THE PRINCIPLE OF TERRITORIAL INTEGRITY AS A DETERMINANT

OF KENYA'S NATIONAL SECURITY POLICY 2002-2016

BY

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DECLARATION

As the author of this work, I hereby attest that the content presented is entirely my own and has not been previously submitted for academic credit at any other educational institution.
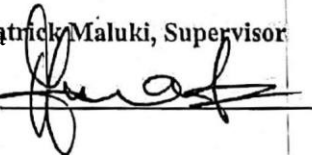
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As the assigned supervisor, I confirm that this research project has been presented for examination with my consent and approval.

Dr. Patrick Maluki, Supervisor

Sig: _____   Date: _____20|4|2023_____

DEDICATION

To my mother, flora, your encouragement motivated me throughout my Masters studies. Thank you for your words of wisdom and support that enabled me to reach this far. Thank you for believing in me.

Special gratitude to Jessy for going through my work and critiquing it. We spent many hours assisting one another throughout this Masters period and it has finally paid off. Thank you for sparing time to assist me whenever I needed your help.

Finally, many thanks to my siblings Sammy and Nelson for your love and support.

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Special thanks to the Almighty God for giving me patience, good health and guidance throughout my Masters period. I owe it to God, that my academic journey has been filled with nothing but endless joy.

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ACRONYMS AND ABBREVIATIONS

AMISOM   African Union Mission in Somalia

AU   African Union

DRC   Democratic Republic of Congo

EAC   East African Community

GDP   Gross Domestic Product

GPS   Global Positioning System

GIS   Geographic Information System

IGAD   Intergovernmental Authority on Development

KANU   Kenya African National Union

KADU   Kenya African Democratic Union

KAU   Kenya African Union

KDF   Kenya Defence Force

LRA   Lord's Resistance Army

NATO   North Atlantic Treaty Organization

MP   Member of Parliament

NFD   Northern Frontier District

OAU   Organization of African Unity

UN OCHA   United Nations Office for the Coordination of Humanitarian Affairs

TFG   Transitional Federal Government

UN   United Nations

UNDP   United Nations Development Programme

UNHCR   United Nations High Commissioner for Refugees

UNITAF   United Task Force

UNOSOM   United Nations Operation in Somalia

US   United States

USSR   Union of Soviet Socialist Republics

WWI   World War I

ABSTRACT

Over the years, Kenya has experienced a variety of security issues. In response, this study investigates whether the territorial integrity concept had an impact on Kenya's national security policies during a fourteen-year period (i.e., 2002-2016). The following set of questions have been formulated to provide a guiding framework for the study: i) how has Kenya's security strategies been affected by the porousness of its border with Somalia? (ii) How has Kenya's security sector been affected by the rise of small guns and criminal elements? iii) What has Kenya's reaction-and ultimately the end result-been to any possible or actual territorial challenges to her borders? The study has been able to make use of various crucial secondary data sources, including journals, books that have been published, government documents, media stories, and internet source materials, in order to adequately respond to these concerns. After conducting extensive research, the study has come to the firm conclusion that the porousness of the border between Kenya and Somalia has significantly influenced the influx of large groups of people with refugee status into the nation (of Kenya), which in turn has correlatedly led to an increase in the number of small arms and other weapons, which has then increased the criminal elements in Kenya.

CHAPTER 1 - INTRODUCTION

1.0 Background of the Study

National security is one of the mostly viewed topics in the study of international relations. For the sake of this research, national security has been defined as any state's capacity to defend its population as well as its internal systems, structures, and ideals against any external threats that may be destructive. The idea of national security tackles the critical societal vulnerability elements that have a direct impact on a state's ability to maintain security.

According to Article 238 of Kenya's 2010 Constitution, "National security is the protection against internal and foreign threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability, and prosperity, as well as other national interests"[1]. The aforementioned classes must thus be adequately protected by an acceptable national security strategy, which must also shield them from both domestic and international aggression as well as attacks by both military and non-military means.[2]

In the 19th century, territorial integrity was established as a general basis of international law. A.W. Heffner claims that territorial integrity is a "right to integrity or inviolability of states" in his 1844 book[3]. This idea was further formalized following World War I. In his Fourteen Points, US President Woodrow Wilson called for an end to the war in Europe through accords, treaties and covenants that would protect the territorial integrity and political independence of all involved governments, large and small.

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[1] Article 238, CoK, 2010.
[2] Katherine Zimmerman, K. K. (2012, March 9). Understanding the Challenge. Tracking the Threat. Critical Threats.
[3] A, W. Heffter

In accordance with UN Charter Article 2(4), "All members shall refrain in their international relations from using the threat of force or the use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations"[4].

According to Montevideo Convention on the Rights and Duties of States, a state refers to "a person of international law with the following qualifications: permanent population, defined territory, administration, and the capacity to engage into contacts with other states" in the. The concept and privileges of statehood are also included in the treaty. In addition, Article 8 of the treaty declares that states do not have the legal authority to interfere in the internal affairs of foreign policy of any other state. Therefore, it is acknowledged that statehood is necessary for territorial integrity. Territorial integrity and political independence are equivalent under international law. The area that is only used by a state to show its political independence and in which other nations are not allowed to meddle. It is significant to highlight that territorial integrity necessitates protection against all types of foreign intrusions into a state's territory, not only protection against long-term changes to boundaries[5]. Therefore, geographical inviolability and integrity are the same thing[6].

The foreign policy in Kenya focuses on strengthening and expanding bilateral relationships that benefit both parties as well as multilateral ties with other nations. Kenya's socioeconomic priorities are protected by doing this. Kenya's protracted fight for national freedom from colonialism shaped the direction of its foreign policy. Since assuming its position as a sovereign state in 1963, Kenya's foreign policy has been influenced by a firm conviction that her destiny is inextricably linked to the safety and stability of her environment, which serves as the primary engine of prosperity and

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[4] mafiadoc.com

[5] www.hjil.de

[6] Beasley, B. Foreign policy in comparative perspective 2nd edition. Washington DC: Sage Publications, 2013.

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national existence[7]. Territorial integrity difficulties are not specific to Kenya and are experienced by most governments that operate under a structured governance system. The obstacles faced afterwards were immediate since the Kenyan government inherited a colonial framework that did not serve its interests after gaining independence in 1963.

The structure of the colonial rule that was already in place informed the new government. As a result, the colonial authority gradually handed over control of its organizational structure to the nascent Kenyan government[8].

With the enactment of the New Constitution in 2010, security issues were propelled to the top of the agenda of the implementation process. Many challenges were envisioned during the constitution making process and they later came to light with the promulgation of the new Constitution. Kenya has made efforts in advancing her interests in not only steering the region's political agenda, but also by shaping the regional system by making practical, yet cautiously careful steps to make sure her security concerns and interests are protected. Kenya's territorial integrity is facing significant challenges from neighboring states that persistently assert or attempt to assert their claims over some portions of its land. For example, Kenya was faced with insurrection (the Shifta War), which was allegedly buttressed by Somalia to create Greater Somalia. In this case, Kenya's sovereignty was challenged with the emergence of Shifta insurgents who were being supported by the Somalia government[9].

Due to concerns regarding secessionism and the preservation of territorial integrity, Kenya became an advocate and supporter of Article 4(g) within the Charter of the Organization of African Unity

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[7] Ibid

[8] Ibid

[9] Whittaker, H. (2008). Pursuing Pastoralists: The Stigma of the Shifta during the 'Shifta War' in Kenya 1963-68. Eras.

3

(OAU), which prohibits member states of the African Union (AU) from interfering in the internal affairs of other nations.

On paper, Kenya represented the idea of good neighborliness, but in reality, it took a more pragmatic approach, strategically forming a military alliance with Ethiopia, to safeguard its security against potential threats from Somalia.

. It is significant that territorial relations between Kenya and its border states have remained calm, despite occasional difficulties. For instance, Somalia has continued to pose a security danger to Kenya, and dealing with this threat has always been Kenya's most important and pressing foreign policy concern[10].

This study aims to determine how the territorial integrity principle has influenced Kenya's national security strategy from 2002 to 2019[11]. It is also motivated by the researcher's desire to improve the process and functioning of national security policy[12]. Given that Kenya entered a new era during this time and Moi's 24-year rule came to an end, it seems unusual that this period was chosen. Additionally, it is notable since Kenya's new constitution was adopted during this time. This research provides context for recommendations on how Kenya's national security strategy may be reorganized[13] to ensure its efficacy in addressing any security concerns and gaps inside Kenya and, as a result, safeguard the state's legitimate interests.

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[10] Ogot B. A. and Ochieng W. R. eds., Decolonization and Independence in Kenya 1940-93 Nairobi: East African Educational Publishers, 1996

[11] erepo.usiu.ac.ke

[12] Eripository.uonbi.ac.ke

[13] eripository.uonbi.ac.ke

1.1 Statement of the Problem

Kenya has faced numerous security challenges over the years. Along the Kenyan borders, administration of the peripheral territory is mainly weak or nonexistent. Military units and police in these areas are normally reluctant to patrol towns after dark, and are often outrivaled by local militias (Njogu, 2010). Conclusively, this study will seek to provide recommendations on how Kenya could promote its national security by buffering her borders.

1.2 General Objective

The objective of this study is to examine the influence of territorial integrity on Kenya's national security policy formulation and conduct from 2002-2016.

1.3 Specific Objectives

i. To examine the porous nature of the Kenya-Somalia border and its impact on Kenya's security

ii. To examine the impact of proliferation of small arms and criminals on Kenya's security

iii. To identify how Kenya has responded to her border territorial threats?

1.4 Research Questions

i. How has the porous nature of the Kenya Somalia border impacted on Kenya's security

ii. What is the impact of the proliferation of small arms and criminals on Kenya's security

iii. How has Kenya responded to her border territorial threats and what were the achieved outcomes

1.5 LITERATURE REVIEW

This sector is divided into two parts. Security threats in the international system focuses on Post-World War II and how these security threats have influenced the formulation of states' security policies. Kenya's national security and strategic considerations that have shaped her national security are explored, giving an in-depth analysis of the factors of colonization that shaped Kenya's national security policy and the impact of colonialism on Kenya's security system. A nexus between security and thorny issues such as the land question and negative ethnicity is also established. In this chapter, an examination of Kenya's historical political regimes is also dissected, with the aim of establishing the genesis of Kenya's security concerns and challenges and how these challenges were dealt with. An analysis of the external challenges posed by Kenya's neighbors is also given, showing the lengths taken by Kenya to protect her territorial integrity. This chapter also examines theories that support how Kenya has responded to territorial threats along her borders and gives a brief of the hypotheses to be tested. This chapter is therefore an examination into what other authors have written about the principle of territorial integrity and Kenya's national security policy.

1.6 EMPERICAL LITERATURE REVIEW

This sector is divided into two parts. The international system's security threats are centered on the Post-World War II era and how they have affected how governments have developed their security

strategies.[14]. An in-depth analysis of the colonial influences that molded the country's security policy and how colonialism impacted its security system is provided, along with an examination of Kenya's national security and the strategic considerations that have influenced it. A nexus between security and thorny issues such as the land question and negative ethnicity is also established. In this chapter, an examination of Kenya's historical political regimes is also dissected, with the aim of establishing the genesis of Kenya's security concerns and challenges and how these challenges were dealt with. An analysis of the external challenges posed by Kenya's neighbors is also given, showing the lengths taken by Kenya to protect her territorial integrity. This chapter also examines theories that support how Kenya has responded to territorial threats along her borders and gives a brief of the hypotheses to be tested. This chapter is therefore an examination into what other authors have written about the principle of territorial integrity and Kenya's national security policy.

[15]An empirical literature review on the impact of the small arms and criminals on Kenya's security. It would involve analyzing existing research studies and reports to gain a comprehensive understanding how the proliferation of small arms and the activities of criminal groups affect Kenya's security.

The Kenya Somalia border characterized by its porous and often ungoverned nature, has been a significant concern for Kenya national security. This empirical literature review aims to synthesize and analyze existing research between 2002 and 2019 to assess how the porous nature of this border has impacted Kenya's security land scape. Porous nature of the border sees border infiltration and criminal activities conducted in this area. Multiple studies have documented how the porous border

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[14] eripository.uonbi.ac.ke

facilities have led to the infiltration of criminal elements including terrorist and smuggling in this area with activities mostly conducted during the dawn hours. These individuals and groups exploit the weakness in the border security to conduct illicit activities.

Human trafficking and irregular migrations were observed as a major contributing factor in the international regional and continental level. Regular movements of vulnerable population that are in search of better living standards. Empirical research highlights the role of the porous border in facilitating human trafficking and irregular migration. The crossing of border by the vulnerable population often contributes to security and humanitarian challenges. With this security implications, the border has been a conduct for the terrorism conducted by the al-Shabaab militants and movements of resources to Kenya. This seeks to demonstrate a clear link between border porosity and the increased threat to terrorism within Kenya. With a porous border and the undisputed presence of the Islamic fundamentalist in Kenya Somalia remains a big threat to Kenya territorial integrity with the Kenyan military withdrawing from Somalia AMISOM mission. Somalia plays a great role in Kenya security deficiencies.

Firstly, given Somalia geographical location it has the longest coastline in Africa therefore making it the closest African country closest to the Middle East. This automatically places it strategically to act as a transit hub for illegal items into Kenya, notably the perpetrator of the Mombasa attack of 2002 transited from Somalia smuggling weapons into Kenya, thorough the porous Kenya Somalia border. Kenya has dealt with high cost of international trade brought about by piracy taking place off the Somalia coast. The proceeds from these piracy activities are believed to be used to directly or indirectly fund the al-Shabaab militia attacks across the border and as well as in Garissa and Wajir. Due to this growing insecurity in Kenya the US and UK imposed travel burns on its citizen during that period which ultimately undermined Kenya's tourism industry which is

the backbone of the country's economy consisting 40% of her economy. Cattle rustling and ethnic conflicts showed in this study indicated that the porous border exacerbates cattle rustling activities, leading to inter-ethnic conflicts in border regions. These conflicts have profound security implications.

1.6.1 Small arms proliferation in Kenya

Sources of small arms several studies highlight those small arms enter Kenya from various sources including neighboring conflicts zones, illicit arms market and state arsenals. Empirical research underscores the link between small arms proliferation and local conflicts, particularly in pastoralist regions where cattle rustling is prevalent. Its impact on crime in this study tries to indicate that small arms availability contributes to increased violent crime rates, including armed robberies carjacking and homicides. Empirical studies identifying the existence of organized criminal groups engaged in drug trafficking, human smuggling and wildlife poaching, often using small arms to further their activities. Economically the proliferation of small arms discourage tourism and undermine economic development by deterring foreign investment, disrupting transportation and trade, and increasing insurance cost due to heightened security risk. Insecure environments can also discourage tourism and hinder economic growth. The proliferation of small arms is closely associated with increased terrorist activities in Kenya, particularly along its border within Somalia, where al-Shabaab operates. The presence of a large number of small arms may indicate weak governance, ineffective law enforcement and corruption. The lack of proper controls can lead to arms falling into the wrong hands, including criminals and terrorist. Corrupt officials may be complicit in the illicit arms trade, exacerbating the problem.

Law and enforcement challenges are clearly seen where this research highlights the challenges faced by Kenyan law enforcement agencies in combating the proliferation of small arms and

organized crime. These challenges include corruption, resources constraints, and porous borders. Community based approaches have been advocated by studies to be able to be addressed small arms proliferation and criminal activities. To conclude, these numerous studies highlights the link between territorial integrity and Kenya border security policies. Kenya's demonstration on their commitment to maintain territorial integrity is clearly highlighted as well. The security problem in Somalia threatened Kenya's internal security and with the collapse of the EAC, Kenya's vulnerability increased since she lacked neighbors to assist in case the Somalia conflict spilled over. In Uganda, political instability had made the security situation volatile. The crisis in Uganda was further reflected in 1985, when General Tito Okello overthrew Milton Obote.[16]

Consequently, Kenya hosted thousands of Ugandans. The political instability in Uganda presented various challenges to Kenya's security, impacting it in multiple ways. The conflict could have easily spilt in Kenya. Secondly, the influx of refugees from Uganda created a security challenge since there was bound to be proliferation of small arms into Kenya, leading to crime.

Tension between Kenya and Uganda heightened with the expulsion of Charles Katunga, the then High Commissioner for Uganda, alongside his deputy. At this time, Kenya strongly felt that her sovereignty was being undermined by Uganda and Libya when media report emerged accusing the two countries of training and readying rebels and sub variants, to subvert Kenya's directorate. Undermined community security in areas with high levels of small arms community can feel vulnerable and lack sense of security. People may be afraid to go about their daily lives, leading to decreased in social cohesion and negative impact on education, health and overall well-being in response to these challenges, Kenya has implemented various measures to curb the proliferation of

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[16] Daniel Branch, "Violence, decolonization and the Cold War in Kenya's North –Eastern *Province, 1963-1978*", 2014, Journal of Eastern African Studies.

small arms and mitigate their impact. These include enhance border controls, disarmament programs , collaborations with regional security organizations , public awareness campaigns and strengthening law enforcement efforts to combat arms trafficking and criminal activities . Addressing the proliferation of small arms requires a comprehensive approach involving security governance community engagement and international cooperation.

1.6.2 Kenya has effectively responded to her Border Territorial Threats

African nations are increasingly challenged with the difficult problem of controlling their borders in a way that protects their territorial integrity. Kenya has responded to its threats through a combination of diplomatic, security and governance measures to safeguard its territorial integrity and ensure national security. The outcomes of these responses have varied depending on the specific context and challenges faced. Here are some key examples of Kenya's responses.

 Somalia Border and Al-Shabaab Threat:

Kenya's response, including its involvement in AMISOM, has had some successes in weakening Al-Shabaab's capabilities and preventing large-scale attacks. However, the threat has not been entirely eliminated, and sporadic attacks within Kenya continue. The effectiveness of Kenya's response is evident in the containment of major attacks, but the challenge of completely eradicating the threat remains.

Ethiopia Border and Borderland Conflicts:

Kenya's diplomatic responses to borderland conflicts with Ethiopia have generally contributed to preventing major escalations. Some disputes have been resolved through negotiations, highlighting Kenya's effectiveness in managing tensions through diplomatic means. However, the effectiveness varies depending on the specific case and the willingness of both parties to engage constructively.

 Uganda Border and Resource Disputes:

Kenya's diplomatic negotiations with Uganda over resource disputes have often led to cooperative agreements and successful management of shared resources. This highlights Kenya's ability to effectively address challenges through diplomatic channels, resulting in positive outcomes.

South Sudan Border and Refugee Crisis:

Kenya's response to the refugee crisis from South Sudan demonstrates its humanitarian commitment. While Kenya has managed to establish refugee settlements and provide aid, there have been strains on local resources and occasional security concerns. The effectiveness of Kenya's response is evident in its provision of assistance, but challenges persist due to the ongoing nature of the crisis.

Tanzania Border and Disputed Islands:

Kenya's diplomatic approach to managing disputes with Tanzania over islands demonstrates its willingness to engage in dialogue and negotiation. The effectiveness of this approach lies in the avoidance of armed conflict and the maintenance of relatively stable relations.

Border Infrastructure and Management:

Kenya's investment in border infrastructure and technology has improved border management and control, contributing to its efforts to counter illicit activities. The effectiveness of this response is evident in enhanced surveillance and prevention capabilities.

In summary, Kenya's responses to border territorial threats have achieved varying degrees of effectiveness. While some responses have been successful in managing tensions, enhancing security, and fostering cooperation, others face ongoing challenges. The effectiveness of Kenya's responses is often influenced by the complexity of the issue, the willingness of neighboring countries to collaborate, and the evolving nature of the threats themselves.

They achieve this by preventing unauthorized imports and exports of products, as well as the entry and departure of people. They also make it simple for individuals to traverse borders, allowing for visits between relatives while obstructing terrorist and human trafficking perpetrators, etc. Globalization, which is eradicating conventional boundaries via technical innovation and a change in how international interactions are conducted, makes it more difficult for African governments to regulate their borders. Today, a great deal of crime is perpetrated without the need for borders, and a lot of things are sold online. The internet has not only made it more challenging to control borders and fight cross-border crime, but it has also destroyed boundaries by allowing imports without going through customs. The premise that Kenya has effectively responded to her border territorial threats will thus be examined and either accepted or rejected in chapter 3 in light of Kenya's attempts to address these threats.

1.7 Theoretical Literature Review

1.7.1 Border dispute and territorial integrity

Kenya, like many nations, faces complex foreign policy decisions shaped by the principle of territorial integrity. Territorial disputes and diplomacy play a central role in the formulation of Kenya's foreign policy. This theoretical literature review explores the significance of the principle of territorial integrity as a determinant of Kenya's foreign policy from a theoretical perspective. Territorial Integrity and State Sovereignty: The principle of territorial integrity, a cornerstone of state sovereignty, underscores the inviolability of a state's borders. In the international system, states, including Kenya, are expected to uphold this principle, emphasizing the importance of protecting their borders from external threats or challenges.

