THE ROLE OF AFRICAN UNION MISSION IN FEDERAL REPUBLIC OF SOMALIA: A CASE STUDY OF KENYA DEFENCE FORCES (2011-2014)

BY:

ISTAR AHMED

STUDENT ID NO: 637930

SUPERVISOR: DR. JOSEPH ADERO NGALA

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DECLARATION

I hereby declare that this thesis is my own original work and that it has not been published or submitted in any institution other than the United States International University-Africa for academic credit.

Signature: ___________________________ Date: May 20, 2014

Istar Ahmed (ID No: 637930)

This thesis has been presented with my approval as the appointed supervisor.

Signature: ___________________________ Date: 26.5.2014

Dr. Joseph Adero Ngala (Ph.D)

Signature: ___________________________ Date: 25/5/2014

Professor, Chacha Nyaigoti- Chacha

Dean, School of Humanities and Social Sciences
Signature: ________________________________ Date: 07/08/2014

Professor Mathew O. Buyu

Deputy Vice Chancellor, Academic Affairs
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Special thanks also to my dear friends Nassir Ahmed Ogle and Ijaba Said Hassan for their encouragement and support. I would like to acknowledge Tusmo Ibrahim Ogle for her positive input. This Thesis has been possible because of you all.
DEDICATION

This Thesis is dedicated to all Somalis whose lives have been affected by Somalia’s endless Violence as well as the new generation who never witness law and order in Somalia.
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ABBREVIATIONS

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<thead>
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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AMISOM</td>
<td>African Union Mission in Somalia</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>AUPSC</td>
<td>African Union Peace and Security Council</td>
</tr>
<tr>
<td>AOU</td>
<td>Organization of African Unity</td>
</tr>
<tr>
<td>ACOTA</td>
<td>African Contingency Operations Training and Assistance</td>
</tr>
<tr>
<td>FGS</td>
<td>Federal Government of Somalia</td>
</tr>
<tr>
<td>IGASOM</td>
<td>Inter-Governmental Authority for Development</td>
</tr>
<tr>
<td>ICU/UIC</td>
<td>Islamic Courts Union/ Union of Islamic Courts</td>
</tr>
<tr>
<td>IDP</td>
<td>Internally Displaced Person</td>
</tr>
<tr>
<td>IGAD</td>
<td>Inter-Governmental Authority on Development</td>
</tr>
<tr>
<td>IGO</td>
<td>Inter-Governmental Organization</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>TFG</td>
<td>Transitional Federal Government</td>
</tr>
<tr>
<td>US-AFRICOM</td>
<td>United States Africa Command</td>
</tr>
<tr>
<td>UNOSOM</td>
<td>United Nations Operation in Somalia 1 and 11</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
</tbody>
</table>
UNSC  United Nations Security Council

PSC  Peace and Security Council
IF YOU CAN'T RESOLVE YOUR PROBLEMS IN PEACE, YOU CAN'T
SOLVE THEM WITH WAR.” ~ Somali Proverb

ABSTRACT
Sometime in October 16, 2011, The Kenyan Defence Forces were deployed in Somalia in
conjunction with 3500 trained Somali Militia Army to pacify the southern city of
Kismayu-Somalia. The deployment was justified on three levels. Firstly, Kenya entered
Somalia on the basis that its territorial integrity was threatened by Al-Shabaab, Al-Qaeda
linked militia based in Somalia. Secondly, Kenya claimed that its national security was
harmed due to the frequent kidnappings of tourists and humanitarian workers in Kenya.
This research will investigate the role of African Union Mission in Somalia (AMISOM).
The study will also provide an understanding of the developments behind the Kenya’s
Intervention (KDF) and will examine critically the mission's mandate, objectives, activities,
achievements and challenges. The study examines the changing concept of state
sovereignty and regional arrangements in the context of the African Union Constitutive Act
(Article 4 (h)) and the United Nations Charter (Article 51). Thirdly, it analyses whether
Kenya’s intervention in Somalia provides a mandate for other AU member states to
intervene in such situations. This study is guided by the Realist theory in International
Relations system, which explains that the survival of the State as the most important factor
in anarchical international system.
CHAPTER ONE: INTRODUCTION

1.1 Background of the study

Somalia is located in the Horn of Africa, adjacent to the Arabian Peninsula. It is bounded by the Indian Ocean and the Gulf of Aden to the east, by Kenya to the southwest, by Ethiopia to the northwest, and by the Republic of Djibouti to the north. Strategically located where the mouth of the Red Sea enters the Indian Ocean, it has historically been seen as a very significant and strategic country in the region.

1.2 Somalia's colonial period

Starting in the 18th Century Somalia became an important to the colonial powers because of its geographical location relative to the economic geo-political interests of the colonial powers. The prelude to the European colonization of Somalia was increasing European interest in the Horn of Africa due to its trade and military strategic importance. In 1885, the Italians, French and British colonized Somalia and divided the Somali nation into five spheres: Italian Somaliland; British Somaliland; French Somaliland; Northern Frontier District (NFD), current North Eastern Province in Kenya; and Ogadenia, which the British gave to the Ethiopia to colonialize.
1.3 Somalia’s Conflict: (1991-2014)

Somalia has been an area of conflict since the end of the military regime of President Mohamed Siad Barre in 1991 (from October 21, 1969-January 1991). Several attempts to bring peace to the country have failed and brought untold suffering to the people of Somalia. The end of this government saw the beginning of a civil war that culminated in the formation of extremist groups who would engage in guerrilla war and terrorism against the government of Somalia. The civil war caused human suffering, which destroyed the social, political and economic institutions. Political violence targeting civilians on the basis of their clan affiliations caused millions to flee and cross the neighboring countries, such as Kenya, Ethiopia, Djibouti, and entire African Continent who have been kind enough to host them as refugees.

The history of the Somali conflict has shown that two of the strongest faction leaders; Ali Mahdi and Farah Aided led Somalia into a state of anarchy as each one of them was fighting for control of political power and snatching it from the central government. All the government institutions and authorities collapsed and hence law and order ceased to exist in Somalia. They ceased to exist because all the government institutions and authorities collapsed. Joan(2008) attenuates that in fact, the bad government of the military President Siad Barre was replaced by no government. The international interventions aimed at keeping peace in Somalia by the UN under the name UNOSOM I in 1992 and UNOSOM II in 1993 could not bring any viable solution to the conflict in Somalia due to lack of government to talk to about such interventions. As such the contribution to nation making by the UN interventions failed (Chesterman, 2001: 140)
The first military intervention in Somalia was undertaken by the USA government. The main aim of the mission was to create stability after the end of the military government of President Siad Barre. However, the military intervention of the US government did not achieve its objective: after two years in Somalia, the US troops withdrew without any significant impact in the realization of peace amidst increasing hostility and opposition from the Somali public in Mogadishu and armed groups (Kinfe, 2002: 110-11). The US government faced a lot of challenges that basically emanated from lack of support from the local Somali citizens. The operation dubbed “The Black Hawk Operation” was terminated after the US government was shaken by the display of the killing and dragging of US soldiers through the streets amidst cheers from the Somali public.

After the unsuccessful attempt by the US government to bring sanity to Somalia after the end of Siad Barre’s government, Somalia was abandoned and remained without a functioning central government till the end of 2005. After several years of peace talks, a peace agreement was signed in 2006 between the Transitional Federal Government of Somalia (TFG) and the Union of Islamic Courts (UIC). Although the Transitional Federal Government (TFG) of the Republic of Somalia was established in 2004 and internationally recognized, it was not stable until 2006¹. However, the new government was almost immediately threatened by further violence.

The second military intervention was carried out by the Ethiopian government. The incursion by the Ethiopian government was in support of the TFG after the UIC broke another war in 2006 against the TFG despite signing the peace agreement in the same year.

¹The support of the TFG in Somalia was waning until the United States-backed 2006 intervention by the Ethiopian military, which helped drive out the rival Islamic Courts Union (ICU) in Mogadishu and solidify the TFG’s rule.
The Ethiopian troops succeeded in driving the UIC out of Mogadishu but this immediately culminated into more woes for the government. Most Somali nationals considered the military intervention by the Ethiopian government an invasion and this led to the splintering of the ICU into several different factions. This brought more radical elements that regrouped into the Al-Qaeda linked militia of Al-Shabab to continue their insurgency against the TFG and the Ethiopian military’s presence in Somalia.

By the end of 2008, the insurgents had captured Baidoa but not Mogadishu. This mounted pressure on Ethiopian troops and together with the opposition from the locals, on January 2009, the Ethiopian troops withdrew from the country, leaving behind the poorly underequipped African Union (AU) peacekeeping force as the only protector for the TFG. It was during this period of Ethiopian troops’ incursion into Somalia that the AU mission in Somalia was born. In February 2007, the United Nations Security Council authorized and commissioned the African Union to deploy a peacekeeping mission in support of Somalia’s Transitory Federal Institutions (TFIs). Two months later, the AU mission in Somalia (AMISOM) began deploying in Mogadishu.

The report 2008 by FOI on the peacekeeping capacity of the African Union (AU) looked at assessing the status of the (AMISOM). The mission was facing the common challenges that are faced by other AU missions: lack of capacity and poor funding for military resources and institutional capacity to deliver on its operations. These challenges had eventually prevented the AMISOM from fulfilling its mandate in Somalia. As such the overall security in Somalia, the situation had not changed so much and the mission had done little to improve the situation beside securing the airports, the presidential palace and the roads between them (Hull and Svensson, 2008).
The two authors namely (Haldén, 2008; Sørenson, 2008; Norell, 2008), in their report left no hopes for the success of the mission in ensuring peace in Somalia despite heavy monetary support and military support from the European Union, UN and the US. Their findings confirmed that the AMISOM was facing more challenges that could not ensure its success in achieving its mandate. The current state of Somalia remains a struggle for AMISOM in ensuring peace in Somalia.

The situation currently though, looks remarkably different: with the adoption of a provisional constitution, the formation of a new federal parliament and the appointment of a new president. Although the current state does not warrant a celebration yet because the government is still fragile, there is now optimism that AMISOM will eventually be successful in achieving its mandate.

1.4 Statement of the problem

After the end of President Siad Barre's regime in 1991, Somalia broke into civil war immediately and an estimated 300,000 Somalis had died. A total of 4.5 million out of a population of only 10 million were threatened by severe malnutrition and disease. At least 1.5 million of these Somalis were deemed to be at mortal risk (Luke, 2005). The war ravaged on for the next two decades. A long standoff between various groups of militia and the central government led to a 22 year state of anarchy, which the country is synonymous with, that has left the country in a precarious situation in terms of security and humanitarian crisis.

Several interventions since the overthrow of the Somalia President Siad Barre in 1991 have failed apart from AMISOM which has made greater strides in returning the country to normal. The country has a constitution and an operational government. The areas that were
controlled by the Al-Shabaab have been retaken and the situation has improved in the country, allowing the new government to assert an unprecedented presence on Somali territory.

After the Kenya Defence Forces (KDF) under the mandate of AMISOM formed a solid part of the mission, some sense of sanity returned to Somalia. Although their invasion of Somalia was mainly informed by the insecurity and the terrorism activities poised by the Al-Shabaab, the KDF have helped to neutral the effects of the insurgents. Observers have confirmed that capturing of Kismayu, which was the main center for the Al-Shabab, was a great achievement for the Kenya Defence Forces.

United Nations has confirmed that 3,000 AMISOM soldiers have been killed since 2007. In contrast, 3,096 UN peacekeepers have died in global operations since 1948. Matt Bryden, a director of Sahan Research, a think-tank and former UN-Monitoring Group coordinator for Somalia, says “There is no doubt that AMISOM has shown a higher tolerance to casualties than most western peacekeeping forces would,” (Hervé, 2013).

