

# Emerging Regional Competition in the Horn of Africa and its Implication on Kenya – Somalia Territorial Threats

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**Abstract:** Emerging regional competition, in the Horn of Africa, between Kenya and Somalia directly affects diplomatic reciprocity of these two neighboring states. The red flag is raised by constant antagonism and regional partisan upsurges that tend to escalate into active armed confrontations. This study sought to establish key and emerging areas of regional competition between Kenya and Somalia and its influence on Kenya-Somalia territorial threats. The study adopted liberal and rational choice theories to underpin the theoretical discourse. This study utilized descriptive survey design. Foreign policy expert were purposively sampled for interviews. Thus interviews were the primary method of data collection. Previous published literature formed the sources of secondary data used to corroborate the findings. The study was conducted in Nairobi City County since it houses the Ministry of Foreign Affairs, the National Assembly of Kenya and Somalia embassy where approximated 55 participants and key informants in foreign policy formulation and analysis. The study's data collected was analyzed qualitatively. The findings indicated that emerging regional competition over power, resources, territories and war on terror has adverse effect on the territorial dispute between Somalia and Kenya. The discovery of blue-economy resource and emergency of new regional actors are responsible for the enhanced regional competition between the two countries. Moreover, the threats presented by this enhanced regional competition complicate the implementation of Kenya's five-decade foreign policy of good neighborliness that has contributed largely to the peaceful co-existence between Kenya and its neighbors.

**Key words:** foreign policy, good neighborliness, regional competition, territorial disputes, Kenya and Somalia.

## I. INTRODUCTION

Colonial legacy of artificial international frontiers is considered a major cause of interstate conflict in Africa. This is exacerbated by regional competition created by territorial threats and economic disarticulation policies enacted and implemented by colonial administrators and neo-colonialist. These factors among others have shaped the relation between many African states. Thrashing them to epochs of heightened conflicts and relative *detente*. As independent states in the Horn, Kenya and Somalia, have endured times of disputes as well as relative peace since the *annus merabilis* of independence in the early 1960s. The recent emerging regional competition over power, resources, territories and war on terror has had adverse effect on the Kenya reciprocal

relations between the two states amid the existing territorial disputes.

The standoff in bilateral relation has far reaching toll on mutual trade and cooperation. It further jeopardizes national security. Still, the severance of political ties among the two countries is a tip of the iceberg of the enhanced regional competition. The initial territorial dispute between Kenya and Somalia was over the control of vast land territory formerly called the Northern Frontier District of Kenya (NFD) which Somalia had laid claim due to historical and cultural factors. The NFD is home to many Somalia ethnic communities that share homogenous linguistic and cultural affinity with the Somali inhabiting the Federal Republic of Somalia. The ongoing dispute is occasioned by regional competition between the two states over control and use of the gas, tuna and oil rich maritime area in the Indian Ocean. This dispute was submitted and determined by the International Court of Justice (ICJ). A case in which Kenya outrightly failed to participate in the ICJ oral proceedings citing unjust and seeming prejudices by the ICJ and the Federal Republic of Somalia.

Nevertheless, the critical puzzle is: will the two nations meet the expense of an armed clash over their marine boundary in the Indian Ocean? Therefore, this paper seeks to submit areas of regional conflict between the two countries in length as well as submitting possible solutions that can be sought to evade armed confrontation among the two nations. This article also seeks to hold that neither of the two nations should stage armed encounter at the expense of the other as their fate is tied owing to the close proximity of the two nations. Any conflict between the two nations would have awful costs on their diplomatic, financial, political, safety, and socio-cultural dealings, which would destructively be resulting to a negative impression among other adjacent nations as wells.

*Overview of Regional Competition between Kenya and Somalia*

Kenya and Somalia are neighboring states linked by many factors. These include, pre and post-colonial histories, as well as the huge populations of ethnic Somali groupings living in both countries. These commonalities are sources of pride for both countries (Castagno, 1964) as well as source of regional competition. Traditionally, the dual claim by the two states

over the vast Northern Frontier District (NFD) was the major source of conflict. The contestation over NFD led to the Shifta War between 1963 and 1967. The underlying conflict that followed the signing of the Arusha accord in 1967 lasted until the early 1980s. When a related insecurity issue emerged. A period of relative peace and mutual foreign relations between the two states followed until the civil war broke out in Somalia in 1991. During the Somalia civil war, Kenya played a significant role in the Somali peace process. This went on well with the two states until the rise of Islamic fundamentalism and terrorist groupings in Somalia that threatened Kenya's internal security and other national interest.