Territorial Disputes as a Diplomatic Challenge: Territorial disputes, which may arise due to border conflicts, historical claims, or secessionist movements, pose a diplomatic challenge for Kenya. Diplomacy plays a pivotal role in resolving such disputes. Kenya's foreign policy is influenced by its commitment to peacefully resolve territorial conflicts through negotiations, mediation, or international legal mechanisms.

Regional and International Diplomacy: Kenya actively engages in regional and international diplomacy to address territorial integrity issues. Regional organizations like the Intergovernmental Authority on Development (IGAD) offer platforms for dialogue and conflict resolution. Additionally, Kenya participates in international mechanisms and conventions, which further its commitment to upholding the principle of territorial integrity.

Territorial Integrity and Security: The security implications of territorial disputes are paramount in shaping Kenya's foreign policy. Protecting its borders and preventing incursions from neighboring regions, especially in the context of counter-terrorism, is a central concern. The principle of territorial integrity becomes an inherent determinant of Kenya's security-focused foreign policy decisions.

Conflict Prevention and Resolution: Kenya's foreign policy also prioritizes conflict prevention and resolution. By proactively addressing territorial disputes through peaceful means, it seeks to mitigate the risk of conflict escalation. The promotion of dialogue and diplomacy is integral to this approach.

Ethical and Humanitarian Considerations: The principle of territorial integrity can sometimes conflict with ethical and humanitarian considerations, especially when it involves self-determination claims of specific populations. Kenya's foreign policy must grapple with these

ethical dilemmas, seeking a balance between respecting territorial integrity and addressing humanitarian needs.

Kenya's foreign policy is inextricably tied to the principle of territorial integrity. Diplomacy plays a vital role in addressing territorial disputes, and the nation's commitment to peaceful resolution is instrumental in shaping its diplomatic endeavors. Balancing security, ethical considerations, and regional cooperation, Kenya navigates the complex terrain of foreign policy, guided by the principle of upholding its territorial integrity. This theoretical perspective offers insights into the interplay between the principle of territorial integrity and foreign policy in Kenya, shedding light on the complexities and nuances that influence its diplomatic engagements.

1.7.2 Conflict resolution mechanisms

Kenya's foreign policy is influenced by a complex interplay of factors, with the principle of territorial integrity serving as a critical determinant. In this theoretical literature review, we explore the relationship between military intervention and territorial integrity within the context of Kenya's foreign policy. Territorial Integrity and Sovereignty: Territorial integrity, an integral element of state sovereignty, underscores the inviolability of a nation's borders. Kenya, like other nations, emphasizes the importance of preserving this principle as a core aspect of its sovereignty. The Dilemma of Military Intervention: Territorial disputes and security concerns can sometimes necessitate military intervention. This presents a significant dilemma for Kenya, as it must balance the imperative of protecting its territorial integrity with the legal, ethical, and political complexities associated with military interventions. The Principle of Non-Interference: Kenya's foreign policy, rooted in the principle of non-interference, dictates its reluctance to engage in military interventions in the affairs of other states. This principle aligns with the respect for territorial integrity, as Kenya is careful not to infringe on the sovereignty of other nations. Regional Security and Peacekeeping:

Kenya's approach to military interventions is notable in its active participation in regional security efforts and peacekeeping missions. The nation recognizes that maintaining peace and security within its region is interconnected with the preservation of its territorial integrity. Conflict Resolution and Mediation: In line with its foreign policy commitments, Kenya engages in diplomacy and mediation to resolve territorial disputes without resorting to military intervention. These efforts often align with international norms and legal mechanisms for peaceful conflict resolution. Balance of Interests: Kenya's foreign policy is a delicate balancing act, considering security concerns, ethical considerations, and regional stability. The nation seeks to uphold its territorial integrity while respecting the sovereignty and territorial integrity of other states. Conclusion: The principle of territorial integrity significantly influences Kenya's foreign policy, particularly concerning military intervention. Kenya's commitment to protecting its borders is intrinsic to its security-focused foreign policy decisions. By adhering to principles of non-interference, diplomacy, and regional security cooperation, Kenya seeks to address territorial challenges without infringing on the sovereignty of other nations. This theoretical perspective offers insights into the complexities that define Kenya's foreign policy and its approach to balancing territorial integrity with broader international norms and obligations.

1.7.3 Economic interest and territorial integrity

Kenya's foreign policy is a complex web of decisions influenced by various factors, and among these, the principle of territorial integrity stands as a crucial determinant. In this theoretical literature review, we explore the intricate relationship between economic interests and the principle of territorial integrity in shaping Kenya's foreign policy.

Territorial Integrity and State Sovereignty: Territorial integrity is a fundamental element of state sovereignty, emphasizing the inviolability of a nation's borders. Kenya, like other countries, considers safeguarding this principle as a central component of its sovereignty.

Economic Interests as a Motivating Factor: Kenya's foreign policy is motivated by its economic interests, including access to resources, trade routes, and investment opportunities. These economic considerations are inextricably linked to the principle of territorial integrity.

Resource Access and Management: Kenya's quest for economic growth is tied to the preservation of its territorial integrity, which, in turn, secures access to vital resources such as water bodies, fertile land, and minerals. Effective resource management and exploitation depend on maintaining territorial control. Trade Routes and Infrastructure: Kenya's foreign policy decisions prioritize the development and protection of trade routes and infrastructure that facilitate the movement of goods and services. These strategic corridors often traverse areas with territorial disputes, reinforcing the connection between territorial integrity and economic interests. Balance of Security and Prosperity: Kenya faces the challenge of balancing security concerns with economic ambitions. The nation recognizes that protecting its territorial integrity is not only vital for security but also for fostering economic growth and stability. Multilateral Trade Agreements: Kenya actively participates in regional and international trade agreements, which are essential for promoting economic interests. These agreements often require a commitment to respecting territorial integrity, as stability and secure borders are crucial for successful trade relations. Humanitarian and Development Goals: Economic interests are intertwined with humanitarian and development objectives. Kenya's foreign policy seeks to leverage economic growth to address societal needs, and territorial integrity plays a critical role in creating the stability necessary for this progress.

Conclusion: The principle of territorial integrity is a significant determinant of Kenya's foreign policy, driven in part by the nation's economic interests. Protecting and preserving territorial integrity is not only a matter of security but also a prerequisite for achieving economic growth and stability. Kenya's foreign policy is guided by a nuanced understanding of the interplay between territorial integrity and economic ambitions, ensuring that the nation's prosperity is underpinned by secure borders.

1.7.4 Impact of Insecurity in the Horn of Africa

In the Horn of Africa, in states such as Sudan, Ethiopia, Djibouti and Eritrea, insecurity has hindered development. According to Chweya (2004), Tanzania is the only state in Eastern Africa that has been relatively peaceful. Every other state has been involved in conflict fueled by politics. Crises in Africa, she argues is mostly associated with greed, personalization of power leading to political decay and the installation of unpopular leaders and governments. So far, the greatest issue in the Horn of Africa states is the issue of contested borders.

According to UN OCHA (2014), an estimated 740,000 people have been displaced within South Sudan since December 2013, forcing them to seek shelter in over 100 locations. Moreover, more than 18 locations host approximately 10,000 displaced people. The United Nations Office for Coordination of Humanitarian Assistance (UN OCHA) has assisted approximately 300,000 displaced people through their partners but the response is continually being hampered by hostilities. According to the UNHCR (2014), an estimated 170,000 South Sudanese had made their way into neighboring states for example Ethiopia, Kenya and Uganda. Out of this number, about 20,000 had entered Kenya leading to pressure on service delivery systems as well as security. This influx of refugees has not

only strained resources in the host countries but has also led to the proliferation of illegal small arms and light weapons.

Sudan's conflicts centered on self- determination mirror the pattern in Somalia and Ethiopia[17]. Sudan is also battling many insurgencies on its frontier with South Sudan, including the Blue Nile and South Kordofan regions. On the other hand, given that Eritrea's neighbors are relatively fragile and the symbiotic nature of conflict, most of these neighbors would be destabilized if Eritrea's state apparatus collapsed.

Ylonen (2005) posits that Eritrea's relevance in holding peace in Sudan and Ethiopia cannot be ignored. This is because Eritrea was key in facilitating peace agreements between Khartoum and the Eastern Front rebels.

Regional rivalries are common phenomena in Africa. Take for example Uganda's over engagement in South Sudan's politics which could lead to conflict with Khartoum. (Borchgrevink& Lie), 2009, posit that Ethiopia being an influential IGAD member, echoed calls that Uganda withdraws her forces from South Sudan. On the other hand, Uganda maintains that she will not act for as long as her forces are needed by SalvarKiir's government. Kenya shares Ugandan concerns that South Sudan's prolonged instability could damage its lucrative trade with Juba and lead to an influx of refugees within her borders.

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[17]"Ylonen, A. (2005). Grievances and the Roots of Insurgencies: Southern Sudan and Darfur. Peace, Conflict and Development: An Interdisciplinary Journal, Vol.7, July 2005"

1.7.5 Colonialism's Impact on Kenya's Security System

The colonization of Kenya influenced security in many various aspects. Importantly, the major features of colonization that influenced security in Kenya are examined and include land alienation, ethnic polarization, oblique economic development, and an authoritative administrative structure[18]. The argument at hand is that these features were a creation of the colonial government to serve their interests but were later advanced by the ruling regimes for political survival. (Ndege, 2009). In Africa and particularly in Kenya during the pre-colonial era, land was held in high esteem given that its inhabitants believed their ancestors gave it to them. Basically, it was the main factor of production and considered a major source of livelihood. With time, due to increased population especially in Rift Valley, Central Highlands and in Western Kenya, land gradually changed from communal to private within the family units.

According to Ndege (2009), communities such as the Maasai and the Samburu practiced pastoralism. The Agikuyu and the MijiKenda developed agricultural economies. A clear majority including the Abagusii and the Luo adapted themselves to a mixture of crop cultivation and livestock keeping. Communities like the Ogiek for example thrived on hunting and gathering. When the colonialists started displacing these communities from their lands, their source of livelihood was disrupted. Due to this alienation, a majority of Kenyans lost their land. According to (Njogu, 2010), approximately 8 million acres was

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[18]"Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright – Hays Group project abroad program at the Moi University Main Campus. July 5th to August 6th, 2009."

curved out by the British colonialists. Consequently, many communities mainly in Central Kenya and the Rift Valley among others lost their land.

Smith (2005) argues that land was the main debate during the colonial era. Land being an emotive subject, the KAU used it to stress to importance of Kenyans taking back their land from the Europeans. However, he states that with the exit of Europeans, all hell broke loose with land being left at the mercy of willing buyer- willing seller policy, leaving many poor people landless. Smith (2005) posits that Kenya disintegrated into ethnic discontent that later bore ethnic hate.

According to Kanyinga (2000), Kenya's land question and the subsequent negative ethnicity has its roots in the colonial situation. Given that the Land Tenure systems in pre-colonial Kenya varied from one community to another and were influenced by several factors like climatic conditions, the land alienation that occurred during this period cut most communities from the frontiers through which they adapted to land shortages. Kanyinga (2000) argues that the imposition of new forms of administrative authorities and the subsequent concentration of powers in the sector of indirect rule, mostly chiefs, undermined the customary structures of land administration.

Kanyinga (2000) argues that in 1963, when Kenya got its independence there existed no resolution whatsoever of the Land Question. However, there were obvious divisions between KANU and KADU surrounding the resettlement schemes and the land buying programm in the White Highlands. However, intra-party conflicts prevented the leaders from articulating the Land Question. He argues that KADU was opposed to "accumulation

from above" that saw many Kenyans become economically marginalized as the loyalists pursued a capitalist route, including private accumulation of land. Further, Kanyinga (2000) posits that the resettlement schemes provided avenues for inter-ethnic conflicts. These conflicts had their source in the amount of land apportioned to the people of Kikuyu descent in the eastern part of Rift Valley and elsewhere. The land question has therefore been a security issue in Kenya, and this vividly came out in the 2007-2008 postelection violence as will be analyzed later in this study.

The second feature of colonialism was the emphasis on ethnic distinction which culminated into ethnic polarization. This was a divide and rule policy meant to create a rift among Kenyans[19]. The colonial administration created districts with distinct ethnic identities. Consequently, ethnic identity became an essential attribute of the colonial experience. According to Branch (2014), ethnicity formed the basic framework for African political activity as the colonial states continued practicing the divide and rule strategy through the creation of ethnically distinct locations and districts. Ethnic identity was based on differentiation based on language. Negative ethnicity therefore got lodged in the administrative system and would later influence Kenya's politics decades after independence (Shinn, 2003). Kenya's ethnic communities were socialized to believe in their differences hence remain isolated and view one other with suspicion (Shinn, 2003).[20]

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[19] "Daniel Branch, ―Violence, decolonization and the Cold War in Kenya's North –Eastern Province, 1963-1978. Journal of Eastern African Studies, 8(4) (2014)

[20] David H. Shinn, ―Terrorism in East Africa and the Horn‖ Journal of Conflict Studies, Vol. XXIII, No. 2, Vol 23, No 2, 2003."

The system introduced the *Kipande* system which was an identity card for Africans with the name of the card holder inscribed in it. This ethnic consciousness led to divisions among various ethnic communities in following three ways. Firstly, the colonialists formed certain stereotypes about certain ethnic groups. For example, Shinn (2003), posits that the colonialists saw certain ethnic groups as greedy, lazy and impatient. This kind of stereotyping determined several things for example, economic opportunities, and access to government jobs and military service. Inter-ethnic enmity was therefore created thanks to the consciousness of tribes. Negative ethnicity is still embedded in Kenya's national fabric, tainting it and becoming a threat to security.

The third is oblique economic development. Some communities were economically favored by the colonial regime hence leading to development of some regions and under development of other regions[21]. For example, infrastructural development was more developed in the areas where the white settlers occupied. These developments gave an upper hand to the ethnic communities that lived in these areas subsequently giving them higher chances for both economic and social advancement[22]. This conflictual relation became a security challenge particularly after independence undermining national security and leading to inertia of Kenya's economic advancement. [23]

The fourth is the authoritative administrative structure of the colonial government. According to Makumi (2004), the colonial state had one main agenda: to maintain law and order, to defend and promote the political and economic interest of the colonizing state and to foster loyalty to the colonial authority. Ochieng & Ogot (1996), posit that the practice

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[21]"Makumi M. ed., African Regional Security in the Age of Globalization, Nairobi: Heinrich Boll, 2004.
[22] Makumi M. ed., African Regional Security in the Age of Globalization.
[23] Makumi M. ed., African Regional Security in the Age of Globalization."

of the colonial administration was to impose violence through ruling with sheer indifference to the opinion of those governed. It was a system where rebels were silenced through detentions, exile or even extermination. This influenced the colonial government in power but on the flip side, influenced pro-independence nationalists in their quest for independence[24]. After independence, Kenya did not change much administratively. The newly formed state borrowed substantially from the features of the colonial government. For example, people like J.M Kariuki who spoke up about atrocities were silenced[25]. The colonial-style authoritative administrative structure was therefore carried forward to the new political regime. This authoritative structure put the rulers and the ruled on opposite sides, with each viewing the other as an enemy, hence undermining national cohesion and security.

1.7.6 Kenya's Security Discourse

After attaining independence in 1963, the new government under Jomo Kenyatta had to formulate an appropriate foreign policy and identify machinery for managing its relations with other states in the international system[26]. During that time, a myriad of challenges faced Kenya. Initially, the major issues that the government was faced with were issues of building national cohesion between the various ethnic groups in Kenya, eliminating

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[24] David H. Shinn, ―Terrorism in East Africa and the Horn‖ Journal of Conflict Studies, Vol. XXIII, No. 2, Vol 23, No 2, (2003).

[25] Kanyinga, K. (2000): Re-Distribution from Above: The Politics of Land Rights and Squatting in Coastal Kenya, Nordiska Afrika institute, Stockholm

[26] Daily Nation: 6th September 2012, 19th December (2014)."

poverty and disease and building Kenya economically[27]. However, Kenya's external potential threats were diverse and it had to develop mechanisms of shielding these interests from external aggression. National security therefore was propelled at the top of the agenda because it was known to the leaders that without security sovereignty was at risk.

Kenya's foreign policy was pegged on certain principles. One of them is the principle of good neighborliness, non-alignment and Pan-Africanism. These policies focused on maintaining regional peace and stability. Pan-Africanism policies were focused on ending colonialism in Africa while non-alignment policy was focused on maintaining a neutral stance and not aligning with the two superpowers; USA and USSR[28]. It can be argued that from independence, Kenya shunned territorial expansionist policies and sought for non-interference in other states' internal affairs and respect for territorial integrity. This was emphasized by President Kenyatta when he stated that: "We will covet no inch of our neighbor's territory. We will yield no inch of ours. We stand loyal to OAU and its solemn decision that all African states shall adhere to the boundaries inherited at independence."[29].

Following the exponential growth in Kenya's population in the 1960's and 1970's, Kenya faced serious setbacks. First, the 1982 coup attempt to overthrow President Moi negatively impacted Kenya's investment climate and tourism[30]. Secondly, international recession at

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"[27] Daily Nation: 6th September 2012, 19th December (2014).
[28] Abdi Awa, ― In Limbo: Dependency, Insecurity, and Identity Amongst Somali Refugees in Dadaab Camps, An International Journal of Somali Studies, 5, 7, 2010.
[29] Makumi M. ed., African Regional Security in the Age of Globalization, Nairobi: Heinrich Boll, 2004
[30] Kieyah, M., 2010"

the time lowered production and plunged the state into serious financial crisis. This was depicted in budgetary shortfalls leading to indebtedness. Unemployment on the other hand, soared consequently increasing poverty levels crime rate and insecurity[31]. After the coup, there was latent discontentment. Despondency gripped Kenya in the early years of the Moi regime and the first signs of opposition to the political establishment began to emerge. President Moi on the other hand, became increasingly paranoid because of the 1982 coup and consolidated appointments for his Kalenjin loyalists. This further entrenched resentment[32].

Secondly, the impact of the end of Cold War came with several security challenges. After the cold war in the late 1980's, African states were neglected by the USA, which was the super power[33]. At the time, the discourse shifted from promotion of ideology to promotion of democracy. As part of a global agenda, pro-democratic movements spearheaded violent demonstrations which threatened Kenya's internal security[34]. For the first time since attaining independence, the state realized the power of the masses in pushing for agendas through violence. The government soon caved in and introduced a multi-party system of governance, which was a great milestone to the achievement of democratic politics.

The security problem in Somalia threatened Kenya's internal security and with the collapse of the EAC, Kenya's vulnerability increased since she lacked neighbors to assist in case

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[31] Kieyah, M., 2010
[32] Chweya, 2004
[33] Aronson, S. L., ―United States aid to Kenya: A study on regional security and counterterrorism assistance before and after 9/11‖, African journal of criminology and justice studies 5 (1), 119 – 126, 2012.
[34] Aronson, S. L., ―United States aid to Kenya"

the Somalia conflict spilled over[35]. In Uganda, political instability had made the security situation volatile. The crisis in Uganda was further reflected with the over-throw of Milton Obote in 1985 by General Tito Okello. [36]

Consequently, Kenya hosted thousands of refugees who fled out of Uganda. Kenya's national security was thus threatened by Uganda's political instability in the following ways. First, the conflict could have easily spilt in Kenya. Secondly, the influx of refugees from Uganda created a security challenge since there was bound to be proliferation of small arms into Kenya, leading to crime[37]. In 1987, tension between Kenya and Uganda heightened with the expulsion of Uganda High Commissioner, Charles Katungi and his deputy. Kenya had felt that her sovereignty was being undermined by Uganda and Libya when media report emerged accusing Uganda and Libya for training dissidents to destabilize the Kenya's government[38].

Following Mzee Kenyatta's death, Moi took over power against the wishes of the ruling elite. President Moi had been dismissed by his critics as a 'passing cloud' and his toppling was anticipated soon after he came to power. However, this only came to pass

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"[35] Daniel Branch, "Violence, decolonization and the Cold War in Kenya's North –Eastern Province", (1963-1978), Journal of Eastern African Studies, 8(4) (2014)

[36] Daniel Branch, ―Violence, decolonization and the Cold War in Kenya's North –Eastern Province, 1963-1978. Journal of Eastern African Studies, 8(4) (2014)

[37] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda. Brooklyn Journal of International Law. Vol.42. No.2.

[38] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda."

