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# Effects Of Maritime Border Conflicts On Kenya-Somali Relations

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**Abstract-** Maritime border issues are a source of conflict to the enclosed citizens and a nation at large. This study explored maritime border conflict and their impact on Kenya-Somalia relations. It was guided by the specific objectives that are; to investigate the influence of colonial border demarcation on Kenya-Somalia relations; to examine the effects of continental shelf disputes on Kenya-Somalia relations; and to assess the impact of maritime territorial integrity on Kenya-Somalia relations. Theories that underpinned the topic were not limited to realism theory and relative deprivation theory. This research adopted descriptive survey research design. Purposive sampling was used of critical case sampling was used to select officials; hence the sample size determined for this study were 60 officials. The quantitative data was analyzed through the use of descriptive statistics and SPSS, the data was presented in bar charts, pie charts, frequency and percentage tables. The study found that colonial border demarcation were scantily met by the two nations, also the study found that the dispute in the continental shelf has led to poor natural resource management and the territorial integrity are not met due to postponement of dates to the International Court of Justice by the Kenyan Government.

**Index Terms-** Maritime Borders, Ethnic, Demarcation, Continental Shelf, Territorial Integrity

## I. INTRODUCTION

### M1.1 Background to the Study

Maritime borders appear to be an easy concept to grasp. It's important to look at the maritime border from all angles because it can be viewed differently depending on which country you're looking at it from. As a result, maritime borders are regarded as being complicated and having numerous facets (Salwe, 2016, 51). It could imply a variety of different things, depending on the context. Maritime borders can be interpreted in many ways depending on how they have been used historically (Ibid).

Border issues are a concern for many countries around the world (Bryan, 2016, 3) People and countries are divided up into different groups by linguists. Most countries' border lines serve as either a security or a threat barrier (Ibid). Because of their numerous applications, they come with both advantages and dangers. Depending on how they appear, they can either strengthen or weaken relationships (Ibid). As long as the borders are open, there will be security. During colonial times, borders and

decolonization appeared simultaneously in Africa. Different colonial settlement locations had different jurisdictions when it came to shaping the inland lake into what is now known as the Maritime Territory "Established colonial governments, both on land and at sea; legal restrictions on the use of the sea still exist today (Dereje and Markus, 2018, 2). As a result, the Member States are aware of their maritime boundaries. Different African leaders have modified their claims to change the boundaries of their countries to suit their own needs and desires (Ibid). Permanent land borders have the potential to introduce inconsistency. Since there have been ethnic settlements, there have been maritime borders. The fact that there are still indigenous peoples confirms this (Laitin, 2017, p. 75).

After a war broke out between Ethiopia and Eritrea in 1998, a border dispute between the two countries remains unresolved. Natural resource conflicts between states are feared to occur in Eastern Africa as well (Ibid). Recent events in Eritrea, Somalia, and Uganda, as well as tensions over the Albertine oil-to-Djuba border in Uganda and the Democratic Republic of the Congo, show that territorial disputes are popping up more frequently. Additionally, armed conflict threatens regional and international stability because of undeclared borders, unsatisfied sovereignties, and implicated sovereignties being used for transnational crime. Researchers claim that poor colonial boundaries, growing populations and post-independent governments' delays in rectifying colonialist mistakes, poor border management and new mineral discoveries in the zone of unclaimed territory are the root causes of many of Eastern Africa's country borders problems (Khalif and Oba, 2013, 15-16).

