principal of limited hostility to it's neighbour. This approach, factoring past happenings has been quite problematic

---

[207] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations*, June. 2010
[208] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[209] Ibid Cohn, Julie
[210] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[211] Ibid Bellamy

considering Kenya's frequent positive contributions to the Somali peace process.[212] Kenya endorsed the Somali peace talks (2002 - 2004) and gave the TGF quarters in it's capital city, Nairobi, from which the TGF operated from until 2005, when it moved its headquarters to Mogadishu. It has not always been smooth sailing in the relations between the two states.[213] Kenya and Somalia had been involved in an ugly conflict pitting the two against each other in a conflict referred to as the 'Shifta war' between 1963 and 1967. In this survey, ethnic Somalis in Kenya's North   eastern frontier Province have attempted to bring in this past conflict in their views to the ongoing military operation in Somalia. That said, Kenya has shown that despite the importance of worldwide relations, national interests will always be protected first.[214]

3.4 Kenya's military intervention in Somalia

On the onset of the start of the military campaign in Somalia, Kenya used the position of USA's privilege to self-preservation as explained in Article 51 of the UN charter, which obviously acknowledges the right of individual or general self-security to counter any aggression in opposition to a UN directive.[215] The use of this particular article as the legal legitimization for Kenya's intercession raised lots of problems concerning what constituted an organized military operation inside an opposing state and whether or not such operations required such magnitude as the Kenyan operation.[216]

Furthermore, some opposing entities have argued that Kenya did not follow the right channels as required for any operation that seeks to ensure self-security because it did not document its military activities to the UN Security Council '(United States)'. Though, even

[212] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In The International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.
[213] Human Rights Watch Human Rights Watch World Report 2003. New York: Human Rights Watch
[214] Ibid Guilfoyle
[215] Kenneth N. Waltz, Theory of International Politics (Illinois: Waveland Press, Inc, 1979), p.109.
[216] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," Turkish Journal of International Relations 7.4 (2008), p.6.

after news of the intervention surfaced, the USA did not react .Statements from the UN issued by its Secretary-General Ban Ki-moon came to light two months into the operation; he praised Kenya for its role and actions in helping to stabilize and Somalia.[217] Different analysts have drawn comparisons between the mediation in Somalia and the 2003 invasion of Iraq by America. Kenya's intervention was launched 'to defend its borders from external aggression' rather than keep on depending on the UN as a mediator numerous times in its quest for internal security which was being threatened by Somalia's conflicts.[218] This incursion implied that the KDF could move in and advance into Somalia as a way of piling pressure on the Al-Shabaab militants. The operation signified Kenya's bravest military operations since it was formed in the independence days. At the beginning of the operation, around 2,400 KDF troops made the incursion into Somalia.[219] The intercession progressed quickly with little opposition with some reports suggesting that the Kenyan military operated without consulting the TFG of Somalia.

There is more than one reason for Kenya's incursion into Somalia, a string of kidnappings and killings of innocent Kenyans and tourists visiting Kenya by the al-Shabaab terrorists was the main justification for Kenya's intervention in Somalia, these atrocities may have been the motivation for Kenya to justify its intervention. Kenya has shown, putting the mentioned motives aside, that there are other key concerns that the intervention by Kenya is a test for its capabilities of carrying out and sustaining an intervention.

3.4.1 Counter-terrorism through military intervention

The lawlessness in Somalia has made it an ideal place for terrorists and extremists to settle easily and launch their terror activities and practice their extremist beliefs without much

[217] Menkhaus, Ken.. *After the Kenyan Intervention in Somalia*. Publication. Washington: The Center for American Progress and the Enough Project 2012
[218] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet, 374, 2009
[219] Kenneth N. Waltz, *Theory of International Politics* (Illinois: Waveland Press, Inc, 1979), p.109.

interference.[220] Al-Shabaab are blamed by Ethiopia, the TFG and AMISOM for the breakdown of law and order and the insecurity in Somalia, the spillover of their fighting to neighboring states, which include Kenya, and the gross humanitarian crisis being experienced in large parts of Somalia.[221] Kenya, in any case, has been a victim of terrorist attacks long before the rise of Al-Shabaab. The 7 August 1998 bombing of the US embassy in Kenya, which killed 213 people and left more than 4,000 others injured, set the motion for the creation of laws, policies and discussions on challenges of fighting terror and the great threat terror posed to the state.[222] Since then and going forward Kenya has been making renewed efforts to stop terrorism and terror activities in the state, these steps include the ongoing application of the Prevention of Terrorism act.It is with these memories that Kenya was convinced that the frequent Al-Shabaab raids in Kenya by it's militants required a concrete reaction to avoid a large-scale terror attack like the 98' bombing.[223]

Allegedly, Kenya, with assistance from friendly and like minded states , had intended to wade into the Somalia conflict long before October 2011. This arranged intercession had the objective of creating a buffer or a safe zone in the Juba region in southern Somalia that is near the border with Kenya.[224] What is currently assumed as general objective of Kenya's intercession is the creation of this buffer zone. The borderline of Kenya and Somalia extends to around 682km, with the Juba and Gedo regions in southern Somalia being nearest to Kenya.[225]

---

[220] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009
[221] Anderson, K. 'Who Owns the Laws of War?' *New York Times* (13 April 2003)
[222] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[223] Ibid Anderson
[224] Ayoob, M., "Third World Perspectives on Humanitarian Intervention and International Administration", *Global Governance* Vol.10. Issue No. 1, p. 101, 2014.

[225] Cockayne, J. 'Islam and Humanitarian Law: From a Clash to a Conversation between Civilisations', *International Review of the Red Cross*, (2002) vol. 84, no. 847, pp. 597-625.

Kenya's initial objectives, no matter the point of view, were in no way dictated by any outside influence and concerns that influential Somali politicians and warlords from the Juba and Gedo areas had not been sincerely advised and included in discussions and who expected to take control of the region once it was liberated from al-Shabaab hold.[226] With the liberation of the Juba region, the government of Kenya plans to have the ability to counter the immediate threat of al-Shabaab sympathisers who have for a long time controlled this region and benefitted from cash revenues generated from charcoal trade and taxes from imports coming in through the port of Kismayo.[227] On 28 September 2012, KDF representative Colonel Cyrus Oguna asserted that a joint offensive launched by the Kenya Air Force, the army and the Navy maritime, the KDF had accomplished a significant milestone in its seize of Kismayo from al-Shabaab militants.[228]

3.4.2 Quelling the Terrorists Threats

As mentioned in the introduction, Somali has been a failed state for the last few decades. It is a failed state in the sense that it had become very weak to the extent where social and political structures had broken down to the extent that the interim governments put in place had no control at all.[229]

Developmental growth is dismal, violence is rampant and despite the years and dollars that have been dedicated to the region, it continues to be one of the most desolate areas in the world and a growing cause for concern in the international community due to the growing threat of terrorism, increased piracy, kidnapping of aid workers, and famine.[230] Most recently, Al-Shabaab militia's long shadow has been looming over Kenya, not because of its confessed

---

[226] Dunne, T., & et al, "The New Humanitarian Interventionism" in M. Hanson and W. Tow (eds), International
[227] Ibid Cockayne
[228] John Charvet and Elisa Kaczynska-Nay, *The Liberal Project and Human Rights: Theory and Practice of a New World Order* (London: Cambridge University Press, 2008), p.3.
[229] Glanville, L., "The Responsibilities of Sovereignty." *International Journal of Human Rights* 15.3, 462-480, 2011.
[230] Dunne, T., & et al, "The New Humanitarian Interventionism" in M. Hanson and W. Tow (eds), International

link to the Westgate Mall terror attack in September 2013 but also subsequent threats to turn Kenya' towns into 'rivers of blood'.[231]

In what could indicate the standing of Kenya on the international terrorism map, US agents struck Libya and arrested Abu Anas al-libi, who has been on its most wanted list since the 1998 terrorist attack in Nairobi and Tanzania. The terrorism threat in Somalia continues to grow and is a source of anxiety and worry in the international community and a possible demonstrative cause military action as coined by just war theory. The Al Shabaab, an insurgent military group in Somalia, has been linked to Al Qaeda.[232]

Somalia has seen an evolution in regard to internal terrorist groups and their growing power and influence. There is a heavy presence of Al-Qaeda in Somalia. The Al-Qaeda-sponsored 1998 terrorist attacks against the US embassies in Kenyan and Tanzanian were one of the deadliest in African history and provided a clear signal to world leaders that the threat of terrorism in Africa is real and is one that must be addressed.[233] The terrorist group, Al Qaeda was not only a part of the attack, but were the masterminds behind it noting its Somali connections were instrumental in planning and executing the twin attacks, which killed a combined total of 225 people and wounded over 4,000. Other terrorist attacks include the attacks on an Israeli owned tourist hotel in Kikambala ,Mombasa, Kenya in 2002 and another attack in 2010 in Uganda sponsored by the Somali based terror group, Al Shabaab.[234]