24 years later. According to Ndege (2009), the term 'nyayo' was coined by Moi to mean that he would follow in Mzee Kenyatta's footsteps. The first challenges experienced by the Moi regime were economical in nature. [39]

1.8 Justification of the Study

Since independence, Kenya has faced numerous security challenges. The issue of security is a worldwide phenomenon and every government's duty is to ensure that its citizens are secure within and outside its state borders. Even so, security threats and challenges keep mutating and increasing despite establishment of security policies[40]. It is important to note that the issues of territorial integrity as well as the porous nature of

Kenya's borders and its impact on security have been widely researched. However, researchers have failed to create a nexus between territorial integrity and the impending threats to Kenya's national security. This research therefore aims to contribute to the discourse of territorial integrity as a determinant of Kenya's national security policy from

2002-2016. Further, this research will explain how Kenya's porous borders have impacted on its territorial integrity, hence the need for securing policies that would address the issue of proliferation of small arms and weapons as a result of porous borders.

This research will therefore contribute towards policy formulation as it offers recommendations on how to achieve a comprehensive and impregnable national security

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"[39] Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright – Hays Group project abroad program at the Moi University Main Campus. July 5th to August 6th 2009.
[40] Whittaker, 2008"

policy that will be able to adequately address the issue of Kenya's porous borders and other security threats faced by Kenya. Further, this research will assist in academic studies and further advance the work of previous scholars on the research on territorial integrity as a determinant of Kenya's national security policy.

1.9 Scope of the Study

This research examines the principle of territorial integrity as a determinant of Kenya's national security policy from 2002-2016. The issue of territorial integrity is critical to this research because it seeks to show how as a determinant of Kenya's national security policy, Kenya's foreign policy is not fully aligned with the threats to national security. Further, the scope covers the period from 2002-2016. This period is significant because it is the time in which the Moi regime that lasted for 24 years came to an end, ushering the state into a new political dispensation. Moreover, during the same period, specifically in 2010, Kenya attained a new constitution.

1.10 Theoretical Framework

Three theories, neorealism, world systems theory and constructivism explain the principle of territorial integrity. The choice of these theories is based on the perceived oscillatory behavior of Kenya's foreign policy. The concept of the influence of leadership on national security policy is also examined.

1.10.1 Neorealism/Structural realism

This research has used neorealism as its choice theory because neorealism is about the balance of power in the international system and how states compete to gain power at the expense of other states. This is because the structure of the international system leaves them no choice but to strive for survival. This theory asserts that possessing overwhelming power is the best way to ensure a state's survival. Unlike classical realism where power is an end in itself, structural realism asserts that power is a means to an end where the ultimate end is survival. Power in structural realism is based on a state's material capabilities. For example military assets like nuclear weapons. A state's power is also measured in terms of latent power, which is based on a state's wealth and population size. Great powers need technology, money and personnel to build military forces and fight wars.

Structural realism seeks to explain how states particularly the powerful ones, behave and interact with one another in the international system. Neorealist fundamental assumptions are pegged on anarchy, structure, capability, power distribution, national interest and polarity. Since international politics is structured by anarchy (absence of a global authority), every state looks after itself and aims for survival. Survival thus encourages relative gain, which a state acquires based on its capabilities, defined in terms of demographics, natural resource endowment, military, economic and technological capacity[41]. Therefore, neorealist assert that states use the enforcement of international law to influence the policies and behavior of other states.

"[41] D'Anier P., International Politics: Power and Purpose in Global Affairs, Boston: Wadsworth, 2012."

The assumption of self-interest and anarchy is also used to explain how states co-exist in the international system and the principle of territorial integrity. Neorealism asserts that in the actions of states, moral principles cannot be applied. It is therefore vital to note that the protection of territorial integrity by states is a selfish interest, since states pursue their own self-interests and are concerned with their own relative gains at the expense of others[42]. Just like Kenya was concerned with her security and territorial integrity when Somalia violated Kenya's territorial integrity by not dealing with her problems of Al-Shabaab.

In the case of the Kenya-Somalia maritime boundary dispute, where Somalia sued Kenya at the International Court of Justice, a verdict is yet to be issued. In the meantime, these waters are at the center of increasing tensions between the two states. Kenya wants to draw the boundary line straight out into the Indian Ocean, whereas the Somali government wants to draw it perpendicular to the coast line. The bone of contention is that each state's territorial integrity within international anarchy is at stake.

Structural realism's assumption that states can never be certain about other state's intentions can also be used to explain Kenya's incursion into Somalia in order to protect her territorial integrity. According to Mearsheimer (2013), states want to know whether other states will use force to alter the balance of power (revisionist states) or whether they have no interest in using force in order to change the balance of power (status quo states). The challenge here is that it is impossible to discern these intentions with a high degree of

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[42] D'Anier P., International Politics

certainty. Intentions cannot be empirically verified or measured. Kenya's incursion into Somalia is therefore supported by this theory, given that since Kenya could not determine Somalia's future intentions with the rise of Al-Shabaab attacks and other crimes, she sought to send her troops into Somalia to contain the Al-Shabaab militia. Ultimately, with this move, Kenya sought survival in order to protect her territorial integrity and autonomy of her domestic political order.

According to Kenya's strategists and foreign policy makers, Somalia's incursion by Kenya was a rational strategy meant to maximize her prospects for survival. Given Somalia's attempt to shift the balance of power by threatening Kenya's territory. [43]

1.11 Hypotheses

This research proposal has two hypotheses.

i. The porous nature of the Kenya-Somalia border has impacted negatively on Kenya's security

i. Kenya has effectively responded to her border territorial threats.

ii. The impact of proliferation of small arms and criminals on Kenya's security

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"[43] D'Anier P., International Politics: Power and Purpose in Global Affairs, Boston: Wadsworth, 2012."

1.12 METHODOLOGY

1.12.1 INTRODUCTION

This study has utilized qualitative method of research. Kenya's territorial integrity has been examined as a determinant of Kenya's national security policy. Threats to Kenya's security have been assessed and the product is a national security policy choice that needs implementation.

The study has relied entirely on secondary data. The main reason why primary data has not been used in this study is because issues of territorial threats are mostly classified and hence getting an official to discuss them is very difficult as such information is private. The second concern is the issue of time constraints. As much as the researcher would have wished to gather primary data by interviewing national security officials or even MPs from regions that are close to the Kenya-Somalia border, she was unable to secure interviews with them. Given that 2017 is an election year, it was difficult to secure an interview with legislators since they are busy campaigning and mostly out of office. Thirdly, the researcher was unable to raise resources that would have enabled her to travel to the regions along the Kenya-Somalia border in order to secure interviews with the security agents along these borders or even gather information through observation, as this would have required that at least one month is spent in the said regions, in order to come up with a conclusive study. This would have been a tall order, given the limitation of resources.

Secondary data was obtained mainly from scholarly publications, newspapers, journals, online sources and unclassified documents sourced from the National Security Advisory Council. It is vital to mention that some documents at the National Security Council were available for use. However, most of them were considered secret and were not available for use even for the purposes of research.

1.12.2 Research Design

This study employed an exploratory research design to explore the study variables and provide the researcher with an opportunity to collect secondary systematic data. This study also employed descriptive research design geared towards finding the extent to which the variables in the study influence policy formulation and management of border conflicts. The study is based on qualitative method of research. Firstly, because the research is descriptive in nature, given that the research was desktop research, the researcher will collect data from government publications, books, journals, articles and the internet and analyze the data using graphs and pie charts based on information collected. This will enable the researcher come up with reliable conclusions. The time frame for the research is anticipated to take at least two months.

1.12.3 Data Collection-Instruments, Strategy, Pretesting, Research Procedures

Given that this research has used secondary sources of data, particularly desktop research, the instruments used in collecting data are graphs and pie charts designed by the researcher to come up with firm and comprehensive conclusions. The sources of data for this research are scholarly publications, the internet, newspapers, journals and

unclassified government documents, libraries and review articles. The strategy used in this study's data collection is the use of statistics described in terms of graphs and pie charts to compare trends in cases of Kenya's territorial threats.

1.12.4 Data Analysis

In this research, the analysis describes and summarizes the collected data, identifies the relationships between variables and compares variables. The analysis is qualitative since the data collected was secondary in nature and thus is descriptive in nature. The research is based on qualitative method of analysis firstly, because it enables the researcher to investigate issues in an-depth way and allows the researcher to gain insight into what other scholars have written on the research topic. This allows the researcher to examine the data's accuracy, making it reliable. Secondly, it is useful in framing hypothesis, because through examining a diverse range of scholarly articles, the researcher gets to reach a meaningful and reliable conclusion on the research topic.

The descriptive data statistics has been analyzed using frequencies and percentages, graphs, pie charts on statistical information on the Kenya-Somalia border security related events, a comparison of the Kibaki and Uhuru regime responses to threats to territorial integrity and how these governments impacted on security and strategies to ensure the protection of the Kenya-Somalia border has also been analyzed.

1.13 Ethical Issues

The researcher gathered data from numerous sources. However, most government publications encountered by the researcher were either classified or unclassified. It is important to note that some government documents were classified and therefore the researcher had to comply with the principle of confidentiality, which requires that the source of data is not disclosed for security purposes.

1.14 Limitations of The Study

This study was not devoid of limitations. In many parts of the world, security matters are often considered secret and accessing information on this area is limited by security classification. Therefore, the depth and scope of data collected have been limited to unclassified documents only. These documents are to a certain degree limited to the depth of the study. However, the data collected in this study is considered sufficient enough for generalization purposes on the outcome of the hypothesis of this study. It is important to note that even though national security policies may be secret, the results or impact of these policies are clearly evident and assessable. While it is true that some of the classified publications would have given more insight into Kenya's national security policy and her territorial integrity in relation to other states in the international system, the researcher still made good use of information obtained from unclassified government publications, articles, journals, newspapers and the internet.

Secondly, this research is limited to qualitative research design because the researcher had time constraints and financial limitation with regards to travelling to the KenyaSomalia border to collect data. This research has therefore concentrated on desk top research to

make conclusions based on findings by conducting a wide desk top research, interrogating what different authors have written on territorial integrity and particularly about the Kenya-Somalia border.

CHAPTER TWO - POROUS NATURE OF THE KENYA-SOMALIA BORDER AND ITS IMPACT ON KENYA'S SECURITY

2.0 INTRODUCTION

Acknowledging that Kenya hosts refugees from other countries such as South Sudan, DR Congo and Burundi, this research will only focus on Somali refugees because of the porous Kenya-Somalia border that will be discussed in this research.

Kenya is a signatory to the 1951 UN Refugee Convention and the 1969 OAU Refugee Convention. By August 2012, the total number of asylum-seekers and refugees in Kenya stood at 630,000. (Awa, 2010). Until 2006, Kenya lacked a national refugee legislation. The Refugee Act came into force in Kenya in 2007. Refugees in Kenya are settled in two camps: Kakuma refugee camp in Turkana County and Dadaab refugee camp in Garissa County. Awa (2010) posits that due to Somalia's civil war and famine in 1991, approximately 25,000 people were killed and at least 2 million displaced. Despite the high influx of refugees in Kenya, the country pursues an open-door policy by allowing free flow of refugees in the country. This coupled with the emergence of the Al-Shabaab, has exposed Kenya to a great security threat. The influx of refugees in Kenya has also burdened Kenya economically, straining housing, sanitation and even education. The receiving state

in this case Kenya has been burdened because of the welfare dependency they impose on the country. [44]

According to Shinn (2003) Kenya's security was threatened in the first decade of independence due to the question of Somalia irredentism. In 1960, Somalia was a union of British Somaliland and Italian Somaliland. Predominantly, the people who occupied Somaliland were Muslims. However, more than one million ethnic Somalis lived outside this area. Some lived in Ogaden Ethiopia, Djibouti and Kenya's North-Eastern province[45]. During this time, Somalia was concerned with uniting Somali people into one "Greater Somalia" as opposed to its ethnic groups as other African states were doing. Somali irredentism was therefore the origin of this quest[46]. In 1962, at the

Lancaster Conference, the new Somalia government requested for a plebiscite in Kenya's NFD, which was denied. This denial closed all diplomatic channels and that left Somali with other options including the use of force and if they chose the use of force, then it meant that Kenya's territorial integrity would be under threat.

According to Branch (2014), the influence of super powers also exacerbated the question of Somali irredentism making it a threat to Kenya. Somalia's alignment with the Soviet Union, meant that The Soviet Union was keen to destabilize Kenya since Kenya was not

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"[44] Abdi Awa, ―In Limbo: Dependency, Insecurity, and Identity Amongst Somali Refugees in Dadaab Camps‖, An International Journal of Somali Studies, 5, 7, 2010.

[45] David H. Shinn, ―Terrorism in East Africa and the Horn‖ Journal of Conflict Studies, Vol. XXIII, No. 2, Vol 23, No 2, 2003
[46] David H. Shinn, ―Terrorism in East Africa and the Horn‖ Journal of Conflict Studies, Vol. XXIII, No. 2, Vol 23, No 2, 2003"

aligned to her. The Soviet Union openly provided Somalia with military assistance. It is therefore safe to conclude that the Soviets support towards Somalia boosted Somalia's confidence, making her flirt with the idea of considering military option to achieve her vision of a greater Somalia[47]. In the 1970s when Somalia switched its alignment to the US and Ethiopia to the Soviet Union, the US put pressure on Kenya to improve its relationship with Somalia and lower its relations with Ethiopia. However, Kenya resisted this move [48].

Over the years, Somalia has continued to be a threat to Kenya's national security. With Said Barre's ouster in 1992, internal fighting persisted for more than fifteen years. However, with time, a major challenge was posed. The influx of refugees from the wartorn state[49]. This led to constant incursions by bandits and kidnappers, posing a security challenge to Kenya. When AMISOM failed to maintain peace and the incursions of Somalia militia into Kenya increased causing chaos by capturing government officials and hijacking and killing tourists, Kenya's territorial integrity was challenged[50]. Kenya was therefore projected as an insecure state in the global map, thus affecting tourism especially at the Coast of Kenya. Meanwhile, the issue of piracy had become a menace in the Indian Ocean. This not only made the Gulf of Aden an insecure sea route for maritime trade but also raised the cost of maritime shipment.[51]

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[47]"Daniel Branch, ―Violence, decolonization and the Cold War in Kenya's North –Eastern Province, 1963-1978. Journal of Eastern African Studies, 8(4) (2014)

[48] Daniel Branch, ―Violence, decolonization and the Cold War in Kenya's North –Eastern Province

[49] Abdi Awa, ―In Limbo

[50] Abdi Awa, ―In Limbo

[51] Aljazeera 3 August 2012"

The Kenya- Somalia situation is unique because it is not clear-cut on which state violated

the territorial integrity of which state. Given the need to safeguard its territory, Kenya sent

its troops to Somalia on 16th October 2011. The operation was named "Operation Protect

the Nation"[52]. Somalia saw this move as a direct violation of its territorial integrity whereas

Kenya saw this move as a self-defense against

Al-Shabaab terrorist group based in Somalia. The Kenyan government alleged that it was

prompted to send its troops to Somalia because of the numerous border attacks and

kidnappings that were being carried out by the Al-Shabaab within Kenya's borders[53].

On 16[th]October 2011, Kenya sent one thousand, six hundred (1,600) troops to Somalia and

carried out air strikes against the Al-Shabaab. The Kenyan Minister for Internal

Security then, Prof. George Saitoti informed that Kenya's decision was guided by the need

to protect its territory and was a self- defense mechanism[54]. This argument is supported by

Article 51 of the UN Charter, which states that the right of states to use force in self- defense

is exceptional and may be used in response to an armed attack which is of sufficient gravity;

and if the force used is proportionate to the armed attack and necessary to respond to. [55]

It has been argued that the right to self-defense comes up if a state is unable or unwilling

to counter the threat of terrorists operating within its territory. However, this argument has

attracted criticism on the basis that it turns Somalia's vulnerability into an authorization to

"[52] Katherine Zimmerman, K. K. (2012, March 9).

[53] Katherine Zimmerman, K. K. (2012, March 9).

[54] Katherine Zimmerman, K. K. (2012, March 9).

[55] Katherine Zimmerman, K. K. (2012, March 9)."

attack its territory, hence undermining the sovereignty of Somalia. The boundary conflict between Kenya and Somalia has not been concluded. In August 2014, Somalia sued Kenya before the International Court of Justice seeking a determination of the actual flow of a sea boundary between the two states. The dispute is a maritime boundary dispute. The dispute revolves around oil and gas reserves that are within and beneath the floor of the ocean (FDI Team, 2013)[56]. Kenya wants to draw the border line straight out into the Indian Ocean, whereas the Somali government wants to draw it perpendicular to the coast line as seen in figure below.

Figure 1.2

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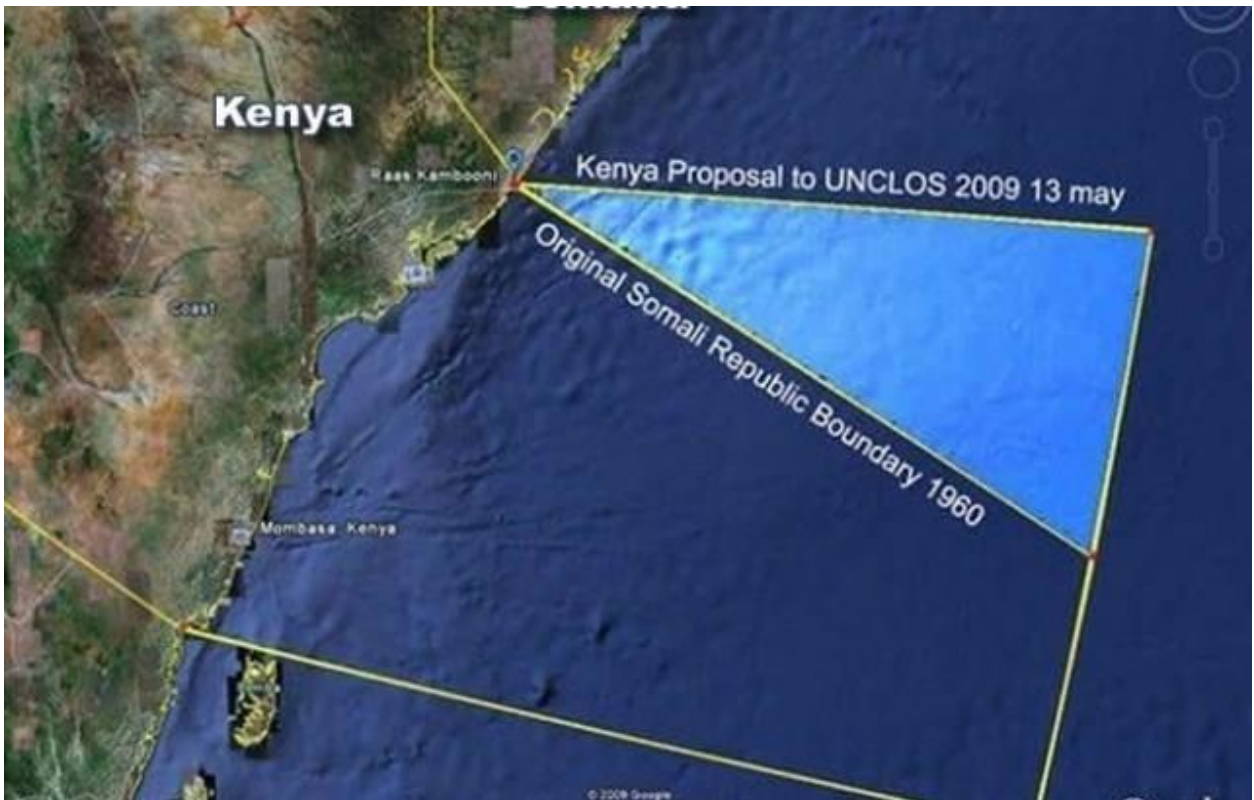
[56] FDI Team, 2013

Source: FDI Team, 2013.

This dispute has created uncertainty and lack of peace around the Kenya border, as Somalia feels that Kenya has occupied its territorial waters and is carrying out exploratory activities in the waters. (FDI Team, 2013)[57]. However, Kenya's Attorney General, Prof. Githu Muigai asserted that Kenya suspended all exploratory activities in the waters, pending the determination of the case.

There have been numerous efforts to restore peace in Somalia. International interventions have also been sent to Somalia for example, the United States led Operation Restore Hope, UNITAF and UNOSOM I and II. These interventions were aimed at creating a secure environment to facilitate humanitarian aid efforts (Amnesty International, 2010)[58]. However, they all had little success. In 2007, the UN approved the deployment of AMISOM into Somalia to restore and maintain peace. However, AMISOM failed. Having exhausted all its options, Kenya resolved to enter Somalia. Somalia therefore became a melting pot of multi-national security forces all focused on an international security agenda.