Kenya's border with Somalia extends from Kiunga Island's first border post in Lamu County to Kiunga Island's 29th point. These territorial disputes predate the creation of Kenya and Somalia by many years (Oliver, 2016, 7). One of the key issues in a long-running dispute centered on the former North Eastern Province (NEP), which later became known as the North Eastern District (NFD) (Ibid). Northern Italy received a piece of Jubaland as a thank you from the British government for their assistance during World War One. After World War II, Sudan and much of Africa were annexed by Italy as part of the British-Italian treaty with Ethiopians. Britain and Italy both colonized Somalia (Salwe, 2016, 51). The North Fleet remained under British command throughout World War II. The conflict over Kenya's maritime border with Somalia has devolved into all-out war (Wafula, 2015, 2). Due to the prolonged nature of the Somali civil war, tens of

thousands of Somali refugees have fled across the border into Kenya and other East African nations. As a result, Kenya has a sizable Somali diaspora support network, making it an attractive target for Al Shabaab.

Unfortunately, because of the permeability of the maritime borders between Kenya and Somalia, this long refugee and illegal immigration situation is taking on a life of its own. Somalis from maritime-bound communities exploit ethnic and religious similarities, while at the same time providing a voice for young refugees in refugee camps.

## 1.2 Statement of the Problem

At the beginning of 2014, there was a diplomatic row between Kenya and Somalia. The Kenyan government expelled its ambassador after receiving a summons from Mogadishu alleging that Somalia's leaders were trying to sell off parts of Kenya. When it came to their shared maritime border, the two neighbors were at odds because they each claimed a small 100,000 km<sup>2</sup> sea shelf triangle that held significant oil and gas deposits. After five years of unsuccessful negotiations, Somalia finally brought a case before the International Court of Justice (ICJ) in 2014. The case is still pending. Kenya, on the other hand, carried on as if the controversy didn't exist and had already sold mining licenses in the triangle to international companies. As a result of Kenya and Somalia's disputed maritime border, clan-based insurgent and terrorist groups like Al Shabaab have emerged, putting Kenya's national security and the security of other countries along the maritime boarder in jeopardy. Various aspects of the Kenya-Somali maritime border issue have been studied. Kenya-Somalia relations have been studied in various categories, but little information and research has been done on maritime conflicts and Kenya-Somalia relations disputes; however, there is limited literature on maritime boarder conflicts and their impact on Kenya-Somalia relations. These findings contribute to filling the knowledge gap on the research topic by answering the research question on Kenya-Somalia maritime boarder conflicts and their impact.

## II. THEORETICAL FRAMEWORK

This sub-section discusses the theories that contend to correlate with research topic of the study. These theories included realism theory by Hans Morgenthau developed in the years 1904–1980 and relative deprivation theory by Samuel Stouffer developed in the year 1949.

### 2.3.1 Realism Theory

Realism guided this investigation into the maritime border dispute between Kenya and Somalia, which was conducted as part of this research. According to this theory, the survival of the state and national security are important values. Assumption: People, especially in competitive relationships, are preoccupied with matters that advance their own interests. Humans, whether individuals or collectives, strive to exert strong control over others while simultaneously avoiding being dominated by others. Since the desire to dominate others and avoid being dominated is universal, realists assume that it's a part of who we are.

Territorial conflict and national survival are major concerns and assumptions in realism. The state is "considered to be essential

for the good life of its citizens," according to this view. Residents of a disputed area are guaranteed security by the state. Use of security machinery to promote communal well-being makes it a protector of its territory, people and their unique and highly valued way of life. The realism theory was crucial in this investigation because the peace in the maritime border conflict between Kenya and Somalia is now an old problem within the two countries.

### 2.3.2 Relative Deprivation Theory

Relative deprivation theory was developed in 1949 by sociologist Samuel Stouffer while studying social psychology during World War II, according to Stouffer. It's referred to as "the tension that emerges from the discrepancy between 'ought' of collection satisfaction, and that predisposes the human race to violence," or relative deprivation (RD). The term "relative deprivation" refers to the disparity between what people expect their money to buy them and what they actually get. relative deprivation as defined by "The intensity of relative deprivation varies significantly as regards the average perceived disparity between values and capacities as good example of this. People are more likely to rebel against authority when they lose faith in the ability to achieve their goals, both individually and collectively.