These attacks are retaliatory acts on African states supporting the war against terror and contributing troops and material aid to peacekeeping operations. The danger posed by terrorism in Africa is real and is one that must and had to be addressed through military

[231] Ibid Dunne et al,
[232] Cohn, J., "Terrorism Havens: Somalia," Council on Foreign Relations, June. http://www.cfr.org/somalia/terrorism-havens-somalia/p2 (accessed September 17, 2013), 2010.
[233] Kritsiotis, D. 'Reappraising Policy Objections to Humanitarian Intervention', *Michigan Journal of International Law*, (1998) 19(4)
[234] Harper, Mary.2012. Getting Somalia Wrong. International African Institute, *The Royal African Society and Social Research Council*, Cynthia Street. London

intervention.[235] The main threat that exists with regard to terrorism in Somalia is the lack of law and order that make it a perfect breeding ground for terrorists and international criminal groups. These entities put together pose a serious security threat which neighboring Kenya, Ethiopia and Uganda could not avoid or ignore, as it posed a direct threat to their national security.[236]

In the 1990s and early 2000s, the largest and the most influential terrorist group in Somalia was known as the al-Itihaad al Islaami (AIAI).[237] The AIAI's main objective was to create an Islamic state within the Somalia region and was responsible for many terrorist attacks in neighboring countries, such as Ethiopia.[238] In addition to Ethiopia bearing the brunt of the looming terrorist threat, Kenya too has dealt with its share of numerous terrorist threats stemming from Somali terrorists.

After the 9/11 terror attacks at the World Trade Center in New York City, failed states and areas known as "safe havens" for terror cells have been targeted and seen as threats to national and global security. The lack of success in addressing the anarchy and potential breeding ground for terrorists in Somalia has made it a reference point in the war on terror.[239]

The several failed attempts to stabilize Somalia have led to a sense of indifference towards Somalia from many nations and many nations around the world have either simply forgotten about Somalia or chosen to ignore the increasingly dire situation. Kenya's military intervention has attracted a number of countries which have since changed their stand and are

[235] Harper, Mary.2012. Getting Somalia Wrong. International African Institute, *The Royal African Society and Social Research Council*, Cynthia Street. London
[236] Jonelle, L., "Neo-Realism and Humanitarian Action: From Cold War to Our Days," *Journal of Humanitarian Assistance*, 2011
[237] 4 International Crisis Group.. The Kenyan military intervention in Somalia. op cit., 2012.
[238] Olsson, Christian. December 2007. "The politics of the apolitical: private military companies, humanitarians and the quest for (anti-)politics in post-intervention environments." *Journal of International Relations and Development* 10, no. 4: 332-361
[239] Mogire, E., & Agade, K. M. 2011.Counter-terrorism in Kenya. *Journal of Contemporary African Studies*, 29(4), 473-491

now willing to help solve the decade old crisis.[240] On the other hand, terrorists and international criminal groups have taken note and are beginning to take advantage of the "safe haven" that Somalia can provide outlawed groups. The threat of terrorism is ever-growing in Kenya also, due to the influx of Somali refugees, some of whom have allegiance with the Al-Shabaab and are becoming increasingly autonomous and becoming a center of Shabaab recruitment and a source of funds.[241]

3.4.3 Necessity of Creating a Buffer Zone

Allegedly, Kenya, with assistance from friendly and likeminded states, had intended to wade into the Somalia conflict long before October 2011. This arranged intercession had the objective of creating a buffer or a safe zone in the Juba region in southern Somalia that is near the border with Kenya.[242] What is currently assumed as the general objective of Kenya's intercession is the creation of this buffer zone. The borderline of Kenya and Somalia extends to around 682km, with the Juba and Gedo regions in southern Somalia being nearest to Kenya.[243] Kenya's initial objectives, no matter the point of view, were in no way dictated by any outside influence and concerns that influential Somali politicians and warlords from the Juba and Gedo areas had not been sincerely advised and included in discussions and who expected to take control of the region once it was liberated from al-Shabaab hold.[244] With the liberation of the Juba region, the government of Kenya plans to have the ability to counter the immediate threat of al-Shabaab sympathizers who have for a long time controlled this

[240] Ibid Mogire

[241] Kritsiotis, D. 'Reappraising Policy Objections to Humanitarian Intervention', *Michigan Journal of International Law*, (1998) 19(4)

[242]

[243] Paul W., "Into the Mogadishu Maelstrom: The African Union Mission in Somalia." International Peacekeeping, 2009.

[244] Royo, J., "Afghanistan Part II: the Reoccurrence of International Terrorism in Somalia." *Small Wars Journal*. August 30, 20

region and benefitted from cash revenues generated from charcoal trade and taxes from imports coming in through the port of Kismayo.[245]

There are numerous triggers for conflicts in the region, some over the control of resources(mostly monetary), water and land, some caused by political representation and diverse differences while interests in power and might control either side of the border. The well thought out plan to create a strong peace network in this remote district, which in the 1990s was viewed as the most dangerous in all of Kenya, has been a noteworthy accomplishment.[246] From 2008 to 2011, Shabaab operatives who controlled the border regions of Somalia had to concede to neighboring states requests to halt any hostilities and violence on workers and personnel in the frontier region, which ensured unobstructed exchange of goods and services, access to schools and medical services on the two sides of the border.[247]

Military operations in 2011 by Kenya, Ethiopia, and their arbitrators attracted hardline Shabaab figures to the frontier region and have interrupted these arrangements. The Kenyan military offensive could neutralize those hardliners.[248] Significantly, Kenya need not eliminate Al-Shabaab entirely from its border towns, it just needs to create a conducive and enabling environment in which neighborhood networks can reassert their influence over the region and subsequently disrupt the activities of any remnants of the Al-Shabaab in the border towns. The outcome is probably going to be a chain of cross border town, town and locality operations principally overseen by Somalis.[249]

---

[245] Ibid Royo
[246] Olsson, Christian. December 2007. "The politics of the apolitical: private military companies, humanitarians and the quest for (anti-)politics in post-intervention environments." *Journal of International Relations and Development* 10. no. 4: 332-361
[247] Simms, B., & Trim D., "Humanitarian Intervention:" *a History*, Cambridge University Press, 2011
[248]
[249] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009

A basic critical detail in such a scenario is Kenya's own major political changes, which include a process of decentralization(devolution) that could give newly established regions a high level of self-autonomy. Before decentralization of power and resources, regional heads in Kenya's border regions assumed a commanding role, working together with nearby networks in cross-border strategies.[250] That pointed out, these regional chiefs were appointed by the central government and did not originate from the Somali Kenyan population. They, along these lines promoted or oversaw the desires and interests of the central government. In the new system, the regional governors have been mostly chosen by local citizens and therefore their cross-border strategy may be reshaped in an unpredictable manner. On the off chance that they take part in cross-border issues that reflect ethnic and local interest instead of national objectives, peace processes along the borders could become chaotic and compromised.[251]

Mostly, Kenya desired to completely flush out al Shabaab at all costs from its border points. It only employed different measures with the hope of gaining support from inside Somalia. In the past, Kenya had entered into a pact with a semi-autonomous region in Somalia called Jubaland, or Azania, giving cash and providing supplies to a hastily assembled rag-tag clan based militia under the command of a former warlord.[252] This approach never really succeeded so this time round Kenya played the lead part as opposed to depending so vigorously on local accomplices.[253]

[250] The Kenyan Military Intervention in Somalia. 2012. Publication. No.184. Nairobi, United Kingdom: International Crisis Group
[251] Paul W., "Into the Mogadishu Maelstrom: The African Union Mission in Somalia." International Peacekeeping, 2009.
[252] Ibid Paul W.
[253] Richard D., "Kenya's Military Operation in Somalia," Center for Strategic and International Studies in Washington, D.C., 2011.

