

## **Foreign Policy and the Threat of Global Terrorism: Kenya's Military Intervention in Somalia**

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### **Abstract**

*Global terrorism is the single most serious security challenge to nations in contemporary international relations. In November 2011, the Government of Kenya invoked article 51 of the United Nations Charter in the wake of Al-Shabaab terror attacks in its territory, and for the first time since independence, engaged its military in combat in a foreign territory- Somalia. The engagement of the Kenya Defense Forces (KDF) in Somalia places Kenya among the rank of nations that engage their militaries abroad in the global war against terrorism. This paper examines the dynamics of Kenya's foreign policy in the light of the intervention. In it, this writer argues that Kenya's military intervention represents the status quo foreign policy which emphasize on the protection of its sovereignty as well as to safeguard regional stability. It however represents a shift in the way the country had been conducting its foreign policy previously whenever its sovereignty and territorial integrity were under threat.*

### **Introduction**

In October 2011, following a series of attacks in North Eastern Province and Coast Province by the Al-Shabaab militants of Somalia, the government of Kenya militarily intervened in Southern Somalia in pursuit of the militants. The militants had primarily targeted aid workers and tourists in Kenya. The intervention by the Kenya Defense Forces (KDF), dubbed "Operation Linda Nchi" ("Operation Protect the Country") represents Kenya's attempt to safeguard its territory from foreign aggressors. For the first time in about fifty years of its independence, the country engaged its forces in combat in a foreign territory. Previously, protection of the country's territorial integrity that involved the use of military has been done with the protection of its borders, both conventionally and by deterrence. Military involvements outside its territory were usually on peace keeping missions. This paper examines Kenya's foreign policy in the context of its military engagement in Somalia.

### **Background to Kenya-Somalia Relations**

An analysis of Kenya's military intervention requires a brief on the relations between the two countries. Kenya's relations with Somalia helped shape the foreign policy of Kenya. Territorial integrity of Kenya had been challenged as early as 1961 when Somalia claimed Northern Frontier District (NFD), citing historical, cultural and racial reasons (Katete, 1990). Indeed, Somalia's independence constitution was irredentist in nature, providing for creation of Greater Somalia that integrates all Somali nationals. The five –star shaped star on its national flag actually represented Somalis in former French Somalia (Djibouti), British Somalia, and Italian Somalia, as well as the Somalis in Ethiopia's Ogaden Province and Somalis of North Eastern region of Kenya. It was due to Somali nationalism that the country rejected the Organization of African Unity Charter that provided that independent African states inherit and respect colonial boundaries (Amate, 1986). Besides, Kenya's national security and unity were under threat by secessionist movements in North Eastern Province.

As such, Kenya was faced with threat to territorial integrity and ethnic irredentism involving armed struggle in the form of shifta, the latter receiving material and base support from Somalia (Orwa, 1990). These developments helped shape Kenya's foreign policy. The need to protect Kenya's territorial integrity required that it adopt a policy of living in harmony with its neighbors and foster regional harmony. The good neighbor policy has thus guided Kenya since independence. These fundamentally are aspects of status quo foreign policy as opposed to imperialistic or expansionist one (Morgenthau, 2005).

In 1967 Kenya's President Jomo Kenyatta and Prime Minister Ibrahim Egal of Somalia signed an agreement in Arusha, Tanzania. This committed the two countries to negotiated settlements as a way to settle their disputes. On territorial issues, Kenya had made it clear that it would not compromise its territorial integrity. It was due to the need to protect its territorial integrity that Kenya entered into a defense pact with Ethiopia in 1964 (Oluoch). The 1969 military coup that brought Siad Barre to power and the close link it forged with the Soviet Union threatened Kenya, particularly considering the latter's pro-west inclination. These tenets are significant in understanding the background of Kenya military intervention in Somalia