It is too early to assess the overall success of AMISOM. There is need to critically examine the role of AMISOM in Somalia and the role of KDF in Somalia; to assess their achievements, challenges and opportunities for improvement and long lasting peace in Somalia.
1.5 Research question

The thesis research question;

Did African Mission in Somalia and Kenya Defense Forces achieve their objectives of intervening in the Somali crisis?

1.6 Objectives of the study

The thesis has three objectives, namely;

1. To identify the roles of AMISOM in Somalia
2. To find out the roles of Kenya Defense Forces in Somalia
3. To identify the possible strategies that can be employed for future successful interventions using the case of KDF in Somalia

1.7 Significance of the study

In Somalia, the period between 1991 and 2001 was characterized by continuous warfare and factional conflict between the two major clans in Somalia who needed to snatch the political power from the central government.

Several peace initiatives and interventions had been undertaken to address the situation in Somalia which included major peace conferences. Such conferences were supported by the international community. Out of such interventions and initiatives, several peace agreements were signed to put in place new governments which eventually failed to control the state outside Mogadishu and hence failed in the long run. It was difficult to develop a government that will gain the overall acceptance of the various warring factions.
The formation of AMISOM and the incursion of the KDF into Somalia led to major improvements in maintaining peace. Identifying the factors that perpetuated their success will go a long way in developing strategies for interventions in countries with conflicts and continuous civil and political motivated war like Somalia in future. Apart from creating an understanding on the role of AMISOM and KDF in Somalia, this study may assist in providing literature for academicians and researchers who are interested in unearthing issues relating to interventions in Somalia.

1.8 Literature review

This section intends to provide a comprehensive review of the literature available on the subject of AMISOM’s intervention in Somalia. The review will be based on the content available on the subject before and after the authorization of the AU by the UN to send troops to Somalia in the attempt of identifying the glaring existing gaps. The study is based on the major assumption that the AMISOM was authorized to intervene in Somalia after the country became a failed state. The literature review will therefore discuss the definition and conditions for a failed state, and definition and conditions for interventions to identify the research gaps on the role of AMISOM and KDF in Somalia.

1.8.1 Factors that led to the state of anarchy in Somalia

The end of the Cold War and the collapse of Somali President Siad Barre’s twenty-two year dictatorship fissured the state into three distinct socio-political regions: south-central Somalia, Somaliland and Puntland. Somaliland was able to maintain a relatively stable society which is under a self-declared, but unrecognized, independent government. Puntland also declared itself a semi-autonomous state in 1998 with relative peace as well. However, it is central Somalia that has seen a series of low-intensity but deadly fight for
political power. The lack of a functioning central government capable of providing basic services to the locals eventually led to the South-central Somalia becoming the archetypical ‘failed state’ (Joan, 2008).

It is this failure of the state of Somalia and the raging war between the two major clans in central Somalia for control of the political power from the central government, which led to humanitarian crisis and necessitated the intervention by the international community. Somalia was no longer a standard state and needed intervention and support from outside the country to put everything in control and restore peace in the country.

The 1934 Montevideo Convention\(^2\) provided standard definitions of a state and statehood. It is this definition that is used in international law to identify and state and statehood. According to the definition, a state must have four basic qualifications: a) a permanent population; b) a defined territory; c) an effective government; and, d) capacity to enter into relationships with other states (O.A.S. 1934).

State failure on the other hand is a concept that is used to describe a state marred by socio-economic chaos, political turmoil and the inability to provide basic services. William (2005) considered a failed state as one that “can no longer perform the functions required for them to pass as states,” (pg. 5). Robert (2005) defines it as a state that “cannot or will not safeguard minimal civil conditions for their populations: domestic peace, law and order, and good governance,” (pg. 145). On the other hand Jean-Germain (1995) considers a state to have failed if within the state “public authorities are either unable or unwilling to carry out their end of what Thomas Hobbes termed the social contract” (pg.456).

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\(^2\)The Montevideo Convention on Rights and Duties of States was signed on 26 December 1934 during the Seventh International Conference of American States. The treaty, originally ratified by nineteen states, was adopted by the League of Nations in 1936 and subsequently accepted as an international norm.
To this point, there is no clear definition of a failed state from different researchers and academicians. Daniel (2011) argues that “the term remains loosely defined and frequently contested in both academic and policy realms” (pg. 4). Several theories have as well been developed to provide a definition to a failed state. The theories can be grouped into two broad categories: those that define state failure based upon the absence of specific characteristics, and those that assess existing conditions within a historical context. This study will conceptualize state failure in both perspectives. According to Daniel (2011) the theories defining or labeling state failure based on specific characteristics does not carry any analytical weight. On the other hand “attempting to determine and apply specific criteria of state failure without considering the unique characteristics of a country creates a weak link in the analysis” (pg. 4).

1.8.2 State failure based on specific characteristics

Theories defining state failure based on the absence of particular characteristics focus on three main features of the state: effectiveness, legitimacy, and a monopoly on violence. State is only effective if it has the ability to provide its residents with the basic functions and services which include basic education, physical security, health services and economic security (Goldstone 2008). The state is legitimate when the citizens perceive the government as just and reasonable through negative sovereignty or positive sovereignty (Daniel, 2011). Finally a state is considered to have a monopoly of violence when it holds the fundamental capacity as a security provider so as to enable the functioning of the other services and conditions of legitimacy and effectiveness (Rotberg 2002).

Williams (2007) asserts that a state fails when it lacks the ability to control actors within its territory and cannot provide public goods and services to the citizens. Although these
definitions provide a beginning point to the discussion on failed states, they lack the contextual realities since having a specific checklist on the characteristics of a failed state narrows the analytical ability of the definition. Daniel (2011) posits that “selected weaknesses do not fundamentally precipitate the absence of statehood, only a difference between stronger and weaker states” (pg. 5). Moreover it is generally agreed that negative definitions to a particular condition lead to the development of negative framework for evaluating future policy.
1.8.3 State failure based on historical context

This is based on the empirical evidences and realities in the formation of a state. Jones (2008) postulates that, “the problem with the ‘failed state’ discourse is not with the empirical identification of economic, political, and crises as such, but in the manner of characterizing and, above all, explaining the nature and production of such conditions” (pg. 182). According to this conceptualization, failed state should be reevaluated as, “a sociopolitical order...used as a positive description of a set of organizations whose actions are governed by informal and formal rules and exhibit a certain degree of regularity” (Halden, 2008, pg. 17). This positive reconceptualization allows for examinations in terms of features states do possess, instead of those they do not. This definition allows individuals to investigate the historical characteristics of state that led to failure so as to develop initiatives for future success.

Somalia has been for a long time considered a failed state. The indicators used for ranking failed states is based on a 12 point characteristics that include: mounting demographic pressures; massive movement of refugees and internally displaced people (IDP’s); legacy of vengeance-seeking group grievance; chronic and sustained human flight; uneven economic development along group lines; sharp and/or severe economic decline; criminalization or de-legitimization of the state; progressive deterioration of public services; widespread violation of human rights; security apparatus as-state within a state; rise of factionalized elites; and intervention of other states or external actors.

The table below shows the ranking of Somalia based on the Failed State Index (FSI) of Foreign Policy using the 12 indicators.

Table 1.1 Top 12 failed states on the FSI 2005-2012
<table>
<thead>
<tr>
<th>Rank</th>
<th>Cote d'Ivoire</th>
<th>Sudan</th>
<th>Sudan</th>
<th>Somalia</th>
<th>Somalia</th>
<th>Somalia</th>
<th>Somalia</th>
<th>Somalia</th>
</tr>
</thead>
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<tr>
<td>1</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>DRC</td>
<td>DRG</td>
<td>Iraq</td>
<td>Sudan</td>
<td>Zimbabw</td>
<td>Chad</td>
<td>Chad</td>
<td>DRC</td>
</tr>
<tr>
<td>3</td>
<td>Sudan</td>
<td>Cote</td>
<td>Somalia</td>
<td>Zimbabw</td>
<td>Sudan</td>
<td>Sudan</td>
<td>Sudan</td>
<td>Sudan</td>
</tr>
<tr>
<td>4</td>
<td>Iraq</td>
<td>Iraq</td>
<td>Zimbabwe</td>
<td>Chad</td>
<td>Chad</td>
<td>Zimbabw</td>
<td>DRC</td>
<td>Chad</td>
</tr>
<tr>
<td>5</td>
<td>Somalia</td>
<td>Zimbabwe</td>
<td>Chad</td>
<td>Iraq</td>
<td>DRC</td>
<td>DRC</td>
<td>Haiti</td>
<td>Zimbabwe</td>
</tr>
<tr>
<td>6</td>
<td>Sierra Leone</td>
<td>Chad</td>
<td>Cote</td>
<td>DRC</td>
<td>Iraq</td>
<td>Afganist</td>
<td>Zimbabwe</td>
<td>Afganist</td>
</tr>
<tr>
<td>7</td>
<td>Chad</td>
<td>Somalia</td>
<td>DRC</td>
<td>Afghanistan</td>
<td>Iraq</td>
<td>Afghanistan</td>
<td>Haiti</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Yemen</td>
<td>Haiti</td>
<td>Afghanistan</td>
<td>Cote</td>
<td>Central</td>
<td>Central</td>
<td>Central</td>
<td>Yemen</td>
</tr>
<tr>
<td>9</td>
<td>Liberia</td>
<td>Pakistan</td>
<td>Guinea</td>
<td>Pakistan</td>
<td>Guinea</td>
<td>Guinea</td>
<td>Iraq</td>
<td>Iraq</td>
</tr>
<tr>
<td>10</td>
<td>Haiti</td>
<td>Afganist</td>
<td>Central</td>
<td>Central</td>
<td>Pakistan</td>
<td>Pakistan</td>
<td>Cote</td>
<td>Central</td>
</tr>
<tr>
<td>11</td>
<td>Afghanistan</td>
<td>Guinea</td>
<td>Haiti</td>
<td>Guinea</td>
<td>Cote</td>
<td>Haiti</td>
<td>Guinea</td>
<td>Cote</td>
</tr>
<tr>
<td>12</td>
<td>Rwanda</td>
<td>Liberia</td>
<td>Pakistan</td>
<td>Bangladesh</td>
<td>Haiti</td>
<td>Cote</td>
<td>Pakistan</td>
<td>Guinea</td>
</tr>
</tbody>
</table>
Somalia has been ranked the most failed state consecutively since 2008 to date. AMISOM started its operations in Somalia in 2008. It can be argued that the failure of the state necessitated the intervention of the AMISOM. However, if the state continued to be in a failed condition for the proceeding years in the presence of the intervention by the AMISOM, did the mission achieve its objectives? If not what were the factors that perpetuated the success?

1.8.4 Intervention

Coady (2002) defines intervention as “intentional act of one state or group of states or an international agency aimed at exercising overriding authority on what are normally the "internal" policies or practices of another state or group of states” (pg. 10).

Gambari (1995) defines intervention as the dictatorial or coercive interference by an outside party or parties in the sphere of jurisdiction of an independent community. He further states that intervention can exist in two forms either through forcible or non-forcible interference. Forcible is described as the use of military force while non-forcible takes the form of coercive economic measures. Kapil (2001, pg. 106) defines intervention as an action undertaken on the territory, airspace, or territorial waters of another state against the wishes of the government state.

At this point, it is necessary to distinguish between intervention and interference. Hellge-Mari (2012) argues that in distinguishing the two, the concept of consent is crucial. Weiss (2007, pg. 20) states that consent should be seen as a continuum rather than an absolute
concept, since "coercive inducement" can be classified as coerced consent. Intervention takes place when no request for assistance was given, yet there is interference which is not coercive in nature and therefore not intervention. Many forms of foreign policy can be seen in this light (Weiss 2007, pg. 19). The AMISOM and KDF response in Somalia therefore will include all forms of interference as well as intervention with its more coercive nature.