3.4.4 Piracy Issues and Considerations

It is acknowledged worldwide that Somalia is a haven of piracy. Piracy in Somali has been an ongoing concern and one that has not received the necessary attention and resources that are needed to address the issue. Off the coast of Somalia, ships have been hijacked and innocent passengers and crew attacked, robbed and often killed.[254] This is an international problem as pirates attacks have gone from 151 ships taken hostage in 2011, compared to 127 ships in the year 2010, vessels from many countries around the world, including ships belonging to the United States have been victims of this vice, but only 25 hijackings have been successful in 2011 compared to 47 in 2010. By 2012, the pirates were still holding 10 vessels and 159 people hostage.[255]

In the book, The International Response to Somali Piracy, one of the major highlights about piracy in Somalia is the lack of infrastructure and rule of law to enforce regulations and put offenders on trial. Another problem of enforcing laws is many of them are vague and even if a guilty verdict is passed, the prison system in Somalia is sub-standard and cannot accommodate prisoners and provide proper living conditions for them100.[256]

Kenya appears to have tried to take control of the lawlessness and lack of enforcement of the rule of law regarding piracy, as it has been attempting to try suspected pirates for their crimes in Kenya.[257]However, this has brought about other serious problems and concerns regarding judicial authority and jurisdictional uncertainties. The article, "Kenya's Piracy Prosecutions," highlights the frustrations that the Kenyan government has faced in trying to prosecute piracy

---

[254] Wheeler, J., "Saving Strangers:" *Humanitarian Intervention in International Society*, (Oxford: Oxford University Press, pp., 21-40, 200
[255] Ibid Richard D
[256] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009
[257] Gathii, T., "Kenya's Piracy Prosecutions," Journal of International Law 104, no. 3 (Summer): 416-36.

cases in Kenya.[258] Due to the international and multi-jurisdictive nature of piracy, it is quite unclear about which country has the jurisdiction as to where pirates should be tried.

This will continue to be a recurring topic in piracy prosecution moving forward, and will ultimately need to be addressed by the international community collectively. The United Nations has on many occasions indicated the need for some sort of boundary or international law framework to handle piracy or sea matters, but much is still left to be discussed[259] and agreed upon by the international community, as has been demonstrated by the Kenyan trials of international pirates. In addition to the obvious dangers and consequences of piracy in Somalia, it is important to highlight piracy's effect on food security and famine in Somalia. A significant amount of aid has been diverted and citizen's welfare risked due to attacks and forced detours of ships ferrying aid to avoid attacks by the Al-Shabaab.[260] There are also legitimate concerns about providing direct or indirect aid to terrorists through aid. United States for example imposed restrictions on the delivery of aid fearing that it would be diverted to Al Shabaab.

The above-demonstrated points fall in accordance with the requirements for the justification of use of armed force to counter this problem. The Kenyan government had several legitimate reasons for why an intervention was necessary; both on an humanitarian grounds and self-interest level.[261] On humanitarian grounds, Kenya had many reasons to use military intervention. As aforementioned, Somalia suffers from critical humanitarian crises and has poor indicators in development and has suffered from food insecurity and famine for the last

---

[258] Thuo, J., "Kenya's Piracy Prosecutions," American Journal of International Law, Loyola University, Chicago, No. 104, p. 416-436, 2010.
[259] Ibid Thuo, J
[260] Norris, J., & Bronwyn B., Twenty Years of Collapse and Counting: The Cost of a Failing Somalia. Washington: The Center for American Progress and the One Earth Future Foundation, p. 123, 2011.
[261] Charter of the United Nations, Article 1(3); and United Nations, Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III), 10 Dec. 1948

several decades.[262] Citing the self-interest and security perspective, Kenya also has legitimate reason for launching military operations in Somalia. Somalia has become a playground for terrorists, thus threatening the security of Kenyans and Kenyan economic interests, Somalia's increasingly growing instability has led to an undesirable increase of Somali refugees in Kenya and a drain of Kenyan resources and infrastructure, and last but not least, Somalia's downfall is generally an overall threat to the Kenya's security.[263]

Due to this possibility, Kenya' immediate and vital objective was and is the necessity of establishing a friendly and peaceful Somali political and social set-up in the relatively peaceful regions along the Kenya-Somalia border. This is the main objective Kenya's seemingly isolated government seeks to achieve.[264] For the United States and other nations, Kenya included, the second major objective by the Kenyan initiative to expel Al-Shabaab from the port city of Kismayo would be an ultimate success in the war on terror, the KDF duly accomplished this mission as they captured the port city and expelled the al-Shabaab there. However, in the few months after the Kismayo operation, some Kenyan authorities have been vague in their statements concerning the Kismayo objective, while some U.S. authorities have been questioning the Kenyan offensive from the beginning106.[265] Most Somalis, however are not very concerned with driving of the Al-Shabaab out of Kismayo but rather, which group(s) will take control of Kismayo and at which point. Kismayo could also fall to a criminal outfit of Al-Shabaab's nature. This is the threat posed, as Kismayo has been a constantly contested city since 1991.[266]

[262] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[263] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[264] Charter of the United Nations, Article 1(3); and United Nations, Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III), 10 Dec. 1948
[265] Mulugeta, Kidist. 2009. The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD. Friedrish-Ebert-Stiftung. Addis Ababa
[266] Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009

In accordance with the Just War Theory, Kenya does not have any obligations to fulfill the military forces action requirement for purely humanitarian grounds. Though it may be admirable of Kenya, it is not necessarily required or mandatory.[267] In the case of Kenya it appears that there were two motives for the intervention. There was the motives of humanitarian aid in the sense that Somalia's citizens were living under dire, extreme and inhuman circumstances. At the same time, being Somalia's neighbor and having been directly impacted by Somalia's failures, it was also in Kenya's national self-interest to pursue an intervention in Somalia. Kenya's motives for the military intervention are now fully understood when looking at some of the precursors to the Kenyan decision.[268]

3.5 Conclusion

In Somalia and some other countries, the potential and genuine unfavorable effect incorporates the risk of criminal sanctions and proceedings against aid agencies and personnel believed to have offered help to terror groups in violation of the different local, regional and global laws.[269] The fear of prosecution will keep on undermining humanitarian undertakings until there is clarity on the explanation and use of these laws to humanitarian activities. What's more, the scope of administrative estimates that have been presented are raising working costs, backing off regulatory abilities, cutting down financial aid, undermining associations, decreasing access and adjusting the quality and coordination of help. Islamic foundations working in Somalia and elsewhere have extremely prejudiced, yet their operations have been felt by aid agencies.[270]

---

[267] Ibid Wairagala
[268] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[269] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia, Unanimously Adopting Resolution 1744)", UN Security Council, http://www.un.org/News/Press/docs/2007/sc8960.doc.htm., 2007
[270] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies.* Institute for Security Studies, Volume 15, pp. 32-54

In analyzing the factors that affect humanitarian intervention by means of military strength, this chapter has shown that there has been ethical justification to the fact that the atrocities committed by terror cells called for urgent humanitarian intervention and the application of the right to self-defense policy.[271] The moral and lawful concerns as a whole call for an expansive discourse and agreement. The practice of shielding suspects and criminals from correctional should cease. Measures, for example, imposing sanctions have been beneficial in limiting activities of rogue states, however imposing of sanctions has not worked in Somalia. All things constant, the military operation has provided an environment where the Somali administration can manage in relative peace without the always constant fear of the Al Shabaab.[272]

---

[271] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council
[272] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies*. Institute for Security Studies, Volume 15, pp. 32-54

CHAPTER FOUR

IMPLICATION AND CHALLENGES OF HUMANITARIAN INTERVENTION IN SOMALIA

4.1 Introduction

Despite the fact that the utilization of military power for compassionate objectives appears to be completely separated from the utilization of such power to fight terrorism, the two situations project similar characteristics.[273] These situations seem to empower countries that are not really at war or under siege to set aside the prevailing traditions of national power and regional integrity for execution of external motivations behind global law requirement and assurance of safety to innocent victims of conflicts. Both circumstances incorporate use of force as opposed to absolutely cautious application of military power.[274]

Both respond to the criteria and support as per the regulation standards established in the just war convention than from absolutely diverse alterations of the 'legalist worldview' in global relations, on the grounds that the legal world view is profoundly characterized by states standing in the international community, regional trustworthiness, and an absolutely protective deployment of military forces.[275] Most fundamentally, the defense for the two sorts of military activity depends basically on the idea of 'the global network' that is underdeveloped and desperately needing a thorough review.