### ***Military Intervention in Somalia***

The intervention was unique since it was not a conventional war in the sense that Kenya has not been at war with Somalia, but instead with a militant group, the al-Shabaab. From 1991 following the fall of Barre government to 2011 when Kenya intervened in Somalia, the Horn of African state had not have an effective central government.. After fourteen attempts, a Transitional Federal Government (TFG) was formed in Kenya in 2004. However, the TFG remained quite ineffective, to the extent that initially for more than a year of its formation, it was confined in Kenya. When it was finally forced to transfer to Somalia, for another considerable period, it was kept from establishing itself at the capital Mogadishu by the Islamic Courts Union (ICU). The TFG was only able to put its hold in the capital with Ethiopian military intervention in 2006. Since the withdrawal of Ethiopian troops in 2009, the Al-Shabaab, the militant wing of the Islamic Courts Union, emerged as the main opponents of the TFG, confining it to central Somalia until when the African Union forces in Somalia (AMISOM) pushed them further South in August 2011.

Al-Shabaab claim to have links with al-Qaeda terrorist organization. It gets financial, logistical, training, and other necessary support from al-Qaeda and its sympathizers. The fact that Somalia has been a failed state for two decades made it one of the safe havens for terrorists to conduct their activities (Oluoch, 2007). The same scenario perpetuated proliferation of terrorism in Afghanistan, Iran and the Sahel region. Rise in global terrorist network in the contemporary work to an extent, can be attributed to ineffective or failed political systems.

Meanwhile globally, the government of United States declared war on terrorism following the September 11, 2001 terror attacks on the pentagon in Maryland and twin towers in New York City. The war involved legislative and other measures. Such included the enactment of the Patriot Act and the US Congress and military order by which president George W. Bush established special military commission. The subsequent U.S military interventions in Iraq in 2003 and Afghanistan were part of the wider war on terrorism.

Besides, the U.S, few other states, such as Israel and Great Britain include in the package of their foreign policy war on terror. Osama bin Laden, the then leader of al-Qaeda, claimed that his fighters were involved in the shooting down of US helicopter and the killing of American troops in 1993. Furthermore, intelligence, security and judicial sources indicate that the 1998 terrorist attacks of the US embassies in Nairobi and Dar-es-Salaam were carried out by members of terrorist cell that was based in Somalia (Oluoch, 2007). In 2007, the al-Qaeda second in command, Ayman al-Zawahiri urged Islamists to join the fight against Transitional Federal Government and its Ethiopian allies. Impeccable sources revealed that al-Shabaab had been involved in aggressive campaign of recruitment of Kenyan youth, particularly at the Coast region, North Eastern region and Nairobi county city for the purpose of waging war against TFG. From the security dimension, they were recruited into terrorism. Therefore when Kenya invoked the UN charter and declared war on al-Shabaab, it essentially included war on terror in that intervention. Sources point out that the Kenyan intervention plan involved United States and France and was discussed and decided in 2010. It's important to point out that the US policy toward Somalia during the first decade of this century integrated war on terror. Both the Bush and the Obama administrations intensified war on terror cells and terrorist masterminds in Somalia. The KDF interventions, besides being viewed as integrating war on terror, can also be analyzed from Kenya's broader foreign policy objective toward Somalia, that is restoration of stability in that country.

### ***Restoration of Political Stability in Somalia***

As mentioned above, for over two decades, Somalia lacked a stable government. Although the country now have a substantive government, peace and stability for the country are still mirage.. The political fragility of Somalia reached its epoch in the fall of the Barre regime. Thereafter, the various warring clans turned against each other. Both the US-led and UN humanitarian and military interventions in early 1990s failed to make any significant achievement and they eventually withdrew their forces, thus left the country in turmoil. The Islamic Courts Union and al-Shabaab forces successively, forcefully denied the TFG the chance to establish its control over Somalia since 2005. Political instability has far reaching implications for the Horn of Africa generally and Kenya in particular. These can be analyzed from security, political, economic and environmental perspectives. The United Nation Security Council determined the Somalia situation to be a threat to peace and security and thus authorized action to restore peace as well as to protect humanitarian supplies. It's on that ground that the UN formed both United Nations Somalia Mission (UNISOM I and UNISOM II) were formed in the early 1990s. However, the UN operations failed to restore order in the country. Threat to peace and security that was posed by the Somalia situation affected countries in the Horn of Africa.