Literature provides three major types/steps of intervention: humanitarian intervention, responsibility to protect (R2P) and state/nation building. Humanitarian intervention is defined by Adam Roberts defines humanitarian intervention as "coercive action by one or more states involving the use of armed force in another state without the consent of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants" (cited in Weiss 2007, pg. 5).

R2P was developed through the Canadian sponsored expert panel: The International Commission on Intervention and State Sovereignty (ICISS) which released the report "The Responsibility to Protect" (Janssen 2008, pg. 295). Nation building activities of good citizenship and human security are implied and provide a rationale for constructive engagement with sustained efforts (Ignatieff 2003). The importance of the responsibility that sovereignty entails can be seen through the safety and welfare functions governments need to ensure; the responsibility within its borders to citizens and externally to the UN; and state agents need to be accountable for acts including commission and omission (Janssen 2008).

R2P entails firstly the responsibility to prevent which addresses both the root causes and the direct causes of internal conflict and other man-made crises putting populations at risk. Secondly the responsibility to react: to respond to situations compelling human need with
appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention. Thirdly the responsibility to rebuild, to provide, particularly after a military intervention, full assistance with recovery, reconstruction, and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert (Weiss 2007).

On state/nation building Weiss (2007) argues that effective humanitarian and R2P does not end with the end of conflict but a longer term commitment regarding development including the promotion of democracy, the establishment of rule of law and the respect of human rights. In support of this assertion, Kraxberger (2007) posits that after the intervention the intervening individuals should ensure that there is: revival and reconstruction of failed states; shared sovereignty; territorial restructuring of states; and stateless zones and uncertainty.

The interventions in Somalia aimed at restoring a failed state. Although lately AMISOM has registered improvement in restoring peace in Somalia, and since their incursion into Somalia, KDF has witnessed a reduction into terrorism activities of the Al-Shabaab and major achievements in developing a central government in Somalia, several questions still remain unanswered. What was the mode of intervention used by AMISOM and KDF? Was it humanitarian crisis that instigated the intervention by the AMISOM? Did Kenya intervene in Somalia for the purposes of its responsibility to protect? Did the interventions focus on re-building Somalia again after its failure?
1.9 Hypothesis

The following study will be based on the following hypotheses;

1. The interventions in Somalia by AMISOM was within their mandate and they were able to achieve their objectives
2. KDF’s incursion into Somalia was within their mandate and they were able to achieve their objectives

1.10 Theoretical framework of analysis

**Neo Realist Theory**

The state centric approach of realism will be used as the theory underpinning this study to establish the international intervention to state failure. In a neo-realist perspective international relations involve struggle for power and peace (Vasquez 1998). In Somalia, there has been struggle for power and peace between the militia and the government. This definition as well supports the major research question in this study that aims to identify the roles of AMISOM and KDF in Somalia. Was their intervention aimed at ensuring peace and security in Somalia and in the region?

The neo-realist approach uses the state centric approach to portray the state as a "territorial trap" with political authority. It distinguishes external relations and internal relations of the state by considering external relation to be the anarchy from the outside while internal relations is depicted by the hierarchy from the inside (Barnett 2001).

The idea portrayed by neo-realist theory on state relations as anarchy is considered as by Weber (2005) as a 'myth' used to explain conflict. The author explains that hypothetically,
whenever a state fails in the first place a supra-national power state would be entrusted with the responsibility of ensuring internal and external peace. It is in this case that the relation is considered to be imbedded in anarchy. However before any prior international intervention to a state failure, the components like legitimacy and sovereignty have to be considered.

According to the neo-realist theory a state is defined as an entity with a territory, population and a government or an administration. It possesses sovereignty, which defines the authority of the state within its juridical borders and its independence, and demands recognition (Weber, 2005). The state is as well legitimate and has authority within its borders. These components of the state pushes them to always try to increase their power to attain security and engage in power balancing for the purpose of deterring potential aggressors.

Realism therefore considers security as the central issue on states success or failure. The theory states that wars within and between states are fought for the purposes of ensuring that other competing nations or groups from within the states do not become militarily stronger. The realists therefore are skeptical about the role of morality in international politics. According to their arguments there is no room for morality in international relations.

The assumptions under neo realism approach will be used to give insights in this study. The first assumption of realism that the state is the central actor at the world stage reflects the attention the state failure of Somalia has attracted in the international community. This is because the state influences every other operation within its territories. It therefore means
that the international organization and non-governmental organizations, personal enterprises and network of individuals will eventually reflect the interests of the states.

The second assumption of the neo-realist theory considers the natural state of international politics as anarchical. In this case, nations or states can decide to do anything provided the states believe that whatever they are doing are to their interests. International treaties and conventions therefore only apply and are perceived to necessary depending on value placed on theme by the involved states. According to this theory therefore the interventions by other states in Somalia, especially the KDF, need not to be controlled by any international law or conventions or treaties but rather what was within their national interests.

Thirdly, the neorealist theory assumes that all states will seek to have the greatest amount of power that they possibly can. Kenya can therefore attack Somalia with an aim of ensuring that they remain powerful above the Somali state and as well to send signal to her competitors on how powerful she is. Lastly, neo-realist approach assumes that the states behave as they behave due to the intrinsic nature of the human actors in the states. The states are therefore controlled by the human actors existing in such states.

1.11 Methodology

The research design that was employed for this study is the descriptive analytical. This research design was chosen for two major reasons: the first reason being that the information that will be obtained for analysis in this study will involve historical events that have shaped the current situation in Somalia. The study therefore collected data that was obtained from books, journals and online publications in a qualitative manner. The information from the publications was then be analyzed based on the area of the study. Publications regarding the topic will be consulted until end of December 2014.
Secondly, primary data was collected from interviews of key informant who include security personnel, administrators and politicians who were able to provide in-depth information on the role of AMISOM and KDF in Somalia. This made the study descriptive since the information collected from the study aims at defining characteristics about the population or phenomenon being studied (Lokesh-Koul, 2004).

With initial consideration regarding the methodology of the intervention to state failure, the classic approach of realism, with the state as the main actor and power politics underlining all actions seems to adapt well to the security motive behind the intervention by other states (i.e Ethiopia and USA), AMISOM and KDF to the crisis in Somalia. This study has sought to deduce the role of AMISOM and KDF in Somalia by identifying the factors/enablers influencing AMISOM’s and KDF’s achievements from the literature dealing with AMISOM, KDF and Somalia. The factors, both positive (success factors) and negative (inhibitory factors) have then been used to construct a framework for the analysis. The framework has then been used to assess AMISOM’s and KDF’s performance with a hope of developing positive model for future peacekeeping missions.

Ethical considerations in this study have been considered by ensuring that the information used in this study, that are generated from the available literature as well as the interviews relied on, have been cross-checked and elaborated in interviews and written communication with academic experts. Issues relating to Somali peace and security, AMISOM, KDF and Al-Shabaab have been checked as well. This is to ensure that the importance of the success factors and the challenges identified by the researcher are all presented in this report and that no major factors have been left out.
1.12 Organization of the thesis

CHAPTER ONE: The introductory chapter indicates the identification of the research theme, a literature survey; the demarcation of the research problem, the methodology used as well as the structure of the research. The theoretical foundation of the study is also presented in this chapter. The theoretical frame work reflects on the international response to failed states.

CHAPTER TWO: Focuses on analyzing the role of AMISOM in Somalia. Predominantly the chapter will address the history of the country that led to the formation of AMISOM, the mandates of AMISOM as stipulated by the resolution and the occurrences that led to continuous reviews, the success of the AMISOM and the challenges faced by the AMISOM.

CHAPTER THREE: Is the theme of the research which focuses the role of KDF as part of intervention in Somalia. The chapter discusses the main reasons that permitted the Kenyan government to send troops to Somalia. Independent of their reasons, the legality of KDF invasion need to be determined to assess whether KDF and the Kenyan government acted within the international framework when attacking Somalia. The chapter therefore discusses the legality of KDF intervention in Somalia, as well as the success and challenges experienced by the KDF during their operations.
CHAPTER FOUR: Presents the successful strategies that were used by both the KDF and AMISOM forces in achieving their mandates and objectives that can be replicated in other similar operations to achieve success.

CHAPTER FIVE, which forms the last section of this report, discusses the conclusions and recommendations that can be deduced from the findings of this research.
CHAPTER TWO: THE ROLE OF AFRICAN UNION MISSION IN SOMALIA (AMISOM): CHALLENGES AHEAD

2.0 INTRODUCTION

This chapter focuses on analyzing the role of AMISOM in Somalia. Predominantly the chapter will address the Somalia’s historical conflict with its neighbors (Kenya and Ethiopia) and how they engaged with Somalia’s conflict as well as the role of international actors and non-state actors. It also tries to highlight some of the main security challenges in Somalia since the early 1990s. Also, the chapter briefly explains some of the factors that led to the employment of African Union Peacekeeping Mission and its mandate. The chapter reviews on the successes and the challenges faced by the African mission in

2.1 The concept of African solution to African problem: Its intent and complications in Somalia

The concept of “African solution to African problem” applied in Somalia’s conflict by sending a military mission from the neighboring states, (Ethiopia and Kenya) with historical conflict contributes resentments. As is applied in Somalia, the African solution to African problem, especially when neighboring states are directly involved to contain or "solve" a problem increases to creating several newer ones that perpetuate dependency, exploitation and indeed subjugation. Its complications are that it brings feelings of sense of self-reliance, responsibility, pride, ownership and indignity to foreign troops.

2.2 United Nations States Intervention In Somalia (Restore Hope Operation)

The civil war in Somalia that started in 1991 left a large population of Somalis homeless with a precarious humanitarian situation. By 1992 almost a million were homeless,
300,000 had died and a further 4.5 million of a population of only 10 million were threatened by severe malnutrition and disease (Luke, 2005). All this while the international community had neglected the Somalia situation or just oversimplified the Somali disaster. However as the situation escalated and the condition of the state deteriorated further, the first humanitarian intervention under the auspices of the UN Security Council was undertaken. UNOSOM I was formed as a response to the turmoil situation in Somalia. Its function was to monitor a ceasefire between warring factions and to provide humanitarian aid throughout Somalia.

The situation in Somalia further deteriorated: the UNISOM I could not even deliver the humanitarian aid effectively. This prompted the formation of a United Task force (UNITAF) in collaboration with UNOSOM I to ensure safe delivery of humanitarian aid (Modibo, 2002). The further resistant led to the formation of UNISOM II in 1993 which was further mandated to fulfill the remaining tasks through reconciliation and disarmament of clan militias. This operation however was unsuccessful due to lack of cooperation from the general public that ultimately led to the withdrawal of UNOSOM II in 1995.

It is after the withdrawal that the international community again neglected Somalia until 2004 that continuous talks led to the formation of the Transitional Federal Government (TFG) in Kenya under the auspices of the Intergovernmental Authority for Development (IGAD). On December 2006, the Security Council gave a mandate to IGAD Peace support Mission in Somalia (IGASOM) to deploy troops to Somalia through the UN Security Council resolution 1725. The mission however excluded other states though due to financial burden other countries such as Ethiopia later joined the mission (Kasaija, 2010, pg. 267). The mission however did not deploy their troops due to lack of international
support. The situation in Somalia however needed to be controlled and international intervention was necessary. This is what perpetuated the formation of AMISOM in February 2007, after the UN Security Council authorized the AU to deploy peacekeeping force to Somalia (Madibo, 2002).