The conflict in Somalia created an influx of many refugees into Kenya, leading to proliferation of small arms and weapons hence fueling crime in Kenya. The greatest

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[57] FDI Team, 2013
"[58] amnesty-zentral-ostafrika.de

complication of the Kenya-Somalia border challenge is the existence of ethnic Somalis in Kenya. This has complicated security arrangements along the border, making identification of foreigners from residents extremely difficult. Further, the issue of clan ties mostly elicits local sympathy hence compromising security efforts[59].

Kenya's current strategy is to partner with international organizations in a military effort in seeking a political solution for Somalia. According to Aronso (2012), effective counterterrorism strategy for Kenya is one which is focused on establishing a politically stable government in Somalia. This strategy involves partnering with AMISOM forces to neutralize Al-Shabaab forces inside Somalia while creating conditions for political stability. This strategy, it is believed, would provide a long-term solution of lowering the threat of terrorism to Kenya's national security[60]. The efficacy of this strategy is yet to be determined. However, comparing the Kenya-Somalia situation with that of the US experience in Afghanistan, a possible prediction of the effectiveness of the strategy may be made. For example, in Afghanistan, the US has been unable to discriminate Taliban loyalists by not vetting them into the security forces. Swings in loyalty force many recruits to turn against the US and their trainers[61].

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[59] Abdi Awa, ―In Limbo"
"[60] Aronson, S. L., ―United States aid to Kenya
[61] Forest, J. J., Al-Qaeda's influence in Sub-Saharan Africa: Myths, realities and possibilities. Perspectives on Terrorism 2011

In Somalia, the scenario is the same, with loyalty swinging between the Al-Shabaab or the government and the clan. However, clan loyalty is very solid and is likely to undermine loyalty to the government or Al-Shabaab[62]. The dilemma arises for example in a scenario where an Al-Shabaab belonging to the same clan as the security officer is captured. The treatment the captive receives will be influenced by clan ties.

Ultimately, this undermines overall security efforts. [63]

CHAPTER THREE - IMPACT OF PROLIFERATION OF SMALL ARMS AND CRIMINALS ON KENYA'S SECURITY

3.1 INTRODUCTION

The proliferation of small arms and weapons into Kenya are a source of internal security and pose a challenge to Kenya. With the collapse of Somalia in 1991, recent conflicts in Burundi, the civil war that in Sudan in the 1990s until 2005 and the instability of the DRC, a constant stream of refugees into Kenya has been opened. The inflow of these refugees into Kenya has been associated to the proliferation of small arms which abet criminal gangs and fuel insecurity[64]. Security agencies have had a difficult time manning Kenya's borders given how porous they are, lack of capacity, limited resources and their inadequate numbers. Control of influx of small arms and weapons has therefore become difficult.

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[62] Forest, J. J., Al-Qaeda's influence in Sub-Saharan Africa: Myths, realities and possibilities. Perspectives on Terrorism 2011

[63] Forest, J. J., Al-Qaeda's influence in Sub-Saharan Africa"

"[64] Nyakairu, N., 2010

The Kenya-Somalia border is extremely porous. According to Nyakairu (2010), Kenya officially closed the 620 km border in 2007, fearing the threat from weapons and drug traffickers, as well as the armed militias allied to warlords. However, the government permitted the entry of thousands of refugees from Somalia into the sprawling refugee camps at Dadaab. There are more than 260,000 refugees in Dadaab mostly inhabitants of Somalia[65]. This has posed a security threat for Kenya, given that Dadaab is situated in Garissa County of Kenya. According to Elbagir (2015), the routes used by Al-Shabaab militia and other illegal immigrants to get into Kenya are known as "panya routes", meaning 'back doors'. These paths are also used by smugglers. Unlike the official border crossings, here there are no government officials to monitor movement, no security searches no checkpoints and no patrols. Basically, anyone could gain entry in and out as they wish[66]. The Kenyan government stated that it had plans to erect a wall along the border and put up security cameras. However, the government was quick to state that erection of a wall along the Kenya-Somalia border was an international problem that needed international buttress[67].

Due to the porous Kenya-Somalia border, Al-Shabaab's attacks have been spilling over into Kenya with ghastly frequency. In April 2015 Al-Shabaab militia members stormed

Garissa University and butchered 147 students in a dawn raid early in the morning[68].

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[65] Nyakairu, N., 2010"
"[66] Elbagir, K., 2015
[67] Elbagir, K., 2015
[68] http://bigstory.ap.org/article/police-gunmen-attack-univeristy-eastern-kenya

As the Kenyan government advances its campaign against the insecurity plaguing her, human rights groups have raised concern over the disappearance of young Kenyan men and women without a trace.

The Kenyan government has not yet come up with a long-term strategy to curb the problem of the Kenya-Somalia border beyond the regular police roadblocks, which is mostly ineffective and is often undermined by corruption, hence making proliferation of small arms a constant threat to Kenya's security[69]. On the other hand, Immigration laws that are supposed to control entry and smoke out unwanted immigrants face the challenge of implementation owing to lack of capacity and resources to guard the porous border. The new constitutional provision of dual citizenship has further compounded this problem, making proliferation of small arms a threat to Kenya's national security both now and in the future.

3.2 Kenya's Border Territorial Threats

Shinn (2003) posits that Kenya's internal security remained vulnerable in the second decade of independence. This could have been exploited by external agents in order to undermine national security. The benefits of independence and the numerous promises that had been made about decolonization soon became nothing but an illusion. The rates of

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[69] Davis, J. Africa and the war on Terrorism, (Aldershot, Burlington: Ashgate 2007) a, 2010.National Council for Law Reporting

unemployment increased and so was poverty. The national agenda was also still dominated with illiteracy and disease control. Despite all these challenges, the government failed to address these issues. This means that soon, Kenyans became susceptible to external manipulation, thus threatening her territorial integrity (Shinn, 2003). [70]

Externally, the conflict in Somalia posed a great threat to Kenya. The Soviet Union on the other hand, declared open support for Somalia providing her with resources meant for modernizing and equipping her military establishment. The USA on the contrary, was keen on supporting Ethiopia[71]. However, in 1977 in the battle of Ogaden- the conventional conflict between Somalia and Ethiopia in 1977 and 1978 over the Ogaden region of Ethiopia, where Somalia sought occupy the Ogaden region, claiming it was part of Greater Somalia, Ethiopia's win confirmed that Somalia's claim on NFD remained a potential threat to national security[72]. This was confirmed by

Hussein Haji Dualeh the Somali Ambassador to Kenya, who stated that "I believe that Barre's ego is such that after the Ogaden, he will certainly wage another war against Kenya".[73]

Anticipating conflict, Kenya maintained a security zone in the North-Eastern Province and deployed the military to the NFD as a deterrence measure[74]. The rise of Idi Amin in Uganda as the head of state posed a serious national security threat for Kenya.

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[70] David H. Shinn, ―Terrorism in East Africa and the Horn‖ Journal of Conflict Studies, Vol. XXIII, No. 2, Vol 23, No 2, 2003.

[71] Aronson, S. L., ―United States aid to Kenya"
"[72] Aronson, S. L., ―United States aid to Kenya
[73] Abdi Awa, ―In Limbo
[74] Abdi Awa, ―In Limbo

This is because Kenya's support for Israeli's in the 1976 Entebbe raid incensed Idi Amin. In the same year, tension between Kenya and Uganda increased when President Amin laid a claim on a huge chunk of Kenya's territory. This territory included the former Nyanza and Western and Nyanza provinces and parts of the Rift Valley, up until Naivasha[75].Idi Amin's argument was that he had a map and a written agreement signed by the Herbert Asquith, British colonial secretary transferring some sections of Uganda to Kenya in 1926 and Sudan in 1914. These sections included

Turkana, Narok, West Pokot, Bungoma, Trans-Nzoia, Kakamega, Central and South Nyanza, Eldoret, Gilgil, Nandi, Kisumu, Nakuru, Naivasha among others. His argument was that British colonialists made mistakes when they were making territorial demarcations[76].

Through these assertions, Uganda posed a security threat to Kenya and the possibility of an inter-state war was imminent. Due to Idi Amin's unpredictability, Kenya's security agencies were put on high alert and troops and tanks were deployed along the Kenya-Uganda border [77]. Idi Amin only backed down after Mzee Kenyatta issued a stern warning to Uganda, that

Kenya would not cede "a single inch of her territory". He further stated that Kenyans shall defend their country with all their blood and shall teach a lesson to anyone who tried to play with their country and government[78]. Throughout that decade, tension between the

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[75] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda"
"[76] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda
[77] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda. Brooklyn Journal of International Law. Vol.42. No.2.
[78] Davis, J. Africa and the war on Terrorism

two states remained high. Even though Kenya and Uganda never went to war, the possibility of war remained.

The collapse of the EAC in 1977, brought about security implications. Unlike when the union existed, the aspect of close ties among states degenerated and was replaced with suspicion and the possibility of war. Soon after the union collapsed, the Kenya-Tanzania border was closed. The situation was worsened with the re-introduction of the Elemi triangle question when South Sudan gained independence in 2011[79]. Even though the Elemi question was raised in the correct diplomatic manner aimed to resolve a dispute, it was clear that the Elemi triangle question is still a potential security threat[80]. However, besides the question of Elemi triangle, South Sudan's ethnic groups and their ethnic divisions in politics posed a potential security challenge for Kenya. In Africa, ethnic divisions often lead to civil war. According to Makumi (2004), it is in the interest of the states neighboring South Sudan that she remains at peace and in ethnic harmony. This is because internal conflict in South Sudan is likely to spread to other regions hence endanger regional peace and security.

3.3 HYPOTHESES

Hypothesis I- The Porous Nature of the Kenya-Somalia Border Has Impacted Negatively on Kenya's Security.

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[79] Makumi M. ed., African Regional Security in the Age of Globalization, Nairobi: Heinrich Boll, 2004"
[80] Makumi M. ed., African Regional Security in the Age of Globalization

As mentioned earlier in this study, Kenya's border challenge has its roots in the collapse of the Somalia government in 1991, thereby creating a lawless society where radical ideologies and crime thrived. Due to lack of state capacity, unrestricted movement of goods and people in and out of Somalia into Kenya has increased. Some of the Somalis who moved into Kenya were genuine refugees seeking a better life in Kenya[81]. Given the porous nature of the Kenya-Somalia border, Kenya's security has been at stake. The hypothesis that the porous nature of the Kenya-Somalia has impacted negatively on Kenya's security will therefore be tested and either approved or disapproved in chapter 3.

Hypothesis II- Kenya has effectively responded to her Border Territorial Threats

African states are increasingly faced with a daunting task of managing their borders in ways that ensure that their territorial integrity is secure. They do this by preventing illegal entries and exits of people and goods while also allowing easy movement across the borders, allowing relatives to visit their kin while also blocking criminals such as human traffickers and terrorists[82]. The challenge facing African states in the management of their borders is compounded by globalization that is destroying traditional borders through technological advancement and international relations transformation. Today, numerous crimes are committed without crossing borders and many goods are sold on cyberspace. The internet has not only made it difficult to manage borders and combat cross-border crimes, it has also dismantled borders by permitting imports without passing through customs[83].Given Kenya's efforts to respond to her border territorial threats, The hypothesis that Kenya has

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[81] Wafula, W,. 2015

[82] Njoroge, N., 2005
[83] Njoroge, N., 2005

effectively responded to her border territorial threats will therefore be tested and either approved or disapproved in chapter 3.

3.4 The Cold War: US versus the Soviet Union

The Cold War was a protagonistic war between the US and the Soviet Union. However, it affected every state in the international system in one way or the other. It influenced security policies in the Middle East and shaped security cooperation for example the NATO[84]. Moreover, it influenced Israel's relations with the Arab world. The colonialists influence on the African continent continued even after the World War II and brought on stage new actors. Power distribution after World War II defined the international system as bi-polar. The US and the Soviet Union were the two poles around which other states could be influenced[85]. The world system was therefore characterized by competing core ideologies involving nuclear arsenals and marshaling of states to join either side as allies. During this time, most African states were under the British and French as colonies. Chweya (2004), argues that the Soviet Union's strategy against the West was in agitating for the independence of African states and if this was granted, the Soviet Union would proceed to establish communist governments in these states.

The rivalry between the US and the Soviet Union created tension among their allies and the result was the creation of a security dilemma due to immense accumulation of military power by both poles. The greatest security concern at the time, was alignment with the two super powers and this discourse dominated most states' security policies. Aronso (2012),

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[84] Aronson, S. L., ―United States aid to Kenya
"[85] Aronson, S. L., ―United States aid to Kenya

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posits that an existential threat was posed with the existence of ideologically different states as neighbors. Even though most African states were members of the non-aligned movement, in reality, they were aligned either to the East or West. In Africa, every emerging new state became an attractive ally to be sought. Most countries especially those that were geo-strategically positioned, became targets.

Therefore, it can be argued that the security policies of these African states were formulated with reference to their alignment with the two poles (Adar, 1994). [86]

With the end of the Cold War, security discourse shifted from state to society and its definition broadened with the emergence of new threats. The concept of human security in the late 1980s and 90s expanded the scope of security. Its origin arose from the thinking that people have been killed by many other factors apart from soldiers and weapons. Moreover, states have been destroyed by other factors other than war and military conflict. The expansion of the scope of the debate on security was accelerated after the Cold War. Branch (2014), argues that at the end of the Cold war other types of threats rose in importance regardless of military concerns declining. Further, human security as a concept gained prominence as was cultivated by the 1994 UNDP Human Development Report. This report proposed that the security discourse shift from the protection of states and its borders to the protection of individuals.

Globalization also changed the discourse of security. With the end of the Cold War, numerous opportunities opened and significant shifts in international politics have been

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[86] Adar G. Korwa, The Significance of the Legal Principle of Territorial Integrity as the Modal determinant of Relations: A case study of Kenya's Foreign policy towards Somalia 19631983 (Lanham:University Press of America, 1994."

realized. Globalization theorists posit that the powerful global social forces have weakened states' national security[87]. These forces are for example, decline in military spending, proliferation of modern security challenges such as terrorism and drug trafficking and absence of inter-state wars (Hataley & Nassal, 2004). Today, terrorism is a global phenomenon that has become a dominant threat to international security.

Consequently, states must develop strategies to counter terrorism. Africa therefore must adjust from dealing with Post –Cold War insecurities to dealing with issues such as international terrorism which cannot be ignored.

Ylonen (2005) posits that Eritrea's relevance in holding peace in Sudan and Ethiopia cannot be ignored. This is because Eritrea was key in facilitating peace agreements between Khartoum and the Eastern Front rebels.

Regional rivalries are common phenomena in Africa. Take for example Uganda's over engagement in South Sudan's politics which could lead to conflict with Khartoum. (Borchgrevink& Lie), 2009, posit that Ethiopia being an influential IGAD member, echoed calls that Uganda withdraws her forces from South Sudan. On the other hand, Uganda maintains that she will not act for as long as her forces are needed by SalvarKiir's government. Kenya shares Ugandan concerns that South Sudan's prolonged instability could damage its lucrative trade with Juba and lead to an influx of refugees within her borders.[88]

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[87] Davis, J. Africa and the war on Terrorism
"[88] UN OCHA, 30January 2014; South Sudan Crisis, SITREP as of 30 January 2014, Report No.15

3.5 Colonialism's Impact on Kenya's Security System

The colonization of Kenya influenced security in many various aspects. Importantly, the major features of colonization that influenced security in Kenya are examined and include land alienation, ethnic polarization, oblique economic development, and an authoritative administrative structure[89]. The argument at hand is that these features were a creation of the colonial government to serve their interests but were later advanced by the ruling regimes for political survival[90]. In Africa and particularly in Kenya during the pre-colonial era, land was held in high esteem given that its inhabitants believed their ancestors gave it to them. Basically, it was the main factor of production and considered a major source of livelihood. With time, due to increased population especially in Rift Valley, Central Highlands and in Western Kenya, land gradually changed from communal to private within the family units.

According to Ndege (2009), communities such as the Maasai and the Samburu practiced pastoralism. The Agikuyu and the MijiKenda developed agricultural economies. A clear majority including the Abagusii and the Luo adapted themselves to a mixture of crop cultivation and livestock keeping. Communities like the Ogiek for example thrived on hunting and gathering. When the colonialists started displacing these communities from their lands, their source of livelihood was disrupted. Due to this alienation, a majority of

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[89] Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright – Hays Group project abroad program at the Moi University Main Campus. July 5th to August 6th, 2009."
[90] Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright

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Kenyans lost their land. According to (Njogu, 2010), approximately 8 million acres was curved out by the British colonialists. Consequently, many communities mainly in Central Kenya and the Rift Valley among others lost their land.

Smith (2005) argues that land was the main debate during the colonial era. Land being an emotive subject, the KAU used it to stress to importance of Kenyans taking back their land from the Europeans. However, he states that with the exit of Europeans, all hell broke loose with land being left at the mercy of willing buyer- willing seller policy, leaving many poor people landless. Smith (2005) posits that Kenya disintegrated into ethnic discontent that later bore ethnic hate.

According to Kanyinga (2000), Kenya's land question and the subsequent negative ethnicity has its roots in the colonial situation. Given that the Land Tenure systems in pre-colonial Kenya varied from one community to another and were influenced by several factors like climatic conditions, the land alienation that occurred during this period cut most communities from the frontiers through which they adapted to land shortages. Kanyinga (2000) argues that the imposition of new forms of administrative authorities and the subsequent concentration of powers in the sector of indirect rule, mostly chiefs, undermined the customary structures of land administration.

Kanyinga (2000) argues that in 1963, when Kenya got its independence there existed no resolution whatsoever of the Land Question. However, there were obvious divisions between KANU and KADU surrounding the resettlement schemes and the land buying programm in the White Highlands. However, intra-party conflicts prevented the leaders

from articulating the Land Question. He argues that KADU was opposed to "accumulation from above" that saw many Kenyans become economically marginalized as the loyalists pursued a capitalist route, including private accumulation of land. Further, Kanyinga (2000) posits that the resettlement schemes provided avenues for inter-ethnic conflicts. These conflicts had their source in the amount of land apportioned to the people of Kikuyu descent in the eastern part of Rift Valley and elsewhere. The land question has therefore been a security issue in Kenya, and this vividly came out in the 2007-2008 postelection violence as will be analyzed later in this study. [91]

The second feature of colonialism was the emphasis on ethnic distinction which culminated into ethnic polarization. This was a divide and rule policy meant to create a rift among Kenyans[92]. The colonial administration created districts with distinct ethnic identities. Consequently, ethnic identity became an essential attribute of the colonial experience. According to Branch (2014), ethnicity formed the basic framework for African political activity as the colonial states continued practicing the divide and rule strategy through the creation of ethnically distinct locations and districts. Ethnic identity was based on differentiation based on language. Negative ethnicity therefore got lodged in the administrative system and would later influence Kenya's politics decades after

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"[91] Smith, D (2005):Kenya, The Kikuyu and the Mau Mau, Mawenzi Books, Swansmore

[92] Daniel Branch, ―Violence, decolonization and the Cold War in Kenya's North –Eastern Province

independence[93]. Kenya's ethnic communities were socialized to believe in their differences hence remain isolated and view one other with suspicion[94].

The system introduced the *Kipande* system which was an identity card for Africans with the name of the card holder inscribed in it. This ethnic consciousness led to divisions among various ethnic communities in following three ways. Firstly, the colonialists formed certain stereotypes about certain ethnic groups. For example, Shinn (2003), posits that the colonialists saw certain ethnic groups as greedy, lazy and impatient. This kind of stereotyping determined several things for example, economic opportunities, access to government jobs and military service. Inter-ethnic enmity was therefore created thanks to the consciousness of tribes. Negative ethnicity is still embedded in Kenya's national fabric, tainting it and becoming a threat to security.

The third is oblique economic development. Some communities were economically favored by the colonial regime hence leading to development of some regions and under development of other regions[95]. For example, infrastructural development was more developed in the areas where the white settlers occupied. These developments gave an upper hand to the ethnic communities that lived in these areas subsequently giving them higher chances for both economic and social advancement[96]. This conflictual relation

[93] David H. Shinn, ―Terrorism in East Africa and the Horn‖ Journal of Conflict Studies
[94] David H. Shinn, ―Terrorism in East Africa and the Horn‖ Journal of Conflict Studies"
"[95] Makumi M. ed., African Regional Security in the Age of Globalization, Nairobi: Heinrich Boll, 2004
[96] Makumi M. ed., African Regional Security in the Age of Globalization"

became a security challenge particularly after independence undermining national security and leading to inertia of Kenya's economic advancement.