Somalia attained its freedom from Britain and Italy in 1960. Nine years after the right to self-rule was achieved, General Mohamed Siad Barre assumed control through a coup and established a military tyranny over the region. In the late 1970s and mid-1980s, a drought

---

[273] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies.* Institute for Security Studies, Volume 15, pp. 32-54
[274] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas,* ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8
[275] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council

seriously hit the nation, creating a cash crisis.[276] The effects of the drought and the cash crunch was a civil war which started in 1988, the fighting eventually reached Mogadishu, in December 1990. A few months later, Barre was overthrown and had to flee Somalia leaving the country with no Government structures and foundations for containing the chaos, lawlessness ,savagery and a failing economy.[277]

Among local armies and militia battling in the civil war, the most unmistakable and great was the Somali National Alliance, commandend by General Muhammad Farah Aidid. The violence kept on heightening between Aidid's group and other armies, with casualties standing at 15,000-40,000 individuals between January 1991 and August 1992. This situation forced a huge number of innocent civilians to flee their homes, creating an urgent need requirement for emergency compassionate aid.[278] An estimated 500,000 Somalis left the nation, and another 350,000 became internally displaced. In the meantime, the starvation alone – a consequence of both the common war and the drought is believed to have led to the deaths of up to 152,000 people. Over 4.5 million Somalis, half of its estimated population, were in addition struck by diseases and afflictions.[279]

4.2 Implication

4.2.1 Pacifism

Pacifism is one of the most major arguments against the just-war theory tradition. Under the Pacifism framework, violence as a means of war is essentially never justified or acceptable as

---

[276] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas*, ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8
[277] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[278] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[279] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal and Political Dilemmas*, ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8

moral, even in cases of severe humanitarian crisis.[280] Under the Pacifist outline, pure pacifists

would deem the armed Kenyan intervention in Somalia as unethical and immoral. This is a

sharp contrast from just war theory which holds that war can be ethical under certain

circumstances if specific criteria are met (jus ad bellum, jus in bello and jus post bellum).[281]

However, the pacifist argument supposes that this is not moral and even if there is just cause

it is absolutely immoral to engage in any violence or use force. Under pacifism the value of

nonviolence and peace is higher than any other, so nations should never use force under any

circumstances. In lieu of force, under the pacifist model states are encouraged to use

nonviolent measures to address conflict and crises.[282]

With violence and force out of the question, it becomes essential that diplomacy and non-

violent measures are undertaken and enforced. In the case of Kenya and Somalia, pacifists

would likely argue that it was immoral for Kenya to enter Somalia with the use of force, as it

is not ethical to use force under the pacifism approach.[283] As we know, the Kenyan-Somali

conflict is multilayered and complicated in nature. Even with the violent nature of piracy and

the destruction that it poses to Kenyan national security and safety, under pacifism engaging

in force to address this issue would be immoral. Rather, pacifists would argue that Kenyan

authorities should engage in non-violent measures to address the issue.[284]

The main issue that this poses is, pacifists assume that "highest priorities are life and peace"

and does not address how sometimes using force in extreme situations, such as Somalia, can

---

[280] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies.* Institute for Security Studies, Volume 15, pp. 32-54

[281] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.

[282] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies.* Institute for Security Studies, Volume 15, pp. 32-54

[283] Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal and Political Dilemmas,* ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8

[284] United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council

actually preserve the very ideals that pacifists claim to defend.[285] Pacifism is also somewhat problematic because the pacifism structure works best when engaging two sovereign states with central and effective governments.[286] In the case of Somalia, it has an ineffective government, and many of the issues lie with non-state actors such as terrorists, clans, pirates or rogue states that are not legitimate and are destructive to global security and or its people.[287] Traditional means of nonviolence such as sanctions, diplomatic engagements, etc. would be inappropriate for such actors. Also, when such actors are using violence as their means, it becomes increasingly difficult to[288] preserve the notion of non-violence, as states need to defend themselves against such actors. While Pacifists may argue that the Kenyan intervention was immoral, it would be unrealistic and ineffective for Kenya to not use force as a means to intervene in Somalia due to the nature of the threats at hand and the nature of the actors involved.[289]

4.2.2 The Legalist Perspective and Point of View

Another method of determining ethics and morality in regard to war is the legalist paradigm[290]. The legalist perspective or paradigm is somewhat similar to the pacifist point of view in that intervention or invading another sovereign state is immoral and unacceptable, but not because it prioritizes peace and non-violence as an ethical priority.[291] Rather, it prioritizes the notion of the state and states' legal right to sovereignty, and values international order. Under the legalist perspective, Michael Walzer argues, there is a fundamental observation

---

[285] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[286] Ibid Dunne, Tim, Brian
[287] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[288] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In The International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.
[289] Ibid Guilfoyle
[290] Walzer, M., "Just and Unjust Wars," 3rd Ed., Perseus Books Group New York, pp 118, 1977.
[291] Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies*. Institute for Security Studies, Volume 15, pp. 32-54

that is particularly salient to interventions; specifically interventions based on humanitarian reasons.[292]

Though it is clear that the legalist perspective values these beliefs, it does somewhat lend itself to compromise and interpretation in a way that the pacifism perspective does not. Under the legalist paradigm, states do have the right to intervene in certain instances (as in just war theory) if certain criteria are met: there is a viable threat or if aggression or force has been used against that particular state.[293] This is demonstrated when Walzer explains the following in regards to the legalist point of view, "Nothing but aggression can justify war". In applying the legalist perspective to the humanitarian intervention in Kenya, it is unclear and somewhat uncertain if legalists likely would approve the intervention as being morally acceptable.[294] While it is clear that acts of aggression have been taken against Kenya on several occasions through terrorist attacks, piracy incidents among others, it is not clear whether such attacks should be attributed to the Somali state itself or to actors (terrorists or pirates) who are not necessarily state-sponsored but are able to conduct such activities due to the lack of state or governance.[295] This is a complicated notion and one that seems to be a recurring theme as we discuss morality and state actors. Moving forward, it will be critical that we re-think diplomacy and even morality in a new age and time where the emphasis on the state is becoming devalued and the emphases is more on individual actors or groups are more emphasized[296].

---

[292] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man. God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[293] Ibid Elmi, Afyare Abdi and Barise Abdullahi
[294] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In the International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.
[295] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[296] Walzer, M., "Just and Unjust Wars," 3rd Ed., Perseus Books Group New York, pp 118, 1977.

Ultimately, the legalist paradigm emphasizes the concept and notion of the state. In the case of Kenya, legalists could argue that because of the aggression of pirates or terrorists by individuals who were housed in Somalia or somewhat facilitated by the collapse of Somalia, it is therefore the Somali who is ultimately responsible and therefore deserving of intervention or the use of force. On the other hand as aforementioned, legalists could argue that the state and main government, which in this case would be the Somali TFG, cannot be held accountable for individual actors and is therefore under serving of armed interference.[297]

4.2.3 Religion and the Just War Theory

Perspective one of the major issues between just-war theory and Islamic religion is the sense that just war theory is foreign and seen as a purely Western concept. This would essentially discredit the metric of just-war theory as well as the credibility of the overall theory itself. In the book, War and Peace in Islam, Mirbagheri details some of the perceptions of just war[298] in the Muslim community.[299] These beliefs and perceptions may essentially discredit the ultimate argument that the Kenyan intervention in Somalia was indeed moral, per the requirements and composition of just war theory.

According to Mirbagheri, it is noted that not only is just-war theory closely associated with the West but it is also closely associated with Christianity and the Crusades. The Crusades, a series of wars fought between Muslims and Christians during the Middle Ages, is still a sensitive issue between Muslims and Christians today.[300] Mirbagheri notes that the concept of just war may also hint at the notion of holy war in Christendom, reminiscent of the

---

[297] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[298] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[299] Mirbagheri, S., "War and Peace in Islam," A Critique of Islamic/ist Political Discourses. New York: Palgrave Macmillan, pp 128, 2012.
[300] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In The International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.

Crusades.[301] It is quite likely that the mere association of just war with Christianity and the Crusades may completely undermine and delegitimize the credibility of just war theory and its ability to serve as a metric for just war within some in the Muslim community.[302]

4.3 Challenges

There are many challenges that lie ahead for Somalia, Kenya. One of these challenges is trying to maintain a tight grip on arms control and weapons possession. Oftentimes, in crises and conflict, the offensive side places a significant amount of resources into the defense and security of its forces and troops.[303] Though understandable and reasonable, this poses additional threats to security because often, weapons become unaccountable and become available to rogue entities. Rutherford describes this phenomenon during the 1991 armed intervention in Somalia by the United States noting as follows:[304] The flood of guns and other weapons into the hands of gunmen hired to protect international media and NGOs further heightened insecurity, not only among the Somali factions competing for contracts but also between the Somalis and the UN military forces. (Rutherford 2008, 94) This threat is real and is one that needs to be thoroughly investigated and addressed as the intervention and conflict continues.[305]

The Somali, Kenyan and African Union forces will need to have a system in place to track weapons and be held accountable for missing weapons and individuals and groups who are in possession of weapons. In addition to the threat of lack of arms control, is the threat of conflict between many of the different non-governmental entities that currently exist, and will

---

[301] Mirbagheri, S., "War and Peace in Islam," A Critique of Islamic/ist Political Discourses. New York: Palgrave Macmillan, pp 128, 2012.
[302] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[303] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[304] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations,* June. 2010
[305] Ibid Cohn, Julie

be aiding in some of the relief efforts as a result of the current invasion. This will also likely be an important factor as the United States government has previously announced that working with local groups and non-government Organizations (NGOs) will be a part of its new Dual Track Strategy towards Somalia.[306]