The collapse of the state of Somalia made it a fertile ground for the growth of extremism that exhibits itself in the form of terrorism. Al-Qaeda cells and regional leaders were harbored in Somalia and used their bases there to advance their agenda. Their main targets are United States and its allies, including Kenya. The al-Shabaab advocates the use of terror and in collusion with al-Qaeda operatives have been involved in recruiting young unemployed Kenyans. Such developments have potential and actual security risks to Kenya and its citizens. Since the launch of "Operation Linda Nchi", numerous terrorist attacks involving grenade attacks and random shootings have taken place in Garissa, Dadaab refugee camps, Nairobi and Mombasa. Some of the worst attacks include the massacre of one hundred and sixty eight at Garrisa University in 2015, where almost all victims were students of the university, and Westgate mall attacks in Nairobi in 2014.

Some of those prosecuted in Kenya courts for such attacks are Kenyan citizens, confirming that the organizations have infiltrated the Kenyan citizenry. This compounded with the generally porous Kenya-Somalia border that stretch for about a thousand kilometers makes Kenya vulnerable to insecurity perpetrated from Somalia. Threat of terrorism by al-Shabaab and its affiliates extend beyond Kenya. The group for instance claimed responsibility for the terrorist attacks in Uganda in 2010 on those viewing the world cup. The organization had earlier threatened to attack Burundi and Uganda for their involvement in Somalia as part of the AMISOM force. Of course, the core of the plans is often made in Somalia where the successive governments have been largely ineffective and lack the capacity to detect and prevent such attacks. If anything, most of terrorist attacks are carried out within Somalia itself.

The Somalia debacle has further led to massive human displacement in the forms of internally displaced persons and refugees. Both categories raise fundamental human rights issues. As a signatory to various international human rights and refugee instruments, Kenya in concert with other actors, has to concern itself these. Since 1991, at any given time, Kenya has been hosting over half a million refugees, most of who are from Somalia. As of 2006, of the 219,217 camp refugees, 136,959 were from Somalia, 124,357 of which were in the Dadaab camps of Ifo, Dagahaley and Hagadera (UNHCR, 2006). This translates to over 62 percent of camp refugees being Somali. Furthermore, Somalis are preponderant among the urban refugees, with demographic concentrations in areas such as Eastleigh in Nairobi. Continued political instability in Somalia has kept the number of refugees hosted by Kenya spiraling. As of June 2010, the country hosted 325,000 refugees from Somalia alone, while the total number at the Dadaab and Kakuma camps was 450,000 (HRW, 2010). Due to violent conflicts between mainly the al-Shabaab and TFG forces backed by Ethiopian forces, the number of refugees fleeing to Kenya averaged 30,000 per month during the last quarter of 2010. UNHCR and Kenya government sources indicate that today, Kenya hosts over 550,000 refugees from Somalia.

Studies establish that refugee situation has numerous security implications. The Somali refugee situation in Kenya actually reached a crisis proportion. Massive influxes of refugees from countries in conflict is often associated with proliferation of small arms and light weapons (SALW) as well as influx of arms dealers, potential terrorists, and combatants in guise of refugees, as well as other illicit cross border activities.

Studies reveal that security concerns linked to influx of refugees is a crucial factor in determining how states implement international refugee law. States are likely to violate international refugee law in situations where their security is in jeopardy (Oluoch, 2012). Refugee situation such as in the case of Kenya also puts pressure on the limited resources and thus has significant socio-economic impact on the country. In early 2012 for instance, the pressure put on the existing camps in Dadaab- Ifo, Dagahaley and Hagadera- led to the construction of Ifo II to accommodate the surplus refugee population. Although refugee protection and provision of humanitarian assistance are the responsibilities of the international community, as the host country, Kenya is hard placed to play its rightful role including ensuring refugee security. Furthermore funding for refugee protection overall is dwindling, while at the same time there are several competing areas for the limited funds.