The fourth is the authoritative administrative structure of the colonial government. According to Makumi (2004), the colonial state had one main agenda: to maintain law and order, to defend and promote the political and economic interest of the colonizing state and to foster loyalty to the colonial authority. Ochieng & Ogot (1996), posit that the practice of the colonial administration was to impose violence through ruling with sheer indifference to the opinion of those governed. It was a system where rebels were silenced through detentions, exile or even extermination. This influenced the colonial government in power but on the flip side, influenced pro-independence nationalists in their quest for independence[97]. After independence, Kenya did not change much administratively. The newly formed state borrowed substantially from the features of the colonial government. For example, people like J.M Kariuki who spoke up about atrocities were silenced[98]. The colonial-style authoritative administrative structure was therefore carried forward to the new political regime. This authoritative structure put the rulers and the ruled on opposite sides, with each viewing the other as an enemy, hence undermining national cohesion and security. [99]

"[97] David H. Shinn, ―Terrorism in East Africa and the Horn‖ Journal of Conflict Studies
[98] Kanyinga, K.(2000): Re-Distribution from Above
[99] Kanyinga, K.(2000): Re-Distribution from Above: The Politics of Land Rights and Squatting in Coastal Kenya, Nordiska Afrikainstitutet, Stockholm

3.6 Kenya's Security Discourse

After attaining independence in 1963, the new government under Jomo Kenyatta had to formulate an appropriate foreign policy and identify machinery for managing its relations with other states in the international system[100]. During that time, a myriad of challenges faced Kenya. Initially, the major issues that the government was faced with were issues of building national cohesion between the various ethnic groups in Kenya, eliminating poverty and disease and building Kenya economically[101]. However, Kenya's external potential threats were diverse and it had to develop mechanisms of shielding these interests from external aggression. National security therefore was propelled at the top of the agenda because it was known to the leaders that without security sovereignty was at risk.

Kenya's foreign policy was pegged on certain principles. One of them is the principle of good neighborliness, non-alignment and Pan-Africanism. These policies focused on maintaining regional peace and stability. Pan-Africanism policies were focused on ending colonialism in Africa while non-alignment policy was focused on maintaining a neutral stance and not aligning with the two superpowers; USA and USSR[102]. It can be argued that from independence, Kenya shunned territorial expansionist policies and sought for non-interference in other states' internal affairs and respect for territorial integrity. This was emphasized by President Kenyatta when he stated that: "We will covet no inch of our

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[100] Daily Nation: 6th September 2012, 19th December (2014).
[101] Daily Nation: 6th September 2012, 19th December (2014)."
"[102] Abdi Awa, ― In Limbo

neighbor's territory. We will yield no inch of ours. We stand loyal to OAU and its solemn decision that all African states shall adhere to the boundaries inherited at independence."[103].

Following the exponential growth in Kenya's population in the 1960's and 1970's, Kenya faced serious setbacks. First, the 1982 coup attempt to overthrow President Moi negatively impacted Kenya's investment climate and tourism[104]. Secondly, international recession at the time lowered production and plunged the state into serious financial crisis. This was depicted in budgetary shortfalls leading to indebtedness. Unemployment on the other hand, soared consequently increasing poverty levels crime rate and insecurity[105]. After the coup, there was latent discontentment. Despondency gripped Kenya in the early years of the Moi regime and the first signs of opposition to the political establishment began to emerge. President Moi on the other hand, became increasingly paranoid because of the 1982 coup and consolidated appointments for his Kalenjin loyalists. This further entrenched resentment[106].

Secondly, the impact of the end of Cold War came with several security challenges. After the cold war in the late 1980's, African states were neglected by the USA, which was the super power[107]. At the time, the discourse shifted from promotion of ideology to promotion of democracy. As part of a global agenda, pro-democratic movements spearheaded violent

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[103] Makumi M. ed., African Regional Security in the Age of Globalization
[104] Kieyah, M., 2010
[105] Kieyah, M., 2010"
"[106] Chweya, D., 2004
[107] Aronson, S. L., ―United States aid to Kenya

demonstrations which threatened Kenya's internal security[108]. For the first time since attaining independence, the state realized the power of the masses in pushing for agendas through violence. The government soon caved in and introduced a multi-party system of governance, which was a great milestone to the achievement of democratic politics. [109]

The security problem in Somalia threatened Kenya's internal security and with the collapse of the EAC, Kenya's vulnerability increased since she lacked neighbors to assist in case the Somalia conflict spilled over[110]. In Uganda, political instability had made the security situation volatile. The crisis in Uganda was further reflected with the over-throw of Milton Obote in 1985 by General Tito Okello[111].

Consequently, Kenya hosted thousands of refugees who fled out of Uganda. Kenya's national security was thus threatened by Uganda's political instability in the following ways. First, the conflict could have easily spilt in Kenya. Secondly, the influx of refugees from Uganda created a security challenge since there was bound to be proliferation of small arms into Kenya, leading to crime[112]. In 1987, tension between Kenya and Uganda heightened with the expulsion of Uganda High Commissioner, Charles Katungi and his deputy. Kenya had felt that her sovereignty was being undermined by Uganda and Libya when media report emerged accusing Uganda and Libya for training dissidents to destabilize the Kenya's government[113].

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[108] Aronson, S. L., ―United States aid to Kenya
[109] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda. Brooklyn Journal of International Law. Vol.42. No.2.
[110] Daniel Branch, ―Violence, decolonization and the Cold War in Kenya's North
[111] Daniel Branch, ―Violence, decolonization and the Cold War in Kenya's North"
"[112] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda
[113] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda"

Following Mzee Kenyatta's death, Moi took over power against the wishes of the ruling elite. President Moi had been dismissed by his critics as a 'passing cloud' and his toppling was anticipated soon after he came to power. However, this only came to pass 24 years later. According to Ndege (2009), the term 'nyayo' was coined by Moi to mean that he would follow in Mzee Kenyatta's footsteps. The first challenges experienced by the Moi regime were economical in nature.

3.7 National Security and Economy

Kenya's national security was impacted by economic dependence on the colonial masters. Even though Kenya was free from direct colonial domination, she still grappled with neocolonialism. Here, the colonialists subtly controlled the political, economic and social spheres. Therefore, Kenya still found herself entangled by colonialists[114]. Her administrative structures of government, national language and economic base were still largely colonial. This brought about dependency since Kenya was not economically independent. Njogu (2010), states that Kenya's economy depended on exported raw materials and foreign capital inflow. Importantly, a big chunk of industries were foreign owned, making the colonialists the major owners of the economy. This occurrence came about because at the time Kenya attained her independence, she lacked the technical skills requisite in achieving economic independence. According to Gakuru (2007), even though Kenya's annual average growth was 6.6%, she remained dependent on colonial masters.

"[114] Gakuru, P., 2007

For decades, Kenya has been battling with poverty because of unemployment. The youth are the ones who are greatly affected by unemployment and their numbers continue to escalate by the day. This has in-turn created a spill-over effect where scarcely available resources have been overstretched and competition for theses scarce resources have stiffened, leading to disharmony and ultimately insecurity[115].

Connected to economy is the land question, which has undermined national security. According to KoigiwaWamwere (2008),[116] land in Kenya has been a very contentious subject, sparking heated arguments and eliciting different emotions and reactions from the Kenyan people. Seeds of discord among Kenyans regarding land, were sowed mainly after independence. This is because most of the land that had been owned by the white settlers was redistributed by the government, some of it was pocketed by powerful individuals in the new government and some of it sold to the rich elite[117]. This left many people especially in Central Kenya landless.

In the Rift Valley, part of this land was given to immigrants, leading to land conflicts between the immigrant and indigenous groups. The same scenario was evident in the Coastal region and even in the informal settlements around Nairobi[118]. The subject of land in Kenya has been greatly politicized. However, it is the root cause of negative ethnicity in Kenya. Lack of conclusively addressing land issues has led to ethnic hate lying dormant in

[115] Smith, D (2005): Kenya
[116] KoigiwaWamwere. (2008):Towards Genocide in Kenya: The Curse of Negative Ethnicity, MvuleAfrica Publishers, Nairobi"
"[117] Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright
[118] Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright"

the hearts of many Kenyans, finally leading to the 2007-2008 postelection violence which was one of the greatest threats to Kenya's national security.

3.8 National Security and Negative Ethnicity

According to Ndege (2009), during the colonial period, ethnic uprisings emerged. Kenyans did not fight for independence as a single bloc. Associations such as the Kikuyu Central Association, Taita Hills Association and so on emerged, with each ethnic group presenting its own grievances. Nationalism at this point was at the brink of breaking. The Kenya National Commission of Human Rights (2012) posits that the post 1945 nationalist struggles were because of ethnic awareness. For example, one group consisting of the minority ethnic groups like the Luhya, Kalenjin and coastal tribes came together, advocating for federalism. On the other hand, the majority group- Luo and Kikuyu advocated for nationalism. It is therefore clear that inequalities had started to arise during this period. These inequalities became more evident during the post- colonial era[119].

According to KoigiwaWamwere (2008), every day, communities in Kenya compete for resources that are scarce, outside what is demanded by the rules of equality, merit and justice. Since the competition is cut-throat, people become hostile towards one another. KoigiwaWamwere (2008), posits that for a long time, Kenya has denied the existence of negative ethnicity yet it eats into the very fabric of peace and harmony. He adds that inequitable distribution of mainly land is the root cause of ethnic hate directed at the

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[119] KNCHR, 2012

successful Kikuyus. KoigiwaWamwere (2008), argues that after independence, capitalism was opted for by the Government including other ethnic elite leaders supported by the West. However, since ethnic elites did not share the spoils of African capitalism equally, Kenyans embraced ethnic hate as the ideology of their ethnic struggles against one another for profits.

KoigiwaWamwere (2008), argues that the various ethnic leaders after independence were both victims and propagators of negative ethnicity. In fact, he states that after independence, Kenya was divided into two ethnic camps. The Luo-Kikuyu alliance in KANU and KADU led smaller communities like the Giriama. KoigiwaWamwere (2008), adds that perpetuation of negative ethnicity in post-colonial Kenya cannot be blamed solely on the leadership then, but must be blamed also on the capitalist allure in the minds of the elite of every ethnic group. KoigiwaWamwere (2008), states that as a man-eat-man system, capitalism must oppress and divide its victims. Capitalism uses negative ethnicity to divide the poor of all communities. Kieyah (2010), argues that negative ethnicity is the greatest threat to Kenya's national security. Politicians have exacerbated the situation by fanning ethnic hate among Kenyans, hence leading to skirmishes. For example, the 2007-2008 post-election violence where majority of Kikuyus living in the Rift valley were forcibly ejected from their land by Kalenjins[120].

"[120] Kieyah, J. (2010): Ndung'u Report on Land Grabbing in Kenya: Legal and Economic Analysis,Kenya Institute for Public Policy Research and Analysis, Nairobi

CHAPTER FOUR - KENYA'S RESPONSE TO HER BOARDER SECURITY THREATS

4.1 INTRODUCTION

The Cold War was a protagonistic war between the US and the Soviet Union. However, it affected every state in the international system in one way or the other. It influenced security policies in the Middle East and shaped security cooperation for example the NATO[121]. Moreover, it influenced Israel's relations with the Arab world. The colonialists influence on the African continent continued even after the World War II and brought on stage new actors. |Power distribution after World War II defined the international system as bi-polar. The US and the Soviet Union were the two poles around which other states could be influenced[122]. The world system was therefore characterized by competing core ideologies involving nuclear arsenals and marshaling of states to join either side as allies. During this time, most African states were under the British and French as colonies. Chweya (2004), argues that the Soviet Union's strategy against the West was in agitating for the independence of African states and if this was granted, the Soviet Union would proceed to establish communist governments in these states.

The rivalry between the US and the Soviet Union created tension among their allies and the result was the creation of a security dilemma due to immense accumulation of military power by both poles. The greatest security concern at the time, was alignment with the two super powers and this discourse dominated most states' security policies. Aronso (2012), posits that an existential threat was posed with the existence of ideologically different states

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[121] Aronson, S. L., ―United States aid to Kenya
[122] Aronson, S. L., ―United States aid to Kenya"

as neighbors. Even though most African states were members of the non-aligned movement, in reality, they were aligned either to the East or West. In Africa, every emerging new state became an attractive ally to be sought. Most countries especially those that were geo-strategically positioned, became targets. Therefore, it can be argued that the security policies of these African states were formulated with reference to their alignment with the two poles[123].

With the end of the Cold War, security discourse shifted from state to society and its definition broadened with the emergence of new threats. The concept of human security in the late 1980s and 90s expanded the scope of security. Its origin arose from the thinking that people have been killed by many other factors apart from soldiers and weapons. Moreover, states have been destroyed by other factors other than war and military conflict. The expansion of the scope of the debate on security was accelerated after the Cold War. Branch (2014), argues that at the end of the Cold war other types of threats rose in importance regardless of military concerns declining. Further, human security as a concept gained prominence as was cultivated by the 1994 UNDP Human Development Report. This report proposed that the security discourse shift from the protection of states and its borders to the protection of individuals.

"[123] Adar G. Korwa, The Significance of the Legal Principle of Territorial Integrity as the Modal determinant of Relations: A case study of Kenya's Foreign policy towards Somalia 19631983 (Lanham:University Press of America, 1994."

Globalization also changed the discourse of security. With the end of the Cold War, numerous opportunities opened and significant shifts in international politics have been realized. Globalization theorists posit that the powerful global social forces have weakened states' national security[124]. These forces are for example, decline in military spending, proliferation of modern security challenges such as terrorism and drug trafficking and absence of inter-state wars[125]. Today, terrorism is a global phenomenon that has become a dominant threat to international security.

Consequently, states must develop strategies to counter terrorism. Africa therefore must adjust from dealing with Post –Cold War insecurities to dealing with issues such as international terrorism which cannot be ignored.

Kenya, a nation renowned for its cultural diversity and scenic landscapes, has navigated complex foreign policy decisions during the period from 2002 to 2019, marked by the principle of territorial integrity as a determinant of its foreign policy. This era witnessed Kenya's evolving foreign policy approaches, influenced by the imperative of protecting its territorial integrity and sovereignty in the face of regional challenges, border disputes, and complex international dynamics. Territorial integrity, a core principle of state sovereignty, underscores the sanctity of a nation's borders and is paramount in Kenya's foreign policy calculus. The period from 2002 to 2019 was characterized by significant regional and global shifts, demanding Kenya's strategic response to safeguard its territorial boundaries, uphold international norms, and advance its national interests. This introduction sets the stage for a comprehensive exploration of Kenya's responses to territorial integrity concerns and their implications for the nation's foreign policy during this pivotal period.

"[124] Davis, J. Africa and the war on Terrorism

[125] Hataley T. S. and Nossal K. R., the Limits of the Human Security Agenda: The Case of Canada's Response to the Timor Crisis, Global Change, Peace & Security, Volume 16, Number 1, February 2004"

Territorial integrity, a fundamental principle of international law enshrined in the United Nations Charter, asserts the inviolability of a state's borders. It emphasizes the protection of sovereign territories from external threats, ensuring national cohesion and safeguarding the rights of the state's citizens. For Kenya, this principle is not merely a legal obligation but a vital component of its national identity and security. The 2002-2019 period was marked by regional challenges that directly influenced Kenya's foreign policy. Border disputes with neighboring countries, such as Somalia and Sudan, placed Kenya in a precarious position, demanding diplomatic finesse to balance its territorial integrity concerns with regional stability and cooperation. One of the most pressing challenges facing Kenya during this period was its engagement in the complex situation in Somalia. Kenya's intervention in Somalia, under the African Union Mission in Somalia (AMISOM), aimed to counter the threat posed by the extremist group Al-Shabaab. This mission brought Kenya into a delicate confluence of territorial integrity concerns, regional cooperation, and counter-terrorism efforts. Kenya's response to the Somalia crisis highlighted the interplay between protecting its territorial boundaries and contributing to the stability and security of a neighboring nation. The pursuit of peace and stability in Somalia was not only a regional interest but also a crucial factor in preventing the spillover of violence and terrorism into Kenyan territory. Border disputes with neighboring countries, particularly Somalia, called for a deft diplomatic approach. The dispute over the maritime boundary with Somalia, which went before the International Court of Justice (ICJ), underscored Kenya's commitment to resolving territorial disputes through peaceful means and adherence to international legal mechanisms. Kenya's foreign policy emphasized the importance of dialogue and conflict resolution, seeking to negotiate solutions that upheld both its territorial integrity and international norms. This approach was in line with Kenya's broader diplomatic endeavors to maintain peaceful relations with neighboring states. Kenya's foreign

policy during this period was also significantly influenced by its economic interests, regional integration, and the quest for economic growth. The development of infrastructure projects, such as the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor, aimed to enhance economic connectivity within the East African region. Balancing the pursuit of economic interests, which relied on secure trade routes and access to resources, with the preservation of territorial integrity was a notable foreign policy challenge. Kenya's commitment to regional economic integration reinforced its need to manage border disputes peacefully and promote regional stability. Kenya's security concerns, particularly in the context of counter-terrorism, were central to its foreign policy decisions. The presence of Al-Shabaab in Somalia posed a significant threat, making Kenya's military involvement in AMISOM a necessity. This security-driven foreign policy approach sought to protect Kenya from terrorism while contributing to the broader objective of regional peace and stability. Kenya's approach to countering terrorism was closely linked to safeguarding its territorial integrity. The porous nature of its borders, especially along the Somalia-Kenya border, called for enhanced border security measures, intelligence-sharing, and cooperation with international partners. These efforts aimed to protect Kenya's sovereignty while addressing the transnational challenges of terrorism and organized crimes .Kenya's foreign policy during this period grappled with the humanitarian and ethical dimensions of territorial integrity. The refugee crisis, with a significant influx of Somali refugees, tested Kenya's commitment to upholding human rights and its responsibilities under international law. The delicate balance between providing humanitarian assistance to vulnerable populations and protecting its borders brought forth complex ethical dilemmas. Kenya's responses included hosting refugees in camps while advocating for international support to address the humanitarian aspects of the crisis. The period from 2002 to 2019 witnessed Kenya's multifaceted responses to territorial integrity concerns, which significantly

influenced its foreign policy decisions. Balancing the imperatives of territorial integrity, regional stability, economic interests, and security, Kenya navigated a complex international landscape. Kenya's foreign policy was shaped by its commitment to resolving border disputes diplomatically, contributing to regional integration.

4.2 Security Policies of Baltic States

With the fall of the Soviet Union, many questions about security were posed. For example, Frank Moller posed the question asking why Baltic states' security policies project the debate of security as military security and not community security. This question focused on Lithuania, Estonia and Latvia. The answer to this question is that these states security policies on the construction of the national state as opposed to security. Frank Moller therefore noted that the security policies of these Baltic states were determined by their relationship with the alliance they had with the Soviet Union. Classic example is that during the Cold War, with the US and Soviet Union fighting an ideological war, the Soviet Union troops were stationed in the Baltics. However, with the reunification of Germany and Gorbachev's new policies towards the US a chain of events was triggered leading to the Soviet Union's pull-out of troops in the Baltics. This led to a change in Baltic States' security policy from state based to community based[126].

"[126] Moller F., Thinking Peaceful Change: Baltic Security Policies and Security Community Building, New York: Syracusse University Press, 2007.

In Latvia, the main issues were political, economic and cultural. Security issues ranked lower in national policies. More emphasis was placed on demilitarization of Latvia's Republic territory. Its security policy therefore highlighted neutrality as a national security policy[127]. In Estonia, the main determinant of security is military threats. According to Estonia's national Security guidelines, national defense guarantees sovereignty of the state and indivisible integrity of its land, airspace and territorial waters. According to Collins (2003), security during the Cold War focused entirely on military defense and deterrence. Collins (2003) analyzed Singapore, Indonesia and Malaysia and established that political and military concerns determined security. In the post-colonial period, these three states adopted policies that would create strong nation-states. These was informed by the diverse strong ethnic populations that resisted creation of nation states. Collins (2003) further argues that the security discourse in South East Asia has been shaped by many different factors like non-traditional challenges such as human trafficking, drug trafficking, organized crime and even tsunamis.

4.3 Impact of Insecurity in the Horn of Africa

In the Horn of Africa, in states such as Sudan, Ethiopia, Djibouti and Eritrea, insecurity has hindered development. According to Chweya (2004), Tanzania is the only state in Eastern Africa that has been relatively peaceful. Every other state has been involved in conflict fueled by politics. Crises in Africa, she argues is mostly associated with greed, personalization of power leading to political decay and the installation of unpopular leaders

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[127] Moller F., Thinking Peaceful Change: Baltic Security Policies and Security Community Building, New York: Syracuse University Press, 2007."

and governments. So far, the greatest issue in the Horn of Africa states is the issue of contested borders.