Kenya responded to these threats through military intervention that saw troops cross international frontiers into Somalia. This was received with mixed reaction. On one hand the unilateral military intervention was welcome. On the other hand, it was opposed and christened foreign occupation and meddling of internal affairs of the Sovereign Federal State of Somalia. This intervention laid seeds of discords between Kenya and Somalia. A recent diplomatic discomfort over a rich oceanic boundary has recently emerged as sources of bilateral competition friction. Besides, the contestation between Kenya and Somalia is increasingly become tenuous with the entrance of other powers that have interests in the Horn of African countries. This is creating new dynamics in the conflict. The safety worries of these new players in the Horn of Africa have a significant impact on the peace and stability of the region. Power rivalries also play an important role. Kenya exercises economic hegemony in the region having emerged as economic hub after colonialism. Kenya also had relative advantage because she enjoyed peace while the neighboring states were engulfed in coup d' tats and civil wars (Young, 2012).

Somalia witnessed coup d'état in 1969. This was followed with autocratic regime of Siad Barre. Although Kenya enjoyed cordial diplomatic relations with Somalia under Barre's regime, there is no way to dismiss the relevance of Somalia's domestic policies and economic forces during this period especially in analyzing Kenya's security and diplomatic policy over Somalia and the entire Horn of Africa region. This mutual relation marked the beginning of cordial relations over the numerous regimes since 1991.

Kenya historically approached its relations with Somalia with a pragmatic mindset. It exercised the policy of good neighborliness and never directly interfered with the affairs of other states. The diplomatic affront during the Shifta war exemplified the implementation of these policies. Kenya's participation in the Somalia peace process following the ouster of Siad Barre was also a sign of Kenya's determination to enhance her foreign policy of good neighborliness.

Despite the cordial relations, Kenyan and Somali security forces have come face-to-face in the history of over fifty years of independence. The first encounter was during the Shifta War (1963-1967). Scholarly evidence has that the secessionist

movement were aided by Somalia forces. The second encounter was during the Kenya military intervention against the onslaught of Al-Shabaab in which factions of the Somalia Forces opposed to the intervention aided the Al-Shabaab attacks. The Al-Shabaab menace and piracy in the Indian Ocean and the Gulf of Eden have affected Kenya Somalia relations. Kenya-Somalia trade is further hampered by unregulated illegal fishing, and the deadly abandonment of waste, all of which have escalated in recent years. These recent dynamics have created regional competition and have influenced Kenya and Somalia's relationship over period of time. As result, the cordial relations between the two states are increasingly becoming hostile (Hyndman,1997).

It is argued that, the vast range of powers given to Somalia's central government might have caused friction between the two countries. State official differ on who should be in charge of the property that lies on a border dispute. Despite this, Somalia has been accused of a ruthless approach to exploiting the country's resources. In spite of the fact that the land is still contested, Kenya slammed Somalia for selling oil drilling rights off the coast of the country. Kenya's proclamation states that the Kenya-Somali border is either parallel to or aligned with Kenya's declaration's latitude in the country's south-eastern region. When the UN Boundary Commission was asked by the Republics to resolve their border disputes in 2009, they requested clemency. A mutually advantageous accord could only be reached through negotiations. When Kenya initiated an international criminal case against Somalia in 2014, it appears that Somalia was upset (Mutambo, 2021). This is an option for countries who have been unable to reach an agreement through regional or consensual negotiations. No progress had been made, Somali claimed, after repeated talks to discuss core causes of conflict.

#### *Statement of the Research Problem*

Kenya and Somalia have been in endless conflicts over time. The antagonistic tendencies have peppered efforts of negotiation; arbitration and mediation seek peaceful settlement of the disputes. These perennial disputes result in rise of violent attacks alongside the Kenya Somali border. The risks of terrorism and stalled negotiations on territorial disputes pose a threat to Kenya's internal security and national interests. Somalia is regarded as a spot for terrorism activities. Although Somalia doesn't directly support terror activities, the state instability has created a safe haven for terrorists. Al-Shabaab militias domiciled in Somalia have executed numerous attacks in Kenyan.