Besides, massive influxes of refugees contribute to environmental degradation in the camp areas, particularly in regard to firewood collection. Scarcity of resources also leads to conflict between the host communities and refugees. The hosts often feel that refugees are responsible for their woes, by competing with them for the scarce resources and favored by the government. The latter is based on the humanitarian assistance that refugees by the various agencies, including the United Nations High Commission for Refugees (UNHCR, 2012).

It is against such background that the Somali National Reconciliation Conference was held from 2002. This was the fourteenth attempt to restore law and order in Somalia. Under the auspices of IGAD, Kenya was mandated to host this attempt. It is the Nairobi initiative that led to the formation of the TFG. Therefore Kenya's foreign policy objective was to ensure that the TFG survives to the point where it leads to the establishment of a properly elected government later in 2012 as provided for by the charter that established it. At the stage of the formation of Intergovernmental Authority and Development Mission in Somalia (IGASOM), the UN Security Council, in its Resolution ruled out the involvement of Kenya and Ethiopia forces into Somalia (UNSC, 2006). The UNSC argued that it would be against international norm for Somalia neighbors to deploy their forces there for they would likely be perceived to be invaders, thus fuel the Somalia conflicts. However, both Kenya and Ethiopia would deploy their forces at different stages. The absence of Kenya and Ethiopia from the proposed IGASOM made it impossible to come up with such a peace keeping force.

The failure by IGAD member states to come up with a peace keeping force for Somalia led to the issue transformed to African level with the formation of African Union Mission in Somalia (AMISOM). Initially, its only Uganda that contributed its forces to AMISOM. Burundi contributed its troops in 2009. In the meantime, the Al-Shabaab was rooting out the TFG forces from their strongholds. Its due to the these developments that Ethiopia unilaterally militarily intervened in Somalia to help TFG fight against Al-Shabaab. A failed state of Somalia affects its immediate neighbors adversely. It's for that that despite the earlier UNSC resolution, both Kenya and Ethiopia intervened. Further, the timing of Kenya's intervention could be seen in the light of a failed TFG whose mandate had only a few months to expire. The fundamental question to Kenya's foreign policy makers was therefore be: what happens when the mandate of TFG expires when its not in control of Mogadishu in particular?

In the face of continued hostility facing TFG first from clan-based militias and the Islamic Courts Union militants, and later, the al-Shabaab militants, Kenya would weigh various policy options toward Somalia considering Kenya's foreign policy and national interest. It capitalized on the attacks of tourists and aid workers in Kenya and acted militarily.

### ***Theoretical Perspective of the Somalia Intervention***

The study employs the realist approach in international relations. In its broadest sense, realism encompasses classical realism (often referred to as realism), Neorealism, and neoclassical realism. This study can most appropriately be analyzed using classical realist theory, associated with scholars such as Hans Morgenthau. The theory is preoccupied with two essential questions: What accounts for state behavior? What produces and accounts for the dynamics of international system? (Morgenthau, 2005). The answers are sought both at state and systemic levels. Realist thought is based on international system, the defining characteristics of which are anarchy, the absence of legal authority. International system is anarchic since each state is sovereign, thus lacks a supranational government; there is no higher legal authority than the state. States therefore have to rely on their capabilities to ensure their survival. In the realist perspective, states actions are determined by their national interest. National security represents the greatest and most immediate need of the state (Dougherty & Pfaltzgraff, 2005). Morgenthau (2005) argues that political leaders think and act in terms of interest defined as power.

Further, a world in which sovereign nations compete, survival constitutes the minimum goal of foreign policy and the core national interest. It's when survival has been assured that nation state may pursue lesser interests. The instability in Somalia, as discussed into details above, has serious security implications not only for Kenya, but the entire Eastern Africa. It is a threat to international peace and security and has disrupted economic activities. Kenya's military intervention is thus largely informed by those security concerns.