According to UN OCHA (2014), an estimated 740,000 people have been displaced within South Sudan since December 2013, forcing them to seek shelter in over 100 locations. Moreover, more than 18 locations host approximately 10,000 displaced people. The United Nations Office for Coordination of Humanitarian Assistance (UN OCHA) has assisted approximately 300,000 displaced people through their partners but the response is continually being hampered by hostilities. According to the UNHCR (2014), an estimated 170,000 South Sudanese had made their way into neighboring states for example Ethiopia, Kenya and Uganda. Out of this number, about 20,000 had entered Kenya leading to pressure on service delivery systems as well as security. This influx of refugees has not only strained resources in the host countries but has also led to the proliferation of illegal small arms and light weapons.

Sudan's conflicts centered on self- determination mirror the pattern in Somalia and Ethiopia[128]. Sudan is also battling many insurgencies on its frontier with South Sudan, including the Blue Nile and South Kordofan regions. On the other hand, given that Eritrea's neighbors are relatively fragile and the symbiotic nature of conflict, most of these neighbors would be destabilized if Eritrea's state apparatus collapsed.

Ylonen (2005) posits that Eritrea's relevance in holding peace in Sudan and Ethiopia cannot be ignored. This is because Eritrea was key in facilitating peace agreements between Khartoum and the Eastern Front rebels.

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[128] Ylonen, A. (2005). Grievances and the Roots of Insurgencies

Regional rivalries are common phenomena in Africa. Take for example Uganda's over engagement in South Sudan's politics which could lead to conflict with Khartoum. (Borchgrevink& Lie), 2009, posit that Ethiopia being an influential IGAD member, echoed calls that Uganda withdraws her forces from South Sudan. On the other hand, Uganda maintains that she will not act for as long as her forces are needed by SalvarKiir's government. Kenya shares Ugandan concerns that South Sudan's prolonged instability could damage its lucrative trade with Juba and lead to an influx of refugees within her borders.[129]

4.4 Colonialism's Impact on Kenya's Security System

The colonization of Kenya influenced security in many various aspects. Importantly, the major features of colonization that influenced security in Kenya are examined and include land alienation, ethnic polarization, oblique economic development, and an authoritative administrative structure[130]. The argument at hand is that these features were a creation of the colonial government to serve their interests but were later advanced by the ruling regimes for political survival[131]. In Africa and particularly in Kenya during the pre-colonial era, land was held in high esteem given that its inhabitants believed their ancestors gave it to them. Basically, it was the main factor of production and considered a major source of livelihood. With time, due to increased population especially in Rift Valley, Central

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[129] UN OCHA, 30January 2014; South Sudan Crisis, SITREP as of 30 January 2014, Report No.15

"[130] Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright

[131] Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright"

Highlands and in Western Kenya, land gradually changed from communal to private within the family units.

According to Ndege (2009), communities such as the Maasai and the Samburu practiced pastoralism. The Agikuyu and the MijiKenda developed agricultural economies. A clear majority including the Abagusii and the Luo adapted themselves to a mixture of crop cultivation and livestock keeping. Communities like the Ogiek for example thrived on hunting and gathering. When the colonialists started displacing these communities from their lands, their source of livelihood was disrupted. Due to this alienation, a majority of Kenyans lost their land. According to (Njogu, 2010), approximately 8 million acres was curved out by the British colonialists. Consequently, many communities mainly in Central Kenya and the Rift Valley among others lost their land.

Smith (2005) argues that land was the main debate during the colonial era. Land being an emotive subject, the KAU used it to stress to importance of Kenyans taking back their land from the Europeans. However, he states that with the exit of Europeans, all hell broke loose with land being left at the mercy of willing buyer- willing seller policy, leaving many poor people landless. Smith (2005) posits that Kenya disintegrated into ethnic discontent that later bore ethnic hate.

According to Kanyinga (2000), Kenya's land question and the subsequent negative ethnicity has its roots in the colonial situation. Given that the Land Tenure systems in pre-colonial Kenya varied from one community to another and were influenced by several factors like climatic conditions, the land alienation that occurred during this period cut most

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communities from the frontiers through which they adapted to land shortages. Kanyinga (2000) argues that the imposition of new forms of administrative authorities and the subsequent concentration of powers in the sector of indirect rule, mostly chiefs, undermined the customary structures of land administration.

Kanyinga (2000) argues that in 1963, when Kenya got its independence there existed no resolution whatsoever of the Land Question. However, there were obvious divisions between KANU and KADU surrounding the resettlement schemes and the land buying programm in the White Highlands. However, intra-party conflicts prevented the leaders from articulating the Land Question. He argues that KADU was opposed to "accumulation from above" that saw many Kenyans become economically marginalized as the loyalists pursued a capitalist route, including private accumulation of land. Further, Kanyinga (2000) posits that the resettlement schemes provided avenues for inter-ethnic conflicts. These conflicts had their source in the amount of land apportioned to the people of Kikuyu descent in the eastern part of Rift Valley and elsewhere. The land question has therefore been a security issue in Kenya, and this vividly came out in the 2007-2008 postelection violence as will be analyzed later in this study[132].

The second feature of colonialism was the emphasis on ethnic distinction which culminated into ethnic polarization. This was a divide and rule policy meant to create a rift among

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"[132] Smith, D (2005):Kenya, The Kikuyu and the Mau Mau, Mawenzi Books, Swansmore

Kenyans (Branch, 2014). The colonial administration created districts with distinct ethnic identities. Consequently, ethnic identity became an essential attribute of the colonial experience. According to Branch (2014), ethnicity formed the basic framework for African political activity as the colonial states continued practicing the divide and rule strategy through the creation of ethnically distinct locations and districts. Ethnic identity was based on differentiation based on language. Negative ethnicity therefore got lodged in the administrative system and would later influence Kenya's politics decades after independence[133]. Kenya's ethnic communities were socialized to believe in their differences hence remain isolated and view one other with suspicion[134].

The system introduced the *Kipande* system which was an identity card for Africans with the name of the card holder inscribed in it. This ethnic consciousness led to divisions among various ethnic communities in following three ways. Firstly, the colonialists formed certain stereotypes about certain ethnic groups. For example, Shinn (2003), posits that the colonialists saw certain ethnic groups as greedy, lazy and impatient. This kind of stereotyping determined several things for example, economic opportunities, and access to government jobs and military service. Inter-ethnic enmity was therefore created thanks to the consciousness of tribes. Negative ethnicity is still embedded in Kenya's national fabric, tainting it and becoming a threat to security.

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[133] David H. Shinn, "Terrorism in East Africa and the Horn‖ Journal of Conflict Studies
[134] David H. Shinn, "Terrorism in East Africa and the Horn‖ Journal of Conflict Studies"

The third is oblique economic development. Some communities were economically favored by the colonial regime hence leading to development of some regions and under development of other regions[135]. For example, infrastructural development was more developed in the areas where the white settlers occupied. These developments gave an upper hand to the ethnic communities that lived in these areas subsequently giving them higher chances for both economic and social advancement[136]. This conflictual relation became a security challenge particularly after independence undermining national security and leading to inertia of Kenya's economic advancement.

The fourth is the authoritative administrative structure of the colonial government. According to Makumi (2004), the colonial state had one main agenda: to maintain law and order, to defend and promote the political and economic interest of the colonizing state and to foster loyalty to the colonial authority. Ochieng & Ogot (1996), posit that the practice of the colonial administration was to impose violence through ruling with sheer indifference to the opinion of those governed. It was a system where rebels were silenced through detentions, exile or even extermination. This influenced the colonial government in power but on the flip side, influenced pro-independence nationalists in their quest for independence[137]. After independence, Kenya did not change much administratively. The newly formed state borrowed substantially from the features of the colonial government. For example, people like J.M Kariuki who spoke up about atrocities were silenced[138]. The colonial-style authoritative administrative structure was therefore carried forward to the

"[135] Makumi M. ed., African Regional Security in the Age of Globalization, Nairobi
[136] Makumi M. ed., African Regional Security in the Age of Globalization, Nairobi"
"[137] David H. Shinn, ―Terrorism in East Africa and the Horn‖ Journal of Conflict Studies
[138] Kanyinga K, "Re-Distribution from Above

new political regime. This authoritative structure put the rulers and the ruled on opposite sides, with each viewing the other as an enemy, hence undermining national cohesion and security. [139]

4.5 Kenya's Security Discourse

After attaining independence in 1963, the new government under Jomo Kenyatta had to formulate an appropriate foreign policy and identify machinery for managing its relations with other states in the international system[140]. During that time, a myriad of challenges faced Kenya. Initially, the major issues that the government was faced with were issues of building national cohesion between the various ethnic groups in Kenya, eliminating poverty and disease and building Kenya economically[141]. However, Kenya's external potential threats were diverse and it had to develop mechanisms of shielding these interests from external aggression. National security therefore was propelled at the top of the agenda because it was known to the leaders that without security sovereignty was at risk.

Kenya's foreign policy was pegged on certain principles. One of them is the principle of good neighborliness, non-alignment and Pan-Africanism. These policies focused on maintaining regional peace and stability. Pan-Africanism policies were focused on ending colonialism in Africa while non-alignment policy was focused on maintaining a neutral

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[139] Kanyinga, K.(2000): Re-Distribution from Above: The Politics of Land Rights and Squatting in Coastal Kenya, NordiskaAfrikainstitutet, Stockholm
[140] Daily Nation: 6th September 2012, 19th December (2014).
[141] Daily Nation: 6th September 2012, 19th December (2014)."

stance and not aligning with the two superpowers; USA and USSR (Awa, 2010). It can be argued that from independence, Kenya shunned territorial expansionist policies and sought for non-interference in other states' internal affairs and respect for territorial integrity. This was emphasized by President Kenyatta when he stated that: "We will covet no inch of our neighbor's territory. We will yield no inch of ours. We stand loyal to OAU and its solemn decision that all African states shall adhere to the boundaries inherited at independence."[142].

Following the exponential growth in Kenya's population in the 1960's and 1970's, Kenya faced serious setbacks. First, the 1982 coup attempt to overthrow President Moi negatively impacted Kenya's investment climate and tourism[143]. Secondly, international recession at the time lowered production and plunged the state into serious financial crisis. This was depicted in budgetary shortfalls leading to indebtedness. Unemployment on the other hand, soared consequently increasing poverty levels crime rate and insecurity[144]. After the coup, there was latent discontentment. Despondency gripped Kenya in the early years of the Moi regime and the first signs of opposition to the political establishment began to emerge. President Moi on the other hand, became increasingly paranoid because of the 1982 coup and consolidated appointments for his Kalenjin loyalists. This further entrenched resentment[145].

"[142] Makumi M. ed., African Regional Security in the Age of Globalization, Nairobi
[143] Kieyah, M., 2010
[144] Kieyah, M., 2010"
"[145] Chweya, P., 2004

Secondly, the impact of the end of Cold War came with several security challenges. After the cold war in the late 1980's, African states were neglected by the USA, which was the super power[146]. At the time, the discourse shifted from promotion of ideology to promotion of democracy. As part of a global agenda, pro-democratic movements spearheaded violent demonstrations which threatened Kenya's internal security[147]. For the first time since attaining independence, the state realized the power of the masses in pushing for agendas through violence. The government soon caved in and introduced a multi-party system of governance, which was a great milestone to the achievement of democratic politics. [148]

The security problem in Somalia threatened Kenya's internal security and with the collapse of the EAC, Kenya's vulnerability increased since she lacked neighbors to assist in case the Somalia conflict spilled over[149]. In Uganda, political instability had made the security situation volatile. The crisis in Uganda was further reflected with the over-throw of Milton Obote in 1985 by General Tito Okello (Branch, 2014).

Consequently, Kenya hosted thousands of refugees who fled out of Uganda. Kenya's national security was thus threatened by Uganda's political instability in the following ways. First, the conflict could have easily spilt in Kenya. Secondly, the influx of refugees from Uganda created a security challenge since there was bound to be proliferation of small arms into Kenya, leading to crime[150]. In 1987, tension between Kenya and Uganda

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[146] Aronson, S. L., ―United States aid to Kenya
[147] Aronson, S. L., ―United States aid to Kenya
[148] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda. Brooklyn Journal of International Law. Vol.42. No.2.
[149] Daniel Branch, ―Violence, decolonization and the Cold War in Kenya's North"
"[150] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda.

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heightened with the expulsion of Uganda High Commissioner, Charles Katungi and his deputy. Kenya had felt that her sovereignty was being undermined by Uganda and Libya when media report emerged accusing Uganda and Libya for training dissidents to destabilize the Kenya's government[151].

Following Mzee Kenyatta's death, Moi took over power against the wishes of the ruling elite. President Moi had been dismissed by his critics as a 'passing cloud' and his toppling was anticipated soon after he came to power. However, this only came to pass 24 years later. According to Ndege (2009), the term 'nyayo' was coined by Moi to mean that he would follow in Mzee Kenyatta's footsteps. The first challenges experienced by the Moi regime were economical in nature.

4.6 National Security and Economy

Kenya's national security was impacted by economic dependence on the colonial masters. Even though Kenya was free from direct colonial domination, she still grappled with neocolonialism. Here, the colonialists subtly controlled the political, economic and social spheres. Therefore, Kenya still found herself entangled by colonialists (Gakuru, 2007). Her administrative structures of government, national language and economic base were still largely colonial. This brought about dependency since Kenya was not economically independent. Njogu (2010), states that Kenya's economy depended on exported raw

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[151] Rossi, C. R. (2016). The Migingo Island Dispute between Kenya and Uganda."

materials and foreign capital inflow. Importantly, a big chunk of industries were foreign owned, making the colonialists the major owners of the economy. This occurrence came about because at the time Kenya attained her independence, she lacked the technical skills requisite in achieving economic independence.

According to Gakuru (2007), even though Kenya's annual average growth was 6.6%, she remained dependent on colonial masters.

For decades, Kenya has been battling with poverty because of unemployment. The youth are the ones who are greatly affected by unemployment and their numbers continue to escalate by the day. This has in-turn created a spill-over effect where scarcely available resources have been overstretched and competition for theses scarce resources have stiffened, leading to disharmony and ultimately insecurity[152].

Connected to economy is the land question, which has undermined national security. According to KoigiwaWamwere (2008),[153] land in Kenya has been a very contentious subject, sparking heated arguments and eliciting different emotions and reactions from the Kenyan people. Seeds of discord among Kenyans regarding land, were sowed mainly after independence. This is because most of the land that had been owned by the white settlers was redistributed by the government, some of it was pocketed by powerful individuals in the new government and some of it sold to the rich elite[154].

"[152] Smith, D (2005): Kenya, the Kikuyu and the Mau Mau, Mawenzi Books, Swans more
[153] Koigi wa Wamwere. (2008):Towards Genocide in Kenya:The Curse of Negative Ethnicity, MvuleAfrica Publishers, Nairobi"

"[154] Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright

This left many people especially in Central Kenya landless.

In the Rift Valley, part of this land was given to immigrants, leading to land conflicts between the immigrant and indigenous groups. The same scenario was evident in the Coastal region and even in the informal settlements around Nairobi[155]. The subject of land in Kenya has been greatly politicized. However, it is the root cause of negative ethnicity in Kenya. Lack of conclusively addressing land issues has led to ethnic hate lying dormant in the hearts of many Kenyans, finally leading to the 2007-2008 postelection violence which was one of the greatest threats to Kenya's national security.

4.7 National Security and Negative Ethnicity

According to Ndege (2009), during the colonial period, ethnic uprisings emerged. Kenyans did not fight for independence as a single bloc. Associations such as the Kikuyu Central Association, Taita Hills Association and so on emerged, with each ethnic group presenting its own grievances. Nationalism at this point was at the brink of breaking. The
Kenya National Commission of Human Rights (2012) posits that the post 1945 nationalist struggles were because of ethnic awareness. For example, one group consisting of the minority ethnic groups like the Luhya, Kalenjin and coastal tribes came together, advocating for federalism. On the other hand, the majority group- Luo and Kikuyu advocated for nationalism. It is therefore clear that inequalities had started to arise during

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[155] Ndege P. O., Colonialism and its Legacies in Kenya, Lecture delivered during Fulbright"

this period. These inequalities became more evident during the post- colonial era. (KNCHR, 2012).

According to KoigiwaWamwere (2008), every day, communities in Kenya compete for resources that are scarce, outside what is demanded by the rules of equality, merit and justice. Since the competition is cut-throat, people become hostile towards one another. KoigiwaWamwere (2008), posits that for a long time, Kenya has denied the existence of negative ethnicity yet it eats into the very fabric of peace and harmony. He adds that inequitable distribution of mainly land is the root cause of ethnic hate directed at the successful Kikuyus. KoigiwaWamwere (2008), argues that after independence, capitalism was opted for by the Government including other ethnic elite leaders supported by the West. However, since ethnic elites did not share the spoils of African capitalism equally, Kenyans embraced ethnic hate as the ideology of their ethnic struggles against one another for profits.

KoigiwaWamwere (2008), argues that the various ethnic leaders after independence were both victims and propagators of negative ethnicity. In fact, he states that after independence, Kenya was divided into two ethnic camps. The Luo-Kikuyu alliance in KANU and KADU led smaller communities like the Giriama. KoigiwaWamwere (2008), adds that perpetuation of negative ethnicity in post-colonial Kenya cannot be blamed solely on the leadership then, but must be blamed also on the capitalist allure in the minds of the elite of every ethnic group. KoigiwaWamwere (2008), states that as a man-eat-man system, capitalism must oppress and divide its victims. Capitalism uses negative ethnicity to divide the poor of all communities. Kieyah (2010), argues that negative

ethnicity is the greatest threat to Kenya's national security. Politicians have exacerbated the situation by fanning ethnic hate among Kenyans, hence leading to skirmishes. For example, the 2007-2008 post-election violence where majority of Kikuyus living in the Rift valley were forcibly ejected from their land by Kalenjins (Kieyah, 2010)[156].

CHAPTER FIVE

SUMMARY, CONCLUSIONS, RECOMMENDATIONS AND FINDINGS

5.1 INTRODUCTION

This chapter seeks to comprehensively analyze data in the study as well as offer a detailed analysis of the hypothesis. Addressing the issues of border security is a plausible approach for states that experience insecurity. A report by the Institute for Security Studies 2012, states that a Somali fundamentalist movement active from the late 1980's was reinforced by Somali's collapse in 1991[157].This plunged Somalia into civil war, with the international community intervening but this did not help much. Kenya on the other hand, has been desperately trying to protect her borders, efforts which have been termed at best as ineffective and at worst, counter-productive[158].The porous nature of the Kenya-Somalia border has led to violent conflicts in Kenya, economic decline due to terrorism attacks that cause the international community to issue travel directives to their citizens, leading to decline in the number of tourists visiting the country. Al-Shabaab militia has complicated

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[156] Kieyah, J. (2010): Ndung'u Report on Land Grabbing in Kenya: Legal and Economic Analysis,Kenya Institute for Public Policy Research and Analysis, Nairobi
[157] David H. Shinn, "Terrorism in East Africa and the Horn‖ Journal of Conflict Studies"
[158] David H. Shinn, "Terrorism in East Africa and the Horn‖ Journal of Conflict Studies

matters further. Given their cross-border presence and support network, the militia has managed to radicalize and recruit youth along the Kenya- Somalia border[159].

Security agencies have been put on high alert following terror attacks that have infiltrated Kenya's porous borders. However, these security-based agencies encounter numerous challenges. Some of these challenges include the fraught relations between Kenya and Somalia, with each state viewing the other with suspicion and this has impacted greatly on Kenya's security (Davis, 2007). Secondly, with Kenya's 'Operation Linda Nchi' initiative, youth radicalization in Kenya increased immensely, leading to questioning of the structural capacity of intelligence agencies in Kenya. Mogire & Agade, (2011) posit that aspects such as media revolution, globalization and technological development have impacted the management of the border framework. Somali's instability has impacted on the Kenya-Somalia mutual relations. Now more than ever, comprehensive planning is needed by Kenya to protect its borders. [160]

5.1 DEMOGRAPHICS

The researcher managed to obtain the following data from the European Union Emergency Trust Fund (EUTF) on the research carried out in the Gedo region of Somalia and Mandera County in Kenya.

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[159] David H. Shinn, "Terrorism in East Africa and the Horn‖ Journal of Conflict Studies
[160] Mogire,E., & Agade, K.M. ―Counter-terrorism in Kenya‖. A journal of contemporary African Studies 29(4) , 473 – 491, 2011."