This served as a major issue during the United States and United Nations intervention in Somalia in the early 1990s. Rutherford, author of Humanitarianism Under Fire, notes the hostility that developed as a result of NGO conflict noting, "NGO hiring and firing practices also led to rising violence against NGOs, including several incidents that resulted in attacks on NGO staff, some of them fatal.[307] With the United States emphasizing its commitment to working with local groups and the attention that the Kenyan intervention has brought to Somalia, it can be expected that there will be an increasing number of humanitarian groups and NGOs working in Somalia. This is an important issue and one that will either have to be addressed by Kenyan and Somali leadership, so it does not exacerbate current conflict and violence in Somalia.[308]

Another challenge and issue that will need to be addressed by Kenyan leadership is the public perception of the Somalis in-country, as there is a significant Somali population in Kenya that wants to be recognized and whose voices must not be forgotten.[309] In August of 2012, a Kenyan Newspaper reported that there has been increased xenophobia in Nairobi (NA "Xenophobia, Fear Follow Nairobi Blast").[310] Though the intervention has been rather recent, there are already several credible accounts of inappropriate behavior by Kenyan troops and other negative accusations. This has several possible consequences, none of them positive. It

[306] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In the International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.
[307] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," Turkish Journal of International Relations 7.4 (2008), p.6.
[308] Cohn, Julie. Terrorism Havens: Somalia. Council on Foreign Relations, June. 2010
[309] Bellamy, A., "Right to protect." The Global Effort to End Mass Atrocities. Cambridge: Polity Press, 2009
[310] Adam Roberts, The so-called "right" of humanitarian intervention, Year of International Humanitarian Law, volume 3-2000

has the possibility of leading to a sense of illegitimacy of the intervention in the eyes of Somalis and the international community.[311]

Another local newspaper has reported that the Kenyan intervention has exacerbated food security issues and poverty in Somalia (NA "Kenya; Somalia-A Risky Intervention"). The news story reported, "Kenya's military intervention to target Al-Shabaab in Somalia is likely to worsen the plight of millions of foodinsecure civilians and could increase popular support for the Islamic extremists, workers and analysts warn" (NA "Kenya; Somalia-A Risky Intervention").[312] This has resulted in an even larger flow of Somali refugees fleeing to Kenya, which has already been an existing issue for Kenya in recent years. The article goes on to note, "The food crisis has displaced hundreds and thousands of people, many of whom have crossed into Kenya to seek refuge in the world's largest refugee complex" (NA Kenya; Somalia-A Risky Intervention).[313] With the existing strains on Kenyan resources due to refugees, it is without question that as the intervention continues and more Somalis are displaced, many may look to Kenya for shelter and safety.[314] However, the reality is that Kenya may not be able to accommodate the refugee inflow that could result from the increased violence and famine. The Kenyan government should create a plan of action that aims to tackle this issue and develop a proactive approach in handling the famine crisis and continuing to provide resources and supplies to Somalis; especially in more violent areas close to the Kenyan border.[315]

Another challenge is about Shabaab fear based oppressor backlash assaults in Kenya. Kenya is outstandingly powerless against Shabaab fear based oppressor assaults. Shabaab moves

---

[311] Ibid Adam Roberts

[312] Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In The International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.

[313] Bellamy, A., "Right to protect." The Global Effort to End Mass Atrocities. Cambridge: Polity Press, 2009

[314] Adam Roberts, The so-called "right" of humanitarian intervention, Year of International Humanitarian Law, volume 3-2000

[315] Amstutz, M., "International Ethics: Concepts," Theories and Cases in Global Politics. 3rd ed. Lanham: Rowman & Littlefield Publishers, Inc. pp 111, 2008

uninhibitedly all through Kenya, where the gathering works together, selects, and participates in raising money.[316] A noteworthy Shabaab fear based oppressor assault in Kenya would have obliterating outcomes for Kenyan tourism and business. Spectators have communicated alert that Shabaab could follow through on dangers to take the war to Kenya, and that Kenya would be less secure because of its hostile into Somalia. Consistent with their expectations, Kenya endured one of its kind and most exceedingly bad fear monger assault in September at the West Mall, Nairobi where in excess of eighty lives were lost and a few harmed and mangled.[317]

As proof of this, outside government offices have lifted security cautions for Kenya. Arrangement of projectile assaults in Nairobi and different parts of the nation being done by an affirmed Kenyan Shabaab individuals and late change over to Islam, have intensified these feelings of trepidation.[318] Shabaab pioneers have begged their adherents in Kenya to dispatch jihadi assaults in Kenya, a strategy that could deliver solitary wolf psychological warfare notwithstanding arranged Shabaab assaults.[319] The genuine danger might be exaggerated, in any case, as Kenya's an incentive to Somali interests makes it unsafe for Shabaab to dispatch a noteworthy fear monger assault there. Be that as it may, the threat could become bigger the more Kenyan powers remain inside Somalia.[320]

In another viewpoint, Kenyan hostile may end up being an instrument for Shabaab enrollment. Eyewitnesses have raised worries that Kenya's military task into A Somali area could work to Al-Shabaab's preference, by revitalizing Somalis against an outside

[316] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations*, June. 2010
[317] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[318] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" in *the Globalization of World Politics. An Introduction to international relations*. 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[319] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations*, June. 2010
[320] Adam Roberts, *The so-called "right" of humanitarian intervention*, Year of International Humanitarian Law, volume 3-2000.

occupation, similarly that Shabaab appreciated critical well known help when Ethiopia possessed Mogadishu in 2007 and 2008.[321] In spite of the fact that Somalis are depleted from war and are giving the greater part of their assets to helping relatives influenced by the starvation, a maintained Kenyan military nearness, with unavoidable reports of regular citizen setbacks, risks producing another flood of Somali jihadi enlists and store raisers for Shabaab.[322]

The less than ideal open declaration of Israeli counterterrorism support to Kenya was precisely the sort of slip that Shabaab could parlay into purposeful publicity to transform the Jubaland intercession into a Jihadi cause.170 So far couple of Somalis and Somali Kenyans seem to have joined Shabaab because of either the Kenyan or Ethiopian military offensives in southern Somalia; Shabaab shows up rather to depend increasingly on constrained enrollment.[323]

Inconveniences of rehatting to an AMISOM drive rather represents another quandary. In December 2012 and after an effective hard power, Kenya prevailing with regards to increasing African Union endorsement to have its powers in Somalia "rehatted" as AMISOM peacekeepers, a choice that as so far been affirmed by the U.N. Security Council.[324] This exceedingly strange move was driven predominantly by Kenyan would like to have the costly task guaranteed by rich countries, and to give the hostile more prominent authenticity.[325] Inquiries still waits about how or whether the rehatting would confine Kenyan military activities, as it would need to submit to the much smaller peacekeeping order of the AMISOM mission. Kenya went for looking for an expanding of the order however regardless

[321] Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations,* June. 2010
[322] Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities.* Cambridge: Polity Press, 2009
[323] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[324] Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities.* Cambridge: Polity Press, 2009
[325] Ibid Cohn, Julie

of whether it would have not succeeded, it will probably have the capacity to artfulness a translation of the present command to proceed with its tasks against Al-Shabaab.[326]

4.4 Conclusion

Humanitarian agencies have much to be careful in the new condition the counter fear mongering effort has made. Most importantly, the selectivity that politicization causes is a poor manual for the compelling easing of misery.[327] As fight lines transform in unexpected ways, the basic to connect fairly to secure and help casualties of emergency and strife is more basic than any time in recent memory. This must be proficient by making a pledge to principal tenets of fighting fundamental to the counter psychological warfare crusade, by not enabling the battle to figure out who and where the main "genuine" casualties are, and by regarding the important autonomy of humanitarian intervention.[328]

Kenya had the alternative of advising the TFG and getting its assent for attack but since of its shortcoming as a fizzled state, there were no windows opened for strategic arrangements. More than likely, Kenya would have gotten it.[329] Demonstrating a solid arm in global relations may be a decent move for the administration with an eye on the key interests, yet it additionally opens various troublesome inquiries for worldwide law and pointlessly brings more vulnerability into an indistinct legitimate structure. Incidentally, Chapter IV, Article 2 (4) of the UN contract brings up that nothing contained in the present sanction will approve the United Nations to mediate in issues which are basically inside household purview of the

[326] Amstutz, M., "International Ethics: Concepts," Theories and Cases in Global Politics. 3rd ed. Lanham: Rowman & Littlefield Publishers, Inc. pp 111, 2008
[327] Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93
[328] Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.
[329] Adam Roberts, *The so-called "right" of humanitarian intervention,* Year of International Humanitarian Law, volume 3-2000

outraged state.[330] The rule does not discount the utilization of implementation of hardened estimates, for example, military activity in the event of a break of peace, or demonstrations of animosity with respect to a state as exhibited by the components of the Al-Shabaab dread gathering. The utilization of power by Kenya did grasped the privilege to respond, as well as the privilege to avoid and ideal to help remake the broke down province of Somalia and all the more essentially, Kenya stays quick to seek after its own national destinations notwithstanding having joined AMISOM.[331]