Despite the Kenyan government effort to help Somalia stabilize through engaging the outlawed terrorism groups, the republic of Somalia accuses Kenya of illegitimate involvement in its internal affairs. The presence of Kenyan troops inside Somalia is regarded as external occupation. These worsens Kenya-Somalia maritime dispute. Both countries lay claim to the maritime region that is rich of oil and gas. The conflict has attracted hostile foreign policy strategy from the two nations. The current antagonistic

competition also inclines to dissuade the two nation's emphasis from economic mediation.

Additionally, the conflict disturbs both nations directly when capitals meant to pursue economic and growth welfares are diverted to attend to the conflict. Therefore, the back-and-forth movement creates direct and indirect impressions of the struggle and its connected impacts on both nations' foreign strategy significances necessitate for an in-depth examination and investigation. This study, hence, objects to inspect the relationship between both nations' areas of regional competition and foreign policy, with a sight to deliberating how both nations' foreign strategy reacts to the conflict so as to defend national welfares. The problem that implores an answer then is; how has the two nations succeeded to live together with this status quo for all that time. What costs may escalate as an upshot of dormancy and stuck dialogues? Perhaps if they continue assuming things and taking it easy will the time passage rally the supremacy situation of the two?

#### *Objective of the Study*

This study explored the emerging regional competition in the Horn of Africa and its implication on Kenya – Somalia territorial threats by critically establishing the key areas of regional competition between Kenya and Somalia and the implication of such competition on the existing territorial disputes.

#### *Review of Previous Studies*

An analysis of published literature offers introspection into the matter under discourse. Literature review shows that the tense relations between the two nation's recounts back to 1963, at what time Somalia embraced entitlements of portion of Kenya's Northern Frontier District (NFD). While the passing of the Arusha Treaty made it possible for normalcy regain, the affairs were ruined once more after Kenya backed Ethiopia in the period of Ogaden Conflict (Chau 2010). Nevertheless, it was during 1984 when the then President Moi's visit to Somalia aided to ease strains in the Kenya Somalia bilateral relations.

The enduring civil conflict in the neighboring country of Somalia had spillover impacts on Kenya. However, Nairobi backed Mogadishu by accommodating several of its immigrants. On the other hand, alluding to self-defense claims against amplified cross border clashes, Kenya initiated a military invasion into Somalia in hunt of al-Shabaab militias. Despite the operation being tainted by storms, with Kenyan forces being indicted of participation in illegitimate occupation of sugar and charcoal, it is alleged the operation subsidized in holding al-Shabaab and regaining imperative towns, for example Kismayo (Anderson, 2015).

However, the spirit of good neighborhood turned a leaf after Somalia accused Kenya of intruding on its oceanic region, regardless of the actuality of a Memorandum of Understanding controlling their maneuvers in the disputed region. This saw Somalia sue Kenya in the International Court

of Justice. Granting that Kenya objected contrary to the ICJ resolving the quarrel, Somalia ruled out every prospect of partaking an out of court resolution (Thompson 1988). Somalia similarly requested the Court to award it compensations from Kenya on the grounds that the nation's behavior in the region was in abuse of its dominion and national integrity (Chan 2018).

The tensions further escalated in February 2019 after Kenya pronounced the ejection of Somalia's envoy to Kenya and a comeback call of its envoy from Somalia with assertions that Somalia had sold off oil blocs in the undecided zone. Kenya similarly sanctioned obligatory halt in Wajir for aircrafts from Somalia. Furthermore, it withdrew its military aids from Somalia; making the country defenseless to al-Shabaab assaults. The tensions have been escalating ever since. For instance, Kenya held captive Somali nationals who were attending EU conferences due to lack of visas. During the just concluded United Nations Security Council elections for non-permanent affiliate seat, everyone who expects Somalia to vote for Kenya but instead Somalia backed Djibouti. That was in June 2020.