Figure 2.5 Map shows the Mandera triangle along the Kenya-Somalia border

This map shows the Mandera triangle along the Kenya-Somalia border
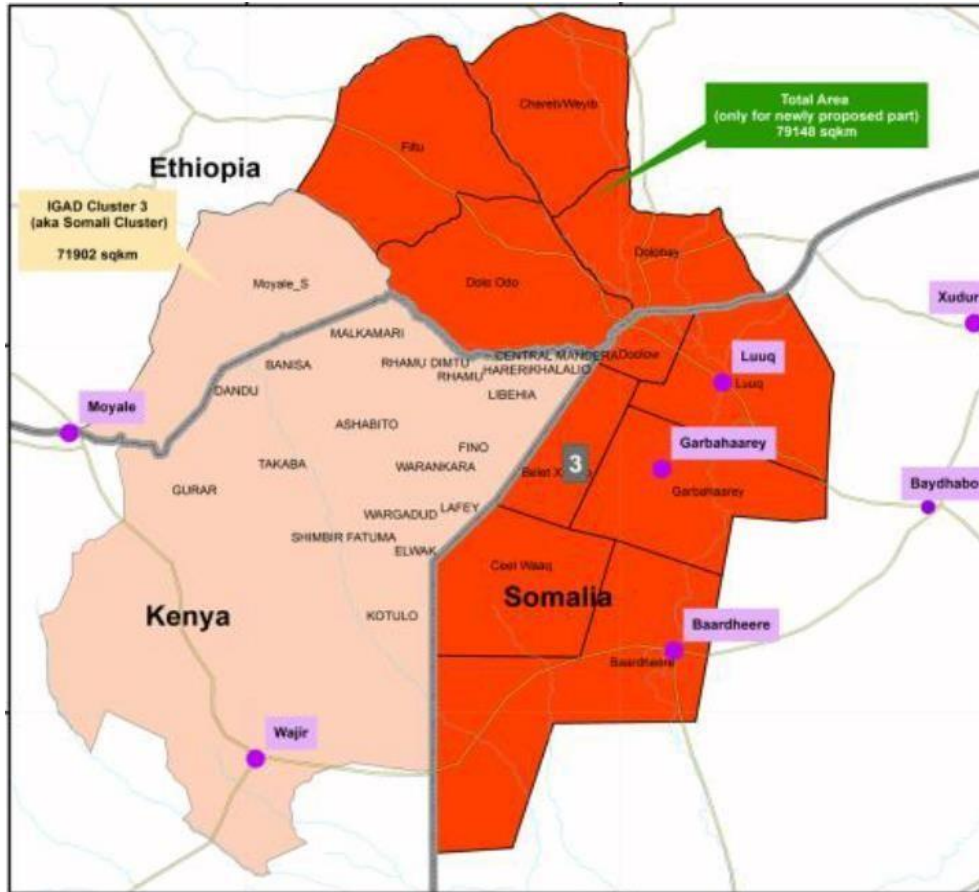
Source: *European Union Emergency Trust Fund August, 2016*

Size and Location

Gedo, Somalia- borders by Mandera County on the West. This region is made up of six

districts.

Mandera County, Kenya – borders Gedo to the East. Its made up of sic constituencies and

has a total area of 26,474 sq. kilometers.

Population

Gedo, Somalia- 328,378

Mandera County, Kenya- 1,025,000

Ethnic composition

Gedo, Somalia- The dominant clan is the Marehan and others are the Ogaden, Rahanweyn, Harti and other Bantus.

Mandera County, Kenya- Dominated by the Murulle, Degodia and Garre clans. The nonSomalis who reside in this region found in urban settlements and are either in the civil service, education, health or police. They reside in Mandera temporarily for employment purposes.

Shared infrastructure

One of the most recent developments in the two areas under study is the increase of border settlements on the Kenya- Somalia border, leading to cross-border settlements.

The Mandera Triangle is the most notorious region as it provides a corridor for population movement in search of social services such as hospitals and schools[161]. The aspect of trade, mostly livestock trade also facilitates this cross-border movement. This has presented Kenya with a challenge in terms of Al-Shabaab's entry into Kenya, hence posing a great security risk.

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[161] amnesty-zentral-ostafrika.de

Social connections

Given that the Mandera Triangle is convergence point for most Somali clans, clan territorial claims have resulted in disputes. This has made the area vulnerable to clashes over land and water resources. This has been worsened by competition for political power in Gedo, Somalia and Mandera County. Most of the clans in Mandera County have connections with clans in the Gedo region of Somalia. These clan dynamics provide a deeper context to cross-border relations.

Border points

There are only three (3) official border points along the Kenya-Somalia border namely; Damasa, El-Wak and BeledHawa.

The other border points between Gedo and Mandera are porous and many people of Somali origin cross illegally. Even though harmless products such as foodstuffs are passed through the porous borders, other harmful activities such as human and gun smuggling are some of the most illegal trades taking place along the borders (EUETF Report). Efforts to crack down on these illegal activities have failed due to interest from powerful entities who benefit from these activities and weak government capacity.

5.3 Kenya's Response to Territorial Threats to Its Borders

This study will test this hypothesis to establish whether the porous nature of the Kenya-Somalia border has impacted negatively on Kenya's security.

5.3.1 Hypothesis I – The Porous Nature of the Kenya-Somalia Border Has Impacted

Negatively on Kenya's Security

Population based Analytical Framework

Population- Gedo Somalia vs Mandera County

Gedo Somalia
24%
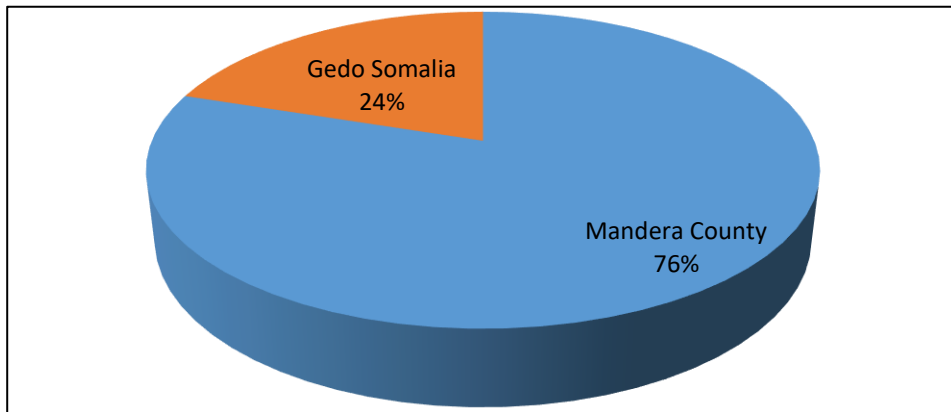
Mandera County
76%

Figure 3.5 population Gedo Somalia vs Mandera County

Source: *Author*

From the pie chart, it is evident that the population in Gedo Somalia is 24% (324,378) of the whole population of Mandera County and Gedo Somalia. On the other hand, the population in Mandera County is 76% (1,025,000) of the whole population. Given that the Somali people in this region share infrastructure and socialize with the Kenyan people in Mandera County, since most of them have clan connections, a lot of unrestricted movement is witnessed along the Mandera Triangle.

With a porous border and the undisputed presence of Islamic fundamentalists in Kenya, Somalia remains a big threat to Kenya's territorial integrity. According to Mogire& Agade (2011), Somalia plays a great role in Kenya's security deficiencies. Firstly, given Somalia's geographic location, it has the longest coastline in Africa therefore making it the closest African country closest to the Middle East. This automatically places it strategically to act as a transit hub for illegal items into Kenya. Notably, the perpetrators of the Mombasa attacks of 2002 transited from Somalia smuggling weapons into Kenya, through the porous Kenya-Somalia border[162]. Further, lack of border security enabled Fazul Abdullah Mohammed, a well-known East African fugitive, to move frequently between Kenya and Somalia. Fazul was killed in 2011 after clashing with Somali forces. Kenya's invasion into

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"[162] Mogire, E., & Agade, K.M. ―Counterterrorism in Kenya‖. A journal of contemporary African Studies 29(4), 473 – 491, 2011.

92

Somalia by the KDF worsened the tenuous relationship between Kenya and Somalia. This offensive tagged 'Operation Linda

Nchi'increased the trans-national violence directed at Kenya by Somalia. The AlShabaab and its sympathizers have conducted at least 50 retaliatory grenade attacks in Kenya killing hundreds[163]. Mandera has been most affected in Kenya in terms of insecurity and terror attacks owing to the porous border.

In mid-2013, Al-Shabaab re-organized itself as part of a strategy to wage insurgency in Mandera. Al-Shabaab military wing, Adan GararGedo region commander, orchestrated a strategy, whose effects were to be seen in November 2014, when the militia stopped a passenger bus heading to Nairobi from Mandera town along the Kenya-Somalia border shooting dead 28 non-muslims after forcing them to recite Quran verses[164].

The very next week, the militia targeted a quarry at Koromey, 15 kilometers from Mandera town and beheaded and shot dead 36 quarry workers all Kenyan nationals. The militia took responsibility for this attack stating that it was in retaliation to the Kenya's mosque operations conducted in Mombasa to smoke out Al-Shabaab members from the said mosques[165].

It is indeed clear that there has been introduced a new kind of ideologically inspired violence and is taking advantage of Mandera's exposure to Somalia's political events through cross-border trade and clan ties to entrench itself in Mandera. According to Wafula (2015), Al-Shabaab easily cross the Kenya-Somalia borders at El Wak, Rhamu and

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[163] David H. Shinn, "Terrorism in East Africa and the Horn‖ Journal of Conflict Studies
[164] Wafula, W., 2015"
"[165] Wafula, W., 2015

BeledHawa by bribing the border security officials. Corruption at the border is greatly undermining Kenya's security.[166]

Given that the Mandera Triangle hosts irregular immigrants, it provides access to regional hubs such as Nairobi for human and gun smuggling. Moreover, members of the Mehrehan clans have in recent years seen their population increase because of the highly contested political power in the region. People in Somalia have therefore sought and secured Kenyan citizenship by bribery to get registration documents. This has led to confusion as to who the real Kenyan citizens are. Some politicians from various clans have gone as far as importing clan members across the border to secure political seats. According to (Menkaus, 2015), trafficking and smuggling on the black market is estimated to have a value of $ 40 million. Most of these human smuggling is driven by Somali-out migration which overloads either in Kenya, Djibouti or Ethiopia[167]. These are just but transit routes to journeys whose destinations are either Europe, Saudi Arabia or North America. [168]

In 2015, 147 students of Garissa University in Kenya were murdered in cold blood by terrorists. This attack was carried out by the Al-Shabaab militia. They apparently crossed the Kenya-Somalia border illegally. According to the Horn of Africa Bulletin, (July-Aug 2012), the porous border that has led to terror attacks in Kenya by the Al-Shabaab, is worrying. Experts warn that it may culminate into Nigeria-style Boko Haram attacks that

[166] Mogire,E., & Agade, K.M. ―Counter-terrorism in Kenya‖. A journal of contemporary African Studies 29(4) , 473 – 491, 2011."

"[167] Menkhaus, M., 2015
[168] Borchgrevink, A. & Lie, J.H. (2009), Regional Conflicts and International Engagement in the Horn of Africa. Report of the Norwegian Institute of International Affairs.

target Christians. The fact that there has been growing concerns over the increased radicalization of the Kenyan Muslim population is making the situation much worse. This tendency has been linked to the infiltration of people of Somali origin through the Kenya-Somalia border. Forest (2011), posits that the Al-Shabaab has established cells mostly at the coast of Kenya and in the NFD region where it is busy recruiting and training Kenyans to join the militia. Additionally, the militia's attacks have led to the profiling of Kenyan Muslims who have been subjected to rigorous security checks. These developments have presented Kenya with a new security puzzle[169].

Apart from dealing with international terrorism, Kenya now finds itself dealing with taming a budding breed of domestic terrorism. To resolve this problem, Kenya would have to deal with it from a multifaceted angle, ranging from eliminating Somalia's threat, coming up with an anti-terrorism policy and addressing the grievances of the Kenyan Muslim community who have been mishandled. All these efforts will be aimed at not only thwarting global terror but also pulling the plug on home-grown terrorism[170].

Kenya has dealt with high costs of international trade brought about by piracy taking place off the Somali coast. The proceeds from these piracy activities are believed to be used to directly or indirectly fund the Al-Shabaab militia. Across the Kenyan border, the militia was reigning havoc in Kenya[171]. It launched attacks across the border in Garissa and Wajir. Worse still, they were kidnapping tourists and aid workers in Kenya and demanding ransom

[169] David H. Shinn, "Terrorism in East Africa and the Horn‖ Journal of Conflict Studies"
"[170] David H. Shinn, "Terrorism in East Africa and the Horn‖ Journal of Conflict Studies
[171] Njoroge, N., 2015

from them. Due to this growing insecurity in Kenya, the US and UK imposed travel bans on its citizens which ultimately undermined Kenya's tourism industry which is the backbone of the country's economy, constituting 40% of her economy[172].

Insecurity and terror attacks are spreading rapidly across the country, hitting major town like Nairobi and Mombasa. Some of these attacks involve grenades being hurled at churches, provoking condemnation from the civil society. These attacks have been linked to the bloated Somali population illegally in Kenya and Al-Shabaab's widening net in Kenya, luring youth and taking advantage of their vulnerability by recruiting them into the militia. This is attributed to the high levels of unemployment with a high population of frustrated youth. According to Wafula (2015), the Al-Shabaab militia has thrived in Kenya because of poor border surveillance and inefficient law enforcement units.

Based on the descriptive analysis sourced from scholarly publications and journals, this study having tested hypothesis I, concludes that; the porous nature of the Kenya-Somalia border has impacted negatively on Kenya's security. [173]

[172] Njoroge, N., 2015"

"[173] Report of the Monitoring Group on Somalia and Eritrea, Kenyan military intelligence document cited in pursuant to Security Council resolution 2002 (2011), UN doc.
S/2012/544,13th July 2012 pg225
http://studies.aljazeera.net/en/reportshttp://theglobalobservatory.org/2015/04/garrisa-kenya-al-shabab-westgatehttp://www.whitehouse.gov/news/releases/2002/01/200220129-
11.htmlhttp://www.unhcr.org/refworld/docid/42ae982b0.html.
http://bigstory.ap.org/article/police-gunmen-attack-univeristy-eastern-kenya

5.3.2 Hypothesis II – Kenya has effectively responded to her Border Territorial Threats

This study will test this hypothesis to establish whether Kenya has effectively responded to her border territorial threats.

Cross-border movement of people in search of greener pastures has put great pressure on border control systems[174]. Due to these realities, African states are pressured to established effective border management systems that increase joint enforcement and surveillance efforts, minimize border tensions, decrease organized crime by syndicates and secure the free movement of both goods and people in the spirit of regional and continental integration[175]. According to Onuoha (2013), border management is an expression of a state's national security. If a state fails to manage its borders, it could undermine both its domestic and international legitimacies. In other words, a state's legitimacy depends on its border management. According to Article 1 of the Montevideo Convention of 1933, the criteria for identification of a state is based on: a permanent population, government, defined territory and capacity to enter into relations with other states.

Analytical Framework based on African borders

Figure 4.5 Analytical Framework based on African borders

Borders	Demarcation	Porosity

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[174] Onuoha, O., 2013
[175] Njoroge, N., 2015"

There are 109 borders in Africa approximately 28,000 miles	Less than 25% of borders in Africa are demarcated	Highly porous. Only 20% are less porous due to 27 national parks and game reserves along them

Source: *African Development Bank and the World Bank, 2011*

Given the analysis above, African borders are highly porous. Apart from drugs, weapons and contrabands gaining access through the porous borders, rebel groups have also found an entry point, for example, the LRA of Uganda have skillfully used porous borders to their advantage for the past twenty years and hence evaded military action. Therefore, insecure borders have contributed immensely to severe security threats such as incursion, insurrection and terrorist activities.

Njoroge (2015), posits that the Kenya- Somalia border was officially closed on 3 January 2007. This is because the Kenyan government cited security concerns related to the possibility that illegal immigrants may enter Kenya. The border closure was also a reflection of the long-term frustration of the Kenyan government at the inadequate international support given to her and the lack of any prospects of permanent solutions for the over 200,000 Somali refugees in Kenya. Since the closure of the border, armed groups opposed to the TFG in Somalia expanded their control over Somalia that is inclusive of the regions bordering Kenya. Armed groups, particularly Al-Shabab, also threatened to launch attacks on Kenya if it continued to support the TFG.

Analytical Framework based on Kenya's Territorial threats related to Al-Shabaab

Figure 5.5 The Kenya Police Service Annual Crime Report, 2014

County	No. of incidents	No. of deaths	No. of those injured
Nairobi	8	24	39
Garissa	12	6	39
Mombasa	6	9	41
Mandera	12	64	22

Source: *The Kenya Police Service Annual Crime Report, 2014*

Figure 6.5 Graphs Showing Number of Causalities

99
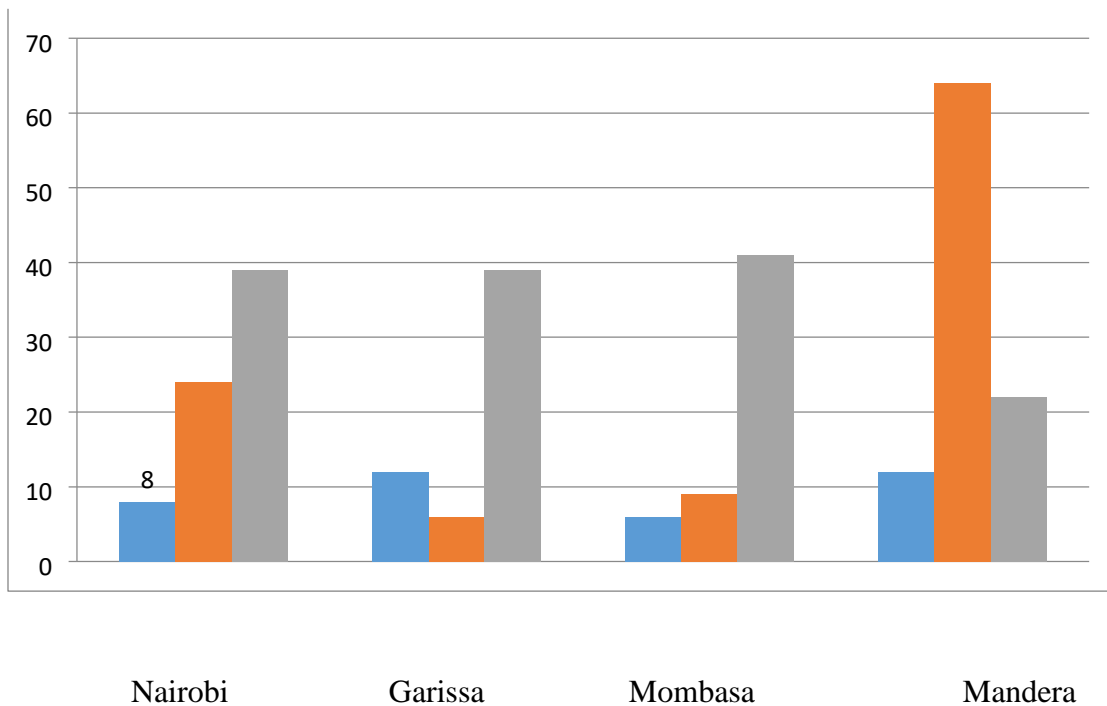
No. of incidents

No. of deaths

No. of those injured

Source: *Author*

From Figure 1.5, it is clear that Mandera has the highest number of casualties in terms of

Kenya's territorial threats related to Al-Shabaab. That is, 64 followed by Nairobi's

24.Somali armed groups have made numerous incursions on Kenyan territory by

kidnapping people in Kenya and taking them to Somalia. These people include tourists

visiting Kenya. This has made the border areas extremely insecure. In response to these

attacks, the Kenyan government has progressively increased its military presence along the

border. However, closing the border has however done little to minimize the flow of

asylum-seekers into Kenya. According to Amnesty International (2010), Kenya's security

concerns regarding Somalia's armed groups are legitimate, and that Kenya has the right to

protect its territorial integrity. However, this duty does not mitigate the human rights

obligations of the Kenyan government, including the duty to protect the human rights of

the Somali asylum-seekers.

According to Amnesty International (2010), the border closure has not prevented thousands

of Somali asylum-seekers from crossing into Kenya. They continually pour across the

border, they are no longer registered or put through security or health screening as most

bribe their way into Kenya.

According to Pape (2003), the most effective way to reduce terrorism in a given country is to reduce the terrorists' confidence in their ability to undertake attacks against a target population. Pape concludes that states which face persistent terrorist attacks like Kenya need to invest significant resources in border defense rather than relying on military offensives. It is unclear whether Kenyan policy makers were influenced by, Pape's research when they sanctioned the construction of a border wall with Somalia. The underlying assumption was that this wall would prevent terrorists from reaching Kenya from Somalia. The attacks at Garissa University took place against a backdrop of a series of Al-Shabaab terrorist attacks that have targeted Kenya since 2008[176]. Kenya has faced more than 200 attacks at the hands of the Al-Shabaab militia in places ranging from Nairobi and Mombasa to the small towns like Mpeketoni and a quarry outside the town of Mandera[177].