Morgenthau also stresses the autonomy of political sphere, that political actions must be judged by political criteria. In regard to a policy, realists would for instance ask, "How does this policy affect the power of the nation?" The assumption that power is the most important concept in explaining and predicting state behavior is central to the realist theory. In power struggle, nations follow policies designed to preserve the status quo, or imperialistic expansion, or gain prestige. Analysis of Kenya's intervention in Somalia reveals that both maintenance of status quo and gaining prestige applies. Kenya would be most uncomfortable with a neighboring state that is governed by a radical or fundamentalist group. Such would likely be hostile to it thus cause serious security concerns. Morgenthau view political policy as aimed to keep power, increase power, maintain power, and demonstrate power (Morgenthau, 2005). The Somalia intervention reveals that all these apply with regard to Kenya. Kenya is a regional power and the action reveals realpolitik as a component of the policy

### ***International Intervention and State Sovereignty***

Intervention refers to external actions that influence the domestic affairs of another sovereign state. It is the forcible interference in domestic affairs of another country (Nye, 2003). Intervention may range from low coercion to military intervention at the extreme ends. Of major significance to scholars of international relations are the more coercive interventions, particularly the military one. Interventions can be unilateral or multilateral, the case under study belonging to the former category. As discussed above, the post-Barre Somalia resulted to international intervention in the early days of the civil war. In March 1992, the major factions in the civil war agreed to UN-mediated ceasefire the led to the establishment of the UN Operations in Somalia (UNOSOM I) the following month (Kindiki, 2003). It had the mandate to restore peace and support humanitarian relief operations. The continued deteriorating situation led the UN Security Council to invoke chapter VII of its charter and authorize member states to use all necessary means to create a secure environment for the delivery of humanitarian assistance. This led to the establishment of the US-led Unified Task Force (UNITAF), the success of whose work in providing secure environment for delivery of relief supplies, led to the establishment of UNOSOM II through resolution 814 of 1993. UNOSOM II was mandated to use all necessary means, including force, to restore peace, stability and order in Somalia. The killing of US and Pakistani soldiers of the UN peacekeeping force led to pullout by the US, France, Italy and other western nations, thus UNSOM II crumbled. These were examples of multilateral intervention, the more recent one being AMISOM.

Intervention brings to fore issues of international law, particularly in regard to state sovereignty. In the Westphalia international system the state is the ultimate power holder. In the realist theory, the state is the principal player in the international system. In international law, sovereignty relates to international recognition, independence and non intervention. International law endows the right to independence and the right to autonomy on states in issues pertaining to its internal affairs and conducting its foreign relations. The doctrine of non-intervention has existed for long as unwritten custom but was first defined in 1858. Non intervention means prohibition of improper interference by an outside power with the territorial integrity, or political independence of states (Damsrosch, 1993). The Montevideo Convention on the Rights and Duties of State declared that no state has a right to intervene in the internal and external affairs of another.

Chapter VII of the UN Charter addresses threats to the peace, breaches of peace, and acts of aggression. It is the primary duty of the Security Council to maintain international peace and security by preventing conflicts, or where they have broken out, to stop them through appropriate measures. The charter outlaws the use of force for the maintenance of international peace and security except for self defense and when it's applied under the principle of collective security. Intervention as a practice in international relations gained prominence in the post cold war era. Essentially where intervention is legitimized there results erosion and decline of sovereignty as a principle governing inter state relations. The atrocities that occurred during that period led to particularly the Neoliberals to question the logic behind proclaiming sacrosanct of sovereignty when there are serious human rights violations in which the state is either the perpetrator or is unable to protect its people against such atrocities.

In the former Yugoslavia, the Serbian government of Slobodan Milosevic perpetuated ethnic cleansing in the Bosnian conflict that pitted Serbs, Croats and Muslims against each other in the early 1990s. In Rwanda, violence erupted in 1994 following the death of President Habyarimana in a plane crash that culminated in a genocide in which the Hutu militias targeted Tutsi and moderate Hutus. The cases of Yugoslavia and Rwanda involved serious violations of human rights that resulted into the various actors both within state, mainly the western powers, and international organizations, to justify humanitarian intervention. The African Union Act provided for intervention by the Union in grave circumstances, namely war crimes, genocide, and crimes against humanity. An amendment of 2002 added 'serious threat to legitimate order' as ground for intervention (Baimu and Sturman, 2003).