The rivalry that has escalated from the Maritime dispute between the two nations has seen adverse actions taken by both nations as retaliation to the other. For example, Somalia prohibited Miraa/khat export from Kenya ensuing from the Kenyan government resolution to halt allotting visas on advent to Somalis. Somali correspondingly ejected Kenya's envoy after Kenya purportedly supported the re-election of Ahmed Madobe for Jubaland seat which saw a confrontation among Somali national army and troops devoted to Madobe, a war that had spillover effects into Kenya's Mandera town. Kenya pledged to open embassy and initiate direct flights to Hargeisa as a result of negotiations between President Uhuru and Ahmed Madobe, a decision that did not augur well with Somalia since it asserts to have entitlements on the area despite its self-declared liberation in 1991.

The term "blue economy" refers to economic activities that take place in or around the water. Coastal tourism and the use of raw resources from the sea are two examples of maritime dispute between the two countries.

According to figures on the Commonwealth website, the global blue economy has the potential to generate \$15 trillion every year. Currently, the ocean handles over 80% of the world's trade in terms of import and export.

The ocean also offers a lot of potential for producing alternate energy sources. At least 34% of the world's crude oil will originate from the ocean floor in around five years, according to estimates. Tidal (wave) energy, solar thermal energy, and ocean wind energy are some of the other sources of energy. All of these things may be used to supplement the existing sources.

Minerals such as sand, corals, metal, and even gas can be found in the ocean floor. Because the ocean covers the majority of the earth's surface, it has enormous potential to boost global e

conomic growth and solve challenges such as food security and climate change.

Shipping, fishing, and coastal tourism are some of Kenya's and Somalia's extant blue economy sectors. Coastal tourism has been the primary source of income for many individuals in the coastal region, and it has played a significant role in the development of coastal cities (Laitin, 1976).

Kenya and Somalia's territorial disagreements severing relations might have serious repercussions for both countries. As a result of Kenya's enhanced military presence in the region, the African Union Mission in Somalia (AMISOM) has had a positive impact on Somalia. After the fall of the Siad Barre administration in 1991, Kenya became a safe haven for many Somalis who were forced to flee their homes in their native country. Al-Shabaab's military prowess grew. Its propaganda about an "invasion" and Kenya's presence there is receiving numerous sympathizers. There were rumors that had the International Court of Justice ruled in favor of Kenya, Al-Shabaab would have reacted. As a result, violence in the Horn of Africa would have been on the rise (Luengo-Cabrera, 2016). Further complications would occur if Kenya terminated all ties with Somalia if the estimated 300,000 Somali refugees currently living in and spread throughout the country were to be expelled. For Somali refugees, it is apparent that worsening of relations between Kenya and Somalia will have a significant impact on humanitarian aid coordination<sup>1</sup>. An already dire situation has been made worse by Kenya's announcement in 2021 that it intends to close the Daadab refugee camp, which serves as a stark reminder of the strained relations between the two countries.

## II. RESULTS AND DISCUSSION

Despite the fact that Kenya and Somalia share a sea border rich in natural riches, tensions between the two countries remain high. However, disagreement has arisen over the extent of geographical limits. As a result, this has become particularly acute since the defeat of al-Qaeda-linked terrorists in Somalia. As a result of its perceived geographic stability, Somalia has attempted to exploit mineral resources in disagreement over the direction of their common sea border, both countries (Olorundami 2018). As long as the territorial boundary is tilted 45 degrees at the beach, Kenya believes on one hand that the boundary should be aligned with the latitudinal stripe. Somalia, on the other hand, feels that the boundary should follow along to its border with Kenya to the south. It was because of this disagreement that Somalia turned to the International Court of Justice for relief (ICJ).

Somalia held that the International Court of Justice was best equipped to handle the dispute, Somalia rejected an out-of-court settlement. Both Kenya and Somalia tried to work out a peaceful solution to the conflict. Despite the potential for oil and gas beneath the water, Kenya's position is of greater relevance to the country. A strong desire to gain access to the

Indian Ocean played a role in Kenya's decision to take this position (Howell 1968). Equally, governments and legislators on both sides of the political divide have fought to protect their perceived rights, regardless of how highly heated the issue may be.

The legislators asked the government in August 2019 to give up all necessary measures to protect the country's rule and territorial integrity. The Somali parliament sent the same message to the Somali administration shortly after the legislators made their calls.