The obvious focus of opposition should be on maritime borders. An individual's propensity to favor political instability increases as his level of anxiety and unhappiness increases. This theory was significant because people often fear that their identity will be threatened if they travel to a new place. The perception of a threat is fueled by a sense of collective deprivation in maritime border disputes.

## III. RESEARCH METHODOLOGY

### 3.1 Research Design

Descriptive research design was adopted, since it is capable of presenting detailed information about a given social system. It thus allowed for an in depth explanation of the relationship between colonial border, continental shelf disputes, maritime territorial integrity and Kenya-Somalia relations.

### 3.2 Location of the Study

The location was County of Nairobi, Kenya. The location of the study was ideal because it is an economic and industrial hub. It also houses the embassy of Somalia where there are officials concerned.

### 3.3 Sampling Technique and Sample Size

Alvi (2016) defines sampling as the process of extracting a representative unit from the population (. 1-57). The study employed purposive sampling, the choice is due to the fact it enabled the researcher to select officials who had information relevant to the study. Purposive sampling was used to select officials from; the Ministry of Foreign Affairs and International Trade; Embassy of Somalia in Nairobi; and the Ministry of Interior and Coordination. The chain method involved the researcher approaching the first participant, who later referred the researcher to the next participant.

### 3.4 Research Instruments

A structured questionnaire was used to obtain uniform response from the participants for quantitative data while the interview guide was conducted for qualitative aspects of this study. The Interview guide was conducted with sixteen participants that is: 3 MCA's, 3 Deputy Officer Commanding Stations (DOCSs), 3 Officers Commanding Station (OCSs), 1

Sergeant from Rural Border Patrol Unit [RBPU]), 3 Sub-Chiefs and 3 Chiefs, all coming from the three Counties within North Eastern regions of Kenya.

Hence since the researcher had no actual number of the target population at hand, the researcher used purposive sampling by the help of critical case sampling aspect to select participants whom are likely to give most information under study. Thus the sample size was 22 officials from Ministry of Foreign Affairs and International Trade; 16 from the Embassy of Somalia in Nairobi; and the 22 from the Ministry of Interior and Coordination in various departments. The total sample size was 60 officials (See Table 3.1) who gave significant information on the phenomenon under this research study.

### 3.5 Data analysis and Presentation

The quantitative data were analyzed through the use of descriptive statistics and were presented in charts, pie charts, frequency and percentage tables. The collected data were analyzed through the computer software package of the Statistical Package for Social Sciences (SPSS) (21.0). The reason is that it was one of the most widely used statistical research programmes, for example market research, surveys, corporate research, educational research, governmental research. Qualitative data was analyzed using content analysis, on the other hand. The data derived from the study were submitted in continuous prose form as a report.

## IV. RESEARCH FINDINGS

### 4.1 Response Rate

In table 4.1 based on the response rate, the researcher had administered 60 (100%) questionnaires to the targeted respondents/officials, however majority of the respondents attended to this study, where-by from the Ministry of Foreign Affairs and International Trade had a response rate of 16 (26.7%) with a non-response rate of 4 (6.7%). Those who came from the Ministry of Interior and Coordination had a response rate of 18 (30%) and a non-response of 2 (3.3%). Finally those who responded from the Embassy of Somalia were 14 (23.3%) with a non-response of 6 (10%). Hence the grand total for the response rate were 48 (80%) while the non-response rate were a grand total of 12 (20%). According to Kothari (2004) a response rate of 50% is fair; 60% good; and 70% and above as very good, hence this study had very good rate for data analysis to be undertaken.

### 4.3 Colonial Border Demarcation and Kenya-Somalia Relations

In table 4.3 based on the findings the respondents strongly agreed that maritime border related grievances were scantily met accordingly this was shown by 18 (37.5%), while those who agreed to the statement were shown by 16 (33.3%), those that disagreed were shown by 12 (25%) and those that strongly disagreed were 2 (4.2%). The findings on native exclusion within the maritime boarder were the cause to the deteriorating Kenya-Somalia relations was strongly agreed with 21 (43.8%), while those agreed were by 25 (50.1%), those that disagreed represented by 2 (4.2%). On Kenya-Somalia maritime boarder conflict have led to favor-ism seek regional support was strongly agreed with a response rate of 32 (66.7%) those that agreed were 12 (25%) and those that disagreed to the statement were only 4 (8.3%).