The ongoing discussion focuses on changed approach to intervention as opposed to sovereignty and illustrates erosion of sovereignty. Besides, it manifests the significance that international actors give to human rights. Actually it represents an emergence of powerful human rights regime in the contemporary world. Following a series of attacks by al-Shabaab in Kenya territory, the state invoked the UN charter and deployed its armed forces in pursuit of the militants. Article 51 of the Charter states: "Nothing in the present Charter 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 the exercise of this right of self-defense shall be immediately reported to the Security Council..." (Shaw, 1991). Based on this, Kenya followed the provision of the Charter since it was felt that the activities of al-Shabaab threatened its national security and other national interests. However, as discussed above, the long term foreign objective is to restore stability in Somalia and ensure security of Kenya. Kenya government's position was that the deployment of KDF into Somalia was done after thorough consultation with the TFG, a position that both the Somalia President and prime minister seemed to contradict. However, they later harmonized their positions. The timing of the Kenyan intervention is particularly important. By August 2011, the AMOSOM forces had pushed al-Shabaab further from Mogadishu, an indication that the Islamist group was waning in power, thus could be subdued.

### ***Conclusion***

This paper draws a number of conclusions. First, since the KDF intervened in Somalia in pursuit of the al-Shabaab militants, significant progress has been made. In collaboration with TFG forces and other groups friendly to Somalia government, they have managed to liberate significant portions of the southern region. However, the capturing of key al-Shabaab controlled city of Ras Kamboni was only achieved after a long period, and not without casualties from both sides.

Second, Kenya military intervention represents a foreign policy decision in which the decision makers underestimated a number of things. These included the difficulties of fighting a ragtag outfit, thus involving non conventional tactics. They underestimated the challenges posed by a militant group such as Al-Shabaab.

Third, by March 2012, it was evident that the unilateral intervention by Kenya could not be sustained by the country's economy, and as such it integrated its forces into AMISOM, thus shifting the financial burden to the AU and the international community. Even as part of the peacekeeping force, the retaliatory attacks on Kenyan forces and their attacks on Kenyan soil reveal the difficulties faced in military involvement in a neighboring state. The militants do not adhere to international humanitarian law. Furthermore, the protests by the Somalia president regarding the presence of KDF in his territory and prime minister's insistence that they did not have a pact with Kenya could degenerate into a confrontation between the two states had Somalia been at par in power to Kenya.

Fourth, the military intervention demonstrates a situation where Kenya for the first time deployed its forces in combat in a foreign territory. It represents a situation in which intervention become more acceptable norm in international politics, particularly where gross violations of human rights take place or where the government of that country is so weak to perform its core duties.

Fifth, the intervention demonstrates the status quo of Kenya's foreign policy. From the Kenya government's point of view, it was aimed at restoring order in the neighboring country and prevents government take-over by radical Islamists. The main principles such as good neighbor informed the foreign policy decision making. However, the response of the militants Al-Shabaab views Kenya's action as imperialist in nature, and thus has to be fought. Protest statements from TFG leadership regarding Kenya military influence in Jubaland may also be interpreted in this context

Sixth, Kenya's intervention in Somalia together with the role played by Uganda and Burundian, among few others through AMISOM is important attempt to restore order in Somalia. However, most African states give lip service to the Somalia case, and need to make significant contribution, not only militarily but also politically. The Somalia case is representative of the failure of international community to restore order. This is mainly informed by lack of respective countries national interest, both within and outside Africa, in the country. They should put more effort in helping to solve the Somalia crisis. And finally, Kenya military intervention represent a situation where the military is interpreted as one of the principal instruments of foreign policy, that is besides the use of diplomacy through Ministry for Foreign Affairs.

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