Another issue stemming from the two countries' disputed maritime borders is control of resources within the disputed area. Whether the line should run parallel to the latitude or along the south-eastern Kenya-Somali border is at the heart of the disagreement (Olorundami 2018). In spite of being referred to the International Court of Justice, Somalia has been accused of behaving immorally in order to get resources. Although the East African coast was contested, Kenya accused Somalia in 2019 of auctioning oil production rights. International Court of Justice (ICJ) was earlier mentioned as a possible option. At the beginning of the fight, it should be highlighted that this was not recommended.

A United Nations panel was established in 2009 to resolve border conflicts, and it found that it would be best to continue negotiations in the hope of a mutually beneficial outcome. Somalia, on the other hand, seems impatient, as seen by their 2014 International Court of Justice suit against Kenya. Somalia's policy is one of a number of options available to feuding countries that cannot resolve their problems through bilateral or regional diplomacy. No progress had been achieved following numerous talks on how to resolve the disagreement, Somali claimed. A 'no-win, no-fee' agreement is desired by both countries, but this is expected to exacerbate tensions between them (Onguny 2020). Concessions between the two sides are recommended in order to divide the contested area and mine raw minerals. Nigeria and the archipelagic government of Sao Tome and Principe have successfully implemented this in West Africa. It is the view of Somalia that a technique increasingly used by African states participating in the establishment of their maritime boundaries is the advocacy of and formal acknowledgment of the maritime border. This may be due to the discovery of a large quantity of oil and organic deposits under the sea. As long as a state is able to protect itself from intruders, its marine borders can be exploited to the fullest extent possible (Rothwell 2016). With its government in better shape after a period of insecurity, Somalia is eager to assert its influence. It's expected that they'll keep fighting for international recognition of their borders in the future. As a result, the maritime border dispute before the International Court of Justice gives it a tremendous opportunity to demonstrate its importance as a country. The idea has been floated those long-term explanations and a formula for resource distribution should be researched and developed. As a result, the position would shift from one of "win-lose" to one of "win-win." This



structure has had positive effects on countries that have been mentioned as examples. As part of this agreement, the archipelago of Nigeria and the interior nation of Sao Tome agreed to split revenue from the common territory that extends into the Atlantic Ocean.

Kenya and Somalia's territorial disagreements are controversial, yet severing relations might have serious repercussions for both countries (Olorundami, 2018). As a result of Kenya's enhanced military presence in the region, the African Union Mission in Somalia (AMISOM) has a positive impact on Somalia. After the fall of the Siad Barre administration in 1991, Kenya became a shelter for many Somalis who were forced to flee their homes in their native country. Al-propaganda Shabaab's about an "invasion" has grown stronger as a result of Kenya's presence there. If the International Court of Justice rules in favor of Kenya, Al-Shabaab may react. As a result, violence in the Horn of Africa would be on the rise. Further complications would occur if Kenya terminated all ties with Somalia if the estimated 300,000 Somali refugees currently living in and spread throughout the country were to be expelled. For Somali refugees, it is apparent that worsening of relations between Kenya and Somalia will have a significant impact on humanitarian aid coordination. An already dire situation has been made worse by Kenya's announcement in 2021 that it intends to close the Daadab refugee camp, which serves as a stark reminder of the strained relations between the two countries.

Regional completion is also fueled by an additional problem of piracy in the Gulf of Aden. Alongside this is the rise of unreported illegal fishing, and toxic waste dumping. It is imperative that the two countries work together to ensure that these activities are regulated and restricted, despite their long-standing differences. More than \$115 million in tourism revenue was lost to high seas piracy and robbery during the height of its heyday, which was between US\$300 and \$400 million a year. Somalia's status as a sovereign state is the third area of contention. International recognition of Somaliland's self-declared independence from the rest of Somalia has never occurred. Non-recognition has led to a small handful of governments throughout the world maintaining close ties with it via strategic and concessional agreements. Foreign recognition, consulate openings, and trade with Somaliland have all improved in recent years as diplomatic ties between the two nations have grown closer. As of Dec. 2020, Kenya and Somaliland have agreed to open consulate offices in the other country's capitals. A direct route between Hargeisa and Nairobi has also been announced for March of 2021. Although the country officially declared its independence in 1991, Somalia's leadership has refused to recognize that fact. The international community agrees with Somalia that Somaliland is not a sovereign state in its own right, but rather an integral part of the larger Somalia. Somalia's claim to be an autonomous state is based on certain circumstances, according to several countries that have recognized Somaliland, such as Kenya Self-determination does not alter international borders;

it is compatible with interstate peace; and segregating Somaliland would be an abuse of the political ideal of self-determination. Among these considerations, it's also important to keep in mind the 'parent' state's incompatibility.