It was also found that the colonial border demarcation was done by military during the colonial period that involved in the process of drawing up maps of border areas and errors could have occurred due to lack of scientific knowledge at the time; this has led to deaths, conflicts, unending disputes and loss of properties among communities, bringing a negative relation between Kenya and Somalia Relations. This shows that as the mining and harvesting of mineral and natural resources continue to grow, the amount of disputes in this region related to land claims, boundaries, lawlessness, security alerts, and political bickering are growing as well.

### 4.4 Continental Shelf and Kenya-Somalia Relations

In table 4.4 the researcher's findings on the Continental Shelf and Kenya-Somalia Relations capture the majority of the respondents did strongly agree that due to maritime border conflicts poor natural resource management have resonated on Kenya-Somalia maritime. This was represented by 34 (70.8%), while those who agreed were shown by 12 (25%), those that disagreed to the statement were shown by a response rate of 2 (4.2%). On the other hand majority of the respondents strongly agreed that Kenya-Somalia conflicts have led to risky resource competition between the two countries this was shown by 29 (60.4%), while the majority agreed which was shown by 16 (33.3%), those that disagreed were shown by 1 (2.1%) and those that strongly disagreed were shown by 22 (45.8%). Finally on this variable the majority of the respondents strongly agreed that Non-utilization of resources was being observed due to the Kenya-Somalia maritime dispute, this was shown by 38 (79.2%) while only 10 (20.8%) agreed to the statement.

This shows that two or more States whose coasts are facing each other on opposite sides of the continental shelf will decide where the continental shelf boundary should be based on mutual agreement.

### 4.5 Maritime Territorial Integrity and Kenya-Somalia Relations

In table 4.5 based on the findings majority of the respondents strongly agreed that for territorial integrity to be observed colonial maritime border needs revision. This was captured by 42 (87.5%) while 6 (12.5%) of them agreed to the statement. On Kenya-Somalia maritime border conflict could be improved with inclusion of Non-State Actors was strongly agreed with the majority of the respondents at 37 (77.1%) while 11 (22.9%) of them agreed to the statement. Kenya-Somalia relations could be improved through both countries adhering to the laid down maritime boarder laws was agreed by the majority of the respondents, shown by 34 (70.8%), while 10 (20.8%) agreed and only 4 (8.3%) of them disagreed to the statement.

This shows that that both coastal States are yet to agree since Kenya has been postponing the dates given by International Courts of Justice, meaning this issue can go on for many years. Lack of territorial integrity has resulted to inclusion of ICJ into the matter and diplomatic wars have been seen between the two countries for instance there have seen Somali Diplomats been deported back from Kenya to Somalia and in response the Somali government banned Khat transportation into Somalia, notwithstanding just recently the Government of Kenya banned Air Flight into Somalia.

V. CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

The majority of respondents expressed their agreement, as evidenced by the findings it can be concluded that colonial border demarcation is the result of the conflict between Kenya-Somalia relation on maritime dispute. The majority of respondents expressed their agreement, as evidenced by the findings it can be concluded that colonial border demarcation is the result of the conflict between Kenya-Somalia relation on maritime dispute

Based on the Continental shelf on Kenya-Somalia Relations it can be concluded that; border disputes, poor natural resource management has had a significant impact on Kenya-Somalia maritime. Based on the Continental shelf on Kenya-Somalia Relations it can be concluded that; border disputes, poor natural resource management has had a significant impact on Kenya-Somalia maritime.