The Kenyan intervention has raised several questions and reinforced attention to the principles of just war theory. One of the most important themes of this essay is the importance analyzing war in a holistic and well-rounded perspective, as war is a serious matter. All of the elements of just war theory: jus ad bellum, jus in Bello and jus post bellum provide a well-rounded context for evaluating the necessity of armed interventions as well as providing a baseline and measurement for the ethics whilst in war and post war.[332]

---

[330] Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities.* Cambridge: Polity Press, 2009
[331] Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.
[332] Adam Roberts, *The so-called "right" of humanitarian intervention,* Year of International Humanitarian Law, volume 3-2000

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

The study concluded that since the end of the cold war, more substantial information of chapter VII of the UN charter brought approximately the extent of the expanse of Humanitarian interventions. The security Council met to choose what constitutes a chance to global peace and security in a more adaptable manner than during the cold war. At the UN Security Council summit assembly of 31 January 1992, members of the Security Council expressed that "the non-participation in war and military clashes among states does not in itself guarantee global peace and security. The non-military causes of instability within the financial sectors, social factors, beneficial acts and natural events have progressed towards turning into dangers to peace and security. After the end of the cold war, the United Nations came up with other statutes that gave it the privilege to participate in internal affairs of states and to meddle in inward conflicts, in light of the reality that those risks have common worldwide concerns.

In Somalia and some other countries, the potential and genuine unfavorable effect incorporates the risk of criminal sanctions and proceedings against aid agencies and personnel believed to have offered help to terror groups in violation of the different local, regional and global laws. The fear of prosecution will keep on undermining humanitarian undertakings until there is clarity on the explanation and use of these laws to humanitarian activities. What's more, the scope of administrative estimates that have been presented are raising working costs, backing off regulatory abilities, cutting down financial aid, undermining associations, decreasing access and adjusting the quality and coordination of help. Islamic foundations working in Somalia and elsewhere have extremely prejudiced, yet their operations have been felt by aid agencies.

Humanitarian agencies have much to be careful in the new condition the counter fear mongering effort has made. Most importantly, the selectivity that politicization causes is a poor manual for the compelling easing of misery. As fight lines transform in unexpected ways, the basic to connect fairly to secure and help casualties of emergency and strife is more basic than any time in recent memory. This must be proficient by making a pledge to principal tenets of fighting fundamental to the counter psychological warfare crusade, by not enabling the battle to figure out who and where the main "genuine" casualties are, and by regarding the important autonomy of humanitarian intervention.

The study found out that the purpose of the humanitarian intervention is to stop significant and specific human rights violations. They are under obligation to prevent widespread human suffering. These results are mass murder, ethnic cleansing and genocide. National systems of justice should act to prevent or stop large scale crimes against humanity and this is where universal justice and other international obligations should come into play.

The study also found out that in Somalia and elsewhere, the potential and actual response against humanitarian actors considered to have provided support to terrorist groups thus contravening the various domestic, regional and international laws include sanctions and criminal proceedings. Finally, the study also found out that indeed, the then state of lawlessness in Somalia was on the world's radar and has brought undesirable effects on its immediate neighbor, Kenya and the entire HoA. It is confirmed that humanitarian intervention through the use of extreme force can result in short term desired results but cannot guarantee sustainable outcomes.

5.2 Recommendations

Based on the above findings, the study recommends that; Kenya should assist Somalia in taking steps to address its internal divides and to build a united Somalia through inclusivity of

Somali nationals who don't rely on clan divides and factions. Somalia's neighbors should complement its efforts in promoting peace and stability to ensure sustainable harmony and hence spur economic growth in the Horn of Africa region and the larger East Africa. Further compassionate mediation is recommended because it is a reaction to an act that threatens the sanctity of human lives.

A national counterterrorism and counter violent extremism plans that involves State and non-State actors; other effective counterterrorism strategy that includes elements of border managements, diplomatic arrangements, addressing marginalization of Muslims and equipping the security forces; and finally, a grand strategy to countering terrorism in Kenya. Such multilateral grand strategy involves strengthening regional and international actors in the unstable Somalia.

There should also be a concerted effort in the fight against corruption as a loophole of counterterror, supersession of regional interest in peace and security over national interest of coalitions in Somalia, prioritization of regional information sharing and coordination of intelligence and regional support to the economic development of Somalia to address some elements of terror root causes and robust border control and screening of criminals from refugees. The inclusion of the freedom of expression in the pantheon of self-defense is broadly consistent with the moral, legal, and consequentialist arguments in favor of the international norm of right to protect.

REFERENCES

Books

Adam Roberts, *The so-called "right" of humanitarian intervention,* Year of International Humanitarian Law, volume 3-2000

Bellamy, A., *"Right to protect," The Global Effort to End Mass Atrocities.* Cambridge: Polity Press, 2009.

Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528.

Cohn, Julie. Terrorism Havens: Somalia. *Council on Foreign Relations,* June. 2010

Dunne, Tim, Brian C. Schimdt. 2008. "Realism" *In the Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 92-93

Guilfoyle, D., "The Legal Challenges in Fighting Piracy." In The International Response to Somali Piracy: Challenges and Opportunities, pp 122-125, 2010.

Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.

Elmi, Afyare Abdi and Barise Abdullahi. 2006. *The Somalia Conflict, Root Causes Obstacles and Peace-building Strategies.* Institute for Security Studies, Volume 15, pp. 32-54

Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention Ethical, Legal, and Political Dilemmas,* ed. J L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), p.8

Human Rights Watch *Human Rights Watch World Report 2003.* New York: Human Rights Watch

Kenneth N. Waltz, *Theory of International Politics* (Illinois: Waveland Press, Inc, 1979), p.109.

Menkhaus, Ken.. *After the Kenyan Intervention in Somalia*. Publication. Washington: The Center for American Progress and the Enough Project 2012

Norris, J., & Bronwyn B., "Twenty Years of Collapse and Counting:" *The Cost of a Failing Somalia*. The Center for American Progress and the One Earth Future Foundation, Washington, 2011.

Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009

Yin, Robert K. *Case study research: Design and methods*. Sage publications, (2013), p. 3-10

Journals

Anderson, K. 'Who Owns the Laws of War?' *New York Times* (13 April 2003)

Ayoob, M., "Third World Perspectives on Humanitarian Intervention and International Administration", *Global Governance* Vol.10. Issue No. 1, p. 101, 2014.

Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens, 522-541. New York: Oxford University Press

Bellamy, Alex J. 2008. "Humanitarian intervention in world politics" In *The Globalization of World Politics. An Introduction to international relations.* 4e., ed. John Baylis, Steve Smith and Patricia Owens. New York: Oxford University Press, 527-528

Bettina Dahl. Soendergaard, "The Political Realism of Augustine and Morgenthau: Issues of Man, God, and Just War," *Turkish Journal of International Relations* 7.4 (2008), p.6.

Cockayne, J. 'Islam and Humanitarian Law: From a Clash to a Conversation between Civilisations', *International Review of the Red Cross*, (2002) vol. 84, no. 847, pp. 597-625.

Dunne, T., & et al, "The New Humanitarian Interventionism" in M. Hanson and W. Tow (eds), International

Glanville, L., "The Responsibilities of Sovereignty." *International Journal of Human Rights* 15.3, 462-480, 2011.

Harper, Mary.2012. Getting Somalia Wrong. International African Institute, *The Royal African Society and Social Research Council,* Cynthia Street. London

John Charvet and Elisa Kaczynska-Nay, *The Liberal Project and Human Rights: Theory and Practice of a New World Order* (London: Cambridge University Press, 2008), p.3.

Jonelle Lonergan, "Neo-Realism and Humanitarian Action: From Cold War to Our Days," *Journal of Humanitarian Assistance* (2011).

Jonelle, L., "Neo-Realism and Humanitarian Action: From Cold War to Our Days," *Journal of Humanitarian Assistance,* 2011

Kritsiotis, D. 'Reappraising Policy Objections to Humanitarian Intervention', *Michigan Journal of International Law*, (1998) 19(4)

Mogire, E., & Agade, K. M. 2011.Counter-terrorism in Kenya. *Journal of Contemporary African Studies, 29(4),* 473-491.

Olsson, Christian. December 2007. "The politics of the apolitical: private military companies, humanitarians and the quest for (anti-)politics in post-intervention environments." *Journal of International Relations and Development* 10, no. 4: 332-361

Open Society Institute/International Medical Corps 'Development and Humanitarian Assistance Post- September 11: Sharing Perspectives', conference of US NGO CEOs hosted by the Open Society Institute and International Medical Corps, New York, (2001) 5 October 5

Paul W., "Into the Mogadishu Maelstrom: The African Union Mission in Somalia." International Peacekeeping, 2009.