Notably, the Kenyan government responded to the attack on Garissa University with lackluster and it therefore became shambolic. A day prior to the attack, the British government issued a travel advisory to its citizens advising them against travelling to Garissa among other counties. These warnings were rubbished by the Kenyan authorities.

This response was similar to the confusion and mayhem that accompanied the Westgate Mall in Nairobi in September 2013 where for gunmen apparently kept hundreds of Kenyan police and soldiers at bay for 4 days taking their time just relaxing and 'praying', while the other security agents looted the mall. 67 died in the attack. Kenya continues to

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[176] Pate et.al, K., 2015
[177] Pate et.al, K., 2015

take security matters as a public relations exercise, ever reacting after terror attacks instead of putting deterrence measures[178].

According to Kenyan media reports, it took the country's paramilitary unit approximately seven hours to reach Garissa from their base in Nairobi. By the time of their arrival, majority of the students held hostage by the militia had already been murdered[179]. The Kenyan response was marked by an almost utter lack of security preparedness, professionalism and capacity. To say the least, Kenyan authorities were caught flat-footed. When reports emerged after a few days following the massacre that a police air wing boss used a police plane Cessna 208 B, to fly his family back to Nairobi from holiday in a plane that was to be used in the Garissa rescue mission, Kenyans were outraged[180]. In the face of criticism, President Uhuru Kenyatta's government scrambled to effectively blunt criticism by directing the KDF to bomb Al-
Shabaab camps in Somalia. Kenya's response to territorial threats can be best described as reactive rather than proactive.

Kenya's decision to construct a wall can be supported by other states in the world who have done the same. For example, the Great Wall of China was built to stop the "barbarians" from accessing the Middle Kingdom. On the other hand, the Berlin Wall was built to separate East Germans from West Germans[181]. However, critics state that walls are just but

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178 Onuoha, O., 2013
179 Cummings, K., 2015
180 Njoroge, N., 2015
181 Wafula, W., 2015

symbolic constructs that have a psychological component. Further, they present an unnatural blockade to trade and communication. Critics further state that building walls is extremely expensive to construct and to maintain. The U.S. government estimates that the Mexican border will cost US$20 million per mile over the wall's 20-year life span. According to Wafula (2015), the proposed Kenya-Somalia border wall may cost as much as $2 million, per kilometer. This sum is unsustainable given the deficiency of currency reserves and poor tax collection practices[182]. Therefore, the efficacy of the border wall is not guaranteed.

For Kenya to resolve its border issues effectively, she must adopt an inclusive crossborder migration rather than the isolated policy action at the national or sub-national levels. It is therefore important to forge strategic alliances at the regional level to support the development of integrated approaches via regional platforms for dialogue and implementation[183].

Figure 7.5
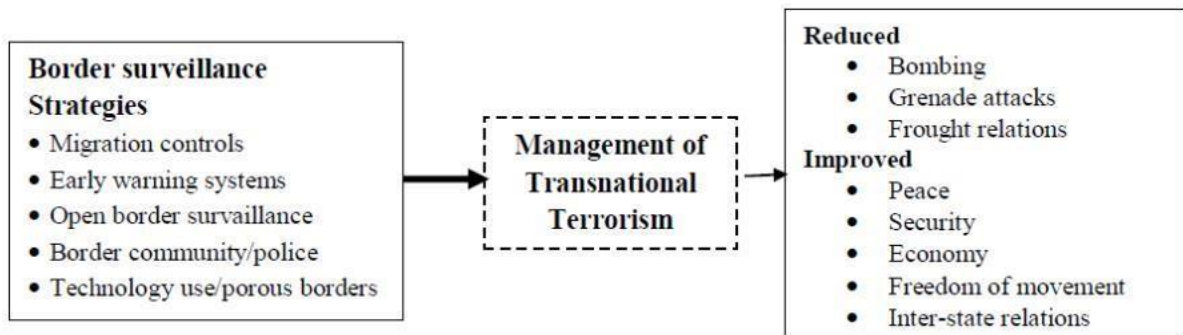
Source: *Journal of Terrorism Research, 2016*

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[182] Njoroge, N., 2015
"[183] Rozemarijn, R.,2013

According to figure 7.5, Lamptey (2010) argues that despite the challenges and threats that border insecurity poses, there is lack of a common approach with regard to policy formulation, at the national and sub-regional levels. The primary responsibility for managing borders rests with states, and they have no choice but to establish policies required to maintain national sovereignty and protect its citizens.

Conclusively, on hypothesis II, this study has established that Kenya's has not effectively responded to its border territorial threats as she is hampered in terms of capacity, professionalism and preparedness. [184]

5.3.3 SUMMARY

Kenya's national security is of paramount importance to the state, citizens and noncitizens living in the country. The Kenyan government has a responsibility to protect her citizens from insecurity and protect its borders from territorial threats. Nyakairu (2010), posits that Kenya's foreign policy strategists need to formulate policies that go hand in hand with favorable long term interests of the state. Like in most states, the process of national security formulation, notably the US whose documented processes and structures are documented in most literature, involves the interaction between the state, people and

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[184] Aronson, S. L., ―United States aid to Kenya: A study on regional security and counterterrorism assistance before and after 9/11‖, African journal of criminology and justice studies 5 (1), 119 – 126, 2012."

organizations whose varied interests are often, representative of the challenges encountered in policy formulation. Minimizing these interests is part of the strategy in the recommendations suggested.

The premise upon which these findings, conclusions and recommendations are made is on the appreciation that it is not possible for any state to fully protect its citizens from external aggression and thus safeguard its territorial integrity. No single state has achieved ultimate protection of its citizens and it would be naïve to imagine that there is a template for fully safeguarding a state's territorial integrity. Given the anarchic nature of the international system and man's unpredictable nature, insecurity both at the human and state levels will continue existing. Therefore, it should be appreciated that formulation of national security policy will only control or minimize insecurity but not eliminate it.

First, the study found that the porous Kenya-Somalia border has contributed immensely to the insecurity facing Kenya. The Al-Shabaab attacks have been linked to the bloated Somali population illegally in Kenya and Al-Shabaab's widening net in Kenya, luring youth and taking advantage of their vulnerability by recruiting them into the militia. This is due to the high levels of unemployment with a high population of frustrated youth. Therefore, this study approves hypothesis I and concludes that; the porous nature of the

Kenya-Somalia border has impacted negatively on Kenya's security.

 Secondly, the study found that Kenya's response to its border territorial threats is reactive rather than proactive. This has been explained using examples of Kenya's slow response

to the Garissa University attack, the Mpeketoni, Mandera attacks and the Westgate Mall attack that took 4 days to end.

5.3.4 CONCLUSIONS

Firstly, this study gives a background of the principle of territorial integrity as a determinant of Kenya's national security policy 2002-2016. In this chapter, the problem of the statement, general objective, specific objectives, research questions, and hypotheses, justification of the study and scope of the study are discussed. Basically, this chapter lays the foundation for the study.

Secondly, the various perspectives of authors on territorial integrity and national security using the deductive approach is explained. Based on analysis of the research questions. One theory, neorealism is used in justifying Kenya's decisions in her response to territorial threats, stating that Somalia's incursion by Kenya was a rational strategy meant to maximize her prospects for survival.

Thirdly, the methodology of this study is outlined. The data collected is secondary data obtained from scholarly publications, the internet, newspapers, journals, unclassified government publications, libraries and review articles. The analysis is qualitative since the data collected was secondary in nature and thus is descriptive in nature. The research is based on qualitative method of analysis firstly, because it enables the researcher to investigate issues in an-depth way and allows the researcher to gain insight into what

other scholars have written on the research topic. This allows the researcher to examine the data's accuracy, making it reliable.

Fourth, an analysis of the two hypotheses is given namely; i) the porous nature of the Kenya-Somalia border has impacted negatively on Kenya's security ii) Kenya has effectively responded to her border territorial threats. This study tested hypothesis I and established that indeed, the porous nature of the Kenya-Somalia border has impacted negatively on Kenya's security. Hypothesis II was also tested. This study established that Kenya has not effectively responded to her border territorial threats.

Fifth, a summary of the study is given and a conclusion that Kenya must channel a substantial amount of resources towards its border surveillance which is critical in the management of transnational terrorism.

In conclusion therefore, Kenya must channel a substantial amount of resources towards its border surveillance. This is critical in the management of transnational terrorism. There are inconsistencies in homeland security border management with technology adoption in the Kenya-Somalia border. This reflects the state's capacity to monitor and address cases of corruption and illegal smuggling of goods. Moreover, inter-state and local cooperation under border patrol units is still a challenge. Indicators of unlawful presence of foreign nationals and illegal border crossing indicate that there exist gaps in the states' efforts to ensure effective open border patrol strategies.

Therefore, the porosity of the Kenya-Somalia border mixed with corruption points to the challenge of intensifying stringent migration controls in terms of travel documents which

have been blamed for the Al-Shabaab attacks in Kenya and Somalia. This study established that Kenya's strategy of constructing a wall along parts of Somalia border is not a sustainable option a in the management of transnational terrorism. A clear border management system should therefore be put in place.

5.3.5 RECOMMENDATIONS

This study's recommendations are made with the realization that it is not realistically possible to achieve 100 percent security. Therefore, these recommendations are geared towards achieving; i) a reduction in general insecurity ii) a broader framework for policy formulation to achieve a more comprehensive national security policy iii) a more proactive policy.

First, this study recommends that Border Control Technological Capacity be enhanced. This can be achieved through appropriate technologies to sea, land, and air cross-border movements. Therefore, both governments should fund and support the development of security technologies. One strategy would involve establishing superior technological systems with instant access to GPS and GIS information along the borders in order to allow security agents to have a wireless access to information.

Secondly, Kenya needs to streamline migration controls. This study established gaps in migration controls across the Kenya-Somalia border points. In order to ensure effective migration controls, the Kenyan governments should empower law enforcements to monitor and assess security situations using well equipped early warning systems. This can be

realized through using biometric travel documents with the goal of preventing identity fraud. Moreover, Kenya should exercise stringent measures to eliminate corruption in issuing secure travel documents.

Thirdly, the Kenyan government should involve border communities in border security matters. If border communities are fully engaged in border management controls, this would improve border management. One strategy the government could employ would be for government and security agencies to partner with border communities to raise awareness and improve sharing of relevant information regarding border management and thus counter insecurity.

Diplomatic and conflict resolution mechanisms should also be employed in order to handle boarder issues. Both states should prioritize diplomatic negotiations and conflict resolution mechanisms to address border issues. Bilateral and multilateral negotiations, facilitated by neutral parties or international organizations, can lead to peaceful resolutions that respect territorial integrity and the rights of all parties involved.

It is critical to adhere to international legal frameworks that govern border activities. Despite the status of Somali in the international scene it is still a part and parcel of the international body because some of the events that happen there affect other member of the international community. For this reason it would be unwise to assume that international codes should not apply in this situation. States should engage with international courts, such as the International Court of Justice,

to seek legal resolutions when necessary, reinforcing the importance of the rule of law in international relations[185].

Regional cooperation also comes in handy when handling cross-border issues. Enhanced regional cooperation plays a vital role in resolving issues between states. States should engage in regional organizations and agreements that promote peaceful coexistence, border security, and dispute resolution. Regional entities can provide a platform for dialogue and conflict prevention. This can be made possible by us of existing regional communities and organizations such as the East Africa Community EAC. The joint effort of regional members can help to purse peaceful resolutions and foster a long-term mutual benefit relationship.

The role of peace keeping mission cannot be overlooked as well. From past experiences, peace keeping missions have proved to be effective especially when dealing with issues of insecurities between communities. Even as member state continue to pursue their individual interest between themselves, the presence of neutral peacekeepers can deter border-related conflicts and provide a conducive environment for diplomatic efforts. Peace keeping missions are essential as they bring as they are supported by the international community through financial assistance and deployment of extra security. While it has proved to be expensive in the long run, the peace keeping missions aid to bring stability in times of crisis as the states find an amicable lasting solution.

Addressing the root causes of border disputes often requires addressing socioeconomic disparities in border regions. Overtime it has become apparent that boarder disputes are sign of underlying issues with top of the issues being socioeconomic disparities. States and international organizations should invest in development initiatives that improve living conditions, create

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[185] ICJ

economic opportunities, and reduce the incentive for conflict over resources. The Intergovernmental Authority on Development IGAD is an example of a collaborative body that has been mandated for this motive[186]. By equipping and aiding such bodies in their mandate some of the underlying issues leading to conflict may be dealt with from the root level for good.

International mediation through bodies such as the UN can play a significant role in mediating cross boarder conflicts. States should be open to seeking the assistance of impartial mediators when resolving complex territorial issues. The UN as a crucial player in the international community should be given a chance by both nations to create a room for talks that a foster peaceful relations.

Building a culture of trust and transparency is also crucial in facilitating peaceful boarder relations. Issues of mistrusts between neighboring states may end up having catastrophic results due to development of mistrust between states. Trust is not easy to come by especially for already conflicting parties but it can always be nurtured through transparent relations. One of the places to start in confidence-building measures, is information sharing, joint patrols, and collaborative infrastructure projects. This measures can help reduce tensions and foster cooperation.

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[186] https://igad.int/

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7 APPENDICES

I am Mulusa Emmanuel Kisivuli, a Nairobi University student studying diplomacy and international relations. I am undertaking research on the idea that Kenya's national security strategy should be based on the principle of territorial integrity (2002-2019). Please spend a few minutes responding to the questionnaire's questions. I promise to keep your responses fully private and to use them solely for scholarly purposes. We sincerely thank you for helping to make this study possible.

Please sign below to signify your consent to participate in this study

Sign; ....   Date; Nov-12-2023

Participant: Daniel Mekay Mutitika

THANK YOU

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APPENDIX 1 QUESTIONNAIRE

Instructions: kindly complete the following questionnaire using the instruction provided for each setoff question tick appropriately

Confidentiality: the response you provide will be strictly confidential. No reference will be made to any individual or organization in the report of the study

SECTION A; GENERAL INFORMATION

Kindly answer all the questions to the best of knowledge

1. What is your education level?

{a} postgraduate {c} degree {e} certificate

{b} undergraduate {d} diploma {f} other

2. What is your background career?

{a} chief {c} civil servant {e} IT professional

{b} local merchants {d} journalism {f} other

3. How long have you lived in this area?

{a} less than a year {c} 1-3 years {e} 4-7 years

{b} 8-11 years {d} 12-20 years {f} over 20 years

SECTION; B GOVERNMENT PRACTISES

Using a scale of 1-5 where (1_ strongly, 2_agree, 3_neutral, 4_disagree 5_stronglydisagree) tick the value corresponding to your view of each statement as provided below.

PART; 1(COMMUNITY PARTICIPATION)

AWARENESS	1	2	3	4	5
Community awareness does not affect government performance on security issue					

Community awareness improves government performance on security issues					
Community awareness does not improve government performance in terms of security					
Community awareness influences local government performance on overall security					
Community awareness affects local government performance					
CAPACITY BUILDING Capacity building affects government performance on security concerns					
Capacity building influences local government performance locally on security concerns					
Capacity building helps improve local government performance					
Capacity building does not affect local government performance on border issues and security					
INCLUSIVITY Inclusivity helps improve county government performance					
Inclusivity does not affect government performance					
Inclusivity influences government performance					
Inclusivity affects government performance					

PART; 2 (LOCAL CONTROLL)

EFFICIENY	1	2	3	4	5

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Government staff efficiency accounts for government performance					
Government staff efficiency has no significant effect on the government					
Government staff efficiency influence government performance					
Staff efficiency has a significant effect on the government performance					
EFFECTIVNESS Effectiveness does not affect government performance					
Effectiveness of staff and local residence influences government					
Effectiveness influence government performance on security concerns					
Staff effectiveness has a significant effect in the government performance					
INTEGRITY Staff and local residents' integrity influence government performance					
Staff and local community integrity improves government performance					
Staff integrity does not affect government performance on the area Staff integrity has a significant effect on the government performance					
Staff integrity is a strategy for the government performance					

TECHNOLOGY Technology has a significant effect on government performance					
Technology influences the government performance					

Technology improves government performance					
Technology has no effect on the government performance					
Technology has no influence on the government performance					
CAPACITY Staff numbers influence government performance					
Staff experience does not affect the government performance on security concerns					
Staff capacity has no effect on the government performance					
Staff capacity has a significant effect on the government performance					
Staff capacity has no influence on the government performance					
SELF CONFIDENCE Self-reliance affects government performance on security concerns and policy formulation to combat security issues in the area					
Self-reliance has a significant effect on the government performance					
Self-reliance improves the government performance					
Self-reliance has no influence on the government performance					

SECTION C; GOVERNMENT PERFORMANCE

	1	2	3	4	5	
Population is happy with the government performance on the security concerns and policy formulation						
General economic improvement witnessed due to the security improvement in the areas has it influenced negatively or positively						
The government methods used in security has had an effect on its performance						
Government targets have been met in terms of security and issue on the policy formulation						
If changes in the sector of security and policy formulation is need						
Local response to the end product of the government efficiency on the local residence 0						

APPENDIX; 11 proposed research budget in Kenya shillings

Item	Total cost	
Proposal development		
Material	5,000	
Printing	6,000	
Photocopy	2,500	**13, 5000**
Data collection		
Material	6,000	
Printing	4,000	
Photocopying	1,500	**11,500**
Data analysis		
Material	4,000	
Printing	2,500	
Photocopy	1,000	**7,500**
Report compilation		
Printing	7,000	
Photocopying	3,000	**10,000**
Total	42,500	
Miscellaneous	3000	
Total cost	45,500	

APPENDIX; 111 Maps used in the research study

Somalia vs. Kenya
Maritime Boundary Dispute
Prior to ICJ Judgment of Oct 12, 2021

www.polgeonow.com

NM = nautical miles
(1 NM = 1.85 km)

Internal waters are fully controlled by their country, as if they were land.

KENYA

SOMALIA

Kismayo

Mombasa

12 NM

Territorial sea
Officially part of its country, but with certain guaranteed rights for foreign ships

The baselines used to define Kenya's internal waters and territorial sea are controversial, and are officially rejected by both Somalia and the United States.

TANZANIA EEZ

KENYA EEZ

SOMALIA EEZ

12 NM

What is an EEZ?
An "exclusive economic zone" is an area of sea where a country has full rights to regulate resources (e.g. oil, fish) even though the zone isn't technically part of any country.

"Grey Area": Kenya rejects Somalia's EEZ claim here, but claims only continental shelf rights for itself.

200 NM

Somalia claims this area of continental shelf, while Kenya considers it to be nobody's.

SOMALIA CONTINENTAL SHELF CLAIM

EEZ claimed by both Somalia and Kenya

Continental shelf claimed by both Somalia and Kenya

SEYCHELLES EEZ

Indian Ocean

The "Continental Shelf"
The Law of the Sea allows countries to claim EEZ-like rights to just the seafloor in certain areas beyond the EEZ that are connected to them geologically.

200 NM

TANZANIA CONTINENTAL SHELF CLAIM

KENYA CONTINENTAL SHELF CLAIM

Sources: ICJ, UN, CLCS, SovereignLimits, NaturalEarth, etc.

UNIVERSITY OF NAIROBI
College of Humanities and Social Sciences
Institute of Diplomacy and International Studies

October 29. 2020

TO WHOM IT MAY CONCERN

RE: EMNIANUEL MULUSA KISIVUL1 - R51/I0875/2018

'This is to confirm that the above-mentioned person is a bona fide student at the institute of diplomacy and International Studies (IDIS), University of' Nairobi pursuing a Master of Arts Degree in Diplomacy. He is working on a research project titled, "THE **PRINCIPLE** OF **TERRITORIAL INTEGRITY AS A DETERMINANT OF KENYA'9 NATIONAL SECURITY POLICY 2002-2016*.**

The research project is a requirement for students undertaking Masters programme at the university of Nairobi, those results will inform policy and learning.

Any assistance given to him to facilitate data collection for his research project will be highly appreciated.

Thank youinadvance for your consideration.

ria Nzomo.
Director, IDIS

Professor of international Relations and governance

REPUBLIC OF KENYA

NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY & INNOVATION

Ref No: 387866

Date of Issue: 23/November/2020

RESEARCH LICENSE

This is to Certify that Mr.. **Emmanuel mulusa Kisivuli** of University of Nairobi, has been licensed to conduct research in Garissa, Kajiado on the topic: **the principle of territorial integrity as a determinant of Kenya foreign policy 2002-2019** for the period ending : 23/November/2021.

License No: **NACOSTI/P/20/7792**

387866
Applicant Identification Number

Director General
NATIONAL COMMISSION FOR
SCIENCE,TECHNOLOGY &
INNOVATION

Verification QR Code

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