Based on the findings on the Maritime Territorial Integrity this study concludes that the only way to maintain the territorial integrity of a colonial state's maritime border is to revise it. Based on the findings on the Maritime Territorial Integrity this study concludes that the only way to maintain the territorial integrity of a colonial state's maritime border is to revise it.

5.2 Recommendations from the Study

Based on the conclusions of this study the following recommendations were made as follows;

- I. This study recommends that stable political situation in Kenya-Somalia relations should revise their borders using the colonial demarcation and get the errors that were done and by doing this it will help to clearly show which State owns the disputed maritime sections.
- II. This study recommends that both countries should follow the current Convention on Continental Shelf agreements since this principle reflects that will align the freedom of the coasts between two countries.
- III. This study recommends that the only way to maintain a colonial state's maritime border is to revise it. .

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TABLES AND FIGURES

► Table 3.1 Sample Size

Category	Occupation/Department	Frequency	Percentage
	Foreign Affairs Analysts	10	16.7%

Ministry of Foreign Affairs and International Trade	Central Planning and Project Division	3	<b>22</b>	5%	<b>36.7%</b>
	Economic and Commercial Diplomacy Department	4		6.7%	
	Protocol Directorate Department	5		8.3%	
Ministry of Interior and Coordination	Domestic Security Department	9	<b>22</b>	15%	<b>36.7%</b>
	Immigration and Registration of Persons	3		5%	
	Border Patrol Unit	10		16.7%	
Embassy of Somalia	Immigration Department	7	<b>16</b>	11.7%	<b>26.7%</b>
	Diplomatic Affairs Department	9		15%	
<b>Total</b>	<b>60</b>			<b>100%</b>	

Source: (Researcher, 2020)

**Table 4.1: Response Rate**

Response Rate		Frequency		Percentage	
Returned Questionnaires	Ministry of Foreign Affairs and International Trade	16	<b>48</b>	26.7%	<b>80%</b>
	Ministry of Interior and Coordination	18		30%	
	Embassy of Somalia	14		23.3%	
Non- Returned Questionnaires	Ministry of Foreign Affairs and International Trade	4	<b>12</b>	6.7%	<b>20%</b>
	Ministry of Interior and Coordination	2		3.3%	
	Embassy of Somalia	6		10%	
<b>Total</b>	<b>60</b>			<b>100%</b>	

Source: Field Research, 2021

**Table 4.3: Colonial Border Demarcation and Kenya-Somalia Relations**

Statements	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc
<b>Maritime boarder related grievance are met</b>	18	37.5%	16	33.3%	-	-	12	25%	2	4.2%
<b>Exclusion is the cause to the deteriorating Kenya-Somalia relations</b>	21	43.8%	25	50.1%	-	-	2	4.2%	-	-
<b>Kenya-Somalia maritime boarder has led seek regional support</b>	32	66.7%	12	25%	-	-	4	8.3%	-	-

Source: Field Research, 2021

**Table 4.4: Continental Shelf and Kenya-Somalia Relations**

Statements	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc
<b>Poor natural resource management is observed.</b>	34	70.8%	12	25%	-	-	2	4.2%	-	-
<b>There is risky resource competition between the two countries.</b>	29	60.4%	16	33.3%	-	-	1	2.1%	22	45.8%
<b>Non utilization of resources is observed.</b>	38	79.2%	10	20.8%	-	-	-	-	-	-

Source: Field Research, 2021

**Table 4.5: Maritime Territorial Integrity and Kenya-Somalia Relations**

Statements	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc
<b>Territorial integrity to be observed the border needs revision.</b>	42	87.5%	6	12.5%	-	-	-	-	-	-
<b>Maritime border conflict can be improved with inclusion of Non-State Actors.</b>	37	77.1%	11	22.9%	-	-	-	-	-	-
<b>Relations can be improved through both countries adhering to the laid down maritime boarder laws.</b>	34	70.8%	10	20.8%	-	-	4	8.3%	-	-

Source: Field Research, 2021