According to Somaliland, peaceful coexistence with the rest of southern Somalia is impossible. Because of the various colonial histories on either side of the north-south split, these differences exist. Rejecting a claim to self-determination on the basis of divergent historical experiences is unjustified. Somaliland has the right to self-determination because of this, and any nation that does so is justified in doing so. In the view of many opponents, self-determination is not a bad idea at all because it poses no danger to international borders or interstate harmony. Somaliland's claim to self-determination is supported by its vow that the British limits set in 1960 will be respected. With or without a consulate, governments that have opted to recognize Somaliland are certain that their recognition of Somaliland does not violate this foundational norm of international law.

It is also recommended if it improves the relationship between states. As a result of Somaliland's relative security, Kenya is more supportive of self-determination. It is also easier to address long-standing territorial problems between Ethiopia, Djibouti, and Kenya because of Somaliland's adherence to colonial border lines an additional problem is that the atrocities committed against Somaliland violated the idea of self-determination. Firstly, a unified constitution was rejected by referendum, and secondly, the United Nations requires a vote before any country may secede from the rest of the United Nations (as was seen in South Sudan). Kenya's support for and recognition of Somaliland is therefore justified, as previously stated. Because of their shared porous border, al-Shabaab and other insurgent groups often cross into Kenya from Somalia to carry out attacks on Kenyan security personnel.

Kenya's Mandera County is being searched by Somali armed forces for Jubaland's security minister, Abdirashid Janan. A lot of people in Kenya were outraged by this decision. All three regions of Jubaland's semi-autonomous Somali region (Geddo, Middle, and Lower Juba) are under Al-authority Shabaab's for the majority of their territory. When Abdirashid Janan broke out of Mogadishu prison, he reportedly ended up in Kenya's Mandera town. These included human rights abuses and the killing of civilians in Geddo during the time of sectarian violence that he evaded. According to Janan, his detention was driven by the Jubaland elections and Somalia's desire to broaden its influence in the region.

By manipulating election results, Somalia was purportedly able to produce a government that was better suited to its interests. A second term for incumbents ended these efforts because they were re-elected. This necessitated the formation of preexisting divisions. In March 2020, they began an attack on BeledHawo, a Somalia-controlled town. Many unintentional deaths occurred as a result of this tragedy. Somalia retaliated against the soldiers, and the conflict spread

to Kenya, where it damaged Kenyan property and forced inhabitants to evacuate. By supporting Jubaland's authority and Sheikh Madobe, Somalia claims that Africa is interfering with Somali domestic affairs.

To keep Al-Shabaab out of Kenya, Nairobi backs Jubaland and its commanders, who have prevented previous assaults into Kenyan territory with their presence as a buffer zone. The violent spillover into Kenya from Somalia is bad news for the shaky but important partnership between the two nations. First impressions can be deceiving, and this is merely the beginning of a long-term problem for Kenya. Kenya's financial backing for the Jubaland administration is likewise considered as a serious violation of Somalia's sovereignty.

Al-Shabaab's attacks on Kenyans are another source of discord between the two countries. It wasn't long after the fall of Mohammed Siad Barre's regime in 1991 that Somalia descended into near-anarchy. Al-Shabaab, an international terrorist organization, was spawned from an earlier organization. There have been other attacks on Kenya since then by Somali terrorist groups. There were 147 persons killed when terrorists stormed Garissa University College in April 2005. Other assaults blamed on it include last year's bombings at Kenya's Gikomba market, the 2015 attack on the Westgate mall, the vehicle attacks in Kenya's north-eastern region, the 2014 attacks on Mpeketoni and Lamu, and several others in 2013. Somalia has been accused by Kenya of allowing the terrorists to set up their base in Somalia and continue their assaults against the country (Mburu, 2005).