2.3 The Role of African Union Mission In Somalia (AMISOM)

The African Security Council with the approval from the United Nations Security Council created the mission in Somalia (AMISOM). The mission’s purpose was to provide assistance in creating a secure environment for the delivery of humanitarian aid and to provide logistics and support in order to implement a national security plan as well as to train the Somali Security forces and also supports the Federal Government of Somalia's forces in their battle against Al-Shabaab militants. The relative calm in most of Somalia notwithstanding, the European Union has said the African Union Mission in Somalia will remain in the country as long as Al-Shabaab exists. Kenya’s president Uhuru Kenyatta and his vice-President William Ruto share the same sentiments that has been expressed by the AMISOM’s leading country President Yoweri Museveni Kaguta. The officials of European Union has reiterated that it will continue its mission. There were some of the pledges made by EU as it celebrated Europe Day, which is marked on May 9 to mark the Schuman Declaration, which eventually led to the formation of the EU. It is celebrated as a day of peace. The peacekeeping forces are expected to stay until the job is done. The absence of Al-Shabab would in effect provide a peaceful atmosphere in which Somalia government can put in place solid institutions for health, education, defence capability and proper administrative structures. The independent researcher shows that “The battle is not over yet. It is true that there have been successes in some parts of Somalia including Mogadishu where Uganda troops are, but Al-Shabab is still determined, recruiting and wanting carry
out asymmetric attacks inside and outside Somalia,” said EU’s head of delegation to Uganda. There has been a concerns raised that Al-Shabab had created links with Al-Qaeda and was recruiting youths from the region. Operations of the AMISOM peacekeeping forces have however, contributed neutralizing of the former operations inside Somalia and in the Region.

The officials of the EU in Africa Summit in Brussels passed a resolve that Africa continues to provide the forces while EU will give support through AMISOM. The political observers in the region have confirmed that both the Somali government and the international community are again to bankroll the implementation of the roadmap. EU also expects that the interventions in Somalia will bring to an end clan-based politics which have been a bone of contention in the country for over two decades now.

Mid February, on 21st February 2007, a resolution of the United Nations Security Council, gave the AU the go ahead to deploy their forces in Somalia after a long civil was that left the country in an anarchic situation in terms of security and humanitarian sense. The United Nations Security Council Resolution 1744 authorized the AU mission replacing and subsuming the IGAD Peace Support Mission in Somalia (IGASOM), which was a proposal by the Intergovernmental Authority on Development which aimed at the protection and training of mission to Somalia approved by the AU on 14 September 2006 and approved by the UN as well on 6 December 2006.

AMISOM forces were in Somalia since 2007 and were adopting resolution 1744 (2007) and acting under Chapter VII of the Charter, when the Council authorized the African Union mission to take all measures, as appropriate, to carry out support for dialogue and reconciliation by assisting with the free movement, safe passage and protection of all those
involved in a national reconciliation congress involving all stakeholders, including political leader, clan leader and religious leaders and representatives of civil society (Daniel, 2011). Somalia.

2.4 The Mandate of AMISOM

AMISOM mandate includes humanitarian, security, political and development dimensions and the civilian component’s tasks include political, humanitarian, civil affairs, public information and mission support that specifically relate to:

- Supporting dialogue and reconciliation in Somalia, working with all stakeholders;
- Coordinating the efforts of the military and police components in the implementation of the National Security and Stabilization Plan (NSSP);
- Facilitating efforts aimed at overall development and the re-establishment of governance structures, rule of law institutions and the restoration of both physical and social infrastructure in Somalia;
- Providing support to the disarmament, demobilization and reintegration (DDR) and security sector reform (SSR) processes for sustainable peace in Somalia;
- Coordinating with partners, including donors and other international actors, humanitarian agencies and non-governmental organizations (NGOs);
- Facilitating humanitarian aid and services delivery in Somalia;
- Ensuring the integration of military, civilian and contracted resources available to the mission for the success of the mission in areas such as logistics, procurement and budgeting; and
• Ensuring the effective management of the mission for the implementation of the mission mandate by harnessing available human and material resources for their optimal utilization (Peace and Security Council, African Union, 2007).

These are the mandates of the AMISOM as stipulated by the UN Security Council. However based on the circumstance of their operation, the mandate of the mission could change time and again: however this has to fall within their overall mandate. Wise (2011) in his study on Al-Shabaab posits that the original mandate of AMISOM was political as well as it included supporting the TFG and its institutions. The aim of AMISOM's support was to ensure that the TFG achieve their efforts in stabilizing the country. The mission also focused on advancing the dialogue process and the process of reconciliation, providing necessary support to facilitate humanitarian assistance, and creating a conducive environment to ensure long-term stability through reconstruction and development of the country (Wise, 2011).

2.5 Achievements and Challenges of AMISOM

Since 2011, AMISOM experienced challenges to meet its objectives because of its lack of resources, troop's internal effectiveness and efficiency. As argued by Hull and Svensson (2008, pg. 28), by early 2010, AMISOM was still operating at about half its authorized strength. However, it will be wrong to insinuate that the mission failed completely. Just like the previous missions in other parts of the world in similar situations, it shared the spoils but it has several milestones that ensured success in delivering their objectives. This is shown by the current improvements in the country starting from the formation of a well operational government, up to to its standards and to the relative peace in the country.
The success of AMISOM can be discussed under three main pillars: political context, social context and economic aspect.

2.5.1 Political Context Of The Success Of AMISOM

Politically, the most important milestone that has been witnessed by the AMISOM operation is the formation of a well-structured central government. Initially the events in Somalia that followed the ousting of Said Barre’s government left the political power in Somali local, fragmented and violent in some cases, heterogenic and based on hybrid structures, of formal and informal institutions controlled by clans or militias, in which different social orders interact. The presence of AMISOM in the country ensured restoration of governmental structures to make it legitimate in the eyes of Somali citizens, and able to deliver public goods and services in an efficient manner, providing stability and peace throughout the liberated areas (Schulman and Williams, 2012).

The main political achievements of AMISOM were the defeat of Al-Shabab that was majorly due to political support from other countries such as Ethiopia, Kenya and US. On his study on the fight against Al-Shabab, Rosen (2012) posits that the advances made against Al-Shabaab were partly supported by the regional and international power politics. Moreover, the largely unprecedented effort in African multilateralism perpetuated the development of effective strategies by the fighting forces in Somalia and cooperation and development of coherent vision of how the defeat of Al-Shabaab.

Before the intervention of to the situation in Somalia by AMISOM, there were other international interventions that did not live up to their promise. The AMISOM intervention, however, was able to receive positive political achievements that have seen its tenure extended to ensure complete restoration of order in the country. Over the years, since 2007,
AMISOM had come up with several political interventions. However, the most recent intervention that led to major achievement in the Kampala Accord of 2011 which has been rated as a success (UN Department of Political Affairs, 2013). The accord was signed by the then President of Somalia and the Speaker of Parliament who were the heads of the two major warring clans in Somalia. The Accord and the transitional roadmap stipulated to govern the warring factions after signing the accord ended five months of political deadlock and helped define the end of the transitional period by stipulating the date for elections to be 20 August 2012 (UN Department of Political Affairs, n.d). The accord was a success, and though it did not focus on fighting al-Shabaab, it managed to bring together the warring clans that the President and the Speaker were representing (Meleagrou-Hitchens and Solomon, 2012).

The operation of AMISOM in Somalia is a political success because it involved political support of the international community. Interestingly, the operation led to the partnerships and development of relationships focusing on common gain of ensuring peace in Somalia. The political support and commitment from 2011 enabled the AMISOM to exploit the weakening support for Al Shabaab in the context of their effect in Somalia at the time and recover the main urban centers and surrounding areas from Al Shabaab. According to Boutellis and Williams (2013), AMISOM ensured the increasing working and close partnership of organizations (which is not always easy) so as to further regional and international political. For example, in addition to AMISOM that is backstopped by a UN support mission (UNSOA), there are IGAD and UN political missions, and a UN Country Team that coordinates the UN humanitarian and development agencies.
The political success of AMISOM is as well witnessed by the increasing addition of troops by the cooperating nations every time and the involvement of more countries in the mission to reflect political solidarity. Initially the mission was constrained to defending itself, the transitional government, and the air and seaports in Mogadishu with barely more than a couple of thousand troops. However, Uganda and Kenya’s political resolve and national commitment to robustly assist the mission in interpreting and implementing their mandate ensured reduction of the political and bureaucratic inertia that often hinder multilateral missions. The countries, together with Burundi, continuously increased the number of troops in Somalia in thousands which finally reached a ceiling by the addition of additional 6000 troops in early 2012 (Boutellis and Williams, 2013).

2.5.2 Social Success Of AMISOM

The operations in Somalia by AMISOM were under two major pillars: the social pillar which focused on the security-oriented approach which was mandated to conduct peace support operations in Somalia and which seeks to stabilize the situation in the country; and the political aspect which focused on the assisting of the Federal Government of Somalia in re-establishing functioning state institutions and delivering services to the Somali people. Success has been achieved in both dimensions, and although the celebrations of success cannot start yet because the Al-Shabaab militia is still a threat to the security of Somalia, the achievement in reducing their impact on security in the country is worth noting.

The AMISOM mission in Somalia has been hailed as both a success and failure for Somalia: it is the first time that African forces have been used in an African intervention to enforce peace. From a military and security perspective, AMISOM has been a success, clearly contributing substantially to the changes in the situation in Somalia. AMISOM may
have been deployed in support of a peace process, but it did not enjoy the consent of at least one of the major stakeholders – Al-Shabaab – which, rather than allowing the mission to function as a peacekeeping force, sought to engage AMISOM in irregular warfare. The mission therefore had to change the scope of its mandate from peacekeeping to being aggressive to the Al-Shabaab militia (Gadin, 2012).

The change in scope involved AMISOM expanding its mandate and getting an authorization from the UN security council to be able to take all necessary measures to reduce the threat posed by Al-Shabaab and other armed groups. This was perpetuated by the support provided by the involved countries that ensured enough troops. The increased number of troops expanded the AMISOM force which was able to push Al-Shabaab out of Mogadishu and surrounding areas that were under their control. By the beginning of 2013, there were more than 17,000 AMISOM troops, mainly comprising Uganda (9,771), Burundi (5,400), Kenya (4,660) and Djibouti (1,000). It is this that saw AMISOM being branded as an African solution to African people that concurred and achieved where and what no other foreign force could: being able to stabilize the capital (Mogadishu) and give Somalia another governance chance (Schulman and Williams, 2012).

The major success of AMISOM in maintaining security was first witnessed in 2011 when the AMISOM forces successfully pushed the al-Shabaab completely out of Mogadishu. The following months after the loss of control of the capital city, Al-Shabaab faced more offensive attacks from the AMISOM forces that saw more areas that were controlled by the militia liberated. Although it could be noticed that a few of the Al-Shabaab members were present in the liberated areas, they did not have direct influence on the daily lives of the Somalis. The government was also able to expand its operations in the capital city and to be
legitimately recognized to offer goods and services to the citizens (Meleagrou –Hitchens and Solomon, 2012).

In September 2012, the continuous offensive operations in Somalia against the Al-Shabaab led to major achievements that saw the militia lose control of the port city of Kismayo. This was the greatest achievement of the AMISOM forces in fighting against the Al-Shabaab and restoring peace in the country. This is because the port city of Kismayo was the stronghold of Al-Shabaab where they got their major arms supplies. Liberating the last urban stronghold of the Al-Shabaab was therefore the epitome of success of the operation by AMISOM forces in Somalia (Meleagrou –Hitchens and Solomon, 2012). However, although the militia have been sent from major towns in Somalia, their presence in the rural areas and control of the most of the Somalia countryside’s is still a threat to security and needs more attention (Rosen, 2012).