79

Robert Jackson and Georg Sørensen, *Introduction to International Relations: Theories &Approaches*, 4th ed (New York: Oxford University Press, 2010), p.66.

Royo, J., "Afghanistan Part II: the Reoccurrence of International Terrorism in Somalia." *Small Wars Journal.* August 30, 20

Simms, B., & Trim D., "Humanitarian Intervention:" *a History,* Cambridge University Press, 2011.

The Kenyan Military Intervention in Somalia. 2012. Publication. No.184. Nairobi, United Kingdom: International Crisis Group

United Nations, "Security Council Authorizes six-month African Union Mission in Somalia, Unanimously Adopting Resolution 1744)", UN Security Council, http://www.un.org/News/Press/docs/2007/sc8960.doc.htm., 2007.

Wairagala, W., "Fighting and Drought Worsen Somalia's Humanitarian Crisis," The Lancet. 374, 2009

Wall, J., "Mediation: An Analysis, Review and Proposed Research", Journal of Conflict Resolution, vol. 25, pp. 157-80., 1981.

Wheeler, J., "Saving Strangers:" *Humanitarian Intervention in International Society,* (Oxford: Oxford University Press, pp., 21-40, 200

Publications

African Union, "AMISOM Mandate," African Union Mission in Somalia, http://www.africaunion.org/root/AU/AUC/Departments/PSC/AMISOM/AMIS OM_Mandat.htm, 2011

Charter of the United Nations, Article 1(3); and United Nations, Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III), 10 Dec. 1948.

Charter of the United Nations, articles 2(4), 39, 42 and 51

ICISS Report, p. 56-68, 2002

Møller, Bjørn. 2009:3. The Somalia Conflict, the Role of External Actors. Danish Institute for International Studies, 34. PP.

Mulugeta, Kidist. 2009. The Role of Regional and International Organization in Resolving the Somali Conflict, The case of IGAD. Friedrish-Ebert-Stiftung. Addis Ababa

United Nations Global Counter-Terrorism Strategy by the General Assembly in its resolution 60/288 (2006)

United Nations, "Security Council Authorizes six-month African Union Mission in Somalia Unanimously Adopting Resolution 1744," UN Security Council

APPENDIX I: RESEARCH QUESTIONNAIRE

The purpose of this questionnaire is to collect data on humanitarian intervention and counter-terrorism: a case study of Kenya's intervention in Somalia. You have been selected as a respondent. Kindly take a few minutes of your time and fill in this the questionnaire. Thank you in advance and your participation is highly appreciated.

Section A: General Information

1. Which among the following entities do you work for?

   Kenyan ministry of Foreign Affairs (   ), the Somali embassy ( ) The military based in Somali unit (   ), The military based in Kenya unit (   )

2. How long have worked for the above

   Less than 1 year (   ), 1 – 5 years (   ), 5 – 10 years (   ), 11 – 15 years (   ), 16 – 20 years (   ), over 20 years (   ).

3. What is your current position

....

....

4. Responsibilities?

....

....

....

....

....

5. What can you say on humanitarian intervention and counter terrorism in Kenya and Somalia?

....

....

....

....

....

Section B: The Role of National and International Politics in the Establishment of Humanitarian Intervention

State the extent to which you agree with the following statements based on your experience with humanitarian intervention and counter terrorism measure between Kenya and Somalia. *1 – strongly disagree, 2 – disagree, 3 – neutral, 4 – agree, 5 – strongly agree.*

	1	2	3	4	5
The United Nations sanctions have restrained the force of pragmatist notion of strength					
to stop significant and specific human rights violations					
National systems of justice should act to prevent or stop large scale crimes against humanity					
regional and international laws include sanctions and criminal proceedings					
The Humanitarian intervention involves the use of military power by a state to protect the people of another state facing atrocities and grave injustices endangering their lives and wellbeing					
the reduction of human casualties in the state undergoing conflict or the easing of human rights violations upon the citizenry					

Standard worldwide law constantly perceives humanitarian intervention as military intercession				
under intense scrutiny on the ongoing global warfare against terrorism have associated themselves with radical Islamic beliefs				
world had a motivating mission of putting resources into the creation of present-day states				
promoting cooperation with international legitimate structures				
The humanitarian organizations to prevent widespread human suffering				

Section C: The effects of Humanitarian Intervention in Countering Terrorism in Somalia.

State the extent to which you agree with the following statements based on your experience with humanitarian intervention and counter terrorism measure between Kenya and Somalia. *1 – strongly disagree, 2 – disagree, 3 – neutral, 4 – agree, 5 – strongly agree.*

	1	2	3	4	5
Most fundamentally, the defense for the two sorts of military activity depends basically on the idea of 'the global network' that is underdeveloped and desperately needing a thorough review					
Pacifism framework, violence as a means of war is essentially never justified or acceptable as moral, even in cases of severe humanitarian crisis					
Somalia, it has an ineffective government, and many of the issues lie with non-state actors such as terrorists, clans, pirates or rogue states that are not legitimate and are destructive to global security and or its people					

Traditional means of nonviolence such as sanctions, diplomatic engagements, etc. would be inappropriate for such actors				
it prioritizes the notion of the state and states' legal right to sovereignty, and values international order				
there is a fundamental observation that is particularly salient to interventions; specifically, interventions based on humanitarian reasons				
states do have the right to intervene in certain instances (as in just war theory) if certain criteria are met: there is a viable threat or if aggression or force has been used against that particular state				
that acts of aggression have been taken against Kenya on several occasions through terrorist attacks, piracy incidents among others				
the Somali who is ultimately responsible and therefore deserving of intervention or the use of force				
as aforementioned, legalists could argue that the state and main government, which in this case would be the Somali TFG				
Somali TFG, cannot be held accountable for individual actors and is therefore under serving of armed interference				

Section D: The Implication and Challenges of Humanitarian Intervention in Somalia.

State the extent to which you agree with the following statements based on your experience with humanitarian intervention and counter terrorism measure between Kenya and Somalia. *1 – strongly disagree, 2 – disagree, 3 – neutral, 4 – agree, 5 – strongly agree.*

	1	2	3	4	5
There is widespread suffering and strong proof of war crimes as well as crimes against humanity					
Most humanitarian organizations operate nder a lot fear					
The terrorist are always on the look ot for the humanitarian personnel to attack them					
Most of the humanitarian organizations have withdrawn their sppoert					
The constantly presence of al-Shabaab had greatly hindered humanitarian operations					
lack of significant reaction from the international community and the United Nations to the large-scale humanitarian crisis					
an unending civil war for about twenty-three years					
Frequent bomb blasts mostly in the capital Mogadishu					
Somalia has not had any significant working administration that can represent or even control large parts of the country for a long time					
The TFG would no doubt welcome universal recognition and support to help it take control of the country and end the never-ending politics of power and war					
Neighboring states and the International community saw the ICU as a danger to their own national interests and safety due to their extreme Islamic doctrinarians and practices. Governments are not stable or are facing rebellions and insurgencies					

APPENDIX II: ORIGINALITY REPORT

7

1% match (Internet from 05-Mar-2014)
http://books.sipri.org/files/books/SIPRI08Seybolt.pdf

8

< 1% match (student papers from 21-Jan-2018)
Submitted to Middlesex University on 2018-01-21

9

< 1% match (Internet from 28-Mar-2014)
http://img.static.reliefweb.int/sites/reliefweb.int/files/resources/SSR%20Paper%204%20ONLINE
%20VERSION.pdf

10

< 1% match (student papers from 19-Jul-2017)
Submitted to Morehouse College on 2017-07-19

11

< 1% match (student papers from 23-Apr-2015)
Submitted to University of Johannsburg on 2015-04-23

12

< 1% match (Internet from 06-Aug-2017)
http://repository.smuc.edu.et/bitstream/123456789/2028/1/Abrham%20kassahun.pdf

13

< 1% match (student papers from 30-Nov-2016)
Submitted to Troy University on 2016-11-30

14

< 1% match (Internet from 29-Dec-2007)
http://www.sipri.org/contents/publications/HMIchap1.pdf

15

< 1% match (student papers from 22-Apr-2014)
Submitted to Cardiff University on 2014-04-22

16

< 1% match (Internet from 09-Apr-2016)
http://csis.org/publication/kenyas-military-operation-somalia

17

< 1% match (student papers from 09-Apr-2014)
Submitted to Kenyatta University on 2014-04-09

18

< 1% match (student papers from 17-Dec-2008)
Submitted to University of Kent at Canterbury on 2008-12-17