The current administration came to power in 2011 despite the fact that Somalia has been without a centralized government since 1991. Previously, the kingdom was ruled by warlords from various clans, each of whom ruled a small portion of the land. Because of this, the number of Islamic extremist groups, such as Al-Shabaab, has continued to climb. Due to the terrorist group's initial affiliation with Al Qaeda and later with Daesh, also known as ISIS, this once-quiet region has now become a focal point for terrorist activities (Mburu, 2005). Operations *Linda Nchi* (protect the country) was initiated following terrorists' arrival into Kenya and their involvement in both spontaneous and organized assaults. Kenyan forces entered Somalia to aid the Somali government in regaining control and restoring normalcy

### III. CONCLUSIONS

The two republics should measure and reflect among themselves the manner in which they have succeeded to live together with this status quo for all that time. What costs may escalate as an upshot of dormancy and stuck dialogues? Perhaps if they continue assuming things and taking it easy will the time passage rally the supremacy situation of the two? All clashes have legitimate and political methods of resolution reliant on the clash. The interpretation of the disagreeing parties will govern whether an encounter is political or legitimate. If they mutually consider that proceeding to court is the paramount approach to handle their conflict, it will

mechanically become lawful. Nevertheless, if one party declines to approve, political options must be pursued. Since the existent topics at stake for the two nations are more imperative than the existing competition. This brings us to a realization that several differences can be solved through dialogue when the parties involved are confronted with the jeopardy of proceeding to court.

Consequently, somewhat to a legal elucidation, the two nations might select to pursue a political option. The two nations should come to a realization that several other nations have been faced with similar challenge of regional competition. Therefore, Kenya and Somalia ought to learn from the experiences of such nations and reflect on how such nations faced such a situation. Therefore, absence of diplomatic and serene agreement will practically and definitely spark the perpetuation of these quarrels, which end result will be a heap of expenses that will paint pressure not only on the nations tangled, but as well as the international community.

### IV. RECOMMENDATIONS

- i. Regardless of uncertainties that the present stalemate among Kenya and Somalia could regionalize into an armed encounter, neither Kenya nor Somalia can agree to an armed battle with so much at stake. Initially, violent intensification places regional financial ventures in jeopardy. Additionally, since Somalia is a key spot for Kenyan imports, mainly *miraa*, the Kenyan economy will hurt. The two nations should reap mutual benefit as a result of adjacent political stability, vice versa can also be true (White 1989). For instance, Somalia's solidity will be exposed if Kenya effectively deports Somali immigrants in rejoinder to the UN resolution to shut two Kakuma and Dadaab, the largest refugee camps in Kenya hosting Somali citizens since it agonizes from the deprivation of the capacity to assimilate them (Nzwili 2013). The now critical humanitarian and safety condition will be aggravated owing to this. Even though the two countries' oceanic regional argument must be steered by international maritime rule doctrines, which are obligatory only if both nations settle, the countries should seek substitute disagreement determination courses formerly to seeking ICJ aid (Pamba, 2019).
- ii. This article submits that noble borders are as a result of political friendliness relatively to procedural lines on a map. Since it is not aggressive to any of the nations, this article submits that the African Union is accomplished of leading the nations to the negotiating table hence aiding ease dialogues so that both nations come to an agreement of a mutual exploration procedure for joint advantage, steered by a truce (Lien et al., 2020).
- iii. This article submits the following as possible peaceful ways of handling the conflict between

Kenya and Somalia before engaging the International Court of Justice.

- Negotiation.
- Noble Offices
- Conciliation.
- Global Commissions of Investigation.
- Pacification.
- Mediation
- Structures of the United Nations for instance The Security Council.

Diplomatic measures are obviously greater to legal adoptions since, in all of them, the determination of disagreements is characteristically liable on all parties' deliberate settlement of the recommended positions of treaty. Additionally, notwithstanding the statistic that territorial disagreements are believed to be the most apparent instances of zero-sum quarrels, the huge mainstream of states tangled in regional clashes have endeavored to resolve their dissimilarities cordially, with very few culminating in armed struggle. There is slight inquiry that diplomatic determination of local disagreements is not only cheap, but it correspondingly nurtures relationship and shared respect between neighbors.

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