2.6 AMISOM Capability For Peace Keeping

AMISOM has been an example of success. However, in the midst the success, there are a lot of challenges that the mission faced hindering their ability to deliver their mandate effectively. The first major challenge to AMISOM is lack of enough troops to support its mandate. The military strength provided by the involved countries is far less than the number of troops the mission demands. The lack of enough troops to ensure effective operations is witnessed by the continuous expansion of the limit of the number of forces by UN Security Council to the AMISOM. By May 2010 AMISOM had a total of 6120 troops instead of the 8000 that was mandated by UN to be deployed3. However, the continuous threat from Al-Shabaab demanded for more troops. Therefore efforts to deploy the

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remaining troops were intensified and, at the end of the year, the Security Council took the crucial decision to authorize an increase in the mandated strength of AMISOM from 8,000 troops to 12,000 in order to enhance its ability to carry out its mandate.

The military challenges in dealing with Al-Shabaab further forced the mission to institute a new strategic concept by January 2012. It was a joint AU-UN strategic concept that was based on the assessment that the time was ripe to deal a severe blow to Al-Shabaab. The concept was endorsed by the Security Council and was followed by a Council resolution authorizing yet another expansion of the authorized strength of AMISOM; this time from 12,000 to 17,731. This was to ensure that the military strength was enough to counter the challenges posed by the militia in Somalia, to AMISOM.

The second major challenge was that AMISOM being an international-led approach to peace building did neglect local Somali governing methods, traditions and experiences of controlling and managing security. As such they were not able to combat the security situation in the country effectively and the success they managed to achieve was actually managed by putting a lot of effort. By mastering the local based solutions to security problems and using such methods to solve the Somalia situation, could save the mission resources and time.

AMISOM as well did not manage to be able to control the civilian component of their mandate due to lack of enough resources and staff. Every aspect of the AMISOM’s mandate in Somalia demands the integration with the local civilians to ensure its success. Without cooperation from the local civilians, it is not easy to achieve any major objective.

The civilian component is managed when the mission have the humanitarian aspect in their

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\(^{3}\text{S/RES/1964}\)

\(^{4}\text{PSC/PR/Comm (CCCVI).}\)
operations. Initially, the AMISOM operational mandate did not include specific human rights components, in line with international standards for peacekeeping. AMISOM focused on supporting the Transitional Federal Government and reducing Al-Shabaab capacities and control, neglecting the Somali civilian population. When the civilians feel that they are not effectively protected, it can undermine the building of a legitimate and effective security strategy.

Another major challenge to AMISOM is the lack of sustainable funding. This has led to high dependence on non-African resources which has had impact on the governance of the mission as well as challenges in the ownership of the mission. The AU is not able to support the operations in Somalia and therefore has to seek help from other international bodies such as UN’s Trust Fund, the EU’s African Peace Facility, direct donor support from countries like USA and UNSOA, which is the UN Support Office for AMISOM. The dependence on external support has been a source of obstacles in for example deploying more troops in areas of high insecurity where they are really needed and to ensure continuous supply of the troops.
CHAPTER THREE: KENYA MILITARY INTERVENTION IN SOMALIA

3.0 INTRODUCTION

The Kenyan Intervention in Somalia has sparked a lot of debate focusing on the rights of their intervention under the African Union’s Constitutive Act Article 4 (h). In October 15, 2011, the Kenyan minister of Defence and Interior announced that Kenyan security forces will engage in military operations (Hot Pursuit Operation) against the Al-Shabaab militants in Somali territory. The announcement comes after a number of incidents which involved the incursions of Al-Shabaab elements as deep as 120km inside Kenyan territory, and abductions of several foreign nationals.

In October 16, 2011, Kenya Defence Forces entered Somalia with 3,100 Ras Kamboni Brigades (Local Militia). Kenya invaded its neighbor to secure its eastern border and to create a buffer zone inside Somalia. Since KDF’s role in Somalia, Al-Shabaab has warned that it will attack Kenya in retaliation for the country's leading role in sending troops to Somalia in 2011 and effectively reducing the extremist group's power in Somalia as well as losing their financial stronghold-Kismayu Port.

Al-Shabaab also claimed responsibility for the July 2010 suicide bombings in Kampala, Uganda, that killed more than 70 people watching a World Cup final soccer match at a restaurant popular among foreigners. Ugandan troops also are fighting in the African force in Somalia. The group has staged ongoing major attacks within Somalia for years. The group claimed responsibility for bombing a soccer stadium in Uganda, killing more than 70 people. Since then Kenya's 4,000 forces based in Jubaland Region-Kismayu have been integrated into an African Union Mission in Somalia.
This will focus on the historical relations and conflict between Somalia and Kenya since 1960. It focuses on reasons that led to Kenya’s invasion of Somalia, the right of intervention under the African Union’s Constitutive Act Article 4 (h), the success achieved by the Kenyan Forces, and the role of Ras Kamboni Brigade (Local Militia) with Kenya.

3.1 Ras Kamboni Movement: The Role of The Jubaland President

President Ahmed Madobe has served as a governor under the Islamic Courts Union (ICU), which was in 2006. He had affiliations with the, Al-Qaeda linked Somali Islamist group Al-Shabaab. In 2006, Al-Shabaab fighters ousted his Ras Kamboni Brigade from Kismayo. In 2006, he allied with the Kenyan military intervention in southern Somalia. On the other hand, Kenya, in partnership with Somalia’s Transitional Federal Government (TFG), has enlisted Madobe’s Ras Kamboni Movement as its local partner to fight and dismantle Al-Shabaab influence in Kismayo.

The Ras Kamboni Movement (formerly Brigade) was umbrella Organization from the tacit unification of four ideologically separate Islamic groups. The four Alliances consisted, the Alliance Re-Liberation of Somalia (ARS), the Ras Kamboni Brigade, Jabhat al-Islamiya and the Anole Brigade. The leaders from the four groups only had in common with the Somali Nationalist sentiments.

In November 2006, the Ethiopian military that had held Ahmed Madobe in a prison in Ethiopia released him. After Ethiopia defeat the ICU, 200 members of the Islamic Union
Courts including the former Transitional Federal Government and the current president of Jubaland were elected to the Somali parliament.

3.2 Kenya's Hot Pursuit Intervention

The Term Hot Pursuit is regulated by Article 111 of the UN Law of the Sea Convention and it states that the right to hot pursuit. The right to hot pursuit entails that hot pursuit must be uninterrupted and must commence while the offending ship is within the internal waters of the offended state. Most importantly, it does not allow for the incursion onto the territory of another state under any conditions. In this case, the operation was performed by land, which included incursion onto Somali territory. Therefore, the hot pursuit claimed by Kenya Defence Forces is not applicable as the Term Hot Pursuit relates to the Law of Sea according to the UN law of the Sea (article 111).

According to the UN Law of Sea (Article 111), Kenya had the option to invoke this right in the abduction cases of the French and British tourists in Lamu, i.e. as Al-Shabaab abducted tourists from the beach by boat towards Somalia through international waters. In this case, Hot Pursuit is valid option if the Kenyan Navy chases Al-Shabab while still in its territorial and eventually caught them while on the high seas.

The invasion of the KDF has sparked a lot of debate focusing on the legality of their intervention and invasion of Somalia. The Kenya Defence Forces in Somalia, after successful attacks on the Al-Shabab militia strong hold of Kismayu Port joined the AMISOM force in 2012 together with troops from Uganda, Djibouti and Burundi. Their presence gave strength to the mission who proceeded to weakening the Al-Shabab and take over the areas under the militia's control.
3.2.1 Kenya’s Political and Economic Gain in Somalia

Somalia’s instability and being in state of anarchy for the past 23 years can be said that Kenya benefitted both politically and economically in so many ways. First, Somali businesspeople invested into Kenya’s economy. Secondly, due to the large presence of refugees, financial support (remittance) sent to refugees from Diasporas contributed the economy. Thirdly, all the humanitarian agencies, non-governmental organization, UN with operations in Somalia were run from Nairobi-based regional offices. UN announced its UN operation in Somalia to relocate back into Somalia; however, the international expatriates are hesitant to leave their comfort in Nairobi. Also, International Organizations created much needed jobs for Kenyan citizens, however, are concern of losing it to Somali nationals. In additional to that, Kenya generates around $300 million a year from exporting Khat to the unregulated lucrative market in Somalia.

3.3 The Role of Ethiopia in Jubaland Initiative

Ethiopia had more direct or indirect involvement in the Somali conflict. Ethiopia’s intervention in 2006 supported by Transitional Federal Government and backed by United States was considered provocative and sometime referred to as Ethiopian offensive by many. Ethiopia’s troops never withdrew completely from western Somalia after their intervention ended.

Ethiopian presence in the border of western Somalia is more controversial than Kenya’s presence in Somalia. Kenyan Intervention in Somalia increased fear in Ethiopian government that Kenya would gain an upper hand in Somalia. Ethiopia’s involvement is linked to its interest of preventing establishment of Ogaden led administration in Jubaland. Ethiopia has concerns that Jubaland Initiative led by Ogaden leader may expand their
agenda and claim on the Ogaden region in Western Ethiopia, which is given to Ethiopia during the colony.


The fact that Ethiopia is not a member country to AMISOM, its highly involvement by having full representation at AMISOM headquarters indicates the Ethiopia interest in Somalia’s conflict.

3.4 The Right of Intervention Under United Nations Charter and the African Union’s Constitutive Act

The intervention to Somalia has been argued to be against both the international law United Nations Charter (Article 51) and the African Constitutive Act (Article 4(h)). According to UN Charter (Article 51) every state has an inherent right to defend itself militarily if it has been subjected to an armed attack. The traditional view which has a significant support is that an armed attack must be attributable to a state not a militia group against both states. In this case, it can be said that Kenya Defense Forces invoked Article 51 of the UN Charter as a legal basis for KDF’s incursion. Additionally, all the measures taken prior to the incursion invoke the right to hot pursuit according to the Article 51 of UN Charter (UN Charter), although individuals in other quarters argue that the intervention was legally sustained. Under the new institutional frame work of the African Union states that all member states of the Union had to observe certain fundamental values and standards, including respect for human rights, democratic governance, and the condemnation of unconstitutional regional arrangements. According to the above, any member State failing
to observe the Constitutional Act of the Union could be subject to political and economic sanctions.

In some cases, The African Constitutive Act provides for the right of the Union to intervene in a member state requesting such intervention. One of the most important Articles under the Union’s Constitutional Act is the Article 4(h) which states: the right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity”. (African Constitutive Act, February 2003). In February 2003 there was an Amendment to the Constitutive Act which amends Article 4 (h) by adding “As well as a serious threat to legitimate order to restore peace and stability to the member state of the Union upon the recommendation of the Peace and Security Council”

This analysis examines the right of intervention within the framework of the African Union. It will raise a number of questions, including how the right of intervention is to be understood and why the heads of state and government thought it necessary to include it in the Constitutive Act.

According to the international law stipulated under the UN charter is against the use of force between states. According to the Article 2(4) of the UN Charter it is illegal to “threaten or use force against the territorial integrity or political independence of any state”. The only exemptions in the law is when the UN Security Council authorizes a country to use force in the process of peace keeping as provided in Chapter VII of the Charter, and when a state is defending itself. According to the Article 51 of the UN Charter, “nothing shall impair the inherent right of individual or collective self-defense if
an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

Measures taken by members in exercise of this right of self-defense shall be immediately reported to the Security Council”. This Article therefore postulates that for a country to attack the other using military force, there has to be a prior armed incursion from the enemy. It is however agreed that there is no unanimous understanding on this provision. Individuals supporting use of military force in attacking another state argue that the Article did not explicitly express the prohibitions and therefore states have the right to act. This therefore indicates that a state can attack another state even when there is no prior attack. Kenya therefore was within the international regulations to attack Somalia without prior attack from the Somali government or the Al-Shabaab.