< 1% match (student papers from 13-Apr-2011)
Submitted to National University of Ireland, Galway on 2011-04-13

< 1% match (Internet from 29-Apr-2014)
http://www.accord.org.za/publications/policy-practice-briefs/1013-kenya-s-

< 1% match (student papers from 19-Jul-2016)
Submitted to University of Nairobi on 2016-07-19

< 1% match (Internet from 12-Mar-2016)
http://gradworks.umi.com/15/30/1530824.html

< 1% match (student papers from 16-Dec-2015)
Submitted to International Islamic University Malaysia on 2015-12-16

< 1% match (Internet from 25-Nov-2016)
http://arts.studenttheses.ub.rug.nl/14827/1/MA_1723553_JF_van_Leeuwen.pdf

< 1% match (Internet from 25-Jan-2014)
http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/kenya/184%20-
%20The%20Kenyan%20Military%20Intervention%20in%20Somalia

< 1% match (student papers from 14-Jan-2015)
Submitted to Cardiff University on 2015-01-14

< 1% match (student papers from 03-Jun-2016)
Submitted to University of Queensland on 2016-06-03

< 1% match (student papers from 19-Dec-2014)
Submitted to Leiden University on 2014-12-19

< 1% match (student papers from 16-Sep-2013)
Submitted to University of Leicester on 2013-09-16

< 1% match (publications)
S. M. Farid Mirbagheri, "War and Peace in Islam", Springer Nature, 2012

31

< 1% match (Internet from 23-Oct-2017)
http://www.swansea.ac.uk/staff/arts-and-humanities/academic/evansmark/

32

< 1% match (Internet from 05-Apr-2018)
http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf

33

< 1% match (Internet from 12-Sep-2018)
http://gurusproject.blogspot.com/p/microfinance-banking-as-strategy-for_28.html

34

< 1% match (Internet from 29-Jun-2018)
http://triumphoverterror.com/

35

< 1% match (Internet from 01-Sep-2014)
http://www.ie-ei.eu/IE-EI/Ressources/file/memoires/2012/JUDE_Sorana.pdf

36

< 1% match (Internet from 05-Sep-2016)
http://www.e-ir.info/2013/01/07/evolution-of-the-responsibility-to-protect/

37

< 1% match (Internet from 14-Apr-2017)
http://www.uow.edu.au/cgi/viewcontent.cgi?article=4732&context=aaa

38

< 1% match (Internet from 08-Aug-2018)
https://www.e-ir.info/2013/01/16/from-kosovo-to-libya-theoretical-assessment-of-humanitarian-intervention-and-the-responsibility-to-protect/

39

< 1% match (Internet from 30-Jun-2018)
http://discovery.ucl.ac.uk/view/UCL/DLAWS/2010.html

40

< 1% match (student papers from 29-May-2015)
Submitted to Kenyatta University on 2015-05-29

41

< 1% match (Internet from 04-Oct-2012)
http://etheses.nottingham.ac.uk/1493/1/438551.pdf

42

< 1% match (Internet from 18-Nov-2017)
https://scholarworks.alaska.edu/xmlui/bitstream/handle/11122/6818/Bouffard_uaf_0006N_10538.pdf?sequence=1

90

43

< 1% match (Internet from 10-Apr-2016)
https://gordonhahn.com/2015/10/31/a-dangerous-enemy-to-make-geopolitical-forecast-on-russia-from-2008/

44

< 1% match (publications)
Leadership & Organization Development Journal, Volume 23, Issue 7 (2006-09-19)

45

< 1% match (Internet from 19-Feb-2014)
http://www.bits.de/NRANEU/docs/ICISS1201supplement.pdf

46

< 1% match (Internet from 05-Sep-2018)
http://repository.out.ac.tz/896/1/DISSERTATION%2DHELLEN_NDYALI_FINAL.pdf

47

< 1% match (Internet from 06-Sep-2017)
http://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1177&context=ilr

48

< 1% match (Internet from 05-Sep-2018)
http://repository.out.ac.tz/564/1/DISSERTATION_%2D_SOPHIA_SWAI.EHE.pdf

49

< 1% match (Internet from 24-Oct-2017)
https://espace.library.uq.edu.au/data/UQ_376966/s3575980_phd_submission.pdf?Expires=1508952335&Key-Pair-Id=APKAJKNBJ4MJBJNC6NLQ&Signature=NaDCI02QHWnYYS7sEvCeFvEa~xkHoYoZPBOKNwZqr3UESs2CNAXXS2Wczg9Fs06JtJR?Gnc2~JkZqzqpHk6LjRccftcYlIPTH2I37KRITYTZUW9rgcFfVZBxCOPkLk5~pF~1aAD4U303NKomcPFxsJ_hFAsacwxAI4739ivZA5Qw2cXNJvX6DK7xhzeAedOSgOurW~h8LvYSdUH4qW8RzRKdWp3Swh8xeXh5ZIw8JS1~S0xDfnESu1hv1NITrKiUha49hYbtReQza8z8nTOzzktksdltVEcaa4WuSh-7iFEv-GqdC-uufYw

50

< 1% match (Internet from 21-Jun-2017)
http://www.dtic.mil/dtic/tr/fulltext/u2/a582131.pdf

51

< 1% match (Internet from 21-Aug-2018)
https://vdocuments.site/documents/final-thesis-submitted-awoke-tasew-300616.html

52

< 1% match (Internet from 25-Sep-2014)
http://www.umes.edu/cms300uploadedFiles/AJCJS/Volume_7_Issue_1_and_2/VOL7.1¾20ARONSON%20FINAL.pdf

53

< 1% match (publications)
LexisNexis

54

< 1% match (student papers from 14-May-2014)
Submitted to The Robert Gordon University on 2014-05-14

55

< 1% match (Internet from 05-Oct-2014)
http://eprints.utas.edu.au/1418/2/potter-whole.pdf

56

< 1% match (Internet from 28-Jan-2018)
http://erepository.uonbi.ac.ke/bitstream/handle/11295/101735/GRACE%20NDOLO%20FINAL%2
0PROJECT%20.pdf?isAllowed=y&sequence=1

57

< 1% match (Internet from 29-Jan-2018)
http://udspace.udel.edu/bitstream/handle/19716/22614/Lee_udel_0060M_12907.pdf?isAllowed=
y&sequence=1

58

< 1% match (Internet from 14-May-2018)
https://wlv.openrepository.com/wlv/bitstream/2436/349899/1/Aqula_PhD+Thesis.pdf

59

< 1% match (Internet from 02-Jun-2014)
http://pesapay.blogspot.com/2011/05/access-to-education-with-online.html

60

< 1% match (Internet from 28-May-2016)
https://ueaeprints.uea.ac.uk/52066/1/2014LagatIKPhD.pdf

61

< 1% match (Internet from 16-Sep-2017)
http://scholar.sun.ac.za/bitstream/handle/10019.1/1403/scheepers_entrepreneurial_2007.pdf.txt?
sequence=4

62

< 1% match (Internet from 22-Sep-2017)
http://www.doria.fi/bitstream/handle/10024/143717/sihvo_thesis.pdf?sequence=1

63

< 1% match (Internet from 02-Apr-2015)
http://www.ipstc.org/media/documents/Research_Agenda_February_2014.pdf

64

< 1% match (Internet from 19-Sep-2017)
https://www.econstor.eu/dspace/bitstream/10419/97053/1/774506466.pdf

< 1% match (publications)
"The Palgrave Handbook of Peacebuilding in Africa", Springer Nature, 2018

< 1% match (publications)
"Foreign Fighters under International Law and Beyond", Springer Nature America, Inc, 2016

< 1% match (publications)
Ahmed , Aliyu Tanko | Audu , Jacob. "Post Independence Conflicts in the Horn of Africa : Analysis of the Geo-Strategic Interests of Eritrea , Ethiopia and Kenya in the Somali Conflict", NG-Journal of Social Development, 2016

< 1% match (publications)
Ibrahim Farah, Sekou Toure. "Engineering Peace in Somalia: A Call for a Re-examination of the Somali Peace Processes", Development, 2018

< 1% match (publications)
Anthony Vinci. "Anarchy, Failed States, and Armed Groups: Reconsidering Conventional Analysis", International Studies Quarterly, 2008

< 1% match (Internet from 06-May-2015)
http://www.palgraveconnect.com/pc/doifinder/10.1057/9781137385550

< 1% match (Internet from 23-Feb-2018)
http://www.tandfonline.com/doi/full/10.1080/0953732032000053971

< 1% match (student papers from 07-May-2013)
Submitted to Macquarie University on 2013-05-07

< 1% match (Internet from 08-Jun-2018)
https://lib.ugent.be/fulltxt/RUG01/001/787/052/RUG01-001787052_2012_0001_AC.pdf