The UN has been provided with the mandate that is enshrined in Article 1(1) of the Charter, with its primary purpose being to “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace”. However this claim is rejected by others who argue that the words “inherent right’ in Article 51 shows that the Charter had a purpose of recognizing and continuing the customary right in place before the establishment of the United Nations (Arend, 2003).

Both members and non-members of the United Nations are subject to the provisions of Article 51 that prohibits all recourses to force. The provisions of the Article is against use of force on a state whether it is from unilateral aggression or originating from multilateral efforts to protect human rights or to conduct humanitarian intervention (Dinstein, 2001). There are however exceptions to the general rule of Article 51 which includes authorization
from the UN Security Council which is mandated by the Article 42 of the Charter, and by extension UN members, to take any such actions to maintain and restore international peace and security where non-forcible measures would, or have proven to be, inadequate. It therefore means that without the authorization from the UN Security Council the use of force on another state would be against the law. In support of this assertion Jennings (1996) adjudicates that “anything unreasonable or excessive, since the act justified by the necessity of self-defense must be limited by that necessity and kept clearly within it”.

Based on the above discussed provisions in the international law, it can be concluded that Kenya was within its legal boundaries to carry out the attack on Somalia following terrorism attacks in Kenya, and the kidnapping of tourists from Kenya. Taking military actions against the responsible groups in Somalia under self-defense and to provide security for its citizens is justified under international law. In support of this assertion, Onkware, Odhiambo and Ntabo (2010) argue that following the attacks by Al-Shabab in Nairobi August 7, 1998 and November 28, 2002 in Kikambala, Mombasa Kenya, “had the right to defend itself against continuing terrorist attacks mounted by the Al-Shabaab”.

However under international law, it can as well be argued that Kenya was not within her legal rights to attack Somalia. According to Article 51, every state has an inherent right to defend itself by employing military means if it has been subjected to an armed attack. This Article however is traditionally considered to be invoked when a state attacks another state, not when a militant group attacks another state (Bothe, 2003). Al-Shabab attacked in previous occasions, however with this traditional view Al-Shabab definitely does not qualify to be considered as a state. Moreover, by application of the general rules on attribution found in the ILC Draft Articles on State Responsibility, the acts of Al-Shabab
cannot be attributed to the Somali Transitional Federal Government (Williamson, 2009). In fact the TFG is also a victim of the militia group in Somalia; they are being affected by the terrorism activities in a greater magnitude compared to the Kenyan government. Therefore if one argues under the traditional provisions of Article 51, Kenya did not have the right to attack Somalia. It therefore contravened the internal law by sending troops to Somalia and the claim of self-defense cannot be sustained.

The restrictive rule of Article 51 of subjecting armed attacks against another state warranting a retaliatory attack should be from the state and not armed groups, has received a lot of vocal opposition especially after the 9/11 attacks. Although the Article 51 imposed rule that do not allow armed attacks from groups in another state to be attributed to that state, the state of events indicate that there has been development of a customary law that is actually allowing groups responsible for attacks in other state pursued using military force in the states within which they operate from (Lubell, 2010).

However the ICJ has in several occasions ruled against attacks of another states in pursuit of a group of militia but with specific reasons. For example, the ICJ did not consider the attack by Israel forces on Lebanon as retaliatory attacks against the terrorism activities of Hezbollah because the attacks by the militia groups was not launched from Lebanon but within the Israeli territory. In the case of DRC however the Court ruled that the act of self-defense can only be invoked if there is a large scale attack by irregular forces. This put a very high threshold for retaliatory attacks against armed attacks by militia groups or irregular forces (Lubell, 2010). In the Kenyan case it is completely doubtful if the attacks against Al-Shabab reached the threshold for large scale attacks by irregular forces that
warranted the need for self-defense by the Kenyan government. The attacks are nowhere close to the 9/11 attack or the Hezbollah attack in Israel.

Different reasons have been cited by individuals, researchers and activist for KDF’s invasion of Somalia. Though some reasons are legitimate with evidence others are personal convictions that are not worthwhile to be considered for research. This study has analyzed the several reasons developed to explain the invasion and together with the researcher’s arguments, the following reasons that will be discussed in this section are considered legitimate: to avert the terrorist threat; to minimize the refugee crisis in Dadaab; and to stop the series of kidnapping of tourists to Kenya by the Al-Shabab. Although providing detailed truth behind the intention of the Kenyan government in attacking Somalia, it is possible to address the likely reasons indicated above that may have been precursors to the Kenyan invasion in Somalia.

3.5 Historical Political Conflict between Somalia and Kenya

Somali Irredentism

The idea to unite all Somalis grew out of a shared need and popular belief held by most Somalis at the advent of independence: to unite all Somalis, under one country. This is symbolized by the five stars on the Somali flag, with each star representing a part of Somalia under occupation.

During the colonial period Somalia was divided into French Somaliland, British Somaliland, Southern Somalia, which was administered by the Italians, and Northern Frontier District (NFD) in Kenya. The British colonial administration at the time ceded control of the Ogaden to the Ethiopians and the northern frontier districts to Kenya. The
Somalis, with no way to seek redress due to the O.A.U (Organization of African Union) charter that upheld colonial boundaries, embarked on a militarization program to enable it to retake the territories, including by force if needed.

After independence on July 1, 1960, British Somaliland, which is present day Somaliland, merged with the south, forming the Democratic Republic of Somalia. When the two merged, they demanded the reunification of other Somalis living under foreign occupation to form a greater Somalia.

This declaration of intent put it on a collision course with its neighboring countries Kenya and Ethiopia, who occupied the lands Somalia wanted back, a fact that impacted on her security and stability as a nation.

**Creation of a Proxy local Administration**

Kenya teamed up with Professor Mohamed Abdi Gandi, former defense minister of TFG and a geologist who consulted several energy corporations including French giant Total Corporation. Coincidentally enough, Gandi then self-styled President of Azania, was in need of external force to prop him up. His background in the energy sector, his ambitions to form a state in Jubba area and his previous association with the TFG were seemingly an excellent match for Kenya’s agenda. He helped recruit and train clan militiamen from refugee camps in Kenya in order to fight Al Shabab and create a local administration in the Jubas. During the invasion, Kenya made it clear that their intention was to support the TFG and create a “buffer zone” in the Jubbas. Revitalization of clanism worked well for Kenya. It helped secure support from prominent Somali politicians in Kenya and in Somalia. For instance, Farah Maalim and Aden Barre Duale, who fiercely opposed Ethiopian invasion in
2006, vehemently came out in support of the Kenyan invasion and “buffer zone” project. Duale said that “Kenya is there to establish and protect a satellite state in Somalia and will not withdraw troops” indicate Ogaden’s support for the initiative. Furthermore, Abdirahman Farole of Puntland publicly applauded the “buffer zone” project and subsequent self-proclamation of “Jubbaland”. As a gesture of gratitude for Farole’s unlimited support, and further consolidation of clanism front, Kenya dispatched Garrisa Mayor and other dignitaries to Puntland in January, 2013.

As KDF advanced to the interior of Somalia, Kenyan leaders realized the weak military strength of Prof. Gandhi and his unpopularity within the region. Given the complexity of Kismayo, and implications of clanism, Kenya realized that the reality on the ground demanded a more powerful and respected leader who will resonate well with the local population in the Jubas, and this they found in former ICU leader and head of RasKambooni Brigade Sheikh Ahmed Mohamed Islan alias Ahmed Madobe. The KDF teamed up with Madobe’s militia to fight Al-Shabaab ultimately securing Kismayo, key resource hub for the militant group, and other key installations in the Jubas.

Despite the generally good relationship between Kenya and Somalia, there have been concerns for Somalia over KDF involvement in Jubaland Initiative and how to govern southern Somalia, currently controlled by Kenyan troops belatedly brought under the African Union Mission in Somalia. The Kenya government has supported an initiative to set up an interim Jubaland administration led by Ahmed Madobe whose links with Mogadishu will be tenuous at best. Diplomatic sources said that Kenya is planning to open consular offices in Jubaland and Hargiesa in the self-declared independent Somaliland, but
Mogadishu is concerned that Nairobi is planting a seed of self-determination for other regions that could cut links with Mogadishu.

**Maritime Boundary**

Despite the generally good relationship between both countries, Somalia had concerns over Kenya's maritime boundary claims in Somalia and Kenya's involvement in Jubaland initiative. Somalia claimed that Kenya's illegal incursion is motivated by increasing its maritime boundaries into Somalia's waters in order to sell exploration blocks for revenue for any discoveries (Somali MP) Nairobi.

Kenya's Petroleum Energy Commissioner, Martin Heya, has confirmed that companies awarded exploration rights in the contested area, will not be able to begin exploration/drilling until the boundary dispute is settled, as it is unclear which country will receive the revenue from any subsequent resource discoveries. (The Nation), 2012

Somalia has the longest coast in East Africa region and has attracted considerable international interest and most importantly, promises of investment, following large discoveries of oil and natural gas.

**Security and the rise of Islamic insurgency**

Somalia has been an anarchic state for the past 23 years from the ousting of Siyad Barre just as mentioned in the introduction. This failure led to the development of a long term conflict between individuals who were fighting for the control of the country. Accustomed to rampant violence the country has grown to be a major concern in the international community as a breeding area for terrorism activities, piracy and kidnappings.
Al-Shabaab is an extremist Islamic terrorist force that grew out of the anarchy that crippled Somalia after warlords ousted a longtime dictator in 1991. Its name means "The Youth" in Arabic, and it was a youth wing of a weak Islamic Courts Union government created in 2006 to establish a fundamentalist Islamic state in the East African nation. Al-Shabaab is estimated to have several thousand fighters, including a few hundred foreign fighters. Some of the insurgents' foreign fighters are from the Middle East with experience in the Iraq and Afghanistan conflicts.

The Refugee Crisis: Target or Threat to the Country?

Kenya’s goodwill for being a gracious host to millions of Somali refugees and its positive role of being a venue of a number of “Somali reconciliation conferences” has been appreciated by millions of Somalis around the globe. However, in recent years it has lost a great deal of its credibility and goodwill to its mistreatment to refugees and even Kenyans of Somali origin claiming that they are sympathizers of Al-Shabab. The 1951 refugee convention defines a refugee as “any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside their country of his/her nationality and is unable to seek the protection of authorities in their country”. The innocent women and children become victims and a target for terrorism by Kenyan police who are known to extort bribes with the perspective of refugees being a threat to the country. In the East Leigh residence, which is predominantly occupied by Somalis, has for years been notorious with claims by the residents “that they are arbitrarily arrested and even raped by Kenya Police officers patrolling the area” (The Nation). “Kenyan security is out of control because Kenyan authority aids the movement of the terrorists. The terrorist found a safe haven by paying as little as 500ksh to police officers to cross the border”. (RasnaWarah, Daily Nation, 2014)
In Kenya, the crackdown on “terrorism” has had numerous and extensive impacts on human rights situation in the country. Recognizing the duty of a state under International Human Rights Law (IHRL) to protect their populations from violent criminal acts and ensure safety of individuals as well as protect them from abuse of power, Amnesty International (AI) found out and is concerned that Kenyan authorities have failed to act in compliance with IHRL.(Amnesty International, 2014, p.1).

**Piracy Concerns**

Somalia coast is a major center for piracy: ships have been attacked and innocent passengers attacked or killed. Ships belonging to several countries have been attacked due to lack of infrastructure and the rule of laws to enforce regulations along the Somali coast and to try the offenders (Guilfoyle, 2010, 145-47). The Al-Shabaab controlled the port of Kismayu which was a major transport infrastructure for ships passing through to the Kenyan coast.

Military intervention was in process but was accelerated by the series of kidnappings undertaken by the Al-Shabab members at the Kenyan Coast and the Dadaab refugee camp. The series of kidnappings of tourists in the Kenyan coast hard hit the tourism industry forcing the government to intervene to spot the kidnappings and to regain trust of the tourist on the security of the country. The last incidence that pushed the KDF to attack Somalia in search for the Al-Shabab was the kidnapping of two Spanish aid workers with Médecins Sans Frontières (MSF) in a Dadaab refugee camp on 13 October (Robert, 2011).
3.6 Collective Security Cooperation Agreement: Kenya and Somalia

The Transitional Federal Government did not support the operations by the Kenyan government into Somalia and to get legitimacy of their operations, as the international community was also distancing themselves from the operation, the government had to involve the TFG to get political backup for their operation. This necessitated a meeting between the then Kenyan Prime Minister Raila Amollo Odinga and the then TFG Prime Minister Abdiweli Gas that resulted in a new communiqué showing the support of the TFG for the Kenyan operations in Somalia. In October 31 the governments of Somalia and Kenya agreed the mission of the Kenyan military operation inside Somalia is limited to eliminating the threat posed by the Al-Shabaab militants. The communiqué stipulated:

The Eleven Point Agreement

1. That Kenya’s security operation inside Somalia is aimed at eliminating the threat posed by Al Shabaab to Kenya’s national security and economic wellbeing, and is based on the legitimate right to self-defense under Article 51 of the UN Charter;

2. That Al Shabaab constitutes a threat to both Somalia and Kenya and is therefore a common enemy for the entire region and the world. This threat must be fought jointly by the two nations with support from the international community;

3. That the current operations are being led by the TFG of Somalia Forces with the support of the Kenyan Defense Forces in pursuit of legitimate Al Shabaab targets;
4. That the Somali Government supports the activities of the Kenyan forces, which are being fully coordinated with the TFG of Somalia and being carried out in the spirit of good neighborliness and African unity.

5. That there will be continuous sharing of intelligence and information on Al Shabaab activities and the military operation to flush them out. In this regard, a joint high level coordination committee has been established which will maintain regular ongoing contact including periodic meetings in Nairobi and Mogadishu.

6. To mount a joint diplomatic campaign by both countries to galvanize support for the operation beginning with a joint meeting with select members of the Diplomatic Corps in Nairobi on November 1, 2011 and followed by visits to several select capitals.

7. That additional AMISOM troops be provided to move into the liberated areas in Southern Somalia to help safeguard peace and security and assist the establishment of local administration with the guidance of the TFG.

8. That the international community assists in providing immediate humanitarian assistance in the liberated areas and provide needed funding for other urgently needed services such as in health and education.

9. That the TFG will seek ICC assistance in beginning immediate investigations into crimes against humanity committed by individuals within the Al Shabaab movement with the aim of seeking their indictment.

10. That the international community provides the necessary logistical and financial support for the blockade of the Port of Kismayu until Al-Shabaab is removed;
11. That the Kenya Government shall not negotiate with Al-Shabaab but the Transitional Federal Government of Somalia is free to negotiate with all armed opposition groups within the instruments guiding this road map (i.e. The Djibouti Peace Process and the Kampala Accord as recommended by IGAD and the African Union) provided they renounce violence.

3.7 Success And The Challenges Ahead For the KDF Intervention In Somalia

The success of the KDF intervention in Somalia has been noticed internationally and regionally. The forces have managed to push the Al-Shabab militant out of the areas in their control and slowly peace is returning in the country. The most advent of success of the Kenyan forces was witnessed when the forces allied Somali army was able to capture the port of Kismayu which was an operative area for Al-Shabab. The challenges that the forces have faced are numerous and identical to major challenges experienced in military war. Some of the challenges include:

The Kenyan military has for a very long time not operated in such operations that involve invasion into another country. The military therefore had no any prior experience to such operations: it was only involved in peacekeeping operations with which the soldiers have been praised for being diligent and successful in such operations. The decision that saw the invasion of Somalia by the KDF stemmed from inadequate political, diplomatic as well as military preparation. This posed a threat to the operation for being bogged down, and retaliatory attacks from the Al-Shabab could be devastating to the inexperienced Kenyan military.

The operation was also very costly in terms of logistical measures and pressures. Kenya being a developing country lacks the financial capability to support prolonged military
operations. As such the operation could fail due to lack of financial strength. Considering the time that the operation took, it could be very difficult for the government to pull out after such investment since their pride would have been at stake. However the financial burdens of the operation eased. After several successful operations, the force was formally included as part of the AMISOM in 2012.

The operation in Somalia is a challenge since it will be able to destabilize the North Eastern region in Kenya, which took the KDF into war in the first place. The aim of the intervention in Somalia was to ensure that the region is protected against the cross border chaos, and ease the refugee burden in the area. However the presence of the refugees has given the Al-Shabab a lee way for getting into the country and radicalizing the Kenyan youths in the North Eastern region. The main religion in the region is Islam and therefore it is easy for the Al-Shabab to preach the extremists approach of the religion and radicalize the youths. This will further worsen the situation both in the country as the Al-Shabab will be attacking both from outside and from within, as well as a problem to the locals as the presence of the Al-Shabab sympathizers in the refugee camps and in the North Eastern region will pose a security threat to the region.

3.8 Conclusion

There is no doubt that Kenya Defense Forces with their ally Ras-Kamboni leader and the current president of Jubaland Administration were successful capturing City if Kismayu which was the second strong hold and financial spot for Al-Shabab. However, the operation in Somalia is a challenge since it will be able to destabilize the North Eastern region in Kenya, which took the KDF into war in the first place.
The aim of the intervention in Somalia was to ensure that the region is protected against the cross border chaos, and ease the refugee burden in the area. However the practice on the use of Force under the International law contributed to the uncertainties surrounding the legal regulation of the right to self-defense. The anarchical and political situation in Somalia has been a case for Kenya's understanding of Article 51 according to which self-defense can be exercised against non-state entities on the territory of another state without the consent of the territorial state. In this case the inability of the Transitional Federal Government to prevent Al-Shabaab from crossing into the Kenyan territory certainly played a big role in Kenyan decision to invade Somalia.
CHAPTER FOUR: POSSIBLE STRATEGIES FOR SUCCESSFUL INTERVENTION

4.0 INTRODUCTION

For a long time the African Mission in Somalia (AMISOM) had been alluded to be incompetent in dealing with the situation in Somalia. It is not until recently that there has been change of attitude arising from the convincing results the mission obtained in Somalia. Study series on the peacekeeping capacity that the AU had targeted the status of AMISOM in Somalia. One of the reports on such studies done by FOI, a Swedish defense research agency, indicated that by 2008, the AMISOM facing the same challenges as other AU mission did not have capacity in terms of military resources and strength, funding and institutional capacity to deal with the situation in Somalia. The mission was therefore not able to achieve its mandate and hence improve the security in Somalia other than being able to shield the airport from attacks and the presidential palace as well (Hull and Svensson, 2008).

The report together with other studies painted a bleak future in the efforts put by the mission to restore peace in Somalia (Haldén2008; Sörenson2008; Norell 2008). However, five years on with the improvement in operations within the mission and allaying down of better strategies, coupled with the support from the international community, the situation in Somalia has generally improved. A new constitution was adopted, the eight year transitional period that was characterized by unending war and terrorism activities ended as well with the formation of new government with a legitimate president and federal parliament. Several towns that were under the control of Al-Shabaab were liberated and security enhanced allowing the government to operate effectively.
KDF on the other hand intervened in Somalia for the purposes of putting into control the security threat posed by the Al-Shabaab. Although analysts have argued different aims behind the intervention of the KDF in Somalia, the reasons given by the government was for self-defense purposes. However, independent of the reasons that led to KDF’s invasion of Somalia, their presence in the war torn country, brought sanity to the country. By leading the offensive in flushing out Al-shabaab in the major towns they controlled, and AMISOM deploying its forces to take control of the liberated towns, KDF managed to successfully bring back peace in Somalia. Although faced with challenges similar to a developing country in war, they were able to achieve their mandate.

It is not KDF and AMISOM only who intervened in a bid to bring peace to Somalia. The international community assisted as well. Others intervened directly while other supported the already existing institutions and forces with resources. The success of the missions in Somalia therefore is a result of several efforts and combined effective strategies. The strategies employed that led to success include political stability; economic support; military forces; involving the local communities; sensitizing the public against getting involved in terrorism and extremists activities; and collaborating with the international community and other players.

4.1 Strategies Employed in Successful Intervention in Somalia

4.1.1 Political Stability

The insecurity in Somalia started after the overthrowing of the government of Said Barre. It is after the coup that the country entered into a civil war as the two major clans in the country fought to gain the control of the government. The country for long remained a failed state without a legitimate government or political leaders. Interventions by the
United States of America in 1992 and Ethiopia in 2006 failed due to lack of political stability in the country. There was no operating government to talk to or to help coordinate activities in the country.

The efforts of the international community through several peace talks held in different places led to the formation of new governments that failed thereafter. It was not until the TFG was formed in 2004 that tackling the security situation in Somalia gained momentum and attraction from the international players. The TFG was one of the major outcomes of the three-year attempt to restore peace and provide a way to peace building by the IGAD. The presence of TFG as the interim government was considered as a step towards establishing peace in Somalia. The international community supported the formation of TFG including Ethiopia and the United States, among others who were interested in fighting the war against terror that was posed by the Somali Islamists (Cornwell, 2006).

With the presence of TFG, AMISOM was formed with the mandate of supporting the government in stabilizing the country and to enable dialogue and reconciliation. The formation of the TFG however did not have a great impact in restoring peace because other power hungry clans and groups still felt that they were not included in the formation of the government. The next strategy therefore that was employed by the AMISOM group in developing initiatives to restore peace political stability was to advance reconciliation and dialogue both at local and national levels. This dialogue was aimed at developing functioning structures that advocate for inclusion of all the groups and promote peace and reconciliation.

The employment of inclusive political dialogue had focused on the establishment of administrations for regional states that was in line with the demarcations specified in the
proposed provisional constitution. The structure of the leadership therefore involved representations from all segments of the communities in each region (women, youth, civil society organizations, traditional elders and religious leaders) as they all had the opportunity to contribute in the development of this process.

The AMISOM also involved dialogue with the locals in preparing for the 2016 credible elections that are aimed at providing the country with political leadership under a new constitution. Such plans help restore peace when the residents developed certainty that they will be involved in the selection of their political leaders. This as well reduced the magnitude of the political conflict because the possibility of a peaceful and broad-based participation of all the interested parties. Employing political dialogue in a more constructive, open and transparent manner did not only promote participation and restoring peace in Somalia but also enhanced the engagement of the country with the international community. It encouraged relationships that were geared towards supporting the Somali government.

4.1.2 Economic Support

The interventions in Somalia since the ouster of Said Barre focused on providing economic support to the administrative institutions and units to enable them run their operations and support provision of services to the locals. The international community as well provided their economic support by bailing out the operations of the international organizations mandated to restore peace in Somalia. According to Gadin (2012) support to the AU mission in Somalia by the international community included voluntary financial and in-kind support to the AU and troop contributors through various bilateral partners and
institutions such as the US and EU. The Burundi, Uganda, Ethiopian, and the Kenyan forces in the AMISOM as provided logistical and monetary support from the EU and the US including their monthly stipend. With the military expenses taken care of, the mission was able to deliver on its mandate effectively due to lack of financial burden. The UN, EU and USA were the major contributors to AMISOM. By the end of 2012 the cost of logistical package supplied to AMISOM from the UN had amounted to some US$ 730 million while the contribution of the EU amounted to US$ 347 million (Gadin, 2012).

Extensions of the mandate of the AMISOM were accompanied by financial, logistical and technical support from the UN and other international community participants. The financial support and the delivery of the logistics package aimed at improving the efficiency of the AMISOM significantly improved the operational capability of the mission. Moreover, the economic support ensured a good living and working conditions of the ANISOM personnel which was essential for successful operations in restoring peace in Somalia (Gadin, 2012).

The UN was supporting the operations in Somalia economically through the UN Support Office for AMISOM (UNSOA) whose mandate was to employ UN resources in providing a supporting package for the mission. Examples of services funded by the UN through UNSOA included information support operations, facilities and engineering, health and sanitation, medical support, communication and information technology, aviation rotations, capacity building, property management, rations, fuel and water, and vehicles and other equipment (Schulman, and Williams. 2012)

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4.1.3 Military Support

Military support was mainly provided to the AMISOM by bilateral countries that supported the mission by availing and deploying directly their military personnel in Somalia. Uganda, Burundi, Ethiopia and Kenya, deployed their troops directly in Somalia to provide support to the operations of the AMISOM. Other countries of the other hand such as the US did not support the mission with troops directly but rather offered training to the troops deployed by other countries such as Uganda and Burundi (Soria, 2012).

4.1.4 Involving the Local Community

With the political turmoil in the country that has lasted for more than a two decades in the country, it was evident that any success in restoring peace and security had to be a resolution from the locals. Interventions in Somalia that did not involve the local community had failed, with an example being the intervention of the US in Somalia dubbed the “Black Hawk” in 1992 that failed due to lack of support from the local communities. The locals therefore helped the militia fight the US soldiers creating a challenge in restoring peace in the country.

The war in Somalia was mainly instigated by the fight for political power between two major clans in the country. Involving both clan members was therefore critical in starting any peaceful intervention. Soria (2012) postulated that peaceful and stable Somalia required simultaneous progress in establishing inclusive political processes at different levels of society and promoting national and local level reconciliation. This is a critical priority for the emergence of a national political settlement and an important pre-requisite for establishing functioning governance structures that foster inclusion and promote peace and reconciliation.
Several insecurity cases in Africa have been solved through joint cooperation with the locals. From the conflict that rose in South Africa to Sudan’s conflict and as well as in the case of Burundi and Côte d'Ivoire, negotiations on the security situation and proposals on how to tackle security, have been critical to successful stabilization and peace building. According to Brickhill (2010) hard-won lessons from across Africa show that peace processes must include negotiations on credible security mechanisms if they are to be effective. Negotiations are essential in managing and mitigating conflict, and in creating stable environment for post-conflict recovery. in the process of restoring peace in Somalia, AMISOM understood the role of the local; community and their starting point was to understand the ways in which Somalis themselves mediate conflict, negotiate ceasefires and manage security. With the strong partnerships with Somali communities AMISOM was able to bring state and civil actors together in building a resilient, peaceful and prosperous environment (Brickhill, 2010).

The Somalia locals were governed by their clan elders who were traditionally responsible for intervene in conflicts, create ceasefires, represent their clan lineages in negotiations with other clans, and resolve internal disputes within clans. Involving the local communities through their traditional administration was effective in employing local based penalties, policies and regulations that worked positively in restoring peace in the country. The traditional leaders who were the clan elders were able to negotiate and manage the conflict by the employment of customary laws (xeer), which serve as oral and memorized codes governing relations between clans. The penalty alluded to any spill of blood was managed through the blood payment (diya) groups, which were collectively responsible for crimes committed by their members. The risk of paying diya (traditionally 100 camels) in case of killings functions as a deterrent mechanism to prevent killings.
Allowing such customary laws to prevail and support their existence was essential in providing support for peace building process in Somalia.

The local communities with support of the AMISOM in Somalia have in many instances helped restore peace and encourage their fellow local to submit their weapons in the disarmament process. For example, in 2008, local community members employed good security governance into effective security sector practice to negotiate ceasefire arrangements between the Bakaaro Market business and the insurgents in Mogadishu by the local community leaders. “Recognizing that the externally-funded TFG police and the police commander himself lacked legitimacy, stakeholders in Bakaaro created a new community-based force, including members of the TFG police, to monitor and implement the ceasefire and carry out local policing” (Brickhill, 2010, pg. 28).
CHAPTER FIVE: SUMMARY, RECOMMENDATIONS AND CONCLUSION

5.0 INTRODUCTION

Somalia’s challenge still remains after 21 years regime departure of Siyad Barre ended in coup that culminated in a civil war that would see Somalia under siege. The history has recorded that the two major clans fighting for political supremacy, the country plunged into a civil war that lasted for over two decades before the international community intervention. Somalia has been considered to be dangerous state with militias fighting each other in the major towns in the country. The brutal civil war caused untold human suffering and destroyed the social, economic and political institutions that offered services to the citizens. The war coupled with the seasonal stringent famine, was a complete catastrophe to the country.

The international community joined a force to control the situation in Somalia, through the United States that undertook an operation restore hope in the country in 1992 with an aim of restoring peace. The mission however failed due to lack of support from the local community that colluded with the militia to fight US troops. This brought the interventions by AU operation in Somalia AMISOM.

The research started by analyzing the situation in Somalia that necessitated the deployment of AMISOM forces and support in Somalia. The roles and mandates of the AMISOM were analyzed including the roles of other international actors and countries that operated within the mandates of AMISOM. The role of KDF in Somalia is also analyzed and the legality of their operations within Somalia. The achievements and challenges of both the KDF and AMISOM in delivering on their mandate and objectives are as well presented. The
strategies they employed in achieving their objectives, that can be replicated in similar operations are finally discussed and conclusion and recommendation drawn.

5.1 Recommendations

The findings of this Thesis though not exhaustive enough in scope, will be a great contribution to public policy debates on humanitarian intervention in Africa. On this note, the following are just but a few recommendations that should be considered.

- Effective and efficient security strategies should be employed by both the government and its partners who assist in ensuring a long lasting peace in Somalia. Though the operations by the Somali forces, AMISOM and KDF have seen major cities under the control of Al-Shabaab liberated, there is need to harness their achievements by putting up the necessary support and structures to control the liberated towns and ensure that they are not recaptured by the Al-Shabaab.

- The mandate of AMISOM for a long time was maintained at ensuring peace in the country but not enforcing the achievement of the same. As such the organization was not able to make prior plans to achieve this mandate. Ensuring peace has therefore taken long with meager achievements. In order for the AMISOM to be able to guarantee security, their mandate should include enforcing peace and not peace keeping. With this mandate the forces under AMISOM are able to apply force and ensure the security of the country. Support and training service for the troops should therefore be improved and the Somali government equipped with police force training and resources to support the process of maintaining peace in the country.
• The international community can contribute by assisting in strengthening the security sector to curb the resurgence of the armed groups. The new government can ensure security by developing a strategy that will be able to ensure disarmament of the militia and their rehabilitation as they get integrated into the society.

• Economic empowerment is a major pillar to restoration of peace. Economic stability can be improved in Somalia by supporting the current state of peace and creating more resources to support a spurred growth. Developing manpower and encouraging more Somalis in the diaspora to invest into the country. Long lasting security is a sure way of encouraging foreign investors into the country which will further enhance economic growth. Investing in the security of the country and providing a good image to the country as a safe place to invest and live in will encourage economic development.

• Every security operation is costly and in most cases cannot be handled by one country. It is even a burden to developing nations and African countries. As much as there is need for the involvement of African countries in restoring peace in Somalia, to provide African solution to African problems, the economic burden that comes with such operations is heavy for developing nations. Although the US and the EU are supporting the operations in Somalia by providing resources, military training and economic support to AMISOM, there is need for more assistance and support as the operations are still a burden to the AU.

• With Al-Shabab still carrying terrorism activities in Kenya and Uganda and with poor historical relationships with neighboring countries such as Djibouti and Ethiopia, more diplomacy need to be articulated.
5.2 Conclusion
Several international interventions have been carried out in Somalia, starting with the United States Restore Hope Operation in 1992, The UNISOM I and UNISOM II, the Ethiopian intervention, the AU intervention through IGAD and finally the intervention by AMISOM and Kenya. The Role of African Union Mission-intervention in Somalia with emphasis on Kenya Defense Forces incursion in Somali is the focus of this study.

Recently, the situation in Mogadishu has improved. The African Union Mission for Somalia (AMISOM), including Kenya Defense Forces, Somali National Army (SNA), and the Sufi Ahlu Sunna Wal-Jamaa liberated and recaptured from the armed Islamist fundamentalist group Harakat Al-Shabaab al Mujahedeen (Mujahidin Youth Movement), known as Al-Shabaab.

The year 2012, brought certain hope to the people of Somalia. On 1st August 2012, Somalia adopted new constitution. The constitutions defined the formation of a legitimate government and institutions that is recognized by other semi-autonomous states in Somalia.

The election of a new president, President Hassan Sheikh, in September 10, 2012 took in Mogadishu; the formation of a new National Constituent Assembly (NCA) indicates some of the major gains that saw the rebirth of Somalia.

Despite all its goodwill, the Somali Federal Government is still fragile government, with de facto control only over Mogadishu which dependent on foreign troops to keep security. The government heavily depends on the international community to pay its security forces and the parliamentarian salary. Local revenue, taxes and trade transition through ports and airports is still controlled by corrupt officials, local clan and businessmen.

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International community was supporting the security sector since 2000, with no tangible positive impact. In addition, the security in Mogadishu and its surroundings is dependent on AMISOM with no evidence of establishing strong Somali National Army to take over the operation.

In conclusion, there is no doubt AMISOM contribute the country’s relative peace however, the key implication is that the concept of ‘African solutions to African problems’ which African Union (AU) have stated repeatedly that the drive for African solutions in Somalia through AMISOM does not absolve the UNSC’s responsibility to maintain peace and security in the world (continent of Africa).

There are two substantial obstacles to progress in this Frame of mind of African Problem is African Solution. First, African countries serving as part of AMISOM are not capable to respond to Somalia’s conflict due to resources and expertise to carry out the Mission. The second big obstacle is funding. In general, African peace operations in Somalia relies on UN support and external funding, making the Somalia vulnerable to external political influence.

There is a common sentiment shared by all the troops serving under AMISOM, which is making money and living better living conditions compare to their country. There was an evident that Uganda, which is the leading country of AMISOM, provides training to Al-Shabab fighters. Maj. Frank Kawero, formally the training officer at Aljazeera training school and Capt. Hassan Wantimba, formally the school’s chief instructor, are facing trial for having allegedly sneaked the Al-Shabaab fighters into the military facility to attend training on firing guns.
The bottom line is that the more foreign troops are in Somalia (without the creation of strong Somali National Army) the role of African Union in Somalia will continue its driven Zero-sum objectives and the situation of Somalia will remain chaos.

"When one asks a powerful neighbor to come to aid and defend one with his forces...These forces may be good in themselves, but they are always dangerous for those who borrow them, for if they lose you are defeated, and if they conquer you remain their prisoner," forewarned Niccolo Machiavelli several centuries ago.
Who runs Somalia?

MAPS

SOMALILAND (self-declared independence)

PUNTLAND (semi-autonomous)

Disputed area

ETHIOPIA

Juba River

Baidoa

Shabelle River

Jowhar

Mogadishu

Indian Ocean

Kismayo

Pro-government supported by Ethiopia militia

Ethiopia troops & local militia

Islamist controlled

Pro-govt administrations

African Union/govt controlled
MARITIME BOUNDARY DISPUTE BETWEEN SOMALI AND KENYA
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